

# SAN ANTONIO PLANNING COMMISSION AGENDA



**November 12, 2008**



2:00 P.M.

Murray H. Van Eman, *Chairman*

Cecilia Garcia, *Vice Chair*

Amelia Hartman

John Friesenhahn

Andrea Rodriguez

Jose R. Limon

Dr. Sherry Chao-Hrenek

Christopher M. Lindhorst



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, 12:00 P.M., Tobin Room**

- Agenda items may be discussed (Planning and Development Services)
- Briefing on amendments to the Unified Development Code proposed as part of the biennial update process. (Planning and Development Services Department by Andrew Spurgin)

**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 District	Ferguson Index #
<b>A. 080497</b>	<b>Northwood Estates, Unit No. 1</b> (At the intersection of Rockhill Drive and Pike Road)	<b>10</b>	<b>583 F-1</b>
<b>B. 080526</b>	<b>Tuttle Site</b> (Near the southeast corner of Nacogdoches and Wurzbach Parkway)	<b>10</b>	<b>552 B-5</b>

**REPLAT:**

<b>C. 080469</b>	<b>Sunny Slope Baptist Church</b> (Northwest of Rigsby Avenue and Elgin Avenue)	<b>2</b>	<b>651 E-1</b>
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\* Project is located in the Camp Bullis Notification Area.

## 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 6-8 HELD ABOVE:**

- |    |        |                                                                                               |    |         |
|----|--------|-----------------------------------------------------------------------------------------------|----|---------|
| 6. | 080497 | <b>Northwood Estates, Unit No. 1</b><br>(At the intersection of Rockhill Drive and Pike Road) | 10 | 583 F-1 |
| 7. | 080526 | <b>Tuttle Site</b><br>(Near the southeast corner of Nacogdoches and Wurzbach Parkway)         | 10 | 552 B-5 |
| 8. | 080469 | <b>Sunny Slope Baptist Church</b><br>(Northwest of Rigsby avenue and Elgin Avenue)            | 2  | 651 E-1 |

### **PLATS:**

- |     |        |                                                                                                                  |     |         |
|-----|--------|------------------------------------------------------------------------------------------------------------------|-----|---------|
| 9.  | 070081 | <b>Heights at Stone Oak PUD Townhomes*</b><br>(West of the intersection of Colonade Drive and Heights Boulevard) | 9   | 482 D-1 |
| 10. | 070102 | <b>Sulphur Springs Unit 4B</b><br>(The extension of Jasper Hollow from Sulphur Springs)                          | 2   | 653 B-5 |
| 11. | 070197 | <b>Frangagma, LLC*</b><br>(At the intersection of Canyon Golf Road and Turtle Hill)                              | OCL | 483 A-1 |
| 12. | 070266 | <b>Venetian Oaks</b><br>(On the west side of Babcock Road, north of De Zavala Road)                              | 8   | 513 E-8 |
| 13. | 070354 | <b>Utturkar</b><br>(East of the intersection of Congressional Boulevard and Walzem Road)                         | OCL | 585 F-2 |
| 14. | 070420 | <b>BCB-S. New Braunfels, Unit 1</b><br>(Extending South New Braunfels, from Southeast Military Drive)            | 3   | 651 E-8 |
| 15. | 070587 | <b>Kinder Northeast Unit 2 PUD*</b><br>(Extending Night Shade south of Kinder Bluff)                             | OCL | 451 C-2 |
| 16. | 080330 | <b>Heritage Park, Unit 29A</b><br>(At the northwest corner of Pue Road and Bonavantura Boulevard)                | OCL | 646 D-1 |

17. 080340 **Summerglen Unit 5 A-4 PUD\*** OCL 483 C-1  
(On the north side of Wilderness Oaks, west of Alpine Lodge)

**DEFERRAL:**

18. 080593 **Wagley Subdivision** 5 616 C-4  
(Southwest of Salinas Street and North San Marcos Street)

**VARIANCE :**

19. FPV 09-001 **Skinner Nurseries San Antonio** Floodplain Variance 4 680 F-3  
(South of U.S. Hwy 35 and east of Somerset Road)

**LAND TRANSACTIONS:**

20. Consideration of a Planning Commission resolution recommending that the City Council authorize the execution of an interjurisdictional agreement between the City of San Antonio and CPS Energy for installation and maintenance of electric transmission and distribution lines in the airspace of city property known as the Leon Creek environmental preserve. (Brandon Ross, Special Projects Manager; Parks and Recreation Department)
21. **S.P. No. 1237**—Request to declare as surplus to the needs of the City of San Antonio a 5,978 square foot parcel of land adjacent to Fire Station No. 27 located at 1518 Hillcrest Dr. (George H. Rodriguez, Assistant Director, Capital Improvement Management Services Department)
22. **S.P. No. 1374** Request for a license to use Public Right of Way. (George H. Rodriguez, Assistant Director, Capital Improvement Management Services Department)
23. Request to convey 4 City-owned parcels of land to the San Antonio River Authority for development of the San Antonio River Improvement Project--Mission Reach, Phase II (George H. Rodriguez, Assistant Director of Capital Improvements and Management Services)
24. Consideration of a Resolution for the removal of restrictions on the sale or consumption of alcohol in Brackenridge Park Golf Course by the acquisition of future interest real property rights from the University of Texas System (Jim Roschek, Director, Golf Operations)
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## INDIVIDUAL CONSIDERATION

### LAND TRANSACTION:

25. **S.P. No. 1388** Request to close, vacate and abandon Public Right of Ways within San Juan Homes Public Housing Project. (George H. Rodriguez, Assistant Director, Capital Improvement Management Services Department)

### COMPREHENSIVE MASTER PLANS:

26. Case Number 08030 - Public hearing and consideration of a resolution amending the Land Use Plan contained in the City South Community Plan, a component of the Master Plan of the City, by changing the use of 1) approximately 120.20 acres located southwest of the intersection of Southton Road and Center Road from Resource Protection/Open Space and Rural Living land use to Heavy Industry land use, and 2) approximately 209.45 acres located south and southeast of the intersection of Southton Road and Center Road from Rural Living land use to Agriculture and Light Industry land use. (Planning and Development Services Department by Michael Taylor, Senior Planner; Nina Nixon-Mendez, Planning Manager)
27. Cont. from October 22. Public hearing and consideration of a resolution recommending an amendment to update a portion of the 1999 adopted Downtown Neighborhood Plan; specifically the West Neighborhood Plan area generally bound by Colorado Street to the west, Ruiz and Frio Streets to the north, Salado Street to the east, and Buena Vista Street to the south and covering approximately 63 acres of land, to City Council to become a component of the Downtown Neighborhood Plan and the City's Comprehensive Master Plan as it conforms to the approval criteria set forth in the Unified Development Code, §35-420, pertaining to "comprehensive, neighborhood, community, and perimeter plans." (Gary Edenburn, Senior Planner, Nina Nixon-Mendez Planning Manager, Planning and Development Services Department)
28. Public hearing and consideration of resolution to amend the Major Thoroughfare Plan, a component of the City of San Antonio Master Plan, by deleting the segment of Acme Road between West Commerce Street and Culebra Road. (Planning and Development Services Department by Trish Wallace, Regional Planning Manager)
29. Public hearing and consideration of resolution to amend the Major Thoroughfare Plan, a component of the City of San Antonio Master Plan, to re-align Kearney Road, eastward, generally located around I-35 between Quintana Road and FM 2790. (Planning and Development Services Department by Trish Wallace, Regional Planning Manager)

### OTHER ITEMS:

30. Public hearing and consideration of amendments to the Unified Development Code as part of the 2008 Biennial Update Program. (Andrew Spurgin, Planning and Development Services)

31. Approval of the minutes for the October 22, 2008 Planning Commission meeting.
32. Director's report may include any of the following items:
  - Budget and Department Performance
  - Camp Bullis Awareness Zone
  - Edwards Aquifer
  - Haven for Hope
  - Professional Development Opportunity-conferences and workshops
  - River North Neighborhood Plan
  - Technical Advisory Committee
  - Unified Development Code
  - Veterans Memorial
33. Questions and discussion
34. 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
35. **ADJOURNMENT**

# **Consent Agenda**

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

AGENDA ITEM NO: 5A26 November 12, 2008

NORTHWOOD ESTATES

UNIT No. 1

BLDG SETBACK LINE

080497

SUBDIVISION NAME

PLAT #

**COUNCIL DISTRICT:** 10

**FERGUSON MAP GRID:** 583 F-1

**OWNER:** N.E.I.S.D. by Garrett J. Sullivan

**ENGINEER:** Civil Engineering Consultants, by Alan D. Lindskog, P.E.

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

**Date filed with Planning Commission:** November 12, 2008

**Location:** At the intersection of Rockhill Drive and Pike Road

**Services Available:** SAWS Water and Sewer

**Zoning:** NP10 Neighborhood Preservation District

**Proposed Use:** School

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**APPLICANT'S PROPOSAL:**

To replat the front setback lines along Rockhill Drive, Pike Road, Urban Crest Drive and Vandiver Road from 25 feet to zero on Lot 1, Block 1, and NCB 11823 as recorded in Vol. 3025, Pg. 329, Northwood Estates Unit No.1 Subdivision plat.

**DISCUSSION:**

The Planning Commission will hold a public hearing on the proposed replatting of this property on November 12, 2008. Three notices were mailed to the adjacent property owners, as of this writing no written opposition has been submitted.

**STAFF RECOMMENDATION:**

Approval



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

AGENDA ITEM NO: 5B&7 November 12, 2008

TUTTLE SITE

MAJOR PLAT

080526

SUBDIVISION NAME

PLAT #

**COUNCIL DISTRICT:** 10

**FERGUSON MAP GRID:** 552 B-5

**OWNER:** CPS Energy, by Jack A. Smith, Jr., P.E.

**ENGINEER:** Bury and Partners, by Ray Mendez, P.E.

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

**Date filed with Planning Commission:** November 12, 2008

**Location:** Near the southeast corner of Nacogdoches and Wurzbach Parkway

**Services Available:** SAWS Water and Sewer

**Zoning:** R-5 Residential Single-Family

**Proposed Use:** Existing Maintenance and Fabrication Facility

**Major Thoroughfare:** Nacogdoches is a secondary arterial, type A, minimum R.O.W. 86 feet.

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**APPLICANT'S PROPOSAL:**

To plat **35.045** acres consisting of 1 non-single family lot.

**DISCUSSION:**

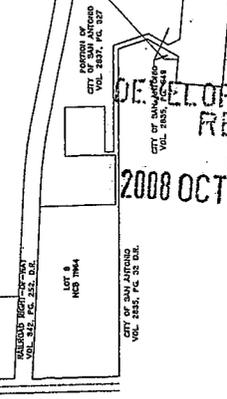
The Planning Commission will hold a public hearing on the proposed replatting of this property on November 12, 2008. No notices were mailed to the adjacent property owners as they were included in the original plat.

**STAFF RECOMMENDATION:**

Approval



PLAT NO. 080526



**AREA BEING REPLEATED THROUGH PUBLIC HEARING WITH WRITTEN NOTIFICATION**  
 BEING 17.73 ACRES, LOT 9, NCB 11964, OF THE SUBSTANTIAL CONSTRUCTION BUILDING PLAT, AS RECORDED IN VOLUME 3556, PAGE 7-9, IN THE DEED AND PLAT RECORDS OF BEAR COUNTY, TEXAS.

**GENERAL NOTES:**

- THE CITY OF SAN ANTONIO AS PART OF THE ELECTRIC RELAY AND CONTROL SYSTEM (CITY PUBLIC SERVICE BOARD) IS HEREBY INDICATING THE EXISTING AND PROPOSED WIRE ROUTING FOR THE 11KV AND 2KV SYSTEMS. THE EXISTING AND PROPOSED WIRE ROUTING IS SHOWN ON THIS PLAT AS ELECTRIC EASEMENTS AND EASEMENTS. THE EXISTING AND PROPOSED WIRE ROUTING IS SHOWN ON THIS PLAT AS ELECTRIC EASEMENTS AND EASEMENTS. THE EXISTING AND PROPOSED WIRE ROUTING IS SHOWN ON THIS PLAT AS ELECTRIC EASEMENTS AND EASEMENTS.

**CONCRETE DRIVEWAY APPROACHES** ARE ALLOWED WITHIN THE FIVE (5) FOOT WIDE ELECTRIC AND GAS EASEMENTS WHEN LOTS ARE SERVED ONLY BY NEAR LOT UNDERGROUND ELECTRIC AND GAS FACILITIES.

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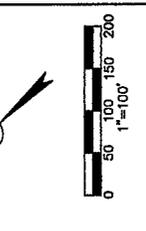
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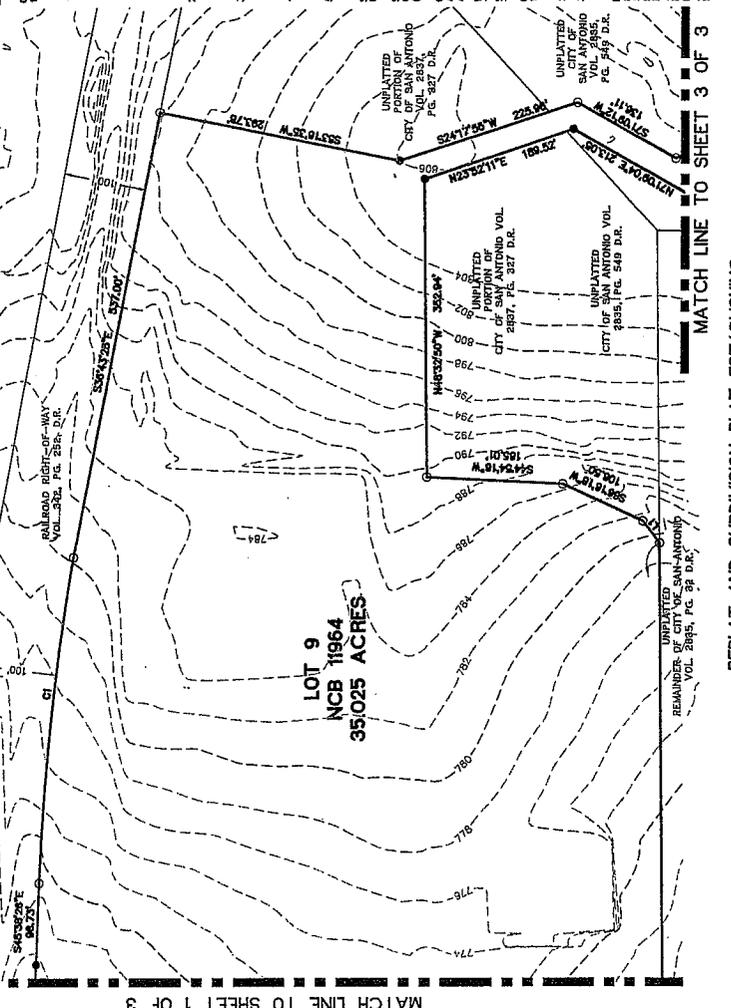
**LINE TABLE**

LINE	LENGTH	BEARING
L1	33.04	N85°55'22"W
L2	78.69	S18°52'17"W



**LEGEND**

- 1/2" IRON ROD FOUND (UNLESS NOTED)
- 1/2" IRON ROD SET WITH YELLOW CAP MARKED "BP" (UNLESS NOTED)
- MONUMENT FOUND
- MONUMENT SET
- BENCHMARK
- EXISTING CONTOURS
- PROPOSED CONTOURS
- DEED AND PLAT RECORDS
- DEED RECORDS



**REPLAT AND SUBDIVISION PLAT ESTABLISHING TUTTLE SITE**

CREATING LOT 9, NCB 11964, BEING A 35,045 ACRE TRACT OF LAND SITUATED IN THE CITY OF SAN ANTONIO, BEXAR COUNTY, TEXAS, AS RECORDED IN VOLUME 3556, PAGE 7-9, OF THE DEED AND PLAT RECORDS OF BEAR COUNTY, TEXAS, AND FROM A PORTION OF THAT CERTAIN ACRE TRACT OF LAND RECORDED IN VOLUME 2837, PAGE 327 OF THE DEED RECORDS OF BEAR COUNTY, TEXAS.

**TUTTLE SITE**

THIS PLAT IS HEREBY SUBMITTED TO AND CONSIDERED BY THE PLANNING COMMISSION OF THE CITY OF SAN ANTONIO, TEXAS, AND IS HEREBY APPROVED BY SUCH COMMISSION.

DATED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ A.D. 20\_\_\_\_

BY: CHAIRMAN  
 BY: SECRETARY



**STATE OF TEXAS**  
 COUNTY OF BEAR

I, HEREBY CERTIFY THAT PROPER ENGINEERING CONSIDERATION HAS BEEN GIVEN TO THE DESIGN AND CONSTRUCTION OF THIS PLAT AND THAT THE SAME IS IN ACCORDANCE WITH ALL REQUIREMENTS OF THE UNIFIED DEVELOPMENT CODE OF THE CITY OF SAN ANTONIO, TEXAS, AS ADOPTED BY THE SAN ANTONIO PLANNING COMMISSION.

**STATE OF TEXAS**  
 COUNTY OF BEAR

I, HEREBY CERTIFY THAT THE ABOVE PLAT CONFORMS TO THE REQUIREMENTS OF THE UNIFIED DEVELOPMENT CODE OF THE CITY OF SAN ANTONIO, TEXAS, AS ADOPTED BY THE SAN ANTONIO PLANNING COMMISSION.

**STATE OF TEXAS**  
 COUNTY OF BEAR

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**STATE OF TEXAS**  
 COUNTY OF BEAR

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 COUNTY OF BEAR

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 COUNTY OF BEAR

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 COUNTY OF BEAR

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**STATE OF TEXAS**  
 COUNTY OF BEAR

I, HEREBY CERTIFY THAT THE ABOVE PLAT CONFORMS TO THE REQUIREMENTS OF THE UNIFIED DEVELOPMENT CODE OF THE CITY OF SAN ANTONIO, TEXAS, AS ADOPTED BY THE SAN ANTONIO PLANNING COMMISSION.



**PLANNING COMMISSION**  
**PUBLIC HEARING AND CONSIDERATION OF A REPLAT**  
**AGENDA ITEM NO: 5088 November 12, 2008**

SUNNY SLOPE

BAPTIST CHURCH

SUBDIVISION NAME

MAJOR PLAT

080469

PLAT #

**COUNCIL DISTRICT: 2**

**FERGUSON MAP GRID: 651 E-1**

**OWNER:** Sunny Slope Baptist Church, by Mike Barron

**ENGINEER:** Pape Dawson Engineers, Inc., by Alfonso Chua, P.E.

**CASE MANAGER:** Larry Odis, Planner (207-0210)

**Date filed with Planning Commission:** November 12, 2008

**Location:** Northwest of Rigsby Avenue and Elgin Avenue

**Services Available:** SAWS Water and Sewer

**Zoning:** I-1 General Industrial District  
C-3R Commercial District, Restrictive Alcoholic Sales  
MF-25 Multi-Family District

**Proposed Use:** Church

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**APPLICANT'S PROPOSAL:**

To plat **3.64** acres consisting of **1** non-single family lot.

**STAFF RECOMMENDATION:**

Approval



**PLANNING COMMISSION  
TOWNHOUSE SUBDIVISION**

AGENDA ITEM NO: 9 November 12, 2008

HEIGHTS AT STONE OAK  
PUD TOWNHOMES  
SUBDIVISION NAME

MAJOR PLAT

070081  
PLAT #

**COUNCIL DISTRICT:** 9

**FERGUSON MAP GRID:** 482 D-1

**OWNER:** Jerbo/San Ann Land, Ltd., by James O'Brien

**ENGINEER:** Alamo Consulting Engineering, Inc., by Todd Douglas Morrill, P.E.

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

**Date filed with Planning Commission:** October 28, 2008

**Location:** West of the intersection of Colonade Drive and Heights Boulevard.

**Services Available:** Bexar Metropolitan Water District and SAWS Sewer

**Zoning:** R-6 Residential Single Family District  
PUD Planned Unit Development  
ERZD Edwards Recharge Zone District

**Plat is in accordance with:**

POADP 358-C, Heights at Stone Oak was accepted on April 27, 1998.

PUD 98-027G, The Heights at Stone Oak was accepted on June 12, 2006.

**Proposed Use:** Residential

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**APPLICANT'S PROPOSAL:**

To plat 4.55 acres consisting of 38 single family lots, 4 non-single family lots and 667 linear feet of private street.

**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 plat meets all of the requirements for development over the recharge zone.

Although this plat lies within the Camp Bullis 5 Mile Awareness Zone, it is less than the ten acres and is not abutting the Camp Bullis Installation. Therefore, Camp Bullis has requested that they not be notified.

**STAFF RECOMMENDATION:**

Approval





October 09, 2007

Ms. Lizel Spencer  
Jack Johnson Company  
1777 Sun Peak Drive  
Park City, Utah 84098

RE: File No. 0709003- Request for review of The Enclave at the Heights at Stone Oak PUD Plat No. 070081 located 549 feet North of Heights Blvd. and Wilderness Oaks

Dear Ms Spencer:

On August 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 single family residential and consists of approximately 4.550 acres located entirely within the EARZ. No significant features were observed. The property is within the 100-year floodplain preservation area.

The proposed development is a Category 1 property under the provisions of Aquifer Protection Ordinance No. 81491. 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 July 24, 1998, and January 5, 2007, 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, recommends the approval of The Enclave at the Heights at Stone Oak PUD, Plat No. 070081.

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

DEVELOPMENT SERVICES  
RECEIVED  
2008 OCT 28 AM 8:44

KMN:SMD

**PLANNING COMMISSION  
SUBDIVISION PLAT**

AGENDA ITEM NO: 10 November 12, 2008

SULPHUR SPRINGS UNIT 4B  
SUBDIVISION NAME

MAJOR PLAT

070102  
PLAT #

**COUNCIL DISTRICT:** 2

**FERGUSON MAP GRID:** 653 B-5

**OWNER:** Continental Homes of Texas, LP, by Timothy D. Pruski, Agent

**ENGINEER:** Carter and Burgess, Inc., by Ishtiaque Saleh, P.E.

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

**Date filed with Planning Commission:** October 28, 2008

**Location:** The extension of Jasper Hollow from Sulphur Springs Unit 2

**Services Available:** SAWS Water and Sewer

**Zoning:** R-6 Residential Single-Family

**Plat is in accordance with:**

MDP 875A, Sulphur Springs, was accepted on January 23, 2007.

**Proposed Use:** Residential

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**APPLICANT'S PROPOSAL:**

To plat **11.17** acres consisting of **28** single family lots and **4** non-single family lots and **2,250** linear feet of public streets.

**DISCUSSION:**

It is noted that because plat # 060749, Sulphur Springs Unit 4A, provides access to the extension of Onyx Way; it must be recorded before this unit. A note has been placed on the tracking system to hold this plat until such recording occurs.

**STAFF RECOMMENDATION:**

Approval



**PLANNING COMMISSION  
SUBDIVISION**

AGENDA ITEM NO:   11   November 12, 2008

FRANGAGMA, LLC  
SUBDIVISION NAME

MAJOR PLAT

070197  
PLAT #

**COUNCIL DISTRICT:** Outside San Antonio City Limits

**FERGUSON MAP GRID:** 483 A-1

**OWNER:** Frangagma LLC, by Alejandro Camacho

**ENGINEER:** G.E. Reaves Engineering, Inc., by Anthony T. Recine III, P.E.

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

**Date filed with Planning Commission:** October 24, 2008

**Location:** At the intersection of Canyon Golf Road and Turtle Hill

**Services Available:** SAWS Water and Sewer

**Zoning:** Outside San Antonio City Limits

**Plat is in accordance with:**

MDP 427-B, Canyon Springs Valley was accepted on April 27, 1998

**Proposed Use:** Café Shop

**Major Thoroughfare:** Canyon Golf Road is a Secondary Arterial, Type A,  
minimum R.O.W. 86' feet.

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**APPLICANT'S PROPOSAL:**

To plat 1.717 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 plat meets all of the requirements for development over the recharge zone.

The Public Works Storm Water Department cited Section 35-504 (9)(i)(3), Minimum easement widths. The applicant's engineer has submitted a request for an administrative exception. The Public Works Storm Water Department has no objection to the granting of the administrative exception as indicated in their attached response.

Although this plat lies within the Camp Bullis 5 Mile Awareness Zone, it is less than the ten acres and is not abutting the Camp Bullis Installation. Therefore, Camp Bullis has requested that they not be notified.

**STAFF RECOMMENDATION:**

Approval





May 30, 2008

Mr. Anthony T. Recine III, P.E.  
GE Reaves Engineering, Inc.  
12508 Jones Maltsberger  
San Antonio, Texas 78247

RE: File No. 0803005 - Request for review of **Frangagma, LLC, Plat No. 070197** located near the intersection of Canyon Golf Road and Turtle Hill Road.

Dear Mr. Recine:

On March 5, 2008, 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 commercial and consists of approximately 1.718 acres located entirely within the EARZ. No significant features were observed. The property is not within a 100-year floodplain preservation area.

The proposed development is a **Category 2** property under the provisions of Aquifer Protection Ordinance No. 81491. In accordance with Ordinance No. 81491, an Aquifer Protection Plan for all Category 2 and 3 properties is required to be submitted and approved by the Aquifer Protection & Evaluation Section of the San Antonio Water System. An Aquifer Protection Plan was submitted to SAWS and approved in a letter dated May 27, 2008 File No. 164.

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.

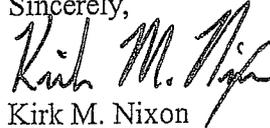
At the time of this request, it is unknown if a Water Pollution Abatement Plan (WPAP) and/or an Organized Sewage Collection System (SCS) Plan have been submitted to or approved by the Texas Commission on Environmental Quality (TCEQ). **No building permit will be released until a Water Pollution Abatement Plan has been submitted to and approved by 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 Frangagma, LLC, Plat No. 070197.

Mr. Recine, P.E.  
Frangagma, LLC  
Page 2

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, appearing to read "Kirk M. Nixon". The signature is written in a cursive style with a large initial "K".

Kirk M. Nixon

Manager

Resource Protection Division

KMN/GDJ:LRD



# CITY OF SAN ANTONIO

DEVELOPMENT SERVICES DEPARTMENT

1901 S. Alamo, San Antonio, TX 78204

## ADMINISTRATIVE EXCEPTION/VARIANCE REQUEST APPLICATION

Project Name:	FRANGAGMA, LLC.	
A/P # /PPR # /Plat #		070197
Date:	A. SEPTEMBER 8, 2008	
Code Issue:		
Code Sections:	35-504(C)(3)	

Submitted By:  Owner  Owners Agent \* (Requires notarized Letter of Agent)

Owners Name: ALEJANDRO CAMACHO

Company: FRANGAGMA LLC.

Address: 2019 CANYON VISTA, SAN ANTONIO Zip Code: 78247

Tel #: (210) 488-1728 Fax# E-Mail: aacamacho1@gmail.com

Consultant: Anthony T. Recine III, P.E.

Company: GE Reaves Engineering, Inc.

Address: 12508 JONES MALTSBERGER, SUITE 108 Zip Code: 78247

Tel #: (210) 490-4500 Fax# (210) 490-4812 E-Mail: TRECINE@GEREAVESENG.COM

Signature: ALEJANDRO CAMACHO

**Additional Information – Subdivision Plat Variances & Time Extensions**

1.  Time Extension  Sidewalk  Floodplain Permit  Completeness Appeal

Other PROPOSED DRAINAGE EASEMENT

2. City Council District \_\_\_\_\_ Ferguson Map Grid 551/A1 Zoning District OCL

3. San Antonio City Limits  Yes  No

4. Edwards Aquifer Recharge Zone?  Yes  No

5. Previous/existing landfill?  Yes  No

6. Parkland Greenbelts or open space? Floodplain?  Yes  No





# GE Reaves Engineering, Inc.

CIVIL ENGINEERS

• STRUCTURAL ENGINEERS

• LAND SURVEYORS

September 5, 2008

Administrative Exception / Variance Request Review  
c/o Pablo Martinez  
Development Services Department  
City of San Antonio  
1901 S. Alamo  
San Antonio, TX 78204

Re: Frangagma, LLC  
Plat No. 070197  
UDC Code 35-504(i)(3)

Subj: Subdivision Platting Variance

Dear Mr. Martinez,

The purpose of this letter is to formal request consideration for a platting variance of the proposed Frangagma, LLC Subdivision on Canyon Golf Rd. at the intersection of Turtle Hill by the Planning Commission. This Administrative Exception / Variance Request (AEVR) is proposed for Section 35-506(i)(3), Storm Sewers Minimum Easement Widths, of the Unified Development Code (UDC). Minimum width standards require the minimum public drainage easement breadth to be the greater of fifteen (15) feet or six (6) feet on both sides of the extreme limits of the storm sewer width (proposed 24" RCP storm drain). The subdivision developer is seeking a variance for compliance with this provision of the Code.

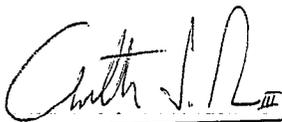
The City of San Antonio should accept the AEVR since recordation of a 15' drainage easement on the subject subdivision for the associated interceptor storm drain is not in the best interest of either the public or the subdivision owner as required by Section 35-504(i)(3). Due to the small size of the subdivision (1.72 acres), the amount of existing drainage infrastructure, and the extent of the planned commercial retail building and pavement improvements (0.79 acres total), there is not sufficient space available to establish the minimum required width drainage easement along the subdivision's western property line where the proposed 24" RCP interceptor drain will be located. There is only a 10' wide strip available between the said property line and the rear of the planned commercial facilities along the storm drain's alignment. The adjacent, upstream property owner, Canyon Springs Golf Course, has refused to have a 5' strip of the necessary easement platted on their parcel for the simple reason that it does not want any development abutting its golf course. The Development Services Storm Water Engineer, Mr. Robert Browning, will support a reduced width (10') drainage easement for this subdivision since the proposed design places the storm pipe's outer walls at least 4' from buildings and the property line, which is sufficient for maintenance access. There is no benefit accrued to public health, safety and welfare by creating a wider (15') drainage easement, but the adverse impact upon the affected subdivision developer would be considerable.

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CITY OF SAN ANTONIO

- The proposed 10' easement width has been deemed adequate for the maintenance requirements for a 24" RCP storm drain. Furthermore, this easement will be paved with Portland Cement Concrete, which will facilitate vehicular access for Public Works maintenance personnel.
- Establishing a 15' drainage easement on the property will decrease the commercial retail space available and thereby reduce the viability of the planned site development.
- The developer could eliminate the need for the public drainage easement by abolishing the interceptor drain and allowing off-site storm water runoff to flow through the property. However, the size of on-site storm water detention and treatment facilities would have to be augmented substantially to accommodate the off-site discharge, which exposes the property owner to unexpected site construction cost increases.
- The proposed subdivision already contains open earthen channel structures inside existing variable width drainage easements along Turtle Hill and Canyon Golf Rd. for off-site storm water conveyance. Given subdivision's relatively small size and extent of existing drainage facilities, the 15' easement width requirement imposes a rather unique hardship on the developer that is not shared by the larger surrounding properties which have a smaller proportion of their land areas dedicated for drainage easements and improvements.
- The hardship associated with the minimum easement width requirement was not the result of the applicant's own actions since the neighbor's uncooperative attitude was unforeseeable during site planning.
- The granting of the exception/variance will not be injurious to other property owners because neither the expected route nor quantity of the post-development storm water runoff will be affected by the narrower width of the aforementioned easement. Both off- and on-site runoff will continue to flow into an existing concrete culvert at the south end of the subject subdivision, as now occurs in undeveloped site development conditions. Similarly, a 10' drainage easement platted on the Frangagma, LLC parcel will not prevent the orderly subdivision of other property in the area in accordance with these regulations.

In my professional opinion, the proposed administrative exception / variance remains in harmony with the spirit and intent of the UDC as it will not adversely affect the health, safety, or welfare of the public.

