



Legislation Details (With Text)

File #: 20-189 **Version:** 2 **Name:**

Type: MISCELLANEOUS **Status:** Hearing Closed; Approved
HEARINGS

File created: 1/17/2020 **In control:** Office of Environmental Quality & Sustainability

On agenda: 2/12/2020 **Final action:** 2/12/2020

Title: A public hearing to receive comments on a proposed municipal setting designation to prohibit the use of groundwater as potable water beneath properties owned by local businesses and individuals (list attached to the Agenda Information Sheet) generally located along Harry Hines Boulevard, Inwood Road, Denton Drive, and Empire Central and adjacent street rights-of-way; and an ordinance authorizing support of the issuance of a municipal setting designation to Virtuolotry, LLC by the Texas Commission on Environmental Quality and prohibiting the use of groundwater beneath the designated property as potable water - Financing: No cost consideration to the City
Recommendation of Staff: Approval

Sponsors:

Indexes: 2

Code sections:

Attachments: 1. List, 2. Map, 3. Ordinance, 4. Exhibit A

Date	Ver.	Action By	Action	Result
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STRATEGIC PRIORITY: Quality of Life

AGENDA DATE: February 12, 2020

COUNCIL DISTRICT(S): 2

DEPARTMENT: Office of Environmental Quality & Sustainability

EXECUTIVE: M. Elizabeth Cedillo-Pereira

SUBJECT

A public hearing to receive comments on a proposed municipal setting designation to prohibit the use of groundwater as potable water beneath properties owned by local businesses and individuals (list attached to the Agenda Information Sheet) generally located along Harry Hines Boulevard, Inwood Road, Denton Drive, and Empire Central and adjacent street rights-of-way; and an ordinance authorizing support of the issuance of a municipal setting designation to Virtuolotry, LLC by the Texas Commission on Environmental Quality and prohibiting the use of groundwater beneath the designated property as potable water - Financing: No cost consideration to the City
Recommendation of Staff: Approval

BACKGROUND

Based on information provided by the Applicant, the designated property is underlain by groundwater

that is encountered at approximately 18 feet below ground surface (bgs) and extends to approximately 35 feet bgs at the top of the underlying Eagle Ford Group. The Eagle Ford Group is considered a regional aquitard and is comprised mainly of shale, sandstone, and limestone that is expected to be approximately 300 feet thick. The direction of groundwater flow beneath the designated property is localized and anticipated to flow towards the south. Portions of the shallow groundwater have been affected by benzene, cis-1,2-dichloroethene (cis-1,2-DCE), ethylbenzene, methyl tert-butyl ether (MTBE), naphthalene, tetrachloroethene (PCE), toluene, total petroleum hydrocarbons (TPH), trichloroethene (TCE), 1,2,4-trimethylbenzene (1,2,4-TMB), and vinyl chloride (VC) at concentrations above groundwater ingestion standards and appear to be associated with historical offsite and onsite operations. The probable onsite sources for PCE, TCE, cis-1,2-DCE, and TPH are likely from historical releases associated with an onsite former bulk solvent tank area, paint booth, metal fabrication shop, and abandoned in-place underground storage tank (UST) system located at 2221 West Mockingbird Lane; PCE, TCE, and VC are likely from onsite historical releases associated with a wash bay, maintenance shop, and former UST systems located at 2128, 2032, 2108, 2110, 2112, 2114, and 2116 Hawes Avenue. The probable historical offsite sources for TCE and cis-1,2-DCE located at 6124 Denton Drive are from an adjacent property to the north-northwest at 6200 Denton Drive with documented releases of similar chemicals that have been addressed under the Texas Commission on Environmental Quality (TCEQ) Voluntary Cleanup Program (VCP) and have received municipal setting designation (MSD) certification from TCEQ.

The applicant has requested that the City support its application for a MSD. A public meeting will be held on February 3, 2020 to receive comments and concerns. Notices of the meeting were sent to 2,443 property owners within 2,500 feet of the property and 136 private well owners within 5 miles of the property. There are no other municipalities within one-half mile of the property.

Portions of the designated property were entered into the VCP administered by the TCEQ in August 2015, August 2017, and August 2017 and are designated as VCP Facility ID No. 2754, 2892, and 2893, respectively.

This item is a municipal setting designation ordinance prohibiting the use of potable groundwater beneath property generally located along Harry Hines Boulevard, Inwood Road, Denton Drive, and Empire Central and adjacent street rights-of-way; and supporting the issuance of a MSD by TCEQ.

The applicant's current plan is to obtain closure through the VCP supported by an MSD. Currently the designated property is primarily developed with commercial and light industrial uses consisting of storage warehouses, office buildings, distribution warehouses, retail strip centers, restaurants and automotive showrooms. Other uses include vacant land, parks, and residential properties. The anticipated future use of the designated property will remain similar to the current uses; however, individual parcels may be redeveloped.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

This item has no prior action.

FISCAL INFORMATION

No cost consideration to the City.

