

Z2019-107-114

DEVELOPMENT SERVICES  
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**SAN ANTONIO WATER SYSTEM**  
**Interdepartment Correspondence Sheet**

2019 MAY 29 PM 1:33

**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 Z2019-10700114 (SkyTran Track)

**Date:** May 28, 2019

## SUMMARY

A request for a change in zoning has been made for an approximate 2.825-acre tract located on the city's north side. A change in zoning from "C-2 & MF-18 ERZD GC-3 MLOD-1" to "C-2 CD S ERZD GC-3 MLOD-1" is being requested by the applicant, James Scott MacIntyre, SkyTran, and represented by James McKnight, Brown & Ortiz PC. The change in zoning has been requested to allow an outdoor display and testing of an above-ground transportation track system. 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, at 26150 US Highway 281 North, approximately 0.5 miles south of Bulverde Road and U.S. Highway 281 North intersection. The property lies within the Edwards Aquifer Recharge Zone (Figures 1 and 2).

## SITE EVALUATION

### 1. Development Description:

The proposed change is from "C-2 & MF-18 ERZD GC-3 MLOD-1" to "C-2 CD S ERZD GC-3 MLOD-1" and will allow for the development of an outdoor display and an above-ground transportation test track on 2.825-acres. Currently, the property is undeveloped with an existing well on-site.

SAWS staff on May 13, 2019 met the property owner on-site to discuss the proposed project and the possibility of any hydraulic fluids, oils, or lubricants being used or stored within the subject property. The property owner explained no mechanical fluids, oils or lubricants will be used or stored on-site. The test track and components will be electrically operated.

2. Surrounding Land Uses:

To the north of the subject property lies existing commercial business lots. To the west stands an abandoned commercial structure and U.S. Highway 281 North. An existing house and lot bound to the east with Belterra subdivision located beyond. To the south lies commercial business lots.

3. Water Pollution Abatement Plan:

A WPAP file under the name SkyTran has been submitted for review and approval by the Texas Commission on Environmental Quality (TCEQ), as of the date of this report. Approval of the WPAP by the TCEQ is required prior to the commencement of construction.

4. Geologic Conditions:

The Aquifer Protection and Evaluation Section of the San Antonio Water System conducted a site evaluation on April 10, 2019, 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 homestead property, relatively undeveloped and approximately 2.825-acres in area. It was observed to have an off-site abandoned single-family house to the east, and an off-site abandoned commercial building structure to the west towards US Highway 281 North. An existing well was observed on-site. The well is located within the Trinity Glen Rose Groundwater Conservation District. Stormwater occurring on the site would drain to the east and south into an unnamed tributary leading into Elm Waterhole Creek.

Using U.S. Geological Survey Water-Resources Investigations Report 95-4030 it was determined that the subject site is underlain by the Dolomitic Member of the Kainer Formation of the Edwards Aquifer.

The Dolomitic Member of the Kainer Formation is characterized by the presence of massively bedded mudstone, grainstone, and recrystallized limestone with abundant chert nodules. The full section thickness of this member is approximately 110 to 130 feet thick.

No sensitive geologic features were identified within 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. An existing well was observed on site and there is potential for contamination of the Edwards Aquifer via the well.

### **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 65% on the 2.825-acre site.
2. Existing wells on-site shall meet the permitting requirements of the Trinity Glen Rose Groundwater Conservation District (TGRGCD) and the SAWS Groundwater Resource Protection Section. Wells that are no longer in use or abandoned shall be properly plugged in accordance with the TGRGCD and the SAWS water well plugging procedures.
3. No mechanical fluids, oils, chemicals or lubricants shall be used or stored on-site for the maintenance of the SkyTran project.
4. 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.

5. 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.
6. 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.
7. 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.

