

AN ORDINANCE 2008-12-04-1118

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 14.744 acres out of NCB 14615 from "C-2" Commercial District and "C-2 ERZD" Commercial Edwards Recharge Zone District to "MF-33" Multi-Family District and "MF-33 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. 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 4. 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 5. 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 6. 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 7. 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 8. This ordinance shall become effective December 14, 2008.

PASSED AND APPROVED this 4th day of December 2008.


M A Y O R

ATTEST: 
City Clerk

APPROVED AS TO FORM: 
For City Attorney



Request for
**COUNCIL
ACTION**

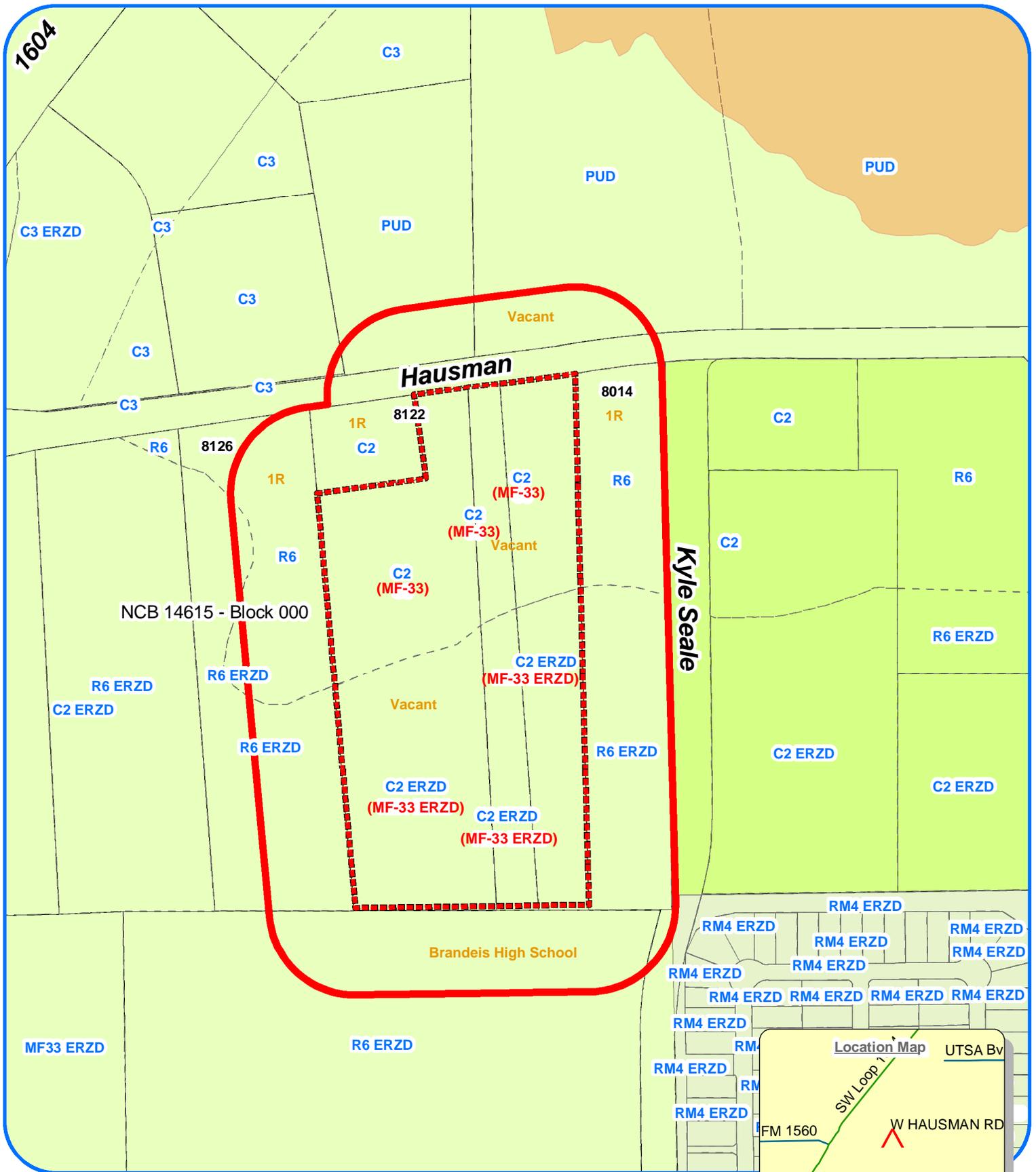
City of San Antonio



Agenda Voting Results - Z-5

Name:	Z-5
Date:	12/04/2008
Time:	05:56:45 PM
Vote Type:	Motion to Appr w Cond
Description:	ZONING CASE # Z2008247 ERZD (District 8): An Ordinance amending the Zoning District Boundary from "C-2" Commercial District and "C-2 ERZD" Commercial Edwards Recharge Zone District to "MF-33" Multi-Family District and "MF-33 ERZD" Multi-Family Edwards Recharge Zone District on a 14.744 acre tract of land out of NCB 14615 located at 8122 West Hausman. Staff and Zoning Commission recommend approval.
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				
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				x



Zoning Case Notification Plan

Case Z-2008-247 ERZD

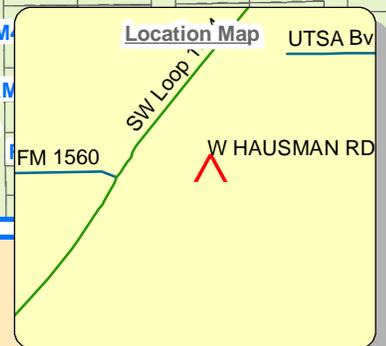
Council District 8

Scale: 1" approx. = 300'

Subject Property Legal Description(s): NCB 14615 - Block 000 - Lots P-9, P-10 & P-11A

Legend

- Subject Property (14.744 Acres)
- 200' Notification Buffer
- Current Zoning C2 & C2 ERZD
- Requested Zoning Change (MF-33) & (MF-33 ERZD)
- 100-Year FEMA Floodplain



City of San Antonio - Development Services Dept
(09/05/2008)



FIELD NOTES
FOR

