

**SAN ANTONIO WATER SYSTEM
Interdepartment Correspondence Sheet**

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 Z2023-10700353 (Kyle Seale Crossings)

Date: February 15, 2024

SUMMARY

A request for a change in zoning has been made for an approximate 1.09-acre tract located on the city's northwest side. A change in zoning from **"O-1 S ERZD"** & **"R-6 S CD ERZD UC-1 MLOD-1"** to **"C-2 ERZD UC-1 MLOD-1"** is being requested by the applicant, Kyle Seale Crossing, Ltd, and represented by Patrick W. Christensen, Attorney at Law. The change in zoning has been requested to allow for a commercial development. The property is currently classified 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 within City Council District 8, near the northeast intersection of Red Robin Rd. and North Loop 1604 West. The property lies within the Edwards Aquifer Recharge Zone (Figures 1 and 2).

SITE EVALUATION

1. Development Description:

The proposed change is from **"O-1 S ERZD"** & **"R-6 S CD ERZD UC-1 MLOD-1"** to **"C-2 ERZD UC-1 MLOD-1"** will allow for a commercial development on 1.09-acre tract. Currently, the site is partially developed with an existing parking area on the eastern portion of the site and native trees with understory along the northern boundary. The project will consist of a medical clinic office and commercial retail with associated parking areas.

Zoning Commission Members

Zoning Case Z2023-10700353 (Kyle Seale Crossings)

Page 2

2. Surrounding Land Uses:

The Hills and Dales subdivision is located north of the site. Coldwell Banker D' Ann Harper Realtors is located to the east side of the property. Red Robin Rd. and a vacant corner lot bound the western portion of the site. North Loop 1604 West borders the south side of the property.

3. Water Pollution Abatement Plan:

A WPAP filed under the name Kyle Seale Crossings had been previously submitted and approved by the Texas Commission on Environmental Quality (TCEQ) on August 18, 2008. An existing engineered vegetated filter strip and grassy swale associated with the WPAP, was found to be in compliance at the time of our site evaluation.

4. Geologic Conditions:

The Aquifer Protection and Evaluation Section of the San Antonio Water System conducted site evaluations on January 17, 2024, 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 single "L" shaped parcel, partially undeveloped, and vacant, approximately 1.0974 acres in area. The eastern portion of the subject site was observed to be mostly developed with an asphalt parking lot and curbing, while the northwestern portion of the site was generally undeveloped, vacant, and heavily vegetated. Some isolated piles of miscellaneous debris were observed along the western edge of the property, adjacent to the Red Robin Road frontage. The site is bounded on the north by single family residential properties, on the west by Red Robin Road with a commercial property beyond, on the south by Loop 1604, and on the east by a commercial development.

The eastern portion of the subject site was observed to have been previously disturbed by construction of an asphalt paved parking lot with associated curbs. The northwestern portion of the subject property was observed to be generally undeveloped and heavily vegetated with native trees and ground level vegetation. Sporadic to moderate exposure of bedrock was observed throughout the northwestern portion of the subject site. A few non karst closed depressions were observed within the subject site. These are not considered to be geologically sensitive features. Some rock exposure was observed with fossils, indicating the presence of members of the Edwards Upper Confining Unit Undivided within the subject site.

The subject site was observed to dip to the south and west. Stormwater occurring on the subject property would tend to drain to the south and west towards an unnamed tributary to Huesta Creek.

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

The Undivided Upper Confining Unit is characterized by the presence of massive limestone with very low porosity and permeability throughout the formation. The full section thickness of this member is approximately 30 feet thick. This unit includes the Del Rio Clay, Buda Limestone, and Eagle Ford Group, and is considered the upper margins of the Edwards Aquifer. Observations of fossil exposure confirm this characterization.

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. This member produces water and is considered a relatively permeable and environmentally sensitive section of the Edwards Aquifer. Visual characteristics of exposure bedrock confirm this characterization.

No sensitive geologic features were observed 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. The improper handling and disposal of medical and bio-hazardous material to be generated on-site.

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 approximately 1.09-acre site.
2. Hazardous and/or contaminated material shall be placed in properly labeled containers and disposed of by a licensed waste hauler/bio-waste hauler. All medical waste shipping documents shall be available for inspection, upon request by the Aquifer Protection and Evaluation Section of SAWS. Incineration on site, of any waste, in any quantity shall be strictly prohibited.

