



City of San Antonio

Agenda Memorandum

File Number:19-1152

Agenda Item Number: 1.

Agenda Date: 1/30/2019

In Control: City Council B Session

DEPARTMENT: Development Services

DEPARTMENT HEAD: Michael Shannon

COUNCIL DISTRICTS IMPACTED: Council Districts 4, 6, and 8

SUBJECT:

Briefing with possible action on the proposed Extraterritorial Jurisdiction Military Protection Area (ETJMPA) regulations for the areas of unincorporated Bexar County within a five mile radius of the Camp Bullis/Camp Stanley Military Bases and the Lackland Air Force Base/Medina Annex.

SUMMARY:

On November 6, 2018, voters in areas of unincorporated Bexar County within a five mile radius of the Camp Bullis/Camp Stanley Military Bases and the Lackland Air Force Base/Medina Annex were presented with two options: to either approve annexation into the City Limits of San Antonio or to not approve annexation, but apply Land Use Regulations consistent with the most recently adopted Joint Land Use Study. Voters in both areas rejected annexation and approved land use controls. Since the election, the Development Services Department, Planning Department, City Attorney's Office, Office of Military Affairs, Bexar County, and the Military have been working to develop the regulations to implement the land use controls approved by the voters.

BACKGROUND INFORMATION:

Senate Bill 6, effective December 1, 2017, requires cities located in counties with more than 500,000 residents (Tier 2 cities) to obtain landowner or voter approval of a proposed annexation. The new law permits cities to hold elections which allow voters within five miles of military bases to choose one of two means to regulate land use: 1) by annexation or 2) allowing the municipality to improve land use regulations as delineated in the most recent Joint Land Use Study (JLUS). Chapter 43 of the Texas Local Government Code was amended to include the following:

Section 43.0117 Authority of Municipality to Annex Area Near Military Base

Part (b) A municipality may annex for full or limited purposes, under the annexation provisions applicable to that municipality under this chapter, any part of the area located within five miles of the boundary of a military base in which an active training program is conducted. The annexation proposition shall be stated to allow the voters of the area to be annexed to choose between either annexation or providing the municipality with the authority to adopt and enforce an ordinance regulating the land use in the area in the manner recommended by the most recent Joint Land Use Study (JLUS).

On August 2, 2018, the City Council approved Resolutions 2018-08-02-0032RA and 2018-08-02-0032RB ordering an election in certain areas of unincorporated Bexar County within a five mile radius of the Camp Bullis/Camp Stanley Military Bases and the Lackland Air Force Base/Medina Annex in order for the voters to choose either annexation and land use controls based on the most recent Joint Land Use Study. On November 6, 2018, voters rejected annexation and approved land use controls for both areas. Because the voters approved land use controls, new regulations must be adopted in the Unified Development Code (UDC) to implement the land use controls through an anticipated Interlocal Agreement with Bexar County.

ISSUE:

Changes in state law (effective December 1, 2017) provide a municipality with the ability to extend land use controls as a means to provide protection of the military's missions if annexation is not voted on in the affirmative. Voters in both areas rejected annexation and approved land use controls. Since the election, the Development Services Department, Planning Department, City Attorney's Office, Office of Military Affairs, and Bexar County have been working to develop the regulations to implement the land use controls approved by the voters in the areas described below. These areas meet the requirements in the Texas Local Government Code as they are within the 5-mile buffer of these military installations, as required by the JLUS.

1) West of Camp Bullis and Camp Stanley along the IH10 Corridor Option 1 (Largest Area) - bound on the North by the Bexar County Line, on the East by Ralph Fair Road, on the South by Babcock Road and the San Antonio City Limit line, on the West by Boerne Stage Road and Toutant Beauregard Road and on the Northwest by Boerne Stage Road

2) West of the Lackland AFB Medina Training Annex along the West Loop 1604 S Corridor Option 1 (Largest Area) bound on the North by Military Drive West, on the East by the San Antonio City Limit Line and the western boundary of the Lackland AFB Medina Annex, on the south by an area north of Pearsall Road, and on the west by an area east of Montgomery Road and the western ROW of Grosenbacher Road

Land Use Controls

Per direction in the state law, the land use controls that are being developed for the areas adjacent to the Camp Bullis and Camp Stanley Military Bases and the Lackland Air Force Base and Medina Annex align with adopted JLUS recommendations and citations. The regulatory framework for the land use controls entail adding a new article to the UDC, Article IX, and extending the following regulation into the ETJMPA:

- Land Use Regulations derived from existing Comprehensive Future Land Use Plan
 - Modifications to the Comprehensive Plan Future Land Use Plan would follow the existing process for Comprehensive Plan Amendments (Planning Commission and City Council).
- Military Lighting Overlay District (MLOD), Military Sound Attenuation District (MSAO), Airport Hazard Overlay District (AHOD), and Edwards Aquifer Recharge Protection (ERZD)
 - Process would follow the existing processes for those Zoning Districts (Zoning

- Commission, City Council, Board of Adjustment as applicable)
- Tree Preservation Standards
 - Follow existing appeal procedures
- Enforcement consistent with the UDC
 - Adjudication in Municipal Court
- Compliance with existing adopted International Building Codes and Inspections

Proposed Timeline

- February 2019: Stakeholder Meetings
- March 2019: Community Meetings
- April 2019: Planning Commission Briefings and Consideration
- May 2019: Zoning Commission Briefings and Consideration
- June 2019: Council Consideration (tentative)

ALTERNATIVES:

The alternative would be to not implement any land use controls and continue the current regulatory framework for development in the ETJ with minimal military protection.

FISCAL IMPACT:

Fiscal Impact will be developed through the process; there is anticipated to be additional revenues to the Development Services Department fund generated from development activity, along with the possible need for additional staff to manage the additional work load.

RECOMMENDATION:

Staff recommends moving forward through the process established above (stakeholder meetings, community meetings, board and commission briefings), with the development of the ETJMPA regulations and land use categories.