



City of San Antonio

Agenda Memorandum

File Number:
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Agenda Date: October 23, 2024

In Control: Planning Commission Meeting

DEPARTMENT: Planning Department

DEPARTMENT HEAD: Bridgett White

COUNCIL DISTRICTS IMPACTED: District 2, District 3

SUBJECT:

The City of San Antonio’s consent to the annexation of 38.56 acres by the Sapphire Grove Special Improvement District and amendment to an associated Development Agreement.

SUMMARY:

A public hearing and resolution recommending the City of San Antonio’s consent to the annexation of 38.56 acres by the Sapphire Grove Special Improvement District, generally located northwest of the intersection of New Sulphur Springs Road and Gardner Road in the extraterritorial jurisdiction (ETJ) of the City of San Antonio, and a first amendment to the Development Agreement between the City of San Antonio and Lennar Homes of Texas Land and Construction, LTD.

BACKGROUND INFORMATION:

On April 14, 2022, the City Council of San Antonio granted its consent to the creation of a Public Improvement District (PID), referred to as the Sapphire Grove Special Improvement District, and approved a Development Agreement (Agreement) with Lennar Homes of Texas Land and Construction, LTD, the Owners of the PID property. The PID was officially created by Bexar County on April 19, 2022. The original PID consists of 173.27 acres, generally located south of New Sulphur Springs Road, east of Gardner Road, and west of Cover Road in the ETJ of the City of San Antonio. Subsequently, the Owners acquired 38.56 acres of land and petitioned the District's Board of Directors (Board) to amend its boundaries by annexing the 38.56 acres of land.

On September 14, 2023, the Board approved the PID annexation which included the application of the proposed Strategic Partnership Agreement (SPA) framework to the PID Annexation area. On October 4, 2023, the Board filed a petition and application to the County to grant their consent to revise the existing PID's boundaries by including the 38.56-acre Lennar Homes of Texas and Construction, LTD property. On March 7, 2024, the Board also petitioned the City to grant its consent to the annexation of the PID with road district powers in its ETJ as required by State law. As a condition of the City's consent, the Owner and the City will amend the original development agreement, which includes development and land use regulations, voluntary annexation for the PID extension land and the framework of a SPA.

The proposed PID Annexation Property consists of one tract, consisting of 38.56. acres of land, northwest from the original PID boundaries, generally located northwest of New Sulphur Springs Road, and Gardner Road. With the addition of the 38.56. acres, the acreage of the PID will increase to approximately 211.83 acres. The PID Annexation Property is located within the water and sewer Certificates of Convenience and Necessity (CCNs) of SAWS. Furthermore, the PID annexation will be a residential development with 185 single-family residential units. This development has proposed no commercial use. The proposed individual lot improvements (onsite), drainage improvements, clearing & grading; lift station and sewer improvements; streets; utilities are estimated to cost \$6.5 million. The proposed PID Annexation's revenue is estimated at \$5.5 million.

ISSUE:

If approved, this resolution recommends the City's consent to the annexation of 38.56 acres by the Sapphire Grove PID of which will expand the PID's boundaries to 211.83 acres. The written consent of the City, which includes the delegation of the road district powers along with the powers to construct water, wastewater, and drainage facilities, is required by state law for this PID to exercise those powers. The terms of the City's consent are provided in the amended Development Agreement and will be extended to the PID's newly annexed area. The City's consent will not include the following:

- **The power to exercise eminent domain by the PID; and**
- **The power to annex, expand or exclude land into the PID's existing boundaries.**
- **The Agreement sets the conditions of the City's consent, as mentioned above, and includes the following terms and obligations between the City and the Owners with respect to the development of the PID property:**
- **The Owner will pay to the City a \$7,500 Special District application fee.**

- **The Owners will pay to the City an operations fee of \$175 per each built residential unit, totaling \$32,375.**
- **The proposed PID Annexation’s tax rates shall not exceed the City’s tax rates.**
- **The City will guarantee the continuation of the extraterritorial status of the PID annexation property for a period of 30 years.**
- **The Owners agree that the Agreement constitutes a petition consenting to annexation at the City’s discretion at the end of the Agreement’s term.**
- **The Agreement includes a Written Services Agreement between the Owners, subsequent Owners, and the City under Chapter 43 of the Local Government Code.**
- **The Owners agree to comply with all municipal regulations, ordinances, and other laws applicable to all properties located within the City’s ETJ during all phases of development and construction of the PID Annexation Project and during the term of the Agreement.**
- **The Owner will reimburse the City for the recordings of the development agreement with Bexar County Real Property Records.**
- **The Agreement includes the proposed framework of a SPA between the City and the PID, which will include the following provisions:**
 - **The PID will pay for costs related to the SPA and limited purpose annexation and will reimburse the City for legal recordings of the SPA with Bexar County Real Property Records**
 - **Commencing after the effective date of the limited purpose annexation of the commercial property, the City will remit to the PID an amount equal to 25% of the Sales Tax Revenues collected within the annexed commercial property.**

The proposed timeline for the establishment of the proposed PID Annexation is as follows:

Dates	Schedule of Action
October 23, 2024	San Antonio Planning Commission public hearing and recommendation
November 21, 2024	Council’s consideration and action
TBD	County Commissioners Court consideration to expand the original PID.

ALTERNATIVES:

A denial of the Resolution would result in the PID’s annexation not being approved by the County. This action may result in the project being delayed because the Owners would have to seek a different financing mechanism for the development of the annexation.

City Council may require staff to re-negotiate the terms of the amended Agreement, which would delay the activation of the PID annexation’s development.

RECOMMENDATION:

Staff recommends approval of a Resolution recommending the City's consent to the annexation of 38.56 acres by the Sapphire Grove Special Improvement District and an amendment to the 30-year Development Agreement between the City and Owners, Lennar Homes of Texas, and Construction, LTD.