SG/cla
02/19/2015
Z-16. Amended.

CASE NO. Z2015077 S ERZD

AN ORDINANCE 2015-02-19-0141

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 2.965 acres out of Lot 1, Block 2, NCB 15671 from "C-3 ERZD MLOD-1" General Commercial Edwards Recharge Zone Camp Bullis Military Lighting Overlay District to "C-3 S ERZD MLOD-1" General Commercial Edwards Recharge Zone Camp Bullis Military Lighting Overlay District with a Specific Use Authorization for Motor Vehicle Sales and Tire Repair - Auto and Small Truck (Sales/Install ONLY, No Mechanical Service Permitted).

SECTION 2. A description of the property is attached as **Attachment "A"** and made a part hereof and incorporated herein for all purposes.

SECTION 3. 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 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. The City Council approves this Specific Use Authorization so long as the San Antonio Water Systems Zoning Report recommendations addressed to the Zoning Commission Members for Zoning Case Z2015077 (Tesla Motors), dated January 15, 2015, are adhered to. This memo is attached as **Attachment "C"** and made a part hereof and incorporated herein for all purposes.

SECTION 6. This change of zoning district boundary is conditioned on the requirement that no new impervious cover be granted for the property described by this ordinance.

SECTION 7. 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 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 8. 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 9. 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 10. 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 11. 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 12. 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 13. This ordinance shall become effective March 1, 2015.

PASSED AND APPROVED this 19th day of February 2015.

M A Y O R
Ivy R. Taylor

ATTEST:

Leticia M. Vacek, City Clerk

APPROVED AS TO FORM:

for Martha G. Sepeda, Acting City Attorney

BURY

Z2015077

2.965 ACRES
(129,163 Sq. Ft.)
112550-50003ex2.dwg

FN NO. 112550-50003-1
February 17, 2015
JOB NO. R0112550-50003

FIELD NOTE DESCRIPTION
Portion of
LOT 1, BLOCK 2, N.C.B. 15671
FULL LIFE CENTER SUBDIVISION

Being a 2.965 acre (129,163 square feet) tract of land, in the City of San Antonio, Bexar County, Texas, being out of and a portion of that certain called Lot 1, Block 2, New City Block 15671, Full Life Center Subdivision, as recorded in Volume 9542, Pages 131-133 of the Deed and Plat Records of Bexar County, Texas; said 2.965 acres being more particularly described by metes and bounds as follows with all bearings being referenced to the North American Datum 1983, Texas Coordinate System, South Central Zone:

Commencing, at a found 1/2-inch iron rod with BPI cap in the Northeasterly Right-of-Way line of Loop 1604 (300′ wide R.O.W.) for the southwest corner of the herein described tract of land;

Thence, N 20° 47′ 21″ E, 196.11 feet, to the Southwest corner and **Point of Beginning** for the herein described tract of land;

Thence, N 20° 47′ 21″ E, 363.99 feet, to a found 1/2-inch iron rod on the Southwesterly Right-of-Way line of Sonterra Boulevard (86′ wide R.O.W.) for the Northwest corner of the herein described tract of land;

Thence, S 69° 10′ 08″ E, 354.91 feet, along the Southwesterly Right-of-Way line of said Sonterra Boulevard to a found 1/2-inch iron rod with BPI cap for the Northeast corner of the herein described tract of land;

Thence, S 20° 46′ 50″ W, 363.83 feet, to a point for the Southeast corner of the herein described tract;

Thence, N 69° 11′ 44″ W, 354.96 feet, to the **Point of Beginning**, containing 2.965 Acres (129,163 square feet) of land, more or less.

