

# **ZONING CASE: Z2004-075 C**

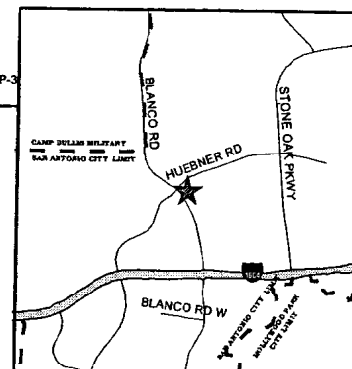
City Council District NO. 9  
 Requested Zoning Change  
 From: "C-2 ERZD" To "C-2 C ERZD"  
 Date: May 27, 2004  
 Scale: 1" = 200'

Subject Property  
 200' Notification

**B-8**  
**p.482**



C:\APR\_6\_2004  
 (A. Z.)



# CASE NO: Z2004075 C

## Staff and Zoning Commission Recommendation - City Council

Zoning Commission Continuance from April 20, 2004

Date: May 27, 2004

Zoning Commission Meeting Date: May 04, 2004

Council District: 9

Ferguson Map: 482 C8

Appeal: No

Applicant:

Alan Lindskog

Owner:

Amreit Income & Growth Fund, Ltd.,

**Zoning Request:** From C-2 ERZD Commercial Edwards Recharge Zone District to C-2 C ERZD Commercial Edwards Recharge Zone District with conditional use for a nightclub

0.0918 Acres out of NCB 19214

**Property Location:** 19210 Huebner Road

**Proposal:** To open a bar exceeding 2,000 square feet

**Neighborhood Association:** Stoneoak and Sonterra Property Owners Associations

**Neighborhood Plan:** None

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

### Staff Recommendation:

Approval. The subject property is located within a developing commercial/office plaza at the Huebner/Blanco commercial node. A golf course exists north of the property. The property is not immediately adjacent to residential zoning or uses. The requested zoning is to allow a bar that exceeds the 2,000 square footage requirement for classification as a bar or tavern in the UDC, and shall thus be considered a nightclub use due to its size. The location of the subject property within an office plaza, and at a major intersection is an appropriate use considering surrounding commercial and office uses.

### Zoning Commission Recommendation:

Approval with the following conditions: 1. No outdoor events or entertainment shall be permitted. 2. Property shall maintain compliance with the City's sound ordinance. 3. Marquee, flashing and blinking signs shall be prohibited. 4. All signage shall maintain compliance with the City's sign code. 5. Hours of operation shall be limited to 2 a.m. on everyday save Sunday evening when hours will be prohibited to midnight.

### VOTE

FOR	9
AGAINST	0

CASE MANAGER : Mona Lisa Faz 207-7945

ABSTAIN	0
RECUSAL	0

**Z2004075 C**

**ZONING CASE NO. Z2004075 C** – April 20, 2004

Applicant: Alan Lindskog

Zoning Request: “C-2” ERZD Commercial Edwards Recharge Zone District to “C-2” C ERZD Commercial Edwards Recharge Zone District with conditional use for a nightclub.

Alan Lindskog, 11550 IH 10 W., representing the owner, stated he would like to request a continuance for two weeks to have more time to review San Antonio Water Systems (SAWS) comments.

Staff stated there were 5 notices mailed out to the surrounding property owners, 0 returned in opposition and 2 returned in favor and there was no response from Sonterra Property Owners Association. Stoneoak Property Owners Association is 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 McAden and seconded by Commissioner Dixon to recommend a continuance until May 4, 2004.

1. Property is located on 0.0918 acres out of Lot 5, Block 18, NCB 19214 at 19210 Huebner Road.
2. There were 5 notices mailed, 0 returned in opposition and 2 in favor.
3. Staff recommends approval.

**AYES: Martinez, Dutmer, Dixon, Sherrill, McAden, Avila, Stribling, Peel**

**NAYS: None**

**THE MOTION CARRIED**

**ZONING CASE NO. Z2004075 C** – May 4, 2004

Applicant: Alan Lindskog

Zoning Request: “C-2” ERZD Commercial Edwards Recharge Zone District to “C-2” C ERZD Commercial Edwards Recharge Zone District with conditional use for a nightclub.

