

**ORDINANCE**

**AN ORDINANCE OF THE CITY OF LEON VALLEY, TEXAS DECLARING THE NECESSITY FOR AN EXTENSION OF A MORATORIUM, PURSUANT TO CHAPTER 212, SUBCHAPTER E, TEXAS LOCAL GOVERNMENT CODE, ON THE CONSTRUCTION, RECONSTRUCTION, OR OTHER ALTERATION OR IMPROVEMENT OF PROPERTY LOCATED WITHIN DEFINED GEOGRAPHIC BOUNDARIES WITHIN THE CITY LIMITS; PROVIDING FOR THE TEMPORARY SUSPENSION OF THE ACCEPTANCE, REVIEW AND APPROVAL OF PERMITS FOR THE CONSTRUCTION, RECONSTRUCTION, OR OTHER ALTERATION OR IMPROVEMENT OF PROPERTY LOCATED WITHIN THE DEFINED GEOGRAPHIC BOUNDARIES WITHIN THE CITY LIMITS; PROVIDING FINDINGS OF FACT; PROVIDING EXEMPTIONS; PROVIDING AN APPEAL PROCESS; PROVIDING A WAIVER PROCEDURE; PROVIDING FOR A TERMINATION DATE; PROVIDING FOR A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the City of Leon Valley, Texas seeks to provide for the orderly and safe development and/or redevelopment of land and use of property within its city limits to protect the health, safety and welfare of its residents, businesses and the general public; and

**WHEREAS**, the City of Leon Valley is dedicated to the protection, enhancement, preservation of existing and undeveloped properties, places, buildings and structures because it is a desirable public goal and is needed in the interest of sustainability, social equity, economic development, environmental stewardship, and education and general welfare of the people; and

**WHEREAS**, the City has a Zoning Commission, which has been charged with undertaking the investigation and study of matters relating to the protection, enhancement, perpetuation or use of the remaining undeveloped properties and included structures, and to submit reports and recommendations thereon to the City Council; and

**WHEREAS**, the City Council has entered into a contractual agreement with Halff Associates to research and evaluate development and redevelopment of property within a defined geographic boundary within the City Limits of the City for the purpose of identifying buildings, structures, places and areas of special importance within said geographic boundary; and

**WHEREAS**, the research and evaluation being conducted by Halff Associates is not expected to be completed until December 17, 2009; and

**WHEREAS**, the City of Leon Valley desires to enhance existing structures and properties located within the defined geographic boundary by evaluating the highest and best use of the land still available for new development and/or redevelopment; and

**WHEREAS**, the City of Leon Valley finds that an extension of the temporary moratorium on property development and/or redevelopment located within the defined geographic boundary is justified because existing development ordinances, regulations and other applicable laws need to be strengthened to prevent possible new development and/or redevelopment from being detrimental to the public welfare of residents and businesses of the municipality; and

**WHEREAS**, the City Council of the City of Leon Valley, Texas therefore finds that it is in the public interest extend the one hundred and twenty (120) day moratorium for an additional sixty (60) days on the acceptance, review, and approval of permits for the construction, reconstruction, or other alteration or improvement of property located within a defined geographic boundary within the City Limits;

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LEON VALLEY, TEXAS:**

**Section 1:** The written findings outlined in **Attachment A** are hereby approved and incorporated herein by the City Council for all purposes.

**Section 2:** Except as otherwise provided herein, after the effective date of this ordinance, no city employee, officer, agent, department, board, or commission of the City shall accept for filing any applications for a permit for the construction, reconstruction, or other alteration or improvement of property located within the defined geographic boundary as contained in **Exhibit One**. Applications, together with any documents or fees accompanying the applications, which are submitted during the duration of this ordinance, shall be returned to the applicant as unfiled.

**Section 3: Exemptions.**

The provisions of Sections 1 and 2 of this Ordinance shall not be applicable to any completed applications for permits for the construction, reconstruction, or other alteration or improvement of property located within the defined geographic boundary that were pending prior to the fifth business day after June 9, 2009, the date on which the City held the first public hearing regarding adoption of a moratorium as prescribed by State law.

**Section 4: Appeals.**

(1) An applicant for a permit for the construction, reconstruction, or other alteration or improvement of property located within the defined geographic boundary aggrieved by the City's decision not to accept for filing or to further process such applications may appeal for relief to the City Manager, or his designee. The appeal shall be in writing and shall be submitted to the City Secretary within ten (10) days of the date written notification was sent that an application for the construction, reconstruction, or other alteration or improvement of property located within the defined geographic boundary will not be accepted for filing or will not be further processed for the duration of this Ordinance.

