

PUBLIC HEARING
TIME CERTAIN
ITEM NO. 4

3:30AM

CITY COUNCIL AGENDA

ZONING CASES

MAY 29, 2003

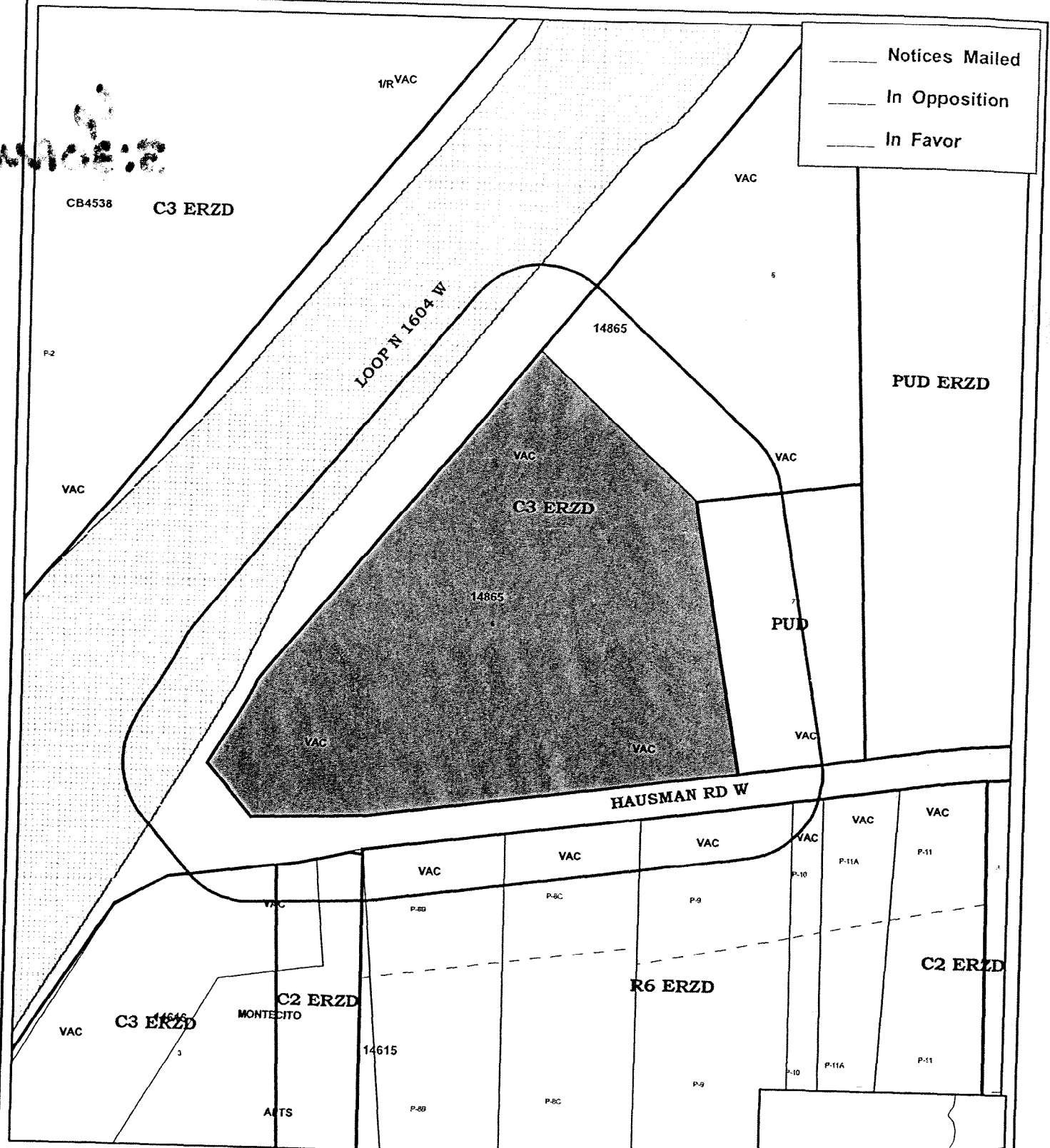
ZONING CASES

COUNCIL DISTRICT

Z2003081

8

Map 2-2

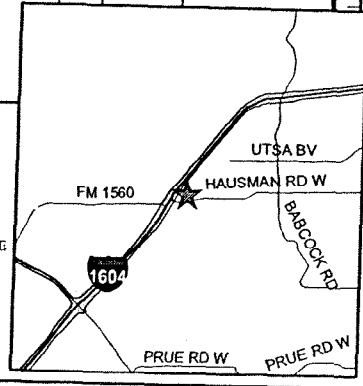


ZONING CASE: Z2003-081

City Council District NO. 8
Requested Zoning Change
From: "C-3" To "C-3 ERZD S"
Date: MAY 29, 2003
Scale: 1" = 300'

- Subject Property
- 200' Notification

T-8.16
p.513
C-8



C: MAY 6, 2003

CASE NO: Z2003081

Staff and Zoning Commission Recommendation - City Council

Date: May 29, 2003

Zoning Commission Meeting Date: May 06, 2003

Council District: 8

Ferguson Map: 513 C-8

Appeal: No

Applicant: Owner

Earl & Brown, P.C.

TWC Associates

Zoning Request: From "C-3 ERZD" Commercial Edwards Recharge Zone District to "C-3 ERZD S" Commercial Edwards Recharge Zone District with a Specific Use Authorization for an automobile dealership over the ERZD

15.89 acres out Lot 6, NCB 14865

Property Location: 8231 Hausman Road

Proposal: For an automobile dealership over the ERZD

Neighborhood Association: None

Neighborhood Plan: None

TIA Statement: A traffic impact analysis is not required.

Staff Recommendation:
Denial, as per SAWS report.

Zoning Commission Recommendation

Approval with conditions

CASE MANAGER : Richard Ramirez 207-5018

<u>VOTE</u>	
FOR	7
AGAINST	2
ABSTAIN	0
RECUSAL	0

CITY OF SAN ANTONIO
OFFICE OF THE CITY COUNCIL
Interdepartmental Correspondence

TO: Terry M. Brechtel, City Manager

FROM: Councilwoman Bonnie J. Conner, District 8

