

AN ORDINANCE 2008-06-19-0631

AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SAN ANTONIO BY AMENDING CHAPTER 35, UNIFIED DEVELOPMENT CODE, SECTION 35-304, OFFICIAL ZONING MAP OF THE CITY CODE OF SAN ANTONIO, TEXAS BY CHANGING THE ZONING DISTRICT BOUNDARY OF CERTAIN PROPERTY.

* * * * *

WHEREAS, a public hearing was held regarding this amendment to the Official Zoning Map at which time parties in interest and citizens were given an opportunity to be heard; and

WHEREAS, the Zoning Commission has submitted a final report to the City Council regarding this amendment to the Official Zoning Map of the City of San Antonio; **NOW THEREFORE**,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO:

SECTION 1. Chapter 35, Unified Development Code, Section 35-304, Official Zoning Map, of the City Code of San Antonio, Texas is amended by changing the zoning district boundary of 17.08 acres out of NCB 17725 from "RM-4 ERZD" Residential Mixed Edwards Recharge Zone District to "MF-25 ERZD" Multi-Family Edwards Recharge Zone District.

SECTION 2. A description of the property is attached as Exhibit "A" and made a part hereof and incorporated herein for all purposes.

SECTION 3. This change of zoning district boundary is conditioned on the requirement that the impervious cover on the property described by this ordinance shall not exceed 42%.

SECTION 4. The owner or owner's agent shall inform any person leasing this tract or any portion of this tract that storage of chemicals and/or hazardous materials is not permitted. Provisions prohibiting the storage of chemicals and/or hazardous materials shall be included in the lease agreement. The owner or owner's agent shall provide a copy of the of the lease provisions regarding the storage of chemicals and/or hazardous materials to the Aquifer Protection and Evaluation Section of the San Antonio Water System for approval. The Aquifer Protection and Evaluation Section of the San Antonio Water System may randomly inspect, without notice, any or all facilities on the site to ensure compliance with this ordinance.

SECTION 5. All water pollution abatement structures or features approved by the Texas Commission on Environmental Quality shall be properly maintained and kept free of trash and debris. A water quality maintenance plan and schedule agreement signed by the property owner must be submitted to the Resource Protection Division of SAWS. If at any time the ownership of the property changes, the seller must disclose to the buyer all the requirements of the water

quality maintenance plan. A water quality maintenance plan signed by the new owner must be submitted to the Resource Protection Division of SAWS.

SECTION 6. Landscaped areas shall be sensitive to minimizing water needs, i.e., use of native plants. Each purchaser of an individual lot or tenant within this development shall be informed by the seller or lessor in writing about Best Management Practices (BMP) for pesticide and fertilizer application. Preventing Groundwater Pollution, A Practical Guide to Pest Control, available from the Edwards Aquifer Authority (210/222-2204), or equivalent information produced by the U.S. Natural Resource Conservation Service, the Texas Department of Agriculture, or the U.S. Department of Agriculture shall be used.

SECTION 7. All other provisions of Chapter 35 except those expressly amended by this ordinance shall remain in full force and effect including the penalties for violations as made and provided for in Section 35-491.

SECTION 8. The Director of Development Services shall change the zoning records and maps in accordance with this ordinance and the same shall be available and open to the public for inspection.

SECTION 9. If a court of competent jurisdiction enters a final judgment on the merits that is no longer subject to appeal and substantially limits or impairs the essential elements of sections one through five of this ordinance, then sections one through five are invalid and have no legal effect as of the date of entry of such judgment notwithstanding any other ordinance or provision of the City Code of San Antonio.

SECTION 10. This ordinance shall become effective on June 29, 2008.

PASSED AND APPROVED this 19th day of June, 2008.



