



Agenda Item Report

Legislative Board: City Council
Date: December 3, 2024
Contact: Will Parrish
Agenda Item ID / Number: 2024-917- / I.1

ITEM TITLE: Deliberation and possible action regarding a request for a Subdivision Waiver to Section 3.05.05.B of the Buda Unified Development Code (UDC) for the Preliminary Plat of the S. Loop 4 Industrial Park Subdivision, being +/- 22.938 acres of land out of the James Herdman Survey No. 33, Abstract No. 231, City of Buda, Texas, generally located on the east side of S. Loop 4 approximately 1,085 feet south of the intersection of S. Loop 4 and Robert S. Light Boulevard (PP 23-06) (Assistant Development Services Director Will Parrish) [PUBLIC TESTIMONY]

1. EXECUTIVE SUMMARY

This is the consideration and action item for a Subdivision Waiver request for the Preliminary Plat of the S. Loop 4 Industrial Park subdivision. The applicant is requesting a Subdivision Waiver to the Block Length standards of subsection 3.05.05.B of the Buda Unified Development Code (UDC) which would require public streets be constructed through the property. As shown in the Preliminary Plat, the applicant is proposing a public access/pedestrian easement throughout the property with an intent to provide pedestrian connectivity to the adjacent properties.

At their regular meeting held on November 12th, 2024, the Planning and Zoning Commission recommended approval of the Subdivision Waiver request. Additionally, the Commission voted approval of the related Preliminary Plat with the condition that the Subdivision Waiver is approved by City Council as submitted and without modification.

2. BACKGROUND/HISTORY

This Preliminary Plat covers approximately 22.938 acres of land and consists of a single lot. A large portion of the subject property is unplatted, though it does encompass an existing 2.397 acre parcel along the S. Loop 4 frontage that is legally platted as Block A, Lot 1 of the Eden 2 Business Park subdivision. If the Preliminary Plat is approved, the Eden 2 Business Park subdivision will need to be vacated through the Final Plat process.

UDC subsection 3.05.05.B requires that block lengths in nonresidential zoning districts shall not exceed 1,000 feet or 10 times the minimum lot width permitted in that district, whichever is greater. This standard is typically met when a property dedicates public right-of-way and constructs a public street through their property to lessen the existing block length. In looking at the subject property, the current block configuration measures approximately 2,500 feet in length north to south between the nearest public street intersections - Robert S. Light to the north and Clear Water Path to the south. Additionally, the block length standard is exceeded east to west as the subject site measures approximately 1,540 feet in width without a public street intersecting it.

It's important to note that at its time of adoption in 2020, the Buda Moves! Transportation Mobility Master Plan (TMMP) identified a public street through this property that would extend the existing Blossom Valley Stream north through the site to S. Loop 4; the street would have been a requirement if and when the property was developed. On October 26, 2021, City Council denied a request by a previous applicant to rezone the property from its current zoning of Light Industrial (LI) to Urban Residential (R-5). In 2022, a developer by the name of Rise Industrial requested a Comprehensive Plan Amendment to remove the roadway extension from the TMMP, based on

safety concerns of extending a local street connecting traffic from a residential neighborhood through an industrial site. The removal of the roadway extension from the TMMP was approved and adopted by City Council on April 19, 2022. The site was never developed by Rise Industrial, and the Preliminary Plat up for consideration involves different ownership/developer and a different proposed site layout.

The current applicant has submitted the Subdivision Waiver request to the block length standards of UDC subsection 3.05.05.B based on a similar sentiment that having a public street network connecting to the existing stub streets of Blossom Valley Stream to the south and Threshing Road to the east could create unsafe vehicular traffic conditions. Another noteworthy item of consideration is that Threshing Road is a private street through an existing townhome style development. The applicant has, however, provided a 10' pedestrian easement that would allow a pedestrian connection through the site from Blossom Valley Stream to S. Loop 4 via a shared use path that would be constructed with the development, if the Subdivision Waiver is approved.

UDC subsection 3.05.08 outlines the responsibilities of the developer to build and dedicate public streets. In general, streets that are extended to the boundary of the subdivision should be extended through:

UDC 3.05.08.C.1. A subdivision's street system shall be coordinated and connected with the existing and proposed streets in the surrounding area. Streets shall connect to streets in adjacent subdivisions to allow convenient movement of traffic between neighborhoods.

UDC subsection 2.04.04.A also outlines the intent of LI zoned properties. This section states that residential areas should not be located adjacent to LI zoned properties:

UDC 2.04.04.A. The Light Industrial (LI) District is intended to provide an area for large business parks, light industry, and office warehousing that will not generate nuisance-like activities such as noise, smoke, or heavy traffic volumes. This district should not generate traffic in residential areas and should not be located adjacent to residential areas unless proper provisions are made for screening, traffic, noise, and similar impacts. Such districts should be located with easy access to Arterial Streets and nonresidential Collector Streets to facilitate transportation logistics. Likewise, such districts may be located in close proximity to other commercial zoning districts.

Water service is provided by Southwest Water via a pass-thru agreement with the South Buda Water Control & Improvement District (WCID) No.1, and wastewater service is provided by the City of Buda via a pass-thru agreement with the South Buda WCID No. 1.

