

DEVELOPMENT SERVICES
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Interdepartment Correspondence Sheet 2008 JUL 30 AM 10:36

To: Zoning Commission Members

From: Kirk M. Nixon, Manager, Resource Protection Division, San Antonio Water System

Copies To: Scott R. Halty, Director, Resource Protection & Compliance Department, Gregory D. James, Supervisor, Aquifer Protection & Evaluation, Michael A. Escalante, Resource Protection Specialist II, Aquifer Protection & Evaluation Section, File

Subject: Zoning Case Z2008147 (De Zavala Commercial Development)

Date: July 30, 2008

SUMMARY

A request for a change in zoning has been made for an approximate 13.58-acre tract located on the city's northwest side. A change in zoning from **R-6 C ERZD to O-1 ERZD (1.63 acres) and O-2 ERZD (11.95 acres)** is being requested by the applicant, Brown & Ortiz, P.C. Attorneys at Law, by Ken W. Brown. The change in zoning has been requested to allow for the development of an office complex. The property is 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 8, at 4150 De Zavala Rd. The property lies within the Edwards Aquifer Recharge Zone (Figures 1 and 2).

SITE EVALUATION

1. Development Description:

The proposed change is from R-6 C ERZD to O-1 ERZD (1.63 acres) and O-2 ERZD (11.95 acres) and will allow for the development of an office complex. Currently the site is undeveloped.

2. Surrounding Land Uses:

A residential neighborhood, Shavano Ridge Unit 1, is immediately west of the subject site. The Woods of Shavano neighborhood exists to the north. The property immediately to the east of the site is currently undeveloped. A City Public Service Energy substation exists to the south of the property.

3. Water Pollution Abatement Plan:

The property is contained within the West Shavano Development WPAP. The Texas Commission approved the WPAP on November 18, 1992.

4. Geologic Conditions:

The Resource Protection Division of the San Antonio Water System conducted a site evaluation on April 15, 2008, 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.

- A. The subject site was observed as a single lot, heavily vegetated with native trees, approximately 13.30 acres in area. No structures were observed on the site, other than a City Public Service high tension power line easement along a generally north-south alignment.

Moderate exposure of bedrock was observed throughout the property. The exposed limestone observed on the subject property included medium to dark gray moderately weathered bedrock and float rock limestone with sparse vugs visible in some areas. An apparent ephemeral drainage feature was observed running generally northeast-southwest through the northern portion of the subject site.

The site appeared to slope to the northeast. Stormwater occurring on the subject site would drain to the northeast towards Shavano Creek.

- B. Using U.S. Geological Survey Water-Resources Investigations Report 95-4030 it was determined that the subject site is underlain by the Cyclic and Marine Member of the Person Formation of the Edwards Aquifer throughout the northern half of the property, and by the Undivided Upper Confining Unit Member throughout the southern half of the property. The Cyclic and Marine Member of the Person Formation is characterized by the presence of thinly bedded mudstone, packstone and grainstone with structurally based porosity. The full section thickness of this member is approximately 80 to 90 feet thick. The exposed bedrock observed on the subject site was found to be consistent with the characteristics of the Marine and Cyclic Member.

The Undivided Upper Confining Unit is characterized by the presence of massively bedded gray to light tan limestone with relatively low porosity and permeability. This unit is considered to be the upper confining member of the Edwards Aquifer and tends to prevent subsurface migration of fluids.

Based on a review of a geologic assessment of an adjacent property, the subject site vicinity is generally underlain by the Cyclic and Marine Member of the Person Formation of the Edwards Aquifer, and the Undivided Upper Confining Unit Member. Visual evidence indicates that observed rock exposure on the subject site is consistent with characteristics of the Cyclic and Marine Member.

- C. An ephemeral drainage was observed to cross the site. A mapped fault is known to exist to the north of the property, but does not intersect the site at any point. A previous Geologic Assessment identified two faults on the parent parcel, possibly sympathetic to the mapped fault to the north. These faults do not intersect the subject property.

