

PUBLIC HEARING
TIME CERTAIN
ITEM NO 5
3:00PM

**CITY OF SAN ANTONIO
DEPARTMENT OF ASSET MANAGEMENT
INTERDEPARTMENTAL CORRESPONDENCE SHEET**

TO: Mayor and City Council

FROM: Rebecca Waldman, Director, Department of Asset Management

THROUGH: Terry M. Brechtel, City Manager

COPIES: Erik J. Walsh, Assistant to the City Manager; Shawn P. Eddy, Special Projects Manager, Property Disposition

DATE: Thursday, March 20, 2003

SUBJECT: S.P. No. 1062 - Request to close, vacate and abandon Moberly Place and a portion of an unimproved sixteen (16') foot wide alley and acceptance of a sixteen (16') foot wide alley dedication along the west property line of lot 5, NCB 3243.

PETITIONER: Southern Foods Group, L.P., dba Oak Farms Dairy
Attn: Jerry Arredondo
10406 Lazy F Trail
Helotes, Texas 78023

SUMMARY AND RECOMMENDATIONS

This Ordinance will close, vacate and abandon Moberly Place and a portion of an unimproved sixteen (16') foot wide alley and acceptance of a sixteen (16') foot wide alley dedication along the west property line of Lot 5, NCB 3243, as requested by Oak Farms Dairy, a Division of Southern Foods, for the total consideration of \$28,130.00.

Staff recommends approval of this Ordinance.

BACKGROUND INFORMATION

Petitioner is requesting the closure, vacation and abandonment of Moberly Place and a portion of a sixteen (16') foot wide unimproved alley and acceptance of a sixteen (16') foot wide alley dedication along the west property line of lot 5, NCB 3243 to prevent the creation of a dead end situation, as shown on attached Exhibits "A" & "B". The petitioner, Oak Farms Dairy, a Division of Southern Foods, is in the process of expanding their production plant operation. The Oak Farms Dairy Plant is a developable site within an Empowerment Zone and is located in the Deco District Neighborhood Commercial Revitalization (NCR) area.

POLICY ANALYSIS

This action is consistent with City Ordinances regulating the closure, vacation and abandonment of Public Right of Way within the Corporate Limits of the City of San Antonio.

FISCAL IMPACT

The City will collect \$28,130.00 as consideration for this closure, vacation and abandonment of Public Right of Way.

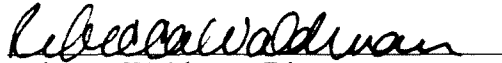
COORDINATION

In compliance with City procedures, this request has been canvassed through interested City departments, public utilities and applicable agencies. A Canvassing Checklist and an executed Letter of Agreement, by which the petitioner agrees with all conditions imposed through this canvassing, are attached for review.

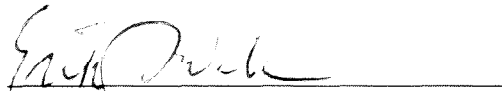
SUPPLEMENTARY COMMENTS

The City of San Antonio's Planning Commission will consider this request at its regular meeting of 3/12/2003 and its finding will be presented to City Council on 3/20/2003.

Executed Discretionary Contracts Disclosure Statement from petitioner(s) is attached.



