



Agenda Item Report

Legislative Board: City Council
Date: October 21, 2025
Contact: Will Parrish
Agenda Item ID / Number: 2025-933- / 1.3

ITEM TITLE: Public hearing, deliberation, and possible action to consider an Ordinance on first reading authorizing an amendment to a Development Agreement (DA) between the City of Buda and Buda Venture Real Estate, LLC 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 (West Oak) (DA 25-01) (Development Services Director Angela Kennedy P.E., CFM) [PUBLIC TESTIMONY]

1. EXECUTIVE SUMMARY

This request is for a Development Agreement for +/- 44.66 acres, in addition to a Planned Development submitted separately, which includes a +/- 18-acre commercial development intended to provide a minimum of 40,000 square feet of commercial development and a +/- 26.5-acre residential development intended to provide up to 225 townhomes.

A small portion of this property is within City Limits, while the majority is currently in the ETJ. As such, the applicant has submitted associated relevant applications, including a Development Agreement and Voluntary Annexation request. Additionally, the applicant is requesting a Public Improvement District (PID) for the property.

As this property is located in the area identified as the Edwards Aquifer Recharge Zone, it is limited to 15% total impervious cover. However, they have submitted a proposed Development Agreement to modify that standard.

The applicant has requested this DA (and PD zoning) request to modify the standards of the of the Arterial Business (B-2) and Transitional Residential (R-4) 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 59% with the associated Development Agreement.

Additionally, the applicant is asking for specific modifications to tree and water quality standards through the DA.

There are other zoning related modifications more associated with the PD but referenced in this document and the exhibits. The underlying base zoning district is proposed to be B-2 on the east side of the property along Hwy 1626 and R-4 along the west side of the property. The Rural Heritage Gateway Corridor is proposed to be modified, particularly in regard to the architectural elements, and use chart, for which the applicant has proposed new standards.

2. BACKGROUND/HISTORY

This DA proposes to modify a previous DA, which requires that future development of this site requires Annexation. The existing DA is attached.

This property has been subject to a previous request that included higher levels of commercial square footage and residential units/apartments. While the previous PD was recommended for

approval by the Planning and Zoning Commission on March 24, 2024, it was not approved by City Council.

The applicant has developed the current request in response to what they feel were City Council's primary concerns regarding the previous request. Adjacent land uses include: North ETJ – Extraterritorial Jurisdiction (no zoning district), Rural East ETJ – Extraterritorial Jurisdiction (no zoning district), Variety of small businesses and some rural residential, B-2 – Arterial Business Zoning district is very shallow, only incorporating the 1626 ROW. South ETJ – Extraterritorial Jurisdiction (no zoning district) Rural West ETJ – Extraterritorial Jurisdiction (No zoning district) Rural.

The applicant held a public meeting in August for the general public.

3. ANALYSIS

The 2024 Our Buda Our Future Comprehensive Plan developed a Corridor Plan to take a more fine-grained approach to long range planning along FM 1626. The FM 1626 Corridor Plan recommends the Corridor Commercial land use fronting the length of FM 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 FM 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 development does include both residential and commercial uses, however these uses are physically separated by a road. The concept plan does provide for pedestrian and bicycle connections, including shared use paths. The detail and Exhibits attached to the ordinance establishes and provides the base and use standards for development.

Tree Preservation 4.04.01(C)

The DA proposes some significant modifications to tree removal and mitigation requirements. Typically, Signature and Heritage trees require P&Z or City Council approval to be removed, unless located within the ROW or a city maintained drainage easement. Additionally, trees required for mitigation are calculated separately from trees that are required to meet the base landscaping requirements.

The DA is proposing to be considered prior authorization for removal of any Protected or Signature tree on the property. The DA states that 3 Heritage Trees require removal, however, 2 of them are located within a future ROW, and would not require mitigation.

The DA is requesting that all trees planted within the development, even those required by minimum landscaping requirements, and including ornamental trees, count towards the mitigation requirement.

The DA proposes that any mitigation required above the proposed tree planting schedule be waived, and no additional planting or fee in lieu of mitigation be required. The applicant has provided an estimate \$173,550 in fee in lieu of mitigation to be waived, but Staff cannot confirm that number with the information provided.

Parkland and Trail Dedication 4.04.02

The UDC requires 1 acre of public parkland for every 50 Dwelling Units. As the property proposes to contain 225 dwelling units, that would require 4.5 acres of public parkland, meeting the requirements for parkland laid out in 4.04.02. The DA is proposing that no public parkland be dedicated, but that private open space, which is open to the public be provided. The DA proposes the 40-foot landscaped buffer along FM 1626 required by the Rural Heritage Overlay in UDC Section 2.10.11(C)3(d) count toward the parkland requirement. This area adds up to 1.66 acres, and the remainder of the parkland dedication would be paid for by fee in lieu of dedication.

Impervious Cover in the Recharge Zone 4.05.04(A)2

The DA propose an increase in Impervious Cover allowance from 15% to 59%. The limit of 15% is due to the designation of the Edwards Aquifer Recharge Zone. The applicant has provided a Geologic Report to provide evidence that no sensitive recharge features exist on the property. The proposed 59% limit is still less than would be allowed in the B-2 zoning district (80%) and R-4 zoning District (60%).

