

**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 Z2022-10700143 (Legacy MF-65)

**Date:** July 22, 2022

**SUMMARY**

A request for a change in zoning has been made for an approximate 6.99-acre tract located on the city's northeast side. A change in zoning from **"C-3 MLOD-1 MLR-2 ERZD"** to **"MF-65 S MLOD-1 MLR-2 ERZD"** is being requested by the applicant US Living, LLC, and represented by Ashley Farrimond of Killen, Griffen, & Farrimond, PLLC. The change in zoning has been requested to allow for a multi-family development. The property is currently designated 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 within City Council District 9, approximately 1,400-feet northeast of North Loop 1604 and US Hwy. 281 North intersection. 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 MLOD-1 MLR-2 ERZD"** to **"MF-65 S MLOD-1 MLR-2 ERZD"** and will allow for a multi-family development on approximately 6.99-acres. The subject property is located within the Legacy mixed-use development which is part of an overall master planned development that allows for the proration of impervious cover between parcels. The impervious cover proposed for this subject property is below the allowable within the current master plan. The subject site is partially developed consisting of three lots: two lots are undeveloped with a third lot being an existing parking lot. The proposed project is a 450-unit multi-family development consisting of approximately two apartment buildings with associated parking garages, and surface parking areas.

2. Surrounding Land Uses:

The Standard at Legacy luxury apartments lies north of the property. Hilton's Homes2 Suites bounds to the west. Main Event Entertainment lies east of the subject site. Commercial retail stores and restaurants are located south of the site.

3. Water Pollution Abatement Plan:

A WPAP file under the name Palladium had been previously submitted and approved by the Texas Commission on Environmental Quality (TCEQ) on June 29, 2000. An existing off-site water quality basin associated with the WPAP, was found to be compliant at the time of our site evaluation. Further review of the inspection and maintenance history shows the basin in compliance since 2018.

4. Geologic Conditions:

The Aquifer Protection and Evaluation Section of the San Antonio Water System conducted a site evaluation on May 27, 2022, 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 is approximately 6.99-acres in area, and partially developed consisting of two undeveloped lots with a third lot being a paved parking area. The northeastern parcel was observed to have graded base material and crushed limestone for a future pad site. An existing treelined parking area along Sonterra Blvd. and a driveway borders the northern and eastern boundary of the pad site. The mid-section of the site extending southward is a paved parking lot with tree islands, light poles, and associated driveways. The western parcel had been previously cleared and graded with few native trees remaining on-site. A telecommunication manhole was noted near the western edge of the parcel. A large pile of excavated limestone rocks was observed near the southwestern corner of the lot. No exposure of bedrock or float rock was observed on-site due to existing paved parking areas with associated driveways and previous site work of clearing and grading.

Stormwater occurring on the subject site would discharge to the north and northeast towards an unnamed tributary to Mud Creek. No portion of the site is in the floodplain.

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 of the Edwards Aquifer. 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. The full section thickness of this member is approximately 70 to 90-feet thick.

Using the Soil Survey of Bexar County, compiled by the United States Department of Agriculture, it was determined that the soil profile of the subject site included the Crawford and Bexar stony soils (Cb) and Tarrant Association (TaC). The Crawford and Bexar stony soils are generally stony clay, moderately deep over limestone, with up to 40% chert and limestone fragments, approximately 14 to 22-inches thick. The Tarrant Association soils are generally calcareous clay loam, moderately deep with moderate to fine subangular blocky structure approximately 10-inches thick.

No sensitive geologic features were observed on-site nor noted on file.

## **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 75% on the approximately 6.99-acre site.
2. The project is within the Legacy Development which is within an overall master plan project. The proposed 75% impervious cover is below the allowable prorated amount of impervious cover for this portion of the project.
3. Prior to the release of a building permit, an Aquifer Protection Plan for the Legacy Multi-family project will be required to be submitted for review to the SAWS Aquifer Protection & Evaluation Section.
4. A licensed professional engineer will ensure the lateral sewer line connection to the sanitary sewer system is properly sized and shall sustain the load capacity based on the number of apartment dwelling units.