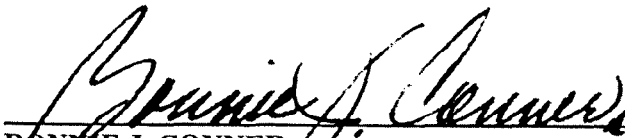
COPIES TO: Mayor and Council; Roderick Sanchez, Assistant Development Services Chris Brady, Assistant City Manager; Andrew Martin, City Attorney; Florencio Peña, Director Development Services Department; Eric Walsh, Assistant to the City Manager; Gayle McDonald, Assistant to the City Council; File

SUBJECT: Zoning Case Z2003081

DATE: May 13, 2003

I am requesting staff to place zoning case number Z2003081 on the City Council May 29, 2003 A Session agenda.

I thank you for your help.



BONNIE J. CONNER
City Councilwoman District 8

RECEIVED
CITY OF SAN ANTONIO
CITY CLERK
2003 MAY 13 P 3:58

**SAN ANTONIO WATER SYSTEM
Interdepartment Correspondence Sheet**

LAND DEVELOPMENT
SERVICES DIVISION

03 APR 24 PM 4: 31

RECEIVED

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 Z2003081 (Gunn Honda)

Date: April 24, 2003

SUMMARY

A request for a change in zoning has been made for an approximate 15.89-acre tract located on the city's northwest side. A change in zoning from "C-3 ERZD" to "C-3 S ERZD" is being requested by the applicant Earl & Brown, P.C., represented by Kenneth W. Brown on behalf of the owner. The change in zoning has been requested to allow for the construction of an automobile dealership with associated maintenance and repair facilities. The property is classified as category 2 property.

LOCATION

The subject property is located in City Council District 8, at the northeast corner of Loop 1604 and Hausman Road. The property lies within the Edwards Aquifer Recharge Zone (Figures 1 and 2).

