AN ORDINANCE 101053

PROVIDING FOR THE EXTENSION OF THE SAN ANTONIO CITY LIMITS BY THE LIMITED PURPOSE ANNEXATION OF APPROXIMATELY 4,345 ACRES OF LAND KNOWN AS THE TIMBERWOOD PARK AREA; ESTABLISHING AN EFFECTIVE DATE AND ADOPTING A REGULATORY PLAN FOR SUCH AREA.

* * * * *

WHEREAS, on the 12th day of May, 2005, and the 19th day of May, 2005, the City Council of the City of San Antonio held public hearings on the proposed annexation for limited purposes of approximately 4,345 acres of land known as the Timberwood Park Area, 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 San Antonio Express-News newspaper on May 1, 2005, a 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 May 1, 2005, on the internet web site maintained by the City of San Antonio in accordance with state statutes; and

WHEREAS, notice of availability of the Timberwood Park Area Planning Study and Regulatory Plan was published on April 30, 2005, and May 1, 2005, in the San Antonio Express News, and 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 1,144,000 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 Timberwood Park Area, more generally described in Exhibit "A", attached hereto and incorporated herein verbatim for all purposes, is hereby added and annexed for limited purposes 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 Exhibit "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 Timberwood Park Area, 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 Exhibit “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 Exhibit “B”.

SECTION 4. In accordance with Section 35-307(a) of the City of San Antonio Unified Development Code, this property shall be zoned as “DR”-Development Reserve, for land use purposes.

SECTION 5. The land and territory shall be annexed for full purposes within three years the effective date hereof.

SECTION 6. The land and territory annexed by this ordinance shall be included in and represented by City Council District 9.

SECTION 7. This ordinance shall be effective from and after June 20, 2005.

PASSED AND APPROVED this 16th day of June, 2005.

MAYOR
EDWARD D. GARZA

ATTEST:

CITY CLERK

APPROVED AS TO FROM:  

CITY ATTORNEY
## Agenda Voting Results

**Name:** 32.

**Date:** 06/16/05

**Time:** 06:21:28 PM

**Vote Type:** Multiple selection

**Description:** Consideration of an Ordinance extending the city limits into the Timberwood Park Area for limited purposes and adopting a regulatory plan and authorizing an effective date of June 20, 2005 upon passage by eight votes. [Presented by Emil R. Moncivais, Director, Planning; Jelynne LeBlanc Burley, Assistant City Manager]

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AN ORDINANCE 101053

EXTENDING THE CITY LIMITS TO INCLUDE THE TIMBERWOOD PARK AREA FOR LIMITED PURPOSES AND ADOPTING A REGULATORY PLAN AND AUTHORIZING AN EFFECTIVE DATE OF JUNE 20, 2005; UPON PASSAGE BY EIGHT VOTES.

*        *        *        *        *

WHEREAS, on the 12th day of May, 2005 and the 19th day of May, 2005, the City Council of the City of San Antonio held public hearings on the proposed annexation for limited purposes of approximately 4,345 acres of land known as the Timberwood Park Area generally located north of the Stone Oak and Canyon Springs area between Blanco Road, West Borgfeld Drive and Bulverde Road 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, notice of the above mentioned public hearings was published in the San Antonio Express News on May 1, 2005, a newspaper having general circulation in the City of San Antonio, Texas, and within the territory to be annexed, in accordance with state law; and

WHEREAS, notice of the above mentioned public hearings was published on April 29, 2005, 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 1,144,000 inhabitants and the area to be annexed is within the extraterritorial jurisdiction of the City of San Antonio, Texas, and lies adjacent to and adjoins the City of San Antonio, Texas; and

WHEREAS, after considering public comment and further study of the effect of the proposals on the area involved the City Council hereby finds that the adoption of the regulatory plan is reasonable and necessary; 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 Timberwood Park Area, more particularly described in Exhibit "A", attached hereto and incorporated herein as set out verbatim for all purposes, is hereby added and annexed to the City of San Antonio, Texas, for limited purposes; to-wit extending certain planning, zoning, and health and safety ordinances. Said territory as described shall hereafter be included within the boundary limits of said city for limited purposes, and the present boundary limits of said city, at the various points contiguous to the area described in Exhibit "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 Timberwood Park Area 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 Exhibit “A”, is hereby adopted and the implementation of said plan is hereby authorized. Such plan is attached hereto and incorporated herein as if set out verbatim for all purposes as Exhibit “B”.

SECTION 4. In accordance with Section 35-307(a) of the City of San Antonio Unified Development Code, this property shall be zoned as “DR”-Development Reserve, for land use purposes.

SECTION 5. Upon annexation the area shall be a part of City Council District 9.

SECTION 6. The land and territory shall be annexed for full purposes within three years from the effective date hereof.

SECTION 7. This ordinance shall be effective on June 20, 2005 upon the affirmative vote of eight (8) or more members of the City Council.

PASSED AND APPROVED this 16th day of June, 2005.

