



**NOTICE OF MEETING
OF THE
PLANNING AND ZONING COMMISSION
OF
BUDA, TEXAS**

An agenda information packet is available for public inspection in the Buda Public Library.

This notice is posted pursuant to the Texas Open Meeting Act. Notice is hereby given that a **Regular Planning and Zoning Commission Meeting** of the City of Buda, Texas, will be held on **Tuesday, January 12, 2016 at 7:00 p.m.** in the Council Chambers of Buda City Hall at 121 Main Street, Buda, Texas 78610, at which time the following subjects will be discussed:

A. CALL TO ORDER

B. INVOCATION

C. PLEDGE OF ALLEGIANCE TO THE FLAGS OF THE UNITED STATES AND TEXAS

PLEDGE OF ALLEGIANCE TO THE TEXAS FLAG: *Honor the Texas flag; I pledge allegiance to thee, Texas, one state under God, one and indivisible.*

D. ROLL CALL

E. PUBLIC COMMENTS At this time, comments will be taken from the audience on non-agenda related topics, for a length of time not to exceed three minutes per person. To address the Planning and Zoning Commission, please submit a Citizen's Comment Form to the City Liaison prior to the start of the meeting. *No action may be taken by the Planning and Zoning Commission during Public Comments.*

F. CONSENT AGENDA

1. Approval of the regular Planning and Zoning Commission meeting minutes dated November 24, 2015.

G. PUBLIC HEARINGS

1. Hold a public hearing to receive written and oral comments regarding an amendment to the Unified Development Code Table 4.2 (Use Table) & Appendix B (Glossary), and Section 9.8(7)a (hydrological and hydraulic models).
2. Hold a public hearing to receive written and oral comments regarding Phase 2 of the Drainage Master Plan.

H. REGULAR AGENDA ITEMS

1. Discussion and possible action regarding an amendment to the Unified Development Code Table 4.2 (Use Table) & Appendix B (Glossary), and Section 9.8(7)a (hydrological and hydraulic models).
2. Discussion and possible action regarding adoption of Phase 2 of the Drainage Master Plan.

I. STAFF REPORTS

The Planning & Zoning Commission may discuss any of the items under Staff Reports, but no formal action will be taken.

- Update regarding the activities of other city Boards and Commissions, including the Economic Development Corporation Board.
- Update on 2014 General Obligation Bond Program
- Update on current developments within the city limits and ETJ

J. COMMISSION REQUESTS FOR FUTURE AGENDA ITEMS

No deliberation or discussion may take place by the Commission during this agenda item.

K. ADJOURNMENT

City Hall is wheelchair accessible and accessible parking spaces are available. Requests for accommodations must be made 48 hours prior to the meeting. Please contact City Hall at (512) 312-0084, or FAX (512) 312-1889 for information or assistance.

I, the undersigned authority, do hereby certify that the above Notice of Meeting of the Planning and Zoning Commission of the City of Buda, was posted on the bulletin board in front of Buda City Hall, which is readily accessible to the public at all times, by **5:00 p.m. on Friday, January 8, 2016.**



Chance Sparks, AICP, CNU-A
Director of Planning

AGENDA NOTICES:

Council Chambers are set up to publicly broadcast meetings. You may be audio and video recorded while in this facility.

Attendance by Other Elected or Appointed Officials:

It is anticipated that members of other governmental bodies, and/or city boards, commissions and/or committees may attend the meeting in numbers that may constitute a quorum of the body, board, commission and/or committee. Notice is hereby given that the meeting, to the extent required by law, is also noticed as a possible meeting of the other body, board, commission and/or committee, whose members may be in attendance, if such numbers constitute a quorum. The members of the boards, commissions and/or committees may be permitted to participate in discussions on the same items listed on the agenda, which occur at the meeting, but no action will be taken by such in attendance unless such item and action is specifically provided for on an agenda for that body, board, commission or committee subject to the Texas Open Meetings Act.

