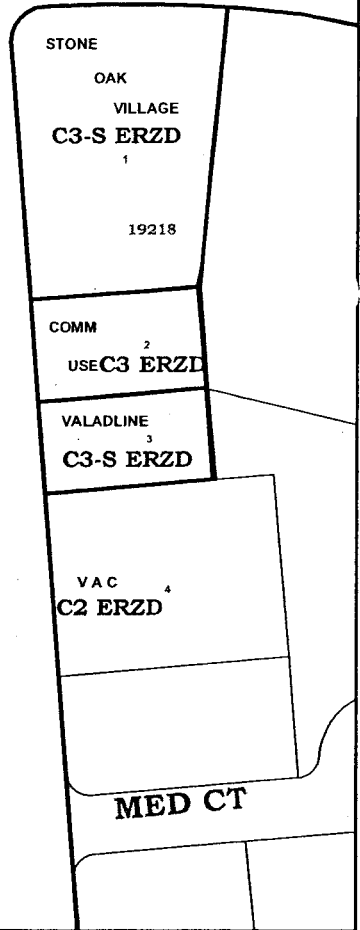
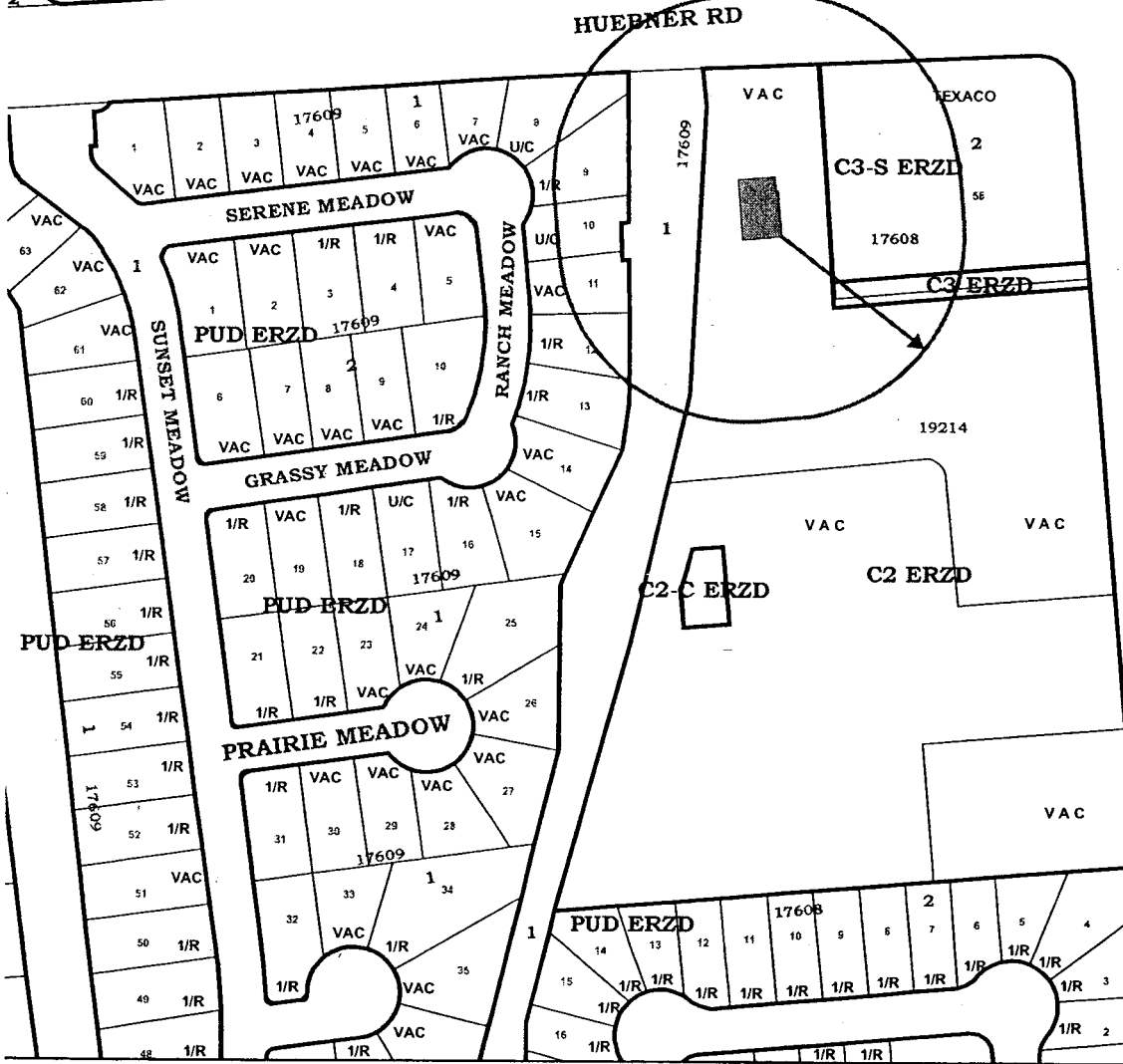