OWNERS

Dreki Capital, LLC

Mathew Marshal, Director

1250 WDT, LTD.

SLJ Company, LLC General Partner
Louis H. Lebowitz, President

1840 Mockingbird Joint Venture

Lawrence G. Moser, Manager

1850 Mockingbird, LLC

Lawrence G. Moser, Governing Person

2033 EC, LTD.

SLJ Company, LLC, General Partner
Louis H. Lebowitz, President

2115 Empire Central LLC

Philip M. Lang, Manager

2608 Inwood, LTD.

J Small Investments, L.C., General Partner
Justin A. Small, President

6211 Owens LLC

Phillip M. Lang, Manager

6627 Maple Avenue, LLC

Richard Boyd, President

7777 Hines Place LLC

Karen Rydman, Manager

Adler Property Companies, LLP

JRE Aquila II, LLC, General Partner
John R. Eagle, Managing Member

Ansonbrook, LLC

Red Barn Holdings, LP, Managing Member
Ithaca GP, LLC, General Partner
Justin Small, President

Autoscope Motorsports, LTD.

ASMS-GP, Inc., General Partner
Nerces Mavelian, President

Robert E. Bard

Maria G. Colmenero

BFH, LTD.

Empire Central, Inc., General Partner
Robert Jackson, President

Bright Sea Investments LLC

Trevor Pearlman, Manager

Burnett Brothers Trust

Robert W. Burnett, Trustee

Carder Chaney Properties LLC

Gary Young, Managing Member

Cooper Residential, LLC

Gene Cooper, President

Crockett Court Corporation

James H. Ezell, President

Czyca Properties, LLC

Andrea Gorczyca, Manager

City of Dallas

TC Broadnax, City Manager

Denton-Hines Properties, Inc.

Joe M. Graham, President

Deruta LLC

Robert Jackson, Manager

DLFI 75235, LTD.

MSV Acquisitions, LLC, General Partner
David R. Corrigan, Manager

Double E Properties

Gene Hart, Co-Partner

Gay D. Ford

Jorge Garcia

GIC-1820, L.P.

GIC-Mockingbird GP, LLC, General Partner
G. H. Stool, Manager

Girls Incorporated of Metropolitan Dallas

Freeman Carrie Parsons, Chairman

Ray Hallford

Harry Empire, LTD.

Ithaca GP, LLC, General Partner
Justin Small, President

Harry Hines Venture II, LP

S&W Properties, LLC, General Partner
Paul A. Whitman, Manager

Harry Hines Venture, LP

S&W Properties, LLC, General Partner
Paul A. Whitman, Manager

The Humane Society of Dallas County

Sandra Luhring, Director

Imprunetta LLC

Bomar Management, LLC, Member
Robert R. Jackson, Manager

Inwood Self Storage Family LP

Santa Fe Storage Properties, Inc., General Partner
Dean Cynthia Alexis, President

Kendrick Properties II Limited

Kendrick Interests, Inc., General Partner
Dorothy Percy, President

Kilpatrick Equipment Company

Steve Kilpatrick, President

Kimsey Stutz, LLC

Red Barn Holdings, LP, General Partner
Ithaca GP, LLC, General Partner
Justin Small, President

Larry Pryor

KKS, Inc.

Diana Pryor, President

Landlord, LLC

C. Dennis Lord, Managing Member

Maple Empire, LLC

Red Barn Holdings, LP, General Partner
Ithaca GP, LLC, General Partner
Justin Small, President

Maple Walk, LP

VPC GP, Inc., General Partner
Syd J. Hurley IV, Director

Maplebird, LP

42 A, LLC, General Partner
Scott Rohrman, Manager

Maplewood Partners, LTD.

Ithaca GP, LLC, General Partner
Justin Small, President

Margaret T. Moore Revocable Trust

Margaret T. Moore, Trustee

Melnic, LTD.

J. Small Investments, L.C., General Partner
Justin Small, President

Midbelt Properties, L.P.

Midbelt Investment Corporation, General Partner
Johua Ju, President

Mockingbird FP, LP

S&W Properties, LLC, General Partner
Warren C. Smith, Manager

Oncor Electric Delivery Company LLC

James R. Adams, Chairman

Pleasant Run/Lancaster, LTD.

SLJ Company, LLC, General Partner
Louis H. Lebowitz, President

RBH Anson, LLC

Red Barn Holdings, LP, Member
Ithaca GP, LLC, General Partner
Justin Small, President

RBH Hines, LLC

Ithaca GP, LLC, Governing Person
Justin Small, President

Rearden Investment Partners VI, Inc.

Sandra Owens, President

Red Barn Holdings, LP

Ithaca GP, LLC, General Partner
Justin Small, President

Candace Rubin

SLJ Company, LLC

Louis H. Lebowitz, President

SBLFT/OF 2016, LTD.

SLJ Company, LLC, General Partner
Louis H. Lebowitz, President

Leonard Sloan & Associates, Inc.

Leonard R. Sloan, President

Southwest Airlines Company

Gary C. Kelly, Director

SPC Mockingbird Depot LLC

South Plains Crossing LP, Managing Member
South Plains Crossing GenPar, LLC, General Partner
Collin Creek Village, L.P., Managing Member
CCV Management, Inc., General Partner
Anthony Ruggeri, President

Ollie Vernon Stark & Helen Marie Family Living Trust

Leslie Vernon Stark, Trustee

Maria C. Strattin

Thomas W. Taylor

Hugo V. Valdez et ux, et al Revocable Living Trust

Sonia C. Granoff, Trustee

Viceroy Davenport, L.P.

Viceroy Inwood Development, Inc., General Partner
Stephen J. Rogers, President

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Stephen J. Rogers, President

Viceroy Post, L.P.

Inwood Post, Inc., General Partner
Stephen J. Rogers, President

Yego 6500 HH, LP

Yego 6500 HH GP, LLC, General Partner
Todd K. Ashbrook, Manager

MAP

Attached