Rebecca Waldman, Director
Department of Asset Management

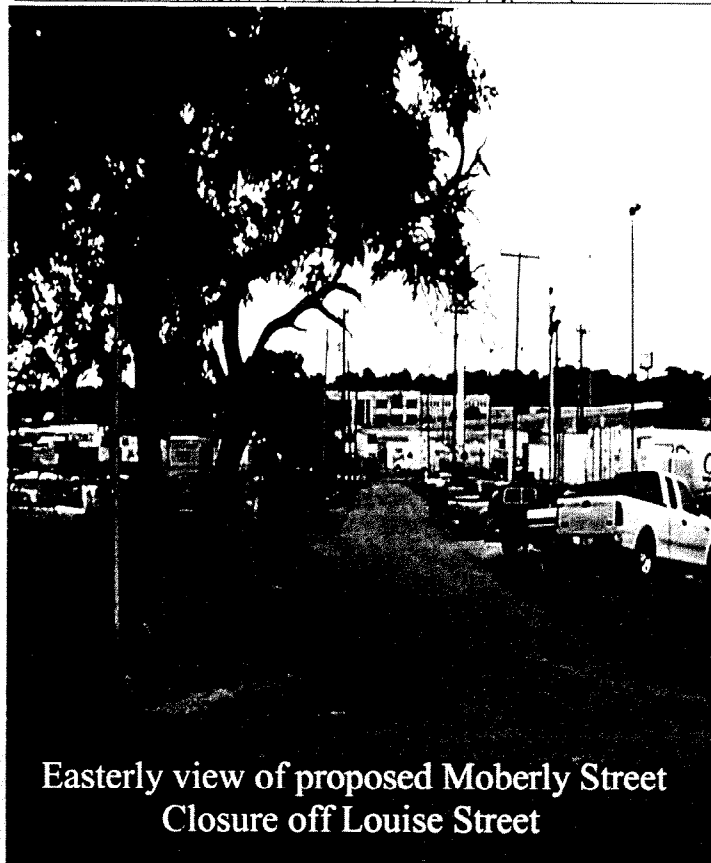
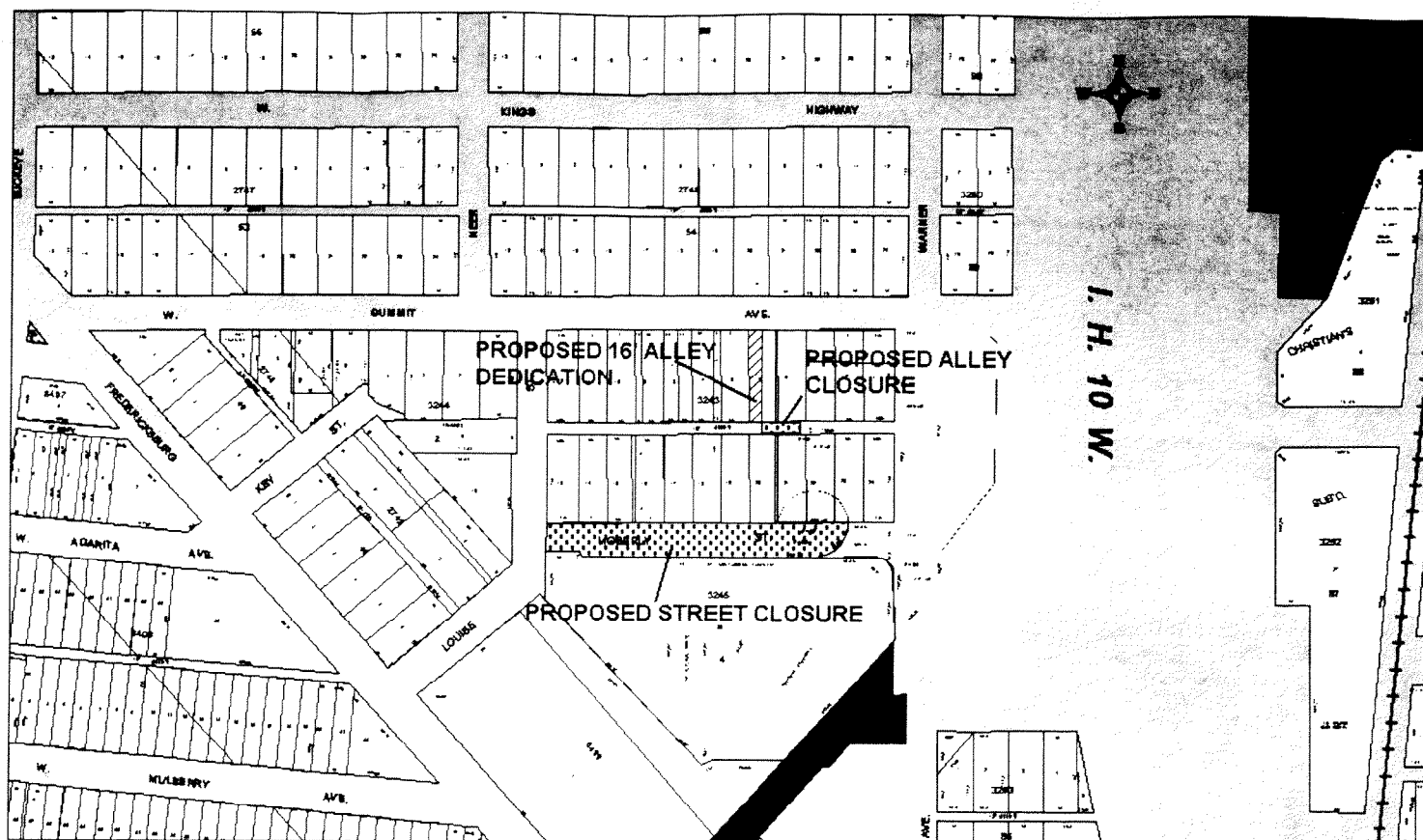


