

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

TO: Mayor and City Council

FROM: Emil R. Moncivais, AICP, AIA, Planning Director

THROUGH: Terry M. Brechtel, City Manager

COPIES: Jelynn LeBlanc Burley, Assistant City Manager; Christopher J. Brady, Assistant City Manager; Jesus Garza, Planning Manager, Planning Dept.; File

SUBJECT: First Reading of the Ordinance on the Expansion of the Southside Initiative through Limited Purpose Annexation and Adoption of the Regulatory Plan

DATE: June 10, 2004

SUMMARY AND RECOMMENDATIONS

On May 13, 2004 and May 20, 2004, City Council held public hearings regarding the proposed expansion of the Southside Initiative through limited purpose annexation. This is the first reading of the annexation ordinance extending the city limits for limited purposes and adopting a regulatory plan. The second reading of the ordinance is scheduled for July 22, 2004. The effective date of limited purpose annexation is August 1, 2004.

The proposed limited purpose annexation area comprises approximately 4,080 acres or 6.41 square miles. It is adjacent to the current limited purpose annexation city limits boundary that is 1,350 feet south and parallel to the Medina River and is generally between SH 16 and Pleasanton Road. A map of the area and regulatory plan are attached.

Staff recommends approval.

BACKGROUND INFORMATION:

The City Council, at its meeting on December 12, 2002, annexed the Southside Initiative Area for limited purposes effective January 5, 2003.

The City is proposing to extend this annexation as increased economic development and population growth in the region is expected to induce development and redevelopment activities in the proposed limited purpose annexation area. Limited purpose annexation will enable the City to regulate the type and character of development and redevelopment through the application of zoning, site development standards, building codes and other regulatory tools not available in unincorporated areas. This will benefit the public by creating high quality and sustainable development as a long-term investment for the community.

The regulatory plan for the limited purpose Southside Initiative Expansion area provides for the extension of planning, zoning, and health and safety ordinances, and states that the areas will be fully annexed within three years as required by the limited purpose state statutes. The Southside Initiative Expansion Planning Study and Regulatory Plan for Limited Purpose Annexation is attached hereto.

The following regulations will be applied to this area:

- Buildings Code, Chapter 6
- Electricity Code, Chapter 10
- Plumbing Code, Chapter 24
- Fire Prevention Code, Chapter 11, Articles III & IV
- Solid Waste Code pertaining to lot clearance, Chapter 14, Article V
- Licenses and Business Regulation Code pertaining to Salvage Yards and Auto Dismantlers, Chapter 16, Article VII
- Signs and Billboards, Chapter 28
- Water and Sewers, Chapter 34
- Unified Development Code, Chapter 35, including zoning

The schedule for the limited purpose annexation of this area is as follows:

First Public Hearing	6:00 p.m.	May 13, 2004
Second Public Hearing	6:00 p.m.	May 20, 2004
Planning Commission Resolution		June 9, 2004
First Reading of Ordinances		June 10, 2004
Second Reading of Ordinances		July 22, 2004
Amendment of Three-Year Full Purpose Annexation Plan to include the Southside Initiative Expansion		July 22, 2004
Effective Date of Limited Purpose Annexation		August 1, 2004

POLICY ANALYSIS:

This limited purpose annexation will ensure, through the extension of the City's health and safety regulations, that future development take place in a manner that will protect and enhance both private and public investment in the area, preserve natural resources, ensure the compatibility of existing and proposed land uses, allow for planning of adequate infrastructure, and ensure the health, safety, and welfare of the community.

The City's goals for annexation are to preserve its range of annexation options, promote orderly growth, enhance the City's fiscal position, preserve the integrity of the City and its extraterritorial jurisdiction, and to maintain a systematic annexation process.

The opportunity to plan land uses in annexed areas is also greatly improved with the provisions of the City's Unified Development Code.

