

**RESOLUTION NO.**

**A RESOLUTION STATING THE CITY OF SAN ANTONIO'S INTENT NOT TO OBJECT TO THE CREATION OF THE WESTPOINTE PUBLIC IMPROVEMENT DISTRICT FOR A TERM OF 30 YEARS BY BEXAR COUNTY FOR PROPERTIES GENERALLY LOCATED WEST OF LOOP 1604, AND WITHIN THE CITY OF SAN ANTONIO AND ITS EXTRATERRITORIAL JURISDICTION IN WESTERN BEXAR COUNTY.**

\* \* \* \* \*

**WHEREAS**, the Westlakes Properties consist of 853 acres of land located east and west of Loop 1604 generally surrounding the Lackland Annex in the extraterritorial jurisdiction (ETJ) of the City inside the five-mile buffer of Joint Base San Antonio; and

**WHEREAS**, the Westpointe Properties consist of approximately 2,642.5 acres of land referred to as Westpointe East, Westpointe West, and Westpointe North located in west Bexar County, generally bounded by Culebra Road on the north, Loop 1604 on the east, West Military Drive on the south, and the Medio Creek on the west in the ETJ of the City more particularly described in **Exhibit "A"** attached hereto and incorporated herein for all purposes; and

**WHEREAS**, the Texas Local Government Code Chapter 382 allows for the creation of Public Improvement Districts (PID) special purpose districts by a county provided the city does not object to the creation of the district; and

**WHEREAS**, the Property Owner of the Westlakes Properties and the Westpointe Properties has requested the City of San Antonio not to object to the creation of the Westpointe Public Improvement District by Bexar County; and

**WHEREAS**, the Texas Local Government Code Chapter 382 allows a county to create a PID for the purposes of a district created under Section 52, Article III, and Section 59, Article XVI of the Texas Constitution and for the purposes of creating a program for economic development as provided in Section 52-a, Article III of the Texas Constitution to engage in economic development projects as provided in Section 52-a, Article III, Texas Constitution; and

**WHEREAS**, the Property Owner agrees to impose land use controls on the Westlakes Properties to increase its compatibility with the Lackland Joint Land Use Study which include restrictions on land uses, density, lighting, and sound attenuation; and

**WHEREAS**, as consideration for the City of San Antonio's intent not to object to the creation of the Westpointe PID by Bexar County the Property Owner agrees to enter into a Development Agreement in accordance with the terms and conditions of Section 212.172 of the Texas Local Government Code; and

**WHEREAS**, the Development Agreement shall provide for the voluntary annexation of the Westlakes Properties and the Westpointe Properties upon expiration of the term of the Agreement and shall establish terms for the future annexation of the Westpointe PID Properties and the Westlakes Properties; and

**WHEREAS**, the Development Agreement shall provide the City the ability to extend and

enforce development regulations, to require compliance with certain municipal ordinances in lieu of annexation, provide for enforcement of environmental regulations, and to provide for land use controls on the Westlakes Properties and the Westpointe Properties; and

**WHEREAS**, the proposed development includes construction of approximately 2,384 acres of either commercial uses or multifamily uses and approximately 5,188 single family homes, and public improvements to be made in phases aggregating to an estimated \$102 million for PID projects, \$800,000 for drainage projects, \$800,000 for sewer outfall, and \$12 million for an off-site sanitary sewer main; and

**WHEREAS**, the San Antonio City Council held a public hearing on December 14, 2017 and considered the effect of this Agreement to be consistent with City policies, plans and regulations;  
**NOW THEREFORE**,

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO:**

**SECTION 1.** The City Council expresses its intent not to object to the creation by Bexar County of a PID on the Westpointe Properties described in **Exhibit “A”** located in the City’s ETJ, pursuant to the provisions of Chapter 372, Texas Local Government Code as consideration for a Development Agreement in accordance with the terms and conditions of Section 212.172 of the Texas Local Government Code.

**SECTION 2.** If the Property Owner fails to enter into a Development Agreements with the City that includes provisions for the voluntary annexation of the property upon expiration of the term of the Agreement and that establishes terms for future annexation of the Westpointe PID Properties and the Westlakes Property and that is in substantial conformance with the above recitals and with the Summary of Terms attached as **Exhibit “B”**, attached hereto and incorporated herein for all purposes, prior to the creation of the PID by Bexar County this intent not to object is withdrawn, and the City objects to the creation of the PID by Bexar County.

**SECTION 3.** This Resolution shall be effective immediately upon passage by eight or more affirmative votes; otherwise, it shall be effective on the tenth day after passage.

