PLANNING COMMISSION FINAL REPORT

Case No.: 0313-01 **HTE No.** 13-10000003

Planning Commission Hearing Date: April 23, 2014

	1								
Applicant & Legal Description	Applicant/Owner: Thomas Petroleum, LLC Legal Description/Location: Lot 1, Block 1, Thomas Petroleum Subdivision, located on the south side of State Highway 44, approximately 670 feet east of South Clarkwood Road.								
Zoning Request	Request: Special Permit Time Extension Area: 9.74 acres Purpose of Request: To extend the expiration date of the Special Permit for an additional two years.								
		Exist	ing Zoning District	E	xisting Land L	Jse	Future	Land Use	
gand	Site	"II /SP" Light Industrial					Industrial		
iing ses	North	North "RS-6" Single-Family 6 Vacant				State Highway 44			
Existing Zoning and Land Uses	South	"RS-	-6" Single-Family 6	V	Vacant & Drainage			Light Industrial & Drainage	
xistin La	East	"IL	." Light Industrial	L	Light Industrial & Drainage		Light Industrial & Drainage		
<u>Ш</u>	West	"RS-	-6" Single-Family 6	D	Vacant & Low Density Residential		Light	Industrial	
ADP, Map & Violations	Area Development Plan: The subject property is located in the Port/Airport/Violet Area Development Plan (ADP) and is planned for light industrial uses. The change of zoning to the "IL/SP" Light Industrial District with a Special Permit did not result in a change to the adopted Future Land Use Map, but the proposed heavy industrial use is not consistent with the plan. Map No.: 058043 & 057043 Zoning Violations: None								
Transport- ation	Transportation and Circulation : The subject property has approximately 1,000 feet of frontage along State Highway 44, which is an "F1" Freeway/Expressway and designated scenic corridor. The property is located approximately 670 feet east of South Clarkwood Road, which is an "A3" Primary Arterial Divided.								
R.O.W.	Stre	eet	Urban Transportation Pla Type	an	Proposed Section		sting ction	Traffic Volume	
Street R.O.W.	SH	44	"F1" Freeway/Expresswa	ay	400' ROW varies paved		ROW paved	15,788 E 12,589 W (2007)	

Staff Summary:

Applicant's Request:

The applicant and landowner, Thomas Petroleum, is requesting to extend the time limit of a Special Permit granted on their property for an additional two years. The Special Permit requires the developer to submit a complete building permit application within one year of Council's approval of the Special Permit, or else the Special Permit expires and the use approved by the Special Permit is no longer allowed.

Current Zoning/Special Permit:

Thomas Petroleum's property was rezoned in 2013 from the "RS-6" Single-Family 6 District to the "IL/SP" Light Industrial District with a Special Permit for the aboveground wholesale storage of fuels and lubricants, which is a Heavy Industrial use according to the Unified Development Code (UDC). The Special Permit granted by Council allowed for 31 aboveground storage tanks. Seven of the tanks are allowed to store fuel and cannot exceed a capacity of 26,800 gallons. The remaining tanks can store other products such as lubricants and water and cannot exceed a capacity of 14,600 gallons. A copy of the approved Special Permit ordinance and site plan is included with this report.

Department Comments:

- The applicant is requesting a time extension for the Special Permit that was issued on May 28, 2013, by Ordinance No. 029841. If a time extension is not granted, the Special Permit will expire on May 28, 2014, and the use allowed by the Special Permit will no longer be allowed on the subject property.
- The applicant has completed the platting (land subdivision) process for the site but is not ready to submit a complete building permit application.
- The Special Permit allowed one year for the applicant to submit a complete building permit application to the City.
- Though the applicant is requesting a two-year time extension, staff and Planning Commission recommend a one-year time extension, requiring the applicant to request another one-year time extension should they not be able to submit a complete building permit application by May 28, 2015.
- Staff and Planning Commission believe an additional year should be a reasonable time frame for the applicant to submit a building permit application based on the following:
 - The applicant has already completed the platting process.
 - The time limit does not require that construction of the facility be completed by May 28, 2015; rather it only requires that a building permit application be submitted for staff review.
- An applicant may only request two Special Permit time extensions. Beyond two time extensions, the applicant would have go through the rezoning process again in order to establish the proposed use.

Planning Commission and Staff Recommendation (April 23, 2014):

Denial of the applicant's requested two-year time extension and approval of a one-year time extension.