Sincerely,



Anthony T. Recine III, P.E.  
Senior Engineer

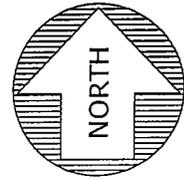


Alejandro Camacho

ATR/atr/27704

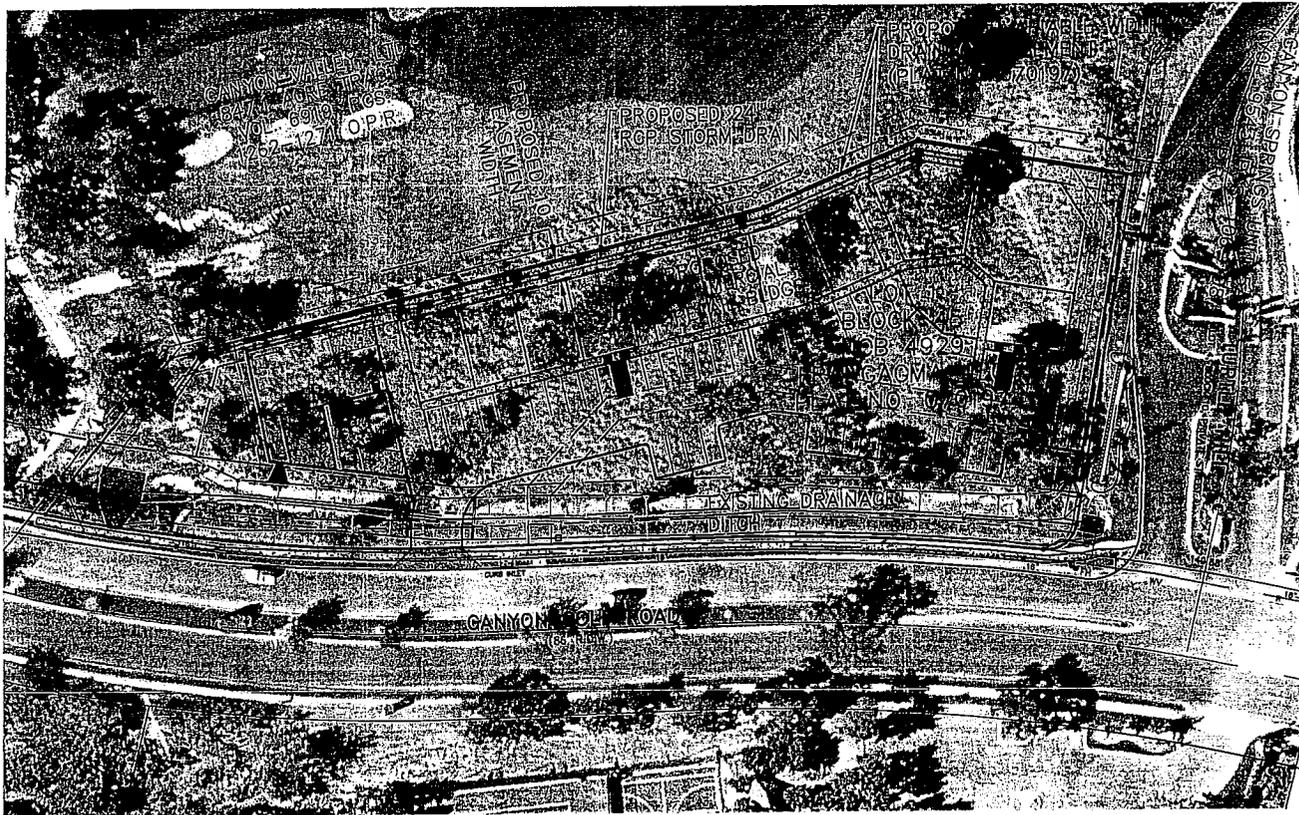
Attachments

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SCALE: 1" = 100'

LAND USE & ZONING  
SERIAL



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GE Reaves Engineering, Inc.  
P.O. Box 791793  
San Antonio, Tx. 78279-1793  
(210) 490-4506 Fax 490-4812

FRANGAGMA, LLC.

AERIAL MAP & SITE EXHIBIT  
BEKAR, TEXAS

DRAWN BY: AH	CHECKED BY: ATR	DATE: 08/05/08	DWG. NO. NUMBER: 05-1855	DWG. NAME: AERIAL MAP	SHEET NO. 1
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\\VIA\107-08-2017\AERMAP.DWG



# CITY OF SAN ANTONIO

P.O. BOX 839966  
SAN ANTONIO, TEXAS 78283-3966

September 25, 2008

Anthony T. Recine III, P.E.  
PO Box 791793  
San Antonio, Tx 78279-1793

**Re: Administrative Exception / Frangagma, LLC., Plat # 070197**

Dear Anthony T. Recine III:

We have received the Storm Water Management Plan and flood study for Frangagma, (July 7, 2008). The proposed development is not in compliance with current Storm Water Management ordinances:

1. The subject plat has an underground storm sewer pipe does not meet the following City of San Antonio Unified Development Code (UDC) requirements:
  - Section 35-504 (9) (i) (3) – Minimum easement widths for storm sewer will be the greater of fifteen (15) feet or six (6) feet on both sides of the extreme limits of the storm sewer width. Therefore, the proposed 24" RCP pipe requires a 15 ft easement, whereas only 10 feet is proposed.
2. An administrative exception to the above UDC section is required prior to Public Works approval of the subdivision plat.
3. Public Works hereby grants this administrative exception from Article V, Division 2, Section 35-504 (9) (i) (3) because:
  - The owner will accept maintenance of the storm sewer (as specified on the plat).

If you have any questions, please contact Robert Browning at 210-207-5890.

Sincerely,

Majed A. Al-Ghafry  
Director of Public Works

\MAA/EB:rb

cc: Anthony T. Recine III, P.E.  
City of San Antonio, Planning Commission

**PLANNING COMMISSION  
SUBDIVISION**

**AGENDA ITEM NO: 12 November 12, 2008**

**VENETIAN OAKS  
SUBDIVISION NAME**

**MAJOR PLAT**

**070266  
PLAT #**

**COUNCIL DISTRICT: 8**

**FERGUSON MAP GRID: 513 E-8**

**OWNER: Elaine L. Ballard**

**ENGINEER: Vickery and Associates, Inc. by Jeffrey S. Tondre, P.E.**

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

**Date filed with Planning Commission: October 27, 2008**

**Location: On the west side of Babcock Road, north of De Zavala Road**

**Services Available: SAWS Water and Sewer**

**Zoning: RM-4 Residential Mixed  
ERZD Edwards Recharge Zone District**

**Proposed Use: Residential**

**Major Thoroughfare: Babcock Road is a Secondary Arterial, Type A, minimum R.O.W. 86' feet.**

---

**APPLICANT'S PROPOSAL:**

To plat **4.738** acres consisting of **30** single family lots and **4** non-single family lots, **687.45** linear feet of public street.

**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 plat meets all of the requirements for development over the recharge zone.

**STAFF RECOMMENDATION:**

Approval





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July 08, 2008

DEVELOPMENT SERVICES  
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2008 OCT 22 PM 1:53

Mr. Jeff S. Tondre, P.E.  
Vickery & Associates, Inc.  
12940 Country Parkway  
San Antonio, Texas 78216

RE: File No. 0712002- Request for review of **Venetian Oaks**, Plat No. **070266** located on  
Babcock Road, near Old Babcock Road

Dear Mr. Tondre:

On December 6, 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 single family residential and consists of approximately 4.740 acres located entirely within the EARZ. No significant features were observed. The property is not within a 100-year floodplain preservation area.

The proposed development is a **Category 2** property under the provisions of Aquifer Protection Ordinance No. 81491. In accordance with Ordinance No. 81491, an Aquifer Protection Plan for all Category 2 and 3 properties is required to be submitted to and approved by the Aquifer Protection & Evaluation Section of the San Antonio Water System. An Aquifer Protection Plan was submitted to SAWS and approved in a letter dated July 7, 2008-File No. 0173. **The release of building/water service permits will be contingent on receipt and approval of the Aquifer Protection Plan.**

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.

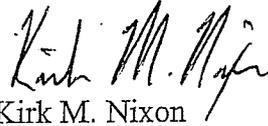
At the time of this request, it is unknown if a Water Pollution Abatement Plan (WPAP) or an Organized Sewage Collection System (SCS) Plan have been submitted to or approved by the Texas Commission on Environmental Quality (TCEQ). **No building permit will be released until a Water Pollution Abatement Plan has been submitted to and approved by 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 Venetian Oaks, Plat No. 070266.

Mr. Tondre, P.E.  
Venetian Oaks  
Page 2

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, appearing to read "Kirk M. Nixon". The signature is written in a cursive style with a large, stylized "K" and "N".

Kirk M. Nixon  
Manager  
Resource Protection Division

KMN:SMD

**PLANNING COMMISSION  
SUBDIVISION**

AGENDA ITEM NO: 13 November 12, 2008

UTTURKAR

MAJOR PLAT

070354

SUBDIVISION NAME

PLAT #

**COUNCIL DISTRICT:** Outside San Antonio City Limits

**FERGUSON MAP GRID:** 585 F-2

**OWNER:** Anant K. Utturkar, M.D.,

**ENGINEER:** Briones Engineering and Consulting, Ltd., by Rolando Briones, P.E.

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

**Date filed with Planning Commission:** October 20, 2008

**Location:** East of the intersection of Congressional Boulevard and Walzem Road.

**Services Available:** Bexar Metropolitan Water District and San Antonio River Authority Sewer

**Zoning:** Outside San Antonio City Limits

**Plat is in accordance with:**

POADP 193, Ventura, accepted on September 25, 1985

**Proposed Use:** Commercial

**Major Thoroughfare:** Walzem Road is a secondary arterial, type A, minimum R.O.W. 86 feet.

---

**APPLICANT'S PROPOSAL:**

To plat **2.691** acres consisting of **2** non-single family lots and **305** linear feet of public street.

**DISCUSSION:**

The Bexar County Public Works Department cited: Section 35-506 (d) (2), Table 506-3 – “K” Sag Curve Values UDC regarding Vertical Sag Curve. The applicants engineer has submitted a request for an Administrative Exception to the requirements. The Bexar County Director and the Planning and Development Services Director have granted an Administrative Exception to Section 35-506 (d) (2) of the UDC regarding Vertical Sag Curve.

**STAFF RECOMMENDATION:**

Approval



September 26, 2008

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Mr. Robert Brach, P.E.  
c/o Mr. Robert Lombrano  
City of San Antonio  
1901 South Alamo  
San Antonio, Texas 78204

RE: Utturkar Subdivision – Administrative Exception  
Plat # 070354

Dear Mr. Brach:

In accordance with Chapter 35, Section 35-436, Administrative Exceptions, Unified Development Code, City of San Antonio, Texas on behalf of the developer of Utturkar Subdivision, the following administrative exception is being submitted for your consideration.

We wish to request an administrative exception to Section 35-506 (d)(1) of the Unified Development Code requiring that a minimum K value of 35 be applied to sag curves on Local streets.

The proposed Gulf Shore Boulevard / Walzem Road intersection occurs at the northern end of the development. In lieu of directly tying the proposed pavement of Gulf Shore Boulevard to the gutter on the existing Walzem Road a short vertical curve is proposed at the intersection. The purpose of the vertical curve is drainage based. Storm water will flow off Walzem from the east side of Gulf Shore to the west side at this location. Rather than focus the drainage along the gutter line we believe it is more appropriate to center the flow in the current location of the existing bar ditch along Walzem Road. The bar ditch is located about ten feet from the gutter on Walzem. In order to maintain the low at this location a 20' vertical curve is provided on the plans.

Our request is based on the following:

- The exception will not be contrary to the spirit and intent of Chapter 35 and the specific regulations from which an exception is requested. The K value presented in the code relates to streets where traffic is moving at approximately 30 miles per hour. This is not the case at an intersection where a stop sign is provided. The grades on Gulf Shore are not at all excessive with a 2.30% grade leaving Walzem and a maximum intersecting grade of -1.25%. This maximum algebraic difference of 3.55% would require a vertical curve of 125' per code. The minimum K value for the sag curve at the intersection is proposed as 5.63. Strict enforcement of a curve with a K value of 35 would result in the bar ditch drainage being located approximately 80' from the intersection along Gulf Shore. The runoff needs to be directed into the bar ditch located approximately 10' from the existing curb on Walzem.

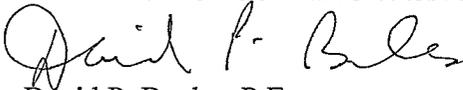


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- The applicant has taken all practicable measures to minimize any adverse impacts on the public health, safety and public welfare. There is no adverse impact to health, safety and welfare since this condition occurs at a tee intersection and the curve is on the branch street. The stopping sight distance from the low in the intersection along Gulf Shore is 214' which exceeds the 200' requirement for a 30 mph street.
- Under the circumstances, the public interest underlying the proposed exception outweighs the public interest underlying the particular regulation for which the exception is granted. Strict compliance with the regulation would result in poor drainage and unnecessary construction expense that outweighs the public and developer interests.
- The proposed exception complies with all other applicable standards of subsection 35-432(e) – master plan, transportation plan, major thoroughfare plan, watershed plan etc.

Sincerely,  
BRIONES CONSULTING & ENGINEERING, LTD.



David P. Beales, P.E.,  
Principal



## INFRASTRUCTURE SERVICES DEPARTMENT PUBLIC WORKS DIVISION

233 N. Pecos - La Trinidad, Suite 420  
San Antonio, Texas 78207  
210-335-6700 (Voice) | 210-335-6713 (Fax)

### ADMINISTRATIVE EXCEPTION VARIANCE REQUEST ANALYSIS

<b>Project:</b>	Utturkar Subdivision A subdivision plat consisting of 2 nsf lots on 2.691 acres with ~300 lf of public road.
<b>Address:</b>	Gulf Shore Blvd at Walzem Rd (See Aerial) Ferguson Map Grid 585/F2
<b>A/P #/PPR #/Plat #:</b>	070354
<b>AEVR #:</b>	
<b>AEVR Submittal Date:</b>	09/29/2008
<b>AEVR Submitted by:</b>	David Beales, P.E. Briones Consulting Engineers
<b>Issue:</b>	Gulf Shore Blvd – Sag K-Value
<b>Code Sections:</b>	2006 Unified Development Code (UDC), Section 35-506 (d)(2), Table 506-3 – “K” Sag Curve Values
<b>By:</b>	Robert G. Brach, P.E. – Development Services Manager

We reviewed the information presented in Mr. Beales's letter dated September 29, 2008. At issue are the minimum K-values listed in Table 506-3 for Sag Curves.

The Administrative Exception request was evaluated for the criteria listed under 35-436(e) as follows:

1. The minimum K-value established by the UDC for a public Local A street is 35 for Vertical Sag Curve which are based upon a straight run of road with the maximum grade of 12% and a design speed of 30 MPH. This curve is located at an intersection where the curve should be based on the speed of a turning movement which is 10-15 mph. Additionally, due to the drainage patterns in the area the location of the low point of the sag curve is restricted to the vicinity of the bar ditch of Walzem Rd and the length of the curve has been limited to 20'. In this case only, we acknowledge this design allows drainage to flow off the roadway and better preserves the integrity of the driving surface by allowing storm water to run off the road quickly.
2. The applicant has taken all practical measures to minimize adverse impacts on the public health, safety, and public welfare. The design has improved the situation to remove drainage and should have a minimal impact on public health, safety, and public welfare.
3. Given the topography of the development and the measures that have been undertaken by the developer to improve drainage, the public interest underlying the exception outweighs the public interest of the regulation.

4. All other applicable standards of the UDC are being complied with to the extent possible for this development.

We believe the proposed exception does meet the intent of the UDC and will not result in a waiver of a traffic safety UDC requirement.

RECOMENDATION: Approve



Robert Brach, P.E.  
Development Services Engineer  
Bexar County

10/6/08

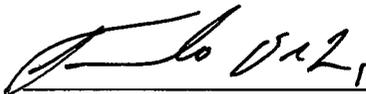
Date

I have reviewed the AEVR Analysis and concur with the recommendation.



Thomas L. Carrasco, P.E.  
Development Services Engineer  
City of San Antonio Development Services Department

10/9/08  
Date



Fernando J. De León, P.E.  
Assistant Director  
DSD

Date

**PLANNING COMMISSION  
SUBDIVISION**

AGENDA ITEM NO: 14 November 12, 2008

BCB-S. NEW BRAUNFELS UNIT 1 MAJOR PLAT 070420  
SUBDIVISION NAME PLAT #

**COUNCIL DISTRICT:** 3

**FERGUSON MAP GRID:** 651 E-8

**OWNER:** Brooks Development Authority, by Donald Jakeway

**ENGINEER:** Pape-Dawson Engineers, Inc., by Shauna L. Weaver, P.E.

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

**Date filed with Planning Commission:** October 15, 2008

**Location:** Extending South New Braunfels southward from Southeast Military Drive

**Services Available:** SAWS Water and Sewer

**Zoning:** MR Military Reservation District

**Plat is in accordance with:**

MDP 807, Brooks City Base was accepted on February 17, 2005.

**Proposed Use:** Public Street

~~**Major Thoroughfare:** Southeast Military Drive is a primary arterial, type A, minimum R.O.W. 120 feet and South New Braunfels is a primary arterial, type B, minimum R.O.W. 70 feet.~~

---

**APPLICANT'S PROPOSAL:**

To plat **13.17** acres consisting of **3,000** linear feet of public streets.

**STAFF RECOMMENDATION:**

Approval





**PLANNING COMMISSION  
SUBDIVISION**

AGENDA ITEM NO: 15 November 12, 2008

KINDER NORTHEAST  
UNIT-2 PUD  
SUBDIVISION NAME

MAJOR PLAT

070587  
PLAT #

**COUNCIL DISTRICT:** Outside San Antonio City Limits

**FERGUSON MAP GRID:** 451 C-2

**OWNER:** Clifton Land I, L.P., by Kevin J. Ryan Sr.

**ENGINEER:** Pape Dawson Engineers, Inc., by Rick Wood, P.E.

**CASE MANAGER:** Larry Odis, Planner (207-0210)

**Date filed with Planning Commission:** October 28, 2008

**Location:** Extending Night Shade south of Kinder Bluff

**Services Available:** SAWS Water and Sewer

**Zoning:** Outside San Antonio City Limits

**Plat is in accordance with:**

MDP 824-A, Kinder Ranch, accepted May 15, 2008

PUD 08-004, Kinder Ranch Northeast, approved June 11, 2008

**Proposed Use:** Residential

---

**APPLICANT'S PROPOSAL:**

To plat **14.33** acres consisting of **44** single family lots, **3** non-single family lots, and **2,139.95** linear feet of private streets.

---

**DISCUSSION:**

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 Camp Bullis will be addressed so long as the developer:

- commits to incorporate dark sky lighting measures (such as the July 22, 2008 Bexar County Dark Sky Requirements or proposed City of San Antonio equivalent) into their projects."

The applicant's engineer acknowledged receiving the Planning and Development Services email, and they indicated that they will conform to the Military's request.

The city is working to implement a Dark Sky Ordinance. However, at the present time the City recommends that the applicant contact Andrew Winter at Bexar County ([awinter@bexar.org](mailto:awinter@bexar.org) or 335-6487) to ensure that the applicant follows the Dark Sky requirements adopted by the Bexar County.

At this time, the City is providing this information as a recommendation and will not place holds on the plats and plans associated with this recommendation.

**STAFF RECOMMENDATION:**

Approval









**PLANNING COMMISSION  
SUBDIVISION**

AGENDA ITEM NO: 16 November 12, 2008

HERITAGE PARK UNIT 29A  
SUBDIVISION NAME

MAJOR PLAT

080330  
PLAT #

**COUNCIL DISTRICT:** Outside San Antonio City Limits

**FERGUSON MAP GRID:** 646 D-1

**OWNER:** KB Home Lone Star, L. P., by Joseph C. Hernandez

**ENGINEER:** Poznecki-Camarillo, Inc., by Andrew W. Poznecki, P. E.

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

**Date filed with Planning Commission:** October 27, 2008

**Location:** At the northwest corner of Pue Road and Bonavantura Boulevard

**Services Available:** Bexar Metropolitan Water District and SAWS Sewer

**Zoning:** Outside San Antonio City Limits

**Plat is in accordance with:**

MDP 578 Westside Place was accepted on October 10, 1997.

**Proposed Use:** Residential

---

**APPLICANT'S PROPOSAL:**

To plat **9.213** acres consisting of **55** single family lots and **1,438** linear feet of public streets.

**STAFF RECOMMENDATION:**

Approval



**PLANNING COMMISSION  
SUBDIVISION**

AGENDA ITEM NO: 17 November 12, 2008

SUMMERGLEN UNIT 5A-4 PUD  
SUBDIVISION NAME

MAJOR PLAT

080340  
PLAT #

**COUNCIL DISTRICT:** Outside San Antonio City Limits

**FERGUSON MAP GRID:** 483 C-1

**OWNER:** Southland Properties by Jay Patterson

**ENGINEER:** Pape-Dawson Engineers, Inc. by Alfonso R. Chua, Jr.

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

**Date filed with Planning Commission:** October 28, 2008

**Location:** On the north side of Wilderness Oaks, west of Alpine Lodge

**Services Available:** SAWS Water and Sewer

**Zoning:** Outside San Antonio City Limits

**Plat is in accordance with:**

MDP 427-D, Summerlin was accepted on January 29, 1999

PUD 98-018B Summerlin was approved April 16, 2001

**Proposed Use:** Residential

**Major Thoroughfare:** Wilderness Oaks is a Secondary Arterial, Type A,  
minimum R.O.W. 86' feet.

---

**APPLICANT'S PROPOSAL:**

To plat 9.77 acres consisting of 11 single family lots and 2 non-single family lots,  
and 320 linear feet of private streets.

## 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 plat 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 Camp Bullis will be addressed so long as the developer:

1. has appropriate documentation -- recent endangered species surveys (not older than 3 years) conducted by a professional biological consultant IAW USFWS protocols showing that no endangered species are present;
2. sends the surveys to USFWS Ecological Services Office in Austin.

The applicant's engineer acknowledged receiving the Planning and Development Services email, but did not indicate if they will or will not conform to the Military's request.

Furthermore, the City and Camp Bullis have been working on a joint effort to coordinate the Summerglen Unit 5A-4 development. The project submitted is located within 5 miles of Camp Bullis and the City has communicated with the Camp Bullis installation regarding the proposed development. Based on Camp Bullis response letter:

1. The City can only recommend that the applicant coordinate with U.S. Fish and Wildlife by contacting Allison Arnold Fish and Wildlife Biologist at ([allison\\_arnold@fws.gov](mailto:allison_arnold@fws.gov) or 512-490-0057 ext. 242)
2. The City can only recommend that the applicant coordinate with Camp Bullis by contacting Attorney Advisor, Office of the Staff Judge Advocate Jim Cannizzo at ([James.cannizzo@us.army.mil](mailto:James.cannizzo@us.army.mil) or 295-9830)
3. The city is working to implement a Dark Sky ordinance. However, at the present time the City recommends that the applicant contact Environmental Engineer Andrew Winter, P.E. RAS at Bexar County ([awinter@bexar.org](mailto:awinter@bexar.org) or 335-6487) to ensure that the applicant follows the Dark Sky ordinance adopted by the Bexar County.

At this time, the City is providing this information as a recommendation and will not place holds on the plats and plans associated with this recommendation.

**STAFF RECOMMENDATION:**

Approval





DEVELOPMENT SERVICES  
RECEIVED

2008 OCT 27 PM 3:40 <sup>June 17, 2008</sup>

Mr. Milton Palmer, P.E.  
Pape-Dawson Engineers  
555 East Ramsey  
San Antonio, Texas 78216

RE: File No. 0806004 - Request for review of **Summerglen, Unit 5A-4 Subdivision, Plat No. 080340** located at the intersection of Palmer View and Player Oaks.

Dear Mr. Palmer:

On June 11, 2008, 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 9.730 acres located entirely within the EARZ. No significant features were observed. 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. 1324. 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 has been submitted to the Texas Commission on Environmental Quality (TCEQ) and approved in their letters dated March 3, 1998, and March 29, 2000, 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, recommends the approval of Summerglen, Unit 5A-4 Subdivision, Plat No. 080340.

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

**PLANNING COMMISSION  
PLAT DEFERRAL**

AGENDA ITEM NO: 18 November 12, 2008

WAGLEY SUBDIVISION  
SUBDIVISION NAME:

080593  
PLAT #

**COUNCIL DISTRICT:** 5

**FERGUSON MAP GRID:** 616 C-4

**OWNER:** Janice Wagley

**ENGINEER:** C & W Surveying, by Kevin Wilson

**CASE MANAGER:** Elizabeth Adams, Planner (207-7912)

**Location:** Southwest of Salinas Street and North San Marcos Street

**Zoning:** I-1 General Industrial District  
R-4 Residential Single Family District

**Proposed use:** Commercial

---

**APPLICANT'S PROPOSAL:**

To plat 1 non-single family lot consisting of **0.195** acres.

**APPLICANT'S REQUEST:**

The applicant is requesting temporary utility service and building permits prior to plat approval & recordation.

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**STAFF RECOMMENDATION:**

The Director of Planning and Development Services recommends approval of the plat deferral with the following conditions:

1. No permanent utility service or certificate of occupancy shall be issued until the plat is approved and recorded in the office of the County Clerk.
2. The plat is formally filed within 180 days of this action and considered for approval within 30 days of a formal plat filing.

3. If no utility service or certificate of occupancy is issued within 180 days, plat filing fees will not be refunded and the plat deferral requests shall become null and void.

PLAT ID NO. 086593

REPLAT ESTABLISHING  
WAGLEY SUBDIVISION

THE SOUTH PART OF LOTS 4, 5 AND 72, BLOCK 6, N.C.B. 2282, IN THE CITY OF SAN ANTONIO, BEAR COUNTY, TEXAS, ACCORDING TO DEED THEREOF RECORDED IN VOLUME 12265, PAGE 471, DEED AND PLAT RECORDS OF BEAR COUNTY, TEXAS.

I hereby certify that proper engineering consideration has been given this plat to the matters of streets, lots and drainage layout, and to the subdivision ordinance, and that this plat conforms to all the requirements of the subdivision ordinance, and that the same has been approved and granted by the Planning Commission of the city.

Registered Professional Engineer

Sworn to and subscribed before me this the \_\_\_ day of \_\_\_\_\_, 2008.

Notary Public  
Brewer County, Texas

State of Texas  
County of Bear

I hereby certify that the above plat conforms to the minimum standards set forth in the ordinance and surveying according to an actual survey made on the ground by Robert Ray Wilson.



Sworn to and subscribed before me this the \_\_\_ day of \_\_\_\_\_, 2008.

Notary Public  
Brewer County, Texas

This plat of Wagley Subdivision has been submitted to and considered by the Planning Commission to the City of San Antonio, Texas and is hereby approved by such commission.

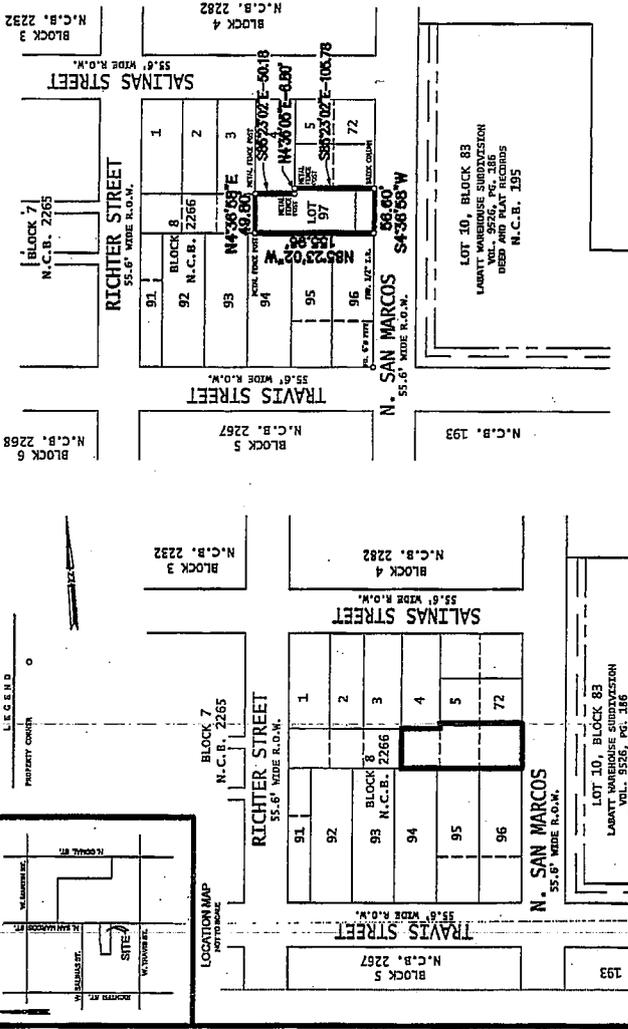
Dated this \_\_\_ day of \_\_\_\_\_, 2008.

By: \_\_\_\_\_  
Chairman  
By: \_\_\_\_\_  
Secretary

State of Texas  
County of Bear

I, \_\_\_\_\_ County Clerk of said county, do hereby certify that this plat was filed for record in my office on the \_\_\_ day of \_\_\_\_\_, 2008, at \_\_\_\_\_ h. m. and duly recorded the \_\_\_ day of \_\_\_\_\_, A.D., 2008, at \_\_\_\_\_ in the records of \_\_\_\_\_ of said county, in Book/Volume \_\_\_\_\_, in testimony whereof, witness my hand and seal of office this day of \_\_\_\_\_, A.D.

County Clerk, Brewer County, Texas  
By: \_\_\_\_\_ Deputy



The City of San Antonio as part of its electric and gas system (City Public Service Board) hereby dedicated the easement and right-of-way for the installation of electric and gas lines in the areas designated on this plat as "electric easement", "sanbor easement", "service easement", "overhead easement", "gas easement", "utility easement", "transformer easement", for the purpose of installing, constructing, maintaining, repairing, replacing, upgrading, inspecting, patrolling and erecting poles, hanging or burying wires, cables, conduits, pipelines or transformers, each with its necessary appurtenances together with the right of ingress and egress over said easements and right-of-way areas and the right to remove said lands all trees or parts thereof, or other constructions which impede or interfere with the installation, maintenance, repair, replacement, or any other easements for utilities unless the changes to such easements are described below.

Any gas necessary fees resulting from wellhead, casing, or gas equipment, located within said easement, due to grade changes or ground elevation alterations, shall be charged to the person or persons deemed responsible for the same. The City of San Antonio shall be responsible for the installation, maintenance, repair, replacement, or any other easements for utilities unless the changes to such easements are described below.



The owner of the land shown on this plat, in person or through a duly authorized agent, has acknowledged to me that he has read and understands the contents of this plat, and that he has executed the same for the purposes and considerations therein expressed and in the capacity therein stated.

Given under my hand and seal of office this the \_\_\_ day of \_\_\_\_\_, 2008.

Notary Public  
Brewer County, Texas

Before me, the undersigned authority on this day personally appeared \_\_\_\_\_, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and considerations therein expressed and in the capacity therein stated.

Given under my hand and seal of office this the \_\_\_ day of \_\_\_\_\_, 2008.

Notary Public in and for the State of Texas  
My commission expires \_\_\_\_\_

210-998-3441 Fax

**C&W<sub>α</sub>**  
**Surveying**  
P.O. Box 692202  
San Antonio, Texas 78269  
210-613-2097 210-690-8241 FAX

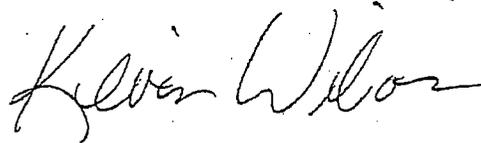
October 16, 2008

Planning Commission:

Plat ID 080593  
Wagley Subdivision  
Address: 315 N San Marcos

I, Kevin Ray Wilson, Registered Professional Land Surveyor No. 5787, would like to request the Wagley Subdivision be approved for deferral durring the process of platting which I am involved. Ms Wagley would like to move her existing building onto this lot for the use of a business to be determined as appropriate within the current zoning. She is being required to remove her building from the existing location for expansion of the highway. Her deadline is October 22, 2008 to have the building removed or she will lose the building and all value invested in it. Ms Wagley previously consulted with AJ York about approval for the permit to move the building. Mr Favors the recepiant of the permit can be contacted at 210-628-4714.

Sincerily Kevin Wilson, RPLS



**PLANNING COMMISSION**  
**FLOODPLAIN PERMIT VARIANCE REQUEST**

AGENDA ITEM NO: 19 November 12, 2008

SKINNER NURSERIES SAN ANTONIO

#FPV 09-001

**COUNCIL DISTRICT:** 4

**FERGUSON MAP GRID:** 680 F-3

**OWNER:** Skinner Lands San Antonio, LLC., by Bryant Skinner, Jr.

**ENGINEER:** M.W. Cude Engineers, LLC., by Raymond Tarin, Jr., P.E.

**CASE MANAGER:** Larry Odis, Planner (207-0210)

**Location:** South of U.S Hwy 35 and east of Somerset Road

**Proposed Use:** Nursery

---

**APPLICANT'S REQUEST:**

The applicant has requested variances to the floodplain requirement in conjunction with the building permit process.

**DISCUSSION:**

The Department of Public Works has responded to the variances requesting relief from UDC Appendix F, Subdivision C, Section A, (f)(21) and UDC Section Appendix F, Subdivision C Section (F133) (c), as indicated in their attached report and objects to the granting of the variance.

**STAFF RECOMMENDATION:**

The Director of Public Works recommends **approval** of the floodplain variances for the following reason:

The proposed reclamation will not pose an adverse impact to downstream inhabitants.



