

SAN ANTONIO PLANNING COMMISSION AGENDA

August 12, 2009

2:00 P.M.



Cecilia Garcia, *Chair*
Amelia Hartman, *Vice Chair*
Jose R. Limon, *Chair Pro Tem*

John Friesenhahn
Andrea Rodriguez
Lynda Billa Burke

Dr. Sherry Chao-Hrenek
Christopher M. Lindhorst
Marcello Diego Martinez



The Cliff Morton Development and Business Service Center, located at 1901 South Alamo Street is wheelchair-accessible. Accessible parking is located at the front of the building. Auxiliary Aids and Services are available upon request (Interpreters for the Deaf must be requested forty-eight [48] hours prior to the meeting). For Assistance, Call (210) 207-7245 Voice/TTY.

Please note that Citizens Comments are limited to three (3) minutes per person
CALL (210) 207-0121 FOR ADDITIONAL INFORMATION ON ANY AGENDA ITEM BELOW.

1. PRELIMINARY ITEMS

- A. Work session, 1:15 P.M., Tobin Room
- Agenda items may be discussed (Planning and Development Services)
 - Camp Bullis Awareness Zone
 - Planning Commission Holiday schedule

2. 2:00 P.M.– Call to Order, Board Room

3. Roll Call

4. Citizens to be heard

5. PUBLIC HEARINGS

REPLATS W/ WRITTEN NOTIFICATION:

Council Ferguson
District Index #

A. 080438 J & J OCL 478 E-5
(On the west side of Scenic Loop Road, north of Babcock Road)

B. 090246 Friar Tuck Road BSL 10 583 E-1
(On the south side of Friar Tuck Road, west of Dundee Avenue)

REPLATS:

C. 080365 R.B.F.C.U. Valley Hi 4 647 D-4
(On the west side of Southwest Loop 410, south of New Valley Hi Drive)

* Project is located in the Camp Bullis Notification Area.

D. 090208 Wardlaw Student Housing 8 514 B-7
(On the north side of Hausman Road, east of Lake Breeze Drive)

CONSENT AGENDA

NOTICE TO THE PUBLIC: All matters listed under "Consent Agenda" are considered by the Planning Commission to be routine, or have met all standards for development under state law (plats only), and will be enacted by one motion. There will be no separate discussion of these items unless any member of the Planning Commission requests that specific items be removed from the Consent Agenda and added to the Individual Consideration Agenda for discussion prior to the time the Planning Commission votes on the motion to adopt the Consent Agenda.

PUBLIC HEARINGS FOR ITEMS 6-9 HELD ABOVE:

6. **080438 J & J OCL 478 E-5**
(On the west side of Scenic Loop Road, north of Babcock Road)
7. **090246 Friar Tuck Road BSL 10 583 E-1**
(On the south side of Friar Tuck Road, west of Dundee Avenue)
8. **080365 R.B.F.C.U. Valley Hi 4 647 D-4**
(On the west side of Southwest Loop 410, south of New Valley Hi Drive)
9. **090208 Wardlaw Student Housing 8 514 B-7**
(On the north side of Hausman Road, east of Lake Breeze Drive)

PLATS:

10. **070703 Potranco OCL 611 B-4**
(South of Potranco Road, west of Talley Road)
11. **070734 Amber Creek, Unit 3 OCL 646 D-2**
(On the southside of Kriewald Road, east of Pue Road)
12. **080021 Village at Marshall Road* 9 483 E-3**
(At the northwest corner of U.S. Highway 281 and Marshall Road)
13. **080551 La Fontana Villas Phase IIA* 9 483 D-6**
(North of Evans Road, east of Encino Commons)
-

INDIVIDUAL CONSIDERATION

PLAT:

14. 050002 Greenacres Office Park (time extension) 8 513 E-6
(Near the southeast corner of Loop 1604 and North Hills Village Drive)

LAND TRANSACTIONS:

15. S. P. No. 1459—Request to release deed restrictions on Lot 2, Block 1, NCB 6759 located at East Hildebrand Avenue and Devine Road, and the dedication of Old Hildebrand right of way as a public street. (Capital Improvements Management Services by, Martha Almeria)
16. Potential donation of land to the Parks and Recreation Department. The land consists of three acres located outside of the 100 year floodplain, west of US Highway 281 South and south of Loop 410 in Council District 3. The land abuts the Mission del Lago Golf Course to the west. (Parks and Recreation Department by Sandy Jenkins)

COMPREHENSIVE MASTER PLAN:

17. 09014 Public hearing and consideration of a resolution amending the Land Use Plan contained in the North Central Neighborhoods Community Plan, a component of the Master Plan of the City, by changing the use of approximately .1791 acres described by legal description NCB 7330 BLK 24 LOT S 104.7 FT OF 35, 36, & 37 San Antonio, Bexar County, Texas from Low Density Residential land use to Medium Density Residential land use. (Planning and Development Services Department by Tyler Sorrells, Planner; Nina Nixon-Mendez, Planning Manager).
18. 09016 - Public hearing and consideration of a resolution amending the Land Use Plan contained in the Guadalupe Westside Community Plan, a component of the Master Plan of the City, by changing the use of approximately 0.27 acres located at 1419 S. Hamilton from Low Density Residential land use to Community Commercial land use. (Planning and Development Services Department by Sidra Maldonado, Planner; Nina Nixon-Mendez, Planning Manager).
19. 09017 Public hearing and consideration of a resolution amending the Land Use Plan contained in the Arena District/Eastside Community Plan, a component of the Master Plan of the City, by changing the use of a 4.156 acre described by legal description Block 19, New City Block (N.C.B.) 1550, Volume 653 Page 344, Lots 3,4,5, and 6, Block 1, Section 5, Grandview Addition Block NCB 7457 Volume 1291, Page 128, Lot 1, Block 1, Section 5 NCB 7457, Volume 653 Page 349 Lot 7, Block 1 NCB 7457, Volume 1347, Page 222, San Antonio, Bexar County, Texas Institutional land use to Regional Commercial land use. (Planning and Development Services Department by Tyler Sorrells, Planner; Nina Nixon-Mendez, Planning Manager).

20. 09018 - Public hearing and consideration of a resolution amending the Land Use Plan contained in the Nogalitos/ S Zarzamora Community Plan, a component of the Master Plan of the City, by changing the use of approximately 0.0717-acres located at 110 Pendleton from Medium Density Residential land use to Neighborhood Commercial land use. (Planning and Development Services Department by Rebecca Paskos, Senior Planner; Nina Nixon-Mendez, Planning Manager)

OTHER ITEMS:

21. Public hearing and consideration of an amendment to the Unified Development Code to establish a Habitat Compliance Affidavit for Threatened or Endangered Species. (Planning and Development Services Department, by Andrew Spurgin)
22. Public Hearing and Action on Amendment to the Major Thoroughfare Plan to delete a segment of Hardy Road generally located south of Loop 1604 South, east of I-37; and west of the Bexar County Line. (Planning and Development Services Department, by Trish Wallace)
23. Consideration of a resolution appointing members to the Planning Commission Technical Advisory Committee. (Planning and Development Services Department, by Elizabeth Carol)
24. Consideration of a resolution to change the Planning Commission meeting dates in November and December 2009. (Planning and Development Services Department, by Elizabeth Carol)
25. Approval of the minutes for the July 22, 2009 Planning Commission meeting
26. Director's report
- o Budget and Department Performance
 - o Camp Bullis Awareness Zone
 - o Edwards Aquifer
 - o Professional Development Opportunity – conferences and workshops
 - o Steering Committee on Historic Preservation
 - o Technical Advisory Committee
 - o Unified Development Code
27. Executive Session: consultation on attorney-client matters (real estate, litigation, contracts, personnel, and security matters) as well as any of the above agenda items may be discussed
28. **ADJOURNMENT**

Consent Agenda

**PLANNING COMMISSION
PUBLIC HEARING AND CONSIDERATION OF REPLAT
WITH WRITTEN NOTIFICATION**

AGENDA ITEM NO: 5A¹/₆ August 12, 2009

J & J

MINOR PLAT

080438

SUBDIVISION NAME

PLAT #

COUNCIL DISTRICT: Outside San Antonio City Limits

FERGUSON MAP GRID: 478 E-5

OWNER: John H. Jewett II

ENGINEER: Sinclair & Associates, Inc., by Lemuel T. Sinclair, R.P.L.S.

CASE MANAGER: Richard Carrizales, Planner (207-8050)

Date filed with Planning Commission: August 12, 2009

Location: On the west side of Scenic Loop Road, north of Babcock Road

Services Available: Private Well and On Site Sewer Facility

Zoning: Outside San Antonio City Limits

Proposed Use: Residential

Major Thoroughfare: Scenic Loop Road is a secondary Arterial Type A, minimum R.O.W. 86 feet

APPLICANT'S PROPOSAL:

To plat **8.787** acres consisting of **3** single family lots.

DISCUSSION:

The Planning Commission will hold a public hearing on the proposed replatting of this property on August 12, 2009. Two notices were mailed to the adjacent property owners, as of this writing, no written opposition was submitted.

STAFF RECOMMENDATION:

Approval

**PLANNING COMMISSION
PUBLIC HEARING AND CONSIDERATION OF REPLAT
WITH WRITTEN NOTIFICATION**

AGENDA ITEM NO: 58¹/₇ August 12, 2009

FRIAR TUCK ROAD BSL
SUBDIVISION NAME

MINOR PLAT

090246
PLAT #

COUNCIL DISTRICT: 10

FERGUSON MAP GRID: 583 E-1

OWNER: Devin Benson

ENGINEER: Gomez-Garcia & Associates, Inc., by Alejandro Gomez, P.E. C.F.M.

CASE MANAGER: Luz M. Gonzales, Planner (207-5016)

Date filed with Planning Commission: August 12, 2009

Location: On the south side of Friar Tuck Road, west of Dundee Avenue

Services Available: SAWS Water and Sewer

Zoning: NP-10 Neighborhood Preservation District

Proposed Use: Residential

APPLICANT'S PROPOSAL:

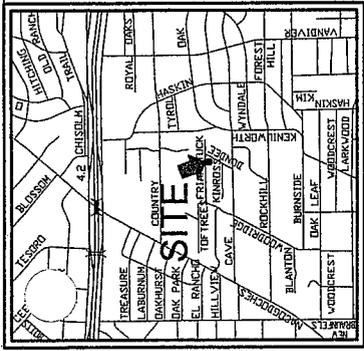
To replat for the purpose of removing the 25' setback line along Friar Tuck Road on Lot 5, Block 7, NCB 11855 as recorded in Volume 3025, Pages 115-116, Sherwood Oaks Subdivision plat.

DISCUSSION:

The Planning Commission will hold a public hearing on the proposed replatting of this property on August 12, 2009. Fourteen notices were mailed to the adjacent property owners, as of this writing, no written opposition was submitted.

STAFF RECOMMENDATION:

Approval



LOCATION MAP
(NOT TO SCALE)
FERGUSON MAP NO. 583 E1

RECEIVED
09 JUL 28 PM 2:42
LAND DEVELOPMENT
SERVICES DIVISION

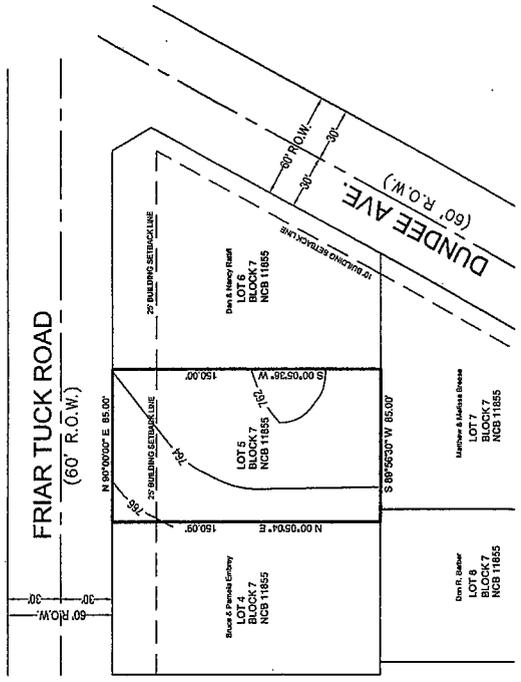
ENGINEER:
LEZ-GARCIA AND ASSOCIATES, INC.
8723 BOTTS LANE, SAN ANTONIO, TEXAS 78217
(210) 832-9608 - (210) 832-9615 FAX
TBE FIRM REGISTRATION #5362

OWNERS:
DEVIN & CYRENA BENSON
2630 FRIAR TUCK ROAD 78209-2237
(210) 824-7951 PHONE

PLAT NO. 090246



SCALE: 1"=50'



**AREA BEING REPLATED
THROUGH A PUBLIC HEARING WITH WRITTEN NOTIFICATION**

LOT 5, BLOCK 7, N.C.B. 11855, SHERWOOD OAKS SUBDIVISION, VOLUME 3025, PAGES 115-116 OF THE DEED AND PLAT RECORDS OF BEAR COUNTY, IN THE CITY OF SAN ANTONIO, BEAR COUNTY, TEXAS.

STATE OF TEXAS
COUNTY OF BEAR

THE AREA BEING REPLATED WAS PREVIOUSLY PLATED ON PLAT SHERWOOD OAKS SUBDIVISION WHICH IS RECORDED IN VOLUME 3025, PAGES 115-116 OF THE DEED AND PLAT RECORDS OF BEAR COUNTY, TEXAS. THE OWNER HAS REQUESTED THAT THE PROPOSED REPLATING BE HEARD IN PUBLIC HEARING WHICH INVOLVED NOTIFICATION OF THE PUBLIC AND THE CITY OF SAN ANTONIO, TEXAS. THE CITY OF SAN ANTONIO, TEXAS HAS REVIEWED THE PROPOSED REPLATING AND HAS DETERMINED THAT THE PROPOSED REPLATING IS IN ACCORDANCE WITH THE CITY OF SAN ANTONIO, TEXAS ORDINANCES AND THE CITY OF SAN ANTONIO, TEXAS HAS APPROVED THE PROPOSED REPLATING.

OWNER
DEVIN & CYRENA BENSON

OWNER'S DAILY AUTHORIZED AGENT
SWORN AND SUBSCRIBED BEFORE ME THIS 13th DAY OF July 2009
ROSEMARIE HERRERA
NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS
MY COMMISSION EXPIRES August 10, 2011

STATE OF TEXAS
COUNTY OF BEAR

THE OWNER OF LAND SHOWN ON THIS PLAT, IN PERSON OR THROUGH A DULY AUTHORIZED AGENT, DECLARES TO THE USE OF THE PUBLIC, ALLEYS, PAVES, WATER COURSES, DRAINAGE, EGRESS AND PUBLIC UTILITIES WORK FOR THE PURPOSE AND CONSIDERATION THEREIN EXPRESSED.

OWNER
DEVIN & CYRENA BENSON

STATE OF TEXAS
COUNTY OF BEAR

I, HEREBY CERTIFY THAT THE ABOVE PLAT CONFORMS TO THE MINIMUM REQUIREMENTS OF THE CITY OF SAN ANTONIO, TEXAS AND THE CITY OF SAN ANTONIO, TEXAS HAS REVIEWED THE ABOVE PLAT AND HAS DETERMINED THAT THE ABOVE PLAT IS IN ACCORDANCE WITH THE CITY OF SAN ANTONIO, TEXAS ORDINANCES AND THE CITY OF SAN ANTONIO, TEXAS HAS APPROVED THE ABOVE PLAT.

GUYEN HERRERA HAS SEAL THIS August 10, 2011

NOTARY PUBLIC BEAR COUNTY, TEXAS



REPLAT ESTABLISHING FRIAR TUCK ROAD SUBDIVISION BSL

THIS REPLAT IS FOR THE PURPOSE OF REMOVING THE '25' BUILDING SETBACK LINE LOT 5, BLOCK 7, N.C.B. 11855, SHERWOOD OAKS SUBDIVISION AS RECORDED IN VOLUME 3025, PAGES 115-116 OF THE DEED AND PLAT RECORDS OF BEAR COUNTY, IN THE CITY OF SAN ANTONIO, BEAR COUNTY, TEXAS.

STATE OF TEXAS
COUNTY OF BEAR
I, HEREBY CERTIFY THAT PROPER ENGINEERING CONSIDERATION HAS BEEN GIVEN TO THE PROPOSED REPLATING AND THAT THE REPLATING CONFORMS TO ALL REQUIREMENTS OF THE CITY OF SAN ANTONIO, TEXAS AND THE CITY OF SAN ANTONIO, TEXAS HAS REVIEWED THE ABOVE PLAT AND HAS DETERMINED THAT THE ABOVE PLAT IS IN ACCORDANCE WITH THE CITY OF SAN ANTONIO, TEXAS ORDINANCES AND THE CITY OF SAN ANTONIO, TEXAS HAS APPROVED THE ABOVE PLAT.
DATE 7-13-09

OWNER
DEVIN & CYRENA BENSON

STATE OF TEXAS
COUNTY OF BEAR

I, HEREBY CERTIFY THAT THE ABOVE PLAT CONFORMS TO THE MINIMUM REQUIREMENTS OF THE CITY OF SAN ANTONIO, TEXAS AND THE CITY OF SAN ANTONIO, TEXAS HAS REVIEWED THE ABOVE PLAT AND HAS DETERMINED THAT THE ABOVE PLAT IS IN ACCORDANCE WITH THE CITY OF SAN ANTONIO, TEXAS ORDINANCES AND THE CITY OF SAN ANTONIO, TEXAS HAS APPROVED THE ABOVE PLAT.

GUYEN HERRERA HAS SEAL THIS August 10, 2011

NOTARY PUBLIC BEAR COUNTY, TEXAS

STATE OF TEXAS
COUNTY OF BEAR

DO HEREBY CERTIFY THAT THIS PLAT WAS FILED FOR RECORD IN MY OFFICE, ON THE DAY OF A.D. AT M. AND DAILY RECORDED THE DAY OF A.D. IN THE RECORDS OF SAID COUNTY, IN VOLUME ON PAGE IN TESTIMONY WHEREOF, WITNESS MY HAND AND OFFICIAL SEAL OF OFFICE, THIS DAY OF A.D. 20

COUNTY CLERK OF SAID COUNTY, TEXAS

NOTARY

PLANNING COMMISSION
PUBLIC HEARING AND CONSIDERATION OF REPLAT AND
SUBDIVISION PLAT

AGENDA ITEM NO: 5C78 August 12, 2009

R.B.F.C.U. VALLEY HI
SUBDIVISION NAME

MAJOR PLAT

080365
PLAT#

COUNCIL DISTRICT: 4

FERGUSON MAP GRID: 647 D-4

OWNER: Randolph-Brooks Federal Credit Union, by Jimmy O. Junkin

ENGINEER: Macina, Bose, Copeland & Associates, Inc., by David L. Allen, P.E.

CASE MANAGER: Luz M. Gonzales, Planner (207-7898)

Date filed with Planning Commission: August 12, 2009

Location: On the west side of Southwest Loop 410, south of New Valley Hi Drive

Services Available: SAWS Water and Sewer

Zoning: C-3 General Commercial

Proposed Use: Credit Union

Major Thoroughfare: Southwest Loop 410 is a freeway

APPLICANT'S PROPOSAL:

To replat and plat 3.325 acres consisting of 1 non-single family lot.

STAFF RECOMMENDATION:

Approval

PLANNING COMMISSION
PUBLIC HEARING AND CONSIDERATION OF REPLAT AND
SUBDIVISION PLAT

AGENDA ITEM NO: 50¹/₉ August 12, 2009

WARDLAW STUDENT HOUSING
SUBDIVISION NAME

MAJOR PLAT

090208
PLAT #

COUNCIL DISTRICT: 8

FERGUSON MAP GRID: 514 B-7

OWNER: Breckenridge Properties, by Greg Henry

ENGINEER: M.W. Cude Engineers L.L.C., by Ian J. Cude, P.E.

CASE MANAGER: Richard Carrizales, Planner (207-8050)

Date filed with Planning Commission: August 12, 2009

Location: On the north side of Hausman Road, east of Lake Breeze Drive

Services Available: SAWS Water and Sewer

Zoning: C-2 Commercial District

Proposed Use: Multi-family

Major Thoroughfare: Hausman Road, is a secondary Arterial Type A, minimum R.O.W. 86 feet

APPLICANT'S PROPOSAL:

To plat **10.195** acres consisting of 1 non- single family lot.

STAFF RECOMMENDATION:

Approval

**PLANNING COMMISSION
SUBDIVISION**

AGENDA ITEM NO: 10 August 12, 2009

POTRANCO
SUBDIVISION NAME

MAJOR PLAT

070703
PLAT #

COUNCIL DISTRICT: Outside San Antonio City Limits

FERGUSON MAP GRID: 611 B-4

OWNER: Skeans & Associates, by Mark A. Skeans

ENGINEER: Macina, Bose Copeland & Associates, Inc., by Torry Layne Hurt, P.E.

CASE MANAGER: Luz M. Gonzales, Planner (207-7898)

Date filed with Planning Commission: July 28, 2009

Location: South of Potranco Road, west of Talley Road

Services Available: Bexar Metropolitan Water District and SAWS Sewer

Zoning: Outside San Antonio City Limits

Proposed Use: Mini Storage

Major Thoroughfare: Potranco Road is a primary arterial, Type A, minimum R.O.W. 120 feet.

APPLICANT'S PROPOSAL:

To plat 3.129 acres consisting of 2 non-single family lot.

STAFF RECOMMENDATION:

Approval

**PLANNING COMMISSION
SUBDIVISION PLAT**

AGENDA ITEM NO: // August 12, 2009

AMBER CREEK UNIT 3
SUBDIVISION NAME

MAJOR PLAT

070734
PLAT #

COUNCIL DISTRICT: Outside San Antonio City Limits

FERGUSON MAP GRID: 646 D-2

OWNER: Fieldstone Homes Texas, LLC, by Ricke Barnett

ENGINEER: Vickery & Associates, Inc., by Kara J. Heasley, P.E.

CASE MANAGER: Richard Carrizales, Planner (207-8050)

Date filed with Planning Commission: July 27, 2009

Location: On the south side of Kriewald Road, east of Pue Road

Services Available: Bexar Metropolitan Water District and SAWS and Sewer

Zoning: Outside San Antonio City Limits

PLAT is associated with:

MDP 038-06, Amber Creek, accepted on December 11, 2006

Proposed Use: Residential

APPLICANT'S PROPOSAL:

To plat **12.47** acres consisting of **75** single family lots and **1** non-single family lot. **2,226** linear feet of public streets.

STAFF RECOMMENDATION:

Approval

**PLANNING COMMISSION
SUBDIVISION**

AGENDA ITEM NO: 12 August 12, 2009

VILLAGE AT MARSHALL ROAD
SUBDIVISION NAME

MAJOR PLAT

080021
PLAT #

COUNCIL DISTRICT: 9

FERGUSON MAP GRID: 483 E-3

OWNER: B & M Marshall Road, Ltd., by Mark Mays

ENGINEER: KFW Engineers & Surveying, by Craig Fletcher, P.E.

CASE MANAGER: Donna L. Schueling, Planner (207-5016)

Date filed with Planning Commission: July 27, 2009

Location: At the northwest corner of U. S. Highway 281 and Marshall Road

Services Available: SAWS Water and Sewer

Zoning: C-2 Commercial District

CD Conditional Use – Conditional use is for a Movie Theater

ERZD Edwards Recharge Zone District

PLAT is associated with:

MDP 20, Encino Park, accepted on October 3, 1983

Proposed Use: Commercial

Major Thoroughfare: U. S. Highway 281 is an freeway and Marshall Road is a secondary arterial, Type A , minimum R.O.W. 86 feet

APPLICANT'S PROPOSAL:

To plat 22.64 acres consisting of 1 non-single family lot.

DISCUSSION:

This plat lies within the Edwards Recharge Zone District and has been reviewed by the Aquifer Protection and Evaluation Section of the San Antonio Water Systems, as indicated in the attached report. No significant recharge features were observed on this site. This plan meets all of the requirements for development over the recharge zone.

This plat lies within the Camp Bullis 5 Mile Awareness Zone and has been reviewed by the City's Office of Military Affairs and the Camp Bullis Military Installation. The Garrison Commander has the following response; our concerns on compatibility with the Camp Bullis Installation will be addressed so long as the developer:

- Has appropriate documentation of a recent endangered species surveys (not older than 3 years) that was conducted by a professional biological consultant in accordance with U.S. Fish and Wildlife Services (USFWS) protocols showing no endangered species are present; and
- Sends the project survey to USFWS Ecological Services Office in Austin.

The applicant acknowledged receiving the Military's letter and the site had a Geological Assessment performed in June of 2008 by Frost Geosciences and did not identify existence of any karst features on site.

At this time:

- The City recommends that the applicant coordinate with U.S. Fish and Wildlife by contacting Allison Arnold at (allison_arnold@fws.gov or 512-490-0057 ext. 242)
- The City recommends that the applicant coordinate with Camp Bullis by contacting Jim Cannizzo at (James.cannizzo@us.army.mil or 295-9830)

The City Staff will not place holds on the plats and plans associated with this recommendation.

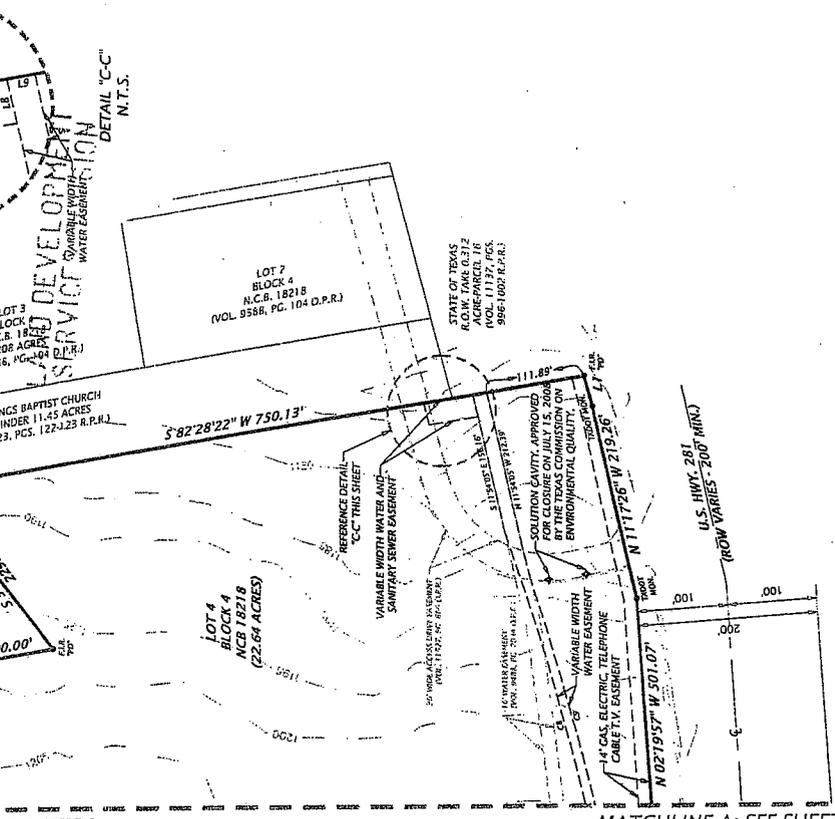
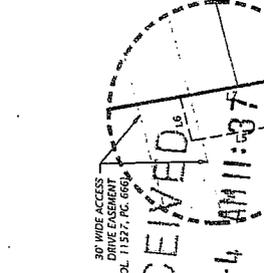
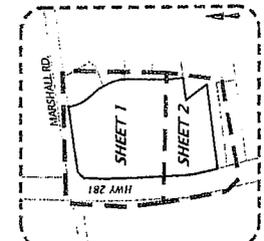
STAFF RECOMMENDATION:

Approval

LINE TABLE with columns: LINE, LENGTH, BEARING

CURVE TABLE with columns: CURVE, LENGTH, RADIUS, TANGENT, DELTA ANGLE, CHORD BEARING, CHORD

LEGEND with definitions for F.I.R., F.L.R., F.A.R., F.W.C., F.W.P., F.W.S., F.W.T., F.W.V., F.W.X., F.W.Y., F.W.Z., F.W.A., F.W.B., F.W.C., F.W.D., F.W.E., F.W.F., F.W.G., F.W.H., F.W.I., F.W.J., F.W.K., F.W.L., F.W.M., F.W.N., F.W.O., F.W.P., F.W.Q., F.W.R., F.W.S., F.W.T., F.W.U., F.W.V., F.W.W., F.W.X., F.W.Y., F.W.Z.

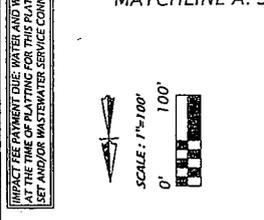


OWNER/DEVELOPER: 884 MARSHALL ROAD, LTD. 335 E. SONTERRA BLVD. SUITE 200 SAN ANTONIO, TEXAS 78258

OWNER/DEVELOPER: 884 MARSHALL ROAD, LTD. 335 E. SONTERRA BLVD. SUITE 200 SAN ANTONIO, TEXAS 78258

OWNER/DEVELOPER: 884 MARSHALL ROAD, LTD. 335 E. SONTERRA BLVD. SUITE 200 SAN ANTONIO, TEXAS 78258

IMPACT FEE PAYMENT DUE: WATER AND WASTEWATER IMPACT FEES WERE NOT PAID AT THE TIME OF PLATTING FOR THIS PLAT. ALL IMPACT FEES MUST BE PAID PRIOR TO WATER METER SET AND/OR WASTEWATER SERVICE CONNECTION.