(2) The appeal shall be considered by the City Manager within twenty (20) days of the date the appeal is received by the City Secretary. The City Manager shall not release the applicant from the requirements of this Ordinance unless the applicant first presents credible evidence from which the City Manager can reasonably conclude that the delay in accepting or processing the application substantially deprives the applicant of vested property rights protected by state law or constitutional provision. The City Manager shall also consider whether such potential deprivation outweighs the potential harm to the public health, safety and general welfare that may result from granting such appeal.

(3) The City Manager may take the following action:

- (a) Deny the appeal, in which case the application shall not be accepted or further processed;

(b) Grant the appeal, and direct the official responsible for reviewing the application to accept the application for filing or to further process the application.

(4) In the event that the City Manager does not take the action described in Section 4, subpart (3) within twenty (20) days of the date the appeal is received by the City Secretary, the appeal shall be deemed granted and the officials responsible for reviewing the application shall accept the application for filing or further process the application, as applicable.

**Section 5: Waiver Procedure.**

(1) An applicant aggrieved by the City Manager's decision not to accept for filing or to further process an application for a permit for the construction, reconstruction, or other alteration or improvement of property located within the defined geographic boundary may apply for a waiver of this moratorium by submitting to the City Council by and through the City Secretary a written request for waiver.

(2) The applicant seeking a waiver shall provide to the City Council credible evidence from which the Council can reasonably conclude that the delay in accepting or processing the application substantially deprives the applicant of vested property rights protected by state law or constitutional provision. The City Council must, in an open meeting, vote to grant or deny the waiver request within twenty (20) days of the date the written request for waiver is received by the City Secretary.

(3) In the event that the City Council does not take the action described in Section 5, subpart (2) within twenty (20) days of the date the written request for waiver is received by the City Secretary, the waiver shall be deemed granted and the officials responsible for reviewing the application shall accept the application for filing or further process the application, as applicable.

**Section 6:** If the City Council determines that an extension of up to sixty (60) additional days is needed to extend Ordinance #09-028 with attachments and exhibits, this Ordinance shall extend its duration and be in effect from its date of passage until December 17, 2009.

**Section 7:** It is the intention of the City Council that this ordinance and every provision thereof shall be considered severable, and the invalidity of any section, clause, or provision or part or portion of any section, clause or provision of this Ordinance shall not affect the validity of any other portion of this Ordinance.

**Section 8:** Any and all ordinance, orders, resolutions, rules, regulations, policies, or provisions in conflict with the provisions of this Ordinance are hereby repealed and rescinded to the extent of conflict herewith.

**Section 9:** This Ordinance shall become effective immediately after its adoption this temporary moratorium shall remain in effect for an additional sixty (60) days from October 18, 2009 to December 17, 2009, during which time the City will continue not accepting permits, authorizations and approvals necessary for the construction, reconstruction, or other alteration or improvement of property located within the defined geographic boundary as contained in **Exhibit One.**

**Passed and Approved** the 15<sup>th</sup> day of October, 2009.

Chris Riley  
Mayor

ATTEST:

Maria Feunz  
City Secretary



APPROVED AS TO FORM:

William M. McNeill  
City Attorney

## **ATTACHMENT A**

### **WRITTEN FINDINGS-MORATORIUM EXTENSION**

1. On June 9, 2009, the Zoning Commission of the City of Leon Valley held a public hearing and recommended approval of a city-wide moratorium on the construction, reconstruction, or other alternation or improvement for all non-residential zones in the City. In accordance with State law two (2) readings were held one on June 10th and the other on June 16th and the moratorium was passed and approved for a period of one hundred-twenty (120) days. Shortly thereafter on July 6, 2009, the City Council reviewed Request For Qualifications from six (6) firms interested in creating a Master Redevelopment Plan and approved for the City Manager to begin negotiations with Halff Associates. On July 21, 2009, the Council approved the contract negotiated with Halff.

