EF/msb
11/06/2014
Item No. 21

AN ORDINANCE 2014-11-06-0861

PROVIDING FOR THE EXTENSION OF THE CITY OF SAN ANTONIO LIMITS BY THE LIMITED PURPOSE ANNEXATION OF APPROXIMATELY 36.266 ACRES OF LAND KNOWN AS THE FMC TECHNOLOGIES TRACT; ESTABLISHING AN EFFECTIVE DATE AND ADOPTING A REGULATORY PLAN FOR SUCH AREA.

* * * * *

WHEREAS, the City Council of the City of San Antonio at its meeting in January 9, 2014, approved an agricultural non-annexation agreement with Diamond Environmental Management LP, the owner of 36.266 acres of undeveloped land, located at 3890 South Loop 1604, described as CB 4167A, BLK 1, LOT 4 (IVY SUBD), known as the FMC TECHNOLOGIES TRACT and as depicted on the ATTACHMENT in **ATTACHMENT "A"**, with the City; and

WHEREAS, the non-annexation agreement provided the property owner's consent to limited purpose annexation and zoning, if there was any type of development or a change in the agricultural land use of the property; and

WHEREAS, in June 2014, the land owner, Diamond Environmental Management sold the FMC TECHNOLOGIES TRACT to a new property owner (SMBC Leasing & Finance Inc.) for the development of well head rebuilds facility on the property; and

WHEREAS, the developer of the property, FMC Technologies, has applied for building permits and begun construction of a 60,000 square feet warehouse and yard storage in which construction is expected to be completed by March 2015; and

WHEREAS, on the 1st day of October, 2014, and the 2nd day of October, 2014, the City Council of the City of San Antonio held public hearings on the proposed annexation for limited purposes of the FMC TECHNOLOGIES TRACT, situated outside of, but immediately adjacent to the current corporate limits, and such public hearings gave all interested persons the right to appear and be heard on the proposed annexation of such land; and

WHEREAS, notices of the above mentioned public hearings were published in the Daily Commercial Recorder newspaper, on September 16 and 17, 2014, newspaper having general circulation in the City of San Antonio, Texas, and within the territory to be annexed, in accordance with law; and

WHEREAS, notices of the above mentioned public hearings were published on September 12, 2014, on the internet web site maintained by the City of San Antonio in accordance with state statutes; and

WHEREAS, notice of availability of the Planning Study and Regulatory Plan for the FMC TECHNOLOGIES TRACT was published in the Daily Commercial Recorder newspaper on September 16 and 17, 2014, a newspaper having general circulation in the City of San Antonio, Texas, and posted on the internet web site maintained by the City of San Antonio in accordance with state statutes; and

WHEREAS, the aforementioned public hearings were conducted not more than forty (40) days nor less than twenty (20) days prior to the institution of annexation proceedings; and

WHEREAS, the population of the City of San Antonio, Texas, is in excess of 1,409,019 inhabitants, and the areas to be annexed lie within the extraterritorial jurisdiction of the City of San Antonio, Texas, and lie adjacent to and adjoin the City of San Antonio, Texas; **NOW THEREFORE,**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO:

SECTION 1. The land and territory lying outside of, but adjacent to and adjoining the City of San Antonio, known as the FMC TECHNOLOGIES TRACT more generally described as CB 4167A, BLK 1, LOT 4 (IVY SUBD) and depicted in **ATTACHMENT "A"**, attached hereto and incorporated herein verbatim for all purposes, is hereby added and annexed to the City of San Antonio, Texas, and said territory as described shall hereafter be included within the boundary limits of said city, and the present boundary limits of said city, at the various points contiguous to the area described in **ATTACHMENT "A"**, are altered and amended so as to include said area within the corporate limits of the City of San Antonio, Texas.