MAYOR
EDWARD D. GARZA

ATTEST:  
CITY CLERK

APPROVED AS TO FORM:  
City Attorney

Revised ordinance coming from Bill Wood
BOUNDARY DESCRIPTION FOR A 4,345 ACRE TRACT
KNOWN AS THE TIMBERWOOD PARK ANNEXATION AREA

A boundary description for an annexation area containing 4,345 Acres, more or less, and being adjacent to the city limits of the City of San Antonio, Bexar County, Texas to the north and being more particularly described as follows:

BEGINNING: at the point of intersection of the east right-of-way line of Old Blanco Road with the north right-of-way line of West Borgfeld Road;

1.) THENCE: in an easterly then northeasterly direction with the north right-of-way line of West Borgfeld Road a distance of approximately 9,511 feet to the point of intersection with the projected southwest boundary line of the Oaks North Mobile Estates Subdivision;

2.) THENCE: in a southeasterly direction crossing West Borgfeld Road and with the southwest boundary line of the Oaks North Mobile Estates Subdivision an overall distance of approximately 2,700 feet to the southernmost corner of the Oaks North Mobile Estates Subdivision;

3.) THENCE: in a northeasterly direction with a southeast boundary line of the Oaks North Mobile Estates Subdivision a distance of approximately 3,240 feet to the southeast corner of the Oaks North Mobile Estates Subdivision;

4.) THENCE: in a northwesterly direction with a northeast boundary line of the Oaks North Mobile Estates Subdivision a distance of approximately 837 feet to a corner of the Oaks North Mobile Estates Subdivision;

5.) THENCE: in a northeasterly direction with a southeast boundary line of the Oaks North Mobile Estates Subdivision a distance of approximately 1,743 feet to the point of intersection with the southwest right-of-way line of Borgfeld Road;

6.) THENCE: in a northwesterly direction with the southwest right-of-way line of Borgfeld Road a distance of approximately 1,804 feet to the point of intersection with the projected northwest boundary line of Parcel P-4A, C.B. 4852,

7.) THENCE: in a northeasterly direction crossing Borgfeld Road and with the northwest boundary line of Parcels P-4A and P-4, C.B. 4852 an overall distance of approximately 3,577 feet to the northeast corner of Parcel P-4, C.B. 4852;

8.) THENCE: in a southeasterly direction with the northeast boundary line of Parcel P-4, C.B. 4852 and crossing West Borgfeld Road with a projection thereof an overall distance of approximately 2,667 feet to the point of intersection with the south right-of-way line of Borgfeld Road;

9.) THENCE: in an easterly direction with the south right-of-way line of Borgfeld Road a distance of approximately 131 feet to the point of intersection with the northwest boundary line of Parcel P-2, C.B. 4862A;

Timberwood Park
Exhibit “A”
To Ordinance No.
Passed and Approved on
June 16, 2005
10.) THENCE: in a southwesterly direction with the northwest boundary line of Parcel P-2, C.B. 4862A a distance of approximately 1,610 feet to the northwest corner of Parcel P-2, C.B. 4862A;

11.) THENCE: in a southerly direction with the west boundary line of Parcel P-2, C.B. 4862A a distance of approximately 1,401 feet to the southwest corner of Parcel P-2, C.B. 4862A;

12.) THENCE: in an easterly direction with the south boundary line of Parcel P-2, C.B. 4862A and Parcel P-1B, C.B. 4862A and crossing Bulverde Road with a projection thereof an overall distance of approximately 2,307 feet to the point of intersection with the east right-of-way line of Bulverde Road;

13.) THENCE: in a southerly direction with the east right-of-way line of Bulverde Road a distance of approximately 4,721 feet to the point of intersection with the projected north boundary line of Parcel P-1, C.B. 4865;

14.) THENCE: in a westerly direction crossing Bulverde Road and with the north boundary line of Parcel P-1, C.B. 4865 an overall distance of approximately 2,658 feet to the northwest corner of Parcel P-1, C.B. 4865;

15.) THENCE: in a southerly direction with the west boundary line of Parcel P-1, C.B. 4865 a distance of approximately 89 feet to the northeast corner of the Estates at Stonegate Subdivision;

16.) THENCE in a westerly then northwesterly direction with the north boundary line of the Estates at Stonegate Subdivision, the north boundary line of Parcel P-12, C.B. 4847 and the northeast boundary line of Parcel P-11, C.B. 4847 an overall distance of approximately 6,919 feet to the northeast corner of Parcel P-11, C.B. 4847;

17.) THENCE: in a southwesterly direction with the northwest boundary line of Parcel P-11 and Parcel P-3A, C.B. 4847 and the southeast boundary line of Parcel P-2, C.B. 4847 a distance of approximately 1,802 feet to the westernmost corner of Parcel P-3A, C.B. 4847, said point also being along the eastern boundary of the Timberwood Park Subdivision Unit 2;

18.) THENCE: in a southeasterly direction with the eastern boundary line of the Timberwood Park Subdivision Unit 2, Unit 3 and Unit 5 and continuing with the eastern boundary line of Parcel P-15A, C.B. 4848A an overall distance of approximately 7,894 feet to the southeast corner of Parcel P-15A, C.B. 4848A, said point also being along the north boundary line of Parcel P-38, C.B. 4929;

19.) THENCE: in a westerly direction with the north boundary line of Parcel P-38, Parcel P-21, Parcel P-40, C.B. 4929 and Parcel P-5, C.B. 4930 an overall distance of approximately 4,555 feet to the northwest corner of Parcel P-5, C.B. 4930, said point also being along the east boundary line of the Oak Moss North Subdivision;

Timberwood Park
20.) THENCE: in a southerly direction with the west boundary line of Parcel P-5, C.B. 4930 and the east boundary line of the Oak Moss North Subdivision a distance of approximately 807 feet to the southeast corner of the Oak Moss North Subdivision, said point also being a corner of the current city limits line of the City of San Antonio as described in Ordinance 86866 and recorded in the records of the City Clerk of the City of San Antonio;

21.) THENCE in a southwesterly direction with the south boundary line of the Oak Moss North Subdivision and the south boundary line of the Timber Oaks North Estates Subdivision and the north city limits line of the City of San Antonio as described in Ordinance 86866 at approximately 6,063 feet departing from said city limits line and continuing with the south boundary line of the Timber Oaks North Subdivision and the south boundary line of the T&D Moravits Subdivision a total overall distance of approximately 10,406 feet to the point of intersection with the east right-of-way line of F.M. 2696 (Blanco Road);