2. The City Council entered into a contractual agreement with Halff Associates to research and evaluate development and redevelopment of property within a defined geographic boundary within the City Limits of the City for the purpose of identifying buildings, structures, places and areas of special importance within said geographic boundary. Halff Associates began working on the Master Redevelopment Plan immediately but have not completed their comprehensive review of the City or the Master Redevelopment Plan. Thus, in the interest of the public and to provide fair, orderly, safe and consistent development and redevelopment of land and use of properties in the City to protect the health, safety and welfare of its residents, businesses and the general public the City Council is extending the moratorium adopted by Ordinance #09-028 with attachments and exhibits.

3. Halff Associates has made reasonable progress on the Master Redevelopment Plan and presented information to the City Council on the status of the project at the October 5, 2009, Special Council Meeting Workshop. Halff Associates also set additional workshop dates of November 2 and November 17, to consider and share key components of the Plan with the Council and the public. The anticipated completion date is December 1, unless there are major/issues concerns then the absolute deadline becomes December 15.

4. Serious consideration is being given to evaluating the highest and best use of land still available for new development and/or redevelopment and whereas these regulations should not be entered into lightly or in haste the City Council is extending the moratorium by sixty (60) days to a date no later than December 17, 2009.

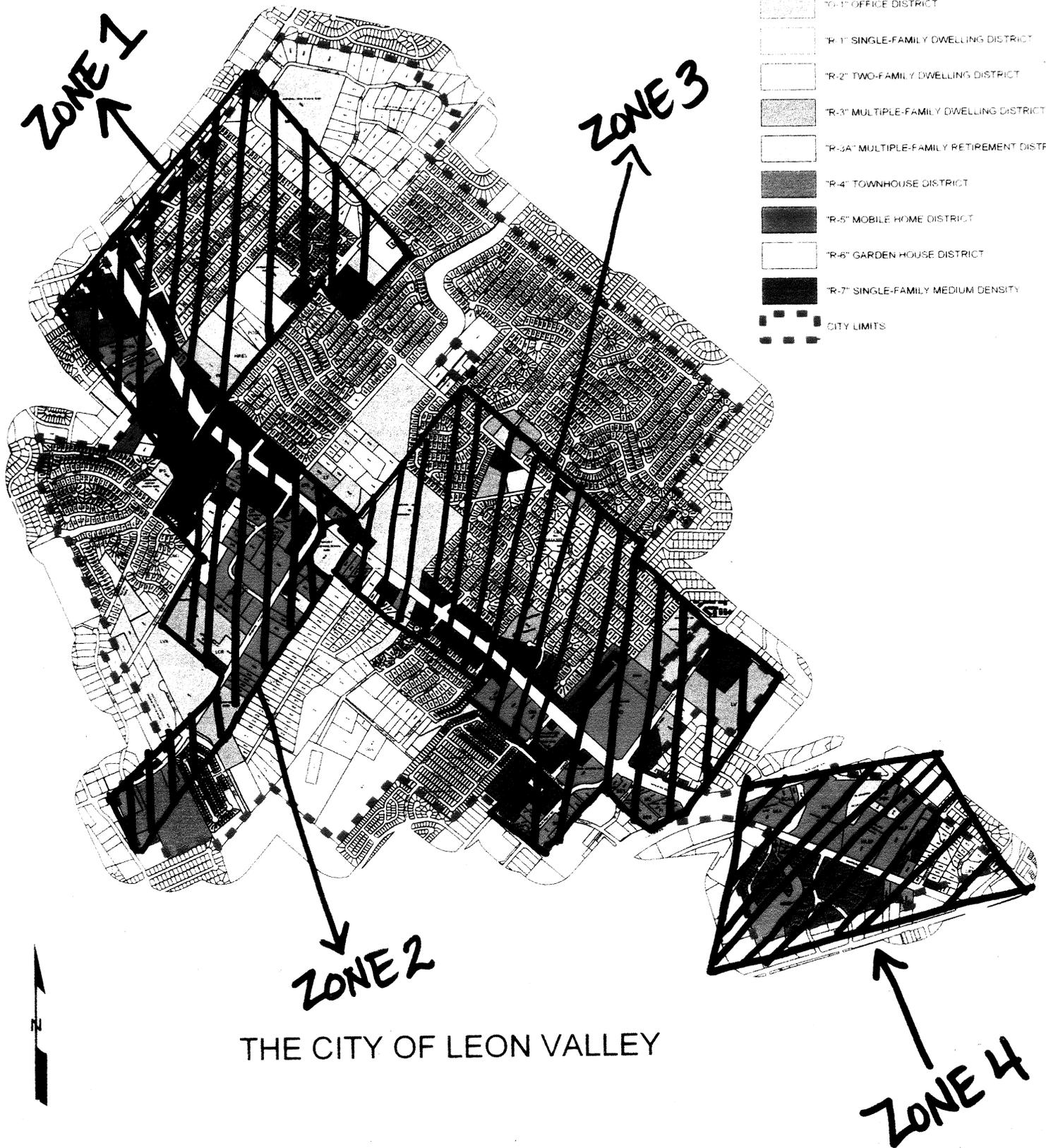
5. A copy of the Halff Associates contract and timeline for completion of the Master Redevelopment Plan for the City of Leon Valley is attached hereto as **Exhibit Two**, and incorporated herein for all purposes.