A 14.744 acre, or 642,267 square feet more or less tract of land, comprised of a portion of that called 11.783 acre tract and all of that called 4.00 acre tract of land conveyed to The Carmen T. Garza De Levcovits Family Trust, in Special Warranty Deed, recorded in Volume 9914, Pages 1507-1511 of the Official Public Records of Real Property of Bexar County, Texas, out of the Isaac Stone, Survey No. 352, Abstract 713, County Block 4538, now all in New City Block 14615, of the City of San Antonio, Bexar County, Texas. Said 14.744 acre tract being more fully described as follows, with bearings derived from the Texas Coordinate System for the South Central Zone:

BEGINNING: At a found 1/2" iron rod on the south right-of-way line of Hausman Road (F.M. 1560) an 80-foot right-of-way, the northeast corner of said 4.00 acre tract, the northwest corner of a 5.778 acre tract conveyed to Keith and Barbara Harp in Deed recorded in Volume 2063, Pages 797-800 of the Official Public Records of Real Property of Bexar County, Texas, for the northeast corner of the herein described tract;

THENCE: S 01°18'56" E, departing the south right-of-way line of said Hausman Road, along and with the west line of said 5.778 acre tract, the east line of said 4.00 acre tract, a distance of 1225.47 feet to a found 1/2" iron rod, the southwest corner of said 5.778 acre tract, an angle point of a 132.30 acre tract conveyed to Northside Independent School District in Special Warranty Deed recorded in Volume 9703, Pages 2274-2289 of the Official Public Records of Real Property of Bexar County, Texas, for the southeast corner of the herein described tract;

THENCE: S 88°33'26" W, along and with the south line of said 4.00 acre tract, the north line of said 132.30 acre tract, a distance of 105.86 feet to a found 1/2" iron rod at the southwest corner of said 4.00 acre tract, the southeast corner of said 11.783 acre tract, an angle point of said 132.30 acre tract, for an angle point of the herein described tract;

