



# CASE NO: Z2003007 C

## Staff and Zoning Commission Recommendation - City Council

Postponed from February 18, 2003

**Date:** March 27, 2003

**Zoning Commission Meeting Date:** March 04, 2003

**Council District:** 8

**Ferguson Map:** 513 B8

**Appeal:** No

**Applicant:**

City of San Antonio

**Owner:**

Multiple owners

**Zoning Request:** From "R-6" Residential Single-Family District to "C-3 NA ERZD C" Non-Alcoholic Commercial Sales Edwards Recharge Zone District conditional use for outside storage with screening

Lots 2, 3, 8, 9 Block 1 NCB 17615

Lots 19, 21, 23, 25, 26, 28 Block 2 NCB 17616

Lot 18 Block NCB 17616

**Property Location:** 13000 Block of Western Oak

Intersection of FM 1560 north and Western Oak

**Proposal:** To rezone property annexed by the city.

**Neigh. Assoc. :** None

**Neighborhood Plan :** None

**TIA Statement:** A traffic impact analysis is not required.

### Staff Recommendation:

Approval. These properties are located within an area recently annexed by the City. It is the policy of the city to rezone annexed property. The subject properties are currently zoned "R-6 ERZD". The subject properties have existing "C-3 NA ERZD" zoning to the north, south and vacant land to the east. The proposed "C-3 NA ERZD C" zoning 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

**Z2003007 C**

**ZONING CASE NO. Z2003007 C** March 4, 2003

Applicant: City of San Antonio

Zoning Request: "R-6" Residential Single Family District to "C-3NA" ERZD C Non-Alcoholic Commercial Sales Edwards Recharge Zone District conditional use for outside storage.

Staff represented this case.

Staff stated there were 37 notices mailed out to the surrounding property owners, 1 returned in opposition and 4 returned in favor.

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 Morell and seconded by Commissioner Grau to recommend approval.

1. Property is located on Lots 2, 3, 8 and 9, Block 1, NCB 17615; Lots 19, 21, 23, 25, 26 and 28, Block 2, NCB 17616 and Lot 18, NCB 17616 at 13000 Block of Western Oak.
2. There were 37 notices mailed, 1 returned in opposition and 4 returned in favor.
3. Staff recommends approval.

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

**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 Z2003007 (Northwest Business Park).

Date: February 4, 2003

### SUMMARY

A request for a change in zoning has been made for approximately 14.29-acres to include Lots 2, 3, 8, and 9 of Block 1 and Lots 19, 21, 23, 25, 26 and 28 of Block 2 and also Lot 18 of Block 3 of Western Oak Drive. A change in zoning from R-6 to C-3 NA ERZD is being requested by the City of San Antonio. The change in zoning will allow for uniform zoning in the area. A site specific category determination will be required for any future development or for sites that undergo redevelopment or a change in their land use.

### LOCATION

The subject tracts are located in City Council District 8, on Western Oak Drive, south of Hausman Road and west of Loop 1604 on the city's far northwest side. 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 for uniform zoning in the area. The property was annexed into the City of San Antonio on December 31, 1997. All of the lots are part of Northwest Business Park. All of the lots pertaining to this zoning case are existing commercial businesses.

2. Surrounding Land Uses:

The primary land use on Western Oaks Drive is commercial. A few lots within Northwest Business Park are currently undeveloped and available for future development.

3. Geologic Features:

The Aquifer Protection & Evaluation Section of the San Antonio Water System conducted an investigation of the referenced property to evaluate any environmental concerns present on the sites. The subject properties can be generally described as commercial businesses. These businesses include

pipe, valve and gasket supply companies, a landscaping business, electrical contractors and subcontractors, home repair/remodeling business and a counter top showroom. All of the properties subject to this rezoning are developed. Therefore, any potential recharge features that may have been present prior to development are no longer visible. According to FEMA flood insurance rate map No. 48029C0233, Lot 18 of Block 3 is partially located on the 100-year flood plain.

4. Point and Non-Point Sources:

- A. The development is served by on-site sewage facilities.
- B. Northwest Business Park holds a Master Water Pollution Abatement Plan (WPAP) approved by the Texas Department of Water Resources, now the Texas Commission on Environmental Quality, on September 27, 1984. The WPAP approval does not require any water pollution abatement structures.