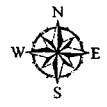
☐ In Opposition
☐ In Favor
 BANK
 TRUST



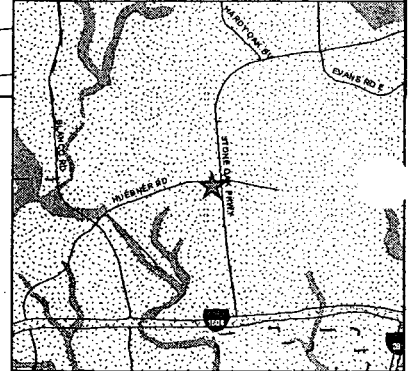
ZONING CASE: Z2005-233 S

City Council District No. 9
 Requested Zoning Change
 From "C-2 ERZD" To "C-2 S ERZD"
 Date: November 10, 2005
 Scale: 1" = 200'

 Subject Property
 200' Notification



C:\Oct_4_2005



CASE NO: Z2005233 S

Staff and Zoning Commission Recommendation - City Council

Date: November 10, 2005

Zoning Commission Meeting Date: October 18, 2005

Council District: 9

Ferguson Map: 482 E8

Applicant:

Jerry Arredondo

Owner:

Stone Oak Enterprises, L. P.

Zoning Request: From "C-2 ERZD" Commercial Edwards Recharge Zone District to "C-2 S ERZD" Commercial Edwards Recharge Zone District with a Specific Use Permit for a Bar

0.0620 acres out of NCB 17608

Property Location: 19141 Stone Oak Parkway, Suite 206

Southwest corner of Huebner Road and Stone Oak Parkway

Proposal: For bar and grill

Neighborhood Association: Stone Oak Property Owner's Association, Sonterra Property Owner's Association, and Stone Oak Communities of Mutual Amenities (within 200

Neighborhood Plan: None

TIA Statement: A Traffic Impact Analysis is not required.

Staff Recommendation:

Approval

The subject property is located in a developed shopping center west of the intersection of Stone Oak Parkway and Huebner Road. The applicant is requesting the zoning change in order to allow for a bar. The surrounding properties are primarily retail uses and are zoned "C-2" Commercial District.

This zoning change would be appropriate at this location due to the surrounding land uses. A bar is defined as any use which 75% or more of gross revenue is derived from the on-premise sale and consumption of alcoholic beverages. The maximum square footage is limited to 2,000 square feet of building area excluding the kitchen, restrooms, and storage areas.

(Under the Texas Alcoholic Beverage Code an Alcoholic Beverage License application will be required that may be denied by the Texas Department of Alcoholic Beverage Commission (TABC) if the manner in which the business is operated or the place the business is located is detrimental to the health, safety and welfare of the public. The Code provides opportunities for citizens and government officials to object to the issuance of a license or permit.)

SAWS Summary:

1. SAWS recommends approval of the proposed land use.
2. This site is a Category 1 property

Zoning Commission Recommendation:

Approval with SAWS site specific recommendations and conditions: 1. No Outside Music or Entertainment 2. Business Hours of Operation shall be limited to 11 a.m. to 2 a.m.

CASE MANAGER : Robin Stover 207-7945

VOTE

FOR	11
AGAINST	0
ABSTAIN	0
RECUSAL	0

Z2005233 S

ZONING CASE NO. Z2005233 S – October 18, 2005

Applicant: Jerry Arredondo

Zoning Request: "C-2" ERZD Commercial Edwards Recharge Zone District to "C-2" S ERZD Commercial Edwards Recharge Zone District with a Specific Use Permit for a bar.