M A Y O R

PHIL HARDBERGER

ATTEST:


City Clerk

APPROVED AS TO FORM:


for City Attorney



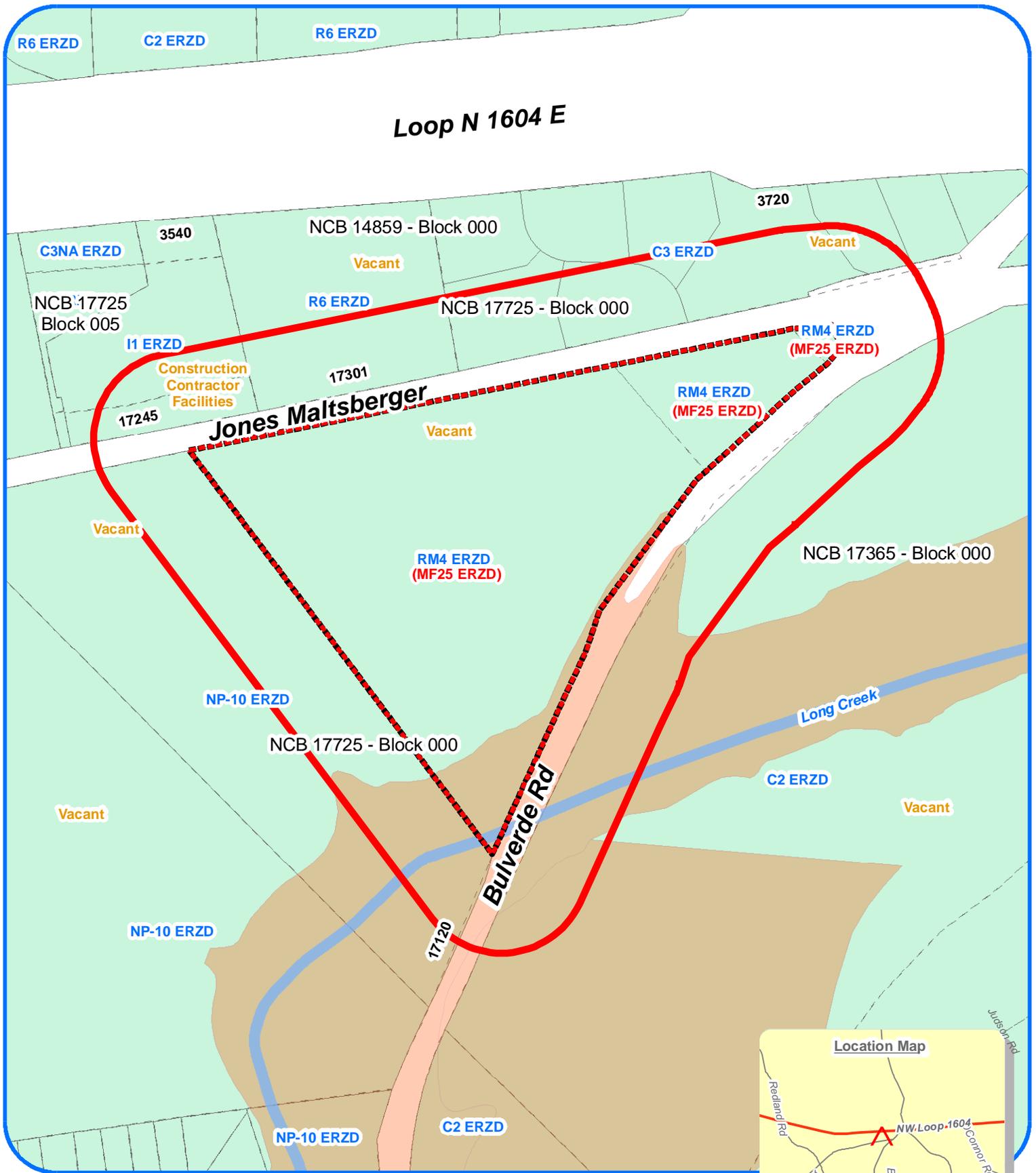
Request for
**COUNCIL
ACTION**



Agenda Voting Results - Z-17

Name:	Z-17
Date:	06/19/2008
Time:	07:26:22 PM
Vote Type:	Motion to Appr w Cond
Description:	ZONING CASE # Z2008018 ERZD (District 10): An Ordinance changing the zoning district boundary from "RM-4 ERZD" Residential Mixed Edwards Recharge Zone District to "MF-25 ERZD" Multi-Family Edwards Recharge Zone District on 17.08 acres out of NCB 17725, 17120 Bulverde Road as requested by Brown & Ortiz, P. C., Applicant for Sierra General Construction, Ltd., Owner. Staff recommends approval. Zoning Commission recommendation pending the June 17, 2008 public hearing.
Result:	Passed