1. THE PROPERTY IS 177.5 ACRES... 2. THE PROPERTY IS 177.5 ACRES... 3. THE PROPERTY IS 177.5 ACRES...

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Notary Public seal for Carol M. Adams, State of Texas, Commission Expires July 24, 2010. Includes signature and date.



RECEIVED
09 JUL 14 2009
MAY 29 12:22

Mr. Craig Fletcher, P.E.
KFW Engineers
7400 Blanco Road
San Antonio, Texas 78216

LAND DEVELOPMENT
SERVICES DIVISION

RE: SAWS File No. 0808003 - Request for review of **The Village at Marshall Road, Plat No. 080021** located on southeast corner of the intersection of U.S. Highway 281 and Marshall Road

Dear Mr. Fletcher:

On May 19, 2009, the Aquifer Protection & Evaluation Section of the Resource Protection Division of the San Antonio Water System (SAWS) received a request for an updated plat letter & request for review for the above referenced plat. Staff previously reviewed the documentation submitted and conducted field observations of the referenced plat to ensure compliance with applicable requirements for development over the Edwards Aquifer Recharge Zone (EARZ) & approved it in August 2008. The land use of the subject plat is for commercial and consists of approximately 22.640 acres located entirely within the EARZ. No sensitive features were previously identified on the site. The property is not within the 100-year floodplain preservation area.

The proposed development is a **Category 1** property under the provisions of Aquifer Protection Ordinance No. 81491 - File No. 1685. Should any documentation become available that would alter this Category designation, the documentation may be submitted to the San Antonio Water System for review and possible Category redesignation.

A Water Pollution Abatement Plan (WPAP) and an Organized Sewage Collection System (SCS) Plan have been submitted to the Texas Commission on Environmental Quality (TCEQ) and approved in their letters dated June 23, 2008 and May 14, 2009, respectively

After careful review of the project and the documentation submitted by the applicant, the Aquifer Protection & Evaluation Section of the Resource Protection Division of the San Antonio Water System has updated information and recommends the **approval** of The Village at Marshall Road, Plat No. 080021.

If you have any questions regarding this matter, please contact the Aquifer Protection & Evaluation Section at (210) 233-3520.

Sincerely,

Kirk M. Nixon
Manager
Resource Protection Division

KMN:JBF



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
US ARMY INSTALLATION MANAGEMENT COMMAND
HEADQUARTERS, UNITED STATES ARMY GARRISON, FORT SAM HOUSTON
1206 STANLEY ROAD SUITE A
FORT SAM HOUSTON, TX 78234-5001

D

PLANNING &
DEVELOPMENT SERVICES
DEPARTMENT

APR 29 2009

2009 MAY -5 P 12:35

DIRECTOR'S OFFICE

Office of the Commander

T.C. Broadnax,
Assistant City Manager and Interim Director
Planning and Community Development
City of San Antonio
P.O. Box 839966
San Antonio, Texas 78283-3966

Robert Murdock, Brig. Gen. USAF (Ret.)
Director, Office of Military Affairs
City of San Antonio
PO Box 839966
San Antonio, Texas 78283-3966

Dear Mr. Broadnax and Mr. Murdock,

Thank you for the opportunity to respond to your staff's April 16, 2009 notification on Plat 080021, Village at Marshall Road for a 22.6 acre commercial development about 4.3 miles east of Camp Bullis. We provide the following comments.

Developing this tract may displace endangered species onto Camp Bullis. Surveys of Golden-cheeked Warblers, a federally listed endangered species, have shown a 50% increase on Camp Bullis in the past 5 years. We believe this is caused by the large-scale clear-cutting of oak and juniper trees within 5 miles of Camp Bullis. Increased Warbler populations on Camp Bullis trigger further Endangered Species Act restrictions on military training. About 10,000 of the 28,000 acres of Camp Bullis are potential habitat (3,400 acres are currently occupied habitat, and this increases as displacement occurs and increases the restrictions on our field training). We believe that any development within 5 miles of Camp Bullis which involves substantial clear-cutting of thick stands of old growth juniper and oak trees should be preceded by an endangered species survey, as was done by the RIM developers this year for the 106 acre tract on the southwest corner of Camp Bullis. From enclosed digital overhead imagery, it appears that some of the tract is heavily wooded with old growth cedar and oak.

Developing this tract should also be sufficiently protective of the Edwards Aquifer and karst features which may be inhabited by endangered species. These species are indicator species for the health of the aquifer. This tract is within the Edwards Aquifer Recharge Zone. The Draft Bexar County Karst Invertebrates Recovery Plan (US Fish & Wildlife Service, March 2008) discusses karst zones. This tract is in karst zone 1 of the Stone Oak Karst Faunal Area. Zone 1 areas are known to contain listed invertebrate karst species. If much of the areas identified by USFWS in this Recovery Plan for Bexar County are developed, then further restrictions may be placed on Camp Bullis' caves and karst features in order for the region to still meet species recovery goals. Thus karst issues off-post may affect training restrictions on-

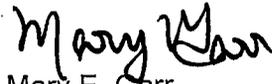


post.

Our concerns on compatibility with Camp Bullis will be addressed as long as the developer has appropriate documentation for the potential Warbler and karst habitat -- recent surveys (not older than 3 years) conducted by a professional biological consultant IAW USFWS protocols showing that no endangered species are present and sends the surveys to USFWS Ecological Services Office in Austin.

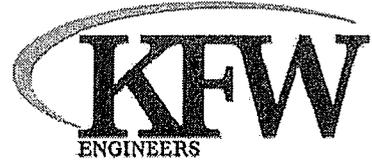
My points of contact are Mr. Phil Reidinger at (210) 221-1099 or (210) 336-0449 (cell) or Mr. Jim Cannizzo at (210) 295-9830.

Sincerely,



Mary E. Garr
Colonel, US Army
Garrison Commander

Enclosure



July 28, 2009

Donna Schueling
City of San Antonio – Development Services
1901 S. Alamo
San Antonio, TX 78205

Re: The Village at Marshall Road, Plat No. 080021

Dear Ms. Schueling:

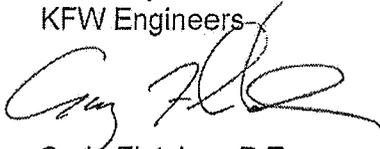
This letter is in response to the comments provided by the US Army dated April 29, 2009 in response to notification on Plat 080021, Village at Marshall Road.

The letter suggests that "From enclosed digital overhead imagery, it appears that some of the tract is heavily wooded with old growth cedar and oak" and that an endangered species survey should be provided to the USFWS Ecological Services in Austin to document the potential for Golden Cheeked Warbler Habitat. The site had been permitted and cleared of trees prior to the comments being issued. A copy of the Water Pollution Abatement Plan approval letter issued by the Texas Commission on Environmental Quality is included as an attachment. Due to the site being previously cleared, a habitat evaluation is not warranted for this site.

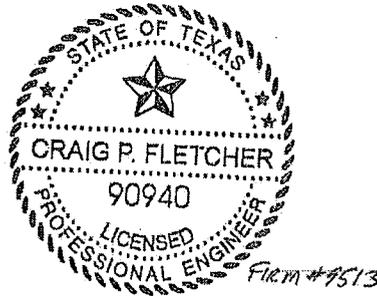
A second comment suggests that the "developing of this tract should also be sufficiently protective of the Edwards Aquifer and karst features which may be inhabited by endangered species" and that a karst habitat survey should be conducted by a professional biological consultant. The site Geological Assessment performed in June of 2008 by Frost Geosciences did not identify the existence of any karst features on site. Therefore a karst habitat evaluation would not be warranted as well.

I hope that this letter will serve to sufficiently address any comments concerning the potential for Warbler and karst invertebrate habitat on this site. Due to the site being clear of vegetation and clear of karst features, further habitat investigation is not warranted at this time.

Sincerely,
KFW Engineers



Craig Fletcher, P.E.
Principal



Enclosure

7/28/2009

**PLANNING COMMISSION
SUBDIVISION**

AGENDA ITEM NO: 13 August 12, 2009

LA FONTANA
VILLAS, PHASE IIA
SUBDIVISION NAME

MAJOR PLAT

080551
PLAT #

COUNCIL DISTRICT: 9

FERGUSON MAP GRID: 483 D-6

OWNER: Alfa Developers, Ltd., by Alejandro Bautista

ENGINEER: MBC & Associates, Inc., by Robert A. Liesman, P.E.

CASE MANAGER: Robert L.Lombrano, Planner (207-5014)

Date filed with Planning Commission: July 14, 2009

Location: North of Evans Road, east of Encino Commons.

Services Available: SAWS Water and Sewer

Zoning: R- 4 Single Family Residential
PUD Planned Unit Development
ERZD Edwards Recharge Zone District

PLAT is in associated with:

MDP 268D, Encino Commons at Encino Park (Amendment), accepted on April 6, 2009

PUD 07-017, La Fontana, approved on July 9, 2008

Proposed Use: Residential

Major Thoroughfare: Evans Road is a primary arterial, Type A, minimum R.O.W. 120 feet

APPLICANT'S PROPOSAL:

To plat **14.5913** acres consisting of **61** single-family lots and **6** non-single family lots **1,995** linear feet of private streets.

This plat lies within the Edwards Recharge Zone District and has been reviewed by the Aquifer Protection and Evaluation Section of the San Antonio Water Systems, as indicated in the attached report. No significant recharge features were observed on this site. This plan meets all of the requirements for development over the recharge zone.

It is noted that no building permits will be issued until FEMA LOMR flood plain study is prepared and approved and a letter of map revision is issued by FEMA indicating no 100 year flood plain encroachment exist on lot 23 thru 30, Block 2, NCB 17600. Elevation certificates for homes constructed on the above-mentioned lots shall be submitted to the City of San Antonio and Bexar County.

It is noted that because plat 070331, La Fontana Villas, Phase I, provides access to this development, it must be recorded prior to this unit. A note has been placed on the tracking system to hold this plat until such recording occurs.

This plat lies within the Camp Bullis 5 Mile Awareness Zone and has been reviewed by the City's Office of Military Affairs and the Camp Bullis Military Installation. The Garrison Commander has the following response. our concerns on compatibility with the Camp Bullis Installation will be addressed so long as the developer:

- Has appropriate documentation of a recent endangered species surveys (not older than 3 years) that was conducted by a professional biological consultant in accordance with U.S. Fish and Wildlife Services (USFWS) protocols showing no endangered species are present;
- Sends the project survey to USFWS Ecological Services Office in Austin.

The applicant acknowledges receiving the Military's letter.

At this time:

- The City recommends that the applicant coordinate with U.S. Fish and Wildlife by contacting Allison Arnold at (allison_arnold@fws.gov or 512-490-0057 ext. 242)
- The City recommends that the applicant coordinate with Camp Bullis by contacting Jim Cannizzo at (James.cannizzo@us.army.mil or 295-9830)

The City Staff will not place holds on the plats and plans associated with this recommendation.

STAFF RECOMMENDATION:

Approval



April 26, 2007

Ms. Kathy Harrison
MBC Engineers Company
1035 Central Parkway North
San Antonio, Texas 78232

RE: File No. 0704003 - Request for review of **La Fontana Villas Phase II Subdivision, Plat No. 060645** located on north of Evans and east of Encino Common

Dear Ms. Harrison:

On April 13, 2007, the Aquifer Protection & Evaluation Section of the Resource Protection Division of the San Antonio Water System (SAWS) received a request to review a plat for the property referenced above. Staff reviewed the documentation submitted and conducted field observations of the referenced plat to ensure compliance with applicable requirements for development over the Edwards Aquifer Recharge Zone (EARZ). The land use of the subject plat is for residential and consists of approximately 14.591 acres located entirely within the EARZ. No significant features were observed. The eastern portion of the property lies within the 100-year floodplain preservation area.

The proposed development is a **Category 1** property under the provisions of Aquifer Protection Ordinance No. 81491-File No. 696. Should any documentation become available that would alter this Category designation, the documentation may be submitted to the San Antonio Water System for review and possible Category redesignation.

At the time of this request it is unknown if Water Pollution Abatement Plan (WPAP) and an Organized Sewage Collection System (SCS) Plan has been submitted to or approved by the Texas Commission on Environmental Quality (TCEQ).

After careful review of the project and the documentation submitted by the applicant, the Aquifer Protection & Evaluation Section of the Resource Protection Division of the San Antonio Water System, recommends the approval of La Fontana Villas Phase II Subdivision, Plat No. 060645.

If you have any questions regarding this matter, please contact the Aquifer Protection & Evaluation Section at (210) 233-3520.

Sincerely,

A handwritten signature in black ink that reads "Kirk M. Nixon".

Kirk M. Nixon
Manager
Resource Protection Division

KMN:GDJ:pzg



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
US ARMY INSTALLATION MANAGEMENT COMMAND
HEADQUARTERS, UNITED STATES ARMY GARRISON, FORT SAM HOUSTON
1206 STANLEY ROAD SUITE A
FORT SAM HOUSTON, TX 78234-5001

Office of the Commander

APR 29 2009

T.C. Broadnax,
Assistant City Manager and Interim Director
Planning and Community Development
City of San Antonio
P.O. Box 839966
San Antonio, Texas 78283-3966

Robert Murdock, Brig. Gen. USAF (Ret.)
Director, Office of Military Affairs
City of San Antonio
PO Box 839966
San Antonio, Texas 78283-3966

Dear Mr. Broadnax and Mr. Murdock,

Thank you for the opportunity to respond to your staff's April 16, 2009 notification on Plat 080551, La Fontana Villas, a 14.6 acre development about 4.2 miles east of Camp Bullis. We provide the following comments.

Developing this tract may displace endangered species onto Camp Bullis. Surveys of Golden-cheeked Warblers, a federally listed endangered species, have shown a 50% increase on Camp Bullis in the past 5 years. We believe this is caused by the large-scale clear-cutting of oak and juniper trees within 5 miles of Camp Bullis. Increased Warbler populations on Camp Bullis trigger further Endangered Species Act restrictions on military training. About 10,000 of the 28,000 acres of Camp Bullis are potential habitat (3,400 acres are currently occupied habitat, and this increases as displacement occurs and increases the restrictions on our field training). We believe that any development within 5 miles of Camp Bullis which involves substantial clear-cutting of thick stands of old growth juniper and oak trees should be preceded by an endangered species survey, as was done by the RIM developers this year for the 106 acre tract on the southwest corner of Camp Bullis. From enclosed digital overhead imagery, it appears that some of the tract is heavily wooded with old growth cedar and oak.

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post.

Our concerns on compatibility with Camp Bullis will be addressed as long as the developer has appropriate documentation for the potential Warbler and karst habitat -- recent surveys (not older than 3 years) conducted by a professional biological consultant IAW USFWS protocols showing that no endangered species are present and sends the surveys to USFWS Ecological Services Office in Austin.

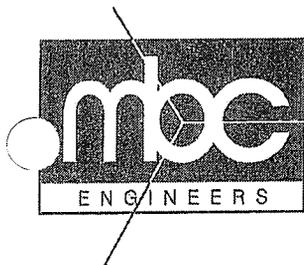
My points of contact are Mr. Phil Reidinger at (210) 221-1099 or (210) 336-0449 (cell) or Mr. Jim Cannizzo at (210) 295-9830.

Sincerely,



Mary E. Garr
Colonel, US Army
Garrison Commander

Enclosure



MACINA · BOSE · COPELAND and ASSOCIATES, INC
CONSULTING ENGINEERS AND LANDSURVEYORS

1035 Central Parkway North, San Antonio, Texas 78232
(210) 545-1122 FAX (210) 545-9302
www.mbcengineers.com

August 3, 2009

Development Services Department
City of San Antonio
1901 S. Alamo Street
San Antonio, Texas 78204
Attention: Mr. Robert Lombrano

Subject: La Fontana Villas Phase IIA, I.D. #080551

Dear Mr. Lombrano:

This is in response to your email and attachment transmitted to us today, letter dated 29 April, 2009 from the Department of the Army concerning the La Fontana Villas Phase IIA single-family subdivision. As the Engineers for the Developer, let us respond by saying that the Developer/Owner of the property appreciates the need to abide by all applicable laws, statutes, and ordinances legally affecting the subject property. I have forwarded to the Owner the Army's recommendation to conduct an endangered species survey of this property prior to active development.

Sincerely,

MACINA · BOSE · COPELAND AND ASSOCIATES, INC.

Jesse H. Valdez, Jr.

JHV/lk

Cc: Mr. Alejandro Bautista, Owner/Developer

Individual Consideration

**PLANNING COMMISSION
SITE IMPROVEMENT TIME EXTENSION**

AGENDA ITEM NO: 14 August 12, 2009

GREENACRES OFFICE PARK
SUBDIVISION NAME

050002
PLAT #

COUNCIL DISTRICT: 8

FERGUSON MAP GRID: 513 E-6

OWNER: Eddie Muhlenberg

ENGINEER: Hill Country Engineering, by Michael Lucci, P.E.

CASE MANAGER: Donna L. Schueling, Planner (207-5016)

Location: Near the southeast corner of Loop 1604 and North Hills Village Drive

Plat status: Plat was approved on September 13, 2006 and has not been recorded.

APPLICANT'S REQUEST:

Applicant is requesting a three (3) year extension for completion of required site improvements.

DISCUSSION:

None of the required site improvements have been completed. The remaining required improvements include water and drainage.

STAFF RECOMMENDATION:

The Director of Planning and Development Services recommends approval of a three (3) year extension for the following reasons:

- The Department of Planning and Development Services, Engineering and San Antonio Water Systems have no objection to the granting of a three (3) year time extension.
- The subject property is vacant.
- Plat recording is pending completion of site improvements or posting of a guarantee. Additionally, no building permits will be issued until recording occurs.
- The required improvements are currently being implemented.
- No further extensions shall be supported if the bond is not posted by the end of the three (3) year extension period.

REVISIONS JUSTIFIED BY: [Name]

THIS SUBMISSION IS WITHIN THE JURISDICTION OF THE... (UNSHADDED) ACCORDING TO THE FLOOD INSURANCE RATE MAP...

NO PERSON SHALL CONDUCT THE CONSTRUCTION OF ANY... (WATER POLLUTION ABATEMENT PLAN) OR (WAP) OR...

- 1. THE SUBJECT PROPERTY IS LOCATED WITHIN THE LIMITS OF ZONE X (UNSHADDED) ACCORDING TO THE FLOOD INSURANCE RATE MAP...

BEARING REFERENCE TO THE 1987 FLOOD INSURANCE RATE MAP...

THE VALUE OF THE TWO SETS OF COORDINATES SHOWN HEREIN WERE OBTAINED WITH GLOBAL POSITIONING RECEIVERS WITH REFERENCE TO TEX SOUTH CENTRAL...

SCALE FACTOR IS 0.99997247

PROVISION ORD TO PLAT IS 0010234

DEADWEIGHT JUSTICE

NOTES: NO STRUCTURE, FENCE, WALL, OR OTHER OBSTRUCTION THAT WOULD...

DEADWEIGHT JUSTICE

NO PERSON SHALL CONDUCT THE CONSTRUCTION OF ANY...

THE CITY OF SAN ANTONIO HAS REVIEWED THIS SUBMISSION...

THE NUMBER OF IMPROVED EXISTING OR PROPOSED CURB CUTS...

NO PERSON SHALL CONDUCT THE CONSTRUCTION OF ANY...

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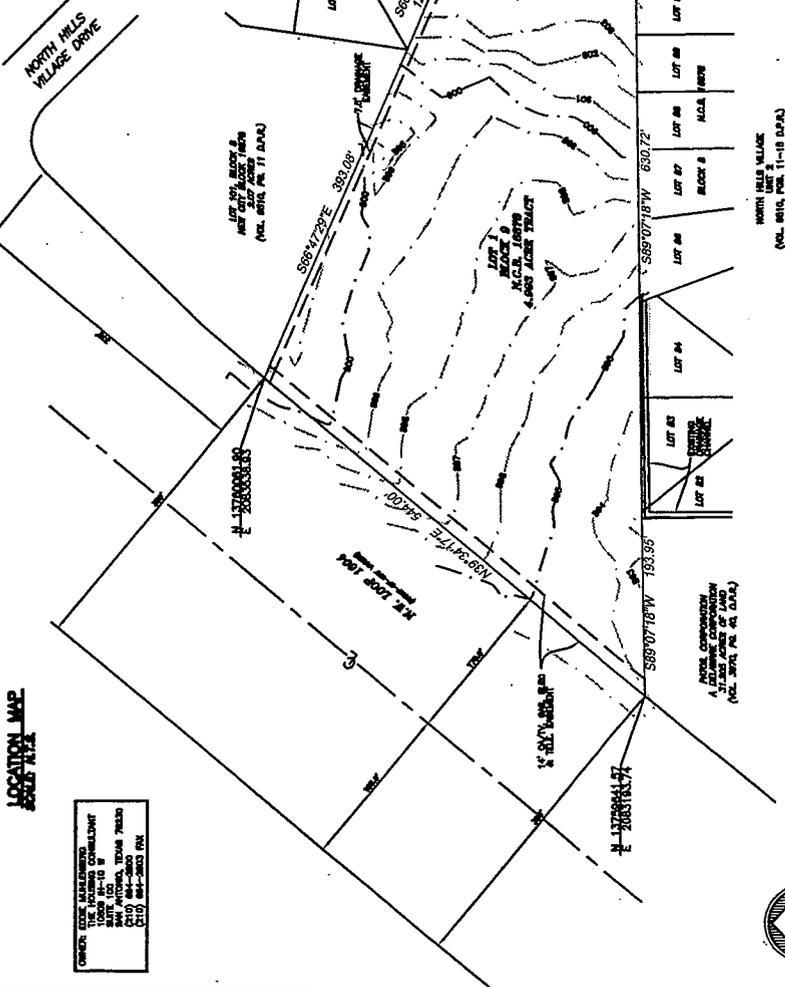
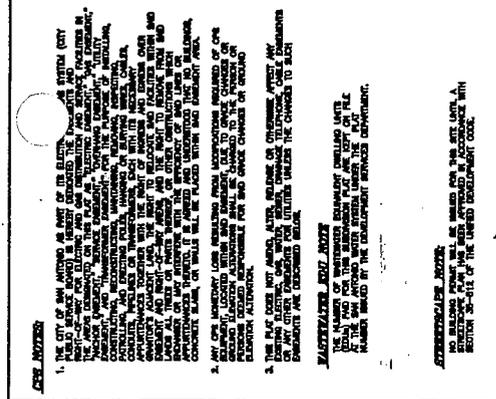
THE CITY OF SAN ANTONIO HAS REVIEWED THIS SUBMISSION...

THE NUMBER OF IMPROVED EXISTING OR PROPOSED CURB CUTS...

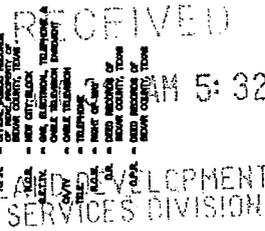
NO PERSON SHALL CONDUCT THE CONSTRUCTION OF ANY...

THE CITY OF SAN ANTONIO HAS REVIEWED THIS SUBMISSION...

THE NUMBER OF IMPROVED EXISTING OR PROPOSED CURB CUTS...



GREEN ACRES OFFICE PARK, TRACT OUT OF THE C. MATSDORFF SUBDIVISION, BEAR COUNTY TEXAS, DESCRIBED AS FOLLOWS:...



STATE OF TEXAS, COUNTY OF BEAR, BEAR COUNTY, TEXAS...

BEAR COUNTY, TEXAS, BEAR COUNTY, TEXAS...



JOB NUMBER: S-20060001 REFERENCE NUMBER: S-200603660 APRIL 2006 SHEET 1 OF 1

July 23, 2009

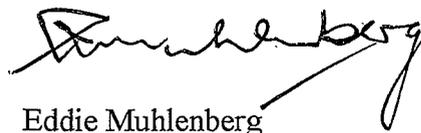
Roderick Sanchez
Director of Planning and Development Services
City of San Antonio
1901 S. Alamo
San Antonio, Texas 78204

Re: Plat ID# 050002
Green Acres Office Park
Recording Extension Request

In accordance with Section 35-430(f) of the Unified Development Code of the City of San Antonio, we hereby request a three-year extension in order to fulfill the improvements required by the approval of Green Acres Office Park Subdivision. Said improvements have not been initiated due to economic factors, and the current expiration date for plat recording is set for September 9, 2009.

Thank you for your consideration in this matter.

Respectfully,



Eddie Muhlenberg
Owner

CITY OF SAN ANTONIO
CAPITAL IMPROVEMENTS MANAGEMENT SERVICES
INTERDEPARTMENTAL CORRESPONDENCE SHEET

TO: Planning Commission **Individual Consideration**

FROM: George Rodriguez, Assistant Director, Real Estate Section 

COPIES TO: Mike Frisbie, P.E., Director of Capital Improvements Management Services

SUBJECT: S. P. No. 1459—Request to release deed restrictions for Lot 2, Block 1, NCB 6759 located at East Hildebrand Avenue and Devine Road, and the dedication of Old Hildebrand right of way as a public street

DATE: July 27, 2009

PETITIONER: Koontz/McCombs 1, Ltd.
755 E. Mulberry, Suite 100
San Antonio, TX 78212

Staff is requesting that this item be placed on the Planning Commission agenda for individual consideration and a Public Hearing at the Planning Commission meeting on August 12, 2009.

BACKGROUND

The City formerly owned this tract, part of which was at one time Old Hildebrand right of way; this was conveyed to the San Antonio Independent School District (SAISD) in 1968 as per Ordinance No. 36281. In 2007, the properties were conveyed to the current owners, Koontz/McCombs. When the land was conveyed to SAISD, the property was required to be maintained as a parking lot and the owner was prohibited from placing a building or structure on the property.

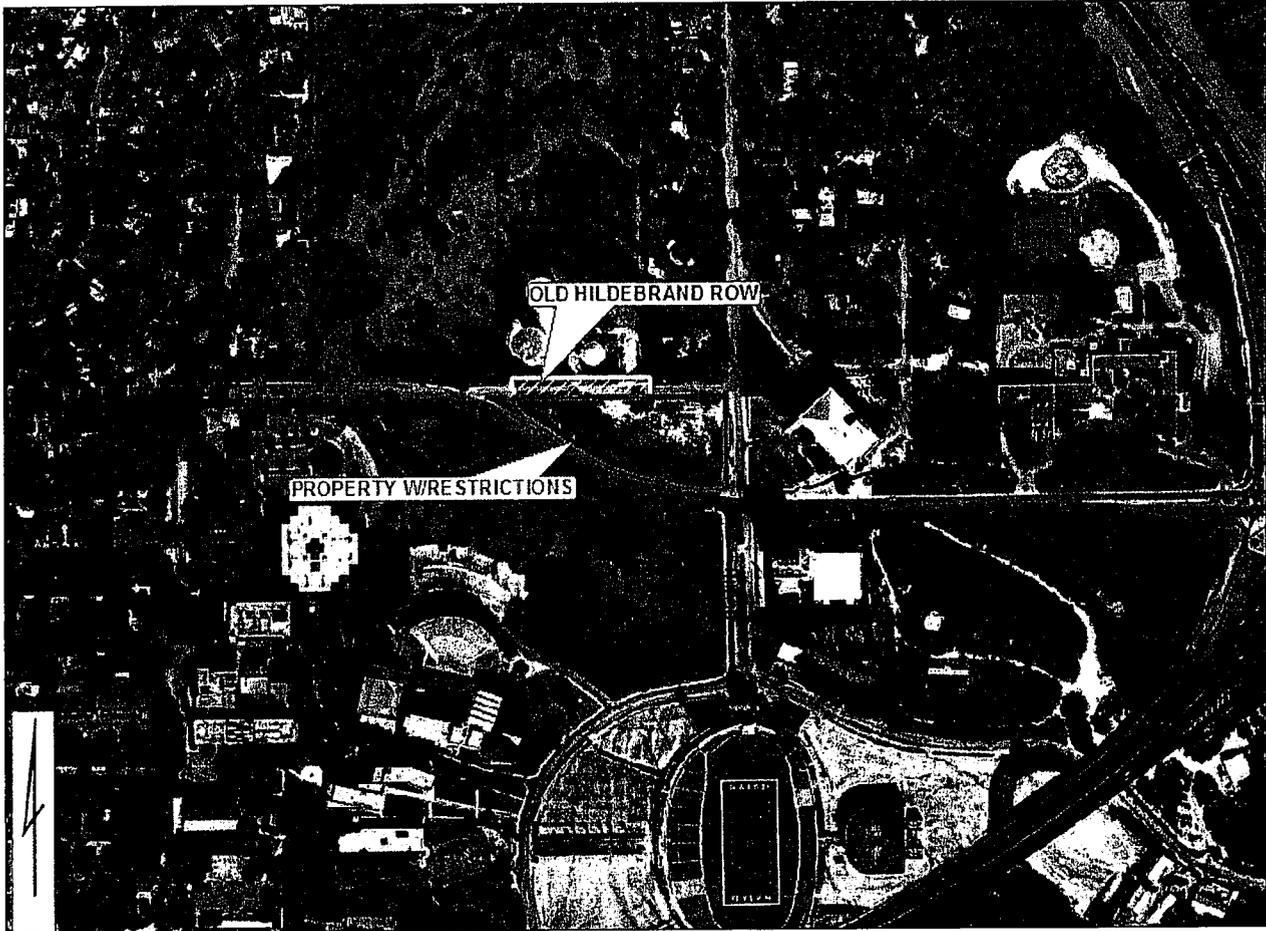
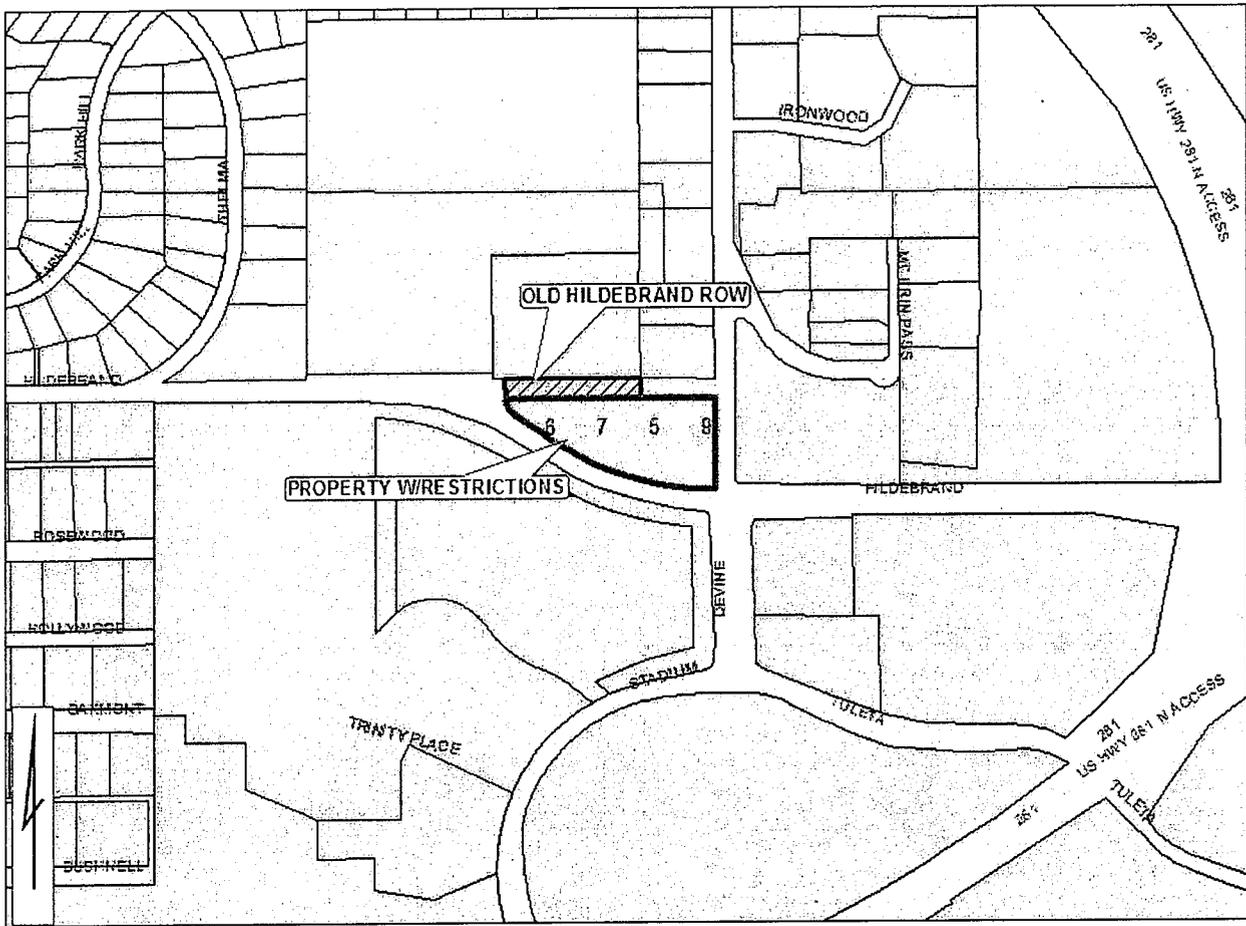
Koontz/McCombs has requested that these restrictions be released in order to develop and construct new condominiums at the site; in exchange the owners agree to dedicate Old Hildebrand right of way as a public street.