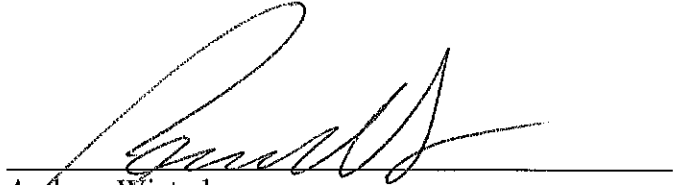
5. The land uses within the project site shall be in conformance with the table of permitted uses at the time the re-zoning is approved. Should a proposed use be listed as requiring City Council approval, the owner/operator shall apply for re-zoning for that particular use at the project site. If the 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.
6. 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.
7. 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.
8. 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**

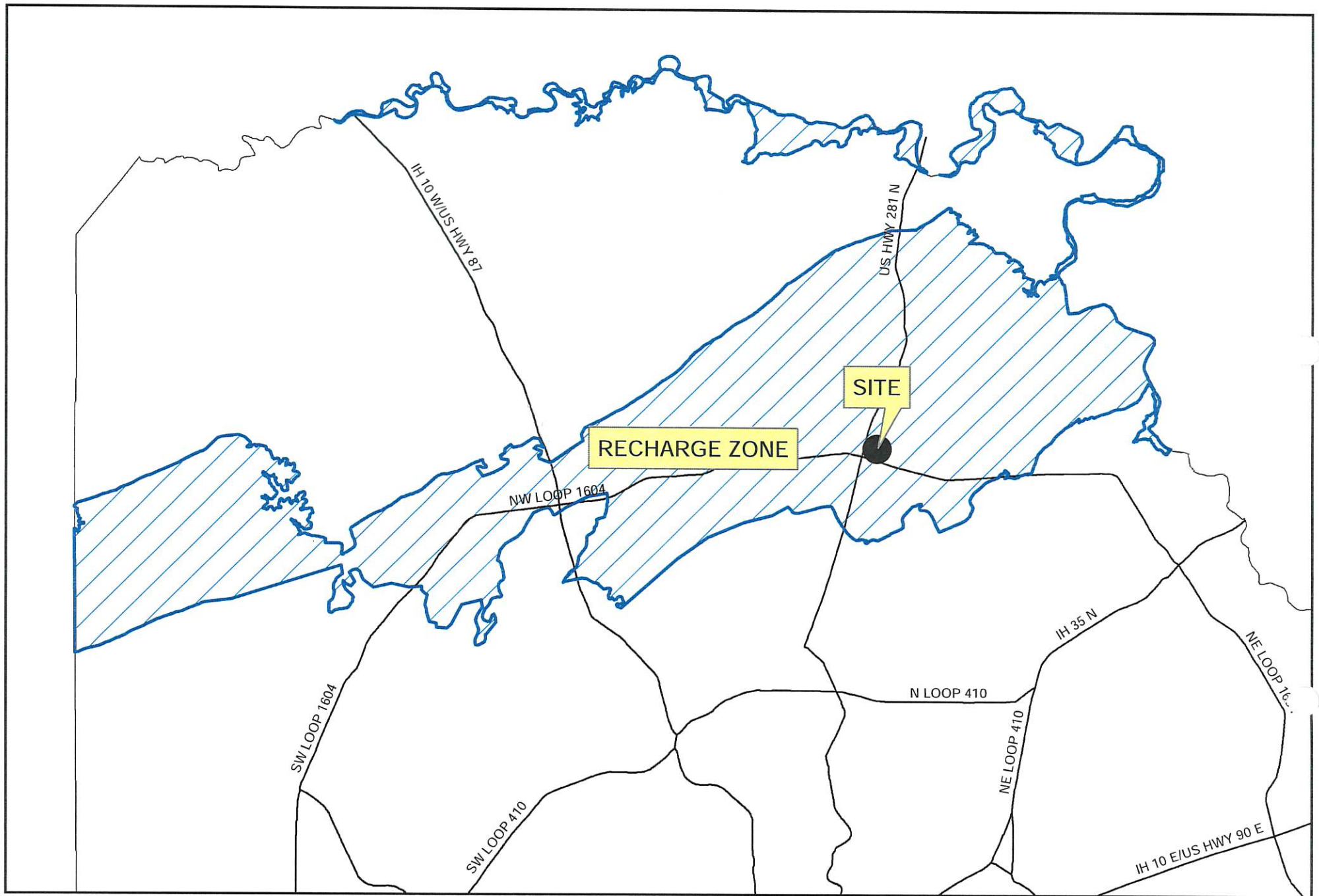
1. Prior to the release of any building permits the owner/operator of any Category 2 property shall submit an Aquifer Protection Plan to the Aquifer Protection & Evaluation Section of the San Antonio Water System.
2. The City of San Antonio shall inspect all future construction of the sewage collection system to include service laterals and sewer mains for proper construction according to State and City Regulations and Code.
3. 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:

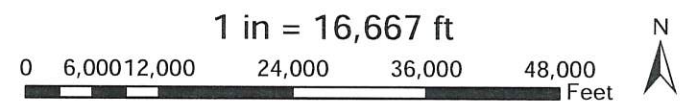
  
\_\_\_\_\_  
Andrew Wiatrek  
Manager  
Edwards Aquifer and Watershed Protection Division  
\_\_\_\_\_  
Scott R. Halty  
Director  
Resource Protection & Compliance Department

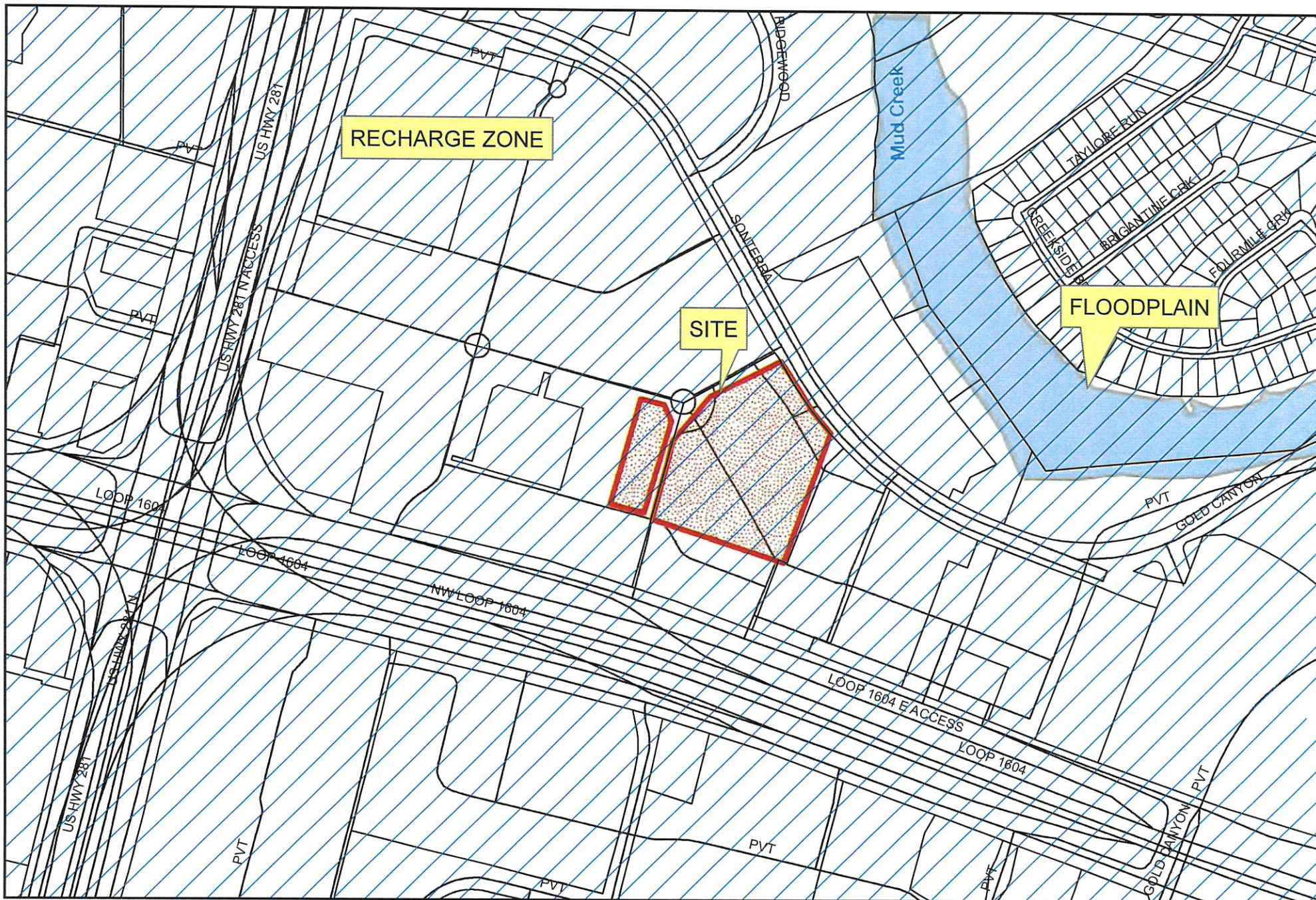
MJB:MAE



ZONING CASE: LEGACY MF-65 (FIGURE 1)  
ZONING FILE: Z2022-10700143

Map Prepared by SAWS, Resource Protection & Compliance Dept. MAE 5/24/2022





ZONING CASE: LEGACY MF-65 (FIGURE 2)  
ZONING FILE: Z2022-10700143

Map Prepared by SAWS, Resource Protection & Compliance Dept. MAE 7/1/2022

