



# City of San Antonio

## Agenda Memorandum

**File Number:** 16-4319

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**Agenda Item Number:** 4C.

**Agenda Date:** 9/8/2016

**In Control:** City Council A Session

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**DEPARTMENT:** Planning and Community Development

**DEPARTMENT HEAD:** Bridgett White, Interim Director

**COUNCIL DISTRICTS IMPACTED:** 3 and 4

### **SUBJECT:**

Preparation of a Voluntary Annexation Service Plan of approximately 421.6 acres of land generally located north of Priest Road, south of Loop 410, east of I-35, and west of I-37 in the southern portion of San Antonio's Extraterritorial Jurisdiction.

### **SUMMARY:**

This Resolution directs the Department of Planning and Community Development to prepare a Service Plan for full purpose annexation of approximately 421.6 acres of land generally located north of Priest Road, south of Loop 410, east of I-35, and west of I-37 in the southern portion of San Antonio's Extraterritorial Jurisdiction.

### **BACKGROUND INFORMATION:**

On January 9, 2014, the City of San Antonio City Council approved Ordinance #2014-01-09-0001 which provides for the Limited Purpose Annexation of four areas known as the South San Antonio Limited Purpose Annexation Area which encompasses approximately 18,729 acres. Pursuant to 43.035 of the Texas Local Government Code, the City of San Antonio was obligated to offer Development Agreements to properties appraised for ad valorem tax purposes as agricultural, wildlife management, or timber management. Development Agreements were offered to 257 tracts of land of which 152 agreements were executed in accordance with Ordinance # 2014-01-09-0002.

In accordance with the terms set forth in the Development Agreement between the City of San Antonio, Texas, Southwest Independent School District and several property owners effective January 28, 2014, and recorded in the Bexar County Records, the City of San Antonio is initiating Full Purpose Annexation proceedings for the properties described below.

Eleven properties totaling 217.4 acres voluntarily consented to full purpose annexation due to one or more of the following reasons: the property is no longer appraised for agricultural valuation, the property was developed, and/or the property was subdivided.

Section 3 of the recorded Development Agreement states:

“This agreement is void if the Owner fails to continue to use the Property solely for agricultural, wildlife management or timber use and/or subdivides or develops the Property in any manner that would require a plat of the subdivision or a related development document to be filed with any government entity having jurisdiction over the Property.

Existing legal residential uses may continue. No new residential development shall be permitted, except for the addition of living space to an existing legal residence, the addition of accessory residential structures such as garages and carports where the total combined floor area of all accessory structures does not exceed 2,500 feet, and an accessory dwelling (either attached or detached) that does not exceed 1,200 square feet in living area.

If the Property ceases to be appraised for agricultural, wildlife management or timber use or if the Owner subdivides the Property as described in this section, then the City may annex the Property, either in whole or in part, and such annexation shall be deemed to be with the consent of the Owner.”

An additional tract for voluntary annexation is the Southwest Independent School District (SWISD) property. Ordinance number 2014-01-09-0004 approved an agreement for services in lieu of annexation between the City of San Antonio and the Southwest Independent School District located in the City’s Extraterritorial Jurisdiction. On November 6, 2012 the SWISD held a bond election wherein voters authorized the design and construction of new school facilities for an area approximately 204.203 acres located near Fischer Road and Somerset Road. A Development Agreement for Services in Lieu of Annexation sets out the applicability of the 2009 International Building, Mechanical, Electrical, and Plumbing Codes, City inspections of construction, permissible land use, funding by SWISD for traffic control devices and provides for consideration by the City Council of the voluntary annexation of the area upon termination of the Agreement on or after November 30, 2016

**ISSUE:**

This resolution will authorize the Department of Planning and Community Development to prepare the service plan as required by Texas Local Government Code, Section 43.065(a). State law requires that prior to the publication of the notice of the first required public hearing, the City Council must direct its planning department or other appropriate municipal department to prepare a service plan.

Generally, the intent of a service plan is to provide specifics on the full services provided by the municipality after the area has been annexed for full purposes. The proposed annexation will expand San Antonio’s municipal boundaries, the public service area, and the Annexation Service Plan will address the public services to be implemented, and their associated costs.

Under Full Purpose Annexation the City of San Antonio will enforce all ordinances, provide services as required by law, and assesses property and sales tax. Annexation of the subject property will provide a uniform level of City services for the area therefore, avoiding the difficulties associated with multi-jurisdictional public safety boundaries. Once the subject properties are annexed into San Antonio, they would benefit from standardized full City services protecting health, safety and well-being.

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.

### **Proposed Public Hearing Dates**

October 13, 2016 - City Council Public Hearing I

October 18, 2016 - Zoning Commission Hearing

October 20, 2016 - City Council Public Hearing II

October 26, 2016 - Planning Commission Hearing

November 10, 2016 - City Council Consideration

December 31, 2016 - Effective Date of Annexation Ordinance

### **ALTERNATIVES:**

A denial of the resolution would result in the subject property remaining within San Antonio's Extraterritorial Jurisdiction.

### **FISCAL IMPACT:**

Funding has been included in the FY 2016 Adopted Budget and FY 2017 Proposed Budget to provide the appropriate level of City services to these areas within the South San Antonio annexation area.

### **RECOMMENDATION:**

Staff recommends approval of the Resolution directing the Department of Planning and Community Development staff to prepare a Service Plan regarding the voluntary annexation of approximately 421.6 acres of land generally located north of Priest Road, south of Loop 410, east of I-35, and west of I-37 in the southern portion of San Antonio's Extraterritorial Jurisdiction.