COORDINATION AND FINANCIAL IMPACT

In compliance with City procedures, petitioner's request has been coordinated with the City Attorney's Office. An Exhibit and a copy of the Release of Restrictive Covenant and Public Street Dedication are attached for your review.

CONCLUSION AND RECOMMENDATION

Staff recommends approval of this request.



Exhibit

Notice of Confidentiality Rights: If You Are a Natural Person, You May Remove or Strike Any or All the Following Information from Any Instrument That Transfers an Interest in Real Property Before it Is Filed for Record in the Public Records: Your Social Security Number or Your Driver's License Number.

Release of Restrictive Covenant and Public Street Dedication

State of Texas }
 }
County of Bexar } **Know All By These Presents:**

Authorizing Ordinance:

City: City of San Antonio

City's Address: P.O. Box 839966, San Antonio, Bexar County, Texas
78283-3966

Fee Owner: Koontz/McCombs 1, Ltd., a Texas limited partnership

Fee Owner's Address: 755 E. Mulberry, Suite 100, San Antonio, Bexar County,
Texas 78212-3194

Hildebrand-Devine Tract: A 3.223 acre tract, more or less, consisting of Lot 2, Block 1, New City Block 6759, as shown on a plat recorded at Volume 9598, Page 94, Deed and Plat Records of Bexar County, Texas.

Predicate Facts

City formerly owned that part of the Hildebrand-Devine Tract conveyed to San Antonio Independent School District ("SAISD") by means of an instrument recorded in Volume 5995, Page 588 of the Deed Records of Bexar County, Texas ("SAISD Deed").

All of the Hildebrand-Devine Tract not subject to the SAISD Deed used to be part of a public right of way known as Old Hildebrand Road and was quitclaimed to SAISD by means of an instrument recorded in Volume 5995, Page 581 of the Deed Records of Bexar County, Texas ("Old Hildebrand Deed").

Fee Owner is the successor in interest to SAISD to the Hildebrand-Devine Tract by means of an instrument recorded in Volume 13012, Page 7, Official Public Records of Bexar County, Texas.

Title to the Hildebrand Devine Tract is burdened by the following covenant arising from SAISD Deed ("SAISD Deed Restriction"):

The conveyance is made upon the following express conditions:

1. All of the land hereby conveyed shall be used by Grantee as a properly maintained parking lot.
2. Neither the Grantee nor its assigns shall ever place on any of the above described land any character of building or other structure.

It is expressly stipulated as a condition of this deed and as a limitation upon the title granted hereby that should any of the conditions above set out be violated the Grantee or its assigns, then and thereupon all title hereby granted to the San Antonio Independent School District shall immediately ipso facto revert to and become revested in the Grantor, the City of San Antonio, its successors or assigns.

City and Fee Owner have agreed to remove the SAISD Deed Restriction, provided that the property subject to the Old Hildebrand Deed is dedicated as a public street.

Operative Language

Now, Therefore, in consideration of the Premises, the mutual covenants and promises contained herein and other good and valuable consideration, the receipt and adequacy of which are hereby acknowledged, the parties agree:

1. Release of SAISD Deed Restriction.

City releases the SAISD Deed Restriction, terminates its rights of reversion and revesting of title to the Restricted Property, and declares that such rights and restrictions are of no further force or effect. Fee Owner now holds the Restricted Property free of any encumbrance arising from the SAISD Deed Restriction, recorded in Volume 5995, Page 588, of the Deed Records of Bexar County, Texas, and may convey that property free of the restriction.

2. Dedication of Street Property.

Fee Owner dedicates the property subject to the Old Hildebrand Deed to City and the public generally as a public street. This instrument creates a public-street right-of-way easement ("Street Easement") with all rights incident to public streets or alleys to the same extent as if the property subject to the Old Hildebrand Deed were a platted street or alley. In any future replat of the Hildebrand-Devine Tract, Fee Owner must include the Street Easement.

3. Condition of the Property Subject to the Old Hildebrand Deed.

The following are conditions precedent to the obligations of both parties to this instrument:

a. Fee Owner need not make any improvements to the property subject to the Old Hildebrand Deed or otherwise upgrade that property to public street standards.

b. FEE OWNER IS NOT MAKING AND HAS NOT AT ANY TIME MADE ANY WARRANTIES OR REPRESENTATIONS OF ANY KIND OR CHARACTER, EXPRESSED OR IMPLIED, WITH RESPECT TO THE PROPERTY SUBJECT TO THE OLD HILDEBRAND DEED, INCLUDING, BUT NOT LIMITED TO, ANY WARRANTIES OR REPRESENTATIONS AS TO HABITABILITY, MERCHANTABILITY, FITNESS FOR A PARTICULAR PURPOSE, TITLE, ZONING, USE, TAX CONSEQUENCES, LATENT OR PATENT PHYSICAL OR ENVIRONMENTAL CONDITION, UTILITIES, VALUATION, GOVERNMENTAL APPROVALS, HAZARDOUS WASTE, ALL MATTERS OF RECORD AFFECTING THE PROPERTY, THE COMPLIANCE OF THE PROPERTY SUBJECT TO THE OLD HILDEBRAND DEED WITH GOVERNMENTAL LAWS, OR ANY OTHER MATTER OR THING REGARDING THE PROPERTY SUBJECT TO THE OLD HILDEBRAND DEED. FEE OWNER GRANTS, SELLS AND CONVEYS TO CITY AND CITY ACCEPTS THE STREET EASEMENT OVER THE PROPERTY SUBJECT TO THE OLD HILDEBRAND DEED "AS IS, WHERE IS, WITH ALL FAULTS." CITY HAS NOT RELIED AND WILL NOT RELY ON, AND FEE OWNER IS NOT LIABLE FOR OR BOUND BY, ANY EXPRESSED OR IMPLIED WARRANTIES, GUARANTIES, STATEMENTS, REPRESENTATIONS OR INFORMATION PERTAINING TO THE PROPERTY SUBJECT TO THE OLD HILDEBRAND DEED OR RELATING THERETO MADE OR FURNISHED BY FEE OWNER, TO WHOMEVER MADE OR GIVEN, DIRECTLY OR INDIRECTLY, ORALLY OR IN WRITING.

4. Successors.

This Agreement inures to the benefit of and binds the heirs, representatives, successors, and permitted assigns of each party.

5. Integration.

This written agreement represents the final agreement between the parties and may not be contradicted by evidence of prior, contemporaneous, or subsequent oral agreements. There are no oral agreements between the parties.

In Witness Whereof, the parties have caused their representatives to set their hands.

City:

City of San Antonio,
a Texas municipal corporation

By: _____

Printed
Name: _____

Title: _____

Date: _____

Attest:

City Clerk

Approved As To Form:

City Attorney

THE STATE OF TEXAS §

COUNTY OF BEXAR §

This instrument was acknowledged before me this ____ day of _____, 2009,
by _____, of the City of San Antonio, Texas, in the capacity therein
stated and on behalf of that entity.

Fee Owner:

Koontz/McCombs 1, Ltd., a Texas
limited partnership, by and through its sole
general partner

By: Koontz/McCombs, LLC, a Texas
limited liability company,
Its general partner

By: [Signature]

Printed
Name: BART C. KOONTZ

Title: President + CEO

Date: 6-19-09

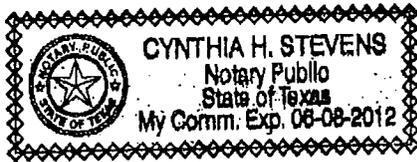
Notary Public, State of Texas

My Commission expires: _____

THE STATE OF TEXAS §

COUNTY OF BEXAR §

This instrument was acknowledged this 19th day of June, 2009, before me by Bart C. Koontz, as President and CEO of Koontz/McCombs, LLC, a Texas limited liability company, in the capacity therein stated and on behalf of that entity in the entity's capacity as general partner of Koontz/McCombs 1, Ltd., a Texas limited partnership on behalf of said partnership.



Cynthia H. Stevens
Notary Public, State of Texas

My Commission expires: 6-8-12

AFTER RECORDING, RETURN TO:

Cynthia H. Stevens
Koontz/McCombs 1, Ltd.
755 E. Mulberry, Suite 100
San Antonio, Texas 78212-3194

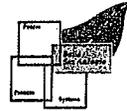
**City of San Antonio
Capital Improvements Management
Services Department**

August 12, 2009

Agenda Item :

Request to release deed restrictions &
dedication of Old Hildebrand as public street

Petitioner: Koontz/McCombs 1, Ltd.



Planning Item

- Koontz/McCombs is requesting the release of deed restrictions from Lot 2, Block 1, NCB 6759, located in Council Districts 1 & 9
- This tract of land is located at East Hildebrand Avenue and Devine Road

Background

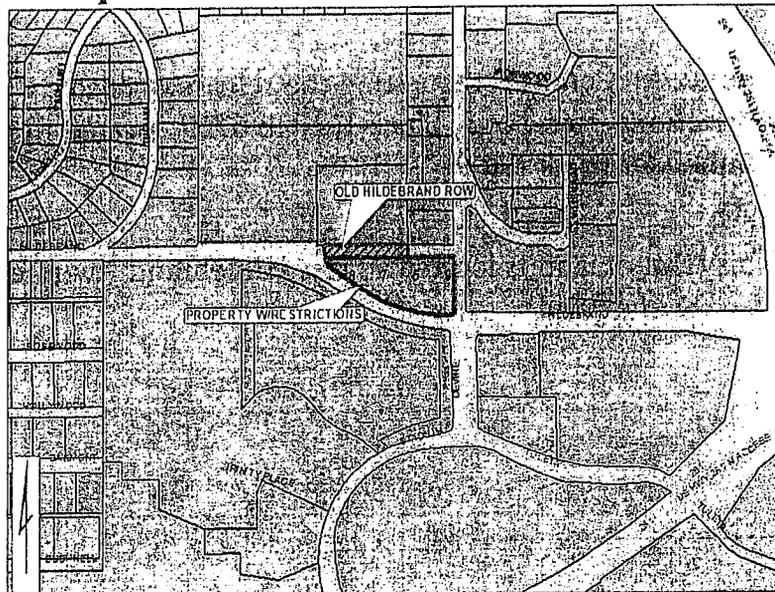
Purpose:

- The City formerly owned this tract, part of which was at one time Old Hildebrand right of way; this was conveyed to the San Antonio Independent School District (SAISD) in 1968 as per Ordinance No. 36281.
- In 2007, the properties were conveyed to the current owners, Koontz/McCombs.
- When the land was conveyed to SAISD, the property was required to be maintained as a parking lot and the owner was prohibited from placing any structures on the property.
- Koontz/McCombs has requested that these restrictions be released in order to develop and construct new condominiums at the site; in exchange the owners agree to dedicate Old Hildebrand right of way as a public street.

3

Exhibit "A"

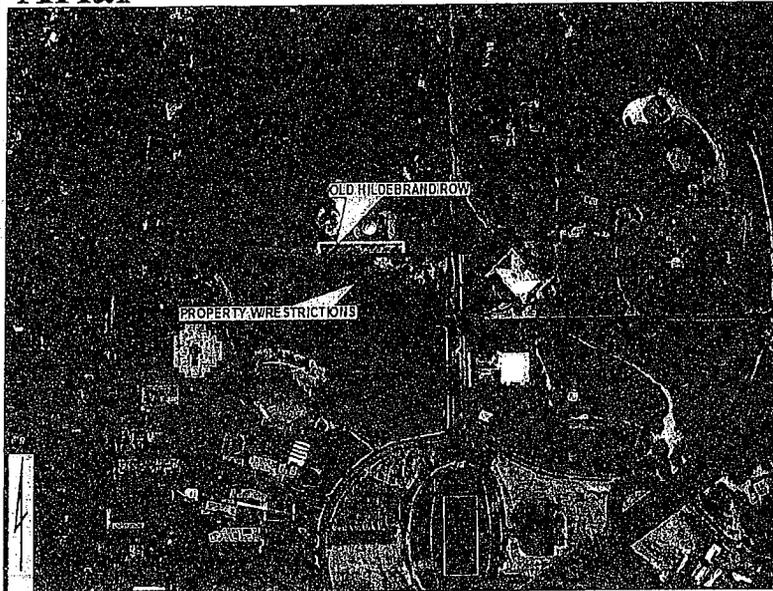
Map



4

Exhibit "B" (cont.)

Arial



5

Background (cont)

Coordination:

- Project has been coordinated with the City Attorney's Office.

6

Fiscal Impact

Financial Impact:

- None.

7

Issues & Recommendation

Policy Analysis:

- This action is consistent with City Code and Ordinances relative to any private use of property owned or controlled by the City.

Recommendation:

- Staff recommends approval of this request.

8

CITY OF SAN ANTONIO
PARKS AND RECREATION DEPARTMENT

Interdepartment Correspondence Sheet

TO: Planning Commission
FROM: Xavier Urrutia, Director, Parks and Recreation Department
COPIES TO: Sandy Jenkins, Park Projects Manager,
David Arciniega, Senior Planner, Parks and Recreation Department
SUBJECT: Land Acquisition Mission del Lago Property

DATE: July 13, 2009

PETITIONER: Parks and Recreation Department
Sandy Jenkins, Park Projects Manager
114 W. Commerce St, 10th floor
City of San Antonio

Parks staff is requesting that this item be placed on the agenda for the Planning Commission meeting on August 12, 2009.

BACKGROUND

Parks is requesting acceptance of potential donation of land to the Parks and Recreation Department. The land consists of 3 acres located outside of the 100 year floodplain, west of US Highway 281 South and south of Loop 410 in Council District 3. The land abuts the Mission del Lago Golf Course to the west.

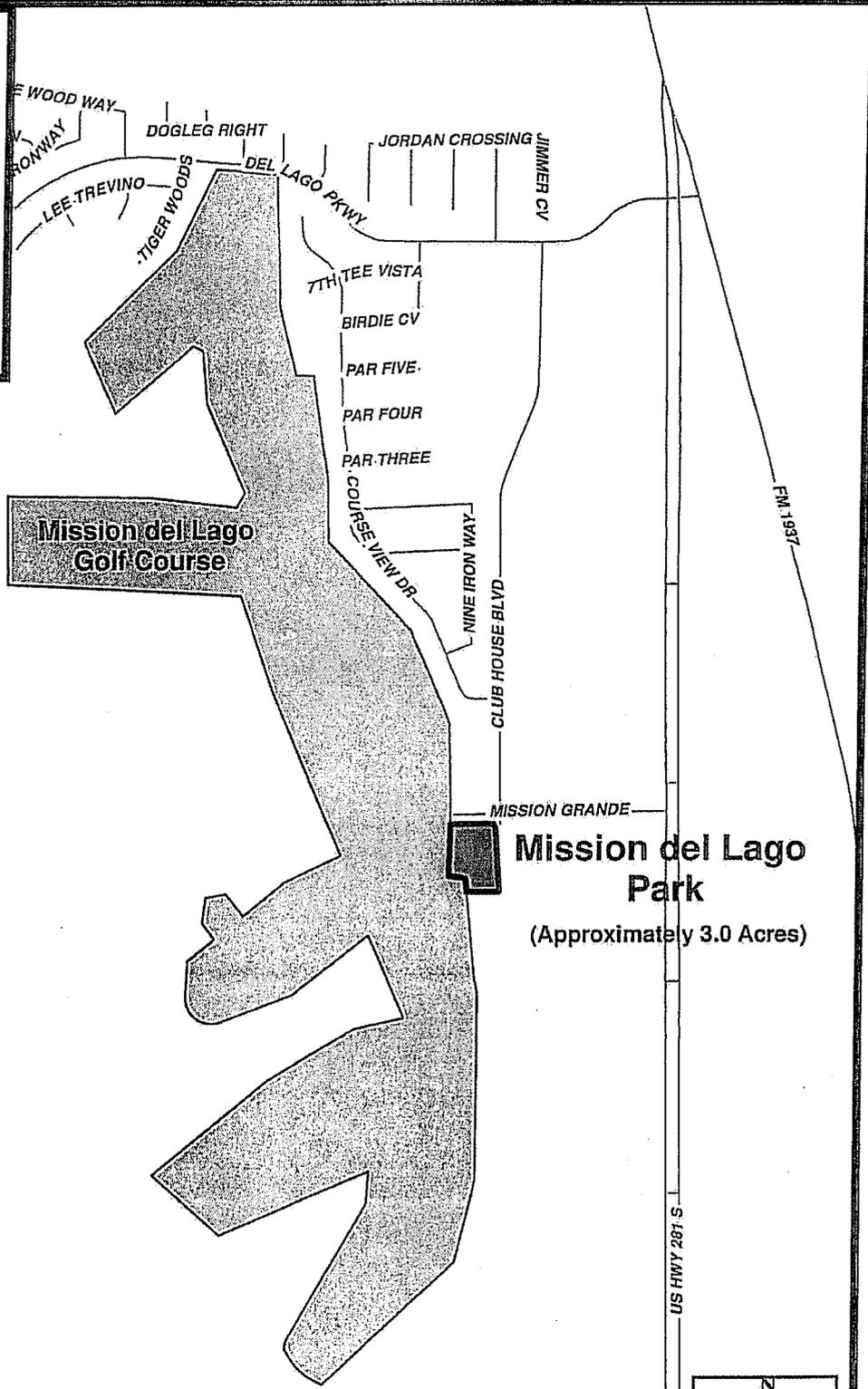
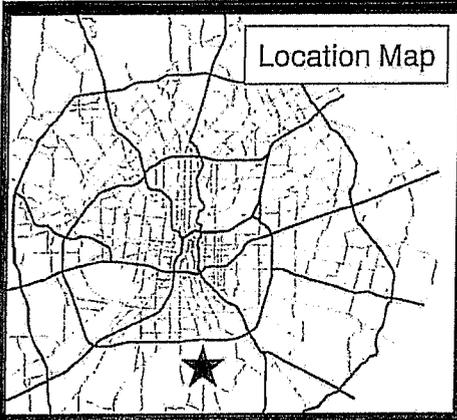
This 3 acre land donation meets the goals outlined in the Southeast Subarea of the Parks System Strategic Plan. Specifically, the acquisition of additional park acreage to meet service goals in regards to neighborhood and community parks. In addition, the Parks Board has recommending accepting this land donation on June 22, 2009.

CONCLUSION AND RECOMMENDATION

Staff recommends approval of this request.

Sandy Jenkins
Park Projects Manager
Park Project Services
Parks and Recreation Department
City of San Antonio

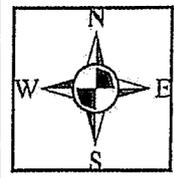
Mission del Lago Park
12200 S. US Hwy 281
San Antonio, TX 78221

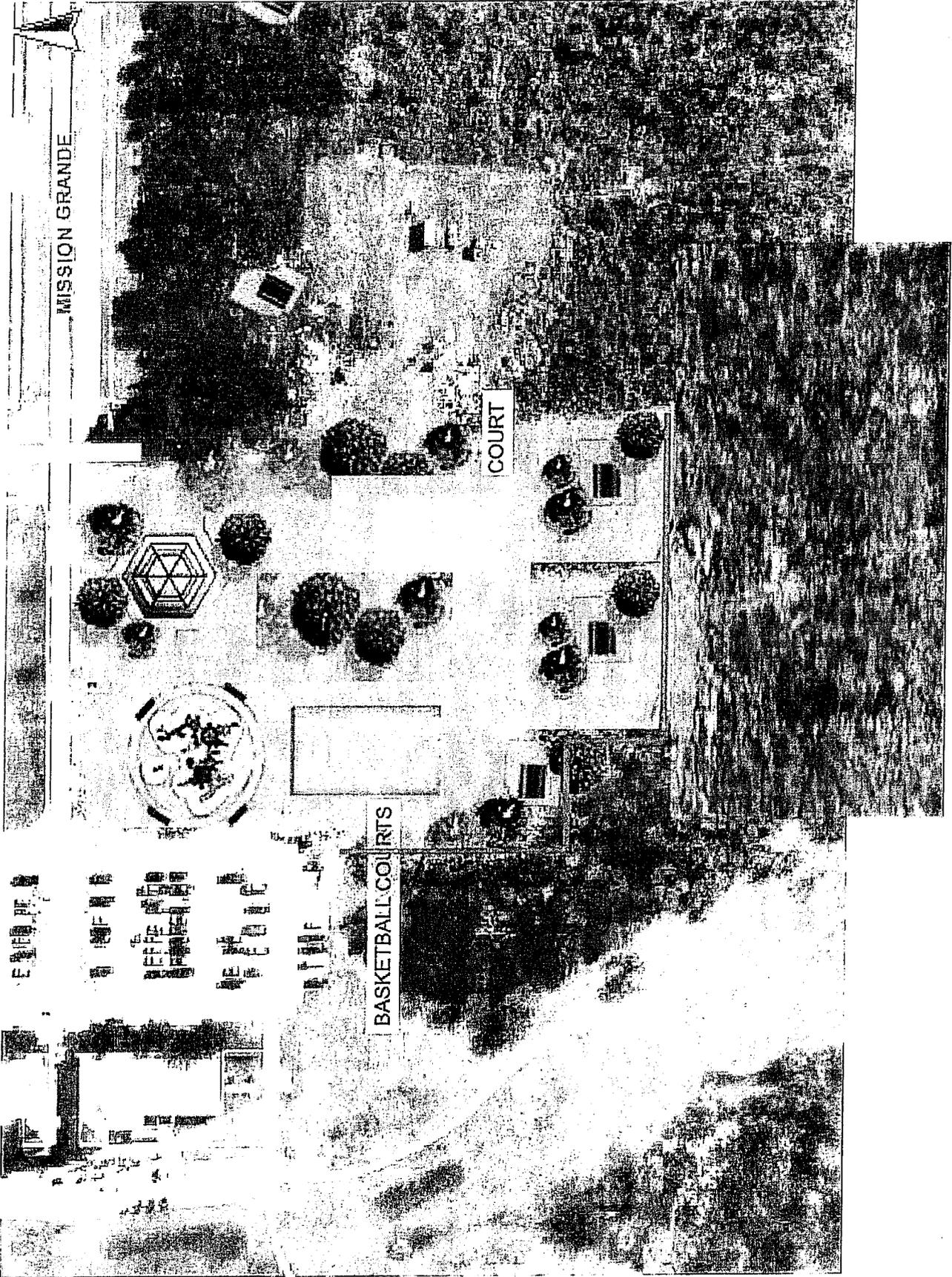


Mission del Lago
Golf Course

Mission del Lago
Park
(Approximately 3.0 Acres)

City of San Antonio Parks and Recreation Dept.
Map created by Park Project Services on 6/22/09





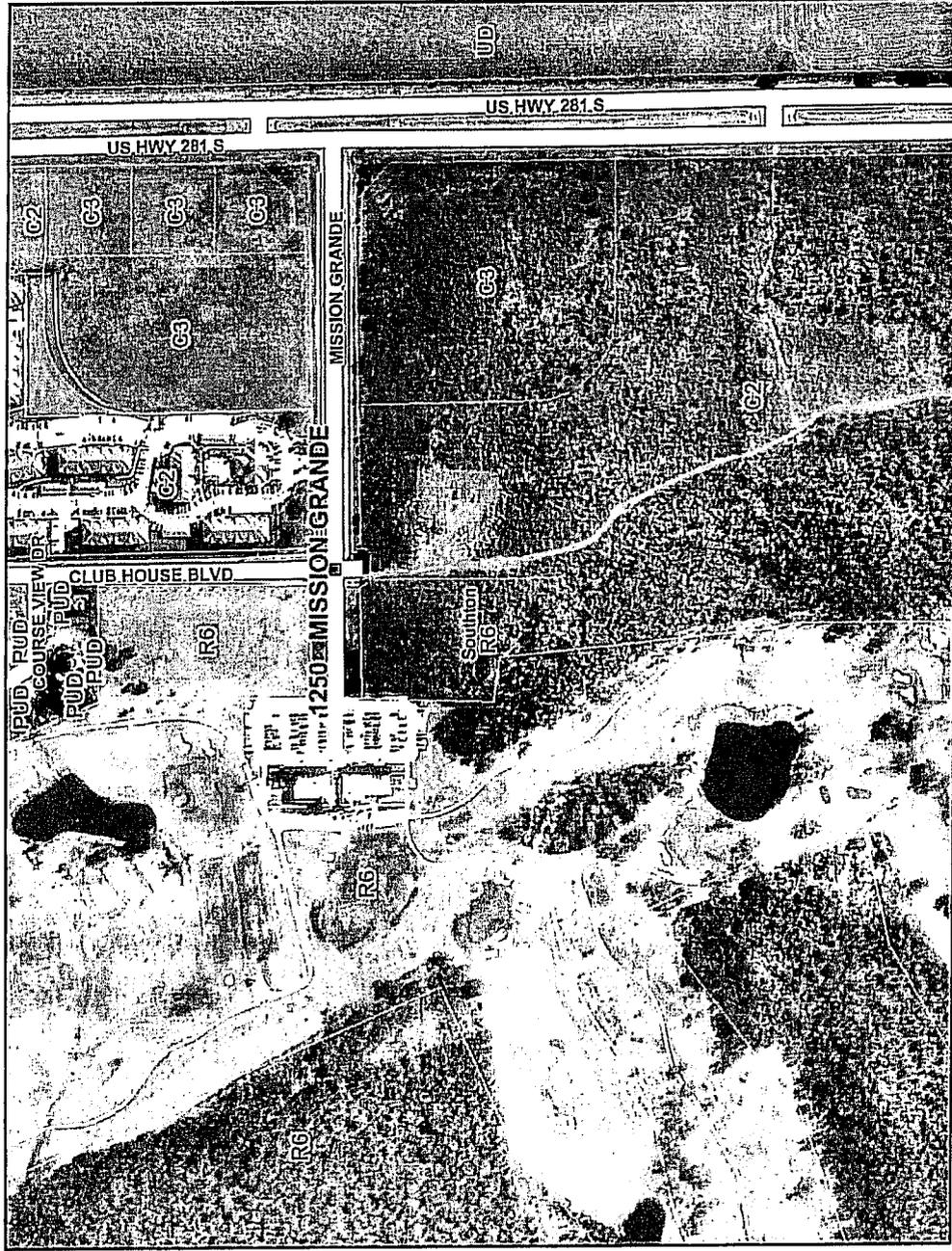
MISSION GRANDE

COURT

BASKETBALL COURTS

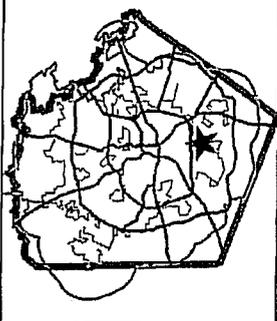
SEVERAL
BUILDINGS
AND
PARKING

Mission del Lago



0 475 950 1425 ft.

