

**CITY OF INGLESIDE
REGULAR PLANNING & ZONING COMMISSION MEETING
AGENDA
OCTOBER 13, 2025
6:00 PM**

Notice is hereby given that the Planning and Zoning Commission of the City of Ingleside, Texas, will conduct a meeting at City Hall, 2671 San Angelo Street, on October 13, 2025, at 6:00 PM.

Opening Agenda

1. Call Meeting to Order.
2. Roll Call.
3. Pledge of Allegiance.
4. Citizen Comments and Reports.

Public Hearing

The Planning & Zoning Commission shall call a public hearing on each item below in this section. Any person wishing to address the Commission on these items should please come forward when that public hearing is called.

5. Public Hearing regarding an application filed by Port of Texas, LP requesting a Special Use Permit pursuant to Section 78-267 of the Code of Ordinances for the intensive use consisting of crude oil storage tanks on property generally located South of Highway 361 and West of Coach Emory Bellard Dr and Avenue B, further described in the legal description below:
 - A combined total of 288.13 acres consisting of an 89.75 Acre Tract of land, as described in file number 728165 (filed Nov. 17, 2022), Deed of Records, San Patricio County, Texas and a 210.02 Acre Tract, being out of a 28.62 acre tract, a 1.61 acre tract, a 9.22 acre tract and a 5.54 acre tract as recorded in Volume 326, Page 475, Deed Records, San Patricio County, Texas; the remainder of a 50.91 acre tract as recorded in Volume 113 Page 182, Deed Records, San Patricio County, Texas; the remainder of a 48.18 acre tract as recorded in Volume 90, Page 553, Deed Records, San Patricio County, Texas; the remainder of a 46.81 acre tract, recorded in Volume 149, Page 502, Deed Records, San Patricio County, Texas; a 4.54 acre tract as recorded in Volume 148, Page 514, Deed Records, San Patricio County, Texas; and an 8.93 acre tract as recorded in Volume 101, Page 391, Deed Records, San Patricio County, Texas and a 2.29 acre tract recorded in Volume 88, Page 15, Deed Records, San Patricio County, Texas.

Regular Agenda

6. Deliberate and take appropriate action on the acceptance of the Regular Planning & Zoning Commission Minutes of September 2, 2025.

7. Deliberate and take appropriate action on an application filed by the Port of Texas, LP requesting a Special Use Permit pursuant to Section 78-267 of the Code of Ordinances for the intensive use consisting of crude oil storage tanks on property generally located South of Highway 361 and West of Coach Emory Bellard Dr and Avenue B, further described in the legal description below:
 - A combined total of 288.13 acres consisting of an 89.75 Acre Tract of land, as described in file number 728165 (filed Nov. 17, 2022), Deed of Records, San Patricio County, Texas and a 210.02 Acre Tract, being out of a 28.62 acre tract, a 1.61 acre tract, a 9.22 acre tract and a 5.54 acre tract as recorded in Volume 326, Page 475, Deed Records, San Patricio County, Texas; the remainder of a 50.91 acre tract as recorded in Volume 113 Page 182, Deed Records, San Patricio County, Texas; the remainder of a 48.18 acre tract as recorded in Volume 90, Page 553, Deed Records, San Patricio County, Texas; the remainder of a 46.81 acre tract, recorded in Volume 149, Page 502, Deed Records, San Patricio County, Texas; a 4.54 acre tract as recorded in Volume 148, Page 514, Deed Records, San Patricio County, Texas; and an 8.93 acre tract as recorded in Volume 101, Page 391, Deed Records, San Patricio County, Texas and a 2.29 acre tract recorded in Volume 88, Page 15, Deed Records, San Patricio County, Texas.

Closing Agenda

8. Items to consider for placement on future agendas.
9. Adjourn.

Special Accommodations

This facility is wheelchair accessible and there are special parking spaces near the main entrance. A request for accommodation or special services must be made 48 hours prior to this meeting. Please contact City Secretary's Office at (361) 776-2517 or Fax (361) 776-1027 or email citycouncilquestions@inglesidetx.gov for further information.

Certification

I, Elisabeth Staton, certify that the above notice of this Regular Meeting of the Planning & Zoning Commission was posted on the City Hall bulletin board at 2671 San Angelo Street, Ingleside, Texas on October 7, by 4:00 p.m.



Elisabeth Staton
Assistant City Secretary

Notice of Potential Quorum

A quorum of City of Ingleside City Boards, Commissions, and/or Committees may be present at the Regular Meeting of the Planning & Zoning Commission on October 13, 2025, at 6:00 PM.

It is anticipated that members of other City Boards, Commissions, and/or Committees may attend the meeting in numbers that may constitute a quorum of the other City Boards, Commissions, and/or Committees. Notice is hereby given that this meeting, to the extent required by law, is also noticed as a meeting of the other City Boards, Commissions, and/or Committees of the City, whose members may be in attendance. The members of the City Boards, Commissions, and/or Committees may participate in discussions on the items listed on this agenda, which occur at this meeting, but no action will be taken by those in attendance unless such action item is specifically listed on an agenda during a regular or special meeting for the respective Board, Commission, and/or Committee subject to the Texas Open Meetings Act.

This public notice was removed from the official posting board at the Ingleside City Hall on the following:

Date: _____

Time: _____

By: _____

City Secretary's Office
City of Ingleside, Texas

PLANNING & ZONING COMMISSION AGENDA

Regular Meeting: October 13, 2025

AGENDA ITEM: 5

Public Hearing regarding an application filed by Port of Texas, LP requesting a Special Use Permit pursuant to Section 78-267 of the Code of Ordinances for the intensive use consisting of crude oil storage tanks on property generally located South of Highway 361 and West of Coach Emory Bellard Dr and Avenue B, further described in the legal description below:

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SUBMITTED BY: Bernard Rodriguez, Director of Development Services, Pamela Hawkins, Administrative Assistant

APPROVED FOR AGENDA: Jana Stork, Director of Administrative Services/City Secretary

BACKGROUND:

The applicant, Port of Texas, LP, is requesting a Special Use Permit for approximately 288.13 – Acre Tract of land inside the corporate city limits of Ingleside, Texas. The property is currently zoned as I-Industrial District.

The proposed use is for bulk storage, blending, and movement of crude oil and other unrefined hydrocarbons products. The Special Use Permit shall be limited to such use.

Notice of this public hearing was published in the Ingleside Index on September 25, 2025. Staff mailed out a Public Hearing Notice to 66 property owners, within a 400-foot radius, on October 2, 2025. Staff received no comments in favor or against the request at the time this report was prepared.

FISCAL ANALYSIS:

N/A

RECOMMENDATION:

Public hearing.

ATTACHMENTS:

1. Port of Texas Public Hearing Notifications



Port of Texas LP Public Hearing Notice
Property Owner 400' Radius Notification
October 13, 2025 - Planning & Zoning Commission
October 27, 2025 - City Council

Applicant/Representative(s):

PORT OF TEXAS LP
PO BOX 868
CORPUS CHRISTI, TX 78403

BERRY KENNETH TRUSTEE
PO BOX 868
CORPUS CHRISTI, TX 78403

C/O ROB KILLEN
KILLEN, GRIFFIN & FARRIMOND
10101 REUNION PLACE, SUITE 250
SAN ANTONIO, TX 78216

Property Owners:

EXXON CORP
PO BOX 64106
SPRING, TX 77387

KRASTAVAC FARM LLC
PO BOX 271544
CORPUS CHRISTI, TX 78427

WMH CORPUS LAND ACQUISITION
LLC
2950 N HARWOOD STE 2200
DALLAS, TX 75201

WALKINS ROGER R
2715 OKLAHOMA
INGLESIDE, TX 78362

SHALER SCOTT JR & APRIL
2675 OKLAHOMA AVENUE
INGLESIDE, TX 78362

GORDON LINDA
2669 OKLAHOMA
INGLESIDE, TX 78362

GOOCH COREY W & LORRAINE
2665 OKLAHOMA AVE
INGLESIDE, TX 78362

PALACIOS OSCAR
2659 OKLAHOMA AVE
INGLESIDE, TX 78362

FENTON FAMILY TRUST
PO BOX 1361
ARANSAS PASS, TX 78335

BERNAL STEVEN
5349 MALDEN DR
CORPUS CHRISTI, TX 7813

JACKSON LAURA L
2063 LA QUINTA DR
INGLESIDE, TX 78362

BERRYMAN JOHN ETUX
929 RIDGE RD
TROY, MO 63379

VASQUEZ BRIGIDO & GABRIELA R
2496 AVE B
INGLESIDE, TX 78362

DOTSON ARTIE ELIZABETH C/O
RYAN J MCNEW
2490 S AVE B
INGLESIDE, TX 78362

WAGNER JOSEPH ARTHUR &
SHERRIE F
2510 AVENUE B
INGLESIDE, TX 78362

ALVARADO VINCE JR & PAULA ANN
2448 AVENUE B
INGLESIDE, TX 78362

COLEMAN WILLIAM SHANE
2676 AVE B
INGLESIDE, TX 78362

VANDEWERKER JAMES & PEGGY
2432 AVE B
INGLESIDE, TX 78362

GALVAN MANUALA C
8807 SHAMA CIR
LAREDO, TX 78045

FERNANDEZ JULIO & SAN JUANITA
3302 SHALLOW CREEK
CORPUS CHRISTI, TX 78410

KOCH GATHERING SYSTEMS INC
ATTN: PROPERTY TAX DPT
PO BOX 2900
WICHITA, KS 67201

INGLESIDE ISD
2664 SAN ANGELO
INGLESIDE, TX 78362

AMERICAN TOWER CORPORATION
PO BOX 723597
ATLANTA, GA 31139

WIRZ ASHLEY & LESLIE R WIRZ
2525 SAN ANGELO
INGLESIDE TX 78362

JORDAN THOMAS A (DEC'D)
2521 SAN ANGELO
INGLESIDE, TX 78362

BOSTICK GARRICK E & PATRICIA
2517 SAN ANGELO AVE
INGLESIDE, TX 78362

FENTON MICHAEL ANDREW
2312 TIMBERLEAF CIRCLE
INGLESIDE, TX 78362

Port of Texas LP Public Hearing Notice
Property Owner 400' Radius Notification
October 13, 2025 - Planning & Zoning Commission
October 27, 2025 - City Council

CAMPOS DANIELA AURORA &
JONATHAN SOLLE & CHRISTA
2440 AVE B
INGLESIDE, TX 78362

MARTLATT LINSEY SHEA
2516 S AVE B
INGLESIDE, TX 78362

HALES DANNY E & KAYE FISCHER
HALES
103 GEORGIA PLACE
PORTLAND, TX 78374

CADY FRANK A & PATRICIA A
NEWTON
2522 SAN ANGELO
INGLESIDE, TX 78362

HAHN JAMES J
2515 ARKANSAS ST
INGLESIDE, TX 78362

MM&B PROPERTIES LLC
PO BOX 188
INGLESIDE, TX 78362

OCHOA JESUS JR & NORMA
2524 ARKANSAS ST
INGLESIDE, TX 78362

KNIGHT WILLIAM L
2583 ARKANSAS ST
INGLESIDE, TX 78362

RYAN MOLLY & JOHN
2514 ARKANSAS STREET
INGLESIDE, TX 78362

LOVEALL DAVID & LISA
2525 AVENUE B
INGLESIDE, TX 78362

MATTHEWS BEVERLY A (LIFE EST)
C/O SHERRI TRINGALI ET AL
2521 AVENUE B
INGLESIDE, TX 78362

HAHN THOMAS J & WIFE ANDREA D
HAHN
2525 ARKANSAS ST
INGLESIDE, TX 78362

MCKNIGHT JAMES & PERRI D
2515 AVENUE C
INGLESIDE, TX 78362

RANGEL ROSALVA & DIANE
RANGEL
3809 N 8TH CT APT 6
MCALLEN, TX 78501

BROWN DANELLE M
1519 MORGAN LN
INGLESIDE, TX 78362

DUNLEVY KENNETH ALAN &
BONNIE GAYE
2481 AVENUE C
INGLESIDE, TX 78362

SHEFFIELD FLOYD L & PATRICIA
PO BOX 628
INGLESIDE, TX 78362

CROSSLAND TRACY R
2447 AVE C
INGLESIDE, TX 78362

DENISON JOSEPH MATTHEW
2443 AVE C
INGLESIDE, TX 78362

LOPEZ SANTOS DAVID & ASHLEY
NICOLE
2439 AVENUE C
INGLESIDE, TX 78362

HILL GARY A & TINA
2466 AVE D
INGLESIDE, TX 78362

BOONE WILLIAM D III
2309 MEMORIAL PARKWAY
PORTLAND, TX 78374

GRIFFIN FRANK
2421 AVENUE C
INGLESIDE, TX 78362

TAUBER KATHERYN A
2415 AVENUE C
INGLESIDE, TX 78362

OFARRELL CHERYL R
2411 AVENUE C
INGLESIDE, TX 78362

SIMMONS MARY LOU
2486 AVENUE C
INGLESIDE, TX 78362

GONZALEZ OMAR J & CHRISTINA M
RUIZ
2113 ESCONDIDO
PORTLAND, TX 78362

LOPEZ LUIS A & RAMON-LOPEZ
SARA A
2474 AVENUE C
INGLESIDE, TX 78362

YOUNG CURTIS JR
PO BOX 271711
CORPUS CHRISTI, TX 78427

SANCHEZ ANTHONY JACOB
2444 AVE C
INGLESIDE, TX 78362

Port of Texas LP Public Hearing Notice
Property Owner 400' Radius Notification
October 13, 2025 - Planning & Zoning Commission
October 27, 2025 - City Council

KISNER CARLTON R
2440 AVE C
INGLESIDE, TX 78362

PIPSAIR MARY TERESA
2436 AVENUE C
INGLESIDE, TX 78362

FLORES EVANGELINA A (DEC'D)
2430 AVE C
INGLESIDE, TX 78362

PRIVATE INVESTORS FAMILY
LIMITED PARTNERSHIP
PO BOX 672
PORTLAND, TX 78362

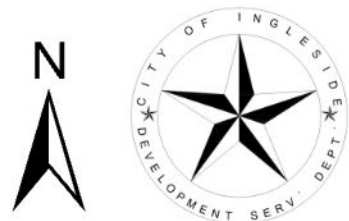
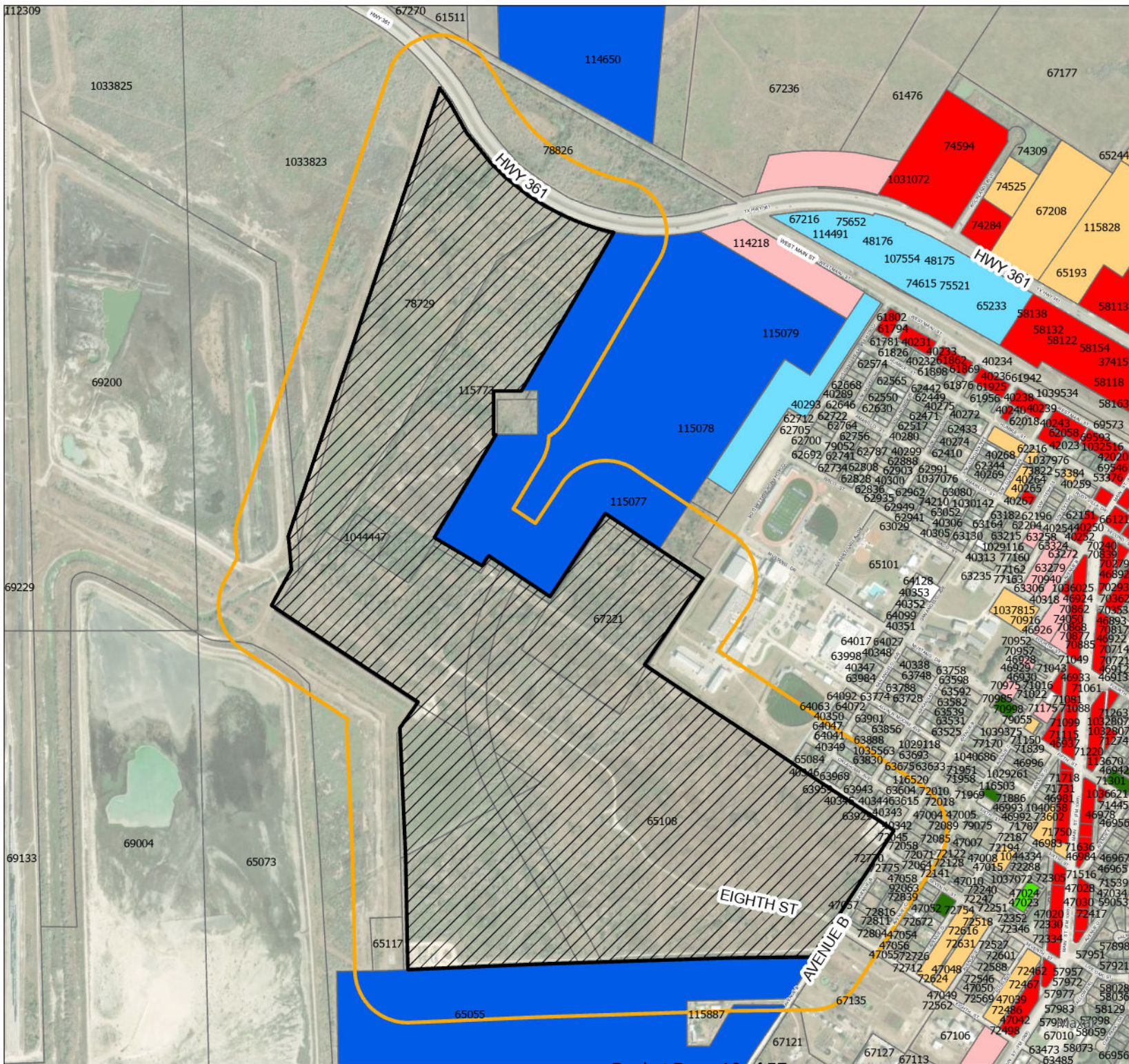
JASSO CIRILO A & RITA C
2744 AVE G
INGLESIDE, TX 78362