Erik J. Walsh
Assistant to the City Manager

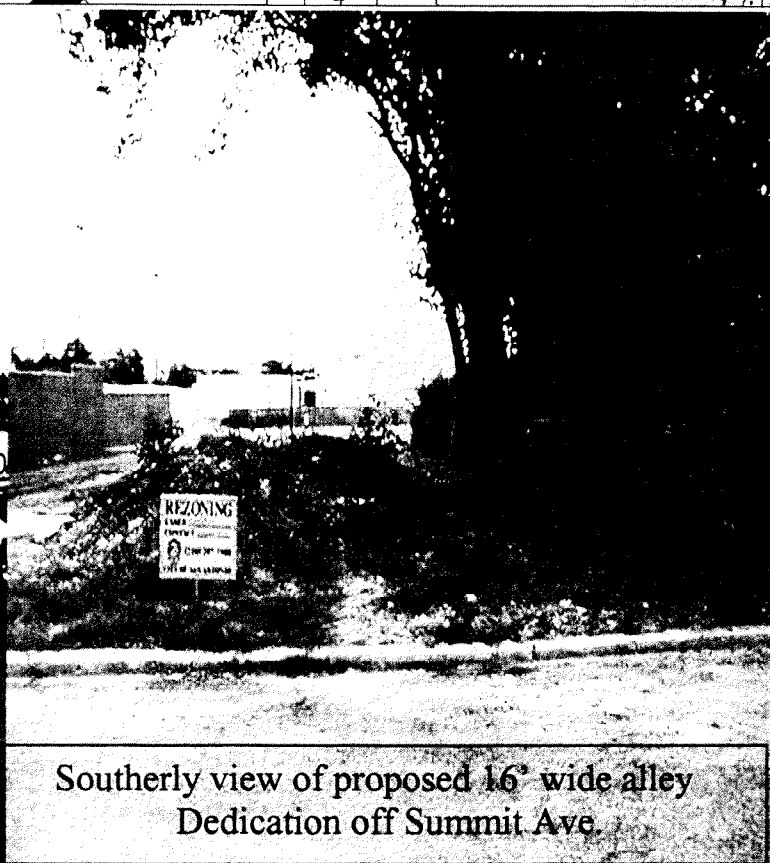
Approved:



Terry M. Brechtel
City Manager



Easterly view of proposed Moberly Street
Closure off Louise Street



Southerly view of proposed 16' wide alley
Dedication off Summit Ave

EXHIBIT "A"

