

**CITY OF SAN ANTONIO
INTERDEPARTMENTAL MEMORANDUM
DEPARTMENT OF PLANNING**

PUBLIC HEARING
TAX/CELESTIAL
ITEM NO. 4
2:00 PM

TO: Mayor and City Council

FROM: Emil R. Moncivais, AICP, AIA, Director, Planning Department

THROUGH: Terry M. Brechtel, City Manager

COPIES: Jelynn LeBlanc Burley, Assistant City Manager; Jesus Garza, Planning Manager; Roy Ramos, Senior Planner; File

SUBJECT: First Public Hearing on the voluntary annexation of the Fossil Creek Commercial Tract

DATE: February 19, 2004

SUMMARY AND RECOMMENDATIONS

This is the first public hearing regarding the voluntary annexation of approximately 6.23 acres known as the Fossil Creek Commercial Tract. The second public hearing is scheduled for February 26, 2004.

No action is required of City Council at this public hearing.

BACKGROUND INFORMATION:

Earl and Brown, representing Gold Tree Partnership, submitted a request to annex 6.23 acres located at the northwest corner of the intersection of Bulverde and Evans Road, in north Bexar County. The applicant proposes to develop a retail center to provide retail and service establishments to the neighborhood, including, but not limited to a drug store, insurance office, a restaurant and specialty retail shops.

The property is located over the Edwards Aquifer Recharge Zone and is included in the City's 2003-05 Annexation Plan. The Aquifer Protection Ordinance of 1994 established Category 1, Category 2, and Category 3 to regulate impervious cover for Aquifer protection. The following matrix defines the categories and the allowable impervious cover:

Category	Definition	Allowable Impervious Cover
1	Properties covered by a valid permit including POADP's (prior to December 22, 1994) or plat or plat application (prior to September 8, 1994.)	No impervious cover limits.
2	Properties that do not qualify under Category 1. Properties within the corporate limits of the city.	Single Family Residential – 30% Multi-Family Residential – 50% Commercial – 65%
3	Properties that do not qualify under Category 1 or 2. Properties located within the Edwards Aquifer Recharge Zone and within the extraterritorial jurisdiction of the city.	All land uses – 15%

The Fossil Creek Commercial site is classified as a Category 3, which allows impervious cover up to 15%, and upon annexation by the City of San Antonio, the category will change to a Category 2, which allows impervious cover up to 65%. Staff will be working with the applicant on the actual amount of impervious cover the proposed development will require.

POLICY ANALYSIS:

The City's goals for annexation are to preserve its range of annexation options, promote orderly growth, provide municipal services, enhance the City's fiscal position, preserve the integrity of the City and its extraterritorial jurisdiction, and to maintain a systematic annexation process.

Previous annexations have contributed significantly to the City's growth and economic base. New areas continue to grow with supporting businesses and expanding employment opportunities. The opportunity to plan land uses in those annexed areas is also greatly improved with the provisions of the City's Unified Development Code.

The annexation schedule for this tract is as follows:

City Council 1 st public hearing	2:00 p.m.	February 19, 2004
City Council 2 nd public hearing	3:00 p.m.	February 26, 2004
Planning Commission resolution		March 10, 2004
First reading of the annexation ordinance		March 25, 2004
Second reading of the annexation ordinance		April 29, 2004
Effective date of annexation		May 09, 2004

As required by state statute, the two public hearings were advertised by the San Antonio Express News on February 6, 2004.

FINANCIAL IMPACT:

The 2003 Bexar Appraisal assessment is \$338,700 for the 6.23 acre tract. The additional revenue to the City's Maintenance and Operating Fund would be \$1,243.16 and \$716.35 to the Debt Service Fund. The tract can be serviced with existing resources.

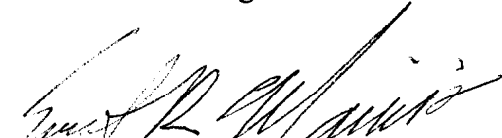
COORDINATION:

The item was coordinated with the following departments: City Attorney's Office, Public Works, Fire, Police, Code Compliance, Economic Development, Finance, Environmental Services, Library, Parks & Recreation, Development Services, Office of Management & Budget, Metropolitan Health District, City Clerks Office, Information Technology Services, Community Initiatives, External Relations and SAWS.