CITY OF BUDA
PLANNING AND ZONING COMMISSION
REGULAR MEETING MINUTES
NOVEMBER 24, 2015 - 7:00 P.M.

A. CALL TO ORDER

Vice-Chair Graham called the meeting to order at 7:07 p.m.

B. INVOCATION

C. PLEDGE OF ALLEGIANCE TO THE FLAGS OF THE UNITED STATES AND TEXAS

PLEDGE OF ALLEGIANCE TO THE TEXAS FLAG: *Honor the Texas flag; I pledge allegiance to thee, Texas, one state under God, one and indivisible.*

D. ROLL CALL

Commissioner Henry Altmiller	Present
Commissioner Angela Britain	Present
Vice-Chairman Shawn Graham	Present
Commissioner Meghan McCarthy	Present
Commissioner Ann Pennington	<i>Resigned - vacant</i>
Commissioner John Ellis	Present
Chairman Colin Strother	<i>Arrived at 7:09pm</i>

E. PUBLIC COMMENTS At this time, comments will be taken from the audience on non-agenda related topics, for a length of time not to exceed three minutes per person. To address the Planning and Zoning Commission, please submit a Citizen Comment Form to the City Liaison **prior** to the start of the meeting. *No action may be taken by the Planning and Zoning Commission during Public Comments*

No comments were made.

F. CONSENT AGENDA

1. Approval of the regular Planning and Zoning Commission meeting minutes dated October 27, 2015.

Commissioner Graham made the motion, seconded by Commissioner Altmiller, to approve the minutes. The motion passed unanimously.

G. PUBLIC HEARINGS

1. Hold a public hearing to receive written and oral comments regarding a request for a zoning change from MR Medium Density Residential to C3/R3 Interstate Commercial/Office and Interstate Retail on 2.04 acres of land being part of Lifschultz Subdivision Lots 42-43 and located immediately north of 16290 South Interstate 35 (Z 15-03).

Commissioner Strother opened the floor at 7:10pm. No comments were made. Commissioner Strother closed the floor at 7:10pm.

2. Hold a public hearing to receive written and oral comments regarding the initial zoning of 37.50 acres as C3/R3 Interstate Commercial/Office and Interstate Retail, located at the southeast corner of Interstate 35 and Suffield Drive between Interstate 35 and the Plum Creek tributary.

Commissioner Strother opened the floor at 7:11pm. No comments were made. Commissioner Strother closed the floor at 7:11pm.

H. REGULAR AGENDA ITEMS

1. Deliberation and possible action regarding a request for a zoning change from MR Medium Density Residential to C3/R3 Interstate Commercial/Office and Interstate Retail on 2.04 acres of land being part of Lifschultz Subdivision Lots 42-43 and located immediately north of 16290 South Interstate 35 (Z 15-03).

Staff presented the item. Commissioner Strother made a motion to approve, seconded by Commissioner Graham. The motion was approved with a vote of 6-0-0.

2. Deliberation and possible action regarding the initial zoning of 37.50 acres as C3/R3 Interstate Commercial/Office and Interstate Retail, located at the southeast corner of Interstate 35 and Suffield Drive between Interstate 35 and the Plum Creek tributary.

Staff presented the item. Commissioner Altmiller made a motion to approve, seconded by Commissioner McCarthy. The motion was approved with a vote of 6-0-0.

3. Deliberation and possible action on the Final Plat for Frank Y Smith Subdivision, being approximately 14.127 acres and located along the south and northeast side of Robert S Light, immediately east of its intersection with South FM 967 (FP 15-13).

Staff presented the item. Commissioner Altmiller made a motion to approve, seconded by Commissioner Ellis. The motion was approved with a vote of 6-0-0.

4. Deliberation and possible action regarding a Final Plat for the White Oak Preserve Subdivision, Section One, being approximately 59.21 acres of land located on the west side of FM 967 between Cullen County and Stonewood Commons (FP 15-19).