This map is a user generated static output from an Internet mapping site and is for general reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable. THIS MAP IS NOT TO BE USED FOR NAVIGATION.



Legend

- Lakes
- Military Bases
- San Antonio City Limits
- Incorporated Towns
- Bexar County
- Bexar Streets
- Zoning

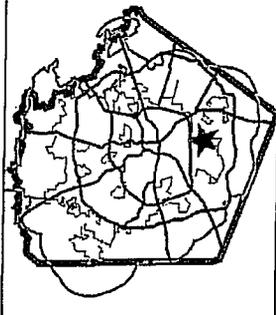
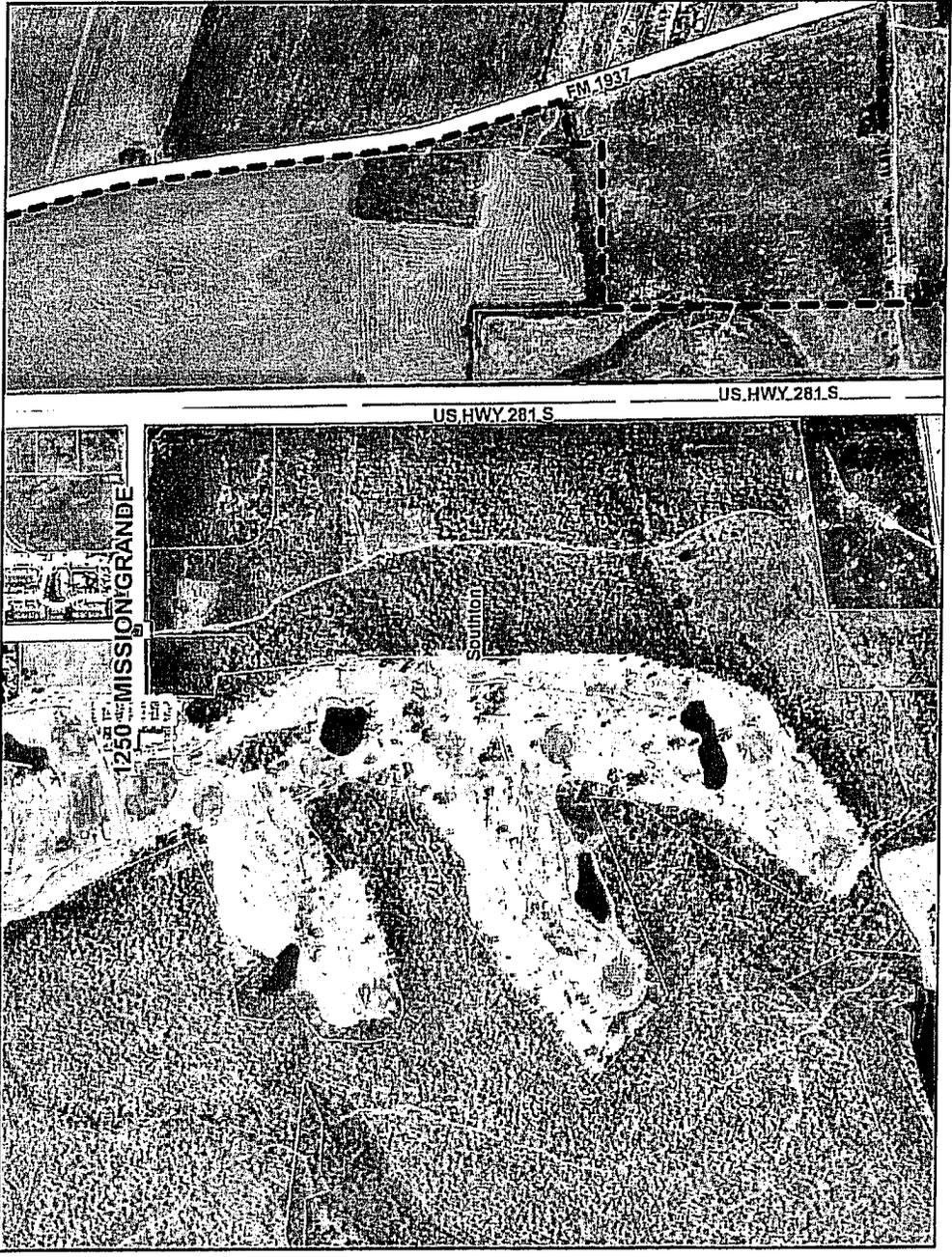
- B2NA
- C1
- C2
- C2NA
- C3
- C3NA
- C3R
- D
- I1
- I2
- L
- MF25
- MF33
- MF40
- NC
- NP-10
- NP-15
- NP-8
- O1
- O2
- OCL
- R20
- R4
- R5
- R6
- RE
- RM4
- RME



Scale: 1:4,970

Map center: 2135365, 13654443

Mission del Lago



Legend

- Lakes
- Military Bases
- San Antonio City Limits
- Incorporated Towns
- Bexar County
- Bexar Streets
- Zoning

- BZNA
- C1
- C2
- C2NA
- C3
- C3NA
- C3R
- D
- I1
- I2
- L
- MF25
- MF33
- MF40
- NC
- NP-10
- NP-15
- NP-8
- O1
- O2
- OCL
- R20
- R4
- R5
- R6
- RE
- RMA
- RM5



Scale: 1:10,000



Map center: 2135524, 13653134

This map is a user generated static output from an Internet mapping site and is for general reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable. THIS MAP IS NOT TO BE USED FOR NAVIGATION.

City of San Antonio Planning and Development Services Department

Plan Amendment Recommendation *Agenda Item 17*

Plan Amendment Application Case No.: 09014

Council District: 1

City Council Meeting Date: **September 17, 2009**

Plan Amendment Map – Attachment 1

Digital Ortho Image – Attachment 2

Summary:

Neighborhood/Community/Perimeter Plan: **North Central Neighborhoods Community Plan**
The applicant requests to amend the Land Use Plan designation from **Low Density Residential** to **Medium Density Residential** for 0.1791 acres located at 126 Dora St.

Background Information:

Applicant: Donald R. Feldpausch

Owner: Donald R. Feldpausch

Property Location: 126 Dora St.

Acreage: .1791 acres

Current Land Use of site: Vacant

Adjacent Land Uses:

N: Single-Family Residential

S: Single-Family Residential

E: Single-Family Residential

W: Single-Family Residential

Issue:

LAND USE ANALYSIS:

The North Central Neighborhoods Community Plan currently classifies the subject property as Low Density Residential. Low Density Residential is defined in the plan as primarily supporting single family dwellings on individual lots. Duplexes and accessory dwellings are allowed on lots of 8,000 square feet or greater. All off-street parking and vehicle use areas adjacent to residential uses require buffer landscaping as well as lighting and signage controls.

Medium Density Residential in the North Central Neighborhoods Community Plan includes small lot single family development, accessory dwellings, duplexes, cottage houses, triplexes, fourplexes, and townhomes. This category provides for a diversity of residential development while still maintaining an overall urban residential character. All off-street parking and vehicle use areas adjacent to residential uses require buffer landscaping and lighting controls.

The proposed development is not consistent with the definition of low density residential contained in the North Central Neighborhoods Community Plan. The North Central Neighborhoods Community Plan recommends that duplexes be built on lots of 8,000 square feet or greater. Being approximately 7,800 square feet, the subject property does not meet the minimum square footage recommended for duplexes to be located within the low density residential land use category.

Additionally, the associated zoning case for the plan amendment under consideration is to change the zoning designation from R-5 to MF-18. The zoning classification being requested would provide the applicant with the ability to build three dwelling units on the property. Anything higher density than a duplex would be incompatible with the surrounding properties which are predominately single-family residential homes. The subject property is located mid-block and is one of two vacant lots on the block. Staff located one duplex and no triplexes adjacent to the subject property in a field survey of the area. The adjacent duplex was partially outside the City limits.

**City of San Antonio Planning and Development Services Department
Plan Amendment Recommendation**

Goal 5 (p. 37) states the community's desire to promote future development that is compatible with existing neighborhoods. The area that the subject property is located in is predominately single-family residential. Medium-density residential development would be incompatible with the character of the existing, single-family residential neighborhood.

Minimal Impact Impact can be mitigated Significant Impact

TRANSPORTATION/INFRASTRUCTURE ANALYSIS:

Major Thoroughfare Plan Designations: Dora Street is not on the Major Thoroughfare Plan
Comments: There are two VIA bus stops within 400 feet of the subject property.

Minimal Impact Impact can be mitigated Significant Impact to Transportation Capacity

COMMUNITY FACILITIES ANALYSIS:

Public Facilities: The property is located approximately 900 feet from Kenwood Park
Comments: The project will pose a minimal impact to community facilities.

Minimal Impact Impact can be mitigated Significant Impact

Recommendation:

STAFF RECOMMENDATION:

Approval Denial Alternate Recommendation:

Comments:

The proposed Medium Density Residential classification would be incompatible with the single-family character of the existing uses in the vicinity of the subject property and would conflict with the desire expressed in Goal 5 to promote future development compatible with existing neighborhoods in the Planning Area.

PLANNING COMMISSION RECOMMENDATION:

Meeting & Public Hearing Date: August 12, 2009 (Continued from the June 24, 2009 Planning Commission Meeting)

Approval Denial Resolution Attached

Newspaper Publication Date of Public Hearing: June 5, 2009

No. Notices mailed 10 days prior to Public Hearing: 117

Registered Neighborhood Association(s) Notified: N/A

ZONING SUPPLEMENTAL INFORMATION:

Current zoning district: R-5

Proposed Zoning: MF-18

Zoning Commission Meeting:

June 16, 2009, continued to the August 4, 2009 Zoning Commission meeting.

Approval Denial

Planning and Development Services Department Staff:

Roderick Sanchez, AICP, CBO

Director

Patrick Howard, AICP

Asst. Director

Nina Nixon-Mendez, AICP

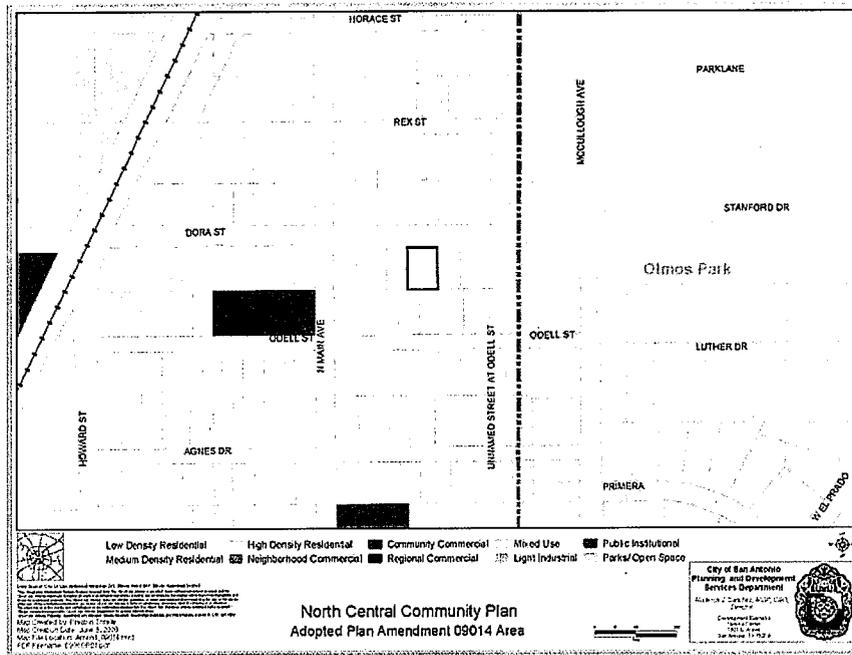
Planning Manager

Case Manager: Tyler Sorrells, AICP

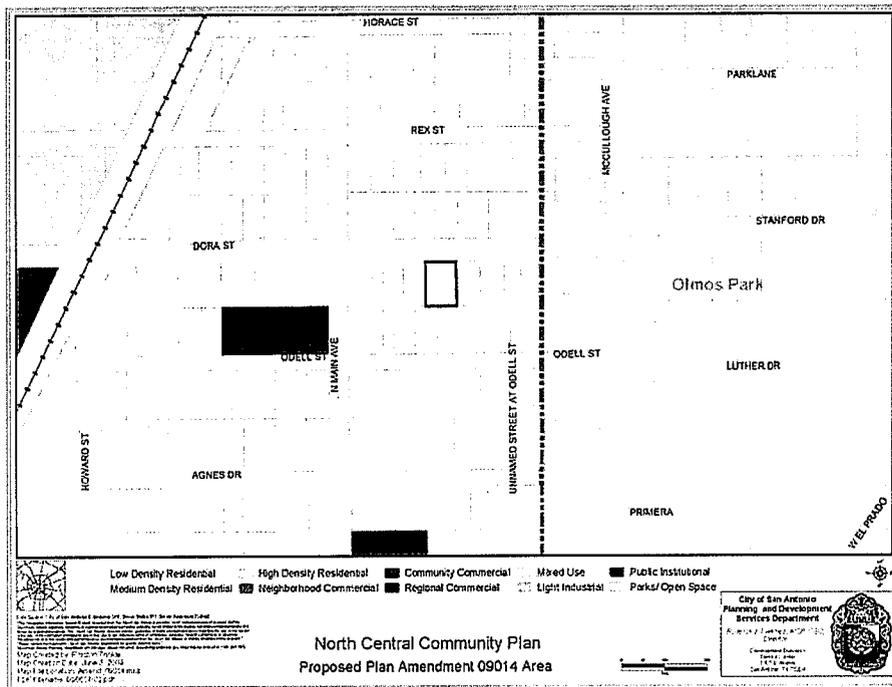
Planner

Phone No.: 207-7395

ATTACHMENT I: Land Use Plan As Adopted



Proposed Amendment



RESOLUTION NO.

RECOMMENDING TO APPROVE/DENY THE AMENDMENT OF THE LAND USE PLAN CONTAINED IN THE NORTH CENTRAL NEIGHBORHOODS COMMUNITY PLAN, A COMPONENT OF THE MASTER PLAN OF THE CITY, BY CHANGING THE USE FROM LOW DENSITY RESIDENTIAL LAND USE TO MEDIUM DENSITY RESIDENTIAL LAND USE FOR AN AREA OF APPROXIMATELY 0.1791 ACRES DESCRIBED BY LEGAL DESCRIPTION: NCB 7330 BLK 24 LOT S 104.7 FT OF 35, 36, & 37 SAN ANTONIO, BEXAR COUNTY, TEXAS.

WHEREAS, City Council approved the North Central Neighborhoods Community Plan as an addendum to the Master Plan on February 14, 2002; and

WHEREAS, the May 3, 2001 Unified Development Code requires consistency between zoning and the Master Plan as specified in Sections 35-105, 35-420 (h), and 35-421 (d) (3); and

WHEREAS, Chapter 213.003 of the Texas Local Government Code provides that the Master Plan may be amended by ordinance following a public hearing and review by the Planning Commission; and

WHEREAS, the San Antonio Planning Commission held a public hearing on August 12, 2009 and **APPROVED/DENIED** the amendment on August 12, 2009; and

WHEREAS, the San Antonio Planning Commission has considered the effect of this amendment to the Master Plan as it pertains to land use intensity, compatibility, community facilities, and the transportation network and found the amended plan to be **CONSISTENT/INCONSISTENT** with City policies, plans and regulations and in conformance with the *Unified Development Code*, Section 35-420, therefore meeting all requirements; and

NOW, THEREFORE, BE IT RESOLVED BY THE PLANNING COMMISSION OF THE CITY OF SAN ANTONIO:

SECTION 1: The amendment to the North Central Neighborhoods Community Plan attached hereto and incorporated herein by reference is recommended to the City Council with this Commission's recommendation for **APPROVAL/DENIAL** as an amendment to the City's Comprehensive Master Plan.

PASSED AND APPROVED ON THIS 12TH DAY OF AUGUST 2009.

Attest:

Approved:

Executive Secretary
San Antonio Planning Commission

Cecilia G. Garcia, Chair
San Antonio Planning Commission

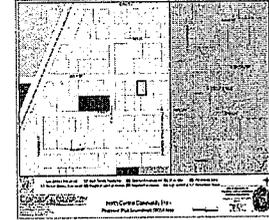
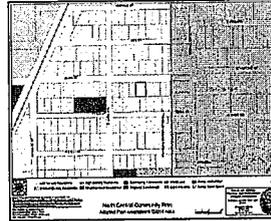
Master Plan Amendment 09014 North Central Neighborhoods Community Plan

Planning Commission
August 12, 2009
Agenda Item No.

Amendment 09014

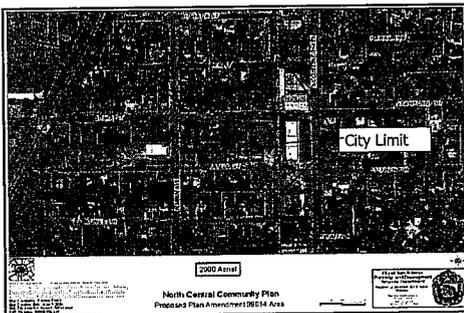
Plan as adopted:

Proposed amendment:



2

Land Use



3

Public Notification

44 notices were mailed to property owners within
200' of the subject property

73 notices were mailed to members of the Planning
Team

1 informational phone call was received

4



Staff Recommendation

Staff recommends denial of Plan Amendment 09014

6

City of San Antonio Planning and Development Services Department
Plan Amendment Recommendation

Agenda Item 18

Plan Amendment Application Case No.: 09016

Council District: 5

City Council Meeting Date: **August 12, 2009**

- Plan Amendment Map – Attachment 1
- Digital Ortho Image – Attachment 2

Summary:

Neighborhood/Community/Perimeter Plan: **Guadalupe Westside Community Plan**
The applicant requests to amend the Land Use Plan designation from **Low Density Residential** to **Community Commercial**

Background Information:

Applicant: Robert Pizzini

Owner: Abraham Paulose

Property Location: 1419 S. Hamilton

Acreage: 0.227

Current Land Use of site: Vacant Lot

Adjacent Land Uses:

- N: Loma Vista St. and Single-family residences
- S: St. Mary's Convenience Store, S. Laredo Rd., and Cassiano Homes (multi-family residences)
- E: Hamilton Dr. and Cassiano Homes (multi-family residences)
- W: Single-family residences

Issue:

LAND USE ANALYSIS:

The subject property is located on the corner of S. Hamilton and Loma Vista in the western section of the Guadalupe Westside Community Plan planning area. The future land use plan designates the properties to the north, southeast and west as Low Density Residential and the properties to the east and southwest as Medium Density Residential. The property is sandwiched between a single-family residential neighborhood and the Cassiano Homes Public Housing. The subject property is currently designated Low Density Residential and the applicant is seeking a plan amendment to change the land use to Community Commercial land use in order to construct and open a convenience store.

The Low Density Residential land use category includes single family homes. Single family homes are located on individual lots, on streets with low traffic volumes, are ideally within walking distances of schools and neighborhood commercial uses. Certain lower impact community oriented uses such as churches, parks, and a community center may be encouraged in this category. There is a condition that pre-existing commercial buildings less than 3,000 square feet at the corners of residential streets may be used for neighborhood commercial purposes.

The Community Commercial land use category provides for medium intensity commercial uses that serve two or more neighborhoods. Community Commercial uses should be located along arterial roads near intersections, ideally they should incorporate buffer yards and shared parking and internal circulation with adjacent uses. Examples of community commercial land uses include convenience stores with gasoline, car washes, minor auto repair and servicing, small grocery stores, medium sized restaurants, and community shopping centers.

The requested land use designation (Community Commercial) would allow for intense commercial activities that are incompatible with adjacent single-family and multi-family residential uses. The plan

**City of San Antonio Planning and Development Services Department
Plan Amendment Recommendation**

calls for Community Commercial to be located at the corner of S. Hamilton and S. Laredo. Placing Community Commercial on the corner of S. Hamilton and Loma Vista will add to further commercial encroachment into residential areas. Objective 20.1.3 of the Guadalupe Westside Community Plan seeks to "reduce occurrences of commercial encroachment into residential areas." Maintaining the future land use of Low Density Residential will keep in accordance with the goals in the Guadalupe Westside Community Plan.

Minimal Impact Impact can be mitigated Significant Impact - Incompatible Land Use

TRANSPORTATION/INFRASTRUCTURE ANALYSIS:

Major Thoroughfare Plan Designations: S. Hamilton is a collector and Loma Vista is a local residential street

Comments: The subject property does not have sufficient acreage to meet parking requirements and the landscape buffer. There is potential for cut through traffic on local residential streets. Access to parking lot would be on Loma Vista a local residential street.

The nearest VIA bus stop is located at the corner of S. Hamilton and Laredo.

Minimal Impact Impact can be mitigated Significant Impact to Transportation Capacity

COMMUNITY FACILITIES ANALYSIS:

Public Facilities: This established residential neighborhood is served by existing schools, parks, fire stations and other community facilities.

Comments: It is expected Community Commercial development would have little to no impact on community facilities.

Minimal Impact Impact can be mitigated Significant Impact

Recommendation:

STAFF RECOMMENDATION:

Approval Denial Alternate Recommendation:

Staff recommends **denial** of the requested land use change to Community Commercial. The Community Commercial land use category is inappropriate given the proximity of the subject property to existing low density residential land uses and the lack of transportation infrastructure necessary to support the types of commercial uses allowed within the Community Commercial land use category.

PLANNING COMMISSION RECOMMENDATION:

Meeting & Public Hearing Date: August 12, 2009

Approval Denial Resolution Attached

Newspaper Publication Date of Public Hearing: July 24, 2009

No. Notices mailed 10 days prior to Public Hearing: 31 to owners of land within 200 feet; 23 to the Guadalupe Westside Community Plan Planning Team

Registered Neighborhood Association(s) Notified: Prospect Hills Neighborhood Association, Brady Gardens Neighborhood Association, and Avenida Guadalupe Neighborhood Association

**City of San Antonio Planning and Development Services Department
Plan Amendment Recommendation**

ZONING SUPPLEMENTAL INFORMATION:

Current zoning district: R-4

Proposed zoning district: C-2

Zoning Public Hearing Date: August 4, 2009

Approval

Denial

Planning & Development Services Department Staff:

Roderick Sanchez, AICP, CBO

Director

Patrick B. Howard, AICP

Assistant Director

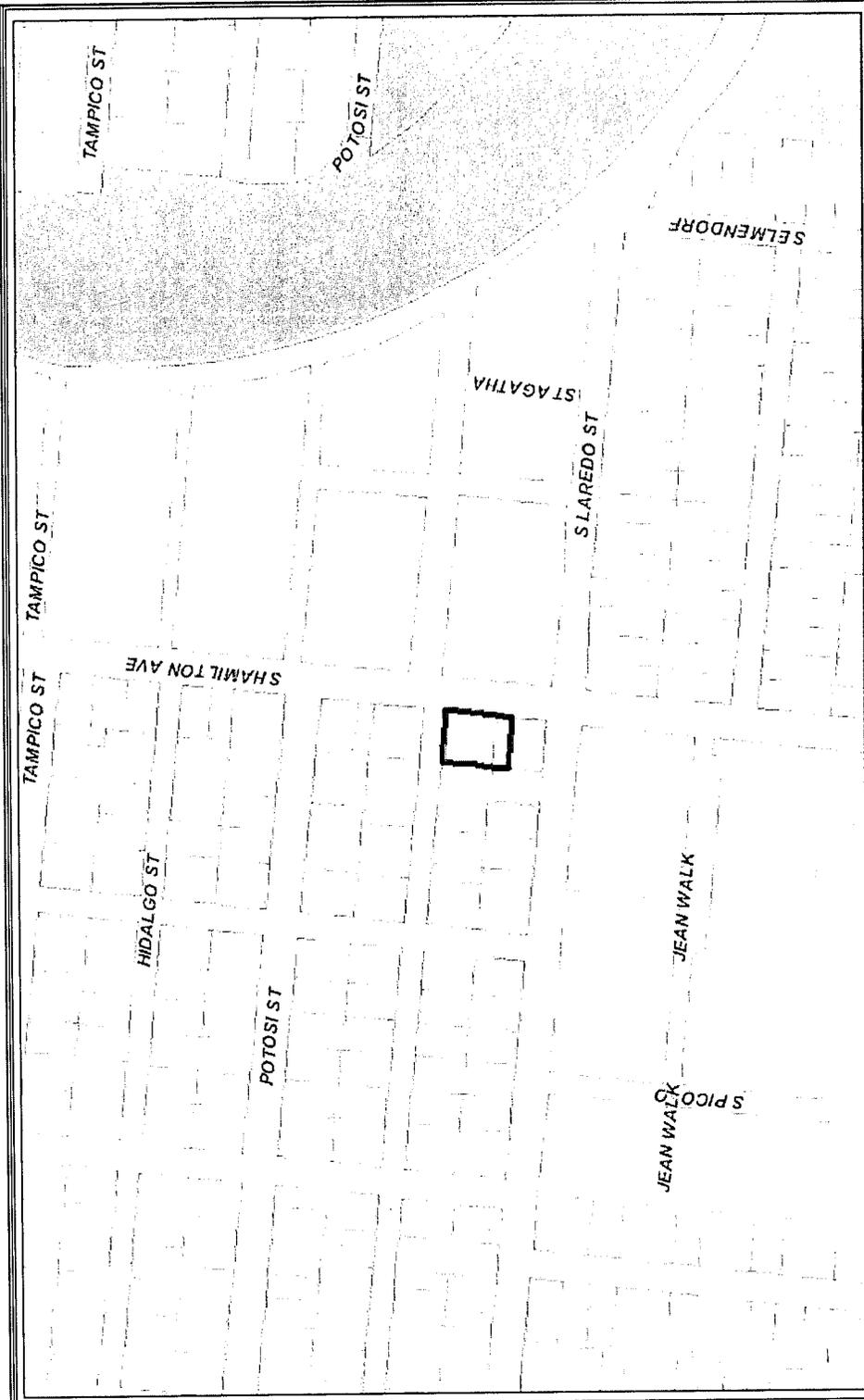
Nina Nixon-Mendez, AICP

Planning Manager

Case Manager: Sidra Maldonado

Planner

Phone No.: 210-207-7815



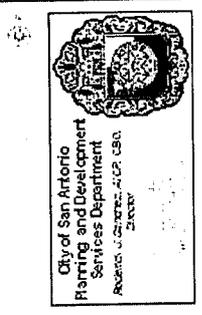
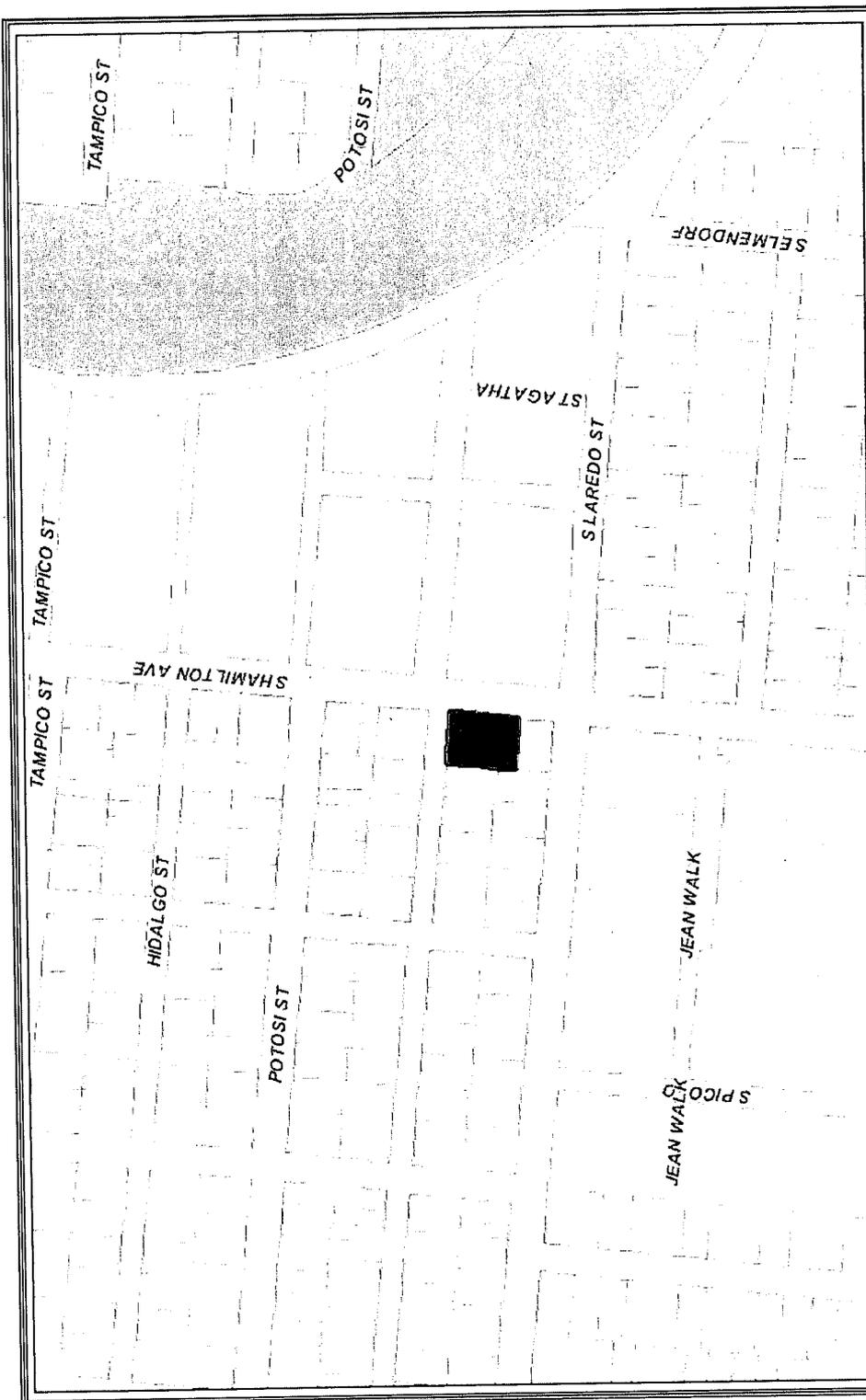
- Low Density Residential
- Medium Density Residential
- High Density Residential
- Community Commercial
- Mixed Use
- Public Institutional
- Neighborhood Commercial
- Low Density Mixed Use
- Light Industrial
- Parks/Open Space

Guadalupe/Westside Community Plan
 Adopted Plan Amendment 09016 Area



City of San Antonio
 Planning and Development
 Services Department
 Ruben Alvarez, AICP, CBO
 Director

Map Created by: Pictor Trinit
 Map Created Date: JAN 15, 2009
 Map File Location: S:\mep16_09016.mxd
 PDF File Name: 09016_CP_16.pdf



- Low Density Residential
- Medium Density Residential
- High Density Residential
- Neighborhood Commercial
- Community Commercial
- Low Density Mixed Use
- Mixed Use
- Light Industrial
- Public Institutional
- Parks/Open Space

Guadalupe/Westside Community Plan
Proposed Plan Amendment 09016 Area



Map created by: Patricia Truhitt
Map created on: Date: JUL 15, 2009
Map File Location: smend_09016.mxd
PDF File Name: 09016_GPT1.pdf



2008 Aerial



City of San Antonio
 Planning and Development
 Services Department
 400 West Commerce Street, Suite 1000
 San Antonio, TX 78205
 Phone: (214) 747-3000
 Fax: (214) 747-3001
 Email: pds@sanantoniotx.gov

Guadalupe/Westside Community Plan

Map created by: Preston Truitt
 Date: 12/15/2009
 File Location: \\pds\mxd\090116.mxd
 PDF File Name: 090116.PDF

RESOLUTION NO.