SITE EVALUATION

1. Development Description:

The proposed change is from C-3 ERZD to C-3 S ERZD and will allow for the construction of an automobile dealership with associated repair and maintenance facilities.

2. Surrounding Land Uses:

The area surrounding the site is undeveloped.

3. Geologic Features:

The Resource Protection Division of the San Antonio Water System conducted an investigation on April 10, 2003 of the referenced property to assess the geologic conditions and evaluate potential environmental concerns present at the site. An abandoned well was present on the site. No significant recharge features were noted during our site investigation, although Edwards outcropping was observed. Additionally, staff reviewed the geologic assessment in the WPAP, prepared by Drash Consulting Engineers, Inc., and no potential recharge features were noted in the assessment. Based on our investigation, staff is not in general agreement with the findings of the Geologic Assessment report. The Geologic Assessment states that the well on the property is plugged, during our site investigation staff confirmed the well is not plugged.

4. Point and Non-Point Sources:

Possible pollution to the Edwards Aquifer due to oil and/or vehicle fluid leaks and/or spills and possible contamination of the Edwards Aquifer via the abandoned well on the site.

5. Water Pollution Abatement Plan:

The Texas Commission on Environmental Quality approved the Gunn Honda Water Pollution Abatement Plan on March 28, 2003.

ENVIRONMENTAL CONCERNS

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

1. Site Specific Concerns:

- A. Contamination from storage of automobile materials such as batteries, antifreeze, solvents and other materials required for maintenance of automobiles.
- B. Contamination from the auto repair and maintenance process for preparation or maintenance of vehicles.
- C. Possible contamination of the Edwards Aquifer via the abandoned well on the site.

2. 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:

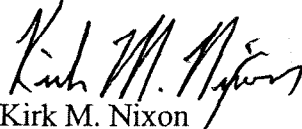
1. The abandoned well must be properly plugged according to the City Code Chapter 34 Division 2 Section 574.
2. Development within the floodplain and floodplain buffer zones must be in accordance with Ordinance No. 81491 governing development on the Edwards Aquifer Recharge Zone in the Floodplain Preservation Area(s).
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.
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, or not allowed, that land use will not be permitted on that site.**
6. All materials or activities related to car preparation, maintenance, cleaning or repair must be protected by a storm resistant structure which shall prevent exposure to rain, stormwater runoff, or snow.
7. There will be no outside storage of materials with the potential for contamination of stormwater runoff.
8. A materials inventory will be kept of all substances stored at the site that have the potential for contamination of stormwater runoff.
9. Automotive products with the potential for contamination of stormwater runoff will be stored in a containment area within the building. The containment area will have the ability to capture approximately 150% of the total volume of liquids stored within the area.

10. The containment areas will not include floor drains to ensure that any spills are cleaned up.
11. A spill kit will be kept on-site for immediate containment and cleanup of accidental spills.
12. Spills of more than 5 gallons will be recorded and reported to TCEQ Region 13 office.
13. No below ground hydraulic lifts will be used at the site. Vehicle lifts used at the site will consist of motor-driven aboveground lifts.
14. No separate storage of battery acid will occur at the site. New batteries will be pre-filled with acid to eliminate the potential for acid spills resulting from "charging" a new battery.
15. New and old batteries will be stored within a locked room or cabinet. The room or cabinet will provide containment of battery fluids in the event of an accidental spill. Old batteries will be checked for cracks, or leaks; any leaking battery will be stored in an acid resistant tub.
16. Containment areas will be checked every day for signs of product leakage or spills. Records will be kept on-site of daily inspection findings. Records will include, date, time of inspection, name of inspector, results of findings, and actions taken if necessary. Records for a moving two-year period will be kept on-site.
17. A wet-process scrubbing machine shall be used to clean the shop area once a week. Cleaning solutions for the wet-process shall be used which remove oil and grease. Manifests shall be kept for the proper disposal of the waste for inspection on-site. SAWS shall approve the wet-process method and cleaning solutions to be used.
18. A pollution prevention and spill response plan shall be prepared and a seminar will be conducted for all employees to ensure all employees are aware of the pollution prevention and spill response plan measures. The San Antonio Water System and TCEQ Region 13 staff will be informed of the seminar, time and place and will be invited to attend.
19. The floor of the work area will be sealed so as to minimize the absorption of the spilled materials into the concrete.
20. Floor drains in the work area will be connected to an oil-water separator before discharging into the sanitary sewer system.
21. Carburetor cleaner and soaking solvents will be kept in a 35-gallon drum. The drum will be equipped with a stainless steel sink mounted on the drum that continuously returns and recycles the cleaning solvent.

