

ZONING CASE: Z2004-065

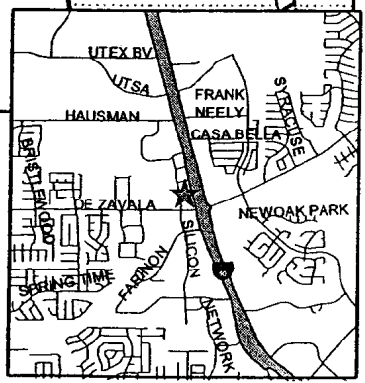
City Council District NO. 8
 Requested Zoning Change
 From: "I-1 ERZD" To "C-3 ERZD"
 Date: June 24, 2004
 Scale: 1" = 200'

- Subject Property
- 200' Notification

D-8
 p.514



C:\JAN_6_2004
 (A.E.I)



CASE NO: Z2004065

Staff and Zoning Commission Recommendation - City Council

Date: June 24, 2004

Zoning Commission Meeting Date: April 06, 2004

Council District: 8

Ferguson Map: 514 D6

Appeal: No

Applicant:

Cencor Realty Services, Inc.

Owner:

Margaret Amini

Zoning Request: From "I-1 ERZD" General Industrial Edwards Recharge Zone District to "C-3" ERZD General Commercial Edwards Recharge Zone District

Lot 2, Block 2, NCB 19189

Property Location: 13000 Block of IH 10 W

North of the intersection of Silicon Drive and De Zavala Road

Proposal: To develop a retail commercial facility

Neighborhood Association: Oakland Heights Home Owners Association

Neighborhood Plan: None

TIA Statement: A traffic impact analysis is not required

Staff Recommendation:

Approval. Subject property is undeveloped land that abuts "C-3 ERZD" zoning to the east, and "C-3R ERZD" zoning and use to the south. There is "I-1 ERZD" zoning across Silicon Drive to the west. The property is within the IH 10 West/De Zavala commercial node. "I-1" zoning is not appropriate over the ERZD.

Zoning Commission Recommendation:

Approval

VOTE

FOR 9

AGAINST 0

ABSTAIN 1

RECUSAL 0

CASE MANAGER : Elvin J. Gant, Jr. 207-5876

Z2004065

ZONING CASE NO. Z2004065 – April 6, 2004

Applicant: Cencor Realty Services, Inc.

Zoning Request: "I-1" ERZD General Industrial Edwards Recharge Zone District to "C-3" ERZD General Commercial Edward Recharge Zone District.

Dwayne Moy, 23705 IH 10 West, representing the applicant, stated they are requesting this change in zoning to allow development of a retail and restaurant facility on the subject property.

Staff stated there were 4 notices mailed out to the surrounding property owners, 0 returned in opposition and 1 returned in favor and no response from Oakland Heights Home Owners 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 Stribling and seconded by Commissioner McAden to recommend approval.

1. Property is located on Lot 2, Block 2, NCB 19189 at 13000 Block of IH 10 W.
2. There were 4 notices mailed, 0 returned in opposition and 1 in favor.
3. Staff recommends approval.

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

NAYS: None

ABSTAIN: Dutmer

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 Z2004065 (University Heights)

Date: March 23, 2004

SUMMARY

A request for a change in zoning has been made for an approximate 1.603-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, Cencor Realty Services, Inc., represented by Mr. Duane Moy, P.E. on behalf of the owner, Ms. Margaret Amini. The change in zoning has been requested to allow for the owner to develop the property as a general retail/commercial facility.

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 8, between Silicon Drive and I. H. 10 W., north of De Zavala Road. 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 retail/commercial facility.

2. Surrounding Land Uses:

There are two restaurants located to the northeast of the property. A Sam's Club and a Wal-Mart are located to the west. To the south a Bank of America is being constructed. The property is bounded to the east by I. H. 10 West access road.

3. Geologic Features:

The Resource Protection Division of the San Antonio Water System conducted an evaluation on March 9, 2004 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 feature. Using the U.S. Geological Survey Water-Resources Investigations Report 95-4030, it was determined that the Cyclic and Marine Member of the Edwards Aquifer underlay the subject site. This could not be confirmed visually due to coverage by alluvium. Some fill, consisting of cement and loose rock, was observed on the property.

4. Water Pollution Abatement Plan:

The property is contained within the University Heights Unit 2, Lot 2 Water Pollution Abatement Plan, approved on September 30, 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.

