

AN ORDINANCE 2006-05-18-0620

AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SAN ANTONIO BY AMENDING CHAPTER 35, UNIFIED DEVELOPMENT CODE, SECTION 35-304, OFFICIAL ZONING MAP OF THE CITY CODE OF SAN ANTONIO, TEXAS BY CHANGING THE ZONING DISTRICT BOUNDARY OF CERTAIN PROPERTY.

* * * * *

WHEREAS, a public hearing was held regarding this amendment to the Official Zoning Map at which time parties in interest and citizens were given an opportunity to be heard; and

WHEREAS, the Zoning Commission has submitted a final report to the City Council regarding this amendment to the Official Zoning Map of the City of San Antonio; **NOW THEREFORE**,

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

SECTION 1. Chapter 35, Unified Development Code, Section 35-304, Official Zoning Map, of the City Code of San Antonio, Texas is amended by changing the zoning district boundary of Lot 9, Block 3, NCB 15657 from "MH ERZD" Manufactured Housing Edwards Recharge Zone District to "O-1 ERZD" Office Edwards Recharge Zone District.

SECTION 2. This change of zoning district boundary is conditioned on the requirement that the impervious cover on the property described by this ordinance shall not exceed 30%.

SECTION 3. The owner or owner's agent shall inform any person leasing this tract or any portion of this tract that storage of chemicals and/or hazardous materials is not permitted. Provisions prohibiting the storage of chemicals and/or hazardous materials shall be included in the lease agreement. The owner or owner's agent shall provide a copy of the of the lease provisions regarding the storage of chemicals and/or hazardous materials to the Aquifer Protection and Evaluation Section of the San Antonio Water System for approval. The Aquifer Protection and Evaluation Section of the San Antonio Water System may randomly inspect, without notice, any or all facilities on the site to ensure compliance with this ordinance.

SECTION 4. All water pollution abatement structures or features approved by the Texas Commission on Environmental Quality shall be properly maintained and kept free of trash and debris. A water quality maintenance plan and schedule agreement signed by the property owner 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. A water quality maintenance plan signed by the new owner must be submitted to the Resource Protection Division of SAWS.

SECTION 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, the Texas Department of Agriculture, or the U.S. Department of Agriculture shall be used.

SECTION 6. 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 7. The Director of Development Services 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 8. If a court of competent jurisdiction enters a final judgment on the merits that is no longer subject to appeal and substantially limits or impairs the essential elements of sections one through five of this ordinance, then sections one through five are invalid and have no legal effect as of the date of entry of such judgment notwithstanding any other ordinance or provision of the City Code of San Antonio.

SECTION 9. This Ordinance shall become effective on May 28, 2006.

PASSED AND APPROVED this 18th day of May, 2006.



M A Y O R
PHIL HARBERGER

ATTEST:



City Clerk

APPROVED AS TO FORM:



for City Attorney

Agenda Voting Results

Name: Z-13.

Date: 05/18/06

Time: 06:34:22 PM

Vote Type: Multiple selection

Description: ZONING CASE #Z2006038 (District 8): An Ordinance amending the zoning district boundary from "MH ERZD" Manufacturing Housing Edwards Recharge Zone District to "O-1 ERZD" Office Edwards Recharge Zone District on Lot 9, Block 3, NCB 15657, 13515 Babcock Road as requested by Eduardo Rodriguez and Delfina Rodriguez, Applicant, for Eduardo Rodriguez and Delfina Rodriguez, Owner(s). Staff and Zoning Commission recommend Approval.

Voter	Group	Status	Yes	No	Abstain
ROGER O. FLORES	DISTRICT 1	Not present			
SHEILA D. MCNEIL	DISTRICT 2		x		
ROLAND GUTIERREZ	DISTRICT 3		x		
RICHARD PEREZ	DISTRICT 4		x		
PATTI RADLE	DISTRICT 5			x	
DELICIA HERRERA	DISTRICT 6		x		
ELENA K. GUAJARDO	DISTRICT 7			x	
ART A. HALL	DISTRICT 8		x		
KEVIN A. WOLFF	DISTRICT 9		x		
CHIP HAASS	DISTRICT_10	Not present			
MAYOR PHIL HARDBERGER	MAYOR	Not present			