6. The City Council of the City of Leon Valley, Texas therefore finds that it is in the public interest to impose an extension of sixty (60) days to the moratorium on the acceptance, review, and approval of permits for the construction, reconstruction, or other alteration or improvement of property located within a defined geographic boundary (see **Exhibit One**) within the City Limits.

7. The City intends this ordinance to apply to property located within the defined geographic boundary, as described herein and depicted in **Exhibit One**, which are properties that are developed, partially-developed, and undeveloped properties within the city limits of Leon Valley and are primarily zoned O-1 (Office), B-1 (Small Business), B-2 (Retail) and B-3 (Commercial). **This moratorium shall not be applicable to any properties which are zoned for residential use.**

# EXHIBIT ONE

-  B-1 SMALL BUSINESS DISTRICT
-  B-2 RETAIL DISTRICT
-  B-3 COMMERCIAL DISTRICT
-  G-E GOVERNMENT EXEMPT
-  I-1 LIGHT INDUSTRIAL DISTRICT
-  O-1 OFFICE DISTRICT
-  R-1 SINGLE-FAMILY DWELLING DISTRICT
-  R-2 TWO-FAMILY DWELLING DISTRICT
-  R-3 MULTIPLE-FAMILY DWELLING DISTRICT
-  R-3A MULTIPLE-FAMILY RETIREMENT DISTRICT
-  R-4 TOWNHOUSE DISTRICT
-  R-5 MOBILE HOME DISTRICT
-  R-6 GARDEN HOUSE DISTRICT
-  R-7 SINGLE-FAMILY MEDIUM DENSITY
-  CITY LIMITS



THE CITY OF LEON VALLEY



Exhibit A  
Scope of Services  
Leon Valley Redevelopment Master Plan  
Phase 1 – Bandera Road Corridor Master Plan, Commercial Areas Guidelines and  
Creation of Overlay District or Form Based Code

(Draft for Review and Approval)

This scope of work covers the first of two to four phases of planning, architectural design, streetscape development and community facilities enhancement. The purpose of this initial phase is to create a consolidated framework plan to guide the orderly redevelopment of the City, and to create a mechanism(s) that promote, guide and control changes to non-residential development zones in Leon Valley.

**Scope Assumptions:**

- 1) The areas to be addressed by this scope of work include all non-residential areas within the City limits of Leon Valley, including both developed and non-developed properties.
- 2) Ordinance that is developed through this process may be guidelines and an overlay district, or the addition of anew form-based code component. The decision on which method to use will be determined during the planning process.
- 3) The timeframe for completion of this effort is approximately six months from the date of the City Council establishment of the moratorium on new development. Updated development standards and codes should be completed and approved by the 18<sup>th</sup> of December, 2009.

The Phase 1 Scope of Work is as follows:

**TASK 1 - PROJECT INITIATION, DATA COLLECTION AND MAPPING**

**A. Initial Planning Kickoff Meeting**

- Conduct a strategy meeting with the Planning Team and City of Leon Valley staff to discuss project deliverables, schedule, etc.
- Conduct preliminary tour of the Commercial area with City staff to observe key areas and factors that may affect the master plan.

**B. Collect available planning documents and data** - Planning information about current and past planning efforts will be gathered and reviewed. These items may include:

- Most recently available digital aerial photography
- Digital and printed copy of the recently approved City Comprehensive Plan
- Preliminary and final reports issued by the AIA Sustainable Design (SDAT) team
- City of Leon Valley GIS shape files in digital format (all available shape files will be copied for future use as needed)

- Zoning map in digital format
- Mapping showing the boundaries of the commercial zones incorporated into the City's development moratorium
- Traffic volume information from City and State sources
- Digital and printed copy of all City codes and ordinances
- Available demographic and marketing studies prepared by the Leon Valley Economic Development Corporation
- Development submittals received by the City of Leon Valley over the past 12 months
- Information on current development proposals that are in progress or on hold due to economic conditions
- Identify all city owned property besides rights-of-way.
- Identify all planned Capital Improvement Projects

***C. Prepare preliminary base mapping for the project area for preliminary data assembly***

- Use available city mapping, aerial imagery and other regional data, prepare base information at a regional, citywide and corridor size in GIS and Photoshop format for use during the planning process.

