

AN ORDINANCE 2018-08-16-0651

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

\* \* \* \* \*

**WHEREAS**, a public hearing was held after notice and publication 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 25.87 acres out of NCB 14616 from "MF-33 ERZD" Multi-Family Edwards Recharge Zone District and "MF-33 S ERZD" Multi-Family Edwards Recharge Zone District with a Specific Use Authorization for a Wireless Communication System to "PUD MF-18 ERZD" Planned Unit Development Limited Density 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 65%, and owner or owner's agent shall comply with the environmental recommendations in the SAWS report. A copy of the report is attached as **Exhibit "B"** and made a part hereof and incorporated herein for all purposes.

**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 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.

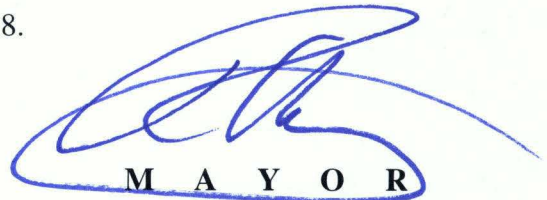
**SECTION 7.** All other provisions of Chapter 35 except those expressly amended by this ordinance shall remain in full force and effect including the penalties for violations as made and provided for in Section 35-491.

**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.

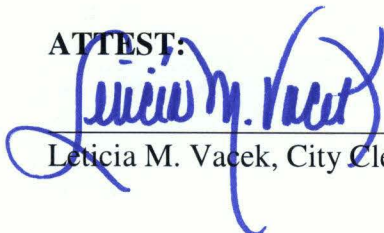
**SECTION 9.** If a court of competent jurisdiction enters a final judgment on the merits that is no longer subject to appeal and substantially limits or impairs the essential elements of sections one through five of this ordinance, then sections one through five are invalid and have no legal effect 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 August 26, 2018.


**PASSED AND APPROVED** this 16<sup>th</sup> day of August 2018.

  
**M A Y O R**  
Ron Nirenberg

**ATTEST:**

  
\_\_\_\_\_  
Leticia M. Vacek, City Clerk

**APPROVED AS TO FORM:**

  
\_\_\_\_\_  
fa Andrew Segovia, City Attorney



<b>Agenda Item:</b>	<b>Z-17</b>						
<b>Date:</b>	08/16/2018						
<b>Time:</b>	02:40:00 PM						
<b>Vote Type:</b>	Motion to Appr w Cond						
<b>Description:</b>	ZONING CASE # Z2018201 ERZD (Council District 8): Ordinance amending the Zoning District Boundary from "MF-33 ERZD" Multi-Family Edwards Recharge Zone District and "MF-33 S ERZD" Multi-Family Edwards Recharge Zone District with Specific Use Authorization for a Wireless Communication System to "PUD MF-18 ERZD" Planned Unit Development Limited Density Multi-Family Edwards Recharge Zone District on 25.87 acres out of NCB 14616, located at 8406 Flanagan. Staff and Zoning Commission recommend Approval.						
<b>Result:</b>	Passed						
<b>Voter</b>	<b>Group</b>	<b>Not Present</b>	<b>Yea</b>	<b>Nay</b>	<b>Abstain</b>	<b>Motion</b>	<b>Second</b>
Ron Nirenberg	Mayor		x				
Roberto C. Treviño	District 1		x				
William Cruz Shaw	District 2		x				x
Rebecca Viagran	District 3		x				
Rey Saldaña	District 4		x				
Shirley Gonzales	District 5	x					
Greg Brockhouse	District 6		x				
Ana E. Sandoval	District 7		x				
Manny Pelaez	District 8		x			x	
John Courage	District 9		x				
Clayton H. Perry	District 10		x				

# Z2018201 ERZD

Field notes for a 25.87 acre tract of land out of Lot 1, Block 6, New City Block 14616 in the City of San Antonio, Bexar County, Texas, according to plat of Fathers Flanagan's Boy's Home Subdivision, recorded in Volume 9519, Page 172 of the Deed and Plat Records of Bexar County, Texas. Said 25.87 acre tract of land being more particularly described by metes and bounds as follows:

**BEGINNING** at a one half inch iron rod found for the northwest corner of the herein described 25.87 acre tract of land and being on the east right of way line of Sky Hawk Drive. Said point also being the southeast corner of Lot 5, Block 6, New City Block 14616, Montecito Apartments Subdivision, recorded in Volume 9552, Page 137 of the Deed and Plat Records of Bexar County, Texas.

**THENCE** with the north line of this tract, North 88° 42' 07" East, a distance of 1194.49 feet to a one half inch iron rod found for the northeast corner of this tract and being the northwest corner of Lot 7, Block 6, New City Block 14616, O'Connor/Clark Reliever High School, recorded in Volume 9570, Pages 172-173 of the Deed and Plat Records of Bexar County, Texas.