	Number of Notices Mail	ed – 4 within 200' notification area; 12 outside notification area
Public Notification	As of May 5, 2014: In Favor	0 inside notification area0 outside notification area0 inside notification area
Pu	For 0.000/ in apposition	0 outside notification area)

For 0.00% in opposition.

Attachments: 1. Extension request letter

2. Location Map (Existing Zoning & Notice Area)

3. Site Plan

4. Special Permit Ordinance #029841



April 4, 2014

Mr. Barney Williams, P.E. Interim Director of Development Services City of Corpus Christi 2406 Leopard St. Corpus Christi, TX 78408

Re: Lot 1, Thomas Petroleum Subdivision, C. L. Thomas

Dear Mr. Williams,

Due to falling behind on our construction projects, we would like to request an extension to the rezoning permit for the above referenced project.

We respectfully request that a 2 year extension be granted.

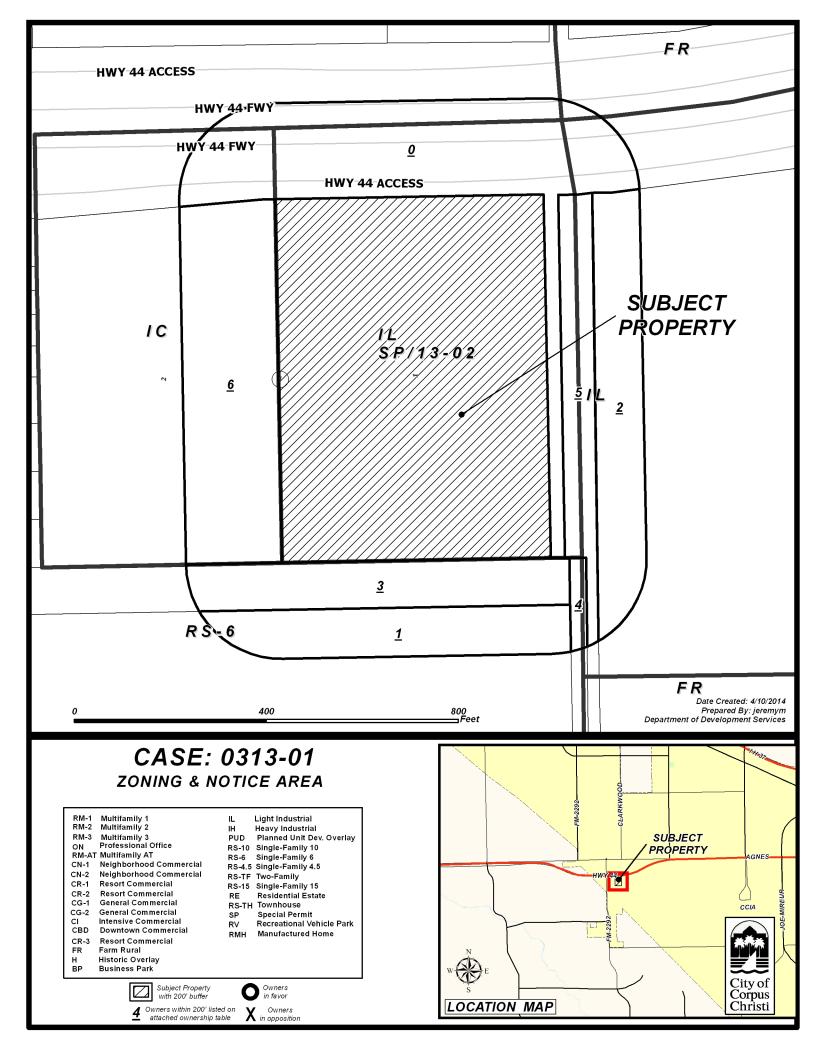
Regards,

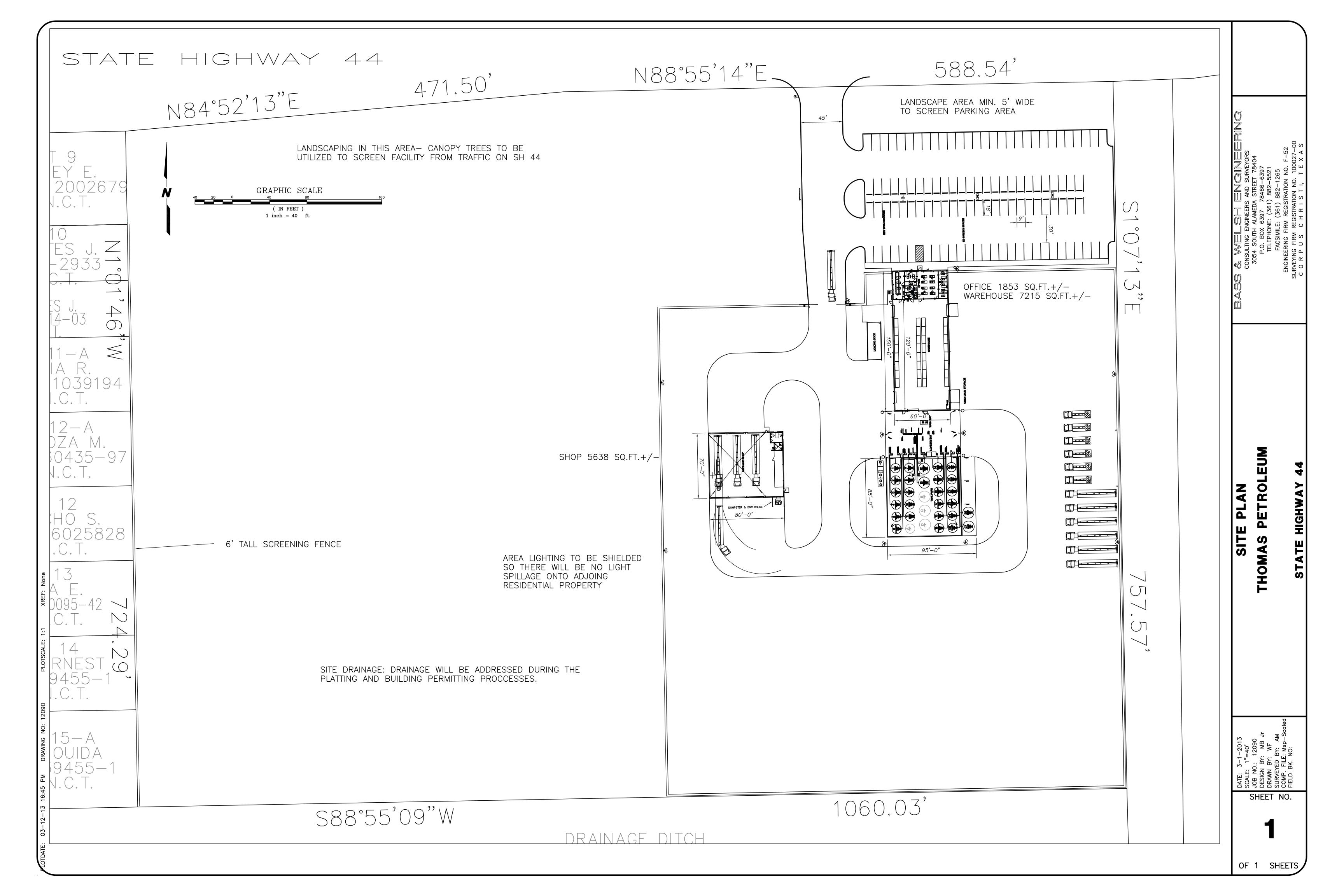
Shawn Brooke

Director of Construction

(361) 572-2815

Cc: Annika Gunning Cc: Murray Bass, JR.





Ordinance amending the Unified Development Code ("UDC") upon application by Elizabeth Anne Meaney ("Owner"), by changing the UDC Zoning Map in reference to an 18.25-acre tract of land out of the G. H. McLeroy 40-acre tract in the Thomas Gallagher Survey 402, Abstract 988, and the James Ward Survey, Abstract 1031, from the "RS-6" Single-Family 6 District to the "IL/SP" Light Industrial District with a Special Permit on Tract 1 and to the "IC" Industrial Compatible District on Tract 2; amending the Comprehensive Plan to account for any deviations; and providing for a repealer clause and publication.

