



# City of San Antonio

## Legislation Details (With Text)

**File #:** 15-4859

**Type:** Miscellaneous Item

**In control:** City Council A Session

**On agenda:** 10/15/2015

**Title:** An Ordinance authorizing the voluntary annexation of approximately 36.123 acres on County Block 2915, located at 5710 East Evans Road, as requested by Fair Oaks Mosaic TBY, LLC. [Peter Zaroni, Deputy City Manager, John Dugan, Director, Planning and Community Development]

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Memo Attachment A, 2. Memo Attachment B, 3. Memo Attachment C, 4. Memo Attachment D, 5. ORDINANCE 10152015wATTACH, 6. Ordinance 2015-10-15-0882

Date	Ver.	Action By	Action	Result
10/15/2015	1	City Council A Session	adopted	Pass

**DEPARTMENT:** Department of Planning and Community Development

**DEPARTMENT HEAD:** John M. Dugan, AICP

**COUNCIL DISTRICTS IMPACTED:** 10

**SUBJECT:**

City Council consideration of a voluntary annexation of approximately 36.123 acres on County Block 2915, located at 5710 East Evans Road, as requested by Fair Oaks Mosaic TBY, LLC.

**SUMMARY:**

An ordinance providing for extension of the City of San Antonio limits by the full purpose annexation of approximately 36.123 acres on County Block 2915, located at 5710 East Evans Road, as requested by Fair Oaks Mosaic TBY, LLC, as required under Chapter 43 of the Texas Local Government Code; and approving a Municipal Service Plan for such area.

**BACKGROUND INFORMATION:**

On May 1, 2015, Fair Oaks Mosaic TBY, LLC requested annexation by the City of San Antonio of approximately 36.123 acres located at 5710 E. Evans Road. The purpose of Fair Oaks Mosaic TBY, LLC's petition is to ensure a uniform level of public safety services across the planned residential development, a

portion of which currently lies within the City Limits. The subject property is adjacent to the City limits and within the City of San Antonio's Extraterritorial Jurisdiction (ETJ). The subject property consists of 36.123 acres, described in the metes and bounds included in the Voluntary Annexation Petition (Attachment A), and depicted in the attached map (Attachment B).

All 36.123 acres of the subject property are overlying the Edwards Aquifer Recharge Zones. The 36.123 acres are located outside of the flood plain and are considered suitable for residential development. Fair Oaks Mosaic TBV, LLC intends to develop a 185 unit single-family gated community. The approximate value of each developed unit (land and improvement) is anticipated to be \$350,000.00. The streets and drainage system will be maintained by the Homeowners Association.

## ISSUE:

The petitioner intends to develop a 185 unit single-family units with an anticipated value of \$350,000.00 per housing unit (land and improvement). If the area is annexed for full purposes, the development would receive full City services; however, the development will be a gated community. The subdivision has a forecasted eighteen month build-out. In FY 2016 no city services would be required and are not projected to be needed until mid FY 2017. The Homeowners Association will be responsible for the newly constructed streets and lighting maintenance and may opt out of City of San Antonio solid waste services. (Texas Local Government Code allows any area newly annexed for full purposes to have two years from the date of annexation to opt out of a City's solid waste services.) San Antonio Fire Department and San Antonio Police Department would be responsible for serving the development. As part of the voluntary annexation process, the Department of Planning and Community Development prepared a Service Plan. The Service Plan indicates there are no capital improvements anticipated for this annexation area.

The fiscal impacts of service provision is expected to be marginal, given that no capital improvements are required and the annexation of this development will expand the City tax base. This area would receive police services out of the City's Jones Maltsberger Police Substation. Fire services will be provided by Fire Station #48 on Bulverde Road and would provide the same response time as what is provided to the adjacent areas.

Annexation of the subject property will provide a uniform level of City services across the development, avoiding the difficulties associated with multi-jurisdictional public safety boundaries. Once the subject property is annexed into San Antonio, it would benefit from standardized full City services protecting health, safety and well-being.

