

CASE NO: Z2003101C S

Staff and Zoning Commission Recommendation - City Council

Zoning Commission continuance from July 15, 2003, August 5, 2003, August 19, 2003 and September 16, 2003
City Council continuance from February 12, 2004, February 26, 2004, March 25, 2004 and April 8, 2004

Date: May 13, 2004

Zoning Commission Meeting Date: October 21, 2003

Council District: 8

Ferguson Map: 515 B7

Appeal: No

Applicant:

Owner

J. Allen Family Partner, Ltd.

Rogers Shavano Ranch, Ltd.

Zoning Request: From "C-2 ERZD" Commercial Edwards Recharge Zone District to "C-2 NA ERZD C S" Commercial Non-Alcoholic Sales Edwards Recharge Zone District with a Conditional Use for a Mini-Storage Facility and a Specific Use Authorization for a Mini-Storage Facility exceeding 2.5 acres

A 5.6-acre tract of land out of NCB 17627

Property Location: Southwest of De Zevala and Old Lockhill-Selma Road (not open for public access)

The west side of Old Lockhill-Selma Road, 700 feet north of the intersection of Lockhill-Selma Road and Old Lockhill-Selma Road (not open for public access)

Proposal: Mini-storage facility exceeding 2.5 acres

Neighborhood Association: Shavano Heights Neighborhood Association

Neighborhood Plan: None

TIA Statement: A traffic impact analysis is not required.

Staff Recommendation:

Approval. The subject property is adjacent to "C-2 ERZD" Commercial Edwards Recharge Zone District to the northwest (CPS substation), "R-6 ERZD" Residential Single-Family Edwards Recharge Zone District to the southwest (Vulcan Quarry), "PUD R-6 ERZD" Planned Unit Development Residential Single-Family Edwards Recharge Zone District to the southeast and "C-3 ERZD" General Commercial Edwards Recharge Zone District across Old Lockhill-Selma Road to the northeast. Access will be from Lockhill-Selma Road (See attached exhibit map). The "C-2 NA ERZD C S" Commercial Non-Alcoholic Sales Edwards Recharge Zone District with a Conditional Use and Specific Use Authorization for a mini-storage facility exceeding 2.5 acres would be appropriate considering the location and adjacent land uses. Staff recommends the following conditions: 1. Outside Lighting shall be directed away from the "PUD R-6 ERZD" Planned Unit Development Residential Single-Family Edwards Recharge Zone District. 2. Landscape screening shall be a Type "D" buffer adjacent the "PUD R-6 ERZD" Planned Unit Development Residential Single-Family Edwards Recharge Zone District.

Zoning Commission Recommendation

Approval with staff's conditions

VOTE

FOR 9

AGAINST 0

ABSTAIN 0

RECUSAL 0

CASE MANAGER : Richard Ramirez 207-5018

**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 Z2003101 (Mini Storage)

Date: May 22, 2003

SUMMARY

A request for a change in zoning has been made for an approximate 5.6-acre tract located on the city's northwest side. A change in zoning from "C-2 ERZD" to "C-3 NA ERZD" is being requested by the applicant J. Allen Family Partner, LTD., on behalf of the owner. The change in zoning has been requested to allow for the owner to construct a mini storage facility.

As of the date of this report, an official request for a category determination or an official request for a "substantial alteration" determination has not been received by the Aquifer Protection & Evaluation Division. Based on the information provided, this property is a Category 2 property and 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".

LOCATION

The subject property is located in City Council District 8, along Old Lockhill Selma Road which has gated access by CPS. The property lies within the Edwards Aquifer Recharge Zone (Figures 1 and 2).

SITE EVALUATION

1. Development Description:

The proposed change is from C-2 to C-3 NA and will allow for the construction of a mini storage facility. The property is currently undeveloped. Currently, it is unclear how access will be gained to the property, since Old Lockhill Selma Road is not open for public access.

2. Surrounding Land Uses:

Immediately north of the site a C.P.S. substation exists. An undeveloped tract is also located immediately north of the site, plans have been submitted to develop this tract into Shavano Ridge Unit 7 which will be residential. Just north of the proposed Shavano Ridge Unit 7 is an additional residential neighborhood, Shavano Ridge Unit 1. The property immediately to the east of the site is currently undeveloped. A residential neighborhood is located south of the property. The Vulcan Quarry is adjacent to the west of the property.