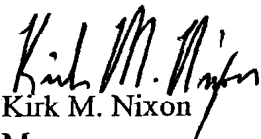
ENVIRONMENTAL RECOMMENDATIONS

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

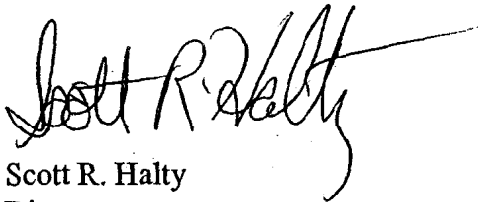
1. Development within the floodplain and floodplain buffer zones must be in accordance with Ordinance No. 81491 governing development on the Edwards Aquifer Recharge Zone in the Floodplain Preservation Area(s).
2. If any significant geologic features such as, but not limited to, solution openings, caves, sinkholes, or wells are found during the excavation, construction, or blasting, the developer shall notify the TCEQ at (210) 490-3096 and the Resource Protection Division of SAWS 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. 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.
5. The storage, handling, use and disposal of all over the counter 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.

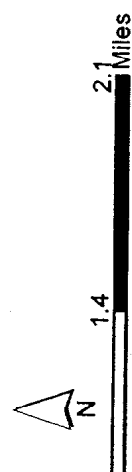
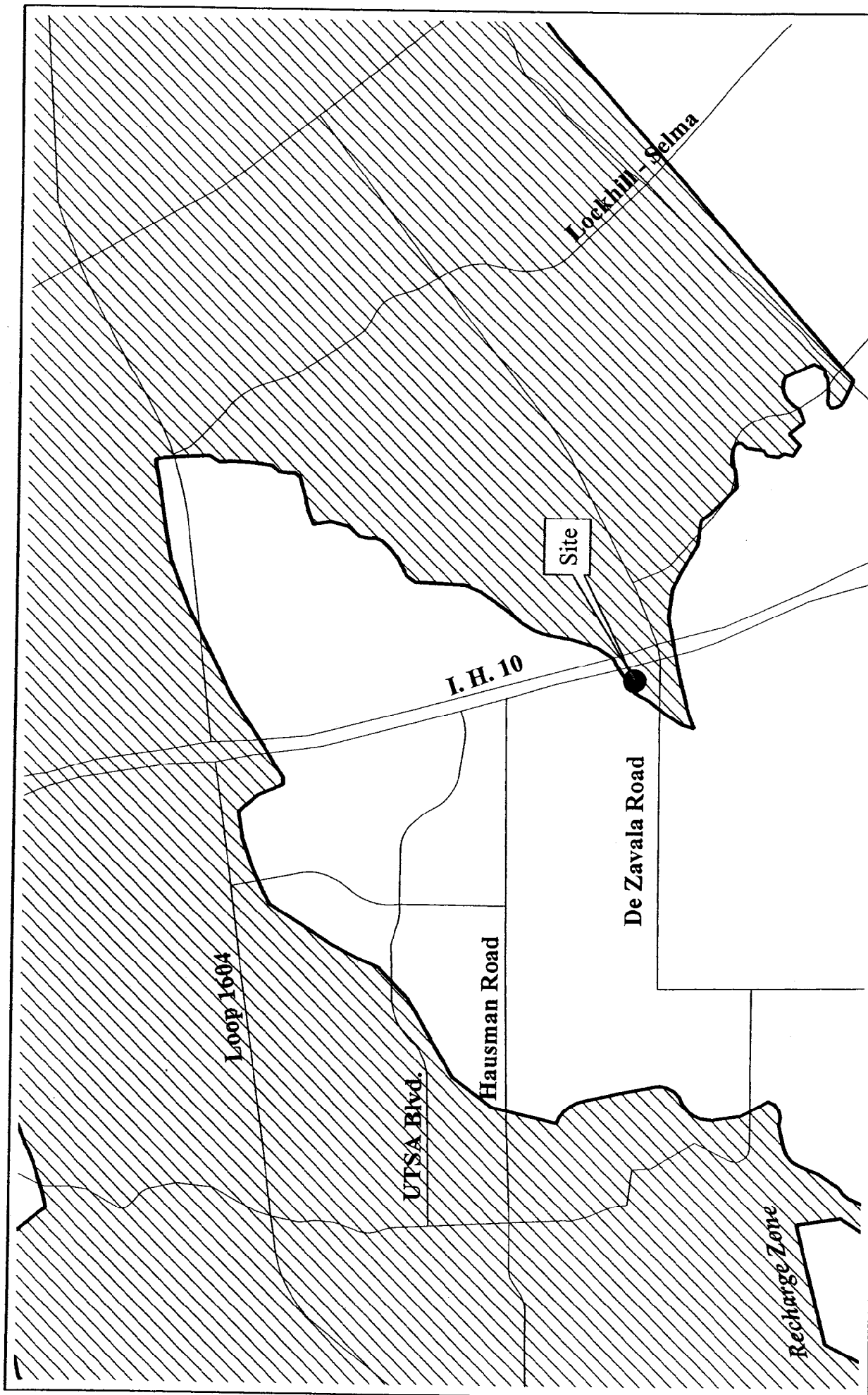
Based on the site evaluation of the property, and the information submitted by the applicant, staff recommends approval provided that the applicant agrees to abide by all recommendations contained in this document.


