



Agenda Item Report

Legislative Board:

Planning and Zoning
Commission

Date:

March 26, 2024

Contact:

Will Parrish

Agenda Item ID /

Number:

2024-245- / G.6

ITEM TITLE: Hold a Public Hearing and consider a request by Buda Venture Real Estate, LLC for a Zoning Map Amendment from ETJ to PD 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 (Z 23-05) (Assistant Development Services Director Will Parrish).

1. EXECUTIVE SUMMARY

This is the Public Hearing and action item regarding the rezoning for a project known as West Oak. There is a Development Agreement associated with this project.

The applicant has requested this Planned Development (PD) zoning request is to modify the standards of the of the Arterial Business (B-2) and Form District 4 (F4) Zoning Districts, as well as the Rural Heritage Overlay (R-O) District. A small portion of this property is already within City Limits and is zoned B-2. The applicant is also proposing to increase the allowable impervious cover from 15% to 68% with the associated Development Agreement.

The proposed zoning Planned Development (PD) for the areas depicted in the attached exhibits. The underlying base zoning district is proposed to be B-2 on the east side of the property along Hwy 1626 and F4 along the west side of the property. The Rural Heritage Gateway Corridor is proposed to be heavily modified, particularly in regard to the architectural elements, for which the applicant has proposed new standards.

In accordance with the Unified Development Code (UDC) Section 2.05.04, the purpose of the Planned Development (PD) District is to provide land for uses and developments that promote development that is more sensitive to the natural environment, create a significantly enhanced natural setting or sense of place, or otherwise enhance the standard pattern of development in Buda. Development must provide a higher level of amenities to its users or residents than is usually required under the normal standards of this code. A PD may be used to permit new or innovative concepts in land use not permitted by other zoning districts in this Code or to permit development projects that existing districts cannot easily accommodate

The attachments submitted with this application, if approved, will be part of the ordinance and serve as the "Master Plan" for 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 rezoning 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 115,000 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.

Adjacent land uses include:

North	ETJ – Extraterritorial Jurisdiction (No zoning district) <ul style="list-style-type: none">• Rural
East	ETJ – Extraterritorial Jurisdiction (No zoning district) <ul style="list-style-type: none">• Variety of small businesses and some rural residential B-2 – Arterial Business <ul style="list-style-type: none">• Zoning district is very shallow, only incorporating the 1626 ROW.
South	ETJ – Extraterritorial Jurisdiction (No zoning district) <ul style="list-style-type: none">• Rural
West	ETJ – Extraterritorial Jurisdiction (No zoning district) <ul style="list-style-type: none">• Rural

3. ANALYSIS

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 28, 2024 Planning and Zoning Commission Meeting.

Plan Analysis

The last time the Planning and Zoning Commission saw this item was prior to the Council adoption of the new OurBuda Comprehensive Plan. As such, analysis included the previous Comprehensive Plan. As the new Comprehensive Plan has been adopted, Staff will focus analysis on the current plan.

1626 Corridor Study

The OurBuda Comprehensive Plan developed a Corridor Plan to take a more fine grained approach to long range planning along 1626. The 1626 Corridor Plan recommends the Corridor Commercial land use fronting the length of 1626, with a Mixed-Use Community land use just to the west of the commercial uses, tapering off to Residential Conservation Estates further west.

The Corridor Commercial land use states that the Rural Heritage Overlay landscaped setback is important, and should be between 40 and 60 feet in depth.

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 proposed B-2 zoning district is compatible with the Corridor Commercial land use, and F4 is a compatible zoning for the Mixed-Use Community Land Use. However, the Mixed-Use Community Land use envisions more integration of commercial and residential uses, where this proposal has the two distinctly separated.

Based on information from the comprehensive plan, approval of this zoning change would NOT constitute spot zoning, as it could be considered consistent with the Comprehensive Plan. Spot zoning is the application of zoning to a specific parcel or parcels of land within a larger zoned area when the rezoning is usually at odds with a city's master plan and current zoning restrictions and appears wholly out-of-place in comparison to surrounding zoning. The detail and Exhibits attached to the ordinance establishes and provides the base and use standards for development. The proposed development must show substantial compliance with the PD standards and exhibits adopted as part of this zoning ordinance.

The proposed PD exhibits are attached to the ordinance and all Site Plan requirements shall comply with the intent of the PD and "master plan". Anything not expressly waived or amended through the PD shall be developed according to the UDC.

For any development on this property, the Applicant will be required to comply with applicable development standards such as platting, site development plans, maximum impervious cover, water detention/quality, and site/building design, pursuant to the Unified Development Code and subsequent Planned Development (PD).

