

# **ZONING CASE: Z2005-292 CD S**

City Council District No. 8  
 Requested Zoning Change

From: "R-6 ERZD", "C-3 ERZD", "C-3 ERZD" GC-1, "I-1 ERZD" To "C-3 CD S", "C-3 CD S" GC-1

Date: January 26, 2005

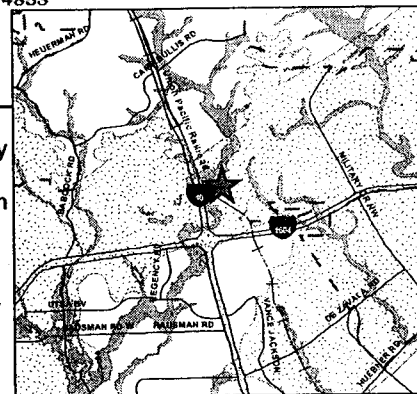
Scale: 1" = 400'

■ Subject Property

○ 200' Notification



C:\Dec. 6. 2005



# CASE NO: Z2005292 CD S

## Staff and Zoning Commission Recommendation - City Council

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**Date:** January 26, 2006

**Zoning Commission Meeting Date:** January 17, 2006

**Council District:** 8 **Ferguson Map:** 514

**Applicant:** Brown, PC. **Owner:** La Cantera Partnership

**Zoning Request:** From "R-6 ERZD" Residential Single-Family Edwards Recharge Zone District, "R-6 ERZD" GC-1 Residential Edwards Recharge Zone Gateway Corridor District-3, "C-3 ERZD" General Commercial Edwards Recharge Zone District, "C-3 ERZD" GC-1 General Commercial Edwards Recharge Zone Gateway Corridor District-3 and "I-1 ERZD" General Industrial Edwards Recharge Zone District to "C-3 CD S ERZD" (CD-Freight Depot) General Commercial Edwards Recharge Zone District with a Conditional Use and Specific Use Permit for a Freight Depot and "C-3 CD S ERZD" GC-1 (CD-Freight Depot) General Commercial Edwards Recharge Zone Gateway Corridor District with a Conditional Use and Specific Use Permit for a Freight Depot

21.23 acres out of NCB 14881, 14882, 14853 and 4.60 acres out of NCB 34760, 34761, and 14747

**Property Location:** 17000 Block of IH-10 West  
Property generally located East of I-10 and North of Loop 1604

**Proposal:** Lumber Load/ Offload Facility

**Neighborhood Association:** None

**Neighborhood Plan:** None

**Traffic Impact Analysis:**

A Traffic Impact Analysis is not required.

**Staff Recommendation:**

Approval

The subject property is currently vacant and is partially located in the floodplain. A portion of the property is part of the abandoned M-K-T Railroad right-of-way located along IH-10. The surrounding properties are zoned for commercial and industrial uses, but not yet developed. The proposal is to pave a portion of the subject property to allow for a staging area for semi-trucks that will be loaded with materials from a train. The materials will be stored in the truck until needed, 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 off loading and loading 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.

# CASE NO: Z2005292 CD S

## Staff and Zoning Commission Recommendation - City Council

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3. SAWS recommends that the impervious cover on the site shall not exceed 65%.

**Zoning Commission Recommendation:**

Approval with SAWS Recommendations

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

**VOTE**

<b>FOR</b>	10
<b>AGAINST</b>	0
<b>ABSTAIN</b>	0
<b>RECUSAL</b>	0

**Z2005292 CD S**

**ZONING CASE NO. Z2005292 CD S** – January 17, 2006

Applicant: Brown, P. C.

Zoning Request: "R-6" ERZD Residential Single-Family Edwards Recharge Zone District, "R-6" ERZD "GC-1" Residential Edwards Recharge Zone Gateway Corridor District-3, "C-3" ERZD General Commercial Edwards Recharge Zone District, "C-3" ERZD "GC-1" General Commercial Edwards Recharge Zone Gateway Corridor District-3 and "I-1" ERZD General Industrial Edwards Recharge Zone District to "C-3" CD S ERZD (CD-Freight Depot) General Commercial Edwards Recharge Zone District with a Conditional Use and Specific Use Permit for a Freight Depot and "C-3" CD S ERZD "GC-1" (CD-Freight Depot) General Commercial Edwards Recharge Zone Gateway Corridor District with a Conditional Use and Specific Use Permit for a Freight Depot

Daniel Ortiz, 112 E. Pecan, representing the owner, stated the purpose of this request is to accommodate the two lumberyards that would be left isolated after they bring up the railroads that have already been rezoned and are not being developed to allow for access to this development. He stated it is a total of 25 acres most of which would be set aside as green space since the actual offload facility would required about 10 acres.