Voter	Group	Not Present	Yea	Nay	Abstain	Motion	Second
Phil Hardberger	Mayor			x			
Mary Alice P. Cisneros	District 1		x				
Sheila D. McNeil	District 2		x				x
Jennifer V. Ramos	District 3		x				
Philip A. Cortez	District 4		x				
Lourdes Galvan	District 5		x				
Delicia Herrera	District 6		x				
Justin Rodriguez	District 7	x					
Diane G. Cibrian	District 8		x			x	
Louis E. Rowe	District 9		x				
John G. Clamp	District 10	x					



Zoning Case Notification Plan

Case Z2008018 ERZD

Council District 10

Scale: 1" approx. = 300'

Subject Property Legal Description(s): Parcel P-4A and P-19 - NCB 17725 - Block 000

Legend

- Subject Property (17.08 Acres)
- 200' Notification Buffer
- Current Zoning **R6**
- Requested Zoning Change **(R6)**
- 100-Year FEMA Floodplain



City of San Antonio - Development Services Dept.
(11/02/2007)

SAN ANTONIO WATER SYSTEM
Interdepartment Correspondence Sheet

RECEIVED
08 JUN 12 AM 9:22

LAND DEVELOPMENT
SERVICES DIVISION

To: Zoning Commission Members

From: Kirk M. Nixon, Manager, Resource Protection Division, San Antonio Water System

Copies To: Scott R. Halty, Director, Resource Protection & Compliance Department, Greg James, P.G., Patricia M. Garza, Resource Protection Specialist II, Aquifer Protection & Evaluation Section, File

Subject: Zoning Case Z2008018 (Multi-family Development)

Date: June 12, 2008

SUMMARY

A request for a change in zoning has been made for an approximate 17.08-acre tract located on the city's northeast side. A change in zoning from **RM-4 ERZD** to **MF-25 ERZD** is being requested by the applicant, Brown, P.C., by Ms. Robin Stover. The change in zoning has been requested to allow for the development of a multi-family site.

As of the date of this report, an official request for a category determination or an official request for a "substantial alteration" determination has not been received by the Aquifer Protection & Evaluation Division. Based on the information provided, this property is a Category 2 property and shall be developed in accordance with all the provisions stated in Ordinance No. 81491 governing development on the Edwards Aquifer Recharge Zone. However, if the appropriate information is provided to the Aquifer Protection & Evaluation Section, this property may be determined to be a Category 1 property. If the property is determined to be a Category 1 property, staff recommends that the owner/operator use criteria outlined in Section 34-970 "Best Management Practices".

Based on the site evaluation of the property, and the information submitted by the applicant, SAWS staff recommends **approval** of the proposed land use. Should the city council rezone the property that is the subject of this report, the San Antonio Water System recommends that any development on that property after the zoning classification has been changed should be restricted as stated in the environmental recommendations section of this report.

LOCATION

The subject property is located in City Council District 10, at the intersection of Jones Maltsberger and Bulverde Road. The property lies within the Edwards Aquifer Recharge Zone (Figures 1 and 2).

The Leached and Collapsed Member of the Person Formation is characterized by the presence of crystalline limestone, grainstone, and mudstone, with chert nodules and breccia conglomerations. This Member is known to have fabric related porosity. The full section thickness of this member is approximately 70 to 90 feet thick.

The Cyclic and Marine Member of the Person Formation is characterized by the presence of thinly bedded mudstone, packstone and grainstone with structurally based porosity. The full section thickness of this member is approximately 80 to 90 feet thick.

- C. A number of small ephemeral drainage ways were observed to run in a north-south direction across the subject site. However, no creekways were observed to cross the site. A number of small non-karst closed depressions were observed across the property, consisting mainly of tree-holes and animal burrows. These features do not appear to be sensitive. An apparent solution cavity, extending to a subsurface bedding plane was observed within one of the intermediate drainage ways on the northeast corner of the property. This feature exhibited characteristics of subsurface fluid transfer.

