



Agenda Item Report

Legislative Board: City Council
Date: December 3, 2024
Contact: Will Parrish
Agenda Item ID / Number: 2024-918- / I.3

ITEM TITLE: Public Hearing, deliberation, and possible action to consider an Ordinance on first and possible final reading, and to adopt said Ordinance regarding a request by Balanced Site Design on behalf of H-E-B, LP for a zoning change from Interstate Commercial (B-3) to Planned Development (PD) for +/- 21.12 acres out of the Josephus S Irvine Survey located between Old San Antonio Road and IH-35 and addressed as 15000 N IH-35, Buda, TX 78610 and the associated Traffic Impact Analysis (Z 24-06) (Development Services / City Engineer Angela Kennedy and Assistant Director of Development Services Will Parrish) [PUBLIC TESTIMONY]

1. EXECUTIVE SUMMARY

The applicant is requesting a zoning change from Interstate Commercial (B-3) to Planned Development (PD) with a base zoning of B-3 for approximately 21.12 acres between Old San Antonio Road and IH-35 in order to develop this property as an approximately 115,000 - 135,000 square foot grocery store with a drive-thru restaurant, pharmacy and garden center. The property was previously used as a landfill, and as such has significant remediation costs associated with construction, which make this property costly and difficult to develop. As such the applicant is proposing a PD to modify the standard requirements for development of this site.

A neighborhood meeting was held on November 8th at the Buda Library, and there were four attendees. Questions and concerns regarded landscaping, Old San Antonio Road, and the fact that the property is a former landfill were raised (see attached documentation). Staff received two phone calls from adjacent property owners who did not attend the neighborhood meeting, looking for information but not stating support or opposition.

This request was heard by the Planning and Zoning Commission at their regularly scheduled November 12th P&Z meeting. The majority of the conversation at the Planning and Zoning Commission revolved around concerns regarding:

- Lack of landscaping,
- Parking lot design, and
- Proposed sign height.

The Planning and Zoning Commission recommended for approval as submitted by a vote of 5-1.

2. BACKGROUND/HISTORY

This property was previously used as a landfill and requires significant remediation in order to develop it. The applicant estimates that they will need to dig down 20 feet and remove the contaminated soil from the construction footprint, replacing it with new soil at least 6 feet above existing grade (up to 15 feet above existing grade in some places). Additionally, the applicant has stated that it is expensive to provide irrigation over landfills due to TCEQ requirements and so is proposing not to provide landscaping within the parking area but to focus along the perimeter of the property.

This property is also located along Old San Antonio Road, which is identified as a Gateway Corridor and has some specific requirements regarding that zoning overlay. The applicant is proposing to

waive many of these requirements with the Planned Development zoning.

3. ANALYSIS

The applicant has proposed to modify the following standards with the PD:

Amendments to Gateway Overlay Standards:

Code Citation	Code Requirement	Impact	Applicant Proposal
2.10.12(C)1(a)	<u>Setback</u> Building shall be set back not more than 5 feet beyond zoning setback, unless site restrictions prohibit such placement.	Building face would need to be located within 50 feet of property line along Old San Antonio Road.	Remove requirement, place detention pond, landscaping, wall, and HEB BBQ restaurant parking and drive-thru lanes between Old San Antonio Road and building face.
2.10.12(C)2(a)	<u>Parking</u> Parking may not be located between building face and the street.	Parking would not be allowed between Old San Antonio Road and building face.	Allow Parking for HEB BBQ restaurant between Old San Antonio and building face. However, the majority of parking will be located to the south of the building, and be compliant.
2.10.12(C)1(b)	<u>Articulation</u> Buildings over 30,000 square feet shall be designed to appear as separate but attached buildings, through articulation and material changes.	Would require additional building articulation or material changes, creating the illusion of multiple attached buildings.	Applicant is proposing to create two "entry towers" on the southern facade facing the parking lot, and add canopies, as well as color and material changes to the sides of the building to break up the solid walls.
2.10.12(C)1(d)	<u>Windows</u> Windows shall comprise between 50% and 80% of each ground level elevation fronting the public ROW or accessible by sidewalk.	The portion of the building facing Old San Antonio would require a minimum of 50% of the facade to have windows. (For oversized single story buildings, this has generally been considered to be the first 12/14 feet in building height)	Applicant is proposing to remove this requirement, and establish a minimum of 20% glazing on the southern facade facing the parking lot, and 0% glazing on the sides facing Old San Antonio and IH-35.

