

SECOND/THIRD READINGS SUMMARY SHEET

ZONING CASE NUMBER: C14-2015-0101 – Kingsbery Community Solar Project

DISTRICT: 3

REQUEST:

Approve second/third readings of an ordinance amending City Code Chapter 25-2 by rezoning property locally known as 5017 ½ Alf Avenue and 5109 ½ Wilcox Avenue (Tannehill Branch Creek Watershed) from family residence-neighborhood plan (SF-3-NP) combining district zoning to public-neighborhood plan (P-NP) combining district zoning.

DEPARTMENT COMMENTS:

No conditions were added by Council.

OWNER / APPLICANT: City of Austin (Pamela England)

AGENT: PowerFin Partners, LLC (Katie Ngo)

DATE OF FIRST READING: First reading approved on November 12, 2015. Vote: 11-0.

CITY COUNCIL HEARING DATE: December 10, 2015

CITY COUNCIL ACTION:

ORDINANCE NUMBER:

ASSIGNED STAFF: Heather Chaffin
e-mail: heather.chaffin@austintexas.gov

ZONING REVIEW SHEET

CASE: C14-2015-0101
Kingsbery Community Solar Project

P.C. DATE: October 27, 2015

DISTRICT: 3

AREA: 29.003 Acres

ADDRESS: 5017 ½ Alf Avenue and 5109 ½ Wilcox Avenue

OWNER: City of Austin (Pamela England)

AGENT: PowerFin Partners, LLC (Katie Ngo)

FROM: SF-3-NP, P-NP

TO: P-NP

SUMMARY STAFF RECOMMENDATION:

Staff supports the Public-Neighborhood plan (P-NP) rezoning request.

TIA: Not required

WATERSHED: Tannehill Branch Creek

DESIRED DEVELOPMENT ZONE: Yes

PLANNING COMMISSION RECOMMENDATION:

October 27, 2015: *TO GRANT P-NP ZONING AS RECOMMENDED BY STAFF, (10-0) [J. STEVENS - 1ST, N. ZARAGOSA - 2ND; J. THOMPSON- ABSENT, S. OLIVER - RECUSED.]*

ISSUES:

The subject property is owned by the City of Austin and is partially developed with an Austin Energy substation. The remainder of the property is currently undeveloped, but planned for a solar collection facility. If rezoned to public (P) zoning, a conditional use permit (CUP) will be required for any site plans (new development or redevelopment) of the subject property.

The property is not within the boundaries of the former East Austin Tank Farm site, but a Phase 1 Environmental Site Assessment (ESA) shows potential groundwater contamination from the former Tank Farm, as well as PCBs from the existing substation. A Phase 2 ESA is underway, and will be completed prior to site development permitting. Please refer to *Exhibit A (ESA Executive Summary)*.

DEPARTMENT COMMENTS:

The subject property is located on the north side of railroad right-of-way which is owned by Capital Metro between Airport Boulevard and Highway 183. Several residential streets currently dead-end into the subject property, including Wilcox Avenue, Alf Avenue, Sara Drive, Estes Avenue, and Lott Avenue. The City does not currently have any plans to extend or connect these streets through the property. A portion of the subject property is currently zoned P-NP and developed with an Austin Energy substation. The remainder of the property is currently zoned SF-3-NP and is primarily undeveloped, except for utility easements and drainage structures. West of the subject property is a residential neighborhood that is zoned SF-3-NP and developed with single-family residences. East of the property are more single family residences and some undeveloped parcels that are also zoned SF-3-NP. South of the property, across the railroad right-of-way is the Think East Planned Unit Development (PUD-NP), a mixed-use development that is under development, as well as SF-3-NP property developed with residential, and SF-3-NP property used as part of the East Boggy Creek Greenbelt. Please refer to *Exhibits B and C (Zoning Map and Aerial Map)*. In addition to the Austin Energy substation, there is a channelized section of Tannehill Branch Creek that crosses from the north to south side of the property as well as smaller drainage channels, several utility easements, and floodplain on the property. A hazardous pipeline easement encumbers most of the site. Please refer to *Exhibits D (Property Survey)*.

The property is not within the boundaries of the former East Austin Tank Farm site, but a Phase 1 Environmental Site Assessment (ESA) shows potential groundwater contamination from the former Tank Farm, as well as PCBs from the existing substation.

