

Draft will be replaced by Final Resolution
RESOLUTION NO.____

RECOMMENDING THE CITY OF SAN ANTONIO TO GRANT ITS CONSENT TO THE CREATION OF A PUBLIC IMPROVEMENT DISTRICT, THE PROPOSED LEMON CREEK SPECIAL IMPROVEMENT DISTRICT, BY BEXAR COUNTY; AND TO APPROVE A DEVELOPMENT AGREEMENT BETWEEN THE CITY OF SAN ANTONIO AND THE OWNER, VEP LEMON CREEK LP, OF THE APPROXIMATELY 117.837-ACRE LEMON CREEK PROPERTY, GENERALLY LOCATED NORTH OF DIETZ ELKHORN ROAD, EAST OF IH-10 WEST, AND WEST OF OLD FREDERICKSBURG ROAD, IN THE EXTRATERRITORIAL JURISDICTION OF THE CITY SAN ANTONIO, BEXAR COUNTY, TEXAS.

WHEREAS, the Texas Local Government Code Chapters 382 allows a county to create a Public Improvement Districts (PID) 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; and

WHEREAS, the Texas Local Government Code Chapter 382 provides that if a proposed PID is located within a municipality's extraterritorial jurisdiction (ETJ), the municipality has the option to object to the formation of the PIDs pursuant to state law; and

WHEREAS, the Owner, VEP Lemon Creek LP, owns approximately 117.837 acres of land, referred to as the Lemon Creek Property, generally located, north of Dietz Elkhorn Road, east of IH-10 W and west of Old Fredericksburg Road, within the far northwest ETJ of the City of San Antonio (City), more particularly described and depicted in **Exhibit "A"** attached hereto and incorporated herein for all purpose; and

WHEREAS, the Owner, proposes to develop 71.07 acres of commercial use and a 527 multi-family residential unit development on the Lemon Creek Property; and plan to construct public improvements and infrastructure as depicted in the PID Summary in **Exhibit "B"**; and

WHEREAS, on November 4, 2019, the Owners petitioned Bexar County to create a PID, to be named the Lemon Creek Special Improvement District (District), and requested the delegation of the road district powers including the powers to construct water, wastewater and drainage facilities; and

WHEREAS on September 8, 2020, the Owner submitted a petition attached as **Exhibit "C"** requesting the City to consent to the creation of a PID located on the Lemon Creek Property within the City's ETJ;

WHEREAS on October 6, 2020, the County Commissioners Court approved a resolution stating their intent to create a PID on the Lemon Creek Property; and

WHEREAS, the City and the Owners will enter into a 30-year Development Agreement, which shall provide for the voluntary annexation of the Lemon Creek District Property upon expiration of the term of the Agreement and shall establish terms for the future annexation of the Lemon Creek District Property; and

WHEREAS, the City will consent to the following powers to the Lemon Creek District, which consist of the delegation of the road district powers along with the powers to construct water, wastewater and drainage facilities; however, no power to exercise of eminent domain; and no power to annex, expand,

divide or exclude land into its boundaries; and

WHEREAS, the 30-year Development Agreement sets forth the conditions of the City's consent and will provide the City the ability to extend and enforce development regulations, to require compliance with certain municipal ordinances and land use regulations in lieu of annexation on the Lemon Creek District Property; and

WHEREAS, the Development Agreement provides the proposed framework of a Strategic Partnership Agreement (SPA), which includes limited purpose annexation by the City of commercial property in the Lemon Creek District and a proposed revenue sharing of the limited purpose annexation properties; and

WHEREAS, the San Antonio Planning Commission held a public hearing on November 18, 2020 and considered the effect of the City's consent to the Lemon Creek District creation by Bexar County and found 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 expressing the City's conditional consent to the creation of the Lemon Creek District by Bexar County as described and depicted in the Owner's petition attached as **Exhibit "C"** and located in the City's ETJ, as well to the construction of certain public infrastructure as further depicted in the table in **Exhibit "B"** and in the preliminary MDP attached hereto as **Exhibit "A,"** pursuant to the provisions of Chapter 382, Texas Local Government Code.

SECTION 2. The San Antonio Planning Commission recommends to City Council the approval of a 30-year Development Agreement, attached as **Attachment "1"** in accordance with the terms and conditions of Section 212.172 of the Texas Local Government Code between the City and VEP Lemon Creek LP, Owner of the Lemon Creek District property. The agreement includes provisions for the voluntary annexation of the District property upon expiration of the term of the Agreement and that establishes services and terms for future annexation of the District Property and that is in substantial conformance with the above recitals and is attached hereto and incorporated herein for all purposes, as **Attachment "1"**.

PASSED AND APPROVED ON THIS 18TH DAY OF NOVEMBER 2020.

Attest:

Approved:

Executive Secretary
San Antonio Planning Commission

Christopher Garcia, Chair
San Antonio Planning Commission