

CITY COUNCIL AGENDA

ZONING CASES

December 1, 2005

ZONING CASES

COUNCIL DISTRICT

Z2005191 S

9

CASE NO: 22005191 S

Staff and Zoning Commission Recommendation - City Council

Zoning Commission continuance from September 6, 2005
City Council continuance from November 10, 2005

Date: December 01, 2005

Zoning Commission Meeting Date: September 20, 2005

Council District: 9

Ferguson Map: 482 E8

Applicant:

Texas Shine Express, LLC

Owner:

Shops of Stone Oak, LP

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

1.0959 acres out of NCB 19223

Property Location: 20200 Block of Huebner Road

Northside of Huebner Road, west of Stone Oak Parkway

Proposal: Automatic car wash

Neighborhood Association: Sonterra Property Owners Association, Inc. and Stone Oak Property Owners Association

Neighborhood Plan: None

TIA Statement: A Traffic Impact Analysis is required. A Level-1 Traffic Impact Analysis (TIA)

Staff Recommendation:

Denial.

The subject property is undeveloped and located on Huebner Road, a major thoroughfare. The subject property is adjacent to "C-2 ERZD" Commercial Edwards Recharge Zone District to the north (Shops of Stone Oak under construction), east (Walgreen Drug Store) and "MF-33 ERZD" Multi-Family Edwards Recharge Zone District to the west (The Villas Sonterra Apartments).

The current "C-2" Commercial District is more appropriate considering the location and residential dwellings in close proximity. "C-3" uses should be limited to the intersection of major thoroughfares. At the request of City Council the applicant has submitted two revised site plans for consideration. The site plans differ in the amount of landscape buffer along the west property line adjacent to the multi-family dwellings. One indicates a 5-foot landscape buffer with Type C plant materials and the other shows a 15-foot Type C landscape buffer. Staff does not believe the 5-foot is adequate considering the adjacent multi-family dwellings.

Buffer Yards Requirements

A proposed development zoned "C-2" Commercial District which adjoins an "MF-33" Multi-Family District is not required to provide a buffer yard. A proposed development zoned "C-3" General Commercial District which adjoins an "MF-33" Multi-Family District requires a Type "C" landscape buffer (15 feet). It is recommended that "C-3" uses permitted by Specific Use Permit adhere to "C-3" landscape buffers.

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Staff and Zoning Commission Recommendation - City Council

Staff does not believe the revisions made to the site plan are adequate to ensure compatibility with the surrounding area. It is staff's opinion that the site is too constricted to accommodate a carwash facility of this magnitude.

Edwards Recharge Zone District Summary

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

Zoning Commission Recommendation:

Denial

VOTE

FOR	9
AGAINST	0
ABSTAIN	0
RECUSAL	0

CASE MANAGER : Pedro Vega 207-7980

Z2005191 S

ZONING CASE NO. Z2005191 S – September 6, 2005

Applicant: Texas Shine Express, LLC

Zoning Request: “C-2” ERZD Commercial Edwards Recharge Zone District to “C-2” S ERZD

Commercial Edwards Recharge Zone District with Specific Use Permit for a Car Wash.

Pete Vega, Case Manager, stated he received a fax from the applicant requesting a continuance on this case.

Douglas Schoenerbuger, 2504 Jane Addams, representing the applicant, stated he would like to request a continuance to address some concerns that city staff and Commissioner McAden had.

Staff stated there were 16 notices mailed out to the surrounding property owners, 2 returned in opposition and 1 returned in favor and Stone Oak Property 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 Robbins to recommend a continuance until September 20, 2005.

1. Property is located on 1.0958 acres out of NCB 19223 at 19000 Block of Huebner Road.
2. There were 16 notices mailed, 2 returned in opposition and 1 in favor.
3. Staff recommends denial.