AVENUE C INGLESIDE TRUST
CHARLES FREDRICK GLAZENER
TRUSTEE
4245 BOXWOOD DR
DENTON, TX 76208

GALLAGHER RAYMOND E
141 SEA BREEZE
ARANSAS PASS, TX 78336

OCCIDENTAL CHEMICAL CORP
PO BOX 27570
HOUSTON, TX 77227

PORT OF CORPUS CHRISTI
PO BOX 2511
CORPUS CHRISTI, TX 78403



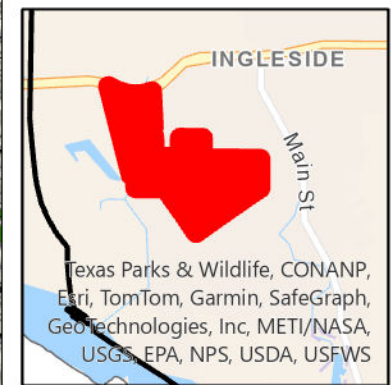
**Public Hearing Notification
Radius Map**

P&Z Comm. Date: 10/13/2025
City Council Date: 10/27/2025

Category: Special Use Permit

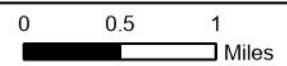
Location:
South of Hwy 361 and West of Coach
Emory Bellard Dr and Avenue B

- Legend**
- 400' Notice Radius
 - Subject Parcels
 - Industrial Zone
 - Single Family Residential Zone



Texas Parks & Wildlife, CONANP,
Esri, TomTom, Garmin, SafeGraph,
GeoTechnologies, Inc, METI/NASA,
USGS, EPA, NPS, USDA, USFWS

This product is for informational purposes only
and may not have been prepared for or be
suitable for use in legal, engineering, or
surveying products. It does not represent an on-
the-ground survey and only represents the
relative location of property boundaries.



PLANNING & ZONING COMMISSION AGENDA
Regular Meeting: October 13, 2025

AGENDA ITEM: 6

Deliberate and take appropriate action on the acceptance of the Regular Planning & Zoning Commission Minutes of September 2, 2025.

SUBMITTED BY: Pamela Hawkins, Administrative Assistant

APPROVED FOR AGENDA: Jana Stork, Director of Administrative Services/City Secretary

BACKGROUND:

Please see the accompanying Regular Planning & Zoning Commission Minutes of September 2, 2025.

FISCAL ANALYSIS:

N/A

RECOMMENDATION:

Staff recommends the Commission approve the Minutes, as presented.

ATTACHMENTS:

1. 2025, 09-02 P&Z Minutes_DRAFT v2

**CITY OF INGLESIDE
REGULAR PLANNING & ZONING COMMISSION MEETING
MINUTES
SEPTEMBER 2, 2025**

Opening Agenda

1. Call Meeting to Order.

The Regular Planning & Zoning Commission Meeting of the City of Ingleside was called to order by Chairman Wilson at 6:00 p.m. on September 2, 2025, at City Hall, 2671 San Angelo Ave, Ingleside, TX and live streaming video.

2. Roll Call.

With Commission Members present a quorum was established.

Commission Members Present: Alan Beaubien, Jacob Lopez, Connor Brown, Jeremy Long, Ricardo Trevino Jr (via Zoom), Sarah Crumbley, and Cynthia Wilson.

Commission Members Absent: None

3. Pledge of Allegiance.

Chairman Wilson led the Pledge of Allegiance to the U.S. flag.

4. Citizen Comments and Reports.

James McKnight, 2515 Ave C, addressed the Commission.

Patricia Fenton, 2653 Oklahoma, addressed the Commission.

Patrick Nye, 1018 Bayshore Dr., Ingleside on the Bay, addressed the Commission.

Rhiannon Scott, 1018 Bayshore Dr., Ingleside on the Bay, addressed the Commission.

Kris Cady, 2522 San Angelo Ave, addressed the Commission.

Pat Cady, 2522 San Angelo Ave, addressed the Commission.

Cherie Blanton, 1702 Indian Tr., addressed the Commission.

Public Hearing

- 5. Public Hearing regarding an application filed by Port of Texas, LP requesting a Special Use Permit pursuant to Section 78-267 of the Code of Ordinances for the intensive use consisting of crude oil storage tanks on property generally located South of Highway 361 and West of Coach Emory Bellard Dr and Avenue B, further described in the legal description below:**

A combined total of 288.13 acres consisting of an 89.75 Acre Tract of land, as described in file number 728165 (filed Nov. 17, 2022), Deed of Records, San Patricio County, Texas and a 210.02 Acre Tract, being out of a 28.62 acre tract, a 1.61 acre tract, a 9.22 acre tract and a 5.54 acre tract as recorded in Volume 326, Page 475, Deed Records, San Patricio County, Texas; the remainder of a 50.91 acre tract as recorded in Volume 113 Page 182, Deed Records, San Patricio County, Texas; the remainder of a 48.18 acre tract as recorded in Volume 90, Page 553, Deed Records, San Patricio County, Texas; the remainder of a 46.81 acre tract, recorded in Volume 149, Page 502, Deed Records, San Patricio County, Texas; a 4.54 acre tract as recorded in Volume 148, Page 514, Deed Records, San Patricio County, Texas; and an 8.93 acre tract as recorded in Volume 101, Page 391, Deed Records, San Patricio County, Texas and a 2.29 acre tract recorded in Volume 88, Page 15, Deed Records, San Patricio County, Texas.

At 6:16 p.m. Chairman Wilson convened the Planning and Zoning Commission into a Public Hearing.

Speaking For:	None	
Speaking Against:	Pat Cady	2522 San Angelo Ave
	Patricia Fenton	2653 Oklahoma

At 6:20 p.m. Chairman Wilson closed the Public Hearing and reconvened the Planning and Zoning Commission Meeting.

Regular Agenda

6. Deliberate and take appropriate action on the acceptance of the Regular Planning & Zoning Commission Minutes of July 7, 2025.

No discussion was held on this item.

Motion: Commission Member Long made a motion to approve the Regular Planning & Zoning Commission Minutes of May 19, 2025. Commission Member Brown seconded the motion. Motion carried with all present voting in favor.

7. Deliberate and take appropriate action regarding an application filed by Port of Texas, LP requesting a Special Use Permit pursuant to Section 78-267 of the Code of Ordinances for the intensive use consisting of crude oil storage tanks on property generally located South of Highway 361 and West of Coach Emory Bellard Dr and Avenue B, further described in the legal description below:

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Patricio County, Texas and a 2.29 acre tract recorded in Volume 88, Page 15, Deed Records, San Patricio County, Texas.

Discussion was held between Commission Members and Director of Development Services Bernard Rodriguez about the request coming before them previously and being denied, the industrial history of the property, the applicant's absence, the purpose of Special Use Permits, and that the Commission is a board of recommendation and the request will appear before City Council September 23, 2025.

Motion: Commission Member Beaubien made a motion to recommend to City Council denial of the request for a Special Use Permit pursuant to Section 78-267 of the Code of Ordinances for the intensive use consisting of crude oil storage tanks on the property described above. Chairman Wilson seconded the motion. Motion carried 4:3.