Jerry Arredondo, 6233 Sovereign Drive, representing the owner, state the restaurant is currently in operation and is does serve alcoholic beverages however they are requesting this change in zoning to stay in compliance. He stated they have agreed to add two deed restrictions: 1. No outside music, 2. Hours of operation would be from 11 am until 2 am.

Staff stated there were 12 notices mailed out to the surrounding property owners, 1 returned in opposition and 1 returned in favor and Stone Oak Property Owner's Association is in neutral and no response from Sonterra Property Owner's Association and Stone Oak Communities of Mutual Amenities.

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 Gray to recommend approval of "C-2" S ERZD for a bar and grill with the following two deed restrictions: 1. No outside music or entertainment live or otherwise. 2. Hours of operation from 11 am until 2 am for serving clients and inclusion of site specific SAWS recommendations of: 1. SAWS recommends approval of the proposed lane use. 2. The site is a Category 1 property.

1. Property is located on 0.0620 acre out of NCB 17608 at 19141 Stone Oaks Parkway, #206
2. There were 12 notices mailed, 1 returned in opposition and 1 in favor.
3. Staff recommends approval.

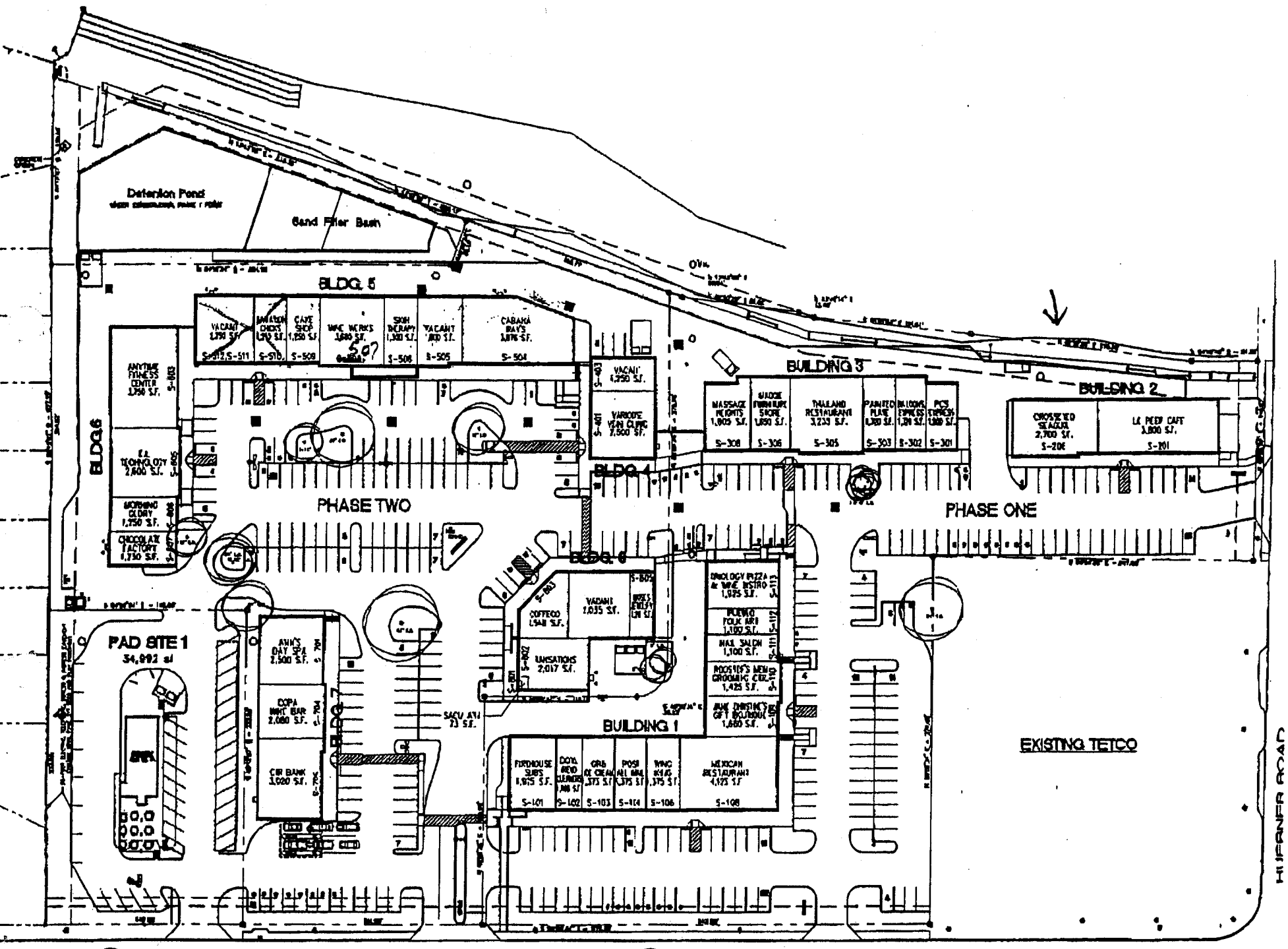
AYES: Martinez, Robbins, Rodriguez, Kissling, Farias, Marshall, Sherrill, McAden, Avila, Stribling, Gray

