



# City of San Antonio

## Agenda Memorandum

**File Number:**20-4273

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**Agenda Item Number:** 15.

**Agenda Date:** 8/12/2020

**In Control:** Planning Commission

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**DEPARTMENT:** Development Services

**SUBJECT:**

Appeal of Staff Decision to Deny a Request for a Certificate of Determination

**SUMMARY:**

A request by Ricardo D. Renteria to appeal the staff denial of a Certificate of Determination UDC 35-430(c) Plat Exception request for a proposed single-family residence, located at 17030 Shady Falls, San Antonio Texas 78112. Staff recommends Denial. (Daniel Hazlett, Planning Coordinator, (210) 207-8270, Daniel.Hazlett@sanantonio.gov, Development Services Department)

**BACKGROUND INFORMATION:**

Outside City Limits:	COSA ETJ
Filing Date:	June 28, 2020
Applicant/Representative:	Ricardo Daniel Renteria
Staff Coordinator:	Daniel Hazlett, Planning Coordinator, (210) 207-8270

**ANALYSIS:**

On May 12, 2020, staff received a Certificate of Determination (COD) application for a proposed single-family residence. Since the property has never been platted, Bexar County and CPS Energy require an approved and recorded plat or a plat exception which is covered under UDC 35-430 (c) Plat Exceptions to allow for development. On May 20, 2020, DSD informed the applicant that a legal document, such as a deed, filed at the Bexar County Clerk and dated prior to January 1, 2005, that matched the current legal description and acreage of the property, was required per Section 35-430(c)(5) enumerated below:

35-430(c)(5) The provision of utility service to not more than three (3) detached single-family dwelling units on an unplatted tract or antiquated plat shall not require a subdivision plat provided all of the following requirements are met:

- A. The tract is located outside the city limits within the extraterritorial jurisdiction of the city;
- B. The tract has a minimum of fifteen (15) feet of frontage on a public street or a recorded irrevocable access easement;
- C. The tract was created prior to January 1, 2005;
- D. The tract has a minimum area of five thousand (5,000) square feet for each dwelling unit, additional county requirements may be imposed where on-site sewage facility is proposed;

- E. The tract is held under single ownership;
- F. No dwelling unit will be located within a regulatory floodplain; and
- G. No public utility extension is required.

On June 9, 2020, the applicant shared that on December 8, 1995, Coffey W.R.TR purchased 520.4191 acres from Harold Olsen. In document # 20070201231 Page 11, Line, 74 shows that Coffey W.R sold the property to Evangelina V. Garcia for \$13,410.00 on September 27, 1999, with no record of the purchase. Also, in the same document # 20070201231, Page 24, the description of the property matches the current record of the property. On document # 20080098010, Page 1 is the actual warranty deed for Evangelina Garcia from SandStone Capital, LLC. This information is included in the packet for Planning Commission to review. Since the sale of the property was not recorded at Bexar County before 2005, we issued a denial letter on June 24, 2020, as required by the Unified Development Code. The applicant is requesting an appeal of staff's denial to receive CPS service for the property.

#### **ALTERNATIVE ACTIONS:**

The Planning Commission may approve the requested appeal or it may deny the requested appeal.

#### **RECOMMENDATION:**

Staff recommends denial of the appeal.