

**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:** September 25, 2003

**SUMMARY AND RECOMMENDATIONS**

On September 11, 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 Earl and Brown, P.C. on behalf of Peter L. Marshall, for the property at 1816 Chavaneaux Road.

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. This property is presently zoned DR (Development Reserve) which only allows single-family residential uses. The applicant is requesting to submit a Zoning Change Application and Plat Application for development of an apartment complex.

The applicant's proposed development does not meet the criteria required of the waiver process, therefore, staff does not recommend granting a waiver to process a Zoning application and Subdivision Plat 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 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 proposed development is not consistent with the major goals and objectives of the Southside Initiative Community Plan. The property is within the Agriculture Land Use category of the approved Land Use Plan. Agriculture promotes preservation of crop agriculture, ranching, related agri-business practices, maintaining flood plain protection and buffer zones along creeks and rivers to retain the rural character of the area as well as larger lot single-family developments.

The proposal is to develop a multi-family apartment complex of 33 units per acre. The city's proposed rezoning for the subject property is Farm and Ranch District which prohibits multi-family uses. The property is located north of the flood plain, is approximately 415 feet to the east of a drainage channel and currently has agricultural exemptions. Vacant agricultural land with agricultural exemptions is east of the subject property. Additionally, property currently utilized as industrial is southwest and property utilized as agricultural is south of the subject property. Staff recommends the property remain Agricultural Land Use to maintain consistency with the adjacent agricultural land uses, maintain the natural vegetative buffer and drainage channels, and provide the flood plain protection with a buffer zone of agriculture uses.

(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.

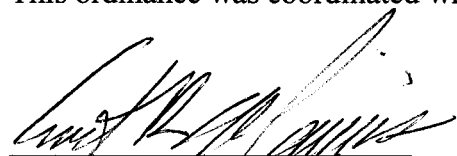
The appellant has not met the three criteria required in order to provide a waiver from the interim development controls, therefore staff recommends denial.

### **FISCAL IMPACT**

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

### **COORDINATION**

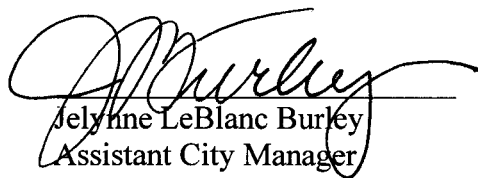
This ordinance was coordinated with the City Attorney's Office.



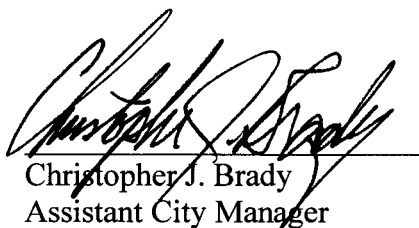
Emil R. Moncivais, AICP, AIA  
Director, Planning Department