NAYS: None

THE MOTION CARRIED

RESULTS OF NOTICE FOR COUNCIL HEARING

To be provided at Council hearing.



10141 STONE OAK PARKWAY

MASTER SITE PLAN

SAN ANTONIO WATER SYSTEM
Interdepartment Correspondence Sheet

DEV. SERVICES

2005 SEP 27 P 12: 29

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 Z2005233 (Cross-Eyed Seagull)

Date: October 4, 2005

SUMMARY

A request for a change in zoning has been made for an approximate 0.062-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. Jerry Arredondo. The change in zoning has been requested to allow for the sale and consumption of alcoholic beverages at 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 zoning change. 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 sale and consumption of alcoholic beverages at an existing restaurant. The property is developed.

2. Surrounding Land Uses:

The property is located with in an existing commercial retail shopping center.

3. Geologic Features:

The Resource Protection Division of the San Antonio Water System conducted an evaluation on September 23, 2005 of the referenced property to assess the geologic conditions and evaluate any environmental concerns present at the site. Using U.S. Geological Survey Water-Resources Investigations Report 95-4030 it was determined that the subject site was underlain by the Dolomitic Member of the Edwards Aquifer. Observation of underlying geology was not possible since the site is developed and covered with parking and buildings.

Additionally, staff reviewed the geologic assessment in the WPAP (dated 10/30/2002), prepared by David Seagraves, and no sensitive recharge features were observed 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 portion of the subject site is located within the 100-year floodplain.

4. Water Pollution Abatement Plan:

The property is contained within the Stone Oak Crossing Office/Retail Park WPAP. This plan was submitted on March 7, 2003 and approved by the Texas Commission on Environmental Quality on May 5, 2003. The WPAP proposes 88% impervious cover for the overall project.

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. The owner of 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.

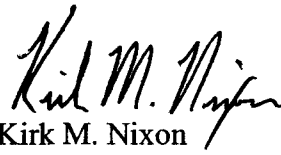
2. Landscaped areas shall be sensitive to minimizing water needs, i.e., use of native plants. Each purchaser of an individual lot or tenant within this development shall be informed by the seller or lessor in writing about Best Management Practices (BMP) for pesticide and fertilizer application. Preventing 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, TX Department of Agriculture, U.S. Department of Agriculture, shall be used.
3. 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.

