



City of San Antonio

Agenda Memorandum

File Number:17-1256

Agenda Item Number: 12.

Agenda Date: 1/25/2017

In Control: Planning Commission

DEPARTMENT: Planning and Community Development

DEPARTMENT HEAD: Bridgett White, Director

COUNCIL DISTRICTS IMPACTED: 4

SUBJECT:

Fourth Amendment and restated agreement to extend Limited Purpose Annexation and to extend the date for Full Purpose Annexation and terminating the associated Development Agreement approved by City Council on January 5, 2006.

SUMMARY:

Public Hearing and Consideration of a resolution recommending approval of the fourth Amendment and restated agreement to extend Limited Purpose Annexation and to extend the date for Full Purpose Annexation to February 2, 2047 between Presto Tierra, LLC, PDC Preserve at the Medina River LTD., CST Stations Texas, LLC and the City of San Antonio for approximately 534.22 acres of land generally located at the southwest corner of State Highway 16 and Watson Road, known as South Lake and terminating the associated Development Agreement approved by City Council on January 5, 2006.

BACKGROUND INFORMATION:

On January 5, 2006, the City Council approved Ordinance No. 2006-01-05-3, which authorized the execution of a development agreement with Fermin Rajunov of Presto Tierra, Ltd., Crosswinds at South Lake, L.P., and Presto Commercial #2, LLC, and provided for the development of South Lake on the Property, and provided the City the ability to extend and enforce land use and development regulations, provided for infrastructure, authorized enforcement of environmental regulations, and considered the terms for future annexation (the "Development Agreement"). The Parties have subsequently entered into three previous amendments that extended Limited Purpose Annexation and also extended the date of Full Purpose Annexation. This 534 acre

property in District 4 has a development agreement in association with the extension of Limited Purpose Annexation to January 1, 2044. The original agreement was amended in 2008, 2011, and 2013 by City Council.

The Parties now wish to further amend and restate the terms and conditions of the Annexation Agreement, as amended and restated in the First Amendment, the Second Amendment, and the Third Amendment. The developer, Presto Tierra LTD, would like to revoke the current development agreement. In the proposed 4th amendment to the Limited Purpose Annexation Agreement the developer agrees to develop the Property as a mixed-use community, will conserve 119 acres of wetlands, construct two hike/bike trails, designate a Pedestrian Commercial Center, and agrees to voluntary annexation at the end of the term. The proposed term of the agreement is February 2, 2047.

The area to the north, south, and west were recently annexed for full purposes on December 31, 2016 and the area to the east was part of the Toyota full purpose annexation on January 5, 2006. The subject property is located in Emergency Service District 5 and is a Bexar County public improvement district.

ISSUE:

The owner was unable to develop the property with the more stringent development agreement standards approved by City Council on August 7, 2006.

The proposed amendment is consistent with the City's Annexation Policy, which states that in considering Special Districts the City should:

- Include a statement that the property owner consents to future voluntary annexation and a negotiated annexation schedule;
- Consider revenue sharing option;
- Consider services in lieu of annexation to extend the city's regulations and requirements in anticipation of annexation at some point in the future;
- Shall be placed in the City's annexation program for future consideration;

Considerations in the Limited Purpose Annexation Agreement:

- A Regulatory Plan details that construction is subject to Building Code, Electricity Code, Fire Prevention Code, Solid Waste Code pertaining to Lot Clearance, Licenses and Business Regulations pertaining to Salvage Yards and Auto Dismantlers, Plumbing Code, Signs and Billboards, Water and Sewers, and the Unified Development Code;
- A conservation area preserving approximately 119 acres of open space;
- Application of all City Development fees, including permit fees;
- Construction of two hike and bike trails.

ALTERNATIVES:

The Planning Commission may approve, approve with conditions, deny the request, or continue to a later date.

FISCAL IMPACT:

None

RECOMMENDATION:

Staff recommends approval.