**PASSED AND APPROVED** on this 14<sup>th</sup> day of December 2017.

**M A Y O R**

**Ron Nirenberg**

**ATTEST:**

**APPROVED AS TO FORM:**

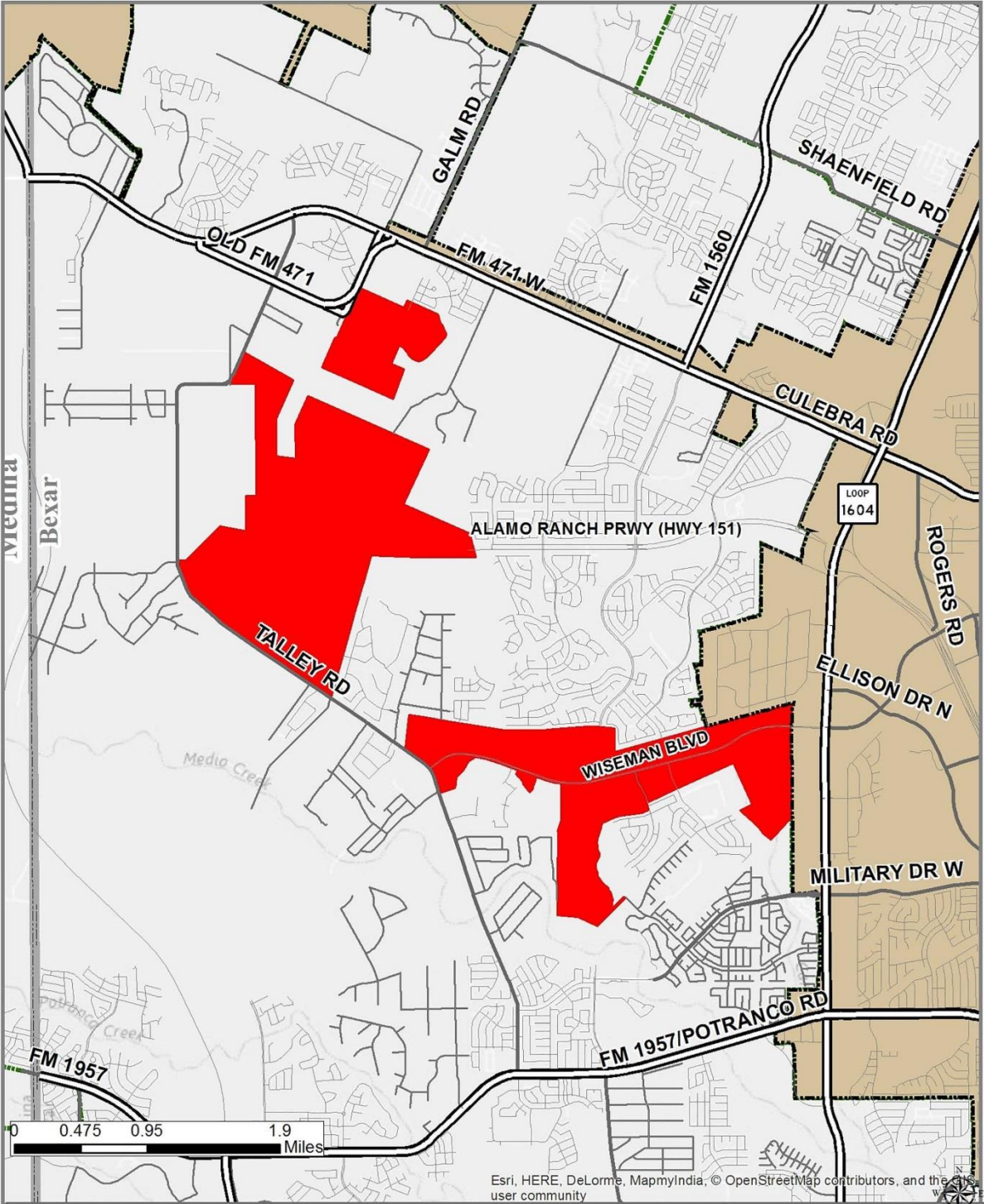
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Leticia M. Vacek, City Clerk

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Andrew Segovia, City Attorney

Exhibit "A"



**Proposed Westpointe  
Public Improvement District**

## Exhibit “B”

12.5.17

<b>WESTLAKES LAND USE CONTROLS FOR WESTPOINTE PUBLIC IMPROVEMENT DISTRICT</b>
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### EXECUTIVE SUMMARY

The property owner will agree to impose land use controls for the “Westlakes” properties to increase compatibility with the neighboring Lackland Annex. Such land use controls include restrictions on land uses, density restrictions, and lighting and sound attenuation overlays (all as requested by JBSA and in coordination with the City). This avoids the delay and uncertainty of the processes under the state’s new annexation law.