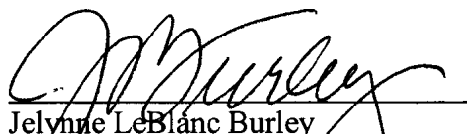
Additionally, this item was presented to the Urban Affairs Committee on January 26, 2004 and was recommended to move forward to City Council for consideration.

SUPPLEMENTARY COMMENTS

There is no action required of Council at the public hearing. Action will be required at the first and second reading of the annexation ordinance.

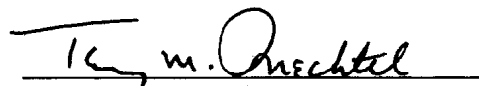


Emil R. Moncivais, AICP, AIA
Director, Planning Department



Jelynn LeBlanc Burley
Assistant City Manager

APPROVED:



Terry M. Brechtel
City Manager

**CITY OF SAN ANTONIO
ANNEXATION SERVICE PLAN
FOR**

Fossil Creek Commercial Tract

1. This service plan shall be valid for ten (10) years from and after the effective date of the annexation ordinance annexing this specific property. Renewal of the service plan shall be solely at the discretion of the City of San Antonio.

2. This service plan is a contractual obligation that is not subject to amendment or repeal except that if the City Council determines at public hearings required by Section 43.056, Texas Local Government Code, that changed conditions or subsequent occurrences make this service plan unworkable or obsolete, the City Council may amend the service plan to conform to the changed conditions or subsequent occurrences.

An amended service plan shall provide for services that are comparable to or better than those established in the service plan before amendment. Before any amendment is adopted, the City Council shall provide an opportunity for interested persons to be heard at public hearings called and held in the manner provided by Chapter 43 of the Texas Local Government Code.

DRAFT

SERVICES

SERVICE FOR THE FOSSIL CREEK COMMERCIAL TRACT SERVICES TO BE EXTENDED:

Police protection

The San Antonio Police Department will respond to calls for assistance, enforcement, and protection and provide other services offered by the Police Department on the effective date of annexation.

Fire protection

The San Antonio Fire Department will respond to calls for assistance, fire emergencies and provide other fire-related services as needed on the effective date of annexation. The City of San Antonio will provide emergency Medical Service (EMS).

Solid waste Residential Collection

Residents have the option to choose between a private company or City provided service. If a private company is selected, residents may negotiate the level of waste collection services. If City-provided service is selected, residents will receive garbage collection service twice weekly, recycling service once per week, brush collection and dead animal collection service. At any time during a one-year period, residents may switch to City-provided services. The City may use a contractor to provide this service.

Solid Waste Commercial

Commercial garbage collection shall be available through the purchase of bags and stickers at designated locations. If service is not desired, private service is permissible.

Brush collection and dead animal pick-up Commercial

Brush pick-up is provided three times per year in accordance with a citywide schedule. Dead animal pick-up is available upon request.

Solid waste fees

For solid waste services contracted or provided by the City of San Antonio, a monthly fee will be assessed for these services on residential electrical bills. This fee may be changed by City Council.

Environmental Fee

A monthly fee will be assessed to residents, apartment dwellers, and businesses on the electric bill.

Maintenance of water & Wastewater facility

Public water facilities shall be maintained and operated by the San Antonio Water System (SAWS), if not already owned by another water utility. Water service shall be provided and extended in accordance with SAWS policies and established fees to those customers within SAWS certificated service area and those not within the certificated area of another water utility.

Public wastewater Facilities

Public wastewater facilities shall be maintained and operated by SAWS if not already owned by another wastewater utility. Wastewater service shall be provided and extended in accordance with SAWS policies and established fees to those customers not within the regional agent boundary or certificated area of another wastewater utility.

SERVICES

Storm water Monitoring

SERVICE FOR THE FOSSIL CREEK COMMERCIAL TRACT

Storm water monitoring and treatment activities as required by EPA will also be provided by SAWS and the City of San Antonio Public Works Department. Service to new and existing customers shall be provided in accordance with SAWS policies and rates.

