



# Agenda Item Report

**Legislative Board:** City Council  
**Date:** September 17, 2024  
**Contact:** Blair Murski  
**Agenda Item ID / Number:** 2024-798- / I.1

**ITEM TITLE:** Deliberation and possible action to authorize a request for a waiver of water quality regulations for Driftwood Diesel, a property located in the Edwards Aquifer Recharge Zone, being +/- 1.5 acres of land out of the Phillip J. Allen Survey, and addressed as 1185 FM 1626 (2023-228) (Senior Project Engineer Blair Murski) [PUBLIC TESTIMONY]

## 1. EXECUTIVE SUMMARY

On May 24, 2023, the City received a waiver request for proposed impervious cover (IC) exceeding 15% for expansions and improvements to the existing Driftwood Diesel site. This property is located within the City's ETJ and fully within the Edwards Aquifer Recharge Zone. The applicant is seeking a waiver to increase the impervious cover limit on the site to a maximum of 23%, matching existing impervious cover values. The Site Plan application (2023-228) currently under review includes building additions, reconstruction of the parking area, and upgrading the detention and water quality facilities. At the September 10, 2024, Planning and Zoning Commission meeting, the commission recommended approval of the waiver request with a 4-0 vote.

## 2. BACKGROUND/HISTORY

The City of Buda has in place Environmental Protection and Water Quality Regulations adopted under the 2017 Unified Development Code (UDC). These regulations serve as the basis for requiring water quality treatment of stormwater prior to such stormwater leaving a site. Section 4.05.04.A of the UDC establishes that, in order to prevent pollution, impervious cover for all such development shall be limited to a maximum of 15% in the Edwards Aquifer Recharge Zone and runoff from such development shall be managed through water quality controls (best management practices) and onsite pollution prevention with the goal that no increases occur in the respective average annual loadings of total suspended solids, total phosphorus, total nitrogen, chemical oxygen demand, and oil and grease from the site. Boundaries for the recharge zone are based on previous geologic interpretations of the Edwards Aquifer zones—that is, the recharge, transition, and contributing within the transition zones, as defined in Title 30 Texas Administrative Code Chapter 213. Section 4.0 Section 4.05.04.O of the UDC provides a means of granting a waiver to these requirements, resting that power with the Planning and Zoning Commission and City Council. A waiver may not be granted if it would provide the applicant with any special privileges not enjoyed by other similarly situated properties with similarly timed development or if based on a special or unique condition which was created as a result of the method by which a person voluntarily subdivides land after the effective date of the ordinance

## 3. ANALYSIS

Section 4.05.04.H of the UDC requires that water quality controls over the Edwards Recharge Zone be designed in accordance with the Engineering Criteria Manual to provide adequate pollutant removal efficiency to ensure that no increases occur in average annual loadings resulting from development. The Driftwood Diesel site plan was originally submitted for review in January 2017 and permitted on 6/05/2018. Prior to development, the site operated as a 1.5-acre single family lot comprising of approximately 0.12 acres of existing impervious cover (7.7% IC). The permitted set of 2017 plans approved the site to have a total of 22.7% total IC. This was the addition of the existing

7.7% IC from the single-family structure plus the 15% IC from the proposed improvements. At 22.7% total IC, the site does not currently comply with the 15% allowable impervious cover within the aquifer recharge zone. Being in the ETJ, the site is not zoned thus no IC limit is enforced on the site by zoning. If allowed to perform the proposed improvements, the site would demolish the existing single-family buildings and replace the 7.7% of IC with 7.5% IC of additional shop space and parking area. This would lower the site total IC to 22.5%, 0.2% under the current value. If given an exception to City of Buda UDC Subsection 4.05.04 the site would come into compliance with the water quality standards without increasing the IC on site. The proposed site improvements and water quality treatment upgrades were subject to an amendment of the site's current Water Pollution Abatement Plan (WPAP). The WPAP amendment was accepted by the TCEQ on 4/26/2024. This amendment included a geologic assessment for the site showing the site is underlain by clay and no evidence of sensitive recharge features or faults were found on site. The geologic assessment was approved/accepted by the TCEQ as a part of the WPAP amendment. This waiver request was considered at the September 10, 2024, Planning and Zoning Commission meeting and the commission recommended approval of the waiver with a 4-0 vote.

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

None.

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

BALANCED AND INTENTIONAL GROWTH

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

Retain and grow local businesses in Buda

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

Pros: Driftwood Diesel will get to further their site plan application and come into compliance with the UDC Water Quality standards. The Water Quality facilities will be designed to adequately protect the aquifer.

Cons: None

#### **8. ALTERNATIVES**

Deny waiver and current site plan application.

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

Staff recommends that City Council approve a waiver of water quality regulations that limit impervious cover to 15% and allow 23% impervious cover to match existing site conditions / proposed improvements at Driftwood Diesel, subject to approval of the site plan.

#### **Attachments:**

[Driftwood Diesel 09.17.2024 CC Slides.pdf](#)

[TCEQ WPAP Modification Approval Letter.pdf](#)