SG/cla
05/21/2015
Z-14. Amended.

CASE NO. Z2015121 S ERZD

AN ORDINANCE 2015-05-21-0458

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

* * * * *

WHEREAS, a public hearing was held after notice and publication 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 11, Block 5, NCB 15671 from "C-3 MLOD ERZD" General Commercial Military Lighting Overlay Edwards Recharge Zone District to "C-3 S MLOD ERZD" General Commercial Military Lighting Overlay Edwards Recharge Zone District with Specific Use Authorization for Laboratory-Research and Development Testing.

SECTION 2. The City Council finds as follows:

A. The specific use will not be contrary to the public interest.
B. The specific use will not substantially nor permanently injure the appropriate use of adjacent conforming property in the same district.
C. The specific use will be in harmony with the spirit and purpose as set forth in Section 35-423, Specific Use Authorization, of the Unified Development Code.
D. The specific use will not substantially weaken the general purposes or the regulations as set forth in Section 35-423, Specific Use Authorization, of the Unified Development Code.
E. The specific use will not adversely affect the public health, safety and welfare.

SECTION 3. The City Council finds that the General and Site Specific Recommendations stated in the San Antonio Water System ("SAWS") Report for this Zoning Case Z2015121 S ERZD, included as **Attachment "A"** and made a part hereof and incorporated herein for all purposes, shall be met to insure compatibility with the surrounding properties.

SECTION 4. The City Council approves this Specific Use Authorization so long as the attached site plan is adhered to. A site plan is attached as **Attachment "B"** and made a part hereof and incorporated herein for all purposes.

SECTION 5. 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 6. 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 7. 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 8. This ordinance shall become effective May 31, 2015.

PASSED AND APPROVED this 21st day of May, 2015.

Ivy R. Taylor

M A Y O R
Ivy R. Taylor

ATTEST:

Leticia M. Vacek, City Clerk

APPROVED AS TO FORM:

For Martha Sepeda, Acting City Attorney

Agenda Item:	**Z-14**
Date:	05/21/2015
Time:	02:05:22 PM
Vote Type:	Motion to Approve
Description:	ZONING CASE # Z2015121 S ERZD (Council District 9): An Ordinance amending the Zoning District Boundary from "C-3 MLOD ERZD" General Commercial Camp Bullis Military Lighting Overlay Edwards Recharge Zone District to "C-3 S MLOD ERZD" General Commercial Camp Bullis Military Lighting Overlay Edwards Recharge Zone District with Specific Use Authorization for Laboratory-Research and Development Testing on Lot 11, Block 5, NCB 15671 located at 1922 Dry Creek Way. Staff and Zoning Commission recommend Approval.
Result:	Passed

Voter	Group	Not Present	Yea	Nay	Abstain	Motion	Second
Ivy R. Taylor	Mayor		x				
Roberto C. Trevino	District 1		x				
Alan Warrick	District 2		x				x
Rebecca Viagran	District 3		x				
Rey Saldaña	District 4		x				
Shirley Gonzales	District 5		x				
Ray Lopez	District 6		x				
Cris Medina	District 7	x					
Ron Nirenberg	District 8		x				
Joe Krier	District 9		x			x	
Michael Gallagher	District 10		x				

SAN ANTONIO WATER SYSTEM
Interdepartment Correspondence Sheet

To: Zoning Commission Members

From: Scott R. Halty, Director, Resource Protection & Compliance Department, San Antonio Water System

Copies To: Andrew Wiatrek, Manager, Edwards Aquifer and Watershed Protection Division, Michael Barr, Supervisor, Aquifer Protection and Evaluation Section, Michael A. Escalante, Environmental Protection Specialist III

Subject: Zoning Case Z2015121 (Lab)

Date: May 21, 2015

SUMMARY

A request for a change in zoning has been made for an approximate 5.64-acre tract located on the city's north side. A change in zoning from **"C-3 ERZD MLOD"** to **"C-3 S ERZD MLOD"** with a Specific Use Authorization is being requested by the applicant, Ridgewood Building Two, LLC, represented by Kaufman & Killen, Ashley Farrimond. The change in zoning has been requested to allow for the establishment of a research and development testing lab for construction materials. The property is currently classified as a Category 1.

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 9, on 1922 Dry Creek Way. The entire 5.64 acres of the property lies within the Edwards Aquifer Recharge Zone (Figures 1 and 2).

