

# CASE NO: Z2003178

## Staff and Zoning Commission Recommendation - City Council

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**Date:** November 13, 2003

**Zoning Commission Meeting Date:** October 07, 2003

**Council District:** 8

**Ferguson Map:** 548 D1

**Appeal:** No

**Applicant:**

Whataburger, Inc.

**Owner:**

Whataburger, Inc.

**Zoning Request:** From "I-1 ERZD" General Industrial Edwards Recharge Zone District to "C-3R ERZD" General Commercial, Restrictive Alcoholic Sales Edwards Recharge Zone District

Lot 1, Block 2, NCB 19189

**Property Location:** 5403 De Zavala

The east side of Silicon Drive north of De Zavala

**Proposal:** To allow for a branch bank with drive-thru windows

**Neighborhood Association:** None

**Neighborhood Plan:** None

**TIA Statement:** A Traffic Impact Analysis is not required

### Staff Recommendation:

Approval. The subject property is located in a "C-3" node. The subject property has existing commercial development to the east, west and south.

**Zoning Commission Recommendation:**

Approval

**CASE MANAGER :** Fred Kaiser 207-7942

### VOTE

<b>FOR</b>	10
<b>AGAINST</b>	0
<b>ABSTAIN</b>	0
<b>RECUSAL</b>	0

**Z2003178**

**ZONING CASE NO. Z2003178 – October 7, 2003**

Applicant: Whataburger, Inc.

Zoning Request: "I-1" ERZD General Industrial Edwards Recharge Zone District to "C-3R" ERZD Commercial Restrictive Alcoholic Sales Edwards Recharge Zone District.

William Schock, 10000 San Pedro, representing the applicant, stated they are requesting this change in zoning to allow a banking facility with drive-thru windows on the subject property. He stated the property is currently zoned "I-1" for industrial use, which would not allow for a bank.

Staff stated there were 7 notices mailed out to the surrounding property owners, 0 returned in opposition and 1 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 Peel and seconded by Commissioner Grau to recommend approval.

1. Property is located on Lot 1, Block 2, NCB 19189 on Silicon Drive.
2. There were 7 notices mailed, 0 returned in opposition and 1 in favor.
3. Staff recommends approval.

**AYES: Martinez, Grau, Cardenas-Gamez, Kissling, Dutmer, Dixon, Sherrill,  
McAden, Avila, Peel**

**NAYS: None**

**THE MOTION CARRIED**

**RESULTS OF NOTICE FOR COUNCIL HEARING**

To be provided at Council hearing.

Z2003178  
2003 SEP 25 A 8:58  
SERVICES

**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 Z2003178 (Bank of America)

**Date:** September 25, 2003

**SUMMARY**

A request for a change in zoning has been made for an approximate 0.765-acre tract located on the city's northwest side. A change in zoning from "I-1 ERZD" to "C-3 ERZD" is being requested by the applicant, D. Carl Kocurek, Jr. on behalf of the owner. The change in zoning has been requested to allow for the construction of a Bank of America. The property has been designated as Category 1 property.

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

**LOCATION**

The subject property is located in City Council District 8, on the northwest corner of De Zavala Road and I.H. 10. The property lies within the Edwards Aquifer Recharge Zone (Figures 1 and 2).

**SITE EVALUATION**

1. Development Description:

The proposed change is from "I-1 ERZD" to "C-3 ERZD" and will allow for the construction of a Bank of America.

2. Surrounding Land Uses:

A Whataburger is located immediately east of the property. A Walmart Supercenter is located to the west of the site. To the south is a shopping strip center.

3. Geologic Features:

The Resource Protection Division of the San Antonio Water System conducted an evaluation on September 10, 2003 of the referenced property to assess the geologic conditions and evaluate any environmental concerns present at the site. SAWS staff Geologist, Gregory James, P.G., was present during the site evaluation and observed no significant recharge features. No bedrock outcrops were observed onsite. A combination of alluvium and fill material overlays the property. Bedrock at this site most likely consists of the Cyclic and Marine members of the Edwards Limestone.

4. Water Pollution Abatement Plan:

The property lies within the Datapoint Subdivision WPAP. The plan was approved by the TCEQ on July 24, 1998.

## **ENVIRONMENTAL CONCERNS**

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

1. 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.

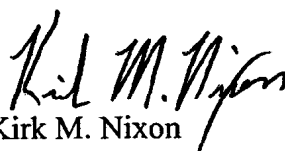
## **ENVIRONMENTAL RECOMMENDATIONS**

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

- 1. 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).
- 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.