## ENVIRONMENTAL CONCERNS

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

- 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.
- 3. The proper construction, maintenance, and operation of future on-site sewage facilities (septic tanks).

## ENVIRONMENTAL RECOMMENDATIONS


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

- 1. 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.

2. 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 Ordinance No. 81491.
3. 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.
4. 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.
5. 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.
6. 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.
7. 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.

8. 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.

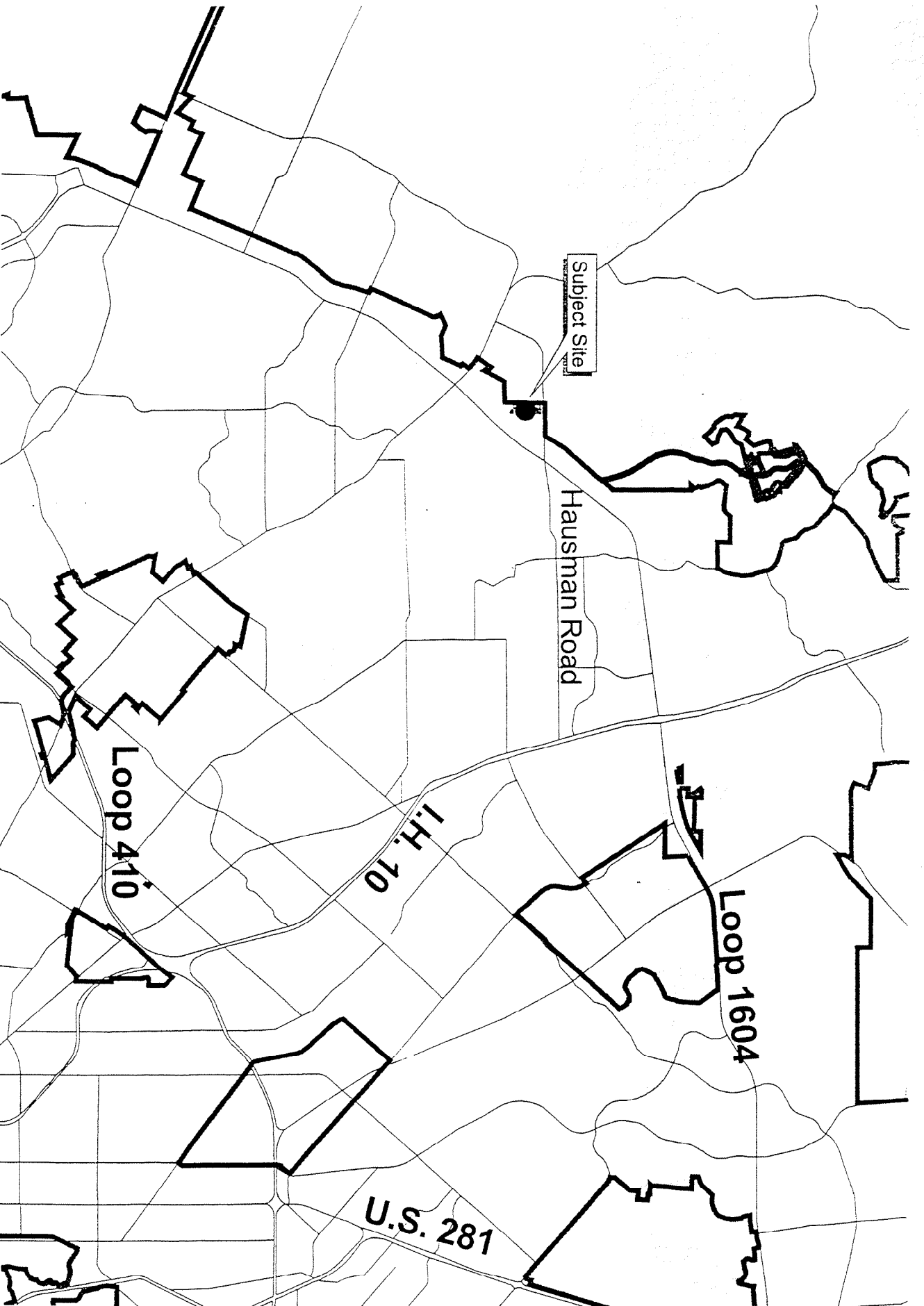
Based on the environmental evaluation of the property, and the information submitted by the applicant, staff recommends approval as long as the applicant agrees to abide by all recommendations contained in this document.