A Traffic Impact Analysis (TIA) report was submitted for the proposed development, as required based on the number of expected trips generated. City Staff and TxDOT have accepted the results of the TIA with the following traffic mitigation, and recommends its approval:

1. A right turn lane constructed into the development on the northbound side of S. Loop 4.

3. ANALYSIS

Staff recommends that the City Council consider the request of the **Subdivision Waiver**. The following criteria shall be used by the Commission to determine whether the Subdivision Waiver shall be recommended for approval, approval with conditions, or denied:

1. **Undue Hardship Present. A Subdivision Waiver to regulations within this UDC may be approved only when, in the Decision-Makers opinion, undue hardship will result from strict compliance to the regulations.** Staff finds that strict compliance to the regulations could create unsafe traffic conditions with the possibility of heavy trucks entering and leaving the facility using Blossom Valley Stream. Additionally, Threshing Road that stubs to the

eastern boundary of the subject property is a private street in a developed townhome neighborhood that does not have any existing easements that would allow for an easy connection to a public street.

2. **Consideration Factors. The Decision-Maker shall take into account the following factors:**
 - a. **The nature of the proposed land use involved and existing uses of the land in the vicinity;**
 - b. **The number of persons who will reside or work in the proposed development;**
 - c. **The effect such Subdivision Waiver might have upon traffic conditions and upon the public health, safety, convenience, and welfare in the vicinity.** Staff finds that subject property is zoned Light Industrial and a Site Plan for an industrial warehouse development will be submitted if the Subdivision Waiver and Preliminary Plat are approved. Although the surrounding properties to the east and south are in the ETJ, they are developed as residential neighborhoods. Granting the Subdivision Waiver would eliminate the vehicular mobility once identified by the TMMP, but the applicant will provide pedestrian connectivity via a pedestrian easement and shared use path through the property.
3. **Findings. No Subdivision Waiver shall be granted unless the Decision-Maker finds:**
 - a. **That there are special circumstances or conditions affecting the land involved or other constraints such that the strict application of the provisions of this UDC would deprive the Applicant of the reasonable use of his or her land; and**
 - b. **That the Subdivision Waiver is necessary for the preservation and enjoyment of a substantial property right of the Applicant, and that the granting of the Subdivision Waiver will not be detrimental to the public health, safety, or welfare or injurious to other property in the area; and**
 - c. **That the granting of the Subdivision Waiver will not have the effect of preventing the orderly subdivision of other lands in the area in accordance with the provisions of this UDC.** Staff finds that granting the Subdivision Waiver is not necessary for the preservation of property rights to the applicant, but would not be detrimental to the public health, safety, and welfare to surrounding properties, nor will it prevent the orderly subdivision of other land in the area.
4. **Intent of Subdivision Regulations and Development Standards.**
 - a. **A Subdivision Waiver may be granted only when in harmony with the general purpose and intent of the Subdivision Regulations and Development Standards so that the public health, safety, and welfare may be secured and substantial justice done.**
 - b. **Financial Hardship to the Applicant shall not be deemed to constitute undue hardship.** Staff finds that, because the applicant is providing a pedestrian connection through the property, granting the Subdivision Waiver is in harmony with the general purpose and intent of the Subdivision Regulations. Additionally, Staff does not find financial hardship to constitute an undue hardship.
5. **Minimum Degree of Variation. No Subdivision Waiver shall be granted unless it represents the minimum degree of variation of requirements necessary to meet the needs of the Applicant.** Staff finds that the minimum degree of variation to the requirements of the UDC is being met, as pedestrian connectivity is still being provided.
6. **Violations and Conflicts. The Decision-Maker shall not authorize a Subdivision Waiver that would constitute a violation of, or conflict with, any other valid ordinance, code, regulation, master plan, or Comprehensive Plan of the City.** As the Blossom Valley Stream roadway extension was removed from the TMMP in 2022, granting the Subdivision Waiver would not be considered a violation or a conflict of the Comprehensive Plan or other governing ordinances.
7. **Falsification of Information.**
 - a. **Any falsification of information by the Applicant shall be cause for the Subdivision Waiver request to be denied.**

- b. If the Subdivision Waiver request is approved based on false information, whether intentional or not, discovery of such false information shall nullify prior approval of the Subdivision Waiver, and shall be grounds for reconsideration of the Subdivision Waiver request. Staff is not aware of any falsification of information by the applicant.

4. FINANCIAL IMPACT

The Preliminary Plat application has generated plat review fees.

5. STRATEGIC PLAN/GOALS

BALANCED AND INTENTIONAL GROWTH

6. STRATEGIC PLAN OBJECTIVES

Balanced residential and commercial growth.

7. PROS AND CONS

Pros: Pedestrian easement provides connectivity to and through the subject property.

Cons: Street network does not get extended and current block configuration remains the same.

8. ALTERNATIVES

N/A

9. REQUESTED ACTION / SUGGESTED MOTION / RECOMMENDATION

At their regular meeting held on November 12th, 2024, the Planning and Zoning Commission recommended approval of the Subdivision Waiver request. Additionally, the Commission voted approval of the related Preliminary Plat with the condition that the Subdivision Waiver is approved by City Council as submitted and without modification.Â

Attachments:

[PP 23-06 Subdivision Waiver Request.pdf](#)
[S. Loop 4 Industrial Park Preliminary Plat.pdf](#)
[S. Loop 4 Industrial TIA Report.pdf](#)
[Subdivision Waiver Council Presentation.pdf](#)