

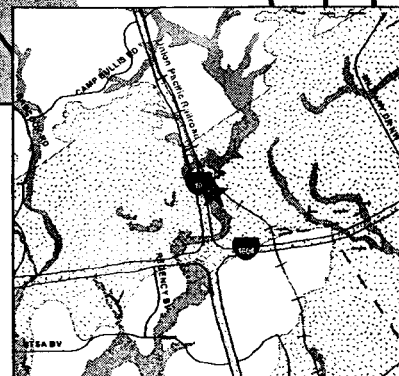
ZONING CASE: Z2005-218CD S

City Council District No. 8
 Requested Zoning Change
 From "C-3R ERZD GC-1" To "C-2 ERZD CD S GC-1"
 Date: December 15, 2005
 Scale: 1" = 200'

■ Subject Property
 ○ 200' Notification



C:\Oct_4_2005



CASE NO: Z2005218 CD S

Staff and Zoning Commission Recommendation - City Council

City Council Continuance from November 10, 2005

Date: December 15, 2005

Zoning Commission Meeting Date: October 18, 2005

Council District: 8

Ferguson Map: 514 D3

Applicant:

Brown, P. C., Attorneys at Law

Owner:

Fourth Quarter Properties d/b/a/ Thomas Acquisition Corporation

Zoning Request:

From "C-3 R ERZD" GC-1 Commercial Restrictive Alcoholic Sales Edwards Recharge Zone District Gateway Corridor Overlay District-1 and "C-3 ERZD" GC-1 General Commercial Edwards Recharge Zone District Gateway Corridor Overlay District-1 to "C-2 CD (Conditional Use for a Freight Depot) S ERZD" GC-1 Commercial Edwards Recharge Zone District Gateway Corridor Overlay District-1 with a Conditional Use and a Specific Use Permit for a Freight Depot

9.835 acres out of NCB 14881 and 14882

Property Location:

Property generally located East of I-10 and North of Loop 1604

Proposal:

To allow for a railroad reload facility (lumber freight depot)

Neighborhood Association:

None

Neighborhood Plan:

None

TIA Statement:

A Traffic Impact Analysis is not required

Staff Recommendation:

Approval

The subject property is currently vacant and is partially located in the floodplain. The surrounding properties are zoned for commercial use, but not yet developed. The proposal is to pave more than half of the 9 acres to allow for a staging area for semi-trucks that will be loaded with materials from a train. The materials will be loaded onto a truck and then moved to the lumberyard located to the north on IH 10. This area is naturally buffered by vegetation and the floodplain. This zoning change would be appropriate at this site due to the surrounding land uses and the natural buffer.

Conditions:

1. The freight depot is for the off loading and loading of lumber only.

SAWS Summary:

1. SAWS recommends approval of the proposed land use.
2. A category determination has not been submitted. Until such time the property is classified as a Category 2 property.
3. SAWS recommends that the impervious cover on the site shall not exceed 65%

Zoning Commission Recommendation:

Approval with SAWS site specific recommendations including 65% impervious cover and the condition that the freight depot is for the off loading and loading of lumber only.

CASE MANAGER : Robin Stover 207-7945

VOTE

FOR	10
AGAINST	1
ABSTAIN	0
RECUSAL	0

**SAN ANTONIO WATER SYSTEM
Interdepartment Correspondence Sheet**

DEV. SERVICES

2005 OCT 12 P 1:43

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 Lizcano, Resource Protection Specialist II, Aquifer Protection & Evaluation Section, File

Subject: Amended Zoning Case Z2005218 (Railroad Reload Facility)

Date: October 11, 2005

SUMMARY

A request for a change in zoning has been made for an approximate 9.8-acre tract located on the city's northwest side. A change in zoning from "C-3 R ERZD GC-1 and C-3 ERZD GC-1" to "C-2 CDS ERZD GC-1" is being requested by the applicant, Mr. Ken Brown. The change in zoning has been requested to allow for the unloading and reloading of lumber from railcars to transport trucks.

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 8, near the northeast corner of I.H. 10 and 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-3 R ERZD GC-1 and C-3 ERZD GC-1" to "C-2 CDS ERZD GC-1" and will allow for the construction of a reload facility. This reload facility is essentially a large, open area with no existing structures. The loading/unloading pad will be constructed of asphalt material. Both borate treated and untreated lumber will be off-loaded from railcars onto transport trucks. Two lumber yards are being served by this facility. The applicant has stated that sufficient covered storage space at the respective locations is available to absorb all shipments as they arrive. Neither temporary storage nor delays in transportation at the site is anticipated. This facility is relocating from an area which is north of the property.

