

4Q

AN ORDINANCE 99886

**AMENDING CHAPTER 35 OF THE CITY CODE THAT
CONSTITUTES THE COMPREHENSIVE ZONING
ORDINANCE OF THE CITY OF SAN ANTONIO BY
CHANGING THE CLASSIFICATION OF AND
REZONING CERTAIN PROPERTY DESCRIBED
HEREIN.**

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BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO:

SECTION 1. Section 35-304 of the Unified Development Code which is Chapter 35 of the City Code and constitutes the comprehensive zoning ordinance of the City of San Antonio is hereby amended so that it shall hereafter include the following described changes of classification and the rezoning of the hereinafter designated property to-wit:

CASE NO. Z2004201 S

The rezoning and reclassification of property from "C-3" ERZD General Commercial Edwards Recharge Zone District to "C-3" S ERZD General Commercial Edwards Recharge Zone District with Specific Use Authorization for a full service car wash on the property listed as:

Lot 1, Block 1, NCB 16329 save and except 1.208 acres as described by the attached field notes.

SECTION 2. The City Council finds as follows: A. The conditional use will not be contrary to the public interest. B. The conditional use will not substantially nor permanently injure the appropriate use of adjacent conforming property in the same district. C. The conditional use will be in harmony with the spirit and purpose as set forth in Section 35-422, Conditional Zoning, of the Unified Development Code. D. The conditional use will not substantially weaken the general purposes or the regulations as set forth in Section 35-422, Conditional Zoning, of the Unified Development Code. E. The conditional use will not adversely affect the public health, safety and welfare.

SECTION 3. The San Antonio Water System has recommended the following:

- a.) All wash water must be recycled or the proper permits obtained to allow for the discharge of wash water to the sanitary sewer system.
- b.) 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 greater than ½ inch may be introduced into the 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.
- c.) The applicant shall notify the Construction Compliance Section of the Resource Compliance Division of the San Antonio Water System at (2100 704-1158 no later than 48 hours prior to the commencement of construction at the site.

- d.) 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).
- e.) 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 (21) 490-3096 and the Resource Protection Division of the San Antonio Water system at (210) 704-7305.
- f.) 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.
- g.) The land uses within the commercial 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.
- h.) 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:
 - 1. 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,
 - 2. A set of specific plans which must have a signed Engineers Seal from the State of Texas,
 - 3. A WPAP approval letter from the Texas Commission on Environmental Quality (TCEQ), and
 - 4. A copy of the approved Water Pollution Abatement Plan.
- i.) 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 the law.
- j.) If a water quality basin is constructed on the property, the following is required:
 - 1. 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.
 - 2. 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, a maintenance plan and schedule be developed and submitted to SAWS Aquifer Protection and Evaluation Section.
 - 3. 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.
 - 4. 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.

k.) 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 What's Bugging You? , A Practical Guide to Pest Control, available from the Edwards Aquifer Authority (210/222-22040, 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.

l.) 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.

m.) 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.

SECTION 4. All other provisions of Chapter 35 except those expressly amended by this ordinance shall remain in full force and effect including the penalties for violations as made and provided for in Section 35-491.

SECTION 5. The Director of Planning shall change the zoning records and maps in accordance with this ordinance and the same shall be available and open to the public for inspection.

SECTION 6. This Ordinance is not severable.

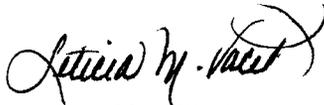
SECTION 7. This ordinance shall become effective immediately upon passage if passed by eight or more votes otherwise this ordinance shall become effective October 24, 2004.

PASSED AND APPROVED this 14th day of October, 2004.

M A Y O R


EDWARD D. GARZA

ATTEST:


City Clerk

APPROVED AS TO FORM:


for City Attorney

Agenda Voting Results

Name: 4Q. 99886

Date: 10/14/04

Time: 02:59:00 PM

Vote Type: Multiple selection

Description: ZONING CASE NUMBER Z2004201 S: The request of Dean Hollis & Curtis Thomas, Applicant, for Mortgage Loan & Agency Company, Owner, for a change in zoning from "C-3" ERZD General Commercial Edwards Recharge Zone District to "C-3" S ERZD General Commercial Edwards Recharge Zone District with specific use authorization for a full service car wash on the approximate south 24 feet and the west 253.831 feet of Lot 1, Block 1, NCB 16329, 100 Block of North Loop 1604 West. Staff's recommendation was for approval. Zoning Commission has recommended approval. (Council District 9)

Voter	Group	Status	Yes	No	Abstain
ROGER O. FLORES	DISTRICT 1	Not present			
JOEL WILLIAMS	DISTRICT 2		x		
RON H. SEGOVIA	DISTRICT 3		x		
RICHARD PEREZ	DISTRICT 4	Not present			
PATTI RADLE	DISTRICT 5			x	
ENRIQUE M. BARRERA	DISTRICT 6	Not present			
JULIAN CASTRO	DISTRICT 7	Not present			
ART A. HALL	DISTRICT 8		x		
CARROLL SCHUBERT	DISTRICT 9		x		
CHIP HAASS	DISTRICT_10		x		
MAYOR ED GARZA	MAYOR		x		