

\_\_\_\_\_ Notices Mailed  
 \_\_\_\_\_ In Opposition  
 \_\_\_\_\_ In Favor

# **ZONING CASE: Z2004-201 S**

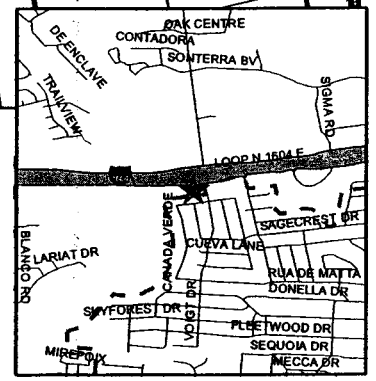
City Council District NO. 9  
 Requested Zoning Change  
 From: "C-3 ERZD" To "C-3 S ERZD"  
 Date: October 14, 2004  
 Scale: 1" = 200'

■ Subject Property  
 ○ 200' Notification

E-2  
 p.516



C:\Sept\_7\_2004  
 (A.Z.)



# CASE NO: Z2004201 S

## Staff and Zoning Commission Recommendation - City Council

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**Date:** October 14, 2004

**Zoning Commission Meeting Date:** September 21, 2004

**Council District:** 9

**Ferguson Map:** 516 E2

**Appeal:** No

**Applicant:**

Dean Hollis & Curtis Thomas

**Owner:**

Mortgage Loan & Agency Company

**Zoning Request:** From C-3 ERZD General Commercial Edwards Recharge Zone District to C-3 S ERZD General Commercial Edwards Recharge Zone District with Specific Use Authorization for a full service car wash

The west 253.831 of Lot 1, Block 1, NCB 16329

**Property Location:** 100 Block of North Loop 1604 West

**Proposal:** To operate a full service car wash.

**Neighborhood Association:** None

**Neighborhood Plan:** None

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

### Staff Recommendation:

Approval. The Unified Development Code requires applicants to request a Specific Use Authorization for a full service carwash when property is within the Edwards Recharge Zone District. SAWS recommends approval of the rezoning request provided that the applicant agrees to abide by all recommendations contained in the evaluation report.

### Zoning Commission Recommendation:

Approval

### VOTE

**FOR** 8

**AGAINST** 0

**ABSTAIN** 0

**RECUSAL** 2

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

SAN ANTONIO WATER SYSTEM  
Interdepartment Correspondence Sheet  
REV. SERVICES  
2004 SEP -7 P 1:43

**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, P.E., Karen Schubert, Resource Protection Specialist II, Aquifer Protection & Evaluation Section, File

**Subject:** Zoning Case Z2004201(Voigt - Carwash)

**Date:** September 7, 2004

### SUMMARY

A request for a change in zoning has been made for an approximate 1.4-acre tract located on the city's north side. A change in zoning from "C-3 ERZD" to "C-3 S ERZD" is being requested by the applicant, Dean Hollis. The change in zoning has been requested to allow for the owner to develop the property as a full service carwash.

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".

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 the southern side of Loop 1604 west of Voigt Drive. The property lies within the Edwards Aquifer Recharge Zone (Figures 1 and 2).

## **SITE EVALUATION**

### **1. Development Description:**

The proposed change is from C-3 ERZD to C-3 S ERZD and will allow for the construction of a full service car wash.

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

The property is bounded to the north by Loop 1604. Single family residential homes exist to the south of the project site. A storage facility and a bank are located immediately west and east of the site, respectively.

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

The Resource Protection Division of the San Antonio Water System conducted an evaluation on August 20, 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 Leached and Collapsed Member of the Edwards Aquifer. Field verification was not possible due to the extensive amount of fill material present on the site. According to FEMA Flood Insurance Maps, no part of the subject property is within the 100-year floodplain.

### **4. Water Pollution Abatement Plan:**

The property is contained within the Mortgage Loan & Agency WPAP approved by the Texas Water Commission on September 9, 1990. The plan was later modified to include a sedimentation basin. The Texas Natural Resource Conservation Commission approved the modified plan on February 28, 1995.