Kirk M. Nixon
Manager
Resource Protection Division

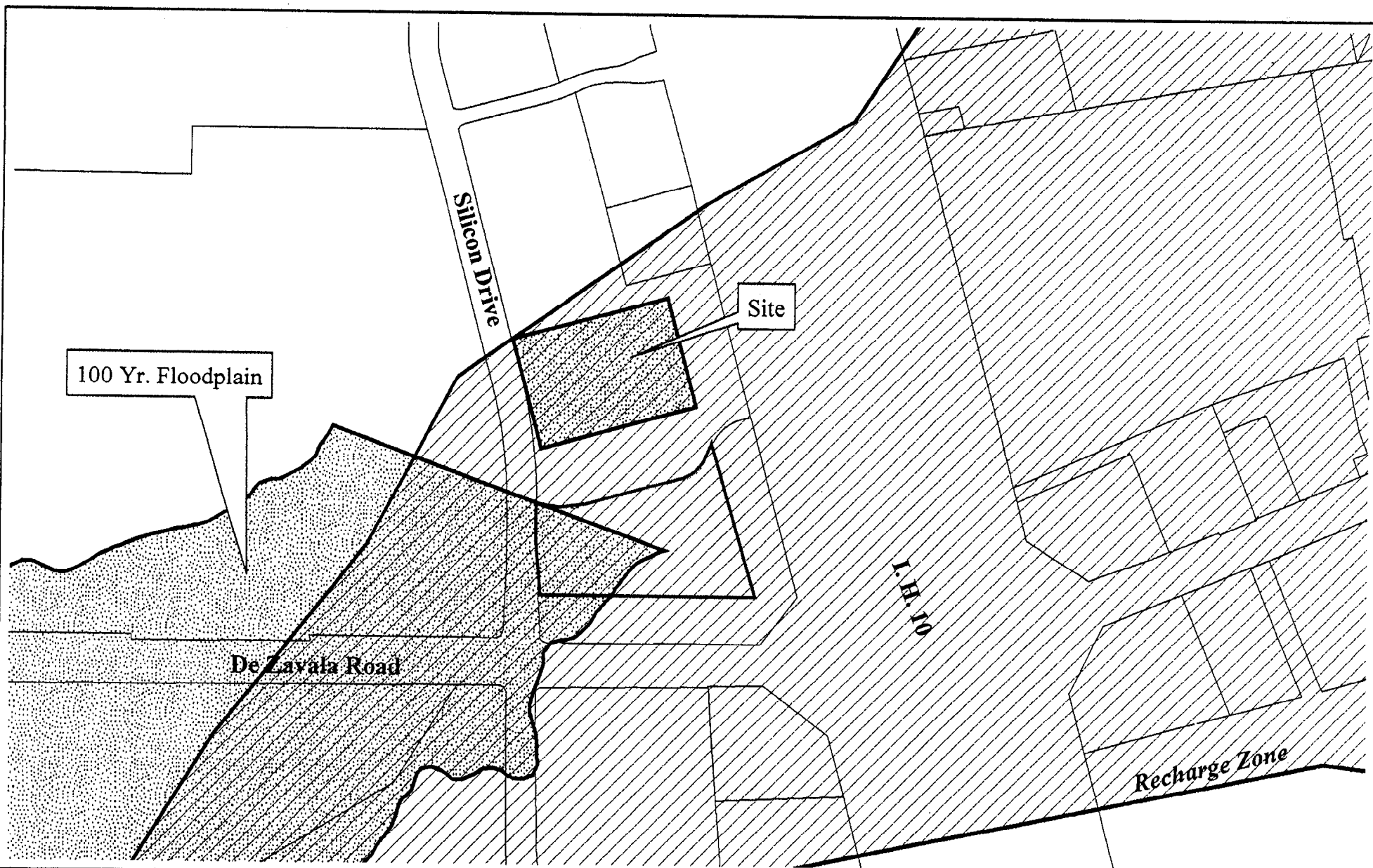
APPROVED:


Scott R. Halty
Director,
Resource Protection & Compliance Department

KMN:KJS



Zoning Case Z2004065 Figure 1
University Heights
Map Page 548 D1
X= 2097844 Y=13753042
Map prepared by Aquifer Protection & Evaluation KJS 3/15/2004



Zoning Case Z2004065 Figure 2

University Heights

Map Page 548 D1

X= 2097844 Y=13753042

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

