

## ZONING CHANGE REVIEW SHEET

*Note: This report addresses two related rezoning requests.*

CASES: C14-2022-0015

Springdale Commercial Tract 1

DISTRICT: 3

C14-2022-0070

Springdale Commercial (Tract 2) Amended

PROPERTY OWNER/APPLICANT:

V&S Enterprises  
(Patrick Oliver)

AGENT:

Alice Glasco Consulting  
(Alice Glasco)

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CASE: C14-2022-0015

Springdale Commercial Tract 1

ADDRESS: 1005 Springdale Road

SITE AREA: 6.053 Acres

ZONING FROM: GR-MU-CO-NP and RR-NP

TO: CS-MU-NP

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CASE: C14-2022-0070

Springdale Commercial (Tract 2) Amended

ADDRESS: 1113 Airport Boulevard

SITE AREA: 3.553 Acres

ZONING FROM: GR-MU-CO-NP

TO: CS-MU-NP

CASE MANAGER: Joi Harden, 512-974-1617, joi.harden@austintexas.gov

STAFF RECOMMENDATION:

**Staff does not supports the Applicant's request for rezoning to CS-MU-NP on these rezoning requests. Staff supports rezoning to CS-NP on the properties.** *For a summary of the basis of staff's recommendation, see page 2.*

PLANNING COMMISSION ACTION / RECOMMENDATION:

January 24, 2023: Postponed to March 14, 2023 by Planning Commission.

December 20, 2022: Postponed to January 24, 2023, as requested by staff, on consent.

December 13, 2022: Meeting cancelled.

November 15, 2022: Postponed to December 13, 2022, as requested by staff, on consent.

October 11, 2022: Postponed to November 15, 2022, as requested by applicant, on consent.

CITY COUNCIL ACTION:

January 26, 2023:

December 1, 2022: Postponed to January 26, 2023, as requested by staff, on consent.

November 17, 2022: Meeting cancelled.

ORDINANCE NUMBER:

## ISSUES

These two rezoning requests were initially filed as one case, C14-2022-0015. It was determined that the two tracts were separated by a narrow flag that connects a parcel to the east to Airport Boulevard. Since the rezoning tracts are not contiguous, the cases had to be filed separately. For the purposes of this report, case C14-2022-0015 will be referred to as Tract 1 and case C14-2022-0070 will be referred to as Tract 2. ***Please see Exhibit A – Combined Zoning Maps.***

The subject properties are located in the area generally known as the former East Austin Tank Farm. The Tank Farm area was used for storage of petrochemicals for decades before the uses were removed and environmental remediation occurred. This site was remediated in the 1990s but not to a level that would allow redevelopment with residential land uses; only office, commercial, and limited industrial land uses are permitted per the Texas Commission on Environmental Quality (TCEQ). ***Please see Exhibit C- TCEQ Letter.***

## CASE MANAGER COMMENTS:

The subject properties are located east of the intersection of Airport Boulevard and Springdale Road. Tract 1 has frontage on both roads and is developed with Personal improvement services land use. The majority of the tract is zoned GR-MU-CO-NP, while an area that contains floodplain is zoned RR-CO-NP. Tract 2 has frontage on Springdale Road, is zoned GR-MU-CO-NP, and is undeveloped. Immediately to the north and northeast is property zoned P-NP that is developed with Professional and Administrative offices. Further north and northeast are properties zoned CS-CO-NP and SF-3-NP that are developed with mixed commercial land uses and Single family residential land uses. Across Springdale Road to the west are properties zoned CS-MU-NP and CS-CO-NP developed with Limited warehousing and distribution, Limited retail and Limited restaurant. Across the intersection of Springdale Road and Airport Boulevard are properties zoned PUD-NP and SF-3-NP that are developed with Art studio, Limited restaurant and Single family residential land uses. Across the railroad ROW to the south and southwest are properties zoned P-NP and GR-MU-CO-NP; the P-NP site is undeveloped and the GR-MU-CO-NP site is developed with Multifamily residential. ***Please see Exhibit B- Aerial Exhibits.***

As stated in the Issues section, the subject properties are located on what was previously known as the East Austin Tank Farm and remediated in the 1990s to a level that allows office, commercial and limited industrial land uses. The area was zoned LI when it was developed with the Tank Farm and was rezoned in 1998 to GR-MU-CO-NP and RR-CO-NP. The rezoning was for approximately 49-acres of former Tank Farm property and initiated by the City of Austin. RR-CO-NP was granted on all of the property located in the floodplain of Boggy Creek and GR-MU-CO-NP was granted on the remainder. City policy at that time was to zone floodplain RR; this practice has been discontinued since current watershed regulations are significantly more restrictive.

