



# City of San Antonio

## Agenda Memorandum

**File Number:** 19-5639

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**Agenda Item Number:** 26.

**Agenda Date:** 8/22/2019

**In Control:** City Council A Session

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**DEPARTMENT:** Planning Department

**DEPARTMENT HEAD:** Bridgett White, AICP

**COUNCIL DISTRICTS IMPACTED:** 4

### **SUBJECT:**

Second public hearing and consideration of an Ordinance for full purpose annexation of a 52.48 acre property located at 11000 Fischer Road, Von Army, TX, as requested by Maruchan Texas, Inc.

### **SUMMARY:**

Second public hearing and consideration of an Ordinance extending the City limits by full purpose annexation as requested by the property owner, Maruchan Texas, Inc., of a 52.48 acre property located at 11000 Fischer Road, Von Army, TX, 78073, which is contiguous to the City limits of San Antonio and located within the City of San Antonio (City)'s Extraterritorial Jurisdiction (ETJ) in southwest Bexar County.

### **BACKGROUND INFORMATION:**

Maruchan Texas, Inc. is a large manufacturing company that currently maintains a food processing facility at the intersection of IH-35 South and South Loop 410, in the City's Extraterritorial Jurisdiction (ETJ) and in Emergency Services District (ESD) #5. This facility is the main base for its Midwest operations in the United States. There are also facilities located in California and Virginia.

In June 2012, the City Council approved a five-year Industrial District Non-Annexation Agreement (IDA) with Maruchan Texas, Inc., (Maruchan) through Ordinance No. 2012-06-14-045. Under the IDA, Maruchan agreed to hire and maintain at least 500 employees, provide certain annual wages based on position, and offer employee benefits packages. Originally, to attract the building of the facility and related jobs, the City offered the company a five-year Non-Annexation Agreement and Basic Fire Services Agreement through designation of an industrial district. At the time, the Maruchan project site was not identified for annexation, but Planning

staff was studying areas for potential annexation, particularly in southern Bexar County. The South San Antonio area surrounding the Maruchan property was ultimately annexed for limited purposes in 2014, then for full purposes in 2016.

The IDA and fire agreement were amended and extended in May 2016 until the end of 2018. In the amended IDA, Maruchan exchanged 2.057 acres of land where a San Antonio Fire Department (SAFD) fire station would be constructed by the City, for the payment of a small fee and continued fire services. Pursuant to the terms of the IDA, Maruchan consented to the annexation of the property once the ILA expired or was terminated. After the IDA expired in 2018, the City then initiated the annexation process of the Maruchan property in accordance with Chapter 43, Subchapter C-3 of the Texas Local Government Code.

The Annexation Area is currently subject to the United Southwest Community Plan. The adopted future land use is Regional Commercial for the Maruchan property. The proposed I-1 (General Industrial) zoning district will require a plan amendment to Light Industrial future land use category.

**ISSUE:**

This is the second public hearing and consideration of the proposed annexation of the Maruchan property, located at 11000 Fischer Road, Von Army, TX, 78073 and the associated Service Agreement. As requested by the property owner, the proposed annexation will expand San Antonio’s municipal boundaries and the public service areas to include the Maruchan property. This annexation is aligned with annexation of the SAFD Station #52 property which was originally acquired from Maruchan by the City in 2016. The Maruchan property will be part of City Council District 4.

The Service Agreement will address city services to be implemented and necessary capital improvements to be provided by the municipality after the area has been annexed. The Annexation Area will be served by the South Patrol Substation, located at 711 West Mayfield Boulevard, San Antonio, TX 78219 and the SAFD will provide fire protection services and emergency medical services. In addition, the map of the Annexation Area and public hearing dates are available on the Planning Department’s webpage.

State law requires that a municipality follow other annexation procedures, which includes the publication of public hearing notices, two public hearings by the governing body and the adoption of the annexation ordinance, and Service Agreement. The notice for the first public hearing was published on July 19, 2019 and the second public hearing notification was published on August 2, 2019. The second City Council public hearing and consideration is scheduled for August 22, 2019. The effective date of annexation will be August 22, 2019.

Additionally, the City Charter of San Antonio requires consideration by the Planning Commission, and the publishing of the annexation ordinance 30 days prior to the final adoption. The Planning Commission heard and considered the proposed annexation on July 24, 2019. The draft ordinance was published on July 19, 2019. The Zoning Commission heard and considered the proposed zoning for the annexation area on August 6, 2019. The associated zoning case along with action on the annexation will be considered by City Council on August 22, 2019. Below is a proposed schedule for the Annexation Area.

<u>Dates</u>	<u>Required Actions</u>
July 24, 2019	Planning Commission
August 6, 2019	Zoning Commission
August 7, 2019	First City Council Public Hearing
August 22, 2019	Second City Council Public Hearing and Consideration

**ALTERNATIVES:**

The denial of this ordinance would result in the Maruchan property remaining in unincorporated Bexar County. Hence, Maruchan would no longer be covered by SAFD and instead be served by the ESD and subject to their taxing jurisdiction. This alternative may result in Maruchan relocating its manufacturing operations away from the San Antonio region, which in turn would cause San Antonio to lose a major regional employer.

**FISCAL IMPACT:**

At this time, no additional operating or capital budget resources are needed to be added to support this voluntary annexation.

**RECOMMENDATION:**

Staff recommends approval of the Ordinance regarding the annexation of a 52.48 acre property located at 11000 Fischer Road, Von Ormy, TX, 78073, as requested by the property owner, Maruchan Texas, Inc., and approval to execute the Service Agreement.

On July 24, 2019, Planning Commission held a public hearing regarding the annexation and recommended approval.