For Motion: Commission Member Beaubien, Commission Member Lopez, Commission Member Brown, Chairman Wilson

Against Motion: Commission Member Long, Commission Member Trevino Jr., Commission Member Crumbley

Closing Agenda

8. Items to consider for placement on future agendas.

Discussion was held between Commission Members and Director of Development Services Rodriguez about staff working on some applications that will be brought before the Commission once they are ready, and the training discussed in the previous meeting will be purchased in the next budget cycle.

9. Adjourn.

Chairman Wilson adjourned the Regular Meeting of the Planning and Zoning Commission at 6:54 p.m.

APPROVED:

Cynthia Wilson, Commission Chair

ATTEST:

Elisabeth Staton, Assistant City Secretary

PLANNING & ZONING COMMISSION AGENDA

Regular Meeting: October 13, 2025

AGENDA ITEM: 7

Deliberate and take appropriate action on an application filed by the Port of Texas, LP requesting a Special Use Permit pursuant to Section 78-267 of the Code of Ordinances for the intensive use consisting of crude oil storage tanks on property generally located South of Highway 361 and West of Coach Emory Bellard Dr and Avenue B, further described in the legal description below:

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SUBMITTED BY: Bernard Rodriguez, Director of Development Services, Pamela Hawkins, Administrative Assistant

APPROVED FOR AGENDA: Jana Stork, Director of Administrative Services/City Secretary

BACKGROUND:

The applicant Port of Texas, LP is requesting a Special Use Permit for approximately 288.13 – Acre Track of land inside the corporate city limits of Ingleside, Texas. The property is currently zoned as I-Industrial District.

The proposed use is for bulk storage, blending, and movement of crude oil and other unrefined hydrocarbons products. The Special Use Permit shall be limited to such use.

The project site was previously occupied by the former Humble Oil Ingleside Refinery & Exxon/Mobil Pipeline Company. Approximately 190 acres of the 288-acre site were annexed by the City of Ingleside in 1998. The remaining portions (approx. 102 acres) were not included in the 1998 annexation. Documents reviewed identified the 102-acre tracts as being wholly located within the existing limits of the City of Ingleside at the time of the 1998 annexation.

The northern portion of the subject property formerly hosted a portion of the Humble Oil

refinery, which operated from 1928 until 1945, ceased operations and was completely dismantled by 1952. The southern portion of the property hosted bulk hydrocarbon storage tanks and operated as a crude oil terminal by Exxon Mobil Pipeline Company, LLC until the tanks were taken out of service and dismantled between 1995 and 2005.

The property's current zoning map, future land use map, and master transportation plan were reviewed for compliance. The property northeast of the subject tract is zoned I-Industrial as well as properties along the southern boundary of the property. The properties southeast of the subject tract are zoned R1-Single Family and properties to the west have a temporary zoning designation of R-1-Single Family due to annexation.

The Future Land Use map designates the area west of the proposed SH 200 to be for Heavy Industrial (HI) use and the area to the east of SH 200 to be for Light Industrial (LI) use. Please note that the (HI) Heavy Industrial District designation was omitted from the official code of ordinance. However, due to the prior uses of the property and zoning of neighboring properties, an (I) Industrial District zone designation is the most suitable.

Notice of this public hearing was published in the Ingleside Index on September 25, 2025. Staff mailed out a Public Hearing Notice to 66 property owners, within a 400-foot radius, on October 2, 2025. Staff have received no comments in favor or against the request at the time this report was prepared.

FISCAL ANALYSIS:

N/A

RECOMMENDATION:

Staff recommends approval on the basis that the applicant has addressed and complied with the aspects of city ordinance, Chapter 78, Article IV. – District Regulations - Division 14. I-Industrial District, Sec. 78-267. Intensive Uses.

ATTACHMENTS:

1. Port of Texas Special Use Permit Application
2. Aerial Map - City of Ingleside
3. 7-2025 Port of Tex Site Plan SUP



KILLEN, GRIFFIN
& FARRIMOND
ATTORNEYS AT LAW

ROB KILLEN
210.641.5635
rob@kgftx.com

June 27, 2025

Bernard Rodriguez
Zoning Director
City of Ingleside
2665 San Angelo Street
P.O. Drawer 400
Ingleside, Texas 78362-0400

RE: Application for Special Use Permit for an Approximately 288.13-Acre Tract in
Ingleside, Texas.

Dear Mr. Rodriguez,

Our firm represents The Port of Texas, L.P. (formerly the Port of Corpus Christi, L.P.; hereinafter “Applicant”), the owner of an approximately 288.13-acre tract of land (“Property”) within the City of Ingleside (“City”), San Patricio County (“County”), Texas, specifically identified by the County Appraisal District as parcel numbers 65108, 67221, 78729, and 115773 (*see Exhibit “1”*). In accordance with the City’s Code of Ordinances (“City Code”), the following information is being provided to support the attached application for Intensive Uses (application provided in **Exhibit “2”**).

I. NONCONFORMING RIGHTS

Our firm submitted a request to the City for recognition of nonconforming rights in March 2024. On June 3, 2024, we received a written response from the City Attorney stating that “the City no longer recognizes non-conforming use rights on Property. Any future use must comply with the City of Ingleside Code of Ordinances.” As discussed below, the Property has been used for activities related to oil and gas storage and processing, including active bulk storage, for nearly one hundred years, and has been in the City limits since 1998 operating under nonconforming use rights. The City has stated in its federal court filings that “the City of Ingleside has permitted Plaintiff’s use of the Property to continue and has not required Port of Texas to stop any aspect of its use of the Property.” In addition, it stated “Plaintiff’s more restricted use of the Property has continued and no requirement to stop the current use has been imposed.” See City of Ingleside’s Motion to Dismiss, *Port of Texas v. City of Ingleside*, No. 2:24-cv-00267 (S.D. Tex. Dec. 13, 2024) (Doc. 9).

If the City is no longer recognizing such use rights, our client is unable to continue making reasonable use of the Property without receiving a Special Use Permit for oil and gas storage and processing.

II. THE SUBJECT PROPERTY

The Property for which the Applicant is seeking the Special Use Permit is a portion of the former Humble Oil Ingleside Refinery. The northern portion of the Property formerly hosted the refinery, which operated from 1928 until 1945, and after ceasing operations had been completely dismantled by

1952. The southern portion of the Property hosted bulk storage tanks and continued to operate as a crude oil terminal until the tanks were taken out of service and dismantled between 1995 and 2005 when remediation efforts began with the sole intent to re-install tanks once the remediation efforts were completed. The Property has been continuously used for oil and gas storage and processing.

The Legal Description of the Property is:

- ABST 184 WM MCDONOUGH 162.182 ACRES
- ABST 262 ROSA TEAL 36.198 ACRES
- 44.08 ACS OUT OF A-262 ROSA TEAL SURVEY
- 45.67 ACS OUT OF A-262 ROSA TEAL SURVEY

III. DESCRIPTION OF PROPOSED USES OF THE PROPERTY

The historic and current use of the Property is for bulk storage, blending, and movement of crude oil and other unrefined hydrocarbons products. Since 1927, the Property has been used for activities related to oil and gas storage and processing, including active bulk storage, oil and gas pipeline hub, as well as restoration and remediation efforts related to those uses. Moreover, this use has been continuous since the annexation of the Property. As conceptually envisioned, the Property would host a minimum of twenty-four (24) three-hundred-foot (300') diameter by sixty-foot (60') tall and seven (7) one-hundred fifty-foot (150') diameter by sixty-foot (60') tall, welded steel bulk storage tanks. The tanks would be designed to meet or exceed the American Petroleum Institute ("API") standards (i.e. API STD 620, 650 and 2610, etc. as deemed appropriate). The storage capacity at final buildout would be approximately twenty million (20,000,000) barrels. A manifold and pumping system would be located within the tank farm to facilitate the blending and movement of product in and out of the facility. Underground pipelines entering and exiting the facility would bring crude oil and other unrefined products to the facility for storage and then transport the products to refineries and/or marine loading facilities.

Additionally, the following three (3) public infrastructure improvements will be hosted on the Property: 1) Humble Ditch stormwater conveyance; and 2) SH 200 Industrial Corridor to route traffic around the center of Ingleside; and 3) Emory Bellard Outfall to provide flooding relief for the Houghton Addition.