In Resolution No. 980430-52, City Council affirmed the City's commitment to participating in a coordinated effort with the neighborhood residents and the TNRCC to ensure proper cleanup of the former tank farm site, and instructed Staff to initiate rezoning that would allow mixed use and residential uses on the 49-acre site. While remediation has occurred on the

site, it was only remediated to a level that allows office, commercial, and limited industrial uses. ***Please see Exhibits D and E- Council Resolution No. 980430-52 and 1998 Zoning Ordinance.***

The Applicant's request is to rezone the properties to CS-MU-NP. This would remove two conditions that were attached with the 1998 rezoning. First, the entire 49-acre tract was limited to 2,000 vehicle trips per day (vpd); second, vehicular access is prohibited to Airport Boulevard. Staff supports removing these conditions because any redevelopment of the properties will require review and approval by ATD. Staff also supports changing the base zoning districts from GR and RR to CS. This will allow redevelopment with a wide range of office and commercial uses and establish one consistent zoning classification on each property.

Staff does not support maintaining the MU designation or any other residential zoning classification on the subject properties. Unless the properties are further remediated, TCEQ has determined that the properties are not suitable for residential use. City of Austin zoning should be consistent with State law on this matter of health and safety.

**BASIS FOR RECOMMENDATION:**

1. *The proposed zoning should be consistent with the purpose statement of the district sought.*
2. *Zoning should allow for reasonable use of the property.*
3. *Zoning changes should promote the health, welfare, and safety, and otherwise fulfill the purposes of zoning as set forth in the Texas Local Government Code or the zoning ordinance.*

**EXISTING ZONING AND LAND USES:**

	ZONING	LAND USES
Site	GR-MU-CO-NP, RR-NP	Personal improvement services, Undeveloped
North	PUD-NP, CS-CO-NP, SF-3-NP	Professional office, Administrative office, Mixed commercial, Single family residential
South	GR-MU-CO-NP, P-NP	Multifamily residential, Undeveloped
West	CS-MU-NP, CS-CO-NP, PUD-NP, SF-3-NP	Limited warehousing and distribution, Retail-limited, Restaurant-limited, Art studio, Retail-limited, Professional office, Single family residential
East	PUD-NP, SF-3-NP	Professional office, Administrative office, Single family residential

**NEIGHBORHOOD PLANNING AREA:** MLK-183

**TIA:** Deferred to time of site plan, if triggered.

**WATERSHED:** Boggy Creek

**NEIGHBORHOOD ORGANIZATIONS:**

Homeless Neighborhood Association

AISD

Capital Metro Transportation Authority  
 Preservation Austin  
 Del Valle Community Coalition  
 Claim Your Destiny Foundation  
 Friends of Austin Neighborhoods  
 Guadalupe Neighborhood Development Corporation  
 El Concilio Mexican American Neighborhoods  
 Govalle Neighborhood Association  
 Springdale-Airport Neighborhood Association  
 East MLK Combined Neighborhood Plan Contact Team  
 Govalle/Johnston Terrace Neighborhood Plan Contact Team

SELTexas  
 Neighbors United for Progress  
 Sierra Club  
 Bike Austin  
 Austin Neighborhoods Council  
 East Austin Conservancy  
 Austin Lost and Found Pets

#### AREA CASE HISTORIES:

NUMBER	REQUEST	PLANNING COMMISSION	CITY COUNCIL
Springdale Green PUD C814-2020-0104	GR-MU-CO-NP and RR-NP to PUD-NP	March 23, 2021: To grant as rec. with height limit of 93'	06/10.2021: Approved Ord. No. 20210610-103
C14-2021-0001 3707 Goodwin	CS-MU-NP to CS-MU-V-NP	March 23, 2021: To grant as rec.	To grant as rec.
C14-2019-0041 3706 Goodwin	CS-MU-NP to CS-MU-V-NP	July 23, 2019: Approved CS-MU-V-NP.	August 8, 2020: Approved Ord. No. 20190808-123 for CS-MU-V-NP. (8-1) Harper-Madison- 1 <sup>st</sup> , Pool- 2 <sup>nd</sup> . Casar- Nay; Garza, Alter-Off the dais
C14-2015-0121 1023 Springdale Road	CS-CO-NP to CS-CO-NP, to increase to 600 vpd	11/10/2015: to grant as rec. (11-0)	12/10/2015: to grant as rec. Ord. 20151210-066
C14-2014-0088 1023 Springdale	RR-CO-NP, GR-MU-CO-NP to CS-CO-NP Prohibit many land uses; 2,000 vpd	09/09/2014: To grant as rec. (6-0)	11/06/2014: 1st reading appvd with reduction to 400 vpd and 25' vegetative buffer to north; 2/3 appvd 11/20/2014, Ord . 20141120-138

#### EXISTING STREET CHARACTERISTICS:

Name	ROW	Pavement	Classification	Sidewalks	Bicycle Route	Capital Metro (within ¼ mile)
Springdale Road	73 feet	50 feet	Level 2	Yes	Bike Lane	Yes
Airport Blvd	112-155 feet	58-65 feet	Level 3	Yes	Shoulder	Yes

ADDITIONAL STAFF COMMENTS:Environmental

1. The site is not located over the Edwards Aquifer Recharge Zone. The site is located in the Boggy Creek Watershed of the Colorado River Basin, which is classified as an Urban Watershed by Chapter 25-8 of the City's Land Development Code.
2. Zoning district impervious cover limits apply in the Urban Watershed classification.
3. According to floodplain maps there is a floodplain within and 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. At this time, site specific information is unavailable regarding 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.

