

# **2015 CITY OF SAN ANTONIO SERVICE PLAN FOR FAIR OAKS MOSAIC TBY, LLC PROPERTY AT 5710 EAST EVANS ROAD**

## **INTRODUCTION**

The City (City) of San Antonio, Texas, is making this Service Plan (Plan) available pursuant to Chapter 43 of the Texas Local Government Code. This Plan relates to the annexation of one tract of land (Annexation Area) located at 5710 East Evans Road. The annexation area comprises 36.123 acres located in north-central Bexar County.

Fair Oaks Mosaic TBY, LLC (“Owner”) petitioned the City of San Antonio to annex a 36.123 acre sized tract of land overlaying the Edwards Aquifer Recharge Zone. The proposed annexation area is located within San Antonio’s Extraterritorial Jurisdiction (ETJ) in north-central Bexar County. The Owner plans to construct a residential gated subdivision, and currently a portion of the planned subdivision falls within City of San Antonio City limits. The purpose of the petition for annexation is to bring the entire area into the City and to maintain an equivalent level of City services throughout the community.

## **EFFECTIVE TERM**

This Plan shall be in effect for a ten-year period commencing on the effective date of the annexation, unless otherwise stated in this Plan. Renewal of the Plan shall be at the option of the City. Such option may be exercised by the adoption of an ordinance by the City Council, which refers to this Plan and specifically renews this Plan for a stated period of time. Residents of the annexation area may request extension of the service plan, and the plan may be extended upon the mutual agreement of the City and the residents.

## **INTENT**

It is the intent of the City of San Antonio that services under this Plan shall provide full municipal services as required and defined by the Texas Local Government Code. City of San Antonio services shall be provided at a level of services equal to current services available in the City, or equal to the level of services available in other parts of the City with topography, land use and population density similar to those contemplated or projected in the annexed area, whichever is applicable.

The City reserves the right guaranteed to it by the Texas Local Government Code, to amend this Plan if the City Council determines that changed conditions or subsequent occurrence or any other legally sufficient circumstances exist under the Local Government Code, or other Texas laws to make this Plan unworkable or obsolete or unlawful.

## **SERVICE PLAN COMPONENTS**

This Plan includes three service components: (1) Program for Services to be Provided on the Effective Date of Annexation (2) Additional Services, and (3) a Capital Improvement Program.

### **1. PROGRAM FOR SERVICES TO BE PROVIDED ON THE EFFECTIVE DATE OF ANNEXATION**

As referred to in this Plan, providing services includes the provision of services by any method or means by which the City extends municipal services to any other area of the City. This may include causing or allowing private utilities, governmental entities and other public and private non-profit service organizations to provide such services by contract in whole, or in part. It may also include separate agreements with associations or similar entities.