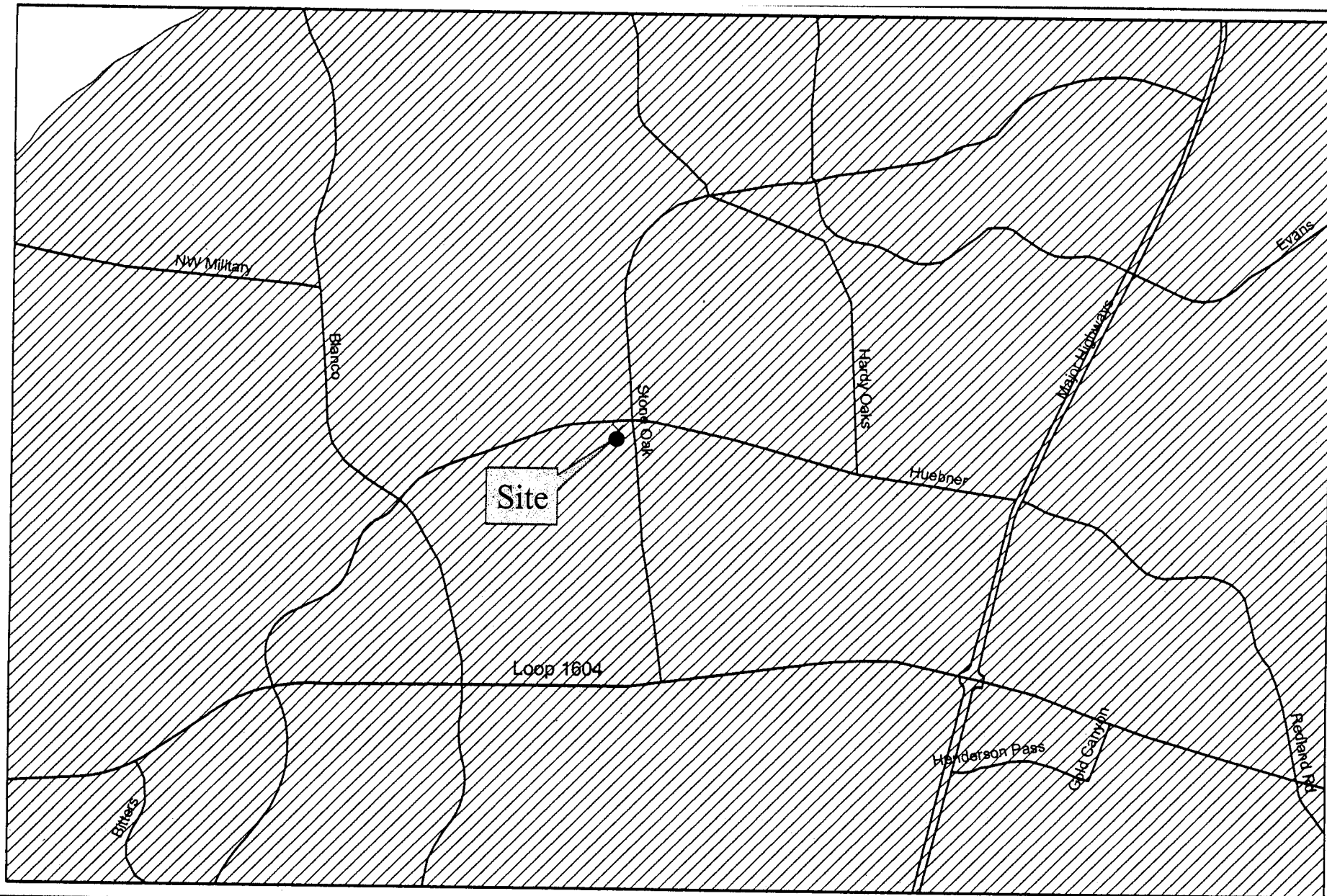
Based on the site evaluation of the property, and the information submitted by the applicant, staff recommends **approval** of the proposed zoning change. Additionally, SAWS staff recommends that the applicant, or any future owner, comply with the above recommendations in regards to the development of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


Kirk M. Nixon
Manager, Resource Protection Division

APPROVED:



Scott R. Halty
Director, Resource Protection & Compliance Department



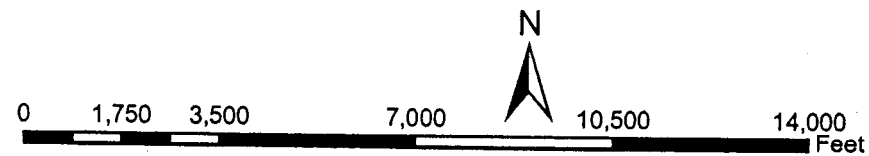
Zoning Case Z2005233 Figure 1

Cross-Eyed Seagull

Map Page 482 E8

X = 2128554 Y=13775540

Map Prepared by Aquifer Protection and Evaluation KJL 9/23/2005



1:41,166



Zoning Case Z2005233 Figure 2

Cross-Eyed Seagull

Map Page 482 E8

X = 2128554 Y = 13775540

Map Prepared by Aquifer Protection and Evaluation KJL 9/23/2005