  
Kirk Nixon  
Manager  
Resource Protection Division

APPROVED:

  
Scott R. Halty  
Director,  
Resource Protection & Compliance Department

KMN:KJS



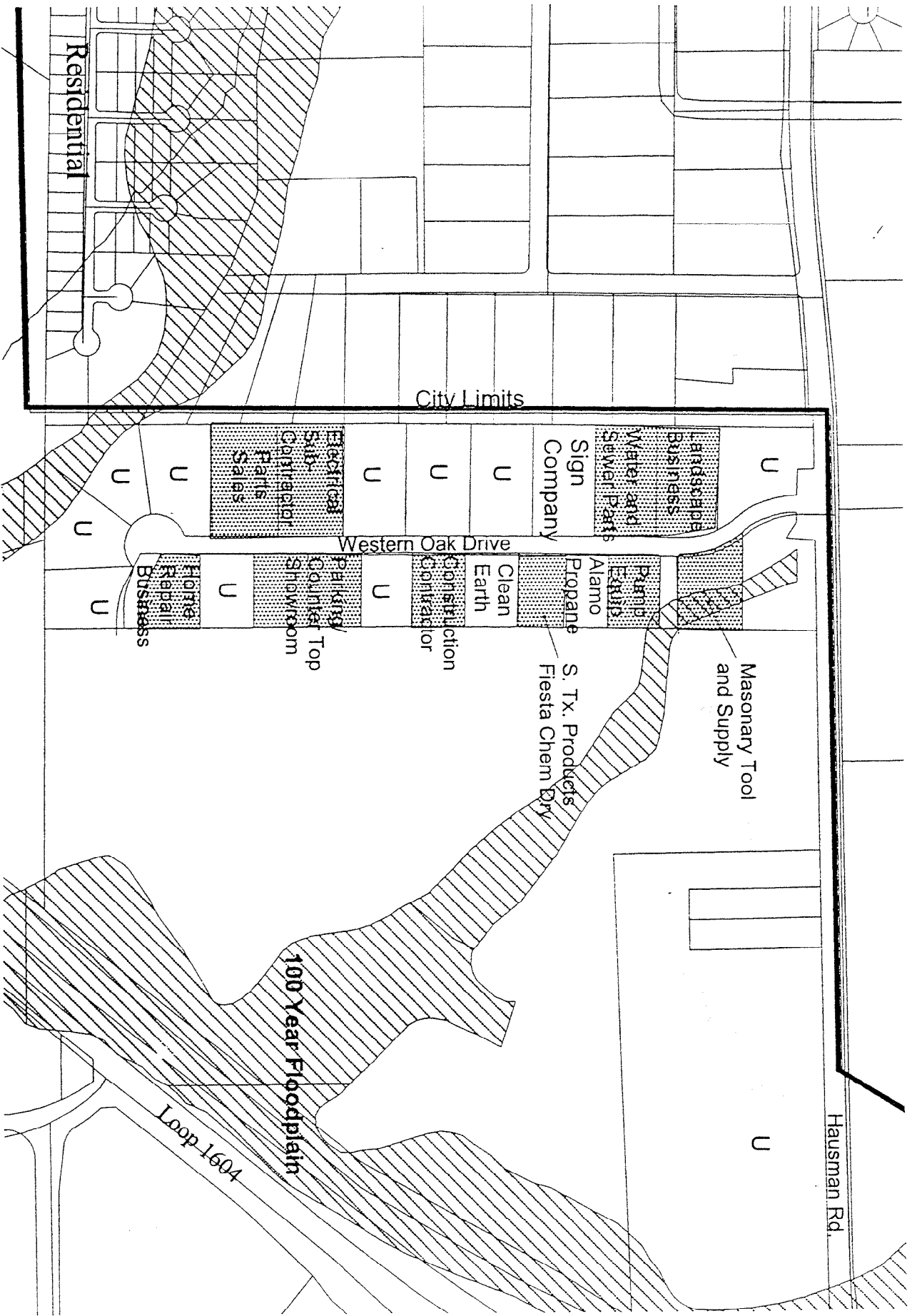
# Northwest Business Park

Z2003007 Figure 1

Map Prepared by Resource Protection & Compliance Department KJS 1/31/2003









# **Northwest Business Park**

**ZZ2003007 Figure 2**

**\* Subject property is partially within the floodplain**

Map Prepared by Resource Protection & Compliance Department KJS 1/31/2003

 Subject Properties  
 Undeveloped



**CITY OF SAN ANTONIO  
OFFICE OF THE CITY COUNCIL  
INTERDEPARTMENTAL CORRESPONDENCE SHEET**

**TO:** Mayor and Council

**FROM:** Councilwoman Bonnie Conner, District 8

**COPIES TO:** Terry Brechtel, City Manager; Florencio Pena, Director Development Services; Roderick Sanchez, Assistant Director Development Services; Andrew Martin, City Attorney; Yolanda Ledesma, Acting City Clerk; Gayle McDaniel, Assistant to Council, Assistants to the Mayor; File

**SUBJECT:** Rezoning of Northwest Business Park

**DATE:** January 8, 2003

I am requesting Council concurrence, to direct staff, to place on the February 18<sup>th</sup> Zoning Commission agenda for their recommendation, and to City Council on February 27<sup>th</sup> for final action on the rezoning of the Northwest Business Park from "R-6" to "C-3NA ERZD".

