



# City Council Agenda Item Report

June 4, 2013

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**SUBJECT: HOLD A PUBLIC HEARING TO RECEIVE WRITTEN AND ORAL COMMENTS IN REGARD TO AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF BUDA TO ESTABLISH THE INITIAL ZONING, PROPOSED AS MANUFACTURING (I2), LIGHT INDUSTRIAL AND WAREHOUSING (I1), INTERSTATE COMMERCIAL/OFFICE/RETAIL (C3/R3) AND ARTERIAL COMMERCIAL/OFFICE/RETAIL (C2/R2), ON APPROXIMATELY 619.77 ACRES OF LAND GENERALLY LOCATED ON THE EAST SIDE OF TEXAS LEHIGH CEMENT COMPANY, NORTH OF THE CITY OF KYLE CITY LIMITS, WEST OF DACY LANE AND SOUTH OF WINDMILL WAY.**

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**1. BACKGROUND/HISTORY**

This is the public hearing for amending the official zoning map of the City of Buda to establish the initial zoning on approximately 619.77 acres of land generally located on the east side of Texas Lehigh Cement Company, north of the City of Kyle city limits, west of Dacy Lane and south of Windmill Way. This public hearing is being held in accordance with the requirements of Texas Local Government Code and the City of Buda Unified Development Code as they pertain to public hearings for zoning changes.

The proposed tract was annexed on April 30<sup>th</sup> in accordance with the City's Growth Plan. Once annexed, the property defaults to AG-Agricultural unless a separate initial zoning ordinance follows the annexation. This agenda item is for the initial zoning of the above listed property, more particularly shown in the attached maps.

**2. FINDINGS/CURRENT ACTIVITY**

The area contains a mixture of vacant land, developed industrial property and developed commercial property. There is one small multifamily development located on Interstate Drive. Under the Buda Unified Development Code, this residential use is automatically considered "conforming" regardless of the zoning established. This allows the City to initially zone the property as I1 in order to be consistent with the Comprehensive Plan without jeopardizing the property owner's ability to modify/expand the multifamily residential structures.

The Commission may observe that a large hole exists between the Vantage Apartments located on Robert S. Light Blvd. and the Meadows at Buda. This area is located in a part of the South Buda Water Control & Improvement District, which is subject to a special agreement limiting the City's ability to annex it.

The proposed zonings shown on the attached maps are consistent with the Comprehensive Plan. Areas that fall into the "Industrial Employment Area" have been zoned either I1 or I2, with a small section designated C2/R2 along the front of Meadows at Buda for compatibility purposes. Likewise, the Dollar Tile property is zoned I1 to be consistent with its hybrid retail/warehousing use, similar to other I1 properties to the north in Park 35 South. On the east side of I-35, the frontage properties are zoned C3/R3 to be consistent with the Interstate Corridor, with existing industrial property located off Industrial Way zoned I1.

The following figure from the Comprehensive Plan discusses compatibility of development types with each land use character district:

	Development Type										
	Mixed Use	Regional Retail Center	Neighborhood Shopping Center	Office	Industrial Park or Distribution Ctr	Low Density Single Family & Agriculture Uses (> 1 acre)	Medium Density Single Family (0.25-1 acre)	High Density Single Family (<0.25 acre)	Attached Housing	Multifamily (for sale or rent units)	Cluster Development
<b>CHARACTER DISTRICTS</b>											
Green Growth District	●	×	●	●	×	○	●	●	●	○	●
Emerging Growth District	●	○	●	●	×	○	●	●	●	○	●
Heritage District	●	×	●	●	×	×	●	●	●	○	○
Industrial Growth District	○	×	×	○	●	○	×	×	×	○	○
Business Growth District	●	○	○	●	○	×	×	○	○	○	○
Interstate Corridor	●	●	×	●	○	×	×	×	×	●	×
<b>MIXED USE NODES</b>											
Neighborhood Node	●	×	●	●	×	×	○	○	●	●	○
Community Node	●	×	×	●	×	×	×	○	●	●	○
Business Node	●	×	×	●	●	×	×	×	○	●	×
Regional Node	●	●	×	●	×	×	×	×	×	●	×
Downtown Node	●	○*	●	●	×	×	○	○	○	●	×
● Appropriate   ○ Conditional   × Not Appropriate											

Notes:

\* Regional retail in the downtown node would include destination shops such as antique shops and other destination boutique stores.

It is further noted that some overlay districts automatically applied to these properties when they were annexed. Properties fronting I-35 were automatically placed in the Interstate Corridor Overlay District, while properties fronting South Main/South 967 and Robert S. Light Blvd. were automatically placed in the Gateway Corridor Overlay District.

City Council will be considering the first reading of the initial zoning ordinance at the June 4<sup>th</sup>, 2013 meeting.

**3. FINANCIAL IMPACT**

The proposed tracts fall within Monarch Utilities I, LP., (formerly Tecon Utilities and Southwest Water Supply Corporation) and Goforth Special Utility District water service areas, therefore, water shall be provided by Monarch and Goforth. Wastewater service is currently provided through privately-owned on-site sewage facilities (OSSF); however, the City of Buda has sufficient capacity to provide sanitary sewer to the areas should the property owner, at the expense of the owner, want to tie in. Some properties are already served by wastewater through development agreements. Wastewater collection is located at various spots along FM 967 and IH-35.

The property is subject to property tax and sales tax upon annexation. The property will be assessed property tax for 2014, but revenues will not be collected until 2015. Based on current appraised value and the city's current 0.2713 ad valorem tax rate, the resulting tax benefit to the City is \$101,600 (not including sales tax). Sales tax revenue will be collected immediately upon annexation and notification will be sent to the Comptroller's office. This area includes a number of properties that currently, or are capable of, producing sales tax revenue. As Council is aware, the state allows cities to collect 2 cents in sales tax; however, the city's collection in sales tax for general fund purposes is at a ½ cent due to the following breakdown: County- ½ cent, ESD #8 - ½ cent, Buda Economic Development Corp (4B).- ½ cent, and City of Buda - ½ cent.

**4. ACTION OPTIONS/RECOMMENDATION**

This is the public hearing for public comment only – the City Council shall not take action at this time. City Council should allow any interested parties to enter into the record any oral or written comments regarding the matter at hand.

Deliberation and possible action regarding the initial zoning of the subject land will be considered under the Regular Agenda.

**5 ENCLOSURES**