Attachment A

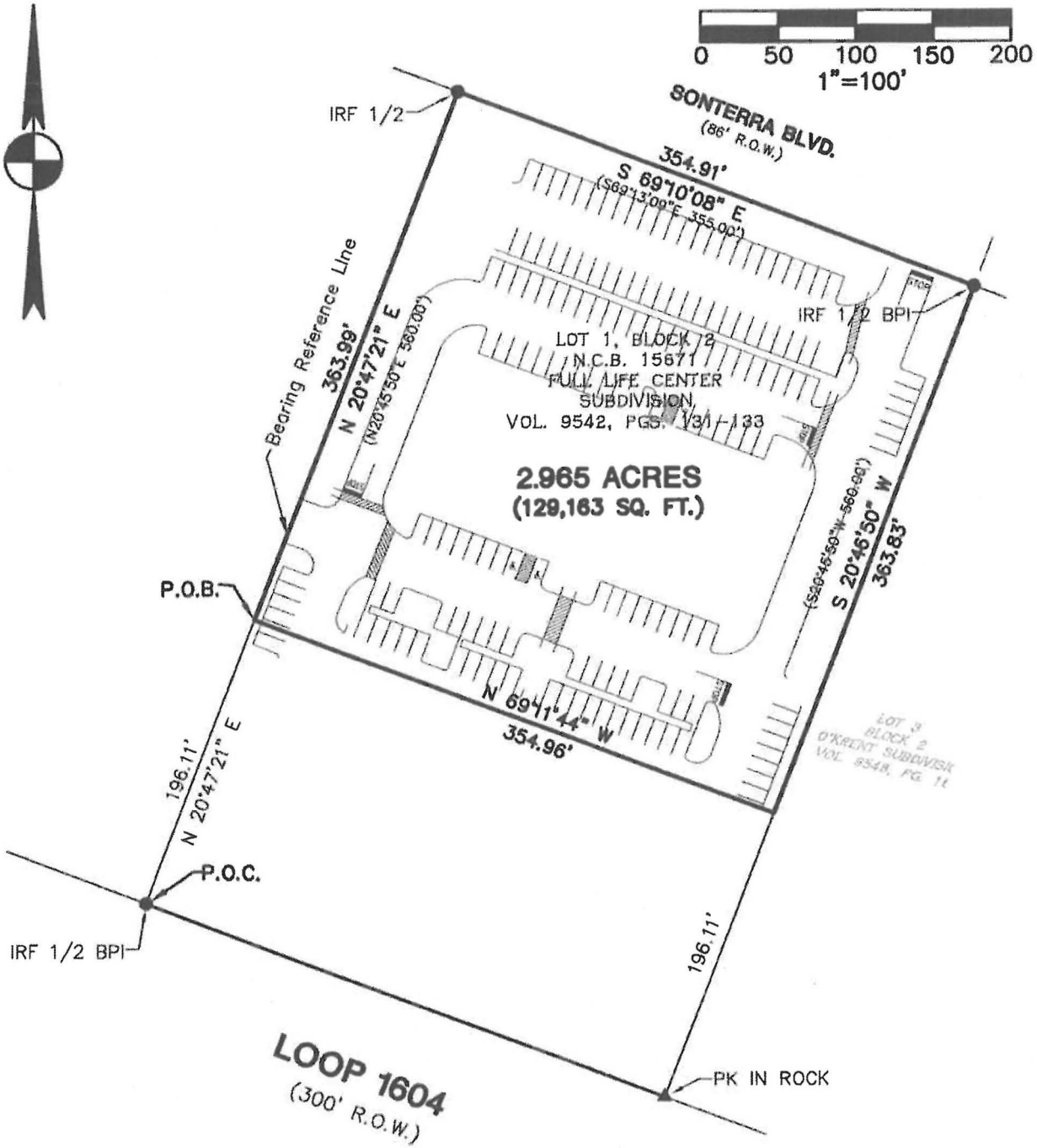
Note: Sketch of even date to accompany this metes and bounds description.

"This document was prepared under 22 TAC §663.21, does not reflect the results of an on the ground survey, and is not to be used to convey or establish interests in real property except those rights and interests implied or established by the creation or reconfiguration of the boundary of the political subdivision for which it was prepared."