3. Geologic Features:

The Resource Protection Division of the San Antonio Water System conducted a site investigation on May 12, 2003 of the referenced property to assess the geologic conditions and evaluate any environmental concerns present at the site. The property is covered in a dense mixture of native vegetation that limited observation of onsite geology. Soils predominantly consisted of alluvium with Edwards Limestone float material. Onsite geology was evaluated by Gregory James, Environmental Geologist, and consisted predominately of outcrops of the Cyclic and Marine Members of the Edwards Formation. These outcrops were characterized by well-weathered rock with some dissolution features present. No significant recharge features were noted during the site investigation.

4. Water Pollution Abatement Plan:

The property is contained within the West Shavano Development WPAP. The Texas Water Commission approved the WPAP on November 18, 1992.

ENVIRONMENTAL CONCERNS

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

1. Site Specific Concerns:

- A. The unauthorized storage of chemicals and/or hazardous materials in storage units.

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

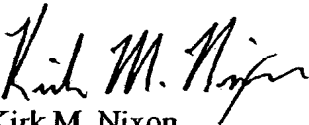
The following recommendations address the environmental concerns raised by the construction of this development on the Edwards Aquifer Recharge Zone:

1. All persons leasing a storage unit shall be informed, in the lease agreement, that storage of chemicals and/or hazardous materials is not permitted. A copy of the standard lease agreement should also be submitted to SAWS for review. Staff from the Aquifer Protection and Evaluation Section of SAWS reserves the right to randomly inspect, without notice, any or all units to ensure compliance.
2. The owner or agent shall provide a copy of the standard lease agreement to the Aquifer Protection and Evaluation Section of the San Antonio Water System for their approval.
3. 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).
4. 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.
5. 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.
