

ZONING CASE: Z2004-270

City Council District NO. 9
 Requested Zoning Change
 From: "R-6 ERZD" To "C-2 NA ERZD"
 Date: March 10, 2005
 Scale: 1" = 300'

Subject Property
 200' Notification

E-1
 p.612

C:\Sept_7_2004
 (A.Z.)

CASE NO: Z2004270

Staff and Zoning Commission Recommendation - City Council

Continuance from City Council January 13, 2005, January 27, 2005, and February 24, 2005

Date: March 10, 2005

Zoning Commission Meeting Date: December 21, 2004

Council District: 9

Ferguson Map: 517 E2

Applicant: Gamez Family Partnership, Ltd.

Owner: Gamez Family Partnership, Ltd.

Zoning Request: From R-6 ERZD Residential Single-Family Edwards Recharge Zone District to C-2NA
ERZD Commercial Nonalcoholic Sales Edwards Recharge Zone District

Property Location: 6.8317 acres out of NCB 15671

18851 Redland Road

Property generally located south of Redland Road, east of Hwy 281, and north of Loop
1604 North

Proposal: To sell for commercial use

Neighborhood Association: Redland Ridge (within 200 feet)

Neighborhood Plan: None

TIA Statement: A traffic impact analysis is not required

Staff Recommendation:

Approval.

The property is irregularly shaped and is surrounded mostly by commercial development and zoning. However, there are portions adjacent to residential development and zoning. C-2 zoning is appropriate considering the intensity of zoning and uses on the adjoining tracts and in the general area. There is some concern regarding the adjacent residential properties but a Type B (15 foot) vegetative buffer and 6 foot privacy fence will be required and should provide adequate protection. Because the property has minimal frontage on Redland Road and is located over the Recharge Zone, it does not lend itself to the more intense C-2 uses.

Zoning Commission Recommendation:

Approval

VOTE

FOR 6

AGAINST 0

ABSTAIN 1

RECUSAL 1

CASE MANAGER : Trish Wallace 207-0215

Z2004270

ZONING CASE NO. Z2004270 – December 21, 2004

Commissioner Dutmer has been recused for this zoning case.

Applicant: Gamez Family Partnership, Ltd.

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

Mike Rizzo, 136 Mary Trail, representing the applicant, stated they are proposing to operate a computer company on the subject property. He stated there is an existing 2,200 square foot home that is currently being used as a church. He further stated they would do slight modification to better fit their needs. He further stated he has been in contact with Mr. Alles and has agreed to continue to work with him in trying to get the impervious cover from 65% to 50% prior to going to City Council.

OPPOSE

Richard Alles, 1809 Blanco Road, representing AGUA, stated he is concerned that up zoning this land would increase the development intensity. He further stated he is willing to continue to work with Mr. Rizzo on the impervious cover issue.

Staff stated there were 39 notices mailed out to the surrounding property owners, 4 returned in opposition and 5 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 Peel and seconded by Commissioner Avila to recommend approval.

1. Property is located on the 6.8317 acres out of NCB 15671 and CB 4952 at 18851 Redland Road.
2. There were 39 notices mailed, 4 returned in opposition and 5 in favor.
3. Staff recommends approval.

Z2004270

AYES: Robbins, Cardenas-Gamez, Dixon, McAden, Avila, Stribling, Peel

NAYS: None

RECUSED: Dutmer

ABSTAIN: Sherrill

THE MOTION CARRIED

RESULTS OF COUNCIL HEARING January 13, 2005

City Council granted a continuance until January 27, 2005

RESULTS OF COUNCIL HEARING January 27, 2005

City Council granted a continuance until February 24, 2005

RESULTS OF COUNCIL HEARING February 24, 2005

City Council granted a continuance until March 10, 2005

RESULTS OF NOTICE FOR COUNCIL HEARING

To be provided at Council hearing.

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, Resource Protection Specialist II, Aquifer Protection & Evaluation Section, File

Subject: Zoning Case Z2004270 (Redland Road Computer Offices)

Date: February 22, 2005

SUMMARY

A request for a change in zoning has been made for an approximate 6.8-acre tract located on the city's north side. A change in zoning from "R-6 ERZD" to "C-3 NA ERZD" is being requested by the applicant, Mark Rizzo. The change in zoning has been requested to allow for the property to be utilized for commercial offices. The applicant intends to use the existing structures on the property as offices for his computer business.

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 Section. 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, SAWS staff recommends **approval** of the proposed land use. Should the city council rezone the property that is the subject of this report, the San Antonio Water System recommends that any development on that property after the zoning classification has been changed should be restricted as stated in the environmental recommendations section of this report.

LOCATION

The subject property is located in City Council District 9, along the south side of Redland Road, north of Gold Canyon. The property is within the Edwards Aquifer Recharge Zone (Figures 1 and 2).

SITE EVALUATION

1. Development Description:

The proposed change is from 'R-6 ERZD' to 'C-3 NA ERZD' and will allow for the owner to utilize the property for commercial business. Three residences and several barns are currently on the property.

2. Surrounding Land Uses:

Strip-Center type offices are located immediately to the east of the subject property. An equipment rental company is located to the west of the site. A single-family residential subdivision abuts the property along the southwest property line. A church exists to the north. The remaining surrounding properties consist of residential lots and undeveloped areas.

3. Geologic Features:

The Resource Protection Division of the San Antonio Water System conducted an investigation on December 2, 2004 of the referenced property to assess the geologic conditions and evaluate any environmental concerns present at the site. Three residences were located on the site along with several barns. Two horses were being housed in one of the barns. One well is currently used to supply water for all of the property. A possible abandoned well was also located on the property but positive identification was not possible due to the deteriorated nature of the site. The proximity of a power source (utility pole with meter) next to the site is indicative of a previous well location. Two septic systems are in use on the property. SAWS staff geologist, Mr. Gregory James P.G., evaluated the geology on the site during our site evaluation.

