

STAFF REPORT

Case No. 0318-02
INFOR No. 18ZN1006

Planning Commission Hearing Date: April 18, 2018

Applicant & Legal Description	<p>Owner: Hooten Family Trust A Applicant: John Bell Location Address: 6502 and 6630 Agnes Street Legal Description: Being A 145.15 Acre Tract of Land, comprising of portions of Tracts 1 and 2 of the 456.80 Acre V.M. Donigan Partition out of Sections 6 and 7, Range VI, H. L. Kinney Sectionized Lands, as referenced in a Partition and Settlement Deed, recorded in File Number 320003, Volume 501, Page 228, Deed Records of Nueces County, Texas and a 91.36 Acre Tract of Land, being all of a 91.56 Acre Tract of Land as referenced in a Partition and Settlement Deed, recorded in File Number 320003, Volume 501, Page 228, Deed Records of Nueces County, Texas, located on the north side of Agnes Street (State Highway 44), west of Hopkins Road, and east of Bronco Road.</p>			
Zoning Request	<p>From: "IL" Light Industrial District To: "IL/SP" Light Industrial District with a Special Permit Area: 233.99 acres Purpose of Request: To allow the construction of a U.S.-to-Mexico gasoline and diesel fuel transshipment center with attached bulk storage terminal.</p>			
Existing Zoning and Land Uses		Existing Zoning District	Existing Land Use	Future Land Use
	<i>Site</i>	"IL" Light Industrial	Vacant/Agricultural	Light Industrial
	<i>North</i>	"IL" Light Industrial	Light Industrial	Light Industrial
	<i>South</i>	"IH" Heavy Industrial	Public/Semi-Public	Transportation
	<i>East</i>	"IL" Light Industrial	Vacant/Agricultural	Light Industrial
	<i>West</i>	"IL" Light Industrial	Vacant/Agricultural	Light Industrial
ADP, Map & Violations	<p>Area Development Plan: The subject property is located within the boundaries of the Corpus Christi Airport Area Development Plan formerly a part of the Port/Airport/Violet Area Development Plan. The subject property is and is planned for light industrial uses. The proposed rezoning to the "IL/SP" Light Industrial District is consistent with the adopted Comprehensive Plan (Plan CC). Map No.: 054044 Zoning Violations: None</p>			

Transportation	Transportation and Circulation: The subject property has approximately 1,650 feet of street frontage along Agnes Street (State Highway 44) which is designated as a “F1” Freeway/Expressway and approximately 565 feet of street frontage along Hopkins Road which is designated as a “C3” Primary Collector Street.				
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	613’ ROW 345’ paved	14,999 ADT (2010)
	Hopkins Road	“C3” Primary Collector Street	75’ ROW 50’ paved	60’ ROW 26’ paved	N/A

Staff Summary:

Requested Zoning: The applicant is requesting a rezoning from the “IL” Light Industrial District to the “IL/SP” Light Industrial District with a Special Permit on 233.99 acres for the construction of a U.S.-to-Mexico gasoline and diesel fuel transshipment center with attached bulk storage terminal. The proposed use is classified as “petroleum, gasoline, and lubricating oil refining, and wholesale storage,” which is defined as a “heavy industrial” use and may be allowed by Special Permit in the “IL” Light Industrial District according to the Unified Development Code (UDC).

Development Plan: The subject property is comprised of 233.99 acres. The owner is requesting to rezone to the “IL/SP” Light Industrial District with a Special Permit. The applicant explains that the request is to construct a US-to-Mexico rail logistics center with attached bulk storage terminal including nine wholesale storage tanks 48 feet in height and 162 feet in diameter. Products to be stored and transloaded to rail include gasoline and diesel fuel product, delivered by pipeline to the facility. The product would be stored in the tanks. Fuel additives such as Methyl tert-butyl ether (MTBE) and ethanol would also be stored at the site, and blended with the fuel product by pipe in an in-line blending process. The blended product would then flow by pipe into railroad tanks cars for the transport to fuel wholesalers. The need for the zoning change to “IL/SP” Light Industrial District with a Special Permit is for above-ground wholesale storage of fuels and petroleum products. Otherwise, the project will be in compliance with all applicable “IL” Light Industrial District requirements. The facility also will include a rail yard, train loading facility, small parking lot, control room and crew break room. The control center will be located on-site. The new facility anticipates creating 45 net new full time jobs.

Existing Land Uses & Zoning: The subject property is currently zoned “IL” Light Industrial and is vacant land. To the north, east, and west, are vacant tracts zoned “IL” Light Industrial District. To the south of the subject property is the Corpus Christi

International Airport zoned “IH” Heavy Industrial District, as well as access to the Kansas City Railroad.

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 a portion of the subject property is located in APZ-I of a 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 to manufacturing uses under the compatible land use table it does state that the explosive characteristics of a proposed manufacturing 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 above ground fuel storage of any capacity. These new districts were intended for properties within an AICUZ.

Corpus Christi International Airport (CCIA) Comments:

An approach path to an existing main runway will be directly over the subject property, making the aboveground bulk wholesale 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. CCIA submitted the following comments regarding the rezoning:

1. Proposed railroad tracks within the Clear Zone for Runway 18-36 at Corpus Christi International Airport can only be used for transit of rail cars. They cannot be parked in the Clear Zone. The 2017 AICUZ update does not allow for Railroad (SLCUM 41) in Clear Zones.
2. Runway 18 Approach Light System cannot be blocked by rail cars. FAA study required.
3. All structures and cranes required to erect the structures will require and FAA airspace study before construction can begin.
4. Industrial activity must not produce light that interferes with pilot and air traffic control tower visibility.

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.

AICUZ: The subject property is not located in one of the Navy's Air Installation Compatibility Use Zones (AICUZ).