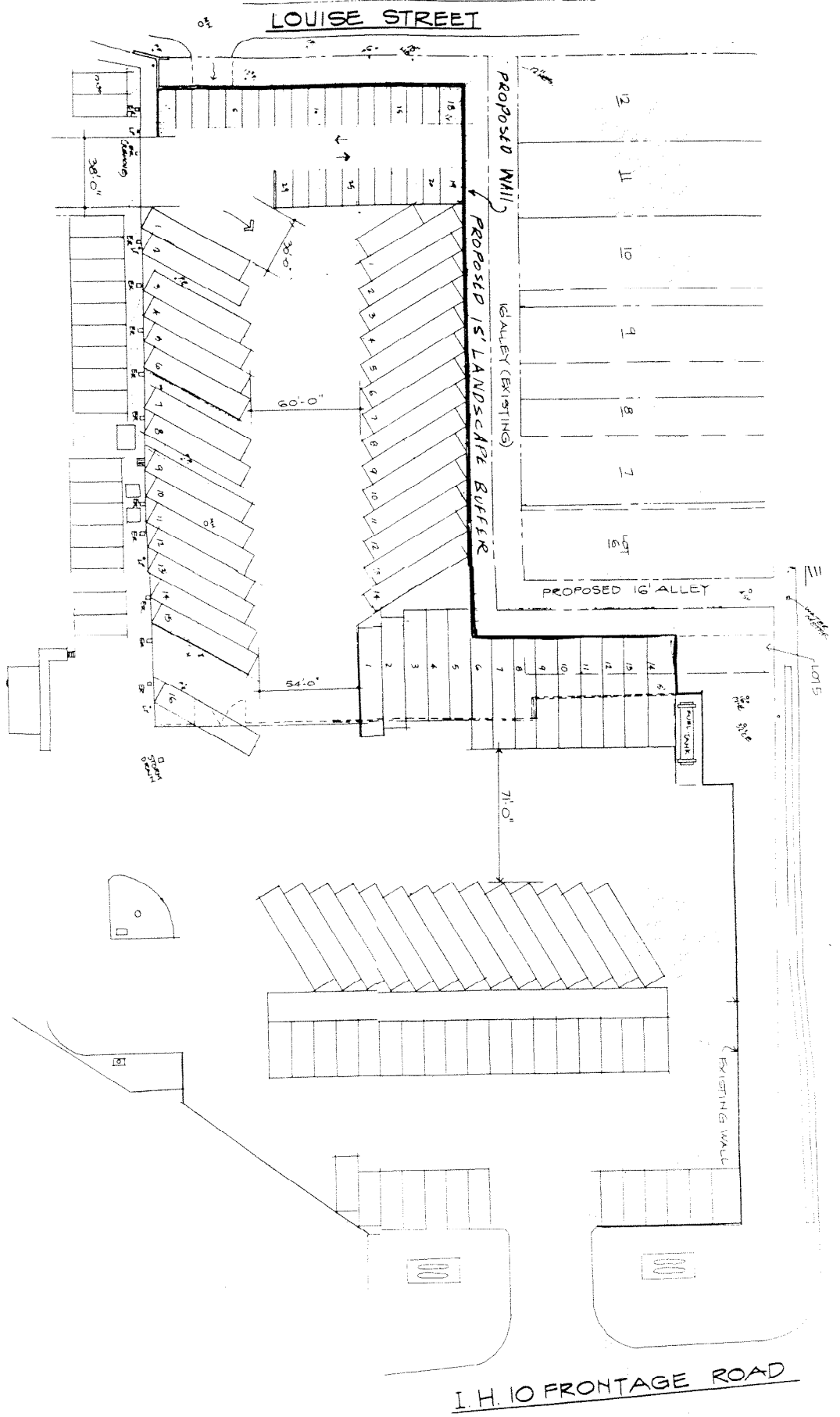


EXHIBIT "B"

Oak Farms Dairy
 1314 Fredericksburg
 San Antonio, Texas

L.K. TRAVIS
 & ASSOCIATES, INC.

ARCHITECTURE INTERIOR ARCHITECTURE LANDSCAPE ARCHITECTURE

1511 Fredericksburg Road
 San Antonio, Texas 78201
 210.337.2828 Fax 210.717.2830
 lkt@lktavis.com



CITY OF SAN ANTONIO

DEPARTMENT OF ASSET MANAGEMENT

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

TEL 210-207-4032 FAX 210-207-7888

November 25, 2002

Oak Farms Dairy, Division of Dean Foods
Attn: Jerry Arredondo
10406 Lazy F Trail
Helotes, Texas 78023

Re: S. P. No. 1062—Request to close, vacate and abandon Moberly Place and a portion of an unimproved alley and accept a 16' wide alley dedication along the west property line of lot 5, NCB 3243

Dear Mr. Arredondo:

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

PLANNING DEPARTMENT:

- The Petitioner must file a formal subdivision plat vacating and replatting the area as per Article IV Procedures, Division 4 Subdivisions of the Unified Development Code (UDC) for the City of San Antonio.
- The proposed dedication of the relocated 16' shall include construction of the alley.
- If phase development occurs, a Master Development Plan shall be provided to the Planning Department in conformance to the Unified Development Code (UDC) for the City of San Antonio, Article IV Procedures, Division 2, Section 35-412, appendix B.
- In addition to the minimum requirements in the UDC, the following are intended to enhance those requirements:
 1. A landscape buffer which meets the minimum requirement of the UDC, shall be maintained along the rear property line that parallels Moberly Place Street. A type-D buffer to include canopy type evergreen trees space every 25 feet along the baffle wall will be the minimum. These trees shall be no less than ten (10) feet in height when planted and should reach a minimum of twenty-five feet in height upon maturity.
 2. A 12-foot noise abatement wall with climbing vines shall be built and maintained by petitioner to improve the aesthetic quality of the design. The baffle wall shall be built prior to the issuance of a building permit pursuant to the construction or expansion of any industrial use.
 3. Lighting shall be placed in the landscape buffer to protect the safety of the neighborhood.
 4. Primary ingress/egress to the site shall be from IH-10. The Fredericksburg Road entrance should be open only to non-commercial and emergency vehicles, and for the departure of tanker trucks.

