

# **ZONING CASE: Z2005-247**

City Council District No. 8  
Requested Zoning Change  
From "R-6" To "C-3", "C-3 ERZD"  
Date: December 15, 2005  
Scale: 1" = 200'

# CASE NO: Z2005247

## Staff and Zoning Commission Recommendation - City Council

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**Date:** December 15, 2005

**Zoning Commission Meeting Date:** December 06, 2005

**Council District:** 8

**Ferguson Map:** 514

**Applicant:**

Brown, P. C. Attorneys at Law

**Owner:**

Thomas Enterprises, Inc.

**Zoning Request:**

From "R-6" GC-1 Residential Single-Family Gateway Corridor District and "R-6 ERZD" GC-1 Residential Single-Family Edwards Recharge Zone Gateway Corridor District to "C-3" GC-1 General Commercial Gateway Corridor District on 16.47 acres and "C-3 ERZD" GC-1 General Commercial Edwards Recharge Zone Gateway Corridor District on 2.84 acres

19.31 acres out of NCB 34760, 34761, and 14747

**Property Location:**

17300 - 18500 block of IH-10 West Access Road

Abandoned Railroad Right of Way along IH 10 West Access Road, North of La Canterra and South of Camp Bullis Road

**Proposal:**

To accommodate retail shopping center

**Neighborhood  
Association:**

None

**Neighborhood Plan:**

None

**TIA Statement:**

Approved Level 3 Traffic Impact Analysis on file (2005 TIA 0301)

**Staff Recommendation:**

Approval

The subject property is the abandoned M-K-T Railroad right-of-way located along IH-10. The property is currently vacant and situated between the IH-10 Right of Way and the undeveloped Rim project. The zoning change from the residential district to a commercial district will permit the continuation of the commercial development to the east.

**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 General and Site Specific SAWS recommendations

**VOTE**

**FOR**

11

**AGAINST**

0

**ABSTAIN**

0

**RECUSAL**

0

**CASE MANAGER :** Robin Stover 207-7945

DEV. SERVICES

**SAN ANTONIO WATER SYSTEM**  
**Interdepartment Correspondence Sheet**

2005 DEC -6 A 11: 32

**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:** Amended Zoning Case Z2005247 (Rim Right-of-Way)

**Date:** December 2, 2005

**SUMMARY**

A request for a change in zoning has been made for an approximate 19.31-acre tract located on the city's northwest side. Of the 19.31 acres, a total of 2.84 acres is located over the recharge zone and 16.47 acres is located over the contributing zone. A change in zoning from "R-6" and "R-6 ERZD" to "C-3" and "C-3 ERZD" is being requested by the applicant, Mr. Ken Brown. The change in zoning has been requested to allow a retail shopping center.

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 available, 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 "R-6" and "R-6 ERZD" to "C-3" and "C-3 ERZD" and will allow for the construction of a retail shopping center. The site currently has a railroad track located on it that is in use. A dense mixture of native vegetation lines the railroad track. Only a portion of the overall project site (2.84 acres) lies within the Edward Aquifer Recharge Zone.

### **2. Surrounding Land Uses:**

The land use is used as a railroad right-of-way. Fiesta Texas Theme Park is located west of the property, across I.H. 10. A quarry is in operation to the east. Another quarry was in operation to the north. The property to the south is undeveloped.

### **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 October 19, 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. 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. This could not be verified during the site investigation due to lack of outcropping of bedrock and coverage by fill material used for base of railroad tracks.

The Dolomitic Member is generally porous and relatively permeable, however permeable layers are generally restricted to solution – enlarged bedding planes. Is it generally 110 to 130 feet thick in full section. The project site was previously utilized as a railroad right-of-way. The site was over grown with vegetation and did not appear to have been inhabited at any time in the recent past. The historic railroad bed still exists with railroad ties and rails. According to FEMA Flood Insurance Maps, a portion of the subject site is located within the 100-year floodplain.

Leon Creek has been silted up due to years of mining activities; therefore aquifer recharge is limited in this segment. A restoration plan to enhance the riparian corridor has been created for the Leon Creek along The Rim Project. This includes channel restoration by restoring existing vegetative areas, establishing native vegetation where vegetation has been removed, placing rip-rap to deter erosion, and to remove asphalt and concrete in and along the creek where it has been historically deposited.