## **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

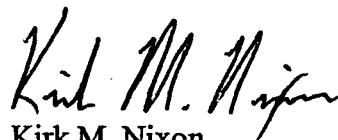
The following recommendations address the environmental concerns raised by the construction of this development on the Edwards Aquifer Recharge Zone:

1. All wash water must be recycled or the proper permits obtained to allow for the discharge of wash water to the sanitary sewer system.
2. Sand interceptors shall be installed in the drainage systems of the following establishments: garages, car washes, service stations, or any place of business where heavy solids or solids greater than 1/2 inch may be introduced into the sanitary sewer system. The sizing criteria for a sand interceptor shall be based on the required GPM X 12-minute retention times to obtain the tank size in gallon capacity.
3. The applicant shall notify the Construction Compliance Section of the Resource Compliance Division of the San Antonio Water System at (210) 704-1158 no later than 48 hours prior to the commencement of construction at the site.
4. 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).
5. 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.
6. 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.
7. 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.

8. 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.
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. If a water quality basin is constructed on the property, the following is required:
  - A. Prior to the start of the basin construction, the owner will notify the Aquifer Protection and Evaluation Section of the San Antonio Water System at (210) 704-7305 to schedule a site inspection.
  - B. After basin construction is complete and prior to the start of business, the owner will notify the SAWS Aquifer Protection and Evaluation Section at (210) 704-7305 to schedule a site inspection. Additionally, we recommend a maintenance plan and schedule be developed and submitted to SAWS Aquifer Protection and Evaluation Section.
  - C. If the basin fails to drain properly, the owner will notify the Construction Section of the Resource Compliance Division at (210) 704-1158 prior to any discharge of water.
  - D. If at any time the ownership of the property changes, the seller must inform the buyer of all requirements for maintenance of the Basin. A signed basin maintenance plan and schedule agreement, from the new owner, must be submitted to the Resource Protection Division of SAWS.
11. 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 What's Bugging You?, 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.

12. 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.
13. 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.



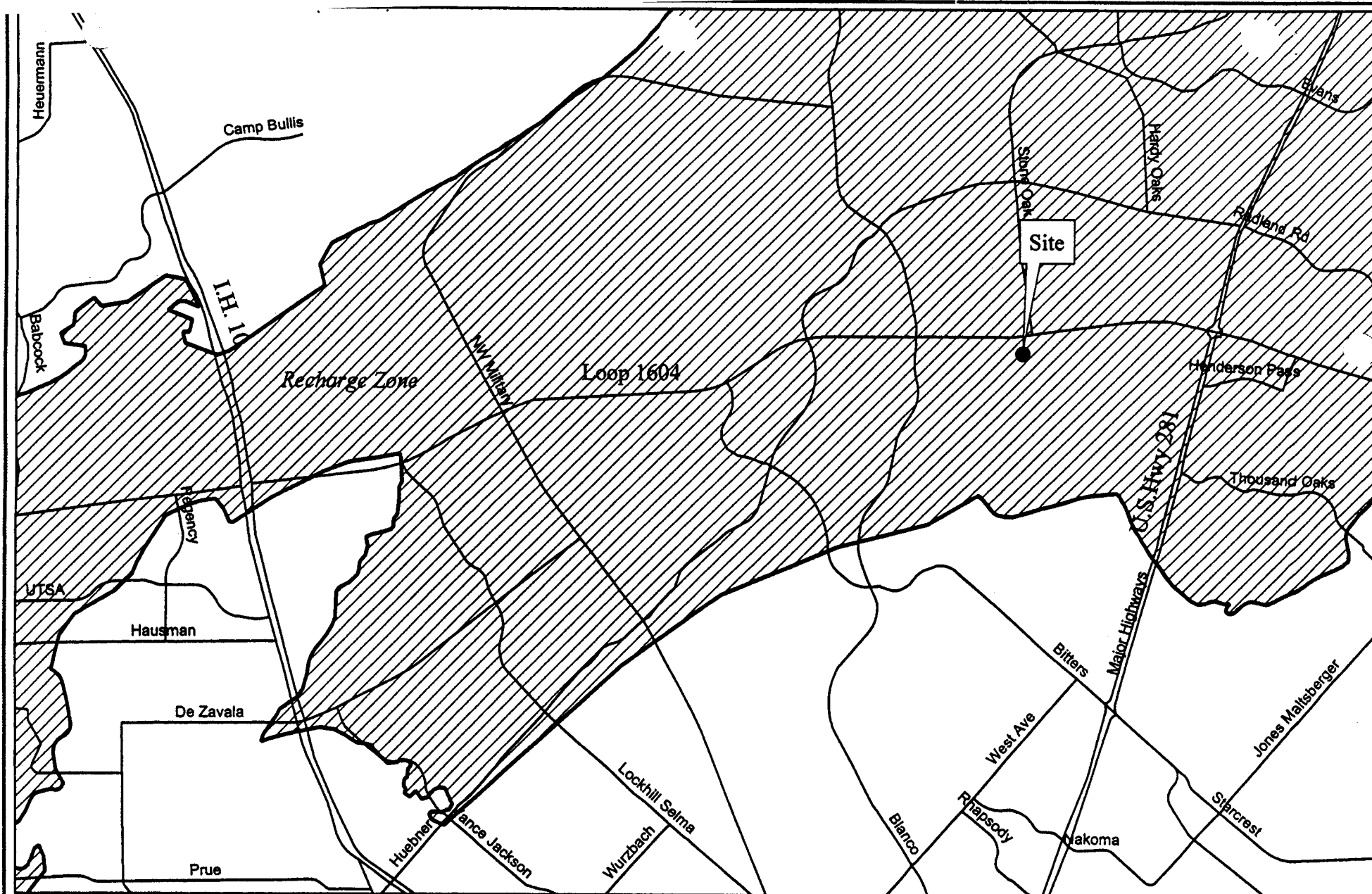
Kirk M. Nixon  
Manager  
Resource Protection Division