**City of San Antonio**  
 Development Services  
 Subdivision Section

## VARIANCE – TIME EXTENSION APPLICATION

**Date Submitted:**

**Project ID Number:**

**Project Name:** Skinner Nurseries San Antonio

**Owner/Agent:** Skinner Lands San Antonio, LLC **Phone:** 904.519.8002 **Fax:** 904.519.8993

**Address:** 9150-4 Philips Highway, Jacksonville, Florida **Zip code:** 32256

**Consultant:** M.W. Cude Engineers, LLC **Phone:** 210.681.2951 **Fax:** 210.523.7112

**Address:** 10325 Bandera Road, San Antonio, Texas **Zip code:** 78250

**Email Address:** rtarin@mwcude.com / bdelgado@mwcude.com

**BACKGROUND:**

1.  Time Extension  Sidewalk  Floodplain Permit  Completeness Appeal  Other \_\_\_\_\_
2. City Council District 4 Ferguson Map Grid 680 / F3 Zoning District C2, I1
3. San Antonio City Limits -  Yes  No
4. Edwards Aquifer Recharge Zone? -  Yes  No
5. Previous/existing land fill? -  Yes  No
6. Parkland, greenbelts, or open space? Flood plain? -  Yes  No

**VARIANCE APPROVAL CRITERIA:**

As per the UDC, the variance request letter must address the following criteria prior to submission.

1. If the applicant complies strictly with the provisions of these regulations, he/she can make no reasonable use of his/her property; and
2. The hardship relates to the applicant's land, rather than personal circumstance; and
3. The hardship is unique, or nearly so, rather than one shared by many surrounding properties; and
4. The hardship is not the result of the applicant's own actions; and
5. The granting of the variance will not be injurious to other property and will not prevent the orderly subdivision of other property in the area in accordance with these regulations.

**FEES** (please refer to the current fee schedule)

Variance Request \$ 350.00

OR

Time Extension \$ \_\_\_\_\_

Print Name: BRYANT SKINNER, JR.

Signature:

Date: October 15, 2008  Owner  Agent (Checking this requires a notarized Letter of Agent.)

NOTE: Please attach this application with your submittal to the reviewing agencies. In addition, if the letter does not address the above mention criteria your variance may be subject to disapproval. Variances filed pursuant to Certificate of Determination requests shall be subject to a review time of up to 20 days in accordance with §35-430(d) prior to scheduling the variance for Planning Commission consideration. In such cases where the variance is approved, the Certificate of Determination shall be issued within 10 days. Additional fees may apply, please see the current fee schedule.

October 21, 2008



Variance Request Review  
c/o Development Services Staff  
City of San Antonio  
1901 S. Alamo  
San Antonio, Texas 78204

Re: Floodplain Development Permit – Variance  
Skinner Nurseries San Antonio  
Issue: Request for Floodplain Development Permit Variance

Dear COSA DSD,

We are requesting a variance from the Unified Development Code (UDC) Section 35-F123 Appendix F, Subdivision C, Section A (f)(21) for the above referenced development. The proposed development is located adjacent to Leon Creek on Somerset Road south of IH 35.

**UDC Section 35-F123, Appendix F, Subdivision C, Section A (f)(21)** states:

*(f) "The following development may be allowed in the regulatory 100-year floodplain and will require a Floodplain Development Permit"*

*(21) "100-year floodplain reclamation in overbank areas subject to extensive shallow (0'-3') flooding where flood velocities in the overbank area are less than 3 fps."*

Skinner Nurseries San Antonio proposes to fill a pool area of ineffective flow that is in excess of three feet in depth within the 100 year FEMA flood plain. This work has no effect on the predicted floodplain elevations in the project area or downstream peak runoff values.

We believe that the City of San Antonio Development Services staff should support this variance for the following reasons:

- If the owner complies strictly with the provisions of the regulation, it will impact the use of this property. The developer will lose the ability to construct in this area and the filling of this area will have no impact on adjacent or downstream flooding.
- This hardship relates to the land and not personal circumstances. This condition is a natural condition of the existing topography.
- This hardship is unique since this development is adjacent to the steep edge of the Leon Creek where ineffective flow areas will also be deep because of the steep grades.

- The hardship is not based on the applicant's own actions. The condition is a natural condition of the existing topography.
- The granting of the variance will not be injurious to other property and will not prevent the orderly subdivision of other property in the area in accordance with these regulations.

It is in our professional opinion that the proposed variance will not adversely affect the health, safety or welfare of the public and that the granting of this Variance is in keeping with the original spirit and intent of the UDC.

Sincerely,

M.W. CUDE ENGINEERS, LLC

A handwritten signature in black ink, appearing to read "Raymond Tarin Jr.", written in a cursive style.

RAYMOND TARIN JR., P.E., CFM

RT/BD/mns

**CITY OF SAN ANTONIO**  
**DEPARTMENT OF PUBLIC WORKS**  
**Interdepartmental Correspondence Sheet**

**TO:** Murray Van Eman, Chairman, City of San Antonio Planning Commission  
**FROM:** Majed A. Al-Ghafry, Director of Public Works  
**COPIES TO:** Robert Browning, P.E., C. F. M., Alice Renobato, file  
**SUBJECT:** Floodplain Development Permit Variance Request –  
Skinner Nursery CLOMR Plat # 080203  
**DATE:** August 19, 2008

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Storm Water Engineering Division of Department of Public Works has reviewed the request for variance to the floodplain requirements as submitted by Cude Engineers on behalf of their client Skinner Lands San Antonio, LLC, Bryant Skinner for the above mentioned project.

The variance requested is from UDC Appendix F- Subdivision C, Section A (f)(21) which states that 100 year floodplain reclamation is not allowed where flood depths will exceed three feet (3').

Also, from UDC Section 35-F133( c ) which states that if improvements are proposed in the floodplain the (CLOMR) must be approved by FEMA and the LOMR submitted to FEMA prior to acceptance of the construction by the City. A hold will be placed on all building permits for lots in a floodplain until FEMA has approved the LOMR or performance bond is issued per Section 35-F134(b).

Public Works supports the variances because the proposed reclamation will not pose an adverse impact to downstream inhabitants.

Please contact Sabrina Santiago E.I.T. at 207-5106 or Robert Browning, P.E., C.F.M. at 207-5890 if you have any questions or require additional information.

AB 8/21/08 *[Signature]*

AP-15



045

000522

**CITY OF SAN ANTONIO  
PARKS AND RECREATION DEPARTMENT  
INTERDEPARTMENT CORRESPONDENCE SHEET**

**TO:** Planning Commission **Consent Agenda**

**FROM:** George H. Rodriguez, Assistant Director, Capital Improvement  
Management Services Department



**COPIES:** Xavier Urrutia, Interim Director of Parks and Recreation, File

**SUBJECT:** Interjurisdictional Agreement for CPS Easement in Air Space over Leon  
Creek Environmental Preserve

**DATE:** October 27, 2008

**PETITIONER:** City of San Antonio Parks and Recreation Department  
Attn: Brandon Ross  
114 W. Commerce St.  
San Antonio, Texas 78205

Staff is requesting that this item be placed on the Consent Agenda for the Planning Commission meeting on November 12, 2008.

**SUMMARY**

The Capital Improvement Management Services Department is requesting approval of an Interjurisdictional Agreement that would grant CPS an air rights easement over part of the "Toyota giveback land" also known as the Leon Creek Environmental Preserve (see attached location map). The location of the proposed CPS lines does not conflict with the location of the proposed Medina River Greenway or any other City project.

**BACKGROUND**

In an effort to service the Verano Development area south of Loop 410 on the Southside, CPS recently proposed extending electrical service from an existing electrical line across Leon Creek to a new substation just northeast of the Toyota property. A portion of the proposed electrical line crosses the Leon Creek Environmental Preserve (LCEP), which includes 185 acres out of a total of 650 acres of land that Toyota dedicated back to the City in order to fulfill the terms of the Starbright agreement. Since 2007, when the deed was executed for the "giveback" property, the City's Parks and Recreation Department has had control of the property and has been legally responsible for the security and maintenance of the land.

Due to Toyota being the fee-simple property owner and the City owning conservation easement rights for the LCEP, construction of the proposed electrical lines would require that the City grant CPS the right to cross the LCEP in accordance with the terms of the

warranty deed for the City's conservation easement. Under the terms of the deed, construction of any improvements (including "utility lines") is prohibited. However, the City has obtained written consent from Toyota representatives to construct the proposed lines, pending execution of the agreement by City Council.

Other than the lines that would extend through the air over the LCEP, CPS has no plans to build towers or any other infrastructure on the LCEP property. Therefore, there is no projected environmental impact as a result of the proposed electrical service line extension.

#### RECOMMENDED ACTION

The City Attorney's office has reviewed the Interjurisdictional Agreement on behalf of the City and found it to be acceptable. A copy of the Interjurisdictional Agreement is attached for review. Staff recommends approval of this request.

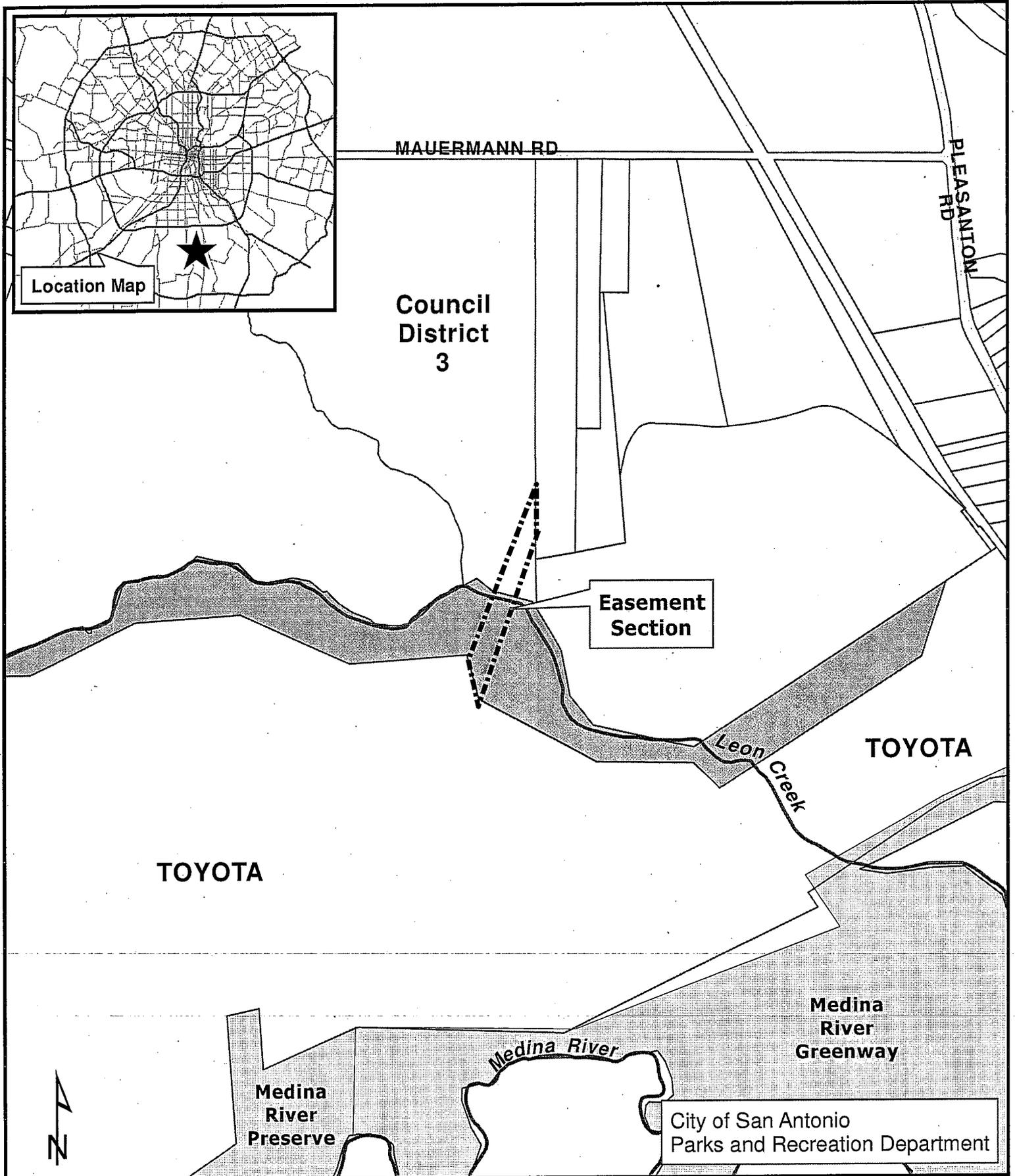
#### NEXT STEPS

Pending a recommendation by Planning Commission, staff is scheduled to present this item to City Council on December 4, 2008.

# Site Map

## Leon Creek Environmental Preserve

### Proposed CPS Easement



**INTRAJURISDICTIONAL AGREEMENT BETWEEN CITY AND CPS ENERGY  
FOR INSTALLATION AND MAINTENANCE OF  
ELECTRIC TRANSMISSION AND DISTRIBUTION LINES**

**NOTICE OF CONFIDENTIALITY RIGHTS: if you are a natural person, you may remove or strike any or all of 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.**

This Intrajurisdictional Agreement ("Agreement") is entered into by and between the City of San Antonio, a Texas municipal corporation (herein referred to as "City"), acting by and through its City Manager or her designee, pursuant to City Ordinance No. \_\_\_\_\_, passed and approved on \_\_\_\_\_ 2008, and the City Public Service Board of San Antonio (hereinafter referred to as "CPS Energy").

**WHEREAS**, the City is the owner of a certain 185.326 acre tract of land along Leon Creek in Bexar County, Texas (the "Property") which is subject to (i) covenants restricting use of said land to an environmental preserve (the "Restrictive Covenants") and (ii) a blanket easement to Toyota Motor Manufacturing, Texas, Inc. ("TMMTX") for purposes which include the connection of utilities (the "Blanket Easement"); and

**WHEREAS**, CPS Energy will use the airspace above a portion of the Property, described below as the Premises, for the relocation, installation, operation, and maintenance of above ground electric transmission and distribution lines consisting of variable numbers of wires to provide transmission and distribution service to the Texas A&M University System site for Texas A&M University – San Antonio ("TAMU-SA") and that certain mixed-use integrated university community urban village known as Verano ("Verano") located in the City South portion of the City between the South Loop 410 highway and the Property; and

**WHEREAS**, CPS Energy has fully inspected the Premises and the airspace above it and found the airspace to be suitable for its purposes based solely upon its independent investigation; and

**WHEREAS**, because the extension of transmission and distribution facilities is required to provide electric service to TAMU-SA and Verano, the City desires to transfer to CPS Energy limited use and benefit of the airspace above the Premises as described below and under the covenants and conditions set forth herein;

**NOW THEREFORE**, in consideration for the mutual covenants and conditions expressed herein and other valuable consideration, the receipt of which is hereby acknowledged, the parties hereto agree as follows:

**Fee** - The consideration to the City for the grant of rights herein is ten dollars and other valuable consideration in the furtherance of the City's efforts to secure a four year degree granting institution of higher learning under the Texas A & M University System as previously announced by the City Council of the City of San Antonio.

**Transfer of Use and Benefit in the Premises** – City hereby transfers to CPS Energy the limited, non-exclusive use and benefit, but not the fee simple interest in or control of, except as noted herein, the airspace (the "Airspace") above the following one hundred foot (100') wide strip of real property ("the

Premises”) for the Specific Use defined below, subject to the Restrictive Covenants and Blanket Easement:

Said Premises being a 1.437 acre tract of land out of a 185.326 acre tract of land out of the Ignacio Perez Survey, Abstract No. 13, County Block 4297, Bexar County, Texas, as described in Deed recorded in Volume 13276, Page 156, Official Public Records of Real Property, Bexar County, Texas.

Said Premises are more particularly described and shown by field notes and drawing marked respectively as Exhibit “A” and Exhibit “B” attached hereto and incorporated herein.

This transfer for purpose of the Specific Use is consented to by TMMTX as shown by its execution of consent in the signature pages of this Agreement.

**Term** – CPS Energy shall use the Airspace so long as it abides by the covenants and conditions contained herein and for so long as the Specific Use does not conflict with the City’s management or control of the Property. The City shall make best efforts not to conflict with CPS Energy’s use of the Airspace. The City agrees to abide by the covenants and conditions contained herein in its management or control of the Property in such a way as to minimize any disruption to CPS Energy’s uninterrupted and quiet enjoyment of the Airspace. Should any conflict arise through no fault or violation of this Agreement or the Restrictive Covenants by CPS Energy, the City shall notify CPS Energy of the same and provide an alternate portion of the Property to relocate the said electric transmission and distribution facilities at the City’s sole expense, subject to consent by TMMTX and the appropriation of funds by the San Antonio City Council for such expenses. Any cost resulting from CPS Energy relocation, operation, maintenance or installation of said facilities within the Airspace or relocations necessary to cure a breach by CPS Energy of this Agreement or the Restrictive Covenants shall be at the sole cost of CPS Energy.

**Specific Use** – CPS Energy shall only use the Airspace for the purpose of installing, constructing, reconstructing, operating, maintaining, relocating, removing and replacing above ground electric transmission lines and electric distribution lines and appurtenances thereto (the “Lines”), which shall include the right to relocate said Lines along the same direction and location of said Lines within the Airspace. Collectively, these purposes and rights shall be the “Specific Use”.

No gates or access points are available and the rights granted do not include the right to construct a gate or access point on the Premises. All CPS Energy ground level construction and operations shall be conducted outside the Property. In the event of an emergency, prior to entering the Property, CPS Energy shall notify the emergency contact person designated by the City. The City shall provide to CPS Energy the name of an emergency contact person and a phone number for the person in writing and the City may change the name or phone number of the emergency contact person by complying with the section on “Notices” below.

CPS Energy shall not disturb or remove any trees or other vegetation in the Property. In an emergency the City Forrester may approve limited exceptions to this prohibition if doing so is necessary to alleviate the emergency condition and the actions conform to standard industry practices.

All Lines shall be a minimum of 35 feet above the surface of the Premises.

**Condition of Premises** – As of the EFFECTIVE DATE of this Agreement, CPS Energy acknowledges that the Property is in a natural state governed by the Restrictive Covenants and CPS Energy accepts the present and future use of the Property as required of the City by reason of the Restrictive Covenants. CPS Energy accepts the Airspace in its existing “AS IS, WHERE IS, WITH ALL FAULTS” condition subject

to the terms and condition of this Agreement. **THE CITY MAKES NO WARRANTY, EXPRESS OR IMPLIED, AS TO THE SUITABILITY OF THE AIRSPACE ABOVE THE PREMISES FOR USE BY CPS ENERGY.**

**Relationship of the Parties** - Except as herein expressly provided to the contrary, the provisions of the Agreement are for the sole and exclusive benefit of the City and CPS Energy. Nothing in this Agreement expressed or implied is intended or shall be construed to confer upon any person or entity, other than City or CPS Energy, any right, remedy, or claim, legal or equitable.

**Notices** – Any notice, demand or request provided or required to be provided under this Agreement shall be considered properly given if in writing and delivered in person, or sent by either registered or certified mail, postage prepaid, to the party to whom the notice is due as specified below:

CPS Energy: City Public Service Board of San Antonio  
Attn: Right-of-Way Management  
PO Box 1771  
San Antonio, Texas 78296

City: City of San Antonio  
Attn: City Clerk  
PO Box 839966  
San Antonio, Texas 78283-3966

With at copy to:  
Director, San Antonio Parks and Recreation Dept.  
PO Box 839966  
San Antonio, Texas 78283-3966.

The names and addresses set forth above may be changed by notice given as provided in this section. The parties agree that delivery of any notice shall be presumed five (5) days after the date of mailing.

**Assignment and Subletting** – CPS Energy shall not assign, let, or sublet its rights in the Airspace or any part thereof or any right or privilege pertinent thereto, or permit the occupancy or use of any part thereof by any other person.

**Clarification of Terms** – References in this Agreement to “Property” include the “Premises” unless the context indicates otherwise.

**Governing Law** – This Agreement shall be construed and enforced and is strictly subject to any existing applicable municipal ordinances, City Code, City Charter, and any existing applicable county rules or federal or state laws or regulations (collectively, “Governmental Regulations”). CPS Energy agrees to comply with the Governmental Regulations in the exercise of such rights or activities herein transferred.

**Captions** – The captions and headings of this Agreement are inserted only as a matter of convenience and for reference, and in no way define, limit, describe or otherwise effect the terms, the scope, or intent of this Agreement.

**Counterparts** – This Agreement may be executed in one or more counterparts, all of which collectively shall be considered as one original document.

[ *Signatures and acknowledgments of parties on following pages* ]

Executed to be effective ten (10) days after the date of passage of the City Ordinance referenced on Page 1 hereto ("EFFECTIVE DATE").

CITY OF SAN ANTONIO, a  
Texas municipal corporation

CITY OF SAN ANTONIO, TEXAS ACTING  
BY AND THROUGH THE CITY PUBLIC  
SERVICE BOARD OF SAN ANTONIO, A  
MUNICIPAL BOARD OF THE CITY OF  
SAN ANTONIO

By: \_\_\_\_\_  
City Manager

By: \_\_\_\_\_  
Frederick A. James  
Senior Director  
Electric Engineering and  
Technical Servicers

ATTEST: \_\_\_\_\_  
City Clerk

APPROVED AS TO FORM:

By: \_\_\_\_\_  
City Attorney

ACKNOWLEDGEMENT

STATE OF TEXAS       §  
                                  §  
COUNTY OF BEXAR     §

This instrument was acknowledged before me on this \_\_\_\_\_ day of August, 2008, by \_\_\_\_\_, the \_\_\_\_\_ on behalf of the CITY OF SAN ANTONIO, Texas.

\_\_\_\_\_  
Notary Public, State of Texas

ACKNOWLEDGEMENT

STATE OF TEXAS       §  
                                  §  
COUNTY OF BEXAR     §

This instrument was acknowledged before me on this \_\_\_\_\_ day of August, 2008, by FREDERICK A. JAMES, SENIOR DIRECTOR, ELECTRIC ENGINEERING AND TECHNICAL SERVICES, on behalf of the CITY PUBLIC SERVICE BOARD of the CITY OF SAN ANTONIO, Texas.

\_\_\_\_\_  
Notary Public, State of Texas

Toyota Motor Manufacturing, Texas, Inc. Consent

TMMTX consents to this Agreement and the use of the Premises by CPS Energy for the Specific Use designated herein. TMMTX acknowledges that the Specific Use falls within the purposes it reserved under the Blanket Easement. To the degree necessary to implement the Specific Use, TMMTX hereby waives such prohibited uses in the Restrictive Covenants as shall be required by CPS Energy to accomplish the Specific Use.

TOYOTA MOTOR MANUFACTURING, TEXAS,  
INC., a Texas corporation

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

**EXHIBIT "A"**

Description of Premises

[ *See attached Metes and Bounds Description  
for 1.437 Acres by Pate Surveyors* ]

100' CPS TRANSMISSION EASEMENT  
METES AND BOUNDS DESCRIPTION  
OF 1.437 ACRES OF LAND IN IGNACIO PEREZ  
SURVEY, A-13, BEXAR COUNTY, TEXAS

All that certain 1.437 acres of land in the Ignacio Perez Survey, Abstract 13, Bexar County, Texas which is a portion of the 185.326 acre tract (LCEP) described in the deed to The City of San Antonio, Texas recorded under Volume 13278, Page 156 in the Official Public Records of Real Property, Bexar County, Texas, and being more particularly described by metes and bounds as follows: (All bearings based on the Texas State Plane Coordinate System, South Central Zone)

**COMMENCING** at a 1/2" iron rod with cap marked "Pape-Dawson" found in the southerly line of said 185.326 acre tract (LCEP) described in the deed to The City of San Antonio, Texas (a portion of Lot 1, Block 2, C.B. 4297 of the TMMTX Subdivision recorded under Volume 9562, Page 27, P.D.R.B.C.T.), recorded under Volume 13278, Page 156 in the Official Public Records of Real Property, Bexar County, Texas, and from which the northeast corner of said Lot 1, Block 2 bears N 78° 52' 37" E - 4420.00';

**THENCE S 15° 03' 59" E - 59.97'** along said southerly line to the southwest corner of the herein described easement and the **POINT OF BEGINNING**;

**THENCE N 29° 16' 17" E - 558.87'** to a point for the northwest corner of the herein described easement;

**THENCE S 72° 09' 30" E - 68.95'** to a point for an angle corner of the herein described easement;

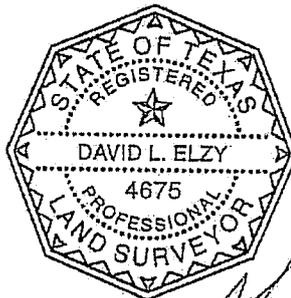
**THENCE S 73° 29' 34" E - 33.24'** to a point for the northeast corner of the herein described easement;

**THENCE S 29° 16' 17" W - 653.41'** to a point for an angle corner of the herein described easement;

**THENCE SOUTH - 77.43'** to a point on the aforementioned southerly line of said City tract for the southeast corner of the herein described easement;

**THENCE N 15° 03' 59" W - 197.25'** along said southerly line to the **POINT OF BEGINNING** of the herein described easement and containing 1.437 acres of land.

Prepared by:  
PATE SURVEYORS  
a division of  
Pate Engineers, Inc.  
Job No. 1620-001-01-560  
Original Issue Date:  
June 23, 2008



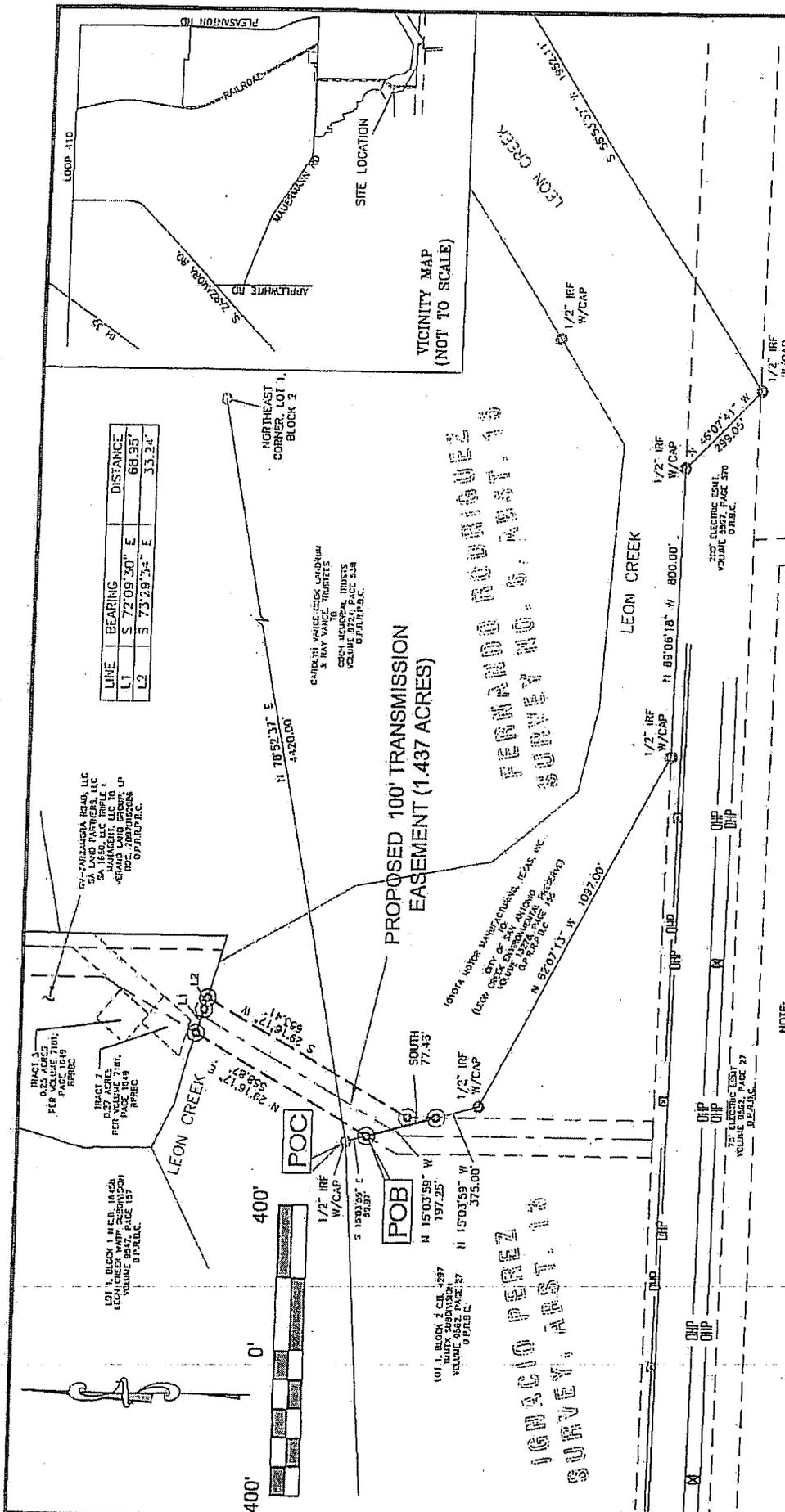
*David L. Elzy*  
Certification Date  
June 23, 2008

THIS LEGAL DESCRIPTION IS ISSUED AS "PART TWO" IN CONJUNCTION WITH THE EASEMENT EXHIBIT BY PATE SURVEYORS LAST CERTIFIED JUNE 23, 2008 AND REFERENCE IS HERBY MADE TO THE SURVEY AS "PART 1"

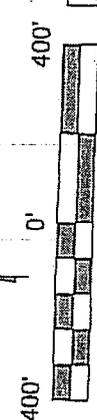
**EXHIBIT "B"**

Depiction of Premises

[ *See attached Drawing of 100' Transmission  
Easement by Pate Surveyors* ]



LINE	BEARING	DISTANCE
L1	S 72°09'30\" E	60.95'
L2	S 73°29'34\" E	33.32'



**PROPOSED 100' TRANSMISSION EASEMENT (1.437 ACRES)**

**PEREZ SURVEY NO. 6**

**IGNACIO PEREZ, JR. SURVEY, PART 10**

NOTE: CAP ON ALL FOUND RODS "PAPE - DAWSCH"

**LEGEND**

O.P.R.P.B.C. OFFICIAL PUBLIC RECORDS OF REAL PROPERTY BEXAR COUNTY

POB POINT OF BEGINNING

POC POINT OF COMMENCING

ROW RIGHT OF WAY

⊙ ANGLE CORNER

△ IRON ROD FOUND

DRBC CONTROLLING MONUMENT

RPRBC DEED RECORDS BEXAR COUNTY REAL PROPERTY RECORDS BEXAR COUNTY

STATE OF TEXAS REGISTERED PROFESSIONAL LAND SURVEYOR

DAVID L. ELZY, R.P.L.S. NO. 4675

4675

*David L. Elzy*

CERTIFICATE DATE: **JUNE 23, 2008**

THIS SURVEY IS ISSUED IN CONJUNCTION WITH THE LEGAL DESCRIPTION BY PATE SURVEYORS, OF THE SAME CERTIFICATION DATE SHOWN HEREON, HEREBY REFERENCED AS PART 2 OF 2. THIS SURVEY IS PART 1 OF 2.

**PATE SURVEYORS**  
A DIVISION OF PATE ENGINEERS, INC.

**EASEMENT EXHIBIT**

100' TRANSMISSION EASEMENT (1.437 AC.)  
F. RODRIGUEZ SURVEY NO. 6, A-15 AND I.  
PEREZ SURVEY, A-13, BEXAR COUNTY, TEXAS

APPROVED FOR ISSUE: [Signature]

BEARER: DLE

ORIGINAL ISSUE DATE: JUNE 16, 2008

ORIGINAL SCALE: 1" = 400'

JOB NO.: 1620-001-01-560

**COPYRIGHT NOTICE**

This original work is protected under copyright laws. Title 17 United States Code Sections 101 and 102. All visitors will be prosecuted to the fullest extent of the law. This survey is being provided solely for the use of the recipients named above and no license has been granted, express or implied, to copy this survey except as is necessary in conjunction with the original transaction, which shall take place within ninety (90) days from the

SAN ANTONIO PLANNING COMMISSION  
RESOLUTION NO. \_\_\_\_\_

A RESOLUTION RECOMMENDING THAT THE CITY COUNCIL AUTHORIZE THE EXECUTION OF AN INTERJURISDICTIONAL AGREEMENT BETWEEN THE CITY OF SAN ANTONIO AND CPS ENERGY FOR INSTALLATION AND MAINTENANCE OF ELECTRIC TRANSMISSION AND DISTRIBUTION LINES IN THE AIRSPACE OF CITY PROPERTY KNOWN AS THE LEON CREEK ENVIRONMENTAL PRESERVE.

