

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 Z2020-10700135 (Las Palapas-O'Connor Rd.)

Date: July 23, 2020

SUMMARY

A request for a change in zoning has been made for an approximate 1.461-acre tract located on the city's northeast side. A change in zoning from "**C-3R EZRD AHOD**" to "**C-2 EZRD AHOD**" is being requested and represented by the applicant, Kevin Love, KLove Engineering, LLC. The change in zoning has been requested to allow for a restaurant with alcohol sales development. The property is currently designated as a Category 2.

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, approximately 426 feet southeast of O'Connor Rd. and North Loop 1604 East intersection. The northern portion of the property, approximately 0.8375-acres, lies within the Edwards Aquifer Recharge Zone (Figures 1 and 2).

SITE EVALUATION

1. Development Description:

The proposed change is from "**C-3R ERZD AHOD**" to "**C-3 ERZD AHOD**" and will allow for a restaurant with alcohol sales development on 1.461-acres. Currently, the property is undeveloped and vegetated with native trees and understory. The proposed project is a dine-in as well as a drive-thru Mexican restaurant offering alcoholic beverages for sale. The subject site is located within a highway to arterial nodal intersection which is subject to a maximum of 75% impervious cover under the City's Aquifer Quality Ordinance.

2. Surrounding Land Uses:

North Loop 1604 East abuts the northern boundary. To the east lies undeveloped commercial property. Neighboring to the west is a Bill Miller Bar-B-Q restaurant. Lockaway Storage is located towards the south of the subject site.

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 commencement of construction.

4. Geologic Conditions:

The Aquifer Protection and Evaluation Section of the San Antonio Water System conducted a site evaluation on June 30, 2020, 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 vacant undeveloped single lot with moderate natural vegetation, approximately 1.461-acres in area. The northern portion of the site, approximately 0.8375-acres of the site is located within the Edwards Aquifer Recharge Zone. Stormwater occurring on the subject site would drain to the south towards an unnamed tributary to Longs Creek.

Using U.S. Geological Survey Water-Resources Investigations Report 95-4030 it was determined that the subject site is underlain by the Upper Confining Unit.

The Undivided Upper Confining Unit is characterized by the presence of massive limestone with very low porosity and permeability throughout the formation. The full section thickness of this member is approximately 30 feet thick. This unit includes the Del Rio Clay, Buda Limestone, Eagle Ford Group, and is considered the upper margins of the Edwards Aquifer.

No sensitive geologic feature was identified within the subject site.

ENVIRONMENTAL CONCERNS

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

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 75% on the 0.8375-acre portion located over the Edwards Aquifer Recharge Zone.
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. 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.
4. 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. Department of Agriculture, shall be used.
5. The applicant shall notify the Construction Monitoring of SAWS at (210) 233-3565 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 Aquifer Protection & Evaluation Section of the San Antonio Water System.
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. 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 shall be submitted for the development 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 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.

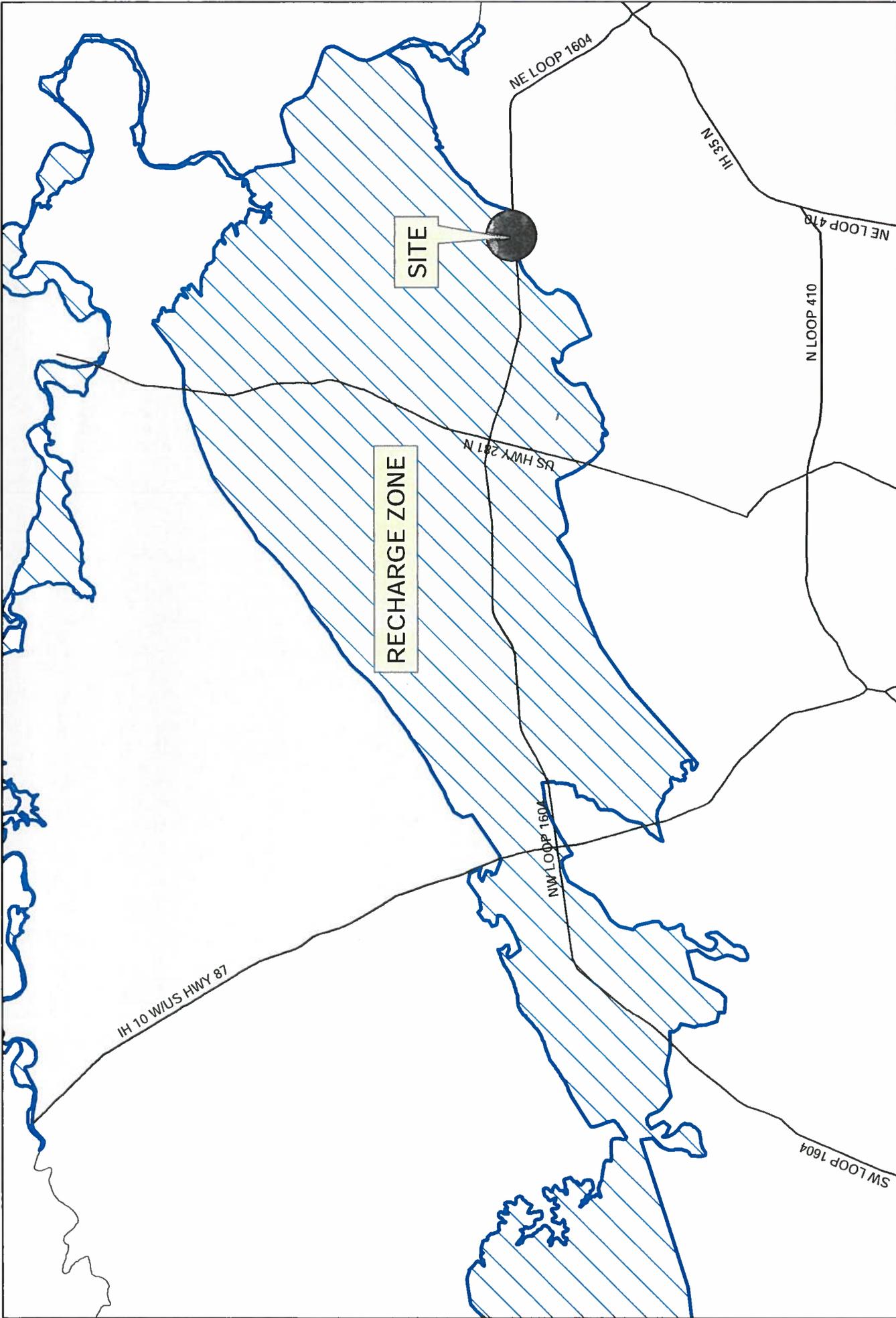
APPROVED:



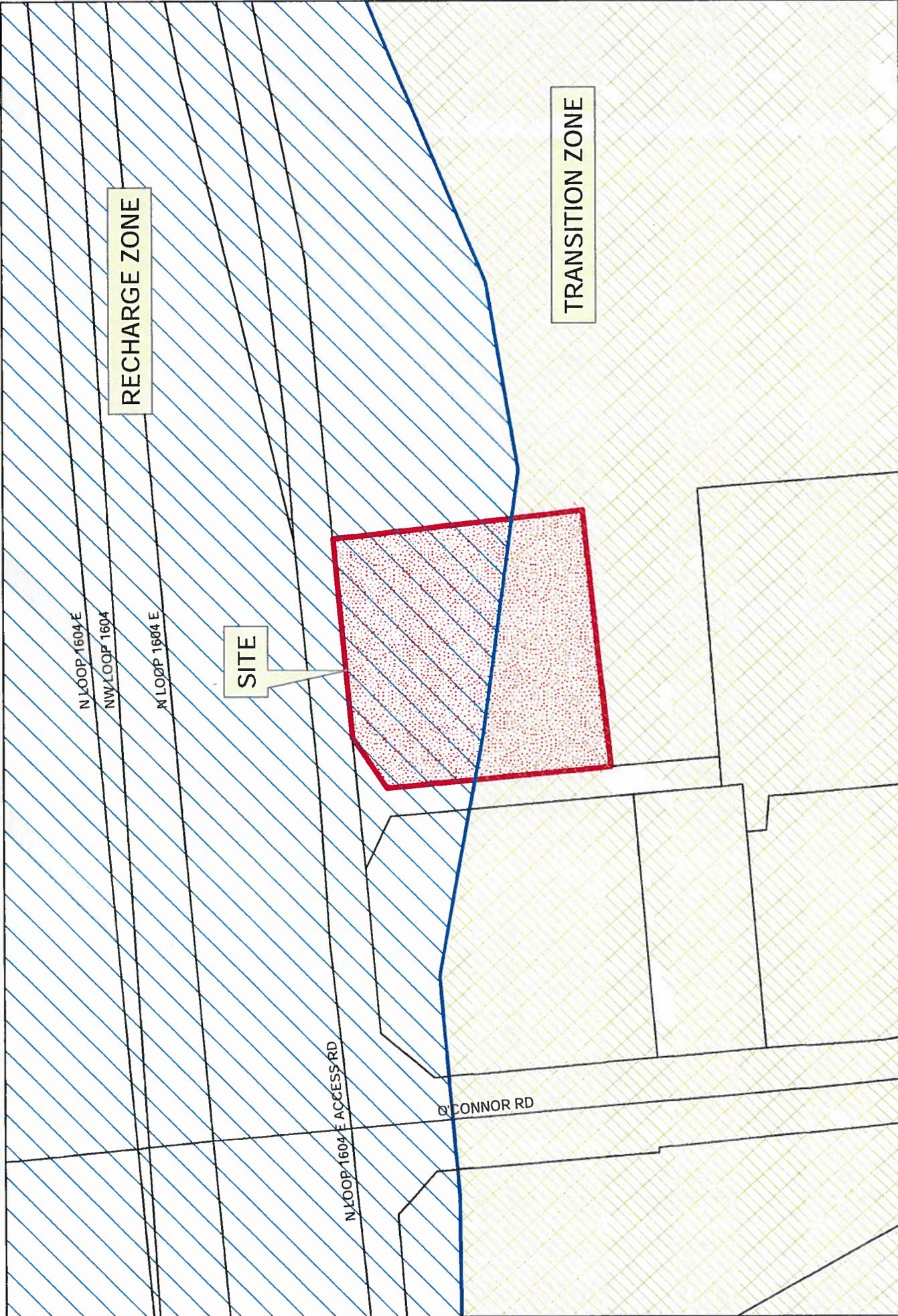
Andrew Wiatrek
Manager
Edwards Aquifer and Watershed Protection Division



Scott R. Halty
Director
Resource Protection & Compliance Department



ZONING FILE: LAS PALAPAS O'CONNOR (FIGURE 1)
 ZONING CASE: Z2020-10700135
 MAP PAGE: 152, E5



ZONING FILE: LAS PALAPAS O'CONNOR (FIGURE 2)
 ZONING CASE: Z2020-10700135
 MAP PAGE: 152, E5