APPROVED:



Scott R. Halty  
Director,  
Resource Protection & Compliance Department

KMN:KJS



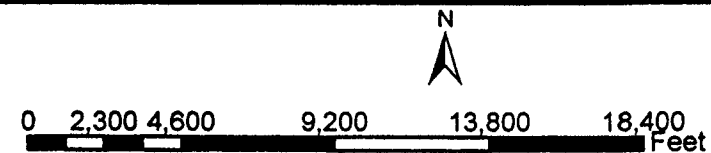
# **Zoning Case Z2004201 Figure 1**

Voigt Carwash

Map Page 516 E2

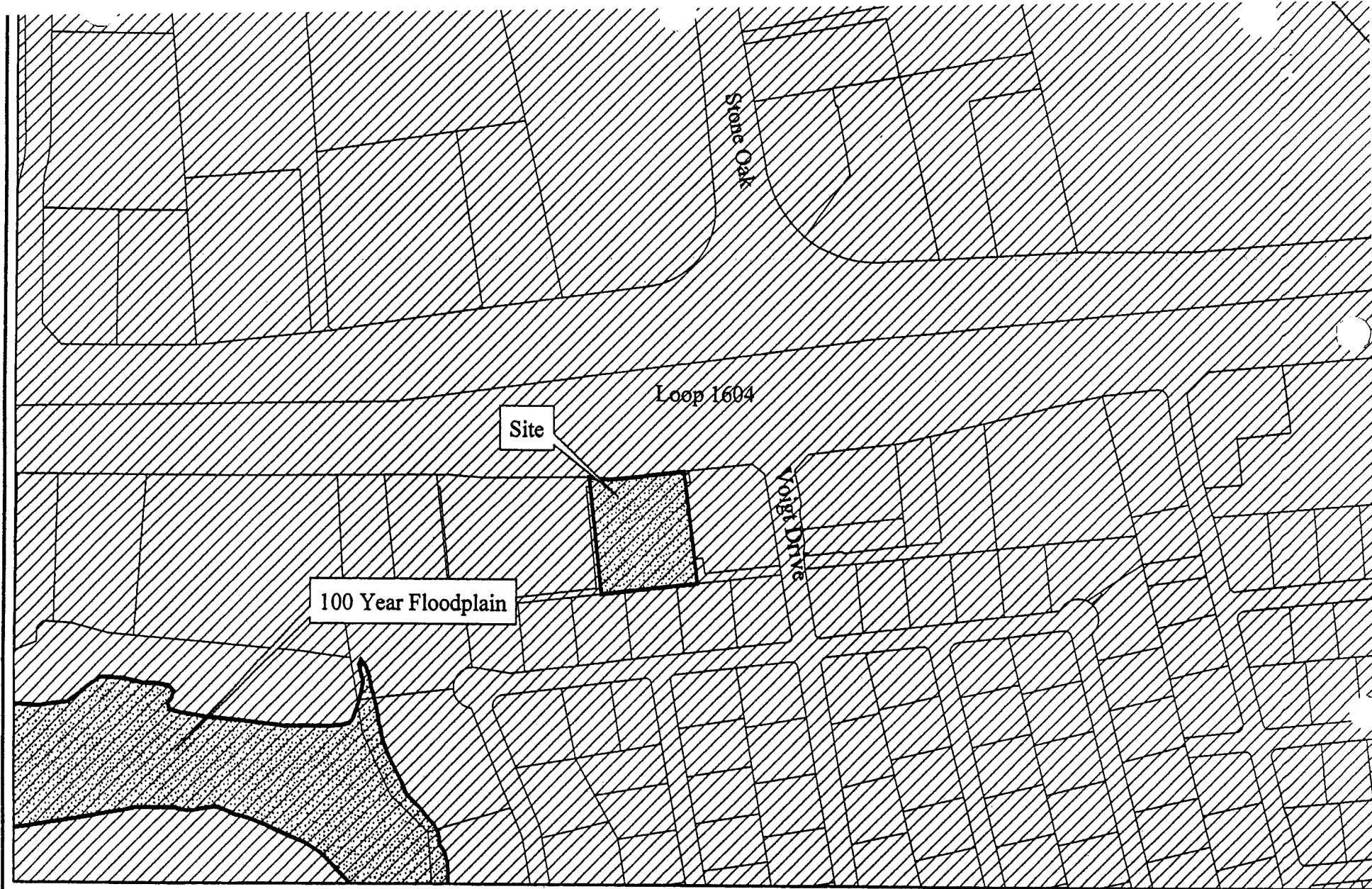
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Map Prepared by Aquifer Protection and Evaluation KJS 8/23/2004



