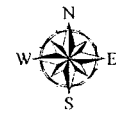


\_\_\_\_\_ Notices Mailed  
 \_\_\_\_\_ In Opposition  
 \_\_\_\_\_ In Favor

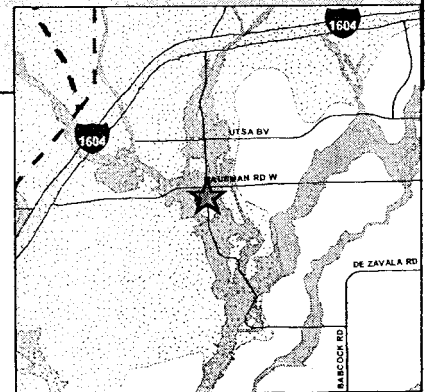
# **ZONING CASE: Z2006-038**

City Council District No. 8  
 Requested Zoning Change  
 From "MH ERZD"  
 To "O-1 ERZD"  
 Date: May 4, 2006  
 Scale: 1" = 200'

[Gray Box] Subject Property  
 [Circle] 200' Notification



C:\Apr 4 2006



# CASE NO: Z2006038

## Staff and Zoning Commission Recommendation - City Council

**Date:** May 04, 2006

**Zoning Commission Meeting Date:** April 04, 2006

**Council District:** 8

**Ferguson Map:** 513 E1

**Applicant:**

**Owner:**

Eduardo Rodriguez and Delfina

Eduardo Rodriguez and Delfina

**Zoning Request:** From "MH" ERZD Manufacturing Housing Edwards Recharge Zone District to "O-1" ERZD Office Edwards Recharge Zone District

Lot 9, Block 3, NCB 15657

**Property Location:** 13515 Babcock Road

Southwest corner of Babcock Road and Glenney

**Proposal:** Real estate office

**Neighborhood Association** None

**Neighborhood Plan:** None

### Traffic Impact Analysis

A Traffic Impact Analysis is not required.

### Staff Recommendation:

#### Approval

The subject property has two existing manufactured homes and is located on Babcock Road, a major thoroughfare. The subject property is adjacent to "MH" ERZD Manufacturing Housing Edwards Recharge Zone District to the west and south. "C-3" ERZD General Commercial Edwards Recharge Zone District across the street to the north (car wash). "O-1" districts provide for the establishment of low to mid-rise office buildings. Buildings in an "O-1" district shall be restricted to 10,000 square feet for individual buildings. The outdoor display or sale of merchandise is prohibited in the "O-1" district. The "O-1" ERZD Office Edwards Recharge Zone District would be appropriate at this location. The subject property lies adjacent to a floodplain, along the southern portion. Majority of the surrounding properties are currently undeveloped. There are some existing manufactured homes in the area. The City of San Antonio has purchased numerous properties located in the 100-year floodplain in the area.

1. SAWS recommends approval of the proposed land use.
2. The property is classified as a Category 2 property.
3. SAWS recommends that the impervious cover on the site shall not exceed 30%

The applicant amended his original request from "O-2" to "O-1". SAWS recommends approval of the "O-1" and proposed land use.

### Zoning Commission Recommendation:

Approval with SAWS recommendations

**CASE MANAGER :** Pedro Vega 207-7980

### VOTE

<b>FOR</b>	11
<b>AGAINST</b>	0
<b>ABSTAIN</b>	0
<b>RECUSAL</b>	0

**Z2006038**

**ZONING CASE NO. Z2006038** – April 4, 2006

Applicant: Eduardo and Delfina Rodriguez

Zoning Request: "MH" ERZD Manufacturing Housing Edwards Recharge Zone District  
to "O-1" ERZD Office Edwards Recharge Zone District.

Eduardo Rodriguez, 20573 Cielo Vista, owner, stated the purpose of this zoning request is to allow for real estate office on the subject property. He stated he feel this improve the quality of the community. He stated his request is consistent with the surrounding uses and does not feel his business would pose a threat to the neighborhood.

Staff stated there were 20 notices mailed out to the surrounding property owners, 0 returned in opposition and 3 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 Marshall to recommend approval including SAWS recommendations both site specifics and general.

