



# Agenda Item Report

**Legislative Board:** City Council  
**Date:** March 5, 2024  
**Contact:** Will Parrish  
**Agenda Item ID / Number:** 2024-213- / J.2

**ITEM TITLE:** Public hearing, deliberation and possible action to consider an Ordinance on first and final reading and to adopt said Ordinance authorizing a Specific Use Permit (SUP) for the Warehouse use in the Light Industrial (LI) zoning district within the Gateway Corridor (O-G) Overlay District for a property known as Loop 4 Addition, Block A, Lot 1, and located at 520 South Loop St, Buda TX 78610 (SUP 23-05) (Development Services Director Angela Kennedy) [PUBLIC TESTIMONY]

## 1. EXECUTIVE SUMMARY

This is the staff report for Items J.1 and J.2. The City of Buda has received two applications for Specific Use Permits (SUPs) for a warehouse development on two lots zoned Light Industrial (LI) located on South Loop 4 in the Gateway Corridor (O-G). Each lot is approximately 2.9 acres and are currently vacant. Site plans are currently under review by staff for each lot. The project is served by City of Buda water and wastewater.

The applicant has indicated that the planned use for the development is "Warehouse" which, while allowed by right in LI, requires a Special Use Permit when located in LI within the Gateway Corridor Overlay District (O-G). Table 29, subsection 2.10.12.D (below) of the Buda UDC outlines permitted uses in the Gateway Corridor Overlay. Approval of the requested SUP would allow the warehouse use this location.

**Table 29. Uses Permitted in the Gateway Corridor Overlay (O-G) District**

Use Classification	B-1	B-2	B-3	LI	HI
Automobile or Other Motorized Vehicle Sales				S	P
Automobile Service Garage (Major)				S	P
Automobile Service Garage (Minor)				S	P
Car Wash, Full Service		S	S	P	P
Car Wash, Self Service				P	P
Equipment Sales				S	P
Equipment Storage Building or Structure (Pertaining to Wireless Facilities)			S	S	P
Feed Store			S	S	S
Restaurant or Cafeteria, with Curb or Drive-Thru Service		S	S	P	P
Office/Showroom			P	P	
Office/Warehouse				S	P

**Table 29. Uses Permitted in the Gateway Corridor Overlay (O-G) District**

<b>Use Classification</b>	<b>B-1</b>	<b>B-2</b>	<b>B-3</b>	<b>LI</b>	<b>HI</b>
Storage Units, Mini					
<b>Warehouse</b>				<b>S</b>	P
Woodworking and Planning Mill					S

In recommending an SUP, the Planning and Zoning Commission shall determine that such uses are harmonious and adaptable to building structures and uses of abutting properties and other properties in the vicinity of the premises under consideration, and shall consider the following factors:

1. Safety of the motoring public and of pedestrians using the facility and the area immediately surrounding the site;
2. Adequate means of ingress and egress to public streets or approved access easements and appropriate paving widths of streets, alleys and sidewalks to accommodate traffic generated by the proposed use;
3. Provisions for drainage;
4. Adequate off-street parking and loading;
5. Safety from fire hazard and measures for fire control;
6. Protection against negative effects of noise, glare and lighting on the character of the neighborhood, protective screening and open space;
7. Heights of structures; and
8. Compatibility of buildings and such other measures as will secure and protect the public health, safety, and general welfare.

## **2. BACKGROUND/HISTORY**

The property located at 520 S Loop Street has previously had a request for an SUP for a warehouse use approved in 2020. At the time the proposed design included 22,300 square feet split between two buildings. The design of the buildings included significant amounts of stone and glass on the facades (Exhibit D). However, the site was never developed after approval of the SUP.

In 2023 the current applicants approached Staff regarding development of both properties. Staff reviewed the request for “Warehouse” and recommend that the applicant amend their request to be for “Office/Warehouse”, a new use that did not exist at the time of the previous SUP request.

“Warehouse” is defined in Section 5.02.01 as follows:

“Facilities characterized by extensive warehousing, frequent heavy trucking activity, open storage of material, or nuisances such as dust, noise, and odors, but not involved in manufacturing or production.”

