

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 Z2015200 (Evans Road Single Family)

Date: July 8, 2015

SUMMARY

A request for a change in zoning has been made for an approximate 36.123-acre tract located on the city's north east side. A change in zoning from "OCL ERZD" to "R-6 PUD AHOD ERZD" is being requested by the applicant, Fair Oaks Mosaic TBY, LLC, represented by Daniel Ortiz. The change in zoning has been requested to allow for the development of a single-family development.

As of the date of this report, an official request for a site specific category determination or an official request for a "substantial alteration" determination has not been received by the Aquifer Protection & Evaluation Division. Based on the information provided, this property is a Category 2 property and shall be developed in accordance with all the provisions stated in Ordinance No. 81491 governing development on the Edwards Aquifer Recharge Zone. However, if the appropriate information is provided to the Aquifer Protection & Evaluation Section, this property may be determined to be a Category 1 property. If the property is determined to be a Category 1 property, staff recommends that the owner/operator use criteria outlined in Section 34-970 "Best Management Practices".

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 the City's Extraterritorial Jurisdiction, at 5710 East Evans Road, approximately 3 miles east of the intersection of Bulverde Road and East Evans Road. The entire 36.123 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 “OCL ERZD” to “R-6 PUD AHOD ERZD” and will allow for the development of a single-family development. Currently the site is an unoccupied homestead with an abandoned residential house, barn structures, and a garage.

This project is associated with zoning case Z2015181 (8.289 acres) for a total acreage of approximately 45 acres with an impervious cover of 40%.

2. Surrounding Land Uses:

East Evans Road lies east of the subject property. Vulcan Materials Quarry borders the western portion of the subject property. Undeveloped property bounds to the north and south of the subject property. An existing residential homestead occupies the southeast portion of the subject property.

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 May 14, 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 an unoccupied homestead, with an abandoned single family residential house and associated outbuildings, approximately 36.123 acres in area. The subject site was observed to be moderately to heavily vegetated with moderate exposed bedrock.

The site appeared to slope to the north and west. Stormwater occurring on the subject site would drain to the west into an unnamed tributary to 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 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.

A Geologic Assessment had previously been conducted for the subject site. A sensitive geologic feature was identified as S-2, a sinkhole. The sinkhole being a depression measuring 15'x20' with associated recharge features located within the base of the depression. The sinkhole was located in the southwest quadrant of the subject site. Additionally, a residential water well was identified adjacent to the unoccupied house.

ENVIRONMENTAL CONCERNS

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

Site Specific Concerns

1. A sinkhole located on the property and if left unprotected there is potential for contamination of the Edwards Aquifer.
2. An abandoned well on site left unplugged could allow the potential for contamination into the Edwards Aquifer.

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 40% on the site.
2. A 60 foot buffer extending from the sinkhole perimeter (15'x20') shall be provided for the solution feature located on site as required in Ordinance No. 81491, Section 34-920.
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 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) 233-3572 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 Resource Protection Division of the San Antonio Water System.
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. 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.
4. 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) 233-3522 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.

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:

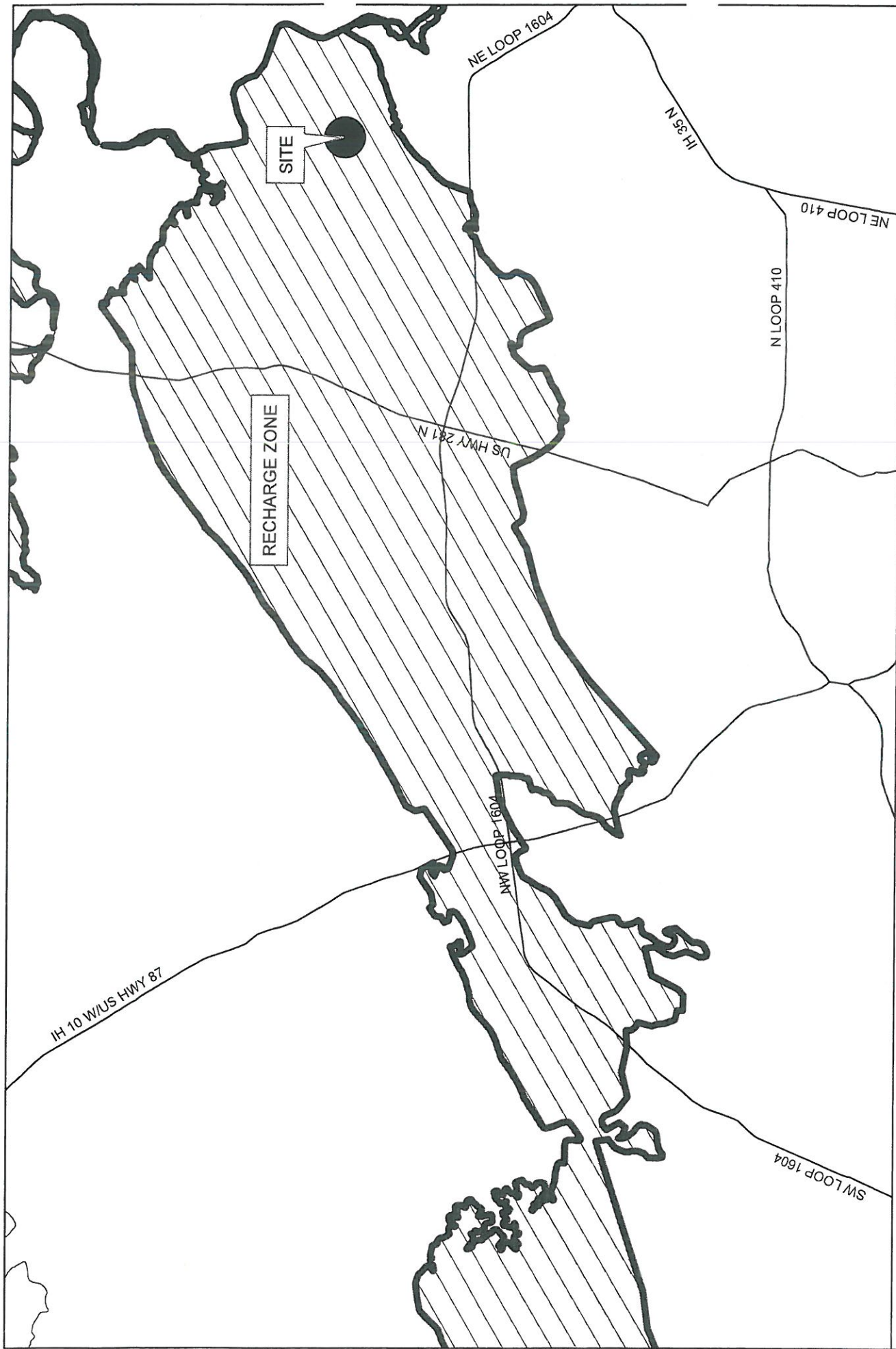


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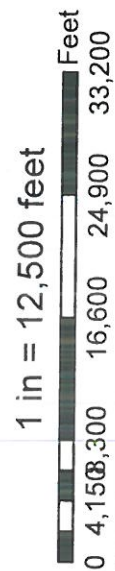