The proposed annexation not only will increase the City's public safety service area but also will expand the City's corporate area and tax base. Staff proposes that the City annex and zone the subject property, "R-6 PUD AHOD ERZD" zoning district which is proposed to be effective upon the date of annexation. The associated zoning case will be considered on October 15, after action on the annexation. The subject property overlies the Edwards Aquifer Recharge Zone. In San Antonio's Extraterritorial Jurisdiction, this property could be developed up to 15% impervious surface coverage. Impervious surface coverage is regulated within the City of San Antonio by Chapter 34 (Water and Sewers) of the City Code. Upon full purpose annexation, this property could be developed up to 30% impervious surface coverage under Chapter 34 of the City Code for residential development; 50% for multi-family housing and 65% for commercial.

On June 18, 2015, City Council action required the Department of Planning and Community Development DPCP to prepare a service plan for this property prior to the publication of the notice of the required public hearing, in accordance to Chapter 43 of the Texas Local Government Code. The intent of a municipal service

plan is to provide specifics about the implementation of municipal services provided by the municipality after annexation for full purposes, and their associated costs. The Municipal Service Plan for the Fair Oaks Mosaic TBY, LLC property is attached as "Attachment C." "The Service Plan for 5710 E. Evans Road" was available for public viewing at the DPCD Office, located at 1400 South Flores Street, and was posted on the City's DPCD internet web page.

State law requires that the municipality follow certain provisions for annexation, including the publication of the public hearing notification, two public hearings by the governing body and the adoption of the annexation ordinance and "Service Plan." In addition, the City Charter requires consideration by the Planning Commission, and the publication of the annexation ordinance 30 days prior to the final adoption.

Notices regarding the annexation were posted on the City of San Antonio DPCP's internet web site, on August 28, 2015, and notice was published in the San Antonio Express-News newspaper on August 28, 2015. On September 15, 2015, the City published the ordinance in the San Antonio Express-News newspaper, thirty days prior to passage of the ordinance.

On September 16 and September 17, 2015, the City Council held public hearings on the proposed annexation of the subject property for full purposes. At the public hearings, the City presented the Service Plan as a requirement of Section 43.056(j) of the Texas Local Government Code.

Below is the schedule for the annexation:

<u>Date</u>	<u>Annexation Procedures</u>
Aug. 12	Planning Commission Hearing and Consideration (Recommended Approval of Annexation)
Aug. 17	Written notice provided to property owners and service providers
Aug. 28	Publish notice public hearings in newspaper and on City's web site
Sept. 1	Zoning Commission Consideration (Recommended Approval of Zoning)
Sept. 8	Publish the Annexation Ordinance in the San Antonio Express News
Sept. 16 (6:00 PM)	First City Council Public Hearing
Sept. 17 (2:00 PM)	Second City Council Public Hearing
<b>Oct. 15 (9:00 AM)</b>	<b>City Council consideration of annexation, Municipal Service Plan</b>
<b>Oct. 15 (2:00 PM)</b>	<b>City Council consideration of zoning and plan amendment</b>
Oct. 31	Effective Date of Full Purpose Annexation

#### **ALTERNATIVES:**

An alternative is that Council denies extending the City limits by full purpose annexation and zoning of the subject property in which it would remain as an unincorporated area of the ETJ.

#### **FISCAL IMPACT:**

The fiscal impact of service provision is expected to be marginal, given that no capital improvements are required and the annexation of this development will expand the City tax base. This area would receive police services from the City's Jones Maltsberger Police Substation. Fire services will be provided by Fire Station #48 on Bulverde Road and would provide the same response time as what is provided to the adjacent areas.

**RECOMMENDATION:**

Staff recommends the Full Purpose Annexation of approximately 36.123 acres located at 5710 East Evans Road, as requested by Fair Oaks Mosaic TBY, LLC; and the adoption of a Municipal Service Plan.

On August 12, 2015, the Planning Commission held a public hearing regarding the annexation and recommended approval. (Attachment D)

On September 1, 2015, the Zoning Commission held a public hearing regarding the zoning and recommended approval.