WHEREAS, the Planning Commission has forwarded to the City Council its final report and recommendation regarding the application of Elizabeth Anne Meaney ("Owner") for an amendment to the City of Corpus Christi's Unified Development Code ("UDC") and corresponding UDC Zoning Map;

WHEREAS, with proper notice to the public, public hearings were held on Wednesday, March 27, 2013, during a meeting of the Planning Commission, and on Tuesday, April 23, 2013, during a meeting of the City Council, during which all interested persons were allowed to appear and be heard; and

WHEREAS, the City Council has determined that this amendment would best serve the public health, necessity, convenience and general welfare of the City of Corpus Christi and its citizens.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CORPUS CHRISTI, TEXAS:

SECTION 1. Upon application made by Elizabeth Anne Meaney ("Owner"), the Unified Development Code ("UDC") of the City of Corpus Christi, Texas ("City"), is amended by changing the zoning on an 18.25-acre tract of land out of the G. H. McLeroy 40-acre tract in the Thomas Gallagher Survey 402, Abstract 988, and the James Ward Survey, Abstract 1031 (the "Property"), located on the south side of State Highway 44 approximately 110 feet east of South Clarkwood Road, from the "RS-6" Single-Family 6 District to the "IL/SP" Light Industrial District with a Special Permit on Tract 1 (9.74 acres) and to the "IC" Industrial Compatible District on Tract 2 (8.51 acres) (Zoning Map Nos. 058043 and 057043), as shown in Exhibits "A," "B," "C," "D," and "E." Exhibit A, which is a metes and bounds description of Tract 2, Exhibit C, which is a map to accompany the metes and bounds descriptions, Exhibit D, which is a site plan pertaining to the Property, and Exhibit E, which is a list of plants that can attract wildlife, are attached to and incorporated in this ordinance by reference as if fully set out herein in their entireties.

SECTION 2. The Special Permit granted on Tract 1 of the Property in Section 1 of this ordinance is subject to the Owner meeting the requirements of Exhibits D and E and the following 11 conditions:

1. **Allowed Uses:** The only use allowed on Tract 1 of the Property other than a use allowed by right in the "IL" Light Industrial District is the aboveground wholesale storage of fuel and lubricants within a total of 31 storage tanks.

- 2. Aboveground Storage Tanks: Tract 1 of the Property cannot contain more than 31 aboveground storage tanks within the tank farm area indicated on Exhibit D. Tract 1 of the Property cannot contain more than seven aboveground storage tanks for the storage of fuel, and the capacity of each fuel storage tank cannot exceed 26,800 gallons. Aboveground storage tanks for the storage of lubricants cannot exceed a capacity of 14,600 gallons.
- 3. **Fire Department Approval:** The aboveground storage of fuels and lubricants must meet all Fire Department requirements.
- 4. **Storm Water Detention:** The Owner shall construct and maintain all necessary aboveground detention facilities in a manner that prevents water from standing for longer than 48 hours after the design storm, and the drainage facilities shall remain completely dry between storms.
- 5. **Federal Aviation Administration (FAA):** The Owner shall submit notice to the FAA prior to the permitting of each structure or tank on the Property.
- 6. **Height:** Structures and improvements on the Property cannot exceed 32 feet in height above ground level.
- 7. **Landscaping:** The Owner must comply with the landscape requirements in the UDC. Additionally, no plant listed in Exhibit E may be used in meeting the landscape requirements.
- 8. **Screening:** The Owner shall plant canopy trees to effectively screen the Property and industrial facilities from view of east and westbound traffic on State Highway 44.
- 9. Land Use Compatibility in Accident Potential Zones: The Owner shall not exceed a maximum Floor Area Ratio of 0.28 on portions of the Property in Accident Potential Zone-1 and 0.56 on portions of the Property in Accident Potential Zone-2. The Floor Area Ratio shall include the square footage of the aboveground storage tank farm.
- 10. **Billboards:** The Owner shall not construct nor allow a billboard or off-premise sign on the Property.
- 11. **Time Limit:** This Special Permit shall be deemed to have expired within 12 months of this ordinance unless a complete building permit application has been submitted, and the Special Permit shall expire if the allowed use is discontinued for more than six consecutive months.
- **SECTION 3.** The official UDC Zoning Map of the City is amended to reflect changes made to the UDC by Section 1 of this ordinance.
- **SECTION 4.** The UDC and corresponding UDC Zoning Map of the City, made effective July 1, 2011, and as amended from time to time, except as changed by this ordinance, both remain in full force and effect.