The Applicant, as well as Staff, have determined a project consistent with the property's characteristics is possible with the Planned Development (PD) district regulations. The proposed zoning change does not negatively affect planned infrastructure capacity or adequacy. The property will be served water and wastewater by the City of Buda. The applicant, as with any developer, is responsible for construction of their infrastructure improvements as well as any off-site improvements caused by the project.

ITEMS OF DISCUSSION

Rural Heritage Overlay Standards (2.10.11)

The applicant is asking for approval of four modifications to the Rural Heritage Overlay Standards in Section 2.10.11 of the Unified Development Code. These standards would apply to the property where it is proposed to be zoned B-2 along 1626, as Section 2.05.01(B) states that as property is annexed along 1626 south of Oyster Creek, the first 400 feet in depth shall have the Overlay applied.

The applicant is asking for modify most of the Rural Heritage Overlay, as much of it deals in architectural requirements. The applicant is proposing modified architectural requirements of there own.

The Applicant is requesting the following standards to the Rural Heritage Overlays through the PD:

- 2.10.11(C)1 – Buildings and Site Development
 - Applicant is requesting to modify the requirements that
 - Buildings have a minimum roof pitch of at least 4:12
 - Applicant is proposing generally flat roofs and more modern architectural designs provided in Exhibit H
 - Buildings must face the roadway,
 - Applicant is proposing that several buildings on the north side of the Cole Springs Road extension face an internal private street, to create a “main street”
 - Buildings be constructed of 100% Class A
 - Applicant is proposing 25% Class 1 Masonry and 25% Class 2 Masonry.
 - Applicant is proposing that 50% of the east facing facades along 1626 will be required to be Class 1 Masonry and 25% Class 2 Masonry. **(Update from November 2023 meeting)**
 - 2.10.11(C)2 – Parking
 - Applicant is requesting remove the standard requires additional landscaping within the parking area if a parking lot is located between the building and the street.
 - The applicant is proposing that because some of the buildings on the north side of the development will be facing the internal private street, that they should not be required to provide additional landscaping in parking lots between the buildings and
- 2.10.11(C)3 – Streetscape
 - Applicant is requesting to modify the following:
 - All lighted signs must use reverse channel lettering or fully shielded downward facing
 - Applicant is proposing to waive these standards and is requesting an administratively approved Sign Master Plan to be approved by the Development Services Director at a later date.
 - A meandering sidewalk of at least 6 feet in width must be provided.
 - Applicant is proposing a 10 foot shared use path that is consistent with the proposed Trails Master
 - Applicant is proposing to keep 40 landscaped buffer along 1626. However they are requesting that it count towards Open Space. The area requested to count towards open space is approximately 1.25 acres

Allowable Uses

The applicant is requesting additional uses that are either not currently allowed within the Rural Heritage Overlay, or require a Special Use Permit currently. These additional uses can be found in

the Design Statement in Exhibit A. It should be noted that the applicant is explicitly requesting up to three Drive-Thru restaurants by right, which currently require Special Use Permits.

Additionally, the Applicant has identified some uses that are currently allowed within the B-2 zoning district within the Rural Heritage Overlay that may not be appropriate at this location, and removed them from the allowable uses. **(Updated from November 2023 Meeting)**

In the F4 portion of the property, the applicant is requesting that Multifamily Apartment Building type be allowed by right.

Parking

Other than the proposed removal of additional landscape standards for parking lots along 1626 in the Rural Heritage Overlay, the applicant is requesting several modifications to parking standards for the multifamily portion of the project.

- 2.09.03(B).1(a) – Off Street parking
 - UDC requires the following parking ratio:

Studio	1 parking space
1 bedroom	2 parking spaces
2 bedroom	2 parking spaces
3+ bedroom	2 parking spaces + .5 per additional bedroom over 2
Guest Parking	1 per 10 units

- Applicant is proposing the following parking ratio:

Studio	1 parking space
1 bedroom	1.25 parking spaces
2 bedroom	1.5 parking spaces
3+ bedroom	2 parking spaces
Guest Parking	On Street parking along Cole Springs as available in the evenings.