22.) THENCE: in a northwesterly direction crossing F.M. 2696 (Blanco Road) perpendicular to its east right-of-way line a distance of approximately 120 feet to the point of intersection with the west right-of-way line of F.M. 2696 (Blanco Road);

23.) THENCE: in a generally northerly direction with the west right-of-way line of F.M. 2696 (Blanco Road) a distance of approximately 8,039 feet to the point of intersection with the projection of the northwest boundary line of the Timberwood Park Subdivision Unit 24,

24.) THENCE: in a generally northeasterly direction crossing F.M 2696 (Blanco Road) with the northwest boundary line of the Timberwood Park Subdivision Unit 24, Unit 23, Unit 22, Unit 26 and Unit 25 an overall distance of approximately 6,053 feet to an angle point in the west boundary line of Timberwood Park Subdivision Unit 25;

25.) THENCE: in a generally northwesterly then northerly direction with the west boundary line of the Timberwood Park Subdivision Unit 25, Unit 53 and Unit 56 at approximately 1,353 feet intersecting the east boundary line of the Sherwood Forest Subdivision and continuing in the same direction with the common boundary line of the Sherwood Forest Subdivision and the Timberwood Park Subdivision Unit 56, Unit 58 and Unit 61 an overall distance of approximately 4,614 feet to the northeast corner of the Sherwood Forest Subdivision;

26.) THENCE: in a westerly direction with the north boundary line of the Sherwood Forest Subdivision and a south boundary line of Parcel P-3, C.B. 4839 a distance of approximately 220 feet to the point of intersection with the east right-of-way line of Old Blanco Road and the west boundary line of Parcel P-3, C.B. 4839;

27.) THENCE: in a northerly direction with the east right-of-way line of Old Blanco Road and the west boundary line of Parcel P-3, C.B. 4839 at a distance of approximately 294 feet intersecting the south right-of-way line of West Borgfeld Road and continuing across West Borgfeld Road an overall distance of approximately 354
feet to the point of beginning for this annexation area containing 4,345 Acres, more or less.

NOTE:
This boundary description has not been verified on the ground and is not intended to be used as a metes and bounds description of the land described herein.

Timberwood Park
Timberwood Park Area

Planning Study and Regulatory Plan
For Limited Purpose Annexation

"Planning today for a better and brighter future tomorrow...."

Exhibit "B"
To Ordinance No. ______
Passed and Approved on
June 16, 2005
# Timberwood Park Area

Planning Study and Regulatory Plan for Limited Purpose Annexation

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BACKGROUND

The City of San Antonio Planning Department has prepared a study leading to the limited purpose annexation of an unincorporated area commonly known as Timberwood Park and including the subdivisions known as Blanco Hills Country Estates, Windsong Estates, and Angels View. The area is generally located north of the Stone Oak and Canyon Springs areas between Blanco Road, West Borgfeld Drive and Bulverde Road.

Planning Milestones

Limited purpose annexation triggers a requirement for conversion to full purpose status within three years unless the date for full purpose annexation is postponed by written agreement between the City and a majority of the affected landowners. State law establishes planning milestones for each of those three years:

- 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 program to identify future CIP projects.
- By the end of the third year, the City must include CIP projects for the area in the adopted CIP program and identify potential sources of funding.

The area will be placed in San Antonio's three-year annexation plan. During this three-year planning period statutory provisions allow for the negotiation of services and non-annexation agreements.

Area Description

The Timberwood Park area boundary can generally be described:

- to the south as the northern city limits of the City of San Antonio and the northern edge of the "Oliver Ranch" area;
- to the west as Blanco Road and the eastern edge of the Oakwood Acres and Sherwood Forest subdivisions;
- to the north as Borgfeld Drive; and
- to the east as Bulverde Road.

A map of the area is found in Attachment 1.
The Timberwood Park area encompasses approximately 4,345 acres (6.79 square miles). The area is predominately residential and has the potential to continue to develop as such. The residential and the potential for residential development comprises of approximately 89 percent of the study area. Approximately 35 percent of the study area is currently developed with 1,509 single-family homes. Approximately 24 percent of the study area is vacant and platted for residential development. In addition, 30 percent of the study area is comprised of agricultural use with a high potential for residential development. The remainder of the study area includes commercial, park and public or institutional uses totaling no more than 1.4 percent of the study area. Street rights of way comprise the remaining area.

The area’s current population is estimated at approximately 4,606 residents.
PLANNING STUDY

The sections that follow outline the planning study for the area proposed for limited purpose annexation prepared in accordance with Chapter 43 of the Texas Local Government Code.

Projected Ten Year Development with and without Limited Purpose Annexation

The Timberwood Park limited annexation area has experienced significant growth in recent years. According to U.S. Census estimates, over 1000 housing units were built in this area from 1990 to 2000, more than doubling the area’s total number of housing units within a decade. Despite this recent growth, a considerable percentage of the study area remains undeveloped or underdeveloped. Based on the most recent data from the Bexar County Appraisal District, approximately 24% of the land in Timberwood Park is vacant. Most of this vacant land has already been subdivided into small lots appropriate for single-family development. An additional 30% of land in Timberwood Park is considered Agricultural by the Appraisal District.

Given the recent growth and development in the area, it is reasonable to assume that the vacant land in the area will continue to be developed, mainly as single-family housing, though some commercial development could occur along Blanco Road and Borgfeld Drive. Additionally, much of the agricultural land could potentially be subdivided into residential lots. This anticipated future growth and development will occur with or without annexation.