PUBLIC WORKS:

"Retain Moberly Street as drainage easement"(Storm Water Engineering Division).

"Conditional on acquisition of all private lots (#13-20) currently fronting onto Moberly"(Traffic Engineering Division).

DEVELOPMENT SERVICES DEPARTMENT:

"The request to close and abandon a portion of Morberly Place and an unimproved portion of a 16' alley is recommended for approval provided the area is assembled with the petitioners property and platted in accordance with the UDC."

SAN ANTONIO WATER SYSTEM:

"No objection provided any existing water and/or sewer easements remain accessible for operational and maintenance purposes at all times."

CITY PUBLIC SERVICE: "Must retain any easement for existing CPS OH, communication cable associated with electrical and gas facilities or remove/relocate facilities at owner's expense."

DEPARTMENT OF ASSET MANAGEMENT:

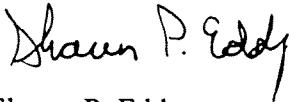
- The closure, vacation and abandonment of this public right of way will be authorized by a City Ordinance.
- Petitioner asserts that all evidence of ownership of all property abutting the public right of way proposed to be closed, vacated and abandoned by the City of San Antonio is true and correct.
- The petitioner acknowledges that this property will be accepted in its "as is" condition.
- Petitioner agrees to pay a total closure fee of \$28,130.00, which includes the assessed value of \$28,022.75 for the Public Right of Way, a fee of \$72.00 for the posting of a sign notifying the public of the proposed street closure and document recording fee of \$35.00. This closure fee will be due and payable to the City of San Antonio prior to City Council consideration. If for some reason the closure is not approved by City Council, the closure fee will be refunded to the petitioner, less the fee for the posting of the notification sign.

Further, a fully completed and signed Discretionary Contracts Disclosure Statement is required and enclosed for your convenience.

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

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

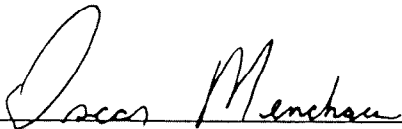
Sincerely,



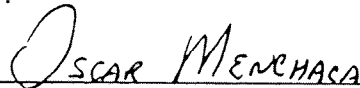
Shawn P. Eddy
Special Projects Manager

AGREED AS TO TERMS AND CONDITIONS:

Oak Farms Dairy, Division of Dean Foods



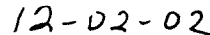
By:



Print Name:



Title:



Date:

CITY OF SAN ANTONIO
DEPARTMENT OF PLANNING

02 NOV 21 PM 2:53

October 16, 2002

Oak Farms Dairy

Attn: Matt Conner

1314 Frederickshurg Road

San Antonio, Texas 78201

Re: Neighborhood Task Force Findings
Proposed Oak Farms Dairy Expansion

Mr. Conner:

On July 9, 2002, a group of neighbors representing several neighborhood associations surrounding Oak Farms Dairy, which comprise several of the associations in the Near Northwest Community Plan, met to discuss a proposed Oak Farms expansion with Oak Farms representatives. During that meeting neighbors expressed their concerns and asked questions about the proposed expansion and future expansions. It was agreed that the neighborhood associations would create a list of items that the community would like Oak Farms to address. The first meeting was held at the Oak Farms facility on July 22, 2002. A second meeting was held on September 10, 2002 at State Representative Trey Martinez Fischer's office. The following list of items is broken down into two sections: Section A addresses the zoning case; Section B addresses the existing plant area, some parts of the area involved in the zoning case, and future plant issues. Both sections are presented on the following pages.