Waterways, Critical Water Quality Zones, Water Quality Transition Zones, and Critical Environmental Features 4.05.04(B), (C), (E), (G), and (H)

The DA proposes to waive UDC Sections 4.05.4(B), (C), (E), (G), and (H), which are intended to provide water quality buffer zones within the Edwards Aquifer Recharge Zone that prohibit development within a certain distance of the waterway. The intermittent stream on the West Oak property that feeds into the onsite pond has a drainage area that would classify it as a Minor Waterway (64-320 acres). The required Critical Water Quality Zone (CWQZ) and Water Quality Transition Zone (WQTZ) buffers would be 100ft each on either side of the stream centerline, resulting in a 400 ft strip of land that would be preserved from development. However, the DA request that these regulations not apply, and the development instead follow the standards assigned in **Exhibit C**.

City of Buda Design and Construction Standards per adopted TMMP

The PD proposes some slight modifications to the Transportation Mobility Master Plan and City of Buda cross sections for the Cole Springs extension and West Oak Avenue. These changes include the addition of on street parking on Cole Spring Road, as well as 10-foot shared use paths on both sides of the road, rather than bike lanes. West Oak Avenue is proposed to have an 8-foot shared use path on one side of the street, and a 6-foot sidewalk on the other, as well as off street parking. The privately maintained, but open to the public residential streets generally follow City standards with 5-6 foot sidewalks, but a narrower pavement than typically allowed, at 26' curb to curb. This, combined with the number of driveways in close proximity (due to the narrowness of the townhouse lots) will limit on street parking significantly. However, as mentioned above, on street parking is provided on both Cole Springs Road and West Oak Avenue.

Public Improvement District & Annexation

The DA anticipates Council approval of annexation and a Public Improvement District to be used to fund utility and road improvements for the development. These items are scheduled for future Council consideration.

Utilities

The DA provides the schedule for the extension of utilities along the existing Cole Springs road to FM 1626, either by the developer of "The Reserve" or by the Developer of "West Oak". Additionally, the DA provides for the right to up to 390 LUEs (Living Unit Equivalents) of water and wastewater capacity for the property. Water and wastewater are to be provided by the City of Buda and there is adequate capacity.

The DA states that pursuant to a previous DA with The Reserve Development, additional ROW along Cole Springs will be extended to the intersection of Cole Springs and 1626 by the developer of The Reserve. If this does not happen by April 1, 2027, the applicant will be allowed to construct

utilities within the existing Cole Springs ROW. The Development Agreement provides for the City to reimburse the costs for oversizing water and wastewater facilities and the associated boring under 1626 for the oversized bore. The schedule for utilities is provided in **Exhibit J**.

Public Comments

No public comments or feedback has been received by staff on the current DA application. No public testimony was provided at the October 14, 2025 Planning and Zoning Commission meeting.

4. FINANCIAL IMPACT

The development will construct a considerable amount of future Transportation Mobility Master Plan (TMMP) roadways, and extend utility service to FM 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 DA will also provide for the extension across FM 1626, and to the northern and southern boundaries of this property, allowing for future development to tie on.

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

However, the applicant is requesting to waive tree mitigation and parkland dedication fees through the Development Agreement that would normally be required. The applicant is also seeking to create a Public Improvement District (PID) to finance public improvements related to the project.

5. STRATEGIC PLAN/GOALS

BALANCED AND INTENTIONAL GROWTH

6. STRATEGIC PLAN OBJECTIVES

Develop 1626 commercial corridor that is aligned with Comprehensive Plan

7. PROS AND CONS

Pros:

- Proposed Development will construct the utility infrastructure needed to open up the 1626 corridor to additional development. Minimum 40,000 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.
- Extension of utilities along west side of FM 1626.

Cons:

- Will generate additional traffic on FM 1626 and proposes intense development of the environmentally sensitive Edwards Aquifer Recharge Zone.
- The project will not maintain the critical water quality zone buffers as required by the UDC.

8. ALTERNATIVES

Council may:

- Approve
- Approve with modifications
- Deny
- Table

9. REQUESTED ACTION / SUGGESTED MOTION / RECOMMENDATION

At their Oct. 14, 2025 meeting, the Planning and Zoning Commission voted 6-1 to recommend

approval of the request with the following conditions: (1). Further clarify verbiage of Section 5.07 Approval of DA - Tree Removal and Mitigation, of the proposed West Oak Development Agreement removing full prior authorization of the developer to remove trees. (2) A minimum of 1 tree per residential lot is required. (3) Make all reasonable efforts to save the heritage tree near West Oak Drive by removing approximately two on-street parking spaces. Other items related to this development are scheduled to come to City Council at future dates, including: 1. Creation of a Public Improvement District - November 18, 2025 2. Annexation (item on this agenda could also be tabled to future date) 3. Planned Development - Public hearing and consideration scheduled for November 18, 2025 Staff recommends holding the public hearing on this item, providing feedback and direction to staff, and tabling consideration until November 18, 2025, along with the other related items.

Attachments:

[Ordinance - West Oak DA Amendment.pdf](#)
[Proposed DA 25-01-West Oak Development Agreement \(Buda Venture\)](#)
[Existing Kahlbau Development Agreement \(recorded\).pdf](#)
[DA 25-01-West Oak DA Exhibits](#)
[Presentation - West Oak DA.pdf](#)