EXHIBIT A

22008247

Job No. 9253-08
14.744 Acres

THENCE: S 88°45'30" W, along and with the south line of said 11.783 acre tract, the north line of said 132.30 acre tract, a distance of 435.16 feet to a found 1/2" iron rod at the southeast corner of that 41.79 acre tract conveyed to August, Jr. and Winnie Ewald in Deed Recorded in Volume 1629, Pages 47-49 of the Deed Records of Bexar County, Texas, the southwest corner of said 11.783 acre tract, for the southwest corner of the herein described tract, axle at fence corner called by deed searched for, not found;

THENCE: N 04°52'08" W, along and with the west line of said 11.783 acre tract, the east line of said 41.79 acres, a distance of 971.26 feet to set 1/2" iron rod with a yellow cap marked "PAPE-DAWSON" on the west line of said 11.783 acre tract, the east line of said 41.79 acre tract for a northeast corner of the herein described tract, from which a fund 1" iron pipe for the northwest corner of said 11.783 acre tract bears, N 04°52'08" W, a distance of 183.29 feet ;

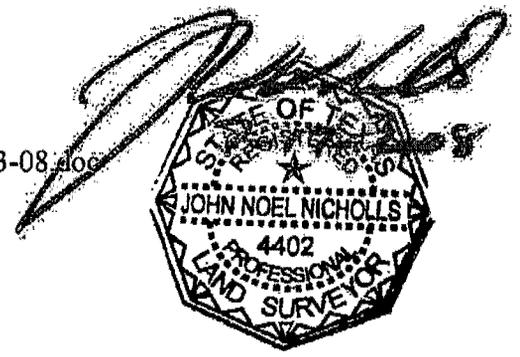
THENCE: Over and across said 11.783 acre tract;

N 81°54'22" E, a distance of 250.31 feet to a set 1/2" iron rod with a yellow cap marked "PAPE-DAWSON" for a reentrant corner of the herein described tract;

N 08°05'38" W, a distance of 183.00 feet to a set 1/2" iron rod with a yellow cap marked "PAPE-DAWSON" to a point on the south right-of-way line of the aforementioned Hausman Road;

THENCE: N 81°54'22" E, along and with the south right-of-way line of said Hausman Road, the north line of said 11.783 acre tract, at a distance of 195.15 feet passing a found 1/2" iron rod at the northeast corner of said 11.783 acre tract, the northwest corner of said 4.00 acre tract, continuing along and with the north line of said 4.00 acre tract, a distance of 181.74 feet, for a total distance of 376.89 feet to the POINT OF BEGINNING, and containing 14.744 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.
JOB No.: 9253-08
DATE: July 17, 2008
DOC. ID.: N:\Survey08\8-9300\9253-08\WORD\FN-9253-08.doc



SAN ANTONIO WATER SYSTEM
Interdepartment Correspondence Sheet

RECEIVED
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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, Mike Barr, Resource Protection Specialist II, Aquifer Protection & Evaluation Section, File

Subject: Zoning Case Z2008247 (Royal San Antonio Apartments – III, LLC)

Date: August 18, 2008

SUMMARY

A request for a change in zoning has been made for an approximate 14.744-acre tract located on the city's northwest side. A change in zoning from **C-2 ERZD** to **MF-33 ERZD** is being requested by the applicant, Brown & Ortiz, P.C. Attorneys at Law. The change in zoning has been requested to allow for the development of an apartment complex.

As of the date of this report, an official request for a site specific 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 8, near the intersection of Hausman Road and Loop 1604. The property lies within the Edwards Aquifer Recharge Zone (Figures 1 and 2).

SITE EVALUATION

1. Development Description:

The proposed change is from C-2 ERZD to MF-33 ERZD and will allow for the construction of an apartment complex. The 14.744 acre tract is located near the intersection of Hausman Road and Kyle Seale Pkwy, and also near Loop 1604 West.