Staff stated there were 9 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 with the following conditions:

- a. The freight depot is for off loading and loading lumber only.

and SAWS recommendations:

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

**Z2005292 CD S**

1. Property is located on 21.23 acres out of NCB 14881, 14882, 14853 and 4.60 acres out of NCB 34760, 34761 and 14747 at 17000 Block of IH-10 West.
2. There were 9 notices mailed, 0 returned in opposition and 1 in favor.
3. Staff recommends approval.

**AYES: Martinez, Robbins, Rodriguez, Kissling, Marshall, 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**

DEM SERVICES

2006 JAN -5 P 12:41

**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 Z2005292 (Railroad Reload Facility)

**Date:** January 5, 2006

**SUMMARY**

A request for a change in zoning has been made for an approximate 25.49-acre tract located on the city's northwest side. A change in zoning from "R-6" ERZD and "C-3" ERZD GC-1 and "C-3" ERZD and "I-1" ERZD to "C-3 CD S" ERZD and "C-3 CD S" 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 "R-6" ERZD and "C-3" ERZD GC-1 and "C-3" ERZD and "I-1" ERZD to "C-3 CD S" ERZD and "C-3 CD S" 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.

The site appears to be an abandoned neighborhood, consisting of four to five houses that have been demolished. Currently the site is covered in native vegetation, a small road, foundations from abandoned homes, and debris from abandoned homes. During SAWS site investigation two abandoned water wells were discovered and three abandoned septic systems were discovered.

### **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 Conditions:**

The Resource Protection Division of the San Antonio Water System conducted an evaluation on November 30, 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. 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.

The Dolomitic Member is generally characterized by non-fabric permeability associated with structural features. It is generally 110 to 130 feet thick in full section.

## **ENVIRONMENTAL CONCERNS**

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

### **Site Specific Concerns**

1. Exposure of Borate treated lumber to environmental conditions may increase pollutants in the stormwater carried off during rain events.
2. The transport of hazardous materials/substances in the railroad cars to and from the site.
3. Three abandoned septic systems were observed on the site and there is potential for contamination of the Edwards Aquifer.
4. Two abandoned wells were observed on the site and there is potential for contamination of the Edwards Aquifer via the wells.
5. A portion of the property lies within Leon Creek floodplain, along the southwestern portion, where recharge may occur.

### **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. There will be no temporary outside storage or delays in the transfer of borate treated lumber at the project site.
3. Hazardous material shall not be transported to or from this site.
4. The abandoned septic systems, along with any additional septic system that may be located on the site must be properly abandoned according to City Code Chapter 34 Article V Division 2 Section 446.
5. The abandoned wells, 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.
6. A floodplain buffer shall be provided along the western portion of the property as required in Ordinance No. 81491, Section 34-913.
7. 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.
8. 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.
9. 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.

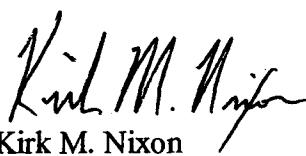
#### **General Recommendations**

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) 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.

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.