Alan Lindskog, 11550 IH 10 W., representing the owner, stated they are proposing to operate an open bar exceeding 2,000 square feet. He stated their hours of operation would be from 2pm till 2am. He stated the Project Planning Committee of Stone Oak has issues a variance to their property restrictions and this is a tenant specific variance. He stated this means when this tenant no longer pursues this business the permitted uses no longer exist. He further stated they have met with the Commissioner McAden and have agreed on a series of restrictions that are as follows: 1.) No outdoor events or entertainment shall be permitted; 2.) Property shall maintain compliance with the City's sound ordinance; 3.) Marquee, flashing and blinking signs shall be prohibited; 4.) All signage shall maintain compliance with the City's sign code; 5.) Hours of operation shall be limited to 2 a.m. on everyday save Sunday evening when hours will be prohibited to midnight.

Staff stated there were 5 notices mailed out to the surrounding property owners, 0 returned in opposition and 2 returned in favor and Stone Oak Property Owners Association is in favor and no response from the Sonterra Property Owner 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 McAden and seconded by Commissioner Grau to recommend approval of "C-2" C ERZD with the following conditions: 1.) No outdoor events or entertainment shall be permitted; 2.) Property shall maintain compliance with the City's sound ordinance; 3.) Marquee, flashing and blinking signs shall be prohibited; 4.) All signage shall maintain compliance with the City's sign code; 5.) Hours of operation shall be limited to 2 a.m. on everyday save Sunday evening when hours will be prohibited to midnight.

1. Property is located on 0.0918 acres out of Lot 5, Block 18, NCB 19214 at 19210 Huebner Road.
2. There were 5 notices mailed, 0 returned in opposition and 2 in favor.
3. Staff recommends approval.

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

**NAYS: None**

### **THE MOTION CARRIED**

### **RESULTS OF NOTICE FOR COUNCIL HEARING**

To be provided at Council hearing.

**SAN ANTONIO WATER SYSTEM**  
**Interdepartment Correspondence Sheet**

DEV. SERVICES

2004 MAR 26 P 1:53

**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 Z2004075 (Blanco Pointe)

**Date:** March 16, 2004

**SUMMARY**

A request for a change in zoning has been made for an approximate 0.091-acre tract located on the city's north side. A change in zoning from "C-2 ERZD" to "C-2 C ERZD" is being requested by the applicant Mr. Alan Lindskog, P.E., on behalf of the owner. The change in zoning has been requested to allow for the owner to lease the retail facility as a Martini Bar.

**As of the date of this report, an official request for a site specific 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".**

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, at the southeast intersection of Blanco and Huebner 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-2 ERZD to C-2 C ERZD and will allow for the operation of a Martini Bar.

### **2. Surrounding Land Uses:**

A residential subdivision lies south of the property. A commercial retail shopping strip is west and north of the site. To the east of the site is a golf course.

### **3. Geologic Features:**

The Resource Protection Division of the San Antonio Water System conducted an evaluation on March 12, 2004 of the referenced property to assess the geologic conditions and evaluate any environmental concerns present at the site. SAWS staff Geologist, Mr. Gregory James, P.G., was present during the site evaluation and observed no significant recharge feature. Using the U.S. Geological Survey Water-Resources Investigations Report 95-4030 it was determined that the subject site is underlain by the Basal Nodular Member of the Edwards Aquifer. This could not be confirmed visually due to heavy weathering of outcrops and extensive coverage by alluvium. Additionally, staff reviewed the geologic assessment in the WPAP, prepared by HBC Engineers, and no potential recharge features were discovered on the site. 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 Blanco Pointe Shopping Center Water Pollution Abatement Plan, approved by the TECQ on December 15, 2003.

## **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.

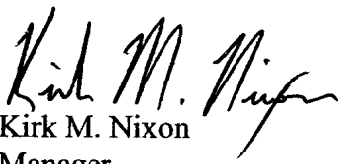
## ENVIRONMENTAL RECOMMENDATIONS

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. 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.
4. 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.
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.

Zoning Commission Members  
Z2004075 (Blanco Pointe)  
Page 4

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.