A fault is mapped within the subject site, however, no visual evidence of the surface expression of this fault was observed on the subject site. No evidence of faults or other sensitive or significant recharge features, other than those listed above, were found on the site or within the immediate vicinity of the subject site.

ENVIRONMENTAL CONCERNS

The environmental concerns associated with this development being constructed on the Edwards Aquifer Recharge Zone are:

Site Specific Concerns

1. A sensitive geologic feature was located on the property which provides some potential for contamination.
2. A portion of the property lies within Long Creek Floodplain, along the southern portion, where recharge may occur.

General Concerns

1. The improper use of pesticides, herbicides, or fertilizers needed for landscape maintenance may be carried off in the first flush of stormwater run-off.
2. The build-up of hydrocarbons and other pollutants on streets, parking lots and other paved areas that are then carried off in the first flush of stormwater run-off.

ENVIRONMENTAL RECOMMENDATIONS

The following recommendations address the environmental concerns raised by the construction of this development on the Edwards Aquifer Recharge Zone:

Site Specific Recommendations

1. The impervious cover shall not exceed 45% on the site. The proposed construction of apartment units for this site shall not exceed 328 units as shown on site plan submitted to SAWS.
2. The SAWS recommendation of 45% maximum impervious cover is based on the applicant's proposed detailed site plan. The subject property is currently a Category 2, determined by SAWS and as such, under the Water Quality Ordinance No. 81491, would be entitled to 50% impervious cover. However, since the applicant proposed maximum impervious cover is less than what is allowed per the Water Quality Ordinance SAWS agrees with the applicant's proposed impervious cover recommendation of 45% maximum impervious cover.
3. The sensitive geologic feature shall not be disturbed and a buffer shall be placed around the feature.
4. A floodplain buffer shall be provided along the south and southeast border of the property as required in Ordinance No. 81491, Section 34-913.
5. The land uses within the project site shall be in conformance with the table of permitted uses at the time the re-zoning is approved. Should a proposed use be listed as requiring City Council approval, the owner/operator shall apply for re-zoning for that particular use at the project site. If the land use is listed as special use, a special permit must be obtained for that use. If the land use is listed as not allowed, that land use will not be permitted on the project site.
6. The owner of all water pollution abatement structures shall ensure these structures are properly maintained and kept free of trash and debris. A signed water quality maintenance plan must be submitted to the Resource Protection Division of SAWS. If at any time the ownership of the property changes, the seller must disclose to the buyer all the requirements of the water quality maintenance plan. The new owner must submit a signed water quality maintenance plan to the Resource Protection Division of SAWS.
7. Landscaped areas shall be sensitive to minimizing water needs, i.e., use of native plants. Each purchaser of an individual lot or tenant within this development shall be informed by the seller or lessor in writing about Best Management Practices (BMP) for pesticide and fertilizer application. Preventing Groundwater Pollution, A Practical Guide to Pest Control, available from the Edwards Aquifer Authority (210/222-2204), or equivalent information produced by the U.S. Natural Resource Conservation Service, Texas Department of Agriculture, U.S. Department of Agriculture, shall be used.

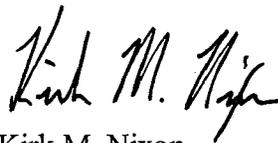
8. The applicant shall notify the Construction Compliance Section of the Resource Compliance Division of SAWS at (210) 233-3564 no later than 48 hours prior to the commencement of construction at the site. If any significant geologic features such as, but not limited to, solution openings, caves, sinkholes, or wells are found during the excavation, construction, or blasting, the developer shall notify the Texas Commission on Environmental Quality at (210) 490-3096 and the Resource Protection Division of the San Antonio Water System at (210) 233-3520.
9. If any sensitive geologic features such as, but not limited to, solution openings, caves, sinkholes, or wells are found during the excavation, construction, or blasting, the developer shall notify the TCEQ at (210) 490-3096 and the Resource Protection Division of the SAWS at (210) 233-3520.