CASE NO: Z2006038

Staff and Zoning Commission Recommendation - City Council

City Council Continuance from May 4, 2006

Date: May 18, 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

VOTE

FOR	11
AGAINST	0
ABSTAIN	0
RECUSAL	0

CASE MANAGER : Pedro Vega 207-7980

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, Stribling, Gray**

NAYS: None

THE MOTION CARRIED

RESULTS OF COUNCIL HEARING May 4, 2006

City Council granted a continuance until May 18, 2006

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

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)

2006 MAR 16 A 9:38

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

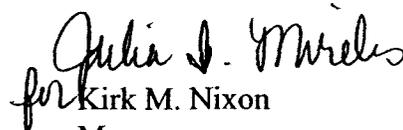
1. Development within the floodplain must be in accordance with Ordinance No. 81491 governing development on the Edwards Aquifer Recharge Zone in the floodplain preservation area(s).
2. Prior to the release of any building permits the owner/operator of any Category 2 property shall submit an Aquifer 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.

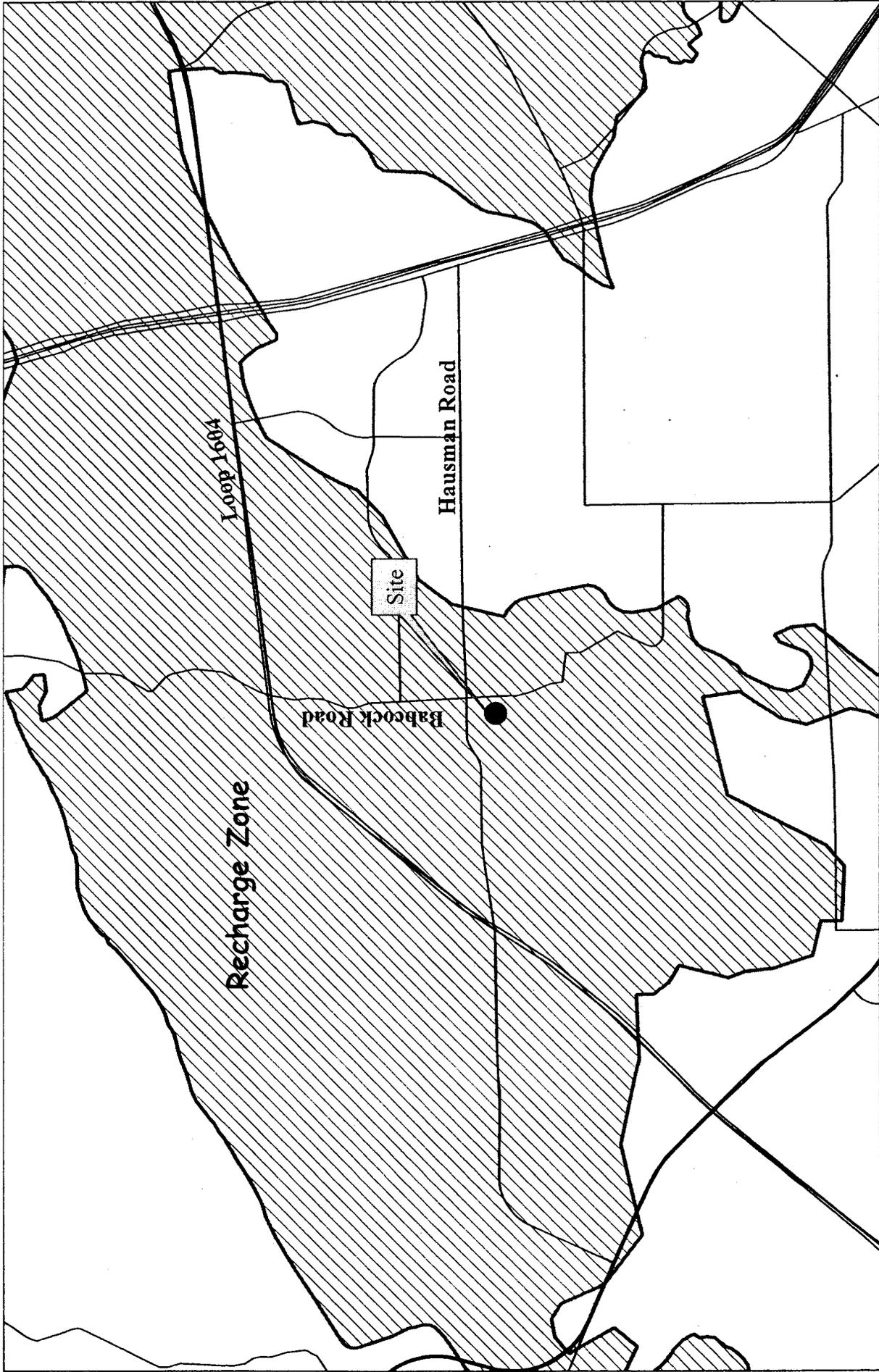
Based on the site evaluation of the property, and the information submitted by the applicant, staff recommends **approval** of the proposed land use. Additionally, SAWS staff recommends that the applicant, or any future owner, comply with the above recommendations in regards to the development of the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