RECOMMENDING TO APPROVE/DENY THE AMENDMENT OF THE LAND USE PLAN CONTAINED IN THE GUADALUPE WESTSIDE COMMUNITY PLAN, A COMPONENT OF THE MASTER PLAN OF THE CITY, BY CHANGING THE USE FROM LOW DENSITY RESIDENTIAL LAND USE TO COMMUNITY COMMERCIAL LAND USE FOR AN AREA OF APPROXIMATELY 0.227 ACRES LOCATED AT 1419 S. HAMILTON ROAD

WHEREAS, City Council approved the Guadalupe Westside Community Plan as an addendum to the Master Plan on May 3, 2007; and

WHEREAS, the May 3, 2001 Unified Development Code requires consistency between zoning and the Master Plan as specified in Sections 35-105, 35-420 (h), and 35-421 (d) (3); and

WHEREAS, Chapter 213.003 of the Texas Local Government Code provides that the Master Plan may be amended by ordinance following a public hearing and review by the Planning Commission; and

WHEREAS, the San Antonio Planning Commission held a public hearing on August 12, 2009 and **APPROVED / DENIED** the amendment on August 12, 2009; and

WHEREAS, the San Antonio Planning Commission has considered the effect of this amendment to the Master Plan as it pertains to land use intensity, compatibility, community facilities, and the transportation network and found the amended plan to be **CONSISTENT / INCONSISTENT** with City policies, plans and regulations and in conformance with the *Unified Development Code*, Section 35-420, therefore meeting all requirements; and

NOW, THEREFORE, BE IT RESOLVED BY THE PLANNING COMMISSION OF THE CITY OF SAN ANTONIO:

SECTION 1: The amendment to the Guadalupe Westside Community Plan attached hereto and incorporated herein by reference is recommended to the City Council with this Commission's recommendation for **APPROVAL / DENIAL** as an amendment to the City's Comprehensive Master Plan.

PASSED AND APPROVED ON THIS 12th DAY OF AUGUST 2009.

Attest:

Approved:

Executive Secretary
San Antonio Planning Commission

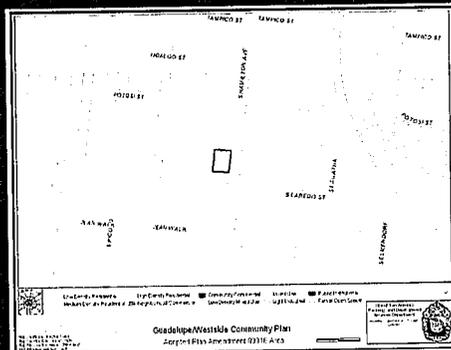
Cecilia G. Garcia, Chair
San Antonio Planning Commission

Master Plan Amendment 09016 Guadalupe Westside Community Plan

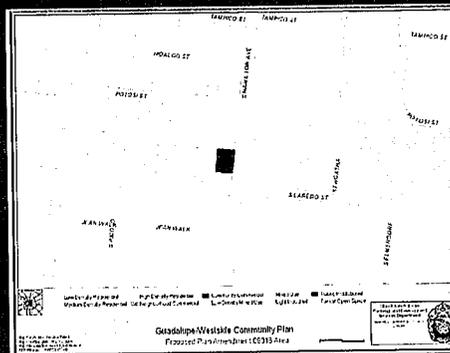
Planning Commission
August 12, 2009
Agenda Item No.

Amendment 09010

Plan as adopted:



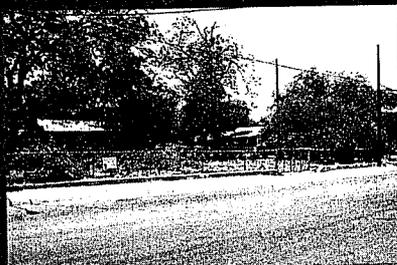
Proposed amendment:



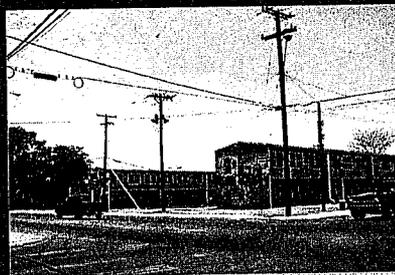
Land Use



Subject Property/Adjacent Properties



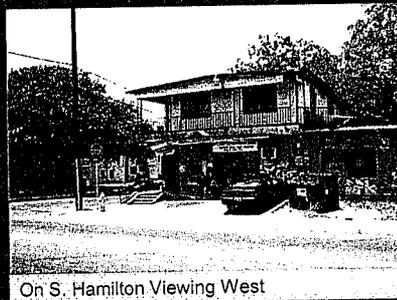
On S. Hamilton Viewing Subject Property



On S. Hamilton Viewing East

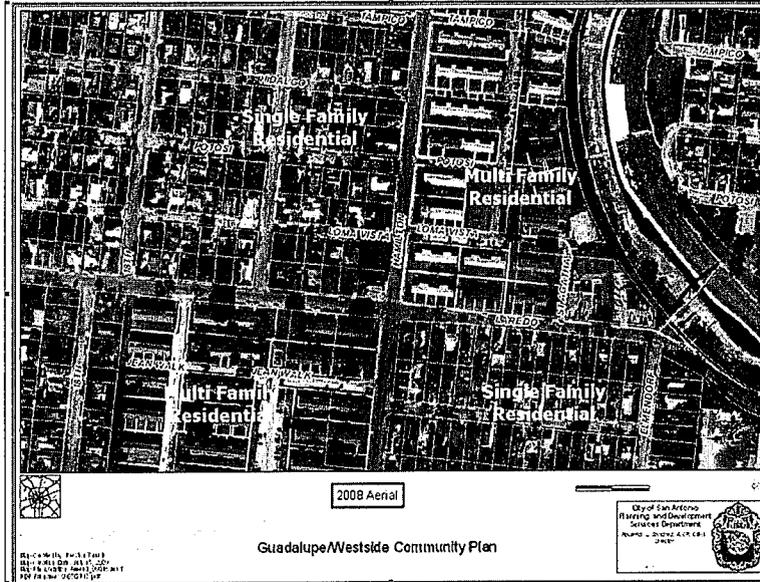


On S. Hamilton Viewing South

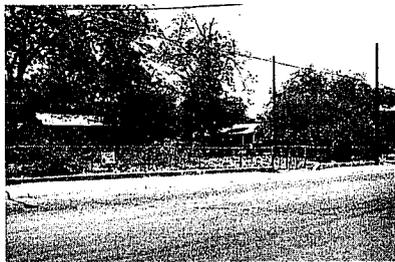


On S. Hamilton Viewing West

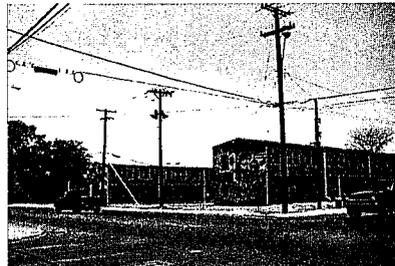
Land Use



Subject Property/Adjacent Properties



On S. Hamilton Viewing Subject Property



On S. Hamilton Viewing East



On S. Hamilton Viewing South



On S. Hamilton Viewing West

City of San Antonio Planning and Development Services Department
Plan Amendment Recommendation *Agenda Item 19*

Plan Amendment Application Case No.: 09017

Council District: 2

City Council Meeting Date: **August 12, 2009**

- Plan Amendment Map – Attachment 1
- Digital Ortho Image – Attachment 2

Summary:

Neighborhood/Community/Perimeter Plan: **Arena District/Eastside Community Plan**
The applicant requests to amend the Land Use Plan designation from **Institutional** to **Regional Commercial** for 4.156 acres located at 301 Yucca St.

Background Information:

Applicant: James Griffin, Brown and Ortiz, PC

Owner: Sisters of The Holy Ghost

Property Location: 301 Yucca St..

Acreage: 4.156 acres

Current Land Use of site: Vacant

Adjacent Land Uses:

- N: Multi-Family Residential
- S: Institutional
- E: Institutional
- W: Medium Density Residential

Issue:

LAND USE ANALYSIS:

The subject property is a vacant lot that is approximately 4.156 acres in size. Though addressed off Yucca Street the parcel fronts Martin Luther King Drive. The nearest cross-street to the east is Robeson Street which is approximately 390 feet from the subject property. Anita Street is the nearest cross-street to the west and is immediately adjacent to the western property line of the subject parcel. The subject property is south of the Springview Townhome complex.

The Arena District/Eastside Community Plan currently classifies the subject property as Institutional. Institutional uses are defined in the plan as areas providing for public, quasi-public, utility company, and institutional uses. Examples of this classification include government buildings and facilities such as post offices, libraries, police, and fire stations. Public and parochial schools as well as religious facilities and hospitals are also uses that fall under this classification.

The applicant is requesting that the land use classification for the subject property be amended to Regional Commercial. Regional Commercial development includes high-density land uses that draw their customer base from a larger region. Such uses are typically located at intersection nodes along major arterial highways and expressways or along rapid transit nodes. Regional Commercial nodes are typically twenty acres or greater in size. Regional Commercial includes automobile sales, major auto repair, mini-warehouses, 'big box' retailers, large commercial centers, malls, and mid to high-rise office buildings. The proposed plan amendment would not meet the recommended size of twenty acres. Additionally, the possible intensity of potential uses for the property under the Regional Commercial land use classification could be detrimental to adjacent single-family residential properties to the east and west.

Staff is recommending an alternative recommendation of Mixed Use. The Mixed Use land use classification provides for a concentrated blend of residential, retail, service, office, entertainment, and

**City of San Antonio Planning and Development Services Department
Plan Amendment Recommendation**

other related uses at increased densities to create a pedestrian-oriented environment. This classification also incorporates uses included in the commercial and residential categories, including low, mid, and high-rise office buildings. This classification allows for a mix of uses in the same building or in the same development, such as small offices, small storefront retail establishments, and residential uses. In addition the Mixed Use classification also includes potential for the Town Center concept which provides a central civic function with mixed uses incorporated into the peripheral development which would also address urban design goal 3.1 (p. viii) In addition to goal 3.1 the Mixed Use classification may also address Redevelopment Goals 1.1 and 1.3 which describe goals related to new home construction and retail, office, and business services space construction that could be addressed by a Mixed Use classification.

Minimal Impact Impact can be mitigated Significant Impact

TRANSPORTATION/INFRASTRUCTURE ANALYSIS:

Major Thoroughfare Plan Designations: Martin Luther King Street is a Secondary Arterial Type B 70 -86 feet of right-of-way

Comments: There is one VIA bus stop at the northwestern corner of the property.

Minimal Impact Impact can be mitigated Significant Impact to Transportation Capacity

COMMUNITY FACILITIES ANALYSIS:

Public Facilities: The property is located approximately 480 feet from Dorie Miller Park and approximately 310 feet from Coliseum Oaks Park

Comments: The project will pose a minimal impact to community facilities.

Minimal Impact Impact can be mitigated Significant Impact

Recommendation:

STAFF RECOMMENDATION:

Approval Denial

Alternate Recommendation: Amend the Land Use Plan designation from **Institutional** to **Mixed Use**

Comments:

The proposed plan amendment does not meet the recommended minimum size requirement of twenty acres to be designated as Regional Commercial land use. Additionally, the possible intensity of potential uses for the property under the Regional Commercial land use classification could be detrimental to adjacent single-family residential properties to the east and west. The proposed Regional Commercial classification may also pose a negative impact on adjacent residential areas due to the potential traffic impacts of the possible large-scale commercial development. Staff recommends approval of an alternative recommendation of Mixed Use land use.

PLANNING COMMISSION RECOMMENDATION:

Meeting & Public Hearing Date: August 12, 2009

Approval Denial Resolution Attached

Newspaper Publication Date of Public Hearing: July 24, 2009

No. Notices mailed 10 days prior to Public Hearing: 43

Registered Neighborhood Association(s) Notified: N/A

ZONING SUPPLEMENTAL INFORMATION:

Current zoning district: MF-33

Proposed Zoning: C-3

Zoning Commission Meeting: August 18, 2009

Approval Denial

**City of San Antonio Planning and Development Services Department
Plan Amendment Recommendation**

Planning and Development Services Department Staff:

Roderick Sanchez, AICP, CBO

Director

Patrick Howard, AICP

Asst. Director

Nina Nixon-Mendez, AICP

Planning Manager

Case Manager: Tyler Sorrells, AICP

Planner

Phone No.: 207-7395

RESOLUTION NO.

RECOMMENDING TO APPROVE/DENY THE AMENDMENT OF THE LAND USE PLAN CONTAINED IN THE NORTH CENTRAL NEIGHBORHOODS COMMUNITY PLAN, A COMPONENT OF THE MASTER PLAN OF THE CITY, BY CHANGING THE USE FROM INSTITUTIONAL LAND USE TO REGIONAL COMMERCIAL LAND USE FOR AN AREA OF APPROXIMATELY 4.156 ACRES DESCRIBED BY LEGAL DESCRIPTION: BLOCK 19, NEW CITY BLOCK (N.C.B.) 1550, VOLUME 653, PAGE 344, LOTS 3,4,5, AND 6, BLOCK 1, SECTION 5, GRANDVIEW ADDITION BLOCK NCB 7457 VOLUME 1291, PAGE 128, LOT 1, BLOCK 1, SECTION 5, NCB 7457, VOLUME 653, PAGE 349, LOT 7, BLOCK 1 NCB 7457, VOLUME 1347, PAGE 222, SAN ANTONIO, BEXAR COUNTY, TEXAS.

WHEREAS, City Council approved the North Central Neighborhoods Community Plan as an addendum to the Master Plan on February 14, 2002; and

WHEREAS, the May 3, 2001 Unified Development Code requires consistency between zoning and the Master Plan as specified in Sections 35-105, 35-420 (h), and 35-421 (d) (3); and

WHEREAS, Chapter 213.003 of the Texas Local Government Code provides that the Master Plan may be amended by ordinance following a public hearing and review by the Planning Commission; and

WHEREAS, the San Antonio Planning Commission held a public hearing on August 12, 2009 and **APPROVED/DENIED** the amendment on August 12, 2009; and

WHEREAS, the San Antonio Planning Commission has considered the effect of this amendment to the Master Plan as it pertains to land use intensity, compatibility, community facilities, and the transportation network and found the amended plan to be **CONSISTENT/INCONSISTENT** with City policies, plans and regulations and in conformance with the *Unified Development Code*, Section 35-420, therefore meeting all requirements; and

NOW, THEREFORE, BE IT RESOLVED BY THE PLANNING COMMISSION OF THE CITY OF SAN ANTONIO:

SECTION 1: The amendment to the North Central Neighborhoods Community Plan attached hereto and incorporated herein by reference is recommended to the City Council with this Commission's recommendation for **APPROVAL/DENIAL** as an amendment to the City's Comprehensive Master Plan.

PASSED AND APPROVED ON THIS 12TH DAY OF AUGUST 2009.

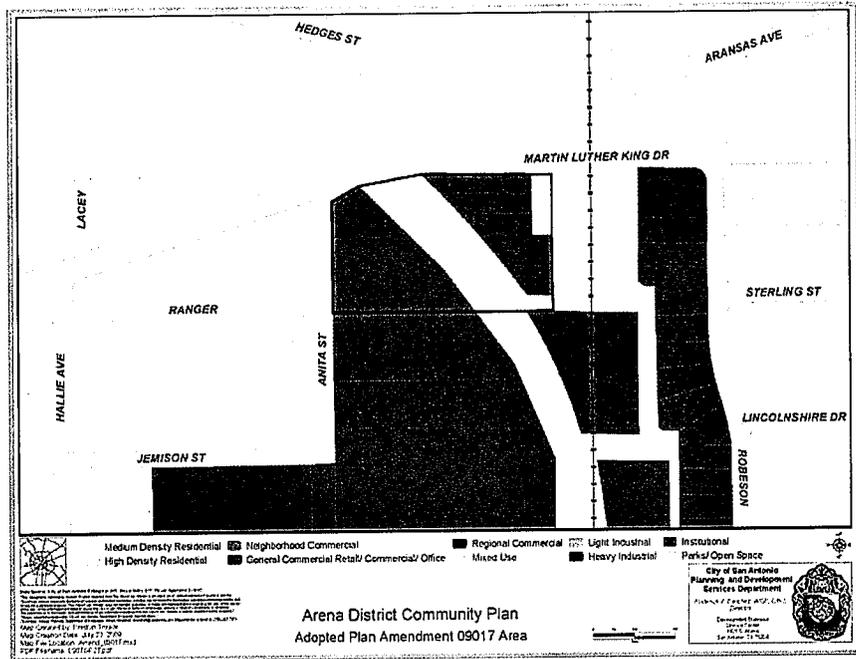
Attest:

Approved:

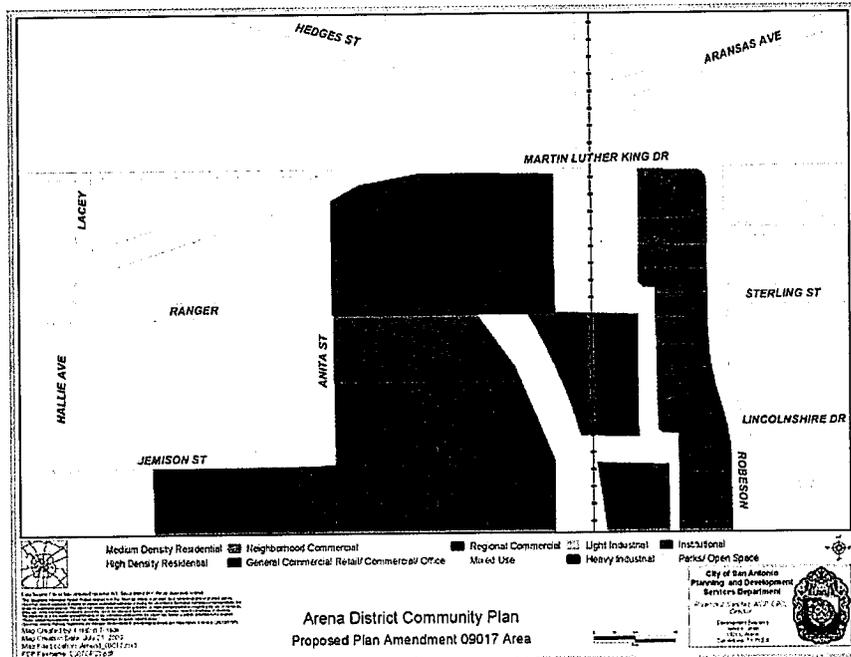
Executive Secretary
San Antonio Planning Commission

Cecilia G. Garcia, Chair
San Antonio Planning Commission

ATTACHMENT I: Land Use Plan As Adopted



Proposed Amendment



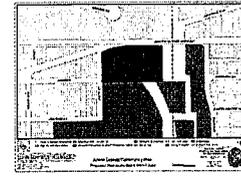
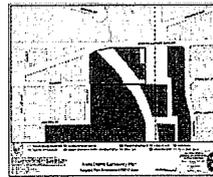
Master Plan Amendment 09017 North Central Neighborhoods Community Plan

Planning Commission
August 12, 2009
Agenda Item No.

Amendment 09017

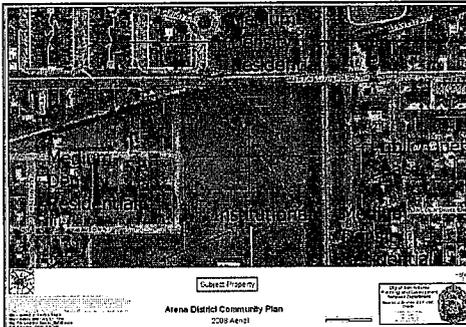
Plan as adopted:

Proposed amendment:



2

Land Use

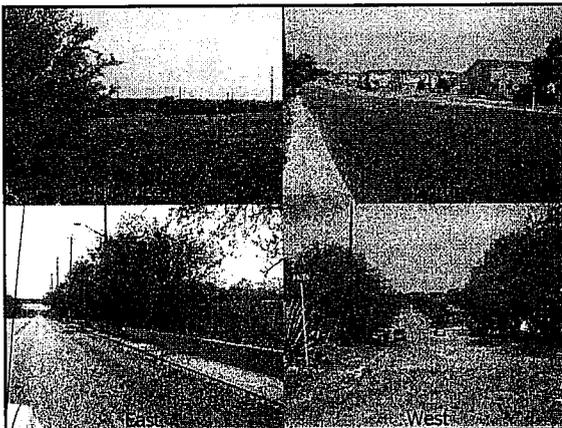


3

Public Notification

- 12 notices were mailed to property owners within 200' of the subject property
- 31 notices were mailed to members of the Planning Team
- 1 informational phone call was received

4



Staff Recommendation

Staff recommends approval of Plan Amendment
09017

6

City of San Antonio Planning and Development Services Department

Plan Amendment Recommendation *Agenda Item 20*

Plan Amendment Application Case No.: 09018

Council District: 5

City Council Meeting Date: 9/17/2009

- Plan Amendment Map – Attachment 1
- Digital Ortho Image – Attachment 2

Summary:

Neighborhood/Community/Perimeter Plan: **Nogalitos/ S. Zarzamora Community Plan**
The applicant requests to amend the Land Use Plan designation from **Medium Density Residential to Neighborhood Commercial**

Background Information:

Applicant: Fidel Castillo

Owner: A. A. and B. R. W. Hansen Trust

Property Location: 110 Pendleton

Acreage: 0.0717

Current Land Use of site: Vacant Commercial

Adjacent Land Uses:

- N: designated *Mixed Use* occupied by high density residential use under construction
- E: designated *Medium Density Residential* currently vacant and highway right-of-way
- S: designated *Low Density Residential* occupied by single family residential and highway right-of-way
- W: designated *Medium Density Residential* occupied by single family residential

Issue:

LAND USE ANALYSIS:

Existing surrounding land uses include single family residential to the west and south. In the future land use plan, the properties to the west are designated *Medium Density Residential*, and the properties to the south are designated *Low Density Residential*. *Mixed Use-Residential/Office/and Commercial* land use is designated to the north with high density residential currently under construction. Directly to the east is a vacant parcel that is designated as *Medium Density Residential* and the right-of-way of IH-35 access road at the southeastern corner of the subject parcel.

The Nogalitos/ S. Zarzamora Community Plan designates *Medium Density Residential* land uses for the subject parcel which includes the uses in the *Low Density Residential* category as well as duplexes, triplexes, fourplexes, townhomes, row houses, and zero lot line configurations. Certain non residential activities such as schools, places of worship, and parks are appropriate within these areas. This form of development should be located along residential roads or collector streets and can serve as a buffer between *Low Density Residential* and more intense land uses such as commercial structures.

The proposed *Neighborhood Commercial* land use provides small areas for offices, professional services, service and shop-front retail uses that can be served by pedestrian access and are generally less than 5,000 square feet. These include less intense commercial uses with low-impact convenience, retail, or service functions. No drive-through establishments are permitted. Examples of uses include small insurance or doctor's office, bakery, small restaurant, convenience store without gas pumps, copy service, veterinary office, bank without drive-through, gift shops, social services, and a cafe. Parking is encouraged in the rear of the building and should be appropriately buffered from adjacent residential uses through landscaping screening and lighting controls. Locations for *Neighborhood Commercial* uses include arterials and the intersections of two collectors.

**City of San Antonio Planning and Development Services Department
Plan Amendment Recommendation**

The location of the *Neighborhood Commercial* use is within the land use guidelines when taking into consideration the unique character of the subject parcel. Pendleton Avenue acts a collector to the IH-35 access road. Additionally, the property to the east of the subject parcel is an unbuildable lot due to its size and configuration. Taking into consideration the unique character, the subject parcel is located at an ideal intersection for *Neighborhood Commercial* use.

The subject parcel has historically been a commercial property providing neighborhood services. The Office of Historic Preservation found a listing and advertisements for the Southern Bakery with the address of 110 Pendleton as early as 1927. The structure is listed by the Bexar County Appraisal District as being constructed in 1950 as a commercial property. The property was zoned to MF-33 in the 2001 zoning conversion from the 1938 zoning district C. Some of the uses allowed in the C district included all types of residential uses including apartments, offices, clubs, group daycare, hospitals, and clinics. Master Plan Policy 2b states, "Actively encourage preservation and renovation as a first priority whenever possible." The preference to preserve the current structure and the historic use of the site as a commercial property leads to the recommendation to amend the future land use designation to *Neighborhood Commercial* use.

Additionally, the Nogalitos/ S. Zarzamora Community Plan Objective 3.1 states, "Attract and support a variety of businesses in a walkable, mixed-use environment." The proposed commercial use of the property will satisfy this objective by providing a commercial service to the neighborhood that is within walking distance from the neighboring single-family residences and the multifamily residences. Sidewalks in the vicinity permit customers to safely walk to the property. The proposed commercial use of the property will appeal mostly to pedestrian traffic thus not producing much traffic.

Furthermore, staff and the applicant are aware that it will be difficult to meet parking requirements on site. It is recommended that the applicant seek an Infill Development Zone (IDZ) zoning overlay district so that parking requirements may be waived. If additional parking is required for the commercial operation, the applicant is also recommended to seek a shared parking agreement with the neighboring multifamily establishment to the north or seek a zoning change to allow for parking on neighboring vacant property.

Minimal Impact Impact can be mitigated Significant Impact - Incompatible Land Use

TRANSPORTATION/INFRASTRUCTURE ANALYSIS:

Major Thoroughfare Plan Designations: none

Other streets: Pendleton is a local street. IH-35 is a highway.

Comments:

Minimal Impact Impact can be mitigated Significant Impact to Transportation Capacity

COMMUNITY FACILITIES ANALYSIS:

Nearby Public Facilities: none

Comments:

Minimal Impact Impact can be mitigated Significant Impact to Community
Facilities Capacity

**City of San Antonio Planning and Development Services Department
Plan Amendment Recommendation**

Recommendation:

STAFF RECOMMENDATION:

Approval Denial Alternate Recommendation:

Comments:

It is recommended that the former commercial use be restored on the subject parcel in order to preserve the unique structure on the site. The least intense commercial use, *Neighborhood Commercial*, is recommended in order to act as a buffer between the low density residential uses to the west and south and the highway right-of-way to the east.