6. The land uses within the property 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.
7. 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.


8. All approved chemical storage areas shall be constructed with a depressed floor, with out floor drains to contain and assist with the cleanup of any spilled chemicals.
9. 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.
10. All stormwater run-off from the development shall be directed to a water pollution abatement system that shall be approved by the Aquifer Protection & Evaluation Division of the San Antonio Water System prior to the release of any building permits.
11. After the water pollution abatement structure construction is complete and prior to the start of business, the owner shall notify the Resource Protection & Compliance Department at (210) 704-7392 to schedule a site inspection.
12. All water pollution abatement structures shall be properly maintained and kept free of trash, tall vegetation and debris.
13. According to the provisions contained in the Edwards Rules 30 TAC, Section 213.5 (b)(5), the WPAP applicant is responsible for maintaining the permanent water pollution abatement structures and all other BMP's after construction until such time as the maintenance obligation is either assumed in writing by another entity having ownership or control of the property (such as without limitation, an owner's association, a new property owner or lessee, a district, or municipality) or the ownership of the property is transferred to the entity. Such entity shall then be responsible for maintenance until another entity assumes such obligations in writing.
14. 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.
15. 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.
16. 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
Z2003101 (Mini Storage Facility)
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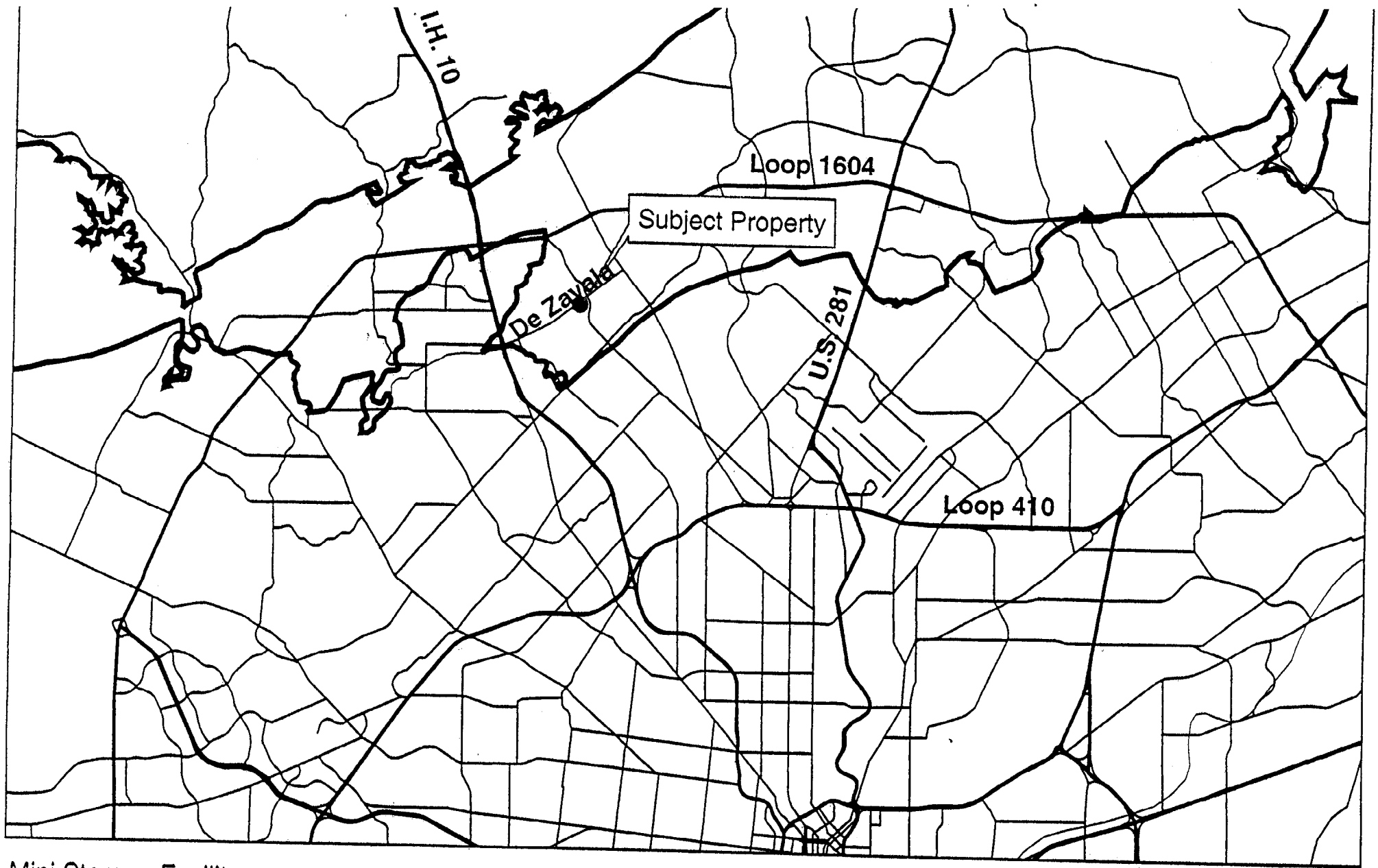
Based on the site evaluation of the property, and the information submitted by the applicant, staff recommends approval as long as the applicant agrees to abide by all recommendations contained in this document.