2. Surrounding Land Uses:

Fiesta Texas Theme Park is located west of the property, across I.H. 10. A quarry was in operation to the north. The property to the south is undeveloped. A railroad line abuts the property on the eastern side.

3. 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 the commencement of construction.

4. Geologic Features:

The Resource Protection Division of the San Antonio Water System conducted an evaluation on September 2, 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 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 Dolomitic Member of the Edwards Aquifer.

The project site was previously utilized as a small residential subdivision. One abandoned home was located on the site. One abandoned, unplugged well and one abandoned septic system was located on the property. Many pad sites were observed, these may have been mobile home sites. The site was over grown with vegetation and did not appear to have been inhabited at any time in the recent past. Additional wells and/or septic systems may be located on the site. One empty drum with an antifreeze label on it was located on the site. According to FEMA Flood Insurance Maps, a portion of the subject site is located within the 100-year floodplain.

ENVIRONMENTAL CONCERNS

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

1. Site Specific Concerns:
 - A. One abandoned well is located on the site and there is potential for contamination of the Edwards Aquifer via the well.
 - B. One abandoned septic system is located on the site and there is potential for contamination of the Edwards Aquifer.
 - C. The transport of hazardous materials/substances in the railroad cars to and from the site.
 - D. Exposure of Borate treated lumber to environmental conditions may increase pollutants in the stormwater carried off during rain events.
 - E. 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
2. 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 shall not exceed 65% on the site.
2. The abandoned well, along with any additional wells that may be located on the site must be properly plugged according to the City Code Chapter 34, Division 2 Section 574 by a registered well driller.

3. The abandoned septic system, along with any additional septic systems that may be located on the site must be properly abandoned according to City Code Chapter 34 Article V Division 2 Section 446.
4. Hazardous material shall not be transported to or from this site.
5. There will be no temporary outside storage or delays in the transfer of borate treated lumber at the project site.
6. The owner of all water pollution abatement structures shall ensure these structures are 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

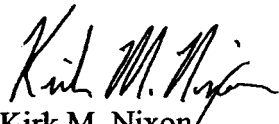
1. Development within the floodplain and floodplain buffer zones must be in accordance with Ordinance No. 81491 governing development on the Edwards Aquifer Recharge Zone in the Floodplain Preservation Area(s).
2. Prior to the release of any building permits the owner/operator of any Category 2 property shall submit an Aquifer Protection Plan to the Resource Protection Division of the San Antonio Water System.
3. The land uses within the project site 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 the project 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 not allowed, that land use will not be permitted on the project site.

4. 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.
5. 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.
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. 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.

8. 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.

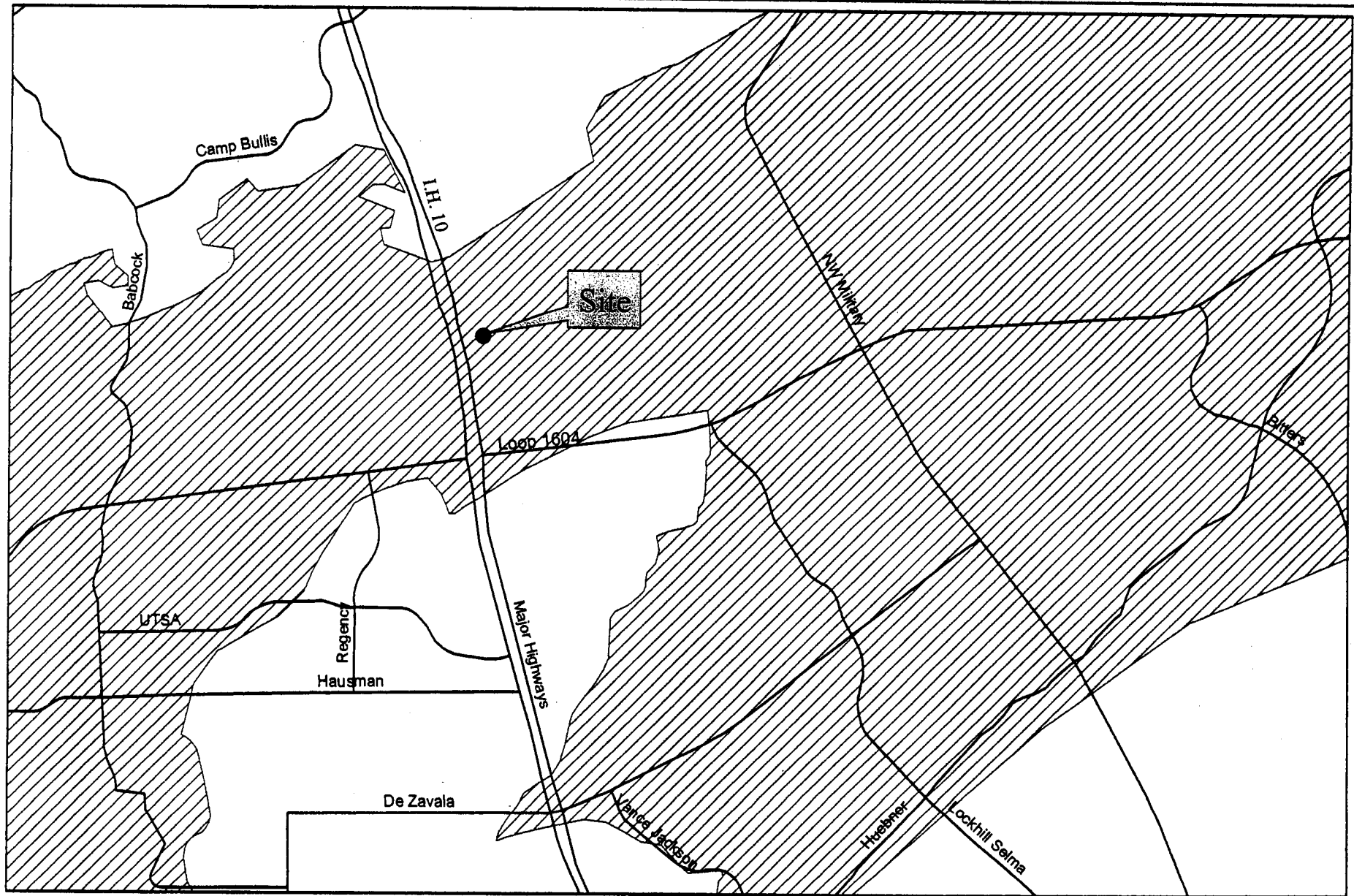
Based on the site evaluation of the property, and the information submitted by the applicant, staff recommends **approval** of the proposed land use. Additionally, SAWS staff recommends that the applicant, or any future owner, comply with the above recommendations in regards to the development of the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