Issues Supporting Limited Purpose Annexation

Increased development and population growth in the region is expected to induce continued development activities in the limited purpose annexation area. Limited purpose annexation will enable the City to regulate the type and character of development 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 requiring high quality and sustainable development that will create a long-term investment for the community.

In the absence of regulations, the economic stimulus of the commercial and residential growth in this sector of San Antonio may result in incompatible land use changes in the proposed annexation area. The application of zoning following limited purpose annexation will minimize the possibility that incompatible land use changes will occur.
Public Benefit from Limited Purpose Annexation

Limited purpose annexation provides the time necessary to plan for needed improvements while allowing for the immediate application of land use and other City regulations in advance of future economic development and growth in the surrounding area.

The three-year period between limited purpose annexation and full purpose annexation will give the City additional time to plan for the provision of services in the study area. Property owners in the area will have three years to plan for the financial impact of full purpose annexation.

Economic, Environmental and Other Impacts of the Limited Purpose Annexation

Limited purpose annexation will establish a framework for comprehensive planning for the area. After an area is annexed for limited purposes, the City will begin planning for the delivery of services in preparation for full purpose annexation. Furthermore, the application of zoning, development standards and building codes will help ensure quality development or redevelopment and protect property values by ensuring that all new development and redevelopment meets higher standards than would otherwise be enforced. Zoning regulations will protect property owners, businesses and residents from the possible intrusion or expansion of incompatible uses.

Transportation and Infrastructure

Due to the rapid growth and development occurring in this region, significant public infrastructure improvements are being planned for the area. This past year, the Bexar Met Water District, the water service provider for the area, constructed a 2.5 million-gallon water tower in the Timberwood Park community. This $2.2 million, 147-foot-tall structure is scheduled to be put into service in the summer of 2005.

Using funding from its 2003 Bond Election, Bexar County plans to reconstruct Borgfeld Road, on the northern boundary of the limited purpose annexation area, to improve roadway alignment and provide a center turn lane and necessary drainage. Bexar County also plans to use 2003 Bond Election funding to develop outdoor recreation facilities at Bullis Park located adjacent to the limited purpose annexation area at its northwest corner.

The Texas Department of Transportation (TxDOT) is planning to widen Blanco Road to four lanes (with a continuous left turn lane) from Wilderness Oaks to W. Oak Estates in the southwest corner of the limited purpose annexation area. TxDot is also planning to rebuild U.S. 281, located just east of the area, as a
tollway and construct a grade separated interchange for the Borgfeld Road/U.S. 281 intersection.

These planned public infrastructure improvement projects anticipate increased growth and development in the area. Full Purpose Annexation will allow for area residents to participate in future general bond elections that may include projects in this area that complement, support, and protect these improvements.

Water Resources

The Timberwood Park limited purpose annexation area is located primarily in the Edwards Aquifer Contributing Zone (sometimes called drainage area or catchment area). The "contributing zone" contains the drainage basins of the streams that recharge the Edwards aquifer.

Annexation allows for regulations pertaining to flood plain protection and storm water management that provide adequate measures for the retention, detention and distribution of storm water in a manner that not only protects the area from flooding but also minimizes the possibility of adverse impacts to the quality of the water that flows from this area into the Edwards aquifer. To further protect the area’s natural character, natural storm water conveyance systems including earthen drainage channels, temporary ponds and on-site storage currently are options provided for in the City’s development code.

Open Space and Parks

Annexation can provide for open space regulation which is instrumental in preserving habitat, protecting the quality and quantity of water resources, providing an alternative means to manage storm water runoff, promoting good air quality and creating opportunities for recreation and education.

Scenic, Cultural and Historic Resource Protection

Timberwood Park has only a small number of recorded cultural resources. These include prehistoric and historic archaeological sites, recorded historic structures (Recorded Texas Historic Landmarks (RTHL) or local landmarks, cemeteries (Gerfers Cemetery), and no official Recorded Texas Historical Markers. This dirth of cultural resources information can be directly linked to the almost non-existent number of cultural resources surveys conducted in the area. A review of the Texas Sites Atlas reveals that numerous surveys have occurred within the Camp Bullis Military Reservation located due west of Timberwood Park, but that no major cultural resources have been recorded within the Timberwood Park area. A 1936 Texas State Highway Department map (currently Texas Department of
Transportation) for Bexar County reveals less than five possible house sites within the Timberwood Park area at that time.

It is important to identify those cultural resources that may exist within Timberwood Park, in particular, the 1306 acres currently identified as agricultural exempt. Three streams/creeks run through Timberwood Park, including Mustang Creek, Mud Creek, and Elm Waterhole Creek. These creeks are known to contain cultural resources and should be considered high probability areas to contain cultural resources. The City’s Code provides mechanisms to help identify and preserve elements of our cultural heritage including buildings, monuments, and other features.

Additionally, the City’s Code allows for corridor overlay districts designed to protect and strengthen the desirable and unique features of corridors. These districts offer a level of protection for property values, helping to prevent blight caused by incompatible, insensitive development. Such districts might be used to protect the unique scenery along the Blanco Road corridor that makes up part of the western boundary of the Timberwood Park area.

**Proposed Zoning for the Area**

Pursuant to Chapter 43 of the Texas Local Government Code, the City will develop a land use and intensity plan as a basis for services and capital improvement projects planning by the end of the first year after the date an area is annexed for limited purposes. After completion of this plan, suitable zoning designations may be recommended for the area based on the plan. The Zoning Commission will hold at least one public hearing and make a recommendation to the City Council concerning any rezoning. The City Council will hold a public hearing and adopt any changes to the zoning map.