1:69,535





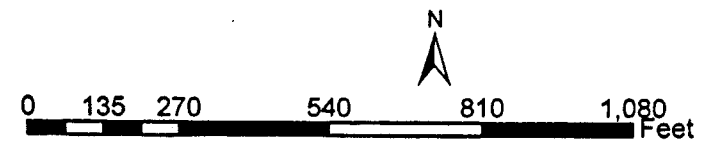
**Zoning Case Z2004201 Figure 2**

Voigt Carwash

Map Page 516 E2

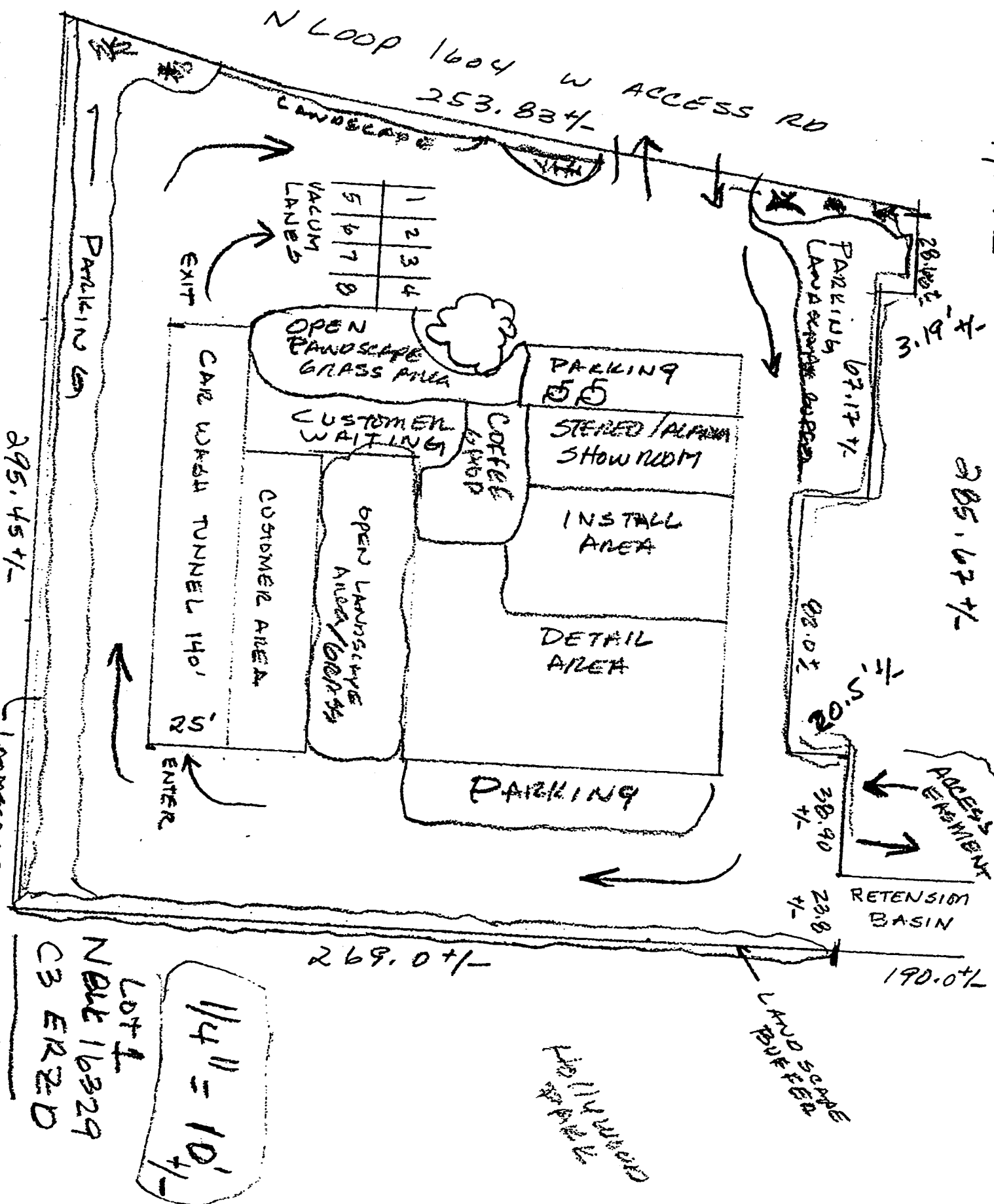
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Map Prepared by Aquifer Protection and Evaluation KJS 8/23/2004