1. Property is located on Lot 9, Block 3, NCB 15657 at 13515 Babcock Road.
2. There were 20 notices mailed, 0 returned in opposition and 3 in favor.
3. Staff recommends approval.

**AYES: Avila, Robbins, Rodriguez, Westheimer, Gadberry, Marshall, Sherrill,  
Wright, Martinez, Stribing, 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**

DEV. SERVICES

**To:** Zoning Commission Members

2006 MAR 16 A 9:38

**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 Z2006038 (Real Estate Office)

**Date:** March 21, 2006

**SUMMARY**

A request for a change in zoning has been made for an approximate 0.3155 - acre tract located on the city's northwest side. A change in zoning from **MH ERZD to O-2 ERZD** is being requested by the applicant, Eduardo Rodriguez. The change in zoning has been requested to allow a real estate office.

**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 intersection Babcock Road and Hausman Road. The property lies within the Edwards Aquifer Recharge Zone (Figures 1 and 2).

**SITE EVALUATION**

**1. Development Description:**

The proposed change is from MH ERZD to O-2 ERZD and will allow for the construction of a real estate office. Currently the site has two mobile homes that are occupied by tenants.

2. Surrounding Land Uses:

The property is located within an existing mobile home park. North of the property and across the road is a car wash. To the east of the property and across the road is undeveloped land.

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 February 14, 2006, of the referenced property to assess the geologic conditions and evaluate any environmental concerns present at the site. SAWS staff Geologist, Ms. Joan B. Falkenberg, 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 Cyclic and Marine Members within the Person Formation of the Edwards Group

The Cyclic and Marine Members consist of mudstones and grainstones that range from massive to thin beds and are generally conducive to subsurface cave development. It is generally 80 to 90 feet thick in full section.

The subject property has been developed as residential land use consisting of two tenant occupied trailers. No significant geologic features were observed on site.

## **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 adjacent to a floodplain, along the southern 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 30% on the site.
2. A floodplain buffer shall be provided along the southern portion of the property as required in Ordinance No. 81491, Section 34-913.
3. The land use within the zoned area shall be in conformance with the table of permitted uses at the time the rezoning is approved. Should a proposed use be listed as requiring City Council approval, the owner shall apply for rezoning 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 be responsible for properly maintaining the basin and that it is 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.D.A., 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.

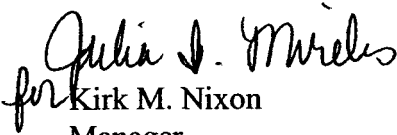
7. If any sensitive geologic features such as, but not limited to, solution openings, caves, sinkholes, or wells are found during the excavation, construction, or blasting, the developer shall notify the Texas Commission on Environmental Quality at (210) 490-3096 and the Resource Protection Division 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.