Factors that will be used to recommend appropriate zoning include consideration of the public health, safety, and general welfare and protection of historical and cultural areas. The City shall consider the size, shape and characteristics of parcels and their suitability for different types of development intensity. The compatibility of adjacent land uses with those in and around the study area will be considered.

Because most of the Timberwood Park area is already developed as detached single-family parcels that are a half an acre to one acre in size, the appropriate future zoning for most of the area would most likely be a Neighborhood Preservation (NP) District. According to the City’s Unified Development Code, Neighborhood Preservation Districts "are designed to protect existing platted subdivisions which are substantially developed with single-family detached dwelling units . . . in order to prevent such subdivisions from being further
subdivided in a manner in order to avoid congestion in the streets, prevent safety hazards, protect the health and general welfare of subdivision residents, provide adequate light and air, prevent the overcrowding of land, avoid undue concentration of population, and facilitate the adequate provision of public facilities.

While most of the proposed limited purpose annexation area will probably be granted a residential zoning such as Neighborhood Preservation District, there may be a possibility for neighborhood or community commercial zoning along Blanco Road and Borgfeld Drive, both major streets on the perimeter of the Timberwood Park. Such commercial zoning districts would permit commercial activities designed to serve the neighborhood or community while ensuring compatible development and appropriate buffers between residential and commercial uses.

From the effective date of the limited purpose annexation until the property is subsequently rezoned, the area will be treated for development purposes in accordance with §35-352 of the Municipal Code, which provides for Development Reserve ("DR") zoning for newly annexed property. While use restrictions are imposed pursuant to the DR district, it is recognized that the annexed property may be compatible for a use permitted in other zoning districts. It is the policy of the City to initiate rezoning of the property to an appropriate zoning classification upon completion of the land use and intensity study.

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§35-352 and –703 are attached to this study (see Attachment 2). Any comments regarding the proposed rezoning will be considered at the public hearings for the proposed limited purpose annexation.

### Table 2. Dimensional Standards for DR Zoning Districts:

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(2 ½ story)
REGULATORY PLAN

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)
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- 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.
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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 or under any other terms as allowed under Chapter 43 of the Texas Local Government Code.
ATTACHMENT 1: TIMBERWOOD PARK AREA MAP
ATTACHMENT 2: 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.
Incorporation of Municipality within San Antonio’s ETJ

Source: Chapter 42.041 Texas Local Government Code

* Consent to incorporate for the proposed municipality is only an authorization to initiate incorporation proceedings.
CITY OF SAN ANTONIO
PLANNING DEPARTMENT
CITY COUNCIL AGENDA MEMORANDUM

TO: Mayor and City Council
FROM: Emil R. Moncivais, AICP, AIA, Director, Planning Department
SUBJECT: An Ordinance for Annexation of the Timberwood Park Area for Limited Purposes and Adoption of the Regulatory Plan
DATE: June 16, 2005

SUMMARY AND RECOMMENDATIONS

This is an ordinance to extend the city limits into the Timberwood Park Area for limited purposes and adopt a regulatory plan. The effective date of limited purpose annexation is June 20, 2005.

The proposed limited purpose annexation area comprises approximately 4,345 acres or 6.79 square miles. The area is generally located north of the Stone Oak and Canyon Springs areas between Blanco Road, West Borgfeld Drive and Bulverde Road. A map of the area and regulatory plan are attached.

Staff recommends approval.

BACKGROUND INFORMATION

On March 4, 2004 the "City of Timberwood Park Committee" requested City Council's consent to incorporate. City Council denied the request on June 29, 2004 because it is inconsistent with the City's goals to preserve the integrity of the City and protect the ETJ. Subsequently, on December 20, 2004 a petition requesting annexation was submitted to the City. The boundaries were changed from the initial petition; enlarging the gap of intervening property between the City limits and the area proposed for annexation. The boundaries of the area have never been contiguous with the City limits.

The Timberwood Park area property is situated north of the Stone Oak area, generally between Blanco, West Borgfeld and Bulverde Roads and is primarily within the Edwards Contributing Zone. The entire area including property petitioned for annexation and the intervening property is comprised of approximately 4,345 acres with an estimated 1,509 housing units and population of 4,606. There are approximately 1,059 vacant residential lots and approximately 1,306 acres in agricultural use that can be developed.

According to provisions under Chapter 42 of the Texas Local Government Code, a municipality may not be incorporated in the extraterritorial jurisdiction of an existing municipality unless the
governing body (City Council) of the existing municipality gives its written consent by ordinance or resolution. If the governing body refuses to give its consent, then a majority of the qualified voters of the area and the owners of at least 50% percent of the land in the proposed municipality may petition City Council to annex the area. If the City of San Antonio refuses to annex the area within six months after receiving such a petition, that failure or refusal to annex constitutes the City of San Antonio’s consent.

If the consent to incorporate is obtained by the failure or refusal to annex assuming that a proper petition for annexation was received, the incorporation proceedings must be initiated within six months after the date of the consent and must be finally completed within 18 months after the date of consent. Failure to comply with either time requirement would terminate the consent.

Attached is a flowchart that shows the process under the provisions of the Texas Local Government Code regarding municipal incorporation in another municipality’s extraterritorial jurisdiction.

City staff received direction from City Council on April 14, 2005 to proceed with the limited purpose annexation with the intent to negotiate a non-annexation agreement. Non-annexation agreements are permitted by statute, but can only occur after placing the area in the City’s three-year annexation plan and after public hearings are held to present the service plans. Subsequently, the County Commissioner’s Court may appoint five individuals from the areas to negotiate an agreement in lieu of annexation. The public hearings were held on May 12 and May 19, 2005.