FISCAL IMPACT:

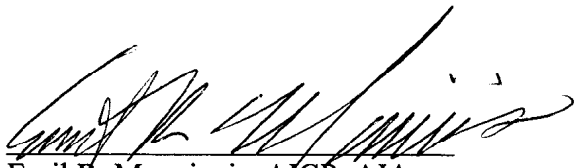
The expansion of the Southside Initiative area through limited purpose annexation will have a negligible fiscal impact.

COORDINATION:

This item was coordinated with the following departments: City Attorney's Office, City Manager's Office, Office of Management & Budget, Environmental Services, Fire, Public Works, Code Compliance, Metropolitan Health District, and Development Services.

SUPPLEMENTARY COMMENTS

Action is required at the first and second readings of the annexation ordinance.

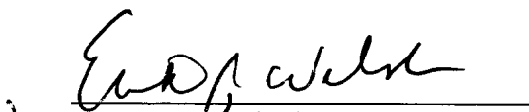


Emil R. Moncivais, AICP, AIA
Director, Planning Department



Jelynn LeBlanc Burley
Assistant City Manager

APPROVED:



Terry M. Brechtel
City Manager

EXPANSION OF SOUTHSIDE INITIATIVE
REGULATORY PLAN

Area Description

An area of approximately 4,080 acres, extending from the southern limited purpose city limits of the City of San Antonio, southerly and along the western right-of-way line of State Highway 16 to a southern boundary extending easterly following the southern right-of-way line of S Loop 1604 W for an approximate distance of 1.6 miles, and then parallel to S Loop 1604 W as defined by the Texas Department of Transportation, for an approximate distance of 3.25 miles to the eastern boundaries of and including the Galvan and Duran tracts; thence northeasterly to the eastern right-of-way line of Pleasanton Rd continuing northeasterly along said right-of-way to the limited purpose city limits of the City of San Antonio; the area being generally between State Hwy 16 and Pleasanton Rd. This includes property within the Land Heritage Institute of the Americas.

Comprising the predominant use, approximately 67 percent of the study area is agricultural land. The remainder of the study area includes a range of land uses. Approximately 22 percent of the study area is composed of public or institutional uses. Undeveloped or underdeveloped lands comprise about 3 percent of the study area. Approximately 5 percent of the area currently is in residential use. Commercial uses comprise about 1 percent of the area. Street rights of way comprise the remaining area.

The area's population is estimated at approximately 428 residents and contains 142 dwelling units comprised of 87 single-family homes and 55 mobile homes.

Development Regulations

The following planning, zoning, health and safety ordinances will be enforced in the area if annexed for limited purposes:

- Building Code (Chapter 6 of the Municipal Code)
- Electricity Code (Chapter 10 of the Municipal Code)
- Fire Prevention Code (Articles III and IV of Chapter 11 of the Municipal Code)
- Solid Waste Code specifically pertaining to Lot Clearance (Article V of Chapter 14 of the Municipal Code)
- Licenses and Business Regulations specifically pertaining to Salvage Yards and Auto Dismantlers (Article VII of Chapter 16 of the Municipal Code)
- Plumbing Code (Chapter 24 of the Municipal Code)
- Signs and Billboards (Chapter 28 of the Municipal Code)
- Water and Sewers (Chapter 34 of the Municipal Code)
- Unified Development Code (Chapter 35 of the Municipal Code), including, but not limited to, all zoning regulations

and all subsequent amendments, replacement ordinances, and related technical and illustrative manuals to these ordinances. Notwithstanding the Municipal Code references above, the following exceptions shall be established if this area is annexed for limited purposes:

- Property owners will be allowed to erect, maintain, and repair traditional barbed wire or electric fences used in conjunction with agricultural, farming or ranching operations.
- Limited sales and possession of fireworks is permitted in areas annexed for limited purposes in accordance with Ordinance No. 97683.
- Fees will be waived for property owners seeking to register existing uses as non-conforming rights.

