



# Agenda Item Report

**Legislative Board:** City Council  
**Date:** December 3, 2024  
**Contact:** Will Parrish  
**Agenda Item ID / Number:** 2024-912- / I.2

**ITEM TITLE:** Hold a Public Hearing, deliberation, and possible action to consider an Ordinance on first and final reading and to adopt said Ordinance to authorize a request for a Specific Use Permit (SUP) for the Automobile Service Garage (Minor) use in the Arterial Business (B-2) zoning district within the Rural Heritage Overlay (O-R) for the property known as Block B, Lot 2A of the Carpenter Hill Section 1A Subdivision, being +/- 1.211 acres, located approximately 185 feet west of the intersection of RM 967 and Carpenter Hill Drive, Buda, TX 78610 (SUP 24-02) (Assistant Development Services Director Will Parrish) [PUBLIC TESTIMONY]

## 1. EXECUTIVE SUMMARY

The City of Buda received an application for a Specific Use Permit (SUP) for the development known as Local Automotive, located on the north side of RM 967 approximately 186 feet west of the intersection of RM 967 and Carpenter Hill Drive. The property is approximately 1.211 acres and is in the Arterial Business (B-2) zoning district within the Rural Heritage Overlay (O-R). The property is currently vacant and is served by the City of Buda for water and wastewater services.

The applicant has indicated that the intended use for the development is for that of an automobile service garage. The "Automobile Service Garage (Minor)" use, defined in section 5.02 of the Unified Development Code (UDC) as *a facility for routine automobile services or minor repairs, such as tire services, quick-lubes, batteries, with all work being conducted inside the building and within the same day*, does not typically require an SUP in the B-2 zoning district, but its location in Rural Heritage Overlay triggers the requirement for approval of an SUP.

At their meeting held on November 12, 2024, the Planning and Zoning Commission recommended approval of the SUP with conditions. In approving the 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:

- a. Safety of the motoring public and of pedestrians using the facility and the area immediately surrounding the site;
- 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;
- c. Provisions for drainage;
- d. Adequate off-street parking and loading;
- e. Safety from fire hazard and measures for fire control;
- f. Protection against negative effects of noise, glare, and lighting on the character of the neighborhood, protective screening, and open space;
- g. Heights of structures; and
- h. 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 2018 with the adoption of the Carpenter Hill Development Agreement (Ordinance 2018-10) and has been assigned its current zoning of B-2 within the Rural Heritage Overlay. The B-2 zoning district is intended to provide areas for retail and commercial activities along Arterial Streets that primarily serve residential areas within three miles, while the Rural Heritage Overlay is intended to retain the rural and natural character of RM 967 while still allowing for future growth in a responsible manner.

The applicant has submitted an SUP Site Plan for the proposed development, which generally consists of an 8,710 square foot, 10-bay garage and 50 parking spaces, 18 of which are proposed to be shared with the adjacent property to the north for which a Site Plan is under review by Staff. The attached Site Plan shows the proposed layout of the development.

The City of Buda requires that an applicant for any SUP request for a property that is located within 400 feet of a single-family residential zoning district or residentially used property complete a Neighborhood Communication Meeting, intended to raise awareness of the proposed development, identify issues regarding perceived impacts, and to resolve the issues in an inclusive manner. For this project, the meeting was held on July 22, 2024; the applicant's meeting report can be found in this packet as an attachment to this agenda item.

As this is an SUP, the conceptual documents submitted are normally binding, in addition to any UDC regulatory updates and any conditions placed on the project. This means if the City Council intends to enforce conditions, approval of the SUP must be recommended with the condition that all applicable design-related ordinances must be followed.

### **3. ANALYSIS**

The Development Agreement that governs the development of this property requires that all commercial developments include the four required and four alternative Low Impact Design Element Options listed in Table 22 of UDC subsection 2.09.13.C. The elements that this development will incorporate and a brief description of each is as follows:

#### **Required Elements**

- Irrigation - all irrigation must use a drip system or soaker hose unless utilizing only harvested rainwater
- Low-Flow - all fixtures must be WaterSense certified
- Topography - avoid cut-and-fill construction methods and maintain existing drainage flow patterns
- Xeriscape - all landscaping must be native/drought tolerant; less than 1,000 square feet of turf grass per lot