If rezoned to P-NP, development of the site as a solar collection facility would require a conditional use site plan. Site development standards would be determined at that time these include setbacks, building heights, impervious and building coverage, as well as standards for screening and similar design issues. The conditional use permit process would require notification of adjacent property owners and registered neighborhood organizations, as well as require planning commission approval.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	P-NP, SF-3-NP	Austin Energy substation, Drainage features, Undeveloped
<i>North</i>	SF-3-NP	Single-family residential, Undeveloped
<i>South</i>	PUD-NP, SF-3-NP	Railroad right-of-way, Undeveloped/Mixed use development, Single-family residential, East Boggy Creek Greenbelt
<i>East</i>	SF-3-NP	Single-family residential, Undeveloped
<i>West</i>	SF-3-NP	Single-family residential

CASE HISTORIES:

NUMBER / NAME	REQUEST	COMMISSION	CITY COUNCIL
ThinkEast Planned Unit Development (PUD) C814-2012-0128.SH	LO-MU-CO-NP, SF-3-NP to PUD-NP	5/28/2013: To grant as rec. by Staff (8-0)	6/27/2013: To grant as rec. by PC (7-0)

EXISTING STREET CHARACTERISTICS:

Name	ROW	Pavement	Classification	ADT
Alf Avenue	50'	30'	Local	N/A
Wilcox Avenue	50'	30'	Local	N/A
Lott Avenue	50'	30'	Local	336

NEIGHBORHOOD ORGANIZATIONS:

Austin Heritage Tree Foundation	Austin Neighborhood Council
East Austin Conservancy	Del Valle Community Coalition
Friends of Austin Neighborhoods	Friends of the Emma Barrientos MACC
SEL Texas	FRS Property Owners Association
Sierra Club, Austin Regional Group	Johnston Terrace Neighborhood Association
METSA Neighborhood Association	Preservation Austin
Springdale-Airport Neighborhood Association	Bike Austin
East MLK Combined Neighborhood Association	AISD
East MLK Combined Neighborhood Plan Contact Team	

CITY COUNCIL DATE/ACTION:

December 8, 2015:

November 12, 2015: *TO CLOSE PUBLIC HEARING AND APPROVE P-NP ZONING ON 1ST READING ONLY, ON CONSENT (10-0). [O. Houston- 1st, L. Pool- 2nd; D. Garza- Off the dais]*

ORDINANCE READINGS: 1st 11/12/2015 2nd 3rd

ORDINANCE NUMBER:

CASE MANAGER: Heather Chaffin
e-mail: heather.chaffin@austintexas.gov

PHONE: 512-974-2122

STAFF RECOMMENDATION:

Staff supports the P-NP zoning request. The property is not well suited to commercial or residential development, and the conditional use permit process will ensure a project that is designed with community notification and Planning Commission oversight.

1. The proposed zoning should be consistent with the purpose statement of the district sought.

Public (P) district is the designation for a governmental, civic, public service, or public institution use. A P district designation may be applied to a use located on property used or reserved for a civic or public institutional purpose or for a major public facility, regardless of ownership of the land on which the use is located. A P district designation may not be applied to government-owned property that is leased to a nongovernmental agency for a use other than a governmental service or for a use that supports a primary civic or public institutional use. Since the subject property is owned by the City of Austin and planned to be used by Austin Energy, P zoning is the most suitable zoning category for the site.

2. Zoning changes should promote the health, welfare, and safety of, and otherwise fulfill the purposes of zoning as set forth in the Texas Local Government Code or the zoning ordinance.

P-NP zoning will allow expansion /addition of civic land uses that serve the area and community. Additionally, the presence of potentially hazardous materials on the property, as identified in the Environmental Site Assessment, makes the proposed use a safer option than residential or commercial.

3. Zoning should allow for reasonable use of the property.

The subject property is significantly impacted by the proximity of the railroad right-of-way, pipeline easements, Tannehill Branch Creek and related drainage structures, as well as the existing Austin Energy substation. The remainder of the property is not well suited for residential or commercial development because of the potentially hazardous materials on the property.

