ZONING CASE: Z2003-004

City Council District NO. 9
Requested Zoning Change
From: "C-2ERZD" To "C-2 CS ERZD"
Date: February 27, 2003
Scale: 1" = 200'
CASE NO: Z2003004 CS
Staff and Zoning Commission Recommendation - City Council

Date: February 27, 2003
Zoning Commission Meeting Date: February 04, 2003
Council District: 9
Ferguson Map: 516 B-2
Appeal: No
Applicant: August Partners, Inc.
Owner: Blanco Road Retail, Ltd. C/o B & O Blanco Road Investors, Ltd.

Zoning Request: From "C-2 ERZD" Commercial, Edwards Recharge Zone District to "C-2 CS ERZD" Commercial, Edwards Recharge Zone District with a conditional use for Mini-Warehouse and a Specific Use Permit for a Mini Warehouse site over 2.5 acres.
6.130 acres out of NCB 18394

Property Location: 1500 Block of N Loop 1604 W
Proposal: For a Mini Warehouse.
Neigh. Assoc.: The Waters at Deerfield Neighborhood Association
Neighborhood Plan: None
TIA Statement: A traffic impact analysis is not required.

Staff Recommendation:
Approval. The property is currently zoned "C-2". The subject property has "C-2" zoning and uses to the north and west and "C-3" uses to the east. The property fronts North Loop 1604 a major expressway. The proposed zoning change and use will not adversely affect the area.

Zoning Commission Recommendation:
Approval.

VOTE
FOR 10
AGAINST 0
ABSTAIN 0
RECUSAL 0

CASE MANAGER: Richard Ramirez 207-5018
Applicant: August Partners, Inc.

Zoning Request: "C-2" ERZD Commercial Edwards Recharge Zone Districts to "C-2" C S ERZD Commercial Edwards Recharge Zone District with a conditional use for Mini-Warehouse and a Specific Use Permit for a Mini-Warehouse a site over 2.5 acres.

Joe Vevtia, 160 Creekside Park, stated their intent is to develop a mini warehouse. He stated he would be changing the office apartment to fit the architecture that is developing in this particular area. He further stated he has met with the surrounding property owners who are in support of this request.

Dwayne Mov, 23705 IH 10 W., stated Brown Engineering platted this property and did a flood study on this property in the mid 1990's. He stated the plat showed a drainage easement that reflects the results of the flood study. The flood study was never submitted to FEMA for a map revision. He further stated in 2001 Pape Dawson Engineers replatted the property and at that time the owner of the property do not elect to revise the study, therefore the city requested they acknowledge the FEMA flood plain line based on the FEMA map.

Staff stated there were 7 notices mailed out to the surrounding property owners, 0 returned in opposition and 0 returned in favor and no response from The Waters at Deerfield Neighborhood Association.

Everyone present, for and against having been heard and the results of the written notices having been received, the Chairman declared the public hearing closed.

**COMMISSION ACTION**

The motion was made by Commissioner McAden and seconded by Commissioner Grau to recommend approval of "C-2" CS ERZD.

1. Property is located on 6.130 acres out of NCB 18394 at 1500 Block of N. Loop 1604 W.
2. There were 7 notices mailed, 0 returned in opposition and 0 returned in favor.
3. Staff recommends approval.

**AYES:** Martinez, Grau, Cardenas-Gamez, Kissling, Hophan, Sherrill, McAden, Avila, Morell, Mehringer

**NAYS:** None

THE MOTION CARRIED.

**RESULTS OF NOTICE FOR COUNCIL HEARING**

To be provided at Council hearing.
SUMMARY

A request for a change in zoning has been made for an approximate 6.13-acre tract located on the city's north side. A change in zoning from "C-2 ERZD" to "C-3 S ERZD" is being requested by the applicant, August Partners, Inc., on behalf of the owner. The change in zoning has been requested to allow for the construction of mini-storage facilities.

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".

LOCATION

The subject property is located in City Council District 9, along the southern side of Loop 1604, between Huebner Rd. and Blanco Rd. The property lies within the Edwards Aquifer Recharge Zone (Figures 1 and 2).