SECTION 2. The land and territory known as the FMC TECHNOLOGIES TRACT, which is annexed hereby for limited purposes, shall be a part of the City of San Antonio, Texas and the property, the residents and landowners thereof shall be subject to and enjoy the rights conferred by Chapter 43, Subchapter F, Limited Purpose Annexations of the Texas Local Government Code and the provisions of this ordinance.

SECTION 3. A regulatory plan applicable to the property described in **ATTACHMENT "A"** is hereby adopted and the implementation of said plan is hereby authorized. Such plan is attached hereto and incorporated herein verbatim for all purposes as **ATTACHMENT "B"**.

SECTION 4. The land and territory shall be subject to full purpose annexation within three years the effective date hereof.

SECTION 5. This Ordinance shall be effective from and after December 6, 2014.

PASSED AND APPROVED on this 6th day of November 2014.

M A Y O R
Ivy Taylor

ATTEST:

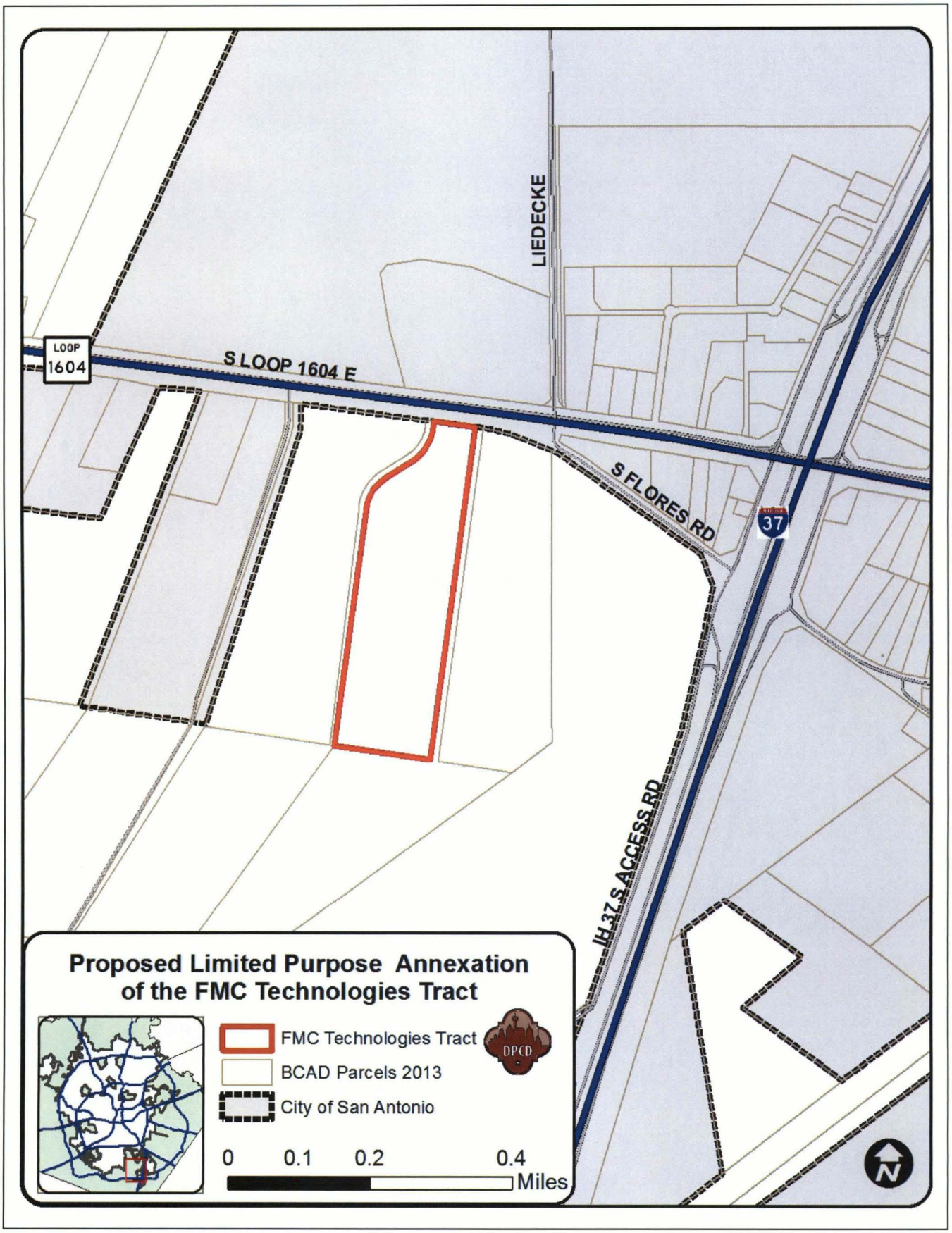
Leticia M. Vacek, City Clerk

APPROVED AS TO FORM:

for Robert F. Greenblum, City Attorney

Agenda Item:	**21 (in consent vote: 21, P-1, Z-1, 22, Z-2, 24, P-3, Z-5, Z-6, Z-7, P-4, Z-8, P-5, Z-9, P-6, Z-10, Z-12, Z-13, Z-14, Z-15, Z-16, Z-20, Z-21, Z-23)**