**THENCE** with the east line of this tract, South 00° 27' 47" East, a distance of 878.28 feet to a calculated point for the northeast corner of a 0.097 acre Lease Area as recorded in Volume 12955, Page 2038 of the Real Property Records of Bexar County, Texas..

**THENCE** cutting into the aforesaid Lot 1, Block 6 and with the north line of the aforesaid Lease Area, South 88° 39' 34" West, a distance of 65.05 feet to a calculated point for the northwest corner of said Lease Area.

**THENCE** with the west line of said Lease Area, South 00° 30' 32" East, a distance of 65.00 feet to a calculated point on the south line of the aforesaid Lot 1, Block 6 and being on the north line of Lot 9, Block 6, New City Block 14616, Stinson Middle School Fields, recorded in Volume 9574, Page 21 of the Deed and Plat Records of Bexar County, Texas.

**THENCE** with the south line of this tract, being the south line of Lot 1, Block 6, South 88° 39' 34" West, a distance of 1129.41 feet to a one half inch iron rod found on the east right of way line of Sky Hawk Drive. For the southwest corner of this tract.

**THENCE** with the east right of way line of Sky Hawk Drive, North 00° 28' 08" West, a distance of 944.16 feet to the point of the **BEGINNING**.

These field notes were prepared from an on the ground survey made under my direction and supervision in October 2017. Bearings are based on Texas South Central Zone Nad 83 and distances are grid. A survey plat was prepared along with this description.

*J.D. Wilkie*  
Digitally signed by Jerry Wilkie  
DN: cn=Jerry Wilkie, o=Atwell, ou,  
email=jerrywilkie@atwell-group.com,  
c=US  
Date: 2018.04.04 16:25:46 -0500



Jerry D. Wilkie, Jr.  
Registered Professional Land Surveyor  
Registration No. 4724  
210-861-0733 cell

Exhibit "A"

**SAN ANTONIO WATER SYSTEM**  
**Interdepartment Correspondence Sheet**

18 JUL 27 PM 1:25

**To:** Zoning Commission Members

**From:** Scott R. Halty, Director, Resource Protection & Compliance Department,  
San Antonio Water System

**Copies To:** Andrew Wiatrek, Manager, Edwards Aquifer and Watershed Protection Division,  
Michael Barr, Supervisor, Aquifer Protection and Evaluation Section, Michael A.  
Escalante, Environmental Protection Specialist III

**Subject:** Zoning Case Z2018201 (Stadium Pointe Apts.)

**Date:** June 28, 2018

**SUMMARY**

A request for a change in zoning has been made for an approximate 25.78-acre tract located on the city's northwest side. A change in zoning from "MF-33 ERZD" to "MF-18 ERZD PUD" is being requested by the applicant, Andy Rodriguez, and represented by James Griffin, Brown & Ortiz, P.C. The change in zoning has been requested to allow a multi-family development. The property is currently designated as a Category 1.

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, at 8406 Flanagan Street, approximately 1,167 feet south of North Loop 1604 West and Hausman Road intersection. The property lies within the Edwards Aquifer Recharge Zone (Figures 1 and 2).

**SITE EVALUATION**

1. Development Description:

The proposed change is from MF-33 ERZD to MF-18 ERZD PUD and will allow for the development of a multi-family development on 25.78 acres. Currently, the property contains abandoned housing buildings from the former Father Flanagan's Boys' Home.

**Exhibit "B"**



2. Surrounding Land Uses:

Montecito Apartments borders to the north with Hausman Plaza retail strip located beyond. The eastside of the subject property is border by Louis D. Brandeis High School. Skyhawk Drive and Northside Sports Gym bound the western portion of the property. Katherine Stinson Middle School lies south of the subject property.

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 commencement of construction.

4. Geologic Conditions:

The Aquifer Protection and Evaluation Section of the San Antonio Water System conducted a site evaluation on May 14, 2018, 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.

The subject site was observed to be a large acre tract, previously developed as a church based residential facility, approximately 25.78 acres in area. The property was observed to be developed with a number of residential homes, a swimming pool, and associated infrastructure. Each residential home was noted to have an in ground septic tank. Storm water occurring on the site would drain to the south and west into an unnamed tributary to French Creek.

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.

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

No sensitive geologic features were identified within 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 septic system was observed on site and there is potential for contamination of the Edwards Aquifer.

### **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 60% on the 25.78-acre site.
2. The existing septic system will have to be properly abandoned according to state regulations. The wastewater from the septic tank shall be removed by a licensed waste transporter.
3. 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.



