

AGENDA ITEM NO. 28

**CITY OF SAN ANTONIO  
INTERDEPARTMENTAL CORRESPONDENCE  
PLANNING DEPARTMENT**

**TO:** Mayor and City Council

**FROM:** Emil R. Moncivais, AICP, AIA, Director, Planning Department  
Florencio Peña, Director, Development Services Department

**THROUGH:** Terry M. Brechtel, City Manager

**COPY:** Jelynn LeBlanc Burley, Assistant City Manager; Christopher J. Brady, Assistant City Manager; File

**SUBJECT:** Request for waiver of requirements in the Limited Purpose Annexation

**DATE:** August 28, 2003

**SUMMARY AND RECOMMENDATIONS**

On August 15, 2003, a request for a waiver of the requirement not to accept applications for processing of development applications, Subdivision Plats, and Zoning changes was received from David L. Earl for John Schafer on Southton Park Subdivision.

This property is located in the Limited Purpose Annexation area. No permits are presently being issued for construction in this area pursuant to Ordinance No. 97173, which established interim development controls. The applicant is requesting to submit a Vested Rights Application, Master Development Plan application, Zoning Change Application, Plat Applications, and review as a Tax Increment Financing (TIF) Project.

Staff does not recommend granting a waiver to process a Vested Rights application, Master Development Plan, Zoning application, and Subdivision Plats. If annexed for full purposes, the applicant intends to apply for a Tax Increment Financing (TIF) Project, as indicated in the application.

**BACKGROUND INFORMATION**

On June 26, 2003, City Council approved Ordinance 97875 adopting the Southside Initiative Community Plan, a comprehensive land use plan.

This area was annexed for limited purposes on January 5, 2003, and on February 6, 2003, City Council approved Ordinance No. 97173 establishing interim development controls in the limited purposes annexation areas for a 180 day period pending consideration and adoption of a comprehensive plan and development regulations. Subsequently, City Council approved an extension of the Interim Development Controls for sixty (60) days. The Interim Development Controls will expire on October 4, 2003.

Section 7 of said ordinance states that City Council may waive the application of this ordinance to the development of the appellant's property if the Council finds:

- (a) That appellant has demonstrated that the proposed action, and the development it is a part of, by itself, cumulatively or through a resulting growth pattern, will not have an adverse effect on the areas annexed for limited purposes and that the development is not likely to impair the goals and objectives of the regulations being developed; or
- (b) That appellant has demonstrated that the appellant has:
  - (i) relied upon an act of the City of San Antonio or its agency,
  - (ii) in good faith,
  - (iii) to the applicant's detriment, and
  - (iv) that it would be inequitable to require the applicant to delay development during the time this ordinance is in effect; or
- (c) That the appellant has demonstrated with written evidence a vested right under Chapter 245 of the Texas Local Government Code, under the common law, or from and action of an authorized representative of the City of San Antonio.

### **POLICY ANALYSIS**

Staff has reviewed the proposed development in regards to the criteria established for considering a waiver to the Interim Development Controls. Following is the analysis:

(a): The property is within the Agriculture Land Use Category of the approved Land Use Plan. Agriculture promotes preservation of crop agriculture, ranching, and related agri-business practices with larger lot single-family developments. Although the proposal is to continue with the development as defined by the recorded plat of single-family residential lots, the application reflects a conventional subdivision with single-family lots of one lot per acre. The proposed development is not in keeping with the major goals and objectives of the Southside Initiative Community Plan.

(b): The City has not acted in any way that would be inequitable to require a delay to this development.

(c) The applicant has not provided written documentation consistent with the criteria needed to provide evidence of a vested right under Chapter 245 of the Local Government Code.

### **FISCAL IMPACT**

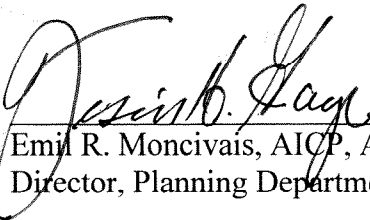
This ordinance has no financial impact upon the financial resources of the City other than normally associated with residential development.

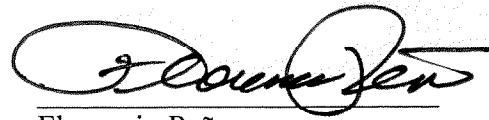
## COORDINATION

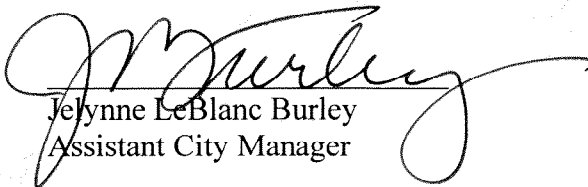
This ordinance was coordinated with the City Attorney's Office.

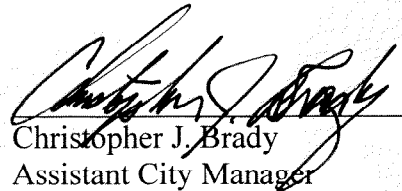
## SUPPLEMENTARY COMMENTS

Granting of the waiver by City Council to submit applications for review does not guarantee approval of the request. The applicant will still need to meet all rules and regulations for any Master Development Plans, Subdivision Platting, Zoning changes as defined in the Unified Development Code as well as the TIF guidelines.