Site Plan

## General Zoning

- SP1. A site plan will be required for any new development other than single-family, two-family or duplex residential.
- SP2. Any new development is subject to Subchapter E. Design Standards and Mixed Use. Additional comments will be made when the site plan is submitted.
- SP3. Any development which occurs in an SF-6 or less restrictive zoning district which is located 540-feet or less from property in an SF-5 or more restrictive zoning district will be subject to compatibility development regulations.

## Compatibility Standards

- SP4. The site will be subject to compatibility standards. This may potentially be triggered by the PUD to the east, north and southwest of the site and/or the SF-3-NP residential zoning districts to the west of the site. The following standards may apply:
- No structure in excess of two stories or 30 feet in height may be constructed within 50 feet of the property line nearest to the compatibility-triggering property.
  - No structure in excess of three stories or 40 feet in height may be constructed within 100 feet of the property line nearest to the compatibility-triggering property.
  - For a structure more than 100 feet but not more than 300 feet from property zoned SF-5 or more restrictive, the height is limited to 40 feet plus one foot for each 10 feet of distance in excess of 100 feet from the property zoned SF-5 or more restrictive.
  - For a structure more than 300 feet but not more than 540 feet from property zoned SF-5 or more restrictive, the height is limited to 60 feet plus one foot for each four feet of distance in excess of 300 feet from the property zoned SF-5 or more restrictive.
  - If setback compatibility applies, no structure or parking facility may be built within 25 feet of the property line adjacent to the compatibility-triggering property.

- If adjacent to a compatibility-triggering property, a fence, berm, or dense vegetation must be provided to screen from views of parking, mechanical equipment, storage, and refuse collection.
- Additional design regulations will be enforced at the time a site plan is submitted.

#### Airport Overlay

SP5. The site is located within the Controlled Compatible Land Use Area of Austin-Bergstrom International Airport. No use will be allowed that creates electrical interference with navigational signals or radio communications between airport and aircraft, makes it difficult for pilots to distinguish between the airport lights and others, results in glare in the eyes of pilots using the airport, impairs visibility in the vicinity of the airport, creates bird strike hazards or otherwise in any way endangers or interferes with the landing, taking off, or maneuvering of aircraft intending to use the Austin-Bergstrom Airport. Height limitations and incompatible uses with each Airport Overlay zone are established in the Airport Overlay Ordinance. Airport Hazard Zoning Committee review may be required prior to Planning Commission Hearing.

#### Hazardous Pipeline Ordinance

SP6. Due to its presence within the Hazardous Pipelines overlay, this site is subject to the Hazardous Pipeline Ordinance. Development in a restricted pipeline area is regulated by Sec. 25-2-516. Review by the Fire Department will be required for any proposed development. Before a person may place a road, surface parking lot, or utility line in a restricted pipeline area, the person must deliver to the Director a certification by a registered engineer stating that the proposed construction activity and structure are designed to prevent disturbing the pipeline or impeding its operation.

#### Transportation

##### ASMP Assessment

The Austin Strategic Mobility Plan (ASMP) calls for 120 feet of right-of-way for Airport Boulevard and 74 feet of right-of-way for Springdale Road. It is recommended that 60 feet of right-of-way from the existing centerline should be dedicated for Airport Boulevard and 37 feet from the existing centerline should be dedicated for Springdale Road according to the Transportation Plan at the time of subdivision and/or site plan application, whichever comes first. [LDC 25-6-51 and 25-6-55]

##### Transportation Assessment

Assessment of required transportation mitigation, including the potential dedication of right of way and easements and participation in roadway and other multi-modal improvements, will occur at the time of site plan application. A traffic impact analysis shall be required at the time of site plan if triggered per LDC 25-6-113.

There is a proposed Urban Trail adjacent to this site, running parallel to the southern property boundary along the south side of MoKan railway. The easement required is a minimum of 20 ft as this allows for a 12 ft trail (minimum trail width per the urban trails plan) and room for maintenance activity.

The adjacent street characteristics table is provided below:

Name	ROW	Pavement	Classification	Sidewalks	Bicycle Route	Capital Metro (within ¼ mile)
Springdale Road	73 feet	50 feet	Level 2	Yes	Bike Lane	Yes
Airport Blvd	112-155 feet	58-65 feet	Level 3	Yes	Shoulder	Yes

