

CASE NO: Z2002260 S

Staff and Zoning Commission Recommendation - City Council

Date: February 13, 2003

Zoning Commission Meeting Date: January 07, 2003

Council District: 9

Ferguson Map: 483 C7

Appeal: No

Applicant: Owner

JMA Inc.

Showcase Custom Homes of Texas, Inc.

Zoning Request: From "C-3 ERZD" Commercial Edwards Recharge Zone District to "C-3 ERZD S" Commercial Edwards Recharge Zone District with specific use authorization for a self-service car wash.

Lot 1, Block 7, NCB 17586

Property Location: On the east side of U.S. Highway 281, south of its intersection with Encino Rio

Proposal: To permit a self-service car wash over the Edwards Aquifer Recharge Zone

Neigh. Assoc. : Encino Park Neighborhood Association

Neighborhood Plan :

TIA Statement: A traffic impact analysis is not required.

Staff Recommendation:

Approval.

The subject site is situated approximately 400 feet south from the intersection of U.S. Highway 281 and Encino Rio atop the Edwards Aquifer Recharge Zone. Highway 281 was sliced into the hillside at this location; therefore the subject site lies at a higher elevation than the roadway.

This site is already zoned "C-3" Commercial as is adjoining property to the north and south on this east side of 281. A car wash at this location would be close enough to a residential subdivision as to offer nearby residents a place to wash their vehicles, yet far enough away as to likely limit negative impacts on residential property.

Self-service car washes are allowed in "C-3" zoning by right, however when that "C-3" District lies within the Edwards Recharge Zone District overlay, specific use authorization is required for such a use. Therefore, the focus of this rezoning request is the specific use authorization for the proposed use over the recharge zone. If the proposed use meets all requirements of the San Antonio Water Systems, specific use authorization for a self-service car wash at this location would be appropriate.

Zoning Commission Recommendation:

Approval

CASE MANAGER : Chris Looney 207-5889

VOTE

FOR 9

AGAINST 0

ABSTAIN 0

RECUSAL 0

Z2002260 S

ZONING CASE NO. Z2002260 S January 7, 2003

Applicant: JMA, Inc.

Zoning Request: "C-3" ERZD Commercial Edwards Recharge Zone District to "C-3"S ERZD Commercial Edwards Recharge Zone District with specific use authorization for a self-service car wash.

John Adkinson, 3111 Sable Creek, representing the applicant, stated their intent is to build a self-service car wash. He stated they have met with the neighborhood association who are in support of this request.

Staff stated there were 7 notices mailed out to the surrounding property owners, 0 returned in opposition and 2 returned in favor and no response from Encino Park 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.

1. Property is located on Lot 1, Block 7, NCB 17586 at east side of U.S. Highway 281, south of its intersection with Encino Rio.
2. There were 7 notices mailed, 0 returned in opposition and 2 returned in favor.
3. Staff recommends approval.

AYES: Martinez, Grau, Kissling, McGowan, Hophan, Sherrill, McAden, Avila, Morell

NAYS: None

THE MOTION CARRIED.

RESULTS OF NOTICE FOR COUNCIL HEARING

To be provided at Council hearing.

SAN ANTONIO WATER SYSTEM
Interdepartment Correspondence Sheet

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, Julia I. Mireles, PE, Karen Schubert, Planner III, Aquifer Protection & Evaluation Section, File.

Subject: Zoning Case Z2002260 (Top Gun Carwash).

Date: December 20, 2002

SUMMARY

A request for a change in zoning has been made for an approximate 0.948-acre tract located near the southeast corner of Encino Rio and U.S. Hwy 281 on the city's north side. A change in zoning from "C-3" to "C-3 S ERZD", is being requested by the applicant, JMA Inc. and owner, Mr. John M. Atkinson. The zoning change will allow for the construction and operation of a self-serve carwash. The property is classified as category 1 property.

LOCATION

The subject tract is located in City Council District 9, near the southwest corner of Encino Rio and U.S. Hwy. 281. The property is located on the Edwards Aquifer Recharge Zone (Figures 1 and 2).

SITE EVALUATION

1. Development Description:

The proposed change is to allow the construction of a self service carwash. Lot 1 located at 19922 U.S. Hwy 281 N. is part of Encino Crossing Retail Center. The business park is currently undeveloped. Plat No. 010583 has been submitted to the city.

2. Surrounding Land Uses:

The parcels immediately surrounding the property are currently vacant and undeveloped. There is a quarry in operation located west (across 281) of the property. East of the property are residential subdivisions.

3. Geologic Features:

The Resource Protection Division of the San Antonio Water System conducted an investigation on

December 19, 2002 of the referenced property to assess the geologic conditions and evaluate any environmental concerns present at the site. The property can presently be described as partially cleared, covered in a mixture of native grasses and trees. Edwards outcropping was not evident primarily due to the amount of fill present on site. The general direction of drainage is northeast towards a tributary to Mud Creek. No significant recharge features were found during our site investigation. Additionally, staff reviewed the geologic assessment in the WPAP prepared by MBC Engineers, potential recharge features were not discovered on the site. Based on our investigation, staff is in general agreement with the findings of the Geologic Assessment report.

4. Water Pollution Abatement Plan:

Encino Crossing Retail Center holds a Water Pollution Abatement Plan (WPAP) approved by the Texas Commission on Environmental Quality on April 11, 2002. One water quality basin is proposed in the WPAP. This basin will act as a Best Management Practice (BMP) for the development as a whole

ENVIRONMENTAL CONCERNS

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

1. Site Specific Concerns

- A. Wash water discharged into the sanitary sewer system.
- B. Water conservation and recycling.