*for*   
Emil R. Moncivais, AICP, AIA  
Director, Planning Department

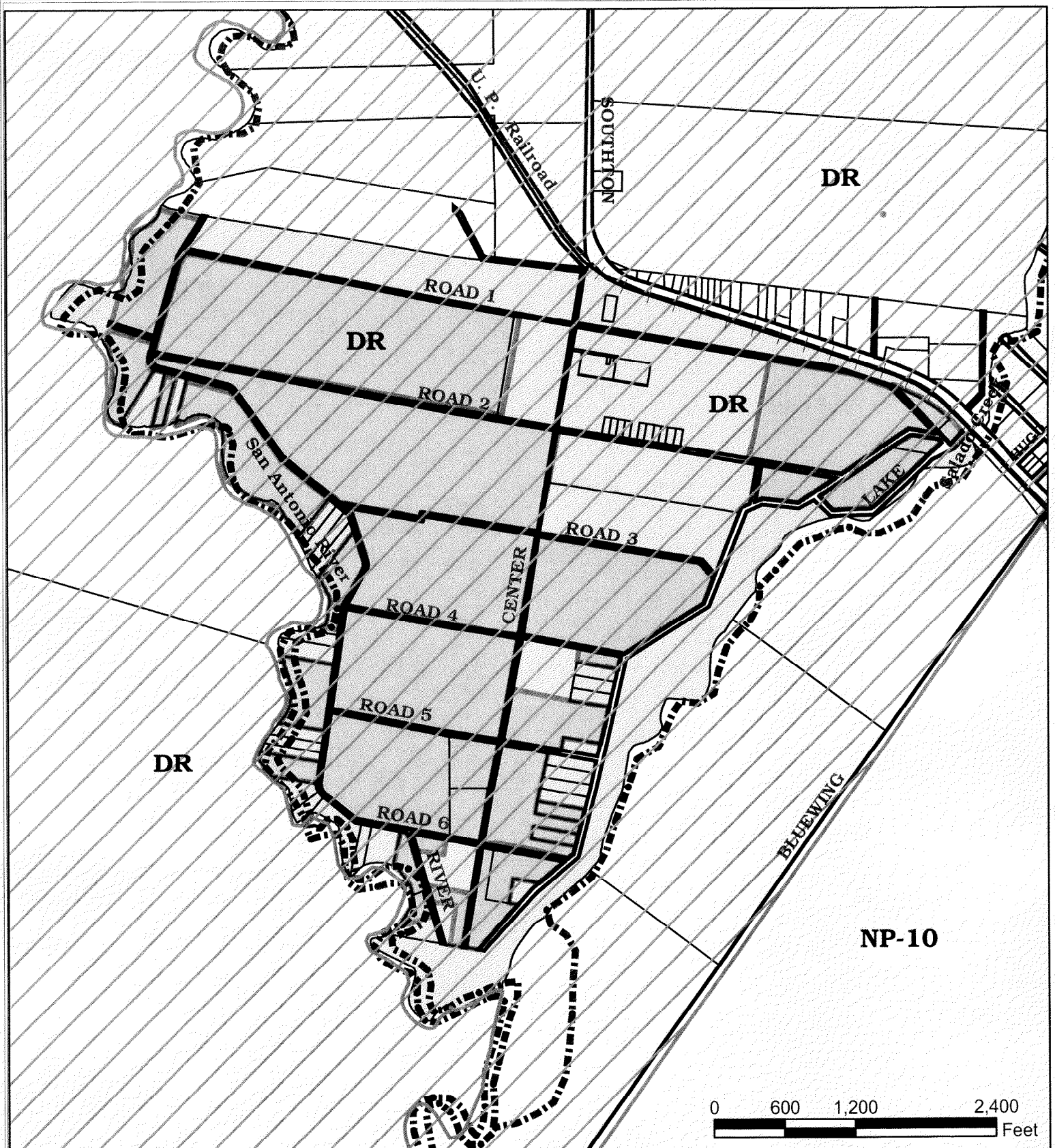
  
Florencio Peña  
Director, Development Services Department

  
Jelynn LeBlanc Burley  
Assistant City Manager

  
Christopher J. Brady  
Assistant City Manager

Approved:

  
Terry M. Brechtel  
City Manager



Property Owned

----- creeks

Limited Annexation

Southton Park

Full Purpose Annexation

DR CURRENT ZONING (DEVELOPMENT RESERVE)



Data Source: City of San Antonio Enterprise GIS, Revar Metro 911, Revar Appraisal District  
 "This Geographic Information System Product, received from the City of San Antonio is provided 'as is' without warranty of any kind, and the City of San Antonio expressly disclaims all express and implied warranties, including but not limited to the implied warranties of merchantability and fitness for a particular purpose. The City of San Antonio does not warrant, guarantee, or make any representation regarding the use, or the results of the use, of the information provided by you to the City of San Antonio in terms of completeness, accuracy, timeliness, or otherwise. The entire risk as to the results and performance of any information obtained from the City of San Antonio is solely assumed by the recipient."

"Please contact the responsible City of San Antonio Department for specific determinations."  
 City of San Antonio Planning Department GIS Manager, Roddy Woodruff, dwoodruff@santoniogov. Maps may be printed at 12/10/205.7873  
 Map Created by: D. E. CASTILLO  
 Map Creation Date: August 22, 2003  
 Map file location: c:\arcview\junk\southton.mxd  
 PDF Filename: c:\arcview\junk\0308GO.pdf

## SOUTHTON PARK

### VOL. 368, PG126

City of San Antonio  
 Planning Department

Emil R. Moncivais, AICP, AIA  
 Director, Planning Department

Development Business Service Center  
 1901 S. Alamo  
 San Antonio, TX 78205



**CHILD CARE DELIVERY SYSTEM PROGRAM - CCDS**

Attachment III

September 1, 2002 - August 31, 2003

26-039013

			<b>Budget</b>	<b>Revision #12 +/-</b>	<b>Revised Budget</b>
02-163	733253	Blessed Sacrament Academy - CDC Professional Accreditation	55,000	-	55,000
02-163	733261	KLRN - Kinder Readiness	294,957	-	294,957