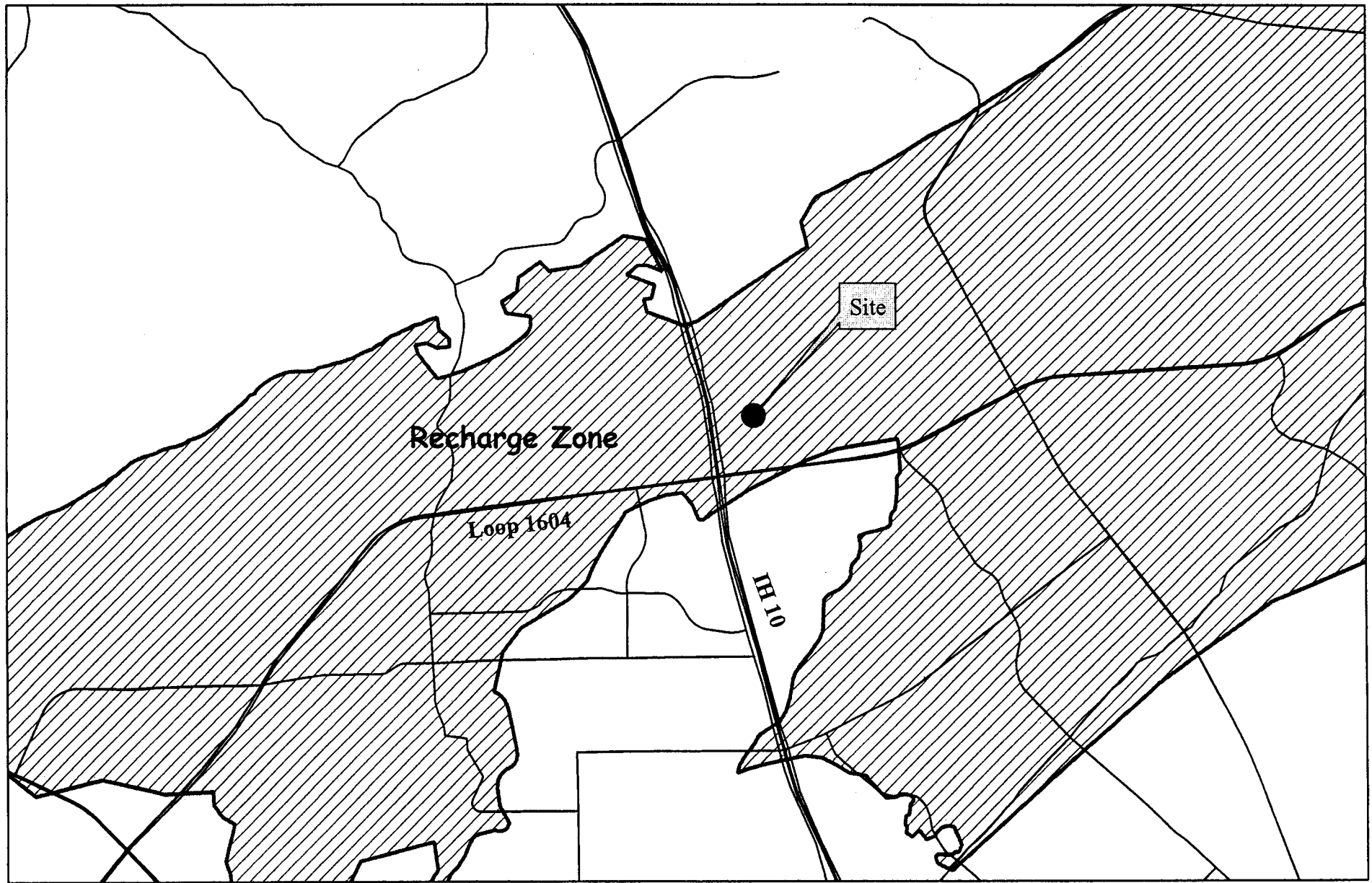
Based on the site evaluation of the property, and the information submitted by the applicant, staff recommends **approval** of the proposed land use. Additionally, SAWS staff recommends that the applicant, or any future owner, comply with the above recommendations in regards to the development of the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

  
Kirk M. Nixon  
Manager  
Resource Protection Division

APPROVED:

  
Scott R. Halty  
Director,  
Resource Protection & Compliance Department

KMN:MJB



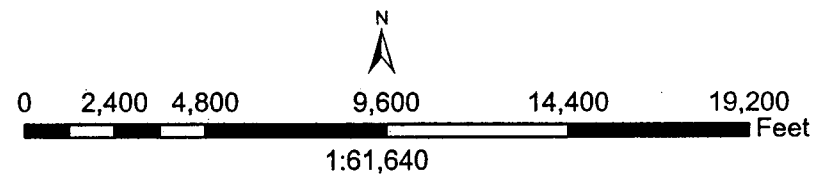
**Zoning Case No. Z2005292 Figure 1**

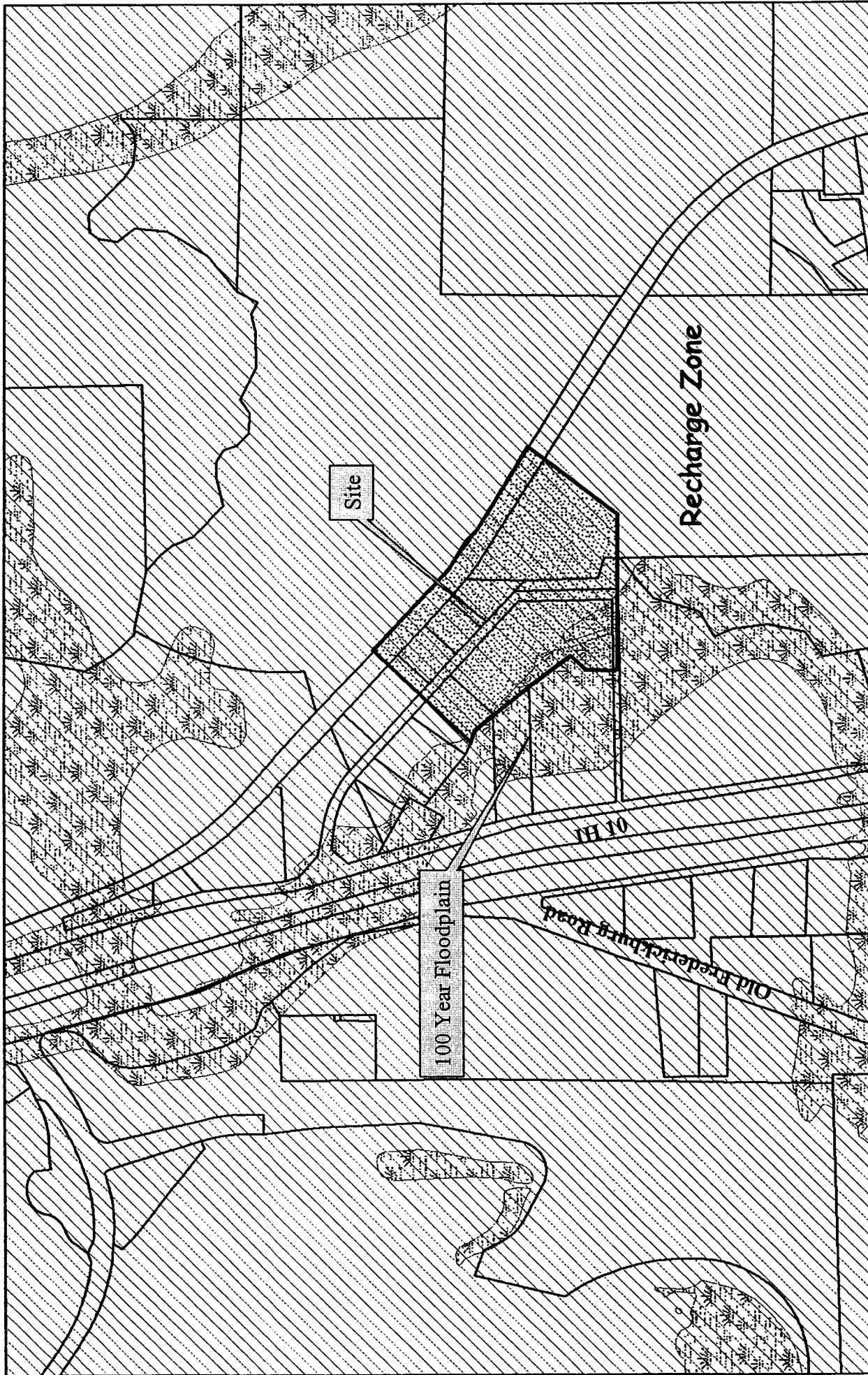
**Railroad Reload Facility**

**Map Page 514 D4**

**X=2096762 Y=13765486**

**Map Prepared by Aquifer Protection and Evaluation MJB 12/1/2005**





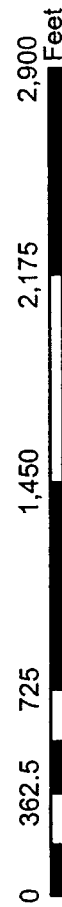
**Zoning Case No. Z2005292 Figure 2**

**Railroad Reload Facility**

**Map Page 514 D4**

**X=2096762 Y=13765486**

**Map Prepared by Aquifer Protection and Evaluation MJB 12/1/2005**



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