Staff presented the item. Tj Higgenbotham and the Project Engineer both spoke on this item. Commissioner Altmiller made a motion to table, seconded by Commissioner Strother. The motion was approved with a vote of 3-3-0. Upon further discussion, Commissioner Graham made a motion to reconsider the prior vote, seconded by Commissioner McCarthy. The motion was approved with a vote of 4-2-0. The Commission took a new vote based on a motion made by Commissioner Graham to approve the item, seconded by Commissioner McCarthy. The motion was approved with a vote of 4-2-0.

5. Presentation, discussion and possible action in regard to the City of Buda's participation in the Lone Star Rail District passenger/commuter rail project.

Representatives from Lone Star Rail presented the project proposal and most recent findings. The Commissioners provided comment during the meeting and also indicated they would provide written comments.

I. STAFF REPORTS

The Planning & Zoning Commission may discuss any of the items under Staff Reports, but no formal action will be taken.

- Update regarding the activities of other city Boards and Commissions, including the Economic Development Corporation Board.
- Update on 2014 General Obligation Bond Program
- Update on current developments within the city limits and ETJ

J. COMMISSION REQUESTS FOR FUTURE AGENDA ITEMS

No deliberation or discussion may take place by the Commission during this agenda item.

K. ADJOURNMENT

Commissioner Strother made a motion to adjourn the meeting, and a second was made by Commissioner Graham. Upon a unanimous vote and having no further business to consider, Chairman Strother adjourned the meeting at 9:28 p.m.

ATTEST:

Recording Secretary



Planning & Zoning Commission Agenda Item Report

January 12, 2016

Contact – Chance Sparks, AICP, CNUa, Director of Planning
512-312-0084
csparks@ci.buda.tx.us

SUBJECT: HOLD A PUBLIC HEARING REGARDING AN AMENDMENT TO THE UNIFIED DEVELOPMENT CODE TABLE 4.2 (USE TABLE) & APPENDIX B (GLOSSARY), AND SECTION 9.8(7)A (HYDROLOGICAL AND HYDRAULIC MODELS).

1. BACKGROUND/HISTORY

This UDC Amendment pertains to two aspects of the current Unified Development Code: the table of uses and the drainage design references. While staff has sought to avoid amendments while the entire code is rewritten, these two issues were critical needs.

One involves the 2012 Halff Associates study of floodplains using more accurate LIDAR data rather than contour interpretation.

The second involves efforts to respond to the decision to extend hours for alcohol-serving establishments.

Both items were brought forward largely at the direction of City Council.

2. FINDINGS/CURRENT ACTIVITY

This is the public hearing portion of the topic. Action may be considered under the regular agenda item.

3. FINANCIAL IMPACT

Not applicable.

4. ACTION OPTIONS & RECOMMENDATION

Staff recommends the Commission conduct the hearing.

6. ENCLOSURES

1. Ordinance



Planning & Zoning Commission Agenda Item Report

January 12, 2016

Contact – Stanley Fees, P.E., CFM, City Engineer 312-0084
sfees@ci.buda.tx.us

SUBJECT: Hold a public hearing regarding adoption of Phase 2 of the Drainage Master Plan.

1. BACKGROUND/HISTORY

The Drainage Master Plan Phase 1 was completed in 2014 by Lockwood Andrews and Newnam (LAN). This master plan identified the 10 highest priority sites throughout the City. These top 10 projects were presented to the Bond committee and 6 of these projects were placed in the Drainage component of the 2014 Bond.

A contract was executed with Freese and Nichols (FNI) in March 2015 to perform the Drainage Master Plan Phase 2 (DMP2) study.

2. FINDINGS/CURRENT ACTIVITY

FNI has completed the DMP2 study and identified a total of 30 projects in areas that will need improvements. These projects include the 4 top ten projects identified in the Phase 1 Study that were not included in the 2014 Bond as well as 26 additional projects that have been identified in this study. The study provides a CIP for each of the projects identified in the study.