- a. **Police Protection** – The San Antonio Police Department (SAPD) will provide protection and law enforcement services in the annexation area upon the effective date of annexation. These services are provided on a city-wide basis. The Annexation Areas will be served by the North Patrol Substation located at 13030 Jones Maltsberger. These services include normal patrols and responses to call for services, handling of complaints and incident reports, special units, including traffic enforcement, criminal investigations, narcotics, gang suppression, and special weapon and tactics teams, as required.
- b. **Fire Protection** – The San Antonio Fire Department (SAFD) will provide emergency and fire prevention services and other services as needed, on the effective date of annexation. SAFD services are provided on a citywide basis. All San Antonio firefighters are certified by the Texas Commission on Fire Protection. The Annexation Area will be served by the fire station No. 48 located at 18100 Bulverde Road. These services are provided based upon the available water, road and street conditions, and distance from existing fire station. These services include fire suppression and rescue, hazardous material mitigation and regulations, and rescue unit, emergency prevention and management, aircraft/rescue/ firefighting, dive rescue, technical rescue, public education effort, fire protection plan review and inspection.
- c. **Emergency Medical Service (EMS)** – San Antonio EMS will provide emergency medical first response to all patients in life treating situation. All of SAFD personnel are certified as Emergency Medical Technician (EMT) level or higher and assist EMS personnel providing patient care. These services include emergency dispatch, pre-arrival first aid instructions and coordination of other public safety support agencies, emergency advanced life support ambulance response, and medical rescue services.
- d. **Solid Waste Services** – Solid Waste Management Department residential collection services will be available within this area. Services will be provided by City personnel or by solid waste service providers under contract with the City. Solid waste services will be provided in accordance with the requirements and standards outlined in the Solid Waste Code, Chapter 14 of the City Code of Ordinances, Fees for services will be assessed on CPS Energy electric bills.  
Residents may choose to either: a) continue to use their present private service provider or b) use City-provided services until the second anniversary of the annexation. If residents elect to retain private service, City solid waste fees will not be assessed. Non single-family residential customers including businesses, multi-family dwelling complexes and Planned Unit Developments (PUDs), may elect to continue to contract directly with private service providers. Private solid waste haulers must have an active waste hauler permit issued by the City of San Antonio to provide services within City limits.  
A monthly environmental services fee will be assessed per each electrical meter account to all residential and nonresidential properties. This fee is intended to defray municipal expense necessary to cleaning up illegally dumped waste, collecting and disposing of dead animals, performing regulatory maintenance on closed landfills and equitably sharing costs for neighborhood cleanups, benefiting residents and businesses that do not pay monthly solid waste and brush fees.
- e. **Maintenance of Water and Wastewater Facilities** – The San Antonio Water System (SAWS) will maintain and operate the public water and wastewater facilities that are within its certificated service area. This development falls entirely within the Edwards Aquifer Recharge Zone District, and as such must comply with SAWS aquifer requirements. Routine standard maintenance of the facilities is performed on a scheduled basis. Emergency maintenance and repairs receive immediate attention, and are available 24 hours a day, 7 days a week. The facilities will be maintained and operated in accordance with standard SAWS policies and procedures, and under the provisions of the SAWS Utility Service Regulations for the extension of facilities.

*Rates* - After annexation, SAWS rate customers will pay the lower Inside City Limit rate as opposed to the Outside City Limit rate. This will amount to an approximate 30% reduction in the

average water bill and approximate 20% reduction in the average sewer bill. The rates are set by City Council and can be amended in the future.

- f. **Maintenance of Roads and Streets** – The Street Maintenance Division of the Transportation & Capital Improvements Department will maintain public streets over which the City has jurisdiction. In PUD designations Transportation & Capital Improvements does not provide maintenance.
- g. **Street lighting** - CPS Energy will maintain public street lighting in accordance with Sec. 43.056 (b) (6) of the Texas Local Government Code and the City’s policies. Upon annexation, the City will assume the cost of electricity for public streetlights. Streetlights within the residential gated subdivision are the financial responsibility of the Developer/HOA and will be owned and maintained by CPS Energy.
- h. **Maintenance of Parks, Playgrounds, and Swimming Pools** – Maintenance responsibilities for publicly owned parks in annexed areas are the responsibility of the City. Any proposed or existing privately owned parks, playgrounds, swimming pools, recreational facilities and common spaces in the annexation area are the responsibility of the property owner(s).
- i. **Maintenance of Any Other Publicly Owned Facility, Building, or Service** – Should the City acquire any other facilities, buildings, or services necessary for municipal services located within the annexation area, an appropriate City department will provide maintenance services for them.

