

RESOLUTION NO. **18 11-09**

**A RESOLUTION RECOMMENDING THE CITY OF SAN ANTONIO'S CONSENT TO THE CREATION BY BEXAR COUNTY OF A PUBLIC IMPROVEMENT DISTRICT (PID), THE PROPOSED WESTPOINTE SPECIAL IMPROVEMENT DISTRICT, GENERALLY LOCATED WEST OF LOOP 1604, AND WITHIN THE EXTRATERRITORIAL JURISDICTION OF THE CITY OF SAN ANTONIO, AND APPROVING A DEVELOPMENT AGREEMENT BETWEEN THE WESTPOINTE PID PROPERTY OWNERS CONSISTING OF SPH CULEBRA, LTD., VISE OAKS I, LTD., CAMPBELTON ROAD, LTD., AND BECKER RANCH, LTD., THE WESTLAKE PROPERTY OWNERS CONSISTING OF PEOPLES VERDES RANCH, HOLDING CO LTD AND VISE SPH LTD.; AND THE CITY OF SAN ANTONIO.**

**WHEREAS**, the Texas Local Government Code Chapters 382 allows a county to create a Public Improvement Districts (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 Texas Local Government Code Chapter 382 provides that if a proposed PID is located within a city's ETJ, the municipality has the option to object to the formation of the districts pursuant to state law; and

**WHEREAS**, the property owners consisting SPH Culebra, Ltd., Vise Oaks I, Ltd., Campbelton Road, Ltd., and Becker Ranch, Ltd., own approximately 2,382.9 acres of land, referred to as the Westpointe Properties, generally bounded by Culebra Road on the north, Loop 1604 on the east, West Military Drive on the south, and the Medio Creek, within the ETJ of the City of San Antonio, more particularly described in **Exhibit "A"** and depicted in **Exhibit "B"** attached hereto and incorporated herein for all purposes; and

**WHEREAS**, the proposed development on the Westpointe properties includes construction of approximately 2,382.9 acres of either single-family residential, multi-family or commercial uses, and public improvements within and outside of the Westpointe properties; and

**WHEREAS**, the property owners, Peoples Verdes Ranch, Holding Co LTD and Vise SPH Ltd., owns of 359.282 acsrse Westlakes Properties, located to the immediate west of the Lackland Air Force Base (AFB) Annex, also referred to as the Medina Training Annex, south of US Highway 90 West and bisected by Loop 1604 West, within the extraterritorial jurisdiction (ETJ) of the City of San Antonio, more particularly described and depicted in **Exhibit "C"** attached hereto and incorporated herein for all purpose; and

**WHEREAS**, the Property Owners agrees to amend the Westlake Master Development Plan (MDP) as depicted on **Exhibit "D"** and impose land use controls on the Westlakes Properties to increase the land use compatibility with the Lackland AFB Joint Land Use Study (JLUS) including restrictions on land uses, lighting, and sound attenuation, specifically the City's Military Lighting Overlay District and the Military Sound Attenuation Overlay District on the properties identified in the Lackland AFB JLUS Noise Study; and

**WHEREAS**, in consideration for the land use controls imposed on the Westlakes Properties the Property Owner has requested the City of San Antonio to consent to the creation of the PID on the Westpointe Properties by Bexar County; and to enter into a Development Agreement which encompasses the Westlake and Westpointe PID properties 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 and the Westpointe PID Properties upon expiration of the term of the Agreement and shall establish terms for the future annexation of the Westpointe PID and Westlakes Properties; and

**WHEREAS**, the Development Agreement shall provide the City the ability to extend and enforce development regulations, to require compliance with municipal ordinances in lieu of annexation, and to provide for land use regulations on the Westpointe PID and Westlakes Properties; and

**WHEREAS** on December 14, 2017, the City Council stated their intent to consent to the creation of the Westpointe PID by Bexar County; and

**WHEREAS** the Westpointe owners submitted a petition to the County, on December 15, 2017, and an application to the County on January 17, 2018, to create a PID to be named the Westpointe Special Improvement District; and

**WHEREAS** on October 23, 2018, the Bexar County Commissioners Court approved a resolution stating their intent to create a PID on the Westpointe properties; and

**WHEREAS**, the San Antonio Planning Commission held a public hearing on November 28, 2018 and considered the effect of the City's consent to the PID creation by Bexar County and this agreement to be consistent with City policies, plans and regulations; and

**NOW, THEREFORE, BE IT RESOLVED BY THE PLANNING COMMISSION OF THE CITY OF SAN ANTONIO:**

**SECTION 1.** The San Antonio Planning Commission recommends approval of a resolution granting the City's conditional consent to the creation by Bexar County of a PID on the Westpointe Properties described in **Exhibit "A"** and depicted on **Exhibit "B"** located in the City's ETJ, pursuant to the provisions of Chapter 382, 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.** The San Antonio Planning Commission recommends to City Council the approval of a Development Agreements between the City and the Westpointe PID property owners, consisting of SPH Culebra, Ltd., Vise Oaks I, Ltd., Campbelton Road, Ltd., and Becker Ranch, Ltd., and the Westlake property owners, Peoples Verdes Ranch, Holding Co LTD and Vise SPH Ltd. that includes provisions for the voluntary annexation of the property upon expiration of the term of the Agreement and that establishes terms and services for future annexation of the Westpointe PID Properties and the Westlakes Property described in **Exhibit "C"** and depicted on **Exhibit "D"** and that is in substantial conformance with the above recitals and is attached hereto and incorporated herein for all purposes, as **Attachment "A"**.

**PASSED AND APPROVED ON THIS 28<sup>TH</sup> DAY OF NOVEMBER 2018.**

Attest:

  
Executive Secretary  
San Antonio Planning Commission

Approved:

  
George W. Peek, Chair  
San Antonio Planning Commission