### Comprehensive Planning

Yes	Imagine Austin Decision Guidelines
<b>Compact and Connected Measures</b>	
Y	<b>Imagine Austin Growth Concept Map:</b> Located close to, within or adjacent to an Imagine Austin Activity Center, Imagine Austin Activity Corridor, or Imagine Austin Job Center as identified on the Growth Concept Map. <b>Name(s) of Activity Center/Activity Corridor/Job Center:</b> within Springdale Station Neighborhood Center, and adjoins Airport Boulevard Activity Corridor and Springdale Road Activity Corridor
Y	<b>Mobility and Public Transit:</b> Located within 0.25 miles of public transit stop and/or light rail station.
Y	<b>Mobility and Bike/Ped Access:</b> Adjoins a public sidewalk, shared path, and/or bike lane.
Y	<b>Connectivity, Good and Services, Employment:</b> Provides or is located within 0.50 miles to goods and services, and/or employment center.
	<b>Connectivity and Food Access:</b> Provides or is located within 0.50 miles of a grocery store/farmers market.
Y	<b>Connectivity and Education:</b> Is located within 0.50 miles from a public school or university.
Y	<b>Connectivity and Healthy Living:</b> Provides or is located within 0.50 miles from a recreational area, park and/or walking trail.
	<b>Connectivity and Health:</b> Provides or is located within 0.50 miles of health facility (ex: hospital, urgent care, doctor's office, drugstore clinic, specialized outpatient care.)
	<b>Housing Affordability:</b> Provides a minimum of 10% of units for workforce housing (80% MFI or less) and/or fee in lieu for affordable house.
	<b>Housing Choice:</b> Expands the number of units and housing choice that suits a variety of household sizes, incomes, and lifestyle needs of a diverse population (ex: apartments, triplex, granny flat, live/work units, cottage homes, and townhomes) in support of Imagine Austin and the Strategic Housing Blueprint.
	<b>Mixed Use:</b> Provides mixed use development (minimum 10% residential and 10% non-residential floor area).
Y	<b>Culture and Creative Economy:</b> Provides or is located within 0.50 miles of a cultural resource (ex: library, theater, museum, cultural center).
7	<b>Total Number of "Yes's"</b>
<b>Imagine Austin Priority Program Bonus Features (Extra Points)</b>	
Y	<b>Small Area Plan Policies:</b> Supports applicable Small Area Plans, including the Future Land Use Map, goals, objectives, actions and text. List three small area plan policies that relate to this project. <b>Name of Small Area Plan:</b> E MLK COMBINED NP (MLK 183 NP)
	<b>Culture and Historic Preservation:</b> Preserves or enhances a historically and/or culturally significant site.
	<b>Culture and Creative Economy:</b> Expands Austin's creative economy (ex: live music venue, art studio, film, digital, theater.)
	<b>Workforce Development, the Economy and Education:</b> Expands the economic base by creating permanent jobs, especially an industry that is currently not represented in particular area or that promotes a new technology.
	<b>Workforce Development, the Economy and Education:</b> Promotes educational opportunities or workforce development training.
8	<b>Total Number of "Yes's" from Top and Under Bonus Features</b>

Water Utility

AW1. 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 Austin Water for compliance with City criteria and suitability for operation and maintenance. Based on current public infrastructure configurations, it appears that service extension requests (SER) will be required to provide service to this lot. For more information pertaining to the Service Extension Request process and submittal requirements contact the Austin Water SER team at [ser@austintexas.gov](mailto:ser@austintexas.gov). 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.

INDEX OF EXHIBITS TO FOLLOW

- A: Combined Zoning Map
- B. Aerial Exhibits
- C. TCEQ Letter
- D. Council Resolution No. 980430-52
- E. 1998 Zoning Ordinance