PLANNING COMMISSION RECOMMENDATION:

Meeting & Public Hearing Date: August 12, 2009

Approval Denial Resolution Attached

Newspaper Publication Date of Public Hearing: 7/24/2009

No. Notices mailed 10 days prior to Public Hearing: 48

Registered Neighborhood Association(s) Notified: Collins Garden Neighborhood Association

Comments:

ZONING COMMISSION SUPPLEMENTAL INFORMATION:

Current zoning district: MF-33 Proposed zoning district: NC

Zoning Commission Public Hearing Date: July 21, 2009, continued to September 1, 2009

Approval Denial

Planning Department Staff:

Rod Sanchez, AICP, CBO

Planning Director

Nina Nixon-Mendez, AICP

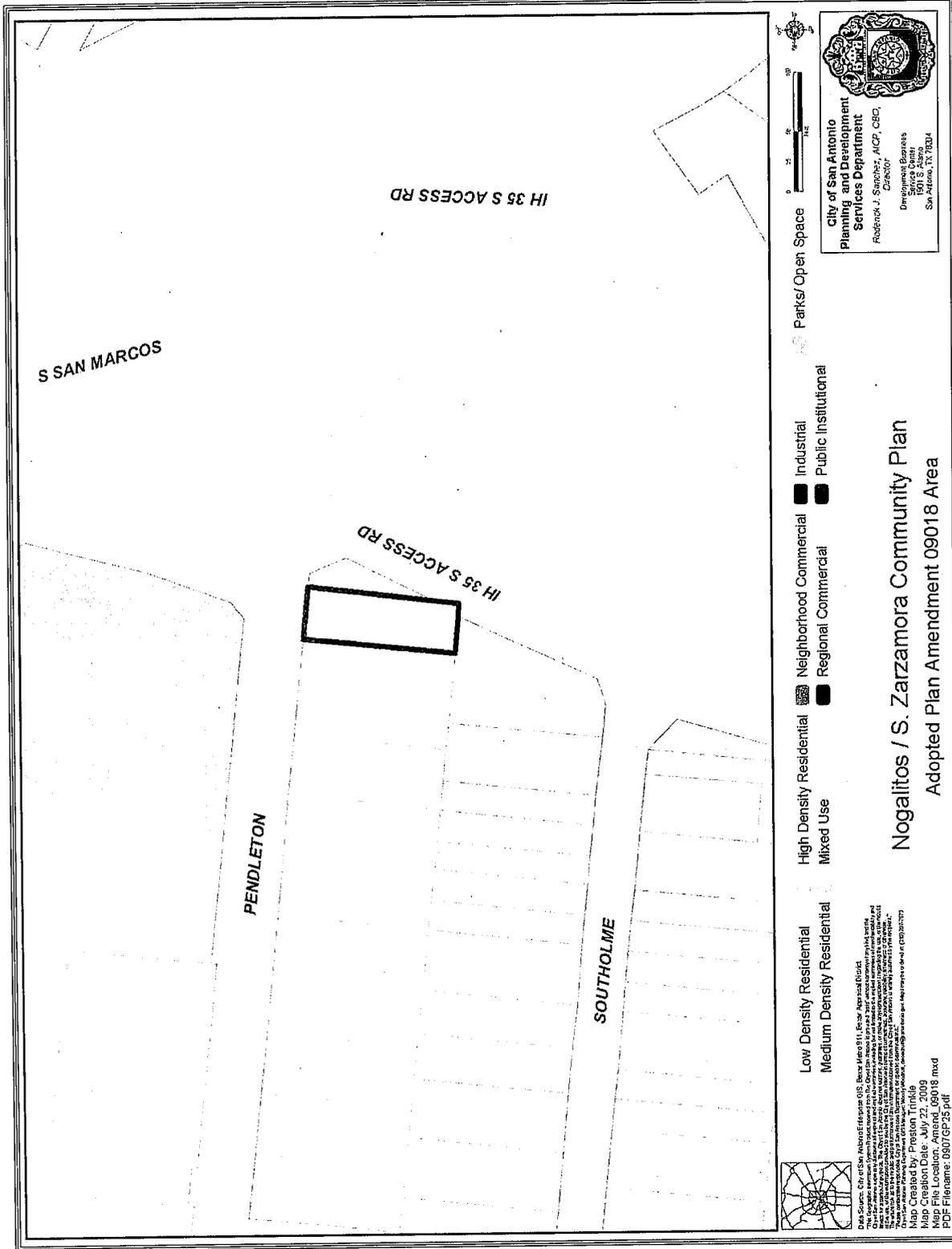
Planning Manager

Case Manager: Rebecca Paskos

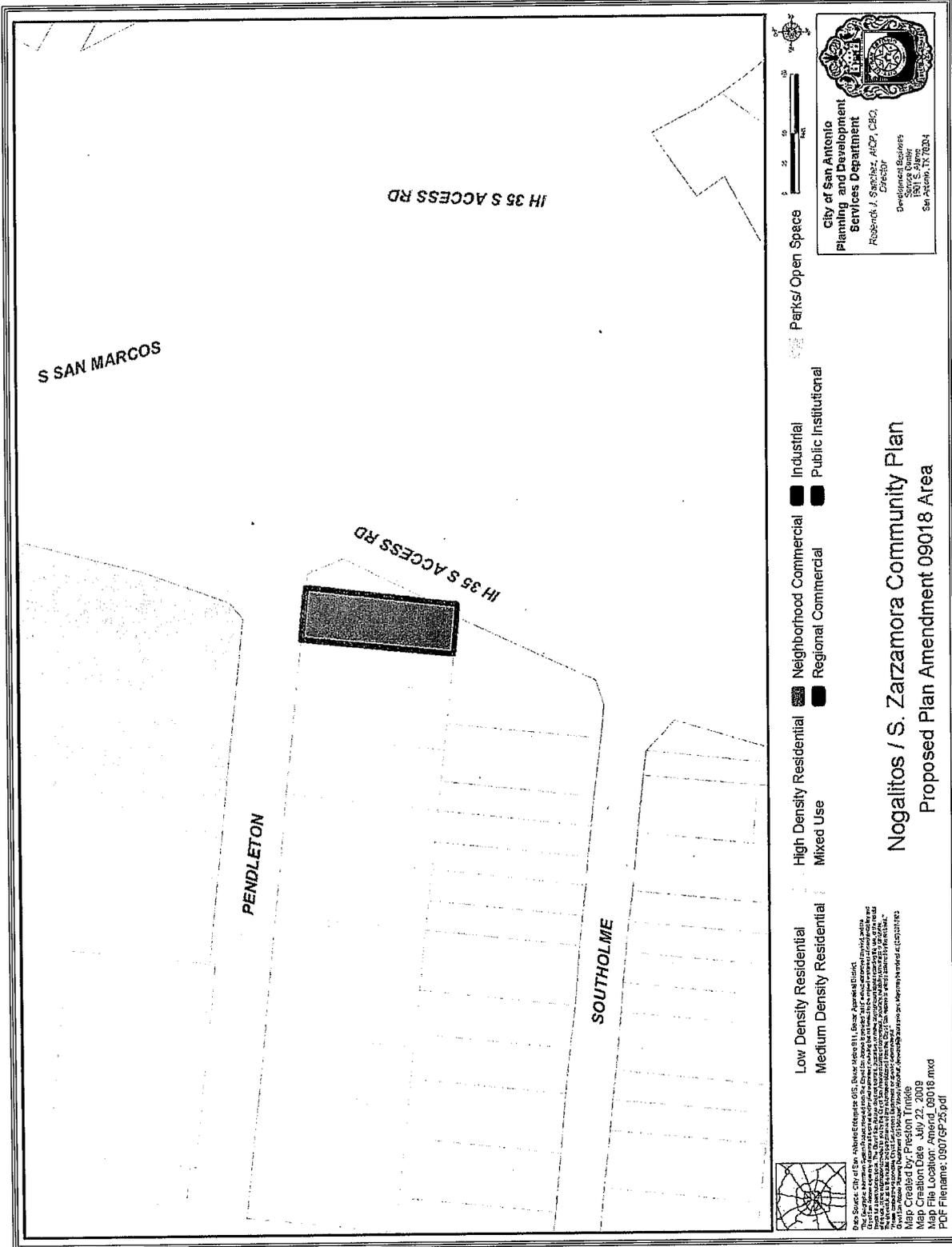
Senior Planner

Phone No.: 207-7816

Land Use Plan as adopted:



Proposed Amendment:



**City of San Antonio
Planning and Development
Services Department**
Robert J. Spahr, AICP, CBCI,
Director
Development Services
1901 S. Alamo
San Antonio, TX 78244

Parks/Open Space

Industrial

Neighborhood Commercial

High Density Residential

Low Density Residential

Medium Density Residential

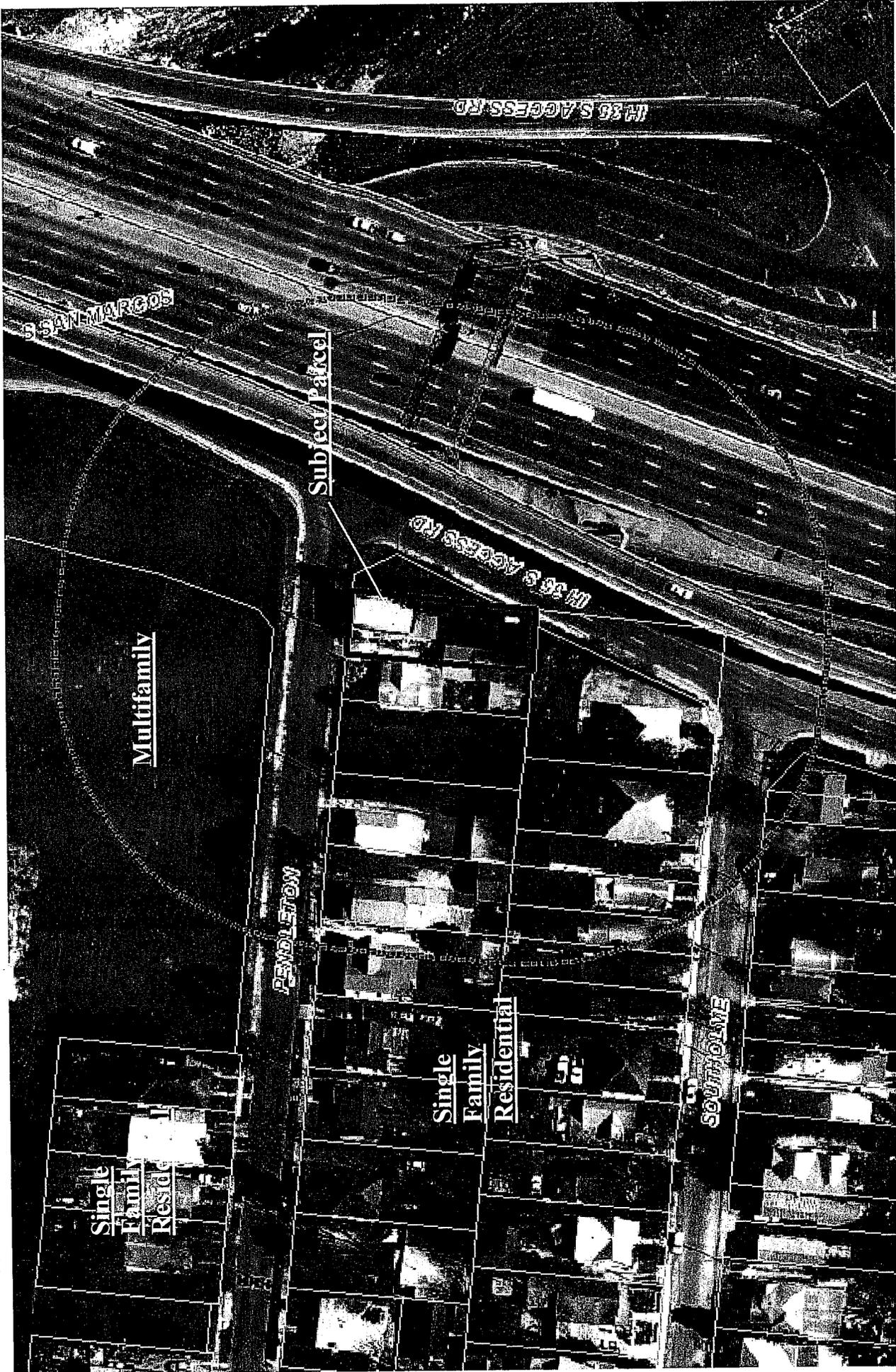
Mixed Use

Regional Commercial

Public Institutional

**Nogalitos / S. Zarzamora Community Plan
Proposed Plan Amendment 09018 Area**

City of San Antonio Planning and Development Services Department
Map Created by: Preston Trinkle
Map Creation Date: July 22, 2009
Map File Location: Amend_09018.mxd
PDF File Name: 0907GP.25.pdf



RESOLUTION NO.

RECOMMENDING TO APPROVE / DENY THE AMENDMENT OF THE LAND USE PLAN CONTAINED IN THE NOGALITOS/ S. ZARZAMORA COMMUNITY PLAN, A COMPONENT OF THE MASTER PLAN OF THE CITY, BY CHANGING THE USE FROM MEDIUM DENSITY RESIDENTIAL TO NEIGHBORHOOD COMMERCIAL LAND USE FOR AN AREA OF APPROXIMATELY 0.0717-ACRES LOCATED AT THE 110 PENDLETON.

WHEREAS, City Council approved the Nogalitos/ S. Zarzamora Community Plan as an addendum to the Master Plan on September 30, 2004; and

WHEREAS, the May 3, 2001 Unified Development Code requires consistency between zoning and the Master Plan as specified in Sections 35-105, 35-420 (h), and 35-421 (d) (3); and

WHEREAS, Chapter 213.003 of the Texas Local Government Code provides that the Master Plan may be amended by ordinance following a public hearing and review by the Planning Commission; and

WHEREAS, the San Antonio Planning Commission held a public hearing on August 12, 2009 and **APPROVED / DENIED** the amendment on August 12; and

WHEREAS, the San Antonio Planning Commission has considered the effect of this amendment to the Master Plan as it pertains to land use intensity, compatibility, community facilities, and the transportation network and found the amended plan to be **CONSISTENT / INCONSISTENT** with City policies, plans and regulations and in conformance with the *Unified Development Code*, Section 35-420, therefore meeting all requirements; and

NOW, THEREFORE, BE IT RESOLVED BY THE PLANNING COMMISSION OF THE CITY OF SAN ANTONIO:

SECTION 1: The amendment to the Nogalitos/ S. Zarzamora Community Plan attached hereto and incorporated herein by reference is recommended to the City Council with this Commission's recommendation for **APPROVAL / DENIAL** as an amendment to the City's Comprehensive Master Plan.

PASSED AND APPROVED ON THIS 12th DAY OF AUGUST 2009.

Attest:

Approved:

Executive Secretary
San Antonio Planning Commission

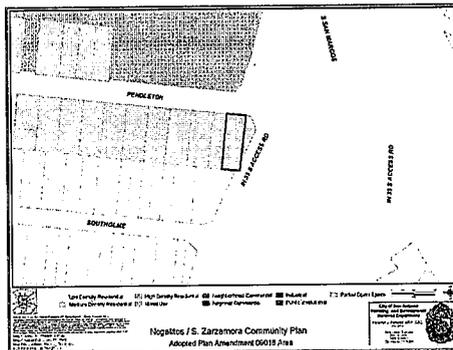
Cecilia G. Garcia, Chair
San Antonio Planning Commission

Master Plan Amendment 09018 Nogalitos/ S. Zarzamora Community Plan

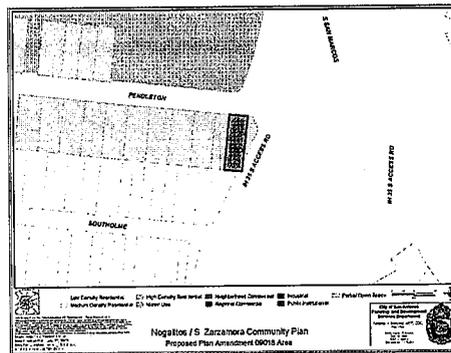
Planning Commission
August 12, 2009
Agenda Item No.

Amendment 09018

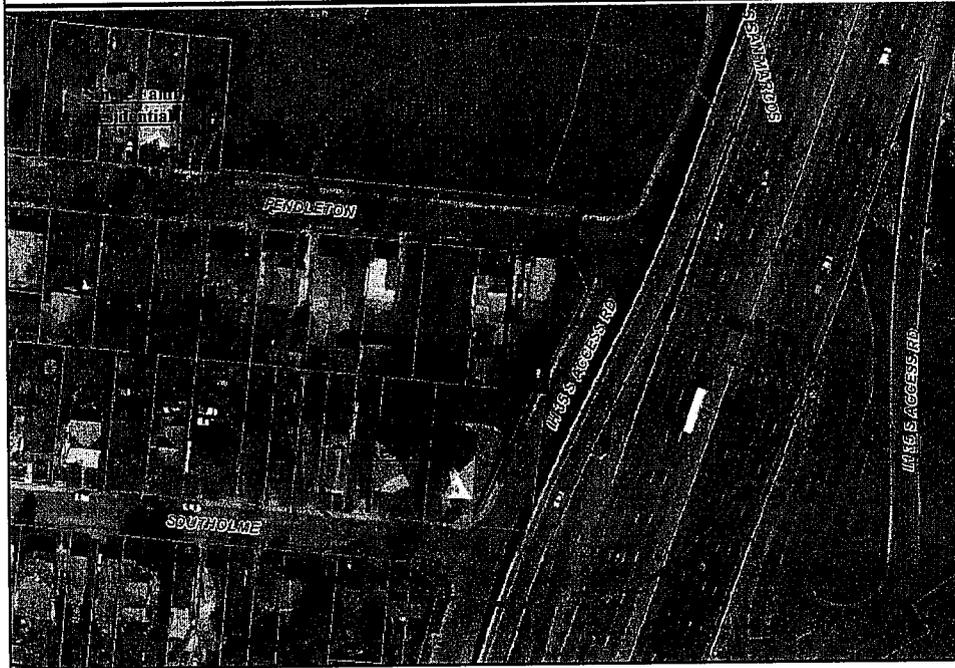
Plan as adopted:



Proposed amendment:



Land Use



**CITY OF SAN ANTONIO
PLANNING & DEVELOPMENT SERVICES**

TO: Members of the Planning Commission

FROM: Roderick Sanchez, AICP, CBO, Director
Planning & Development Services Department

COPY: Pat Di Giovanni, Deputy City Manager; T.C. Broadnax, Assistant City Manager

SUBJECT: UDC Amendment: Endangered Species Affidavit

DATE: August 12, 2009

Summary

The purpose of this memo is to provide the Planning Commission with notice of a proposed amendment to the Unified Development Code ("UDC"). This amendment would establish a procedural requirement to promote developer coordination with the US Fish and Wildlife Service (USFWS) and compliance with the Endangered Species Act (ESA) as part of the seven initiatives resolution passed by City Council in August 2008. Numerous options were proposed and evaluated by City staff to promote this end. The preferred alternative by the City is an affidavit by the property owner of compliance with the ESA and, if applicable, provision of the contact information for the biologist.

Background

The medical training missions at Fort Sam Houston carry out many of their field training operations at Camp Bullis. When the initial 16,000 acre Camp Bullis training site was established in 1916 it was in a remote part of Bexar County, a considerable distance from any urbanized development. In fact San Antonio urbanization was largely contained within Loop 410 through the 1950s. The remote location of Camp Bullis was conducive to the military's training activities which included explosives, helicopter activity and, later, night vision operations. Additional land acquisitions through the 1940s eventually enlarged the installation to approximately 28,000 acres. Hastened by interstate highways, utility service extensions and population growth, urban development has moved northward, surrounding Camp Bullis and in some cases has introduced incompatible uses. Rightly or wrongly the residents of new subdivisions around Camp Bullis expect a quiet environment free of dust, smoke and other characteristics of a large military installation.

As a result of urban encroachment concerns, the Army has commented to the City of San Antonio and in various public forums that a continuation of unchecked land development will impede their operations. Light pollution, loss of endangered species habitat and noise complaints

from new property owners in the area are three factors that stifle the continued military operations at the installation.

The City of San Antonio responded to this situation with a host of measures to promote compatible development near the installation and improve community relations. The City Council passed resolution no. 2008-08-07-0034R on August 7, 2008 directing staff to undertake the following seven initiatives:

1. Creation of a Camp Bullis awareness zone;
2. Exploring the implementation an overlay zoning district requiring downward lighting around Camp Bullis;
3. The submission of a joint grant application with Bexar County applying for a Regional Habitat Conservation Plan from U.S. Fish and Wildlife Service;
4. The development of a transportation plan between Fort Sam Houston and Camp Bullis;
5. Community outreach program to raise awareness of the importance of habitat protection and preservation;
6. Exploring the possibility of requiring property developers to conduct endangered species assessments for property within 5-miles of the Camp Bullis area and to make the results of such assessments available to the City;
7. Incorporation of Camp Bullis initiatives in City's state legislative agenda.

Initiatives one through five and initiative number seven are all either in place or set for implementation as of July 2009. The City of San Antonio has explored requiring endangered species assessments as contemplated in initiative six, resulting in a number of findings and the proposed amendment to the UDC, as contemplated in the August 2008 Resolution.

The Planning and Development Services Department (PDSD) staff coordinated efforts for the sixth initiative between the City Manager's Office, CIMS, City Attorney's Office, Office of Military Affairs, Bexar County, U.S. Army, Texas Parks and Wildlife (TPWD), USFWS, City Council Districts 8 and 9 and a development stakeholder taskforce. In addition to the development stakeholders, an interagency team consisting of City departments and the Army and chaired by a Deputy City Manager reviewed the ordinance in the context of the seven initiatives on a biweekly basis. Staff also met separately with Bexar County, the Army, USFWS and TPWD on technical issues related to endangered species habitat.

To elicit feedback and discuss workability, staff met with the development stakeholder taskforce three times as well as with the P&DSD Development Process Taskforce and the Real Estate Council of San Antonio. Staff was not able to reach consensus with development stakeholders at that time.

Issue

Endangered species known to exist in Bexar County include Golden-cheeked Warblers, Black-capped Vireos, which are both a seasonal small bird species, and karst invertebrates, often

referred to as "cave bugs." The potential habitat for all three species is generally found in northwest Bexar County due to the geology of the Edwards Plateau, which includes numerous limestone karst features and dense clusters of mature ashe juniper (cedar) trees in a mix with other hardwoods. Limestone karst outcroppings all serve as potential habitat for karst invertebrate species.

Bird Species

The Black-capped Vireo species has only been documented in very limited numbers in Bexar County. The Vireo nests and raises its young in Texas in the spring and migrates south to tropical areas by August. The main threat to the Vireo is parasitism from cowbirds who lay their eggs in Vireo nests.

Like the Vireo, the Golden-cheeked Warbler species nests in Bexar County in the spring and then migrates to tropical climates. Warblers have been documented in far greater numbers in Bexar County but unlike the Vireos the principal threat to the species is habitat loss.

The Army has expressed particular concern for loss of Warbler habitat near Camp Bullis and the impact of that loss on the ability to manage vegetation on the Camp to facilitate training activities. As described in the TPWD guidelines, any land with the following attributes serves as potential Warbler habitat:

- Stands of mature ashe juniper (trees with shredding bark) over 15 feet in height and diameter of about 5 inches in a mix with other hardwoods where the total canopy cover exceeds 35% and overall woodland canopy height is at least 20 feet; and
- At least 2 acres in size.

As land development encroaches upon the potential habitat of these species, more bird species move into refuges of habitat that by default are forming at Camp Bullis and Government Canyon. USFWS has indicated that these two locations alone are insufficient to ensure the survival of the species.

Recently studies have documented more Warblers within Camp Bullis, which in turn has increased the burden imposed on the Army to manage the species. This has caused certain Camp activities to become seasonal in order to avoid activity that could disturb the birds when they are present. Likewise this imposition has constrained vegetation management on the installation, which impedes activities throughout the year.

In order for the Army to maintain or expand their missions they must go through the full environmental review process mandated by the National Environmental Policy Act (NEPA) and carry out the more rigorous obligations under Section 7 of the Endangered Species Act (ESA), which are different and more onerous than the Sections 9 and 10 requirements for private interests. The additional Section 7 requirements of the ESA impose greater restrictions on habitat management and conservation for the Army. The Section 7 biological opinion for Camp Bullis issued by USFWS permits less than two acres of Warbler habitat to be taken annually and further requires protection of approximately 3,400 acres of occupied land and protection of over 6,500 acres of unoccupied potential habitat.

Karst Invertebrate Species

In addition to the loss of bird habitat, the loss of karst invertebrates and their habitat also impacts the sustainability of the greater San Antonio area. Karst invertebrates are an indicator of water quality and quantity. Karst invertebrates live amongst caves within the Edwards Aquifer. The invertebrates cannot relocate to other caves. If their cave is destroyed by development, the species is lost at that location.

Approximately 2,600 acres of occupied karst invertebrate habitat has been documented within the boundaries of Camp Bullis. This habitat contains three known ("confirmed presence") federally-listed karst invertebrates and six potential ("presence unconfirmed") karst invertebrates. The three known karst invertebrates consist of two cave beetles and a spider. The species live in most of the karst faunal regions located in Bexar and Medina County; they are not limited to Stone Oak Karst Faunal Region in which Camp Bullis is located.

If continued decline in the number of karst invertebrate species or deterioration or destruction of the species' habitat occurs off of the military installation, then additional regulatory restrictions associated with these listed species could be imposed that further restrict operational flexibility at Camp Bullis. The mechanism that would cause this regulatory imposition is the periodic review of recovery goals set forth in the USFWS March 2008 Draft *Bexar County Karst Invertebrate Recovery Plan*. All three of the karst invertebrates that are known to exist on Camp Bullis also exist in other nearby karst faunal zones. If goals in the recovery plan are not met because karst off-post is not conserved, the recovery team and/or USFWS may modify existing restrictions on remaining karst within Camp Bullis in order to be able to comply with recovery plan goals. Such modifications could include measures such as increasing the minimum size of karst buffer zones, further restricting activities within or near karst features, and requiring additional mitigation measures for activities affecting karst features. If this imposition occurs, then increased restrictions to the types of activities conducted on Camp Bullis and the allowable acreage of post functions could be restricted to protect the remaining species.

Regional Habitat Conservation Plan

This long term option for the City and/or Bexar County to manage endangered species habitat is adoption of a Regional Habitat Conservation Plan (RHCP) prepared in accordance with the ESA and Chapter 83 Texas Parks & Wildlife Code. The City and Bexar County jointly submitted a grant application to TPWD in August 2008 for technical assistance to prepare a RHCP for submittal to USFWS, which was not approved. The RHCP is already utilized in other jurisdictions in Texas such as Travis County (Austin), Williamson County and Hays County and thus the RHCP process is well-established.

Implementation of the RHCP will require an ongoing commitment of resources by the City and/or County to purchase lands for endangered species habitat mitigation. Although aquifer science has at all times been the primary consideration for property selection under the Proposition 1 program approved by the voters, the cost of acquisition has nonetheless proven to be a significant impediment in acquiring comparable environmentally sensitive properties within Bexar County. Without the commitment to purchase mitigation land, the RHCP will not be

approved by USFWS. Developers will be asked to help finance land purchases for the purposes of species mitigation through participation agreements as part of the RHCP Section 10 permit.

If completed and utilized, the RHCP achieves the Army's desired outcome and creates a plan to protect endangered species at county-wide level, rather than evaluating species habitat piecemeal through the entitlements process. Unfortunately, the RHCP process takes a minimum of two or three years to implement, and in some jurisdictions has taken much longer. The Travis County RHCP took seven years to implement.

The April 2009 announcement of RHCP grants did not include the application by Bexar County/City of San Antonio. Partial funding strategies are now being pursued in light of the failure to receive the full grant amount. Due to the current uncertainty of completely funding this option, it would not address the Army's concern with endangered species in the short-term.

Alternatives

Numerous possibilities were considered, and four options were evaluated to carry out the City Council Resolution directing staff to explore the possibility of requiring property developers to conduct endangered species assessments for property within 5-miles of the Camp Bullis area and to make the results of such assessments available to the City. After reviewing endangered species assessment requirements for the three types of endangered species found in Bexar County, staff concluded that it was impractical to require additional studies above the existing practices used to comply with the ESA. The critical step in ensuring compliance with the ESA is to promote developer coordination with USFWS early in the development process. Staff recommends that any ESA information provided by a developer should be submitted in conjunction with applications for Master Development Plans, Planned Unit Development plans, subdivision plats, and tree permits. It is these entitlements that permit site preparation that may harm or harass species habitat, such as clearing and grading.

None of the four options evaluated by staff required a property owner to conduct an assessment but they do provide a mechanism to indicate compliance with the Endangered Species Act. The proposed option was to require an Affidavit of Compliance.

Affidavit of Compliance

This option requires a developer to submit a signed and notarized affidavit attesting to compliance with the ESA and provision of the biologist's contact information who performed an endangered species assessment, if such an assessment was performed. If an affidavit is not submitted, the application is deemed incomplete and the approval process cannot proceed. This option requires a property owner, at the local level, to provide the name of the biologist and the outcome of the survey or assessment and also requires a statement of compliance with the ESA before receiving development entitlements from the City of San Antonio.

This option provides an easily verifiable means of ensuring the developers are properly coordinating with USFWS. City staff would contact USFWS and verify that the survey or assessment was indeed received by USFWS. If the developer indicates that a survey or

assessment was submitted and City staff discovers that this is false, the application for municipal approval could be stopped. In all other respects, this mechanism would leave compliance issues between USFWS and the applicant.

Fiscal Impact

No impact to the City of San Antonio if the staff recommended alternative is adopted.