2. Surrounding Land Uses:

Kyle Seale Pkwy and a single-family residence is located east of the site. A single-family residence is located west of the site. A NISD School is located to the south of the site. Hausman Road and undeveloped land is located north of the site.

3. Water Pollution Abatement Plan:

As of the date of this report, a WPAP has not been submitted to the Texas Commission on Environmental Quality (TCEQ). A WPAP will be required to be submitted to and approved by the TCEQ prior to the commencement of construction.

4. Geologic Conditions:

The Resource Protection Division of the San Antonio Water System conducted a site evaluation on July 30, 2008, of the referenced property to assess the geologic conditions and evaluate any environmental concerns present at the site. SAWS Environmental Geologist, Mr. Bruce Keels, P.G., was present during the site evaluation.

- A. The subject site was observed as a single lot, lightly to moderately vegetated with native trees and scrub along the northern 2/3 and heavily vegetated with native trees along the southern 1/3, approximately 14.744 acres in area. No structures were observed on the site, other than a demolished concrete foundation and adjacent intact well house located in the northeast corner of the property.

No exposure of bedrock was observed throughout the property. The subject property was observed with a significant soil cover of several feet in depth throughout its entire extent. An apparent ephemeral drainage feature was observed running generally east-west along the southern edge of the subject site.

The site appeared to slope slightly to the south. Stormwater occurring on the subject site would drain to the south towards a concrete drainage channel along the adjacent elementary school.

- B. Using U.S. Geological Survey Water-Resources Investigations Report 95-4030 it was determined that the subject site is underlain by the Cyclic and Marine Member of the Person

Formation of the Edwards Aquifer.

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. This could not be confirmed due to a lack of bedrock exposure on the subject site.

Based on a review of a Geologic Assessment of an adjacent property, the subject site vicinity is generally underlain by the Cyclic and Marine Member of the Person Formation of the Edwards. However, visual observation indicates that several feet of soil cover, consisting primarily of Del Rio Clay, confirmed by the presence of index fossils, is present throughout the subject site.

- C. An ephemeral drainage was observed to cross the southern edge of the site. The subject site was observed to have soil cover of several feet across its entire extent. This soil cover consists mainly of Del Rio Clay, confirmed by the presence of index fossils. Numerous non-karst closed depressions, several inches to feet deep, formed by differential dessication of the soil overburden, were observed throughout the subject site.

A residential water well and apparent septic tank were observed adjacent to the demolished concrete foundation. This water well has not been properly plugged or abandoned. The apparent septic tank has not been properly removed from the ground.

ENVIRONMENTAL CONCERNS

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

Site Specific Concerns

1. An abandoned septic system was observed on the site, acting as a potential source of contamination.
2. A well was observed on the site and appears to be abandoned. There is potential for contamination of the Edwards Aquifer via the well.

General Concerns

1. The improper use of pesticides, herbicides, or fertilizers needed for landscape maintenance that 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 50% on the site.
2. The SAWS recommendation of 50% maximum impervious cover for the 14.744 acres is based on possible Category 2 status. Per Ordinance 81491, a tract that is classified as multi-family cannot exceed 50% impervious cover.
3. The abandoned septic systems, along with any additional septic system that may be located on the site must be properly abandoned according to City Code Chapter 34 Article V Division 2 Section 446.
4. The abandoned well, along with any additional wells that may be located on the site must be properly plugged according to the City Code Chapter 34, Division 2 Section 574 by a registered well driller.
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.

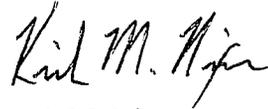
9. If any sensitive geologic features such as, but not limited to, solution openings, caves, sinkholes, or wells are found during the excavation, construction, or blasting, the developer shall notify the Texas Commission on Environmental Quality at (210) 490-3096 and the Resource Protection Division of the San Antonio Water System 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 of Texas,
 - 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 shall not be allowed to be constructed 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 and 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 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.