1:4,123

385.67 +/-



ZONING CASE NO. Z2004201 S – September 21, 2004

Applicant: Dean Hollis & Curtis Thomas

Zoning Request: "C-3" ERZD General Commercial Edwards Recharge Zone District to  
"C-3" S ERZD General Commercial Edwards Recharge Zone District with  
Specific Use Authorization for a full service car wash.

Curtis Thomas, 315 Yosemite, applicant, stated he is requesting this change in zoning to allow for a full service car wash. He stated they have provided a 20-foot landscape buffer at the rear of the property and is willing to provide additional landscaping. Also is would provide fencing if it is required. He stated he would provide trees and landscaping all along the perimeter of the property. He stated the noise barrier would be at the end of the car wash tunnel that would be facing 1604 and away from the residential area.

**OPPOSE**

Etta Fanning Anderson, 613 Paseo Canada, stated her property abuts the proposed car wash. She expressed concerns with the flooding problems in the area. She stated when it rains the existing commercial property drains water onto their back yards to where it is standing water. She stated it also causes their lateral septic tanks lines to not work, which mean the residences are unable to bath or use any other type of facilities. This drainage problems cause the house to shift and cause cracks on their walls. She would also express concerns with their property values being negatively affected.

Nancy Chaney, 609 Paseo Chaney, stated she would also like to express the same concerns as Mrs. Anderson. She stated she feels this problem should be addressed before new commercial is developed.

Robert Fanning, 613 Paseo Canada, stated he has lived in the area since 1998. He stated since that time he has seen the Sonterian Storage being built which has changed the water flow pattern. He stated their houses have shifted and cause cracks and other damages to their homes.

Drew Traeger, City Administrator for Hollywood Park, stated he would also like to express the same concerns. He stated this flooding issue is ruining the quality of life in Hollywood Park. He feels before new development comes into the neighborhood the flooding issue should be resolved. He stated he would like to meet with the developer to try to resolve this issue.

**REBUTTAL**

Curtis Thomas, 315 Yosemite, applicant, stated he is willing to work with the residents to solve any concerns they may have. He stated his intentions are good and wants to be a good neighbor. He further stated he resides in the Hollywood Park area and would not do anything negative to harm the community. He assures the residents of Hollywood Park that he intends to abide by all drainage regulations.

**Z2004201 S**

Staff stated there were 15 notices mailed out to the surrounding property owners, 3 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 McAden and seconded by Commissioner Cardenas-Gamez to recommend approval with the following conditions: 1. Hours of operation limited to 8 am to 8 pm for the car wash only; 2. Type C Buffer as required by San Antonio's Unified Development Code in the rear of the property, against the residential properties; 3. Directional lighting so as not to be intrusive to the neighbors.

1. Property is located on the west 253.831 of Lot 1, Block 1, NCB 16329 at 100 Block of North Loop 1604 West.
2. There were 15 notices mailed, 3 returned in opposition and 1 in favor.
3. Staff recommends approval.

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

**NAYS: None**

**RECUSED: Grau, Dutmer**

### **THE MOTION CARRIED**

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

To be provided at Council hearing.