SECTION 5. To the extent this amendment to the UDC represents a deviation from the City's Comprehensive Plan, the Comprehensive Plan is amended to conform to the UDC, as it is amended by this ordinance.

SECTION 6. All ordinances or parts of ordinances specifically pertaining to the zoning of the Property (18.25-acre tract of land out of the G. H. McLeroy 40-acre tract in the Thomas Gallagher Survey 402, Abstract 988, and the James Ward Survey, Abstract 1031) and that are in conflict with this ordinance are hereby expressly repealed.

SECTION 7. Publication shall be made in the official publication of the City of Corpus Christi as required by the City Charter of the City of Corpus Christi.

this the day of	was read for the first	time and passed to be a second to be	the following vote:
Nelda Martinez _	aye	Chad Magill	_aye
Kelley Allen	age	Colleen McIntyre	_aye
Rudy Garza	aye	Lillian Riojas	_aye
Priscilla Leal _	7/8	Mark Scott	_alex
David Loeb	lye	·	Ü
The foregoing ordinan	nce was read for the seco		finally on the following vote:
Nelda Martinez _	age	Chad Magill	age
Kelley Allen _	aye	Colleen McIntyre	aye
Rudy Garza _	dije	Lillian Riojas	auge.
Priscilla Leal _	<u>Mo</u>	Mark Scott	_aye
David Loeb	<u>Aije</u>		0
PASSED AND APPRO	OVED this the <u>28</u> da	ay of <u>May</u>	, 20 <u>13</u>
ATTEST:			
Brudold	r	hil	_
Armando Chapa City Secretary	 1	Nelda Martinez Mayor	
EFFECTIVE DATE		A 4	Page 3 of 3

3054 S. ALAMEDA, ZIP 78404 361 882-5521~ FAX 361 882-1265 e-mail: <u>murrayjr@aol.com</u>

BASS & WELSH ENGINEERING

TX Registration No. F-52 Survey Registration No. 100027-00 P.O. Box 6397 Corpus Christi, TX 78466-6397

May 2, 2013

Field Note Description Tract 1 IL (SP) Zoning

Being a tract situated in Corpus Christi, Nueces County, Texas, a 9.74 acre tract on the east side of an 18.25 acre tract out of the G.H. McLeroy 40.0 acre tract in Thomas Gallagher Survey 402, Abstract 988 and the James Ward Survey, Abstract 1031, and being more particularly described by metes and bounds as follows:

BEGINNING at the northeast corner of the heretofore referenced 18.25 acre tract for the northeast corner of this tract, said point lying in the south right-of-way line of State Highway 44;

THENCE S 1°07'13" E along the east boundary of the 18.25 acre tract a distance of 757.57 feet to the southeast corner of the 18.25 acre tract for the southeast corner of this tract;

THENCE along the south line of the 18.25 acre tract S 88°55'09" W a distance of 560.03 feet to a point for the southwest corner of this tract:

THENCE N 1°04'51" W across the 18.25 acre tract a distance of 757.58 feet to a point in the north line of the 18.25 acre tract for the northwest corner of this tract, said point lying in the south right-of-way line of State Highway 44;

THENCE N 88°55'14" E along the north line of the 18.25 acre tract and the south right-of-way line of State Highway 44 a distance of 559.51 feet to the **POINT OF BEGINNING**, forming a tract embracing 9.74 acres.

Murray Bass, Jr., R.P.L.S.

Note: Description based on survey Texas GeoTech dated December 13, 2012.

MBJ:sab

12090-Field Note Desc.doc

3054 S. ALAMEDA, ZIF 78404 361 882-5521~ FAX 361 882-1265 e-mail: <u>murrayjr@aol.com</u>

BASS & WELSH ENGINEERING

TX Registration No. F-52 Survey Registration No. 100027-00 P.O. Box 6397 Corpus Christi, TX 78466-6397

May 2, 2013

Field Note Description Tract 2 IC Zoning

Being a tract situated in Corpus Christi, Nueces County, Texas, an 8.51 acre tract on the west side of an 18.25 acre tract out of the G.H. McLeroy 40.0 acre tract in Thomas Gallagher Survey 402, Abstract 988 and the James Ward Survey, Abstract 1031, and being more particularly described by metes and bounds as follows:

BEGINNING at the northwest corner of the 18.25 acre tract, the northeast corner of Lot 9, Block 1, Clarkwood Annex as shown on the map thereof recorded in Volume 33 at Page 23 of the Map Records of Nueces County, Texas for the northwest corner of this tract, said point lying in the south right-of-way line of State Highway 44;