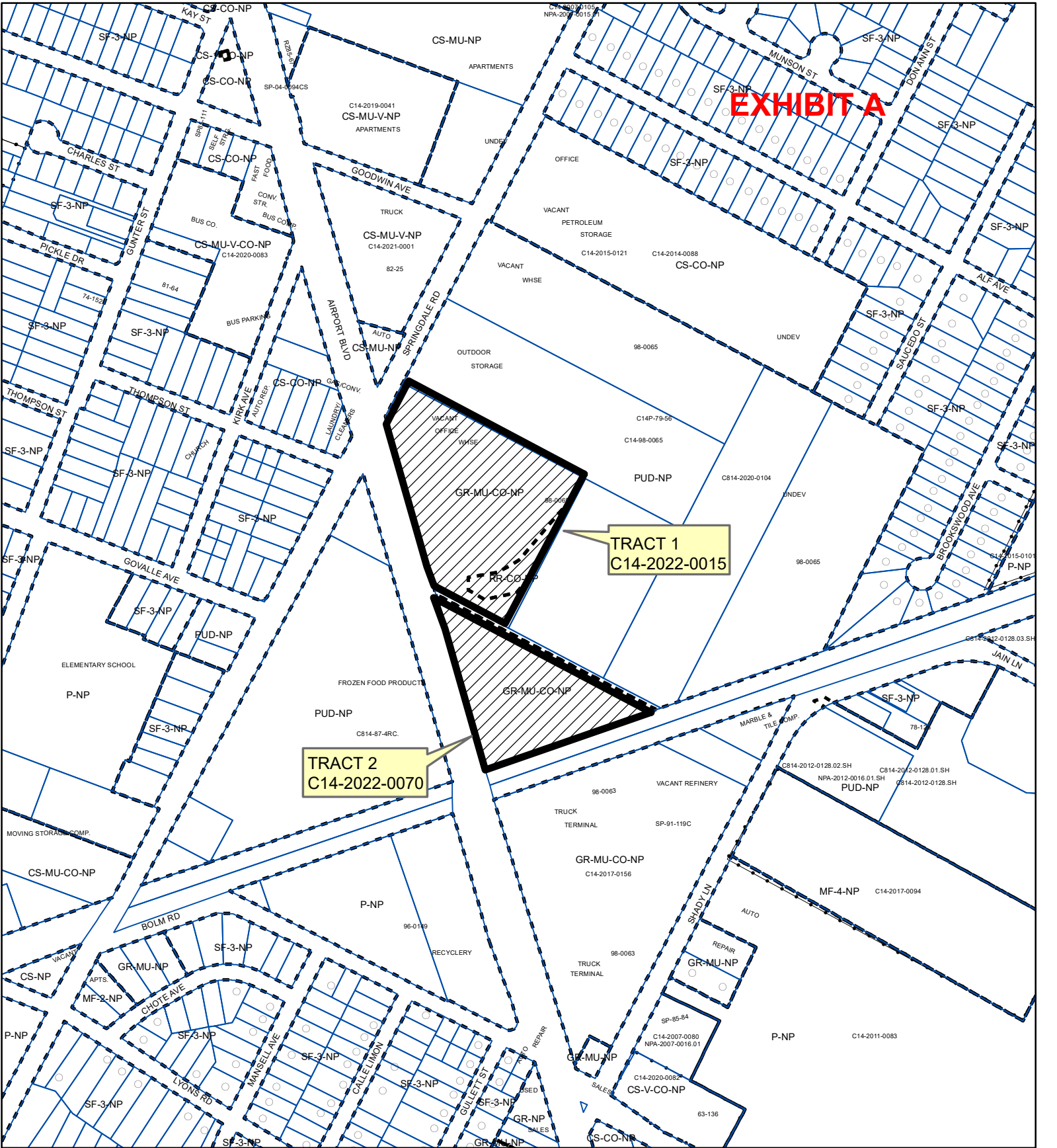


EXHIBIT A

TRACT 1  
C14-2022-0015

TRACT 2  
C14-2022-0070



- SUBJECT TRACT
- PENDING CASE
- ZONING BOUNDARY

1" = 400'

## ZONING

### ZONING CASES

#### C14-2022-0015 & C14-2022-0070

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.

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## Springdale Commercial Tract 1



- SUBJECT TRACT
- ZONING BOUNDARY
- PENDING CASE
- CREEK BUFFER

ZONING CASE#: C14-2022-0015  
 LOCATION: 1113 Airport Blvd  
 SUBJECT AREA: 1.08 Acres  
 GRID: L22  
 MANAGER: Heather Chaffin







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Created: 10/5/2022





## Springdale Commercial (Tract 2) Amended

-  SUBJECT TRACT
-  ZONING BOUNDARY
-  PENDING CASE
-  CREEK BUFFER

ZONING CASE#: C14-2022-0070  
 LOCATION: 1005 Springdale Road  
 SUBJECT AREA: 3.552 Acres  
 GRID: L22  
 MANAGER: Heather Chaffin



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

Created: 10/4/2022



Kathleen Hartnett White, *Chairman*  
Larry R. Soward, *Commissioner*  
H. S. Buddy Garcia, *Commissioner*  
Glenn Shankle, *Executive Director*



#4W 52113 CO  
**EXHIBIT C**

## TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

*Protecting Texas by Reducing and Preventing Pollution*

August 14, 2007

Ms. Adrienne Robinson  
Project Manager  
Chevron Environmental Management Company  
4800 Fournace Place  
Houston, Texas 77401

Re: Approval of Remedy Standard B – Commercial/Industrial  
Response Action Completion Report (RACR), dated April 2007  
Former Star Terminal  
1123 Springdale Road, Austin, Travis County, Texas  
TCEQ SWR No. 52113  
Agreed Order issued April, 22, 1992

Dear Ms. Robinson:

The Texas Commission on Environmental Quality (TCEQ) has reviewed the above referenced submittal, dated April 2007. Soil and groundwater contamination occurred at this site as a result of a release of fuel from the fuel storage facility. The TCEQ's Enforcement Division issued an Agreed Order on April 22, 1992, which directed certain corrective actions necessary to address any soil and groundwater contamination associated with the operation of the facility. A Response Action Plan, approved on April 27, 2005, addressed groundwater contamination by establishing a plume management zone. The RACR documents the completion of response action activities associated with contamination of Class II groundwater.

Based on the TCEQ review of the report, Texas Risk Reduction Program (TRRP) Remedy Standard B – Commercial/Industrial has been attained such that no post-response action care is required. The report contains a document that fulfills the institutional control requirements of 30 Texas Administrative Code (TAC) §350.111.

In order to attain TRRP Remedy Standard B – Commercial/Industrial, all industrial solid waste and municipal hazardous waste and waste residues must be removed, decontaminated, and/or controlled such that receptors will not be exposed to contaminants in excess of the applicable human health and ecological based standards and criteria as specified in 30 TAC §350.33.

This RACR fulfills the reporting requirements of the Agreed Order issued on April 1, 1992. Contact Tim Haase, TCEQ Order Compliance Team Leader, to discuss termination of the agreed order.