2. Geologic Concerns

- A. Presently, no geologic concerns exist on site.

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.
- C. The proper construction of the sewer mains and service laterals to prevent wastewater from entering the subsurface.

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 wash water must be recycled or the proper permits obtained to allow for the discharge of wash water to the sanitary sewer system.
2. The owner should participate in the SAWS Commercial Car Wash Conservation program.
3. 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.
4. 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.
5. 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.
6. 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.

7. As a minimum condition of approval of this zoning case, the owner/operator shall submit and maintain a Chemical Spill Prevention Plan to the San Antonio Water System (SAWS) for review and approval. The Chemical Spill Prevention Plan shall include, but is not limited to the following provisions:
 - A. A complete list, including Material Safety Data Sheets (MSDS), of all chemicals to be stored on the site. The list must include the maximum amount of each chemical kept on site at any time,
 - B. Procedures for promptly and properly cleaning any chemical leaks or spills,
 - C. Procedures for the proper disposal of any contaminated materials,
 - E. Procedures for preventing any spilled chemicals from leaving the storage area(s),
 - F. All chemical storage areas shall be constructed with a depressed floor to contain and assist the cleanup of any spilled chemicals,
 - G. 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 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.

Zoning Commission Members
Z2002260 (Top Gun Carwash)
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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.

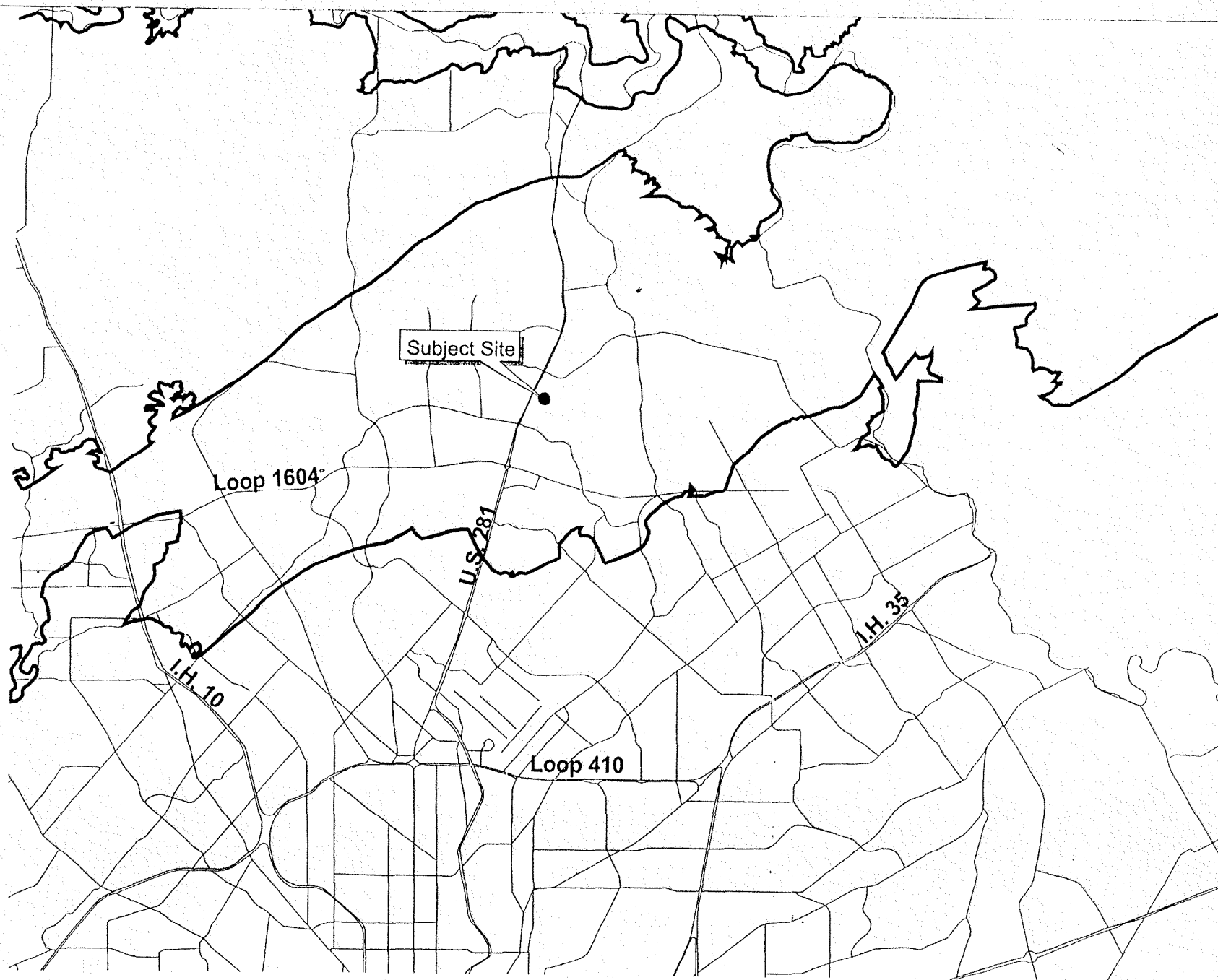
Julia J. Mireles
for
Kirk Nixon
Manager
Resource Protection Division

APPROVED:

Scott R. Halty

Scott R. Halty
Director,
Resource Protection & Compliance Department

KMN:KJS



Top Gun Carwash
Z2002260

Figure 1

Map Prepared by Resource Protection & Compliance Department KJS 12/24/2002





Top Gun Carwash

Z2002260 Figure 2

Map Prepared by the Resource Protection and Compliance Department KJS 12/24/2002

100 0 100 200 Feet