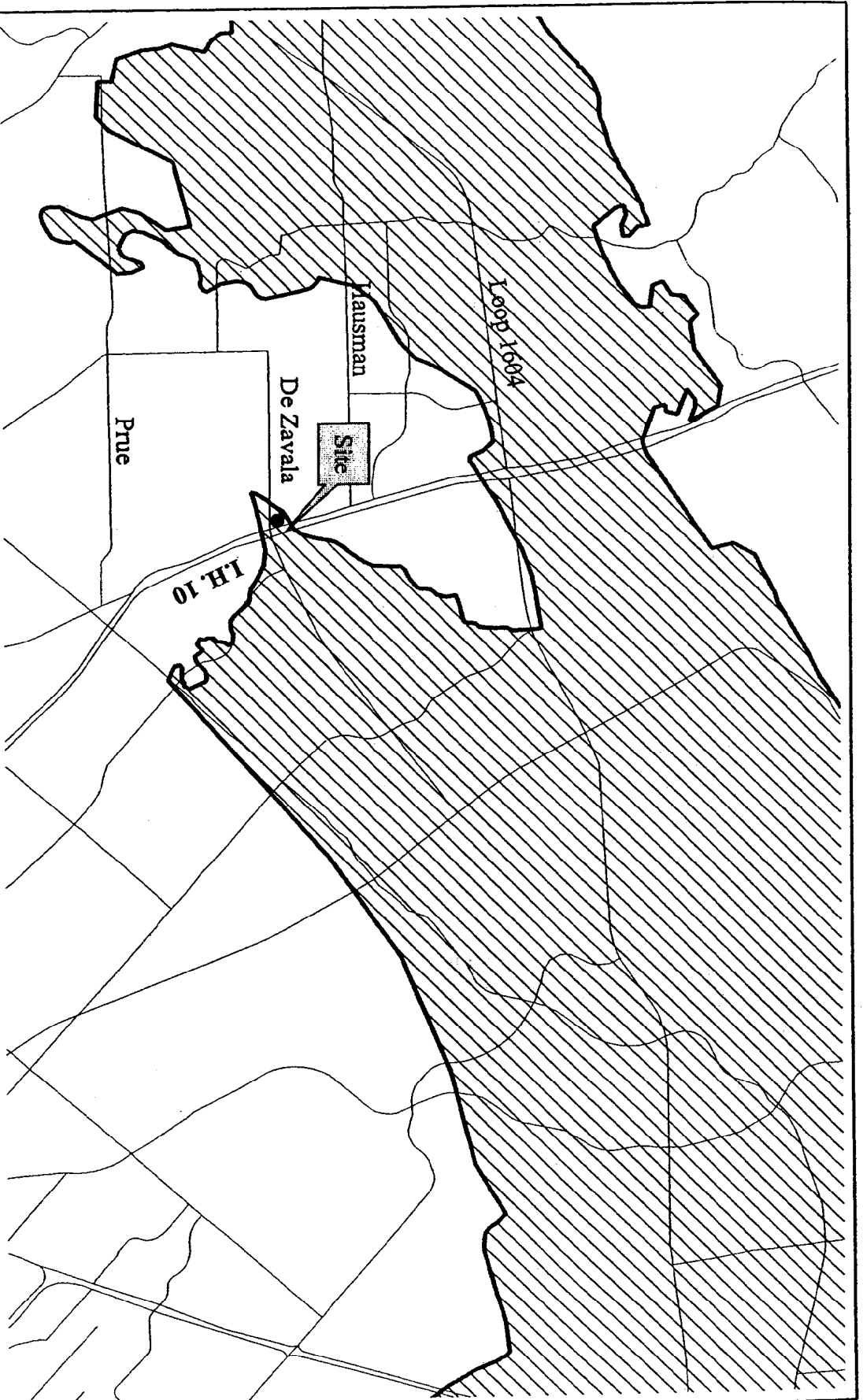
3. The land uses within the commercial zoned areas shall be in conformance with the table of permitted uses at the time the re-zoning is approved. Should a proposed use be listed as requiring City Council approval, the owner/operator shall apply for re-zoning for that particular use at that site. If 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. 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.
5. 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.
6. 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.
7. 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 approval provided that the applicant agrees to abide by all recommendations contained in this document.