“Office/Warehouse” is defined in Section 5.02.01 as follows:

“An establishment with no more than 75% of its total floor area devoted to storage and warehousing, but not accessible to the general public. The remaining area may include retail and wholesale sales area, sales offices, and display areas for products sold and distributed from the storage and warehousing areas. Commercial Heavy Truck traffic is minimal.”

The Applicant expressed a willingness to meet the intent of the “Office/Warehouse” standards, but is concerned that they will not be able to guarantee they can find tenants that will provide a minimum 25% office space within their facilities. In order to work with Staff, the applicant updated their Letter of Intent (LOI) (Exhibit D) to state that they can guarantee a minimum of 15% office space, as well as assurances that many of the other nuisances associated with “Warehouse” as a use would not impact this property, including the following voluntary conditions:

1. No churches, CrossFit type businesses, childcare facilities, or other businesses or organizations which utilize a large number of parking spaces.
2. Each tenant space to have a minimum of 15% office space with parking available for 25%.
3. No Industrial or Heavy Manufacturing uses.
4. No outside storage.
5. All activities must be contained inside the building.
6. No businesses which generate loud noise.
7. No tenants utilizing 18-wheel trucks.
8. No emission of dust or other pollutants.
9. No businesses which generate trash beyond what can be contained within the provided dumpster enclosure.

The applicant has submitted a site plan set for the two lots on which the proposed buildings would be located. The general nature of the site configuration consists of four warehouse buildings (two on each lot) with 48,750 square feet on 550 S Loop 4 and 42,075 square feet on 520 South Loop 4, for a total of 90,825 square feet of warehouse space.

The building elevations (Exhibit B) provided in the site plan show that the exterior siding is proposed to be metal panel, but with some architectural design incorporated via color and spitting the façade with the panel orientation. Additionally, the applicant is providing glazing, sidewalks, and landscaping in accordance with the requirements for the Gateway Corridor.

The attached site plan (Exhibit A) shows the proposed layout of the two developments, which is under review, concurrent with the SUP application.

As this is an SUP, the conceptual documents brought forward to the Planning and Zoning Commission and City Council are normally binding, in addition to any UDC regulatory updates and any conditions placed on the project. If the Commission or City Council would like to negotiate or add additional conditions for approval, they may do so.

### **3. ANALYSIS**

The following constitutes an evaluation of the proposed SUP using the LIDC's criteria:

The following constitutes an evaluation of the proposed COT using the CDC's criteria:

**1. Safety of the motoring public and of pedestrians using the facility and the area immediately surrounding the site;**

- *This property is accessed from South Loop 4.*
- *A Shared Use Path (10 foot sidewalk) will be installed as part of this project, per the requirements of the Gateway Corridor, and Trails Master Plan. This sidewalk will eventually be part of a continuous 10 foot path from Robert S Light to Downtown.*
- *Tenants using Heavy Commercial Traffic (18 wheelers) are will not be allowed per applicants Letter of Intent.*

**2. Adequate means of ingress and egress to public streets or approved access easements and appropriate paving widths of streets, alleys and sidewalks to accommodate traffic generated by the proposed use;**

- *The project provides two driveways, connected by an internal access easement to allow for interior circulation between the two properties and multiple points of ingress/egress.*
- *Additionally, the applicant is providing a 10' wide sidewalk along Loop 4 for pedestrian and bicycle facilities.*

**3. Provisions for drainage;**

- *The site's proposed drainage and water quality facilities have been reviewed for compliance with the UDC and have been determined to be acceptable.*

**4. Adequate off-street parking and loading;**

- *The Applicant has provided for more than enough parking for 25% of the building area on both lots to be for office uses, which is above the base requirement for the Warehouse use.*
- *The total parking required for the site if it met the 25% office standard would be 131 spaces. The applicant is providing at least 141 spaces.*

**5. Safety from fire hazard and measures for fire control;**

- *All site plans and building permits are reviewed for fire code compliance. The proposed development will meet all construction standards for an occupancy of its type.*

**6. Protection against negative effects of noise, glare and lighting on the character of the neighborhood, protective screening and open space;**