Recommendation

Upon consideration of all the options, City of San Antonio staff recommends the proposed option, which would require the submittal of an affidavit of endangered species compliance and, if applicable, forwarding the results of such surveys to USFWS. Exploring the feasibility of such an option was directed in the August 2008 City Council Resolution. The preferred option allows for review of the survey, provides the name of the biologist who conducted the survey, and also shows when the survey was conducted. The added transparency of this approach could alleviate current distrust and confusion over endangered species compliance.

This option creates the strongest mechanism to promote habitat management until the RHCP is completed. Staff believes that this is the best option to introduce a checks and balances that is currently missing from review of land development applications. The Army and USFWS have indicated support for this option.



Roderick Sanchez, AICP, CBO, Director
Planning & Development Services

**CITY OF SAN ANTONIO
CITY ATTORNEY'S OFFICE**

Interdepartmental Correspondence

TO: Pat DiGivanni, Deputy City Manager
FROM: Norbert Hart, Deputy City Attorney, Development Services 
SUBJECT: Federal Endangered Species Act

DATE: February 2, 2009

Chapter 83 (Federal-State Agreements), of the Texas Parks and Wildlife Code, establishes important procedural and substantive requirements for governmental entities (including municipalities) that are in, or have commenced the process to establish, a habitat or regional habitat conservation plan under the federal Endangered Species Act.

Prior to 1999, under Texas law local political subdivisions could develop and enter into conservation agreements with federal agencies that were not subject to open meetings requirements or state monitoring. There was concern that these conservation plans may acquire and encumber private land inhabited by endangered species without notification or participation by the private landowners.

The proposed addition to Chapter 35 of the City Code is not related to the preparation of a habitat conservation plan, does not impose a duty on any landowner, or require that they perform a conservation plan under any City Ordinance. It requires only that the landowner certify that they are aware of the Endangered Species Act and have complied with the law.

The City and County have applied for a federal grant to begin the process of studying a regional habitat conservation plan, but that is unrelated to the proposed change to the UDC and is dependent on federal funding.

AN ORDINANCE

AMENDING CHAPTER 35, UNIFIED DEVELOPMENT CODE, OF THE CITY CODE OF SAN ANTONIO, TEXAS, BY ADDING PROVISIONS TO REQUIRE A HABITAT COMPLIANCE FORM OF ANY THREATENED OR ENDANGERED SPECIES AND PROVIDING FOR SEVERANCE.

* * * * *

WHEREAS, the San Antonio City Council adopted the revised Unified Development Code (UDC) on May 3, 2001 and reenacted it on September 22, 2005; and

WHEREAS, in 1973 the United States Congress passed the Endangered Species Act which reflected America's concern about the decline of many wildlife species throughout the world; and

WHEREAS, the purpose of the Endangered Species Act is to conserve the ecosystems upon which endangered or threatened species depend and to conserve and recover listed species; and

WHEREAS, many species occur partially, extensively or exclusively on private lands; and

WHEREAS the City of San Antonio desires to prevent Camp Bullis and the City of San Antonio Natural Areas and Wilderness Parks from becoming lone islands of refuge for endangered species by creating a procedural mechanism to encourage coordination and compliance for Endangered Species Act protected species and habitat; and

WHEREAS, Habitat Conservation Plans relieve restrictions on private landowners who want to develop land inhabited by endangered or threatened species by providing a mechanism for compliance with the Endangered Species Act of 1973, as amended, whereby the landowner can mitigate for impacts to endangered or threatened species in exchange for an incidental take permit to allow their development to go forward; and

WHEREAS, several endangered animal and plant species and habitat are known to exist within the City of San Antonio and Bexar County; and

WHEREAS, the City of San Antonio Master Plan, adopted May 29, 1997, Vision Statement includes promoting "balanced and responsible urban design, planning and development, and responsible protection of the City's historical, cultural, and natural resources"; and

WHEREAS, the Natural Resources Goals in the Master Plan include the goal to "preserve the unique, rare and significant features of San Antonio's natural environment", including Policy 1b(15) to "Encourage the development of Habitat Conservation Plans for areas of the Edwards Aquifer Drainage and Recharge Zones associated with rare, unique or sensitive biota"; and

WHEREAS, the Natural Resources Goals in the Master Plan include the goal to “integrate environmental quality protection into all phases of local planning and policy implementation”, including Policy 2b: Assist in the development of a comprehensive, regional natural resources plan, to (1) “participate with other agencies and organizations to develop a long-range, comprehensive, regional natural resources conservation and integrated planning process which encourages citizens to make long-range conservation commitments”, and (3) “inventory, rank and organize San Antonio’s land-based natural resources such as significant recharge features, endangered species habitat, and open space”, and Policy 2c(2) to “revise the Unified Development Code to address the protection of natural resources and compliance with all environmental regulations”; and

WHEREAS, the Natural Resources Goals in the Master Plan include the goal to “achieve a sustainable balance between the conservation, use and development of San Antonio’s natural resources”; and

WHEREAS, the Planning Commission has recommended approval of those amendments pertaining to planning issues; **NOW THEREFORE**,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO:

SECTION 1. Chapter 35 of the City Code of San Antonio, Texas is hereby amended as follows:

Chapter 35, Appendix B, Table B101-1 is hereby amended by adding an Endangered Species Habitat Certification and notice requirements as follows:

Sec. 35-B101. Specifications for Documents to be Submitted

Table B101-1, Section G – Design

TABLE B101-1

	A	B	C	D	E	F	G
	<i>(A) Material/Information</i>	<i>Master Development Plan</i>	<i>PUD Plan</i>	<i>Major Plat Application</i>	<i>Minor Plat Application</i>	<i>Development Plat Application</i>	<i>Specific Use Authorization</i>
G.	DESIGN						

	<u>(21) Habitat Compliance Form consistent with §35-B133 for properties greater than two acres in size.</u>	-	-	-	-	-	

* * * * *

Chapter 35, Appendix B is hereby amended by amending sections 35-B123, 35-B124, 35-B125 and 35-B127 as follows:

Sec. 35-B123. Tree Permit--Tree Preservation Plan Option.

(a) Number of Copies. The applicant shall submit a tree preservation/affidavit application with three (3) sets of tree preservation plans, a survey showing the location of all significant, heritage, or mitigation trees, including clusters, an inventory with calculations, and tree protection notes as provided herein. The applicant shall also provide a Habitat Compliance Form consistent with 35-B133, as applicable.

* * * * *

Sec. 35-B124. Tree Permit--Tree Affidavit Option.

In lieu of a tree permit, a notarized tree affidavit with fees and required information may be submitted verifying that no significant or heritage tree required to be counted for calculating minimum tree preservation requirements will be damaged or removed as a result of the application or receipt of the approval requested. The applicant shall also provide a Habitat Compliance Form consistent with 35-B133, as applicable.

* * * * *

Sec. 35-B125. Tree Permit--Tree Stand Delineation Plan Option.

As an alternative option to the tree preservation plan, a tree stand delineation plan may be submitted. The tree stand delineation plan that is required with the master development plan shall include at a minimum a current aerial photograph with a minimum resolution of six-inch pixels with a scale of one inch equals four hundred feet (1"= 400'), and additional information contained herein. The applicant shall also provide a Habitat Compliance Form consistent with 35-B133, as applicable.

* * * * *

Sec. 35-B127. Tree Permit--Public Project Preservation Plan.

(a) Number of Copies. A tree preservation plan shall consist of an aerial photograph (where applicable) and one (1) set of construction documents with the contents prescribed herein. The applicant shall also provide a Habitat Compliance Form consistent with 35-B133, as applicable.

* * * * *

Chapter 35, Appendix B is hereby amended by adding a new Section 35-B133 as follows:

Section 35-B133. Habitat Compliance Form.

(a) The owner of property subject to this chapter, who submits an application to the City of San Antonio for development on/of a tract of land greater than two acres in area shall submit a Habitat Compliance Form in accordance with the provisions of this section.

(b) Through a signed and completed Habitat Compliance Form a property owner shall either indicate obtainment of a Section 10(a) permit, Section 7 biological opinion, participation in a Regional Habitat Conservation Plan or indication of submittal of an endangered species survey to the U.S. Fish & Wildlife Service for properties located in karst zones 1 or 2 or is located in the area identified as potential habitat as outlined in draft 2008 Recovery Plan for Bexar County Karst Invertebrates, available on US Fish and Wildlife Service's website, and as Golden-cheeked Warbler Habitat as outlined in Texas Parks and Wildlife Department Management Guidelines for the Golden-cheeked Warbler in Rural Landscapes, available on their website. As an alternative, the property owner may complete a signed, sworn, and notarized affidavit indicating a biologist survey was completed that found that no species would be impacted by the activity subject to the application to the City of San Antonio. The application to the City of San Antonio shall be deemed incomplete if the Habitat Compliance Form, and affidavit if applicable, is not completed and signed.

(c) The Habitat Compliance Form shall include an indication of coverage under the Endangered Species Act or where there is no coverage an indication of any development greater than two acres in areas known to provide habitat for Golden-cheeked Warblers or Karst Invertebrates. The Habitat Compliance Form shall be substantially in the form of Figure 35-B133-1, as attached.

Commentary: For information on endangered species habitat within the City of San Antonio's jurisdiction and any Military Influence Areas as may be established, see for example March 2008 Draft Recovery Plan for Bexar County Karst Invertebrates, available on US Fish and Wildlife Service's website, Management Guidelines for the Golden-cheeked Warbler in Rural Landscapes by Texas Parks and Wildlife Department and available on their website.

(d) After the Completeness Review (Section 35-402) of an application subject to subparagraph (a), the Director shall provide a copy of the Habitat Compliance Form to the U.S. Fish & Wildlife Service and Texas Parks and Wildlife Department.

* * * * *

SECTION 2. All other provisions of Chapter 35 of the City Code of San Antonio, Texas shall remain in full force and effect unless expressly amended by this ordinance.

SECTION 3. Should any Article, Section, Part, Paragraph, Sentence, Phrase, Clause, or Word of this ordinance, for any reason be held illegal, inoperative, or invalid, or if any exception to or limitation upon any general provision herein contained be held to be unconstitutional or invalid or ineffective, the remainder shall, nevertheless, stand effective and valid as if it had been enacted and ordained without the portion held to be unconstitutional or invalid or ineffective.

SECTION 4. The City Clerk is directed to publish notice of this Ordinance in accordance with Section 17 of the Charter of the City of San Antonio.

SECTION 5. The publishers of the City Code of San Antonio, Texas are authorized to amend said Code to reflect the changes adopted herein and to correct typographical errors and to format and number paragraphs to conform to the existing code.

SECTION 6. Upon affirmative vote of at least eight members of the City Council, this ordinance shall be effectively immediately upon enactment, otherwise this ordinance shall become effective ten (10) days after passage.

PASSED AND APPROVED this the ____ day of _____, 2009.

M A Y O R

ATTEST:

City Clerk

APPROVED AS TO FORM: _____
City Attorney

DRAFT

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DRAFT



Figure 35-B133-1

Habitat Compliance Form

CITY OF SAN ANTONIO

PLANNING & DEVELOPMENT SERVICES DEPARTMENT

1901 S. Alamo, San Antonio, TX 78204

1. Instructions:

For information on endangered species habitat within Bexar County as may be established, see 2008 Draft Recovery Plan for Bexar County Karst Invertebrates, available on US Fish and Wildlife Service's website, Management Guidelines for the Golden-cheeked Warbler in Rural Landscapes by Texas Parks and Wildlife Department and available on their website.

2. Applicant Contact Information:

Project Name: _____	
Property Owner: _____	E-mail: _____
Address: _____	Zip code: _____ Phone: _____
Agent: _____	E-mail: _____
Address: _____	Zip code: _____ Phone: _____
Contact Person Name: _____	E-mail: _____
Company: _____	Relationship to Owner: _____
Address: _____	Zip code: _____ Phone: _____

Property Location:

Property address or nearest street intersection if address not available: _____
 Acres: _____ Ferguson map grid: _____ USGS Grid: _____

In addition to this form, please submit an aerial map designating property boundaries based on the most recently available imagery. Maps can be obtained from www.sanantonio.gov/dsd and saved into a PDF format.

4. Application Type (check one):

<input type="checkbox"/> Master Development Plan (MDP)	<input type="checkbox"/> Tree Permit
<input type="checkbox"/> Major Plat	<input type="checkbox"/> Planned Unit Development (PUD) Plan
<input type="checkbox"/> Development Plat	<input type="checkbox"/> Minor Plat

5. Endangered Species Act Coverage (check one):

<input type="checkbox"/> The activity subject to the application to the City of San Antonio is covered under an existing Section 10(a) permit or a Section 7 Biological Opinion analyzing the activity as proposed, and the activity is identical or very similar to the activity proposed in permit and located in the same geographic location <i>Skip to section 7, no affidavit required.</i>
<input type="checkbox"/> The activity subject to the application to the City of San Antonio is covered by participation in an approved Regional Habitat Conservation Plan <i>Skip to section 7, no affidavit required.</i>
<input type="checkbox"/> The activity subject to the application to the City of San Antonio is not covered by an existing Section 10(a) permit or a Section 7 Biological Opinion nor participation in an approved Regional Habitat Conservation Plan. <i>(complete either section 6 or 8 below)</i>



Habitat Compliance Form
CITY OF SAN ANTONIO
PLANNING & DEVELOPMENT SERVICES DEPARTMENT
1901 S. Alamo, San Antonio, TX 78204

6. Description for Activities Without Coverage (check one box for both sections A and B):

A. Golden-cheeked Warbler Endangered Species	<input type="checkbox"/>	There is no requirement for coverage of this listed species because no part of the tract subject to the application to the City of San Antonio contains habitat types that may be used by Golden-cheeked Warblers as set forth in <i>Management Guidelines for the Golden-cheeked Warbler in Rural Landscapes, Texas Parks and Wildlife Department, available on their website</i> . Areas located inside of Loop 1604 that are within the jurisdiction of the City of San Antonio as well as areas located to the south of U.S. Highway 90 and east of Interstate Highway 35 can be presumed to not contain Golden-cheeked Warbler habitat.
	<input type="checkbox"/>	The tract subject to the application to the City of San Antonio is within the presumptive habitat areas and an Endangered Species Survey has been completed within the last 3 years by a Biologist certified by U.S. Fish and Wildlife and copies sent to: U.S. Fish and Wildlife (USFWS) Ecological Services Field Office, 10711 Burnet Road, Suite 200, Austin, TX 78758
	<input type="checkbox"/>	The tract subject to the application to the City of San Antonio is within the presumptive habitat area and no Endangered Species Survey has been submitted to U.S. Fish and Wildlife. <i>(Selecting this box requires the applicant to complete the Habitat Compliance Affidavit in Section 8 below.)</i>
B. Karst invertebrate endangered species	<input type="checkbox"/>	There is no requirement for coverage of these listed species because no part of this tract subject to the application to the City of San Antonio is located within karst zone 1 or 2 of the areas in Bexar County identified as karst zones in the USFWS 2008 Draft Bexar County Karst Invertebrates Recovery Plan.
	<input type="checkbox"/>	The tract or portions of the tract subject to the application to the City of San Antonio is located within Karst Zone 1 or 2 as identified in the U.S. Fish & Wildlife 2008 Draft Bexar County Karst Invertebrates Recovery Plan and an Endangered Species Survey has been completed by a Biologist certified by U.S. Fish and Wildlife and copies sent to: U.S. Fish and Wildlife (USFWS) Ecological Services Field Office, 10711 Burnet Road, Suite 200, Austin, TX 78758
	<input type="checkbox"/>	The tract or portions of the tract subject to the application to the City of San Antonio is located within Karst Zone 1 or 2 as identified in the U.S. Fish & Wildlife 2008 Draft Bexar County Karst Invertebrates Recovery Plan and no Endangered Species Survey has been submitted to U.S. Fish and Wildlife. <i>(Selecting this box requires the applicant to complete the Habitat Compliance Affidavit in Section 8 below.)</i>

7. Owner or Authorized Representative (form is considered incomplete without this section):

I certify that the information provided in his Habitat Compliance Form is true and accurate.

Print Name: _____ Signature: _____

Address: _____ City: _____ State _____ ZipCode _____

-mail: _____



Habitat Compliance Form
CITY OF SAN ANTONIO
 PLANNING & DEVELOPMENT SERVICES DEPARTMENT
 1901 S. Alamo, San Antonio, TX 78204

8. Affidavit of Compliance (required for properties in karst 1 or 2 or located in the area identified as potential habitat as set forth in Management Guidelines for the Golden-cheeked Warbler in Rural Landscapes, Texas Parks and Wildlife Department, available on their website when there is no Section 10(a) permit, Section 7 biological opinion, Regional Habitat Conservation Plan, nor endangered species survey submitted to US Fish and Wildlife) :

Affidavit of Compliance

Before me, the undersigned authority, on this day personally appeared _____ ("Affiant") who, being first duly sworn, upon his/her oath states:

My name is _____ and I am the owner of the property that is the subject of this application to the City of San Antonio.

_____ A habitat assessment/survey was not conducted.

_____ A habitat assessment/survey was conducted by a biologist certified by U.S. Fish & Wildlife Service, _____ (name of individual and firm) #TE _____ (number), and concluded that no species will be impacted by the activity subject to the application to the City of San Antonio and I am relying on that assessment/survey.

Signed this ___ day of _____, _____.

Signature: _____

STATE OF TEXAS

COUNTY OF BEXAR

DRAFT

Sworn to and subscribed to before me on _____, by _____,

 Notary Public, State of Texas

UDC Amendment: Habitat Acknowledgment

Presentation by Planning &
Development Services
August 12, 2009

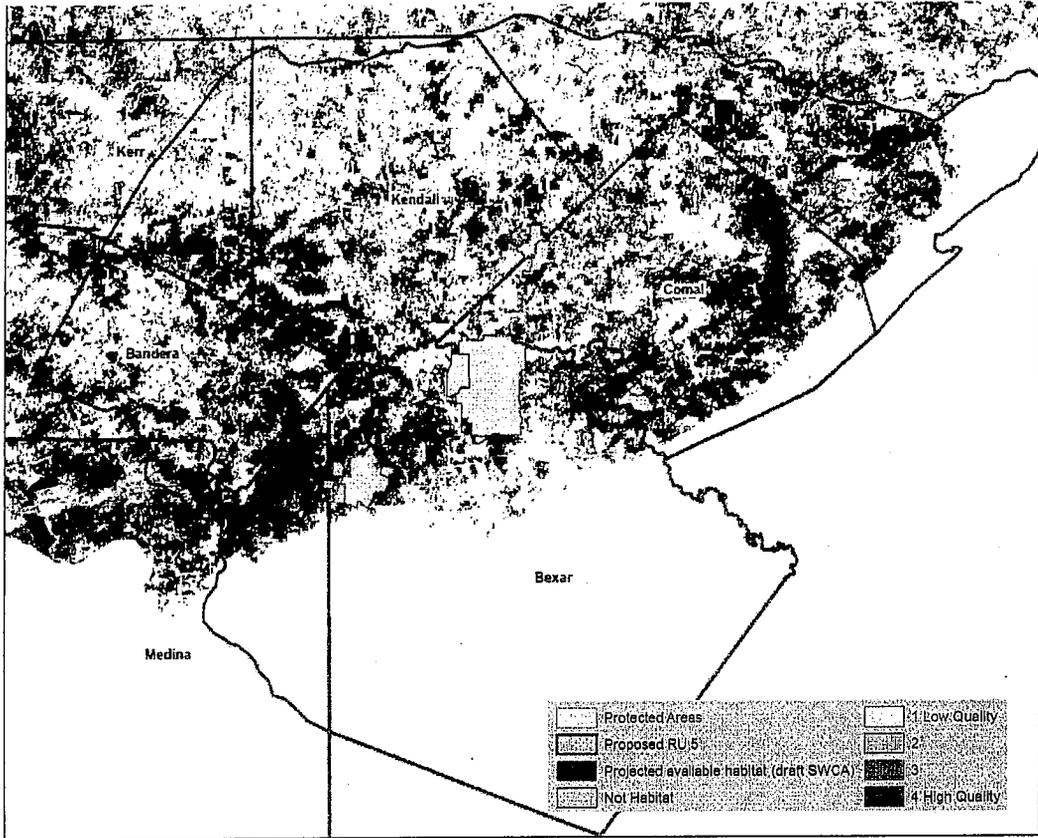
Endangered Species Concerns

◆ Listed species in Bexar County:

- Bird species
 - ◆ Black-capped Vireo
 - ◆ Golden-cheeked Warbler
- Karst Invertebrates



Golden-cheeked Warbler Habitat



Karst Zones



Camp Bullis Biological Opinion

- ◆ The Army's obligations under Section 7, which regulates federal entities, are different than Sections 9 & 10, which regulate private entities
 - The Army is required to help conserve species under Section 7, which means conserving unoccupied habitat for expansion of species
- ◆ Implications for Camp Bullis:
 - Bird species
 - ◆ The current biological opinion for Camp Bullis permits less than two acres of Warbler habitat to be taken annually and
 - ◆ Requires protection of approximately 3,400 acres of occupied land and over 6,500 acres of unoccupied potential habitat.
 - Karst invertebrates:
 - ◆ 2,600 acres of occupied karst habitat has been documented within Camp Bullis.
 - ◆ Increased buffering setback distances from karst features further limits use of acreage on the post.
- ◆ Biological efforts are primarily done by and managed by an Army employee, Lucas Cooksey, licensed biologist
- ◆ Biological opinion is online at:
[http://www.samhouston.army.mil/dsef/doc/Camp Bullis F023115 final 28 july 2005 scanned.pdf](http://www.samhouston.army.mil/dsef/doc/Camp_Bullis_F023115_final_28_july_2005_scanned.pdf)

Seven Initiatives

- ◆ City Council Resolution 2008-08-07-034R directed staff to undertake seven initiatives to protect the missions of Fort Sam Houston:
 - 1) Creation of a Camp Bullis Awareness Zone - *completed*.
 - 2) Downward lighting ordinance - *adopted*.
 - 3) Jointly Apply with Bexar County for Regional Habitat Conservation Plan - *completed*.
 - 4) Fort Sam Houston-Camp Bullis Transportation Plan - *completed*.
 - 5) Community outreach to raise awareness of the importance of habitat protection and preservation - *ongoing*.
 - 6) Explore feasibility of requiring endangered species assessments for properties within 5 miles of Camp Bullis and make the results of such assessments available to the City - *in process*.
 - 7) Coordinate City and Camp Bullis state legislative agenda - *completed*.

Long Term Solution: Regional Habitat Conservation Plan

◆ Explanation:

- Surveys will be conducted across Bexar County to identify species habitat.
- City/County will hold a Section 10 permit from the federal government and developers can enter into participation agreements.
- Requires City to establish an ongoing commitment to fund land for mitigation credits.

◆ Advantages:

- Existing process used in other areas.
- Fulfills City Council resolution calling for RHCP.

◆ Disadvantages:

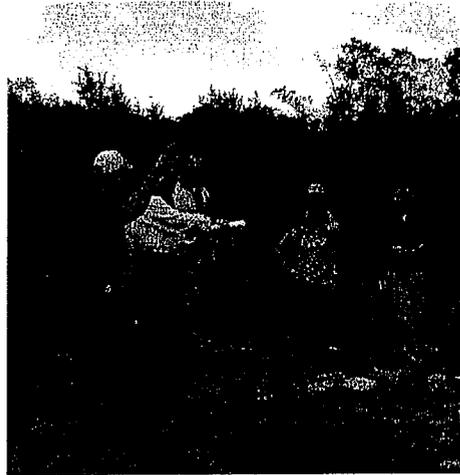
- Subject to federal funding.
- Minimum two to three years to implement.
- Developers are not required to participate therefore an additional mechanism is necessary.

Endangered Species Act Compliance

- ◆ Surveys or assessments are not a procedural requirement of the ESA for private developers however full compliance with the Act is required by law.
- ◆ The City can not regulate endangered species but has the authority to enact procedural requirements to promote compliance with the law.

Technical Review

- ◆ Implementation of the endangered species initiative was coordinated with:
 - City of San Antonio
 - ◆ Planning & Development Services Department
 - Regional Planning
 - UDC
 - Land Entitlements
 - Engineering/Arborist
 - ◆ CIMS - Real Estate Division
 - ◆ City Attorney's Office
 - ◆ Office of Military Affairs
 - ◆ Parks & Recreation - Parks Projects
 - Bexar County
 - U.S. Army/Fort Sam Houston
 - Texas Parks & Wildlife
 - U.S. Fish & Wildlife
 - Stakeholder committee



Technical Review - continued

- ◆ PDSD does not have trained specialists to review endangered species assessments.
 - Recommendation:
 - ◆ Maintain endangered species review by USFWS.
 - ◆ Have applicant provide verification to the City stating necessary reviews were submitted.

Technical Review - continued

- ◆ The need for a particular property to conduct endangered species surveys or assessments is subjective and will be difficult for City staff to implement.

- Recommendation:

- ◆ Contain no subjective criteria in the applicability of the ordinance.

- Warber habitat guidelines established by TPWD
- Karst Zone 1 or 2

TP&W Guidelines

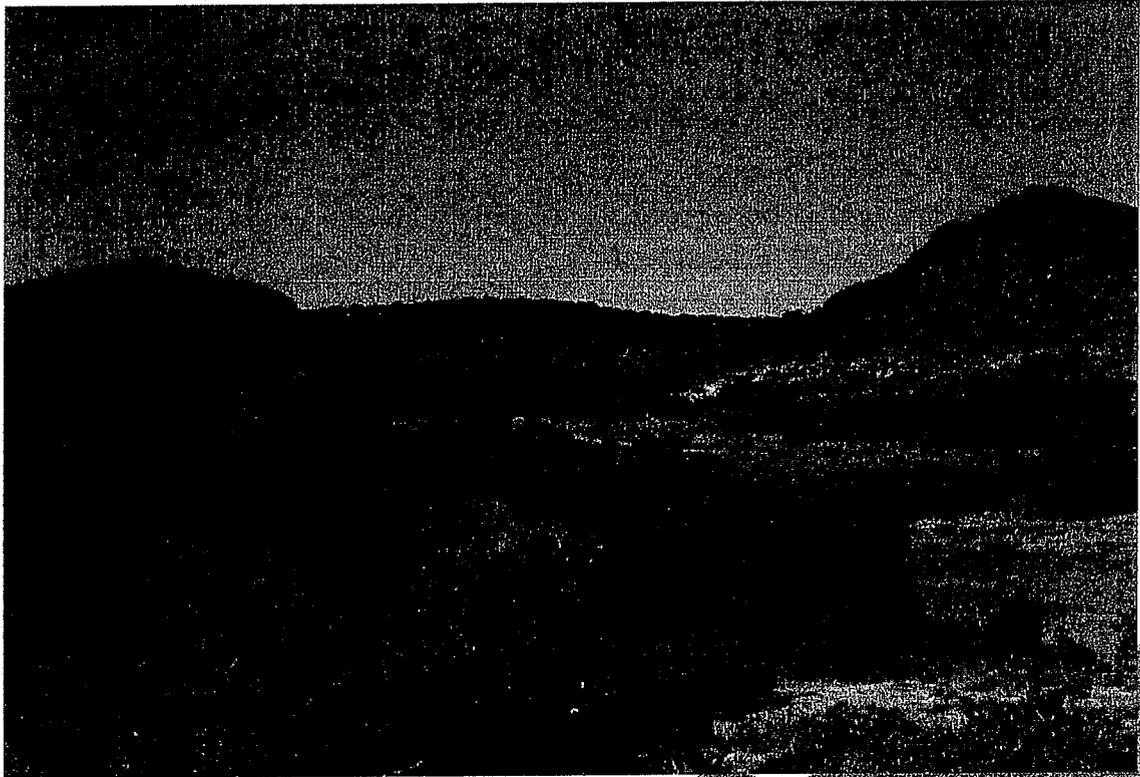
- ◆ Potential Habitat

- Stands of mature Ashe juniper (trees with shredding bark), over 15 feet in height and dbh of about 5 inches, with scattered live oaks (at least 10% total canopy cover), where the total canopy cover of trees exceeds 35% and overall woodland canopy height is at least 20 feet.
- Bottomlands along creeks and drainages which support at least a 35% canopy of deciduous trees (average canopy height of 20 feet), with mature Ashe juniper (at least 15 feet and 5 inches dbh) growing either in the bottom or on nearby slopes.
- Mixed stands of post oak and/or blackjack oak (10-30% canopy cover) with scattered mature Ashe juniper (15 feet in height and 5 inches dbh), where the total canopy cover of trees exceeds 35% and overall woodland canopy height is 20 feet.
- Mixed stands of shin (scalybark) oak (10-30% canopy cover) with scattered mature Ashe juniper (15 feet in height and 5 inches dbh), where the total canopy cover of trees exceeds 35% and overall woodland canopy height is 20 feet.