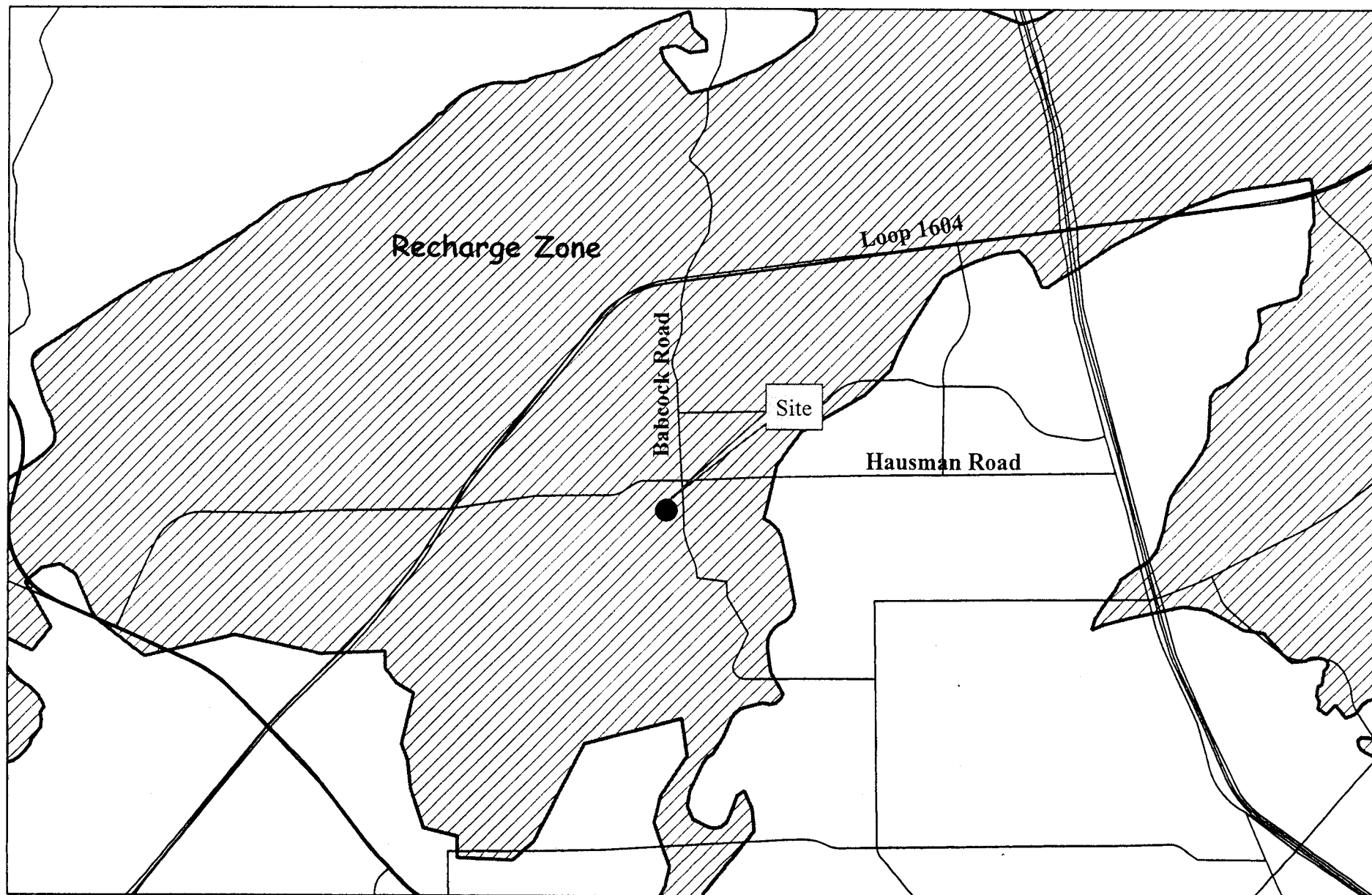
Based on the site evaluation of the property, and the information submitted by the applicant, staff recommends **approval** of the proposed land use. Additionally, SAWS staff recommends that the applicant, or any future owner, comply with the above recommendations in regards to the development of the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

  
for Kirk M. Nixon  
Manager  
Resource Protection Division

APPROVED:

  
Scott R. Halty  
Director,  
Resource Protection & Compliance Department

KMN:MJB



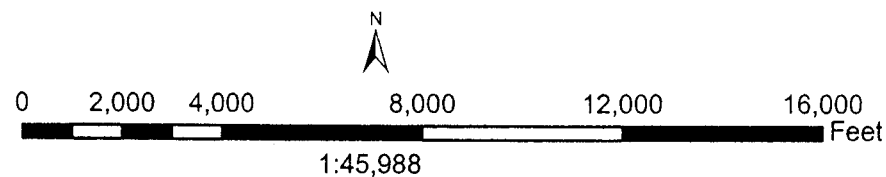
**Zoning Case No. Z2006038 Figure 1**

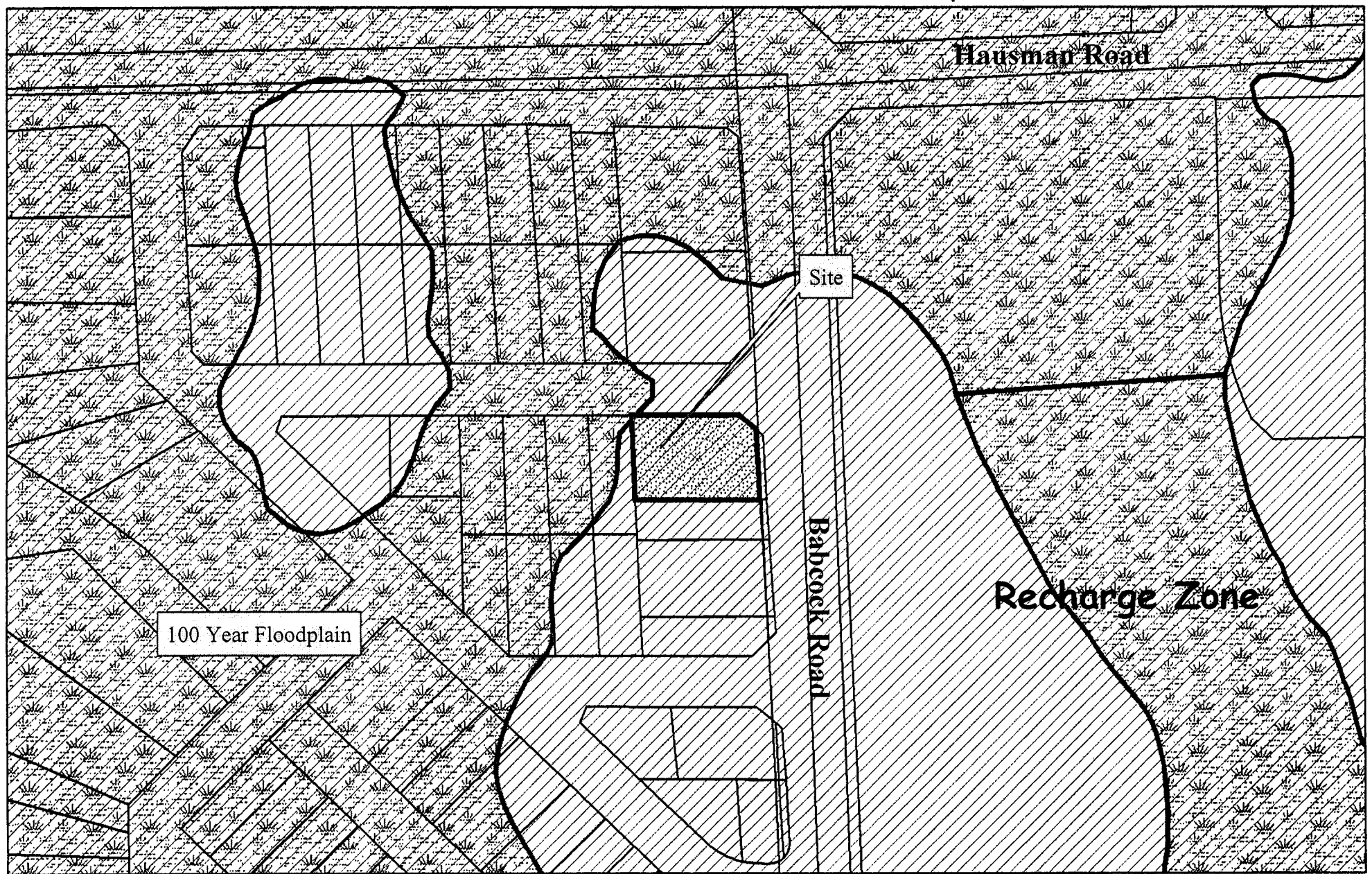
Real Estate Office

Map Page 513 E1

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Map Prepared by Aquifer Protection and Evaluation MJB 2/7/2006





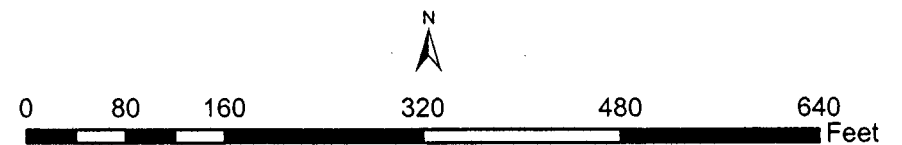
**Zoning Case No. Z2006038 Figure 2**

Real Estate Office

Map Page 513 E1

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Map Prepared by Aquifer Protection and Evaluation MJB 2/7/2006



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