



City of San Antonio

Agenda Memorandum

File Number:21-4754

Agenda Item Number: 18.

Agenda Date: 7/28/2021

In Control: Planning Commission

DEPARTMENT: Planning Department

DEPARTMENT HEAD: Bridgett White, AICP

COUNCIL DISTRICTS IMPACTED: 3

SUBJECT:

Proposed annexation as requested by Leroy E. Kluth Jr., the owner of two properties totaling 25.79 acres, located at 3720 Farm Road.

SUMMARY:

Public hearing and consideration of a resolution recommending the approval of a proposed annexation as requested by Leroy E. Kluth Jr., the owner of two properties totaling 25.79 acres, located at 3720 Farm Road, which is contiguous to the city limits of San Antonio and located within the City of San Antonio's Extraterritorial Jurisdiction (ETJ) in southeast Bexar County.

BACKGROUND INFORMATION:

The City of San Antonio (City) initiated Limited Purpose Annexation of the south side area in 2014, and then completed Full Purpose Annexation of the area in 2016. As part of both annexation processes, the Texas Local Government Code required the City to offer Development Agreements to properties which had the applicable appraisal for ad valorem tax purposes as land for agricultural or wildlife management use or as timber land ("agricultural") as designated by the Bexar County Appraisal District (BCAD).

In 2013, 2014, and 2016, prior to the final Full Purpose Annexation of other properties in the South San Antonio Area, numerous properties entered into development agreements with the City of San Antonio. These agreements allowed their continued agricultural use, or other use as specified by the Texas Local Government Code, and guaranteed the extraterritorial status for the property as long as the property owner continued the use as described in the terms of the agreement.

Leroy E. Kluth Jr., the Property Owner, submitted a Petition, pursuant to Section 43.0671 of the Texas Local Government Code, whereby the City has the authority to annex an area if each owner of land in the area requests annexation. The Property Owner is the full and entire owner of the Subject Properties and requests the City's annexation. Additionally, the Subject Properties meet the statutory requirements for full purpose annexation, by the City, as they: (1) are within the City's ETJ; and (2) are adjacent and contiguous to the City's corporate limits. Further, pursuant to Section 43.016 of the Texas Local Government Code, the Subject Properties had previously entered into a development agreement with the City not to be annexed, but now wishes to petition for annexation in anticipation of future development, in conjunction with the City's approval of said Petition.

The Subject Properties are currently undeveloped and generally located at the southeast intersection of Southton Road and Farm Road, in the ETJ adjacent to City Council District No. 3. The intended developer (Lennar Homes of Texas) would like to develop the Subject Properties for a single-family residential project. The Property Owner and developer are seeking this annexation to gain the benefits of being within the City, such as trash service, police and fire service, and other City services already provided to surrounding properties.

ISSUE:

This is the Planning Commission's public hearing and consideration of a resolution recommending the approval of the proposed annexation of the Farm Road properties, located at 3720 Farm Road 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 properties. They will be part of City Council District 3.

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 San Antonio Police Department (SAPD) South Patrol Substation, located at 711 West Mayfield Boulevard, San Antonio, TX, 78219 and the San Antonio Fire Department (SAFD) will provide fire protection services and emergency medical services. In addition, the map of the Annexation Area and public hearing date is available on the Planning Department's webpage.

State law requires that a municipality follow other annexation procedures, which includes the publication of a public hearing notice, one public hearing by the governing body and the adoption of the annexation ordinance, and Service Agreement. The notice for the public hearing will be published on August 23, 2021. The City Council public hearing and consideration is scheduled for September 9, 2021. The effective date will be October 9, 2021.

Additionally, the City Charter of San Antonio requires consideration of the annexation by the Planning Commission, and the publishing of the annexation ordinance 30 days prior to the final adoption. Along with the hearing and consideration for annexation, the Planning Commission will hear and consider the proposed plan amendment on July 28, 2021. The draft ordinance will be published on August 9, 2021. The Zoning Commission will hear and consider zoning for the annexation area on August 3, 2021. The associated plan amendment and zoning case will be considered by City Council on September 9, 2021, after action on the annexation. Below is the proposed schedule for the Annexation Area.

Dates

July 28, 2021

Required Actions

Planning Commission

August 3, 2021
September 9, 2021
October 9, 2021

Zoning Commission
City Council Public Hearing and Consideration
Effective Date of Annexation

ALTERNATIVES:

The denial of this resolution would result in the properties remaining in unincorporated Bexar County. Hence, they would not be covered by SAFD and SAPD or have any other city related services and instead be served by the County service providers, including the Emergency Services District (ESD) and be subject to the ESD's taxing authority.

FISCAL IMPACT:

RECOMMENDATION:

Staff recommends approval of the resolution recommending the proposed Annexation as requested by Leroy E. Kluth Jr., and related Service Agreement for City Council to consider at their September 9, 2021 meeting.