## 2. ADDITIONAL SERVICES:

- a. **Development Services**<sup>1</sup> – Included below are some of the services provided by the Department of Development Services. Additional information regarding these services can be referenced by visiting [www.sanantonio.gov/dsd](http://www.sanantonio.gov/dsd). Please note that in some cases Building Permits and Certificates of Occupancy can be applied for on line at the above referenced web page.
  - **Zoning** – Upon the effective date of annexation, all properties will be zoned “R-6 PUD AHOD ERZD” Single Family Residential Planned Unit Development Airport Hazard Overlay Edwards Recharge District. The “R-6” PUD AHOD ERZD designation indicates that the property may be suitable for single-family residential land use. To formally establish the PUD, the developer must submit a PUD plan for approval by the Planning Commission. While under the “R-6” zoning designation, the property may be used for single -family development in conformance with the regulations of an “R-6” zoning district. Permanent zoning will be established when the annexation takes effect.
  - **Code Enforcement** – The Code Enforcement Section enforces the San Antonio Property Maintenance Code plus City codes and regulations to protect the health, safety and general welfare of the community. Current enforcement is provided to the following and is not limited to vacant dangerous premises and structures, junked vehicles, weeded and littered vacant lots, zoning (Unified Development Code), minimum housing, including unsanitary premises, front yard parking, water and sewer, alley and right-of-way violations, water leaks or discharges of wastewater on private property, monthly inspections of salvage/junk yards, monitoring and enforcing materials received at salvage/junk yards, and enforcement of garage sale permits.
    - a. **Building Permits** – Incomplete and new commercial and residential construction must obtain building permits from the Development Services Department in accordance with adopted International Building Codes and other City codes. Incomplete construction implies that final inspections have not been conducted and approved. For

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<sup>1</sup> The following five permits have been submitted to the City of San Antonio’s Development Services Department for the property at 5710 E Evans Road: MDP 15-00005 East Evans Road Subdivision PUD; PUD 15-00005 East Evans Road Subdivision PUD; Plat150437 East Evans Road Subdivision PUD; Zoning Case Z2015-181 ERZD; Zoning Case Z2015-200 ERZD.

new commercial construction, incomplete construction indicates that one has not obtained approved final inspections for building, mechanical, plumbing, electric, fire, traffic, drainage, sidewalks, irrigation, tree, and landscape field inspections. Other field inspections may be applicable for new residential or commercial construction depending on the specific use and/or location of the project.

- b. Subdivision Platting – Applicants will need to comply with the rules and regulations of Chapter 35 of the Unified Development Code pertaining to subdivision platting.
  - c. Tree and Landscape Requirements – In addition, as part of the permitting process, applicant(s) will be required to adhere to the City's Tree and Landscape requirements.
  - d. Certificate of Occupancy – New and existing businesses must obtain a Certificate of Occupancy and related licenses required by City code from the Development Services Department, San Antonio Metro Health Department, and/or City Tax Office. In accordance with the current adopted International Building Code and all other State and local codes, no person may occupy a building or a space without first obtaining a Certificate of Occupancy from the Building Official. Certificates of Occupancy may be applied for at the Development and Business Services Center, located at 1901 South Alamo Street.
  - e. Nonconforming rights – To establish nonconforming rights for zoning, property owners with existing land uses are encouraged to register within one year of the annexation date with the Development Services Department. Uses that existed legally prior to annexation, generally become nonconforming after annexation because of the new zoning classification placed on the land. You may register for nonconforming rights at the Development and Business Services Center, located at 1901 South Alamo Street. Registration of your legal nonconforming uses allows you to apply for a Certificate of Occupancy. Upon the issuance of the Certificate of Occupancy, you may continue the legal nonconforming uses that existed prior to annexation. A Certificate of Occupancy will be issued certifying only those uses required by applicable City and State codes. Unless exempted by Chapter 43, of the Texas Local Government Code, nonconforming rights to allow future construction of the development of a master plan must be filed within 60 days of annexation, with the Development Services Department in accordance with the Unified Development Code (UDC).
- b. Storm Water Utility Services** – The Storm Water Operation of Transportation and Capital Improvements provide storm water management services including routine maintenance for public drainage channels and public storm sewers within dedicated public drainage easements. Storm water services are fee-based. Fees are assessed based on Customer Classification (Residential, Multi-family, Public, and Commercial). Within each Customer Classification are tiers based on size of the parcel. For example, the average residential fee is \$3.08 per month and the fee for commercial sites less than 0.5 acres is \$13.26 per month. This fee is collected through the San Antonio Water System billing system. Services are currently provided by the Utility, in accordance with the Utility's approved business plan and as limited by applicable codes, laws, ordinances and special agreements. The fee will be assessed for the development at 5710 E. Evans Road as the storm water will drain to the exiting City of San Antonio facilities.
- c. Library Services** – For more than 110 years, the award-winning San Antonio Public Library (SAPL), has been a vital center for free learning, knowledge, communication, culture and enjoyment within and near the City of San Antonio and Bexar County. The Library system is comprised of a world-class Central Library, 26 branch libraries and a library outlet at the Briscoe Western Art Museum. Our Library system offers an extensive collection of eBooks, eAudiobooks, movies and music as well as physical items such as printed books and DVDs. All locations are hubs for WiFi broadband access and provide access to computers and other digital technology. In addition, all locations offer programs to serve the needs and interests of the community, including programs for all ages that support early childhood literacy, education, culture and