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 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) 233-3565 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 Resource Protection Division 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 a modified Water Pollution Abatement Plan shall be submitted for the development within the area being considered for re-zoning,

Zoning Commission Members

Zoning Case Z2023-10700353 (Kyle Seale Crossings)

Page 5

- B. A set of site-specific plans which must have a signed Engineers Seal from the State of Texas,
 - C. A WPAP modification approval letter from the Texas Commission on Environmental Quality,
 - D. A copy of the approved modified 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 regard to the development of the subject property.

APPROVED:



Andrew Wiatrek

Manager

Edwards Aquifer and Watershed Protection Division

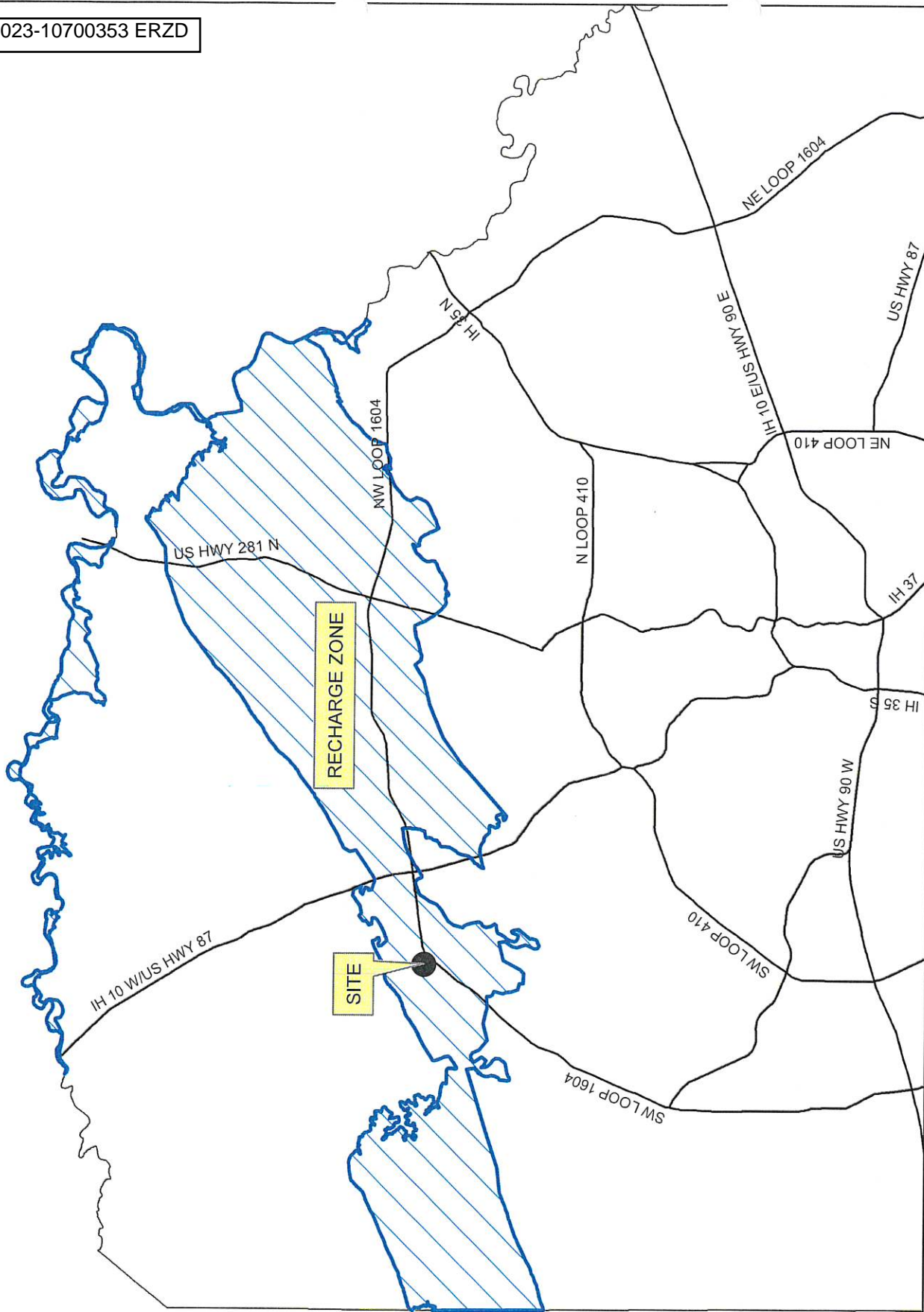


Scott R. Halty

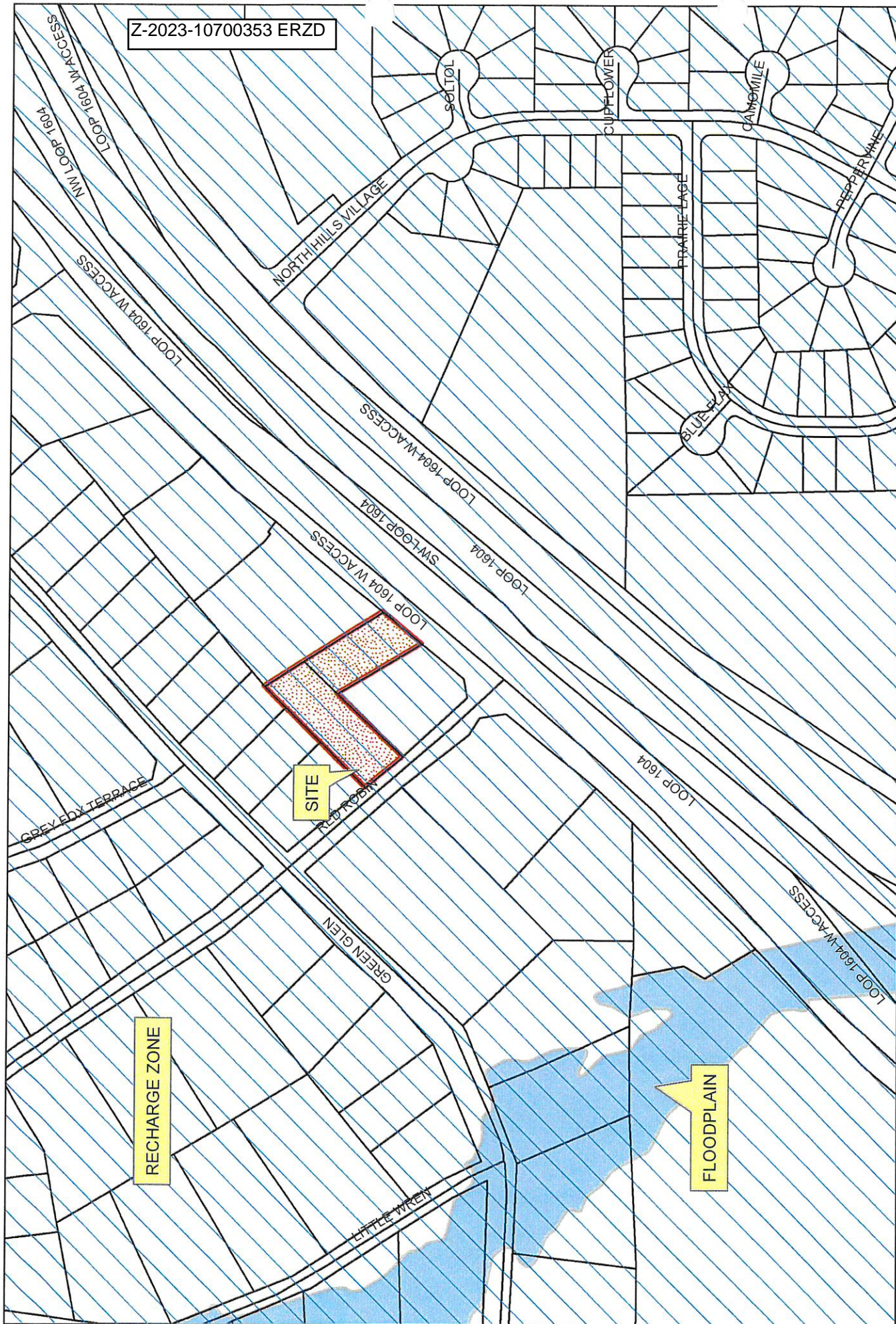
Director

Resource Protection & Compliance Department

MJB:MAE



ZONING CASE: KYLE SEALE CROSSINGS (FIGURE 1)
ZONING FILE: Z2023-10700353



ZONING CASE: KYLE SEAL CROSSINGS (FIGURE 2)

ZONING FILE: Z2023-10700353