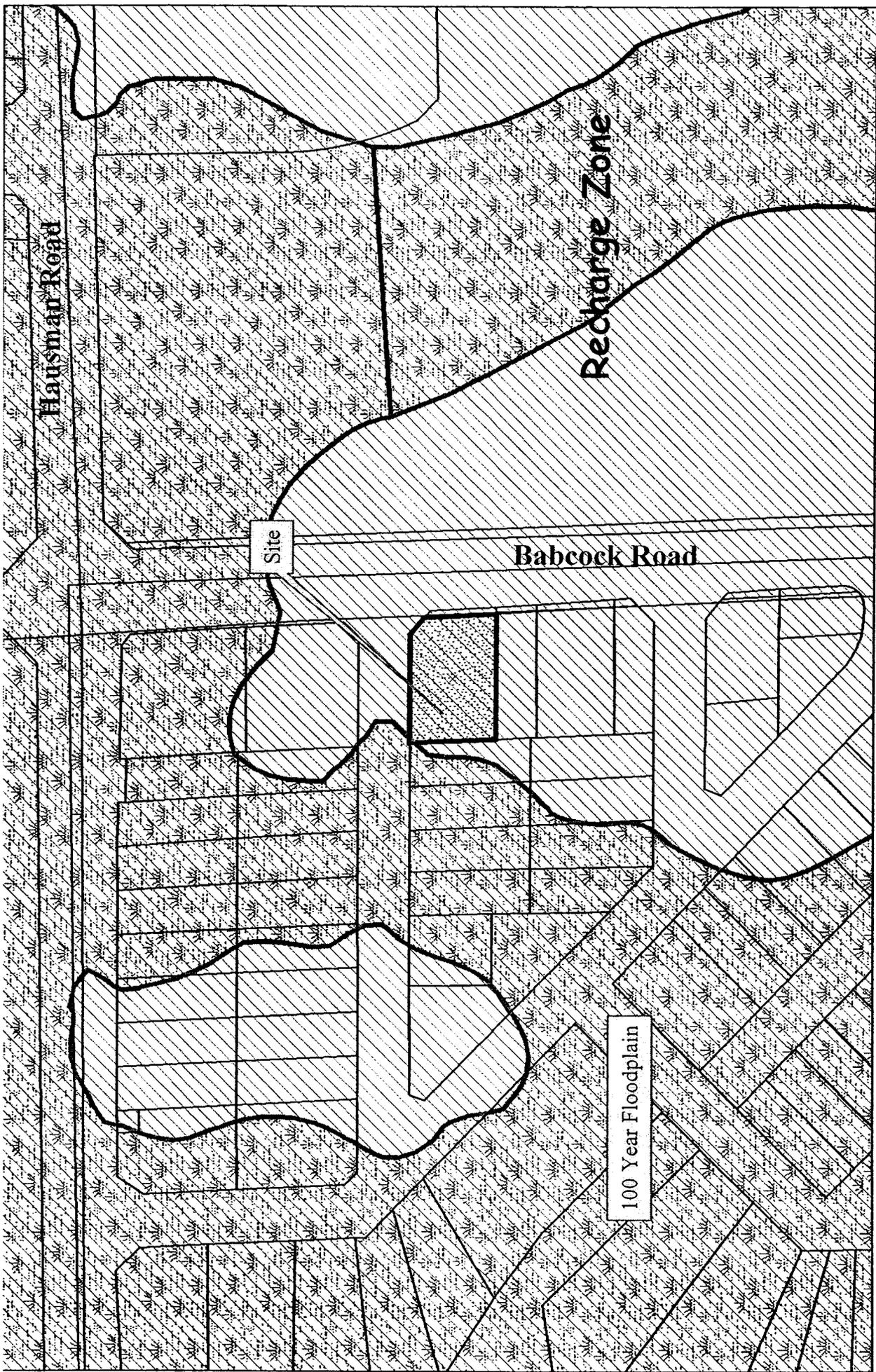
Map Page 513 E1

X=2055521 Y=13755294

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



1:45,988



Zoning Case No. Z2006038 Figure 2

Real Estate Office

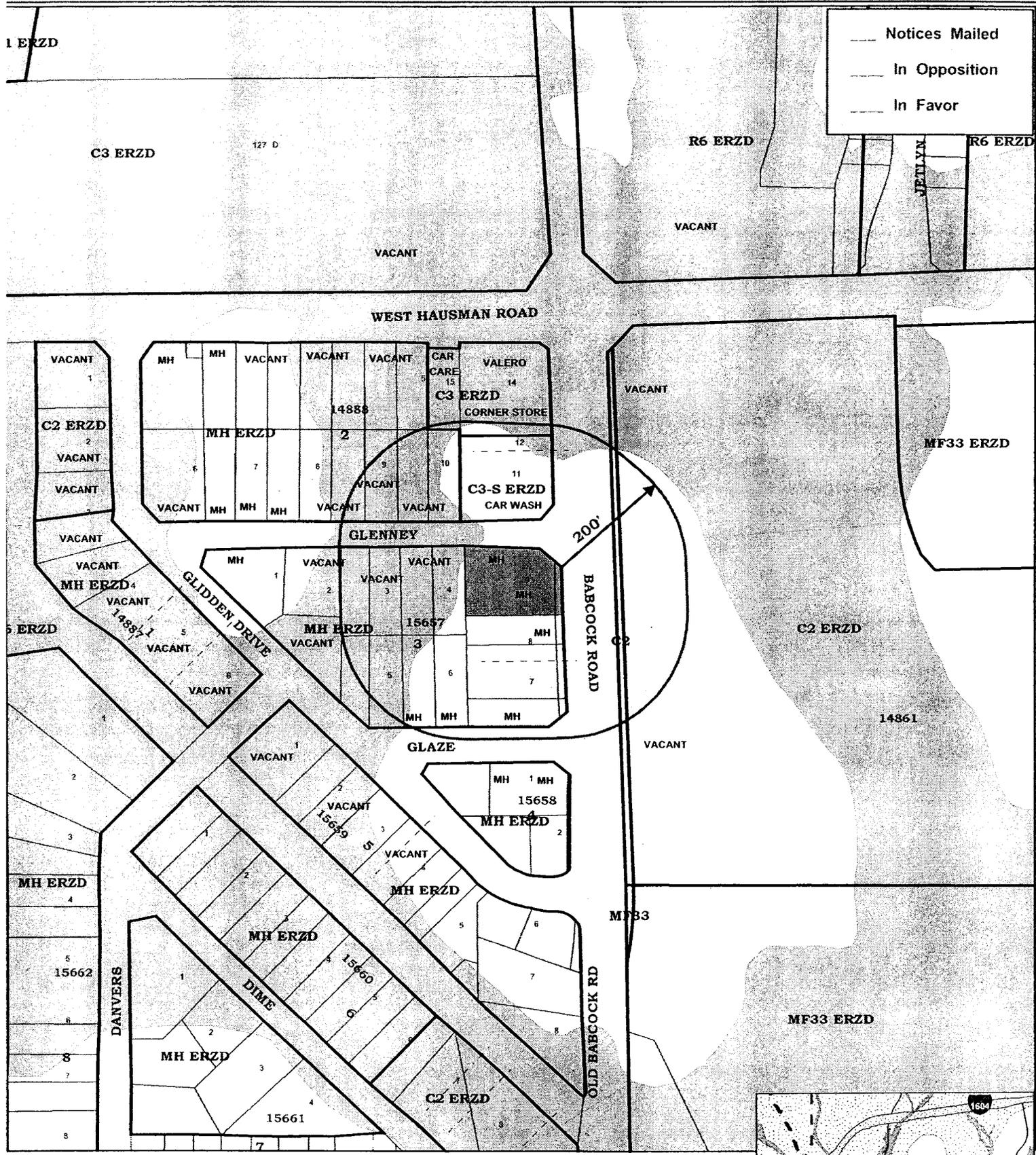
Map Page 513 E1

X=2085521 Y=13755294

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



1:1,873



ZONING CASE: Z2006-038

City Council District No. 8
 Requested Zoning Change
 from "MH ERZD"
 to "O-1 ERZD"
 Date: May 18, 2006
 Scale: 1" = 200'

- Subject Property
- 200' Notification

