

CASE NO: Z2005165

Staff and Zoning Commission Recommendation - City Council

Date: August 11, 2005

Zoning Commission Meeting Date: August 02, 2005

Council District: 8

Ferguson Map: 518 A8

Applicant:

Starlight Oaks, Ltd.

Owner:

Starlight Oaks, Ltd.

Zoning Request:

From C-3 R ERZD General Commercial Restrictive Alcoholic Sales
Edwards Recharge Zone District to C-2 ERZD Commercial Edwards
Recharge Zone District

0.07 acres out of NCB 17022

Property Location:

4503 De Zavala Road

Intersection of De Zavala Road, Parksite Woods, and Rogers Parkway

Proposal:

To allow for the sale of beer and wine in conjunction with food sales

**Neighborhood
Association:**

Woods of Shavano Community Association

Neighborhood Plan:

None

TIA Statement:

A Traffic Impact Analysis is not required

Staff Recommendation:

Approval.

The subject property is currently the location of a restaurant within a shopping center. There are single-family residential homes and a neighborhood recreation center to the north, commercial development to the east and south, and vacant commercial structure to the west. There is a drainage area that serves as a buffer between the commercial development and the residential dwellings. The change from C-3 R Restricted Commercial to C-2 Commercial District is to allow for the sale of alcohol on the property. C-2 commercial would not allow for the development of a nightclub or a bar, however, the sale of alcohol at the restaurant would be permitted. This zoning change would be appropriate at this location.

SAWS recommends approval of this zoning case. There is not an impervious cover limit because the site is already developed.

Zoning Commission Recommendation:

Approval

VOTE

FOR 11

AGAINST 0

ABSTAIN 0

RECUSAL 0

CASE MANAGER : Robin Stover 207-7945

Z2005165

ZONING CASE NO. Z2005165 – August 2, 2005

Applicant: Starlight Oaks, Ltd.

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

Commissioner Stribling stated he has received a letter from Woods of Shavano Community Association expressing their support.

Andy Guerrero, 3134 Renker, representing the applicant, stated they are requesting this change in zoning to obtain a license to allow the existing restaurant to sell alcohol in conjunction with the sell of food. He stated they have met with the neighborhood association and have received a letter of support.

Staff stated there were 10 notices mailed out to the surrounding property owners, 0 returned in opposition and 2 returned in favor and no response from Woods of Shavano Community 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 Stribling and seconded by Commissioner Dixon to recommend approval.

1. Property is located on 0.07 acres out of NCB 17022 at 4503 De Zavala Road.
2. There were 10 notices mailed, 0 returned in opposition and 2 in favor.
3. Staff recommends approval.

AYES: Martinez, Robbins, Rodriguez, Kissling, Farias, Dixon, Sherrill, McAden, Avila, Stribling, Gray

NAYS: None

THE MOTION CARRIED

RESULTS OF NOTICE FOR COUNCIL HEARING

To be provided at Council hearing.

**SAN ANTONIO WATER SYSTEM
Interdepartment Correspondence Sheet**

DEV. SERVICES
2005 JUL 19 P 12:33

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., Michael Barr, Resource Protection Specialist II, Aquifer Protection & Evaluation Section, File

Subject: Zoning Case Z2005165 (Fajita Taco Place)

Date: July 19, 2005

SUMMARY

A request for a change in zoning has been made for an approximate 0.07-acre tract located on the city's northwest side. A change in zoning from **C-3R ERZD** to **C-2 ERZD** is being requested by the applicant, Mr. Andrew Guerrero. The change in zoning has been requested to allow for the sales of beer and wine within an existing restaurant. 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 8, at the intersection of DeZavala Road and Parksite Woods. The property lies within the Edwards Aquifer Recharge Zone (Figures 1 and 2).

SITE EVALUATION

1. Development Description:

The proposed change is from C-3R ERZD to C-2 ERZD and it has been requested to allow for the sales of beer and wine. The property is currently in operation and is a restaurant (Fajita Taco Place) without alcohol sales.

2. Surrounding Land Uses:

The building is located within an existing retail center that includes other restaurants and retail stores. A commercial building that is currently under construction abuts the property boundary on the north and west sides. The property is bounded to the south and east by DeZavala Road and Parksite Woods.

3. Geologic Features:

The Resource Protection Division of the San Antonio Water System conducted an evaluation on June 29, 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 sensitive recharge features. The site is a developed site that currently has commercial buildings and a parking lot. Using U.S. Geological Survey Water-Resources Investigations Report 95-4030 it was determined that the subject site was underlain by the Cyclic Marine Member of the Edwards Aquifer. This could not be verified onsite due to coverage by fill material, parking lots and buildings. According to FEMA Flood Insurance Maps, no part of the subject property is within the 100 – year floodplain.

4. Water Pollution Abatement Plan:

The Mabry Retail Center Water Pollution Abatement Plan (WPAP) was approved by the Texas Commission on Environmental Quality (TCEQ) on May 1, 2000. There were a total of 13 geologic features, all of which were considered to be not sensitive.

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

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. 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.