Kirk M. Nixon
Manager
Resource Protection Division

APPROVED:


Scott R. Halty
Director,
Resource Protection & Compliance Department

KMN:KJL



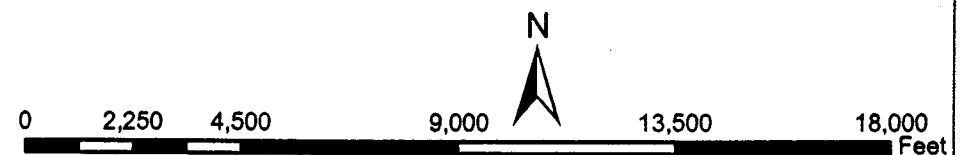
Zoning Case Z2005218 Figure 1

Railroad reload facility

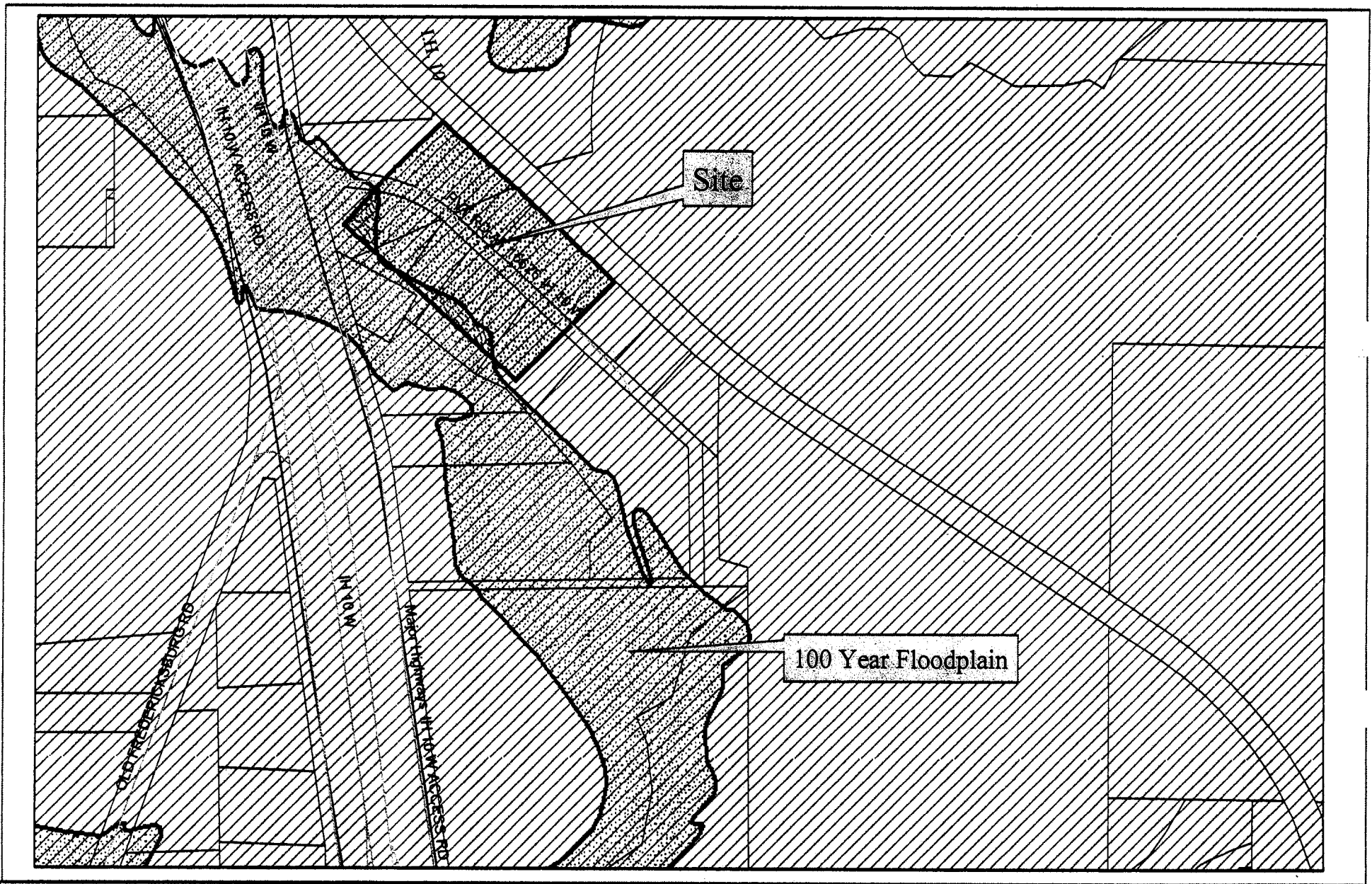
Map Page 514 D4

X = 2096262 Y=13765946

Map Prepared by Aquifer Protection and Evaluation KJL 8/30/2005



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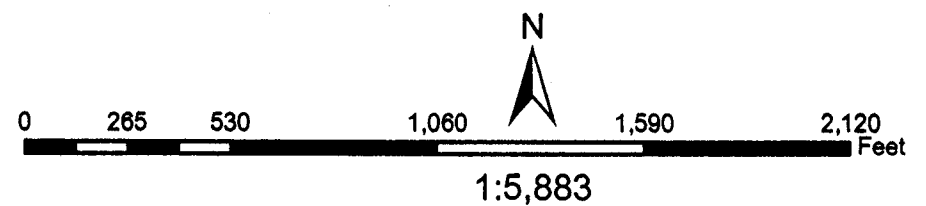
Zoning Case Z2005218 Figure 2

Railroad reload facility

Map Page 514 D4

X = 2096262 Y=13765946

Map Prepared by Aquifer Protection and Evaluation KJL 8/30/2005



Z2005218 CD S

ZONING CASE NO. Z2005218 CD S – October 18, 2005

Applicant: Brown, P. C.

Zoning Request: "C-3R" ERZD "GC-1" Commercial Restrictive Alcoholic Sales Edwards Recharge Zone Gateway Corridor Overlay District 1 and "C-3" ERZD "GC-1" General Commercial Edwards Recharge Zone Gateway Corridor District 1 to "C-2" CD (Conditional Use for a Freight Depot) S ERZD "GC-1" Commercial Edwards Recharge Zone Gateway Corridor District 1 with a Conditional Use and a Specific Use Permit for a Freight Depot.

Daniel Ortiz, 112 E. Pecan, representing the owner, stated they are requesting this change in zoning to allow for a railroad reload facility (lumber freight depot). He stated these materials (lumber) would be unloaded onto trucks and transported to the lumberyards. He further stated they would have 30% – 60% impervious cover which is well below the 65% that SAWS is recommending.

Staff stated there were 14 notices mailed out to the surrounding property owners, 0 returned in opposition and 0 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 Stribling and seconded by Commissioner McAden to recommend approval with staffs and SAWS conditions.

Staff's recommendation:

1. The freight depot is for off loading and loading lumber only.

SAWS recommendations:

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%.
-
1. Property is located on 9.835 acres out of NCB 14881 and 14882. Property generally located east of IH-10 and north of Loop 1604.
 2. There were 14 notices mailed, 0 returned in opposition and 0 in favor.
 3. Staff recommends approval.

Z2005218 CD S

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

NAYS: Rodriguez

THE MOTION CARRIED

RESULTS OF NOTICE FOR COUNCIL HEARING

To be provided at Council hearing.