Kirk M. Nixon
Manager
Resource Protection Division

APPROVED:


Scott R. Halty
Director,
Resource Protection & Compliance Department

KMN:KJS



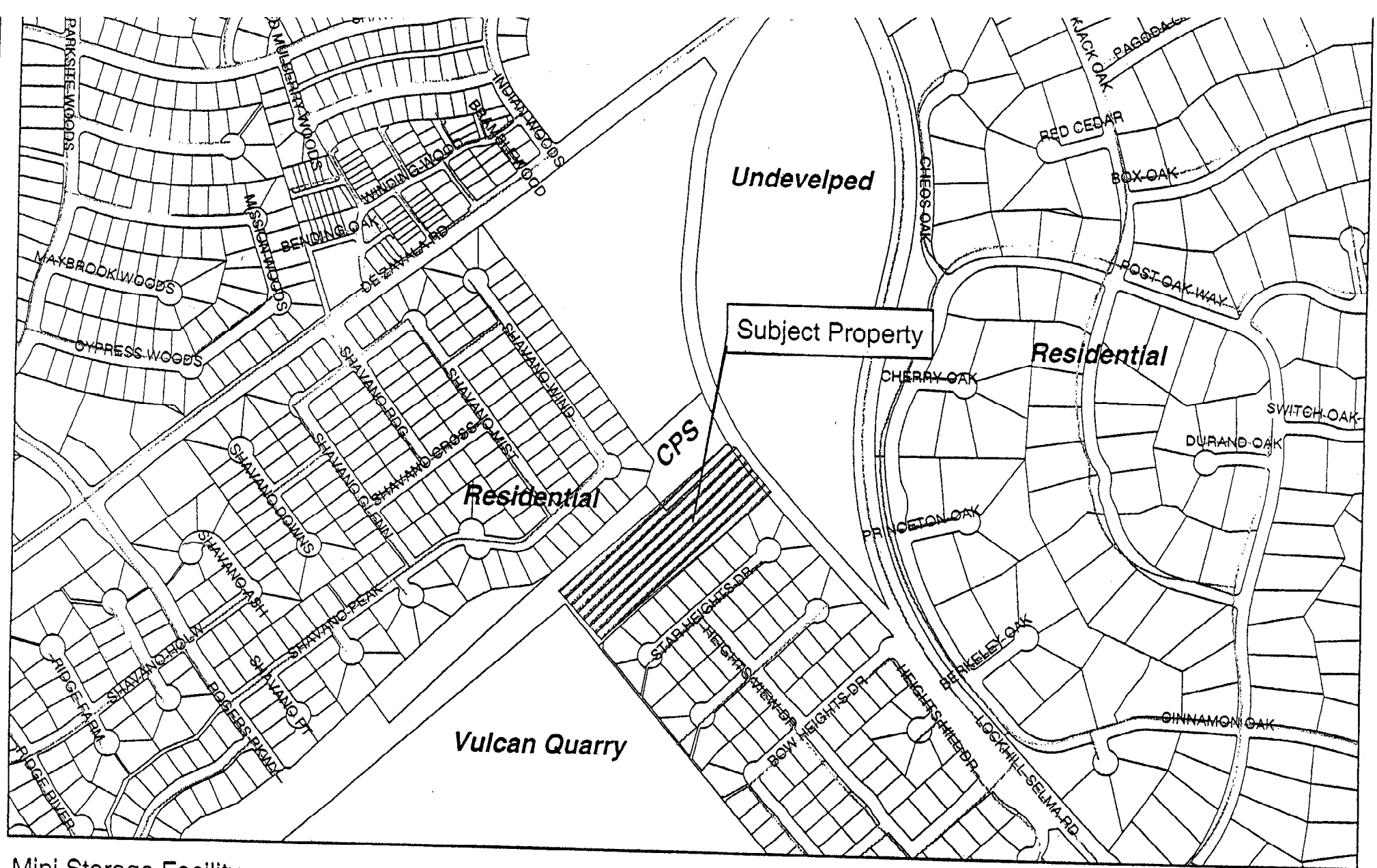
Mini Storage Facility

Z2003101

Figure 1

Map was prepared by the Resource Protection Division KJS 5/13/2003





Mini Storage Facility

Z2003101

Figure 2

Map was prepared by the Resource Protection Division KJS 5/13/2003

Z2003101 C S

ZONING CASE NO. Z2003101 C – July 15, 2003

Applicant: J. Allen Family Partner, Ltd.

Zoning Request: “C-2” ERZD Commercial Edwards Recharge Zone District to “C-2NA” ERZD C S Commercial Non-Alcoholic Sales Edwards Recharge Zone District with a Conditional Use for a Mini-Storage facility with a Specific Use Authorization for a mini-storage facility exceeding 2.5 acres.

Andy Guerrero, 3134 Ranker, representing the applicant, stated he would like to request a continuance to have more time to discuss this proposed change with the surrounding homeowners.

OPPOSE

Clyde Baker, 13419 Star Heights, stated his only concern is how this zoning change may affect his property values.

REBUTTAL

Andy Guerrero, stated the purpose of the continuance is to meet with the surrounding property owners to address their concerns.

Staff stated there were 37 notices mailed out to the surrounding property owners, 7 returned in opposition and 6 returned in favor and no response from Shavano Heights 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 Morell and seconded by Commissioner McAden to recommend a continuance until August 5, 2003.

1. Property is located on 5.6 acres of land out of NCB 17627 at Old Lockhill Selma Road.
2. There were 37 notices mailed, 7 returned in opposition and 6 returned in favor.
3. Staff recommends approval.

AYES: Martinez, Grau, Kissling, Sherrill, McAden, Avila, Morell, Mehringer

NAYS: None

THE MOTION CARRIED.

Z2003101 C S

ZONING CASE NO. Z2003101 C – August 5, 2003

Applicant: J. Allen Family Partner, Ltd.

Zoning Request: “C-2” ERZD Commercial Edwards Recharge Zone District to “C-2NA” ERZD C S Commercial Non-Alcoholic Sales Edwards Recharge Zone District with a Conditional Use for a Mini-Storage facility with a Specific Use Authorization for a mini-storage facility exceeding 2.5 acres.

Andy Guerrero, 3134 Ranker, representing the applicant, stated he would like to request a 2-week continuance to have more time to discuss this proposed change with the surrounding homeowners.

Staff stated there were 37 notices mailed out to the surrounding property owners, 7 returned in opposition and 6 returned in favor and no response from Shavano Heights 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 Morell and seconded by Commissioner Grau to recommend a continuance until August 19, 2003.

1. Property is located on a 5.6 acre tract of land out of NCB 17627 at Old Lockhill Selma Road.
2. There were 37 notices mailed, 7 returned in opposition and 6 returned in favor.
3. Staff recommends approval.