Ms. Adrienne Robinson  
Page 2  
August 14, 2007  
SWR No. 52113

Please be advised that all monitor wells which are not now in use and/or will not be used in the next 180 days must be properly plugged and abandoned pursuant to Chapter 32.017 of the Texas Water Code and in accordance with Title 16, Texas Administrative Code (TAC), Section 76.1004. A State of Texas Plugging Report (Form No. TCEQ-0055) is required to be submitted to the Water Well Drillers Section of the Texas Department of Licensing and Regulation, P.O. Box 12157, Capitol Station, Austin, Texas 78711, within thirty (30) days of plugging completion. If you have any questions regarding the future use of an existing monitor well, please contact the Texas Department of Licensing and Regulation at 512/463-7880 or 800/803-9202.

Please be aware that it is the continuing obligation of persons associated with a site to ensure that municipal hazardous waste and industrial solid waste are managed in a manner which does not cause the discharge or imminent threat of discharge of waste into or adjacent to waters in the state, a nuisance, or the endangerment of the public health and welfare as required by 30 TAC §335.4. If the actual response action fails to comply with these requirements, please take any necessary and authorized action to correct such conditions. A TCEQ field inspector may conduct an inspection of your site to determine compliance with the report.

Questions concerning this letter should be directed to me at (512) 239-1059. When responding by mail, please submit an original and one copy of all correspondence and reports to the TCEQ Environmental Cleanup Section at Mail Code MC-127 with an additional copy submitted to the local TCEQ Region Office. The information in the reference block should be included in all submittals.

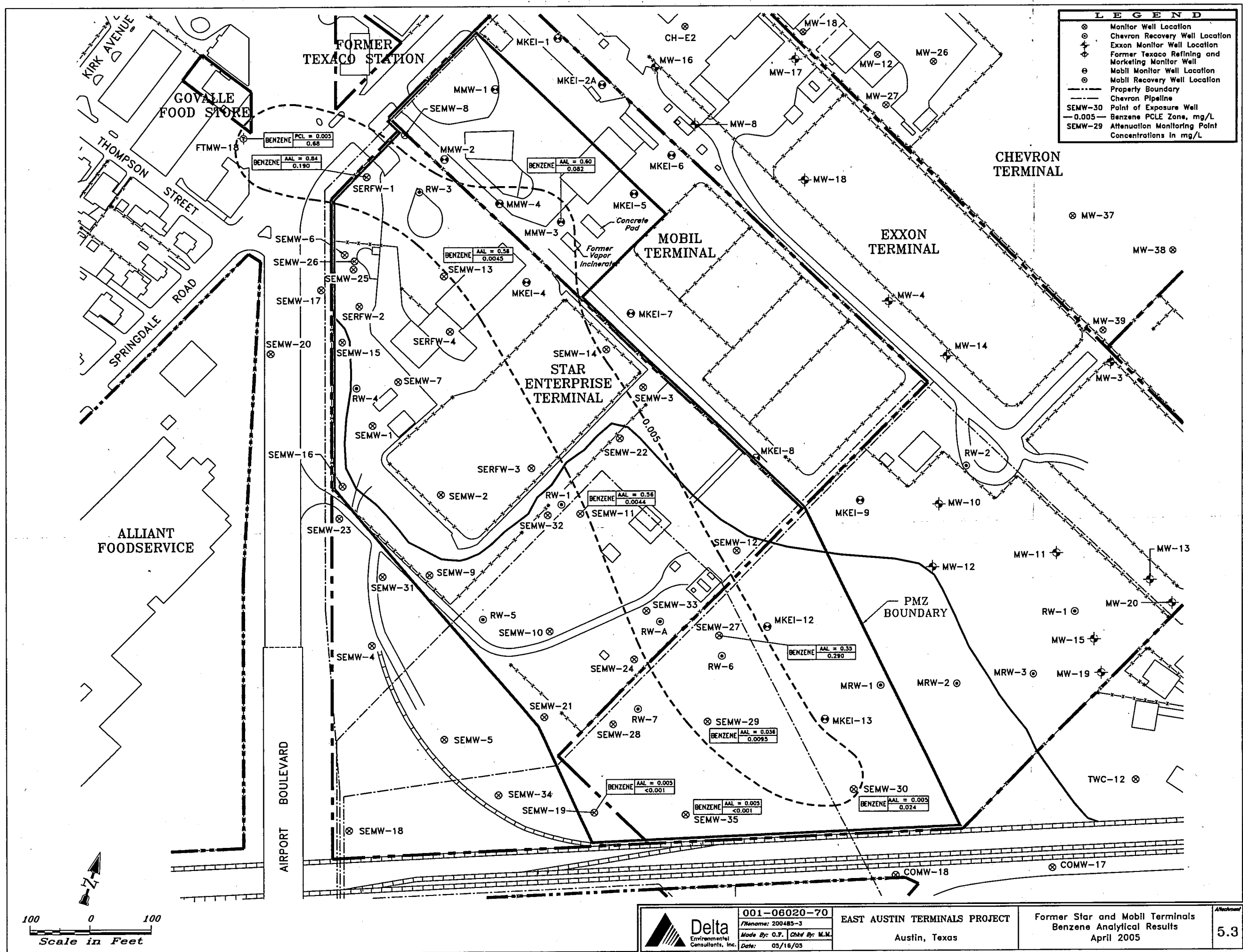
Sincerely,



Scott Lawless, Project Manager  
Team 1, Environmental Cleanup Section I  
Remediation Division  
Texas Commission on Environmental Quality

