



# City Council Agenda Item Report

January 15, 2013

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**SUBJECT:** HOLD A PUBLIC HEARING TO RECEIVE WRITTEN AND ORAL COMMENTS IN REGARD TO A REQUEST TO AMEND THE OFFICIAL ZONING MAP OF THE CITY OF BUDA TO CHANGE THE EXISTING ZONING OF INTERSTATE COMMERCIAL/OFFICE AND INTERSTATE RETAIL (C3/R3) TO INTERSTATE COMMERCIAL/OFFICE AND INTERSTATE RETAIL (C3/R3) AND MULTIFAMILY RESIDENTIAL (MFR) ON APPROXIMATELY 20.09 ACRES OF LAND IN THE JOSEPHUS S. IRVINE SURVEY, HAYS COUNTY, TEXAS, BEING A PORTION OF THE 221 DRIVE COMMERCIAL SUBDIVISION.

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**1. BACKGROUND/HISTORY**

This is the required public hearing for the re-zoning request on the subject 20.09 acres of land located east of IH 35, north of Main Street. This public hearing is being held in compliance with the requirements of the City of Buda's Unified Development Code and the Texas Local Government Code as they relate to public hearings for zoning change requests.

**2. FINDINGS/CURRENT ACTIVITY**

The subject land is currently zoned as Interstate Commercial/Office and Interstate Retail (C3/R3). The applicant is requesting to add the Multi Family (MFR) zoning designation in addition to the C3/R3 zoning. This property is also subject to the requirements of the Gateway Corridor and Interstate Corridor Overlay Districts.

The subject land is undeveloped, but is located adjacent to developed parcels, including hotels, restaurants, automotive related businesses, and light industrial type businesses.

**3. FINANCIAL IMPACT**

The applicant has paid the applicable fees associated with this re-zoning request.

**4. ACTION OPTIONS/RECOMMENDATION**

This is a public hearing to receive public comment on this matter. Action cannot be taken by the City Council at this time, but possible action will be considered under the associated regular agenda item, and more detail is provided in the staff report for that item.

**The Mayor is required to open the public hearing, accept public comment, and then close the public hearing.**

**5. FEEDBACK FROM THE PLANNING & ZONING COMMISSION MEETING**

Three individuals spoke at the Planning & Zoning Commission, both for and against. Their comments are summarized below:

*Owner of Subject Property:*

Supportive of the change. Discussed ongoing difficulty in marketing the property for commercial uses since his acquisition of it in 2004. Issue frequently mentioned is the lack of residential population in the immediate vicinity and the property size (not large enough to support larger retailers). In response to comments below from CMC Capitol City Steel, emphasized that multifamily is already allowed under the Gateway Corridor Overlay District, just in a vertical mixed use format.

*Representative of Capitol City Steel (adjacent to property on North):*

Spoke in opposition at the meeting. Letter attached.

*Owner of Adjacent Vacant Hotel Site (adjacent to property on the West); Owner of America's Best Value:*

Spoke as a neutral party. Stated a preference for commercial development in the area, particularly uses that would compliment lodging. Was concerned about the quality of any multifamily project, but comfortable provided the project is high quality.

**6. ENCLOSURES**

Letter from adjacent property owner

Notice published in the Hays Free Press

Notice posted along the right-of-way of the subject property