



# City of San Antonio

## Legislation Details (With Text)

**File #:** 13-1283

**Type:** Miscellaneous Item

**In control:** City Council A Session

**On agenda:** 1/9/2014

**Title:** An Ordinance authorizing an “Agreement for Services in lieu of Annexation between the City of San Antonio and Southwest Independent School District” located in the City’s extraterritorial jurisdiction.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Draft Development Agreement, 2. Property Description, 3. Draft Ordinance, 4. Ordinance 2014-01-09-0004

Date	Ver.	Action By	Action	Result
1/9/2014	1	City Council A Session	adopted	Pass

**DEPARTMENT:** Planning and Community Development

**DEPARTMENT HEAD:** John Dugan

**COUNCIL DISTRICTS IMPACTED:** City-wide

### SUBJECT:

Request to enter into an “Agreement for Services in lieu of Annexation between the City of San Antonio and Southwest Independent School District” located in the City’s extraterritorial jurisdiction.

### SUMMARY:

This Ordinance authorizes the Director of Planning and Community Development to enter into an “Agreement for Services in lieu of Annexation between the City of San Antonio and Southwest Independent School District” located in the City’s extraterritorial jurisdiction.

### BACKGROUND INFORMATION:

**Background:** Southwest ISD is planning the construction of a multi-school campus, funded by a bond approved on November 6, 2012. They have been in dialogue with the Bexar County Fire Marshall in the preparation of their plans and the design of the facility. They would like the ability to continue with the construction of the school campus under the Bexar County Fire Marshall’s jurisdiction. Additionally, Bexar County is considering road improvements to Fischer Road related to the construction of the campus.

**Proposed Considerations:** Southwest ISD proposes a non-annexation agreement for a term of three years, with the following considerations:

- Consent to annexation upon expiration of agreement,
- Ability for City to inspect the project for compliance with building regulations and payment of a \$50 fee per inspection to the City,
- Agree to fully fund traffic control devices.

No Fire, EMS, or Police Services are being requested.

**Additional Considerations:** The City has requested additional considerations based on annexation policy analysis.

- The City will retain the ability to inspect the construction using 2009 International building, mechanical, electrical and plumbing codes as adopted by Bexar County, Texas and receive inspection fees.
- The City will receive all copies of construction documents approved by Bexar County Fire Marshall.

**Analysis:** The Heritage South Sector Plan designates this area as Suburban Tier land use. The Sector Plan also calls for the following objectives:

EDU-5.1 Encourage communication between Heritage South Community stakeholders, including developers, utility providers, local governments, and respective school districts to involve schools as necessary for community building and integrative learning opportunities

EDU-5.2 Foster multi-use, campus facilities comprised of schools, public libraries, parks and recreation facilities and community centers

EDU-5.3 Ensure that schools and libraries reflect the importance of community facilities by taking into consideration the location, topography, infrastructure, traffic conditions and accessibility by pedestrians, bicycles and vehicles

The current development plan is consistent with the Heritage South Sector Plan Land Use Plan; the proposal is in keeping with the intent of the objectives stated above. The planned campus will be a multi-school campus, and could potentially serve as a community facility to the residents of the Heritage South Sector. Total anticipated student population is 4300. Given the rural nature of Southwest ISD, the majority of students will be bused to the campus. The campus will be accessible to both the Fischer Road East-West connector and Somerset Road (Enhanced Secondary Arterial (120 ft. in width). The school district is constructing a portion the Fischer Road East-West connector, an Enhanced Secondary Arterial (120 ft. in width) on the City's Major Thoroughfare Plan.

The proposed agreement is consistent with the City's Annexation Policy, which states that in considering non-annexation agreements the City should:

- Offer an agreement to property owners, within a proposed Municipal Annexation Plan, that have Agricultural Exemptions, in accordance with state law;
- Include a statement that the property owner consents to future voluntary annexation and a negotiated annexation schedule;
- Consider revenue sharing option in areas that have taxing authority;
- Consider services in lieu of annexation to extend the city's regulations and requirements in anticipation of annexation at some point in the future;
- Shall be placed in the City's annexation program for future consideration;

- Be reviewed by the Director of Planning and Community Development for adherence to these policies.

#### **ISSUE:**

The Southwest Independent School District property is located on Howard Street which is in the South San Antonio Proposed Limited Purpose Annexation Area. Should the Development Agreement not be approved, the property will remain in the Limited Purpose Annexation Plan. If the Limited Purpose Annexation Plan is approved by City Council, the property will be subject to zoning and building regulations, requiring permits to be obtained through the City of San Antonio. The design of the campus was begun in 2012, and Southwest Independent School District desires to continue working with the Bexar County Fire Marshall for development review and approval.

#### **ALTERNATIVES:**

One alternative is to not consent to the agreement, and allow the property to remain in the City's Limited Purpose Annexation Plan.

#### **FISCAL IMPACT:**

There is no direct financial impact associated with the passage of this Ordinance.

#### **RECOMMENDATION:**

Planning Commission's recommendation is pending. The Planning Commission will hold a public hearing and will consider this item at its December 18, 2013 meeting.

Staff recommends approval to authorize the Director of Planning and Community Development to enter into an "Agreement for Services in lieu of Annexation between the City of San Antonio and Southwest Independent School District" located in the City's extraterritorial jurisdiction.