

# **ZONING CASE: Z2003-149**

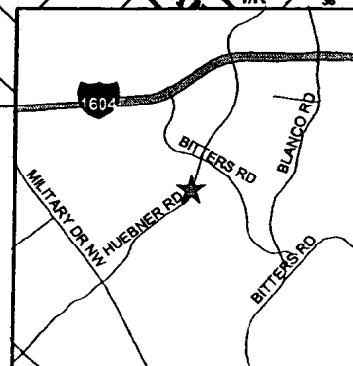
City Council District NO. 9  
 Requested Zoning Change  
 From: "PUD R-6 ERZD" To "C-2 NA ERZD"  
 Date: November 13, 2003  
 Scale: 1" = 150'

■ Subject Property  
 ○ 200' Notification

T-9  
 D.515  
 E-5



C/AUG\_15\_2003



# CASE NO: Z2003149

## Staff and Zoning Commission Recommendation - City Council

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**Date:** November 13, 2003

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

**Council District:** 9

**Ferguson Map:** 515 F5

**Appeal:** No

**Applicant:**

Owner

Inwood Heights Holding, Ltd.

Inwood Heights Holding, Ltd.

**Zoning Request:**

From "R-6 PUD ERZD" Planned Unit Development Residential Single-Family Edwards Recharge Zone District to "C-2 NA ERZD" Commercial Non-Alcoholic Sales Edwards Recharge Zone District

4.43 acres out of Lots 51, 52, 53, 54, 55, 56 and 65, Block 6, NCB 18346, P-1A, NCB 17858, and P-1C, NCB 17857

**Property Location:**

16000 Block of Huebner

580 feet northeast of Gateview Drive on the west side of Huebner Road

**Proposal:**

To operate a daycare and other offices

**Neighborhood Association:**

Regency Park and Inwood Homeowners Association (within 200 feet)

**Neighborhood Plan:**

None

**TIA Statement:**

A traffic impact analysis is not required

**Staff Recommendation:**

Denial. "R-6 ERZD" Residential Single-Family Edwards Recharge Zone District exists south and east of the subject property. An elementary school is located south of the property. The rezoning request is not compatible with surrounding residential land use and would extend commercial zoning along Huebner Road in a strip fashion.

**Zoning Commission Recommendation**

Approval

**VOTE**

**FOR** 10

**AGAINST** 0

**ABSTAIN** 0

**RECUSAL** 0

**CASE MANAGER :** Mona Lisa Faz 207-7945

**Z2003149**

**ZONING CASE NO. Z2003149** – October 7, 2003

Applicant: Inwood Heights Holding, Ltd.

Zoning Request: "R-6" PUD ERZD Residential Single Family Planned Unit  
Development Edwards Recharge Zone District to "C-2NA" ERZD  
Commercial Nonalcoholic Sales Edwards Recharge Zone District.

Sam Bledsoe, 1035 Central Parkway North, representing the owner, stated they are proposing a daycare center, a dance studio and a karate studio. He stated he has been in contact with the surrounding homeowners in the area who are in support of the proposed development. He further stated they have agreed to put restrictions on certain uses that are also allowed in the "C-2NA" zoning such as automotive uses, housing, all retail, restaurants, movie rentals, laundry dry cleaning facilities, pawn shops and palm reading.

Staff stated there were 13 notices mailed out to the surrounding property owners, 1 returned in opposition and 0 returned in favor and no response from Regency Park and Inwood Homeowners Associations.

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-2NA" ERZD.

1. Property is located on 4.43 acres out of Lots 51 thru 55 and 65, Block 6, NCB 18346, P-1A, NCB 17858 and P-1C, NCB 17857 in the 16000 Block of Huebner.
2. There were 13 notices mailed, 1 returned in opposition and 0 in favor.
3. Staff recommends denial.