AYES: Martinez, Grau, Kissling, Sherrill, McAden, Avila, Morell, Mehringer

NAYS: None

THE MOTION CARRIED.

ZONING CASE NO. Z2003101 C S – August 19, 2003

Applicant: J. Allen Family Partner, Ltd.

Zoning Request: “C-2” ERZD Commercial Edwards Recharge Zone District to “C-2NA” ERZD C S Commercial Non-Alcoholic Sales Edwards Recharge Zone District with a Conditional Use for a Mini-Storage facility and a Specific Use Authorization for a mini-storage facility exceeding 2.5 acres.

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Andy Guerrero, 3134 Ranker, representing the applicant, stated he has been working with the surrounding property owners and they are still discussing this proposing zoning request. Therefore, he would like to request a 30-day continuance.

Staff stated there were 37 notices mailed out to the surrounding property owners, 7 returned in opposition and 6 returned in favor and no response from Shavano Heights 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 Morell and seconded by Commissioner McAden to recommend a continuance until September 16, 2003.

1. Property is located on a 5.6 acre tract of land out of NCB 17627 at Old Lockhill Selma Road.
2. There were 37 notices mailed, 7 returned in opposition and 6 returned in favor.
3. Staff recommends approval.

AYES: Martinez, Grau, Cardenas-Gamez, Kissling, Dutmer, Dixon, Sherrill, McAden, Avila, Morell, Mehringer

NAYS: None

THE MOTION CARRIED.

ZONING CASE NO. Z2003101 C S – September 16, 2003

COMMISSIONER MORELL WAS RECUSED FROM THIS CASE.

Applicant: J. Allen Family Partner, Ltd.

Zoning Request: "C-2" ERZD Commercial Edwards Recharge Zone District to "C-2NA" ERZD C S Commercial Nonalcoholic Sales Edwards Recharge Zone District with a Conditional Use for a Mini Storage Facility and a Specific Use Authorization for a Mini-Storage Facility exceeding 2.5 acres.

Andy Guerrero, representing the applicant, stated he would like to request a continuance until October 21, 2003 to have more time to further discuss the proposed zoning change with the surrounding property owners.

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Staff stated there were 37 notices mailed out to the surrounding property owners, 7 returned in opposition and 6 returned in favor and no response from Shavano Heights 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 Peel and seconded by Commissioner Dutmer to recommend a continuance until October 21, 2003.

1. Property is located on 5.6 acre tract of land out of NCB 17627 at Old Lockhill Selma Road.
2. There were 37 notices mailed, 7 returned in opposition and 6 in favor.
3. Staff recommends approval.

AYES: Martinez, Cardenas-Gamez, Dutmer, Dixon, McAden, Avila, Peel

NAYS: Grau

RECUSED: Morell

THE MOTION CARRIED

ZONING CASE NO. Z2003101 C S – October 21, 2003

Applicant: J. Allen Family Partner, Ltd.

Zoning Request: "C-2" ERZD Commercial Edwards Recharge Zone District to "C-2NA" ERZD C S Commercial Non-Alcoholic Sales Edwards Recharge Zone District with a Conditional Use for a Mini-Storage Facility and a Specific Use Authorization for a Mini-Storage Facility exceeding 2.5 acres.

Andy Guerrero, 3134 Renker, representing the applicant, stated they would like to request a 30-day continuance. He further stated they are still working on deed restrictions that have been requested by the surrounding property owners.

Staff stated there were 37 notices mailed out to the surrounding property owners, 7 returned in opposition and 6 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.

Z2003101 C S

COMMISSION ACTION

The motion was made by Commissioner Peel and seconded by Commissioner McAden to recommend approval with the following conditions: 1.) Outside lighting shall be directed away from the PUD "R-6" ERZD Planned Unit Development Residential Single Family Edwards Recharge Zone District; 2.) Landscape screening shall be a Type "D" buffer adjacent the PUD "R-6" ERZD Planned Unit Development Residential Single Family Edwards Recharge Zone District.

1. Property is located on a 5.6 acre tract of land out of NCB 17627 at Old Lockhill Selma Road.
2. There were 37 notices mailed, 7 returned in opposition and 6 in favor.
3. Staff recommends approval.

AYES: Martinez, Grau, Kissling, Dutmer, Dixon, Sherrill, McAden, Avila, Peel

NAYS: None

THE MOTION CARRIED

RESULTS OF NOTICE FOR COUNCIL HEARING

To be provided at Council hearing.