**WHEREAS**, the City Planning Commission is tasked with the review and recommendation for land transactions for the City of San Antonio; and

**WHEREAS**, the City is the owner of a certain 185.326 acre tract of land along Leon Creek in Bexar County, Texas (the "Property") which is subject to (i) covenants restricting use of said land to an environmental preserve (the "Restrictive Covenants") and (ii) a blanket easement to Toyota Motor Manufacturing, Texas, Inc. ("TMMTX") for purposes which include the connection of utilities (the "Blanket Easement"); and

**WHEREAS**, CPS Energy will use the airspace above a portion of the Property, described below as the Premises, for the relocation, installation, operation, and maintenance of above ground electric transmission and distribution lines consisting of variable numbers of wires to provide transmission and distribution service to the Texas A&M University System site for Texas A&M University – San Antonio ("TAMU-SA") and that certain mixed-use integrated university community urban village known as Verano ("Verano") located in the City South portion of the City between the South Loop 410 highway and the Property; and

**WHEREAS**, CPS Energy has fully inspected the Premises and the airspace above it and found the airspace to be suitable for its purposes based solely upon its independent investigation; and

**WHEREAS**, because the extension of transmission and distribution facilities is required to provide electric service to TAMU-SA and Verano, the City desires to transfer to CPS Energy limited use and benefit of the airspace above the Premises as described below and under the covenants and conditions set forth herein;

**NOW THEREFORE;**

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

Recommendation to the City of San Antonio City Council for the execution of an interjurisdictional agreement between the City of San Antonio and CPS Energy for installation and maintenance of electrical transmission and distribution lines in the airspace of City property known as the Leon Creek Environmental Preserve.

PASSED AND APPROVED THIS 12<sup>th</sup> DAY OF NOVEMBER, 2008

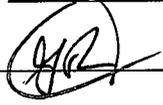
\_\_\_\_\_  
Murray Van Eman, Chairperson

ATTEST:

\_\_\_\_\_  
Executive Secretary

**CITY OF SAN ANTONIO  
CAPITAL IMPROVEMENTS MANAGEMENT SERVICES  
INTERDEPARTMENTAL CORRESPONDENCE SHEET**

**TO:** Planning Commission **Consent Agenda**

**FROM:** George Rodriguez, Assistant Director, Real Estate Section 

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

**SUBJECT:** S. P. No. 1237—Request to declare as surplus to the needs of the City of San Antonio a 5,978 square foot parcel of land adjacent to Fire Station No. 27 located at 1518 Hillcrest Dr.

**DATE:** October 28, 2008

**PETITIONER:** Texas Department of Transportation  
Attn: Boon Waters, SR/WA  
P. O. Box 29928  
San Antonio, TX 78229-0928

Staff is requesting that this item be placed on the consent agenda for the Planning Commission meeting on November 12, 2008.

**BACKGROUND**

Petitioner is requesting to declare surplus to the needs of the City of San Antonio a 5,978 square foot parcel of land out of Lots 21 and 22, Block G, NCB 8394 as shown on attached Exhibit "A." This parcel is adjacent to Fire Station No. 27, which is located at 1518 Hillcrest Drive. Subject parcel is required for the expansion and development of Spur 421 (Culebra and Bandera Roads), which includes widening of the existing four lane right of way with the addition of a median and improvement of the sidewalk.

**COORDINATION AND FINANCIAL IMPACT**

In compliance with City procedures, petitioner's request has been canvassed through interested City departments, utilities and applicable agencies, and project has been approved.

**CONCLUSION AND RECOMMENDATION**

Staff recommends approval of this request.

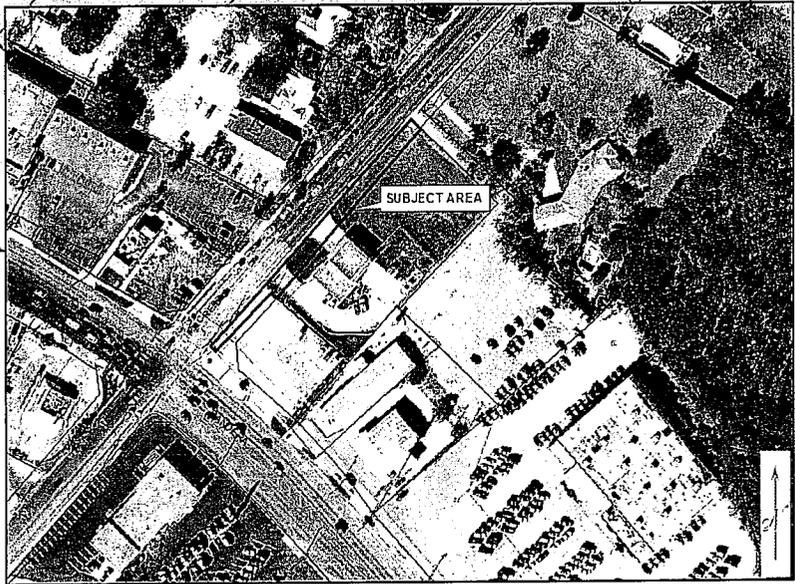
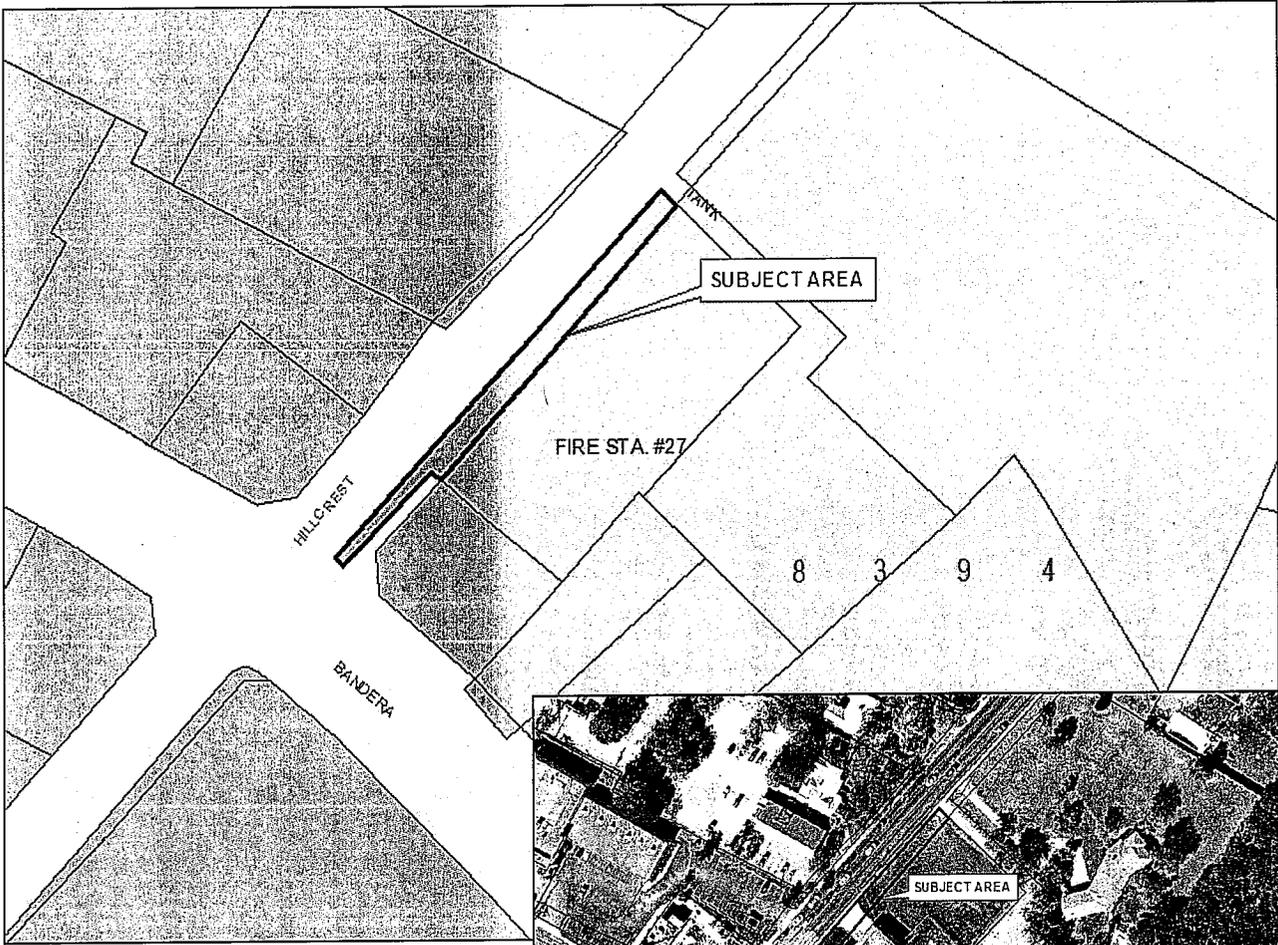


Exhibit "A"



# CITY OF SAN ANTONIO

P. O. BOX 839866  
SAN ANTONIO, TEXAS 78283-3986

August 8, 2008

SAT Neisner, LLC  
Attn: Kaushik Naik  
7300 Blanco Road, Ste. # 701  
San Antonio, Texas 78216

Re: S. P. No. 1374 - Request for a License Agreement to use Public Right of Way

Dear Mr. Naik:

With reference to the above captioned project, please be advised that the City of San Antonio has now completed the canvassing process and is in a position to recommend approval to your request subject to the following conditions:

**PLANNING & COMMUNITY DEVELOPMENT DEPARTMENT:**

"The only objection is with respect to the exclusive use of five parking meters. To best accommodate the other business on the block, and fulfill an objective to the Downtown Plan to make it easy to travel, Planning recommends that this portion of the request be carefully evaluated with respect to neighboring properties".

**DEVELOPMENT SERVICES DEPARTMENT:**

"Provided proper permits are obtained, (ROW encroachment for installation of canopy)".

**DEPARTMENT OF PUBLIC WORKS:**

Traffic Engineering Division- "The metered parking area would not be exclusive to the adjacent property but could be converted into a loading zone which could function to serve primarily the Marriott. An Agreement must be made for the annual reimbursement of lost revenue from these five metered parking spaces (coordination with Downtown Operations Parking Division). The mechanical unit shelves along Peacock Alley must maintain vertical clearance as requested by current code".

Street Maintenance Division-"Street where parking is assigned must be maintained by petitioner".

**CITY PUBLIC SERVICE ENERGY:**

Overhead Engineering- "Petitioner must agree to reserve a perpetual easement for all existing electrical and/or facilities and agree to allow perpetual access to any such utilities for inspection, operational and maintenance purposes or may seek the relocation of the facilities with the

Exhibit "C"

Page 1 of 3

AN EQUAL OPPORTUNITY EMPLOYER

express permission and coordination with City Public Service Energy and at the sole expense of the petitioner”.

Gas Projects/Engineering Svcs- “There is an existing four (4) inch Steel Gas Main approximately nine (9) feet off the property line along Peacock Alley. The proposed outside edge handicapped ramp must have a minimum clearance of two (2) feet from the existing four (4) inch Steel Gas Main. Furthermore, the proposed mechanical shelves must not enclose any portion of the existing four (4) inch Gas Main or its Service, and they must have adequate vertical clearance from street level to allow access during any regular or emergency activities.

Communication Infrastructure- “There is a communication cable in electrical ducts and manholes on Houston St. between N. Presa and Losoya Streets. If the requested work will impact these ducts, then the communication cable will need to be re-routed”.

**SAN ANTONIO WATER SYSTEM:**

“Petitioner will reserve a perpetual easement for all existing water and/or sewer facilities and agrees to allow perpetual access to any such utilities for inspection, operational and maintenance purposes or may seek the relocation of the facilities with the express permission and coordination with the San Antonio Water System and at the sole expense of the petitioner. Petitioner must verify San Antonio Water System (SAWS) utilities locations before any excavation is performed”.

**DOWNTOWN OPERATIONS DEPARTMENT:**

“The five (5) meters at this location are highly utilized by the general public on a daily basis. Their removal would constitute a substantial loss of revenue to the parking Fund. An Agreement must be finalized for the reimbursement of lost revenue. SAT Neisner, LLC will reimburse the City of San Antonio for lost revenues by the removal of five parking meters presently located parallel on the east boundary line of subject property along Broadway Avenue. Based on a 301 meter days per year the City will receive a revenue rate of \$6.00 per day, per meter commencing on the effective date of the enacting Ordinance until the end of year 2009. A parking meter rate increase is project to be implemented the beginning of 2010. The increase will be to \$7.50 per day, per meter. With this ten-year term License Agreement, the City will receive annual payments of \$11,061.00 over the next 10 years that will amount to \$110,613.00 by 2018. Assuming approval is granted, SAT Neisner, LLC hereby agrees that it will submit the initial yearly License payment within 10 days from date of issuance. Failure to do so will result in automatic forfeiture of rights.

**CAPITAL IMPROVEMENTS MANAGEMENT SERVICES DEPARTMENT:**

- A City Ordinance will authorize the License Agreement for the use of this Public Right of Way;

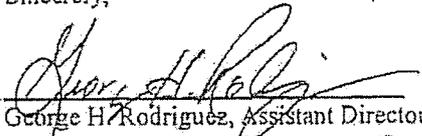
• Petitioner asserts that all evidence of ownership of property abutting the Public Right of Way in question is true and correct; Petitioner acknowledges that utility easements may exist within or adjacent to the right of way, including but not limited to: electrical, water, sewer, telephone, cable, fiber optic conduit, etc. Petitioner agrees to allow perpetual access to any such utilities in the event maintenance work is required, at no expense nor any other obligations to the City of San Antonio or the holder of utility easement rights;

Additionally, the fee established for this License Agreement is \$62,658.00 for a ten-year term. SAT Neisner, LLC. agrees to pay to City a one-time, lump sum "License Fee" of Sixty Two Thousand Six Hundred Fifty Eight dollars (\$62,658.00), which is waived due to a 100% reduction in accordance with the Incentive Scorecard Program passed and approved by City Council on December 17, 2007. Petitioner agrees to pay a fee of \$32.00 for recordation of the City Ordinance.

If you concur with the above-mentioned conditions, including the payment of the fee established for this encroachment, please countersign this letter in the space provided below and return to the undersigned. Upon receipt of this signed Letter of Agreement and the completed Discretionary Contracts Disclosure Statement we will continue processing your request.

This Letter of Agreement is being offered by the City of San Antonio only to the above named petitioner and will expire thirty (30) days after the date of issuance unless a specific extension is requested by the petitioner and granted by the City.

Sincerely,

  
George H. Rodriguez, Assistant Director  
Capital Improvements Management Services Department

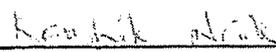
AGREED AS TO TERMS AND CONDITIONS:

Petitioner: SAT Neisner, LLC

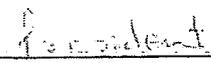
AGREED AS TO TERMS AND CONDITIONS:

  
\_\_\_\_\_

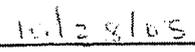
By

  
\_\_\_\_\_

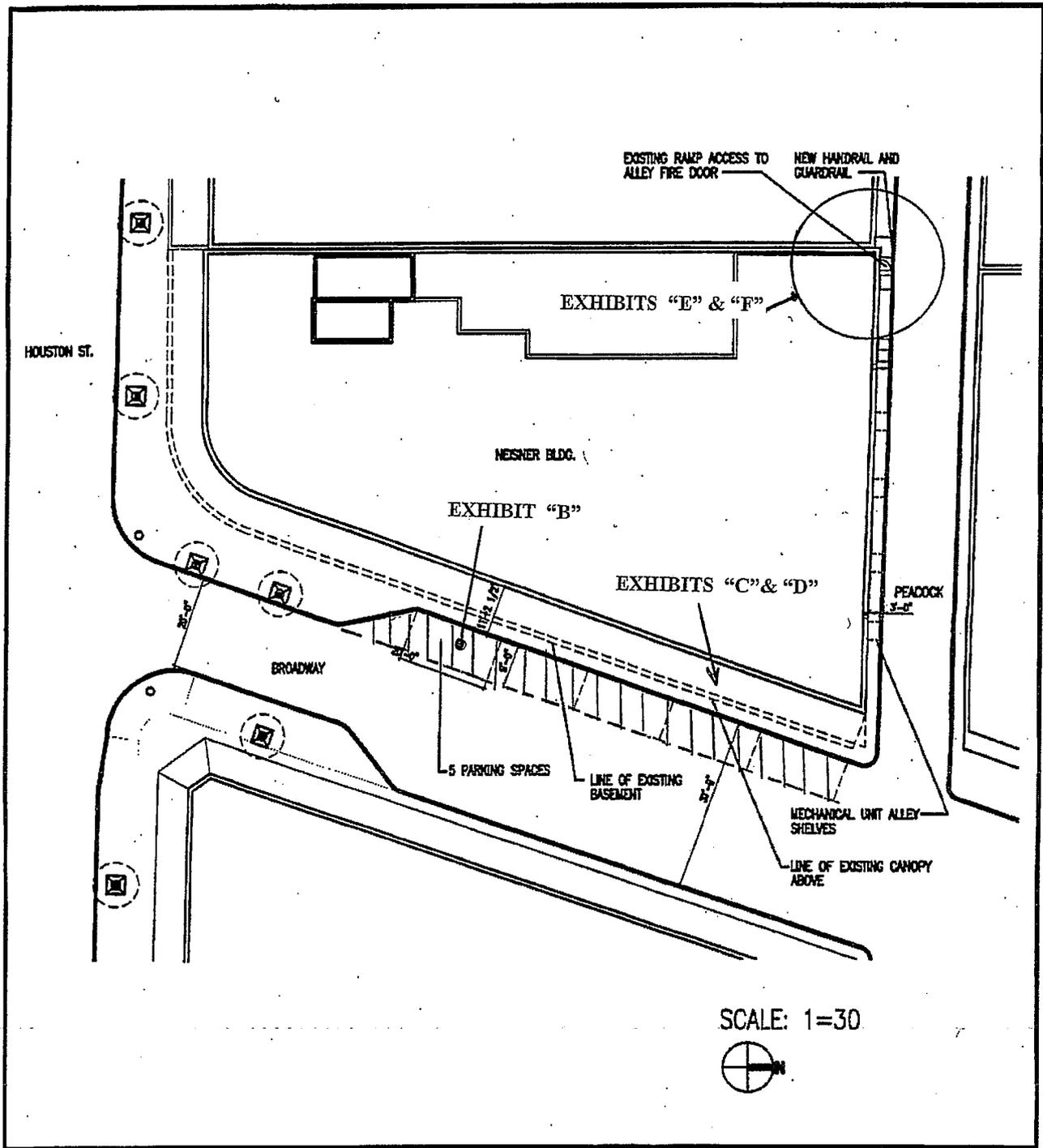
Print Name

  
\_\_\_\_\_

Title

  
\_\_\_\_\_

Date



REVISION NO.

PROJECT NUMBER

**PROPOSED PARKING FOR  
MARRIOTT TOWNEPLACE SUITES  
THE NEISNER BUILDING  
409 E. HOUSTON STREET  
SAN ANTONIO, TEXAS**

ARCHITECT

**3D/I**

1100 International  
Houston Street, Suite 450  
2700 West Loop West, Suite 1500  
Houston, Texas 77027-1500  
Tel: 713 227 1500  
Fax: 713 227 8104

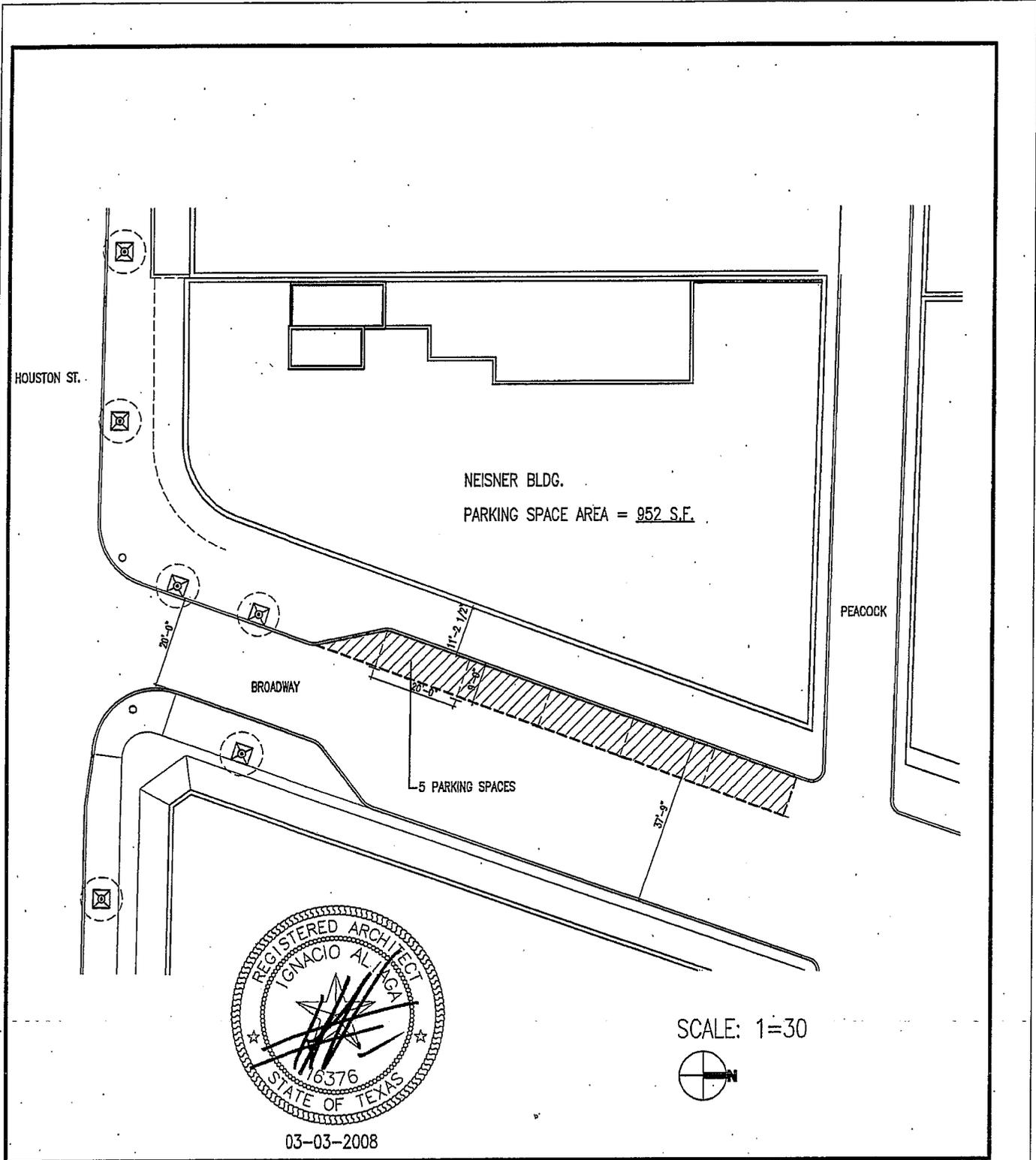
CONSULTANT

ATTACHMENT

REFERENCE SHEET

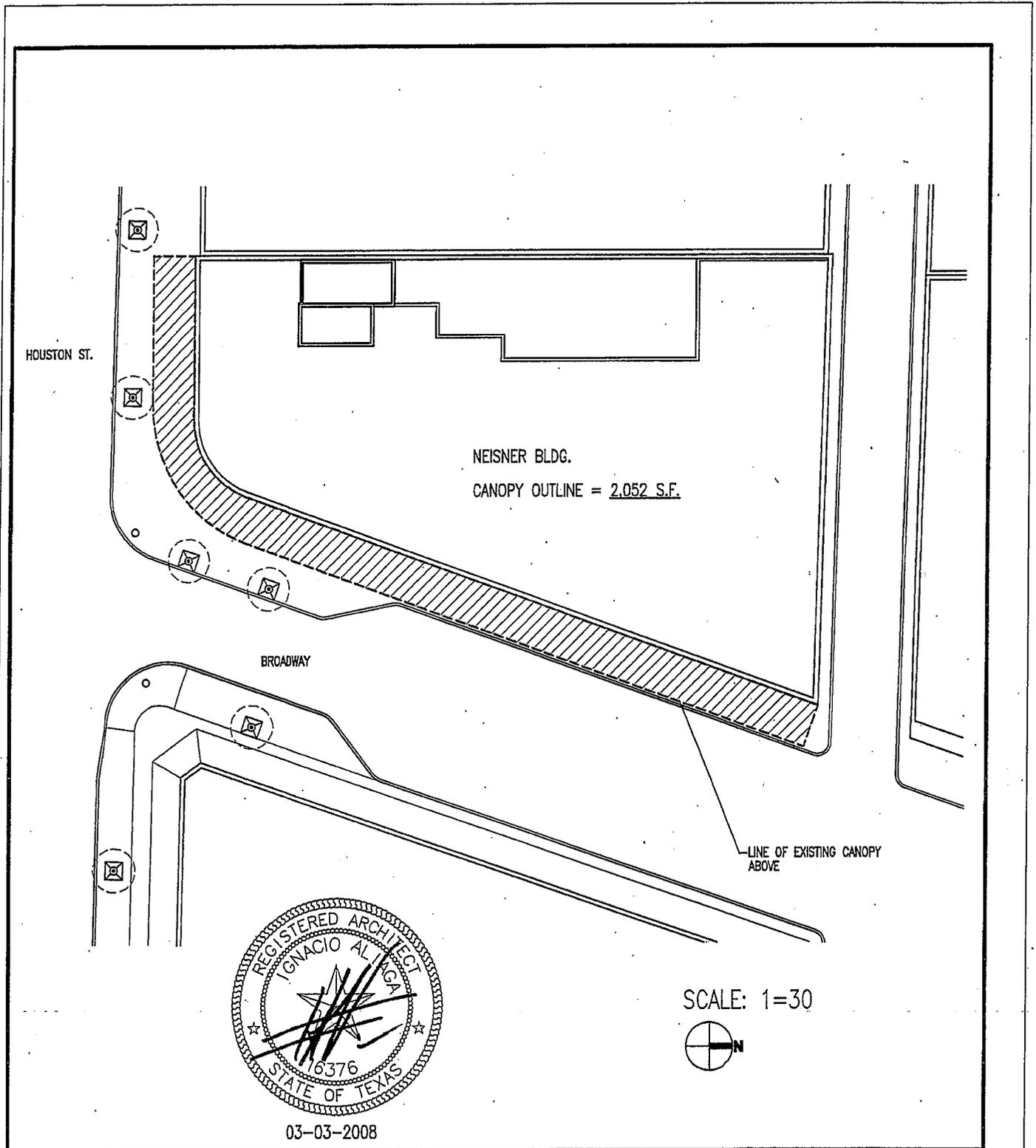
DATE:  
**12-07-07**

**EXHIBIT "A"**



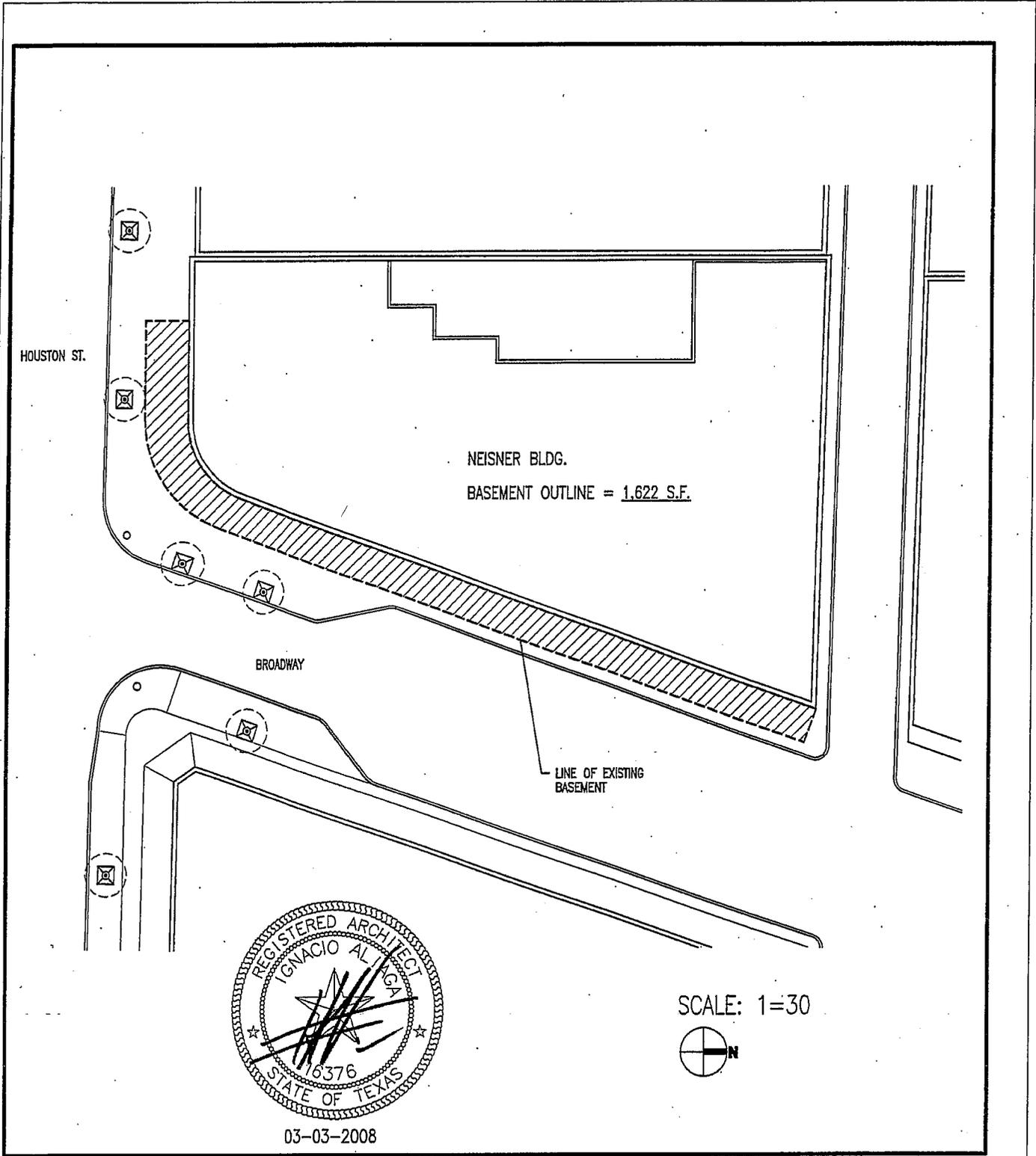
REVISION NO.	PROJECT NUMBER	<b>PARKING AREA MARRIOTT TOWNEPLACE SUITES THE NEISNER BUILDING 409 E. HOUSTON STREET SAN ANTONIO, TEXAS</b>	ARCHITECT	CONSULTANT
ATTACHMENT	REFERENCE SHEET		<b>3D/I</b> <small>3D/International, Inc. Houston Street Court #3 219 East Houston Street, Suite 350 San Antonio, Texas 78205-1801 Tel 210 227 2500 Fax 210 227 9704</small>	
	DATE: <b>03-03-08</b>			

EXHIBIT "B"



REVISION NO.	PROJECT NUMBER	<b>CANOPY AREA</b> <b>MARRIOTT TOWNEPLACE SUITES</b> <b>THE NEISNER BUILDING</b> <b>409 E. HOUSTON STREET</b> <b>SAN ANTONIO, TEXAS</b>	ARCHITECT	CONSULTANT
ATTACHMENT	REFERENCE SHEET <b>AS-2</b> DATE: <b>03-03-08</b>		<b>3D/I</b> <small>3D/International, Inc.          Houston Street Court #3          219 East Houston Street, Suite 350          San Antonio, Texas 78205-1801          Tel 210 227 2500          Fax 210 227 9704</small>	