The regulatory plan for the Timberwood Park 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 Chapter 43 of the Local Government Code. The Timberwood Park 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
- Water and Sewers, Chapter 34
- Signs and Billboards, Chapter 28
- Unified Development Code, Chapter 35, including zoning

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, 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 promote orderly growth, enhance the City’s fiscal position and to preserve the integrity of the City and its ETJ. 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 Timberwood Park area was evaluated for a limited purpose annexation over a three-year period. Over the three-year period, the cost/revenue analysis estimates a net gain to the General Fund of $19,396 for implementation of the limited purpose annexation. The revenues and expenditures associated with the provision of services for a full purpose annexation are not included in this assessment. This analysis will take place during negotiations.

**COORDINATION**

This item was coordinated with the City Attorney’s Office, Office of Management & Budget and the Assistant City Manager’s Office.

**SUPPLEMENTARY COMMENTS**

Action is required at the reading of the annexation ordinance.

Emil R. Moncivais, M.C.P., A.I.A
Director, Planning Department

J. Rolando Bono
Interim City Manager
Incorporation of Municipality within San Antonio’s ETJ

Source: Chapter 42.041 Texas Local Government Code

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Timberwood Park Area

Planning Study and Regulatory Plan
For Limited Purpose Annexation

"Planning today for a better and brighter future tomorrow...."
Timberwood Park Area

Planning Study and Regulatory Plan for Limited Purpose Annexation

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ATTACHMENT 2: EXCERPTS FROM THE UNIFIED DEVELOPMENT CODE .... 14
BACKGROUND

The City of San Antonio Planning Department has prepared a study leading to the limited purpose annexation of an unincorporated area commonly known as Timberwood Park and including the subdivisions known as Blanco Hills Country Estates, Windsong Estates, and Angels View. The area is generally located north of the Stone Oak and Canyon Springs areas between Blanco Road, West Borgfeld Drive and Bulverde Road.

Planning Milestones

Limited purpose annexation triggers a requirement for conversion to full purpose status within three years unless the date for full purpose annexation is postponed by written agreement between the City and a majority of the affected landowners. State law establishes planning milestones for each of those three years:

- 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 program to identify future CIP projects.
- By the end of the third year, the City must include CIP projects for the area in the adopted CIP program and identify potential sources of funding.

The area will be placed in San Antonio’s three-year annexation plan. During this three-year planning period statutory provisions allow for the negotiation of services and non-annexation agreements.

Area Description

The Timberwood Park area boundary can generally be described:

- to the south as the northern city limits of the City of San Antonio and the northern edge of the “Oliver Ranch” area;
- to the west as Blanco Road and the eastern edge of the Oakwood Acres and Sherwood Forest subdivisions;
- to the north as Borgfeld Drive; and
- to the east as Bulverde Road.

A map of the area is found in Attachment 1.
The Timberwood Park area encompasses approximately 4,345 acres (6.79 square miles). The area is predominately residential and has the potential to continue to develop as such. The residential and the potential for residential development comprises of approximately 89 percent of the study area. Approximately 35 percent of the study area is currently developed with 1,509 single-family homes. Approximately 24 percent of the study area is vacant and platted for residential development. In addition, 30 percent of the study area is comprised of agricultural use with a high potential for residential development. The remainder of the study area includes commercial, park and public or institutional uses totaling no more than 1.4 percent of the study area. Street rights of way comprise the remaining area.

The area’s current population is estimated at approximately 4,606 residents.
PLANNING STUDY

The sections that follow outline the planning study for the area proposed for limited purpose annexation prepared in accordance with Chapter 43 of the Texas Local Government Code.

Projected Ten Year Development with and without Limited Purpose Annexation

The Timberwood Park limited annexation area has experienced significant growth in recent years. According to U.S. Census estimates, over 1000 housing units were built in this area from 1990 to 2000, more than doubling the area’s total number of housing units within a decade. Despite this recent growth, a considerable percentage of the study area remains undeveloped or underdeveloped. Based on the most recent data from the Bexar County Appraisal District, approximately 24% of the land in Timberwood Park is vacant. Most of this vacant land has already been subdivided into small lots appropriate for single-family development. An additional 30% of land in Timberwood Park is considered Agricultural by the Appraisal District.

Given the recent growth and development in the area, it is reasonable to assume that the vacant land in the area will continue to be developed, mainly as single-family housing, though some commercial development could occur along Blanco Road and Borgfeld Drive. Additionally, much of the agricultural land could potentially be subdivided into residential lots. This anticipated future growth and development will occur with or without annexation.

Issues Supporting Limited Purpose Annexation

Increased development and population growth in the region is expected to induce continued development activities in the limited purpose annexation area. Limited purpose annexation will enable the City to regulate the type and character of development 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 requiring high quality and sustainable development that will create a long-term investment for the community.

In the absence of regulations, the economic stimulus of the commercial and residential growth in this sector of San Antonio may result in incompatible land use changes in the proposed annexation area. The application of zoning following limited purpose annexation will minimize the possibility that incompatible land use changes will occur.
Public Benefit from Limited Purpose Annexation

Limited purpose annexation provides the time necessary to plan for needed improvements while allowing for the immediate application of land use and other City regulations in advance of future economic development and growth in the surrounding area.

The three-year period between limited purpose annexation and full purpose annexation will give the City additional time to plan for the provision of services in the study area. Property owners in the area will have three years to plan for the financial impact of full purpose annexation.