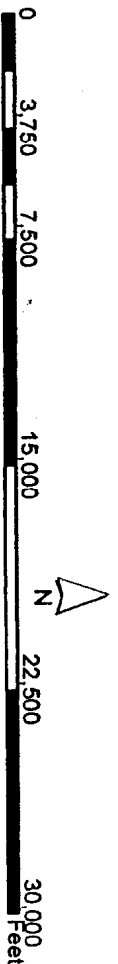
  
Kirk M. Nixon  
Manager  
Resource Protection Division

APPROVED:

  
Scott R. Halty  
Director,  
Resource Protection & Compliance Department

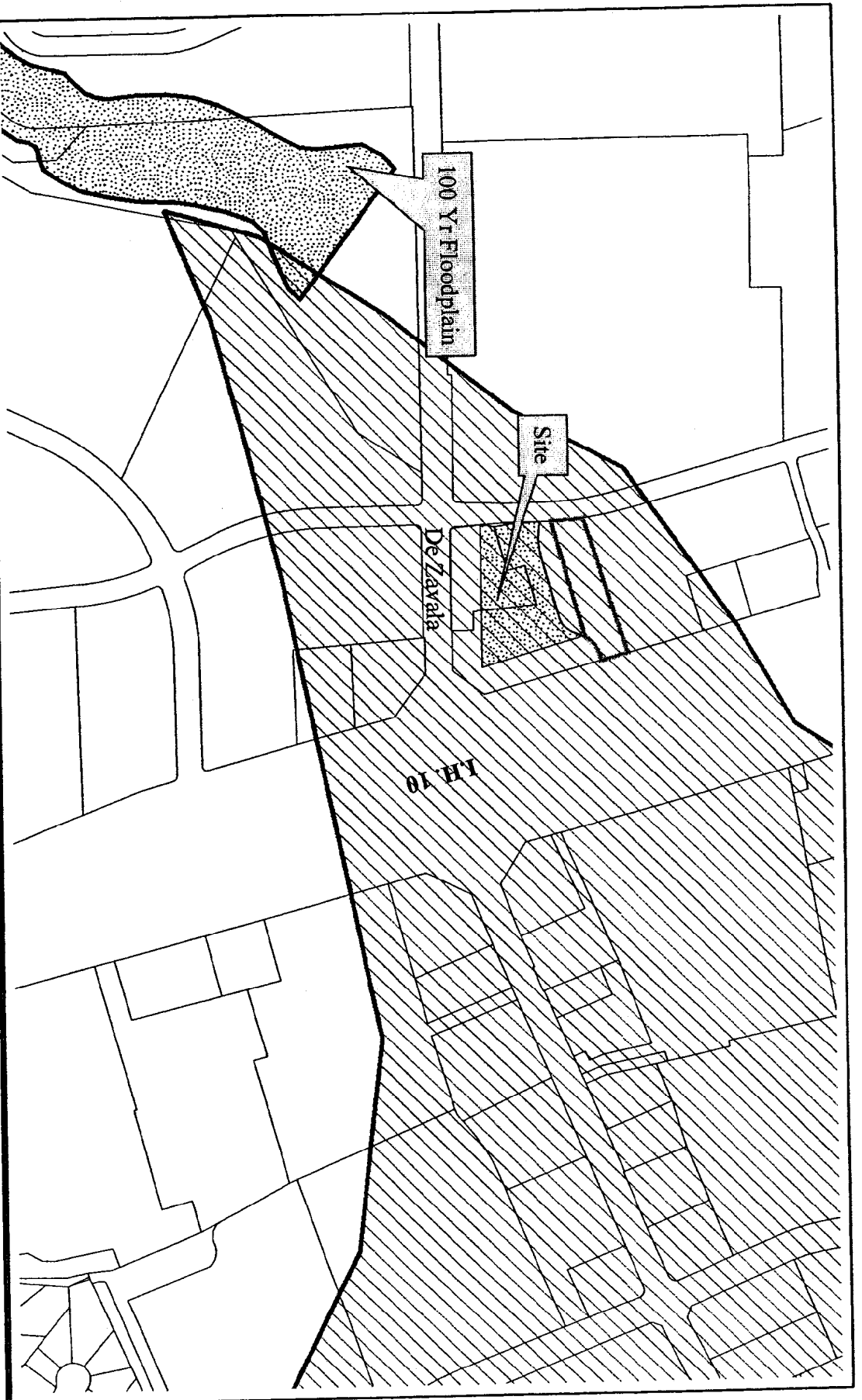


Zoning Case: Z2003178 Figure 1  
Bank of America



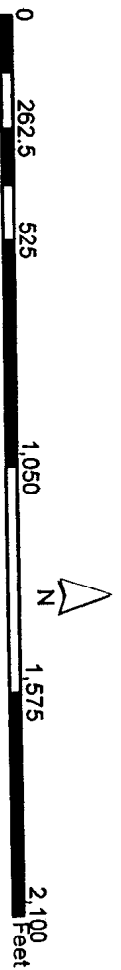
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Map prepared by Aquifer Protection & Evaluation KJS 9/23/2003



Zoning Case: Z2003178 Figure 2

Bank of America



Map prepared by Aquifer Protection & Evaluation KJS 9/23/2003

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