

ZONING CASE: Z2005-068

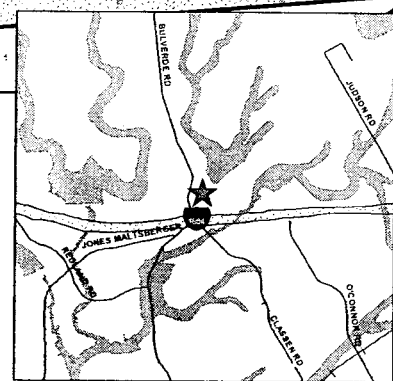
City Council District NO. 10
 Requested Zoning Change
 From: "C-2" ERZD To "C-3" ERZD
 Date: September 08, 2005
 Scale: 1" = 300'

Subject Property

200' Notification



C:\June_7_2005



CASE NO: Z2005068

Staff and Zoning Commission Recommendation - City Council

Continuance from August 11, 2005

Date: September 08, 2005

Zoning Commission Meeting Date: June 21, 2005

Council District: 10

Ferguson Map: 518 B3 and C3

Applicant:

Brown, P. C., Attorneys at Law

Owner:

NEC BUL 1604, Ltd.

Zoning Request:

From "C-2" ERZD Commercial Edwards Recharge Zone District to "C-3"
ERZD General Commercial Edwards Recharge Zone District

26.45 acres out of NCB 17728

Property Location:

North of the intersection of Bulverde Road and North Loop 1604 East

Proposal:

To develop a home improvement center

Neighborhood

None

Association:

Neighborhood Plan:

None

TIA Statement:

A Traffic Impact Analysis is not required.

Staff Recommendation:

Approval.

The subject property is located at the emerging commercial node of Bulverde Road and North Loop 1604 East. The subject property is vacant and is surrounded by undeveloped commercially zoned properties. C-3 General Commercial uses would be appropriate at this intersection because of the access to the major thoroughfares and the potential surrounding land uses.

ERZD Summary

1. SAWS recommends approval of the proposed land use.
2. This site is a Category 2 property.
3. SAWS recommends that the impervious cover on the site shall not exceed 65%.

Zoning Commission Recommendation:

Approval with 65% impervious cover limit

VOTE

FOR	7
AGAINST	1
ABSTAIN	1
RECUSAL	1

CASE MANAGER : Robin Stover 207-7945

Z2005068

ZONING CASE NO. Z2005068 – June 21, 2005

Applicant: Brown, P. C., Attorneys at Law

Zoning Request: "C-2" ERZD Commercial Edwards Recharge Zone District to "C-3"
ERZD General Commercial Edwards Recharge Zone District.

Ken Brown, 112 E. Pecan, representing the owner, stated they are requesting this change in zoning to allow development of a Lowe's Hardware Store on the subject property. He stated they have performed an environmental assessment and are in the process of doing a Traffic Impact Analysis (TIA) and are working on the Water Pollution Abatement Plan (WPAP) that will have a spill prevention control and counter measure plan. He further stated they are agreeable to San Antonio Water Systems (SAWS) recommendation of 65% impervious cover.

Staff stated there were 8 notices mailed out to the surrounding property owners, 0 returned in opposition and 4 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 Robbins and seconded by Commissioner McAden to recommend approval with 65% impervious cover as SAWS has recommended.

1. Property is located on 26.45 acres out of NCB 17728 at the north of the intersection of Bulverde Road and North Loop 1604 East.
2. There were 8 notices mailed, 0 returned in opposition and 4 in favor.
3. Staff recommends approval.

AYES: Martinez, Robbins, Sherrill, McAden, Avila, Stribling, Peel

NAYS: Rodriguez

ABSTAIN: Kissling

RECUSED: Dutmer

THE MOTION CARRIED

Z2005068

RESULTS OF COUNCIL HEARING August 11, 2005

City Council granted a continuance until September 8, 2005

RESULTS OF NOTICE FOR COUNCIL HEARING

To be provided at Council hearing.

SAN ANTONIO WATER SYSTEM DEV. SERVICES
Interdepartment Correspondence Sheet

2005 MAY 31 P 1: 22

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 Z2005068 (Lowe's on Bulverde)

Date: May 24, 2005

SUMMARY

A request for a change in zoning has been made for an approximate 26.45-acre tract located on the city's north side. A change in zoning from "C-2 ERZD" to "C-3 ERZD" is being requested by the applicant, Mr. Ken Brown. The change in zoning has been requested to allow for the construction and operation of a Lowe's Hardware Store.

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, 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 10, located on the eastern side of Bulverde Road, north of Loop 1604. 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-3 ERZD and will allow for the construction of a Lowe's Hardware Store. The property is currently undeveloped.

2. Surrounding Land Uses:

A fire station is located immediately north of the property. The remaining surrounding property is undeveloped.