Date:	11/06/2014
Time:	02:13:28 PM
Vote Type:	Motion to Approve
Description:	An Ordinance approving the Limited Purpose Annexation of a 36.266 acre undeveloped tract located at 3890 South Loop 1604 and adopting a Limited Purpose Annexation Regulatory Plan. [Peter Zanoni, Deputy City Manager; John Dugan, Director, Department of Planning and Community Development]
Result:	Passed

Voter	Group	Not Present	Yea	Nay	Abstain	Motion	Second
Ivy R. Taylor	Mayor		x				
Diego Bernal	District 1	x					
Keith Toney	District 2		x				x
Rebecca Viagran	District 3		x				
Rey Saldaña	District 4	x					
Shirley Gonzales	District 5		x				
Ray Lopez	District 6		x				
Cris Medina	District 7		x				
Ron Nirenberg	District 8		x				
Joe Krier	District 9		x				
Michael Gallagher	District 10		x			x	



ATTACHMENT "A"

Attachment B

City of San Antonio
Limited Purpose Annexation
Regulatory Plan for
The FMC Technologies Tract

Prepared by

Department of Planning & Community Development

Prepared September 5, 2014

Updated September 25, 2014

REGULATORY PLAN FOR THE FMC TECHNOLOGIES TRACT

This section constitutes the regulatory plan, prepared in accordance with Section 43.123 (d) of the Texas Local Government Code. The regulatory plan identifies:

