



# City of San Antonio

## Legislation Details (With Text)

**File #:** 15-3214

**Type:** Miscellaneous Item

**In control:** City Council A Session

**On agenda:** 6/18/2015

**Title:** An Ordinance approving an Extraterritorial Jurisdiction Agreement with the City of Garden Ridge releasing approximately 13 acres of Extraterritorial Jurisdiction in Comal County that is not recommended to be annexed into the City of San Antonio limits. [Peter Zaroni, Deputy City Manager; John Dugan, Director, Department of Planning & Community Development]

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Planning Commission Resolution, 2. Location Map, 3. Draft Ordinance, 4. Ordinance 2015-06-18-0579

| Date      | Ver. | Action By              | Action  | Result |
|-----------|------|------------------------|---------|--------|
| 6/18/2015 | 1    | City Council A Session | adopted | Pass   |

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

**DEPARTMENT HEAD:** John Dugan, AICP

**COUNCIL DISTRICTS IMPACTED:** District 10

**SUBJECT:**

An Ordinance approving an Extraterritorial Jurisdiction Agreement with the City of Garden Ridge releasing approximately 13 acres of Extraterritorial Jurisdiction (ETJ).

**SUMMARY:**

A request by the City of Garden Ridge for the release of approximately 13 acres of Extraterritorial Jurisdiction (ETJ) from the City of San Antonio to the City of Garden Ridge. The subject area is a portion of a 111.64 acre tract generally located northeast of San Antonio in Comal County, north of Bindseil road, South of Park Lane Drive, and West of Bat Cave Road in the City of San Antonio ETJ. Staff recommends approval. Planning Commission recommended approval at their April 22, 2015 public hearing.

**BACKGROUND INFORMATION:**

State law allows cities with fewer than 5,000 inhabitants, such as the City of Garden Ridge, to have a one-half mile ETJ (Garden Ridge has approximately 3,450 residents.) Texas cities may expand their ETJ via population growth or by expanding their corporate limits and hence extend their ETJ area outward. Cities also may expand their ETJ to contiguous areas that are beyond the distance allowed by state law, if the property owner requests to be added into their ETJ. State law also permits cities to seek the release of another city's existing ETJ area from a neighboring municipality.

The City Council of the City of Garden Ridge approved a resolution in December 2013 authorizing the request to the City of San Antonio for the release of identified ETJ. The owner and developer of the property has requested annexation by the City of Garden Ridge so that the entirety of the proposed subdivision will be within their corporate limits. The proposed development consists of 111.647 acres, 98.647 acres of which are located within the corporate limits of Garden Ridge.

## **ISSUE:**

The City of San Antonio's Annexation Policies provide guidance and rationale for consideration of areas for annexation and issues within the ETJ. The subject request was evaluated based on criteria provided in the policies and on the feedback received from other city departments and outside agencies.

### *Land use*

The City of San Antonio does not provide municipal services to unincorporated areas within its ETJ. However, San Antonio currently enforces subdivision platting, tree preservation, sign/billboard, historic preservation, nuisance ordinances and some water quality regulations within its ETJ. If the subject area is released from San Antonio's ETJ, all of San Antonio's above-mentioned ordinances would no longer apply. If the subject area were subsequently annexed by the City of Garden Ridge, they would be responsible for full municipal services including police and fire protection, emergency medical services, code enforcement, and could extend their city codes and regulations to the area.

The area is part of a proposed single-family residential development that will consist of approximately 109 home sites, 19 of which are currently in San Antonio's ETJ, along with a 3.46 acre drainage detention structure.

### *Subdivision Development*

The surrounding area consists primarily of very low density residential development and undeveloped land. A Master Development Plan (MDP) has not been received by the City of an Antonio for the subject area.

The subject property is proposed for single-family residential development consisting of approximately 19 homes and a 3.46 acre drainage structure.

### *Water/Waste Water*

The entire subject area is within the Certificate of Convenience and Necessity (CCN) of the City of Garden Ridge Water System.

### *Economic Development*

San Antonio currently does not hold any non-annexation agreements in the subject area; nor are there any pending economic development projects or project discussions underway for the area.

### *Other Services*

CPS Energy provides electrical utility services in the subject area. The Comal County Sheriff's Office

currently provides law enforcement services to the area. The City of Garden Ridge also is served by Schertz EMS and Bracken Volunteer Fire Department, in Comal County Emergency Service District 6.

#### *Clear and Logical Planning Boundaries*

The Annexation Policies recommend logical boundaries in order to prevent confusion between jurisdictions and provide efficient service delivery. The proposed release provides a logical planning boundary as it will place the entire property in the jurisdiction of the City of Garden Ridge. Currently 98.647 acres, of the almost 112 acre parcel, is within the City of Garden Ridge.

#### *Fiscal Impact*

The subject property is currently located within the San Antonio ETJ, where neither City property nor sales taxes are collected. The site is not included in the City's current 10-year annexation projections. The City's Office of Management and Budget have provided feedback indicating that providing services to the area at this time would likely be cost prohibitive due to its location.

#### *Protection of environmental resources*

Approximately 3.3 acres of the 13 acre subject area is within the Edwards Aquifer Recharge Zone. The subject area is also within the Cibolo Creek watershed.

#### *Effects of cumulative ETJ releases*

San Antonio recognizes the need for its regional partner cities to grow and possess clear and logical boundaries. San Antonio's city limit is approximately one mile from the subject area. Release of the subject area to the City of Garden Ridge would not negatively affect San Antonio's ability to implement the currently proposed 10-year annexation program as this area is not included.

### **ALTERNATIVES:**

Denial of the request or an alternative exchange of ETJ or municipal territory with the City of Garden Ridge. (Staff is not recommending an exchange of property with the City of Garden Ridge.)

### **FISCAL IMPACT:**

The City would not benefit from annexing this ETJ area as the cost of providing services over such distance would be prohibitive. The site is not included in the current annexation plan. Staff does not recommend seeking compensation for the release of this ETJ area to the City of Garden Ridge.

### **RECOMMENDATION:**

Staff recommends approval of an Extraterritorial Jurisdiction Agreement with the City of Garden Ridge releasing approximately 13 acres.

Planning Commission recommended approval at their April 22, 2015 public hearing.