THENCE N 84°52'13" E along the north line of the 18.25 acre tract and the south line of State Highway 44, a distance of 471.50 feet to a point for an intermediate corner of this tract;

THENCE continuing along the north line of the 18.25 acre tract, and the south right-of-way line of State Highway 44, N 88°55'14" E a distance of 29.03 feet to a point for the northeast corner of this tract;

THENCE S 1°04'51" E across the 18.25 acre tract a distance of 757.58 feet to a point in the south boundary of the 18.25 acre tract for the southeast corner of this tract;

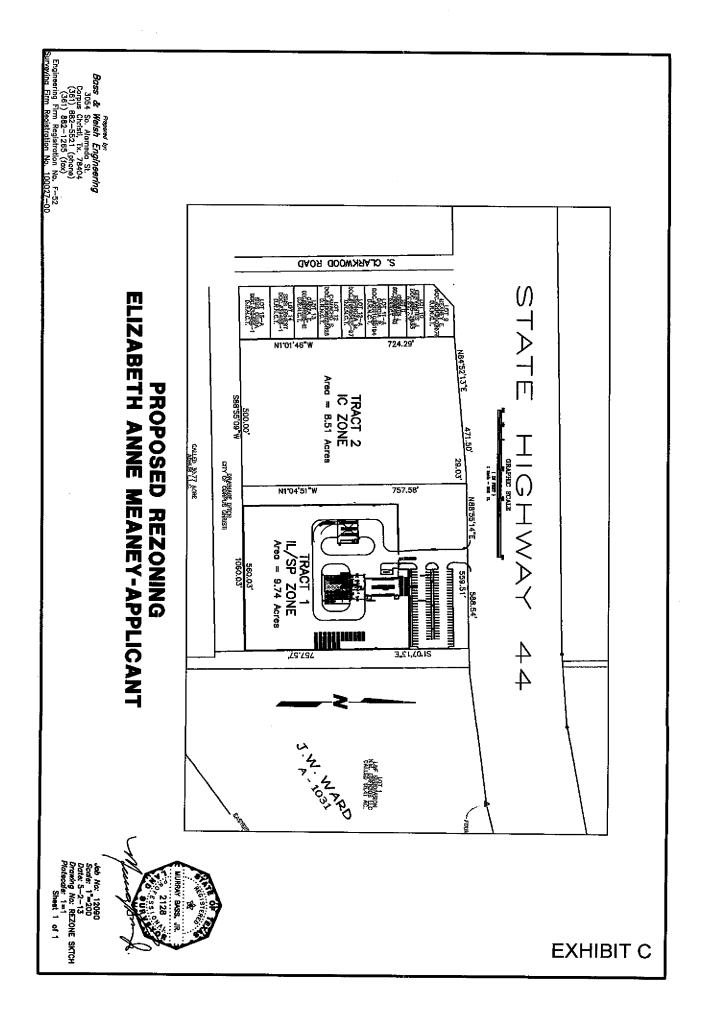
THENCE S 88°55'09" W a distance of 500.00 feet to the southwest corner of the 18.25 acre tract for the southwest corner of this tract, said point line being the southeast corner of Lot 15-A of the Clarkwood Annex;

THENCE N 1°01'46" W along the west boundary of the 18.25 acre tract and the east boundary of the Clarkwood Annex Subdivision a distance of 724.29 feet to the **POINT OF BEGINNING**, forming a tract embracing 8.51 acres.

Note: Description based on survey Texas GeoTech dated December 13, 2012.