economic development. More information about library services are available at <http://mysapl.org/>

- d. **Health Department Services** – The San Antonio Metro Health Department (SAMHD) currently provides a wide range of services. Upon annexation, the following additional services will be available: investigation of public health related complaints, enforcement of the City's smoking in public places ordinance and the minor's access to tobacco ordinance, investigation of reported elevated blood levels in children, access to community health clinics, and Medical assistance program benefits.  
SAMHD provides food establishments licenses and environmental health services and would provide additional services for oversight of day care centers, semi-public swimming pools, air quality permits. SAMHD would provide year round services for mosquito related surveillance and control programs.
- e. **Animal Care Services** – Newly annexed areas would receive new and additional services that are not medically related such as Animal Care. Once annexed, they would receive enhanced enforcement of animal related laws and low-cost services to assist residents remain responsible pet owners.
- f. **Other Services** – All other City Departments with jurisdiction in the area will provide services according to City policy and procedure.

### 3. CAPITAL IMPROVEMENTS PROGRAM

The City will initiate the construction of capital improvements as may be necessary for providing municipal services to the annexation area. The timing for the construction of capital projects that may be necessary for the delivery of municipal services will be done in accordance with the requirements of Subchapter C of Chapter 43, Local Government Code.

Each component of the Capital Improvement Program is subject to the City providing the related service directly. In the event that the related service is provided through a contract service provider, the capital improvement may not be constructed or acquired by the City but may be provided by the contract provider. The City may also lease buildings in lieu of construction of any necessary buildings.

- a. **Police Protection** – No capital improvements are necessary at this time to provide Police services.
- b. **Fire Protection** – No capital improvements are necessary at this time to provide Fire services.
- c. **Emergency Medical Services** – No capital improvements are necessary at this time to provide Emergency Medical Services.
- d. **Solid Waste Collection** – No capital improvements are necessary at this time to provide solid waste collection services.
- e. **Roads and Streets** – No newly constructed road or street related capital improvements are necessary at this time to provide services. The City will assume maintenance responsibilities for all public streets.
- f. **Street lights** – No capital improvements are necessary at this time to provide services. Currently there are no existing streetlights on Evans Road leading to the residential gated subdivision. Any future requests for public streetlighting along Evans Road must be requested and approved by the City of San Antonio.
- g. **Parks, Playgrounds and Swimming Pools** – There are no annexation service requirements.
- h. **Library** – No capital improvements are necessary at this time to provide Library services.
- i. **Other Publicly owned Facilities, Buildings or Services** – There are no annexation service requirements. Addition capital improvements are not necessary to provide such City services.

j. **Capital Improvements Planning** – There are no annexation service requirements.