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

NAYS: None

THE MOTION CARRIED

ZONING CASE NO. Z2005191 S – September 20, 2005

Applicant: Texas Shine Express, LLC

Zoning Request: "C-2" ERZD Commercial Edwards Recharge Zone District to "C-2" S ERZD

Commercial Edwards Recharge Zone District with Specific Use Permit for a Car Wash.

Jerry Arredondo, 6322 Sovereign Dr., representing the applicant, stated they have made some amendments to their request. He stated one of the major concerns was the 5-foot buffer not being adequate. This particular use would require a 15-foot buffer in order for it to be appropriate for this development. He stated he would like to amend their site plan to reflect a 15-foot buffer, in addition, they would also provide more landscaping. He further stated they also intend to abide my SAWS recommendations of 75% to 85% water recycle and 65% impervious cover. They have also reduced their hours of operation to be closed from 11 pm to 6 am.

Douglas Schoenenberger, 2504 Jane Adams Drive, stated this site is a Category 1 with no environmental sensitive issues and will have detention pond and filtration pond. The landscaping will save over 40% of trees with 6" diameter and will plant street and landscape buffer trees. They are proposing to install noise reduction apparatus to retrofit equipment, which will reduce the noise affecting their neighbors. The vacuums will be placed on the opposite property line, 120' away from their neighbors. They are also proposing to provide a 6' landscape buffer with bushes in front of 8' masonry fence.

Staff stated there were 16 notices mailed out to the surrounding property owners, 2 returned in opposition and 1 returned in favor and Stone Oak Property 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 Kissling to recommend denial.

1. Property is located on 1.0958 acres out of NCB 19223 at 19000 Block of Huebner Road.
2. There were 16 notices mailed, 2 returned in opposition and 1 in favor.
3. Staff recommends denial.

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

NAYS: None

THE MOTION CARRIED

RESULTS OF COUNCIL HEARING November 10, 2005

City Council granted a continuance until December 1, 2005

RESULTS OF NOTICE FOR COUNCIL HEARING

To be provided at the Council hearing.

CITY OF SAN ANTONIO
Development Services Department

Interdepartmental Correspondence Sheet

TO: John Jacks (Planning Manager), Development Services Zoning Division
FROM: Marc Courchesne (Sr. Engineering Technician) Development Services TIA Division
COPIES TO: File
SUBJECT: Texas Shine Carwash, Re-Zoning of 0.9233-Acres, Level 1 TIA (Z2005191s)
DATE: September 6, 2005

The Development Services TIA Division has reviewed the Level-1 Traffic Impact Analysis (TIA) for the Texas Shine Carwash Tract, re-zoning of 0.9233-acres. The analysis is in compliance with TIA Ordinance 91700.

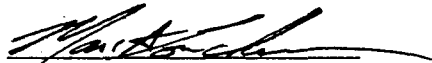
This proposed development is located along Huebner Road approximately 350 feet west of Stone Oak Pkwy, in northern San Antonio. The 0.9233-acres is proposed to be re-zoned from C-2 Commercial District use to C-2s Commercial with specific use District. The property is proposed to be developed into a carwash. The proposed development is projected to generate 206 peak hour trips.

The following on-site improvements, as well as, improvements along the project limits are necessary and shall be provided by the developer, on and before the completion of the 0.9233-acre tract, at no cost to the City of San Antonio:

- Driveway throat lengths shall comply with UDC 35-506, Table 506-7 requirements.
- All access driveways shall comply with UDC 35-506 (r).
- All access driveways shall provide clear sight distance along Huebner Road to provide adequate obstruction free viewing distances for approaching traffic. All signage, landscaping, and improvements shall be selected and located so as to not block these clear sight distance areas.

It should be understood that the submitted TIA is a conceptual plan and therefore this document does not represent an approval for the internal site plan. Site circulation is important for this proposed development. Reduced number of driveways and cross access is encouraged in order to provide safe and efficient movement of traffic to and from, within and past, the proposed development, while minimizing the impact to non-site trips.