ADDITIONAL STAFF COMMENTS**TRANSPORTATION**

- TR1. No additional right-of-way is needed at this time.
- TR2. A traffic impact analysis is not triggered at this time. If it is determined at time of site plan that the proposed development exceeds 2,000 vehicle trips per day, a traffic impact analysis may be required prior to site plan approval.
- TR3. Alf Ave., Wilcox Ave., and Lott Ave. are not classified in the Bicycle Plan.
- TR4. Capital Metro bus service is not available along Alf Ave., Wilcox Ave., and Lott Ave.
- TR5. There are no sidewalks along Alf Ave., Wilcox Ave., and Lott Ave.
- TR6. Nathan Wilkes and Eric Dusza with the Public Works Dept. may provide additional comments regarding mobility enhancement and bicycle/pedestrian facilities.

SITE PLAN

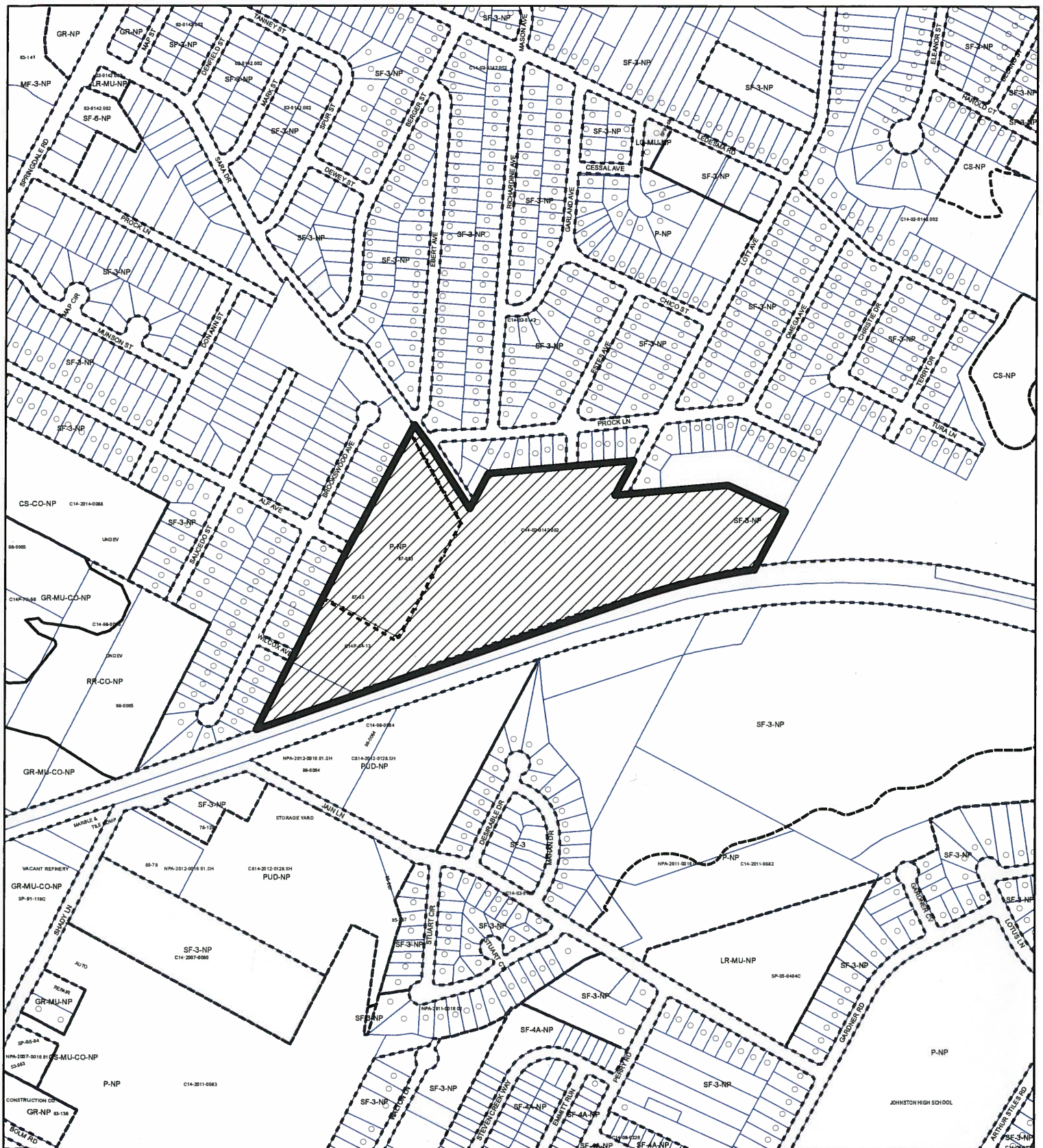
- SP 1. Following the requested rezoning, the subject site will be zoned P (Public), and is greater than one acre in size. Therefore, when applications for site plans are subsequently submitted, Conditional Use Permits will be required (LDC Section 25-2-625), and must be approved by the Land Use Commission.
- SP 2. Additional comments will be provided following submittal of site plans detailing the proposed development on this property.