2.10.12(D)	<u>Allowed Uses</u> Restaurants with a Drive-Thru require an SUP	HEB BBQ restaurant would not be able to have a drive-thru without a separate SUP	Remove the SUP requirement and approve drive-thru as part of this application.
2.10.12(C)3(c)i	<u>Landscaping</u> Streetscape requirements in the Gateway Overlay require and an additional row of trees along the frontage at the sidewalk.	Would require an additional 18 trees along the Old San Antonio Frontage.	Waive this requirement and plant base code perimeter trees at 4" rather than 3". Total trees planted along Old San Antonio is 15 rather than 36, proposed inches 60" rather than 108".

Amendments to Cut and Fill, Building Materials, and Block Standards

Code Citation	Code Requirement	Impact	Applicant Proposal
2.09.06(D)8	<u>Cut/Fill Standards</u> Nonresidential development within 400 feet of residential uses must limit cut and fill to 4 feet, or up to 8 feet under certain criteria that can be approved by the City Engineer. Temporary cuts required for building foundation are exempted.	Restricts the ability of a developer to make drastic changes to topography that would create significant retaining walls adjacent to residential property.	Waive the restriction to allow retaining walls up to 6 feet in height along the southern property line. Applicant states that a minimum of 6 feet of fill is required for long term pavement performance.
2.09.5(C)2	<u>Materials</u> Requires 100 percent class 1 masonry facades (excluding windows/doors/facades not visible from public streets and single family homes)	Limits facade to fired brick, veneer brick, natural and manufactured stone, granite, marble, Architectural Concrete Block (earth-tone coloring integrated into the masonry material), or tilt-wall replicating any of the aforementioned materials	Applicant is proposing a majority class 1 masonry, but is requesting to also include aluminum composite metal panel for approximately 4% of the front facade as well.

3.05.05	<u>Block Standards</u> The B-3 zoning district has a maximum block length of 1800 feet.	A road would be required to divide the side connecting Old San Antonio to the IH-35 frontage road.	Applicant is proposing to waive this requirement, and will be providing drive aisles that connect the two streets.
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Amendments to Screening and Fencing Standards

Code Citation	Base Code Requirement	Impact	Applicant Proposal
2.09.02(B)2(b)	6'-8' masonry wall between non-residential and residential use	Requires a masonry wall.	8'-10' fencecreate fence between non-residential and residential use. This is taller than required under base code.
2.09.06(D)2	10' solid masonry screen of loading and service areas from residential properties	Requires masonry wall around loading and unloading areas	10' fencecreate screen expanded along property line to screen view of loading and storage area as located on site plan.
2.09.06(D)7(b)	Dumpsters are required to be within a gated trash enclosure	Multiple enclosures for multiple compactors across the loading/service area.	10 foot fencreate screen noted above for loading area will act as screening for compactors.

Amendments to Parking Lot Standards

Code Citation	Base Code Requirement	Impact	Applicant Proposal
UDC 2.09.03(H)1	Allows an increase of over 10% of the parking standard with permeable pavement	Allows more parking over permeable surfaces.	Applicant is requesting to use concrete for all parking surfaces. TCEQ prohibits permeable surfaces over landfills.
UDC 2.09.03(E)4	Requires that large surface parking lots be divided into smaller sublots that contain between 50 and 200 spaces with landscaping medians.	Would require the main parking lot on the south side of the parking lot, with approximately 600 proposed parking spaces, to be divided by landscaping medians into 3 sublots	Applicant is proposing to waive this requirement, and install speed humps for speed control.