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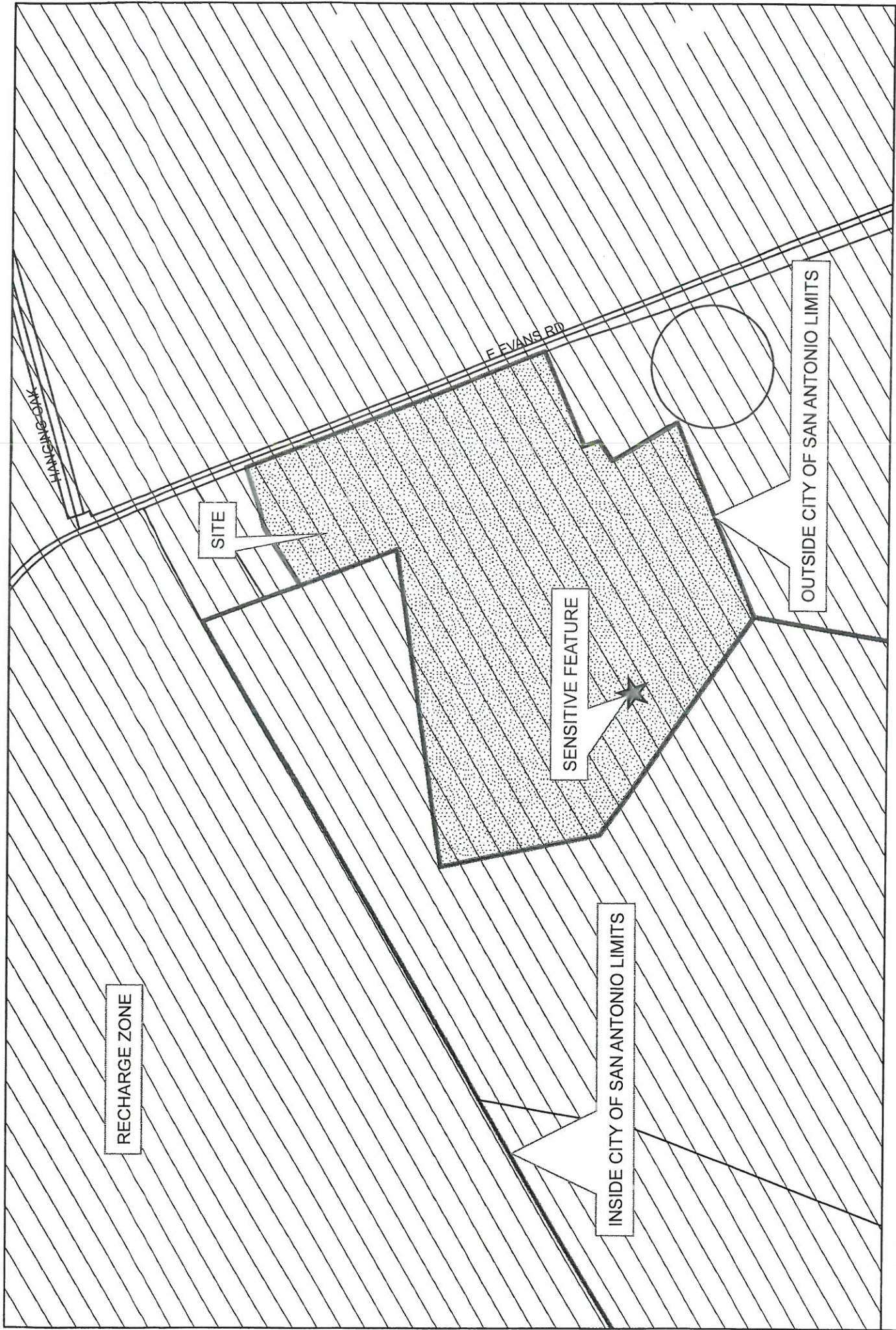
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ZONING FILE: EVANS ROAD SINGLE FAMILY (FIGURE 1)
ZONING CASE: Z2015200
MAP GRID: 133, B8



Map Prepared by Aquifer Protection & Evaluation 5/15/2015 MAE



ZONING FILE: EVANS ROAD SINGLE FAMILY (FIGURE 2)
ZONING CASE: Z2015200
MAP GRID: 133, B8
Map Prepared by Aquifer Protection & Evaluation 5/15/2015 MAE