#### **Alternative Elements**

- Cool Roof - white roof: roof painted with solar reflective white coating that reflects at least 80% of sunlight to maintain the home (business) at a cooler temperature
- Connectivity: no dead end streets or cul-de-sacs
- Permeable: Use pervious or semi-pervious surfaces that allow water to infiltrate in all on-site hardscape pedestrian areas
- Rainwater: All structures are constructed with rainwater harvesting facilities at downspout disconnects for reuse with landscaping irrigation or toilets; harvesting facilities must be able to accommodate at least 20% of the volume generated by a 1" storm based on the roof area

Due to the property's location in the Rural Heritage Overlay, there are a minimum of four additional design elements that must be incorporated into the building or site, as stated in UDC subsection 2.10.11.C.4. The proposed design elements are:

- Decorative split rail fencing not exceeding three feet in height adjacent to the right-of-way

- along the entire width of the property (excluding ingress/egress)
- No parking located in front of the building face
- All exterior lights operated by motion sensor to turn off when no activity is present
- Achieve all required elements and at least four alternative options of Table 22: Low Impact Design Element Options (discussed in the previous paragraph)

The proposed development meets all building design and landscaping requirements of both the base zoning requirements as well as the Rural Heritage Overlay.

Staff received an email from an adjacent property owner stating concerns with safety if the proposed driveway on RM 967 is constructed, which includes reference to recent fatal crashes east of Dodgen Trail. The email has been included in this agenda packet for review. The Commission has the ability to condition approval of the SUP to limiting driveway access to the two existing driveways on Carpenter Hill, but it should be noted that RM 967 is a TxDOT owned and maintained roadway and all driveway permitting on RM 967 is not done through the City of Buda.

The driveway on RM 967 has not been permitted by TxDOT, but it has been *conditionally* approved by TxDOT via an email received on June 6, 2024, from a Transportation Specialist at the South Travis Area Office, "pending possible comments on mitigations, comments from district personnel, and the corrections of said comments. Once all comments, if any, have been addressed TxDOT will provide approved permit."

After the Planning and Zoning Commission meeting that considered the SUP, Staff received an additional email from a resident mostly concerned with potential for noise from the proposed business. This email has also been included in this agenda packet.

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

- Safety of the motoring public and of pedestrians using the facility and the area immediately surrounding the site;** An 8-foot public sidewalk is proposed along the property's frontage on RM 967 that will connect to a six-foot sidewalk at the adjacent property to the east. A six-foot internal sidewalk and crosswalk will connect pedestrians from RM 967 to the building's front door. The development is proposing new driveway access off of RM 967. RM 967 is a TxDOT owned and maintained roadway, to which TxDOT has provided the applicant conditional approval of the proposed driveway. A full driveway permit will be required if the SUP is approved as submitted. Staff will work with the applicant and TxDOT on mitigating potential traffic concerns caused by the installation of a new driveway onto RM 967. At the P&Z meeting, public commentors raised a concern of westbound traffic turning from Dodgen Trail onto RM 967 conflicting with eastbound RM 967 traffic in the center turn lane. One possible solution raised at the P&Z meeting would be to convert that center turn lane into a dedicated left hand turn lane into the proposed development. The TxDOT Area Engineer has confirmed with City staff that they intend to prepare a dedicated left turn lane plan if the driveway is permitted to address this conflict.
- 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 site is part of a larger four lot commercial subdivision that shares internal drive aisle access and circulation, with two existing driveways off of Carpenter Hill Drive that would serve the subject property. The project proposes an additional driveway off of RM 967.
- Provisions for drainage;** The proposed design of the site provides an extension of and connection to existing private storm drain infrastructure on the adjacent lot to the east. The stormwater eventually will be collected in the existing pond infrastructure slightly further east across Carpenter Hill Drive. As a part of the greater Carpenter Hill development, this pond was sized to accommodate up to 80% impervious cover (IC) on the Local Auto lot. The site

proposes utilization of 78.47% of this available IC. Ultimately the pond outfalls into an existing drainage channel along RM 967. By obeying the IC limit from the pond's design, the site design provides adequate provision for handling site drainage. There is a proposed commercial driveway onto RM 967 which would require an adjustment to the existing culvert and driveway which currently serve only residential uses. An adequate adjustment to the culvert is proposed. Lastly, rainwater harvesting is proposed to collect rainwater from the structure's roof, reducing run-off from the site and promoting infiltration when this water is used for irrigation on site.

