



Legislation Details (With Text)

File #:	Res. 2018-199R	Version:	1	Name:	
Type:	Resolution	Status:		Individual Consideration	
File created:	9/24/2018	In control:		City Council	
On agenda:	10/16/2018	Final action:			
Title:	Receive a Staff presentation and hold a Public Hearing to receive comments for or against Resolution 2018-199R, approving a First Amended and Restated Development Agreement with LaSalle Holdings, LTD. in connection with the development generally located north of Yarrington Road, east of Interstate 35 and west of State Highway 21 that, among other things, includes a new property owner, Tack Development LP, removes parties who have opted out of the original development agreement, reduces the minimum density and removes the need for a strategic partnership agreement; authorizing the City Manager to execute the agreement on behalf of the city; and providing an effective date; and consider approval of Resolution 2018-199R.				
Sponsors:	Amanda Hernandez				
Indexes:					
Code sections:					
Attachments:	1. Resolution, 2. First Amended And Restated Development Agreement - Clean Version, 3. Redline - First Amended and Restated Development Agreement, 4. PDA-14-01(a) Aerial, 5. PDA-14-01(a) Exhibit A, 6. PDA-14-01(a) Exhibit B, 7. PDA-14-01(a) Exhibit C, 8. PDA-14-01(a) 1,000ft Buffer Exhibit				

Date	Ver.	Action By	Action	Result
10/16/2018	1	City Council	approved	Pass

AGENDA CAPTION:

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Meeting date: October 16, 2018

Department: Planning and Development Services

Amount & Source of Funding

Funds Required: N/A

Account Number: N/A

Funds Available: N/A

Account Name: N/A

Fiscal Note:

Prior Council Action: N/A

City Council Strategic Initiative: [Please select from the dropdown menu below]

Workforce Housing

Choose an item.

Choose an item.

Comprehensive Plan Element (s): [Please select the Plan element(s) and Goal # from dropdown menu below]

☐ Economic Development - Choose an item.

☐ Environment & Resource Protection - Choose an item.

☒ Land Use - Direct Growth, Compatible with Surrounding Uses

☒ Neighborhoods & Housing - Diversified housing options to serve citizens with varying needs and interests

☒ Parks, Public Spaces & Facilities - Well maintained public facilities that meet needs of our community

☐ Transportation - Choose an item.

☐ Not Applicable

Master Plan: [Please select the corresponding Master Plan from the dropdown menu below (if applicable)]

Choose an item.

Background Information:

On April 16, 2013 & March 4, 2014 City Council approved Consent Agreements for the creation of five (5) Municipal Utility Districts (LaSalle MUD 1-5). Following this approval, on October 6, 2014 City Council approved Resolution 2014-144 to authorize a Development Agreement with LaSalle Holdings for a SmartCode Development with a series of recreational lakes just north of the City Limits on the east side of IH 35.

At this time the applicant wishes to amend the development agreement to, in general, allow materials extracted from the lakes to be processed and reused onsite as well as clarify and correct items which have changed since the approval. All changes are outlined below:

- Remove parties who have opted-out. When the Development Agreement was approved in 2014, three

surrounding property owners provided authorization to be included in the agreement. Following approval the City received opt-out letters from these owners. Edits have been made to include only the current property owners.

- Land Area. The land area is amended to reflect this change.
- Include new property owner. A portion of the property has been sold to TACK Development and language is included to assign the Development Agreement to the new owner.
- Reduce the minimum density. The minimum density is reduced from 12,000 to 7,700 units due to the reduction in land area.
- Include Additional Utility Service Providers. The original agreement only allowed service from the City of Kyle. The proposed amendment allows the property owner to work with any third party utility provider, such as Maxwell Water Supply Corporation. No utility service is provided by the City of San Marcos.
- Conceptual Inclusion of Land for Roadway. As shown on the Concept Plan, the applicant is in negotiation with an adjacent property owner to provide alternate access to IH 35. If a private agreement is reached, the development will be permitted to include the land for this roadway within their development.
- Removal of Strategic Partnership Agreement. The sentence is removed due to the detailed requirements within the MUD Consent Agreements.
- Addition of Temporary Industrial Activity. The applicant wishes to reuse materials extracted from the proposed lakes on the property as development occurs. The new Section 1.11 allows this temporary use to remain until development reaches 1,000 feet of the activity. An additional exhibit has been included in the packet to indicate the location of the activity and the 1,000 foot threshold.

Council Committee, Board/Commission Action:

Click or tap here to enter text.

Alternatives:

Click or tap here to enter text.

Recommendation:

Staff Recommends Approval as Submitted.