On May 19, 2025, the City's Planning and Zoning Commission considered a city-initiated application to rezone the Property from "R-1" Single-Family Residential to "I" Industrial. On June 10, 2025, the City Council approved the rezoning request resulting in the Property being zoned "I" Industrial. (*See Exhibit "3"*.) The "I" Industrial District would appear to allow for oil and gas storage under City Code Section 78-266. "The "I" Industrial District provides for industrial operations of all types, including "petroleum," except that certain potentially hazardous industries are permitted only after public hearing and review to ensure protection of the public interest and surrounding property and persons." Accordingly, rezoning the Property to "I" Industrial with a Special Use permit would bring the long-standing use of the Property into compliance with the current City Code and with the use of nearby properties. Submittal of this request for rezoning is in no way intended to waive any nonconforming rights.

IV. DESCRIPTION OF POTENTIAL HAZARDS & PROPOSED SAFEGUARDS

The following are recognized hazards that can be associated with the proposed use of the Property as a bulk crude oil and other unrefined hydrocarbon products storage facility.

- 1) Fire and explosion, which may result from the following causes:

- a. Lightning strike
 - b. Hot work (i.e. welding, use of non-intrinsically safe equipment, static electricity, etc.)
 - c. Rotating equipment failure (i.e. pump bearing failure)
- 2) Point source and fugitive air contaminant emissions, which may emanate from the following:
- a. Tanks; and
 - b. Piping; and
 - c. Rotating equipment; and
 - d. Other ancillary equipment.
- 3) Release of bulk hydrocarbons due to:
- a. Tank overfill; and
 - b. Tank structural failure; and
 - c. Piping and appurtenance structural failure.
- 4) Natural Disaster, Vandalism and Terrorism

As illustrated in the Conceptual Site Plan (“Site Plan”; attached herein as **Exhibit “4”**), a one-hundred seventy-five-foot (175’) buffer will be maintained to separate the Industrial Objectionable Use-zoned area from the nearby “R-1” Single-Family Residential zoned areas. There will be a six-foot (6’) high secondary containment berm separating the tanks and the one-hundred seventy-five-foot (175’) buffer to further isolate the objectionable use area from the residential areas. Additionally, the facility is located where the prevailing southeast wind would blow air emissions, if they occur, away from the residential area.

The following engineering and administrative safeguards will be employed to mitigate the recognized potential hazards identified above.

- 1) Fire and Explosion. The conceptual facility layout has been prepared to satisfy the requirements of the National Fire Protection Association (“NFPA”) codes (i.e. NFPA 11, NFPA 24, NFPA 30, NFPA 72 and NFPA 704), as outlined below
- a. All tanks are one-hundred seventy-five feet (175’) from the Property boundary as per NFPA 30 table 22.4.1.1(b). (# 3)
 - b. All tanks, pipelines, and secondary containment berms are sixty feet (60’) from the nearest side of any public way including SH-200, the Humble Ditch, and the Emory Bellard Outfall as per NFPA 30 Table 22.4.1.1(b).
 - c. All three-hundred-foot (300’) diameter tanks have a minimum shell-to-shell separation distance of one-hundred fifty feet (150’), as per NFPA 30 Table 22.4.2.1., which requires the minimum distance to be $\frac{1}{4} * \Sigma$ adjacent tank diameters. All 300-foot diameter tanks are 112.5 feet from each one-hundred fifty-foot (150’), diameter tank as per NFPA 30 Table 22.4.2.1 which requires the minimum distance to be $\frac{1}{4} * \Sigma$ adjacent tank diameters (#5).

- d. All one-hundred fifty-foot (150') diameter tanks have a minimum shell-to-shell separation distance of fifty feet (50'), as per NFPA 30 Table 22.4.2.1 which requires the minimum distance to be $1/6 * \Sigma$ adjacent tank diameters.
 - e. Fire protection will be installed in accordance with NFPA 11- Low Expansion Foam, NFPA 30 – Storage Tanks, NFPA 24- Underground Water Mains, and NFPA 72 – Fire Alarms Placarding of tanks shall conform to NFPA 704.
- 2) Air Contaminant Emissions. Potential air contaminant emissions are regulated by the Texas Commission on Environmental Quality (“TCEQ”).
- a. The tanks for this facility will be designed with external floating roofs (“XFR”), in accordance with API Standard 650 to minimize the loss of hydrocarbon vapors.
 - b. Fugitive emissions may be released from valves, pumps, flanges/connectors, compressors, relief valves, process drains and other ancillary appurtenances.
 - c. The potential to emit will be evaluated based on the products managed at the facility in accordance with TCEQ regulations (30 TAC 115), and if appropriate the facility will be monitored in accordance with the TCEQ’s Leak Detection and Repair (“LDAR”) requirements utilizing the U.S. Environmental Protection Agency (“USEPA”) Method 21.
- 3) Release of Bulk Hydrocarbons.
- a. This facility would be regulated under the U.S. Department of Transportation Pipeline Hazardous Material Safety Administration (“PHMSA”), which regulates spill prevention and facility response plans (49 CFR 194).
 - i. These regulations require a facility to prepare a Facility Response Plan (“FRP”) that would include identifying procedures and resources to respond to a worst-case discharge. This facility will also be subject to the USEPA Spill Prevention and Countermeasures (“SPCC”) regulations (40 CFR 112), which require that a SPCC Plan and a FRP be prepared. These regulations require the evaluation of potential for and mitigation of releases of hydrocarbon products and including sections such as:
 - 1. Secondary containment (one-hundred ten percent (110%) of the largest tank within the containment area); and
 - 2. Inspections and integrity testing of the pipelines and bulk storage containers; and
 - 3. Drainage controls; and
 - 4. Facility security; and
 - 5. Emergency and response agency contacts; and
 - 6. Training of employees.

ii. Other features that have been built into the conceptual plan include:

1. The secondary containment berm height is not to exceed an average height of six feet (6') above the interior grade as per the Occupational Safety and Health Agency regulations (29 CFR 119.106 (b)(2)(vii)(c)(4).
2. A twenty-foot (20') boundary around each pipeline and/or easement to allow for a vehicle to fit through for inspections, maintenance, etc.
3. At least fifteen feet (15') between any secondary containment and each tank and its respective piping for vehicular access for inspections, maintenance etc.

4) Natural Disaster, Vandalism and Terrorism.

- a. Hurricane and associated related events (storm surge, rainfall induced flooding, and loss of power) is a recognized hazard faced by the facility. The following hurricane storm surge vulnerability at the facility location is based on the National Weather Service, National Hurricane Center Storm Surge Unit – National Storm Surge Hazard Map:
 - i. Category 1 Hurricane No impact
 - ii. Category 2 Hurricane No Impact
 - iii. Category 3 Hurricane No Impact
 - iv. Category 4 Hurricane Less than three feet (3') of water above ground surface
 - v. Category 5 Hurricane Greater than six feet (6') of water above ground surface
- b. Flooding is also a recognized threat that may or may not be associated with a hurricane. Collection of rainfall within the secondary containment will be managed in accordance with the SPCC plan and other engineering controls to prevent rising water from impacting electrical equipment, tanks, and piping. The loss of power to the facility from storm events or other causes will be mitigated through administrative measures and engineered controls to prevent hazards.
- c. Seismic hazard levels are low (Seismic Design Category A – 0 to 17% g) for the facility location. This hazard will be addressed by the engineering design of the tanks, piping, and other facilities at the site.
- d. The Vandalism will be deterred by a multi-tiered approach of perimeter fences, limited access to qualified personnel (Transportation Worker Identification Credential ("TWIC")) through security check points, area lighting, and roving inspection personnel. These engineered and administrative controls will be detailed in the SPCC plan and FRP.
- e. The risk from acts of terrorism, whether cyber-attacks or infrastructure sabotage will be evaluated following PHMSA, Department of Homeland Security, and other agency guidelines as appropriate.

Recognized risks will be identified and categorized according to threats, vulnerabilities and consequences.

V. CONCLUSION

The use of the Property included oil and gas storage long before the City annexed the Property in 1998, and the intent of the Property is to continue such use. Granting the Special Use Permit will ensure that the Property's historical and continuous use continues as a lawful use of the Property and bring the operations into conformance under the current City Code. If the zoning is denied, the owner will continue the use under the nonconforming use rights.

Pursuant to Section 78.267 of the City Code, we request a Special Use Permit. In addition, the City has agreed to waive the filing fee associated with this application. See Second Joint Advisory to the Court, *Port of Texas v. City of Ingleside*, No. 2:24-cv-00267 (S.D. Tex. June 10, 2025). If you have any questions, please do not hesitate to contact me at (210) 960-2750 or at rob@kgftx.com.