22. An area shall be designated for the parking and storage of vehicles that are to be repaired or are brought in for routine maintenance. This area shall be cleaned with a wet-process scrubbing machine twice a year using a cleaning solution that will remove oil and grease. SAWS shall approve the wet-process method and cleaning solutions to be used. A Filter Basin will be constructed for treatment of stormwater runoff from the entire parking lot.
23. A maximum impervious cover of 50% shall be established for the subject property. The greenspace, where possible, should be used for the filtering of stormwater runoff.
24. 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.
25. As a minimum condition of this zoning case, if approved, the owner/operator shall maintain and submit a Spill Prevention and Response Plan to the San Antonio Water System (SAWS) for review and approval. The Spill Prevention and Response 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 with out floor drains 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.

26. A complete operation manual for the facility and facility activities shall be provided to the Resource Protection Division prior to commencing operations.
27. 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.
28. 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.
29. 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.

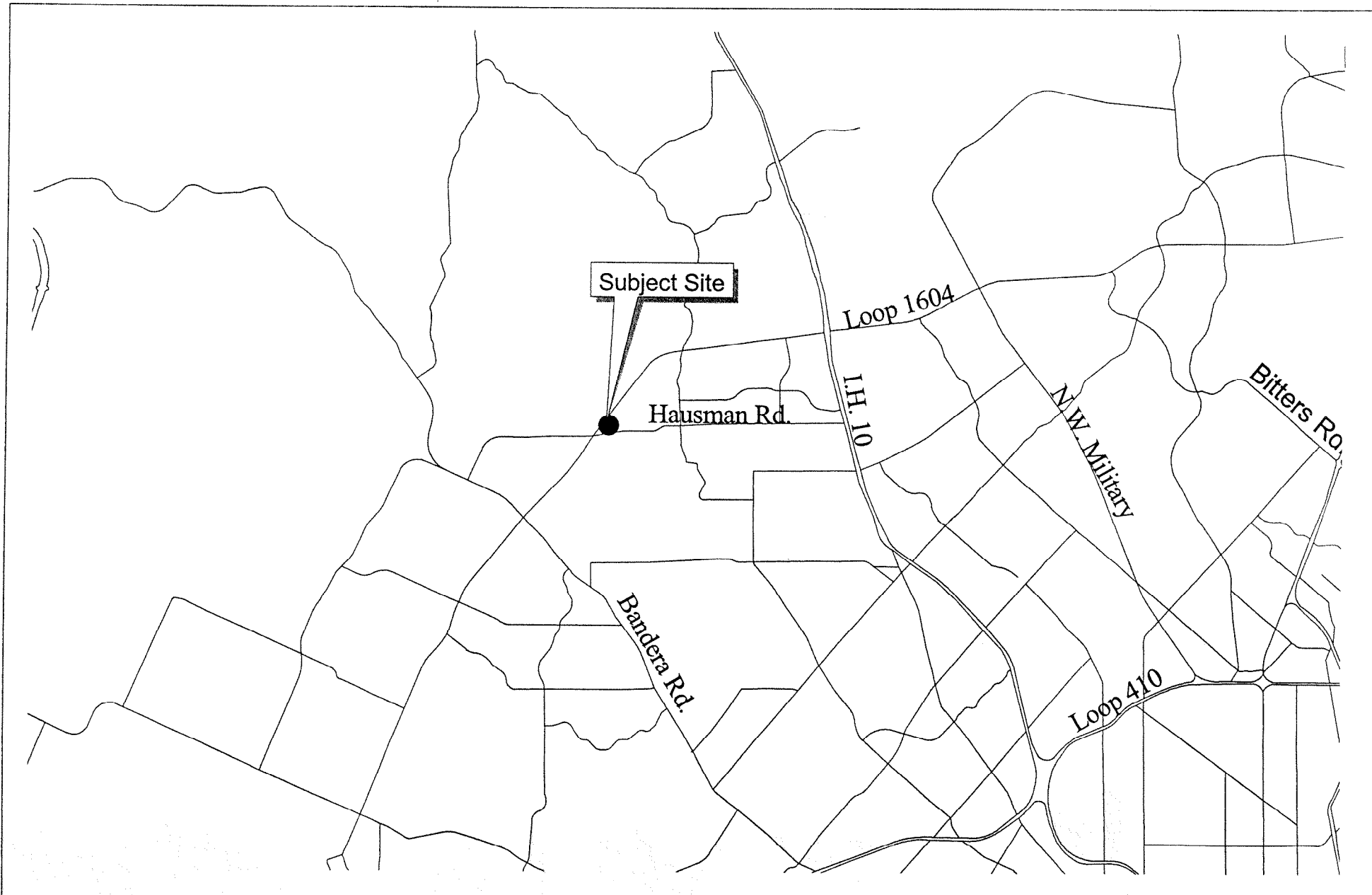
Based on the site evaluation of the property, and the information submitted by the applicant, staff recommends denial of this zoning request.