SITE EVALUATION

1. Development Description:

   The proposed change is to allow for the construction of a mini-storage facility. The property is currently undeveloped. Evidence of possible squatter activity does exist on the site.

2. Surrounding Land Uses:

   A Lowe's and a branch bank are east of the site. The property lies on the easterly side of a tributary to Panther Springs Creek. Two narrow parcels bound the property to the south followed by a residential subdivision. The property is bounded to the north by Loop 1604.
3. Geologic Features:

The Resource Protection Division of the San Antonio Water System (SAWS) conducted an investigation on January 10, 2003 of the referenced property to assess the geologic conditions and evaluate any environmental concerns present at the site. No significant recharge features were noted during our site investigation. Evidence of sealing of features was, however present. A review of records previously submitted to SAWS indicates that sealing of these features was permitted by the TCEQ. Edwards outcropping of the Persons formation (Leached and Collapsed Member) was present on the site, primarily within the FEMA 100 year floodplain. East of the floodplain, fill was present in significant amounts. The general direction of drainage is west towards a tributary to Panther Springs Creek.

Additionally, staff reviewed the geologic assessment in the WPAP prepared by Brown Engineering for the 73.228-acre Dolan tract, which the subject property lies within. According to the Geologic Assessment, potential recharge features were discovered on the site in August of 1994. Based on our investigation, staff does not disagree with the findings of the Geologic Assessment report.

According to FEMA flood insurance rate map No. 48029C0257, a portion of the subject site is located within the 100-year floodplain.

4. Water Pollution Abatement Plan:

The 73.228-acre Dolan Tract holds a Water Pollution Abatement Plan (WPAP) approved by the Texas Commission on Environmental Quality on December 5, 1994. The approval allows for the sealing of all potential recharge features.

ENVIRONMENTAL CONCERNS

The environmental concerns associated with this commercial development being constructed on the EARZ are:

1. SITE SPECIFIC CONCERNS

The unauthorized storage of chemicals and/or hazardous materials in storage units.

2. GEOLOGIC CONCERNS

Proximity to the floodplain and the potential addition of the sediment load due to the increase of impervious cover in the floodplain.

3. STANDARD POLLUTION/ABATEMENT CONCERNS:

A. 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.
B. 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 commercial development on the Edwards Aquifer Recharge Zone:

1. All persons leasing a storage unit should be informed, in the lease agreement, that storage of chemicals and/or hazardous materials is not permitted. A copy of the standard lease agreement should also be submitted to SAWS for review. Staff from the Aquifer Protection and Evaluation Section of SAWS reserves the right to randomly inspect, without notice, any or all units to ensure compliance.

2. 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) 704-7305.

3. 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. Should the property be designated as a Category 2 property, all buffering of flood plains and sensitive recharge features shall be in accordance with Aquifer Water Ordinance # 81419.

4. The land uses within the commercial zoned areas 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 that 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 prohibited, that land use will not be permitted on that site.

5. 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.

6. All approved chemical storage areas shall be constructed with a depressed floor to contain and assist the cleanup of any spilled chemicals.
7. The storage, handling, use and disposal of all 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.

8. Landscaped areas shall be sensitive to minimizing water needs (i.e. use of native plants). The owner/operator of this development and each purchaser or occupant of an individual lot within this development shall be informed in writing about Best Management Practices (BMP) of 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 recognized authorities such as the Natural Resource Conservation Service, Texas Department of Agriculture, U.S. Department of Agriculture, etc. shall be used.

9. 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.

10. The owner or agent shall provide a copy of the standard lease agreement to the Aquifer Protection and Evaluation Section of the San Antonio Water System.

11. 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 environmental evaluation of the property, and the information submitted by the applicant, staff recommends approval as long as the applicant agrees to abide by all recommendations contained in this document.

Kirk Nixon
Manager
Resource Protection Division

APPROVED:

Scott R. Halty
Director,
Resource Protection & Compliance Department

KMN:KJS
Mini Storage/ Furniture Store
Z2003004  Figure 1
* Subject property is partially within the floodplain

Map Prepared by Resource Protection & Compliance Department  KJS 1/13/2003
* Subject property is partially within the floodplain

Map Prepared by Resource Protection & Compliance Department  KJS 1/28/2003