**TASK 2 - EXISTING COMMERCIAL AREAS INVESTIGATION AND ANALYSIS**

***A. Review current city zoning code, subdivision ordinance, standards and requirements and prepare written summary of requirements, deficiencies and key areas to revise (if necessary)***

- Review previous planning studies and summarize key relevant elements
- Review City zoning code and subdivision standards, prepare written summary of key relevant requirements, deficiencies and potential areas to revise or change

***B. Review recent development submittals packets. Review history of submittals over the past five years +/-***

- Review recent and past development submittals, and compile history of types of development, size, nature of change requested.

***C. Review of commercial area sales tax and property value performance in Leon Valley***

- Sales tax history for previous two decades in 5 year increments, year by year history for last three years (as available)
- Property value history for previous two decades in 5 year increments, year by year history for last three years (as available)

***D. Prepare summary (quantity/quality) of existing development types (by category) in the area.***

- Using the City's database as a starting point, assemble information on the type and square footage of businesses within the City's commercial areas. Note also age of each business in its current location
- Map areas by occupied vs. vacant, renter vs. owner occupied, local vs. non-local owner
- Document approximate age, material and general condition of existing development in the Commercial zones

**E. Conduct a review of existing physical conditions and development in the area. Summarize opportunities and constraints in the area in written and mapped/diagrammed format.**

- Quality of landscaping and/or trees
- Typical setback
- Number of floors/height
- Type of signage
- Parking configuration and condition
- Building condition: poor/acceptable/good
- Individual development Walkability: poor/acceptable/ good

**TASK 3 - CONDUCT BACKGROUND INFORMATION GATHERING INTERVIEWS**

**A. Conduct round-table interviews to determine area market condition and perceptions.**

***Entities or groups to be interviewed will include:***

- Meet with TxDot/Alamo RMA to review most current short term and long term strategies for Bandera Road and for Northwest San Antonio
- Meet with VIA to review most current and recent short term and long term strategies for transit along Bandera Road and nearby areas
- Meet with City department heads in workshop format to discuss potential opportunities and/or constraints in each area
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**B. Prepare overview summary of development standards and requirements in other area cities for comparison purposes and to understand where Leon Valley is today.**

**TASK 4 - PREPARE DESIRED DEVELOPMENT SCENARIO**

**A. Conduct “visioning” meetings with key groups to create a composite vision for the Commercial areas. Key questions to be addressed will be: a) What would make you invest in development in the commercial areas in Leon Valley? B) What keeps you from investing in development? c) Where are the best places to invest in development in the greater San Antonio area today and why is that? d) What would you like to see the City do to promote and accelerate re-development?**

- Conduct Commercial area “Visioning” session with City Council
- Conduct Visioning session with Zoning Commission Board
- Conduct Visioning session with Economic Development Board
- Conduct Commercial area “Visioning” session with area developers to determine development opportunities and constraints
- Conduct Commercial area “Visioning” session with a selected group of existing commercial area businesses
- Conduct Commercial area “Visioning” session with existing commercial area property owners
- Conduct Visioning session with Leon Valley citizens in open house format.

- B. Based on input received during meetings, create an illustrative summary of the community character and identity as well as key characteristics of desired type and form for development in each commercial area. Key areas include:**
- Community character and identity
  - Development form
  - Preferred uses
  - Preferred block sizes
  - Public realm
    - Open space
    - Walkability
  - Building form/materials
  - Heights
  - Setback and lot envelope
  - Parking location and quantity
  - Signage
  - Lighting
  - Landscape treatment
- C. Review pros and cons of overlay district vs. form-based code methodology for enforcing desired change along the commercial areas.**