It is the intent of some of the Neighborhood Associations comprising the Near Northwest Community Plan and Oak Farms Dairy to reach a compromise on the issues involving Oak Farms Dairy and its desire to have its zoning request granted. These Neighborhood Associations desire to have the improvements and conditions set out in sections A and B agreed to and provided by Oak Farms Dairy. By executing this letter, the Neighborhood Associations agree to support Oak Farms Dairy's application for rezoning. However, the Neighborhood Associations' execution of this letter is not binding until and unless Oak

Farms Dairy also executes this letter and agrees to accept all terms and conditions, except as indicated. Oak Farms Dairy's failure to comply with the terms of this letter will subject it to enforcement by the Neighborhood Associations. If Oak Farms Dairy and the Neighborhood Associations listed at the end of this letter do not execute this letter prior to the City Council Meeting on October 24, 2002, then the terms of this letter will be null and void and neither the Neighborhood Associations nor Oak Farms Dairy will owe any further obligations to each other.

Section A (Zoning Case)

The items in this section are intended to be in addition to those set forth in the UDC. If the UDC standards require more than what is listed below then the UDC requirements shall be followed. Adherence to these items will be enforced by the City of San Antonio.

1. Buffer Zone - The buffer zone between the new site boundary and the existing neighborhood shall be the minimum required by the Unified Development Code
2. Baffle Wall - A baffle wall made of concrete shall be built between the Oak Farms Dairy expansion and the existing neighborhood similar to the existing baffle wall. This wall shall be designed to reflect noise back into Oak Farms Dairy property and will be a minimum of twelve (12) feet tall and will minimally exceed the height of the vehicle's motors, including those that are top-mounted refrigeration units. The baffle wall shall be built prior to the issuance of a building permit pursuant to the construction or expansion of any industrial use
3. Evergreen Trees - The landscaping shall include canopy type evergreen trees spaced every twenty-five (25) feet along the length of the baffle wall. The trees shall be a minimum of ten (10) feet height when planted and should reach a minimum of twenty-five (25) feet upon maturity. The trees shall be planted in such a manner that they will not hinder the installation of the baffle wall and planting shall be completed by June 30, 2003. In addition, Ligustrums will be planted in between the canopy type evergreen trees along the rezoned part of Louise Street.
4. Climbing Vines - The base of the wall shall be landscaped with climbing vines to improve the aesthetic quality of the wall.

5. The primary entrance to, and exit from the site for commercial vehicles shall be from I-10. The Fredericksburg Road entrance shall be primarily for employee and emergency vehicles, and for the departure of tanker trucks. There will be no entrance to the parking lot from Louise Street, except for emergency vehicles. The entrance to the new parking area shall be from the existing parking area.

Section B (Existing Area)

The items in this section represent the additional actions that should be taken by Oak Farms Dairy to improve its image as a good corporate neighbor to the surrounding community.

1. Noise Pollution - Oak Farms Dairy will comply with City Code Requirements to effectively control noise pollution and will continue to work with both the neighborhood associations and the neighbors to resolve any noise pollution problems that may arise. Monitoring will be done by the City Code Compliance Department.
2. Parking - Commercial trucks and trailers shall be kept away from residential areas. Only employee cars/trucks shall be parked in the new parking lot (adjacent to W. Summit and Louise Streets), prior to completion of the baffle wall. After completion of the baffle wall, commercial vehicles can be parked in the new parking lot, provided there is no noise pollution. Oak Farms Dairy agrees to work with neighbors and neighborhood associations to resolve any problems that may arise.
3. Deco District Corporate Fund - Oak Farms Dairy shall participate in a fund to be developed of corporate sponsors along the Fredericksburg Rd. corridor and donate an equitable amount (\$5,000) to that fund. Distribution of fund will be at such time other donors have signed up and a plan for use of funds. This fund will be used toward projects as determined by the Jefferson/Woodlawn Lake Community Development Corporation in conjunction with Oak Farms Dairy approval of use.
4. Maintain Landscaping - Oak Farms Dairy shall professionally maintain landscaping around the existing facility.
5. Future Expansion - The neighbors and neighborhood associations would prefer that future plant expansion extend toward the Southeast across Martinez Creek. Oak

Farms Dairy will look at such options but will not guarantee the direction of future expansion.

6. Off-site Properties - Oak Farms Dairy will maintain all off-site properties owned by Oak Farms Dairy in accordance with neighborhood standards.