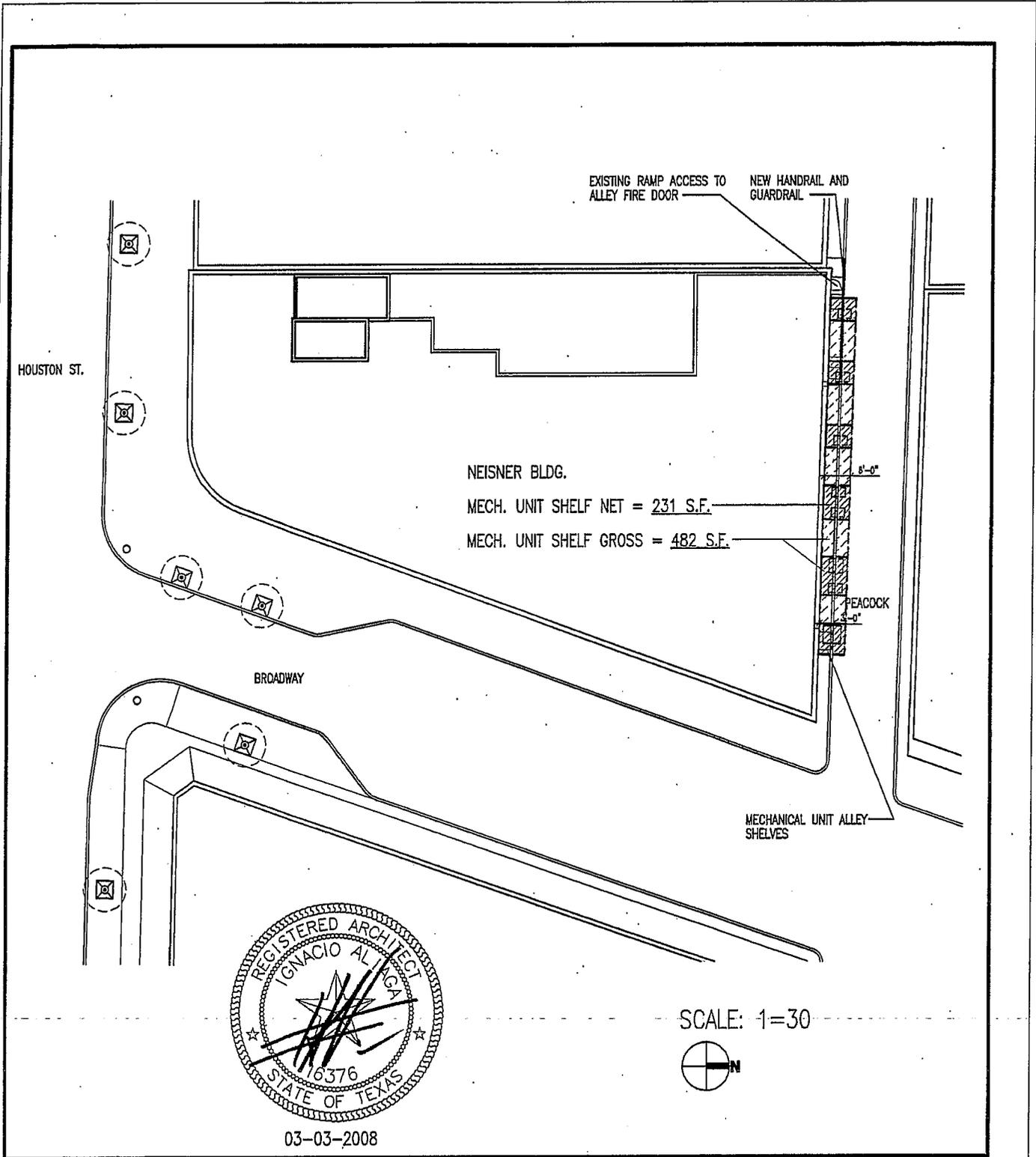
EXHIBIT "C"



03-03-2008

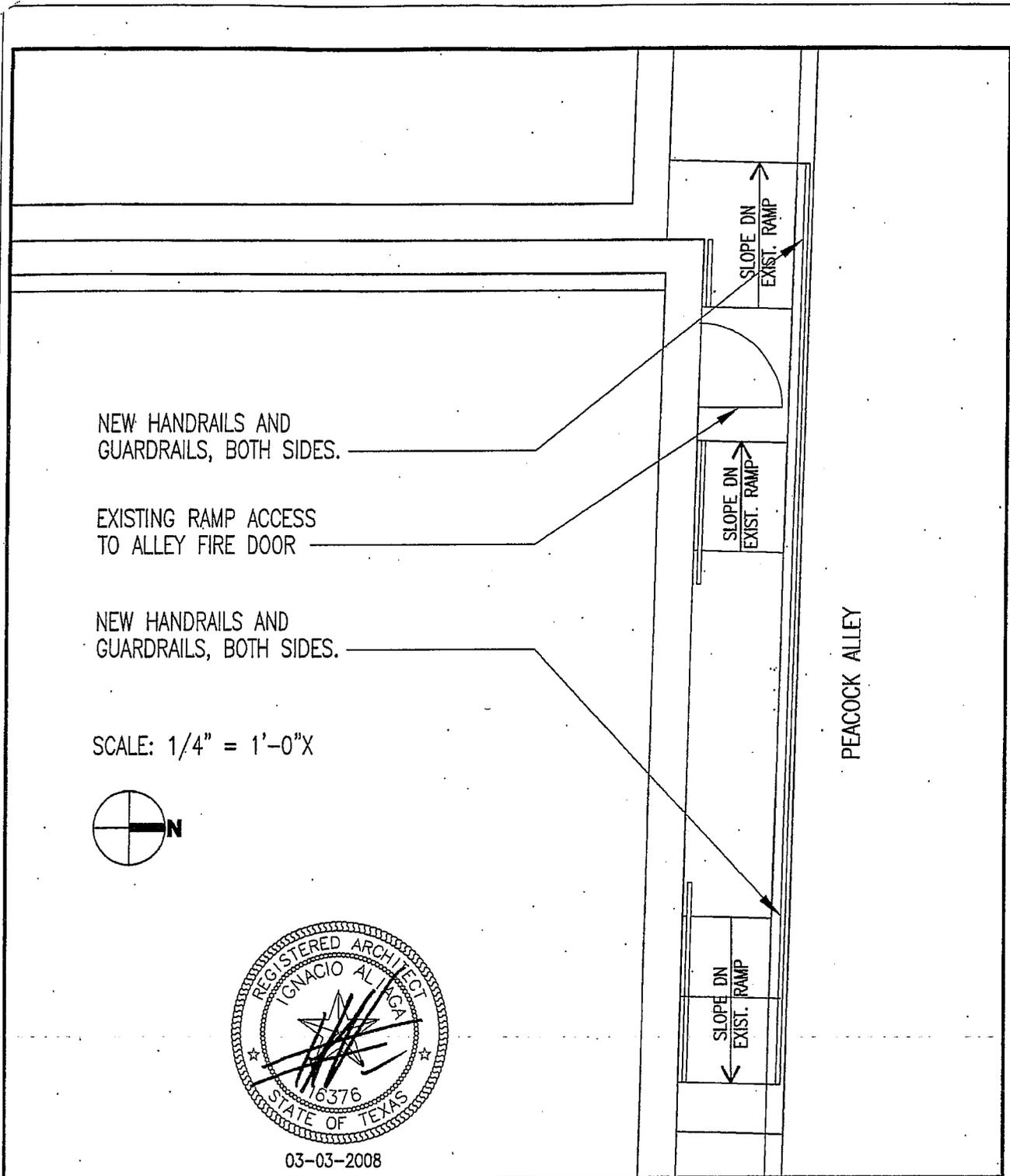
REVISION NO.	PROJECT NUMBER	<b>BASEMENT AREA MARRIOTT TOWNEPLACE SUITES THE NEISNER BUILDING 409 E. HOUSTON STREET SAN ANTONIO, TEXAS</b>	ARCHITECT	CONSULTANT
ATTACHMENT	REFERENCE SHEET <b>AS-1</b> DATE: <b>03-03-08</b>		<b>3D/I</b> <small>3D/International, Inc. Houston Street Court #3 219 East Houston Street, Suite 350 San Antonio, Texas 78205-1801 Tel: 210 227 2500 Fax: 210 227 9704</small>	

EXHIBIT "D"



REVISION NO.	PROJECT NUMBER	<b>MECHANICAL UNIT SHELF AREA MARRIOTT TOWNEPLACE SUITES THE NEISNER BUILDING 409 E. HOUSTON STREET SAN ANTONIO, TEXAS</b>	ARCHITECT	CONSULTANT
	REFERENCE SHEET		<b>3D/I</b> <small>3D/International, Inc. Houston Street Court #3 219 East Houston Street, Suite 350 San Antonio, Texas 78205-1801 Tel 210 227 2500 Fax 210 227 9704</small>	
ATTACHMENT	<b>AS-3</b>			
	DATE: <b>03-03-08</b>			

EXHIBIT "E"



NEW HANDRAILS AND GUARDRAILS, BOTH SIDES.

EXISTING RAMP ACCESS TO ALLEY FIRE DOOR

NEW HANDRAILS AND GUARDRAILS, BOTH SIDES.

SCALE: 1/4" = 1'-0"X



03-03-2008

PEACOCK ALLEY

REVISION NO.	PROJECT NUMBER	<b>MECHANICAL UNIT SHELF AREA MARRIOTT TOWNEPLACE SUITES THE NEISNER BUILDING 409 E. HOUSTON STREET SAN ANTONIO, TEXAS</b>	ARCHITECT	CONSULTANT
ATTACHMENT	REFERENCE SHEET		<b>3D/I</b> <small>3D/International, Inc. Houston Street Court #3 219 East Houston Street, Suite 350 San Antonio, Texas 78205-1801 Tel 210 227 2500 Fax 210 227 9704</small>	
	<b>AS-3.1</b> DATE: <b>03-03-08</b>			

EXHIBIT "F"

## CITY OF SAN ANTONIO Consent Agenda

CAPITAL IMPROVEMENTS MANAGEMENT SERVICES DEPARTMENT  
INTERDEPARTMENTAL CORRESPONDENCE SHEET

**TO:** Planning Commission

**FROM:** George H. Rodriguez, Assistant Director, Capital Improvements Management Services Department

**SUBJECT:** S.P. No. 1374 -Request for a license to use Public Right of Way

**DATE:** Tuesday, October 28, 2008

**PETITIONER:** SAT Neisner, LLC  
Attn: Kaushik Naik  
7300 Blanco Road, Ste. # 701  
San Antonio, Texas 78216

Staff is requesting that this item be placed on the Consent Agenda for the Planning Commission meeting on 11/12/2008.

**BACKGROUND**

As part of its plan to restore the existing Neisner Building at Broadway and Houston Streets into a high end hotel, SAT Neisner, LLC. is requesting a license agreement for its proposed installation of a canopy, mechanical unit (air conditioning) shelves and a handicapped access ramp to include hand and guard rails. In addition, the applicant proposes to continue use of the existing basement which extends into the City's right of way. Petitioner would also like exclusive use of the five (5) existing parking spaces located on the Broadway Street side of this building currently regulated with parking meters. Attached is Exhibit "A" which reflects all of the proposed encroachments onto the right of way. Attached Exhibits "B" thru "F" are detailed plans for each specific encroachment.

**COORDINATION AND FINANCIAL IMPACT**

In compliance with City procedures, this request has been canvassed through interested City departments, public utilities and applicable agencies. An executed Letter of Agreement, by which petitioner agrees with all fees and conditions imposed through this canvassing is attached for review.

**CONCLUSION AND RECOMMENDATION**

Staff recommends approval of this request.

**CITY OF SAN ANTONIO  
DEPARTMENT OF PUBLIC WORKS  
INTERDEPARTMENTAL CORRESPONDENCE SHEET**

**TO:** Planning Commission  
**FROM:** George Rodriguez, Assistant Director, Capital Improvements Management Services  
**COPIES:** Pat DiGiovanni, Deputy City Manager, T.C. Broadnax, Assistant City Manager; file  
**DATE:** Wednesday, October 29, 2008  
**SUBJECT:** Conveyance of four properties to the San Antonio River Authority for Phase II of the San Antonio River Improvements Project

Staff is requesting that this item be placed on the consent agenda for the Planning Commission meeting on 11/12/2008.

**BACKGROUND**

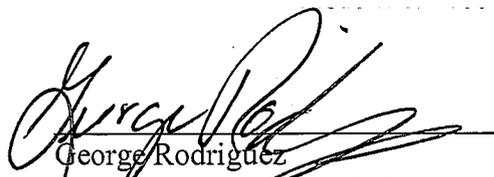
The San Antonio River Authority (SARA), along with the City of San Antonio, Bexar County, and the Corps of Engineers are jointly working to restore and revitalize the San Antonio River through the San Antonio River Improvement Project. Capital Improvement Management Services is requesting the release of 4 parcels of land containing a combined 21.79 acres within Roosevelt Park (exhibit attached). The 4 parcels are necessary to improve flood control along the San Antonio River and to return the river to a more natural appearance through ecosystem restoration for Phase II of the SARIP Mission Reach. The proposed improvements will include trails, landscaping, benches and other amenities that will enhance the river for public use as well as create a unique space for the enjoyment of the entire community.

**COORDINATION AND FINANCIAL IMPACT**

No charge for the City properties is recommended by City staff as the value of the proposed river improvements far outweighs the value of the properties in question. SARA will maintain the properties which the City will convey and make the properties available for park purposes for the general citizenry.

**CONCLUSION AND RECOMMENDATION**

Staff recommends approval of this request.

  
George Rodriguez  
Assistant Director, Capital Improvement  
Management Services

# PHASE 2 PROPOSED COSA PARKLANDS TO BE CONVEYED



**CITY OF SAN ANTONIO  
GOLF OPERATIONS  
Interdepartmental Memorandum**

**TO:** Planning Commission  
**FROM:** Jim Roschek, Director, Golf Operations   
**SUBJECT:** Brackenridge Park Golf Course Deed transaction  
**DATE:** November 3, 2008

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The Municipal Golf Association – San Antonio (MGA-SA) requests the Planning Commission's approval of the acquisition of real property rights for Brackenridge Park Golf Course from the University of Texas System.

**BACKGROUND INFORMATION:**

In 1899, The Water Works Corporation, owned by George Brackenridge, deeded land to the City for public park purposes. The City used 113 acres of this land to create the Brackenridge Park Golf Course in 1917. The deed from the Water Works Corporation contained conditions which limit the City's use of the property, including a prohibition on the sale or consumption of alcohol. The deed further specified that in the event the City ever violated the conditions contained in the deed that ownership of the property would pass to the University of Texas System (UT). In the settlement of a lawsuit in 1989, the City granted control over enforcement of the conditions in the deed to the San Antonio Conservation Society in addition to the rights reserved by UT.

In October 2008, the City transferred operation of Brackenridge Park Golf Course to the MGA-SA. Since this transition, the golf course has undergone extensive renovations to return this historic course to its original quality. With the re-opening of Brackenridge, following these renovations, in December, MGA-SA seeks to make it a true golfing destination and enhance the golfing experience with the ability to serve alcohol. Additionally, City policy does provide precedent in allowing the sale of alcohol on municipal courses. Five of the six municipal courses in San Antonio currently sell alcohol on the golf course properties.

**ISSUE:**

UT's right to enforce the ban on the sale or consumption of alcohol is a property right which can be transferred. This right has been appraised and the MGA-SA has agreed to pay UT the determined fair market value in exchange for the transfer of these rights to the City, effectively lifting the ban on the sale of alcohol on the golf course property.

This proposal is supported by the San Antonio Conservation Society; provided that alcohol sales and consumption are limited to the golf course and the Conservation Society's ability to enforce the conditions in the deed remain unchanged.

**ALTERNATIVES:**

City Council may elect to deny the acquisition of this real property right. Doing so would prohibit MGA-SA from selling alcohol at Brackenridge and would put the course at a disadvantage in its goal to become a golfing destination. Should MGA-SA move forward with their plans to allow the sale of alcohol at the course, they would be in violation of the deed and the property would revert back to UT. The City would lose its most historic and popular municipal golf course.

**RECOMMENDATION:**

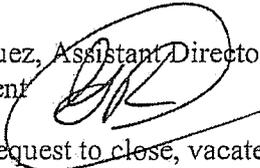
Staff recommends Planning Commission approve the acquisition of this real property rights. This approval will allow the City to continue to provide quality experiences at our municipal golf courses and enhance the golfing experience at Brackenridge Park Golf Course.

Staff plans to take this item, pending the Planning Commissions approval, to City Council on November 20, 2008 for final consideration.

# **Individual Consideration**

**CITY OF SAN ANTONIO**      Individual Consideration  
Capital Improvements Management Services Department  
Interdepartmental Correspondence Sheet

**TO:** Planning Commission

**FROM:** George H. Rodriguez, Assistant Director, Capital Improvements Management Services Department 

**SUBJECT:** S.P. No. 1388 - Request to close, vacate and abandon Public Right of Ways within San Juan Homes Public Housing Project

**DATE:** Monday, October 27, 2008

**PETITIONER:** San Antonio Housing Authority  
Attn: General Alfred A. Valenzuela, President/CEO  
919 South Main Street  
San Antonio, Texas 78204

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 11/12/2008.

**BACKGROUND**

The San Antonio Housing Authority is requesting the closure, vacation and abandonment of Public Right of Ways within the San Juan Homes II Housing Project. In particular are Service Road, Ladyet, Sinkin Street and an improved portion of South Cibolo Street presently used for parking in the location as shown on attached Exhibits "A" & "B". If approved these right of ways, which total approximately 3.94 ac., will be assimilated with the adjacent properties through the platting process. This will allow for the redevelopment of the land and placement of new buildings and infrastructure within the area of the exiting street right of ways.

**COORDINATION AND FINANCIAL IMPACT**

In compliance with City procedures, petitioner's request has been canvassed through interested City departments, utilities and applicable agencies. An executed Letter of Agreement by which the petitioner agrees with all fees and conditions imposed through this canvassing is attached for your review.

**CONCLUSION AND RECOMMENDATION**

Staff recommends approval of this request.

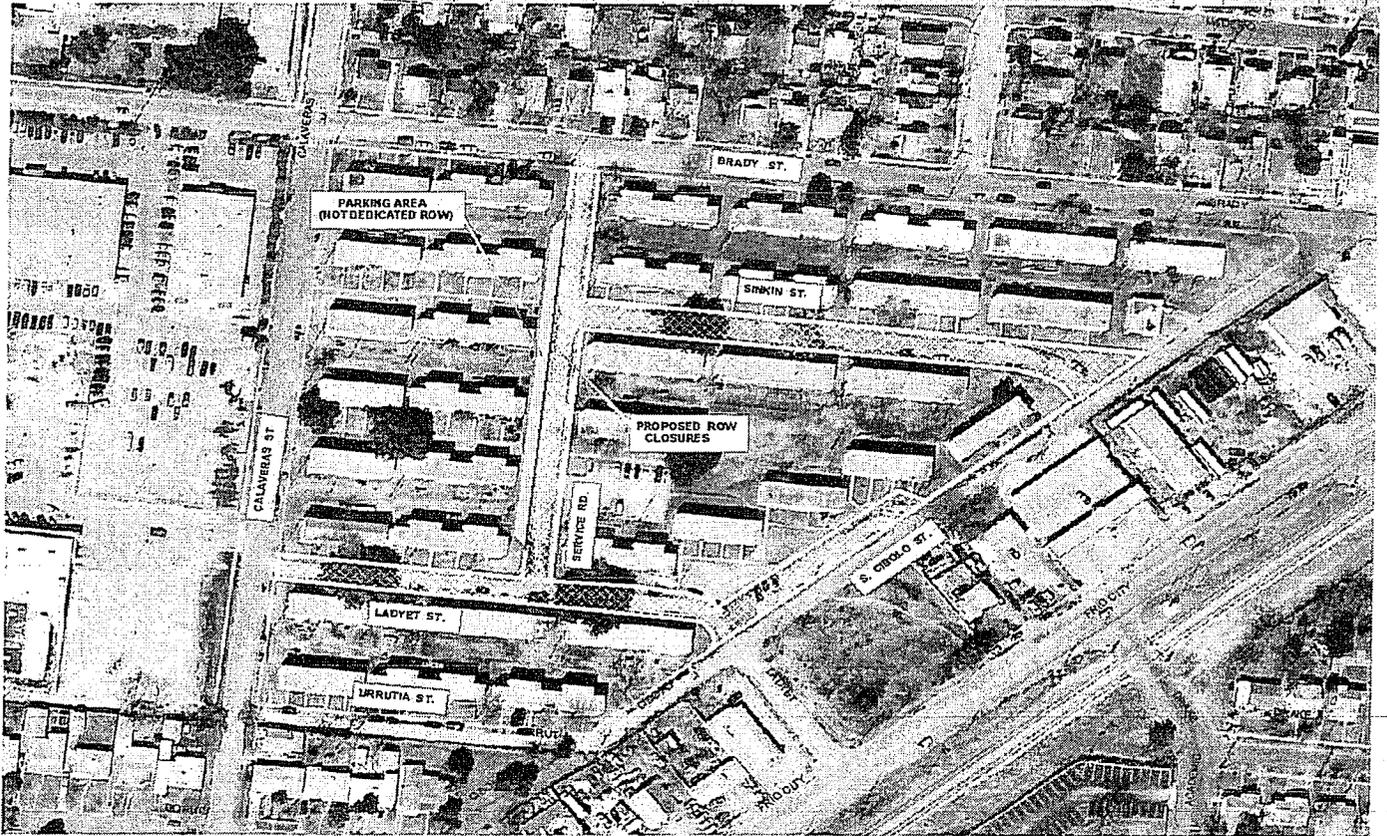
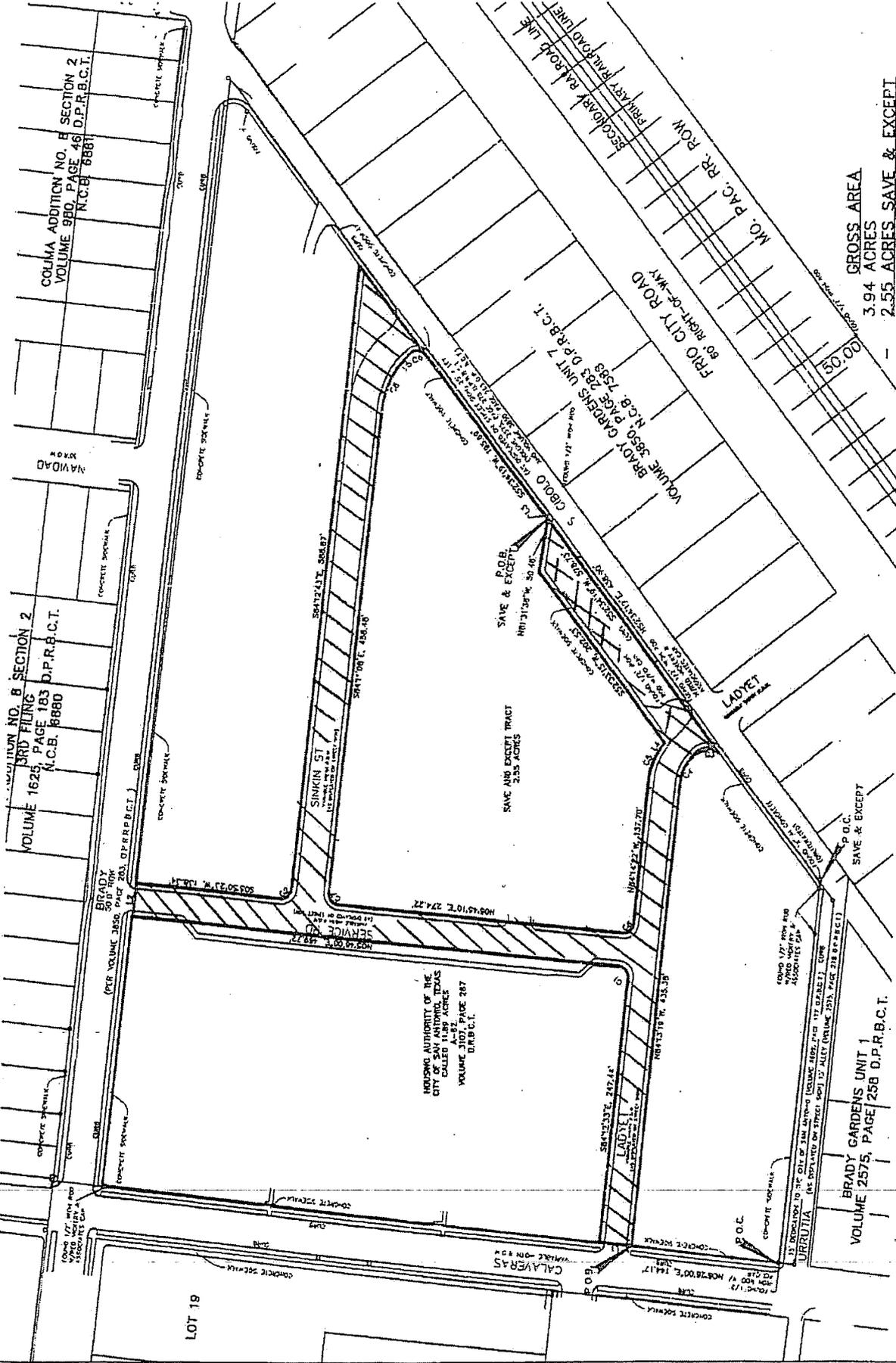


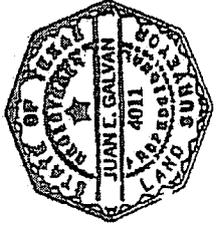
EXHIBIT "A"



GROSS AREA  
 3.94 ACRES  
 2.55 ACRES SAVE & EXCEPT  
 1.39 ACRES TOTAL INTERIOR STREETS

# EXHIBIT "B"

STATE OF TEXAS }  
 COUNTY OF BEXAR }  
 I HEREBY CERTIFY THAT THE ABOVE PLAT CONFORMS TO THE UNIFORM  
 STANDARDS SET FORTH BY THE TEXAS SOCIETY OF PROFESSIONAL LAND SURVEYORS  
 ACCORDING TO AN ACTUAL SURVEY MADE ON THE GROUND UNDER MY SUPERVISION  
 THIS DAY IN MARCH, 2006 A.D.



*Juan L. Galvan*  
 Juan L. Galvan, Registered Professional Land Surveyor #4011  
 Date: 02/19/08

COLUMA ADDITION, NO. B SECTION 2  
 VOLUME 980, PAGE 46 D.P.R.B.C.T.  
 N.C.B. 8881

NAVADIA  
 CONCRETE SIDEWALK  
 VOLUME 1625, PAGE 183 D.P.R.B.C.T.  
 N.C.B. 8880

BRADY  
 (PER VOLUME 2450  
 D.P.R.B.C.T. 203 OF 203 PAGES)  
 CONCRETE SIDEWALK

HOUSING AUTHORITY OF THE  
 CITY OF SAN ANTONIO, TEXAS  
 CALLED "LOT 19"  
 VOLUME 3107, PAGE 287  
 D.P.R.B.C.T.

BRADY GARDENS UNIT 1  
 VOLUME 2575, PAGE 258 D.P.R.B.C.T.

CALAVERAS

SINKIN ST

LADY

FRIO CITY ROAD

M.O. PAC. RR. ROW

BRADY GARDENS UNIT 7

BRADY GARDENS UNIT 7

FRIO CITY ROAD

M.O. PAC. RR. ROW

BRADY GARDENS UNIT 7

FRIO CITY ROAD

M.O. PAC. RR. ROW

BRADY GARDENS UNIT 7

FRIO CITY ROAD

M.O. PAC. RR. ROW

BRADY GARDENS UNIT 7

FRIO CITY ROAD

M.O. PAC. RR. ROW

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

**Plan Amendment Application Case No.: 08030**

**ITEM 26**

Council District: NA (CSMA)

City Council Meeting Date: **December 4, 2008**

Plan Amendment Map – Attachment 1

Digital Ortho Image – Attachment 2

**Summary:**

Neighborhood/Community/Perimeter Plan: **City South Community Plan**

The applicant requests to amend the Land Use Plan designation 1) from **Rural Living and Resource Protection/Open Space** to **Heavy Industry** on 120.2 acres and, 2) from **Rural Living** to **Agriculture and Light Industry** on 209.45 acres

**Background Information:**

**Applicant:** Harry Jewett

**Owner:** Lehman Reed S Grain Co, Jim Hemby III

**Property Location:** Located south, southeast and southwest of the intersection of Southton Road and Center Road

**Acreage:** 329.65

**Current Land Use of site:** Sand and gravel extraction facility on the northwestern portion of the site; balance of site is vacant

**Adjacent Land Uses:**

N: Recycling/dumping operation, cold storage plant, small and large lot residential

S: Confluence of the San Antonio River and Salado Creek

E: Salado Creek

W: San Antonio River

**Issue:**

**LAND USE ANALYSIS:**

The subject property is located within the jurisdictional area of the City South Management Authority and is situated north of the confluence of the San Antonio River and Salado Creek. The subject property is currently designated for Rural Living land use with 2 small parcels designated for Resource Protection/Open Space land use. The predominant land use designations adjoining the subject property are Resource Protection/Open Space and Agriculture. The property directly to the north of the subject property is designated for Agriculture and Light Industry land use and is currently occupied by a cold storage plant. The applicant is requesting to extend this Agriculture and Light Industry land use to 209.45 acres located to the south, east and west (Request #2) and to also designate the westernmost 120.2 acres of the subject property for Heavy Industry land use (Request #1).

The applicant is requesting to change the land use designation of 120.2 acres located on the westernmost section of the subject property from Rural Living and Resource Protection/Open Space land use to Heavy Industry land use. This property abuts the San Antonio River and is currently being used for sand and gravel extraction. The existing sand and gravel extraction operation was initiated within the past year without obtaining the appropriate zoning and required permits from the City of San Antonio to remove trees. According to the applicant, the majority of this property is located within the 100-year floodplain and therefore has little to no residential development potential. The applicant is requesting Heavy Industry land use to continue this sand and gravel extraction operation. The Heavy Industry land use includes heavy manufacturing, processing and fabricating businesses. According to the Plan, heavy industrial uses shall be concentrated at arterials, expressways, and

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

railroad lines. Due to the generation of commercial truck traffic and noise, this use is not compatible with residential uses and should be separated from residential uses by an intermediate land use or significant buffer. Flood plain protection and buffer zones along creeks and rivers are instrumental in retaining the rural character and protecting water quality. The westernmost portion of the subject property abuts the San Antonio River and is located near a historic acequia. The Historic Mission Reach of the San Antonio River Improvements Project will improve the portion of the San Antonio River located to the north of the subject property. It is likely these improvements could be extended further south in subsequent years. The San Antonio River is an important recreational, historical, and cultural resource for the citizens of the City of San Antonio and Bexar County that should be protected from the impacts of Heavy Industry. Staff recommends denial of the land use change to Heavy Industry as requested. Alternatively, Staff would support an amended request that excluded the area within the FEMA 100-year floodplain. This would limit Heavy Industry activities to the area outside of the floodplain and provide a significant buffer between the Heavy Industry land use and the San Antonio River.

The subject property was part of the Southton Park Subdivision that subdivided the property into single-family residential lots in 1913. Few of the lots were developed for residential use. During the 1960s a warehouse was constructed southeast of the intersection of Southton and Center Roads. Additions to this warehouse were made in the following decades and the property today is utilized as a cold storage warehouse. The applicant is requesting to change the land use designation on 209.45 acres located south, southwest and southeast of this cold storage warehouse from Rural Living to Agriculture and Light Industry. The Agriculture and Light Industry land use includes a mix of crop agriculture and ranching; limited light industrial uses; and retail, office and service uses that directly service industrial and agricultural uses. Residential uses are not permitted. Given the proximity of the subject property to an existing industrial use, railroad line, and floodplain, and the limited availability of City services, it would seem unlikely rural living land uses would develop. The San Antonio River and Salado Creek and the surrounding floodplain provide natural buffers to reduce the potential for conflict with adjacent, non-industrial land uses. The proximity to an existing rail line and two interstates provides a strategic location for distribution related industrial uses. Staff finds the applicant's request for Agriculture and Light Industry land use is appropriate and recommends approval of this requested land use amendment.

Minimal Impact (Request #1)       Impact can be mitigated       Significant Impact - Incompatible Land Use (Request #2)

**TRANSPORTATION/INFRASTRUCTURE ANALYSIS:**

Major Thoroughfare Plan Designations: Southton Road is an Enhanced Secondary Arterial (120' – 142' ROW).

Comments: The proposed 329.65-acre development would currently have one point of ingress/egress onto Southton Road. Southton Road is designated as an Enhanced Secondary Arterial on the Major Thoroughfare Plan. Southton road is currently a two lane road that intersects Center Road at a curve. It is approximately 1.4 miles to SE Loop 410 and 2.4 miles to I-37. Constructing additional ingress/egress points for the site would likely require elevating the roadway over the San Antonio River and/or Salado Creek. A Traffic Impact Analysis (TIA) will be required at platting and/or permitting to determine if the development will be required to mitigate for the additional traffic generated.

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

A Union Pacific railroad line runs along the northeastern portion of the site. There is an existing spur that serves the cold storage plant.

There are currently no VIA bus routes in the immediate vicinity.

Minimal Impact     Impact can be mitigated     Significant Impact to Transportation Capacity

**COMMUNITY FACILITIES ANALYSIS:**

**Public Facilities:** There are currently no public facilities within 1 mile of the boundary of the subject property. Mission Espada and Brown Park are located a slightly more than a mile from the subject property.

The subject property is located in the East Central Independent School District. The Bexar County Learning Center is located within 1 mile of the boundary of the subject property.

**Comments:** The proposed development could bring additional tax revenue to the school district and other taxing entities. The influx of new employees and their families may necessitate the construction of schools and community facilities if they choose to live near the subject property. Housing opportunities in the immediate area are currently limited.

Minimal Impact     Impact can be mitigated     Significant Impact

**Recommendation:**

**STAFF RECOMMENDATION:**

Approval     Denial     Alternate Recommendation:

1) Staff recommends **denial** of the land use change from Rural Living and Resource Protection/Open space to Heavy Industry on 120.2 acres. Alternatively, Staff would support an amended request that excluded the area within the FEMA 100-year floodplain. This would limit Heavy Industry activities to the area outside of the floodplain and provide a significant buffer between the Heavy Industry land use and the San Antonio River.