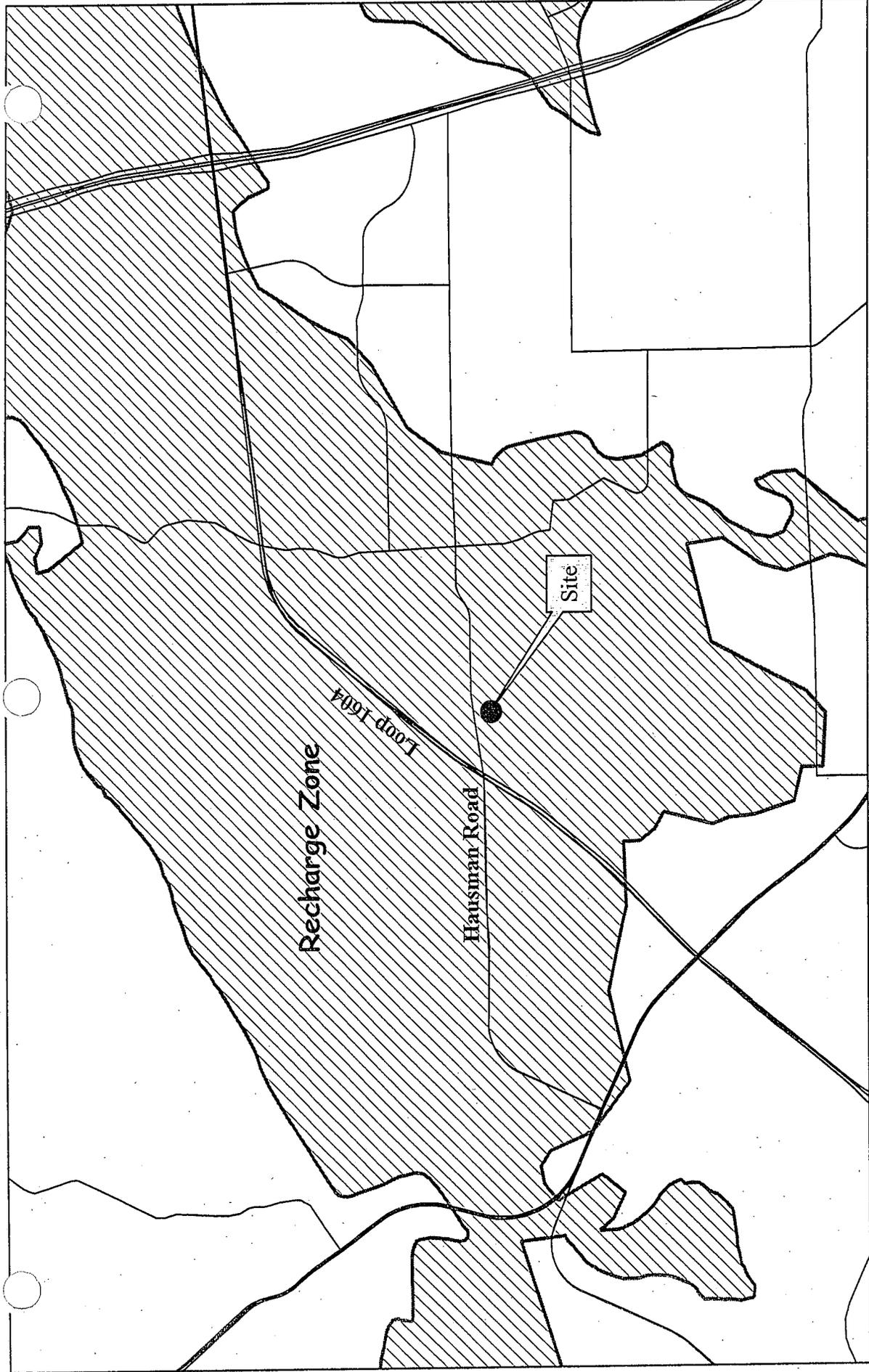
Kirk M. Nixon
Manager
Resource Protection Division

APPROVED:



Scott R. Halty
Director,
Resource Protection & Compliance Department

KMN:MJB



Zoning Case No. Z2008247 Figure 1

Multi-Family Project

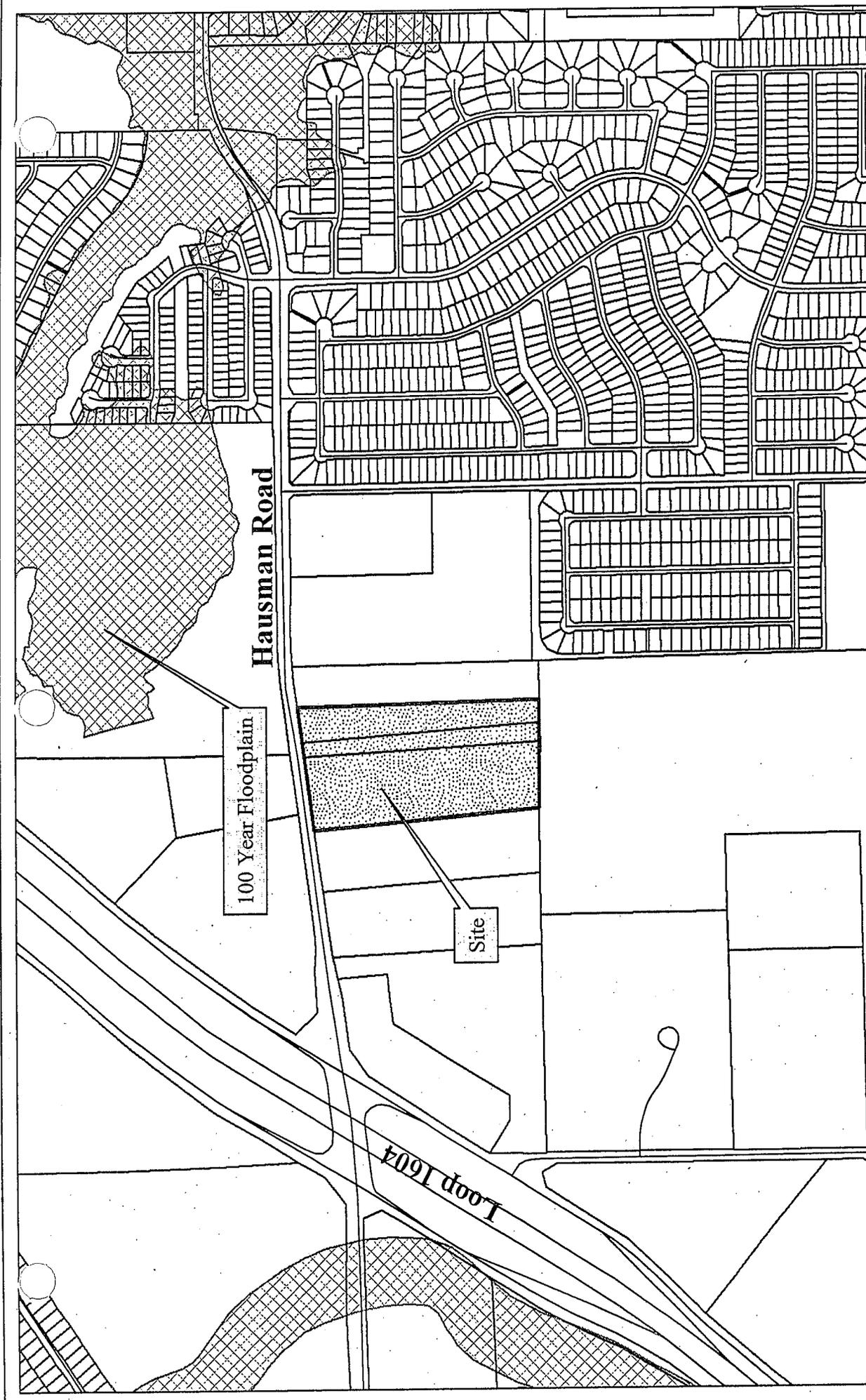
Map Page 513 D8

X=2081099 Y=13754635

Map Prepared by Aquifer Protection and Evaluation MJB 10/27/2006



1:45,988



Zoning Case No. Z2008247 Figure 2

Multi-Family Project

Map Page 513 D8

X=2081099 Y=13754635

Map Prepared by Aquifer Protection and Evaluation MJB 7/21/2008



1:8,149



CITY OF SAN ANTONIO
Request for Council Action

Agenda Item # Z-5
Council Meeting Date: 12/4/2008
RFCA Tracking No: R-4269

DEPARTMENT: Planning & Development
Services

DEPARTMENT HEAD: Roderick Sanchez

COUNCIL DISTRICT(S) IMPACTED:
Council District 8

SUBJECT:
Zoning Case Z2008247 ERZD

SUMMARY:

From "C-2" Commercial District and "C-2 ERZD" Commercial Edwards Recharge Zone District to "MF-33" Multi-Family District and "MF-33 ERZD" Multi-Family Edwards Recharge Zone District.

BACKGROUND INFORMATION:

Zoning Commission Meeting Date: October 7, 2008

Applicant: Brown & Ortiz, P. C.

Owner: Carmen T. Garza de Levcovitz

Property Location: 8122 West Hausman

14.744 acres out of NCB 14615

On the south side of West Hausman Road, between North Loop 1604 West to the west and Kyle Seale Parkway to the east.

Proposal: To allow the development of a multi-family community.

Neighborhood Association: Woller Creek Association Inc. is within 200 feet.

Neighborhood Plan: None

TIA Statement: A Level 1 Traffic Impact Analysis (TIA) study is required.

ISSUE:

This property is located within the Edwards Aquifer Recharge Zone.

The Woller Creek Homeowner's Association is in support of the rezoning request.

ALTERNATIVES:

A denial of the request will result in the subject property retaining the current commercial zoning, allowing many commercially-oriented uses permitted by the current C-2 district and prohibiting the proposed multi-family development.

FISCAL IMPACT:

None. The applicant has paid the required zoning fees.

RECOMMENDATION:

Staff and Zoning Commission (10-0) recommend approval.