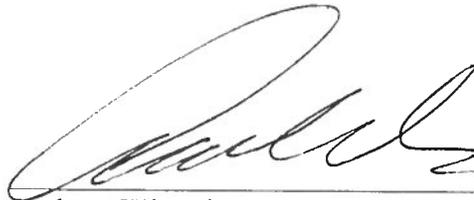
### **General Recommendations**

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:

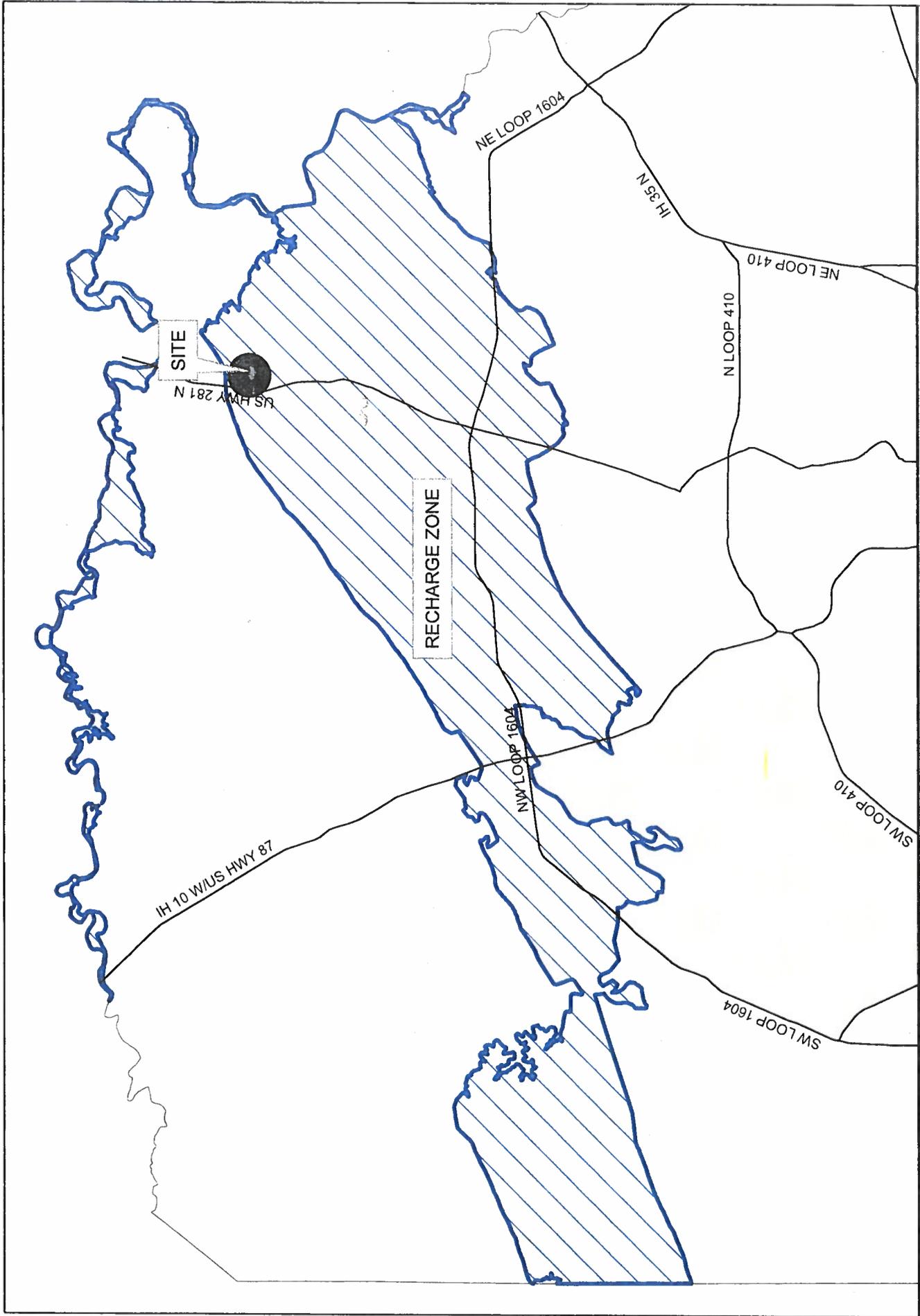


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Edwards Aquifer and Watershed Protection Division