In consideration for such land use controls, the City would approve a non-annexation agreement and consent to the County’s creation of a Public Improvement District(s) (PID) on the “Westpointe” properties, which are outside JBSA’s five-mile buffer surrounding the Lackland Annex. See Exhibit “A”.

### WESTLAKES PROPERTIES

The property owner will impose the following land use controls on the Westlakes properties:

➤ Westlakes east of Loop 1604

Northeastern Tract

- Restrict uses to be consistent with “I-1 S” Light Industrial zoning with Specific Use Authorization for “Storage- Outside (open with no screening required).”
  - Corresponding Land Use Amendment to Agribusiness Tier
- Restrict uses to be consistent with “C-3” General Commercial zoning district for the frontage along Loop 1604.
  - Corresponding Land Use Amendment to Regional Center
- Apply “MLOD-2” Military Lighting Overlay District.
- Apply “MSAO-2” Military Sound Attenuation Overlay District; only on property within the “noise contours” as shown in the draft military study.

Southeastern Tract (the tract that shares a property line with the Lackland Annex)

- Prohibit any development outside of the front 1,000 ft. of Loop 1604. Note that the current value of this overall tract is approximately \$4 million undeveloped, and would increase to approximately \$20 million if developed – essentially, resulting in a lost value of \$16 million.
  - The property owner will not seek JBSA funds for restricting development, as outlined immediately above, on this tract.
- Any development within the front 1,000 ft. of Loop 1604 will comply with the land use controls listed immediately above for the Northeastern Tract.

➤ Westlakes west of Loop 1604

- Will decrease total units otherwise allowed pursuant to the current MDP, from 4,323 single-family/multi-family units to 1,500 single-family units.

- Restrict uses to be consistent with “R-5” Residential Single-Family zoning (no multi-family).
    - Corresponding Land Use Amendment to keep Suburban Tier, and change 2 tracts from Agribusiness to Suburban (ID’s 344531 & 344532)
  - Restrict uses to be consistent with “C-3” General Commercial zoning for the frontage along Loop 1604.
    - Corresponding Land Use Amendment to Regional Center
  - Apply “MLOD-2” Military Lighting Overlay District.
- Master Development Plan
- Following final City Agreement, amendment to Master Development Plan to be submitted and finalized to incorporate references to all development controls listed above.

### WESTPOINTE PROPERTIES

**Project Description:** The Westpointe Properties consist of three tracts (2,630 acres) and existing right-of-way (Talley Road, 12.5 acres), in the City’s ETJ, which total approximately 2,642.5 acres. The three tracts are commonly referred to as Westpointe East (967 acres), Westpointe West (1,417 acres), and Westpointe North (246 acres). The Westpointe Properties have approved Master Development Plans (MDPs), which were approved by the City and Bexar County between 2010 and 2011. Westpointe East calls for 967 acres of either commercial or multi-family land uses. Westpointe West calls for 423 acres of either commercial or multi-family land uses and 3,697 single-family homes. Westpointe North calls for 1,491 single-family homes.

The property owner will construct or cause to be constructed on-site and off-site public infrastructure on the Westpointe Properties, above and beyond that which would otherwise be required by City code and above and beyond that which would be constructed solely to support parcel development within those properties, which will include but not be limited to the following (see generally Exhibit “B”):

- On Westpointe East, the property owner/developer will construct:
  - Approximately \$11,000,000 of Alamo Ranch Parkway through property.
  - An additional \$13,000,000 of collector and arterial roads as projected on the MDP.
- On Westpointe West, the property owner/developer will construct:
  - Approximately \$15,000,000 of Galm Road, a four-lane secondary arterial through property.
  - Approximately \$17,000,000 of Alamo Parkway, a four-lane primary arterial through property.
  - Approximately \$8,000,000 of Galm Road, a four-lane secondary arterial along the boundary of the property.
  - An additional \$20,500,000 of collector and arterial roads as projected on the MDP.
- On Westpointe North, the property owner/developer will construct:
  - Approximately \$3,500,000 of Galm Road through property.
  - Approximately \$800,000 of Gass Road drainage improvements.