SEL/hmw/pk

cc: Waste Program Manager, TCEQ Region 11 Office, Austin  
Mr. Russell Weigand, Secor International, Inc.  
Mr. Chuck Lesniak, Environmental Program Coordinator, Watershed Protection Department,  
City of Austin  
Mr. Tim Haase, TCEQ Enforcement Division at Mail Code MC-219  
Oak Springs Branch of the Austin Public Library



**RESOLUTION** 980430-52

**WHEREAS**, until 1992, the tank farm located at Airport Boulevard and Springdale Road was the main gasoline storage and distribution center for Austin; and

**WHEREAS**, through neighborhood pressures and the threat of criminal prosecution, the oil companies that operated at the 52-acre site agreed to move; and

**WHEREAS**, under an agreement with the Texas Natural Resources Conservation Commission ("TNRCC"), the companies agreed to a clean-up; and

**WHEREAS**, a recent TNRCC study uncovered traces of benzene and MTBE in ground water near Boggy Creek, a major tributary of the Colorado River; and

**WHEREAS**, no cleanup has occurred on the surrounding properties including neighborhood homes and the City's Govalle Park; and

**WHEREAS**, the City of Austin is committed to participating in a coordinated effort with the neighborhood residents and the TNRCC to ensure proper cleanup of the former tank farm site; and

**WHEREAS**, the City of Austin recognizes the need to address the contaminated soil and ground water issues to ensure that the future of the Govalle community and its residents is viable; and

**WHEREAS**, the results of zoning and land use studies conducted in East Austin confirmed that too many limited industrial and hazardous material facilities are located in close proximity to neighborhoods; and

**WHEREAS**, the studies provided the necessary information to initiate more neighborhood compatible zoning in residential areas; and

**WHEREAS**, on May 15, 1997 the Austin City Council unanimously adopted a resolution creating an Environmental Justice Task Force to evaluate the impact of industrial facilities on neighborhoods and natural resources; **NOW, THEREFORE**,

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:**

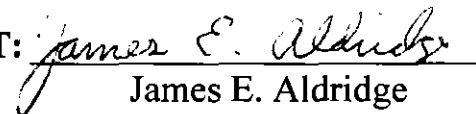
The City Manager is directed to initiate a neighborhood compatible zoning that allows for mixed-use and residential uses on the Tank Farm site located at Airport Boulevard and Springdale Road;

**BE IT FURTHER RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:**

That such recommendations be considered by the Planning Commission and brought back to Austin City Council within 60 days for consideration.

**ADOPTED:** April 30, 1998

**ATTEST:**

  
James E. Aldridge  
City Clerk



## **EXHIBIT E**

### **ORDINANCE NO. 980709-F**

**AN ORDINANCE REZONING AND CHANGING THE ZONING MAP ACCOMPANYING CHAPTER 13-2 OF THE CITY CODE ON ALL THAT CERTAIN PROPERTY INCLUDED IN ZONING CASE NO. C14-98-0065, CONSISTING OF APPROXIMATELY 49 ACRES OF LAND, AS FOLLOWS: TRACT 1, FROM "LI" LIMITED INDUSTRIAL DISTRICT TO "GR-MU-CO" COMMUNITY COMMERCIAL-MIXED USE DISTRICT-CONDITIONAL OVERLAY COMBINING DISTRICT, AND TRACT 2, FROM "LI" LIMITED INDUSTRIAL DISTRICT TO "RR-CO" RURAL RESIDENCE DISTRICT-CONDITIONAL OVERLAY COMBINING DISTRICT, BOTH TRACTS IDENTIFIED ON THE MAP ATTACHED AND INCORPORATED INTO THIS ORDINANCE, LOCALLY KNOWN AS 1149 TO 1199 AIRPORT BOULEVARD AND 1005 TO 1023 SPRINGDALE ROAD, IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS.**

#### **BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:**

**PART 1.** The Zoning Map established by Chapter 13-2-22 of the City Code is amended to change the base zoning district on all that certain property (the "Property") consisting of approximately 49 acres of land, included in zoning case No. C14-98-0065, identified on the map attached and incorporated into this ordinance as Exhibit "A", as follows:

Tract 1: From "LI" Limited Industrial district to "GR-MU-CO" Community Commercial-Mixed Use district-Conditional Overlay combining district, and

Tract 2: From "LI" Limited Industrial district to "RR-CO" Rural Residence district-Conditional Overlay combining district,

locally known as 1149 to 1199 Airport Boulevard and 1005 to 1023 Springdale Road, in the City of Austin, Travis County, Texas.