General Recommendations

1. Prior to the release of any building permits the owner/operator of any Category 2 property shall submit an Aquifer Protection Plan to the Resource Protection Division of the San Antonio Water System.
2. Prior to the release of any building permits, the following shall be submitted to the SAWS Aquifer Protection & Evaluation Section of the Resource Protection Division:
 - A. A copy of the Water Pollution Abatement Plan (WPAP) shall be submitted for each particular development/use within the area being considered for re-zoning,
 - B. A set of site specific plans which must have a signed Engineers Seal from the State ,
 - C. A WPAP approval letter from the Texas Commission on Environmental Quality (TCEQ),
 - D. A copy of the approved Water Pollution Abatement Plan.
3. The storage, handling, use and disposal of all over the counter hazardous materials within this development shall be consistent with the labeling of those materials. Failure to comply with the label warnings may constitute a violation of Federal law.
4. If a water quality basin is constructed on the property, the following is required:
 - A. Below grade basins will not be allowed on the site.
 - B. Prior to the start of the basin construction, the owner will notify the Aquifer Protection and Evaluation Section of the San Antonio Water System at (210) 233-3520 to schedule a site inspection.
 - C. After basin construction is complete and prior to the start of business, the owner will notify the SAWS Aquifer Protection & Evaluation Section at (210) 233-3520 to schedule a site inspection. Additionally, we recommend a maintenance plan and schedule be developed and submitted to SAWS Aquifer Protection & Evaluation Section.

- D. If the basin fails to drain properly, the owner will notify the Construction Section of the Resource Compliance Division at (210) 233-3564 prior to any discharge of water.
 - E. If at any time the ownership of the property changes, the seller must inform the buyer of all requirements for maintenance of the Basin. A signed basin maintenance plan and schedule agreement, from the new owner, must be submitted to the Resource Protection Division of SAWS.
5. The City of San Antonio shall inspect all future construction of the sewage collection system to include service laterals and sewer mains for proper construction according to State and City Regulations and Code.
 6. The Resource Protection Division staff shall have the authority to inspect the site to ensure that the approved recommendations are being strictly adhered to during and after construction of the project.

Based on the site evaluation of the property, and the information submitted by the applicant, staff recommends **approval** of the proposed land use. Additionally, SAWS staff recommends that the applicant, or any future owner, comply with the above recommendations in regards to the development of the subject property.