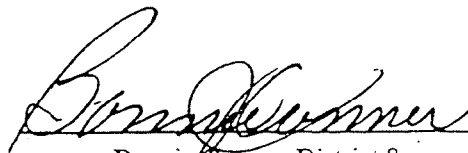
The following are the lots in the Northwest Business Park in which I am requesting rezoning:

Lots 2,3,8,9, Block 1 NCB 17615,  
Lots 19, 21, 23, 25, 26, and 28, Block 2, NCB 17616  
Lot 18, Block 3, NCB 17616

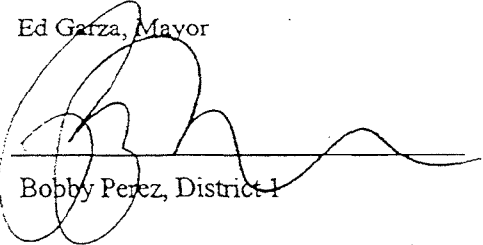
These properties were annexed into the city in 1997 and have not received the compatible zoning they were promised in their annexation agreement. There are many existing businesses along Western Oak Drive with the "R-6" classification. My intent is to have uniformed zoning in the area in an accurate and timely manner.

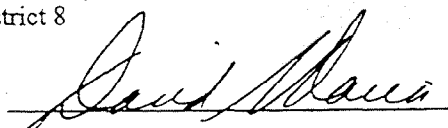
It is requested that all required notification for Commission and Council action be made simultaneously.

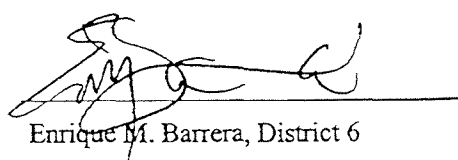
Your favorable consideration of this request is most appreciated.

  
Bonnie Conner, District 8

\_\_\_\_\_  
Ed Garza, Mayor

  
Bobby Perez, District 1


  
David Garcia, District 5

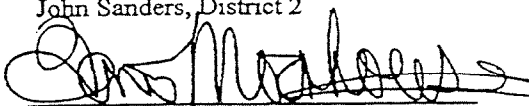
  
Enrique M. Barrera, District 6

2003 JAN 10 PM 2:19

RECEIVED  
CITY OF SAN ANTONIO  
CITY CLERK


\_\_\_\_\_  
John Sanders, District 2

  
\_\_\_\_\_  
Julian Castro, District 7

  
\_\_\_\_\_  
Toni Moorhouse, District 3

\_\_\_\_\_  
Carol Schubert, District 9

\_\_\_\_\_  
Enrique "Kike" Martin, District 4

  
\_\_\_\_\_  
David Carpenter, District 10