3. Geologic Features:

The Resource Protection Division of SAWS conducted an evaluation on March 17, 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, although Edwards outcropping was visually apparent. Using U.S. Geological Survey Water-Resources Investigations Report 95-4030 it was determined that the subject site was underlain by the Leached and Collapsed Member and the Cyclic and Marine Members of the Edwards Aquifer. Identification of geologic units was not possible due to heavy weathering of surface material and coverage by alluvium and thick brush. Three 55-gallon drums were noted during the site evaluation. One of the drums was full of an unknown substance. The two remaining barrels were partially filled.

The Cyclic and Marine Members are known to develop caverns and possess the potential for extensive lateral porosity. It is generally 80 to 90 feet thick. The Leached and Collapsed Member is generally one of the most permeable units of the Edwards Aquifer and can have extensive lateral development of caverns. It is generally 70 to 90 feet thick. An inferred fault is located on the southeastern portion of the project site. No surface expression of this fault was observed. The applicant provided a Geotechnical Engineering Study performed by Drash Consulting Engineers, Inc. According to the report, ten geotechnical borings were taken at the project site, in which two strata were identified. Stratum 1 consisted of a silty clay layer ranging from 0 to 4.5 feet thick. Stratum 2 was a weathered limestone up to 20 feet thick (limit of borehole depth). Neither subsurface water nor karst features were encountered during the drilling operations. SAWS staff did contact Laura Campa of Drash Consulting Engineers to verify that no Karst features were observed during drilling operations. Additionally, according to FEMA Flood Insurance Maps, no part of the subject site is located within the 100-year floodplain.

4. Water Pollution Abatement Plan:

As of the date of this report, a WPAP 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 commencement of construction.

ENVIRONMENTAL CONCERNS

The environmental concerns associated with this development being constructed on the Edwards Aquifer Recharge Zone are:

1. Site Specific Concerns:

- A. The three 55-gallon drums found on the site may contain contaminants, which may be a source of potential contamination.
- B. The storage of potentially hazardous chemicals including herbicides, pesticides, fertilizers, paint and glue associated with this development.

2. Geologic Concerns:

- A. A portion of the property lies within the floodplain, and the potential increase of sediment load resulting from the additional runoff created by the development.

3. 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

If the property is rezoned by the San Antonio City Council, then the following conditions shall apply to address the environmental concerns raised by the construction of this development on the Edwards Aquifer Recharge Zone:

Site Specific

- 1. The impervious cover on the site shall not exceed 65%.
- 2. The three 55-gallon drums shall be removed from the property and properly disposed of by an appropriate, licensed agent.
- 3. A spill prevention plan as approved by SAWS shall be developed and maintained for all hazardous chemicals that may be stored on the site. All Employees shall be properly trained as part of the spill prevention plan.
- 4. All buildings built on the site should be engineered such that any spills that may occur would be contained in a manner that would not allow for pollutants to enter the stormwater system and possibly the subsurface.

5. The owner of owner's agent shall inform any person leasing this tract or any portion of this tract that storage of chemicals and/or hazardous materials is not permitted. Provisions prohibiting the storage of chemicals and/or hazardous materials shall be included in the lease agreement. The owner or owner's agent shall be included in the lease agreement. The owner or owner's agent shall provide a copy of the lease provisions regarding the storage of chemicals and/or hazardous materials to the Aquifer Protection Section of SAWS for approval. The Aquifer Protection and Evaluation Section of SAWS may randomly inspect, without notice, any or all of the facilities on the site to ensure compliance.
6. All water pollution abatement structures shall be properly maintained and kept free of trash and debris. A signed water quality maintenance plan must be submitted to the Resource Protection Division of SAWS. If at any time the ownership of the property changes, the seller must disclose to the buyer all the requirements of the water quality maintenance plan. The new owner must submit a signed water quality maintenance plan to the Resource Protection Division of SAWS.
7. Landscaped areas shall be sensitive to minimizing water needs, i.e., use of native plants. Each purchaser of an individual lot or tenant within this development shall be informed by the seller or lessor in writing about Best Management Practices (BMP) for 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 the U.S. Natural Resource Conservation Service, Texas Department of Agriculture, U.S. Department of Agriculture, shall be used.
8. 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. 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.

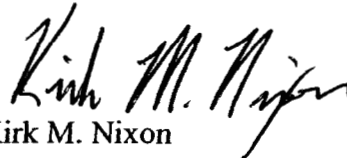
General

1. 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.
2. The land uses within the 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.

3. 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.
4. 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.
5. 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.
6. 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.
7. 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.

Zoning Commission Members
Z2005068 (Lowe's on Bulverde)
Page 6

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.



