



# Agenda Item Report

**Legislative Board:**

Planning and Zoning  
Commission

**Date:**

March 26, 2024

**Contact:**

Will Parrish

**Agenda Item ID /**

**Number:**

2024-244- / G.5

**ITEM TITLE:** Hold a Public Hearing and consider a request by Buda Venture Real Estate, LLC for a Development Agreement (DA) between the City of Buda and the subject property owners for a 44.66 acre tract of land out of the Phillip J. Allen Survey, A-1, Hays County, Texas, generally located west of the intersection of FM 1626 and Cole Springs Road (DA 22-02) (Assistant Development Services Director Will Parrish).

## 1. EXECUTIVE SUMMARY

This is the Public Hearing and action item regarding the Development Agreement (DA) for a project known as West Oak. There is an existing Development Agreement associated with this project that requires the property to annex into the City prior to development of the site. Additionally, a Planned Development (PD) zoning application has been submitted for this property.

The primary purpose of this DA is to ensure and reserve access to water and wastewater LUE's, bind the annexation of this property to the proposed PD, and provide a vehicle for a waiver to the impervious cover requirements of the Edwards Aquifer Recharge Zone compliant with the requirements of Section 4.05.04(O) and clarify water quality regulations for the development of this site. Additionally, this DA establishes a requirements on the phasing of the development.

The associated attachments to this agreement, if approved, will be part of the ordinance and serve as the development regulations for this site in tandem with the PD at this site. Any future plat and site plan submittals must conform to these plans for standards or be revised in accordance with the Development Agreement process and be considered for approval by P&Z and City Council.

## 2. BACKGROUND/HISTORY

This project is proposing to construct between 100,000 and 120,000 square feet of commercial space, as well as 600 residential units in multifamily apartments. Additionally, the applicant is proposing 6 acres of privately maintained, but publicly accessible open space, two public roads, including the extension of Cole Springs across 1626, and a north/south connection along the far west property line, and private streets that will have public access easements on them.

Notice for this meeting was sent to all property owners within 400 feet of this property on November 10, 2023, 13 property owners were notified within 400 feet of the subject property. Development Services Staff did receive a fact finding email from a nearby property, who was not opposed to the project overall but was opposed to the idea of an increase in impervious cover.

Additionally, the applicant held a public meeting on October 19, 2023 at the Garlic Creek Community Center. The applicant emailed 1,500 people using the HOA email lists for Garlic Creek, Whispering Hollow, and Cullen Creek. There were 20 attendees present at the meeting. Meeting notes are attached.

The Planning and Zoning Department held a Public Hearing at their November 28, 2023 meeting, and voted to table action in order to digest the request by a 4-0 vote.

Public Notice was sent out again on March 8, 2024 to all property owners within 400 feet of the property for the March 26, 2024 Planning and Zoning Commission Meeting.

### **3. ANALYSIS**

#### **Phasing**

This DA establishes the following standards for any potential phasing of the development.

The Project will be developed in phases over time. Owner may change the phase of development from time to time in response to market conditions or other factors. However, notwithstanding the previous statement, the first phase of this development shall include, at a minimum, up to 320 residential units, the 6 AC park, and the extension of Cole Springs Road. The second phase shall include all commercial development south of the Cole Springs Road extension, specifically the 8,000 square foot entertainment/commercial area identified in Concept Plan. The third phase of the development shall contain 20,000 square feet of commercial space and the remaining residential units. The final Certificate of Occupancy for 30 residential units shall be withheld until a total of 75,000 square feet of commercial space, throughout all phases, has been constructed to a cold, dark shell condition.

#### **Duration of Planned Development**

This DA modifies Section 2.10.08(C)2(e) of the UDC by extending the expiration date of the PD from 2 years if no substantial progress is made to 5 years.

#### **Water And Wastewater**

This DA establishes that the City will serve water and wastewater utilities to the site, and the developer will have access to a minimum of 700 LUE's, support the residential and commercial development.

Additionally, the developer will be responsible for constructing the water and wastewater infrastructure to the site, in accordance with all City regulations.

#### **Impervious Cover/Water Quality**

The applicant has provided an environmental report on the site which has satisfied Staff that development of this site with more than 15% impervious cover shall not have a significant impact on the ability for the aquifer to recharge. The applicant is proposing a total impervious cover of 68%.

Additionally, the applicant has agreed to the higher than standard water quality controls that are required on other sensitive sites over the designated recharge zone in order to ensure that runoff leaving the property is as clean as possible.

### **Termination of Agreement**

Unlike the previous version of the Development Agreement, the current version uses standard language requiring both parties to fulfill their obligations as discussed in the Agreement. The previous version had language related to incentives that had not been fully vetted by Staff and the Economic Development Board. Since this past November, the applicant, Staff, and the Economic Development Board have had a chance to work towards a more complete understanding of the incentive requests. The current incentive request has the support of Staff and the Economic Development Board.

### **Review Criteria**

1. The agreement promotes the health, safety, or general welfare of the City and the safe, orderly, and healthful development of the City

Staff has not identified critical issues with the potential uses in the PD district that would negatively affect the health, safety or general welfare of the City and the safe, orderly and healthful development of the City.

The additional roads and trails constructed as part of this development will increase connectivity in an orderly and healthful manner.

### **2. The proposed agreement is consistent with the Comprehensive Plan;**

This property is within the 1626 Corridor Plan area and has preferred land uses of Corridor Commercial and Mixed-Use Community according to the Future Land Use Map. The Corridor Commercial land use abuts 1626 and has a stated intent of focusing on the development of businesses that serve the local and regional area, providing an opportunity for diverse retail, employment, and mixed use destinations along the corridor at value intense intersections.

The applicant is proposing to preserve all Heritage trees on site and provide 6 acres of publicly accessible open space and expand the existing pond. Additionally, the applicant is proposing new roads and trails consistent with the TMMP and our block length requirements, and proposed Trails Master Plan in order to provide for future transportation needs.

### **4. FINANCIAL IMPACT**

The applicant is requesting credit for their impact fees to pay for the oversizing of water and wastewater utility infrastructure that they will need to extend along the length of Cole Springs Road.

As the lines will be sized to serve more than this development, they will provide access to City Utilities to additional future developments along 1626, providing more customers for City Utilities.

If approved, this development will pay typical development review fees for site plan, building, and

public infrastructure.

## **5. STRATEGIC PLAN/GOALS**

BALANCED AND INTENTIONAL GROWTH

## **6. STRATEGIC PLAN OBJECTIVES**

Balance residential and commercial growth

## **7. PROS AND CONS**

Pros:

- Proposed Development will construct the utility infrastructure needed to open up the 1626 corridor to development.
- Minimum 100,000 square feet of commercial development added to 1626 Corridor.
- Two new roads, including the Cole Springs extension and the N/S collector along the west side of the property.
- Traffic Signal to be constructed at 1626 and Cole Springs.
- 6 acre park open to the public but privately maintained.

Cons:

- Will generate additional traffic on 1626.

## **8. ALTERNATIVES**

## **9. REQUESTED ACTION / SUGGESTED MOTION / RECOMMENDATION**

Staff has reviewed the Development Agreement and recommends Approval of the request as submitted

## **Attachments:**

[West Oak Development Agreement](#)  
[West Oak Concept Plan.pdf](#)