Austin TCM 9.3.2.O	Limits parking bays to 200 feet or 20 parking spaces, whichever is less, can be separated by cross aisles.	1 to 2 cross aisles would be required across the main parking field.	Applicant is proposing to waive this requirement.
Austin TCM Table 9-2	Establishes the minimum dimensions of parking spaces and drive aisles based on the parking angle	For one-way 60 degree parking the width of stall is 8.5 feet and 18.5 feet deep, with a 16 foot drive aisles. For two-way 90 degree parking a 8.5 foot width and 17.5 foot depth, with a 24 foot drive aisle.	For 60 degree parking Applicant is proposing to increase parking the width of stall to 9 feet and 19 feet deep, with a 18 foot drive aisles. For 90 degree parking Applicant is proposing to increase to 9 foot width and 18 foot depth, with a 25 foot drive aisle.
Austin TCM 9.3.3.2	Pedestrian paths required to allow for separation between pedestrian and vehicular traffic required for up to 50% of off street parking.	Would require the applicant to provide additional space within or around the parking field for pedestrian paths.	Applicant is proposing to provide a path for some ADA parking spaces, but no other parking spaces.
Austin TCM 9.3.3.3.1	Requires raised crosswalks where internal circulation routes do not encounter a stop sign for more than 200 feet.	Would require raised cross walks on internal circulation routes	Applicant is proposing to waive this requirement and place speed humps within the parking lot.
Austin TCM 9.3.3.3.3	Requires parking lots with high turnover to create pedestrian routes between parking bays to separate vehicular and pedestrian traffic.	Would require pedestrian routes between parking bays.	Applicant is requesting to waive this requirement.
Austin TCM 9.3.4.1D & J	Requires a bypass lane in a drive thru and increases the queue length by 10-15% on drive-thrus.	Would require an additional lane and space for the drive-thru restaurant and pharmacy.	Applicant is proposing to waive these requirements, and follow standard Buda UDC queuing standards.

Amendments to Lighting regulations

Code Citation	Base Code Requirement	Impact	Applicant Proposal
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2.09.12(D)2(b)	Lighting temperature is limited to 3000 Kelvin	Compliance with International Dark Sky's Association regulations.	Applicant is requesting to increase color temperature to 3500 Kelvin
2.09.12(D)4(b) & 7(d)	Limits maximum height of parking lot lights to less than the height of the primary structure and a maximum height of 30 feet	Reduces impact and visibility of light poles outside of property, however, the lower the light poles the smaller the area they illuminate.	Applicant is requesting light poles up to 38 feet in height.

Amendments to Landscaping Requirements

Code Citation	Base Code Requirement	Impact	Applicant Proposal
2.09.01(A)3	Requires drainage cuts in curbs around landscape islands	Allows water from parking lots to flow into landscape islands	Applicant is requesting to remove this requirement as TCEQ requirements limit the amount of stormwater than can be put in the ground.
2.09.01(A)	Requires perimeter landscaping along streets and within parking areas.	<p>Require 10 trees along IH 35 and 18 trees along Old San Antonio planted at 3 inches in caliper.</p> <p>Requires 46 trees within the parking lot planted at 3 inch caliper.</p>	<p>Applicant is proposing to plant 26 Perimeter trees at 4 inches in caliper.</p> <p>Proposing 29 trees within the parking lot planted at 4 inch caliper.</p> <p>Total required planting inches of 222 is proposed to be reduced to 220 inches.</p>

Tree Removal

Code Citation	Base Code Requirement	Impact	Applicant Proposal
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4.04.01	Requires that P&Z approve the removal of Signature Trees, and City Council approves the removal of Heritage Trees	Applicant is proposing to remove 221 inches of Signature Trees, which require mitigation at a 3:1 rate (663 inches) Applicant is requesting to remove one Heritage Tree, at 30 inches, requiring a mitigation at 4:1 (120 inches)	Applicant is requesting authorization of tree removal permit as part of this PD. Mitigation in the form of fee-in lieu proposed.
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Amendments to Sign Regulations

Code Citation	Base Code Requirement	Impact	Applicant Proposal
4.02.09	Establishes exempt signs	Signs added to this section will be exempt from sign permits and regulations	Applicant is proposing that signs that are not visible from the ROW and directional signs are not regulated by this chapter and do not require a permit.
4.02.08(A)	Establishes what districts Pole/Pylon signs are allowed	Pole/Pylon signs allowed within B-3 but not within the Gateway Overlay	Applicant is proposing a single Pole/Pylon Sign along the IH-35 frontage.
4.02.08(B)	Establishes the maximum height and sign area of Pole/Pylon signs by zoning district.	Pole/Pylon signs limited to 35 feet in height and 100 square feet in size.	Applicant is proposing a 50 foot tall sign with a 450 Square foot sign face.