KILLEN, GRIFFIN, & FARRIMOND, PLLC

BY: 
ROB KILLEN

ENCLOSURES:

Exhibit "1"- Subject Property Information

Exhibit "2"- Application Special Use Section 78-267 Intensive Uses

Exhibit "3" – Ordinance No. 2025-19

Exhibit "4"- Conceptual Site Plan

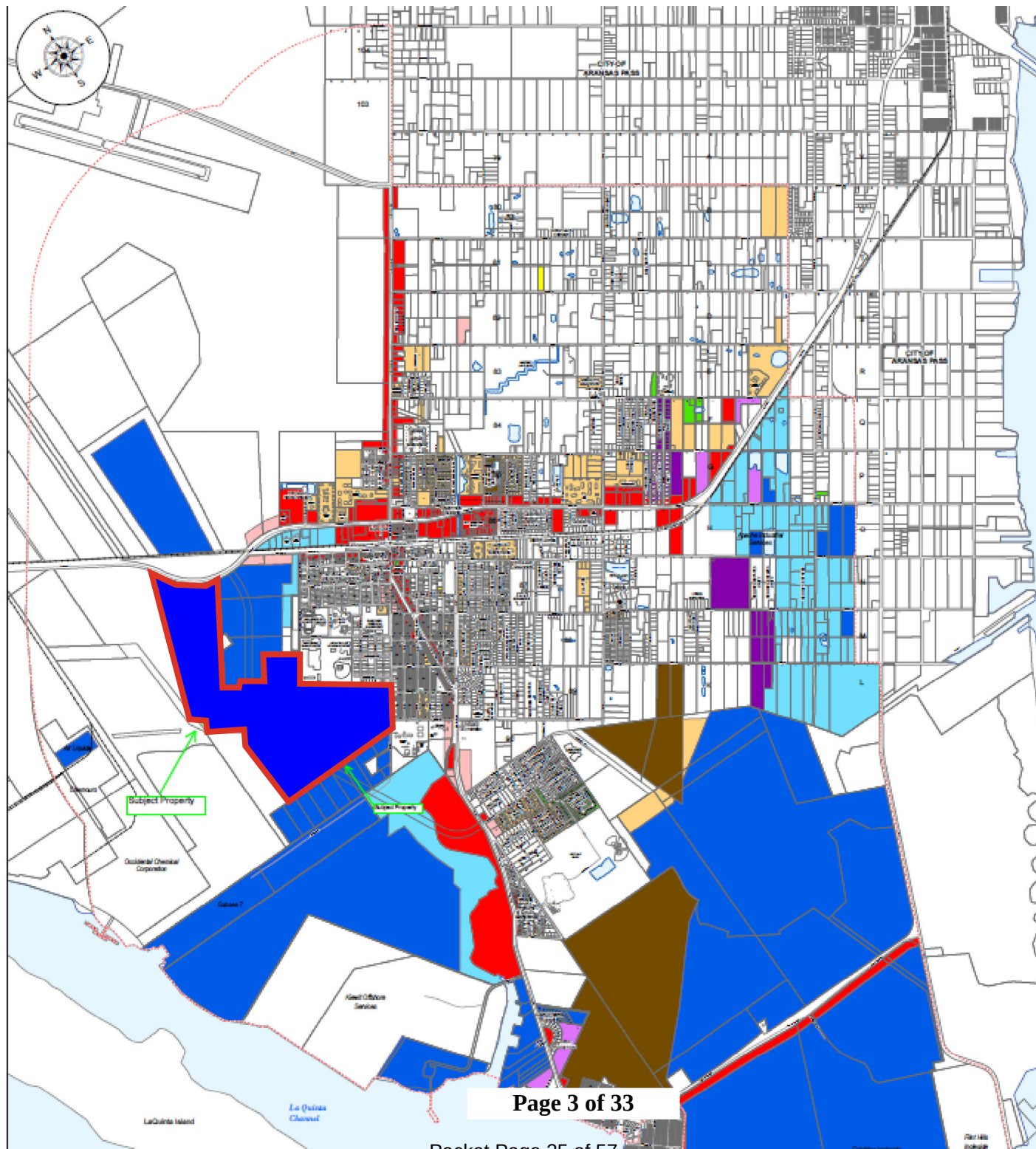
Exhibit "5" - Pleadings



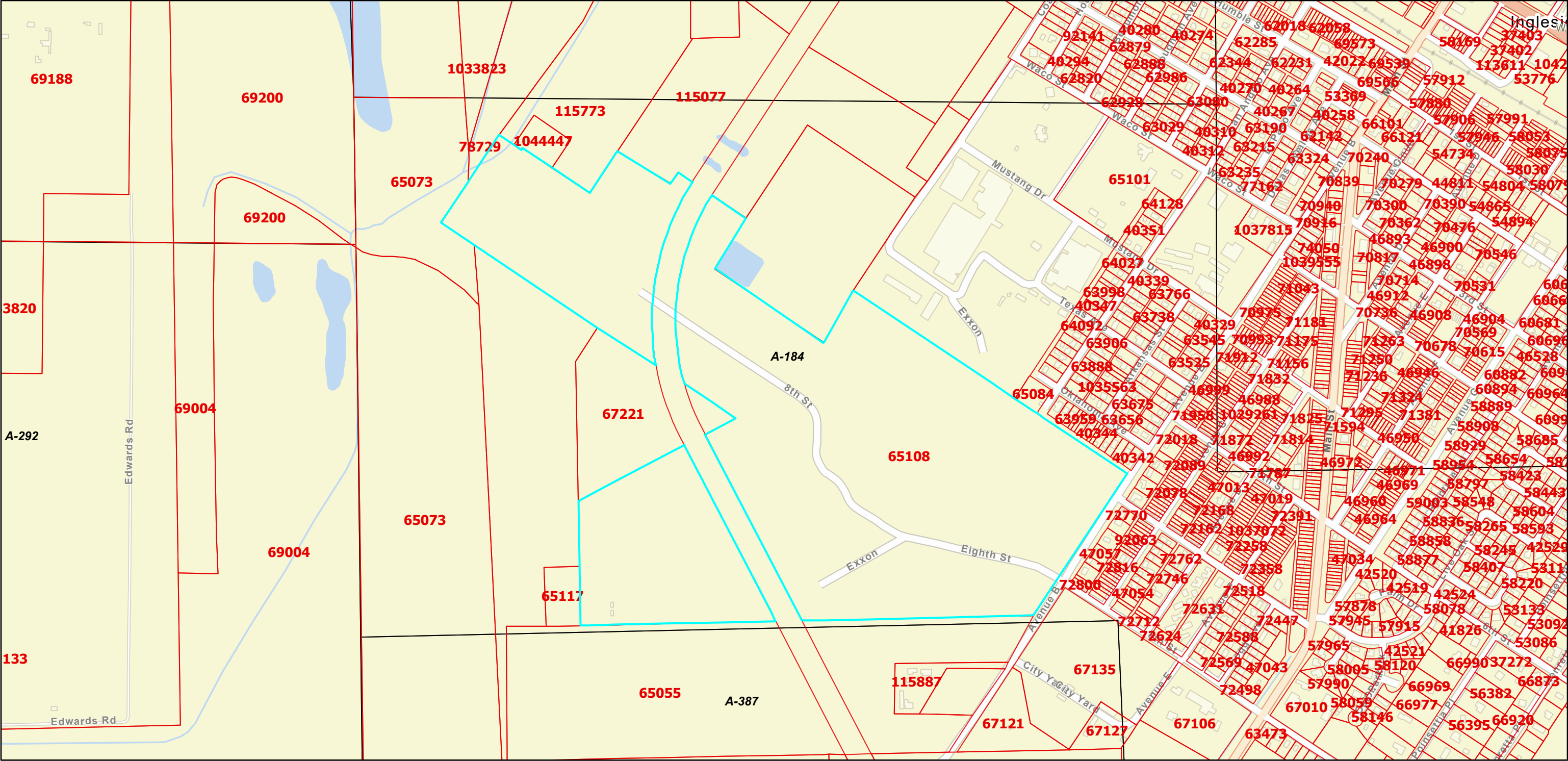
Exhibit 1 – Subject Property



Subject Property

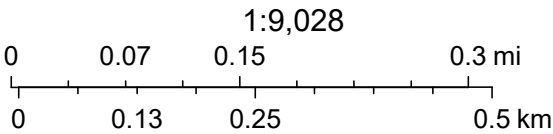


San Patricio CAD Web Map



