RID (Rule Interpretation Decision)

(Use additional sheets as necessary)

Type of RID		Requested Response Time		DSD Assigned RID # 006
Customer RID	☒	24 hours	☐	
Internal Staff RID	☐	5 working days	☒	
		As time available	☐	

1. Project Name: Park 410

2. Project Number: na

(Plat #, Zoning Case #, etc.)

3. Project Street Address: (Loop 410 & SH 151)

(If not available nearest intersection of two public streets)

4. Applicant Name: Larry Heimer

5. Applicant Address: Bury and Partners
1000 San Pedro Ave/
San Antonio, Texas 78216

6. Applicant Telephone #: (210) 525-9090

7. Applicant e-mail Address: na

8. Rule in Question:

(Section and/or policy of UDC, Building Code, Master Plan, etc)

35-506(e)(5)
(e) Connectivity
(5) Dead-end Streets.

Dead-end Streets shall be prohibited except as short stubs to permit future expansion. A "short stub" is defined as being the average depth of the adjacent lot within the subdivision.

9. Applicant's Position:

(Including date position presented and name of city staff point of contact)

Date: 3/1/2004 **Contact:** Larry Heimer **Contact Telephone #:** (210) 525-9090

Applicant has a project consisting of a retail center. A street from a residential subdivision deadens just prior to entering the applicant's project. Applicant maintains that the owners will provide a recorded easement and connection to a public street utilizing the driveways of the retail center as opposed to constructing a public street.

10. Staff Finding:

(Including date of finding and name of city staff person formulating finding)

Date: na **Contact:** Bob Optiz **Contact Telephone #:** (210) 207-7587

Section 35-506(e)(5) clearly states that a developer is obligated to construct stub streets to provide for future development. While the code is silent on the issue of requiring a developer to connect to such stubs logic and past actions of the Planning Commission clearly indicate that connection to such stubs is required. The only time that such connections have been waived have been due to the formal action of the City Council waiving the connection to the stub due to extenuating circumstances related to excess traffic presented by landowners adjacent to the project. In some instances where the City Council has waived construction of a street that have required an emergency vehicle access drive and/or pedestrian walkway.

11. Staff Position:

(Including date position presented internally and name of city staff person formulating position)

Date: 3/31/2004 **Contact:** Bill Telford **Contact Telephone #:** (210) 207-7879

Based on the staff's finding above it is recommended that the intent of the UDC could be met in two ways:

1. construction and dedication of a public street

2. execution with a City approved irrevocable access easement granted in perpetuity to the general public and the City of San Antonio recorded in the Bexar County Deed Records prior to plat approval. In order to be acceptable the easement's geometry and width would have to equal the UDC's ROW width and design standards such as slope and curvature and be above the 100-year floodplain. The easement would also be accompanied by a maintenance agreement that the owner of the property would maintain the easement in a safe and operable condition and would correct in safety hazards or maintenance needs if such was determined to be required by the City in order to protect the public utilizing the easement.

The purpose for the ROW and curvature and slope requirements is to insure that if the future need required that the easement be converted to a public street that the property it covered would be adequate for the conversion. Under the easement option the actual pavement and base material standard would be at the option of the owner of the property granting the easement.

12. Departmental Policy or Action:

(Including date of presentation of policy or action to the applicant, the effective date of the policy or action, schedule for pursuing an amendment to the code if required and signature of the Director of Development Services)

Date of policy/action: 3/31/2004 **Effective Date of policy/action:** 3/31/2004

The Director of Development Services concurs with the staff finding and position. As such reviewers of plats shall recognize the use of recorded easements that provide each of the following:

1. the easement shall be approved by the City (Development Service Director and the City Attorney's Office) prior to recordation in the Bexar County Deed Records,
2. the document provides for an irrevocable access easement granted in perpetuity to the general public and the City of San Antonio,
3. the easement's geometry and width shall equal the UDC's ROW width and design standards such as slope and curvature and be above the 100-year floodplain.
4. the easement shall be accompanied by a maintenance agreement that the owner of the property shall maintain the easement in a safe and operable condition and shall correct any safety hazards or eminence needs if such is determined to be required by the City in order to protect the public utilizing the easement.

It is specifically noted that this policy is for unique situations where a stub out enters a retail center zoned either "C-2, "C-3" and "D". Such easements would not be appropriate on or through single family or multi- family development. Such easements on or through properties zoned "L", "I-1" or "I-2" would normally not be conducive to such an easement but could be considered on an individual basis if the best interest of the public and adjoining property be met.

Florencio Peña III, Director
Development Services Department