



Agenda Item Report

Legislative Board:

Planning and Zoning
Commission

Date:

April 28, 2026

Contact:

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Agenda Item ID /

Number:

2026-386- / G.2

ITEM TITLE: Deliberation and consideration of a request by Buda Cole Springs JV, LP for a Subdivision Waiver to Section 3.05.12.C Residential Grading and Drainage for the Preliminary Plat of The Reserve at Cole Springs Phases 1 & 2, being approximately 98.961 acres out of the Phillip J. Allen Survey No. 5, Abstract No. 1, Hays County, Texas; generally located north of Cole Springs Road, east of FM 1626, and south of Old Black Colony Road, Buda, Texas 78610. (SW 26-01) (Alec Maulding, EIT, CFM)

1. EXECUTIVE SUMMARY

Pursuant to § UDC-3.06.01, the applicant associated with the construction plans permit number 2025-825, also called the Reserve at Cole Springs, has submitted a Subdivision Waiver Request. The request pertains to the requirements of § UDC-3.05.12C: Residential Grading and Drainage. Staff finds that the request is applicable according to code and that the applicant has furnished relevant information for consideration by the Planning and Zoning Commission and the City Council. Attachments provided by applicant are included as follows: the waiver request document (required by § UDC-3.06.01D.1.a), an image of the affected lots and the proposed private drainage easement areas as drawn on plans, and an image showing the same but drawn over field conditions.

2. BACKGROUND/HISTORY

This Subdivision Waiver request is associated with the Reserve at Cole Springs, which currently has a Public Improvement Construction Plan Permit under review. A Development Agreement (DA 23-01, Ordinance 2024-20) has been approved for this development, and a Preliminary Plat has been approved, as well (PP 24-03).

3. ANALYSIS

Pursuant to § UDC-3.06.01, the applicant associated with the construction plans permit number 2025-825, also called the Reserve at Cole Springs, has submitted a Subdivision Waiver Request. The request pertains to the requirements of § UDC-3.05.12C: Residential Grading and Drainage. Specifically, § UDC-3.05.12C.1.c requires that “no more than one lot may drain to a second lot before the flow is directed to the street or to a dedicated City drainage system.”

The applicant proposes to design residential lots within select blocks (Blocks B, D and F as contained in the approved Preliminary Plat) to drain from the front to the rear and be collected in a below grade private drainage system which eventually ties into the public drainage system at the street. The private drainage system would be contained in private easements dedicated to an HOA or MUD which would also be responsible for maintenance. This is opposed to the standard which requires drainage to be collected into a dedicated City drainage system before crossing into a third lot.

Staff finds the Subdivision Waiver to be applicable according to § UDC-3.06.01C, as it requests a waiver of only a particular standard (UDC-3.06.01C.1.b), and the request has been submitted along with associated Construction Plans (§ UDC-3.06.01C.1.a), which are under review.

The Planning and Zoning Commission is to make a recommendation of approval or denial (§ UDC-3.06.01G.2.a) based on the criteria of § UDC-3.06.01E. City Council is to decide following the recommendation (§ UDC-3.06.01G.2.b).

Accordingly, the applicant has made the following case concerning the presence of undue hardship if strict compliance to the regulations were upheld (for the items under § UDC-3.06.01E.3 Findings):

“UDC §3.06.01(E)(3) states that no waiver shall be granted unless the Decision-Maker finds the following to be true:

UDC 3.06.01E 3(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

- *Strict application of UDC 3.05.12(C) would require public drainage easements along rear property lines which would significantly restrict the ability of homeowners to construct fences and utilize rear yard space.*
- *A significant portion of the property is located within the Atlas 14 floodplain, requiring finished grades to be raised to achieve developable conditions. A traditional back-to-front drainage approach would further increase the amount of fill required during construction. Rear yard drainage reduces the amount of fill required by approximately 45,000 cubic yards, resulting in less truck traffic to the site and associated impacts to City and County streets, adjacent neighborhoods, and overall community infrastructure during construction.*

UDC 3.06.01E 3(b) Waiver is necessary for the preservation and enjoyment of a substantial property right, and that the granting of the waiver will not be detrimental to the public health, safety or welfare or injurious to other property in the area.

- *A public drainage system along rear lot lines creates practical limitations on lot functionality, privacy, and marketability. A private drainage system is proposed to preserve property rights and allows for coordinated fence placement while still preserving drainage functionality.*
- *The system is a fully engineered solution that collects and conveys stormwater through a defined network of inlets and underground piping and will therefore not be detrimental to the public health, safety, or welfare of other properties in the area.*

UDC 3.06.01E 3(c) Granting of the waiver will not have the effect of preventing the orderly subdivision of other lands in the area.

- *Approval of this waiver does not impact other lands in this area.”*

Section § UDC-3.06.01E provides a total of 7 criteria, of which the above Findings section is the third. All of these should be referenced in considering the waiver request, listed for convenience below (*staff comments in italics*).

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; (*single-family residential*)
- b) The number of persons who will reside or work in the proposed development; and (*51 lots affected*)
- c) The effect such Subdivision Waiver might have upon traffic conditions and upon the public health, safety, convenience, and welfare in the vicinity. (*no obvious and noteworthy effects*)

3. Findings (*see above*)

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.

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.

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.

7. Falsification of Information.

4. FINANCIAL IMPACT

No negative financial impact. In fact, as the applicant notes, the default responsibility for maintenance of drainage infrastructure in residential subdivisions falls on the City. The applicant proposes to remove some infrastructure from the City's maintenance through the use of private easements.

5. STRATEGIC PLAN/GOALS

OTHER

6. STRATEGIC PLAN OBJECTIVES

Implementing a variance procedure of the UDC

7. PROS AND CONS

Pros:

- The private easement allows placement of fencing over the easement such that the lots have more backyard space. Such placement of fencing is not allowed within public drainage easements.
- The maintenance difficulties that might be associated with such placement of fencing is absorbed by the HOA or MUD.

Cons:

- Allowing for access to easement and infrastructure for maintenance might present an inconvenience to homeowners

8. ALTERNATIVES

The Planning and Zoning Commission may Recommend:

- Approval
- Approval with conditions
- Denial
- Table

9. REQUESTED ACTION / SUGGESTED MOTION / RECOMMENDATION

Staff presents this request to the Planning and Zoning Commission for their consideration.

Attachments:

[SW_26-01-Drainage_Exhibit_fieldview.pdf](#)

[SW_26-01-Reserve_Private_Drainage_Variance_Exhibit_planview.pdf](#)

[SW_26-01-Waiver_Request.pdf](#)

[4.28.26 P&Z Slides - G2.pdf](#)