Using 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 Limestone. This could not be verified by field observation due to coverage by alluvium, and vegetation. This formation is known to possess the potential for lateral caverns. Therefore, it is possible that during excavation and development karst features may be found. No sensitive features were observed during our site evaluation. According to FEMA flood insurance maps, the property is not within the 100-year floodplain.

Records indicate the possible presence of a cave on or near the subject property. The Caves of Bexar County, Second Edition, 1988, by George Veni, shows "Council Cave" (BCS #131) as being located within the USGS Longhorn Quadrangle near the subject property. In the description of "Council Cave", of the same report (Attachment 1), it identifies USGS Bulverde Quadrangle as the location. The upper portion of the sinkhole has since been filled with dirt and leveled. The cave is overlain by a sinkhole.

In Significant Edwards Aquifer Karst Recharge Features of Bexar County, Texas 1989, a report prepared by George Veni for the city of San Antonio, it states that the drainage area for the cave is approximately 22.04 acres and that the surrounding property is of low gradient. In addition, it states that included in the drainage is runoff from a nearby business via a pipe leading to the sinkhole. This report places the cave within the Longhorn Quadrangle. Additionally, the report notes three sinkholes, Redland Tri-Sinks (Basin 37, 38 and 39), in the area on and adjacent to the subject property. (Attachment 2).

Professional Geologists employed by the San Antonio Water System and Frost GeoSciences investigated the aforementioned discrepancy between cave locations. While transects of the subject property did not identify any surface expression of a cave, it was noted that a large sinkhole is partially located in the north central portion of the property near the drive way.

The proposed location for Council Cave within the Bulverde Quadrangle was also examined. This location possesses a large trash pile within the floodplain of Cibolo Creek. Also a depression was observed on the property in the proposed location of the cave. The evidence for this being a sinkhole was inconclusive. In addition, no evidence of the nearby business, noted in the 1989 Veni report, was observed. The topography of this site was well defined by Cibolo Creek. No cave entrance was noted. Soils in the area did not appear to have been disturbed.

George Veni, author of the previously mentioned reports, stated that he could not divulge a caves location without following procedure required by the Texas Speleological Survey. The Texas Speleological Survey has been contacted to obtain the location of the cave. As of this time no reply has been received. San Antonio U.S.G.S. staff produced a topographic map with a location for Council Cave that is north of the subject property in the Longhorn Quadrangle (Attachment 3).

Available data indicates that Council Cave is located southeast of, and not adjacent to, the property. It is possible that during construction and excavation other features may be exposed. All procedures currently in place, with regards to reporting of karst features, should be observed.

4. Water Pollution Abatement Plan (WPAP):

As of the date of this report a Water Pollution Abatement Plan has not been submitted to the Texas Commission on Environmental Quality (TCEQ). A WPAP will be required to be submitted to and approved by the TCEQ prior to construction.

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.
- C. The proper construction, maintenance, and operation of the on-site sewage facility (septic tank).

ENVIRONMENTAL RECOMMENDATIONS

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

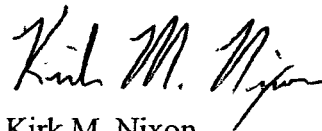
- 1. The impervious cover on the property shall not exceed 30%.
- 2. If the active well becomes abandoned, it must be properly plugged according to the City Code Chapter 34 Division 2 Section 574 by a registered well driller.
- 3. The second possible well located on the property must be investigated to determine if it is a well. If so, the well must be properly plugged according to the City Code Chapter 34 Division 2 Section 574 by a registered well driller.
- 4. Any septic system located on the site must be properly abandoned according to Bexar County rules and regulations if and when they are no longer in use.
- 5. The applicant shall notify the Construction Compliance Section of SAWS at (210) 704-1158 no later than 48 hours prior to the commencement of construction at the site.

6. All persons leasing a storage building or facility shall be informed, in the lease agreement, that storage of chemicals and/or hazardous materials is not permitted. Staff from the Aquifer Protection and Evaluation Section of the San Antonio Water System reserves the right to randomly inspect, without notice, any or all facilities to ensure compliance.
7. 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.
8. 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 the San Antonio Water System at (210) 704-7305.
9. All Category 2 properties must be developed in accordance with all provisions stated in the Aquifer Protection Ordinance No. 81491. These provisions include restrictions on impervious cover, restrictions on the sealing of sensitive features and development restrictions in floodplains and floodplain buffer zones.
10. 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.
11. All stormwater run-off from the development shall be directed to a stormwater 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.
12. All water pollution abatement structures shall be properly maintained and kept free of trash and debris.
13. 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 SAWS 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.
14. 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.
15. 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.
16. 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.
17. 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.

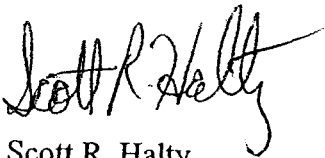
18. The City of San Antonio shall inspect all future construction of any sewage collection system to include service laterals and sewer mains for proper construction according to State and City Regulations and Code.
19. The Resource Protection Division staff shall have the authority to inspect the site 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** of the proposed land use. Additionally, SAWS staff recommends that the applicant, or any future owner, comply with the above recommendations in regards to the development of the subject property.



Kirk M. Nixon
Manager
Resource Protection Division

APPROVED:



Scott R. Halty
Director,
Resource Protection & Compliance Department

KMN:KJS