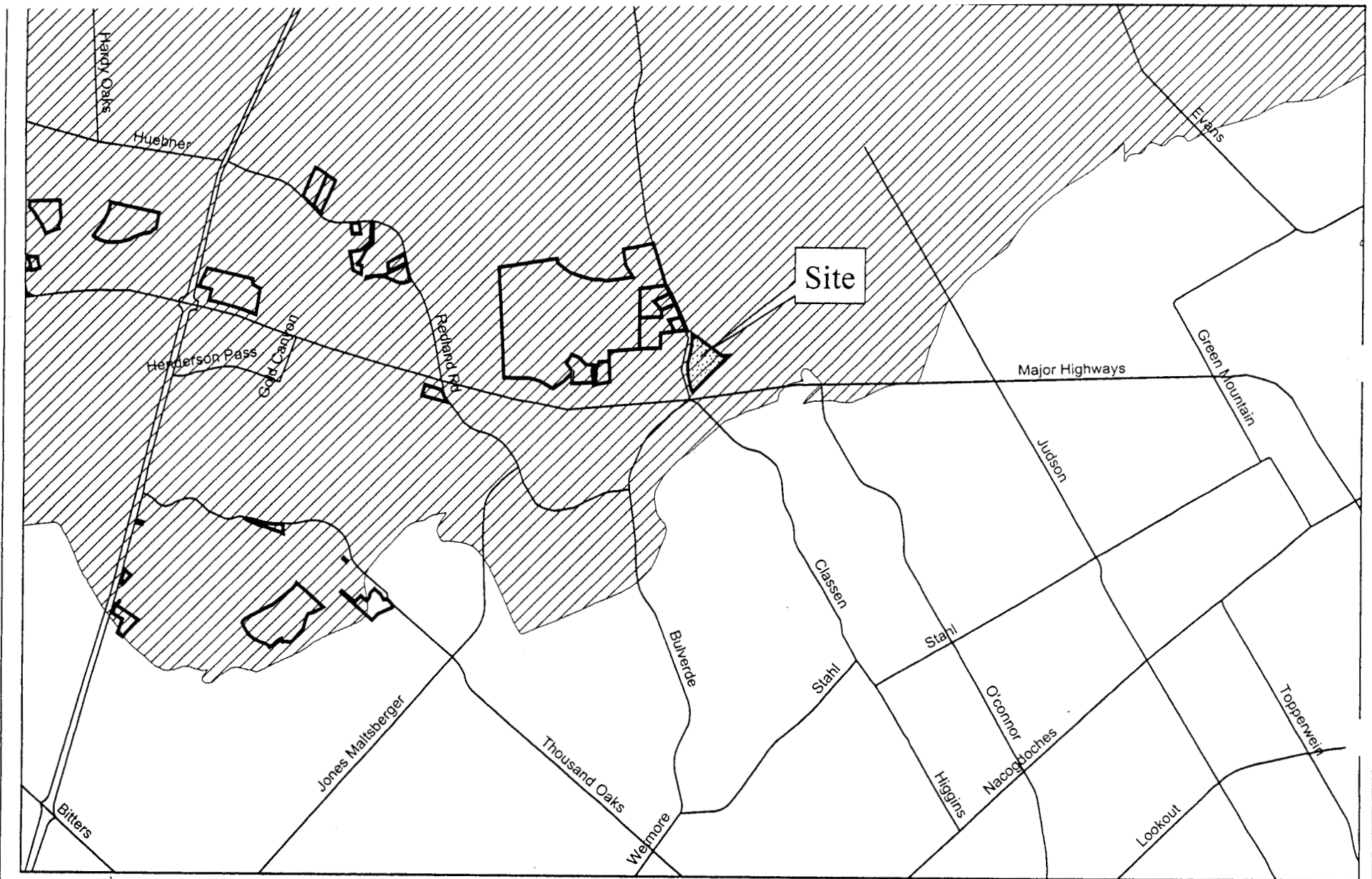
Kirk M. Nixon
Manager
Resource Protection Division

APPROVED:



Scott R. Halty
Director,
Resource Protection & Compliance Department

KMN:KJS



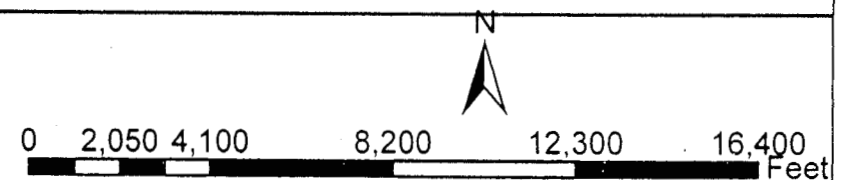
Zoning Case Z2005068 Figure 1

Lowe's on Bulverde

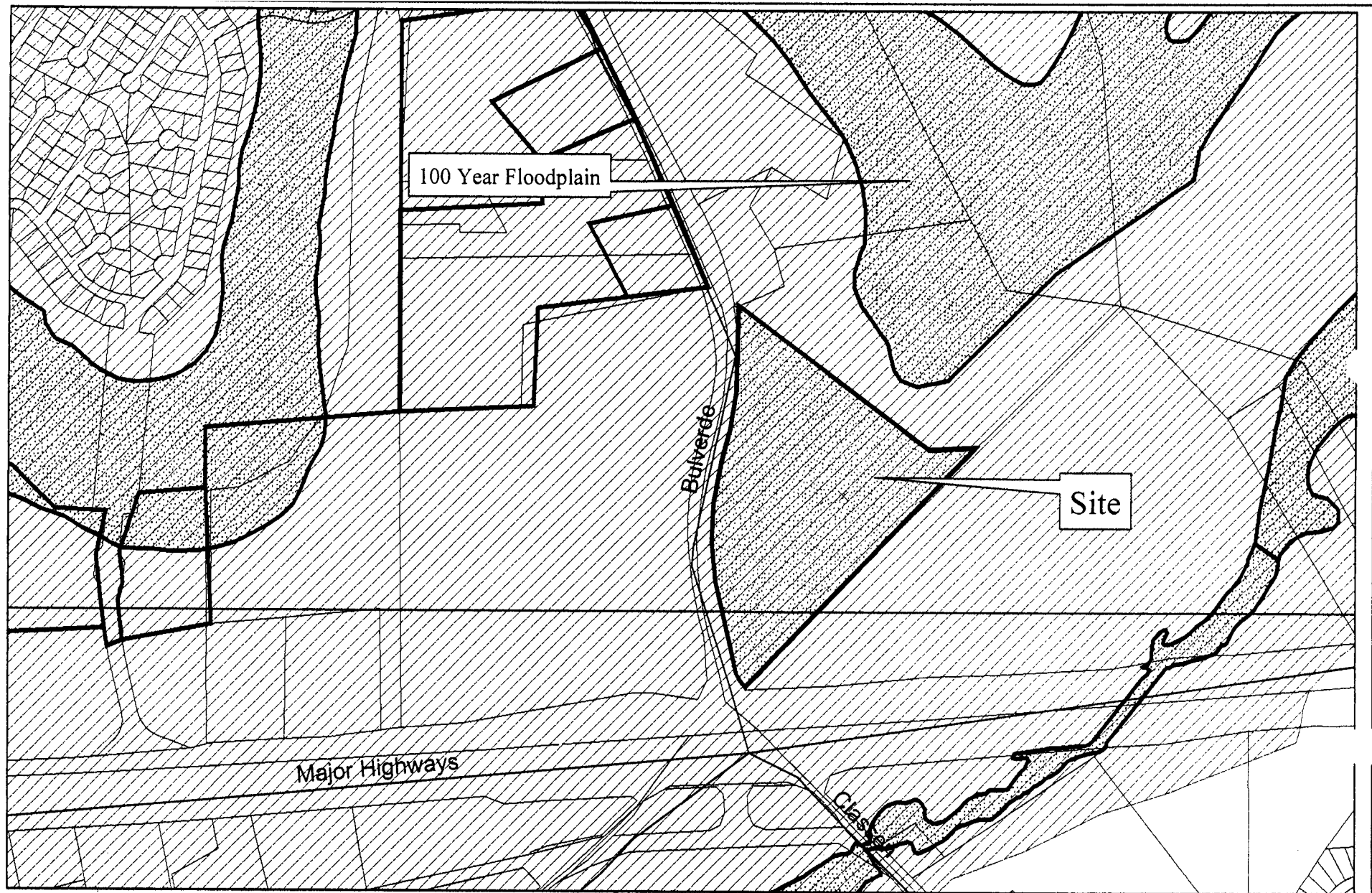
Map Page 518 C3

X = 2153769 Y=13767627

Map Prepared by Aquifer Protection and Evaluation KJS 3/17/2005



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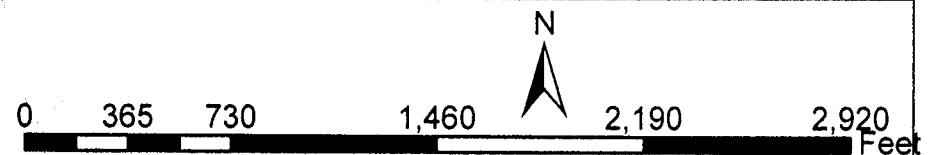
Zoning Case Z2005068 Figure 2

Lowe's on Bulverde

Map Page 518 C3

X = 2123769 Y=13767627

Map Prepared by Aquifer Protection and Evaluation KJS 3/31/2005



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