

CASE NO: Z2005031

Staff and Zoning Commission Recommendation - City Council

Date: March 24, 2005

Zoning Commission Meeting Date: March 15, 2005

Council District: 9

Ferguson Map: 482 E8

Applicant:

Ray Wesley

Owner:

K. Partners Blanco, LP

Zoning Request: From C-2 ERZD Commercial Edward Recharge Zone District to C-2 ERZD C Commercial Edward Recharge Zone District with a Conditional Use for a Nightclub

0.0893 acres out of Lot 63, Block 2, NCB 17608

Property Location: 19141 Stone Oak Parkway

Southwest corner of Huebner Road and Stoneoak Parkway

Proposal: To allow for a Nightclub

Neighborhood Association: Stone Oak Home Owners Association, Sonterra Property Owners Association

Neighborhood Plan: None

TIA Statement: A Traffic Impact Analysis is not required

Staff Recommendation:

Approval. The subject property is only a portion of an existing structure. The subject property is integrated with an existing commercial development. The commercial activity associated with the development is oriented to Stone Oak Parkway; therefore, there should be no additional impact on the residential development to the west. In addition, there is a drainage channel situated between the commercial development and the residential development.

Zoning Commission Recommendation:

Approval with the following conditions: 1. No outdoor events or entertainment shall be permitted. 2. The use shall be in compliance with the City Code, Chapter 21, Article III, Noise. 3. Marquee, flashing, blinking or neon signs shall be prohibited. 4. Business hours shall be limited to the hours between 11:00a.m. and Midnight.

CASE MANAGER : Fred Kaiser 207-7942

VOTE

FOR	10
AGAINST	0
ABSTAIN	0

RECUSAL	1
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Z2005031

ZONING CASE NO. Z2005031 – March 15, 2005

Applicant: Ray Wesley

Zoning Request: "C-2" ERZD Commercial Edwards Recharge Zone District to "C-2" C ERZD Commercial Edward Recharge Zone District with Conditional Use for a Nightclub.

Ray Wesley, 475 Cedar Bridge, owner, stated his intent is to operate a nightclub on the subject property. He stated he is agreeable to the following conditions: 1. No flashing or neon signs on the property. 2. No outside seating. 3. Operation will close at 12 midnight. 4. Will not violate any City noise ordinances. He stated this nightclub would be more of a conservative type of nightclub. On occasion he would have a classical guitarist for a live performance.

Staff stated there were 10 notices mailed out to the surrounding property owners, 2 returned in opposition and 2 returned in favor and Stone Oak Home 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 Avila to recommend approval "C-2" ERZD for a nightclub with the following conditions: 1. Must comply with the City of San Antonio sound ordinance; 2. No neon or flashing signs; 3. No outside seating. 4. Hours of operation are limited to 11:00 am to midnight daily.

1. Property is located on 0.0893 acres out of Lot 63, Block 2, NCB 17608 at 19141 Stone Oak Parkway.
2. There were 10 notices mailed, 2 returned in opposition and 2 in favor.
3. Staff recommends approval.

Z2005031

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

NAYS: None

RECUSED: Dutmer

THE MOTION CARRIED

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

Subject: Zoning Case Z2005031 (Cubana Ray's)

Date: March 1, 2005

SUMMARY

A request for a change in zoning has been made for an approximate 0.089-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. Ray Wesley. The change in zoning has been requested to allow for the operation of a full service bar and cigar club. The property is classified as Category 1 property.

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, near the southwest intersection of Stone Oak Parkway 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 full service bar and cigar club. The site is currently in the interior finish-out stage of construction and the rezoning will only effect the portion of the building that the bar will operate in.

2. Surrounding Land Uses:

The subject property shares a building with several other retail establishments, including a wine shop, a skin care store and an aquarium supply store.

3. Geologic Features:

The Resource Protection Division of the San Antonio Water System conducted an evaluation on February 25, 2005 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 site is underlain by the Dolomitic Member of the Edwards Aquifer. Additionally, staff reviewed the geologic assessment in the WPAP, prepared by David Seagraves, and no sensitive recharge features were discovered on the site. Based on our evaluation, staff is in general agreement with the findings of the Geologic Assessment report. According to FEMA Flood Insurance Maps, no part of the subject property is within the 100-year floodplain.

4. Water Pollution Abatement Plan:

The subject property is contained within the Stone Oak Crossing Office Retail Park WPAP, approved by the Texas Commission on Environmental Quality on May 5, 2003. Currently, the 0.089-acre site is built and has 100% impervious cover.

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

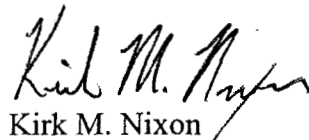
The following recommendations address the environmental concerns raised by the construction of this commercial development on the Edwards Aquifer Recharge Zone:

- 1. The impervious cover on the 0.089 acre tract shall be limited to what is currently existing on the site.
- 2. 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).