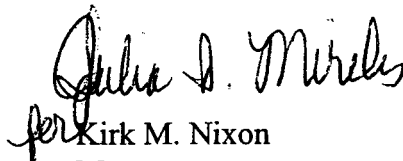
2. The applicant shall notify the Construction Compliance Section of the Resource Compliance Division of SAWS at (210) 704-1158 no later than 48 hours prior to the commencement of construction at the site. If any significant geologic features such as, but not limited to, solution openings, caves, sinkholes, 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. 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.
2. The owner of the approved WPAP is responsible for maintaining all permanent BMPs. The owner is responsible for all water pollution abatement structures and 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 anytime 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.
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 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.
- E. 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.
- F. 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



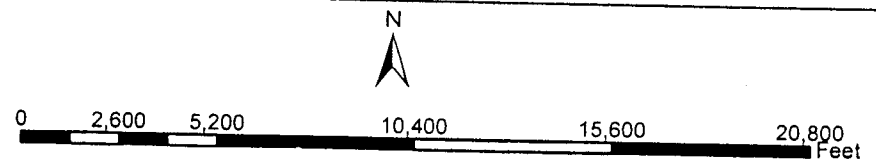
Zoning Case No. Z2005165 Figure 1

Restaurant with Alcohol Sales

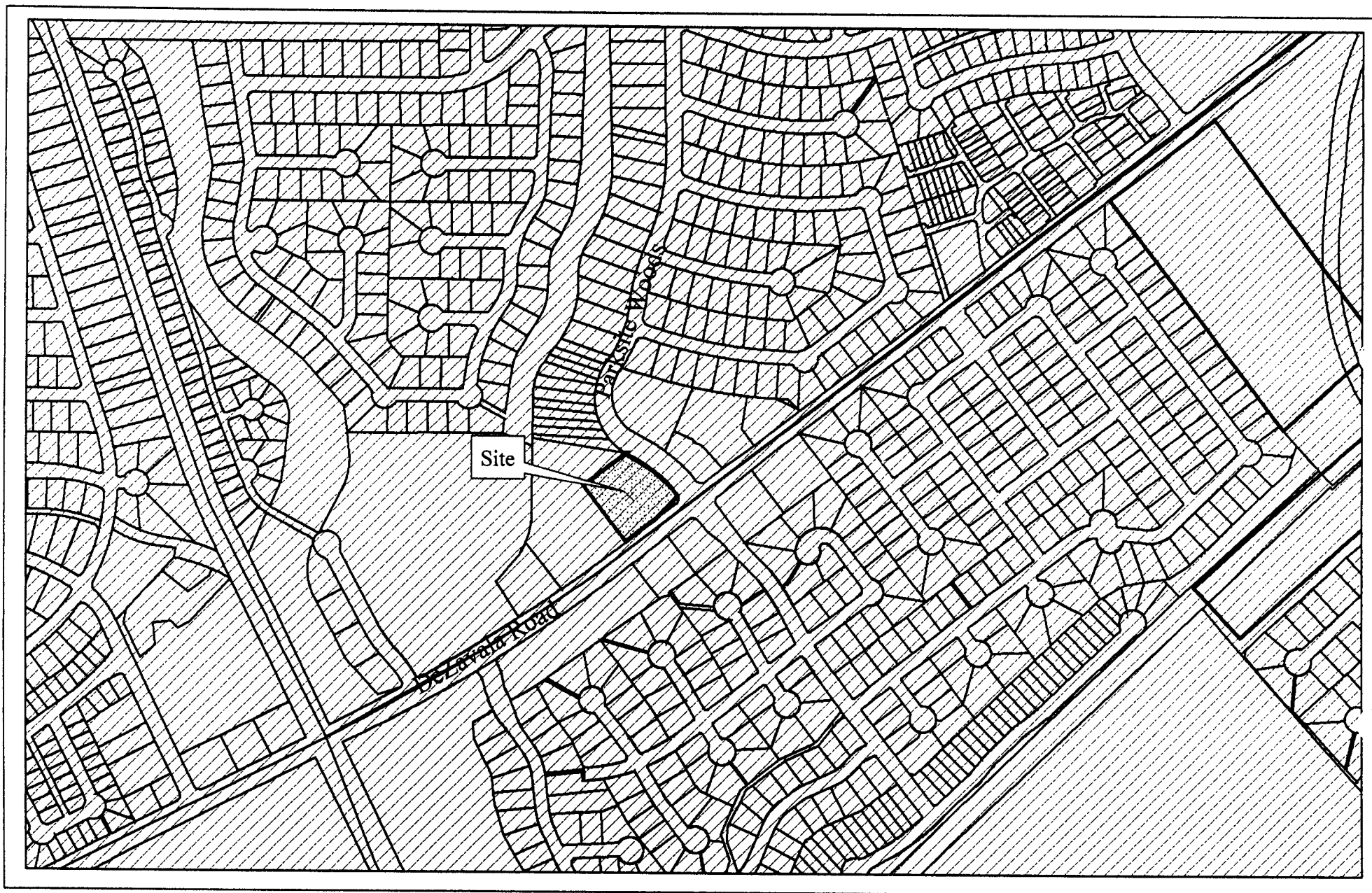
Map Page 515 A8

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Map Prepared by Aquifer Protection and Evaluation MJB 6/28/2005



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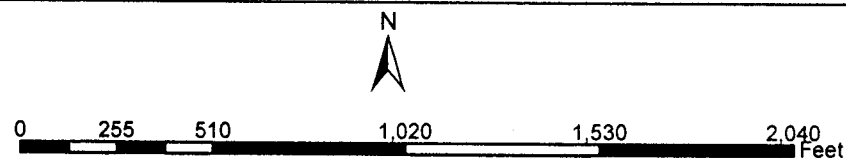
Zoning Case No. Z2005165 Figure 2

Restaurant with alcohol sales

Map Page 515 A8

X=2103713 Y=13755355

Map Prepared by Aquifer Protection and Evaluation MJB 6/28/2005



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