MBJ:sab

12090-Field Note Desc2.doc



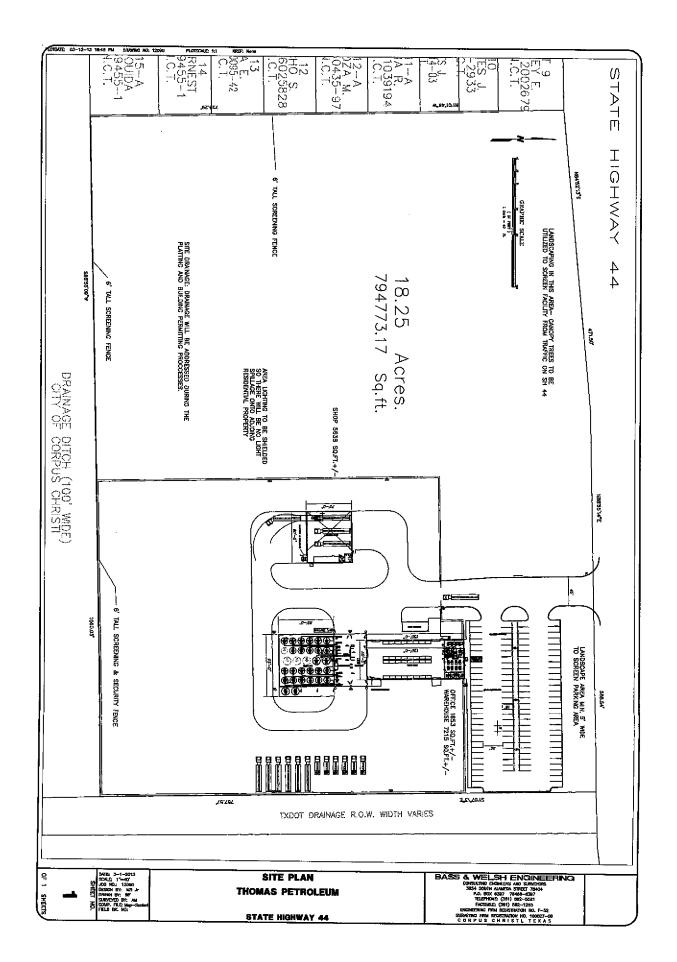


EXHIBIT D

APPENDIX 12: PLANTS ATTRACTIVE TO WILDLIFE

Listings within groups are in order of extent of use, which in some cases may be affected by availability.

	Used as Food by Wild	llife ^m	
Woody Blants	《新聞物學》 《表示數數》。		and the series is the form of the series of
Alder	Almus spp.	Maple	Acer spp.
Aspen	Populus spp.	Mesquite	Prosopis spp.
Beech	Fagus grandifolia	Mulberry	Morus spp.
Birch	Betual spp.	Oak	Quercus spp.
Blackberry	Rubus spp.	Persimmon	Diospyros spp.
Blackgum	Nyssa sylvatica	Pine	Pinus spp.
Blueberry	Vaccineum spp.	Poison Ivv	Toxicodendron radicans
Cedar	Juniperus spp.	Deicklyman	Opuntia spp.
Dogwood	Cornus spp.	Sagebrush	Artemisia spp.
Douglas-fir	Pseudotsuga taxifolia	Saltbush	Atriplex spp.
Elderberry	Sambucus spp.	Serviceberry	Amelanchier spp.
Fir	Alice	Snowberry	Symphoricarpos
Gooseberry		Spruce	
Grape	Vitis spp.	Sumac	Picea spp.
Greenbrier	C	Virginia creeper	Rhus spp.
Hackberry	Smiles spp. Celtis spp.	Wild cherry	Parthenocissus spp.
Holly	Ilex spp.	Willow	Prunus spp.
Manzanita	Arctostaphylos spp.	w mow	Salix spp.
Upland Werds and Vita			a
Bluegrass	Poa spp.		Carlotte State Control (Control (Contro
Bristlegrass		Grama grass	Bouteloua spp.
Brome grass	Seteria spp.		Polygonum spp,
Chickweed	Bromus spp.	Oats	Avena spp.
	Stellaria media	Panic Grass	Panicum spp.
Clover	Trifolium spp.	Pigweed	Amaranthus spp.
Crabgrass	Digitaria spp.	Ragweed	Ambrosia spp.
Deervetch	Latus spp.	Russian thistle	Salsola kali
Doveweed	Croson spp.	Sedge	Carex spp,
Dropseed grass	Sporobolus spp.	Sunflower	Helianthus spp.
Fescue	Festuca spp.	Tarweed	Madia spp. and Hemizonia spp.
Filarce	Erodium spp.	Turkey Mullein	Eremocarpus setigerus
Goosefoot	Chenopodium spp.		
Warsh pridle square Plan	Strong Strong Strong Control	。	
Algae	Chlorophyta	Pondweed	Potamogeton spp.
Arrowhead	Sagittarią spp.	Saltgrass	Distichlis spp.
Bulrush	Scirpus spp.	Smartweed	Polygonum spp.
Burreed	Sparganium spp.	Spikerush	Eleocharis spp.
Cordgrass	Spartina spp.	Water lily	Nymphaea spp.
Duckweed	Lemna spp.	Weidgeongrass	Ruppia maritime
Homed-pondweed	Zannichellia palustris	Wildcelery	Vallisneria spiralis
Muskgrass	Chara spp.	Wildmillet	Echinochloa spp.
Naiad	Najas spp	Wildrice	Zizanio aquatica
Kalkarral Places of the	是大学的基础的基础。 第二章	ATT PARTY STATE	
Alfalfa	Medicago sativa	Grape	Viii kan kan kan marang ka
Apple	Malus pumila	Oats	Avena sativa
Barley	Hordeum vulgare	ice	Oryza sativa
			- O. dui.