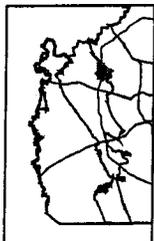
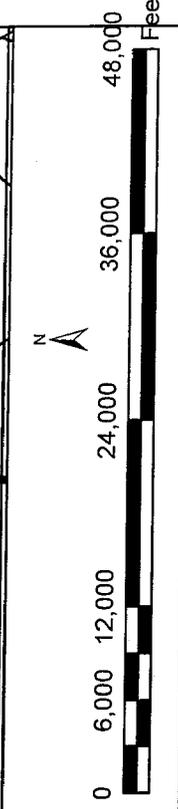
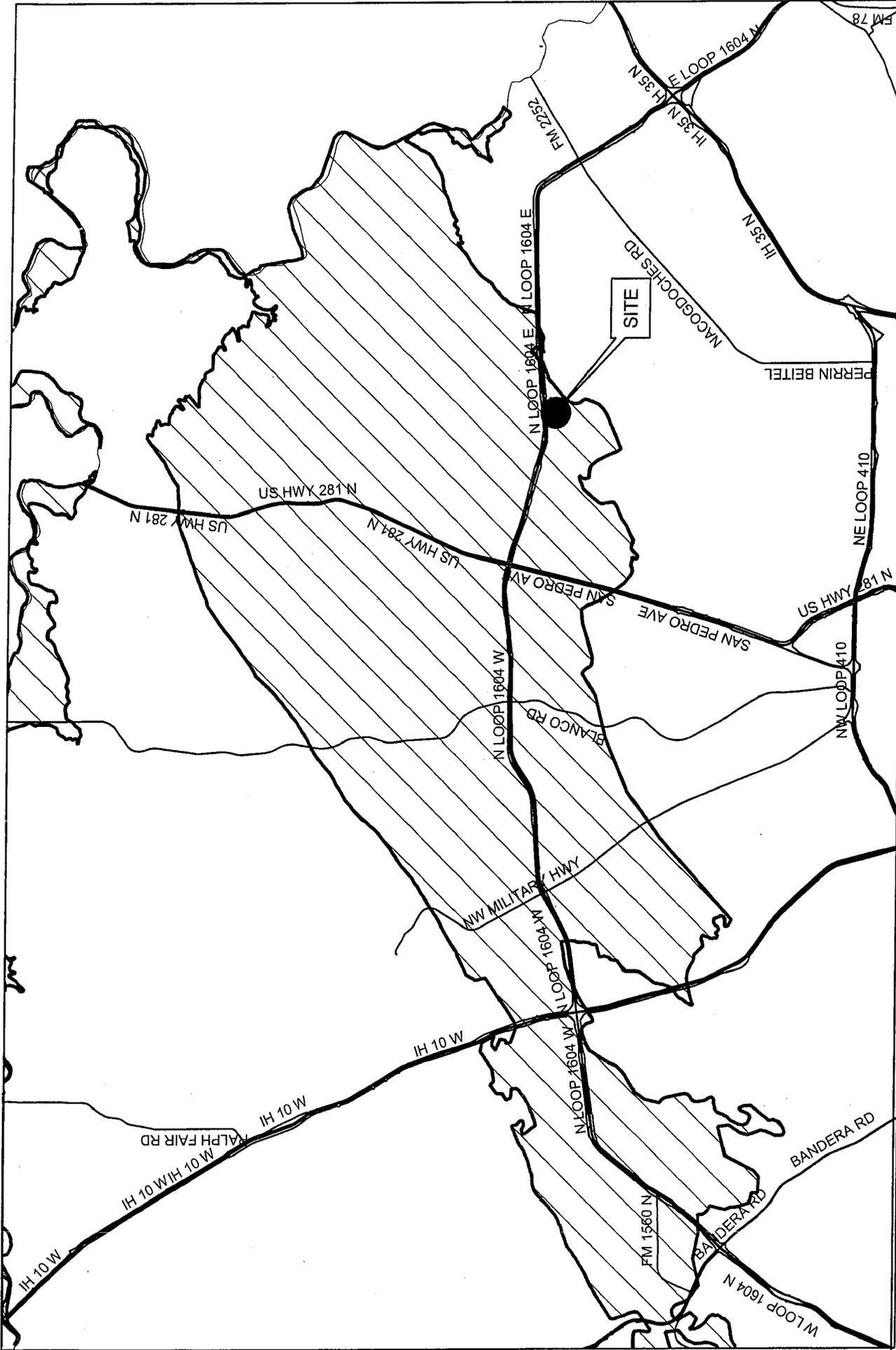
Kirk M. Nixon
Manager
Resource Protection Division

APPROVED:

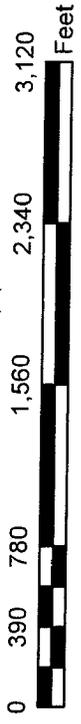
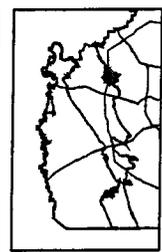


Scott R. Halty
Director,
Resource Protection & Compliance Department

KMN:PMG



ZONING CASE NO. Z2008018
17120 BULVERDE ROAD
MAP PAGE: 518 B4 X=2151725 Y=13765350
 Map Prepared by Aquifer Protection & Evaluation PMG 11/2/2007



ZONING CASE NO. Z2008018
17120 BULVERDE ROAD FIGURE 2
MAP PAGE: 518 B4

Map Prepared by Aquifer Protection & Evaluation PMG 11/2/2007

Z2008018 ERZD

This case is scheduled for consideration by Zoning Commission on June 17, 2008 therefore no minutes are available at this time.