2/18/15

Hal B. Lane III
Registered Professional Land Surveyor
Texas Registration No. 4690
Bury
922 Isom Road, Suite 100
San Antonio, Tx. 78216
210-525-9090
TBPLS Firm No. 101075-01

STATE OF TEXAS
REGISTERED
HAL B. LANE III
4690
PROFESSIONAL
LAND SURVEYOR



LEGEND

- ● 1/2" IRON ROD FOUND (UNLESS NOTED)
- ▲ NAIL FOUND

NOTE: A FIELDNOTE DESCRIPTION OF EVEN DATE ACCOMPANIES THIS EXHIBIT

BURY
922 Isom Road, Suite 100
San Antonio, TX 78216
Tel. (210) 525-9090 Fax (210) 525-0529
TBPE Registration Number F-1046

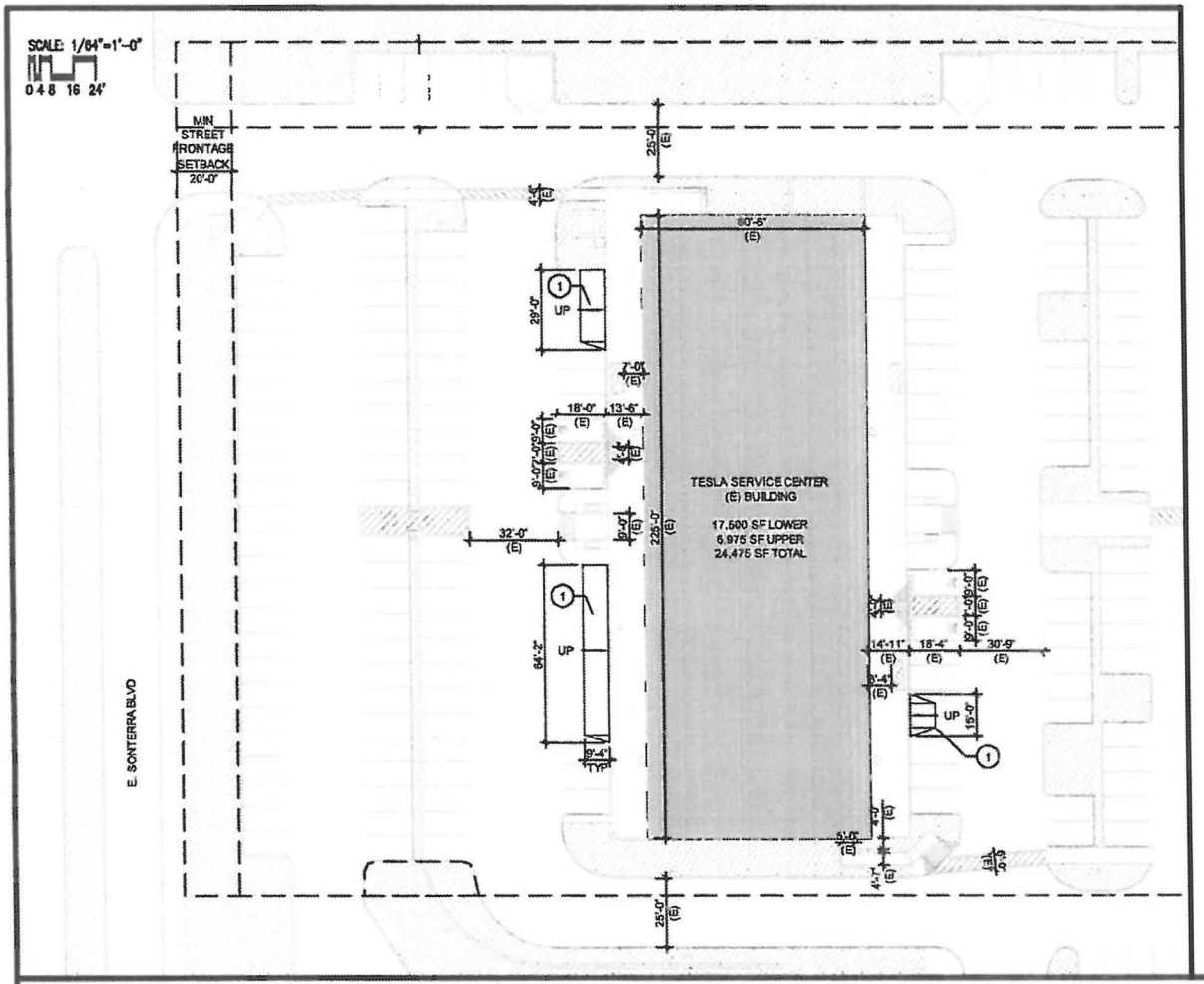
Copyright © 2015

REZONING OF A PORTION OF LOT 1, BLOCK 2
FULL LIFE CENTER SUBDIVISION

SANTIKOS REAL ESTATE SERVICES, LLC

DATE: 2/17/2015	SCALE: 1"=100'	DRAWN BY: HBL	FILE: 112550\50003EX2.DWG	PROJECT No.: 112550-50003.971

Z2015077



I, Santikos Legacy Ltd. & Mid-Loop, Inc., 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.

Legal: 2.965 acres out of Lot 1, Block 2, NCB 15671
Current Zoning: C-3
Requested Zoning: C-3 with Specific Use Authorization for Motor Vehicle Sales and Tire Repair - Auto and Small Truck (Sales/Install ONLY, No Mechanical Service Permitted

PROJECT INFO

Tenant SQ FT: 24,475
Street Frontage (MIN): 20 FT
Side and Rear Setback: 0 FT
Landscape Buffer Required: 0 FT

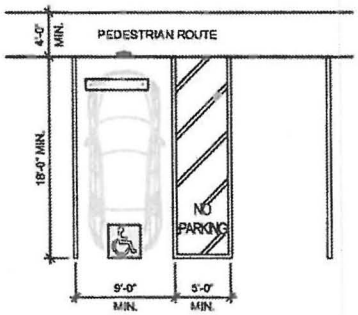
KEY NOTES

1 (N) DRIVE RAMP

SERVICE INTENT