¹⁶ Sources: Martin, A.C., H.S., Zim, and A.L. Nelson. 1961. American wildlife and plants. Dover Publications, N.Y. 500 pp. Lefebvre, p.W., and D.F. Mott. 1987. Reducing bird/aircraft hazards through control of bird-nesting, roosting, perching, and feeding. Section of Bird Control, Denver Wildl. Res. Ctr., ADC/APHIS/USDA, Denver, CO., Bird Damage Res. Rept. 390. 91 pp.

State of Minnesota Department of Transportation/Office of Aeronautics

Airport Compatibility Manual Appendix - Page 1

Cherry	Prunus spp	Sorghum	Sorghum vulgare
Com Occumental Free and \$1	Zea mays	Wheat	Triticum spp.
Serviceberry	Amelanchier canadensis	Russian olive	Eleagnus angustifolia
Alleghany serviceberry	A laens	American beech	Fagus grandifolia
Yellowbirch	Betula lutea	Purple beech	F. sylvatica
Gray birch	B. populifolia	Weeping birch	E sylvatica
River birch	B. myra	Betchel crabapple	Malus inensis
Paper birch	B. papyrifera	Pissard plum	Prunus cerasifers
Western white birch	B. commutatë	Amur choke cheny	P. maackii
Flowering dogwood	Cornus florida	May Day tree	P. padus commutate
Japanese dogwood	C. konsa	Autumn Flowering Higan	P. subbirtella
		chemy	
Cornelian cherry	C. mas	Shubert choke cherry	P. virginiana
Pacific dogwood	C. nuttali	White cedar	Thuja occidentalis
Cockspur thorn	Crataegus crus-galli	Hedge cotoneaster	C lucida
Toba ĥawthom	C. x mordensis "Toba"	Witchhazel	Hamamelis virginiana
English hawthorn	C. oxyacantha	Oregon grape	Mahonia aguifolium
Paul's scarlet hawthorn	C sp.	Virginia creeper	Partenocissus guinguenfolia
Cutleaf peashrub	Caragan arborescens	Western sand cherry	P. tomentosa
Weeping caragana	C. arborescens	Flowering almond	P. triloba
Tidy caragana	G. microphylla	Alpine currant	Ribes alpinum
Silverleaf dogwood	Cornus alba	Austrian brier rose	Rosa foetida
Siberian dogwood	C. alba	Shining rose	R nitida
Yellowdoe dogwood	C. alba	Redleaf rose	R rubrifolia
Red osier dogwood	C. stolonifera	Burnett rose	R spinosissima
Yellow twig dogwood	C. stolonifera	Korean spice viburnum	Viburuum carlesii
Peking cotoneaster	Cotoneaster acutifolia	Wayfaring tree	V. lantana
Early cotoneaster	C. adpressa praecox	European highbush cranberry	The state of the s
Rockspray cotoneaster	C. horizontalis	process inglites a clarificity	entropias de la compansión de la compans

1 48 PRV

Airpoit Compatibility Manual Appendix = Page 2

Production (1) Production (1) Confidence (1)

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State of Minnesota Department of Transportation/Office of Aeronautics

Palatana Afrika Sangara

基準。27 6000mm

Pokulajanski tekit

Lefebyre, p.W., and D.F. Mort. 1987. Reducing bird/aircraft hazards through control of bird nesting, roosting, perching, and feeding. Section of Bird Control, Denver Wildl. Res. Cir., ADC/APHIS/USDA, Denver, CO., Bird Damage Res. Rept. 390. 91 pp.