ENVIRONMENTAL

1. The site is not located over the Edwards Aquifer Recharge Zone. The site is located in the Tannehill Branch Watershed of the Colorado River Basin, which is classified as an Urban Watershed by Chapter 25-8 of the City's Land Development Code. It is in the Desired Development Zone.
2. Zoning district impervious cover limits apply in the Urban Watershed classification.
3. According to floodplain maps there is a floodplain within or adjacent to the project location. Based upon the location of the floodplain, offsite drainage should be calculated to determine whether a Critical Water Quality Zone exists within the project location.
4. Standard landscaping and tree protection will be required in accordance with LDC 25-2 and 25-8 for all development and/or redevelopment.
5. Numerous trees will likely be impacted with a proposed development associated with this rezoning case. Please be aware that an approved rezoning status does not eliminate a proposed development's requirements to meet the intent of the tree ordinances. If further explanation or specificity is needed, please contact the City Arborist at 974-1876. At this time, site specific information is unavailable regarding other vegetation, areas of steep slope, or other environmental features such as bluffs, springs, canyon rimrock, caves, sinkholes, and wetlands.
6. This site is required to provide on-site water quality controls (or payment in lieu of) for all development and/or redevelopment when 8,000 s.f. cumulative is exceeded, and on site control for the two-year storm.
7. At this time, no information has been provided as to whether this property has any preexisting approvals that preempt current water quality or Code requirements.

WATER UTILITY

The landowner intends to serve the site with City of Austin water and wastewater utilities. The landowner, at own expense, will be responsible for providing any water and wastewater utility improvements, offsite main extensions, utility relocations and or abandonments required by the land use. The water and wastewater utility plan must be reviewed and approved by the Austin Water Utility for compliance with City criteria and suitability for operation and maintenance. Depending on the development plans submitted, water and or wastewater service extension requests may be required. All water and wastewater construction must be inspected by the City of Austin. The landowner must pay the City inspection fee with the utility construction. The landowner must pay the tap and impact fee once the landowner makes an application for a City of Austin water and wastewater utility tap permit.



ZONING

ZONING CASE#: C14-2015-0101



SUBJECT TRACT



PENDING CASE



ZONING BOUNDARY

This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

This product has been produced by CTM for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.



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EXHIBIT A

1.0 Executive Summary

Energy Renewal Partners, LLC (Energy Renewal) was contracted by PowerFin Partners to perform a Phase I Environmental Site Assessment (ESA) of the proposed location of the Kingsbery Solar Project ("Site" or "subject site"). The subject site is located near Sara Drive and Alf Avenue in east Austin, Travis County, Texas, as shown on Figure 1. The purpose of the Phase I ESA was to determine if recognized environmental conditions (RECs) are present at the Site based on the available information.

The Phase I ESA was conducted in general accordance with ASTM E 1527-13. The environmental site assessment was conducted under the supervision or responsible charge of an individual that qualifies as an environmental professional, as defined in 40 CFR §312.10.

The Site is comprised of the 1.1-acre parcel of land identified by Travis Central Appraisal District (TCAD) Property IDs 192566 (Parcel 1) and an approximate 21.7-acre portion of the parcel identified by TCAD Property ID 193744 (Parcel 2), totaling approximately 22.8 acres. The approximate 5.6-acre portion of Parcel 2 covered by the Kingsbery Substation has been excluded from this assessment. The Site is comprised of a mix of grasslands and forested area with a transmission line and a concrete-lined tributary running through the site.