SITE EVALUATION

1. Development Description:

   The proposed change is from "C-3 ERZD MLOD" to "C-3 S ERZD MLOD" with a Specific Use Authorization and will allow for the development of a construction material research

and development testing lab. Currently the site is being developed with the construction of the commercial office space nearly completed. If the rezoning is approved, modifications to the building will be made to accommodate a research and testing lab.

2. Surrounding Land Uses:

   Ridgewood Parkway roadway borders to the west and southwest of the subject property. Dry Creek Way roadway borders the northern portion of the property with undeveloped property to the southeastern portion of the subject property.

3. Water Pollution Abatement Plan:

   A WPAP file for the overall property under the name of Project Vision Phase 1 had been previously submitted and approved by the Texas Commission on Environmental Quality (TCEQ) on August 29, 2007.

4. Geologic Conditions:

   The Aquifer Protection and Evaluation Section of the San Antonio Water System conducted a site evaluation on March 12, 2015, of the referenced property to assess the geologic conditions and evaluate any environmental concerns present at the site. SAWS Environmental Geologist, Mr. Bruce Keels, P.G., was present during the site evaluation.

   The subject site was observed to be a commercial lot, approximately 5.64 acres in area, currently under construction. The subject site was observed to have been cleared and modified with significant quantities of fill material and construction of an office building, with little to no exposed bedrock. An existing water quality basin was observed in the southern tip of the subject site. An existing geologic assessment contained in the WPAP file was reviewed and found no sensitive geologic features on site.

   The site appeared to slope to the south. Stormwater occurring on the subject site would drain to the south into the existing water quality basin and then into an unnamed tributary to Mud Creek.

   Using U.S. Geological Survey Water-Resources Investigations Report 95-4030 it was determined that the subject site is underlain by the Regional Dense Member of the Kainer formation within the northwest portion of the site, and by the Grainstone Member of the Kainer Formation within the southern portion of the site.

   The Regional Dense Member is characterized as the vertical confining unit between the Kainer Formation and Person Formation, with very low permeability. The fully section thickness of this member is approximately 20 to 24 feet thick. Although voids and caves do

occur in this member, it is considered to not produce large amounts of water, and is less environmentally sensitive than other sections of the Edwards Aquifer.

The Grainstone Member of the Kainer Formation is characterized by the presence of crossbedded lime mudstone, wackestone, and chert nodules. Recrystallization reduces porosity within this member. The full section thickness of this member is 50 to 60 feet. This member is considered to be a less permeable, and therefore a less environmentally sensitive section of the Edwards Aquifer.

The subject site was observed to be highly disturbed and currently under construction. No sensitive geologic features, such as sinkholes, caves, creeks, or faults were observed on the subject site.

FACILITY SITE INVESTIGATION

SAWS staff visited the applicant's existing lab facility located on 1130 Arion Parkway on March 31, 2015, to observe the current operations and view firsthand the construction material research and testing practices that will be transferred to the new proposed lab expansion facility. The construction materials being developed are inert in nature and are used in sidings and exterior finishes for residential and commercial buildings.

The new lab will take over the physical and durability testing divisions that currently reside at the lab facility located on Arion Parkway. The physical testing will be related to strength and integrity of the materials. The durability testing conducted will mimic weather conditions such as extreme cold/hot temperatures as well as extreme dry and humid conditions. None of the industrial processes from the existing lab off Arion Parkway will move to the new lab expansion site.

The new lab will store between 250 and 400 gallons of chemical material with a majority of that being a polymer substance (~ 300 gal.) that is used in the development of the construction materials. The polymers are stored within a secondary containment bin and only the amount to be used at any given time is removed from this area (approx.5 gals at a time). The excess/waste polymer is disposed of as inert solids that have the same properties as the construction material used in everyday construction practices. The remaining chemicals onsite consist of a minimal amount of actual chemicals (10 gal.) along with some paints, paint thinners, and other products used in exterior treatments/finishes and are stored in proper chemical storage cabinets. When the chemicals are disposed of, the lab uses a licensed chemical disposal company and manifests are retained in accordance to regulations. The lab had detailed Standard Operating Procedures (SOPs) available for review as well as the Material Safety Data Sheets (MSDSs) for the chemical products onsite.