Economic, Environmental and Other Impacts of the Limited Purpose Annexation

Limited purpose annexation will establish a framework for comprehensive planning for the area. After an area is annexed for limited purposes, the City will begin planning for the delivery of services in preparation for full purpose annexation. Furthermore, the application of zoning, development standards and building codes will help ensure quality development or redevelopment and protect property values by ensuring that all new development and redevelopment meets higher standards than would otherwise be enforced. Zoning regulations will protect property owners, businesses and residents from the possible intrusion or expansion of incompatible uses.

Transportation and Infrastructure

Due to the rapid growth and development occurring in this region, significant public infrastructure improvements are being planned for the area. This past year, the Bexar Met Water District, the water service provider for the area, constructed a 2.5 million-gallon water tower in the Timberwood Park community. This $2.2 million, 147-foot-tall structure is scheduled to be put into service in the summer of 2005.

Using funding from its 2003 Bond Election, Bexar County plans to reconstruct Borgfeld Road, on the northern boundary of the limited purpose annexation area, to improve roadway alignment and provide a center turn lane and necessary drainage. Bexar County also plans to use 2003 Bond Election funding to develop outdoor recreation facilities at Bullis Park located adjacent to the limited purpose annexation area at its northwest corner.

The Texas Department of Transportation (TxDOT) is planning to widen Blanco Road to four lanes (with a continuous left turn lane) from Wilderness Oaks to W. Oak Estates in the southwest corner of the limited purpose annexation area. TxDOT is also planning to rebuild U.S. 281, located just east of the area, as a
tollway and construct a grade separated interchange for the Borgfeld Road/U.S. 281 intersection.

These planned public infrastructure improvement projects anticipate increased growth and development in the area. Full Purpose Annexation will allow for area residents to participate in future general bond elections that may include projects in this area that complement, support, and protect these improvements.

Water Resources

The Timberwood Park limited purpose annexation area is located primarily in the Edwards Aquifer Contributing Zone (sometimes called drainage area or catchment area). The “contributing zone” contains the drainage basins of the streams that recharge the Edwards aquifer.

Annexation allows for regulations pertaining to flood plain protection and storm water management that provide adequate measures for the retention, detention and distribution of storm water in a manner that not only protects the area from flooding but also minimizes the possibility of adverse impacts to the quality of the water that flows from this area into the Edwards aquifer. To further protect the area’s natural character, natural storm water conveyance systems including earthen drainage channels, temporary ponds and on-site storage currently are options provided for in the City’s development code.

Open Space and Parks

Annexation can provide for open space regulation which is instrumental in preserving habitat, protecting the quality and quantity of water resources, providing an alternative means to manage storm water runoff, promoting good air quality and creating opportunities for recreation and education.

Scenic, Cultural and Historic Resource Protection

Timberwood Park has only a small number of recorded cultural resources. These include prehistoric and historic archaeological sites, recorded historic structures (Recorded Texas Historic Landmarks (RTHL) or local landmarks, cemeteries (Gerfers Cemetery), and no official Recorded Texas Historical Markers. This dirth of cultural resources information can be directly linked to the almost non-existent number of cultural resources surveys conducted in the area. A review of the Texas Sites Atlas reveals that numerous surveys have occurred within the Camp Bullis Military Reservation located due west of Timberwood Park, but that no major cultural resources have been recorded within the Timberwood Park area. A 1936 Texas State Highway Department map (currently Texas Department of
Transportation) for Bexar County reveals less than five possible house sites within the Timberwood Park area at that time.

It is important to identify those cultural resources that may exist within Timberwood Park, in particular, the 1306 acres currently identified as agricultural exempt. Three streams/creeks run through Timberwood Park, including Mustang Creek, Mud Creek, and Elm Waterhole Creek. These creeks are known to contain cultural resources and should be considered high probability areas to contain cultural resources. The City’s Code provides mechanisms to help identify and preserve elements of our cultural heritage including buildings, monuments, and other features.

Additionally, the City’s Code allows for corridor overlay districts designed to protect and strengthen the desirable and unique features of corridors. These districts offer a level of protection for property values, helping to prevent blight caused by incompatible, insensitive development. Such districts might be used to protect the unique scenery along the Blanco Road corridor that makes up part of the western boundary of the Timberwood Park area.

**Proposed Zoning for the Area**

Pursuant to Chapter 43 of the Texas Local Government Code, the City will develop a land use and intensity plan as a basis for services and capital improvement projects planning by the end of the first year after the date an area is annexed for limited purposes. After completion of this plan, suitable zoning designations may be recommended for the area based on the plan. The Zoning Commission will hold at least one public hearing and make a recommendation to the City Council concerning any rezoning. The City Council will hold a public hearing and adopt any changes to the zoning map.

Factors that will be used to recommend appropriate zoning include consideration of the public health, safety, and general welfare and protection of historical and cultural areas. The City shall consider the size, shape and characteristics of parcels and their suitability for different types of development intensity. The compatibility of adjacent land uses with those in and around the study area will be considered.

Because most of the Timberwood Park area is already developed as detached single-family parcels that are a half an acre to one acre in size, the appropriate future zoning for most of the area would most likely be a Neighborhood Preservation (NP) District. According to the City’s Unified Development Code, Neighborhood Preservation Districts “are designed to protect existing platted subdivisions which are substantially developed with single-family detached dwelling units . . . in order to prevent such subdivisions from being further
subdivided in a manner in order to avoid congestion in the streets, prevent safety hazards, protect the health and general welfare of subdivision residents, provide adequate light and air, prevent the overcrowding of land, avoid undue concentration of population, and facilitate the adequate provision of public facilities.

While most of the proposed limited purpose annexation area will probably be granted a residential zoning such as Neighborhood Preservation District, there may be a possibility for neighborhood or community commercial zoning along Blanco Road and Borgfeld Drive, both major streets on the perimeter of the Timberwood Park. Such commercial zoning districts would permit commercial activities designed to serve the neighborhood or community while ensuring compatible development and appropriate buffers between residential and commercial uses.