TESLA MOTORS, INC. OPERATES AN ELECTRIC AUTOMOBILE REPAIR/SERVICE + SALES CENTER. SERVICING AN ELECTRIC AUTOMOBILE IS MARKEDLY DIFFERENT FROM SERVICING A GAS-POWERED CAR. TESLA'S VEHICLES HAVE NO INTERNAL COMBUSTION ENGINE. THIS VEHICLE IS EXCLUSIVELY ELECTRIC AND IS NOT HYBRID. ACCORDINGLY, THERE IS NO EXHAUST SYSTEM, NO FUEL TANKS, NO LIQUID FUEL USAGE, NO NEW OR USED MOTOR OIL, NO NOISE FROM THE VEHICLE, AND NO EMISSIONS LIKE HYDROCARBON AND CARBON MONOXIDE THAT ARE EMITTED FROM AN AUTOMOBILE POWERED BY AN INTERNAL COMBUSTION ENGINE. INSTEAD OF AN ENGINE, AN ELECTRIC MOTOR POWERS TESLA'S VEHICLES. ELECTRIC MOTORS REQUIRE LITTLE TO NO MAINTENANCE.

PARKING STALL DIMENSIONS



LEGEND

(E) LANDSCAPE AREA

AREA OF IMPERVIOUS COVER WITHIN THE ERZD

TITLE:
TESLA SAN ANTONIO, TX SITE PLAN

SCALE: 1/64"=1'-0"
DATE: 12-15-14
PROJECT NUMBER: 49900

Dennis Heath, Architect
2470 Mariner Sq. Loop
Alameda, CA 94501

Attachment B

Z2015077

DEVELOPMENT SERVICES
RECEIVED
2015 FEB -4 AM 10: 27

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 Z2015077 (Tesla Motors)

Date: January 15, 2015

SUMMARY

A request for a change in zoning has been made for an approximate 4.563-acre tract located on the city's northeast side. A change in zoning from **C-3 ERZD MLOD to C-3 S MLOD ERZD** is being requested by the applicant, Tesla Motors, by Matthew Mefford. The change in zoning has been requested to allow for the development of a motor vehicle sales and tire repair. The property is 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, located at 2103 N. Loop 1604 East. 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 MLOD ERZD in an existing 24,475 square foot two story retail building and will allow for a motor vehicle sales and tire repair.