- Land Use and Development Regulations
- Future Full Purpose Annexation

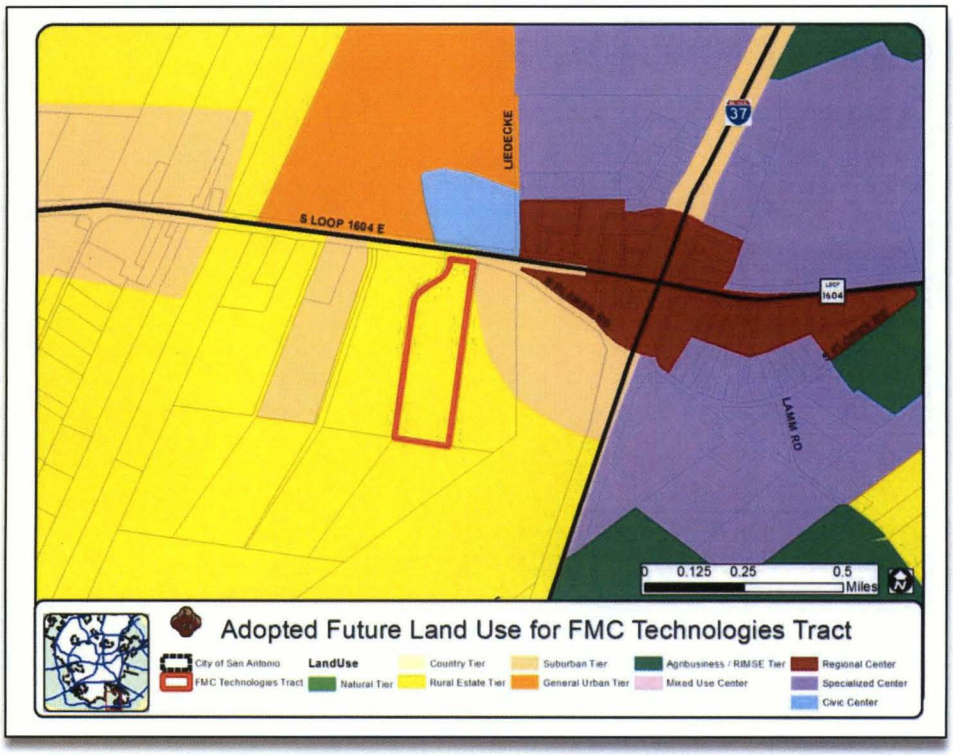
Land Use

Existing Land Use

The proposed annexation area, FMC Technologies Tract, located at 3890 South Loop 1604 is currently vacant and previously had an agricultural use as classified by Bexar County Appraisal District. Adjacent properties are in agricultural use and are under non-annexation agreements. Currently sporadic commercial uses and clusters of limited industrial uses exist along the expressways. An energy corridor is also developing along IH-37, which is a gateway to the Eagle/Ford shale formation to the south and southwest of Bexar County.

Current Sector Plan

The study area is subject to the Heritage South Sector Plan, which is a component of the Comprehensive Master Plan of the City. The Heritage South Sector Plan currently satisfies the requirements of §43.127 (b) of the Local Government Code as a land use and intensity plan and will continue to serve as a basis for services and capital improvement project planning. Thereafter, suitable zoning districts will be recommended for the area based on the amended plan. (See the Planning Study for information regarding the proposed zoning.)



Map 1: Proposed Annexation Area – Adopted Future Land Use Plan

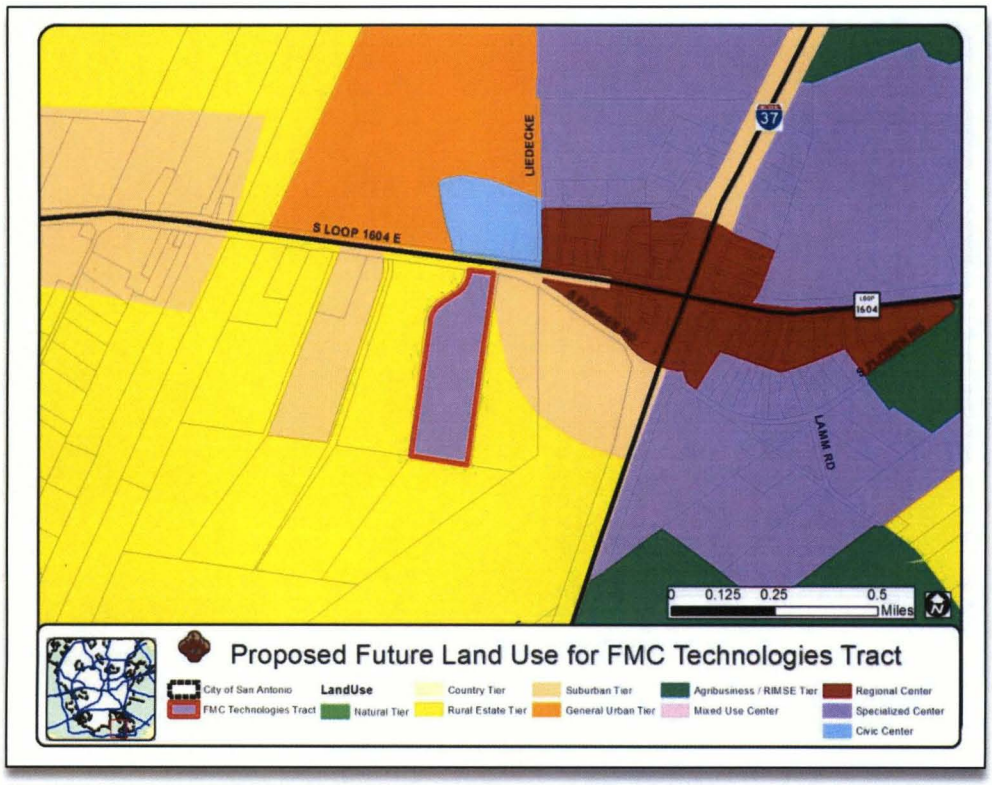
Future Sector Plan Land Use Classifications - Tiers and Centers