3. FINANCIAL IMPACT

This Study was budgeted in the FY 14-15 CIP.

4. ACTION OPTIONS/RECOMMENDATION

This is the public hearing portion only, with action scheduled for the regular agenda item.

5. ENCLOSURES

- A. Adopting Ordinance
- B. Drainage Master Plan Phase 2



Planning & Zoning Commission Agenda Item Report January 12, 2016

Contact – Chance Sparks, AICP, CNUa, Director of Planning
512-312-0084
csparks@ci.buda.tx.us

SUBJECT: DISCUSSION AND POSSIBLE ACTION REGARDING AN AMENDMENT TO THE UNIFIED DEVELOPMENT CODE TABLE 4.2 (USE TABLE) & APPENDIX B (GLOSSARY), AND SECTION 9.8(7)A (HYDROLOGICAL AND HYDRAULIC MODELS).

1. BACKGROUND/HISTORY

This UDC Amendment pertains to two aspects of the current Unified Development Code: the table of uses and the drainage design references. While staff has sought to avoid amendments while the entire code is rewritten, these two issues were critical needs.

One involves the 2012 Halff Associates study of floodplains using more accurate LIDAR data rather than contour interpretation.

The second involves efforts to respond to the decision to extend hours for alcohol-serving establishments.

Both items were brought forward largely at the direction of City Council.

2. FINDINGS/CURRENT ACTIVITY

Drainage:

This aspect is fairly straightforward. The UDC references a number of hydrologic & hydraulic studies of various watersheds for the purpose of determining floodplain boundaries & design in addition to FEMA floodplain maps. The 2012 Halff Associates study has been used by staff for the last two years as part of its development review, but it had not been formally adopted. By adding the reference in Section 9.8(7)a, this tool is formalized.

Table of Uses & Glossary:

The Texas Alcoholic Beverage Code (TABC) preempts local ordinances. TABC Section 109.57(a) says a city cannot impose stricter standards on premises or businesses required to have a TABC license or permit than are imposed on similar premises or businesses that are not required to have a TABC license or permit. The intent of the legislature was that TABC code shall exclusively govern regulation of alcoholic beverages and local governments cannot discriminate against businesses

holding a TABC license or on the basis of license type. The exception to this is alcohol sales exceeding 75%.

The permitted hours of operation for on-premise consumption of alcohol in Buda under TABC Sections 105.03(b) and 105.05(b) was between 7 a.m. and midnight on any day except Sunday. On Sunday they could sell alcohol between midnight and 1:00 a.m. and between 10 a.m. and midnight, except that an alcoholic beverage served to a customer between 10 a.m. and 12 noon on Sunday must be provided during the service of food to the customer.

These hours of operation, however, were extended to 2 a.m. on any night through adoption of an ordinance as discussed in TABC Sections 105.03(d) and 105.05(d). This was the subject of the voter referendum in November 2014. As frequently with City Council, this is an “all or nothing” action, meaning that this is something adopted city-wide rather than case-by-case and cannot be limited geographically within the City; the City cannot simply say late hours only applies in one part or one zoning district within town.

Under TABC, the City cannot use its zoning to restrict the application of 2 a.m. hours. The City can, however, regulate certain types of uses in a manner different from non-TABC counterparts. These include on-premise alcohol sales exceeding 75% of gross receipts. The City can also differentiate a dance hall for zoning purposes.

Dance halls are currently included within the definition for “Indoor Entertainment.” This amendment creates two new definitions within the UDC:

1. **Dance Hall:** A place of assembly in which more than 10 percent of the total floor area or 1,000 square feet, whichever is less, is designed or used as a dance floor, or where an admission fee is directly collected, or some other form of compensation is obtained for dancing. Dance halls may also include live entertainment, service of alcoholic beverages for on-premise consumption and food sales.
2. **Alcohol Sales for On-Premises Consumption, Regulated:** An establishment in which more than 75% of the gross sales receipts are attributable to the sale of alcoholic beverages for on-premise consumption.