- Based on applicants assumed unit ratio, Off-Street parking would be 343 spaces less than UDC would
- Applicant has proposed that On-Street parking along Cole Springs can be used as public parking for both the park/open space and guests of residents.
- 2.09.08(D).1 – Garages, Driveways, and Parking
 - UDC requires 75% of parking spaces be covered, at least 2/3rds
 - Applicant is requesting to modify to a total of 25% covered with car ports
- 2.09.03(B)2(c)iii – Off Street Parking: Residential
 - UDC requires that parking cannot be located between the façade of a residential building and the
 - Applicant is requesting that in specific areas near the western property line, particularly along the n/s road, that parking be allowed between the buildings and the street as long as there is a low screening
 - The wall shall be composed of a 3 feet of masonry topped by 2 feet of a decorative metal

- 2.09.03(E)3(b). – Off- Street Parking: Nonresidential
 - UDC states that no more than 50% of parking spaces may be located between the front façade of a nonresidential structure and the street, unless outlots are
 - Applicant is requesting to remove this requirement as much of the commercial development will face towards the internal private
 - Additionally, the commercial on the south side of the Cole Springs extension backs up to the open
- 2.08.07(H)C1 – Parking Setbacks
 - UDC requires 20 foot parking setbacks from the front property line for Apartments in the F4
 - Applicant is requesting 10 foot parking setbacks.

Building Materials/Design

The applicant is proposing modified building materials from base code for all commercial and residential structures. These changes affect property both within the Rural Heritage Overlay (as discussed above) and outside of it. Proposed Building Elevations are provided in Exhibit H and these elevations will be considered minimum code requirements.

- 2.09.05(B). – Exterior Material Requirements for all Multi- Family Units
 - The UDC requires multifamily to have exterior cladding of a minimum of 75% Class 1 Masonry and the remainder of Class 2 Masonry
 - Applicant is requesting 25% Class 1 and 25% Class 2 Masonry
 - Applicant is asking that the Director of Development Services be able to approve a substitution for other high quality materials.
- 2.09.05(C) – Exterior Material Requirements for Nonresidential Zoning Districts and Uses
 - The UDC requires 100% Class 1 Masonry for residential facades
 - Applicant is requesting 25% Class 1 and 25% Class 2 Masonry
 - Applicant is asking that the Director of Development Services be able to approve a substitution for other high quality materials.
 - Applicant has added that a minimum of 50% of the east facing façade of commercial buildings along FM 1626 will be required to be Class 1 Masonry, and 25% Class 2 Masonry. **(Update from November 2023 meeting)**
- 2.09.11. – Nonresidential Design
 - The UDC has specific design criteria for building
 - The applicant has developed elevations for the majority of the commercial buildings, but is asking for the ability to request potential design variations from the Development Services Director of a minor nature in case they are needed to ensure compliance with overall Concept.
- 2.08.07(H)D1 - Apartment Building Height
 - The UDC states that the maximum building height for an Apartment building type in F4 is 45 feet.
 - Applicant is requesting a maximum Apartment building type to be 60 feet.

Perimeter Landscaping

Applicant is requesting some minor modifications to perimeter landscaping requirements.

- 2.09.01(B)1(d) – Multiple Building Landscaping
 - This section of the UDC conflicts with the F4 zoning district requirements by requiring a 10 foot landscaped buffer, while the buildings are required to be within 10 feet of the front property
 - Applicant is proposing to clarify code requirement by allowing patios within the Landscaped buffer and shrinking actual landscape buffers to 5 feet.
- 2.09.01 – Perimeter Landscaping
 - Applicant is proposing no perimeter landscaping along “West Oak Drive” the private street that runs through the center of the development n/s, as the buildings are proposed to be located directly along the
 - Street trees will be provided along this street.

Build-To-Zone

Applicant has proposed modification to the Build-to-Zone to clarify what can count towards the Build-to calculation.

- 2.08.07(H)D(3) - Build-to-Zone
 - UDC requires 70% of the of the Build-To-Zone to be activated with building frontage for Apartment buildings within the F4 zoning
 - Applicant is requesting that the 70% apply only to Primary Streets (Cole Springs and two Internal Private Streets)
 - Applicant is requesting that publicly accessible open space be counted toward the Build-To-Zone
 - Applicant has also requested that the screening wall referred to in the parking section above be able to count towards 20% of the Build-To requirement along Primary Streets, and 100% along the Secondary Street (n/s collector) on the west side of the development.
- 2.08.07(H)B1 – Building Setbacks
 - UDC has a minimum 10 foot setback for Apartment buildings in the F4 district.
 - Applicant is requesting a minimum 0 foot setback

Signage

Applicant has proposed general standards for some monument signs along 1626. Additional sign standards are proposed to be memorialized in a Common Signage Plan at a later date through the typical UDC process.

- 4.02.08(C) – Monument Signs
 - Monument signs are limited to 12 feet in height in the
 - Applicant is proposing up to four monument signs along 1626 with a maximum height of 18 feet.

Trees

The applicant is proposing to preserve all heritage trees on site. See Exhibit G.

- 4.04.01(C) Tree Preservation
 - UDC requires Signature Tree removal and fee-in-lieu of mitigation to be approved by

P&Z.

- Applicant is proposing removal of 24 Signature Trees to be approved with this PD, as well as the option to pay fee-in-lieu or plant on site.