HEB Traffic Impact Analysis

HEB submitted a Traffic Impact Analysis (TIA) with the PD request. The TIA identified that improvements would be required for the Build-Out Year (2026), and future improvements that will be required for the Horizon Year (2031).

For some of the mitigation measures required, the applicant is proposing to fund and construct 100% of the improvements. For other mitigation measures, the applicant is proposing partial funding, as the traffic generated by HEB is only a portion of the traffic impacting that particular mitigation measure. This is referred to as their "Pro-Rata Share". For any mitigation measure that the applicant is proposing to partially fund, the remaining funding will be the responsibility of the City to bring the roadway element to an acceptable level of service.

Built-out Year (2026)

Node 1: IH 35 NBFR and Main Street

- Restripe the northbound approach along IH-35 NBFR to a shared left-through lane to provide

- left, left/through, through, and right turn lanes (**Pro-Rata = 54%**)
- Optimize signal timing splits (**Pro-Rata = 100%**)

Node 3: Old San Antonio Road and Main Street

- The result of the analysis shows the need to extend the eastbound left-turn bay to provide 550 feet of storage with a 100-foot taper. In coordinating with the City of Buda, it was requested by the City to reduce the storage length to 370 feet in order to save existing trees within the median. (**Pro-Rata = 45%**)
- The result of the analysis shows the need for a westbound right-turn deceleration lane which would provide 400 feet of storage with a 100-foot taper. A proposed development is to be located at the northeast corner of Main Street and Old San Antonio Road which has a proposed driveway along Main Street which then limits the ability to construct the right-turn deceleration as discussed above. Due to this constraint, the right-turn deceleration lane should be reduced to 100 feet of storage with a 50-foot taper. (**Pro-Rata = 74%**)
- Modify the signal phasing to provide permissive + overlap phase for the westbound right-turn movement along Main Street approach (**Pro-Rata = 74%**)
- Widen the southbound approach along Old San Antonio Road to provide an exclusive right turn lane with 275 feet of storage and 50 feet of taper length. The solution related to this improvement is being further evaluated to determine if any improvement can be constructed given right-of-way constraints. (**Pro-Rata = 24%**)
- Modify southbound approach along Old San Antonio Road by removing the channelized right turn (**Pro-Rata = 24%**)
- Modify the signal phasing to provide permissive + overlap phase for the southbound right-turn movement along Old San Antonio Road (**Pro-Rata = 24%**)
- Optimize signal timing splits (**Pro-Rata = 100%**)

Node 10: IH 35 SBFR and Driveway A

- Widen southbound IH 35 SBFR approach to provide an exclusive right-turn lane at Driveway A with 200 feet of storage length and 100 feet of taper as approved by TxDOT (**Developer Constructed**)

Node 20: Old San Antonio Road and Driveway B

- Widen northbound Old San Antonio Road approach to provide an exclusive right-turn lane at Driveway B with 75 feet of storage length and 50 feet of taper. The turn lane length is constrained by the neighboring property and ROW, resulting in the 125 feet of total turn lane length as recommended. (**Developer Constructed**)
- Widen southbound Old San Antonio Road approach to provide an exclusive left-turn lane at Driveway B with 290 feet of storage length and 50 feet of taper. The turn lane length exceeds the minimum requirement. (**Developer Constructed**)

Node 30: Old San Antonio Road and Driveway C

- Add striping to Old San Antonio Road to enforce no left-turn ingress movements and maintain existing school turn lane. (**Developer Constructed**)
- Construct Driveway C with a raised barrier to enforce no left-turn ingress movements. (**Developer Constructed**)

Horizon Year-2031

The applicant has stated that the following improvements have been identified for planning purposes as the improvements are constrained by the availability of ROW and will not be constructed with this project.