2) Staff recommends **approval** of the land use change from Rural Living to Agriculture and Light Industry on 209.45 acres.

**PLANNING COMMISSION RECOMMENDATION:**

Meeting & Public Hearing Date: September 24, 2008; November 12, 2008

Approval     Denial     Resolution Attached

Newspaper Publication Date of Public Hearing: September 5, 2008; October 24, 2008

No. Notices mailed 10 days prior to Public Hearing: 18 to owners of land within 200 feet; 80 to the City South Planning Team

Registered Neighborhood Association(s) Notified: McCreless Meadows Neighborhood Association

**CITY SOUTH MANAGEMENT AUTHORITY BOARD RECOMMENDATION:**

Meeting & Public Hearing Date: September 23, 2008 (Continued); October 28, 2008

Approval     Denial     Alternate Recommendation:

CSMA recommends 1) **approval** of the land use change from Rural Living and Resource Protection/Open space to Heavy Industry on 120.2 acres excluding the area that lies within the 100-

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

year FEMA floodplain, and 2) **approval** of the land use change from Rural Living to Agriculture and Light Industry on 209.45 acres.

**CSMA ZONING SUPPLEMENTAL INFORMATION:**

Current zoning district: "DR" and "RE"                      Proposed zoning district: "MI-1" & "SGD"

CSMA Zoning Public Hearing Date: December 8, 2008

Approval                       Denial

**Planning Department Staff:**

Nina Nixon-Mendez, AICP

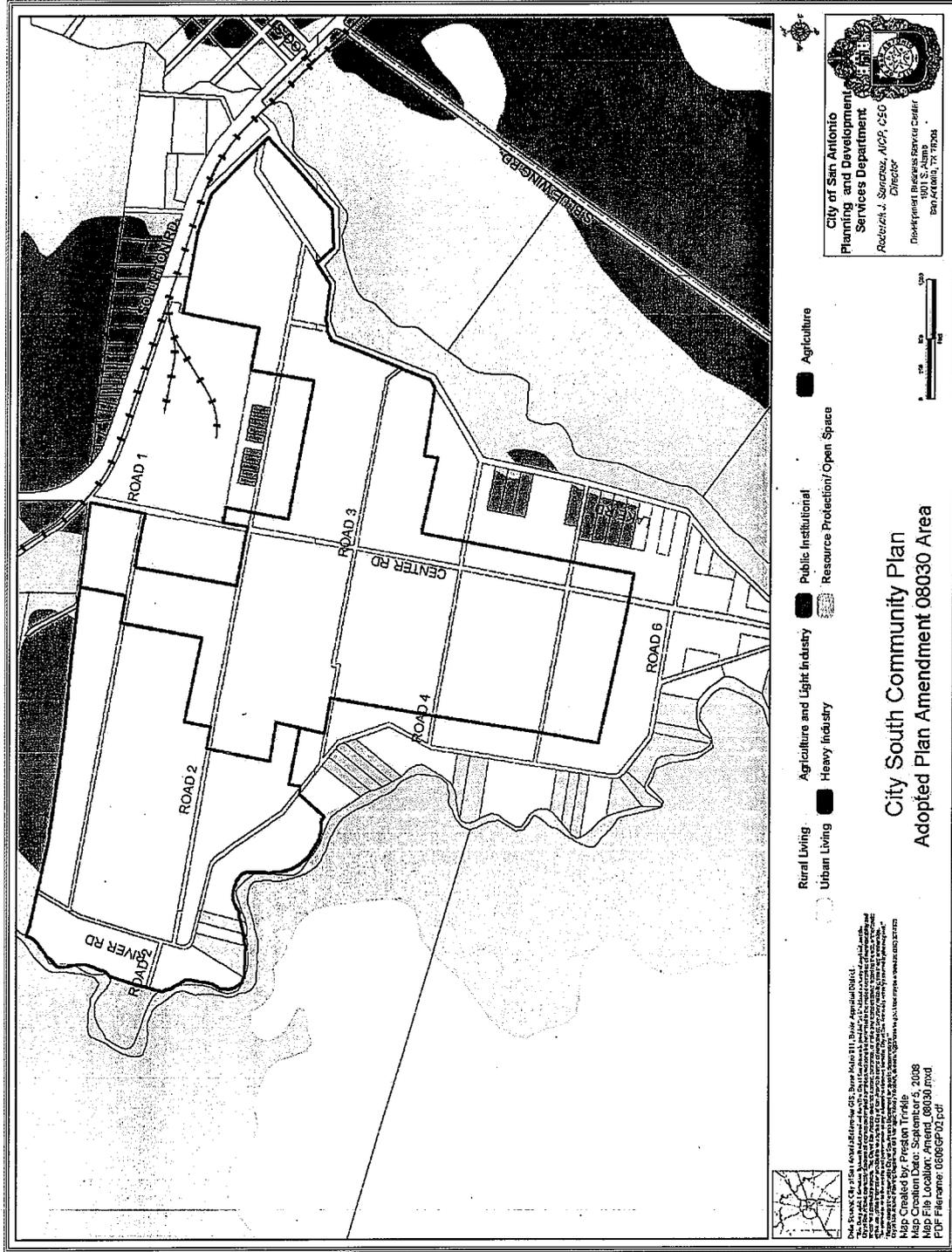
Planning Manager

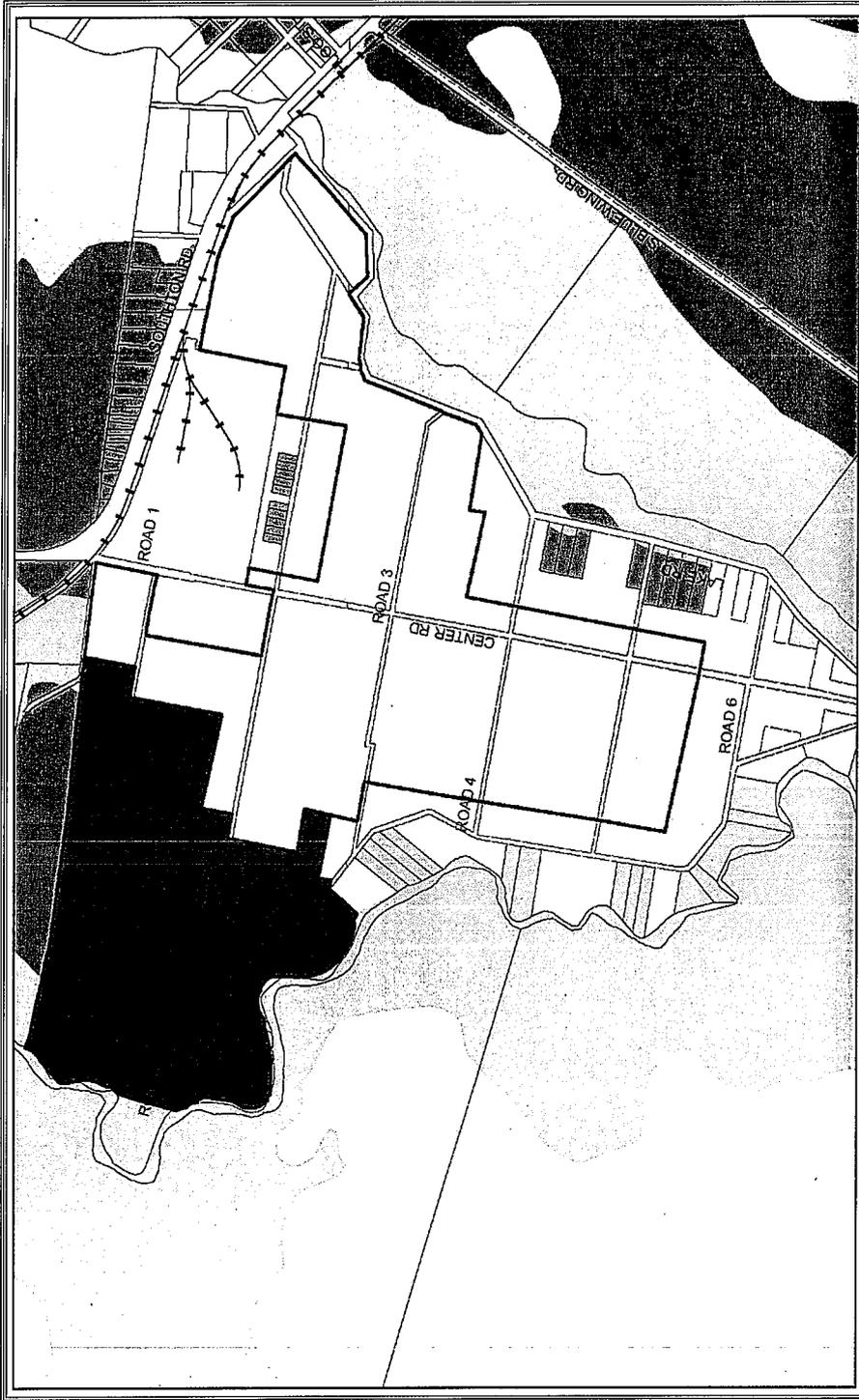
Case Manager: Michael Taylor

Senior Planner

Phone No.: 207-0145

# Attachment 1: Land Use Maps





City of San Antonio  
 Planning and Development  
 Services Department  
 Rogereck J. Sanchez, AICP, CSO  
 Director  
 Development Services Services Center  
 1411 S. Alamo  
 San Antonio, TX 78204

- Rural Living
- Urban Living
- Agriculture and Light Industry
- Heavy Industry
- Public Institutional
- Resource Protection/Open Space
- Agriculture



### City South Community Plan Proposed Plan Amendment 08030 Area

Map Created by Preston Trinkle  
 Map Creation Date: September 5, 2009  
 File Location: Appr'd\_08030.mxd  
 File Pathname: 08030P02.dwg



Attachment 2: Aerial Imagery




City of San Antonio  
 Planning & Community  
 Development Department

TC, Director, Urban Director  
 1000 Broadway  
 78202-4200  
 San Antonio, TX 78205

City of San Antonio  
 Attachment 2 PA 08030- Ortho Photo



City of San Antonio  
 Planning & Community  
 Development Department

TC, Director, Urban Director  
 1000 Broadway  
 78202-4200  
 San Antonio, TX 78205

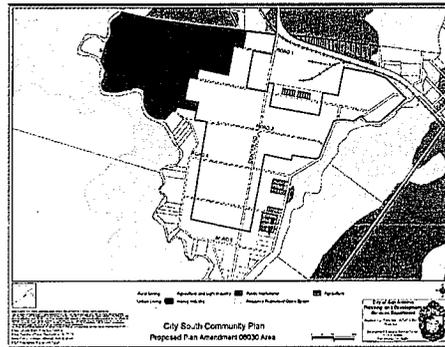
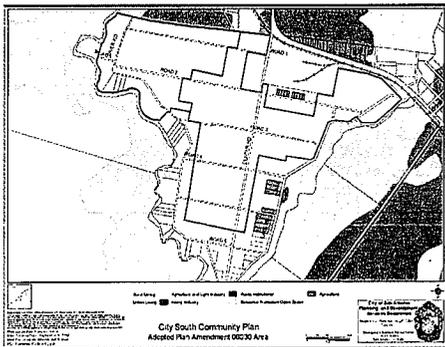
# Master Plan Amendment 08030 City South Community Plan

Planning Commission  
November 12, 2008  
Agenda Item No.

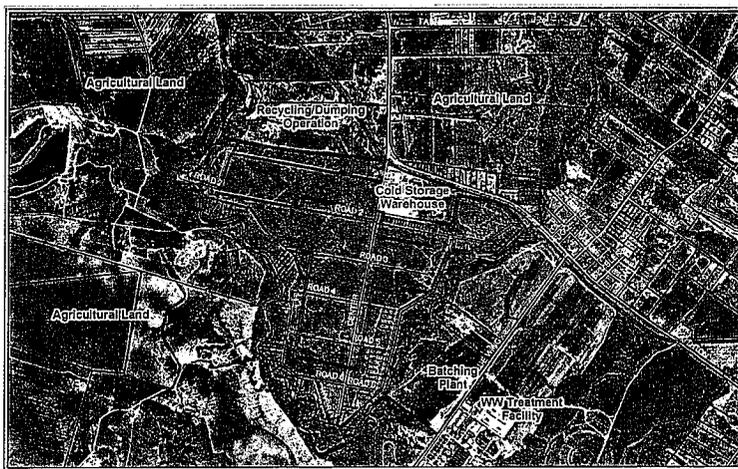
## Amendment 08030

Plan as adopted:

Proposed amendment:



# Land Use



City of San Antonio  
Attachment 2 PA 08030- Ortho Photo

City of San Antonio  
Planning & Community  
Development Department  
1101 Commerce Street  
San Antonio, TX 78202

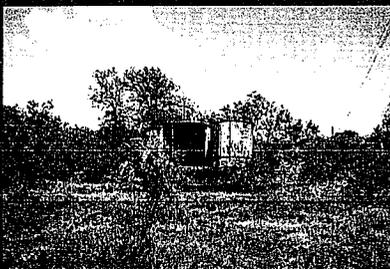
# Subject Property – Eastern Portion



Subject Property – Viewing West



Subject Property – Center Road



Subject Property – Viewing East



Subject Property – Viewing Southeast

## Subject Property – Western Portion



Road to Service Sand & Gravel Pit



Sand & Gravel Pit – From Ridge



Sand & Gravel Pit – From Bottom



Subject Property – Viewing West

## Surrounding Properties



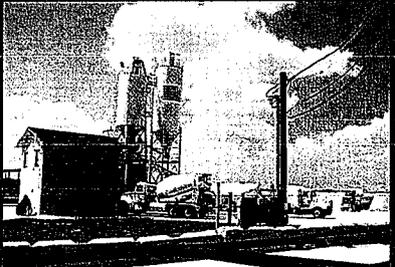
Railroad Line to the North



Cold Storage Warehouse to the North

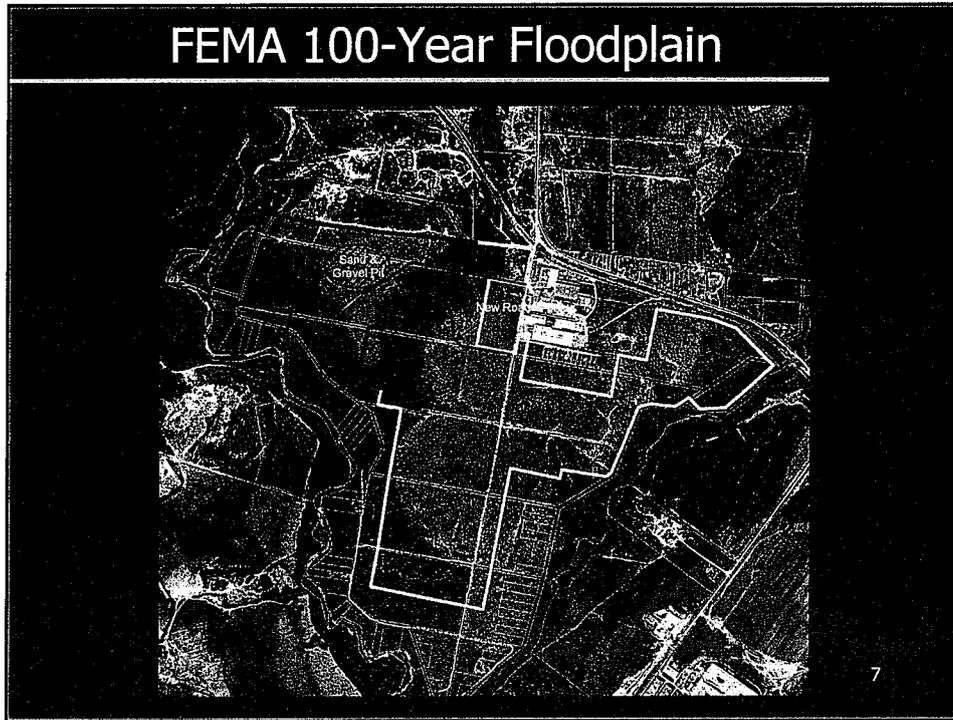


Residences to the North



Batching Plant to the East

# FEMA 100-Year Floodplain



**RESOLUTION NO.**

**RECOMMENDING TO APPROVE / DENY THE AMENDMENT OF THE LAND USE PLAN CONTAINED IN THE CITY SOUTH COMMUNITY PLAN, A COMPONENT OF THE MASTER PLAN OF THE CITY, BY CHANGING THE USE FROM 1) RESOURCE PROTECTION/OPEN SPACE AND RURAL LIVING TO HEAVY INDUSTRY ON APPROXIMATELY 120.20 ACRES LOCATED SOUTHWEST OF THE INTERSECTION OF SOUTHTON ROAD AND CENTER ROAD MORE SPECIFICALLY DESCRIBED BY LEGAL DESCRIPTIONS: LOTS 1 THROUGH 10, BLOCK 1, CB 5162; LOTS 8 THROUGH 26, BLOCK 2, CB 5162; LOTS 11 THROUGH 55 AND THE NORTH ½ OF 56 THROUGH 60, BLOCK 9, CB 5162; LOTS 1 THROUGH 20, BLOCK 10, CB 5162; LOTS 17 THROUGH 31 AND THE NORTH ½ OF 32 THROUGH 38, BLOCK 11, CB 5162, AND 2) RURAL LIVING TO AGRICULTURE AND LIGHT INDUSTRY ON APPROXIMATELY 209.45 ACRES LOCATED SOUTH AND SOUTHEAST OF THE INTERSECTION OF SOUTHTON ROAD AND CENTER ROAD MORE SPECIFICALLY DESCRIBED BY LEGAL DESCRIPTIONS: LOTS 1 THROUGH 7, BLOCK 2, CB 5162; LOT 9, BLOCK 3, CB 5162; LOTS 1 THROUGH 5, BLOCK 7, CB 5162; LOTS 17 THROUGH 38 AND THE SOUTH ½ OF 39 THROUGH 42, AND THE SOUTH ½ OF 54, BLOCK 8, CB 5162; LOTS 1 THROUGH 16 AND 39 THROUGH 51, BLOCK 11, CB 5162; LOTS 1, 13 THROUGH 36 AND THE SOUTH ½ OF 2 THROUGH 12, BLOCK 12, CB 5162; LOTS 1 THROUGH 16, 25, 26 AND THE NORTH ½ OF 18 THROUGH 24, BLOCK 13, CB 5162; LOTS 1 THROUGH 12 AND 18 THROUGH 29, BLOCK 14, CB 5162; LOTS 1 THROUGH 12 AND 19 THROUGH 30, BLOCK 15, CB 5162; LOTS 1, 2, 17, AND 18, BLOCK 16, CB 5162; LOTS 1 AND 2, BLOCK 18, CB 5162; LOTS 1 THROUGH 12, BLOCK 19, CB 5162; LOTS 6 THROUGH 10, 61 THROUGH 65, AND THE SOUTH ½ OF 56 THROUGH 60, BLOCK 9, CB 5162.**

**WHEREAS**, City Council approved the City South Community Plan as an addendum to the Master Plan on June 26, 2003; 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 November 12, 2008 and **APPROVED / DENIED** the amendment on November 12, 2008; and

**WHEREAS**, the San Antonio Planning Commission made a finding that \_\_\_\_\_

\_\_\_\_\_ ; 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 City South 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 12<sup>th</sup> DAY OF NOVEMBER 2008.

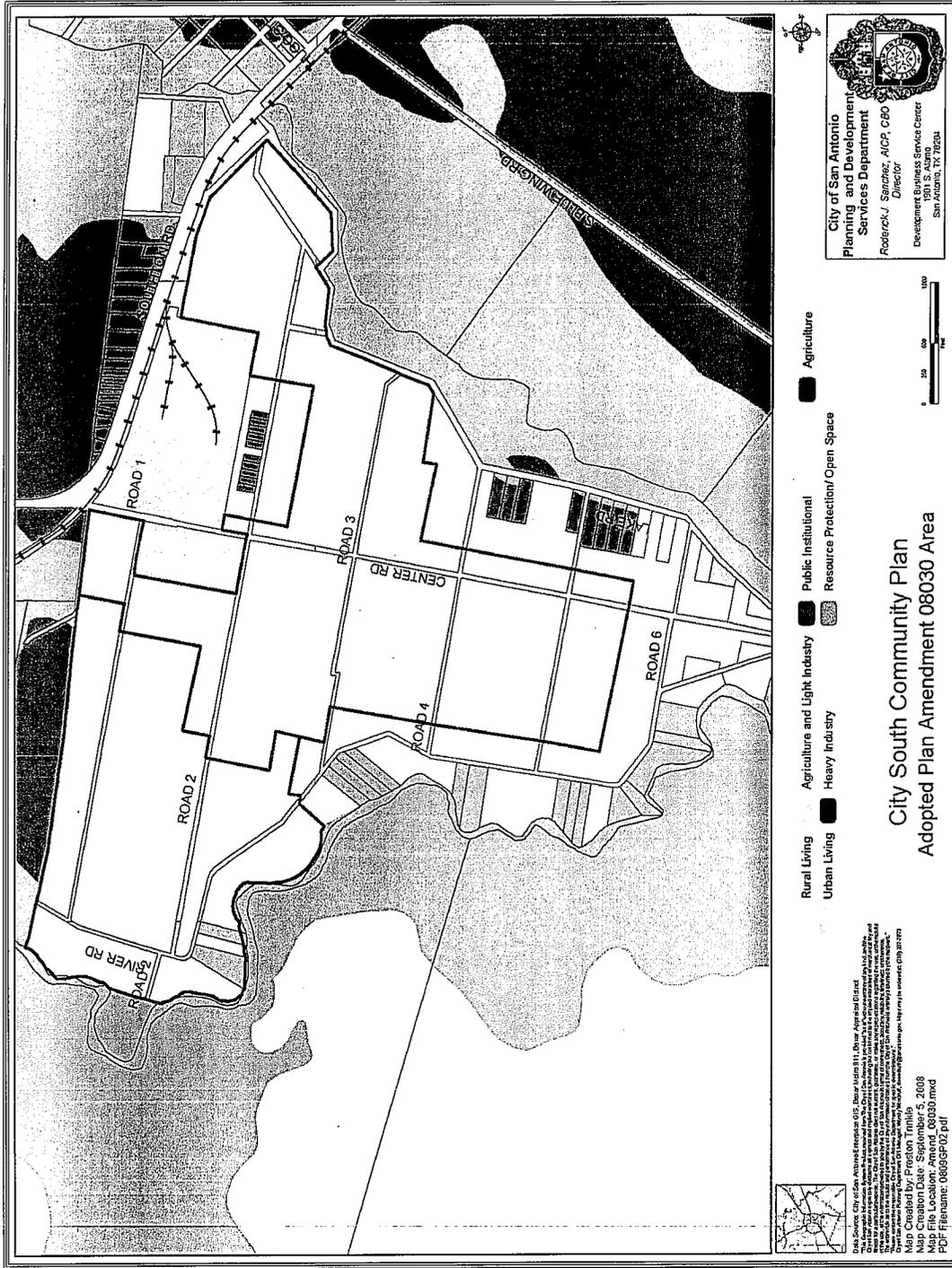
Approved:

Attest:

\_\_\_\_\_  
Murray H. Van Eman, Chairman  
San Antonio Planning Commission

\_\_\_\_\_  
Executive Secretary  
San Antonio Planning Commission

**ATTACHMENT I**  
**Land Use Plan as adopted:**

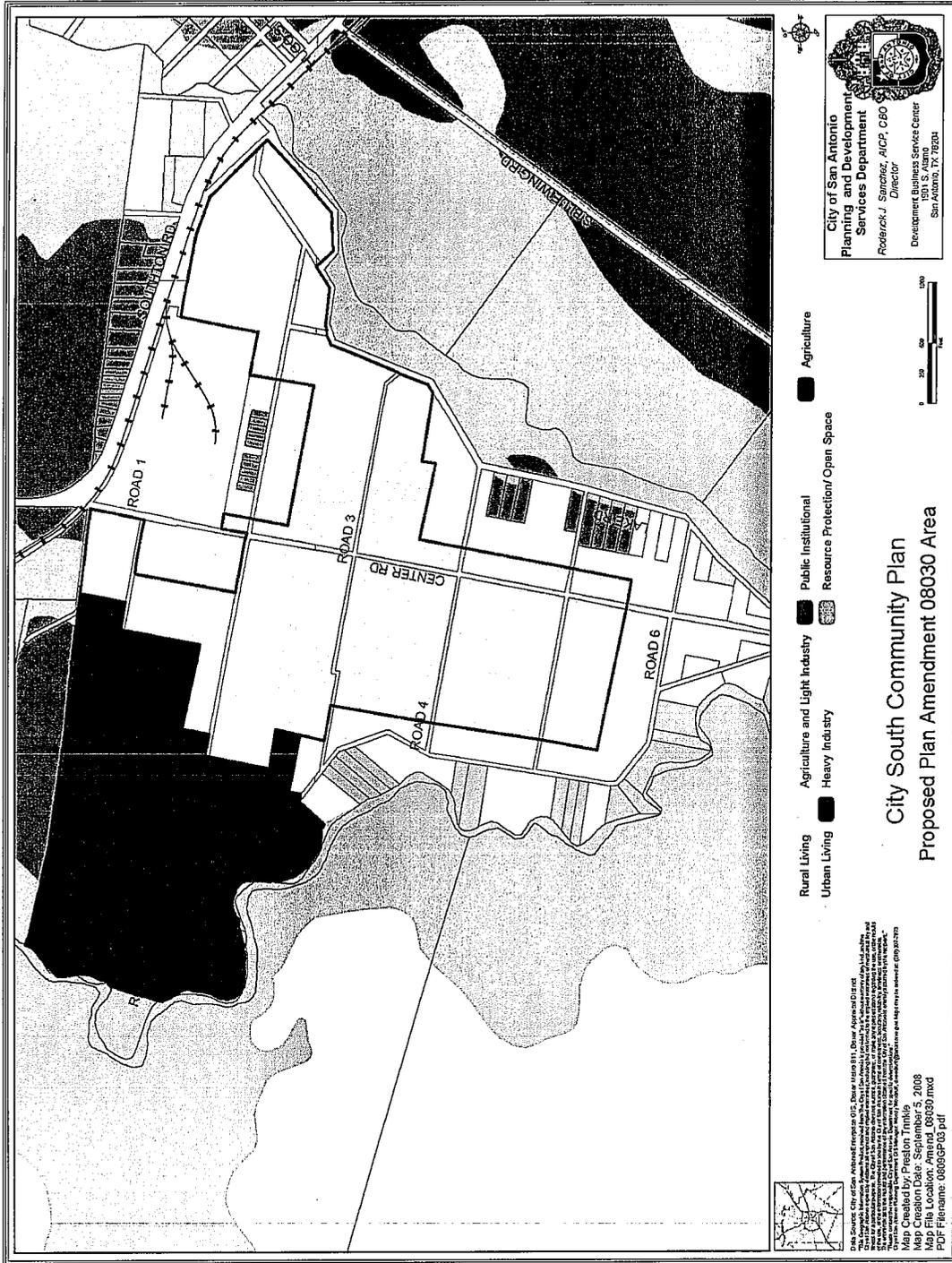


City of San Antonio  
 Planning and Development  
 Services Department  
 Roderick J. Semanec, AICP, CBO  
 Director  
 Development Equities Service Center  
 1501 S. Alamo  
 San Antonio, TX 78204

**City South Community Plan**  
**Adopted Plan Amendment 08030 Area**

Map Creation Date: September 5, 2008  
 Map File Location: Amend\_08030.mxd  
 PDF Filename: 08030GP02.pdf

**ATTACHMENT II  
Proposed Amendment:**



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

**Downtown West Neighborhood Plan Update**

Council District: 5

City Council Meeting Date: 12/04/08

**Summary:**

Neighborhood/Community/Perimeter Plan: **Downtown West Neighborhood Plan Update, Phase I**

**Background Information:**

**Applicant:** City of San Antonio

**Owner:** Various

**Plan Boundaries:**

North: Ruiz and Frio Street

South: Buena Vista

East: Salado

West: Colorado Street

**Size:** Approximately 78 acres

**Current Land Use of site:** Various

**Adjacent Land Uses:** Various

**Issue:**

**Planning Process:**

The Downtown West Neighborhood is a component of the overall Downtown Neighborhood Plan. The Downtown Neighborhood Plan was adopted in 1999, and consists of several distinct districts. The West Neighborhood includes the Colorado Street (Prospect Hill) District "District P". The Downtown West Neighborhood Plan Update is part of a Council initiated rezoning effort for portions of the area.

The plan update addresses the guidelines set out in the Community Building and Neighborhood Planning Program, adopted by City Council in October 1998 and further specified in Article IV of the Unified Development Code adopted in 2001 and amended in 2004. The update process of the Downtown Neighborhood Plan has been segmented into phases in order to consider the specific conditions of each geographic district.

In the course of the update process, two public meetings were held to present the draft plan to the public. Additional one-on-one meetings were scheduled at the convenience of affected property owners to address concerns about the rezoning and plan update effort. Although meetings were intended to obtain feedback on the proposed plan update, some citizens expressed concerns with several projects impacting the West Neighborhood; specifically the Bexar County jail expansion and the Haven for Hope campus.

The need for a comprehensive rezoning was determined due to the identification of a large number of residential properties that are currently zoned I-1 and I-2. The intent of the Council initiated rezoning effort was to provide for appropriate zoning categories for the present use of these properties. The Land Use component corresponds with the proposed zoning for the area, and offers a more predictable and flexible transitional land use pattern within the plan area.

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

MAJOR THOROUGHFARE PLAN AMENDMENT  
STAFF RECOMMENDATION

---

**PLANNING COMMISSION DATE:** November 12, 2008

**SUBJECT:** Request for re-alignment of Kearney Road on the Major Thoroughfare Plan

**APPLICANT:** Hernan Jaramillo, P.E. (Bain Medina Bain, Inc.) for John W. Strybos, P.D. (Alamo Community College District)

**COUNCIL DISTRICT:** In City of San Antonio Extraterritorial Jurisdiction (ETJ)

**SUMMARY:**

Request to move the alignment of Kearney Road, eastward, generally located around I-35 between Quintana and FM 2790.

**BACKGROUND INFORMATION:**

Kearney Road is designated as Secondary Arterial Type A (86' ROW) on the Major Thoroughfare Plan. The portion of Kearney Road north of Quintana Road is an existing road. South of Quintana Road, the Major Thoroughfare Plan indicates a new alignment (where the road does not currently exist). This segment then connects to Kinney Road (an existing road) on the other side of Interstate 35.

**ISSUE:**

A canal currently exists where the new alignment is designated. This request is to move the alignment to the east to avoid conflict with the canal. It is also proposed to move the intersection of Kearney Road with Interstate 35 to the east to connect to an I-35 overpass (underpass for Kearney Road). This would also require a change to the alignment south of Interstate 35 to allow for appropriate curvature in the road where it segues back into Kinney Road.

**ALTERNATIVES:**

One alternative considered is to move the alignment westward. However this makes the alignment with the underpass at Interstate 35 more difficult.

**FISCAL IMPACT:**

There is no fiscal impact associated with this amendment.

**RECOMMENDATION:**

Approval.