A sinkhole, approximately 3 feet wide and 2 feet deep, was sealed in September 1996 with a 4 foot by 8 foot concrete cap, and then covered by native soil. The plugging of the feature was in accordance to a TCEQ approval letter dated September 29, 1994. However, this feature was observed to have slightly collapsed at one edge, allowing surface water to drain along the edge of the concrete cap.

ENVIRONMENTAL CONCERNS

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

1. Standard Pollution/Abatement Concerns:

- A. 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.
- B. 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.
- C. There will be no outside storage of hazardous materials with the potential for contamination of stormwater runoff.

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. The subject property was originally zoned for commercial use and is currently a category 1 property. However, the property maintained an R-6 rezoning in 2003, prior to the impervious cover limit recommendations. Based on these conditions staff is recommending 50% impervious cover.
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 Resource Protection Division 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 Resource Protection Division 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 Compliance Section of the Resource Compliance Division 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 at (210) 490-3096 and the Resource Protection Division of the San Antonio Water System at (210) 233-3526.

Zoning Commission Members
Zoning Case Z2008147 (De Zavala Commercial Development)
Page 5

7. If any sensitive 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 at (210) 490-3096 and the Resource Protection Division of the San Antonio Water System at (210) 233-3526.

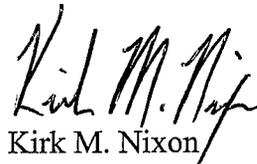
General Recommendations

1. 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.
2. 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.
3. If a water quality basin is constructed on the property, the following is required:
 - A. Prior to the start of the basin construction, the owner will notify the Aquifer Protection and Evaluation Section of the San Antonio Water System at (210) 233-3526 to schedule a site inspection.
 - B. After basin construction is complete and prior to the start of business, the owner will notify the SAWS Aquifer Protection and Evaluation Section at (210) 233-3526 to schedule a site inspection. Additionally, we recommend a maintenance plan and schedule be developed and submitted to SAWS Aquifer Protection and Evaluation Section.
 - C. If the basin fails to drain properly, the owner will notify the Construction Section of the Resource 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 Resource Protection Division of SAWS.

Zoning Commission Members
Zoning Case Z2008147 (De Zavala Commercial Development)
Page 6

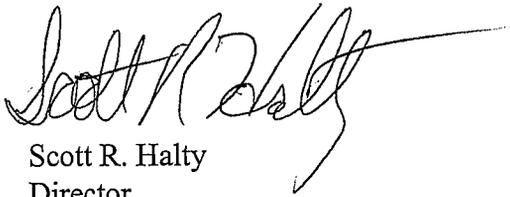
4. The City of San Antonio shall inspect all future construction of the sewage collection system to include service laterals and sewer mains for proper construction according to State and City Regulations and Code.
5. The Resource Protection Division staff shall have the authority to inspect the site 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.



