



City of San Antonio

Agenda Memorandum

File Number:

Agenda Item Number: 53

Agenda Date: June 20, 2024

In Control: City Council A Session

DEPARTMENT: Planning Department

DEPARTMENT HEAD: Bridgett White

COUNCIL DISTRICTS IMPACTED: ETJ, District 2

SUBJECT:

City of San Antonio's consent to the creation by Bexar County of the proposed Fischer Gardens Public Improvement District (PID) in the City's Extraterritorial Jurisdiction (ETJ).

SUMMARY:

A Resolution granting the City's consent to the creation by Bexar County of a proposed PID, to later be named the Fischer Gardens Special Improvement District, generally located south of the intersection of North Graytown Road and Freudenberg Road, in the ETJ of the City of San Antonio.

BACKGROUND INFORMATION:

Texas Local Government Code (LGC) Chapter 382 allows for the creation of PIDs by a municipality or a county. PIDs are economic development tools used to pay or finance public improvements and economic development within (and that benefit) a defined geographical area, which will become the PID. The proposed public improvement may include the improvement and construction of roadways, utilities, water, wastewater, or drainage systems, trail, and park/recreational facilities in the PID boundaries. These PIDs may levy assessments and impose ad valorem, sales and use, or hotel occupancy taxes as sources of funding, and costs are apportioned and paid by landowners within its boundaries.

To create a PID in a county, more than fifty percent (50%) of owners of taxable real property liable for assessment within the proposed PID area must submit a petition to the governing body of the county. The municipality has the option to object to the creation of PIDs in its ETJ pursuant to State law. However, a PID being created with road district powers to supply roadways, fresh water, sanitary sewer, or drainage facilities, may not be created in the ETJ of a municipality unless the municipality gives its written consent.

In accordance with Section 212.172 of the LGC, a municipality and a landowner may enter into a written development agreement by which the municipality may establish terms for annexation or non-annexation of the land and extend its development regulations and standards for the infrastructure on the land. In addition, a PID in the ETJ of a municipality may negotiate and enter into a written strategic partnership agreement (SPA) with the PID board that allows the municipality to annex for limited purposes, and impose and collect sales taxes in the commercial property in the PID boundaries, in accordance to Chapter 43 of the LGC.

On March 28, 2024, Mosaic Land Development (Applicant), SA Given To Fly, LP, Lennar Homes of Texas Land and Construction, Ltd., and Graytown Rd. Holdings LLC (Landowners) filed a petition and application to Bexar County (County), to create a PID to be named the Fischer Gardens Special Improvement District, pursuant to Chapter 382 of the LGC. On May 7, 2024, the County Commissioners Court approved a resolution stating their intent to create the PID with road district powers and authority to impose taxes on future landowners located within the PID's boundaries. On March 12, 2024 (February 21, 2024 - original submittal), the Applicant and Landowners re-petitioned the City to grant its consent to the creation of the PID with road district powers in its ETJ as required by State law. As a condition of the City's consent, the Landowners and the City will enter into a development agreement, which includes development and land use regulations, voluntary annexation for the PID land and the framework of a SPA.

The proposed PID Property consists of 165.86 acres of land generally located south of the intersection of North Graytown Road and Freudentberg Road. The PID Property is located within the East Central Special Utility District water Certificates of Convenience and Necessity (CCN) and the San Antonio River Authority (SARA) sewer CCN. Furthermore, the PID project will be a single-family development with 900 single-family residential units. The proposed individual lot improvements, water/sewer improvements, drainage, utilities, streets, landscaping, and park/open space construction are estimated at \$37.6 million. The proposed PID's revenue is estimated at \$29.8 million.

ISSUE:

If approved, this Resolution grants the City's consent to the creation of the Fischer Gardens PID by the County, which includes the delegation of the road district powers along with the powers to construct water, wastewater, and drainage facilities subject to the execution of a 30-year Development Agreement (Agreement) between the City and the PID's Landowners. However, 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 Landowners with respect to the development of the PID property:

- The Applicant/Landowners will pay to the City a \$7,500 Special District application fee.
- The Applicant/Landowners will pay to the City an operations fee of \$175 per built residential unit, totaling \$157,500.
- The proposed PID's tax rates shall not exceed the City's tax rates.
- The City will guarantee the continuation of the extraterritorial status of the PID property for a period of 30 years.
- The Landowners 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 Landowners, subsequent Landowners, and the City under Chapter 43 of the Local Government Code.
- The Landowners 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 Project and during the term of the Agreement.
- The Applicant/Landowners will reimburse the City for the recordings of the 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 is as follows:

Dates	Schedule of Action
May 7, 2024	Bexar County Commissioners Court consideration of a resolution expressing their intent to create the PID
May 22, 2024	San Antonio Planning Commission public hearing and recommendation
June 20, 2024	City Council's consideration and action
July 9, 2024	Commissioners Court consideration to create the proposed PID and appoint a board of directors
November 2024	PID Election and approval of PID's taxes and bonds

ALTERNATIVES:

A denial of the Resolution would result in the PID not being created by the County. This action would require the Owner to seek a different financing mechanism for the development of the property. It may result in the PID development occurring in a traditional method instead of the

manner proposed by the developer.

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

FISCAL IMPACT:

This item is to consider the Resolution granting the City's consent to the creation by the County of a PID located in an unincorporated area of the ETJ of the City, subject to the execution of a Development Agreement between the City and the Landowners, SA Given To Fly, LP, Lennar Homes of Texas Land and Construction, Ltd., and Graytown Rd. Holdings LLC. This Resolution enables the Landowners to pay a \$7,500 Special District application fee, which will be deposited in to the City's General Fund.

RECOMMENDATION:

Staff recommends approval of a Resolution granting the City's consent to the creation by Bexar County of the proposed Fischer Gardens PID subject to the execution of a Development Agreement with the Landowners.

On May 22, 2024, the Planning Commission recommended to City Council to grant its consent to the PID creation by Bexar County subject to the execution of a Development Agreement with the Landowners.