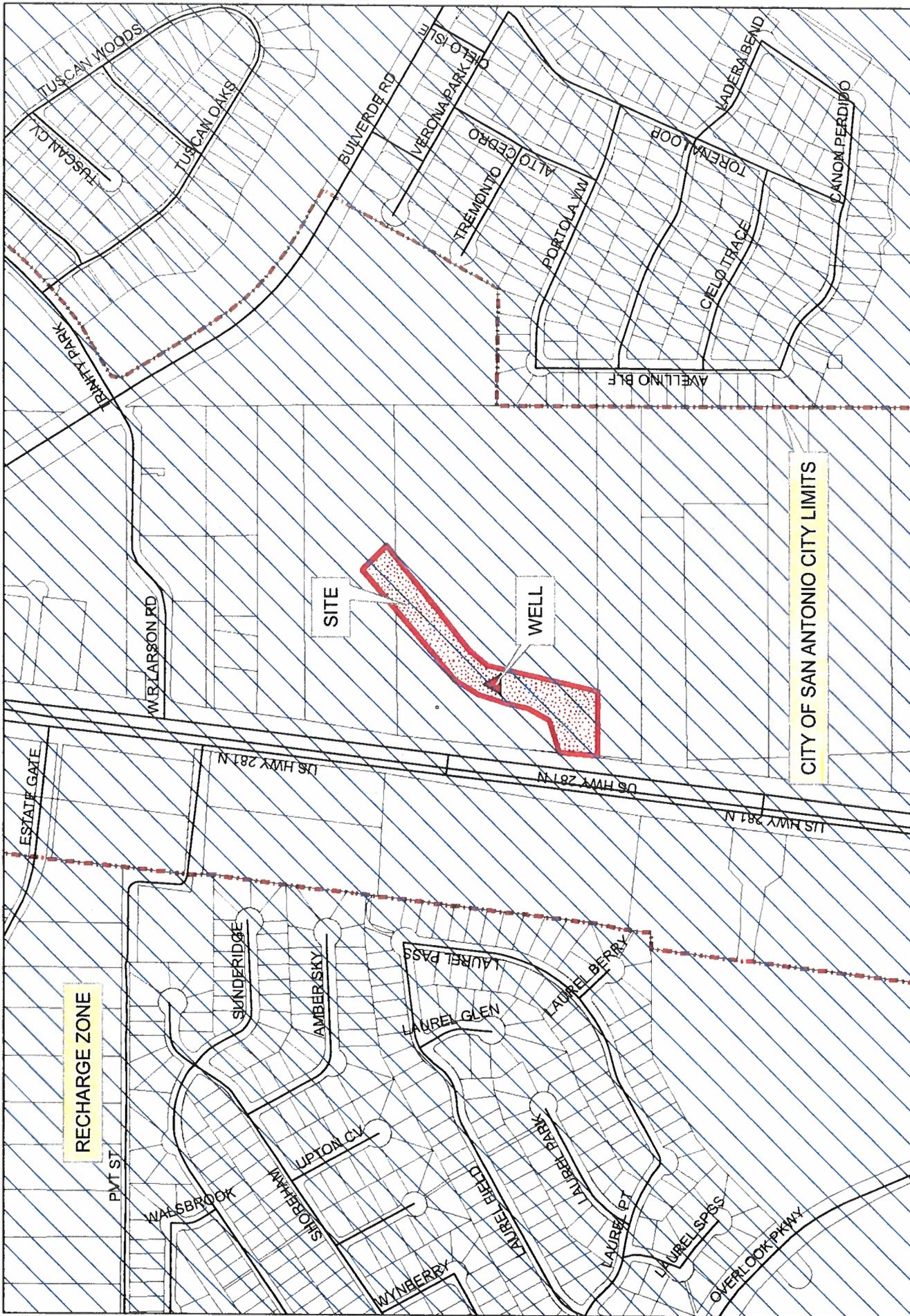


Scott R. Halty  
Director  
Resource Protection & Compliance Department

MJB:MAE



ZONING FILE: SKYTRAN TRACK (FIGURE 1)  
 ZONING CASE: Z2019-10700114  
 MAP PAGE: 111, E8



ZONING FILE: SKYTRAN TRACK (FIGURE 2)  
 ZONING CASE: Z2019-10700114  
 MAP PAGE: 111, E8