The Sector Plan future land use plans were prepared utilizing the concept of "Centers" and "Tiers" which allow for a range of compatible residential and non-residential uses within each Center and Tier. The land use classifications are referred to as "Tiers" or "Centers" to represent the Sector Plan's goals. The Sector Plan establishes "Tiers" that range in density from "Urban" to "Natural Tiers". "Centers" were established in order to locate preferred areas for coordinated investment. These included new Mixed-Use and Regional Centers as well as the incorporation of existing features. The "heavy industrial" land use classification is referred to in the Sector Plan as a "Specialized Center" area. The Civic Center land use classification was expanded to incorporate governmental and quasi-governmental uses, such as the new Texas A&M University - San Antonio campus.

The Major Thoroughfare Plan (MTP) provides policy guidance regarding the location and types of major roadways to be constructed in the future. Currently, the MTP is used to locate major and minor nodes for commercial development and regulate the location of densities in regards to the zoning.

Proposed Future Land Use

The proposed annexation area is designated in the Rural Estate Tier. The proposed amendment to Specialized Center from Rural Estate Tier is consistent with the proposed use of the proposed annexation area. The Specialized Center is appropriate for this area, near the intersection of IH-37 and Loop 1604, and is complimentary to the existing land uses and future land use classifications along Loop 1604.



Map 2: - Proposed Future Land Use Plan Amendment

Development Regulations Following Limited Purpose Annexation

The following planning, zoning, health and safety ordinances will be enforced in the areas upon completion of annexation 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 VII 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) excluding services and fees for Drainage Utility Services authorized by the Texas Local Government Code, Section 552.044(4)(A) and adopted in Section 34-1111 of the City Code.
- Unified Development Code (Chapter 35 of the Municipal Code), including, but not limited to, 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.

Disclaimers

The City has made a good-faith effort 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 Local Government Code, 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. Further, any and all exhibits contained herein are intended for reference purposes only and shall not be construed to be final. All exhibits shall be deemed "final" upon adoption of this draft Limited Purpose Annexation proposal.

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 City of 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.

Excerpts from the Unified Development Code

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 Appendix "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 in Appendix "C 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 property owner must submit an application as prescribed by Appendix "B" of this chapter. 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. *(Ord. No. 98697 §§ 4 and 6)(Ord. No. 100126)*

Future Full Purpose Annexation

The areas subject to this Limited Purpose Annexation will be included within the City's full purpose jurisdiction within three (3) 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.

Planning Milestones

State law requires specific steps be completed by the City for each of the three years after an area is annexed for limited purposes leading toward the full-purpose annexation of the areas.

- By the end of the first year, the City must prepare a land use and intensity plan to be a basis for services and capital improvement project (CIP) planning.
- By the end of the second year, the City must include the area in the long-range financial forecast and in the City's program to identify future CIP projects.
- By the end of the third year, the City must include CIP projects intended to serve the area in the adopted CIP program and identify potential sources of funding.