

ZONING REPORT

Case No.: 0816-03
 HTE No. 16-10000028

Planning Commission Hearing Date: August 24, 2016

Applicant & Legal Description	<p>Applicant: Rangeland Products Terminal, LLC Owner: Norma Lee Stockseth & Rafael Leal Cavazos Representative: Ram Munoz, Munoz Engineering</p> <p>Location: 8110 and 8520 Agnes Street (State Highway 44) between Agnes and Alpine Streets and between Chickery Street (unimproved) and Manning Road (County Road 53). Legal Description: Being a 189.1490-acre tract of land, situated in the C.C. & S.F.R.R. Survey No. 313, Abstract 817, J.R. Ward Survey No. 316, Abstract 1005, Charles Land Patent No. 245, Survey No. 404, Abstract 975 and Abstract 976, and being a portion of Lots 1, 2, 11 & 12 of the H.B. Sheppard Farm Lots, and being a portion of the same tract of land known as a Share 6, a called 97.60 acres as conveyed to H.W. Isensee in Volume 317, Page 248 Deed Records of Nueces County, Texas, being the same tract of land as conveyed to Norma Lee Stockseth in Document No. #2011026126 O.P.R.N.C.T. and also being a portion of the same tract of land known as Share 7 conveyed to Nellie Isensee Fisher in Volume 317, Page 248 Deed Records of Nueces County, Texas, being the same tract of land conveyed to Rafael Leal Cavazos in Document No. #2004056050 O.P.R.N.C.T.</p>			
Zoning Request	<p>From: "IL" Light Industrial District To: "IL/SP" Light Industrial District with a Special Permit for the wholesale storage and distribution of fuels and lubricants Area: 189.1490 acres Purpose of Request: To allow construction of a tank farm for wholesale storage of fuels and lubricants and accessory uses including an office, employee parking and rail yard.</p>			
Existing Zoning and Land Uses		Existing Zoning District	Existing Land Use	Future Land Use
	<i>Site</i>	"IL" Light Industrial	Vacant	Light Industrial
	<i>North</i>	"IL" Light Industrial	Vacant	Light Industrial
	<i>South</i>	"IL" Light Industrial	Vacant Public Semi-Public	Light Industrial Public Semi-Public
	<i>East</i>	"IL" Light Industrial	Vacant Light Industrial Heavy Industrial	Light Industrial
	<i>West</i>	"IH" Heavy Industrial	Vacant Light Industrial	Light Industrial

ADP, Map & Violations	<p>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 proposed change of zoning to the “IL/SP” Light Industrial District with a Special Permit for a heavy industrial use is not consistent with the Comprehensive Plan Future Land Use designation of the property for light industrial uses.</p> <p>Map No.: 057044</p> <p>Zoning Violations: None</p>
Transportation	<p>Transportation and Circulation: The subject property has approximately 2,800 feet of frontage along State Highway 44, which is an “F1” Freeway/Expressway and same amount of frontage on Alpine Street, a designated “C2” Collector Street. There is approximately 2,860 feet of frontage on Manning Road, a designated A2 Secondary Arterial Roadway and also on Chickery Street, an unimproved Local Street.</p>

Street R.O.W.	Street	Urban Transportation Plan Type	Proposed Section	Existing Section	Traffic Volume
	Agnes Street (SH 44)	“F1” Freeway/Expressway	400’ ROW varies paved	326’ ROW 160’ paved	15,788 E 12,589 W (2007)
	Manning Road	“A2” Secondary Arterial	100’ ROW 54’ paved	60’ ROW 24’ paved	NA
	Alpine Street	“C2” Secondary Collector	65’ ROW 41’ paved	60’ ROW 24’ paved	NA
	Chickery Street	Local Street	50’ ROW 28’ paved	60’ ROW Unimproved	NA

Staff Summary:

Requested Zoning:

The applicant is requesting a change of zoning from the “IL” Light Industrial District to the “IL/SP” Light Industrial District with a Special Permit to allow construction of a facility for aboveground wholesale storage and distribution of fuels and lubricants. The proposed use is classified as “petroleum, gasoline, and lubricating oil refining, and wholesale storage,” which is a “heavy industrial” use and may be allowed by Special Permit in the “IL” Light Industrial District. The facility will also contain an office, an employee parking lot, a rail yard, train loading and a truck loading facility.

