SAN ANTONIO WATER SYSTEM
Interdepartment Correspondence Sheet

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LAND DEVELOPMENT SERVICES DIVISION

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 Z2015311 (Legacy Multi-Family)

Date: December 18, 2015

SUMMARY

A request for a change in zoning has been made for an approximate 7.465-acre tract located on the city's north side. A change in zoning from **"C-3 ERZD MLOD to MF-50 ERZD MLOD"** is being requested by the applicant, Embrey Partners, Ltd., represented by Ashley Farrimond, Kaufman & Killen, Inc. The change in zoning has been requested to allow a multi-family apartment development. 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, at East Sonterra Blvd., southeast of the intersection with U.S. Highway 281 North. 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 MF-50 ERZD MLOD" and will allow for the development of a multi-family apartment. Currently, the property is undeveloped and vegetated. The subject property is located within a highway to highway intersection node under the City's Aquifer Quality Ordinance.

2. Surrounding Land Uses:

   Dwell at Legacy apartments borders north of the subject property. A retail commercial building lies to the west of the property. Undeveloped commercial property lies to the south of the project boundaries. Sonterra Blvd. borders east of the property with undeveloped property located beyond.

3. Water Pollution Abatement Plan:

   A WPAP file for the overall property under the name of Palladium Subdivision had been previously submitted and approved by the Texas Commission on Environmental Quality (TCEQ) on November 12, 2002.

4. Geologic Conditions:

   The Aquifer Protection and Evaluation Section of the San Antonio Water System conducted a site evaluation on September 30, 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 one lot, currently undeveloped and vegetated, approximately 7.465 acres in area. The subject site was observed to have some clearing with other areas of the property vegetated with trees and understory with little exposed bedrock. Manholes for subsurface utilities were observed in the center of the project site.

   The site appeared to slope to the north. Stormwater occurring on the subject site would drain to the north 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 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.

   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:

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 50% on the site.

2. Prior to the release of a building permit, an Aquifer Protection Plan for the Legacy Project will be required to be submitted for review to the SAWS Aquifer Protection and Evaluation Section.

3. 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.

4. 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.

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 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.

6. 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. 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.

2. 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.

3. 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) 233-3572 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.

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.

Ordinance 81491 Category 1 is not restricted to impervious cover limitations.

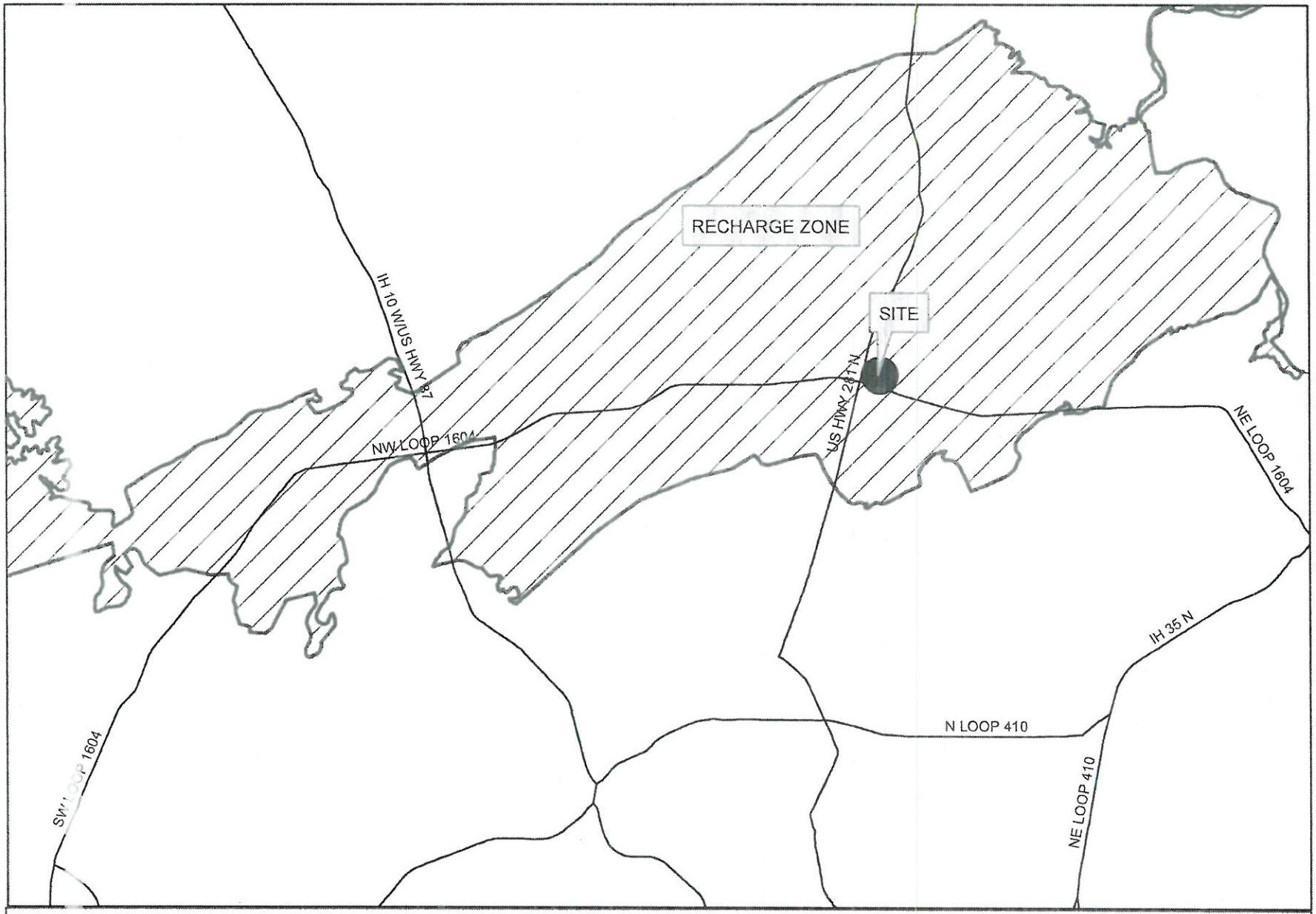
Based on the site evaluation of the property, and the information submitted by the applicant, staff recommends **approval** of the proposed land use. Additionally, SAWS staff recommends that the applicant, or any future owner, comply with the above recommendations in regards to the development of the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

APPROVED:

Andrew Wiatrek
Manager
Edwards Aquifer and Watershed Protection Division

Scott R. Halty
Director
Resource Protection & Compliance Department

MJB:MAE



ZONING FILE: LEGACY MULTI-FAMILY (FIGURE 1)
ZONING CASE: Z2015311
MAP GRID: 151, D4

1 in = 12,500 ft

N

0 3,350 6,700 13,400 20,100 26,800
Feet

Map Prepared by SAWS, Aquifer Protection & Evaluation MAE 9/29/2015