Florencio Peña  
Director, Development Services Department

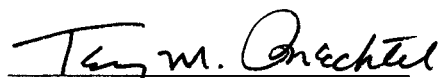


Jelynn LeBlanc Burley  
Assistant City Manager

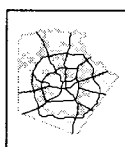
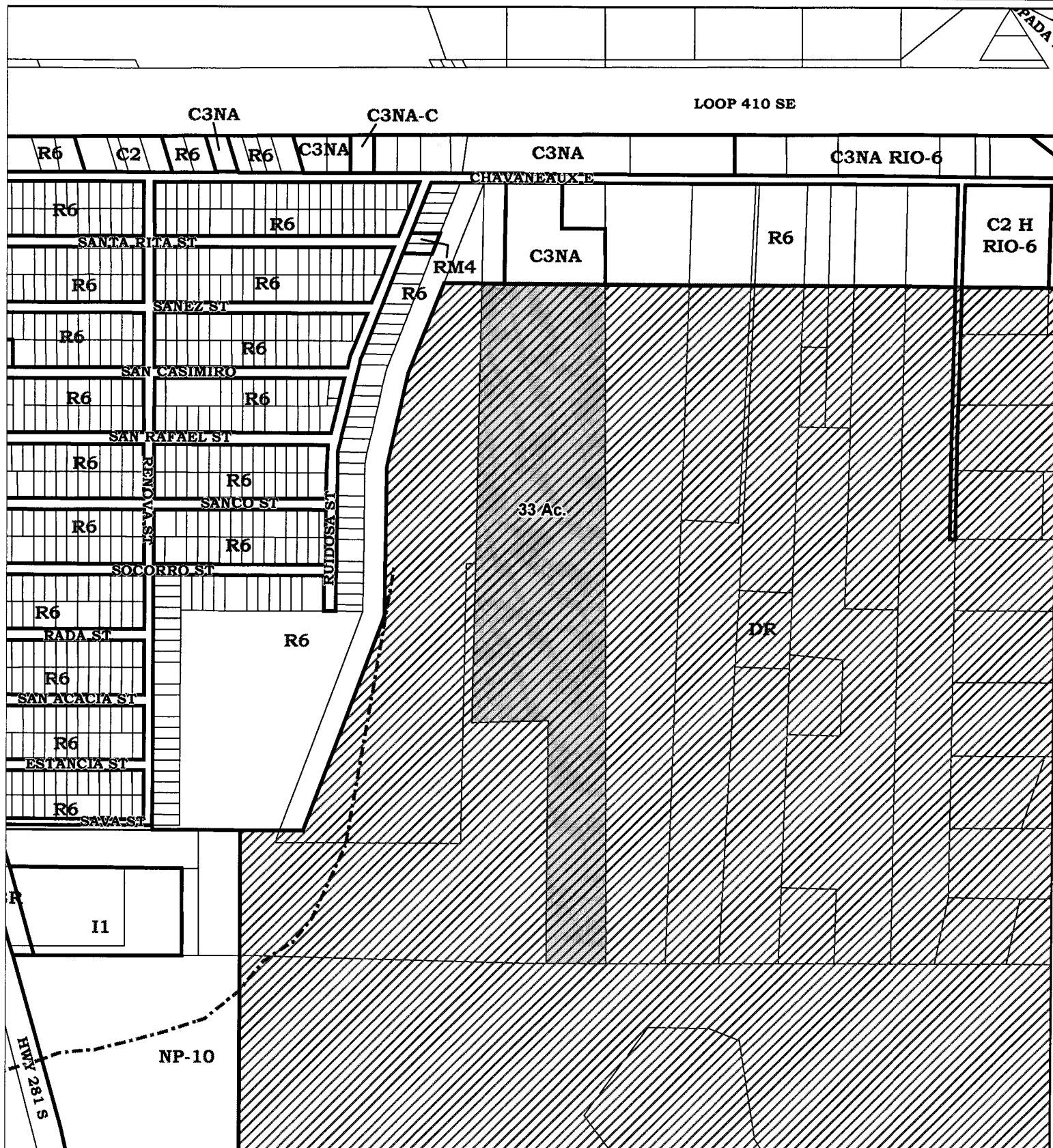


Christopher J. Brady  
Assistant City Manager

Approved:



Terry M. Brechtel  
City Manager



Data Source: City of San Antonio Enterprise GIS, Bexar Metro 911, Bexar Appraisal District  
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Please contact the responsible City of San Antonio Department for specific determinations.

City of San Antonio Planning Department GIS Manager, Woody Woodruff, woodruff@sanantonio.gov. Maps may be ordered at: (210) 207-7873

Map Created by: D. E. CASTILLO

Map Creation Date: September 18, 2003

Map file location: c:\arcview\junk\chav.mxd

PDF Filename: c:\arcview\junk\0308GO04.pdf

- creeks
- Marshall Property
- Limited Annexation
- Full Purpose Annexation
- DR CURRENT ZONING (DEVELOPMENT RESERVE)

0 300 600  
 Feet

4

## CHAVANEAUX RD

**City of San Antonio  
 Planning Department**

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