Kirk M. Nixon
Manager
Resource Protection Division

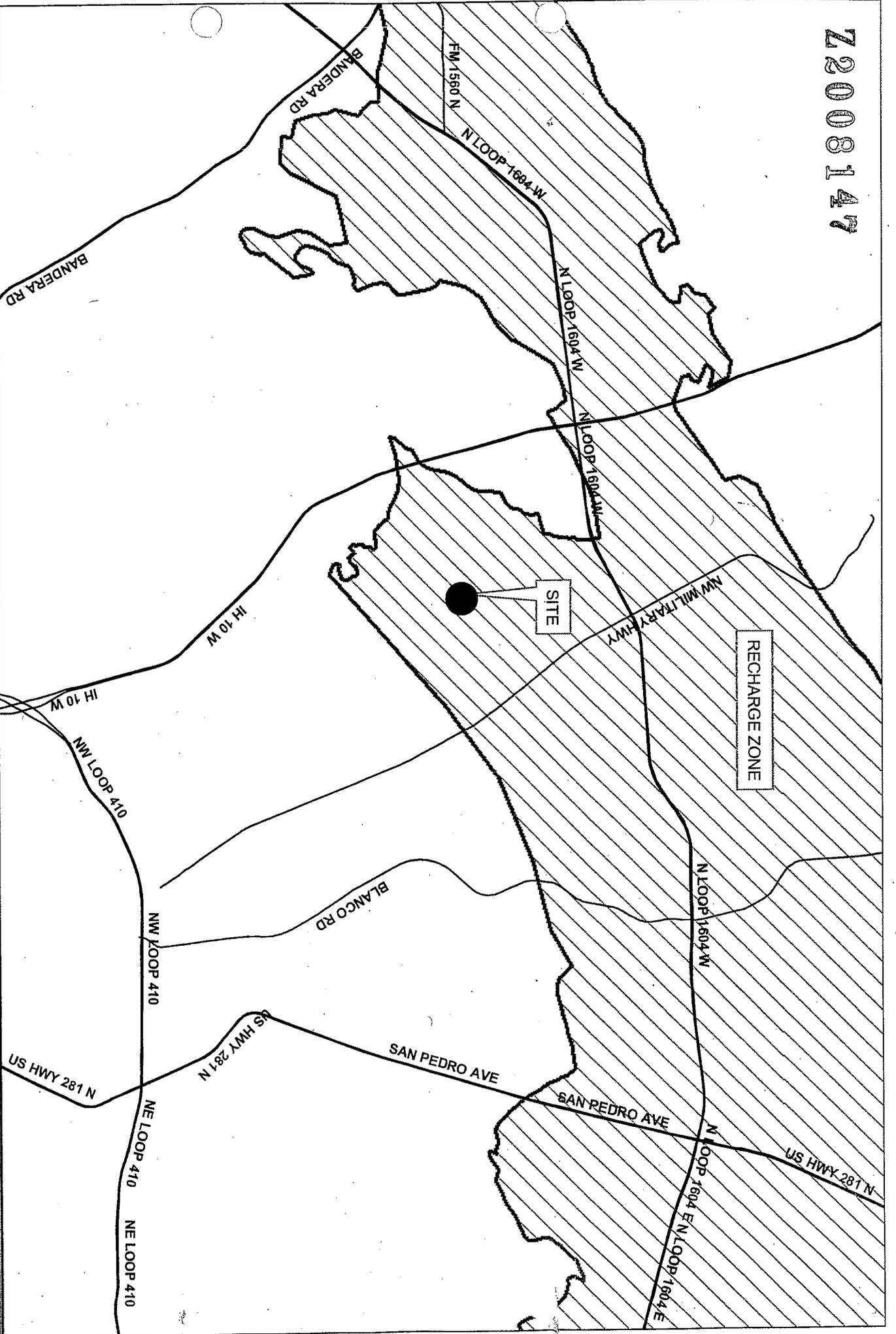
APPROVED:



Scott R. Halty
Director
Resource Protection & Compliance Department

KMN:MAE

Z2008147



ZONING FILE: DE ZAVALA COMMERCIAL DEVELOPMENT (FIGURE 1)