4. 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 Aquifer Protection & Evaluation Section 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 Aquifer Protection & Evaluation Section of SAWS.
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, Texas Department of Agriculture, U.S. Department of Agriculture, shall be used.
6. The applicant shall notify the Construction Monitoring of SAWS at (210) 233-3565 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 and the Aquifer Protection & Evaluation Section of SAWS at (210) 233-3522.

#### **General Recommendations**


1. 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.
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 shall be submitted for the development 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,
  - D. A copy of the approved Water Pollution Abatement Plan.



3. The Resource Protection & Compliance 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.

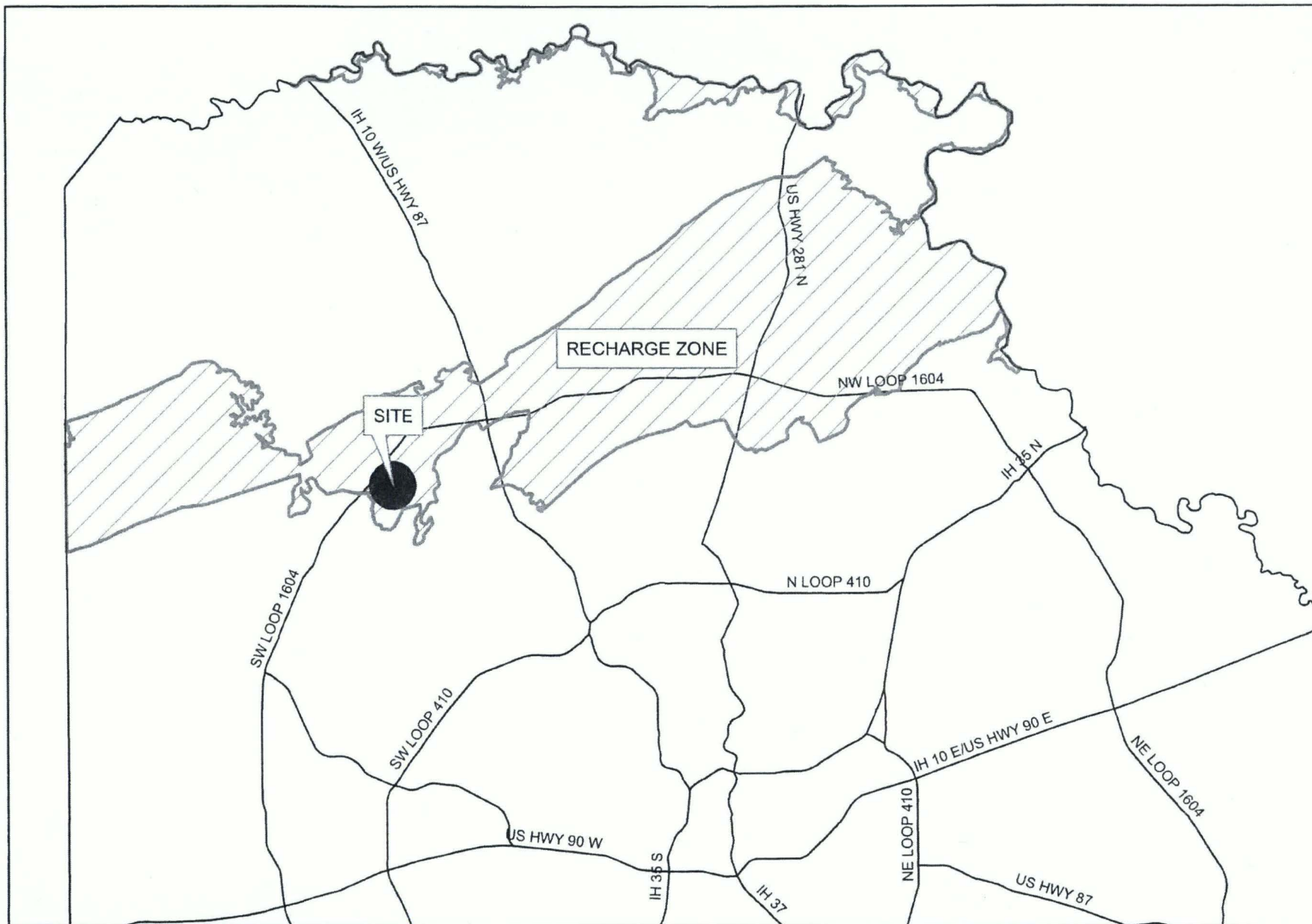
Based on the site evaluation of the property, and the information submitted by the applicant, staff recommends **approval** of the proposed land use. Additionally, SAWS staff recommends that the applicant, or any future owner, comply with the above recommendations in regards to the development of the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