Attachment C

2. Surrounding Land Uses:

   North Loop 1604 East highway borders to the south of the retail center. The eastside of the subject property is bordered by O'Krent carpet sales. East Sonterra Boulevard and undeveloped property borders the northern portion of the subject property. The Legacy shopping center is located west of the subject property.

3. Water Pollution Abatement Plan:

   A WPAP file for the property under the name of Legacy Shopping Center Phase II had been previously submitted and approved by the Texas Commission on Environmental Quality (TCEQ) on May 12, 2006.

4. Geologic Conditions:

   The Aquifer Protection and Evaluation Section of the San Antonio Water System conducted a site evaluation on October 23, 2014, 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 as a currently developed commercial lot with a two story retail building, approximately 4.563 acres in area. The site was observed to be bounded on the north by East Sonterra Boulevard with vacant property beyond; on the south by North Loop 1604 East highway; on the east and west by retail commercial properties. The subject site was observed to be built out as a commercial retail center, with asphalt paving and parking. No exposure of bedrock or soil was observed on the subject site.

   A Geologic Assessment conducted by William Duran, P.G. in 2005, was reviewed, and noted that no sensitive geologic features were observed on the site.

   The site appeared to slope slightly to the north. Stormwater occurring on the subject site would drain to the north across East Sonterra Boulevard toward Mud Creek.

   Using U.S. Geological Survey Water-Resources Investigations Report 95-4030 it was determined that the subject site is underlain by the Leached and Collapsed Member of the Person Formation throughout the site.

   The Leached and Collapsed Member of the Person Formation is characterized by the presence of crystalline limestone, grainstone, and mudstone, with chert nodules and breccia conglomerations. This Member is known to have fabric related porosity. The full section thickness of this member is approximately 70 to 90 feet thick.

This member produces significant amounts of water and is considered very permeable and a significantly environmentally sensitive section of the Edwards Aquifer.

The subject site was observed to be fully developed as a commercial retail facility. No sensitive geologic features, such as sinkholes, caves, creeks, or faults were observed on the subject site.

ENVIRONMENTAL CONCERNS

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

Site Specific Concerns

1. Minor amount of automotive fluids stored on site.

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. No additional impervious cover shall be added to the existing retail center.

2. There shall be no more than three (3) automotive batteries stored at any one time on the site, and no automotive battery shall remain on the site for more than ten (10) days. Delivery invoices and shipment records shall be maintained at the site for review by SAWS or other oversight agencies.

3. There shall be no waste automotive or new automotive fluid storage that exceeds a total of 40 gallons at any time on site.

4. Waste fluids must be disposed of properly as required under local, state, and federal laws. Waste liquids shall be disposed of, at a minimum, on an annual basis and waste manifests shall be kept on site for review by the regulating entities to ensure proper disposal of waste liquids as required by federal, state and local regulations.

5. 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.

6. 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.

7. 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.

General Recommendations

1. 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.

2. 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.

3. 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.

