



Agenda Item Report

Legislative Board: City Council
Date: March 7, 2023
Contact: Tyler Frost, Planner I
Agenda Item ID / Number: 2023-183- / J.2

ITEM TITLE: Hold a public hearing, deliberation, and possible action to consider an Ordinance on First and Final Reading for a Specific Use Permit (SUP) for a Restaurant or Cafeteria, with Curb or Drive-Thru Service in the Interstate-35 Business (B3) zoning district within the Gateway Corridor Overlay district (O-G) for the property known as Fire Cracker & Main, Block A, Lot 1, being +/- 5.70 acres, and addressed as 2260 Main Street, Buda, TX 78610 (SUP 22-04) (Development Services Director Melissa McCollum) [PUBLIC TESTIMONY]

1. EXECUTIVE SUMMARY

The City of Buda has received an application for a Specific Use Permit (SUP) for the development known as the Corner on Main, located east of I-35 at the northwest corner of Main Street and Firecracker Drive. The site is approximately 5.70 acres and is currently vacant. There is a site plan that is currently in review with staff. The project is served by City of Buda water and wastewater.

The applicant has indicated that the planned use for the development is a mix of commercial retail and restaurants, one of which is a restaurant with a drive-thru. A Restaurant or Cafeteria with Curb or Drive-Thru Service is a permitted use within the Interstate-35 Business (B3) zoning district but requires an SUP as it is within the Gateway Corridor Overlay District (O-G). Table 29, subsection 2.10.12.D of the Buda UDC outlines permitted uses in the Gateway Corridor Overlay. Approval of the requested SUP would allow the drive-thru service at this location.

In recommending an SUP, the City Council 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 was annexed into the city in 1982. This property has been assigned its current B3 zoning since the adoption of the 2017 zoning map. Prior to 2017, the property was in the R3/C3 zoning district, which was also commercial in nature.

The applicant has submitted a site plan set for the lot on which the proposed business would be located. The general nature of the site configuration consists of seven commercial buildings, five of which are restaurants and two are retail buildings. Of the five proposed restaurants, only Building 4 is proposing a drive-thru, requiring the need for an SUP. The proposed drive-thru restaurant is the smallest of the seven buildings on site at 3,235 square feet, while the remaining six vary in size from 5,975 square feet to 11,061 square feet at the largest.

The B3 zoning district is intended to provide a location for general retail and commercial activities that serve the entire community and its visitors. The proposed use is consistent with this goal, provided the SUP is granted. Future building plans will be reviewed for consistency with the International Building Code (IBC).

The attached site plan shows the proposed layout of the development, which is under review as part of the SUP application. As part of the site plan submission, a Traffic Impact Analysis (TIA) worksheet was submitted. Both the number of Peak Hour Trips and Average Daily Trips for the site as a whole exceeded the minimum threshold of 100 trips and 750 trips, respectively, and as such triggered a full TIA report. After multiple rounds of review of the TIA, both Hays County and City Engineering staff have accepted the TIA report with the following traffic mitigation methods:

1. The intersection of Main Street and CR118/Firecracker Drive meets Warrants 1, 2, and 3 in 2022 Existing Conditions and the Sunfield development identified the need for a traffic signal to be installed at the intersection. It is recommended that a traffic signal be installed at the intersection of Main Street and Cr 118/Firecracker Drive. The Traffic Signal is warranted by existing traffic counts on Main Street and Firecracker, driven by the Sunfield Development. However, through a previous agreement with Hays County, Sunfield is not required to install this signal as they accepted responsibility for constructing more roadway than they would have otherwise been required to construct, including the future widening of Main Street between Firecracker and Turnersville. As this intersection is controlled by Hays County, the County will determine when a signal is installed.
2. Traffic signal timings modifications at the intersection of I-35 northbound/southbound frontage and Main Street.
3. Install a raised "pork-chop" median on Driveway 2 to restrict access to right-in/right-out operations only. Full-Access at Driveway 2 should be evaluated in the future should any improvements, such as a traffic signal, be installed at the intersection of Main Street and CR 118/Firecracker Drive.