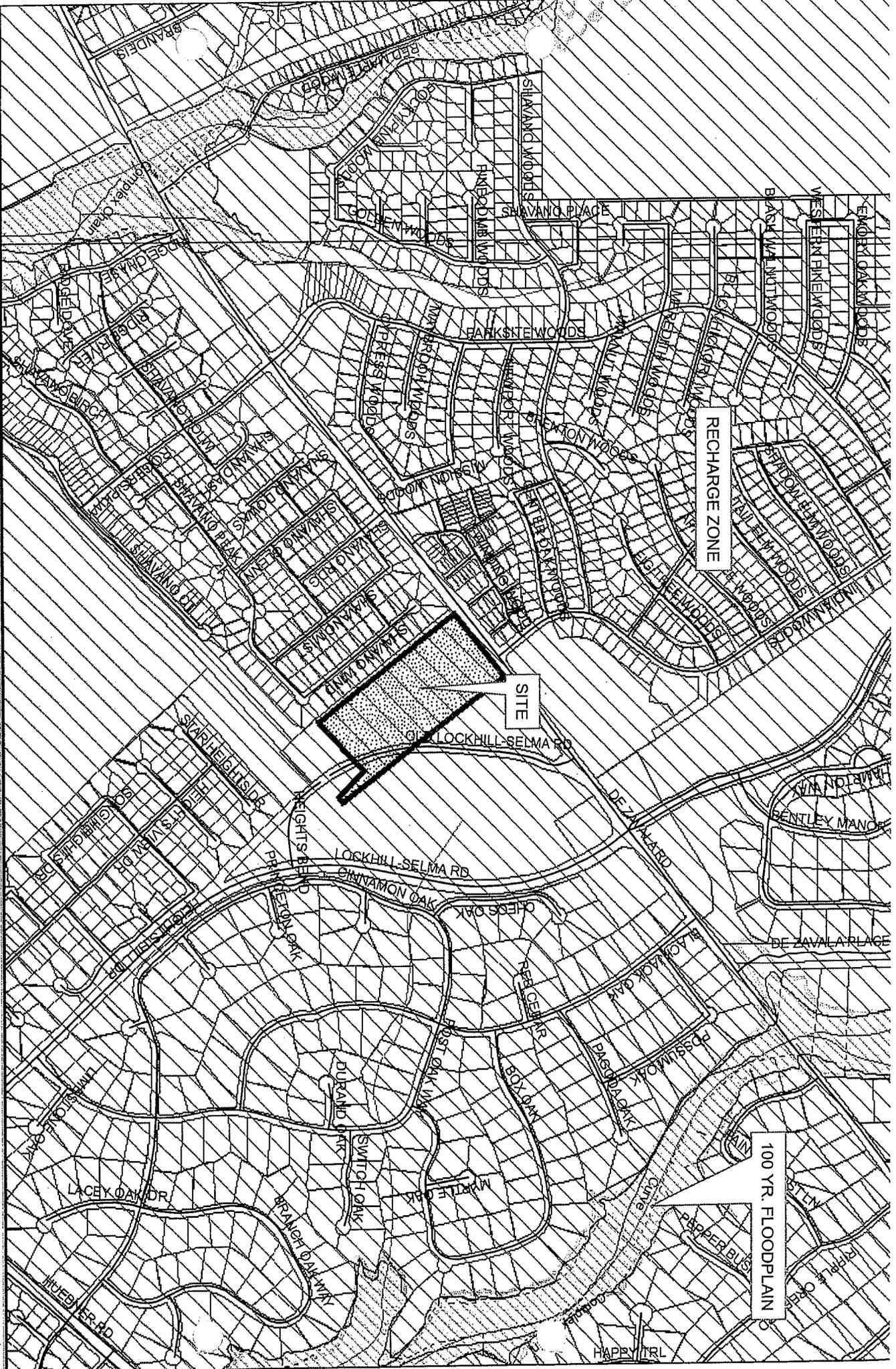
ZONING ID: Z2008147

MAP PAGE: 515, B7 X= 2106045 Y= 13756179

Map Prepared by Aquifer Protection & Evaluation MAE 4/14/2008



1 inch equals 6,985.586243 feet

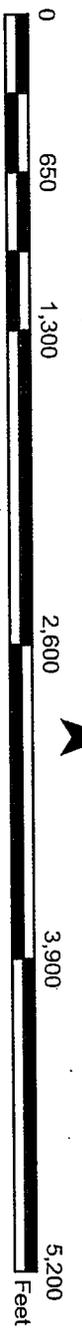


ZONING FILE: DE ZAVALA COMMERCIAL DEVELOPMENT (FIGURE 2)

ZONING ID: Z2008147

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Map Prepared by Aquifer Protection & Evaluation MAE 4/14/2008



1 inch equals 769.367249 feet

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