Kirk M. Nixon
Manager
Resource Protection Division

APPROVED:


Scott R. Halty
Director,
Resource Protection & Compliance Department

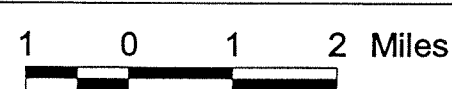
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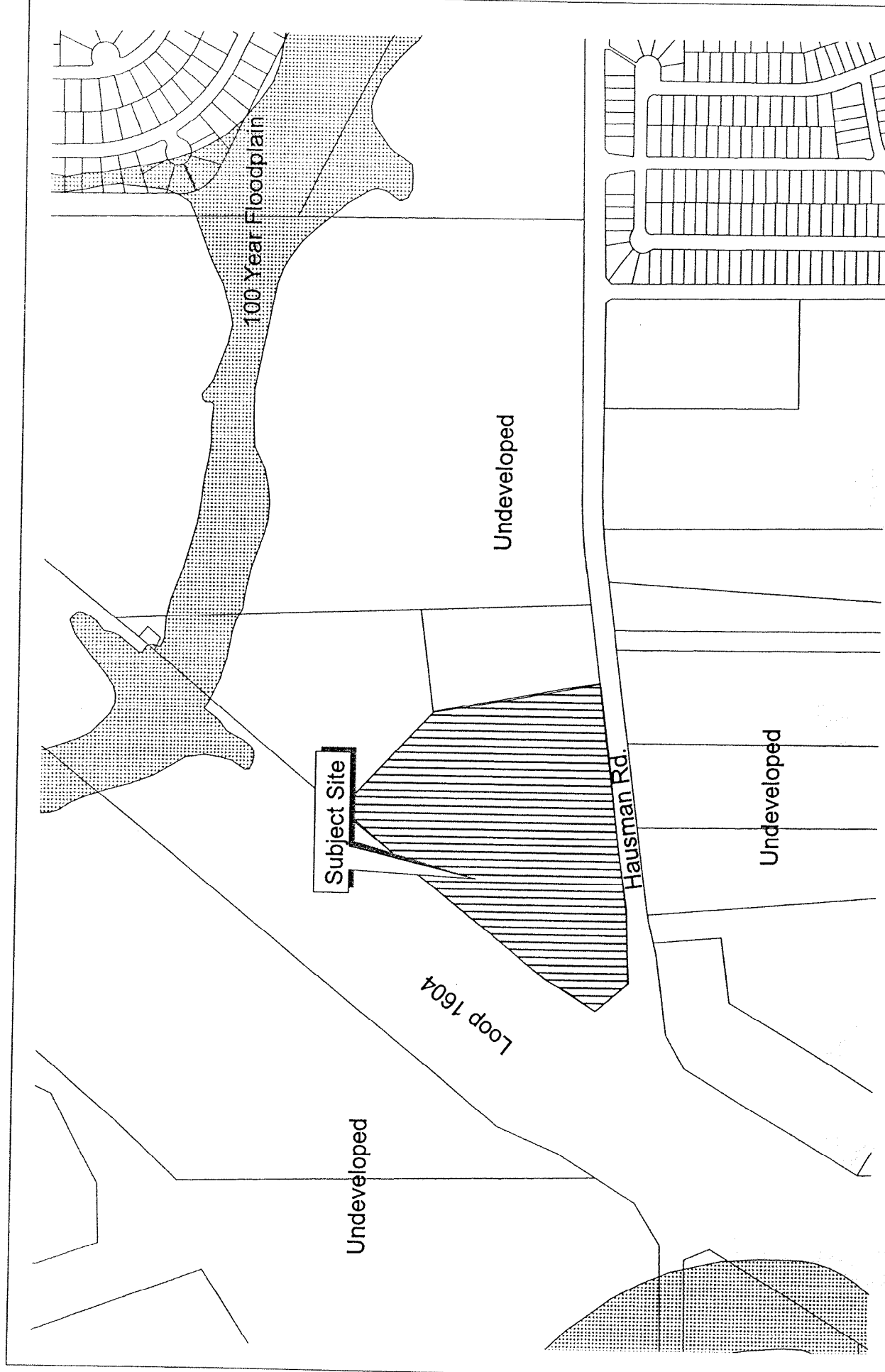