Development Plan:

The applicant plans to construct a wholesale distribution facility for fuels and lubricants. The proposed development will include a tank farm consisting of approximately 16

storage tanks containing petrochemicals including fuels, lubricants, propane and crude oil. The storage tanks will range in size from 70-foot diameter to 150-foot diameter with capacities ranging from 1,134,000 to 5,040,000 gallons. The facility will also contain an office, employee parking lot with approximately 40 parking spaces, rail yards, train loading facility and a four spot truck loading facility. The maximum height proposed for any structure is 100-feet above mean sea level, or 56.5-feet above the ground elevation. The property will have driveway access to Alpine Road. The facility will comply with all fire safety regulations and will be located at least 400 feet away from existing residential uses.

Existing Land Uses & Zoning:

North of the subject property is zoned for “IL” Light Industrial District including vacant land and Low Density Residential uses. East of the subject property is zoned with the “IL” Light Industrial District containing vacant land, one commercial and two heavy industrial uses. South of the subject property is zoned “IL” Light Industrial District with property uses including Agnes Street (SH 44) right-of-way, vacant land and a commercial use. West of the subject property is zoned “IH” Heavy Industrial District and includes unimproved Chickery Street right-of-way, vacant land and one light industrial use.

Navy Land Use Compatibility in Accident Potential Zones (APZs):

Navy Air Installation Compatibility Use Zones (AICUZ) do not officially exist around the runways of Corpus Christi International Airport (CCIA). However, as part of the Naval Air Station Corpus Christi (NAS) Joint Land Use Study (JLUS), AICUZs have been proposed for CCIA runways, and the subject property is located in APZ-I of the CCIA existing main runway. Due to the explosive characteristics of the proposed use, the Navy would discourage the proposed use at this location within an APZ.

The Navy’s Land Use Compatibility Recommendations Table (table), which is included in the City’s UDC, identifies broad categories of land uses that are acceptable in the Clear Zones and APZs. The proposed use is specifically classified as “petroleum bulk stations and terminals – wholesale.” This category falls into the broader category identified in the table of “wholesale trade,” which is a compatible land use in the APZ-I and APZ-II. However, in a footnote under the compatible land use table it does state that the explosive characteristics of a proposed use should be considered when determining if a proposed use is appropriate within an APZ.

As part of the NAS JLUS, the City created two new zoning districts to increase land use compatibility around the runways. Those districts are the “IC” Industrial Compatible District and the “CC” Commercial Compatible District, and both districts specifically prohibit aboveground fuel storage of any capacity. These new districts were intended for properties within an AICUZ.

Corpus Christi International Airport (CCIA) Comments:

The existing main runways approach path will be directly over the subject property, making the aboveground bulk storage of fuels of particular concern to the City. The City Aviation Department does not object to the proposed development provided that the

property owner complies with FAA filing requirements and the City Airport Hazard Ordinance.

Federal Aviation Administration (FAA) - Determinations of Hazards

The applicant is required to request a determination of hazards from the FAA for each structure constructed on the subject property. The applicant will also have to submit a "Notice of Actual Construction" to the FAA for each structure.

Comprehensive Plan & Area Development Plan (ADP) Consistency:

The proposed rezoning is within the boundaries of the Port/Airport/Violet ADP, which designates the property for a light industrial use. If this Special Permit is approved, the base zoning district of "IL" Light Industrial will not change and therefore the Future Land Use Map will not be modified by this rezoning.

- Areas surrounding existing private, public, and military airports should be developed in a manner that is compatible with the operation of the airports. (Corpus Christi Policy Statements, General, Policy Statements i)
- Minimize incompatible land uses surrounding the airport while encouraging aviation dependent industrial businesses to take advantage of the proximity and access to the airport. (Port/Airport/Violet ADP, Principal Plan Objective f.)
- This Port/Airport/Violet ADP identifies State Highway 44 as a scenic corridor. Heavy industrial uses, such as a tank farm, and billboards should be prohibited along scenic corridors. (Port/Airport/Violet ADP, Policy Statement B.7)

Department Comments:

- The proposed heavy industrial use is not consistent with the Future Land Use Map designation of Light Industrial use. The City planned for light industrial uses to be located around Corpus Christi International Airport (CCIA), so that manufacturing uses would not conflict with airport operations.
- While all heavy industrial uses would not be compatible with the airport, the proposed Special Permit Overlay is a zoning tool that can be used to narrowly define and control the desired heavy industrial use in a manner that will not conflict with the intent of the Comprehensive Plan or the operations at Corpus Christi International Airport. The primary intent of the Comprehensive Plan at this location is airport land use compatibility and creating an attractive entryway to the city (scenic corridor).
- The proposed development is directly underneath the existing main runway at CCIA. The property is subject to the City's Conical Surfaces map which controls height and limits any use that would interfere with flight operations at the airport. The maximum allowable height of a structure at the southeast corner of the subject property is approximately 85-feet above mean sea level, however, most of the property is under the 100-foot or higher height restriction. The ground elevation of the property is at 42-feet. The maximum height of a proposed structure by the applicant is 100-feet above sea level.
- Storing flammable products aboveground could create explosions and thick smoke in the event of an accident, which cause hazards for pilots and airport operation.

Staff Recommendation:

Approval of the change of zoning from the "IL" Light Industrial District to the "IL/SP" Light Industrial District with a Special Permit subject to the following conditions:

1. **Allowed Uses:** The only use allowed on the Property other than those uses allowed by-right in the "IL" Light Industrial District is the wholesale storage of fuel and lubricants. The number of above ground fuel tanks on the site plan is illustrative and therefore, could include more or less above ground fuel tanks as desired by the applicant, provided that all other requirements are in compliance.
2. **Fire Department Approval:** Development of the Property, including the storage of fuels and lubricants, shall comply with all Fire Department requirements.
3. **Storm Water Detention:** The Owner shall construct and maintain any 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.
4. **Federal Aviation Administration (FAA):** The Owner shall submit notice to the FAA prior to obtaining building permits for each structure or tank or to the temporary location of potential aviation hazards such as construction cranes on site.
5. **Airport Hazards:**
 - a. **Height:** No structure shall exceed a maximum height of 100-feet above mean sea level, unless a more restrictive maximum height is contained in the most current conical surfaces map of Corpus Christi International Airport, then the more restrictive height limitation shall apply.
 - b. **Lighting:** All lighting shall be shielded toward the site and shall not conflict with airport flight operations per the Corpus Christi Airport Zoning Regulations.
 - c. **Other Airport Hazards:** No use or activity shall create electrical interference with navigational signals or radio communication between airport and aircraft, make it difficult for pilots to distinguish between airport lights and others, result in glare in the eyes of pilots using the airport, impair visibility in the vicinity of the airport, create bird strike hazards, or otherwise in any way endanger or interfere with the landing, takeoff, or maneuvering of aircraft intending to use the airport.
6. **Landscaping and Screening:** The Owner shall install and maintain landscaping in the southeast corner of the Property at the corner of Agnes Street and Manning Road. A landscape street yard shall be delineated by a triangle formed by a line tangent to the proposed railroad tracks and the street right-of-way lines of Agnes Street and Manning Road. Within this

landscape street yard, the minimum required landscaped area shall be 15% of the total street yard and the street yard shall be landscaped with plant material approved by Corpus Christi International Airport and listed in the UDC to achieve a minimum of 0.02 points per square foot of total street yard area. Landscaping shall not be required along Manning Road, Alpine Street or the unimproved Chickery Street right-of-way, however, landscape screening of parking lots within 100 feet of any street right-of-way shall be required in accordance with UDC Section 7.3.11.

7. **Land Use Compatibility in Accident Potential Zones:** The Owner shall not exceed a maximum Floor Area Ratio (FAR) of 0.28 in Accident Potential Zone (APZ) - 1 and 0.56 in APZ-2.

8. **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. In the case of a phased project, subsequent building permit applications shall be submitted within 12 months from the date of issuance of the Certificate of Occupancy or final approved inspections for the previous phase of the development. The Special Permit shall expire if the use is discontinued for more than six consecutive months.

Public Notification	<p>Number of Notices Mailed – 26 within 200’ notification area; 0 outside notification area</p> <p><u>As of August 18, 2016:</u></p> <p>In Favor – 3 (inside notification area); 0 (outside notification area)</p> <p>In Opposition – 0 (inside notification area); 0 (outside notification area)</p> <p>For 0.00% in opposition.</p>
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- Attachments:
1. Location Map (Existing Zoning & Notice Area)
 2. Site Plan
 3. Future AICUZ Map
 4. Airport Conical Surfaces Map excerpt
 5. Application
 6. Returned Opposition/Support (if any)