As documented and qualified in this report, this Phase I ESA has not revealed evidence of RECs in connection with the subject site, except for the following:

- Groundwater contamination from the former East Austin Tank Farm located approximately 500 feet to the northwest of the Site has been documented to travel southeast toward the Site and had documented concentrations of methyl tertiary butyl ether (MTBE) above the Texas Risk Reduction Program (TRRP) Tier 1 Protective Concentration Level (PCL) for commercial/industrial properties beneath the southwestern portion of the Site in 1994. This documented groundwater contamination in the southwestern portion of the Site is considered a REC of the Site.
- Releases of polychlorinated biphenyls (PCB) and petroleum products have been documented from the Kingsbery substation located adjacent to the southwestern portion of the site. A soil and groundwater assessment was completed within the substation in 2009, which confirmed TPH contamination above the TRRP Tier 1 PCL for residential properties in the soil within the substation area. PCBs were non-detect in soil and groundwater samples, however, the groundwater monitoring well nearest the Site was dry at the time of the assessment. Due to the age of the substation and the lack of a confirmatory groundwater sample from the Site and the groundwater well nearest the Site, the documented releases of PCBs and petroleum products at the Kingsbery Substation is considered a REC of the Site.



1.1 Findings and Opinions

Energy Renewal identified the following known or suspect RECs, Controlled RECs (CREC), Historical RECs (HREC), and de minimis conditions associated with the subject site as part of this assessment:

- The debris piles located on the northern portion of the Site are considered de minimis conditions of the site. This observation is not considered a REC of the Site because the contents appeared to be limited to small amounts of household debris and wood and no ground staining was observed in the vicinity of the debris piles; and,
- Minor ground staining from an oil filter observed on the western portion of the Site is considered a de minimis condition of the Site. This observation is not considered a REC of the Site due to the limited amount ground staining observed and the total amount of oil that would likely be lost from a single oil filter (no additional maintenance type activities appeared to have occurred in this location); and,
- Groundwater contamination from the former East Austin Tank Farm located approximately 500 feet to the northwest of the Site has been documented to travel southeast toward the Site and had documented concentrations of MTBE above TRRP Tier 1 PCL of 73 mg/L for commercial/industrial properties beneath the southwestern portion of the Site in 1994. This documented groundwater contamination in the southwestern portion of the Site is considered a REC of the Site.
- Releases of PCBs and petroleum products have been documented from the Kingsbery substation located adjacent to the southwestern portion of the site. A soil and groundwater assessment was completed within the substation in 2009, which confirmed TPH contamination above the TRRP Tier 1 PCL for residential properties in the soil within the substation area. PCBs were non-detect in soil and groundwater samples, however, the groundwater monitoring well nearest the Site was dry at the time of the assessment. Due to the age of the substation and the lack of a confirmatory groundwater sample from the Site and the groundwater well nearest the Site, the documented releases of PCBs and petroleum products at the Kingsbery Substation is considered a REC of the Site.

1.2 Conclusions and Recommendations

Energy Renewal performed a Phase I Environmental Site Assessment in conformance with the scope and limitations of ASTM Practice E 1527-13 of the proposed Kingsbery Solar Project. Any exceptions to, or deletions from, this practice are described in Section 2.4 of this report.

As documented and qualified in this report, this Phase I ESA has not revealed evidence of RECs in connection with the subject site, except for the following:

- Groundwater contamination from the former East Austin Tank Farm located approximately 500 feet to the northwest of the Site has been documented to travel southeast toward the Site and had documented concentrations of MTBE above TRRP Tier 1 PCL of 73 mg/L for



commercial/industrial properties beneath the southwestern portion of the Site in 1994. This documented groundwater contamination in the southwestern portion of the Site is considered a REC of the Site.

- Releases of PCBs and petroleum products have been documented from the Kingsbery substation located adjacent to the southwestern portion of the site. A soil and groundwater assessment was completed within the substation in 2009, which confirmed TPH contamination above the TRRP Tier 1 PCL for residential properties in the soil within the substation area. PCBs were non-detect in soil and groundwater samples, however, the groundwater monitoring well nearest the Site was dry at the time of the assessment. Due to the age of the substation and the lack of a confirmatory groundwater sample from the Site and the groundwater well nearest the Site, the documented releases of PCBs and petroleum products at the Kingsbery Substation is considered a REC of the Site.

Energy Renewal recommends completing a Phase II Soil and Groundwater Assessment to determine if soil or groundwater beneath the southwestern and western portion of the Site is currently impacted by historically documented groundwater contamination from the East Austin Tank Farm Site.

