



City of San Antonio

Agenda Memorandum

File Number:17-1715

Agenda Item Number: 9.

Agenda Date: 2/22/2017

In Control: Planning Commission

DEPARTMENT: Planning and Community Development

DEPARTMENT HEAD: Bridgett White, AICP

COUNCIL DISTRICTS IMPACTED: Citywide

SUBJECT:

Agreement in lieu of annexation for the US 281 North Residential Area

SUMMARY:

Public hearing and consideration of a resolution authorizing an agreement in lieu of annexation among the City of San Antonio and Ryan Clark, Jean Dailey, David Diharce, Michael Soulek and Raymond Wilkinson as representatives of the US 281 North Residential Annexation Area, appointed by the Bexar County Commissioners Court.

BACKGROUND INFORMATION:

On June 15, 2016 at a City Council “B” Session, City staff presented an alternate scenario for the annexation of the US 281 North area, which entailed annexing the commercial corridor for full purposes and placing the remaining residential area in a three-year municipal annexation plan. On December 1, 2016, City Council approved annexation of the U.S. 281 North commercial corridor with the effective date of December 31, 2016. On September 8, 2016, the US 281 North residential area was identified in the City three year municipal annexation plan. The adoption of the municipal annexation plan allowed the City to develop a non-annexation agreement postponing annexation to correspond with the expiration of the Lumbermen’s Investment Corporation and Timberwood Park non-annexation agreements.

The annexation area is adjacent to two existing long-term non-annexation agreements with both Timberwood Park and Lumbermen’s Investment Corporation. The Timberwood Park non-annexation agreement covers 4,345 acres around the annexation area, from Camp Bullis along Borgfeld Road to Bulverde Road. This non-annexation agreement expires in 2033. The Lumbermen’s non-annexation area wraps from Bulverde Road around Fossil Ridge MDP, around the TPC San Antonio golf course, and to the north of Indian Springs subdivisions. Lumbermen’s Investment Corporation consented to voluntary annexation upon the expiration of the non-annexation agreement in 2034.

The annexation area consists of approximately 11.02 square miles generally located to the east and west of the U.S. Highway 281 North. The area is contiguous to the City limits of San Antonio and within the City's Extraterritorial Jurisdiction (ETJ). The Annexation Area contains primarily residential and vacant properties.

A municipal action plan requires certain procedures to negotiate a non-annexation agreement, called a "Services in Lieu of Annexation" Agreement. Written notification was provided to the property owners and public entities on September 9, 2016. Current public services provided to the area were inventoried. The City prepared a Service Plan for the U.S. 281 North Residential Area, and published its availability, and presented it at the City Council public hearing as a requirement of Section 43.056(j) of the Texas Local Government Code. Two public hearings were held on January 11 and February 1, 2017. The public hearing notices were published in the *San Antonio Express News* on December 22, 2016 and January 13, 2017. On January 10, 2017, the Bexar County Commissioners Court appointed five representatives to negotiate the terms of the agreement.

ISSUE:

The term of the agreement is 17 years, authorizing COSA to initiate consensual annexation proceedings with the effective date of voluntary annexation no sooner than December 31, 2033.

Considerations include:

- Application of City of San Antonio Codes to all properties, with the exception of structures on a platted lot with a completed single-family residence existing on the lot as of the Effective Date of this Agreement:
 - Chapter 35 - Unified Development Code including, but not limited to, all subsequent amendments, replacement ordinances, and related technical and illustrative manuals to these ordinances (save and except Article III, Zoning, except for application of Military Lighting Overlay District standards).
 - Chapter 6 - Buildings
 - Chapter 10 - Building Related Codes
 - Articles II and III of Chapter 11- Fire Prevention including references to Chapter 16 (Licenses and Business Regulations) pertaining to Hazardous Materials Permits
 - Chapter 28-Signs
 - Chapter 34-Water and Sewers
- Property owners shall pay COSA all application development, plan review, and construction permitting fees
- Military Lighting Overlay District standards
- Prohibited use over the Edwards Aquifer
- Zoning for new non-single family uses
- Agreement to not initiate incorporation

This agreement is consistent with the City's annexation policy that recommends for non-annexation agreements and Special Districts:

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

Should the City Council approve a non-annexation agreement, a service plan will be developed prior to annexation on December 31, 2033. State laws would require the publication of a service plan prior to the annexation public hearings.

ALTERNATIVES:

City Council may approve, modify or deny the agreement. Should the agreement be denied, the City Council may consider full purpose annexation of all or parts of the US 281 North Residential area by October 7, 2019 in accordance with the three-year municipal annexation plan procedures.

FISCAL IMPACT:

Should a Services in Lieu of Annexation agreement be approved by City Council, a fiscal impact analysis would be provided prior to full purpose annexation.

RECOMMENDATION:

Staff recommends approval of the agreement in lieu of annexation.

FISCAL ORDINANCE LANGUAGE:

No fiscal ordinance language required.