APPROVED:

  
\_\_\_\_\_  
Andrew Wiatrek  
Manager  
Edwards Aquifer and Watershed Protection Division

  
\_\_\_\_\_  
Scott R. Halty  
Director  
Resource Protection & Compliance Department

MJB:MAE



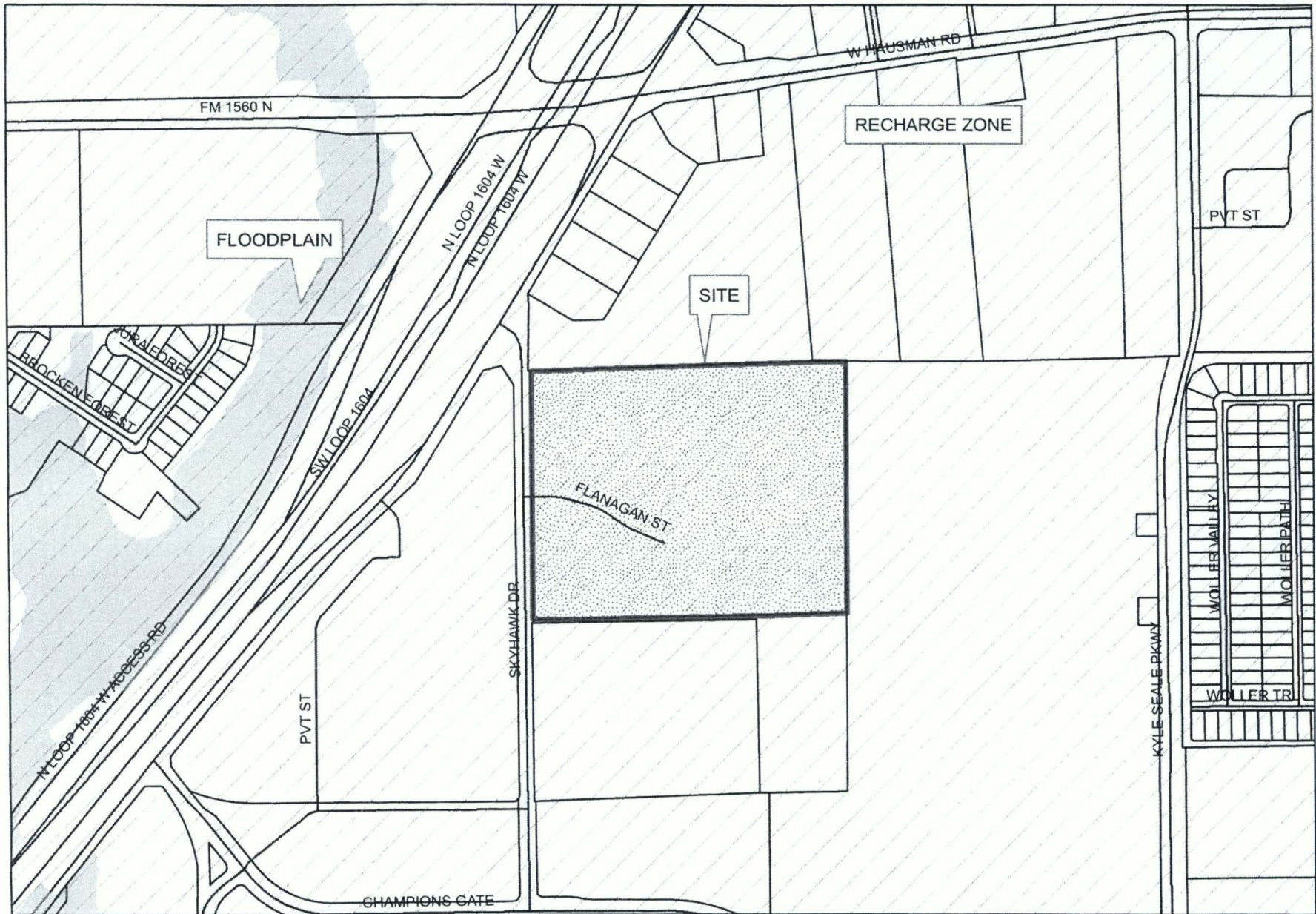
ZONING FILE: STADIUM POINTE APTS. (FIGURE 1)  
 ZONING CASE: Z2018201  
 MAP PAGE: 167, D3

1 in = 20,833 ft

0 5,500 11,000 22,000 33,000 44,000  
 Feet







ZONING FILE: STADIUM POINTE APTS. (FIGURE 2)  
 ZONING CASE: Z2018201  
 MAP PAGE: 167, D3

Map Prepared by SAWS, Resource Protection & Compliance Dept. MAE 5/10/2018