**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.

**SAN ANTONIO WATER SYSTEM DEV. SERVICES**  
**Interdepartment Correspondence Sheet**

2003 AUG -6 A 9:33

**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 Z2003149 (The Heights III)

**Date:** July 31, 2003

**SUMMARY**

A request for a change in zoning has been made for an approximate 4.43-acre tract located on the city's northeast side. A change in zoning from "PUD ERZD" to "O-2 ERZD and O-2 S ERZD" is being requested by the owner, Peter A. Dwyer, President of Inwood Heights Holdings, Ltd. The change in zoning has been requested to allow for the owner to construct a day care facility and several commercial offices.

An official request for category determination has been received by the Resource Protection Department. This request is currently under review. If based on the information provided, this property is determined to be a Category 2 property it 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".

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 9, along Huebner Road, south of Bitters Road. The property lies within the Edwards Aquifer Recharge Zone (Figures 1 and 2).

**SITE EVALUATION**

**1. Development Description:**

The proposed change is from PUD ERZD to O-2 ERZD and O-2 S ERZD and will allow for the construction of several commercial offices and a day care facility. Currently, the property is undeveloped.

2. Surrounding Land Uses:

A residential subdivision is adjacent to the north of the site. Huebner Elementary School is located to the south of the property. A Methodist Church is located to the east, across Huebner Road.

3. Geologic Features:

The Resource Protection Division of the San Antonio Water System conducted an evaluation on July 29, 2003 of the referenced property to assess the geologic conditions and evaluate any environmental concerns present at the site. SAWS staff Geologist, Gregory James, was present during the site evaluation. The Heights III contains outcrops of Buda Limestone (Kbu), Del Rio Clay (Kdr) and Persons Formation (Kep). Site evaluation was limited by extremely dense vegetation and thick coverage of alluvium. Features located onsite consist of fractured rock, closed depressions and solution cavities. No sensitive features were observed during the site evaluation. SAWS staff also reviewed a geologic assessment performed in 1993 by Raba-Kistner Consultants, Inc. on the subject property. SAWS is in agreement with the assessment. Currently, the site is densely vegetated, preventing observation of features. Based on our evaluation, staff is in general agreement with the findings of the Geologic Assessment report.

4. Water Pollution Abatement Plan:

The site is contained within the Rosewood/The Heights III Subdivision WPAP, approved by the TNRCC on June 22, 1994.

## ENVIRONMENTAL CONCERNS

The environmental concerns associated with this commercial 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.

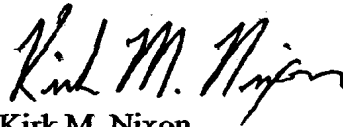
## ENVIRONMENTAL RECOMMENDATIONS

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

1. Upon clearing of the site, SAWS Resource Protection Division shall be notified to allow for investigation of the any sensitive features identified in the WPAP. 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.
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.

Zoning Commission Members  
Z2003149 (The Heights III)  
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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.