Detention/Water Quality/Impervious Cover

The Applicant has submitted a Development Agreement simultaneous with this PD request. The Development Agreement covers Water Quality and Impervious Cover concerns and methods.

- 4.05.04(A)2 – Impervious Cover
 - UDC limits impervious Cover over the designated recharge zone to 15%.
 - Applicant has provided documentation that this property does not contain karst features, and is requesting a waiver to the impervious cover limit from 15% to 69% through the associated Development Agreement.

Parks/Open Space

Applicant is proposing to provide 6 acres of publicly accessible, but privately owned and maintained open space within this development. This meets the criteria for half of the required parkland dedication requirement of the UDC. Section 4.04.02(D)4(b) allows for a development to provide up to 50% of the parkland requirement through privately owned open space, if the remaining portion of the requirement is paid for in parkland fee-in-lieu. The Parks Board recommended approval of this plan at their 5/17/23 meeting.

In addition to the 6 acres required to meet the 50% dedication requirement, the applicant is requesting that up to 1.25 acres of the Rural Heritage Overlay landscaping buffer count as Open Space. This would not reduce their fee-in-lieu obligations, as the UDC limits private parkland to a maximum of 50% credit.

Transportation

The Transportation Mobility Master Plan (TMMP) identifies one road that bisects this property, Cole Springs Drive, which is a Collector level roadway. In addition to the TMMP, the UDC has minimum block length requirements to ensure adequate access minimize congestion at intersections.

Block Standards are based on land uses types and zoning districts, as certain land uses generate the need more connections. Multifamily land uses have the tightest block lengths, at a maximum of 600 feet.

This development is a mix of land uses, with multifamily in the rear and commercial along 1626. Additionally, there is a open space/park with a large body of water on the southern side that makes block length difficult to achieve. Where streets were not achievable due to obstacles like the water body, trails and paths have been proposed to meet the objectives.

The applicant has worked with Staff to establish the minimum number of streets, both private and public, to ensure adequate connectivity to future developments to the north, south, and west of this property. The n/s collector along the westernmost boundary will be critical in the future for reducing congestion on 1626, and ensuring the developability of adjacent lots.

TXDOT has reviewed the TIA for this project and has approved a light to be installed at Cole Spring Drive.

A 10 foot Shared Use Path has been proposed along the 1626 corridor, which is consistent with the TMMP, and the proposed Trails Master Plan. Additionally, 10 foot Shared Use Paths are proposed on Cole Springs Drive, and through the open space to connect Cole Springs at 1626 to the southwestern most corner of the lot.

Streets

Applicant has provided proposed street sections based on the Transportation Mobility Master Plan and Section 2.08.05 of the UDC. These cross sections can be found in Exhibit F

REVIEW CRITERIA

The following constitutes a preliminary evaluation of the proposed zoning change using the UDC's criteria:

1. The zoning change is consistent with the Comprehensive Plan;

This property is within the 1626 Corridor and is proposed to develop in a manner generally consistent with goals of the 1626 Corridor Plan and Future Land Use Map.

The applicant is proposing to preserve all Heritage trees on site and provide a 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.

2. The zoning change 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.

3. The zoning change is compatible with and conforms with uses of nearby property and the character of the neighborhood;

This tract is surrounded on three sides by rural properties that are undeveloped. A portion of this property is already zoned B-2. The east side of the property is bounded by 1626, the length of which is zoned B-2. The Comprehensive Plan does state that these uses may be compatible with the Green Growth District.

4. The property affected by the zoning change is suitable for uses permitted by the proposed amendment to the zoning map;

The property is suitable for the proposed amendment.

5. Infrastructure, including roadway adequacy, sewer, water and storm water facilities, is or is committed to be available that is generally suitable and adequate for the proposed use.

The applicant is proposing to develop roads identified on the TMMP over this property to as well as required by block length requirements.

City of Buda water and wastewater will be extended to this site by the applicant, and there is sufficient capacity for both services.

4. FINANCIAL IMPACT

The development will construct a considerable amount of future TMMP roadways, and extend utility service to 1626, providing new utility customers, both with this development and future developments that will have the ability to tie onto the utility service once extended.

The development will also pay typical review fees associated with site planning, building plans, and public infrastructure plans.

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 request for compliance with the Comprehensive Plan and recommends the Planning and Zoning Commission consider this request for approval with the following clarifications:

1. Development Agreement allowing the increase in Impervious Cover requested is approved.

Attachments:

[West Oak Design Statement Exhibit A](#)

[West Oak Exhibits B - H](#)

[West Oak P&Z Presentation 3-21-2024 reduced file size.pdf](#)