The City has used its best efforts to provide accurate references to the Municipal Code sections in which the ordinances described above are codified. In the event that a portion of the Municipal Code listed above contains a reference to a portion of the Municipal Code or another City Ordinance that is not listed above then, to the extent necessary to either provide meaning to or to carry out the meaning of the listed portions, the referenced portions of the Municipal Code or other City Ordinances shall also apply. Any failure to list all relevant Municipal Code references is inadvertent and will not affect enforcement of the ordinances by the City.

The adopted regulatory plan must be the same as the proposed regulatory plan unless the San Antonio City Council finds and states in the ordinance the reasons for adoption of a different regulatory plan. The San Antonio City Council by ordinance may change an adopted regulatory plan if, in the ordinance making the change, the City Council finds and states the reasons for the adoption of the change.

Future Full Purpose Annexation

The area will be included within the City's full purpose jurisdiction within three years of the effective date of the limited purpose annexation ordinance unless the date for full purpose annexation is postponed by written agreement between the City and a majority of the affected landowners.

Excerpts from the Unified Development Code

35-352 Development Reserve ("DR")

(a) Purpose

The purpose of the Development Reserve ("DR") zoning district is to provide a temporary zoning classification for newly-annexed property. While use restrictions are imposed pursuant to the "DR" district:

- (1) it is recognized that the annexed property may be compatible for a use permitted in any zoning district; and
- (2) it is the policy of the City to rezone the property to an appropriate zoning classification as soon as practicable.

(b) Development Restrictions within "DR" Zoning Districts

- (1) Uses permitted within a "DR" zoning district shall be the uses permitted in the "R-6" zoning district unless and until the property is rezoned to another zoning district.
- (2) The development standards applicable to a "DR" zoning district shall be the those required within the "R-6" zoning district unless and until the property is rezoned to another zoning district.

35-703 Newly annexed territory.

Nonconforming rights may be granted to newly annexed areas in accordance with the following provisions and upon payment of the fees specified in Exhibit C. All applications for nonconforming rights must be filed within sixty (60) days of the effective date of annexation.

(a) Incomplete construction.

Construction may be completed on any structure legally under construction upon annexation provided:

- (1) The owner or his designated representative applies to the director of building inspections for a permit to authorize further work on the structure stating the proposed use of the structure and attaching thereto the plans and specifications relating to the construction; and

- (2) The construction is completed within two (2) years of the effective date of annexation.

Action on the permits shall be taken by the director of development services within fifteen (15) days from the date of application. The director shall deny the permit if he finds that the construction will not meet the requirements of the building, fire protection, or minimum housing codes and other applicable ordinances and codes of the city. If the permit is refused, the construction work shall cease until necessary corrections are made.

(b) Proposed construction.

Proposed construction may be completed upon a finding by the zoning commission that sufficient evidence exists that planning for the proposed use was in progress prior to annexation, as prescribed by Appendix B to this Chapter. Within fifteen (15) days from the date of such filing, the director shall present the evidence to the zoning commission for their determination, unless the applicant agrees to a longer period. The applicant shall have twelve (12) months from the date of the zoning commission's favorable determination to secure all building permits. After that time, the nonconforming rights shall expire.

(c) Master Development plans.

Newly annexed areas may be entitled to nonconforming rights for a master development plan upon favorable consideration by the zoning commission. The zoning commission shall conduct a public hearing on the nonconforming rights master development plan after giving notice to the owners of property within two hundred (200) feet in the manner provided in section 35-403 for a rezoning. The purpose of the public hearing shall be to ascertain (1) the extent to which development of the master development plan had progressed prior to annexation and (2) the extent to which the master plan complies with the policies and objectives of the city's Land Use Plan. If the zoning commission approves the master development plan, construction in conformance with the plan must begin within one (1) year, with all portions of the plan either completed or under construction within five (5) years from the date of annexation. After that time, the nonconforming rights shall expire.