The Industrial Compliance Supervisor for SAWS also attended the site investigation and observed the current practices at the existing lab. The applicable Federal, State and Local pretreatment and storm water regulations were being met at the existing operation. Based off the onsite discussion of the expansion operations, the new lab will also be in compliance with current regulations.

ENVIRONMENTAL CONCERNS

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

General Concerns

1. The storage and use of chemicals onsite.

2. 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.

3. 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. Occupants of 1922 Dry Creek Way (Lot 11, Block 5, NCB 15671), current or future, must comply with SAWS conditions in order to operate a research lab on the property.

2. An annual inspection of the facility at 1922 Dry Creek Way must be completed by SAWS to verify compliance with the SAWS report.

3. The occupant of 1922 Dry Creek Way must adhere to all safety protocols and procedures as set forth by the SAWS report and City of San Antonio regulations.

4. Chemical inventory will remain consistent with a Class B Lab in accordance with the National Fire Protection Association 45.

5. Storage, handling and safety measures for chemicals will be in compliance with OSHA standards and Laboratory best practices.

6. Chemical inventory will remain consistent with chemical description according to chemical family and quantiles as denoted in the Occupational Classification Letter certified February 9th, 2015 (See Attached).

7. The impervious cover shall not exceed 65% on the site.

8. There shall be no outside storage of any chemicals or containers.

9. All chemicals shall be labeled and stored in designated storage areas and cabinets

10. Proper disposal of chemicals shall be conducted quarterly and manifests shall be retained accordingly to Federal, State and local regulations.

11. A spill response plan shall be developed and reviewed with employees annually to ensure proper spill remediation practices.

12. A chemical spill kit shall be kept onsite and/or within the lab area at all times in case of any accidental spills.
13. SAWS shall be notified at (210) 233-3557 in the event of a chemical spill that occurs within the property boundary that leads to the direct discharge to the sanitary sewer or stormwater drain/channel.

14. Wells that are no longer in use or abandoned shall be properly plugged in accordance with SAWS water well plugging procedures. The Ground Water Resource Protection Section should be notified upon discovery and plugging of such wells.

15. 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.

16. 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 Aquifer Protection & Evaluation Section 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 Aquifer Protection & Evaluation Section of SAWS.

17. 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 form 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.

18. The applicant shall notify the Construction Monitoring 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 and the Aquifer Protection & Evaluation Section of SAWS at (210) 233-3522.

General Recommendations

1. 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.

2. 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.

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,

   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. Below grade or subsurface basins shall not be allowed to be constructed on the site.

   B. Prior to the start of the basin construction, the owner will notify the Aquifer Protection and Evaluation Section of the SAWS at (210) 233-3522 to schedule a site inspection.

   C. After basin construction is complete and prior to the start of business, the owner will notify the Aquifer Protection and Evaluation Section at (210) 233-3522 to schedule a site inspection. Additionally, we recommend a maintenance plan and schedule be developed and submitted to the Aquifer Protection and Evaluation Section of SAWS.

   D. If the basin fails to drain properly, the owner will notify the Construction Monitoring Section of the Resource Protection & Compliance Division at (210) 233-3564 prior to any discharge of water.

   E. 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 Aquifer Protection & Evaluation Section 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 & Compliance 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.

Ordinance 81491 Category 2 Impervious Cover Restrictions:

- Single-family residential: 30% impervious cover
- Multi-family residential: 50% impervious cover
- Commercial: 65% impervious cover