- d. **Adequate off-street parking and loading;** The UDC has parking standards for commercial uses. As stated in the Use Chart in subsection 2.06.05, the standard for the proposed use is 3 spaces per service bay, which would require a minimum of 30 parking spaces for this development. The proposed development has provided 50 parking spaces, 18 of which are on a shared lot line with the adjacent property to the north for which a Site Plan is currently under review by Staff.
- e. **Safety from fire hazard and measures for fire control;** All site plans and building permits are reviewed for fire code compliance. The proposed building 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 use as an automobile service garage has the potential to create noises that could be considered a nuisance, given that there are single family residential homes approximately 300 feet from the proposed development's northern property boundary. However, the noise would likely be limited as body work is not permitted with the proposed use. Additionally, the adjacent developed property to the east is an existing dental office, and a Site Plan that is currently under review by Staff for the two lots north of the site is proposing office and retail buildings. No negative effects from glare and lighting are anticipated with this development.
- g. **Heights of structures; and** The maximum building height for the B-2 zoning district is 45 feet. The proposed building is approximately 28 feet tall, falling well below the allowable building height.
- 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 use and requiring an SUP for the Automobile Service Garage (Minor) use is to ensure that it would be appropriate in the B-2 zoning district and surrounding area. Staff does not find that the proposed use would be against public health, safety, and general welfare.

At their regular meeting held on November 12, 2024, the Planning and Zoning Commission had in depth discussion on the proposed driveway access off of RM 967. Discussion revolved around the necessity of the new driveway, when there are two existing driveways off of Carpenter Hill Drive that will serve the subject property, as well as the commercial subdivision as a whole having shared access throughout. Commissioners also discussed the applicant creating a dedicated left hand turn lane from eastbound RM 967 into the proposed driveway and restricting Dodgen Trail to right turn only on RM 967. Any changes to RM 967 will require input and approval by TxDOT.

#### **4. FINANCIAL IMPACT**

This project will produce SUP, Site Plan review, and building permit fees, property taxes, and sales taxes.

#### **5. STRATEGIC PLAN/GOALS**

BALANCED AND INTENTIONAL GROWTH

#### **6. STRATEGIC PLAN OBJECTIVES**

Attract new businesses to Buda

#### **7. PROS AND CONS**

Pros: Commercial development in an area that was designated as commercial land with the adoption of the Carpenter Hill Development Agreement.

Cons: Driveway access off of RM 967 is opposed by at least one resident. Coordination and adjustments approved by TxDOT may address this issue. Possible negative noise effects to nearby residential properties.

## **8. ALTERNATIVES**

The City Council may recommend approval of the SUP as presented, approval with conditions, denial of the request, or table for future consideration.

## **9. REQUESTED ACTION / SUGGESTED MOTION / RECOMMENDATION**

At their meeting held on November 12, 2024, the Planning and Zoning Commission recommended approval of the SUP with the following conditions: 1) the applicant attempt to work with TxDOT to create a dedicated left-hand turn lane from RM 967 into the proposed development, but is not required to ensure its completion as part of the project; 2) the nature of the business and use of the property is restricted to that of the "Automobile Service Garage (Minor)" use, as defined in UDC section 5.02; 3) all outdoor lighting fixtures and the overall photometric plan are compliant with the UDC's lighting ordinance; 4) the 8-foot public sidewalk is routed around the existing wastewater manhole on all applicable sheets of the Site Plan; 5) the applicant attempt to work with TxDOT and Hays County to shut down the northbound left turn lane on Dodgen Trail at its intersection with RM 967 but is not required to ensure its completion as part of the project. Staff has reviewed the conditions recommended by the Planning and Zoning Commission and believes restricting the left turning movement from Dodgen Trail to RM 967 is not practicable and will negatively impact regional traffic flow. Staff recommends that condition #5 be removed. Also, because TxDOT has indicated their intent to install a dedicated left turn lane at the proposed driveway on RM 967 once permitted, staff recommends that Condition #1 be replaced with the following, "Access to the automotive garage (minor) development be restricted from RM 967 until after TXDOT completes the left hand turn conversion of the center turn lane". Staff recommends that all other conditions should remain the same.

## **Attachments:**

[Ordinance - SUP 24-02 Local Automotive.pdf](#)  
[SUP Site Plan.pdf](#)  
[Neighborhood Communication Meeting Report.pdf](#)  
[Email from adjacent property owner.pdf](#)  
[Email 2 from adjacent property owner.pdf](#)  
[TxDOT Conditional Approval Email.pdf](#)  
[Local Automotive SUP Council Presentation 12.3.24.pdf](#)