



# City of San Antonio

## Agenda Memorandum

**File Number:**

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**Agenda Item Number:** 56

**Agenda Date:** September 21, 2023

**In Control:** City Council A Session

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**DEPARTMENT:** Planning Department

**DEPARTMENT HEAD:** Rudy Nino

**COUNCIL DISTRICTS IMPACTED:** District 2, ETJ

**SUBJECT:**

Proposed annexation of a property totaling 16.371 acres, generally located at the southeast corner of the intersection of Weichold Road and Interstate Highway (IH) 10 East, as requested by the property owner, and the related Service Agreement.

**SUMMARY:**

Public hearing and consideration of an Ordinance extending the City limits by full purpose annexation of 16.371 acres of a property, generally located at the southeast corner of the intersection of Weichold Road and IH-10 East, Bexar County Appraisal District (BCAD) Property ID 694645, which is contiguous to the city limits of San Antonio and located within the City of San Antonio's Extraterritorial Jurisdiction (ETJ) in east Bexar County, as requested by the property owner, BryCap Farm Properties, LLC.

**BACKGROUND INFORMATION:**

The City of San Antonio (City) initiated Full Purpose Annexation of 270.50 acres, known as the IH-10/FM 1518 Property, along IH-10 East in 1986. As a result of this annexation, a parcel of land, owned by BryCap Farm Properties, LLC, (subject property) was split, with 19.297 acres being annexed into the City limits of San Antonio and the remaining 16.371 acres continuing to be located outside city limits, in the ETJ.

In 2017, the City annexed numerous corridors and enclaves which would have included the remainder of the subject property. As part of this annexation process, State law required the City to offer Development Agreements to the owners of properties, which had the applicable appraisal for ad valorem tax purposes as agricultural or wildlife management or as timber land (“agricultural”) use by BCAD. These Agreements allowed their continued agricultural use, or other use as specified by the State law, and guaranteed the extraterritorial status for the property as long as the property owner continued the agricultural uses as described in the Development Agreement. The subject property had the agricultural designation from BCAD, so the remaining 16.371 acres continued its ETJ status with the execution of an Agricultural Development Agreement.

The intended developer would like to develop the subject property for freight liner sales and servicing. The Property Owner is the full and entire owner of the subject property, and has requested annexation by the City, in anticipation of development. This petition is in pursuant to State Law in which the City has the authority to annex an area if the landowner requests annexation. The subject property will 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.

Additionally, the subject property meets the statutory requirements for full purpose annexation, by the City, as they: (1) is within the City's ETJ; and (2) is adjacent and contiguous to the City's corporate limits.

#### **ISSUE:**

This is the City Council public hearing and consideration of an Ordinance approving of the proposed annexation of the property generally located at the southeast corner of the intersection of Weichold Road and IH-0 East and the related 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 subject property. It will be incorporated into City Council District 2.

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) East Substation, located at 3635 E Houston Street (Rosa Parks Way), 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 are 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 14, 2023. The City Council public hearing and consideration is scheduled for September 21, 2023. The effective date will be October 21, 2023.

Additionally, the City Charter of San Antonio requires consideration by the Planning Commission,

and the publishing of the annexation ordinance 30 days prior to the final adoption. The draft ordinance was published on August 1, 2023. The Planning Commission heard and considered the voluntary annexation request and proposed plan amendment for the subject property on July 12, 2023. The Zoning Commission heard and considered the proposed zoning for the subject area on July 18, 2023. The associated zoning case and plan amendment will be considered by City Council on September 21, 2023, after action on the annexation. Below is a proposed schedule for the Annexation Area.

<b><u>Dates</u></b>	<b><u>Required Actions</u></b>
July 12, 2023	Planning Commission
July 18, 2023	Zoning Commission
September 21, 2023	City Council Public Hearing and Consideration
October 21, 2023	Effective Date of Annexation

#### **ALTERNATIVES:**

The denial of this Ordinance would result in a portion of the subject property remaining in unincorporated Bexar County, while the other portion is inside the City limits. Hence, the property would be severed by both City and county service providers, which may lead to confusion among local service providers, taxing authorities and regulatory jurisdictions.

#### **FISCAL IMPACT:**

Ordinance No. 101399 authorizes a \$3,000 processing fee for the voluntary annexation to be collected and deposited into the City's General fund. This ordinance requires no operating or capital budget resources to support this voluntary annexation.

#### **RECOMMENDATION:**

Staff recommends approval of the ordinance regarding the proposed Annexation of a property, totaling 16.371 acres, generally located at the southeast corner of the intersection of Weichold Road and IH-10 East, as requested by the Property Owner, BryCap Farm Properties, LLC, the approval to execute the associated Service Agreement and establish an effective date of annexation.

On July 12, 2023, Planning Commission recommended approval on the proposed annexation and Plan Amendment. On July 18, 2023, Zoning Commission recommended approval on the zoning for the subject property.