



Agenda Item Report

Legislative Board: City Council
Date: December 16, 2025
Contact: Angela Kennedy, Director
Agenda Item ID / Number: 2025-1067- / G.10

ITEM TITLE: Approval of a Public Improvement Agreement between the City of Buda and Bailey Community Development, Inc. and Armbruster Development, Inc. for the phasing of improvements to be constructed for the Persimmon Development (Development Services Director / City Engineer Angela Kennedy, P.E., CFM)

1. EXECUTIVE SUMMARY

Pursuant to the Unified Development Code (the "UDC") Section 3.04.05, the City of Buda has the authority to enter into a Public Improvement Agreement (PIA) whereby the developer agrees to construct public improvements, at its expense, after the approval and recordation of a Final Plat. While an amended phasing plan is acceptable per a PIA, all public improvements shall comply with applicable state laws and city ordinances, engineering criteria, standards, and regulations, and in accordance with the construction plans, specifications and a timing schedule agreed upon by the City and the Developer.

In the case of **Bailey Community Development, Inc.** and **Armbruster Development, Inc.** (the "Developers"), a request has been made to simultaneously construct public improvements and private detention facilities prior to the release of approved commercial site plans and building permits. In consideration of the phasing for the subject development, the PIA memorializes the Developer's fiscal and maintenance responsibility to complete all public improvements on a schedule that is agreed upon by both parties prior to the release of the site plans and building permits subject to the review and approval by the ESD No. 8, the City Engineer and Chief Building Official for the completion of two amenity centers, a new Fire/EMS station and the civic/school site.

Surety for public improvements will be provided allowing private commercial site development to be completed as roads and utility infrastructure are concurrently being constructed. The Development Agreement for Persimmon allows residential homes to be permitted and built concurrently with the public improvements. This agreement will allow private commercial site development to also take place concurrently.

2. BACKGROUND/HISTORY

A similar public improvement agreement (PIA) for the Stream Development with SRPF C/ Buda Industrial, L.P. was approved in July 2022 that allowed vertical construction concurrently with the development of the public improvements. This approach has been demonstrated to be beneficial for larger developments with significant roadway improvements.

The Persimmon Development Agreement, approved by City Council in June 2024, includes a 'Prairie Building' provision that allows for the release of residential building permits while the public improvements are under construction. The Development Agreement also includes the dedication of property to a future Fire/EMS site and a potential school/civic site and the developer plans two amenity center sites for the residential neighborhood (See Exhibit A of the agreement). Site development of these properties would be subject to the agreement to allow site development and vertical construction concurrent with the public improvement construction.

3. ANALYSIS

According to the UDC Sections 03.03.01 and 03.04.05, public improvements are either required to be constructed prior to the approval and recordation of the final plat for a subdivision or completed post final plat recordation provided a Public Improvement Agreement (PIA) is established, and fiscal surety provided to ensure completion of the public improvements. In the case of the subject development, the developer has agreed to a PIA to ensure completion of the public improvements and is requesting flexibility in the prescribed phasing of the project to meet acceptable project milestones and financial feasibility. This agreement meets the provision referenced in Section 03.05.02.B of the UDC.

To address these concerns, the City and the Developer have established a mitigation plan based on provisions allowed by the UDC to amend the phasing of the development process. PIA provisions set in place to safeguard the health, life, and safety of citizens, include but are not limited to:

- Construction will not be permitted to commence until the City Engineer has accepted receipt of SWPPP and Erosion and Sediment Control Plan in conformance with the City of Buda's MS4 permit.
- No building permits will be issued until the Chief Building Official and Fire Marshall approve an emergency access road to access construction sites.
- Certificates of Occupancy will not be issued until public improvements are completed and accepted.
- The proposed agreement was developed by the City Attorney's office with input from staff and the developer.

4. FINANCIAL IMPACT

Not applicable

5. STRATEGIC PLAN/GOALS

EXCEPTIONAL CITY SERVICES

6. STRATEGIC PLAN OBJECTIVES

Become a more business-friendly City Government - regulations, codes and processes

7. PROS AND CONS

Pros: Provides projects efficiencies for the developer during the construction process. The current plan enables the developer to simultaneously construct public and private improvements.

Cons: Increases site inspection requirements and staffing resources to monitor stormwater ponds and erosion sedimentation control practices, although a Prairie build program for the residential homes is already approved.

8. ALTERNATIVES

The City Council may amend the agreement to delete or add conditions that it deems important. Alternatively, the City Council may deny the PIA forcing the developer to follow the established construction process in the UDC by requiring that all newly formed lots have completed and accepted public infrastructure serving the lots before allowing any private construction to commence.

9. REQUESTED ACTION / SUGGESTED MOTION / RECOMMENDATION

Staff recommends approval of the Public Improvement Agreement with Bailey Community Development, Inc. and Armbruster Development, Inc. for the development of amenity center and civic use lots in the Persimmon Development.

Attachments:

[Persimmon PIA \(Site Plans\)\(clean 112125\)_v2.docx](#)
[Exhibit A - Sites.pdf](#)