**TASK 5 - PREPARE PREFERRED ROAD CONFIGURATIONS FOR MAJOR COMMERCIAL AREA ROADS**

- A. Prepare a preliminary conceptual plan for the Bandera Road commercial corridor.**
- Based on input received and background analysis, prepare a sketch concept plan for the Bandera Road corridor and the Town Center area. Include:
    - I. Desired cross section for Bandera Road (median configuration, parkway setback, location for streetscape)
    - II. Potential locations for parallel parkway streets and/or alternative access to development
    - III. Desired streetscape elements
    - IV. Desired transit elements
- B. Present Recommendations for Bandera Road and desired commercial area configuration t**

**TASK 6a - PREPARE SKETCH PLAN VIEW CONCEPT FOR TOWN CENTER AREA**

- A. Prepare a preliminary sketch concept plan for the proposed town center area.**

**TASK 6b - DEVELOP IDEAS FOR CREATING IDENTITY FOR THE CITY**

- A. Prepare ideas for creating identity for Leon Valley, and incorporate into concept sketches for road configurations and town center area**

**TASK 7- PREPARE DESIGN GUIDELINES FOR COMMERCIAL AREAS**

- A. Prepare guideline outline in draft form**
- Prepare outline guidelines, using decisions made in previous tasks to inform guideline recommendations. Highlight key recommendations in bullet format. Include illustrations or photographs where necessary to explain key recommendations
  - Provide 5 printed copies and original in electronic PDF format for review by staff
- B. Review with Staff and modify as appropriate**
- Meet with staff to review and recommend changes as appropriate
- C. Review with Zoning Commission and City Council in a joint meeting and modify as appropriate**
- Present to Zoning Commission and City Council and present outline document. Adjust document as appropriate per comments received
- D. Prepare draft document in ordinance format incorporating comments received by staff and Council**
- Prepare complete draft document with necessary text and illustrations. Provide 25 draft copies for staff, City Attorney, Board and Council review.

**TASK 8 - FINAL REVIEW AND APPROVAL PROCESS**

- A. Final Public Hearing with City Council and Zoning Commission**
- Conduct final public hearing and approval meeting with City Council. Meeting should be advertized as a public hearing (one meeting total).
- B. Final Approval Meeting with City Council and Zoning Commission**
- Conduct final public hearing presentation for City Council and Zoning Commission approval (2 meetings total)

**ECONOMIC ANALYSIS – (FUTURE PHASE)**

Economic analysis can be prepared concurrently, or can be adopted from other parallel studies.

- A.** Prepare summary analysis of potential opportunities in the greater San Antonio market (where is greatest demand, what are types of development with fewer places to go)
- B.** Summarize development trends over past decade in Northwest San Antonio
- C.** Review of Comparable and Competitive Areas
- D.** Retail analysis
- E.** Review of commercial area sales tax and property value performance

**BASIS OF COMPENSATION**

Compensation for effort related to the tasks shown in the scope of services above will be performed on a lump sum basis. Fees will be payable to Halff Associates, and will be billed on a monthly basis, based on the percentage of completion to that point. Fees to refine strategies, develop implementation

guidelines and prepare an accompanying ordinance are \$124,490. Expenses related to this effort, such as printing, travel, photography etc are not included in the fee amount and will be billed separately. Expenses will be billed at a 1.1 multiplier to compensate for accounting, billing and archiving requirements.

Estimated fees for each task are as shown below; these will vary as the planning effort processes, and are shown for reference only. The overall lump sum cost will not vary unless additional tasks or effort are required.

1. Project Initiation and Data Collection	\$ 3,280
2. Area Investigation	\$ 8,370
3. Background Interviews	\$ 2,880
4. Prepare Desired Development Type Characteristics	\$17,620
5. Commercial Corridor Concept	\$16,820
6. A. Town Center Sketch Concept	\$15,300
7. B. Identity Concepts for Leon Valley	\$ 3,280
8. Prepare Guidelines & Overlay Document	\$38,020
9. Final Review and Approval	\$18,920

**SCHEDULE**

The Schedule for Master Planning activities are estimated to be as follows:  
 (Assumes approval of Contract by Leon Valley City Council on July 21, 2009)

1. Project Initiation and Data Collection	Early August 2009
2. Area Investigation	End of July/Early August
3. Background Interviews	Early to Mid August
4. Prepare Desired Development Scenario	September 2009
5. Commercial Corridor Concept Plan	September 2009
6. Town Center Sketch Concept	September 2009
7. Prepare Guidelines Document	September/October/November 2009
8. Final Review and Approval	November /December 2009

*End of Exhibit A*