Gunn Honda

Z2003081 Figure 1

Map prepared by the Resource Protection and Compliance Department KJS 04/22/2003





Gunn Honda

Z2003081 Figure 2

Map prepared by the Resource Protection and Compliance Department KJS 04/22/2003



Z2003081

ZONING CASE NO. Z2003081 May 6, 2003

Applicant: Earl & Brown, P. C.

Zoning Request: "C-3" ERZD Commercial Edwards Recharge Zone District to "C-3" S ERZD Commercial Edwards Recharge Zone District with a Specific Use Authorization for an automobile dealership over the ERZD.

Ken Brown, 111 Soledad, representing the owner, stated the purpose of this request is to allow an automobile dealership on the subject property. He stated the hours of operation would be from 9 am to 9 pm Monday through Saturday. They would be protecting the existing trees on the subject property. There would be no auto paint and body or gasoline tanks on site. He further stated they would provide monument signs. He stated they have complied and agree to San Antonio Water Systems recommendations with exception of the 50 percent impervious cover.

Curtis Gunn, 100 Alameda, stated they have been complying with SAWS recommendation at their other facilities. He stated his staff is properly trained for chemical spill incident. He also stated they provide spill kits to all employees. Their chemicals, batteries and all used tires are removed from the site.

Staff stated there were 9 notices mailed out to the surrounding property owners, 0 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 Avila to recommend approval of "C-3" ERZD S for use and authorization of an automobile dealership on the site.

AYES: Martinez, Grau, Hophan, Avila, Morell, Mehringer

NAYS: Kissling, Sherrill

ABSTAIN: Cardenas-Gamez

THE MOTION FAILED

Z2003081

COMMISSION ACTION

The motion was made by Commissioner Morell and seconded by Commissioner Avila to recommend approval of the zoning request with the implementation of the SAWS requirements save and except the impervious cover requirement which is satisfied by the category 2 status of this property.

1. Property is located on 15.89 acres out of Lot 6, NCB 14865 at 8231 Hausman Road.
2. There were 9 notices mailed, 0 returned in opposition and 4 returned in favor.
3. Staff recommends denial.

AYES: Martinez, Grau, Cardenas-Gamez, Hophan, Avila, Morell, Mehringer

NAYS: Kissling, Sherrill

THE MOTION CARRIED.

RESULTS OF NOTICE FOR COUNCIL HEARING

To be provided at Council hearing.