The subject property consists of undeveloped land with frontage on West Hausman Road. The property is adjacent to C-3 zoning to the north and R-6 zoning to the east, west and south. The surrounding land uses consist of undeveloped land to the north; a residential dwelling and undeveloped land to the east and west, and Louis Brandeis High School to the south. This property was the subject of rezoning case Z2004049, in which the applicant was granted a zoning change from R-6 ERZD Residential Single-Family Edwards Recharge Zone District to C-2 ERZD Commercial Edwards Recharge Zone District.

The requested multi-family district is appropriate, as the subject property fronts on an arterial road. Multi-family uses are most appropriate on the periphery of single-family neighborhoods, and along arterials or major thoroughfares. This property meets all of the above criteria for a multi-family development, given the road classification and the general location at the periphery of the neighborhood to the west. Additionally, a multi-family use currently exists to the west of the subject property.

Medium and high density residential developments are encouraged in areas where supporting infrastructure, such as public transportation and commercial facilities are present. The site is located in an area where there is accessibility to public services and traffic circulation to major thoroughfares; North Loop 1604 West (a freeway) to the west and Babcock Road (a Secondary Arterial "Type A" street) to the east. In addition, there is access to VIA bus stops along West Hausman Road.

SAWS Summary:

1. SAWS recommends approval of the proposed land use.
2. SAWS currently identifies the property as a Category 2 property.
3. The impervious cover shall not exceed 50% on site.

ATTACHMENT(S):

File Description	File Name
Location Map	Z2008247.pdf
SAWS Report	SAWS Report.pdf
Zoning Commission Minutes	Z2008247 ERZD.pdf
Voting Results	
Ordinance/Supplement Documents	200812041118.pdf

DEPARTMENT HEAD AUTHORIZATIONS:

Roderick Sanchez Director Planning & Development Services

APPROVED FOR COUNCIL CONSIDERATION:

T.C. Broadnax Assistant City Manager