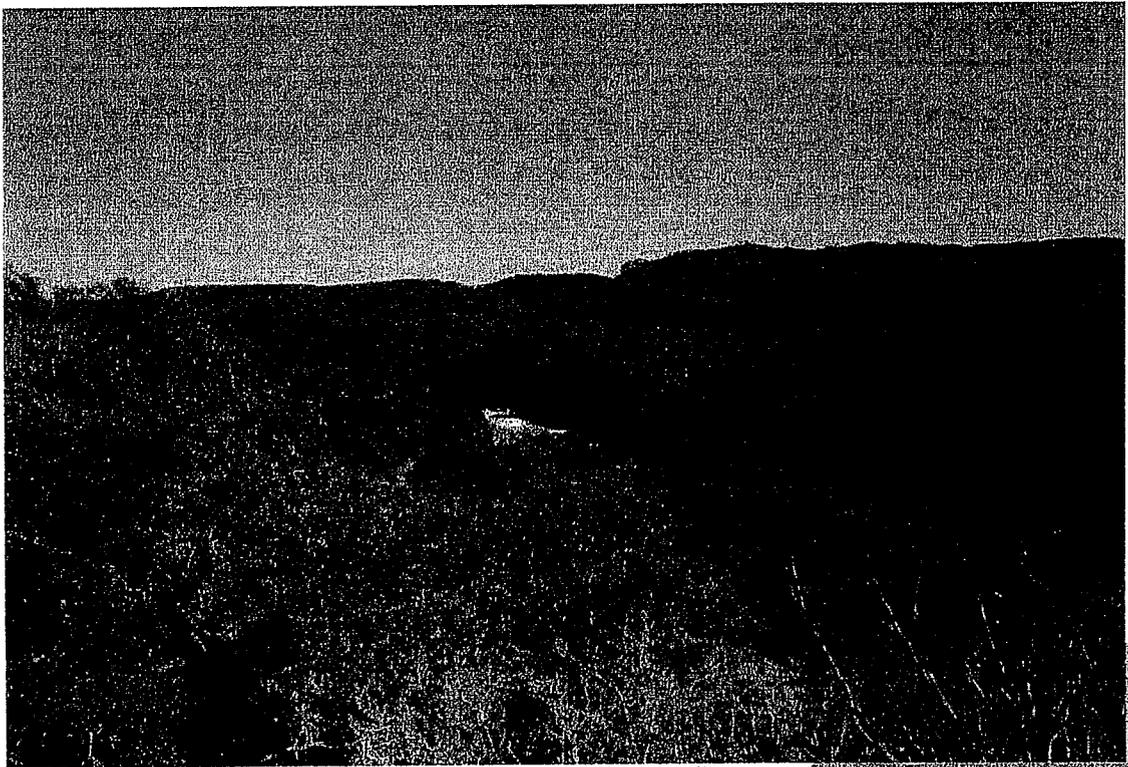
- ◆ Not Potential Habitat

- Stands of small Ashe juniper, averaging less than 15 feet in height and 5 inches dbh, are not habitat. This includes small juniper that invades open rangelands, previously cleared areas, or old fields. These areas are often dry and relatively flat, and lack oaks and other broad-leaved trees and shrubs. Generally, areas such as those described above that have been cleared within the last 20 years are not considered habitat.
- Pure stands of larger (greater than 15 feet in height and 5 inches dbh) Ashe juniper, with few or no oaks or other hardwoods.
- Open park-like woodlands or savannahs (even with old junipers) where canopy cover of trees is less than 35%. These areas often have scattered live oaks and other trees.
- Small junipers and other trees coming up along existing fence lines.
- Small junipers (less than 15 feet tall) coming up under larger hardwoods where junipers have been removed in the past 20 years.

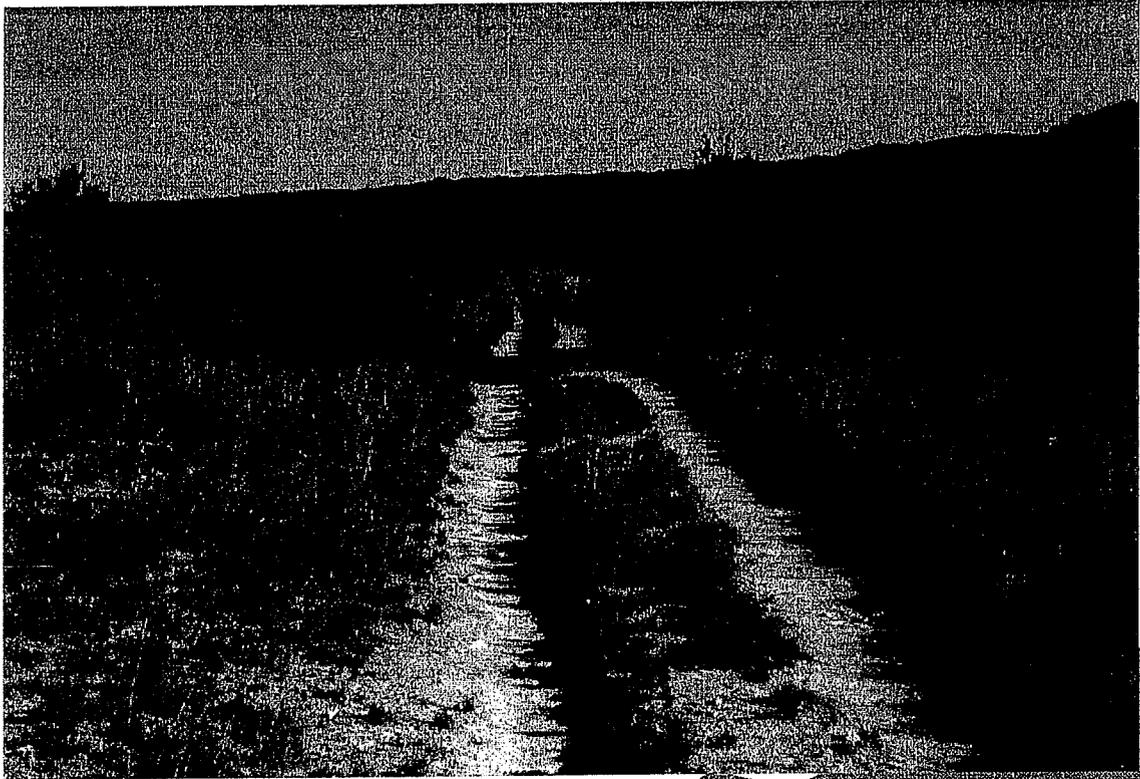
Not Potential Warbler Habitat



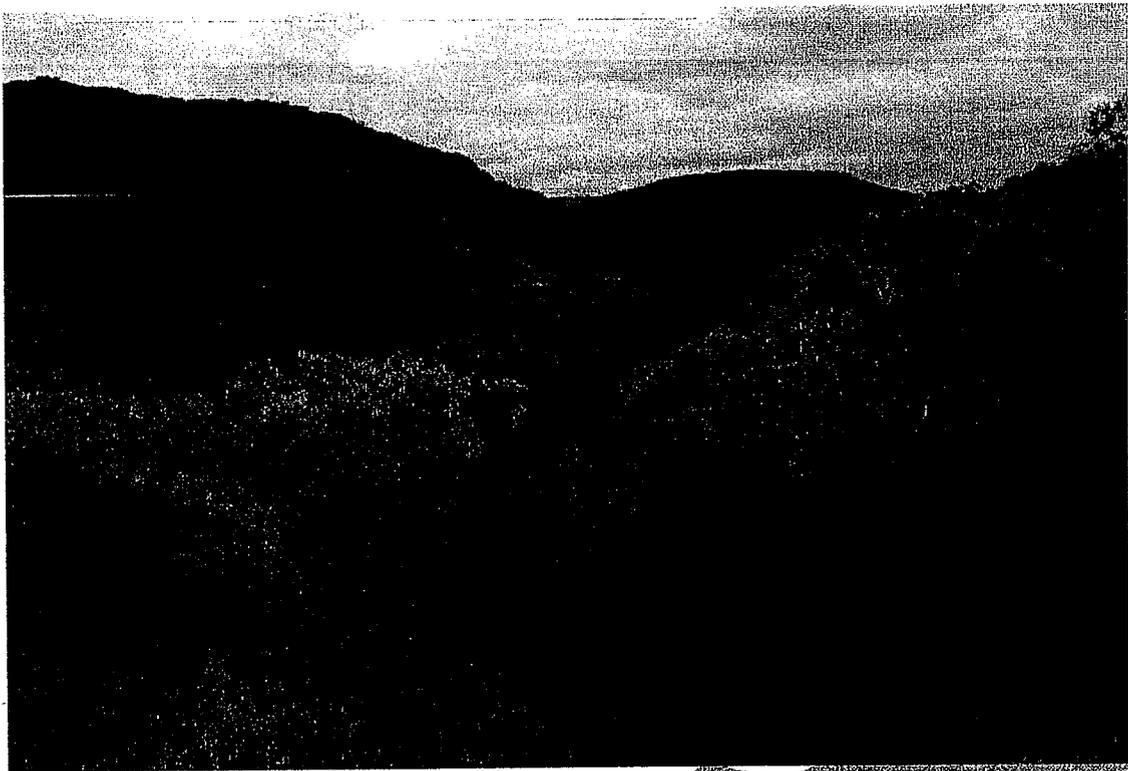
Potential Warbler Habitat



Not Potential Warbler Habitat



Potential Warbler Habitat



Technical Review - continued

- ◆ It is impractical to apply this ordinance to small projects.
 - Recommendation: Provide small lot amnesty - set applicability threshold of projects over two acres (>2.0) in size
- ◆ It is recognized that small properties may house karst invertebrates.

Technical Review - continued

- ◆ City should not enforce actions that are required by the Endangered Species Act.
 - Recommendations:
 - ◆ Provision of verification at the time of completeness review.
 - ◆ No additional fees charged by City.

Option 1

Verification from USFWS

- ◆ Explanation: As part of a land development application submittal to the City of San Antonio, require applicants to provide a copy of a response letter from USFWS regarding the proposed development that indicates compliance with the Endangered Species Act.
- ◆ Advantage: Ensures agreement by USFWS with findings of the biologist hired by the developer and keeps all enforcement within USFWS.
- ◆ Disadvantage: USFWS has indicated a goal of one month to respond to development consultations, however there is potential for delays for large or complex projects .

Option 2

Habitat Compliance Form

- ◆ Explanation: Developer submits a copy of their species survey to the USFWS with development applications or provides an indication of the biologist used to complete their study.
- ◆ Advantages:
 - Provides a basis for verifying endangered species compliance by USFWS, Army and other technical experts.
 - Fulfills the second part of the City Council Resolution calling for making results of endangered species studies available, if a survey is done.
 - Allows property owner to hold biologist accountable.
- ◆ Disadvantage: requires expansion of municipal role to facilitate coordination between developer and USFWS.

Option 3

Statement of Intent to Comply

- ◆ Explanation: Statement of intent to comply with Endangered Species Act is submitted with development applications and implies future compliance.
- ◆ Advantage: Can be tied to existing tree affidavit which is an existing business process
- ◆ Disadvantages:
 - Does not require an endangered species assessment or a sharing of the results as contemplated in the City Council Resolution
 - Not likely to improve endangered species compliance
 - Unenforceable

Basis for Recommendation

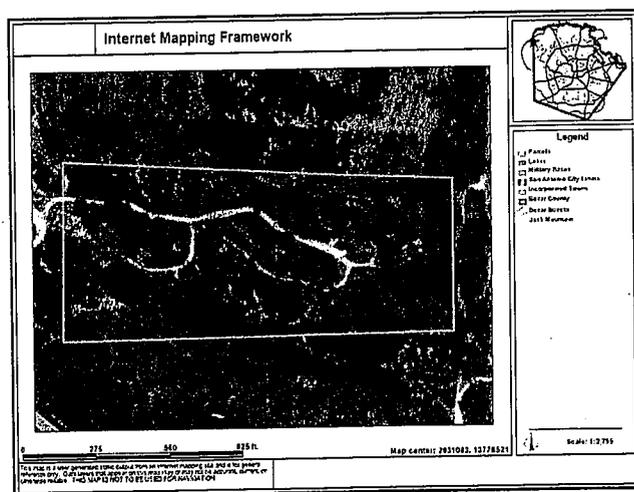
- ◆ The City Council Resolution called for exploring the possibility of requiring property developers to conduct endangered species assessments for properties within 5 miles of Camp Bullis *and* to make the results of such assessments available to the City.
- ◆ Staff recommends the second option
 - an affidavit of compliance.

UDC Consistency

- ◆ This amendment will be inserted into UDC Appendix B: Application Submittal.
- ◆ Habitat Compliance will be triggered as part of the completeness review for applications of 2 acres or greater for the following permit types:
 - Tree Permits.
 - Master Development Plans.
 - PUD Plans.
 - Subdivision Plats (Minor/Major, Development Plats).
- ◆ Existing UDC fees and timelines will not be changed.

Acknowledgment Process

- ◆ Applicant will be asked general information about their project.
 - Application type
 - Location
 - Boundaries
- ◆ Applicant encouraged to use PDSD GIS website.



Applicant Options

- ◆ Areas without habitat potential:
 - Complete habitat form indicate application is not in an area with habitat (not karst zone 1 or 2 nor inside of Loop 1604 or south of Highway 90 or east of IH-35).
- ◆ Areas with habitat potential:
 - 1) Section 10(a) permit
 - 2) Section 7 biological opinion
 - 3) Regional Habitat Conservation Plan
 - 4) Submit survey to U.S. Fish & Wildlife
 - 5) Affidavit of Compliance
 - a) Indicate no survey
 - b) Indicate survey was completed and no impact

Coordination and Review

- ◆ The completed form, and affidavit if applicable, will be forwarded to the USFWS, Texas Parks & Wildlife, and Fort Sam Houston.
 - Only the acknowledgment form will be forwarded, not the entire application submitted to the City for completeness review.
- ◆ Process will be a one-way dialogue from the applicant to USFWS
 - Applications for municipal approvals will continue through the established processes.

Legal Authority

- ◆ City Attorney has made the following determinations:
 - The procedural requirement to indicate compliance of ESA is not in conflict with federal or state laws.
 - "Grandfathering" is not applicable to procedural requirements that change the application process.

TAC Recommendations

- ◆ Staff has accepted the TAC recommendations:
 - Amend language 35-B133(b) to make consistent with the Form
 - Delete requirement to submit copies of surveys to Bexar County
 - Limit completion of the affidavit statement only to those cases where there is not Section 10/7, HCP, nor submittal of survey to USFWS
 - Delete last statement of affidavit attesting to compliance with the Endangered Species Act
- ◆ TAC requested that staff report to the Planning Commission on two issues:
 - 2 acre threshold for applicability
 - Grandfathering

Next Steps

- ◆ Staff requests a recommendation from the Planning Commission.
- ◆ City Council
 - August 20

CITY OF SAN ANTONIO
PLANNING AND DEVELOPMENT SERVICES DEPARTMENT
REGIONAL PLANNING SECTION

PLANNING COMMISSION
STAFF REPORT

PLANNING COMMISSION DATE: August 12, 2009

COUNCIL DISTRICT: Not in City Limits; Near District 3

REQUESTOR:
San Antonio Water System

SUBJECT:
Amend Major Thoroughfare Plan (MTP) to de-designate a segment of Hardy Road on the Major Thoroughfare Plan (MTP).

BACKGROUND:

The segment of Hardy Road proposed for de-designation is generally located south of Loop 1604 South; east of I-37; and west of the Bexar County Line. Approximately one-third of the segment currently exists as a road, between I-37 and Mathis Road. The existing road has approximately 60 feet of right-of-way and 25 feet of pavement. The remainder of this segment on the Major Thoroughfare Plan does not exist.

The San Antonio Water System owns most of the property in the vicinity (approximately 3,200 acres). The property is currently used as an Aquifer Storage and Recovery (ASR) facility. The facility is the second largest ASR in the United States and represents a public investment of approximately \$250 million to date. The ASR is a major component of the SAWS Water Management Plan. There are currently approximately 36 wells at the site.

Future plans include a Brackish Groundwater Desalination Facility on the property. This facility will include an extensive network of underground infrastructure. By 2014, anticipated public investment these components is estimated to be approximately \$500 million.

ISSUE:

The purpose of the Major Thoroughfare Plan is to promote an efficient Roadway Network that designates arterials within the City of San Antonio and the Extraterritorial Jurisdiction of the City of San Antonio for future road building or road expansion.

Hardy Road was added to the Major Thoroughfare Plan in 1985 for future planning and development purposes. The presence of the ASR Facility has solidified the use in southeastern Bexar County for the future. The SAWS facility utilizes most of the property in the vicinity. Other than the wells and storage tanks, use on the property is restricted to agriculture and ranching.

Development around the facility can be served by existing and future planned roads. North-south connections are provided by I-37 and existing Mathis Road west of the facility and County Road 115 east of the facility (in Wilson County).

East-west connections around the facility include Loop 1604 and FM 1303 (which extends east from 1604 into Wilson County); existing Mathis Road (which is on the Major Thoroughfare Plan as a future arterial between SH 16 and the eastern Bexar County border); and existing Hardy Road.

ALTERNATIVES:

Staff explored re-aligning rather than de-designating this segment of the Major Thoroughfare Plan. This was not deemed feasible because the SAWS facility extends north and south of the proposed alignment. To re-align south of the facility would extend beyond the Bexar County border and to extend north of the facility would place the alignment too close to existing designation of New Mathis Road on the Major Thoroughfare Plan.

PROCESS HISTORY:

MTP Review Committee met March 27 to review amendment.
A public information meeting was held on April 16, 2009.
TAC reviewed July 6, 2009 and recommended approval.

STAFF RECOMMENDATION:

Approval

PLANNING AND DEVELOPMENT SERVICES STAFF

Jesus Garza, AICP

Assistant Director

Trish Wallace, AICP

Manager, Regional Planning

RESOLUTION NO.

RECOMMENDING TO APPROVE AN AMENDMENT TO THE MAJOR THOROUGHFARE PLAN, A COMPONENT OF THE CITY OF SAN ANTONIO MASTER PLAN, TO DELETE A SEGMENT OF HARDY ROAD GENERALLY LOCATED SOUTH OF LOOP 1604 SOUTH; EAST OF I-37; AND WEST OF THE BEXAR COUNTY LINE

WHEREAS, the Planning Commission is charged by the City Charter with the responsibility to make, amend, extend, and add to the City of San Antonio Master Plan for the physical growth and development of the City; and

WHEREAS, the City of San Antonio Major Thoroughfare Plan was adopted on September 21, 1978 by City Council as a component of the City of San Antonio Master Plan; and

WHEREAS, the Planning Commission held a public hearing on August 12, 2009 in order to receive comments on the attached proposed amendment from parties of interest and other citizens.

NOW, THEREFORE, BE IT RESOLVED BY THE PLANNING COMMISSION OF THE CITY OF SAN ANTONIO:

SECTION 1: The amendment to the Major Thoroughfare Plan, a component of the Master Plan of the City, to delete a segment of Hardy Road (a Secondary Arterial Type A); as illustrated in Attachment I, is herein approved and recommended to the City Council for adoption.

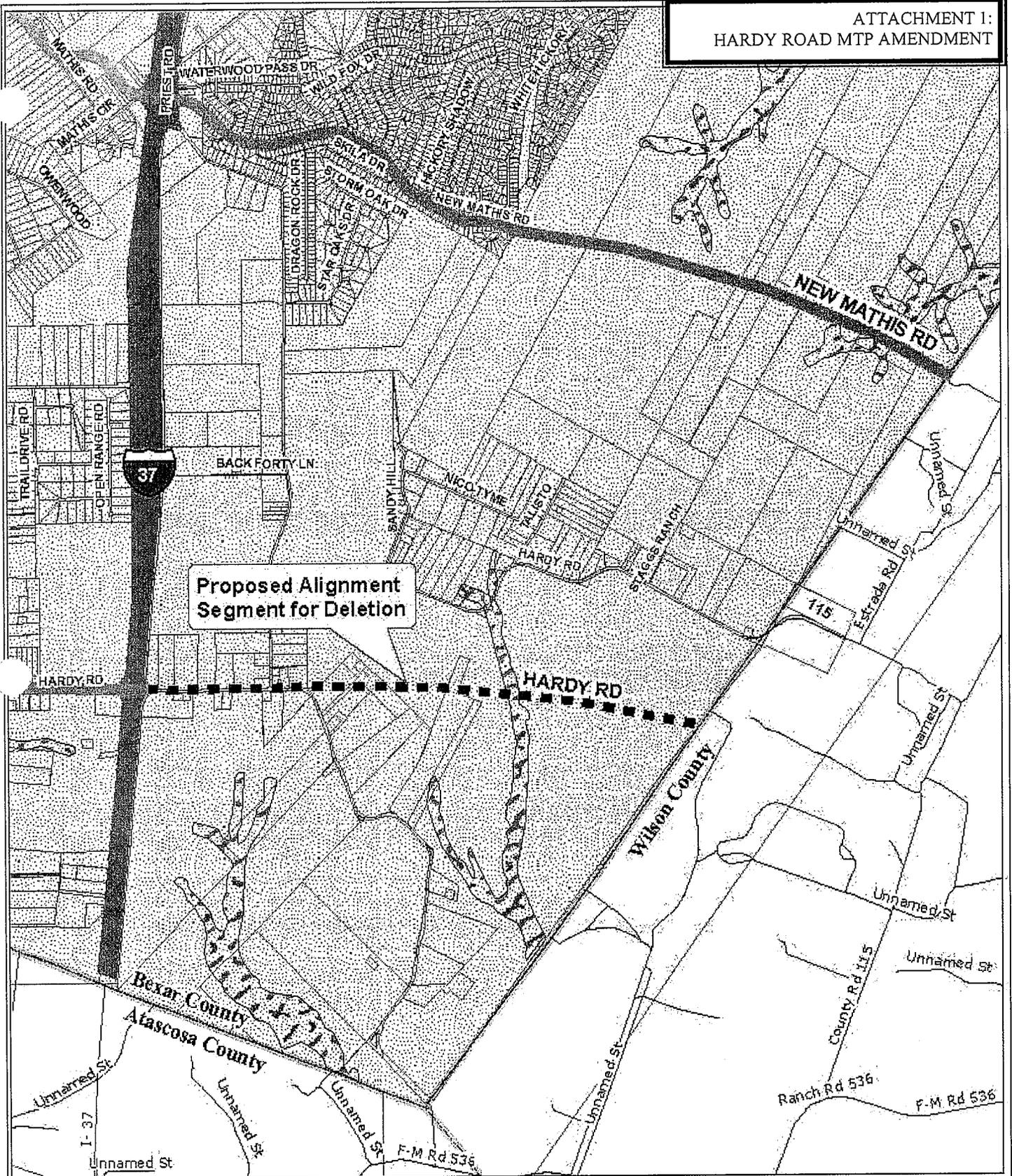
PASSED AND APPROVED ON THIS 12TH DAY OF AUGUST 2009.

Approved:

Attest:

Cecilia Garcia, Chair
San Antonio Planning Commission

Executive Secretary
San Antonio Planning Commission



Proposed Alignment Segment for Deletion



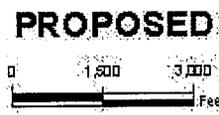
- Deletions
- Secondary Arterial Type A

- █ Freeway
- ▭ Parcels
- ▨ Bexar County

- ☁ Flood Plains
- ▭ Adjacent Counties



**Major Thoroughfare
Plan Amendments
Hardy Road Amendment**



City of San Antonio
Planning and Development
Department
1500 N. Loop West, 1500
San Antonio, TX 78205
www.sanantonio.gov

Map prepared by the City of San Antonio Planning and Development Department. The City of San Antonio Planning and Development Department is not responsible for the accuracy of the information shown on this map. The City of San Antonio Planning and Development Department is not responsible for the accuracy of the information shown on this map. The City of San Antonio Planning and Development Department is not responsible for the accuracy of the information shown on this map.

Major Thoroughfare Plan Amendment

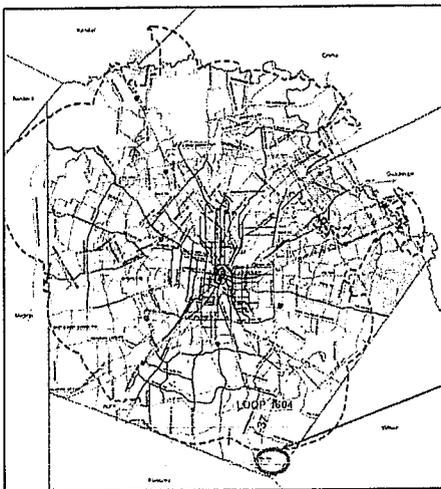
De-designation Hardy Road



Planning Commission
August 12, 2009

1

General Location



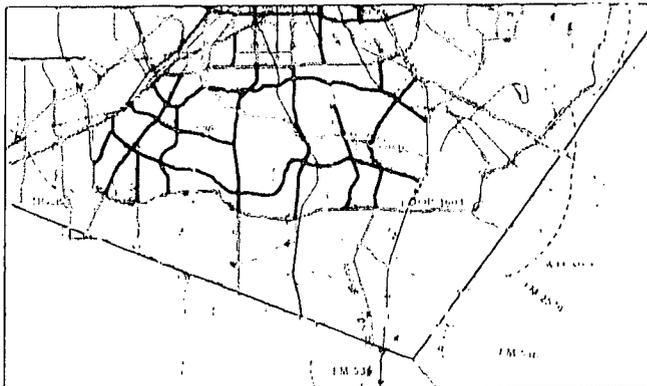
General location:

- South of Loop 1604
- East of I-37
- West of the Bexar County Line

Hardy Road

2

Surrounding Thoroughfares



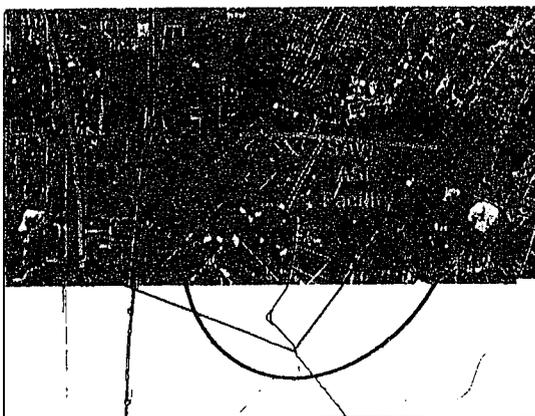
East – West
Loop 1604
New Mathis
Hardy Road

North – South
Hwy 281
Campbellton Rd
I 37

Segment for De-designation

3

Aquifer Storage Facility (ASR)



ASR Facility

3,200 Acres

Surface and
Underground Facilities

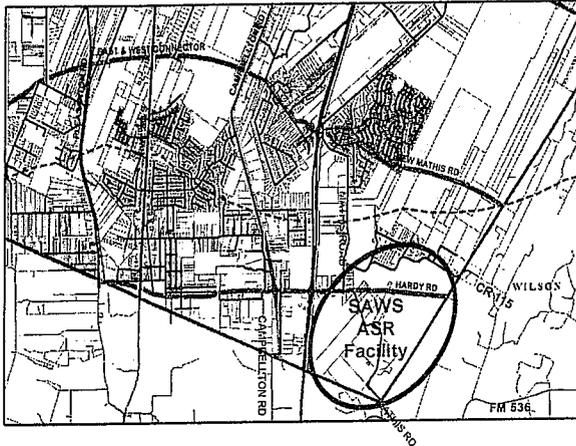
\$250 million to date

\$500 million by 2014

Major Component of
SAWS Water
Management Plan

4

Future Development



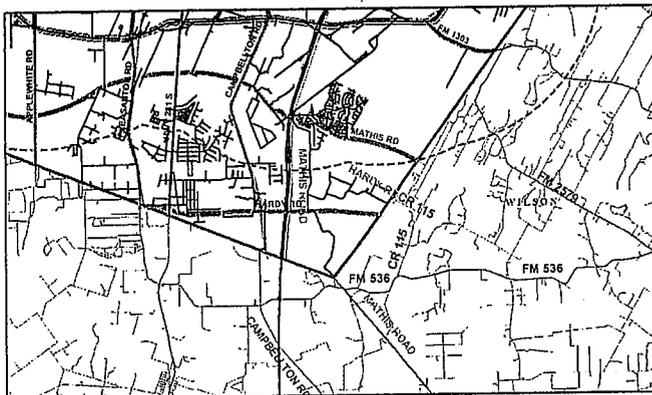
Future Development

Land Use restricted to agriculture and ranching on facility

Current and proposed street network sufficient to serve existing and projected future development

5

Existing Street Network



East - West

FM 1303
Mathis Road
Hardy Road
CR 115
FM 536

North - South

Campbellton Rd
Mathis Road
CR 115

6

Recommendation

Approval of
De-designation of segment of Hardy Road
from the Major Thoroughfare Plan
generally located south of Loop 1604;
east of I-37; and west of the Bexar County Line

SAN ANTONIO PLANNING COMMISSION
RESOLUTION NO. _____

A RESOLUTION APPOINTING A MEMBER TO THE
PLANNING COMMISSION TECHNICAL ADVISORY
COMMITTEE FOR A TWO YEAR TERM.

* * * * *

BE IT RESOLVED BY THE PLANNING COMMISSION OF THE CITY OF SAN ANTONIO:

Section 1. Marcello Diego Martinez is appointed to the Technical Advisory Committee as a Planning Commission member to an unexpired term to expire April 27, 2010.

PASSED AND APPROVED THIS 12th DAY OF August 2009.

APPROVED:

Cecilia Garcia
Chair

ATTEST: _____
Executive Secretary

CITY OF SAN ANTONIO
PLANNING COMMISSION

RESOLUTION # _____

MOVING THE PLANNING COMMISSION REGULARLY
SCHEDULED MEETING OF NOVEMBER 11, 2009, NOVEMBER
25, 2009 AND DECEMBER 23, 2009.

* * * * *

BE IT RESOLVED BY THE PLANNING COMMISSION OF THE CITY OF SAN
ANTONIO:

That the Planning Commission meeting has been rescheduled for
November ____, 2009

That the Planning Commission meeting has been rescheduled for
November ____, 2009

That the Planning Commission meeting has been rescheduled for
December ____, 2009

Staff is hereby directed to adjust application submittal deadlines
accordingly.

SIGNED this 12th day of August, 2009.

APPROVED:

Cecilia Garcia
Chair

ATTEST:

Executive Secretary