- *The proposed site is within 400 feet of some residential properties in the Bella Vita neighborhood. However, the building orientation generally block lighting and glare from this property from reaching these properties.*
- *The Applicant has stated in the Letter of Intent that no business will be allowed to generate loud noises or do business activities outside of the buildings.*

**7. Heights of structures;**

- *The maximum building height in is approximately 21.5 feet, well under the max building*

*height in LI of 45 feet.*

**8. Compatibility of buildings and such other measures as will secure and protect the public health, safety, and general welfare.**

- *The 2017 UDC specifying the proposed uses and requiring an SUP for the “Warehouse” use was to ensure that the proposed uses would be appropriate in creating an attractive corridor along Loop 4 and other Gateway streets. The applicant has agreed to, and added conditions to the development that make the “Warehouse” use more compatible with this entrance to the Downtown district.*
- *The buildings as proposed meet the required design standards for the Gateway Overlay Corridor.*

**4. FINANCIAL IMPACT**

Not applicable.

**5. STRATEGIC PLAN/GOALS**

BALANCED AND INTENTIONAL GROWTH

**6. STRATEGIC PLAN OBJECTIVES**

Attract New Business to Buda

**7. PROS AND CONS**

Pros: New space for businesses to locate in Buda, with limitations on the some of the more negative impacts of industrial uses.

Cons: Warehouse use may not be the most desirable use with the proximity to Downtown. Previous request included a significant masonry component that is not proposed with this request.

**8. ALTERNATIVES**

**ACTION OPTIONS**

Approval of a specific use permit is entirely discretionary based on application of the criteria. As such, staff presents the following options:

- **Approve the SUP as Submitted** – This alternative results in the SUP being granted as submitted by the Applicant

Motion Language: *I make a motion to recommend approval of the Specific Use Permit as submitted by the applicant without conditions.*

- **Modify and Approve the SUP** – This alternative results in the SUP being granted, but provides for modifications to address:

Motion Language: *I make a motion to recommend approval of the Specific Use Permit with the following conditions... (identify the conditions)*

- **Approve the SUP with Staff Conditions** – This alternative results in the SUP being granted as presented by Staff.

Motion Language: *I make a motion to recommend approval of the Specific Use Permit as presented with the Staff recommended conditions.*

- **Table the SUP pending receipt of additional information** – This alternative results in the SUP being tabled until certain information requested by the Commission can be secured. It is important to clearly state what additional information is needed in order for staff and the applicant to be appropriately

Motion Language: *I make a motion to table the Specific Use Permit pending receipt of the following information... (identify items needed).*

- **Deny the SUP** – This alternative results in the SUP being

Motion Language: *I make a motion to recommend denial of the Specific Use Permit as presented.*

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

Staff recommends approval of the SUP with the following conditions: 1. Completion of staff review of the site plan for adherence to the Buda UDC and other related requirements. 2. The property is subject to the conditions provided in the Letter of Intent from the Applicant and repeated herein: 3. Owners Establish a shared parking agreement across the two lots. 4. Each tenant space to have a minimum of 15% office space with parking available for 25%. 5. No Industrial or Heavy Manufacturing uses. 6. No outside storage. 7. All activities must be contained inside the building. 8. No businesses which generate loud noise. 9. No tenants utilizing 18-wheel trucks. 10. No emission of dust or other pollutants. 11. No businesses which generate trash beyond what can be contained within the provided dumpster enclosure. 12. No single CO can be issued which results in the warehouse use not meeting the minimum parking requirements for the office/warehouse building area that is remaining without a CO at the minimum weighted average ration provided in the approved SUP. The property owner should provide a tally of the available parking spaces within each CO requested. At their regular meeting on 2/13/2024, the Planning and Zoning Commission voted 6-1 to recommend Approval of the request with Staff recommended conditions.

## **Attachments:**

[SUP 23-05 Buda Ordinance 2024-XX.pdf](#)  
[Exhibit A - SUP 23-04 & 05 Site Plans.pdf](#)  
[Exhibit B - SUP 23-04 & 05 Elevations.pdf](#)  
[Exhibit C - Letter\\_of\\_intent.pdf](#)  
[Exhibit D - SUP 19-05 Elevations.pdf](#)