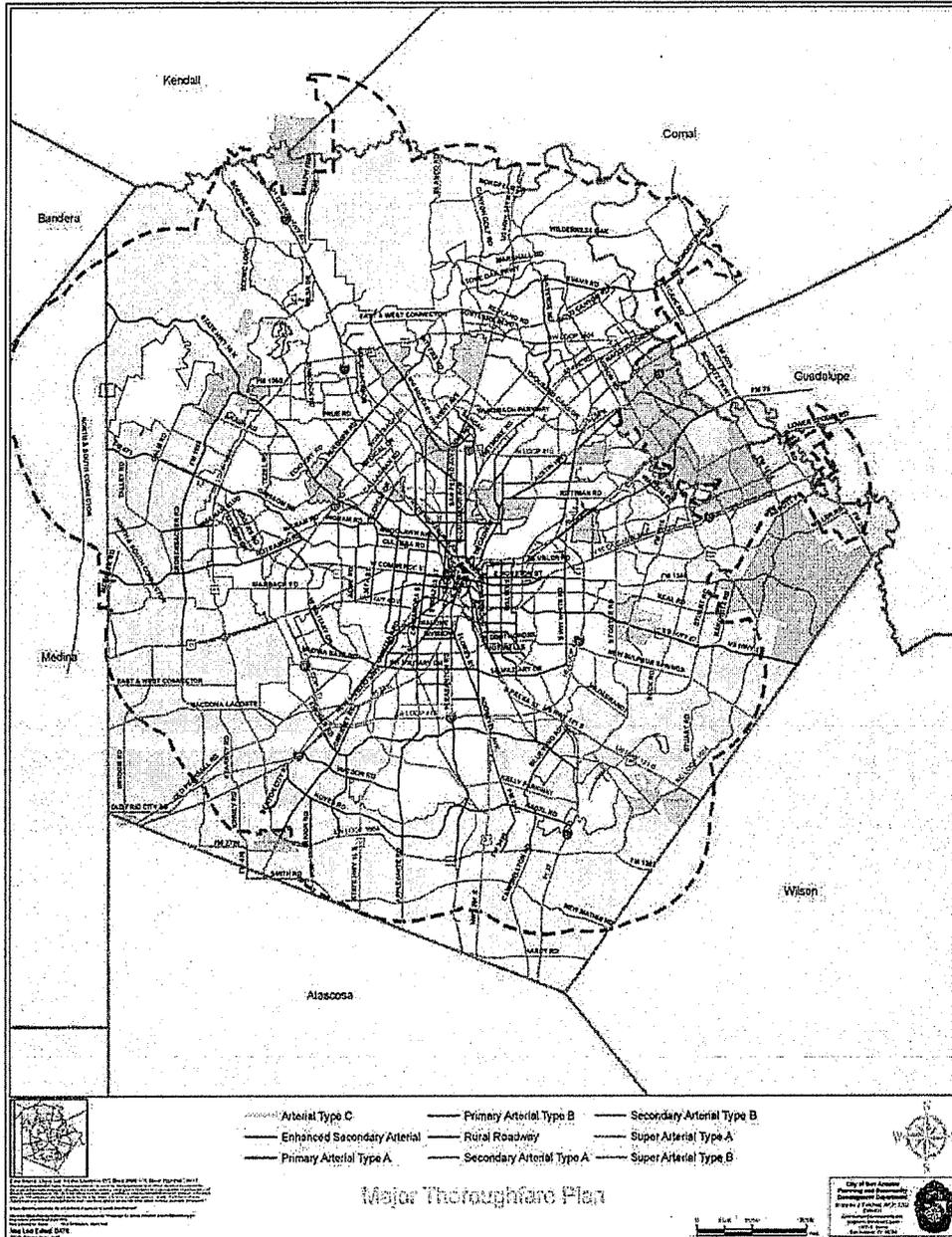
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**PLANNING AND COMMUNITY DEVELOPMENT STAFF:**

Jesus Garza, AICP                      Assistant Director  
Trish Wallace, AICP                    Manager, Comprehensive Planning

# Major Thoroughfare Plan

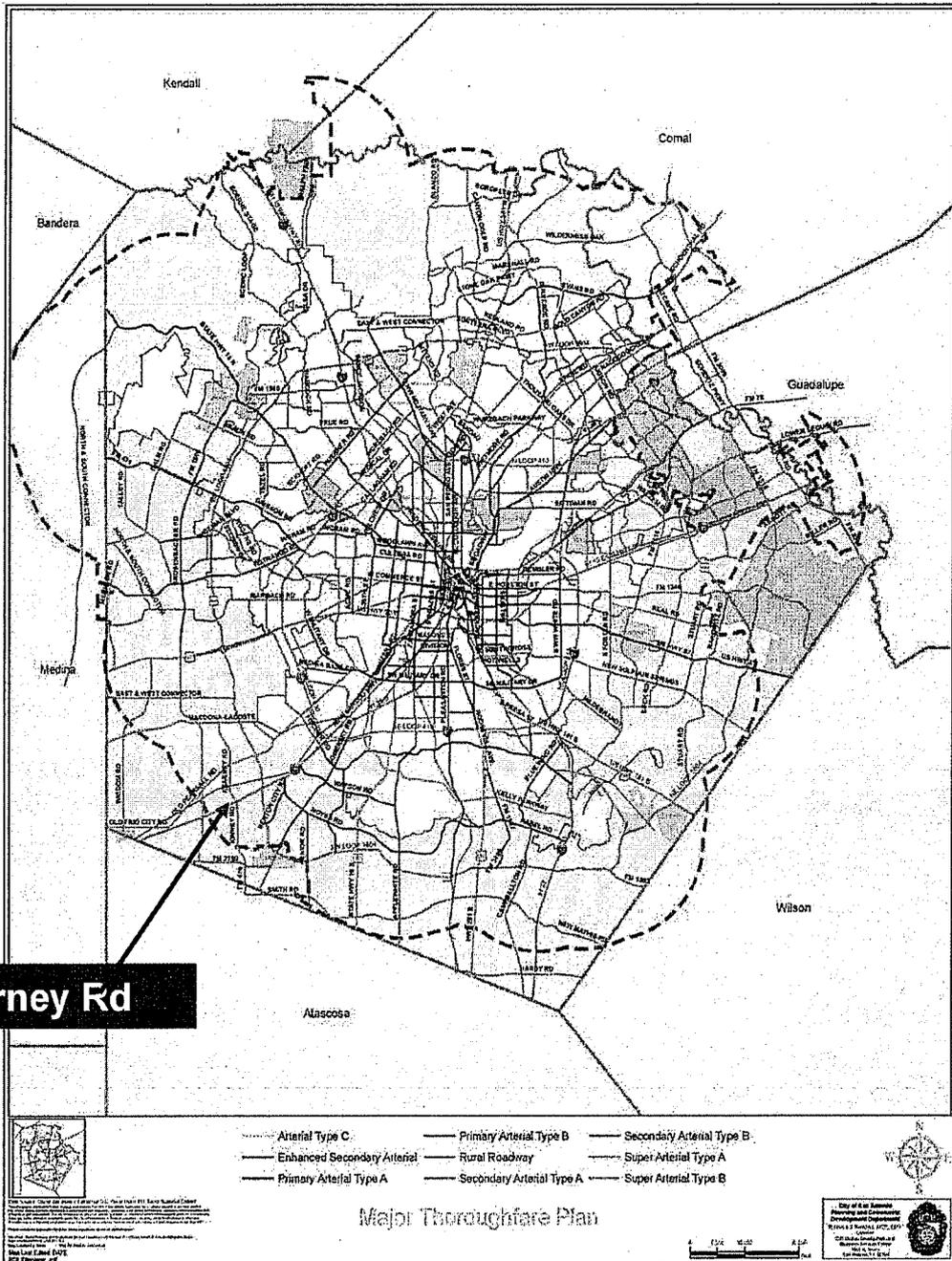
## Kearney Road Amendment



**Planning Commission**

November 12, 2008

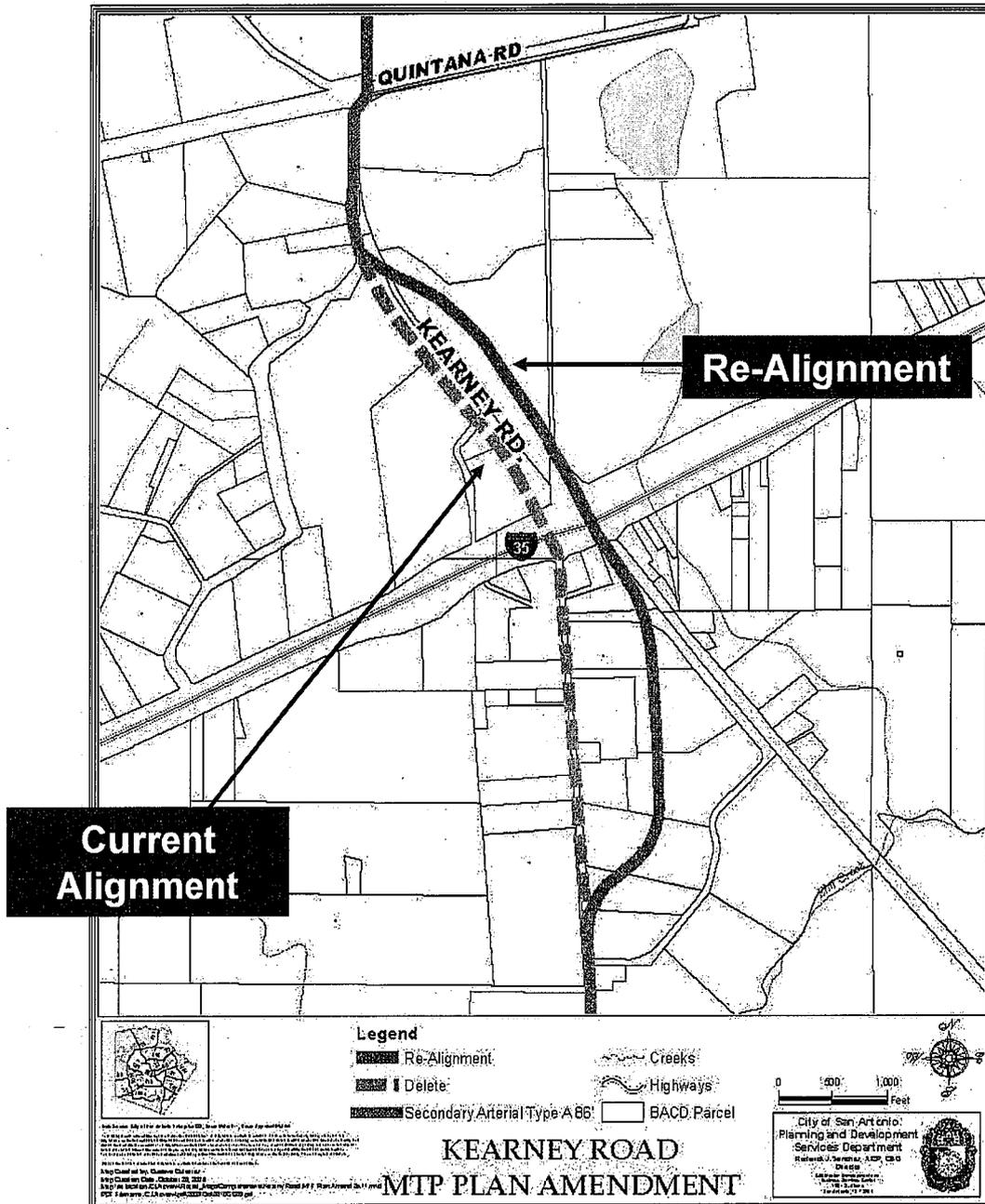
# General Location



## MTP Amendment Request Re-Alignment of Kearney Road



# Proposed Re-Alignment (general)



MTP Amendment Request  
Re-Alignment of Kearney Road

**RESOLUTION NO.**

**RECOMMENDING TO APPROVE AN AMENDMENT TO THE MAJOR THOROUGHFARE PLAN, A COMPONENT OF THE CITY OF SAN ANTONIO MASTER PLAN, BY MOVING THE ALIGNMENT OF KEARNEY ROAD, EASTWARD, GENERALLY LOCATED BETWEEN QUINTANA ROAD AND FM 2790.**

**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 November 12, 2008 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 move the alignment of Kearney Road, eastward, generally located between Quintana Road and FM 2790 as illustrated in Attachment I, is herein approved and recommended to the City Council for adoption.

PASSED AND APPROVED ON THIS 12<sup>th</sup> DAY OF NOVEMBER 2008.

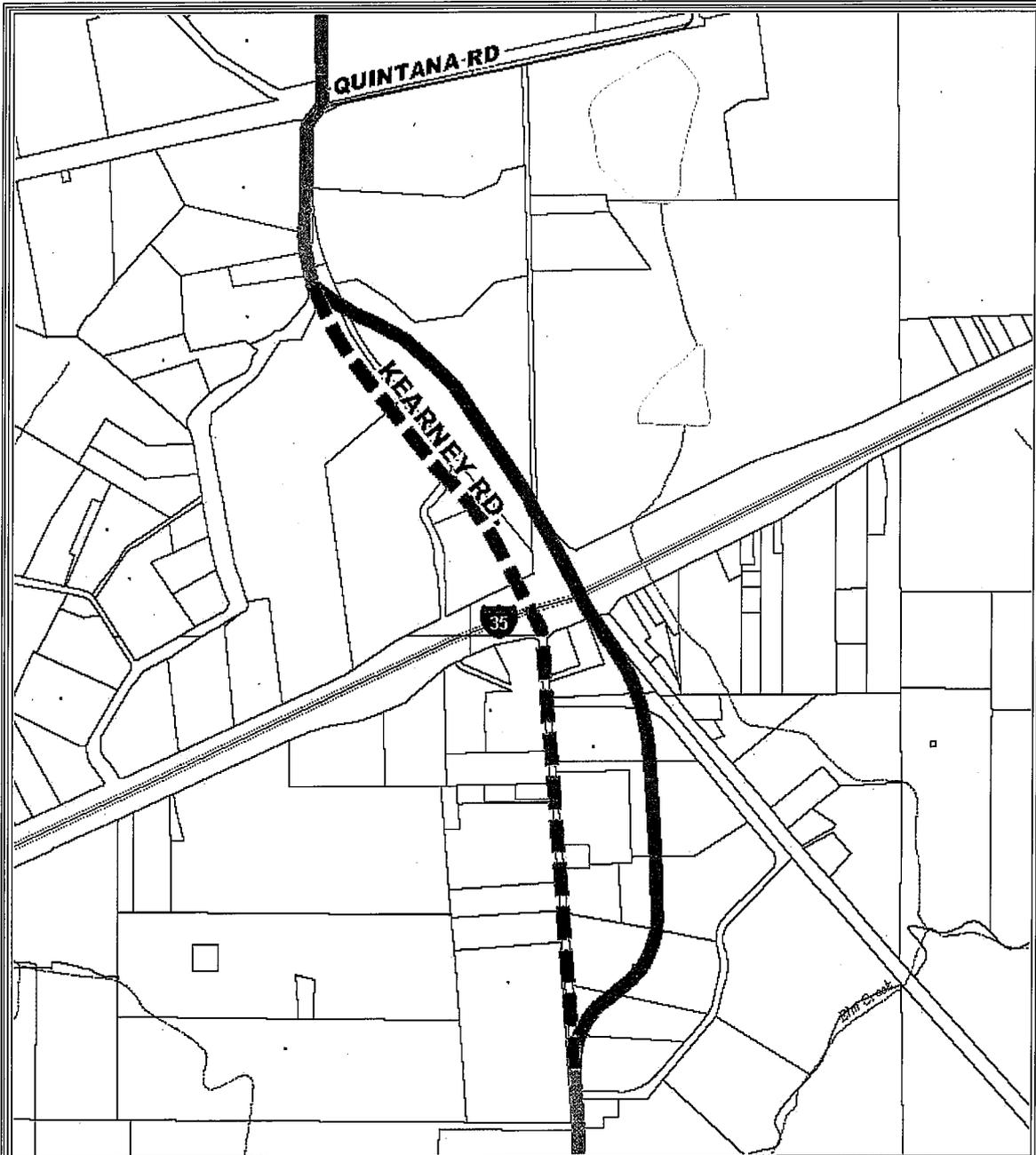
Approved:

Attest:

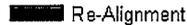
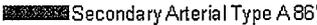
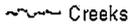
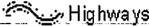
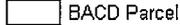
\_\_\_\_\_  
Murray H. Van Eman, Chairman  
San Antonio Planning Commission

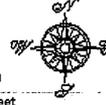
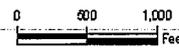
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Executive Secretary  
San Antonio Planning Commission

Attachment I: Kearney Road MTP Amendment



**Legend**

-  Re-Alignment
-  Delete
-  Secondary Arterial Type A 86'
-  Creeks
-  Highways
-  BACD Parcel



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# KEARNEY ROAD MTP PLAN AMENDMENT

City of San Antonio  
Planning and Development  
Services Department  
Roderick J. Sanchez, AICP, CMAA  
Director



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

**TO:** Members of the City South Management Authority Board, Planning Commission, and Zoning Commission

**FROM:** Roderick Sanchez, AICP, CBO, Director

**COPIES:** T.C. Broadnax, Assistant City Manager

**SUBJECT:** Unified Development Code 2008 Biennial Update Program

**DATE:** October 21, 2008

**SUMMARY:**

An ordinance adopting amendments to Chapter 35 of the Municipal Code, the Unified Development Code ("UDC"), as part of the biennial update program.

**BACKGROUND:**

The San Antonio City Council adopted the UDC on May 3, 2001. UDC §35-111 provides for an update program every two years. The UDC authorizes the Zoning Commission, Planning Commission, Board of Adjustments, Historic & Design Review Commission and City Council to initiate amendments to the UDC for any purpose. Other individuals may submit amendments to the UDC that fit into the following three categories:

1. Editing amendments to provide for editing changes that do not alter the impact of the provision being addressed and including changes such as spelling, grammar correction, formatting, text selection, or addition of text in compliance with existing ordinances, statutes or case law.
2. Clarification amendments to provide for ease of interpretation and understanding of the existing provisions of the UDC.
3. Rule interpretation decisions (RIDs)

For the 2008 biennial update, 549 sections of the code have been proposed for amendment. Amendments were received from staff of the following City Departments: Planning & Development Services Department, the Office of Historic Preservation, the City Attorney's Office, Public Works, Parks & Recreation, and CIMS. In addition, amendments were submitted by Bexar County who is a partner with the City of San Antonio in the development review process. Finally, a limited number of amendments were submitted by development stakeholders. This represents the most significant UDC update program since adoption of the 2001 code.

The 549 individual UDC changes were combined into 100 amendments based on topic area for review by the Planning Commission's Technical Advisory Committee (TAC), which is charged with the review of UDC amendments. This interdisciplinary review panel is composed of 17 members from various city boards and commissions as well as development stakeholders and

neighborhood interests. The TAC is chaired by a member of the Planning Commission. A total of 1,040 "man-hours" were spent by the TAC reviewing the amendments. As a result of TAC review, staff withdrew 65 items and 12 items denied by the TAC will continue forward with an indication of both the staff recommendation and the TAC recommendation.

After completion of the TAC review, the amendments were forwarded to the City South Management Authority Board for a briefing and to the Planning Commission and the Zoning Commission for review and recommendation. With receipt of the recommendations of the two Commissions, staff will forward a final package of amendments for adoption by the City Council.

It is noted that staff has made minor corrections to the TAC amendments, for example where an amendment used the expression "ROW" it was corrected to spell out "right of way" and the use of the apostrophe (') for feet was spelled out to feet.

**ISSUE:**

Staff and the TAC agree on the disposition of approximately 98% of the amendments submitted. The following twelve items represent the only areas of disagreement:

1. Requirement to establish enclave and PUD legal instruments prior to or concurrently with plat recordation (2 *code amendments*).
2. Requirement to manage additional stormwater on-site or provide improvements to downstream low water crossings.
3. Requirement to designate drainage easements at the time of platting for detention facilities.
4. Prohibition on variances from the Major Thoroughfare Plan.
5. Increase clear vision area at intersections both left and right.
6. Increase spacing for median openings.
7. Elimination of waiver for sidewalks in areas of 2.5 residential dwelling units per acre.
8. Requirement for 6 foot wide sidewalks in commercial areas and prohibition of sidewalks adjoining curbs in residential areas except where to avoid a tree or other obstruction.
9. Clarification that fair notice of a project is required in conjunction with a request for vested rights.
10. Clarification that expired or invalid permits may not be used to recognize vested rights.
11. Allowable development in the floodplain.

The above amendments were submitted by the City Attorney's Office and the Public Works Department. The Planning & Development Services Department will continue to work with these City Departments on these items of disagreement prior to consideration by the City Council.

**ALTERNATIVES:**

On each issue the main alternative is to leave the Unified Development Code as it exists today, without amendment. The San Antonio-Bexar County Transportation Task Force has a Planning subcommittee considering changes to ordinances relative to infrastructure requirements, item 4 listed above relative to variance from the Major Thoroughfare Plan and items 7 and 8 relative to

sidewalk requirements may be appropriate for consideration by the Planning subcommittee to the Task Force.

**FISCAL IMPACT:**

Though many sections of the UDC are subject to change by this ordinance, no staffing impacts are expected for any City of San Antonio Departments. No changes to fees listed in the UDC are proposed as part of this update program.

**RECOMMENDATION:**

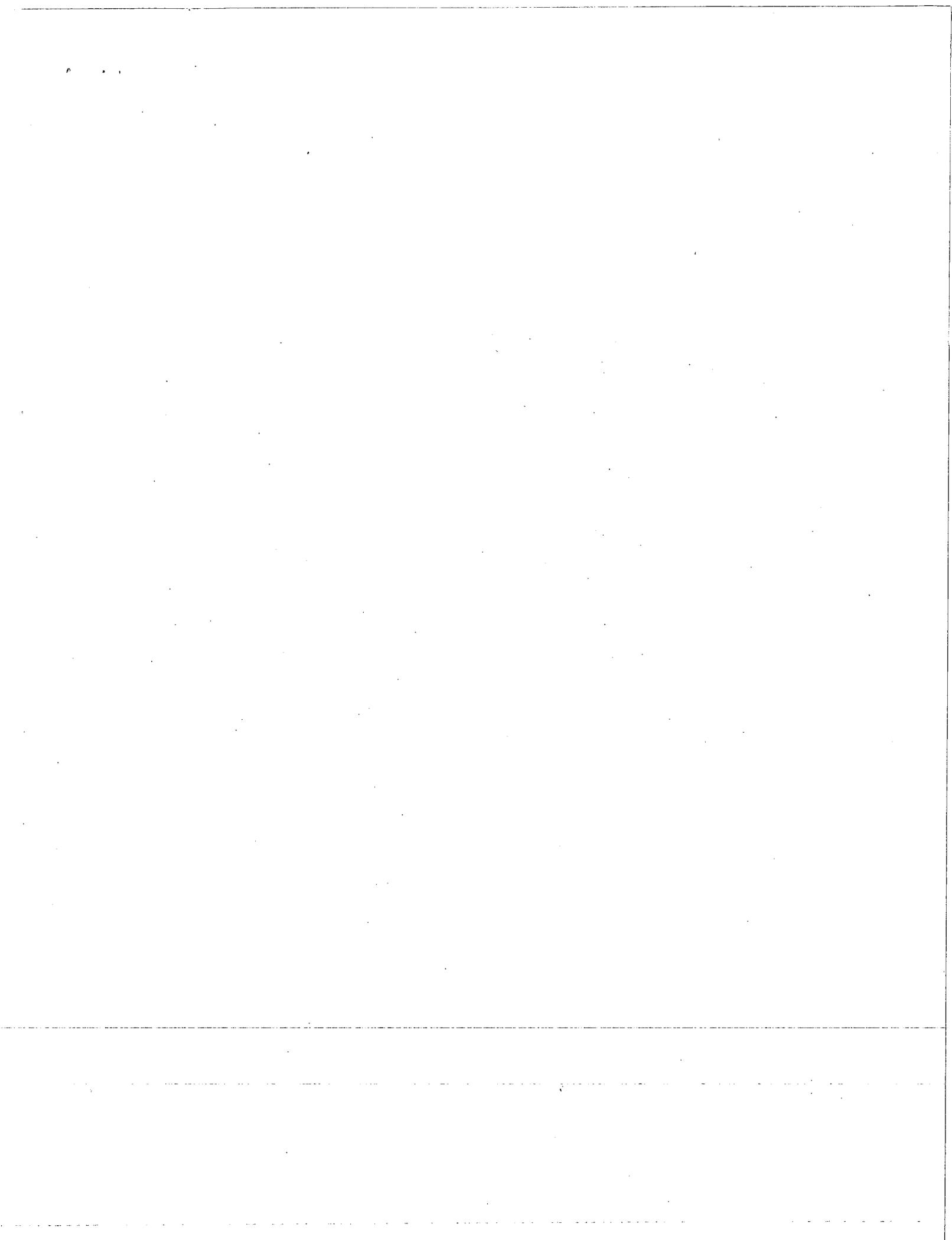
The Development Services Department recommends approval of the 2008 Unified Development Code biennial update program. The amendments were reviewed in accordance with the procedures of the UDC and the policies of the City of San Antonio.

**ATTACHMENTS:**

2008 Biennial UDC Amendment Program.

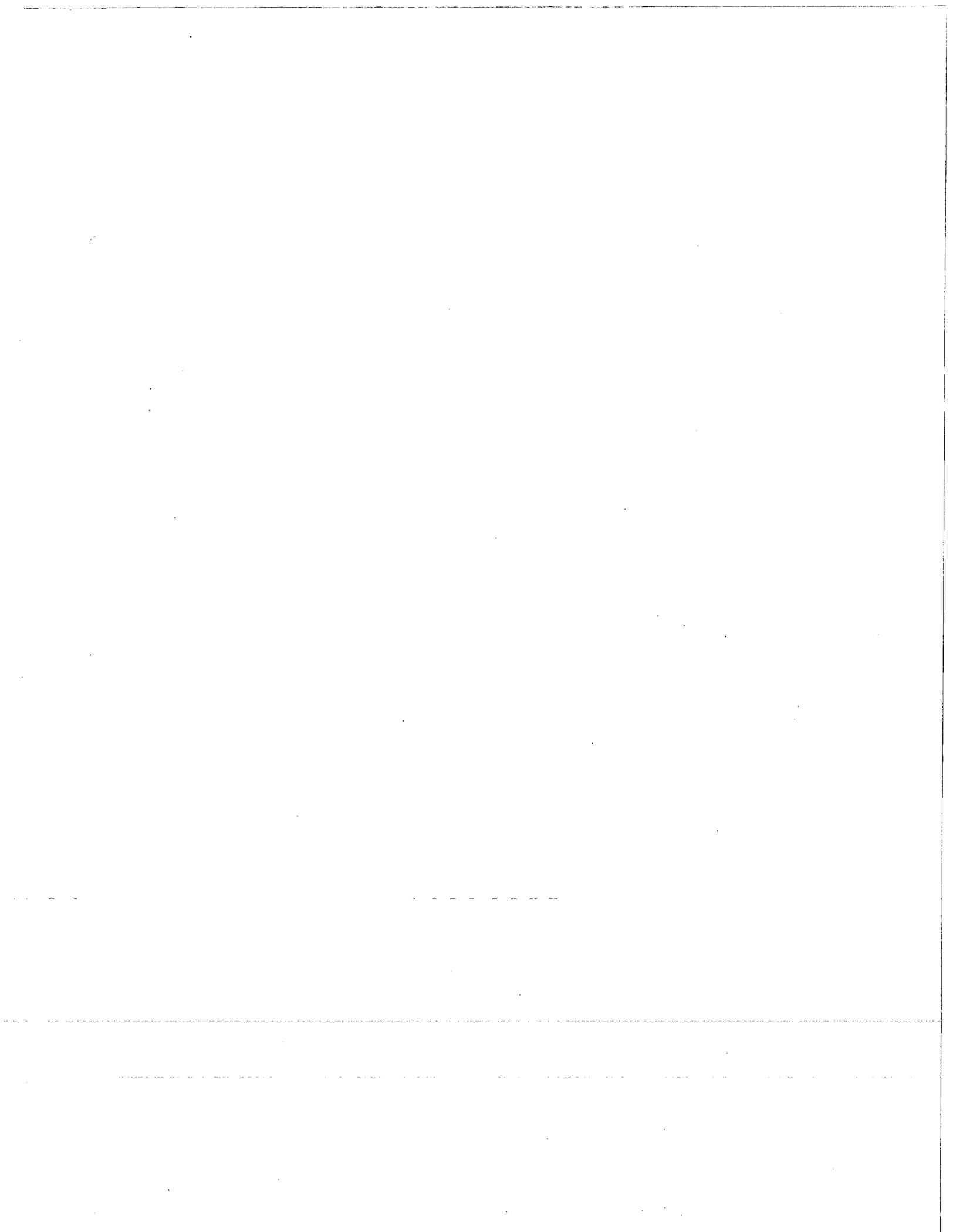


Roderick Sanchez, AICP, CBO, Director  
Planning & Development Services Department



**Corrections to amendment package**

<b><i>Remove old pages:</i></b>	<b><i>Insert new pages:</i></b>	<b><i>Explanation:</i></b>
45-46	45-46	To reflect TAC suggestion to improve readability
71-72	71-72	Withdrawn item
137-138	137-138	Withdrawn item



\*\*\*\*\*

**(c) Number of Guest Rooms per Structure.**

The maximum number of permitted guest rooms per bed and breakfast establishment within each zoning district shall be as indicated in the following table. Any bed and breakfast establishment with more than twelve (12) guests rooms shall be considered a hotel and shall be required to comply with the zoning provisions for such uses.

Zoning District	Number of Guest Rooms
RE, R-20, NP-15, NP-10, NP-8, R-6, RM-6	2
R-4, R-5, RM-5	1
RM-4, MH	3
MF-18, MF-25	5
MF-33, MF-40, MF-50, O-1, O-1.5, O-2	10
NC, C-1, C-2, D	12

\*\*\*\*\*

**Amendment - 25**

**35-375 Day-Care Facilities**

\*\*\*\*\*

**(c) Outdoor Play Areas.**

The outdoor play space for day-care centers, group day-care homes, and nurseries which abut or are located within a residential zoning district shall be enclosed by a six-foot solid (opaque) fence. If the adjacent property is zoned residential but is in use as a private/public school, church or park a fence shall be required. At the option of the applicant it may be predominantly open or a solid fence.

\*\*\*\*\*

**Amendment - 26**

**35-380 Miniwarehouses/Self-Service Storage.**

Miniwarehouses/Self-Service Storage facilities may be permitted in the zoning districts designated in the use Matrix (Table 311-2), subject to the following limitations, conditions, and restrictions:

\*\*\*\*\*

**(c)** Miniwarehouses/self-service storage facilities may include one building or a group of buildings with or without climate-controlled storage, and either exterior access to individual units or access via interior corridors. Within the authorized zoning districts, the

Key:

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Added text

Update from tac

1 ~~development shall be permitted by right on sites not exceeding two and one-half (2 1/2)~~  
2 ~~acres unless the site is zoned "L", "I-1", or "I-2". On sites exceeding two and one-half (2~~  
3 ~~1/2) acres a specific use permit shall be required.~~  
4

5 **Amendment - 27**

6  
7  
8 **35-383 Oversized Vehicles**

9 \*\*\*\*\*

10  
11  
12 **(c) Parking in Residential Districts.**

13 The parking of an oversized vehicle within the restricted parking area or the parking so  
14 that any portion of the vehicle extends into the restricted parking area is prohibited in any  
15 of the following zoning districts "R-4", "RM-4", "R-5", "RM-5", "R-6", "RM-6", "R-20", "RE",  
16 "RP", "NP-8", "NP-10", "NP-15", "MH", "MF-18", "MF-25", "MF-33", "MF-40", "MF-50",  
17 "RD" and "UD" except as permitted in subsection (d) below:  
18

19 \*\*\*\*\*

20 **Amendment - 28**

21  
22 **35-390 Transitional Homes**

23 A transitional home established after November 17, 1997, shall not be located within one  
24 thousand five hundred ~~(1,000 4,500)~~ feet of any public/private elementary, middle or high school,  
25 public/private children's day care facility requiring a certificate of occupancy and/or public park.  
26

27  
28 **(a) Method of Measurement and Survey Requirements**

29  
30 **(1)** Measurements shall be in a straight line, without regard to intervening structures  
31 or objects, from the nearest point of the platted property line of the lot on which  
32 the transitional home is situated to the nearest point on the property line of a  
33 public/private elementary, middle or high school, a public/private children's day  
34 care facility requiring a certificate of occupancy, and/or public park.  
35

36 \*\*\*\*\*

37  
38 **(b) Signage.** (See sign regulations under Chapter 28 of the municipal code) ~~All structures~~  
39 ~~uses as a transitional home have an all weather lighted sign of two (2)~~  
40 ~~feet by four (4) feet message area identifying the facility as a transitional home for~~  
41 ~~parolees.~~  
42

43 **(c) Building Standards.**

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- iii. Construction of multi-use concrete paths adjacent to a collector or arterial roadways, or other material as approved by the director of development services, on both sides of collector that meet minimum AASHTO standards for use by both pedestrians and bicyclists.
  - iv. Path shall be defined by placing a planted strip of not less than three (3) feet between the back of the curb and the street edge of the path.
  - v. In addition to the minimum streetscape requirements detailed in section 35-512, one (1) large tree and one (1) medium tree shall be planted every one hundred (100) feet or fraction thereof. Additional tree requirements above and beyond the minimum streetscape requirements shall be counted toward any tree mitigation requirement.
  - vi. Additional credit is not awarded for capital improvements.

15 \*\*\*\*\*

16 (d) Suitability.

17 \*\*\*\*\*

18  
19  
20  
21 (2) Parkland in Floodplains or Water Features.

- 22  
23 A. Areas within a 100 year floodplain shall not exceed fifty percent (50%) of  
24 the area counted as required parkland pursuant to subsection (b);  
25 above, except as provided below.  
26

27 \*\*\*\*\*

28 (7) Access. (Withdrawn)

29 \*\*\*\*\*

30  
31  
32 (e) Designation of Parkland.

33 \*\*\*\*\*

34  
35  
36 (1) Dedication of Land to City. (Withdrawn)

37 \*\*\*\*\*

38  
39  
40 (f) Development Phasing.

41  
42  
43  
44 \*\*\*\*\*  
45

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1 ~~(3) C.~~ The city shall authorize the developer to reserve parkland for dedication in  
2 subsequent phases of the subdivision by executing an enforceable contract with  
3 the city. The contract shall be approved by the city attorney and the director of  
4 parks and recreation. In addition, the developer shall dedicate a reversionary  
5 public access easement on the final plat of the proposed development where  
6 necessary to provide effective public access, maintenance and use of any  
7 parkland to be dedicated.