Plat Status: The property is not platted.

PlanCC & Area Development Plan Consistency: The subject property is located within the boundaries of the Corpus Christi Airport Area Development Plan formerly a part of the Port/Airport/Violet Area Development Plan. The proposed rezoning to the "IL/SP" Light Industrial District with a Special Permit is consistent with the adopted Comprehensive Plan (Plan CC) and with the following specific policies:

- Encourage orderly growth of new residential, commercial, and industrial areas (Future Land Use, Zoning, and Urban Design Policy Statement 1).
- Promote a balanced mix of land uses to accommodate continuous growth and promote the proper location of land uses based on compatibility, locational needs, and characteristics of each use (Future Land Use, Zoning, and Urban Design Policy Statement 1).
- Continue to consider the compatibility of proposed uses with military airfield operations when making decisions on rezoning requests. (Future Land Use, Zoning, and Urban Design Policy Statement 4).
- Avoid development that is incompatible with the operation of military airfields and the airport. (Future Land Use, Zoning, and Urban Design Policy Statement 4).
- The City Council, hereby, adopts the proposed land use plan for future land use decisions. The plan provides a compatible configuration of activities emphasizing: Protection of the airport from incompatible activities; (Port/Airport/Violet ADP, Policy Statement B.1)
- Limited Industrial - Industrial uses would be restricted within the 50':1' airport approach slope due to the accident potential of these areas or because they are within the 65 Day-Night Average Sound Level (Ldn) contour. No uses which are characterized by labor intensity or attract large groups of people should be allowed. A zoning study will need to be conducted to define acceptable levels of labor intensity and activities which do not attract large groups. The "Land Use Compatibility with Yearly Day Night Sound Levels" table from the Airport Master Plan Update should be used as a guideline to define uses that can be located in the 65 + Ldn noise footprint. (Port/Airport/Violet ADP, Policy Statement B.3)

Development Services Department Comments:

- The proposed rezoning to the "IL/SP" Light Industrial District with a Special Permit is consistent with the adopted Comprehensive Plan (Plan CC).
- The proposed rezoning is also compatible with neighboring properties and with the general character of the surrounding area. This rezoning does not have a negative impact upon the surrounding neighborhood.
- The subject property was annexed in 1962 and was zoned "IL" Light Industrial District in 1975 and is currently vacant.
- The City has planned for light industrial uses to be located around Corpus Christi International Airport (CCIA), so that manufacturing uses would not conflict with airport operations.

- 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 (CCIA). 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.
- Storing flammable products above ground could create explosions and thick smoke in the event of an accident, which cause hazards for pilots and airport operation.
- As part of the platting process potential amendments to the Urban Transportation Plan (UTP) may occur to remove proposed collector and arterial streets.
- The City Airport Zoning Ordinance was recently repealed due to the forthcoming Airport Zoning regulations. New regulations have not yet been adopted by the upcoming Airport Zoning Committee.
- In discussions between Development Services, the Corpus Christi International Airport, and Naval officials, concerns were raised about the location of the proposed storage tanks. The Navy has switched to the T-6 II trainer aircraft. This aircraft has ejection seats and detonation cord in the canopy. If an aircraft should go down in that area there is a concern about the potential of these explosives negatively interacting with the storage tanks.
- The proposed rezoning was reviewed and approved by the Technical Review Committee (TRC) on Friday, March 30, 2018.

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 with the following conditions.

1. **Uses:** The only uses authorized by this Special Permit other than uses permitted by right in the base zoning district is the wholesale storage and transfer of petroleum based products. The aboveground fuel storage tanks are identified and limited based on the attached site plan. The tanks shall be no larger than 48 feet in height and 162 feet in diameter. No spherical tanks are permitted.
2. **Fire Department Approval:** Development of the Property, including the storage of fuels and blending agents, 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 and will need to file an Airspace Study (Form 7460) 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 to determine any potential impacts to Corpus Christi International Airport.

5. Corpus Christi International Airport Hazards:

- a. **Height:** The Maximum height of structures shall comply with the City's 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. Additionally, any parked train cars or engines must be parked far enough to the north of the Approach Light System so that the light plane is not impacted by the cars or engines.
- c. **Rail Cars:** Rail lines are located in the Clear Zone and per Department of Defense Instruction 4165.57 (AICUZ) SLUCM No. 41 are prohibited in the clear zone. A rail line parallel to Agnes Street (State Highway 44) is transitory in nature and rail cars shall not park on the rail line in the vicinity of the Corpus Christi International Airport.
- d. **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. The proposed access road is located in the Clear Zone. Transitory movement is allowed, however vehicles cannot park in the clear zone.

6. Landscaping and Screening: The Owner shall install and maintain landscaping of the Property along Agnes Street (State Highway 44) and along Hopkins 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. 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. The proposed landscaping cannot use any plants that will be wildlife attractants. Advisory Circular 150/5200-33B states that wildlife attractants must be at least 10,000 feet from the airport perimeter.

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. Other Requirements: The Special Permit conditions listed herein do not preclude compliance with other applicable UDC, Building, and Fire Code Requirements.

9. Time Limit: In accordance with the UDC, this Special Permit shall be deemed to have expired within twelve (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.

Public Notification	Number of Notices Mailed – 8 within 200-foot notification area 6 outside notification area	
	<u>As of April 13, 2018:</u>	
	In Favor	– 0 inside notification area – 0 outside notification area
	In Opposition	– 0 inside notification area – 0 outside notification area
	Totaling 0.00% of the land within the 200-foot notification area in opposition.	

Attachments:

- A. Location Map (Existing Zoning & Notice Area)
- B. Site Plan
- C. Public Comments Received (if any)