



# City of San Antonio

## Agenda Memorandum

**File Number:** 16-5534

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**Agenda Item Number:** 4B.

**Agenda Date:** 12/1/2016

**In Control:** City Council A Session

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**DEPARTMENT:** Planning and Community Development

**DEPARTMENT HEAD:** Bridgett White, AICP

**COUNCIL DISTRICTS IMPACTED:** 9

### **SUBJECT:**

An Ordinance providing for the extension of the City of San Antonio limits by the annexation of approximately 1.9 square miles being a variable width of up to 4,000 feet along the U.S. 281 North right-of-way, beginning at the City limits of San Antonio south of Marshall Road and Northwind Boulevard in Bexar County and continuing north along U.S. 281 North to approximately 1,830 feet south of Ancestral Trail in Comal County within the City of San Antonio's Extraterritorial Jurisdiction (ETJ); waiving Chapter 11 of the City Code regarding sale of fireworks, Articles III and IV referencing fireworks for the period of December 31, 2016 until January 2, 2017; establishing an effective date of December 31, 2016; and adopting a Service Plan for the area.

### **SUMMARY:**

An Ordinance providing for the extension of the City of San Antonio limits by annexing approximately 1.9 square miles, being a variable width of up to 4,000 feet along the U.S. 281 North right-of-way, beginning at the City limits of San Antonio south of Marshall Road and Northwind Boulevard in Bexar County and continuing north along U.S. 281 North to approximately 1,830 feet south of Ancestral Trail in Comal County; waiving Chapter 11 of the City Code regarding sale of fireworks, Articles III and IV referencing fireworks for the period of December 31, 2016 until January 2, 2017; establishing an effective date of December 31, 2016; and adopting a Service Plan for the area, pursuant to the provisions of Chapter 43 of the Texas Local Government Code.

### **BACKGROUND INFORMATION:**

On December 4, 2014, the City of San Antonio approved a two-year plan to initiate limited purpose annexation of five priority areas, Interstate Highway 10 West, U.S. Highway 281 North, Interstate Highway 10 East in

Phase 1; and U.S. Highway 90/Loop 1604 and U.S. Highway 151 in Phase 2. In October 2015, the proposed annexation was postponed to assess the annexation areas' financial and growth assumptions and conformance with the SA Tomorrow Comprehensive Plan's annexation policies.

On June 15, 2016 at a City Council "B" Session, City staff presented an alternate scenario for the U.S. Highway 281 area based on feedback received from the various fiscal analyses and the SA Tomorrow process. The alternate scenario includes the commercial corridor along U.S. Highway 281 North being proposed for full purpose annexation. [The map is attached as Exhibit A.] The U.S. 281 North Corridor is exempted from a three-year Municipal Annexation Plan because it contains less than 100 separate residential tracts of land. The annexation of the commercial corridor (Annexation Area) would be finalized in December 2016. The balance of the U.S. Highway 281 North Area consisting mostly of residential properties would be placed in a three-year Municipal Annexation Plan which would begin the annexation process. At that time, the City has committed to entering into a non-annexation agreement with the affected neighborhoods and resulting in postponement of annexation until 2034. *(On September 8, 2016, the U.S. 281 North Residential Area was included in a three-year Municipal Annexation Plan. City Council will have to approve the terms of the proposed non-annexation agreement in 2017.)*

State law requires that the municipality follow certain annexation provisions, which includes the publication of the public hearing notification, two public hearings by the governing body and the adoption of the annexation ordinance and a service plan for the proposed Annexation Area. Additionally, the San Antonio City Charter requires consideration by the Planning Commission, and the publication of the annexation ordinance 30 days prior to the final adoption by City Council.

On September 8, 2016, via Resolution, the City Council directed the Department of Planning & Community Development (Department) to prepare a service plan for the Annexation Area prior to the notice publication of the required public hearing, in accordance with Chapter 43 of the Texas Local Government Code. On October 19, a notice of the two public hearings was published in the San Antonio Express-News and posted on Department's internet web. On November 2 and 9, 2016, the City Council of San Antonio held public hearings on the Annexation Area.

The requisite Service Plan that was prepared for the Annexation Area describes the services that will be provided by the City after the area has been annexed for full purposes. The Service Plan was available to the public on November 2, before the first City Council public hearing. The Plan was posted on the Department's website and displayed at different locations in the annexation area. In addition to the service plan, maps of the Annexation Area, public hearing dates and contact information are available on the Department's webpage. An interactive mapping system on the Department's webpage displays the Annexation Area, proposed zoning, proposed future land use, and proposed overlay districts at a parcel level. The interactive mapping system is a tool in which property owners may search for a property by property address, property owner name, or parcel identification number.

