



City of San Antonio

Agenda Memorandum

File Number:15-1922

Agenda Item Number: 29.

Agenda Date: 4/9/2015

In Control: City Council A Session

DEPARTMENT: Department of Planning and Community Development

DEPARTMENT HEAD: John M. Dugan, Director

COUNCIL DISTRICTS IMPACTED: None

SUBJECT:

The Community of North Savannah Heights requests incorporation as a General Law Type A city within the City of San Antonio's existing Extraterritorial Jurisdiction (ETJ).

SUMMARY:

The North Savannah Heights community located in San Antonio's ETJ intends to incorporate as a General Law Type A city in an area of approximately 1.99 square miles with 601 inhabitants.

BACKGROUND INFORMATION:

On February 19, 2014 the Martinez De Vara Law Firm on behalf of the residents of North Savannah Heights submitted a letter requesting incorporation under Article 11 of the Texas Constitution. The petition was signed by 121 residents representing 7% of the area (84 acres out 1,180 acres). At least 50 qualified voters must sign a petition in order to incorporate as a Type A general law municipality. State law also requires consent from the affected city to incorporate within its ETJ. Upon consent the County Judge verifies the petition and authorizes the incorporation election. Type A incorporation requires having more than 600 inhabitants and an area of not more than 2 square miles.

Savannah Heights lies in both Atascosa County and Bexar County, near State Highway 16, approximately 5 miles from the City of San Antonio. The community consists of residential, commercial and agricultural uses. The Committee to Incorporate filed a separate petition in Atascosa County to incorporate Savannah Heights to encompass an area of 1.88 square miles. The Atascosa County election was held on November 4, 2014 and the results were 1 vote in favor of incorporation and 77 votes opposing incorporation.

On September 27, 2014, prior to the Atascosa County election, Planning Department staff attended a meeting hosted by the Savannah Heights HOA to discuss the proposed incorporation. Attended by approximately 300 property owners, the meeting entailed presentations by the Incorporation Committee's representative and the City of San Antonio planning staff.

ISSUE:

The request was evaluated based on the City of San Antonio's Annexation Policy which provides guidance and rationale for consideration of areas for annexation and issues within the ETJ.

Current policy recommends protecting the City's ability to expand its city limits. Although this area is not proposed for annexation in the near future, incorporation of this area could hinder the City's capacity to expand. The policy also advocates for adequate land use controls by the other municipality to protect the area surrounding the City. At this time there is not an indication that the municipality is proposing equivalent level land use controls, including subdivision, floodplain, and resource protection regulations. This could have a negative effect on the quality of development near San Antonio.

Currently public safety services to the Bexar County portion of Savannah Heights are provided by the Bexar County Sheriff's Department and the Somerset Volunteer Fire Department which is funded through Emergency Service District (ESD) 5. The Savannah Heights HOA provides private security within HOA boundaries. If the area were to incorporate the new city would need to establish its own fire department or contract with ESD 5. The new city would also need to provide police services and maintain roads. The Bexar County Sheriff's department only responds to non emergencies in municipalities.

There may be challenges to providing public safety services with costs exceeding potential revenue. The total property value is \$33,200,850 with a mean value of \$81,775.51 per property. The majority of the area is residential, a little less than 1/3 of the area is agricultural, and only 2% is commercial.

ALTERNATIVES:

1. City Council may approve Savannah Heights' request to incorporate as a "Type A" general law municipality within its ETJ. If consent is given, the incorporation must be initiated within 6 months after the date of consent and must be completed within 18 months after the date of consent. Failure to comply with either time requirement terminates the consent.
2. City Council may deny the incorporation request within its ETJ. Then the majority of qualified voters and property owners of at least 50% of the land may request annexation by the City. If the petition with the sufficient land representation is received, then CoSA has 6 months to annex. If City fails or refuses to annex, then state law considers this consent to incorporation.

FISCAL IMPACT:

No fiscal impact is anticipated with this action.

RECOMMENDATION:

The Department of Planning and Community Development recommends **denial** of the Community of North Savannah Heights to incorporate within the City of San Antonio's ETJ as depicted on the attached map.

The Planning Commission held a public hearing on February 25, 2015 and recommended denial.

The Infrastructure and Growth Committee held a meeting on March 18, 2015 and recommended denial.