The property owner will participate in the construction of (or cause to be constructed) off-site improvements, when Bexar County or the San Antonio Water System (SAWS) acquire easements and/or right-of-way, to allow for the property owner's/developer's construction of the following (see generally Exhibit "B"):

- Approximately \$1,000,000 of Alamo Ranch Parkway off-site from Alamo Ranch Parkway to Westpointe West.
- Approximately \$8,000,000 of Alamo Parkway off-site (and bridge crossing Medio Creek) from the Westpointe East southern boundary to Military Drive.
- Approximately \$3,000,000 of Galm Road north of Westpointe North, connecting to Culebra Road.
- Approximately \$2,000,000 of Galm Road, connecting Westpointe West and Westpointe North.
- Approximately \$12,000,000 of off-site sanitary sewer main, oversized per SAWS Capital Improvement Plan. This sewer main will ultimately serve portions of Bexar County and remove the need for multiple lift-stations.
- If needed, construct approximately \$800,000 of parallel sanitary sewer main by the Remuda Ranch sewer outfall, which could be needed for Westpointe North depending on available capacity.

The property owner will impose development standards on the Westpointe Properties as follows:

- Major Thoroughfares: As per the UDC, the property owner agrees to design/construct (or cause to be designed/constructed), the major thoroughfares - Galm Road, Alamo Parkway, and Alamo Ranch Parkway - as they exist on the current Major Thoroughfare Plan and that are within and outside the limits of the MDPs (but within the boundaries of the PID), all as further illustrated on Exhibit "B." The property owner also commits, subject to minor alignment changes, to construct the collector roadways in their general location and configuration as currently shown on the existing MDPs. The property owner reserves the right to re-configure the collector roadway alignments as required to develop the property, which would be administered through the standard MDP amendment process.
- Pedestrian Facilities: All collector streets and arterial streets will be designed/constructed with pedestrian facilities (e.g. bike lanes, multi-use paths, large-width sidewalks) in accordance with the current requirements of the UDC.
- Public Transportation (Bus) Lanes: Both Alamo Parkway and Alamo Ranch Parkway will be designed with sufficient right-of-way for future continuous and/or "slip" bus lanes (Alamo Parkway: 120' right-of-way; Alamo Ranch Parkway: 200'-250' right-of-way). The property owner agrees to design Galm Road with an additional 15' of right-of-way (for a total of at least 101' of right-of-way) in order to provide sufficient right-of-way for future continuous and/or "slip" bus lanes.
- Connectivity: Single-family subdivisions, with more than 125 lots, will be developed with a connectivity ratio of at least 1:3.

- Affordable Single-Family Housing Goal: The developer will strive to provide at least 10% of the total single-family homes constructed within the PID boundaries for sale at a price that is affordable for those whose income is within 80%-120% of the Average Median Income (AMI) for a household size of 4. While this will be a stated *goal*, such goal will not constitute grounds for a default of the PID or associated agreements.
- Note Regarding Schools: The property owner has been in constant contact with the Northside Independent School District (NISD) over the past 10 years. A high school (Brennan) and an elementary school (Bennie Cole) have already been constructed within the limits of the Westpointe East tract. Brennan has been open for approximately 6 years and Bennie Cole opened in August 2016. The property owner has negotiated a location for 2 additional school sites within the Westpointe West tract: a 35-acre middle school and an 18-acre elementary school (this location is adjacent to Old Galm Road, shown on Exhibit "B"). The property owner has also had multiple meetings with NISD regarding an 18-acre elementary school site within the limits of the Westpointe North tract. Between January 2017 and May 2017, cost estimates and exhibits showing required infrastructure/utility extensions to serve each school have been sent to NISD for both the future Westpointe West and Westpointe North school sites. NISD has not expressed the need for another high school within the limits of the Westpointe Properties.

#### CITY ACTIONS

- In consideration of such land use controls, the City would approve an Agreement for Services In-Lieu of Annexation (Non-Annexation Agreement) and consent to allow Bexar County to create a Public Improvement District(s) (PID) with a 30-year term for approximately 2,642.5 acres including the following properties (collectively, referred to as the Westpointe Properties).
  - Westpointe East: 967 acres
  - Westpointe West: 1,417 acres
  - Westpoint North: 246 acres
  - Existing Right-of-Way (Talley Road): 12.5 acres

As referenced above, the Westpointe Properties all have valid Master Development Plans. Development on Westpointe East and Westpointe North has commenced for single-family development on portions of those properties; those areas have been excluded from the limits of the proposed PID.

- The City agreement will stipulate the development standards and land uses allowed within the Westpointe Properties, as well as serve as the possible vehicle for imposing the above-referenced land use controls for the Westlakes properties. Further, the property owner will work with the City to have the City agreement constitute a voluntary petition for annexation of the Westpointe Properties at the conclusion of the PID term (to the extent legally permissible and to be exercised at the City's sole discretion).
- Mandatory notification regarding the distance from a Military installation to all people purchasing property within the Westpointe PID and Westlakes Properties is required.
- No financial participation is required by the City for the PID.