Traffic control devices

New traffic control devices will be installed as approved by the City Council.

Maintenance of streets & Drainage

Street and drainage improvements, which have been properly platted, duly dedicated, and accepted by the City of San Antonio and/or Bexar County shall be maintained by the Department of Public Works.

Maintenance of Street Signs and traffic Control devices

The City of San Antonio will assume the expenses for operation and maintenance of public streetlights at intersections, cul-de-sacs, dead ends and other locations that conform to the City's policy for placing streetlights. City Public Service shall perform maintenance and installation of streetlights. The Public Works Department will maintain traffic control devices and street name signs.

Zoning

All territory newly annexed to the City shall be classified as Development Reserve "DR". The "DR" designation is a temporary zoning district that indicates that the property may be suitable for any land use subject to analysis and the placing of permanent zoning on the property. While under the DR zoning district designation, the property may be used for agricultural purposes or single-family development in conformance with the regulations of an "R-6" zoning district. The City will initiate the zoning process as determined and recommended by the City Zoning Commission. The City's Zoning Commission shall determine time lines for completion.

Building Permits

Incomplete construction must obtain building permits from the Development Services Department in accordance with City Codes. In addition, as part of the permitting process, applicant(s) will be required to adhere to the City's Tree and Landscape requirements and have access to the Development process Information and Guidance Division. A one-stop development service counter has been created to assist the public in any development questions that relate to Building, Planning, and Public Works issues.

Certificate of Occupancy & other Related licenses

New and existing businesses must obtain a Certificate of Occupancy and related licenses required by the City Code from the Development Services Department, Health Department, and/or Finance Department.

Nonconforming rights

To establish nonconforming rights for zoning, property owners with existing land uses must register within one year of the annexation date with the Development Services Department. A Certificate of Occupancy will be issued certifying only those uses required by applicable City and State Codes. Unless exempted from Chapter 43 of the Texas Local

Government Code, nonconforming rights to allow future construction or the development of a master plan must be filed within 60 days of annexation, with the Department of Planning in accordance with the Unified Development Code (UDC).

SERVICES

SERVICE FOR THE FOSSIL CREEK COMMERCIAL TRACT SERVICES TO BE EXTENDED:

Other municipal Services

Other services available are health, animal control, library, recreational programs and human resources.

Elections

Provision of elections, polling sites for the City of San Antonio elections, is made by the Office of the City Clerk and are available to the citizens of San Antonio.

Code Compliance

The Code Compliance Department will enforce city codes and regulations in accordance with the Unified Development Code (UDC). Also, violations pertaining to noise, illegal dumping, minimum housing, including unsanitary premises, front yard parking, livestock, alley and right-of-way violations, and water and sewer, water leaks or discharges of wastewater on private or public property will be enforced. In addition, this department is also responsible for monthly inspections of salvage, junkyards and monitoring and enforcing code requirements of certain materials received at salvage/junkyards.

Gas & electricity

Gas/electric service shall be provided in accordance with City Public Service policies for gas and electric line extensions and service connections.

Customers requiring gas/electric line extensions for their property will be assessed a fee as per the fee tables established by City Public Service. The fees are collected prior to construction. Certain CPS fees are refundable as per CPS policies.

SERVICE

SAN ANTONIO WATER SYSTEM'S SERVICE PLAN FOR SERVICE FOR THE FOSSIL CREEK COMMERCIAL TRACT

Service Concept

The FOSSIL CREEK COMMERCIAL TRACT is located within the San Antonio Water Systems (SAWS) water and sewer service area. Upon annexation, citizens located within SAWS service area will pay inside the City limits rates as opposed to outside the City limits rates.

CURVE TABLE						
CURVE	RADIUS	LENGTH	TANGENT	DELTA	CORD	CRD BRG
C1	998.13'	262.38'	131.95'	15°03'42"	261.63'	S09°23'55"E
C2	1468.86'	205.05'	102.69'	08°00'00"	204.88'	S77°53'41"W
C3	1358.56'	189.70'	95.00'	08°00'01"	189.54'	N77°53'42"E



SCALE 1" = 100'

IRS = 1/2" IRON ROD SET
WITH "ACES" CAP

IRF = 1/2" IRON ROD FOUND