7. Evergreen Trees - the existing landscaping shall be improved to include canopy type evergreen trees spaced every twenty-five (25) feet along the length of the baffle wall. The trees shall be a minimum of ten (10) feet height when planted and should reach a minimum of twenty-five (25) feet upon maturity. The trees shall be planted in such a manner that they will not hinder the installation of the baffle wall and planting shall be completed by June 30, 2003.

8. Building Façade - Oak Farms Dairy shall improve the building façade along Fredericksburg Road to include, at a minimum, new paint.

9. Above Ground Storage Tanks - Oak Farms Dairy shall agree that no above ground storage tanks shall be used for the purpose of storing fuel for the purpose of refueling delivery trucks or any other commercial use within seventy-five (75) feet of residences in the neighborhood.

Agreed to and accepted this 24th day of August 2002.

Oak Farms Dairy

By Matt B. Conner

Matt B. Conner, its designated representative

Los Angeles Heights - Keystone N.A.

By [Signature]

Woodlawn Lake Community Association

By Joshua Yest

Jefferson N. A.

By Justin R. Re

Monticello Park N. A.

By [Signature]

Canvassing Checklist

SPNo 1062

Request: Petitioner is requesting the closure, vacation and abandonment of Morberly Place and a portion of a sixteen (16') foot wide unimproved alley and acceptance of a sixteen (16') foot wide alley dedication along the west property line of lot 5, NCB 3243 to prevent the creation of a dead end situation, as shown on attached Exhibit "A". The petitioner, Oak Farms Dairy, a division of Dean Foods, is in the process of expanding their production plant operation. The Oak Farms Dairy Plant is a Developable Site within an Empowerment Zone and is located in the Deco District Neighborhood Commercial Revitalization (NCR) area.

	Included in Canvassing	Out Date	In Date	Uncond. Approval	Conditional Approval	Denial
Planning Department	✓	6/21/2002	8/6/2002		✓	
PublicWorks	✓	6/21/2002	8/29/2002		✓	
Development Services	✓	6/21/2002	10/2/2002		✓	
Police Department	✓	6/21/2002	7/8/2002	✓		
Fire Department	✓	6/21/2002	7/17/2002	✓		
Parks and Recreation						
Neighborhood Action (NAD)	✓	6/21/2002	6/28/2002	✓		
City Public Service	✓	6/21/2002	8/15/2002		✓	
S A Water System (SAWS)	✓	6/21/2002	7/15/2002		✓	
TXDOT	✓	6/21/2002	7/8/2002	✓		
S.A. River Authority (SARA)						
VIA Metropolitan						
Other Agency						
Neighborhood Association	✓	6/21/2002				

Canvassing Comments

DSD deferred action pending rezoning & proposed amend. to Neighborhood Plan
Received fieldnotes on portion of ROW to be closed and 16' alley ded.

11/13/02--

City of San Antonio
Discretionary Contracts Disclosure*

For use of this form, see City of San Antonio Ethics Code, Part D, Sections 1&2
Attach additional sheets if space provided is not sufficient.
State "Not Applicable" for questions that do not apply.

* This form is required to be supplemented in the event there is any change in the information under (1), (2), or (3) below, before the discretionary contract is the subject of council action, and no later than five (5) business days after any change about which information is required to be filed.

Disclosure of Parties, Owners, and Closely Related Persons

For the purpose of assisting the City in the enforcement of provisions contained in the City Charter and the Code of Ethics, an individual or business entity seeking a discretionary contract from the City is required to disclose in connection with a proposal for a discretionary contract:

(1) the identity of any **individual** who would be a party to the discretionary contract:

N/A

(2) the identity of any **business entity**¹ that would be a party to the discretionary contract:

N/A

and the name of: *Southern Foods Group L.P. DBA OAKFARMS Dairy*

(A) any individual or business entity that would be a **subcontractor** on the discretionary contract;

N/A

and the name of:

(B) any individual or business entity that is known to be a **partner**, or a **parent** or **subsidiary** business entity, of any individual or business entity who would be a party to the discretionary contract;

N/A

¹ A business entity means a sole proprietorship, partnership, firm, corporation, holding company, joint-stock company, receivership, trust, unincorporated association, or any other entity recognized by law.

I. H. 10 W.

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