

ZONING CASE: Z2004-265



City Council District NO. 9

Requested Zoning Change

From: "R-6 ERZD" To "C-3NA ERZD"

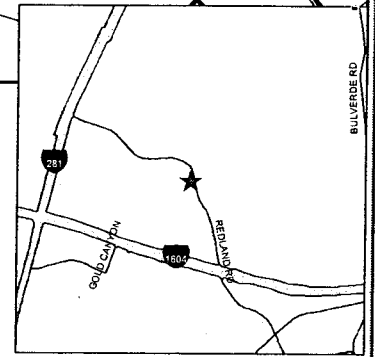
Date: March 10, 2005

Scale: 1" = 200'

 Subject Property
 200' Notification



C:\DEC_7_2004



CASE NO: Z2004265

Staff and Zoning Commission Recommendation - City Council

Continuance from Zoning Commission December 21, 2004,
Continuance from City Council January 27, 2005 and February 24, 2005

Date: March 10, 2005

Zoning Commission Meeting Date: January 04, 2005

Council District: 9

Ferguson Map: 517 D1

Appeal: No

Applicant: Owner

Randy Schumacher

Monterey Adair

Zoning Request: From R-6 ERZD Residential Single-Family Edwards Recharge Zone District to C-3NA ERZD General Commercial District, Nonalcoholic Sales Edwards Recharge Zone District

P-4F, NCB 15671

Property Location: 18581 Redland Road

Proposal: To develop as office use

Neighborhood Association: Redland Woods Neighborhood Association

Neighborhood Plan: None

TIA Statement: A Traffic Impact Analysis (TIA) is not required. A TIA may be required at the plat or building permit level.

Staff Recommendation:

Approval. The subject property is in an area bound by Redland Road to the north and east, and three subdivisions to the west, south and east. This commercial area contains a mix of C-3, C-2 and Residential zoning and uses. The requested zoning is for a low-density office facility. Many of the intense uses that are normally allowed in C-3 would be prohibited at this location in the ERZD. The request is consistent with the development pattern along this segment of Redland Road. A landscape buffer will be required adjacent to the residential property.

Zoning Commission Recommendation

Approval

CASE MANAGER : Richard Ramirez 207-5018

VOTE

FOR	8
AGAINST	0
ABSTAIN	2
RECUSAL	1

Z2004265

ZONING CASE NO. Z2004265 – December 21, 2004

Commissioner Dutmer has been recused for this zoning case.

Applicant: Randy Schumacher

Zoning Request: "R-6" ERZD Residential Single Family Edwards Recharge Zone
District to "C-3NA" ERZD General Commercial District, Nonalcoholic
Edwards Recharge Zone District.

Applicant/Representative not present.

OPPOSE

Richard Alles, 1809 Blanco Road, representing AGUA, stated their concern is that this would increase the development intensity of the land if it is found to be a category 2 property which SAWS reports indicates it is. The allowed impervious cover will increase from 30% to 65%, which is contrary to the City Master Plan Policies. He stated at this time they would like to request this case be continued in order to negotiate with the applicant on impervious coverage limits before consideration of this case.

Staff stated there were 16 notices mailed out to the surrounding property owners, 0 returned in opposition and 3 returned in favor and no response from Redland Woods 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 Dixon to recommend a continuance until January 4, 2005.

1. Property is located on Lot P-4F, NCB 15671 at 18581 Redland Road.
2. There were 16 notices mailed, 0 returned in opposition and 3 in favor.
3. Staff recommends approval.

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

NAYS: None

RECUSED: Dutmer

THE MOTION CARRIED

Z2004265

ZONING CASE NO. Z2004265 – January 4, 2005

Commissioner Dutmer has been recused for this zoning case.

Applicant: Randy Schumacher

Zoning Request: "R-6" ERZD Residential Single Family Edwards Recharge Zone
District to "C-3NA" ERZD General Commercial District, Nonalcoholic
Edwards Recharge Zone District.

Randy Schumacher, 11202 Disco, applicant, stated the purpose of this request is to build 3 low-density office building on the subject property. He stated they would be operating a doctor's office (Lot 1, 50 parking spaces), lawyer's office (Lot 2, 25 parking spaces) and a media company (Lot 3, 25 parking spaces). He further stated these businesses do not require much parking which would minimize the impervious cover to about 45%. He stated they intend to preserve as much green area. He stated he has agreed to provide deed restrictions.

OPPOSE

Richard Alles, 1809 Blanco Road, representing AGUA, stated their concern is that this would increase the development intensity of the land if it is found to be a category 2 property which SAWS reports indicates it is. He stated before this zoning request is granted he would like to have a written agreement that impervious cover would be limited to 30% on this tract.

REBUTTAL

Randy Schumacher, 11202 Disco, applicant, stated he cannot support Mr. Alles request of limited the impervious cover to 30%. He stated the requirement is at 65 % and they are at 46%, which he feels they have made an effort in limiting the impervious cover. He further stated they have agreed to comply with SAWS requires.

Staff stated there were 16 notices mailed out to the surrounding property owners, 0 returned in opposition and 3 returned in favor and no response from Redland Woods 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 McAden and seconded by Commissioner Dixson to recommend approval.

Z2004265

1. Property is located on Lot P-4F, NCB 15671 at 18581 Redland Road.
2. There were 16 notices mailed, 0 returned in opposition and 3 in favor.
3. Staff recommends approval.

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

NAYS: None

RECUSED: Dutmer

ABSTAIN: Kissling, Sherrill

THE MOTION CARRIED

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 Z2004265 (4 acre Office\Warehouse)

2005 FEB 24 10:31 AM
ENV SERVICES

Date: February 22, 2005

SUMMARY

A request for a change in zoning has been made for an approximate 4-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, Randy Schumacher. The change in zoning has been requested to allow for the development of an office and warehouse complex.

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 west side of Redland Road, north of Gold Canyon. The property lies 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 construction of an office\warehouse complex. The property is currently undeveloped.

2. Surrounding Land Uses:

Out on a Limb Tree Trimming Service offices are located north of the property. 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 November 5, 2004 of the referenced property to assess the geologic conditions and evaluate any environmental concerns present at the site. Two barns were located on the site along with several old and rusting tractor frames. 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, fill material 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 northwest portion of the property. In addition, the surrounding property exhibits fairly subdued topography.

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 north 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.

ENVIRONMENTAL RECOMMENDATIONS

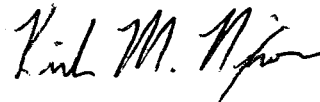
The following recommendations address the environmental concerns raised by the construction of this commercial development on the Edwards Aquifer Recharge Zone:

1. The impervious cover on the property shall not exceed 30%.
2. The applicant shall notify the Construction Compliance Section of the Resource Compliance Division of SAWS at (210) 704-1158 no later than 48 hours prior to the commencement of construction at the site.
3. 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 SAWS reserves the right to randomly inspect, without notice, any or all facilities to ensure compliance.
4. 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.
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. 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.
7. 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.
8. 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.
9. 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.

10. All water pollution abatement structures shall be properly maintained and kept free of trash and debris.
11. 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.
12. 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.
13. 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.
14. 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.

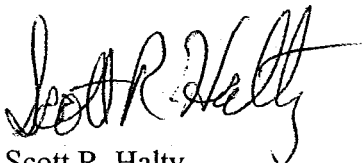
15. Landscaped areas shall be sensitive to minimizing water needs (i.e. use of native plants). The owner/operator of this development and each purchaser or occupant of an individual lot within this development shall be informed in writing about Best Management Practices (BMP) of pesticide and fertilizer 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.
16. 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.
17. 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