As discussed with City Council on July 21st and August 4th, it is likely that a business routinely remaining open until 2 a.m. would reach the 75% threshold to allow differential treatment under TABC. Under the proposed UDC amendment, these two uses would be permitted only in C3/R3.

3. FINANCIAL IMPACT

Not applicable.

4. ACTION OPTIONS & RECOMMENDATION

Staff recommends the Commission consider approval of the UDC amendment.

6. ENCLOSURES

1. Ordinance

ORDINANCE NO. _____ - ____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BUDA AMENDING THE UNIFIED DEVELOPMENT CODE BY AMENDING TABLE 4.2, USE TABLE, AND APPENDIX B, GLOSSARY, PERTAINING TO ALCOHOL SERVING ESTABLISHMENTS; AND SECTION 9.8(7)a, PERTAINING TO HYDROLOGICAL AND HYDRAULIC MODELS; PROVIDING A REPEALING CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City has reviewed its Unified Development Code (Buda Ordinance No. 021217-1, as amended) (“Code”) and conducted public hearings regarding the need and desirability of amendments, revisions, deletions, and modifications; and

WHEREAS, the City has decided to amend the Code as more specifically set forth herein; and

WHEREAS, this Ordinance was adopted at a regularly scheduled meeting of the Buda City Council at which a quorum of the Council was present and voting; and

WHEREAS, this Ordinance was adopted at a meeting held in strict compliance with the Texas Open Meetings Act; and

WHEREAS, the Council has determined that the provisions of this Ordinance will further the goals, objectives and actions of the *Buda 2030 Comprehensive Plan*; and

WHEREAS, the Council has determined that the provisions of this Ordinance will promote the health, safety, morals and the general welfare of the City of Buda and its surrounding areas;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BUDA, TEXAS:

SECTION 1. Chapter 4, *Zoning Districts & Use Regulations*, Table 4.2, *Use Table* is hereby amended as follows:

- (1) Adding the specific use “alcohol sales for on-premises consumption, regulated” to be permitted with conditions (P*) in C3/R3.
- (2) Adding the specific use “dance hall” to be permitted with conditions (P*) in C3/R3.

SECTION 2. Appendix B, *Glossary* is hereby amended to add the following definitions:

Dance Hall

A place of assembly in which more than 10 percent of the total floor area or 1,000 square feet, whichever is less, is designed or used as a dance floor, or where an admission fee is directly collected, or some other form of compensation is obtained for dancing. Dance halls may also include live entertainment, service of alcoholic beverages for on-premise consumption and food sales.

Alcohol Sales for On-Premises Consumption, Regulated

An establishment in which more than 75% of the gross sales receipts are attributable to the sale of alcoholic beverages for on-premise consumption.

SECTION 3. Section 9.8(7)a is amended to add Section 9.8(7)a(xii), as follows:

- (xii) 2012 Halff Associates Drainage Study

SECTION 4. This ordinance shall be cumulative of all other ordinances of the City of Buda, and this ordinance shall not operate to repeal or affect any other ordinances of the City of Buda except insofar as the provisions thereof might be inconsistent or in conflict with the provisions of this ordinance, in which event such conflicting provisions, if any, are hereby repealed.

SECTION 5. The sections, paragraphs, sentences, clauses, and phrases of this ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this ordinance shall be declared unconstitutional or invalid, such unconstitutionality or invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this ordinance, since the same would have been enacted by the City Council without the incorporation in this ordinance of any such unconstitutional or invalid phrase, clause, sentence, paragraph or section.

SECTION 6. This Ordinance shall be effective immediately from and after its final passage and any publication in accordance with the requirements of the City of Buda and the laws of the State of Texas.

PASSED, APPROVED AND ADOPTED on second reading by an affirmative vote of the City Council of the City of Buda, this 19th day of January, 2016.

