

SAN ANTONIO WATER SYSTEM
Interdepartmental Correspondence Sheet

DEVELOPMENT SERVICES
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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 Z2014208 (Encino Commons Senior Living)

Date: February 6, 2015

SUMMARY

A request for a change in zoning has been made for an approximate 13.773-acre tract located on the city's northeast side. A change in zoning from **C3 MLOD ERZD** to **MF-33 MLOD ERZD** is being requested by the applicant, Brown & Ortiz, P.C., by Mr. Daniel Ortiz. The change in zoning has been requested to allow for a senior assisted living 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, near the northeast intersection of U.S. Hwy. 281 North and Encino Commons Rd. A total of 13.773 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 C3 MLOD ERZD to MF-33 MLOD ERZD (13.773 acres) and will allow for the construction of a senior assisted living development. Currently the site is undeveloped. The subject property is located within a highway to arterial intersection node under the City's Aquifer Quality Ordinance.

2. Surrounding Land Uses:

Undeveloped property is located to the north of the property. Vacant undeveloped commercial lots and a fast food restaurant bound the western portion of the property. Franklin Assisted Living Apartments is located to the south of the property. Encino Ridge residential subdivision is located to the east of the property.

3. Water Pollution Abatement Plan:

A Water Pollution Abatement Plan (WPAP) named Common Development Group 06, was submitted and approved by the Texas Commission on Environmental Quality (TCEQ) on May 23, 2007.

4. Geologic Conditions:

The Aquifer Protection and Evaluation Section of the San Antonio Water System conducted a site evaluation on July 18, 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 single parcel, currently undeveloped, approximately 13.773 acres in area. The site was observed to be bounded on the north by undeveloped vacant property; on the south by a senior assisted living apartment with Encino Commons beyond; on the east by a drainage easement with single family residential property beyond, and on the west by individual commercial lots. The subject site was observed to be covered in apparent fill material with sparse vegetation.

No exposure of bedrock was observed throughout the subject site. The site was observed to be covered in apparent fill material. A single conch box was observed within the subject site, with numerous piles of rock and debris throughout.

The site appeared to slope moderately to the east. Stormwater occurring on the subject site would drain to the east and southeast into an unnamed tributary to West Elm 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 throughout the site.

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.

The subject site was observed to be undeveloped. No sensitive geologic features, such as sinkholes, caves, creeks, or faults were observed on the subject site. These observations were confirmed during the review of a previously submitted Geologic Assessment for 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 60% on the site.
2. The land uses within the zoned area 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 that 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 prohibited, that land use will not be permitted on that site.
3. 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 at (210) 233-3546 upon discovery and plugging of such wells.
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 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.
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. 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 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 SAWS:
 - 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 Texas,
 - C. A WPAP approval letter from the Texas Commission on Environmental Quality (TCEQ),
 - 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.

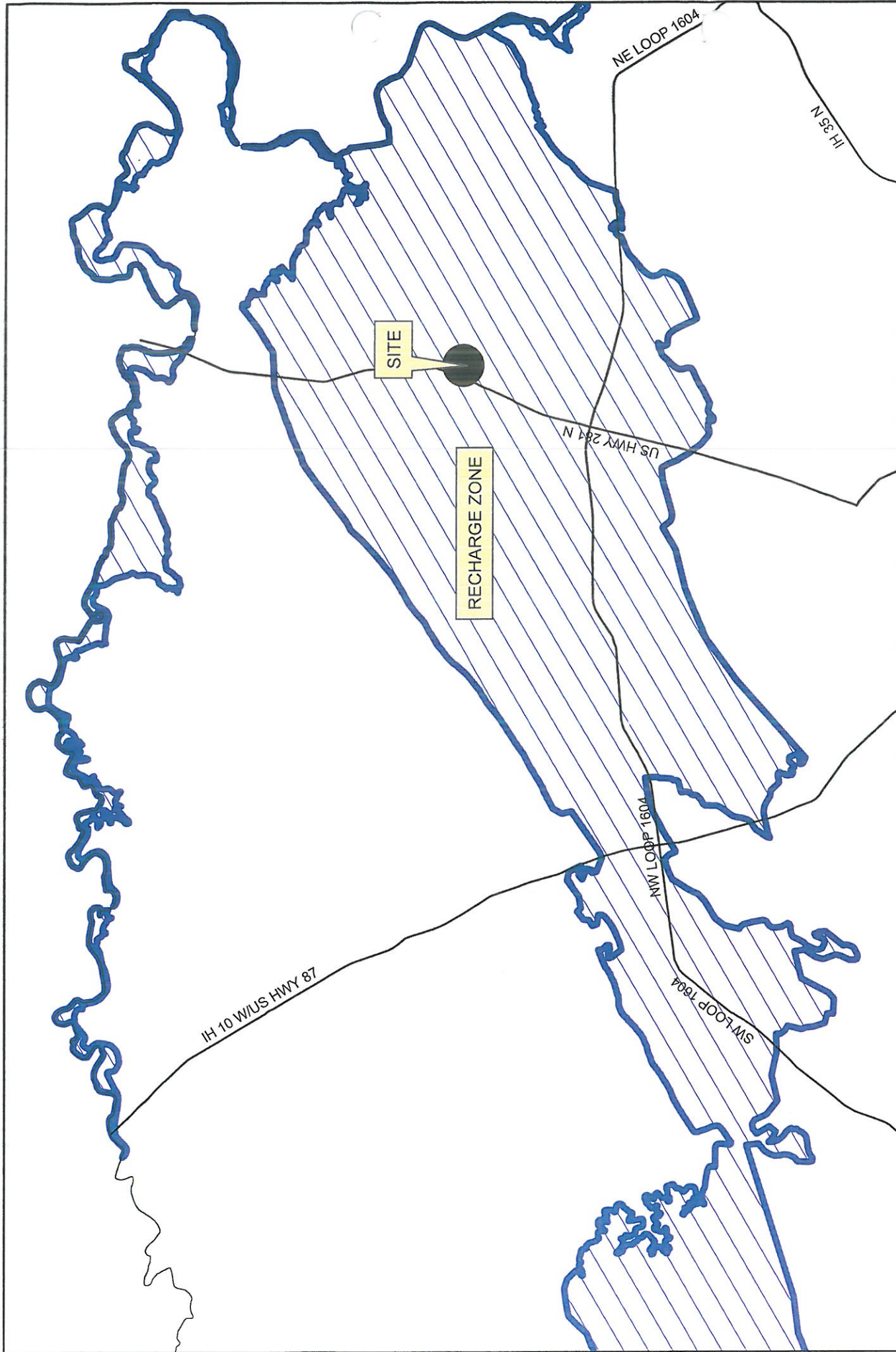
APPROVED:



Andrew Wiatrek
Manager
Edwards Aquifer and Watershed Protection Division

Scott R. Halty
Director
Resource Protection & Compliance Department

MTB:MAE

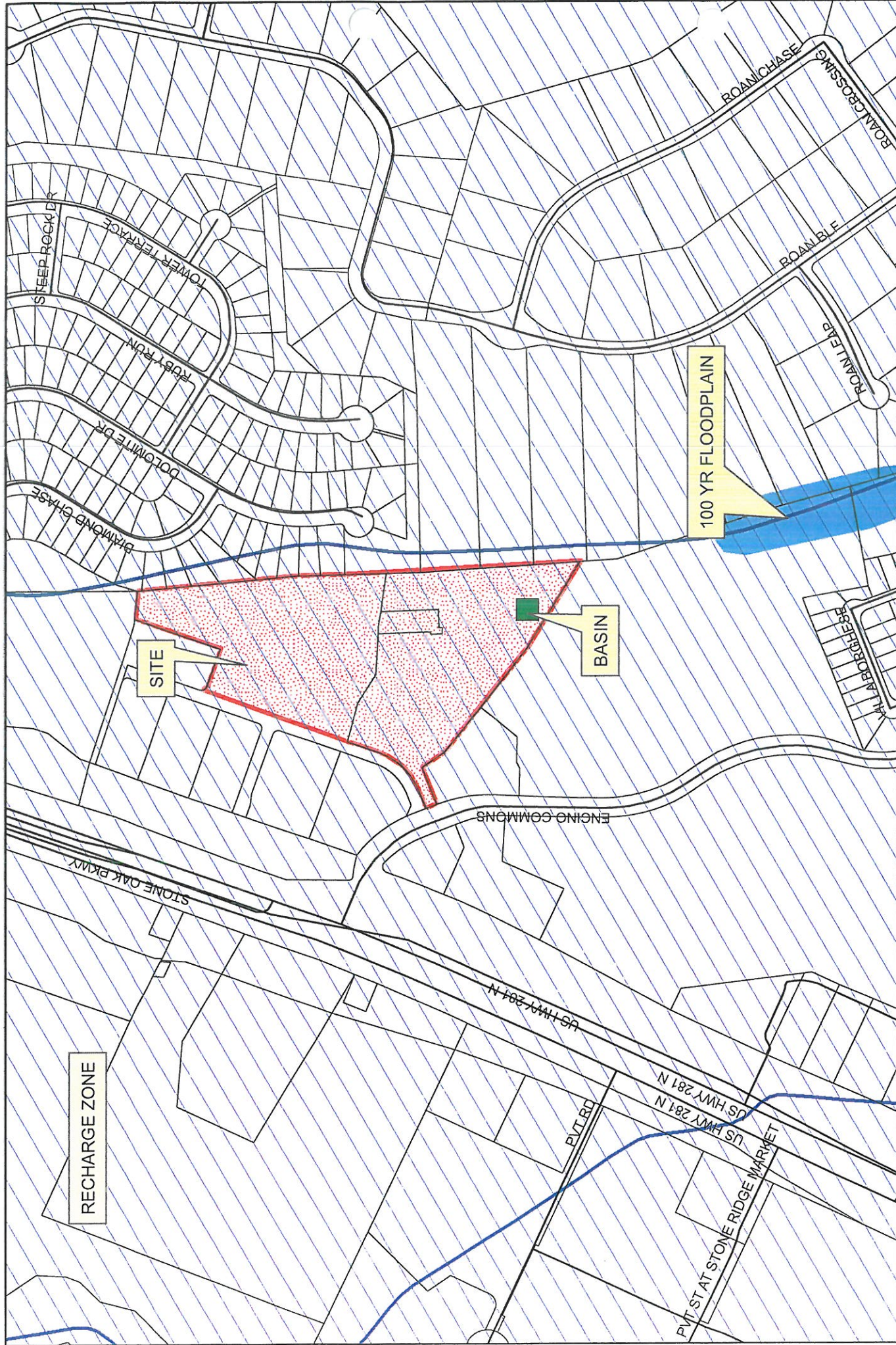


ZONING CASE: ENCINO COMMONS SENIOR LIVING (FIGURE 1)

ZONING FILE: Z2014208

MAP GRID: 131, F7

Map Prepared by Aquifer Protection & Evaluation 10/23/2014 MAE



ZONING CASE: ENCINO COMMONS SENIOR LIVING (FIGURE 2)

ZONING FILE: Z2014208

MAP GRID: 131, F7

Map Prepared by Aquifer Protection & Evaluation 10/23/2014 MAE



1 in = 417 feet