3. 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.
4. 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.
5. 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.
6. 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.
7. 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.
8. 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.
9. 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.
10. 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.
11. 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.

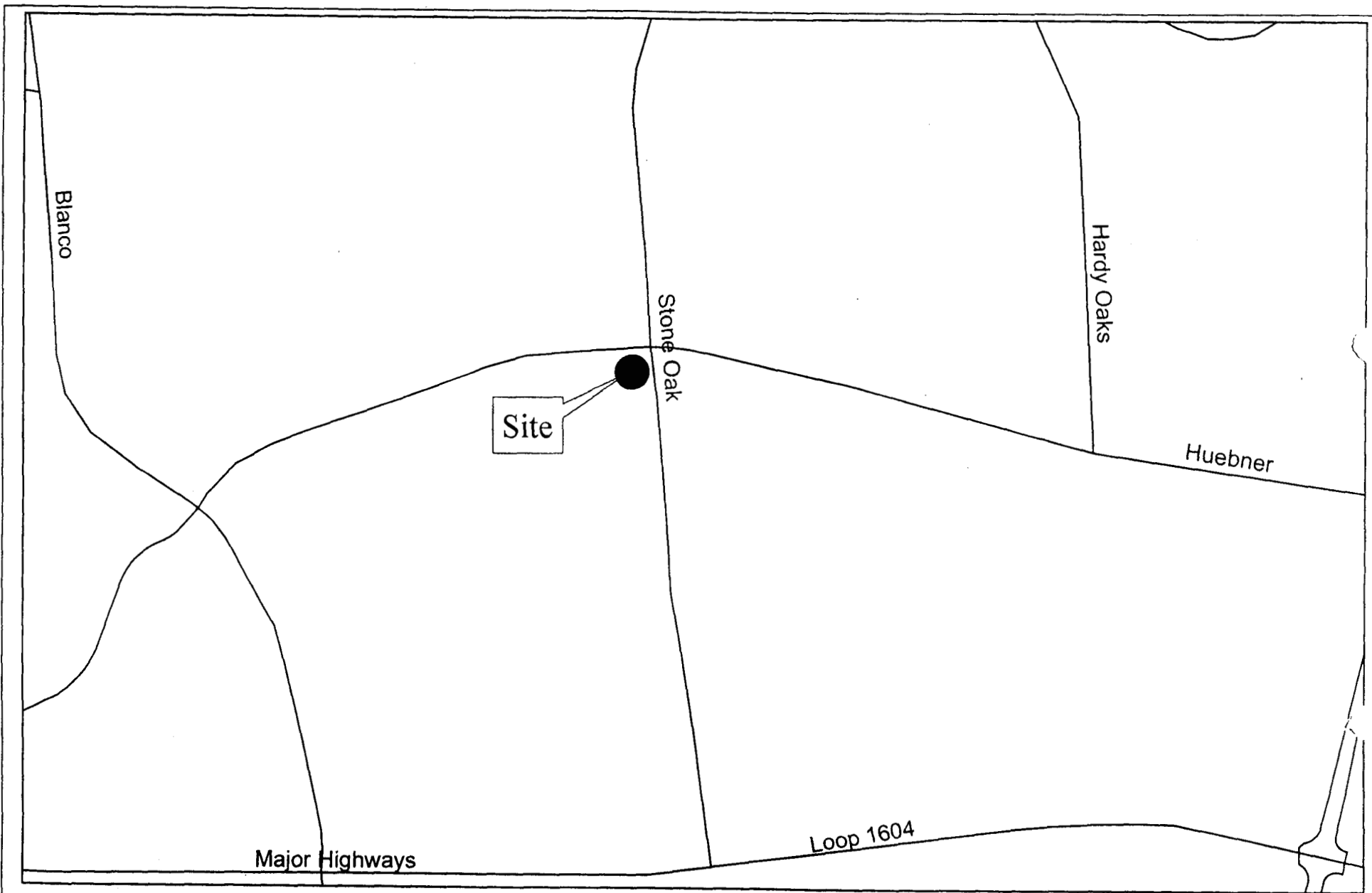
Based on the site evaluation of the property, and the information submitted by the applicant, staff recommends **approval** of the proposed land use. Additionally, SAWS staff recommends that the applicant, or any future owner, comply with the above recommendations in regards to the development of the subject property.