3. ANALYSIS

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

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

The project is located on Main Street and will connect via three new driveways, two along Main Street and one along Firecracker Drive. A six-foot sidewalk will be constructed along both Firecracker Drive and Main Street. Additionally, all proposed buildings on site will have pedestrian access through ADA compliant internal sidewalks and crosswalks.

b. 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 proposed driveway accesses mentioned above would be used. The site is located on Main Street, which is an arterial road designed to serve a mix of commercial and residential traffic. This project submitted a TIA report. The traffic mitigation methods recommended and outlined in the previous section of this staff report, namely recommendations #2 and #3, are a required part of this development. As the intersection of Main Street and Firecracker Road is a Hays County maintained intersection, installation of a traffic light here as stated in recommendation #1 is a County responsibility.

c. Provisions for drainage;

The site's proposed drainage will utilize the existing 221 North Subdivision regional detention pond, located directly north of the subject property. This pond was originally designed not using the Atlas 14 values. As part of this site plan, a drainage analysis was conducted on the site using the current standards to determine if the existing pond volume was adequately sized. The analysis deemed that the pond required extra volume to accommodate the onsite flows of the proposed development. As part of the site plan submittal, a grading plan was submitted to enlarge the existing detention pond to accommodate the proposed flows from the development.

d. Adequate off-street parking and loading;

The UDC has parking standards for commercial uses. The standard is one parking space per 200 square feet of building area for the restaurant with drive-thru use. The proposed building is 3,235 square feet and will provide 23 parking spaces, which is 7 more than required. Looking at the site holistically, there are 242 provided parking spaces, with 219 required. An additional 13 bicycle parking spaces will also be provided.

Subsection 02.09.03.F(3) requires a minimum of 5 stacking/queuing spaces for the first window or order board and 1 additional stacking/queuing space after the final window or order board. In the proposed site layout, there is adequate spacing provided to ensure that there is enough room for the stacking spaces as well as a 20-foot drive aisle between the drive-thru lane and the adjacent parking spaces.

e. Safety from fire hazard and measures for fire control;

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

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

The proposed site is not within 400 feet of any residential lots within the city limits and is separated by roughly 810 feet from any residential lots in the Buda ETJ. The proposed use should not produce the above-listed nuisances during day or nighttime operation hours any more than any existing building along Main Street.

g. Heights of structures; and

The maximum building height in the B3 district is 45 feet. All proposed buildings on site are approximately 25 feet tall, including the drive-thru restaurant seeking the SUP.

h. 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 Restaurant or Cafeteria with Curb or Drive-Thru Service use was to ensure that the proposed uses would be appropriate in creating an attractive corridor along Main Street and other Gateway streets. The building as proposed meets the required design standards for the Gateway Overlay Corridor.

4. FINANCIAL IMPACT

This project will produce site plan review and building permit fees, water and wastewater impact fees, property taxes, and sales taxes for the city.

5. STRATEGIC PLAN/GOALS

BALANCED AND MANAGED GROWTH

6. STRATEGIC PLAN OBJECTIVES

Balanced and Managed Growth

7. PROS AND CONS

Pro: Additional retail users

Cons: additional traffic and mixed drive-through uses with retail

8. ALTERNATIVES

Approve the SUP, Approve the SUP with Conditions, Deny the SUP

9. REQUESTED ACTION / SUGGESTED MOTION / RECOMMENDATION

Staff and the Planning and Zoning Commission recommends approval of the SUP with the following condition: 1) If it is determined by City Staff that the drive-thru use is contributing to internal congestion in a manner that impedes the safe and efficient flow of pedestrians and vehicles within the shopping center, this SUP may be reconsidered by the City Council. 2) Ensure that the parking

area/drive aisle south and east of the drive-thru lane is one way in/one way out, through signage and pavement markings. 3) Recommendations of the TIA report to modify traffic signal timings and install a raised "pork chop" median on Driveway 2 to restrict access to right in/right out only be implemented and installed. If future traffic improvements allow for removal of the pork chop median, and staff analysis is in agreement, then the median can be removed without the need for the revisal of the SUP. 4) Completion of staff review of the site plan for adherence to the Buda UDC and other related requirements, including that all internal ADA-accessible routes are six feet wide as required by subsection 02.09.03.E(5)(c) of the UDC. Per UDC Section 2.10.09.D., no SUP shall be granted unless the applicant of the SUP shall be willing to accept and agree to be bound by and comply with the ordinance adopting the SUP, as well as the attached Site Plan drawings approved by City Council, and shall comply with the minimum requirements provided in the zoning district in which the property is located. Planning and Zoning Commission: The Planning and Zoning Commission recommended approval of the SUP request with the conditions proposed by staff by a vote of 6-0.

Attachments:

[SUP 22-04 Corner on Main SR - City Council.pdf](#)

[SUP 22-04 Corner on Main Drive-thru Ordinance.pdf](#)

[Applicant LOI.pdf](#)

[J2 Report links: Updated Plan Set, Pork Chop Design, & TIA Corner on Main](#)

[Applicant Presentation.pdf](#)