Z2008018



FIELD NOTES

FOR

A 17.08 acre, or 744,018 square feet tract of land out of that certain called 17.212 acre tract recorded in Volume 4399, Pages 1312-1317 of the Official Public Records of Real Property of Bexar County, Texas, with 16.58 acres out of the George Voss Survey No. 340½, Abstract 788, County Block 4955 of Bexar County, Texas and 0.50 of an acre out of the M. M. Seay Survey No. 340, Abstract 911, County Block 4966 of Bexar County, Texas, all now in New City Block (N.C.B.) 17725 of the City of San Antonio. Said 17.08 acre tract being more fully described as follows with bearings based on the North American Datum of 1983, from State Plane Coordinates established for the Texas South Central Zone:

BEGINNING: At a found ½" iron rod on the west right-of-way line of Bulverde Road, a variable-width, minimum 60.00-foot right-of-way, said point being the southwest corner of said called 17.212 acre tract, a southeast corner of the remainder of a 100.03 acre tract recorded in Volume 4217, Pages 186-193 of the Deed Records of Bexar County, Texas;

THENCE: N 36°51'50"W, departing the west right-of-way line of said Bulverde Road, along and with the common line between said called 17.212 acre tract and said remainder of a 100.03 acre tract, a distance of 1169.68 feet to a found iron rod on the south right-of-way line of Jones Maltsberger Road, a variable width, minimum 60.00-foot right-of-way;

THENCE: N 78°33'37"E, departing the remainder of a 100.03 acre tract, along and with the common line between said called 17.212 acre tract and said Jones Maltsberger Road, a distance of 1425.33 feet to a set ½" iron rod with yellow cap marked "Pape Dawson";

THENCE: N 84°50'34"E, a distance of 91.05 feet to a set ½" iron rod with yellow cap marked "Pape Dawson";

THENCE: S 25°50'32"E, a distance of 54.34 feet to a set ½" iron rod with yellow cap marked "Pape Dawson" in the north right-of-way line of said Bulverde Road;

THENCE: S 39°07'00"W, a distance of 53.68 feet to a Texas Department of Transportation monument with brass plate in the north right-of-way line of said Bulverde Road;

PAPE-DAWSON ENGINEERS, INC.

555 East Ramsey | San Antonio, Texas 78216 | Phone: 210.375.9000 | Fax: 210.375.9010 | info@pape-dawson.com

EXHIBIT A

Z2008018

THENCE: Along and with the north right-of-way line of said Bulverde Road, a south line of said called 17.212 acre tract the following calls and distances:

S 50°18'12"W, a distance of 101.47 feet to a set ½" iron rod with yellow cap marked "Pape Dawson", the beginning of a non-tangent curve to the left;

Along the arc of said curve to the left, said curve having a radial bearing of S 39°47'23" E, a radius of 1950.08 feet, a central angle of 5°51'23", a chord bearing and distance of S 47°16'55" W, 199.24 feet, an arc distance of 199.33 feet to a set ½" iron rod with yellow cap marked "Pape Dawson";

S 49°08'55"W, a distance of 104.28 feet to a set ½" iron rod with yellow cap marked "Pape Dawson";

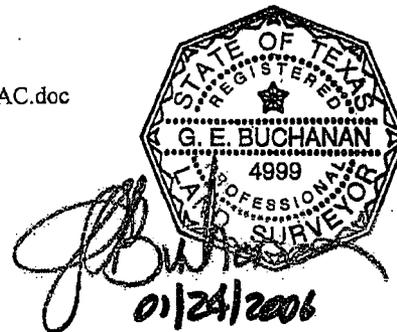
S 36°28'52"W, a distance of 375.84 feet to a set ½" iron rod with yellow cap marked "Pape Dawson";

S 18°19'10"W, a distance of 103.39 feet to a set ½" iron rod with yellow cap marked "Pape Dawson", the beginning of a non-tangent curve to the left;

Along the arc of said curve to the left, said curve having a radial bearing of S 62°51'33" E, a radius of 1950.08 feet, a central angle of 2°26'00", a chord bearing and distance of S 25°55'27" W, 82.81 feet, an arc distance of 82.82 feet to a set ½" iron rod with yellow cap marked "Pape Dawson";

THENCE: S 24°38'20"W, a distance of 432.52 feet to the POINT OF BEGINNING and containing 17.08 acres in the City of San Antonio, Bexar County, Texas. Said tract being described in accordance with a survey made on the ground and a survey map prepared by Pape-Dawson Engineers, Inc.