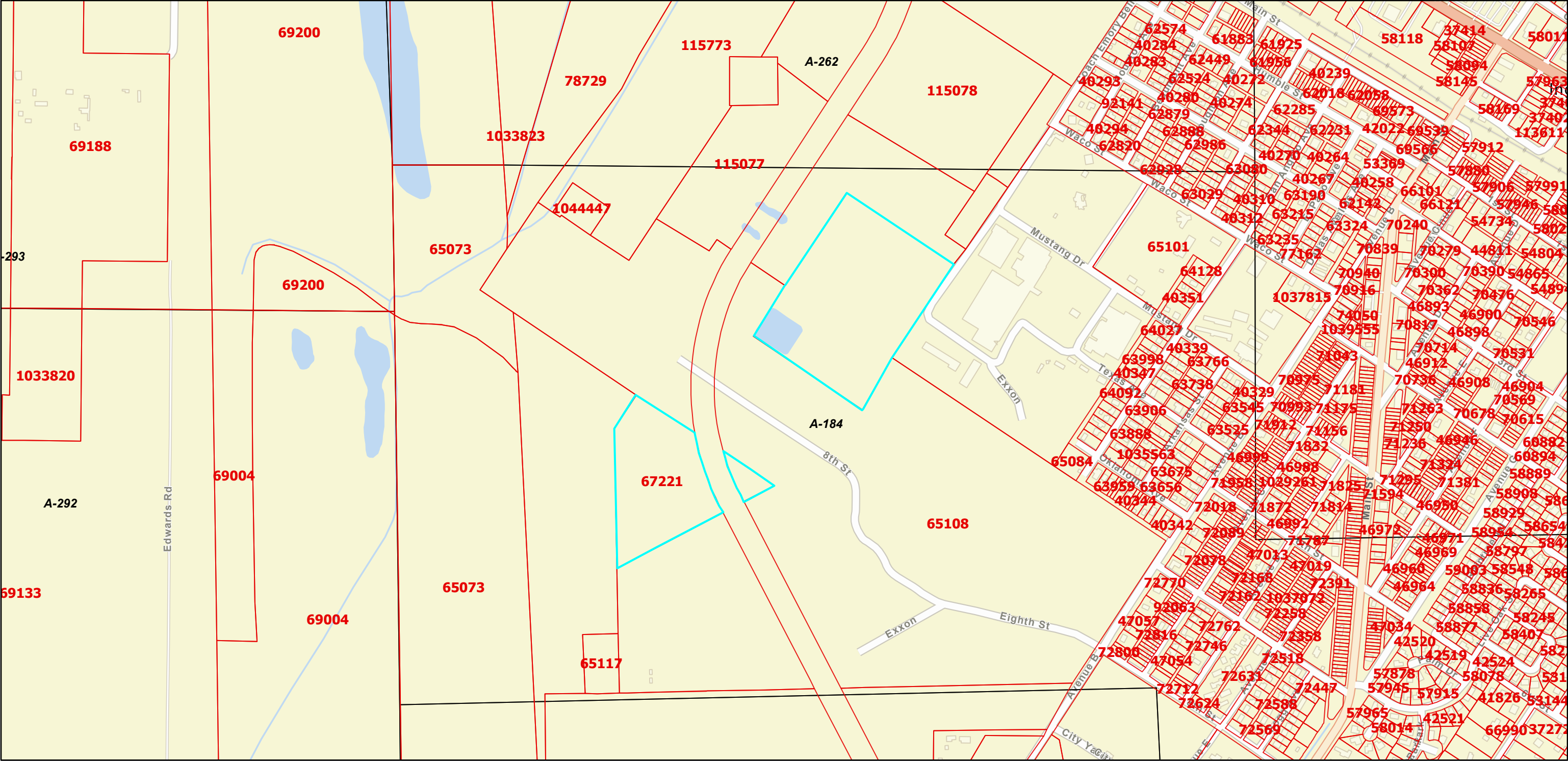
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- Parcels
- Abstracts



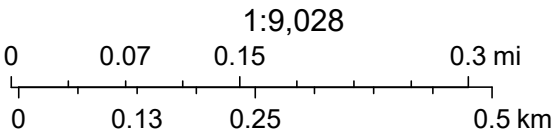
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San Patricio CAD Web Map



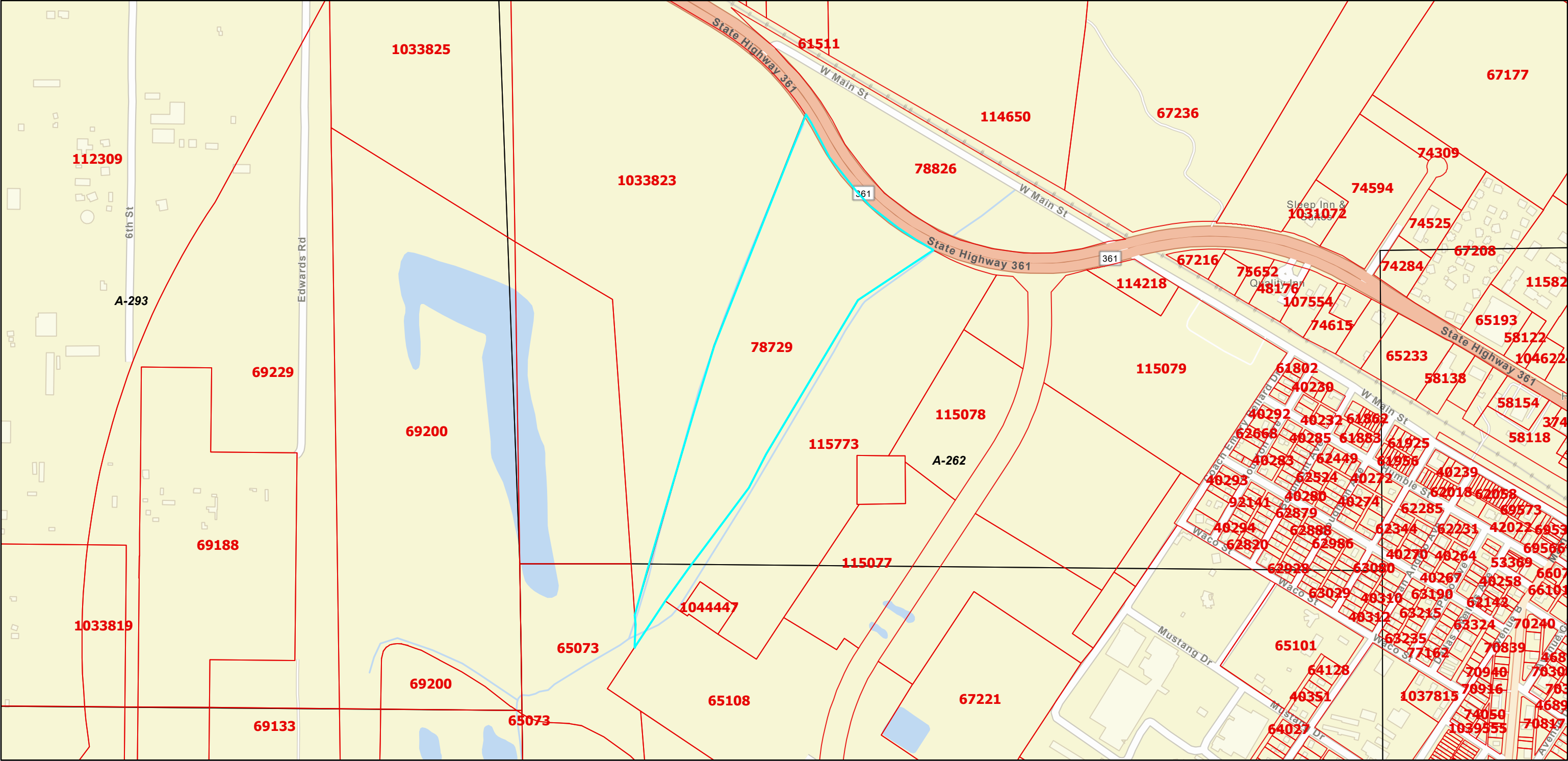
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- Parcels
- Abstracts



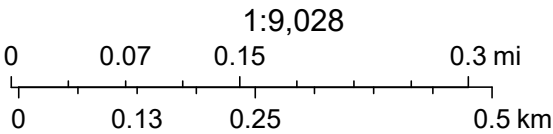
Sources: Esri, TomTom, Garmin, FAO, NOAA, USGS, © OpenStreetMap contributors, and the GIS User Community