**PART 2.** The Property within the boundaries of the Conditional Overlay combining district established by this ordinance is subject to the following conditions:

1. Notwithstanding any other provision of the Land Development Code applicable to the Property on the effective date of this ordinance or at the time an application for approval of a site plan or building permit is submitted, no site plan for development of the Property, or





# Austin American-Statesman

PO#: 980709F  
Ad ID#: 7LM400800  
Acct#: 5124992499  
Account Name: CITY CLERKS OFFICE

CITY CLERKS OFFICE  
PO BOX 1088  
AUSTIN, TX 78767

## AFFIDAVIT OF PUBLICATION

THE STATE OF TEXAS  
COUNTY OF TRAVIS

Before me, the undersigned authority, a Notary Public in and for the County of Travis,  
State of Texas, on this day personally appeared:

SHARON JANAK

Classified Advertising Agent of the Austin American-Statesman, a daily newspaper  
published in said County and State that is generally circulated in Travis, Hays, Burnet  
and Williamson Counties, who being duly sworn by me, states that the attached  
advertisement was published in said newspaper on the following dates, to wit:

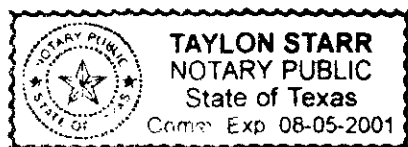
First Published:	7/24/98	Last Published:	7/24/98
Times Published:	1	Classification:	9980
Lines:	29	Cost:	\$80.91

and that the attached is a true copy of said advertisement.

ORDINANCE NO. 980709-F  
AN ORDINANCE REZONING AND  
CHANGING THE ZONING MAP AC-  
COMPANYING CHAPTER 13-2 OF  
THE CITY CODE ON ALL THAT CER-  
TAIN PROPERTY INCLUDED IN ZON-  
ING CASE NO. C14-98-0065,  
CONSISTING OF APPROXIMATELY 49  
ACRES OF LAND, AS FOLLOWS:  
TRACT 1, FROM "U" LIMITED INDUS-  
TRIAL DISTRICT TO "GR-MU-CO"  
COMMUNITY COMMERCIAL-MIXED  
USE DISTRICT-CONDITIONAL OVER-  
LAY COMBINING DISTRICT, AND  
TRACT 2, FROM "U" LIMITED INDUS-  
TRIAL DISTRICT TO "RR-CO" RURAL  
RESIDENCE DISTRICT-CONDITIONAL  
OVERLAY COMBINING DISTRICT,  
BOTH TRACTS IDENTIFIED ON THE  
MAP ATTACHED AND INCORPORAT-  
ED INTO THIS ORDINANCE, LOCALLY  
KNOWN AS 1149 TO 1199 AIRPORT  
BOULEVARD AND 1005 TO 1023  
SPRINGDALE ROAD, IN THE CITY OF  
AUSTIN, TRAVIS COUNTY, TEXAS.

Mayor, Kirk Watson  
City of Austin

SWORN AND SUBSCRIBED TO BEFORE ME, this the 24<sup>th</sup> day of July 1998



Taylon Starr  
Notary Public in and for  
TRAVIS COUNTY, TEXAS

305 South Congress Ave., P.O. Box 670, Austin, Texas 78767-0670 512-445-3541

Jon Niermann, *Chairman*  
Emily Lindley, *Commissioner*  
Bobby Janecka, *Commissioner*  
Toby Baker, *Executive Director*



## TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

*Protecting Texas by Reducing and Preventing Pollution*

Via Email

November 2, 2022

Mr. Patrick Oliver  
Land Owner for 1005 Springdale, Austin, TX  
3276 Bee Cave Road, Suite 107-92  
Austin, Texas 78746

Dear Mr. Oliver,

The former Star Enterprise Terminal ceased operating on the 1005 Springdale property (the "Site") and was decommissioned more than twenty years ago. Prior to and after with the Star Enterprise Terminal's decommissioning, the Site underwent extensive investigation and remediation, as documented in a 2005 Response Action Plan (RAP) and a 2007 Response Action Completion Report (RACR). As part of the final remedy for the Site, a Plume Management Zone (PMZ) was established to monitor the natural attenuation of benzene concentrations in groundwater over time. The Texas Commission on Environmental Quality (TCEQ) approved the RACR and issued regulatory closure under Remedy B Standard – Commercial/Industrial use. The approval required a deed notice to be filed in the county real property records that restricted the Site to the commercial/industrial use.

A call with the TCEQ was held on September 9, 2022 with Merrie Smith, the Voluntary Cleanup Program-Corrective Action Section Manager of the TCEQ Remediation Division, and myself, Michael Duffin, Project Manager for the Site, to discuss the process to allow for residential use of the Site. Prior to the call, the TCEQ reviewed the previous environmental reports as well as a more recent Phase II report prepared by the current property owner.

Based on its review of the data, the TCEQ noted that the Site should not have been restricted to a Remedy Standard B – Commercial/Industrial, based on the benzene levels in soil and groundwater. The TCEQ recommended that an updated Affected Property Assessment Report (APAR) be prepared and submitted that evaluates current site conditions. The APAR will provide information to determine the path forward and a response action that may allow for closure of the site to residential standards. Once the response action is complete and approved by the TCEQ, a No Further Action letter will be issued. A superseding deed notice can be filed in the county real property records to remove the commercial/industrial restriction applied to the site by the TCEQ. A restriction on groundwater use would remain on the Site.

Sincerely,

A handwritten signature in blue ink, appearing to read "Mike Duffin".

Mike Duffin, Ph.D., P.G.  
VCP-CA Section  
Remediation Division

P.O. Box 13087 • Austin, Texas 78711-3087 • 512-239-1000 • [tceq.texas.gov](http://tceq.texas.gov)

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