PREPARED BY: Pape-Dawson Engineers, Inc.
DATE: January 24, 2006; Revised February 27, 2006
JOB NO.: 9350-05
DOC ID: N:\Survey05\5-9400\9350-05\WORD\FN935005-17-08AC.doc





CITY OF SAN ANTONIO
Request for Council Action

Agenda Item # Z-17
Council Meeting Date: 6/19/2008
RFCAs Tracking No: R-3459

DEPARTMENT: Development Services

DEPARTMENT HEAD: Roderick Sanchez

COUNCIL DISTRICT(S) IMPACTED:
Council District 10

SUBJECT:
Zoning Case Z2008018 ERZD

SUMMARY:
From "RM-4 ERZD" Residential Mixed Edwards Recharge Zone District to "MF-25 ERZD"
Multi-Family Edwards Recharge Zone District.

BACKGROUND INFORMATION:
Zoning Commission Meeting Date: June 17, 2008

Applicant: Brown & Ortiz, P. C.
Owner: Sierra General Construction, Ltd.

Property Location: 17120 Bulverde Road

17.08 acres out of NCB 17725

Corner of Bulverde Road and Jones-Maltsberger Road

Proposal: To allow a multi-family development

Neighborhood Association: None

Neighborhood Plan: None

TIA Statement: A Level 1 Traffic Impact Analysis will be required at platting or permitting.

ISSUE:
This property is located within the Edwards Recharge Zone District. At the time this item was submitted for the June 19, 2008, City Council agenda, staff had not received a SAWS Summary Report.

ALTERNATIVES:

A denial of the request will result in the subject property retaining the current zoning classification, and allowing only those uses permitted in the existing residential mixed zoning district.

FISCAL IMPACT:

None. The applicant has paid the required zoning fees.

RECOMMENDATION:

Staff recommends approval. Zoning Commission recommendation pending the June 17, 2008 public hearing.

The subject property was annexed in 1995, totals approximately 17.08 acres and is currently undeveloped. In 2002 following the adoption of the Unified Development Code, the subject property was zoned NP-10 ERZD, which converted from the previous R-A ERZD zoning. The subject property was then zoned to the existing RM-4, which was approved by the City Council on May 4, 2006 (Ordinance #2006-05-04-0568.)

“R-6” Residential Single-Family, Edwards Recharge Zone District, “C-3” General Commercial, Edwards Recharge Zone District and “I-1” General Industrial, Edwards Recharge Zone District zoning currently exists to the north of the subject property across Jones-Maltsberger Road. Property to the west is zoned "NP-10 ERZD" Neighborhood Preservation, Edwards Recharge Zone District. Property to the east and south across Bulverde Road is zoned “C-2” Commercial, Edwards Recharge Zone District. Land uses immediately adjacent to the proposed development consist of undeveloped land and industrial uses to the north of the subject property across Jones-Maltsberger Road. There is undeveloped land to the west of the subject property, as well as to the east and south across Bulverde Road.

The applicant has applied for MF-25 ERZD in order to develop a multi-family community. Multi-family dwellings are most appropriate on the periphery of single-family neighborhoods, along arterials or major thoroughfares where supporting infrastructure such as transportation services and commercial facilities are available. Bulverde Road is considered a Primary Arterial Type A and the subject property is within close proximity to Northeast Loop 1604. There are various commercial facilities available along Northeast Loop 1604. Staff believes that the proposed use is appropriate for the subject location and supports a request for a multi-family zoning designation.

ATTACHMENT(S):

File Description	File Name
Location Map	Z2008018.pdf
Zoning Commission Minutes	Z2008018 ERZD.pdf
SAWS Report	Z2008018 ERZD_SAWSreport.pdf
Voting Results	
Ordinance/Supplemental Documents	200806190631.pdf

DEPARTMENT HEAD AUTHORIZATIONS:

Roderick Sanchez Director Development Services

APPROVED FOR COUNCIL CONSIDERATION:

T.C. Broadnax Assistant City Manager