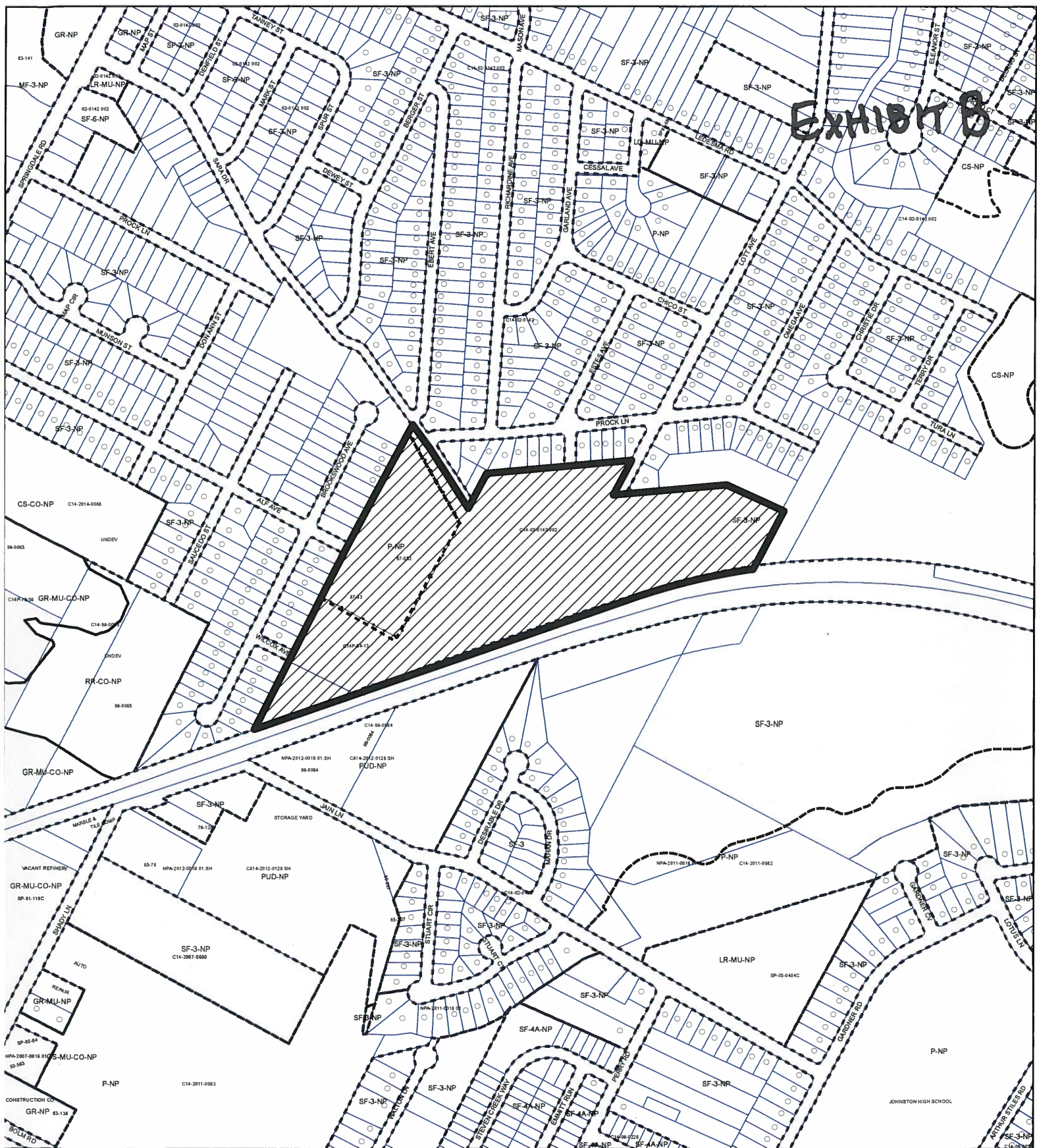


EXHIBIT B

SUBJECT TRACT

PENDING CASE

ZONING BOUNDARY

ZONING

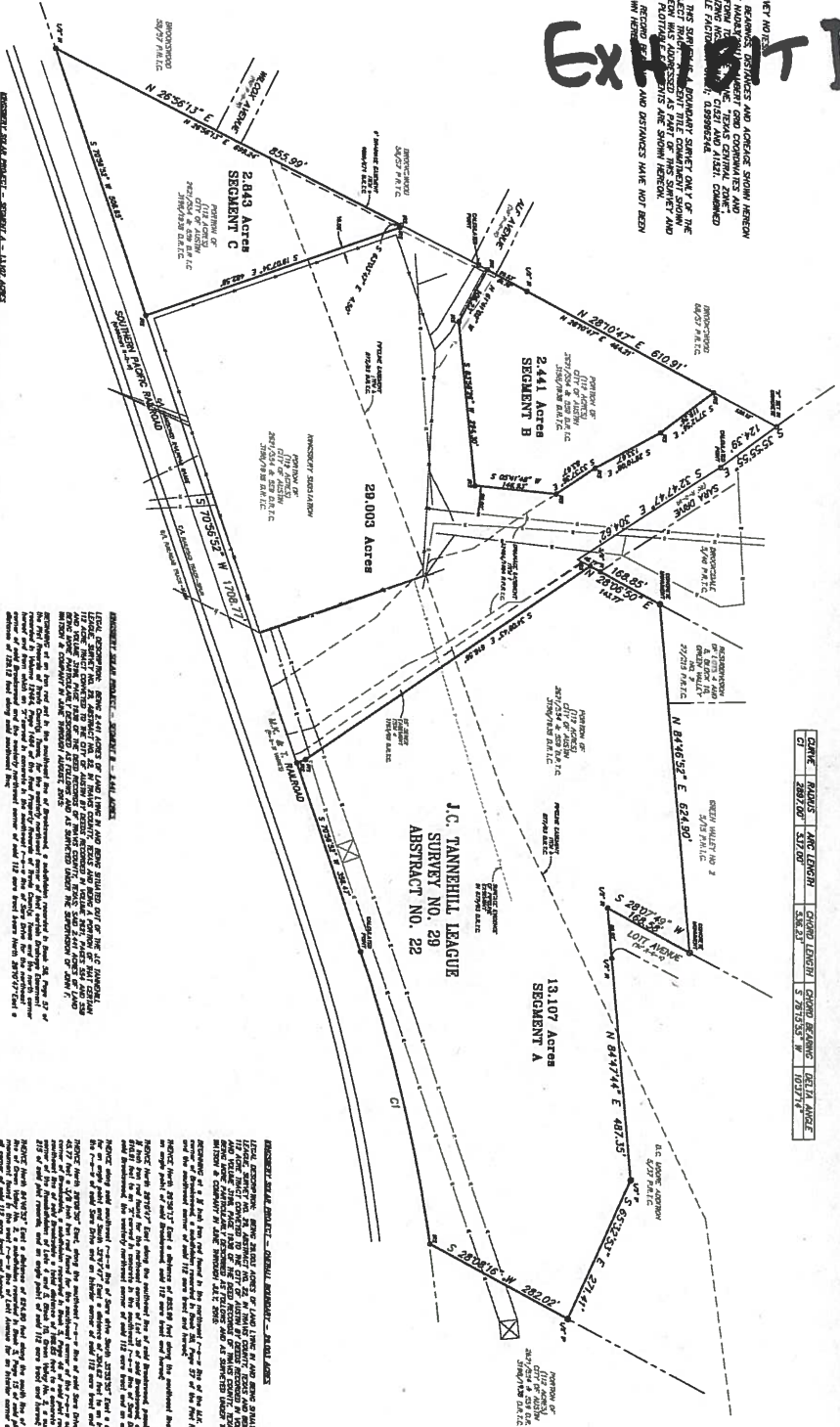
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DATE: 02/09/2015	REV: FINAL
DATE: 08/01/2015	REV: FINAL
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TEL: 350 UNIVERSITY COLLEGE PARKWAY SEASIDE

BOUNDARY
SURVEY MAP OF
THREE LEASE SITES
OUT OF 29.003 ACRES
OF LAND OUT OF THE
J.C. TANNEHILL LEAGUE
SURVEY NO. 29
ABSTRACT NO. 22
TRAVIS COUNTY, TEXAS

AUGUST 7, 2015

SCHEDULE B
ALTA NOTES

PERSON VI
SCHEDULE A -

FILE NO. 1510171-144
FILE NO. 1510171-144
EFFECTIVE DATE 04/24/2015

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FOR FURTHER INFORMATION CONTACT:
 Mr. J. J. O'Connell, Director
 of the Federal Bureau of Investigation
 U.S. Department of Justice
 Washington, D.C. 20535

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