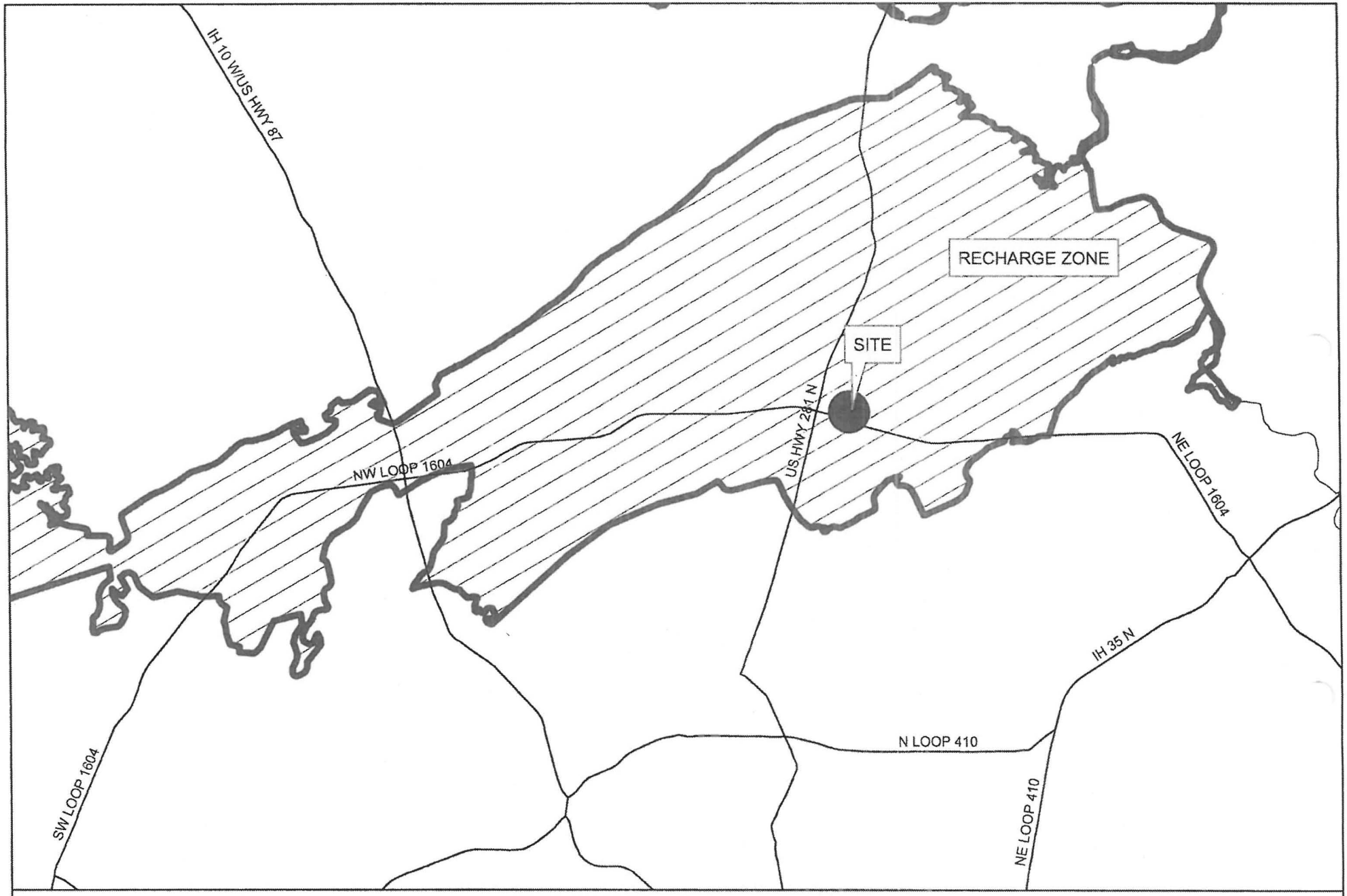
Based on the site evaluation of the property, and the information submitted by the applicant, staff recommends **approval** of the proposed land use. Additionally, SAWS staff recommends that the applicant, or any future owner, comply with the above recommendations in regards to the development of the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

APPROVED:

Andrew Wiatrek
Manager
Edwards Aquifer and Watershed Protection Division

Scott R. Halty
Director
Resource Protection & Compliance Department

MJB:MAE



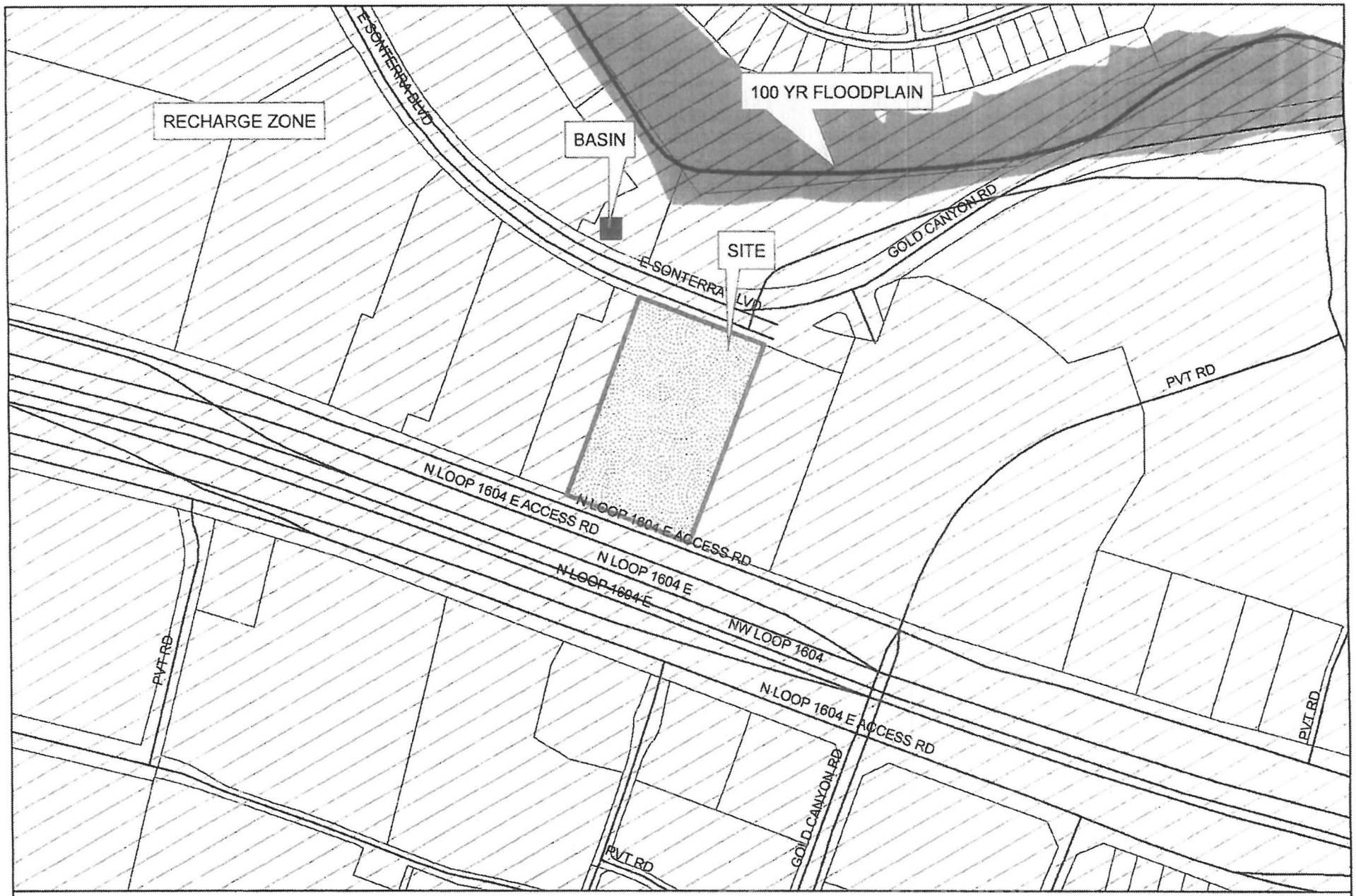
ZONING FILE: TESLA MOTORS (FIGURE 1)
ZONING CASE: Z2015077
MAP GRID: 151, D5

Map Prepared by Aquifer Protection & Evaluation 1/13/2015 MAE

N

1 in = 12,500 feet

0 4,200 8,400 16,800 25,200 33,600 Feet



ZONING FILE: TESLA MOTORS (FIGURE 2)
ZONING CASE: Z2015077
MAP GRID: 151, D5

Map Prepared by Aquifer Protection & Evaluation 1/13/2015 MAE

N

1 in = 334 feet

0 112.5 225 450 675 900 Feet