From the effective date of the limited purpose annexation until the property is subsequently rezoned, the area will be treated for development purposes in accordance with §35-352 of the Municipal Code, which provides for Development Reserve ("DR") zoning for newly annexed property. While use restrictions are imposed pursuant to the DR district, it is recognized that the annexed property may be compatible for a use permitted in other zoning districts. It is the policy of the City to initiate rezoning of the property to an appropriate zoning classification upon completion of the land use and intensity study.

Uses permitted by right within the DR zoning district include all uses permitted in the R-6 Residential Single-Family zoning district which include single family homes, churches, schools, nurseries, recreation facilities and accessory uses. Nonconforming rights may be granted to newly annexed area in accordance with §35-703 of the Municipal Code. The development standards applicable to a DR zoning district shall be those required within the R-6 zoning district until the property is rezoned to another zoning district.

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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:

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- 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 or under any other terms as allowed under Chapter 43 of the Texas Local Government Code.
ATTACHMENT 2: 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.
CITY OF SAN ANTONIO

Request For Ordinance/Resolution

Date: May 26, 2005
Department: Planning Department
Contact Person/Phone #: Catherine Hernandez 579

Date Council Consideration Requested: June 16, 2005
Deadline for Action: June 16, 2005

SUMMARY OF ORDINANCE

First Reading of the ordinance for annexation of the Timberwood Park Area for limited purposes and adoption of the regulatory plan.

Action is required at the reading of the annexation ordinance.

Council Memorandum Must be Attached To Original

Other Depts., Boards, Committees Involved (please specify):
City Attorney's Office, Office of Management and Budget and the Assistant City Manager's Office

Contract signed by other party
Yes □ No ☒

FISCAL DATA (If Applicable)

Amount Expended

<table>
<thead>
<tr>
<th>Fund</th>
<th>N/A</th>
<th>SAP GL Account</th>
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<tr>
<td>*Cost Center</td>
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<td>*Internal</td>
<td>*WBS Order No.</td>
<td>(Capital Proj.)</td>
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<td>*(Fill out only the field that is appropriate to your council action.)</td>
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Comments:

Please submit 3 copies with your original
Timberwood Park
Reading of the Ordinance for
Limited Purpose Annexation and
Adoption of the Regulatory Plan

June 16, 2005

Agenda Item #32
City of San Antonio
City Council

Background

- On March 4, 2004, "The City of Timberwood Park Committee" requested City Council’s consent to incorporate pursuant to Chapter 42 of the Texas Local Government Code.

- City Council denied the request on June 29, 2004 because it is inconsistent with the City’s goals to protect the ETJ.
Background (cont’d.)

• City staff received direction from City Council on April 14, 2005 to proceed with the limited purpose annexation of the Timberwood Park Area, contiguous with the city limits, and add the area to the Three-Year Annexation Plan with the intent to negotiate a non-annexation agreement.

• The public hearings were held on May 12 and May 19, 2005.
Limited Purpose Annexation

- Extends planning, zoning, and health and safety regulations that will:
  - Protect both the private and public investments made in the area
  - Ensure compatibility of existing and future land uses
  - Allow for planning of adequate infrastructure
  - Ensure the health, safety and welfare of the community.

Regulatory Plan Extends the Following Municipal Code

- Building Code (Chapter 6 of the Municipal Code),
- Electricity Code (Chapter 10 of the Municipal Code),
- Plumbing Code (Chapter 24 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),
- Water and Sewers (Chapter 34 of the Municipal Code),
- Signs and Billboards (Chapter 28 of the Municipal Code), and
- Unified Development Code (Chapter 35 of the Municipal Code), including, but not limited to, all zoning regulations, code enforcement
Full Purpose Annexation Procedures for Limited Purpose Areas

- Under Chapter 43 of the Local Government Code, the following actions are required within a three-year period prior to consideration of the area for full purpose annexation.
  - Year 1 – Land use and intensity plan as a basis for City services.
  - Year 2 – Include area in municipality’s long range financial forecast and in program identifying future capital improvement projects.
  - Year 3 – Include in adopted capital improvement program projects intended to serve the area and identify potential funding sources.

Limited Purpose Annexation Plan Schedule

<table>
<thead>
<tr>
<th>Event</th>
<th>Date</th>
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<tbody>
<tr>
<td>Publish Availability of Regulatory Plan and Study</td>
<td>April 30 &amp; May 1, 2005</td>
</tr>
<tr>
<td>Publish Public Hearings Dates</td>
<td>May 1, 2005</td>
</tr>
<tr>
<td>Planning Commission Briefing: Three-Year Plan &amp; Limited Purpose Annexation</td>
<td>May 11, 2005</td>
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<tr>
<td>First Public Hearing</td>
<td>May 12, 2005</td>
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<tr>
<td>Ordinance Publication</td>
<td>May 16, 2005</td>
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<tr>
<td>Second Public Hearing</td>
<td>May 19, 2005</td>
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<tr>
<td>Planning Commission Resolution: Three-Year Plan Amendment &amp; Limited Purpose Annexation</td>
<td>May 25, 2005</td>
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<td>Amendment of the Three-Year Plan</td>
<td>May 26, 2005</td>
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<tr>
<td>Reading of the Ordinance, Annexed for Limited Purposes</td>
<td>June 16, 2005</td>
</tr>
<tr>
<td>Effective Date</td>
<td>June 20, 2005</td>
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Recommendation

- Staff recommends approval of the limited purpose annexation of the Timberwood Park area and adoption of the regulatory plan.