



AGENDA MEMORANDUM

First Reading for the City Council Meeting of June 26, 2018
Second Reading for the City Council Meeting of July 17, 2018

DATE: June 19, 2018

TO: Keith Selman, Interim City Manager

FROM: Nina Nixon-Mendez, FAICP, Director,
Development Services Department
NinaM@cctexas.com
(361) 826-3276

<p>Public Hearing and First Reading Ordinance – Rezoning property at or near 6502 and 6630 Agnes Street</p>

CAPTION:

Case No. 0318-02 Hooten Family Trust A: Ordinance rezoning property at or near 6502 and 6630 Agnes Street from “IL” Light Industrial District to the “IL/SP” Light Industrial District with a Special Permit with conditions.

PURPOSE:

The purpose of this item is to allow for the construction of a U.S.-to-Mexico gasoline and diesel fuel transshipment center with attached bulk storage terminal.

SUMMARY:

City Council held a public hearing on June 12th and tabled the item to the June 26th City Council meeting to allow staff time to discuss two additional amendments to the special permit conditions language proposed by the applicant.

In accordance with Local Government Code 211.004, zoning regulations must be adopted in accordance with a comprehensive plan and must be designed to:

- (1) lessen congestion in the streets;
- (2) secure safety from fire, panic, and other dangers;
- (3) promote health and the general welfare;
- (4) provide adequate light and air;
- (5) prevent the overcrowding of land;
- (6) avoid undue concentration of population; or
- (7) facilitate the adequate provision of transportation, water, sewers, schools, parks, and other public requirements.

The Corpus Christi International Airport is a major air transportation asset of the region. *Plan CC’s Element 7: Future Land use, Zoning and Urban Design, Goal 4* calls for

“Regulations to protect military and civilian airfield and airport use are in place.” Strategy 3 states, “Avoid development that is incompatible with the operation of military airfields and the airport.”

Several discussions have occurred with the applicant, City staff, and the Federal Aviation Administration (FAA). Based on these discussions, the central issue has surrounded compatible land use adjacent to the Corpus Christi International Airport and the impact to the Runway Protection Zone (RPZ). A large portion of the RPZ exists within the subject property.

According to FAA, Runway Protection Zones are an area “off the end of the runway end that serves to enhance the protection of people and property on the ground” in the event an aircraft lands or crashes beyond the runway end. Runway Protection Zones underlie a portion of the approach closest to the airport. While the RPZ also has limitations on obstructions (because it lies below the approach surface and because it includes safety areas and obstacle free areas), the primary purpose of the RPZ is the protection of people and property on the ground.

The applicant has requested two amendments to the original special permit language recommended for approval by the Planning Commission regarding height of the storage tanks and parking rail cars in the Clear Zone. Staff recommends seeking additional input and a recommendation from the Planning Commission since staff has additional concerns regarding the land use compatibility with the Corpus Christi International Airport. Staff has provided amendments to the conditions, which include the applicant’s height amendment, an FAA determination of no hazard to air navigation and/or flight operations, a statement regarding adherence to all requirements of the Aviation and Hazard Easement, and opposes the applicant’s amendment related to parking rail cars on the rail line in the Aviation and Hazard Easement.

RECOMMENDATION:

Since the amendments are substantial, staff requests that City Council table the item and refer the zoning case back to Planning Commission for reevaluation. In order to meet the public hearing and notice requirements, the case could be considered by the Planning Commission on July 25, 2018.

Planning Commission Recommendation (April 18, 2018):

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 above ground 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 and equipment 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:** A rail line parallel to Agnes Street (State Highway 44) is transitory in nature. Rail cars shall not park on the rail line within the defined Clear Zone of the Corpus Christi International Airport as per Department of Defense Instruction 4165.57 (AICUZ) SLUCM No. 41.
 - 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 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.

Vote Results:

For: 6
Opposed: 0
Absent: 3
Abstained: 0

ALTERNATIVES:

1. Deny the request.
2. Table the case and send back to the Planning Commission.

OTHER CONSIDERATIONS:

Zoning provides the promotion of health and the general welfare and the facilitation of the adequate provision of transportation. The proposed use has the potential to negatively impact the Corpus Christi International Airport (CCIA). The RPZ assists in maintaining safe operations at the CCIA. Due to the importance of the RPZ, the City acquired avigation and hazard easements in 2012 to protect the RPZ from hazardous uses and to prevent negative interaction with flight operations. The CCIA has an aviation and hazard easement within the subject property. One of the protections from hazardous uses and negative interaction with flight operations provided by the easement is a prohibition of a fuel handling and storage facility on all or part of the property subject to the zoning change.

CONFORMITY TO CITY POLICY:

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 "IL" Light Industrial District is consistent with the future land use of light industrial designated in the adopted Comprehensive Plan (Plan CC). However, the SP use is Heavy Industrial and is not consistent with the adopted Comprehensive Plan.

EMERGENCY / NON-EMERGENCY:

Non-Emergency

DEPARTMENTAL CLEARANCES:

Legal and Planning Commission

FINANCIAL IMPACT:

☐ Operating ☐ Revenue ☐ Capital ☒ Not applicable

Fiscal Year: 2017-2018	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