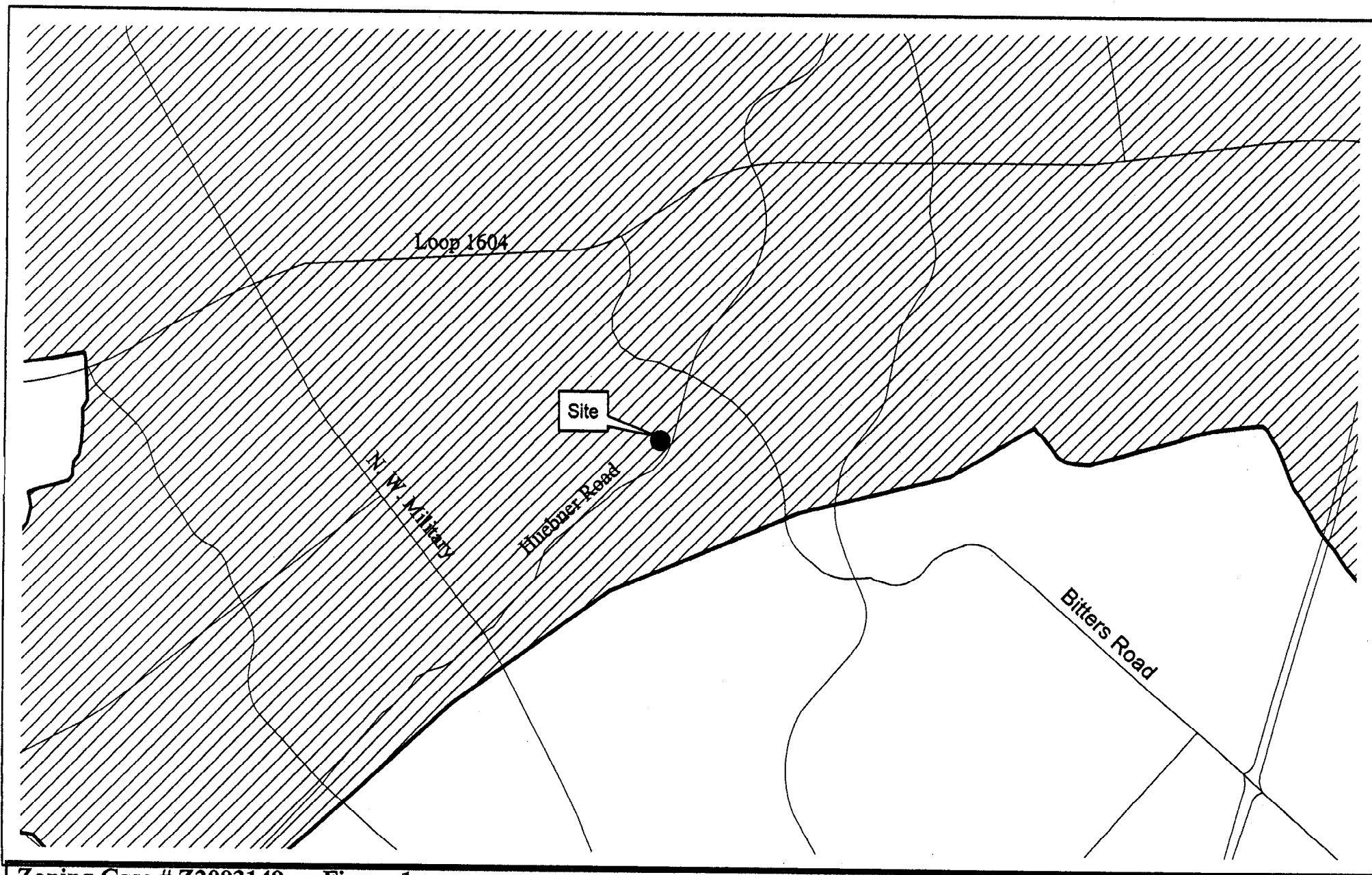
Kirk M. Nixon  
Manager  
Resource Protection Division

APPROVED:



Scott R. Halty  
Director,  
Resource Protection & Compliance Department

KMN:KJS



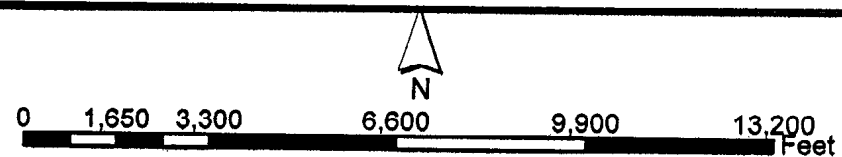
Zoning Case # Z2003149    Figure 1

The Heights III

Map Page 515 F5

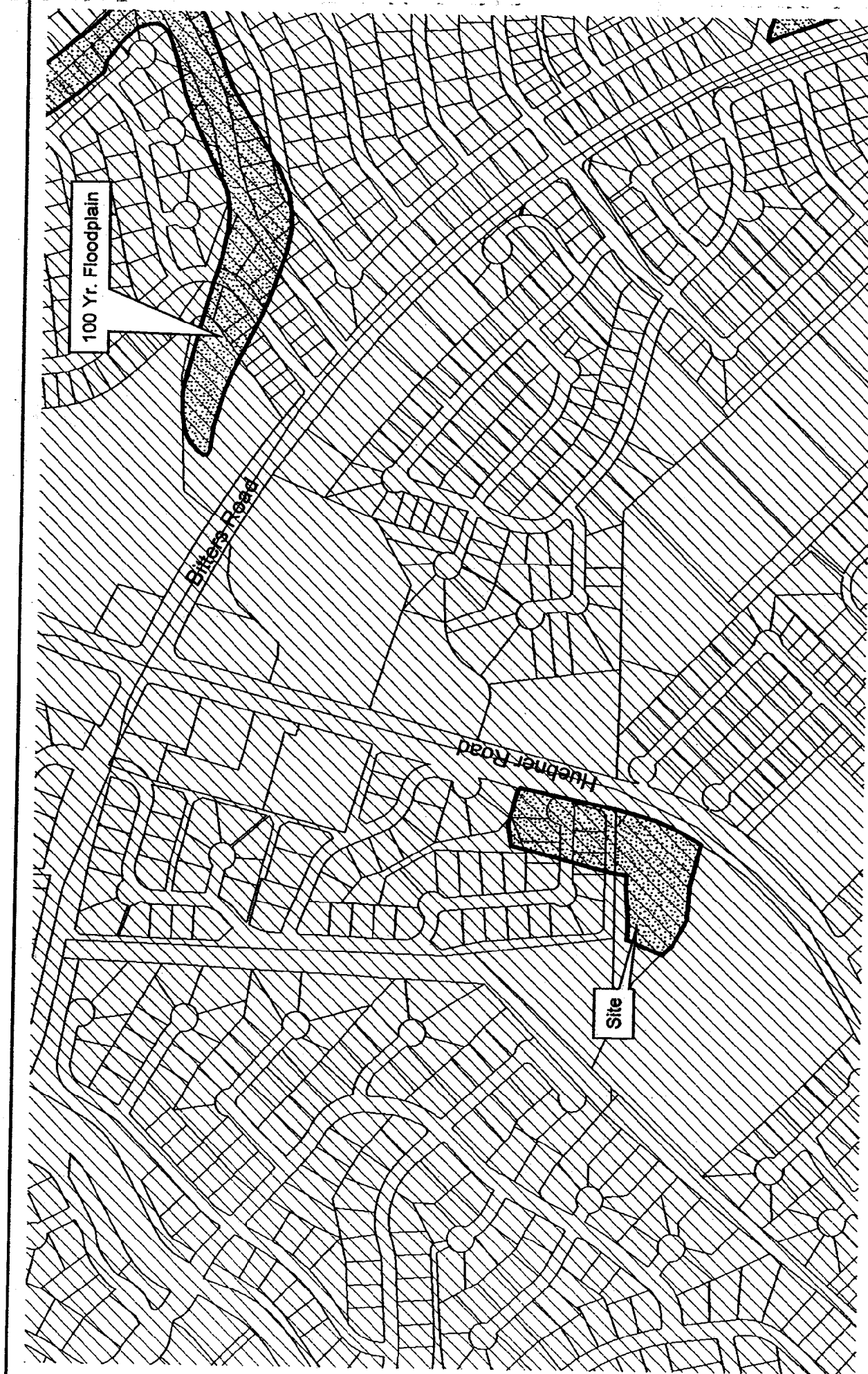
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Map prepared by Aquifer Protection & Evaluation KJS 7/28/2003



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Zoning Case # Z2003149 Figure 2

The Heights III

Map Page 515 F5

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Map prepared by Aquifer Protection & Evaluation KJS 7/28/2003