Kirk M. Nixon
Manager
Resource Protection Division

APPROVED:


Scott R. Halty
Director,
Resource Protection & Compliance Department

KMN:KJS



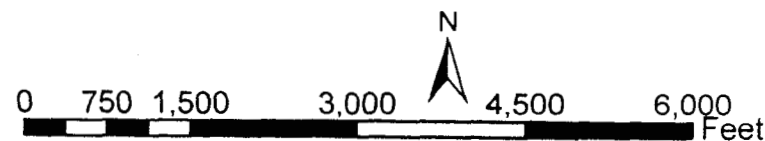
Zoning Case Z2005031 Figure 1

Cubana Ray's Cigar

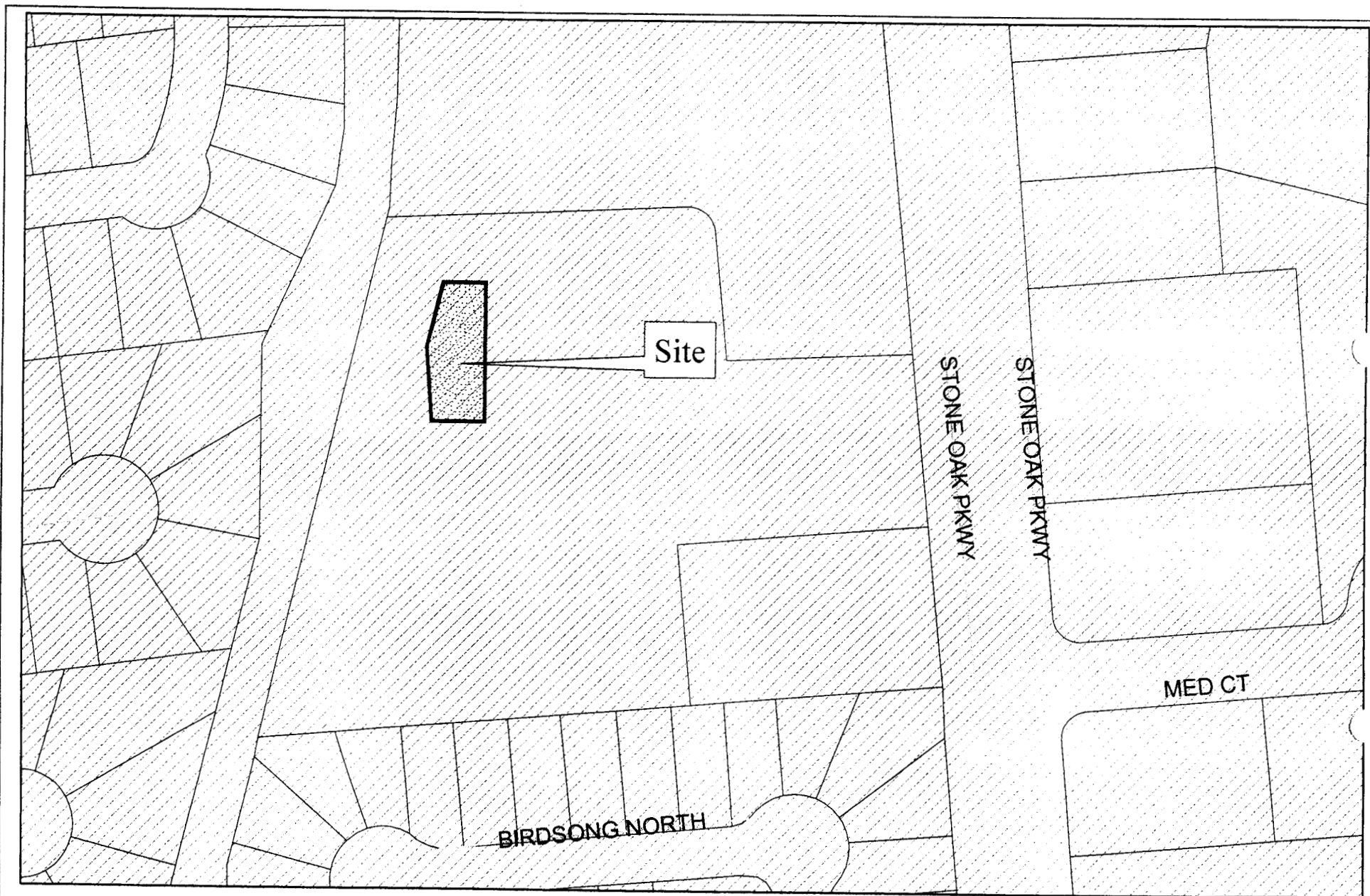
Map Page 482 E8

X = 2128508 Y=13775128

Map Prepared by Aquifer Protection and Evaluation KJS 2/25/2005



1:20,696



Zoning Case Z2005031 Figure 2

Cubana Ray's Cigar

Map Page 482 E8

X = 2128508 Y = 13775128

Map Prepared by Aquifer Protection and Evaluation KJS 2/25/2005