8 \*\*\*\*\*

9  
10 **(g) Fee in Lieu of Land Dedication (Optional).**

11 \*\*\*\*\*

12  
13  
14  
15 **(1)** In lieu of the dedication of required parkland, an applicant may deposit with the  
16 city a cash payment in lieu of land.

17  
18 A. Applicants may meet up to 100% of the parkland dedication requirement  
19 through the payment of a fee in lieu of dedication when:

- 20  
21 i. The proposed subdivision contains less than 210 dwelling units;  
22 or  
23 ii. The proposed subdivision ~~is zoned~~ includes multi-family  
24 development and lies within Loop 410.

25 \*\*\*\*\*

26  
27  
28 **(h) Credit for Park Facilities.**

29  
30 **(1)** Where parkland is provided in a proposed residential subdivision, credit may be  
31 given to the applicant where the following requirements are met:

- 32  
33 A. The parkland shall be maintained as provided in Subsection (f) of this  
34 section. The ultimate owner of the parkland shall be responsible for  
35 raising all monies required for operations, maintenance, or physical  
36 improvements to the parks and/or open space through annual dues,  
37 special assessments, or similar arrangements.  
38 B. ~~A registered landscape architect is hired to develop the site plan and~~  
39 ~~construction documents for the proposed park.~~ One copy of the sealed  
40 site plan and sealed construction documents for the proposed park shall  
41 be submitted to the appropriate plan review personnel within the Parks  
42 and Recreation Department during the development review phase.

43 \*\*\*\*\*

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1  
2 **Sec. 35-657. Community Outreach.**  
3

- 4 (a) Purpose. Public participation is a key aspect of public art and design enhancement program. PASA.  
5 The department of public works PASA will make significant efforts to involve the public in community  
6 outreach and public education programs. These efforts can create a context in which citizens can  
7 better understand and appreciate the artworks and the design contributions of the artists.  
8 (b) Policy. The department of public works PASA will make significant community outreach and public  
9 education efforts on each public art and design enhancement project. Possible activities may include:  
10 (1) Efforts to raise the level of general awareness about public art and design enhancement, such as  
11 slide lectures or presentations to various community groups and service organizations, a regular  
12 program of media coverage, and periodic "town hall" meetings in city council districts.  
13 (2) Community involvement, including appropriate community meetings before the project is defined,  
14 community representation on the artist selection panels, community co-sponsorship of public art  
15 and design enhancement projects, and public "unveilings" or dedications.  
16 (3) More formal public education programs, including design competitions and design awards,  
17 sponsorship of public art and design enhancement lectures by local museums and galleries,  
18 guided tours of public art and design enhancement in the city, and periodic symposia on public art  
19 and design enhancement.  
20 (4) A program for school children that includes the development of curriculum guides for public art  
21 and design enhancement, sponsorship of artist residencies in the public schools, and a speaker's  
22 bureau on public art and design enhancement for the school system.  
23 (5) Media relations efforts that target the local print and broadcast outlets, participation by the Public  
24 Art and Design Enhancement Advisory Committee Board and staff members on local media talk  
25 shows, and regular press development activities in the form of press releases and media  
26 packages.  
27 (6) A publication program that includes catalogs and guides to the city art collection, a newsletter to  
28 interested citizens, and the creation of posters to accompany the unveiling of new artworks.  
29

30 **Amendment – 77a**  
31

32  
33 **Sec. 35-658. Local and Non-Local Artists.**  
34

- 35 (a) Purpose. The City of San Antonio's department of public works recognizes that public art and design  
36 enhancement program can serve more than one (1) purpose. While the primary mission of the  
37 program is the enhancement of public spaces in San Antonio for the general benefit of its citizens and  
38 visitors, the public art and design enhancement program can also be an important tool in developing  
39 the community of artists who reside in San Antonio and Texas.  
40 (b) Policy. The department of public works PASA shall seek a balance in the awarding of contracts for  
41 the public art and design enhancement and design projects among San Antonio-based, Texas,  
42 national and international artists. Factors such as the size of the design enhancement and design  
43 project, the level of visibility of the public site, the availability of outside funding, and state and federal  
44 regulations other conditions, all may influence the decision on the part of the department of public  
45 works seek artists from local, regional, national or international pool of artists selection of artists. And,

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1 ~~recognizing that it is difficult for San Antonio-based artists to participate in design enhancement~~  
2 ~~projects unless they have previous experience, the department of public works PASA shall will seek~~  
3 ~~special opportunities to help develop a growing pool of San Antonio-based artists with experience in~~  
4 ~~public art and design enhancements.~~

5  
6 **Secs. 35-659 to 35-669. Reserved.**

7  
8 \*\*\*\*\*

9  
10 **Amendment - 78**

11  
12 \*\*\*\*\*

13  
14 **Sec. 35-678. Signs and Billboards.**

15  
16 (a) General Provisions.

17  
18 (1) All Signage Shall be Subject to Approval of the Historic and Design Review Commission. All  
19 signage within "RIO-1", "RIO-2", "RIO-3", "RIO-4", "RIO-5", and "RIO-6" shall conform to all city  
20 codes and must have approval of the historic and design review commission prior to installation.  
21 Permits must be obtained following the historic and design review commission's approval of a  
22 certificate application and recommendation to the ~~director of planning~~ Office of Historic  
23 Preservation. Signs should respect and respond to the river improvement overlay district  
24 character in which it is constructed.

25  
26 (2) All signage on property abutting the river shall conform in particular to subsection 35-678(p).  
27 All signage on the riverside of property abutting the river shall conform to all city codes, but in  
28 particular shall conform to subsection 35-678(p), below. Permits must be obtained following the  
29 historic and design review commission's approval of a certificate application and recommendation  
30 to the ~~director of planning~~ Office of Historic Preservation. Signs should respect and respond to  
31 the river improvement overlay districts character and the historic Riverwalk, generally defined as  
32 those areas included in the Robert H. Hugman drawings, in particular.

33  
34 \*\*\*\*\*

35  
36 (c) Number and Size of Signs.

37  
38 \*\*\*\*\*

39  
40 (5) ~~Height of Signs~~ *(Withdrawn)*

41  
42  
43  
44 \*\*\*\*\*

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## Amendments Denied by TAC:

<i>Amendment</i>	<i>UDC Section</i>	<i>Topic</i>	<i>Disposition</i>
2	35-202 (p)	Legal Instrument - Enclave	Moving forward with revised language (City Attorney).
18	35-344 (i)	Legal Instrument – PUD	Moving forward with revised language (City Attorney).
54	35-504 (b) (1) 2	Storm Water – low water crossings	Moving forward with revised language (Public Works).
54	35-504 (f) (4)	Storm Water – easement requirements	Moving forward with revised language (Public Works).
55	35-506 (a) (3)	Streets – no variance from Major Thoroughfare Plan	Moving forward as submitted (City Atty).
55	35-506 (d) (5)	Streets – intersection sight distance	<u>Withdrawn</u>
55	35-506 (n)(1)	Streets – median openings	<u>Withdrawn</u>
55	35-506 (q) (2)	Streets – sidewalks in areas less than 2.5 units/acre	Moving forward as submitted (Public Works).
55	35-506 (q) (5)	Streets – sidewalk widths and location from curb	Moving forward with revised language (Public Works). <del>No longer subject of disagreement.</del>
78a	35-712 (a) (1)	Rights – fair notice required	Moving forward with corrected language (City Atty).
78a	35-712 (b) (3)	Rights – no recognition of expired or invalid permits.	Moving forward as submitted (City Atty).
92 - 93	35-F124 (f) (21 - 23)	Floodplain – allowable development	Moving forward with revised language (Public Works). Consider #92 in context with #93.

**Amendment - 2**

**35-202 Conventional and Enclave Subdivision**

\*\*\*\*\*

**(p) Common Areas and Facilities.**

Provisions shall be made for a property owners' association that is designated as the representative of the owners of property in an enclave subdivision. The property owners' association shall have the direct responsibility to provide for the operation and maintenance of all common areas and facilities, including private streets and sidewalks, which are part of the enclave subdivision. The applicant shall submit the dedicatory instrument(s) covering the establishment, maintenance, and operation of a residential subdivision. The dedicatory instrument(s) shall establish a plan for the use and permanent maintenance of the common areas/facilities and demonstrate that the property owners' association is self-perpetuating and adequately funded by regular assessment and/or special assessment to accomplish its purposes. The dedicatory instrument(s) shall include provisions that provide the city with permission for access at any time without liability when on official business, and further, to permit the city to remove obstructions if necessary for emergency vehicle access and assess the cost of removal to the owner of the obstruction.

***City Attorney's Recommendation to TAC:***

~~Once recorded, the dedicatory instrument(s) must be approved by the city attorney as to legal form prior to the approval of the PUD Plan, PUD plats, MDP, and Enclave plat. Any plat recordation and shall be recorded at the same time as the plat.~~

***TAC Recommendation:***

The dedicatory instrument(s) must be approved by the city attorney as to legal form prior to any plat recordation and shall be recorded at the same time as the plat.

***Revised City Attorney Recommendation:***

~~The dedicatory instrument(s) for the enclave subdivision must be approved by the city attorney as to legal form prior to any plat recordation and shall be recorded at the same time as the plat. There shall be only one instrument for each enclave subdivision and it shall be recorded before or at the same time as the first plat in the enclave subdivision is recorded.~~

**Amendment - 18**

**35-344 "PUD" Planned Unit Development District**

\*\*\*\*\*

**(i) Common Areas and Facilities.**

Provisions shall be made for a property owners' association that is designated as the representative of the owners of property in a residential subdivision. The property owners' association shall have the direct responsibility to provide for the operation and maintenance of all common areas and facilities, including private

streets and sidewalks, which are part of a PUD. The applicant shall submit the dedicatory instrument(s) covering the establishment, maintenance, and operation of a residential subdivision. The dedicatory instrument(s) shall establish a plan for the use and permanent maintenance of the common areas/facilities and demonstrate that the property owners' association is self-perpetuating and adequately funded by regular assessment and/or special assessment to accomplish its purposes. The dedicatory instrument(s) shall include provisions that provide the city with permission for access at any time without liability when on official business, and further, to permit the city to remove obstructions if necessary for emergency vehicle access and assess the cost of removal to the owner of the obstruction. \*\*\*\*\*

**City Attorney Recommendation to TAC:**

\*\*\*\*\* ~~Once recorded, the~~ dedicatory instrument(s) must be approved by the city attorney as to legal form prior to ~~the approval of the PUD Plan, PUD plats, MDP, and Enclave plat. Any plat recordation and shall be recorded at the same time as the plat.~~

**TAC Recommendation:**

\*\*\*\*\* The dedicatory instrument(s) must be approved by the city attorney as to legal form prior to plat recordation and shall be recorded at the same time as the plat.

**Revised City Attorney Recommendation:**

\*\*\*\*\* ~~The dedicatory instrument(s) for the PUD must be approved by the city attorney as to legal form prior to approval any plat recordation and shall be recorded at the same time as the plat of the PUD plan and its first plat. There shall be only one dedicatory instrument for each PUD and it shall be recorded before or at the same time as the first plat in the PUD is recorded.~~

**Amendment - 54**

**35-504 Storm Water Management**

\*\*\*\*\*

**(b) Stormwater Storm Water Management Program**

**(1) Regional Storm Water Management Program (RSWMP).**

\*\*\*\*\*

C. To determine a significant adverse impact for the purposes of this section, the following criteria will be used to analyze the receiving ~~stormwater~~ storm water facility ~~facilities within~~ for two thousand (2,000) linear feet downstream of the project, or to the nearest downstream RSWF; or to the nearest floodplain with an ultimate analysis accepted by the City, whichever is less. (The 2000 linear feet is based on an estimate that this length will approximate a one hundred acre drainage area. The one hundred acre drainage area represents the lower limit for a 100-year frequency stormwater facility design.) For lots less than three acres in size, adverse impact analyses need only extend to where tributary drainage areas equal 100 Acres.

1. The design ~~stormwater~~ storm water surface elevation (DSE WSE) in the receiving ~~stormwater~~ storm water facility ~~[natural or improved] drainage systems within 2000 linear feet of the proposed development~~ may not be increased by the proposed

~~development within the 2000 linear feet from the development unless the increased DSE WSE is contained within an easement or right-of-way easements or rights of way or the receiving facility has systems have sufficient capacity to contain the increased DSE WSE without increasing flooding to a habitable structure structures.~~

**Public Works recommendation to TAC:**

~~2. Where low water crossings exist within the study area, the DSE cannot be increased above the level of the 100-year ultimate development water surface at the low water crossing. The increase in flow at the Ultimate development runoff at low water crossing for the crossings during regulatory (5-year, 25-year and 100-year frequency) design storm events must not reclassify classify the low water crossing from a safe to as dangerous "Dangerous to Cross" condition crossing based on Figure 504-2. If the increased DSE ultimate WSE exceeds this criterion (or the volume of traffic or the duration of inundation experienced by the roadway increase), the development crossings may be improved to the standards of this chapter in lieu of providing for onsite controls storm water control measures or paying a fee.~~

~~Additionally, the developer may have the option, at the discretion of the Director of Public Works, of improving the capacity of the low water crossing to accept the increased runoff from the proposed development. Payment of RSWMP fees would be required as the proposed development would be contributing addition peak runoff to the watershed.~~

**TAC Recommendation:**

2. Where low water crossings exist within the study area, the DSE cannot be increased above the level of the 100-year ultimate development water surface at the low water crossing. The increase in flow at the low water crossing for the five-year, twenty-five-year and 100-year frequency design must not reclassify the low water crossing from a safe to a dangerous condition crossing based on Figure 504-2. If the increased DSE exceeds this criterion, the development can improve the low water crossing to the standards of this chapter in lieu of providing for onsite controls or paying a fee.

**Revised Public Works recommendation:**

~~2. Where low water crossings exist within the study area, the DSE cannot be increased above the level of the 100-year ultimate development water surface at the low water crossing. The increase in flow at the Ultimate development runoff at low water crossing for the crossings during regulatory (5-year, 25-year and 100-year frequency) design storm events must not reclassify classify the low water crossing from a safe to as dangerous "Dangerous to Cross" condition crossing based on Figure 504-2. If the increased DSE ultimate WSE exceeds this criterion (or the volume of traffic or the duration of inundation experienced by the roadway increase), the development crossings may be improved to the standards of this chapter in lieu of providing for onsite controls storm water control measures~~

or paying a fee.

~~Additionally, the developer may have the option, at the discretion of the Director of Public Works, of improving the capacity of the low water crossing to accept the increased runoff from the proposed development. Payment of RSWMP fees would be required as the proposed development would be contributing addition peak runoff to the watershed.~~

\*\*\*\*\*

(f) Storm Water Detention

\*\*\*\*\*

**Public Works Recommendation to TAC:**

**(4) Easement Requirements.**

- A. ~~Public or private (as appropriate) D~~drainage easements will be provided for all regional detention facilities and water quality ponds.
- B. ~~For regional detention facilities, T~~the easement will encompass the 100-year pool elevation plus all structural improvements (levees, dykes, berms, outfall structures etc.) necessary to contain the pool. The easement will extend, at a minimum, to the toe of the downstream embankment. ~~Maintenance access (fifteen-foot minimum) will be provided around the facility, outside the limits of the 100-year pool elevation. The easement shall also extend to a minimum of fifteen feet outside both the 100-year pool and the structural improvements to facilitate maintenance as well as public safety.~~

**TAC Recommendation:**

**(4) Easement Requirements.**

Drainage easements will be provided for all regional detention facilities. The easement will encompass the 100-year pool elevation plus all structural improvements (levees, dykes, berms, outfall structures etc.) necessary to contain the pool. The easement will extend, at a minimum, to the toe of the downstream embankment. Maintenance access (fifteen-foot minimum) will be provided around the facility, outside the limits of the 100-year pool elevation.

**Revised Public Works Recommendation:**

**(4) Easement Requirements.**

- A. ~~Public or private (as appropriate) drainage~~ Drainage easements will be provided ~~required~~ for all regional detention ~~facilities and water quality ponds accepting runoff from properties other than the lot on which the detention pond exists or will be constructed. Maintenance of the detention facility shall be the responsibility of the property owner or the property owner's association.~~
- B. ~~Full detention basin design may be deferred until the building permit stage. IF the property owner submits a "request for detention deferral" demonstrating an understanding of the implications of such design~~

deferred AND the following note is placed on the subdivision plat AND supporting documentation is provided.

"Storm Water detention is required for this property. The engineer or record for this subdivision plat has estimated that an area of approximately \_\_\_\_\_ acres and a volume of approximately \_\_\_\_\_ cubic yards will be required. This is an estimate only and detailed analysis may reveal different requirements."

C. For regional detention facilities, the easement will encompass the 100-year pool elevation plus all structural improvements (levees, dykes, berms, outfall structures etc.) necessary to contain the pool. The easement will extend, at a minimum, to the toe of the downstream embankment. Maintenance access (fifteen-foot minimum) will be provided around the facility, outside the limits of the 100-year pool elevation. The easement shall also extend to a minimum of fifteen feet outside both the 100-year pool and the structural improvements to facilitate maintenance as well as public safety.

\*\*\*\*\*

#### Amendment - 55

#### 35-506 Transportation and Street Design.

\*\*\*\*\*

##### (a) Applicability.

\*\*\*\*\*

#### **City Attorney recommendation to TAC:**

~~(2)~~E.(3) **Variance.** A variance to the requirements of this section may be granted by the planning commission if the commission finds that there are special circumstances or conditions, unique to the land involved, such that strict application of these requirements would be unreasonable and the granting of the variance would not be detrimental to the public health, safety, or welfare provided, however, that no variance shall be granted to the construction of streets depicted on a major thoroughfare plan. Application for a variance shall be submitted in writing to the director of planning and community development accompanied by the variance fee specified in Appendix "C" to this chapter and an eight and one-half by eleven (8 1/2 x 11) inch site plan indicating the location of the variance request and the location of existing sidewalks and curbs within a two thousand-foot radius.

#### **TAC recommendation:**

~~(2)~~E.(3) **Variance.** A variance to the requirements of this section may be granted by the planning commission if the commission finds that there are special circumstances or conditions, unique to the land involved, such that strict application of these requirements would be unreasonable and the granting of the variance would not be detrimental to the public

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Added text  
Update from tac

health, safety, or welfare. Application for a variance shall be submitted in writing to the director of planning and community development accompanied by the variance fee specified in Appendix "C" to this chapter and an eight and one-half by eleven (8 1/2 x 11) inch site plan indicating the location of the variance request and the location of existing sidewalks and curbs within a two thousand-foot radius.

\*\*\*\*\*

**(q) Sidewalk Standards.**

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**(2) Sidewalk Exceptions.** Sidewalks shall not be required in the following situations:

\*\*\*\*\*

<b>Public Works recommendation to TAC:</b>	<del>C. On local type A streets in single- or two-family residential subdivisions with a density less than 2.5 residential units per acre</del>
<b>TAC Recommendation:</b>	C. On local type A streets in single- or two-family residential subdivisions with a density less than 2.5 residential units per acre

\*\*\*\*\*

**(5) Width.** Except as otherwise specified in Americans with Disabilities Act (ADA) (see § 35-501(e) herein), sidewalks shall have a minimum unobstructed width as follows:

<b>Public Works recommendation to TAC:</b>	A. <del>In residential areas within the city limits and ETJ the minimum width of sidewalks adjoining a planting strip shall be four (4) feet and In the downtown and other commercial areas the minimum width of sidewalks adjoining the curb shall be six (6) feet for Local Type B, collectors and arterial streets and four (4) feet for Local Type A streets. In residential areas sidewalks shall not adjoin the curb unless it is necessary to avoid a tree or other obstruction.</del>
<b>TAC recommendation:</b>	A. Within the city limits and ETJ, the minimum width of sidewalks adjoining a planting strip shall be four (4) feet and the minimum width of sidewalks adjoining the curb shall be six (6) feet for Local Type B, collectors and arterial streets and four (4) feet for Local Type A streets.
<b>Revised Public Works recommendation:</b>	A. <del>In residential areas within the city limits and ETJ the minimum width of sidewalks adjoining a planting strip shall be four (4) feet and In the downtown and other commercial areas the minimum width of sidewalks adjoining the curb shall be six (6) feet for Local Type B, collectors and arterial streets and four (4) feet for Local Type A streets. In residential areas sidewalks shall not adjoin the curb unless it is necessary to avoid a tree or other obstruction. Sidewalk width does not</del>

include curb width.

B. The minimum width of sidewalks located within the boundaries of the "D" downtown district shall be not less than six (6) feet.

\*\*\*\*\*

**Amendment – 78a**

**Sec. 35-712. Recognition of Rights Derived From V.T.C.A. Local Government Code Ch. 245.**

**(a) Purpose.**

***City Attorney recommendation to TAC:***

(1) This section provides a methodology for the registration of permits, and permit applications, with the department of development services so that a determination can be made as to whether the permit, or permit application is one that would afford a project with the rights provided in V.T.C.A. Local Government Code Ch. 245. The purpose for such registration and determination is to assist city staff in their review of the applicability of Chapter 245 to a particular project. No permit shall establish the accrual of rights provided in V.T.C.A. Local Government Code Ch. 245 without providing fair notice of the project consistent with Section 35-410.

***TAC recommendation:***

(1) This section provides a methodology for the registration of permits, and permit applications, with the department of development services so that a determination can be made as to whether the permit, or permit application is one that would afford a project with the rights provided in V.T.C.A. Local Government Code Ch. 245. The purpose for such registration and determination is to assist city staff in their review of the applicability of Chapter 245 to a particular project.

***Revised City Attorney recommendation:***

(1) This section provides a methodology for the registration of permits, and permit applications, with the department of development services so that a determination can be made as to whether the permit, or permit application is one that would afford a project with the rights provided in V.T.C.A. Local Government Code Ch. 245. The purpose for such registration and determination is to assist city staff in their review of the applicability of Chapter 245 to a particular project. No permit shall establish the accrual of rights provided in V.T.C.A. Local Government Code Ch. 245 without providing fair notice of the project consistent with Section 35-410. Requests for determination of rights shall include fair notice of the project consistent with Section 35-410.

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**(b) Recognition of Statutory Rights.**

\*\*\*\*\*

**(3) Basis for Statutory Rights.**

A. Master Development Plan (MDP)/Preliminary Overall Area Development Plan (POADP).

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Added text  
Update from tac

**City Attorney Recommendation:**

Further, the rights for projects within an approved MDP/POADP will expire unless fifty (50) percent of the net area with the approved MDP/POADP is the subject of final plats or development within ten (10) years from the date of approval of the MDP/POADP. For a POADP existing prior to September 1, 1997 that meets the requirements of subsection 35-1027(i) of the 1987 UDC, the rights for projects will expire ten (10) years from the date of approval of the MDP/POADP or September 25, 2007, whichever is later. The remaining fifty (50) percent must obtain final plat approval or be developed within ten (10) years after the initial fifty (50) percent of the net area within the MDP/POADP has been platted or developed unless specific provisions to the contrary exist in an individual ordinance or city code provision. ~~†~~The filing of a minor amendment to a MDP/POADP, a plat or a replat will not result in a loss of rights to the entire MDP/POADP, provided that the required area of acreage within the MDP/POADP platted or the value of project expenses do not fall below the amounts indicated above as a result of the minor amendment, plat, or replat. A plat or replat that changes the project within a particular area of an MDP/POADP will cause rights for that area to terminate.

An expired or invalid MDP/POADP may not be the basis for accrual of statutory rights under V.T.C.A. Local Government Code Ch. 245 or any other right or claim based on common law. Neither shall any endeavor or project that does not meet the requirements of Section 35-1027 of the 1987 UDC as amended nor any permit that has expired in accordance with the dormancy provisions of any state statute or provision of the city code be used as a basis for approval of permit rights, development rights, or statutory rights.

**TAC Recommendation:**

Further, the rights for projects within an approved MDP/POADP will expire unless fifty (50) percent of the net area with the approved MDP/POADP is the subject of final plats or development within ten (10) years from the date of approval of the MDP/POADP. For a POADP existing prior to September 1, 1997 that meets the requirements of subsection 35-1027(i) of the 1987 UDC, the rights for projects will expire ten (10) years from the date of approval of the MDP/POADP or September 25, 2007, whichever is later. The remaining fifty (50) percent must obtain final plat approval or be developed within ten (10) years after the initial fifty (50) percent of the net area within the MDP/POADP has been platted or developed unless specific provisions to the contrary exist in an individual ordinance or city code provision. ~~†~~The filing of a minor amendment to a MDP/POADP, a plat or a replat will not result in a loss of rights to the entire MDP/POADP, provided that the required area of acreage within the MDP/POADP platted or the value of project expenses do not fall below the amounts indicated above as a result of the minor amendment, plat, or replat. A plat or replat that changes the project within a particular area of an MDP/POADP will cause rights for that area to terminate.

35-F124 Section A - Allowable Development Within the Regulatory Floodplain

\*\*\*\*\*

(f) The following development may be allowed in the Regulatory 100-year Floodplain and will require a Floodplain Development Permit (See 35-B106 for permit requirements).

- (1) All-weather ~~(passes the ultimate development 100-year flood)~~ street crossings that passes the ultimate development 100-year flood under the street.

\*\*\*\*\*

<p><b>Public Works recommendation to TAC:</b></p> <ul style="list-style-type: none"> <li><del>(20) 100-year floodplain reclamation in areas of ineffective flow.</del></li> <li><del>(21) 100-year floodplain reclamation in overbank areas subject to extensive shallow (0'-3') flooding where flood velocities in the overbank area are less than 3 fps.</del></li> <li>(22) Historic structure reconstruction, rehabilitation or restoration.</li> <li><del>(23) Development in the Low Risk Flood Area subject to the requirements of Section 35-F145.</del></li> </ul>
<p><b>TAC recommendation:</b></p> <ul style="list-style-type: none"> <li>(20) 100-year floodplain reclamation in areas of ineffective flow.</li> <li>(21) 100-year floodplain reclamation in overbank areas subject to extensive shallow (0'-3') flooding where flood velocities in the overbank area are less than 3 fps.</li> <li>(22) Historic structure reconstruction, rehabilitation or restoration.</li> <li>(23) Development in the Low Risk Flood Area subject to the requirements of Section 35-F145.</li> </ul>
<p><b>Revised Public Works Recommendation:</b></p> <ul style="list-style-type: none"> <li><del>(20) 100-year floodplain reclamation in areas of ineffective flow.</del></li> <li><del>(21) 100-year floodplain reclamation in overbank areas subject to extensive</del></li> </ul>

shallow (0' - 3') flooding where flood velocities in the overbank area are less than 3 fps.

- (22) Historic structure reconstruction, rehabilitation or restoration.
- (23) Development in the Low Risk Flood Area as defined by Appendix A or subject to the requirements of Section 35-F145.

\*\*\*\*\*

#### Amendment - 93

#### 35-F125 Section B - Prohibited Development Within the Regulatory Floodplain

- (a) The following development will not be allowed in the regulatory floodplain.

\*\*\*\*\*

- (5) 100-year floodplain reclamation where the watershed drainage area exceeds ~~400~~ 320 acres, except as provided in Section A.
- (6) 100-year floodplain reclamation in over bank areas that are subject to flood depths greater than 3 feet.
- (7) 100-year floodplain reclamation in over bank areas where flood velocities are greater than 3 fps.

# UDC

## 2008 Biennial Update Program *Planning Commission Briefing*

Presentation by:

Planning & Development Services Department

1

## Briefing Purpose

- Present recommendations of the City of San Antonio staff and the Planning Commission's Technical Advisory Committee.

2

# Background

- The San Antonio City Council adopted the Unified Development Code (“UDC”) on May 3, 2001.
- UDC §35-111 provides for an update program every two years. The UDC authorizes the Zoning Commission, Planning Commission, Board of Adjustments, Historic & Design Review Commission and City Council to initiate amendments to the UDC for any purpose. Other individuals may submit amendments to the UDC that fit into the following three categories:
  1. Editing amendments to provide for editing changes that do not alter the impact of the provision being addressed and including changes such as spelling, grammar correction, formatting, text selection, or addition of text in compliance with existing ordinances, statutes or case law.
  2. Clarification amendments to provide for ease of interpretation and understanding of the existing provisions of the UDC.
  3. Rule interpretation decisions (RIDs)
- §35-111(c) of the Unified Development Code requires that the Planning & Development Services Department shall refer the update requests to the Planning Commission and/or Zoning Commission for recommendation.

3

# Amendments Submitted

- Amendments submitted by:
  - Planning & Development Services Dept.
  - CIMS Dept.
  - Public Works Dept.
  - Office of Historic Preservation
  - Parks & Recreation Dept.
  - City Attorney’s Office
  - Bexar County
  - Development stakeholders
- Changes to 573 individual code sections were submitted.
- Combined into 100 amendments based on topic area.

4

## Items of Interest to the Planning Commission

- Addition of standards for Alternative Pedestrian Circulation Plans.
- Clarification of variance criteria for subdivisions.
- Clarification of historic resources survey requirement for Master Development Plans and plats in the ETJ.
- Street standards:
  - Cul-de-sac consistency with International Fire Code.
  - Clarification of maximum block lengths and minimum intersection off-sets.
- Exception to lot frontage requirements where ingress/egress easement is provided that meets private street standards.
- Flag lot standards take precedence over zoning district dimensional standards.

5

## Other Amendments

- Other topic areas:
  - Creation of new MF-18 and O-1.5 zoning districts.
  - Clarification of procedural requirements for city-initiated zoning cases that involve conditional uses or specific use authorizations.
  - Technical criteria for streets, sidewalks, storm water management and floodplain development.
  - Bicycle parking requirements.
  - Changes to reflect programmatic changes for Public Art San Antonio and the Office of Historic Preservation.

6

# Amendment Review

- Amendments are submitted to the Planning & Development Services Department, reviewed by staff and then submitted to the Planning Commission's Technical Advisory Committee ("TAC") for review.
- The TAC is composed of 17 citizens:
  - 3 Planning Commissioners
  - 1 Zoning Commissioner
  - 4 Community at Large members
  - 3 Engineering Representatives
  - 2 Development Community stakeholders
  - 1 Architectural Professional
  - 1 Planning Professional
  - 1 Historic Preservation representative
  - 1 Parks and Recreation Board member
  - 1 Ex-Officio Member
- The TAC spent approximately 1,040 "man-hours" reviewing the UDC amendments over twelve meetings from July 14 through October 20, 2008.
- The Real Estate Council's Development Process Task Force was briefed on three occasions about the 2008 update program.

7

# Withdrawn Items

- Approximately 88 items from within the 573 text changes were withdrawn from the current amendment package.
- Major items of interest include:
  - Arts and Entertainment Zoning District – *moving forward in separate process*
  - Transfer of Development Rights – *undergoing additional study*
  - Traffic Impact Analysis and Street Dedication Requirements – *consolidated with House Bill 1835 amendments*

8

## TAC recommendations

- In most cases staff has accepted the recommendations of TAC.
- Five full amendments and portions of others were withdrawn upon discussion with the TAC.
- In ten instances two recommendations will be presented:
  - Recommendation of submitter
  - Recommendation of TAC

9

## Areas of Disagreement

- The request of the submitter and the TAC differ in ten cases. In consideration of the TAC comments, staff updated in the amendments in cases noted with \*.
  - Amendment 2 and 18: requirement to establish a legal instrument governing enclave and PUD plats prior to or concurrently with plat recordation. \*
  - Amendment 54:
    - Requirement to manage additional storm water or improve downstream low water crossings. \*
    - Requirement to provide storm water easements to detention facilities for properties that accept upstream runoff at the time of platting with option to defer to time of building permit. \*
  - Amendment 55:
    - Prohibition on variances from the Major Thoroughfare Plan.
    - Proposal to increase spacing for median openings from 400 feet to 660 feet (originally proposed for 800 feet)\*
    - Eliminate waiver of sidewalk requirement for subdivisions with less than 2.5 dwelling units per acre.
  - Amendment 78
    - Clarification that fair notice is required with a vested rights determination.
    - Clarification that expired permits may not be used to accrue vested rights.
  - Amendment 92
    - Allowable development in the floodplain in areas of ineffective flow or shallow flooding.
- Two other amendments where there was disagreement have been amended such that the issue of disagreement was removed.
  - Amendment 55
    - Line of sight – now just verbiage reflecting calculations based on AASHTO
    - Removed proposal to require sidewalk planting strip, replaced with language clarifying that the required width does not include the curb.

10

## Staff Recommendation

- Planning & Development Services Department recommendation is to follow the TAC recommendation on all amendments except in ten instances where the recommendation of submitter differs from the TAC.
- All ten of these amendments were submitted by either City Attorney's Office or the Public Works Department.
- The individual City departments may make their recommendations to the Commission.

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## Adoption Process

- Briefings:
  - City South Management Authority, October 28
- Public hearing and consideration:
  - Zoning Commission, November 4
  - Planning Commission, November 12
- City Council:
  - Infrastructure & Growth Committee, December 3 (proposed date)
  - City Council B Session, December 10
  - City Council adoption, January 15

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