The annexation ordinance would be effective on December 31, 2016 when the area becomes part of the City. After annexation, the area would be located in City Council District 9.

The Annexation Area's primary existing land use is commercial, vacant and agricultural use. This area contains 221 parcels, of which only 18 are single family residential. There are approximately 370 residents in the area. Approximately 66% of the U.S. 281 North Corridor is within the Edwards Aquifer Recharge Zone.

## **ISSUE:**

The proposed annexation would protect the Edwards Aquifer Recharge Zone and the quality of development through the extension of zoning and other city codes; include emerging residential developments and commercial centers; expand the city's economic vitality as a regional center by providing certainty and predictability; preserve the U.S. military missions through land use control; facilitate long range planning in environmentally sensitive areas and growth centers and enhance the City's overall regional economic position in bringing new jobs, population, and investment to the region.

The proposed annexation is consistent with the recently adopted SA Tomorrow Comprehensive Plan Goals:

Growth and City Form (GCF) Goal 3: Strategic annexation benefits existing and future city residents and does not burden the City fiscally.

Military (M) Goal 1: Incompatible land uses in the vicinity of Joint Base San Antonio (JBSA) locations are minimized in order to safeguard operational mission requirements.

Additionally, the annexation is consistent with the City's Annexation Policy:

- Protect the City's ability to expand city limits
- Extend regulations before development occurs
- Ensure areas benefitting from proximity to the city are contributing revenue
- Annex areas where unregulated development could have an adverse impact on military mission/operations or an adverse environmental impact.

Full municipal services will be provided to the area in accordance with Local Government Code 43.056(b). Under full purpose annexation, the City will enforce all ordinances, provide services as required by law, and assesses property and sales tax. Once the Annexation Area is annexed into San Antonio, it would benefit from the full complement of City services protecting health, safety and well-being, including public safety services, such as police protection, fire fighting, hazardous material response (hazmat), and emergency medical services.

The proposed ordinance will permit the sale of fireworks in the Annexation Area for the period of December 31, 2016 until January 2, 2017. Existing fireworks business operating within the Annexation Area will be allowed to store, sell, offer for sale, and transport fireworks during this period. The proposed ordinance will not allow the use of fireworks by the public.

The Annexation Area will be served by the San Antonio Police Department (SAPD) North Patrol Substation, located at 13030 Jones Maltsberger Road. The City of San Antonio Fire Department will provide fire protection to the Annexation Area consistent with the provision of services in like areas of San Antonio. To ensure adequate coverage, the City will be entering into an interlocal agreement with Bexar County Emergency Service District (BCESD) #3 for first responder services. The San Antonio Fire Department will also provide EMS and transport services. Since the ESD Agreement only provides service to the annexation area in Bexar County, staff is recommending that City Council save and except the 37 properties in Comal County and three parcels in Bexar County from annexation. The three Bexar County parcels would be removed because the area would not meet the 1000 ft. minimum width required by state law.

## **ALTERNATIVES:**

Denial of the ordinance would result with the Annexation Area remaining within the unincorporated areas of Bexar County.

## **FISCAL IMPACT:**

The fiscal impact analysis resulted in a 20 year net balance of \$4.5 million in projected future dollars and a discounted cash flow of \$2.6 million for the Annexation Area.

**RECOMMENDATION:**

Staff recommends the approval of the Full Purpose Annexation of the U.S. 281 North Corridor consisting of approximately 1.9 square miles, save and except 37 parcels in Comal County totaling approximately 184.6 acres, and three parcels in Bexar County that are described by ID number and legal lot and block as Number 989471, CB 4860 P-3 (43.0 AC), P-3A (138.04 AC), P-3C (2.2 AC) ABS 51, Number 266464, CB 4860 P-3D (.20 AC), P-3E (1.86 AC) & P-3F (2.50 AC) ABS 51; and Number 989472, CB 4860 P-3B ABS 51 totaling approximately 28.75 acres and the adjoining right of way, with an effective date of December 31, 2016; the sale of fireworks within the Annexation Area for the period of December 31, 2016 until January 2, 2017; and the adoption of a Service Plan for the Annexation Area.