Approved by:



Marc A. Courchesne
Senior Engineering Technician
Development Services TIA Division
2005TIA0903

SAN ANTONIO WATER SYSTEM
Interdepartment Correspondence Sheet

DEV. SERVICES
2005 AUG 24 3:31 PM

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

Subject: Zoning Case Z2005191 (Automatic Car Wash)

Date: August 23, 2005

SUMMARY

A request for a change in zoning has been made for an approximate 0.9233-acre tract located on the city's north side. A change in zoning from **C-2 ERZD** to **C-2 S ERZD** is being requested by the applicant, Texas Shine Express, LLC., by Mr. Douglas Schoenenberger. The change in zoning has been requested to allow for the operation of an automatic car wash. 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, at the northwest corner of Stone Oak Pkwy 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 S ERZD and will allow for the construction of an automatic car wash. The property lies within the Edwards Aquifer Recharge Zone (Figures 1 and 2).

2. Surrounding Land Uses:

A Walgreens is immediately east of the property. A multi-family residential subdivision abuts the property boundary on the west side. The property to the north is currently under construction. The property is bounded to the south by Huebner Road.

3. Geologic Features:

The Resource Protection Division of the San Antonio Water System conducted a field observation on July 28, 2005 of the referenced property to access the geologic conditions and evaluate any environmental concerns preset at the site. SAWS staff Geologist, Joan Falkenberg, P.G., was present during the field evaluation and observed no sensitive recharge features on the site. Using the 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 Group. The Dolomitic Member is characterized as generally porous and relatively permeable limestone. It is generally 110-130 feet thick in full section.¹ The site had soil coverage on most of the tract and several outcrops of bedrock were present. Staging and dumping of construction material from the adjacent site was observed. According to FEMA Flood Insurance Maps, no part of the subject property is 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. Standard Pollution/Abatement Concerns:

- A. All wash water should be contained within the car wash process area and gray water should not be allowed to drain off site.
- B. 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.
- C. 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 development on the Edwards Aquifer Recharge Zone:

¹ William G. Stein and George B. Ozuna, U.S. Geologic Survey Water Resources Investigations Report 95 - 4030, Austin, TX, 1996, p. 7

Site Specific

1. The impervious cover shall not exceed 65% on the site.
2. All wash water must be recycled or the proper permits obtained to allow for the discharge of wash water to the sanitary sewer system.
3. Sand interceptors shall be installed in the drainage systems of the following establishments: garages, car washes, service stations, or any place of business where heavy solids or solids greater than ½ inch may be introduced into then sanitary sewer system. The sizing criteria for a sand interceptor shall be based on the required GPM X 12-minute retention times to obtain the tank size in gallon capacity or as amended in the Unified Plumbing Code.²
4. The owner should participate in the volunteer SAWS Commercial Car Wash Conservation Program that requires a participant to recycle at least 50% of all used water.
5. 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.
6. 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 form 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.
7. 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.
8. If any sensitive 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.

² Unified Plumbing Code, 2003

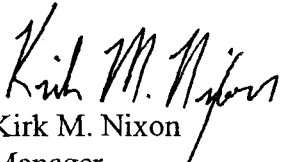
General

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 C-2 S ERZD 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. The owner/operator shall maintain and submit a Chemical Spill Prevention Plan to the San Antonio Water System (SAWS) for review and approval. The Chemical Spill Prevention Plan shall include, but is not limited to the following provisions:
 - A. A complete list, including Material Safety Data Sheets (MSDS), of all chemicals to be stored on the site. The list must include the maximum amount of each chemical kept on site at any time;
 - B. Procedures for promptly and properly cleaning any chemical leaks or spills;
 - C. Procedures for the proper disposal of any contaminated materials.


- D. Procedures for preventing any spilled chemicals from leaving the storage area(s).
 - E. All chemical storage areas shall be constructed with a depressed floor to contain and assist the cleanup of any spilled chemicals.
 - F. The storage, handling, use and disposal of all 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.
6. 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.
7. 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.
8. 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.

9. 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:MJB