## **ENVIRONMENTAL CONCERNS**

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

### **Site Specific Concerns**

1. A portion of the property lies within the Leon Creek Floodplain, and there is potential increase of sediment load resulting from the additional runoff created by the development.
2. The creek way has been silted up in several areas due to the impact of mining activities.

### **General Concerns**

1. 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.
2. 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:

### **Site Specific Recommendations**

1. The impervious cover shall not exceed 65% on the site.
2. The applicant shall implement a restoration plan to remove and reduce silt for this segment of Leon Creek.
  - a. A restoration plan to enhance the riparian corridor shall be created for the Leon Creek along The Rim Project. This includes channel restoration by restoring existing vegetative areas, establishing native vegetation where vegetation has been removed and placing rip-rap to deter erosion.

- b. Silt, sediment, asphalt, and concrete should be removed for the restoration project in and along the creek where it has been historically deposited.
3. 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.
4. 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.
5. 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.
6. The applicant shall notify the Construction Compliance Section of the Resource Compliance Division of SAWS at (210) 233-3564 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) 233-3526.
7. 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) 233-3526.

#### **General Recommendations**

1. Development within the floodplain 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. 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) 233-3526 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) 233-3526 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) 233-3564 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.

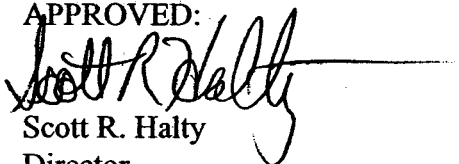
6. The City of San Antonio shall inspect all future construction of the sewage collection system to include service laterals and sewer mains for proper construction according to State and City Regulations and Code.
7. The Resource Protection Division staff shall have the authority to inspect the site 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 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

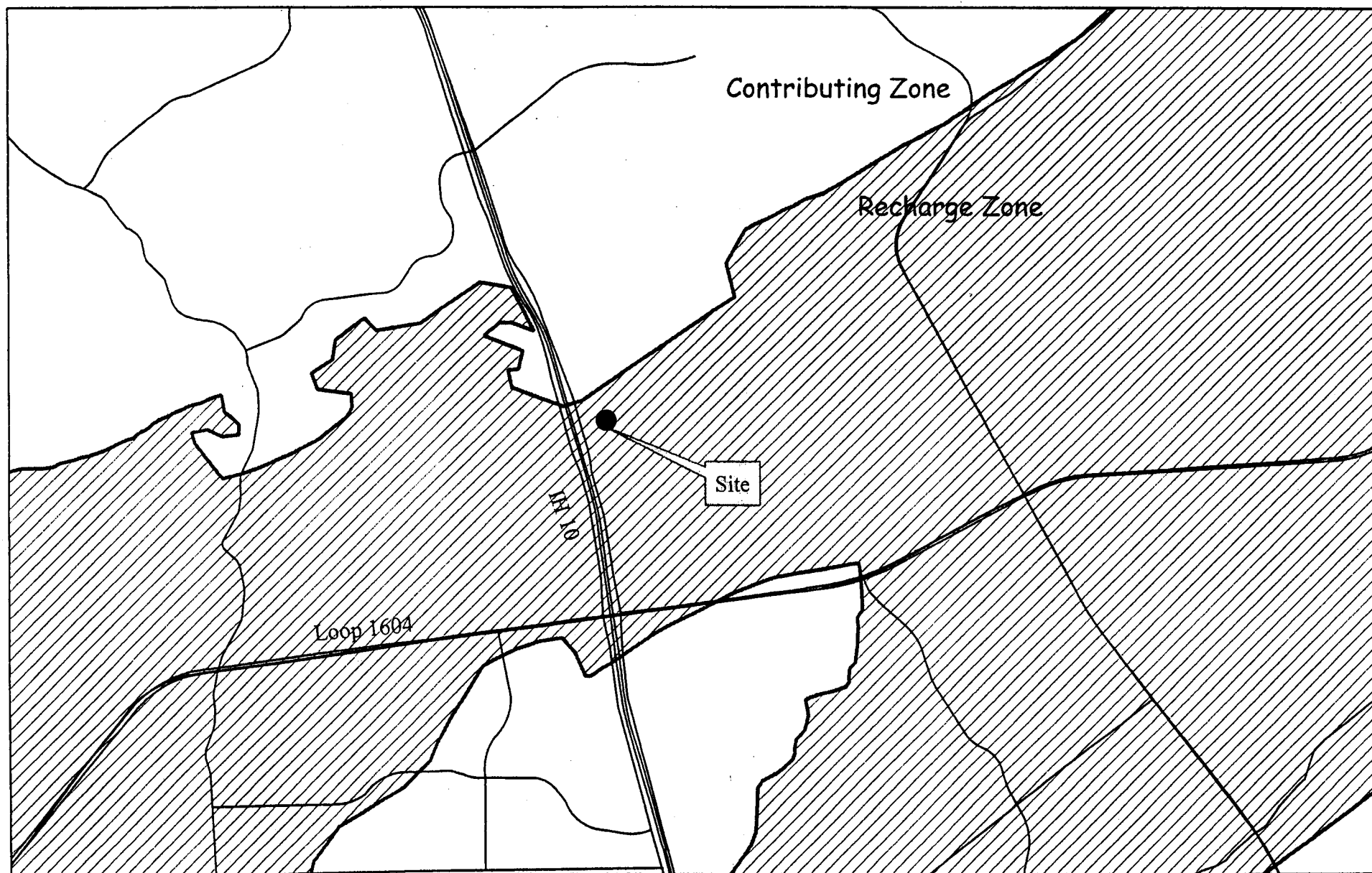
APPROVED:



Scott R. Halty  
Director,  
Resource Protection & Compliance Department

KMN:MJB





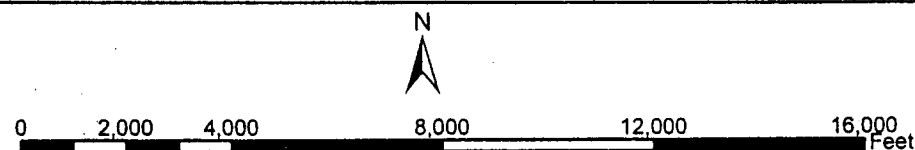
**Zoning Case No. Z2005247 Figure 1**

**Rim Right-of -Way Retail Center**

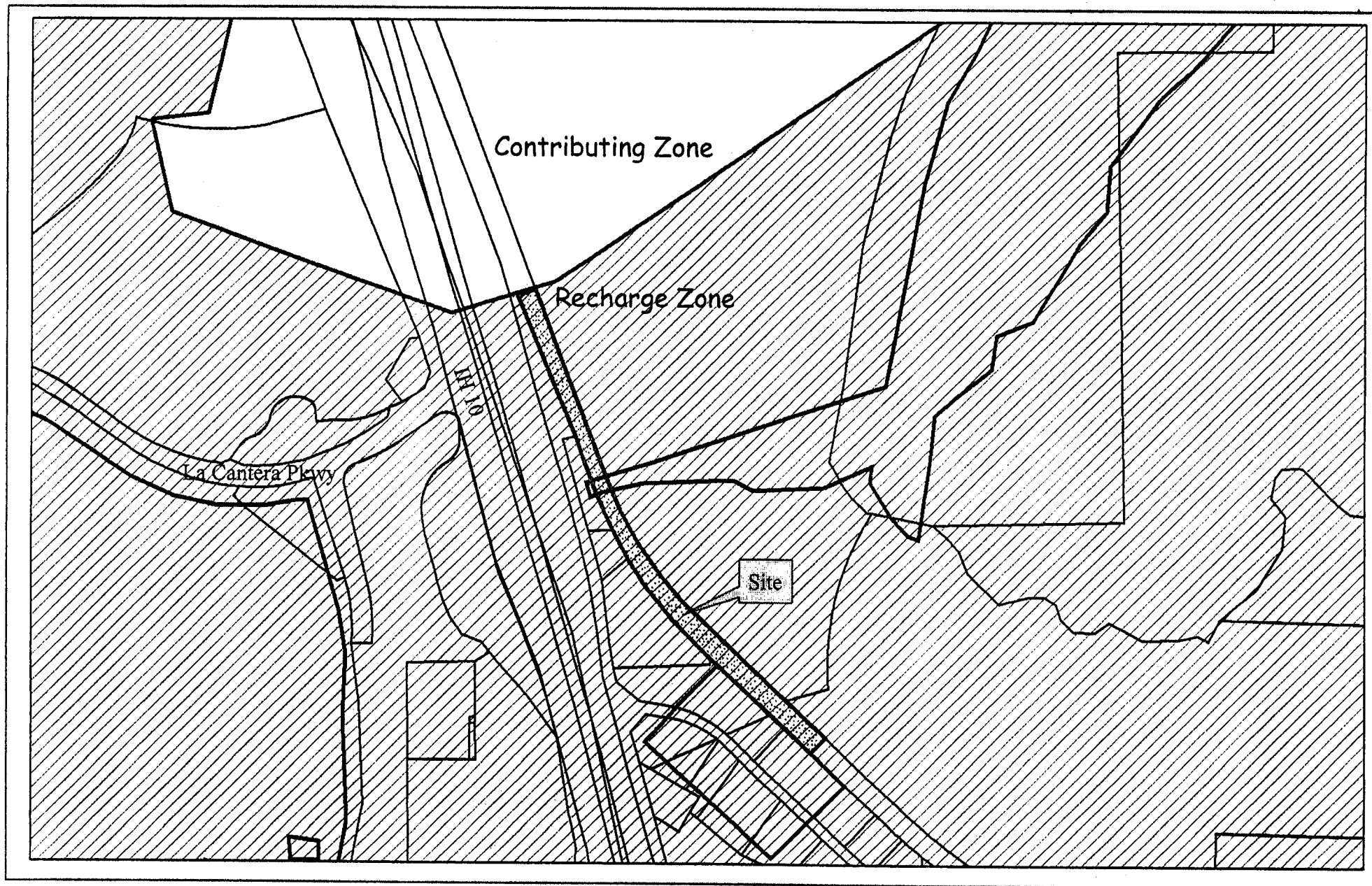
**Map Page 483 B6**

**X=2095697 Y=13767116**

**Map Prepared by Aquifer Protection and Evaluation MJB 10/17/2005**



1:44,130



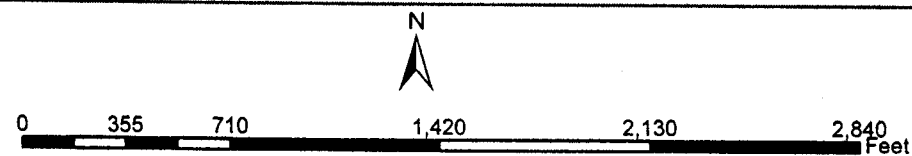
**Zoning Case No. Z2005247 Figure 2**

**Rim Right-of-Way Retail Center**

**Map Page 483 B6**

**X=2095697 Y=13767116**

Map Prepared by Aquifer Protection and Evaluation MJB 10/17/2005



1:7,836

**Z2005247**

**ZONING CASE NO. Z2005247 -- December 6, 2005**

Applicant: Brown, P.C.

Zoning Request: "R-6" GC-1 Residential Single-Family Gateway Corridor District and "R-6 ERZD" GC-1 Residential Single-Family Edwards Recharge Zone Gateway Corridor District to "C-3" GC-1 General Commercial Gateway Corridor District on 7.10 acres and "C-3 ERZD" GC-1 General Commercial Edwards Recharge Zone Gateway Corridor.

Daniel Ortiz, 112 E. Pecan, representing the owner, stated that they would like to amend their request to reduce the number of acres being rezoned to only 19.31 acres. He further stated that this is Phase 3 of this project.

Staff stated there were 19 notices mailed out to the surrounding property owners, 0 returned in opposition and 1 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 and with SAWS conditions

#### **SAWS recommendations:**

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%.
1. Property is located on 23.57 acres out of NCB 34761, 34761 and 14747.
  2. There were 19 notices mailed, 0 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.