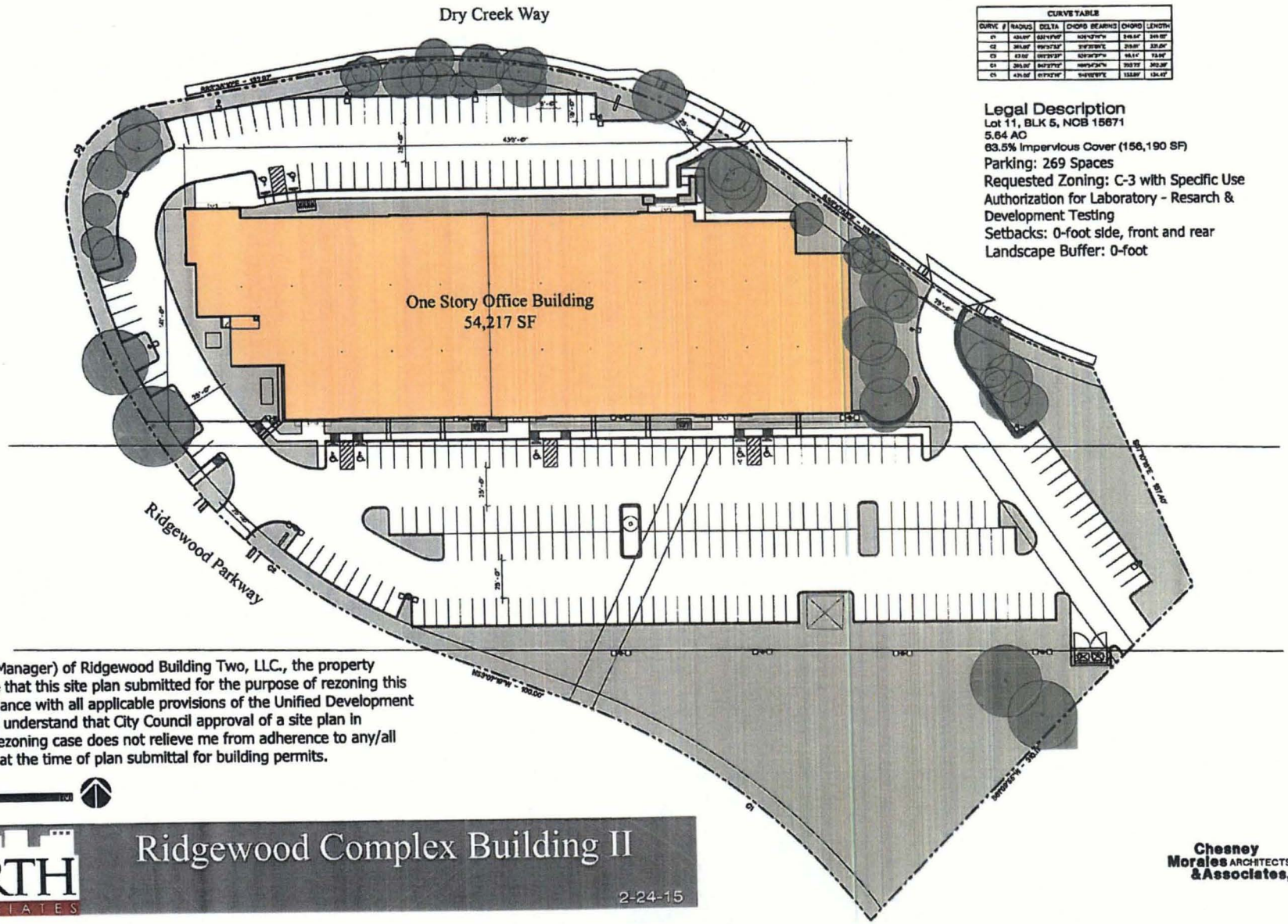
Based on the site evaluation of the property, and the information submitted by the applicant, staff recommends **approval** of the proposed land use. Additionally, SAWS staff recommends that the applicant, or any future owner, comply with the above recommendations in regards to the development of the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

APPROVED:

Andrew Wiatrek
Manager
Edwards Aquifer and Watershed Protection Division

Scott R. Halty
Director
Resource Protection & Compliance Department
MJB:MAE

2015121



CURVE TABLE					
CURVE #	RADIUS	DELTA	CHORD BEARING	CHORD	LENGTH
C1	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
C2	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
C3	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
C4	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
C5	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]

Legal Description
Lot 11, BLK 5, NCB 15671
5.64 AC
63.5% Impervious Cover (156,190 SF)
Parking: 269 Spaces
Requested Zoning: C-3 with Specific Use Authorization for Laboratory - Resarch & Development Testing
Setbacks: 0-foot side, front and rear
Landscape Buffer: 0-foot

I, Robert L. Worth (Manager) of Ridgewood Building Two, LLC., the property owner, acknowledge that this site plan submitted for the purpose of rezoning this property is in accordance with all applicable provisions of the Unified Development Code. Additionally, I understand that City Council approval of a site plan in conjunction with a rezoning case does not relieve me from adherence to any/all City-adopted Codes at the time of plan submittal for building permits.

R.L. WORTH & ASSOCIATES

Ridgewood Complex Building II

2-24-15

Chesney Morales ARCHITECTS/PLANNERS &Associates, Inc.

Attachment B