APPROVED:

Todd Ruge, Mayor

ATTEST:

Alicia Ramirez, City Secretary



Planning & Zoning Commission

Agenda Item Report

January 12, 2016

Contact – Stanley Fees, P.E., CFM, City Engineer 312-0084
sfees@ci.buda.tx.us

SUBJECT: Discussion and possible action regarding adoption of Phase 2 of the Drainage Master Plan.

1. BACKGROUND/HISTORY

The Drainage Master Plan Phase 1 was completed in 2014 by Lockwood Andrews and Newnam (LAN). This master plan identified the 10 highest priority sites throughout the City. These top 10 projects were presented to the Bond committee and 6 of these projects were placed in the Drainage component of the 2014 Bond.

A contract was executed with Freese and Nichols (FNI) in March 2015 to perform the Drainage Master Plan Phase 2 (DMP2) study.

2. FINDINGS/CURRENT ACTIVITY

FNI has completed the DMP2 study and identified a total of 30 projects in areas that will need improvements. These projects include the 4 top ten projects identified in the Phase 1 Study that were not included in the 2014 Bond as well as 26 additional projects that have been identified in this study. The study provides a CIP for each of the projects identified in the study.

3. FINANCIAL IMPACT

This Study was budgeted in the FY 14-15 CIP.

4. ACTION OPTIONS/RECOMMENDATION

Staff recommends the Commission consider approval.

5. ENCLOSURES

- A. Adopting Ordinance
- B. Drainage Master Plan Phase 2

ORDINANCE NO. _____ - ____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BUDA, TEXAS ADOPTING THE DRAINAGE MASTER PLAN PHASE 2 TO BECOME EFFECTIVE UPON ITS PASSAGE AND APPROVAL.

WHEREAS, Chapter 213 of the Local Government Code authorizes the City to adopt a comprehensive plan for the long-range development of the City; and

WHEREAS, in March 2015, the City Council approved an Agreement for Professional Services with Freese & Nichols, Inc. for preparation of Phase 2 of the Drainage Master Plan; and

WHEREAS, the City finds that Phase 2 of the Drainage Master Plan provides:

- (1) A Plan for addressing drainage problems in Buda
- (2) Methodical approach to prioritizing drainage needs/projects
- (3) Plan Development Process and Public Input
- (4) Problem Area Identification and Site Investigation
- (5) Update to prior watershed plans
- (6) Assessment of Recent Flood Events
- (7) Prioritization of Needs and Recommendations
- (8) Capital Improvements Projects Planning
- (9) Plan Implementation; and

WHEREAS, the Drainage Master Plan covers all aspects of drainage improvements and will serve as a guideline for prioritizing projects and fiscal planning of quality of life enhancements in the City of Buda for the next 10 years; and

WHEREAS, the City Council approved the Buda 2030 Comprehensive Master Plan on October 18, 2011 and the Drainage Master Plan effectively integrates with the comprehensive plan's goals, objectives, and actions as they relate to drainage in Chapter 5; and

WHEREAS, on January 12, 2016, the Planning and Zoning Commission held a public hearing on the Drainage Master Plan and reviewed and recommended approval to the City Council of the City of Buda; and

WHEREAS, a hearing(s) was held at which the public was given an opportunity to give testimony and present written evidence as required by law;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BUDA, TEXAS, THAT:

Section 1. That the Drainage Master Plan, shown in Exhibit A, is hereby adopted and supersedes any previous existing parks master plans.

PASSED AND APPROVED on first reading by an affirmative vote of the City Council of the City of Buda, this 19th day of January, 2016.

PASSED, APPROVED AND ADOPTED on second reading by an affirmative vote of the City Council of the City of Buda, this 2nd day of February, 2016.

APPROVED:

Todd Ruge, Mayor

ATTEST:

Alicia Ramirez, City Secretary

EXHIBIT "A"