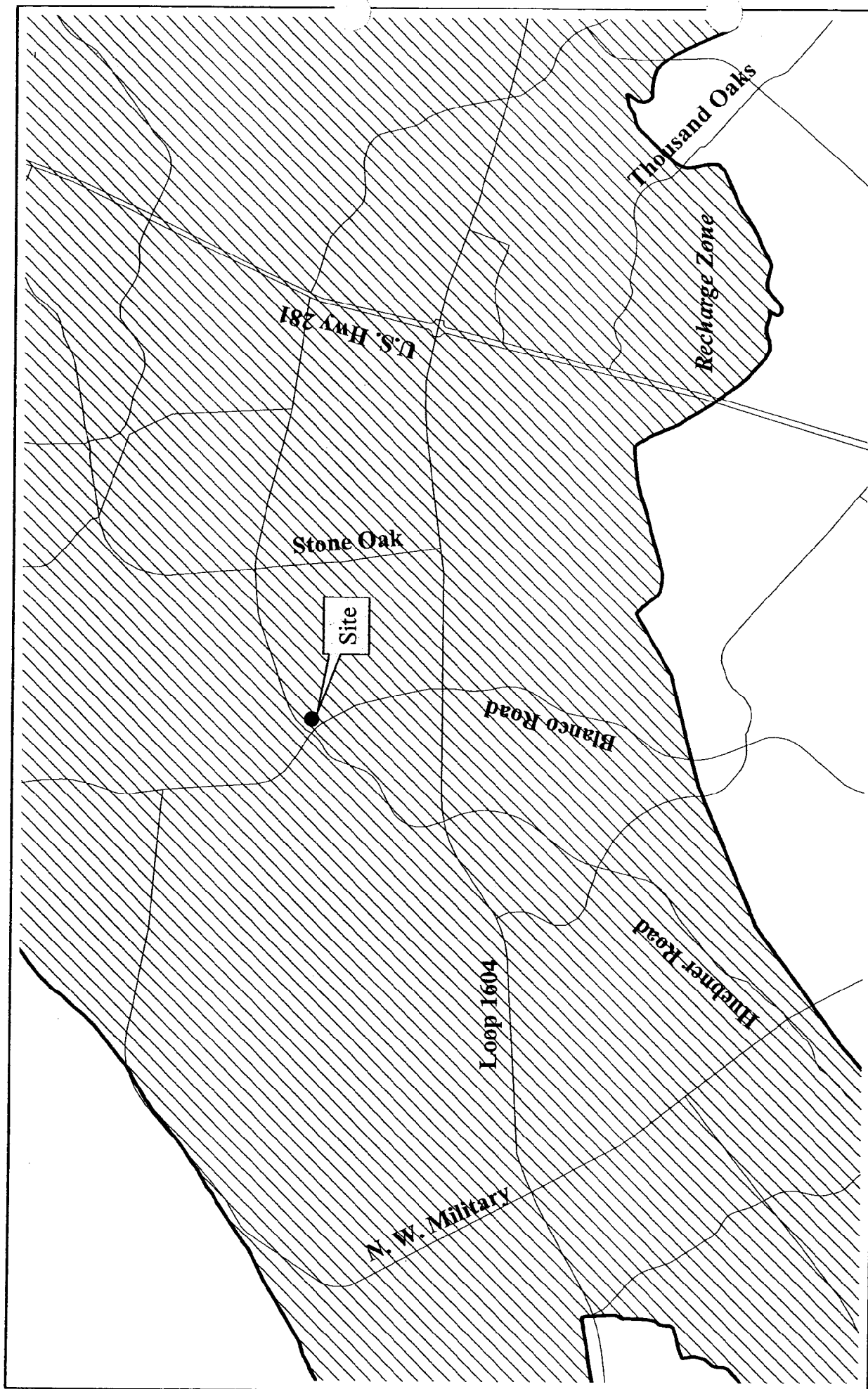
  
Kirk M. Nixon  
Manager  
Resource Protection Division

APPROVED:

  
Scott R. Halty  
Director,  
Resource Protection & Compliance Department

KMN:KJS





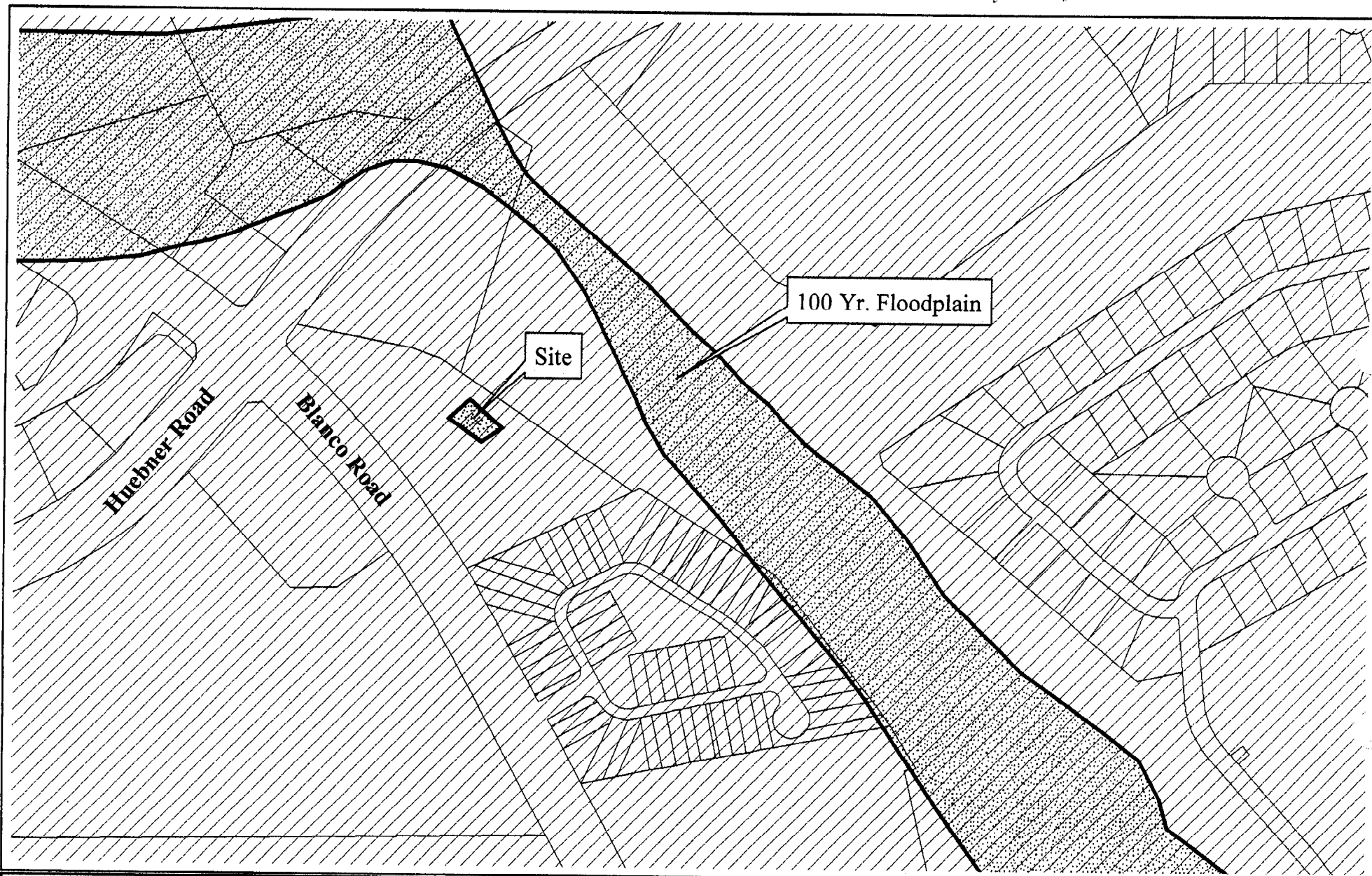
Zoning Case Z2004075 Figure 1

Blanco Point

Map Page 482 C8

X= 2123604 Y=13773880

Map prepared by Aquifer Protection & Evaluation KJS 3/15/2004



**Zoning Case Z2004075 Figure 2**

**Blanco Point**

**Map Page 482 C8**

**X= 2123604 Y=13773880**

**Map prepared by Aquifer Protection & Evaluation KJS 3/15/2004**