**AMENDMENT: GOVERNING LAW**

This Plan may not be amended or repealed except as provided by the Texas Local Government Code or other controlling law. Neither changes in the methods or means of implementing any part of the service programs nor changes in the responsibilities of the various departments of the City shall constitute amendments to this Plan, and the City reserves the right to make such changes. This Plan is subject to and shall be interpreted in accordance with the Constitution and laws of the United States of America and the State of Texas, the Texas Local Government Code, and the orders, rules and regulations of governmental bodies and officers having jurisdiction.

**FORCE MAJEURE**

In case of an emergency, such as force Majeure as that term is defined in this Plan, in which the City is forced to temporarily divert its personnel and resources away from the annexation area for humanitarian purposes or protection of the general public, the City obligates itself to take all reasonable measures to restore services to the annexation area of the level described in this Plan as soon as possible. Force Majeure shall include, but not be limited to, acts of God, acts of the public enemy, war, blockages, insurrection, riots, epidemics, landslides, lightning, earthquakes, fires, storms, floods, washouts, droughts, tornadoes, hurricanes, arrest and restraint of government, explosions, collisions and other inability of the City, whether similar to those enumerated or otherwise, which is not within the control of the City. Unavailability or shortage of funds shall not constitute Force Majeure for purposes of this Plan.

## ***Summary of the Water and Wastewater Utility Service Regulations***

The following is a summary of the SAWS Utility Service Regulations for the extension of water and/or wastewater facilities as incorporated by reference in the latest version of the Unified Development Code, and in conformance with the requirement in the Texas Local Government Code that the Plan has a summary of the service extension policy (SAWS USR). The latest edition of the SAWS Utility Service Regulations can be found at [www.saws.org](http://www.saws.org)

Water and wastewater service is only provided to lots that have been properly subdivided and platted or are a legal lot. For property that is required by subdivision regulations to construct water or wastewater facilities connecting to the SAWS system, funding and construction of those facilities will remain the responsibility of the developer.

If the specific undeveloped property does not have SAWS water or wastewater service fronting the property, the owner may make an application for an extension of service to SAWS Director of Infrastructure Development Department for review. If the Director determines that adequate capacity is available, or will be and if the project does not include SAWS cost participation or reimbursement, and if the proposed facilities are a logical extension of SAWS water and/or wastewater system and the requested extension meets the requirements of SAWS Utility Service Regulations, the extension size, capacity, and routing may be approved by the Director. Funding and construction of the facilities will be the responsibility of the developer. Depending on the size of the new facilities and other conditions, with SAWS Board of Trustees approval, SAWS may reimburse the developer for a portion of the cost of constructing certain facilities. With Board approval, SAWS may reimburse costs associated with the oversize capacity of water and wastewater mains. The actual calculation of the cost participation and reimbursement amounts, including limits and the schedules for the payments, are included in SAWS Utility Service Regulations as incorporated by reference in the UDC. For lots that have water or wastewater lines in the street fronting the lot, the owner may receive water or wastewater service by applying for a tap permit and paying any required fees. The new customers will be required to pay the impact fees and all connection fees.

If a property is served by a septic system, the property owner(s) remains responsible for the operation and maintenance of their septic system. If the septic system fails, the property owner must repair the system or pay to extend SAWS wastewater facilities to the property, if unavailable. Under certain circumstances the City of San Antonio Metro Health Department and/or applicable regulatory agency for septic tanks may require the property owner to connect to SAWS public wastewater facilities. This policy is set by the City Council and can be amended in the future by ordinance.

### ***Site Specific Requirements (Water and Wastewater)***

The tract of land referenced in this document as 5710 East Evans Road currently has a Utility Service Agreement (USA) with SAWS. The USA referenced as the 47-Acre Evans Road Tract, USA-9745 defines all the necessary requirements the developer must complete to obtain water and sewer service from SAWS. The agreement is currently valid until April 30, 2018 and will be extended upon completion of the developer's required improvements.