Node 3: Old San Antonio Road and Main Street

- Widen eastbound Main Street to provide dual left-turns with a storage length of 550 feet and

taper length of 100 feet; the modified lane assignment would be dual lefts, one through lane, one shared through-right-turn lane (**Pro-Rata = 42%**)

- In order to complement the dual left-turn lanes along eastbound Main Street, widen the north leg of the intersection to provide two (2) receiving lanes along Old San Antonio Road, north of Main Street for approximately 300 feet (**Pro-Rata = 42%**)
- Traffic signal modifications for the dual left-turn movements along eastbound left-turn movement along Main Street (**Pro-Rata = 42%**)

The applicant has proposed an alternative intersection to the intersections proposed in the TIA. (See HEB Proposed Alternative Sheets Attached)

The Applicant has an alternate proposal that would pool all TIA funds towards intersection improvements at Old San Antonio and Main Street that do not require ROW acquisition, prior to the new HEB opening. HEB estimates that this alternate solution will cost \$662,000, and determined that their share of the improvement is \$420,000. This leaves \$242,000 remaining for the City to fund. However, this solution only extends the existing left turn lanes on Old San Antonio and Main Street, it does not add any additional lanes. And, all future improvements needed by 2031, including ROW acquisition, utility relocation, and addition of travel lanes, would be the responsibility of the City, and HEB would not participate.

4. FINANCIAL IMPACT

An expanded HEB serving the community of Buda will provide additional property and sales taxes on a piece of property that has barriers to development that would otherwise be unsurmountable by most other developers. The project will also provide additional permitting and inspection fees.

The TIA associated with this project proposes improvements that cost \$903,750.00 between now and the Horizon Year of 2031. These costs do not include the acquisition of ROW or the relocation of utilities. Of the total projected cost, HEB would be responsible for \$407,650. This obligates the City of Buda to a minimum \$496,000 to make the recommended improvements.

The Applicant has an alternate proposal that would pool all TIA mitigation funds from both the buildout year and horizon years towards intersection improvements at Old San Antonio and Main Street that do not require ROW acquisition, prior to the new HEB opening. HEB estimates that this alternate solution will cost \$662,000, and they determined that their share of the improvement is \$420,000. This leaves \$242,000 remaining for the City to fund through possibly waiving required fees by a separate agreement, or other source of funding.

5. STRATEGIC PLAN/GOALS

BALANCED AND INTENTIONAL GROWTH

6. STRATEGIC PLAN OBJECTIVES

Balanced and intentional growth

7. PROS AND CONS

Pros:

This property is difficult to develop due to the previous use as a landfill. Approval of this request would help to further the commercial development of the I-35 Interstate Corridor in a manner that is consistent with the Comprehensive Plan and Future Land Use Map.

Cons:

The PD as submitted varies from the Gateway Corridor Standards significantly, and approval of the TIA would result in a financial obligation for the City to make significant improvements to the Main Street and Old San Antonio Road intersection by the 2031 horizon year to ensure the system

functions at an acceptable standard.

8. ALTERNATIVES

The City Council may make motions to:

- Approve
- Approve with Conditions
- Deny
- Table

Additionally, City Council has the option to approve the TIA with the Zoning Action, or may postpone approval of the TIA to either the Preliminary Plat or Final Plat to continue negotiating the proposed improvements.

9. REQUESTED ACTION / SUGGESTED MOTION / RECOMMENDATION

The Planning and Zoning Commission reviewed this request at their regularly scheduled November 12th, 2024 meeting, and recommended approval of the request as submitted by a vote of 5-1.

Attachments:

[Z 24-06 HEB Zoning Change Ordinance.pdf](#)

[PD Final Design Statement.pdf](#)

[Buda Neighborhood Community Meeting report.pdf](#)

[2024-11-19 HEB Proposed Alternative Buda_Main St Median Exhibit.pdf](#)

[2024-11-20 HEB Proposed Alternative Buda_Main-OSR Intersection Exhibit.pdf](#)

[City Council Presentation 12.3.24.pdf](#)

[HEB Traffic Impact Analysis Links.pdf](#)