



AGENDA MEMORANDUM

Public Hearing and First Reading for the City Council Meeting of August 30, 2016
Second Reading for the City Council Meeting of September 13, 2016

DATE: August 16, 2016

TO: Margie C. Rose, City Manager

FROM: Daniel McGinn, Interim Director, Development Services Department
DanielMc@cctexas.com
(361) 826-3595

<p>Public Hearing and First Reading for Property at 8110 and 8520 Agnes Street (State Highway 44)</p>
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CAPTION:

Case No. 0816-03 Rangeland Products Terminal, LLC: A change of zoning from the "IL" Light Industrial District to the "IL/SP" Light Industrial District with a Special Permit for a Heavy Industrial Use consisting of above ground storage tanks containing wholesale storage of fuels and lubricants. The subject property contains 189.1490 acres and is located at 8110 and 8520 Agnes Street (State Highway 44) between Agnes and Alpine Streets and between Chickery Street (unimproved) and Manning Road (County Road 53).

PURPOSE:

The purpose of this item is to rezone property to allow a heavy industrial use, wholesales storage of fuels and lubricants, in a light industrial zoning district by Special Permit.

RECOMMENDATION:

Planning Commission and 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. Hemispheric pressurized tanks shall be prohibited on the Property.

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:** The Maximum height of structures shall comply with the City's Airport Zoning Ordinance and the most current conical surfaces map of Corpus Christi International Airport.
 - 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 and truck loading facilities 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 18 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.

Vote Results

For: 9

Against: 0

Absent: 0

BACKGROUND AND FINDINGS:

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, crude oil and propane. The storage tanks will range in size from 70-foot in diameter to 150-foot in 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 yard, 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 vehicular access (i.e. driveway) 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.

While all heavy industrial uses would not be compatible with the airport, the proposed Special Permit 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 with regard to the subject property is to create land use compatibility with the Airport and create an attractive entryway to the city (scenic corridor).

The applicant is in agreement with the staff's recommendation except for the required landscaping. The applicant has requested that the landscaping requirements be waived as landscaping could provide habitat for bird nesting areas and create a bird strike threat to airport operations and that the landscaping would interfere with onsite visual security of the facility. Note: Staff is of the opinion that oleander plantings will reduce the potential for bird nesting sites as compared with tree plantings and still accomplish the goal of creating an attractive entry way to the city. Standard landscaping requirements would require landscaping along all abutting roadways rather than just along one roadway, as proposed in the Special Permit conditions.

ALTERNATIVES:

1. Deny the request.
2. Modify the conditions of the Special Permit.

OTHER CONSIDERATIONS:

Not Applicable

CONFORMITY TO CITY POLICY:

The subject property is located within the boundaries of the Port/Airport/Violet Area Development Plan. The applicant's request for a Special Permit ("SP") for a heavy industrial use is not consistent with the Future Land Use Map, which designates the property for light industrial land uses. If approved, the base zoning, "IL" Light Industrial District, will remain in place with an "SP" Special Permit overlay, which will not require a change to the Future Land Use map.

The goals and policies in the City's Comprehensive Plan are intended to protect the airport from encroachment of incompatible land uses and to create an attractive entry to the city. The Special Permit conditions, in staff's opinion, will achieve these goals and policies of the Comprehensive Plan and therefore a change to the Future Land Use Plan map will not be necessary.

EMERGENCY / NON-EMERGENCY:

Non-Emergency

DEPARTMENTAL CLEARANCES:

Legal and Planning Commission

FINANCIAL IMPACT:

☐ Operating ☐ Revenue ☐ Capital ☒ Not applicable

Fiscal Year: 2015-2016	Project to Date Expenditures (CIP only)	Current Year	Future Years	TOTALS
Line Item Budget				
Encumbered / Expended Amount				
This item				
BALANCE				

Fund(s):

Comments: None

LIST OF SUPPORTING DOCUMENTS:

Ordinance

Presentation - Aerial Map

Planning Commission Final Report