San Patricio CAD Web Map



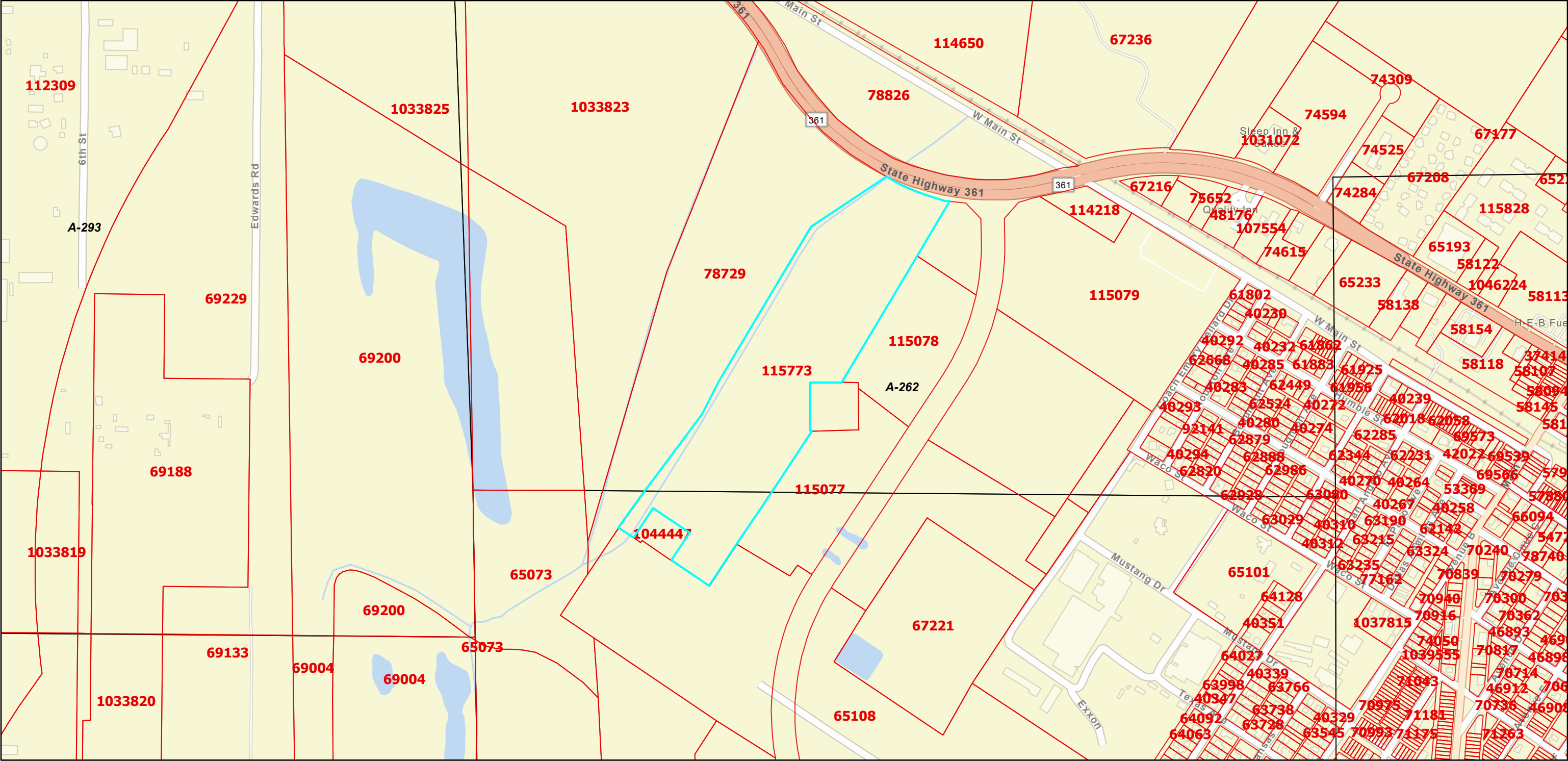
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-  Parcels
-  Abstracts



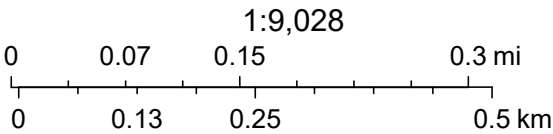
Sources: Esri, TomTom, Garmin, FAO, NOAA, USGS, © OpenStreetMap contributors, and the GIS User Community

San Patricio CAD Web Map



6/26/2025, 11:25:31 AM

- Parcels
- Abstracts



Sources: Esri, TomTom, Garmin, FAO, NOAA, USGS, © OpenStreetMap contributors, and the GIS User Community

San Patricio CAD Property Search

Property Details

Account		
Property ID:	65108	Geographic ID: 2139-0184-0000-009
Type:	R	Zoning:
Property Use:		Condo:
Location		
Situs Address:	AVE B INGLESIDE, TX 78362	
Map ID:	U-10-	Mapsco:
Legal Description:	ABST 184 WM MCDONOUGH 162.182 ACRES	
Abstract/Subdivision:		
Neighborhood:		
Owner		
Owner ID:	102582	
Name:	PORT OF TEXAS LP	
Agent:		
Mailing Address:	PO BOX 868 CORPUS CHRISTI, TX 78403	
% Ownership:	100.0%	
Exemptions:	For privacy reasons not all exemptions are shown online.	

Property Values

Improvement Homesite Value:	\$0 (+)
Improvement Non-Homesite Value:	\$0 (+)
Land Homesite Value:	\$0 (+)
Land Non-Homesite Value:	\$16,218 (+)
Agricultural Market Valuation:	\$0 (+)
Market Value:	\$16,218 (=)
Agricultural Value Loss: ⓘ	\$0 (-)
Appraised Value: ⓘ	\$16,218 (=)
HS Cap Loss: ⓘ	\$0 (-)
Circuit Breaker: ⓘ	\$0 (-)

San Patricio CAD Property Search

Property Details

Account		
Property ID:	67221	Geographic ID: 2139-0262-0000-025
Type:	R	Zoning:
Property Use:		Condo:
Location		
Situs Address:	S AVE B (OFF SOUTH AVE B) INGLESIDE, TX 78362	
Map ID:	U-9;V-	Mapsco:
Legal Description:	ABST 262 ROSA TEAL 36.198 ACRES	
Abstract/Subdivision:		
Neighborhood:		
Owner		
Owner ID:	102582	
Name:	PORT OF TEXAS LP	
Agent:		
Mailing Address:	PO BOX 868 CORPUS CHRISTI, TX 78403	
% Ownership:	100.0%	
Exemptions:	For privacy reasons not all exemptions are shown online.	

Property Values

Improvement Homesite Value:	\$0 (+)
Improvement Non-Homesite Value:	\$0 (+)
Land Homesite Value:	\$0 (+)
Land Non-Homesite Value:	\$3,620 (+)
Agricultural Market Valuation:	\$0 (+)
Market Value:	\$3,620 (=)
Agricultural Value Loss: ⓘ	\$0 (-)
Appraised Value: ⓘ	\$3,620 (=)
HS Cap Loss: ⓘ	\$0 (-)
Circuit Breaker: ⓘ	\$0 (-)

San Patricio CAD Property Search

Property Details

Account		
Property ID:	78729	Geographic ID: 2139-0262-0000-004
Type:	R	Zoning:
Property Use:		Condo:
Location		
Situs Address:	FM 361 INGLESIDE, TX 78362	
Map ID:	U-10-	Mapsco:
Legal Description:	44.08 ACS OUT OF A-262 ROSA TEAL SURVEY	
Abstract/Subdivision:		
Neighborhood:		
Owner		
Owner ID:	102582	
Name:	PORT OF TEXAS LP	
Agent:		
Mailing Address:	PO BOX 868 CORPUS CHRISTI, TX 78403	
% Ownership:	100.0%	
Exemptions:	For privacy reasons not all exemptions are shown online.	

Property Values

Improvement Homesite Value:	\$0 (+)
Improvement Non-Homesite Value:	\$0 (+)
Land Homesite Value:	\$0 (+)
Land Non-Homesite Value:	\$2,204 (+)
Agricultural Market Valuation:	\$0 (+)
Market Value:	\$2,204 (=)
Agricultural Value Loss: ⓘ	\$0 (-)
Appraised Value: ⓘ	\$2,204 (=)
HS Cap Loss: ⓘ	\$0 (-)
Circuit Breaker: ⓘ	\$0 (-)

San Patricio CAD Property Search

Property Details

Account		
Property ID:	115773	Geographic ID: 2139-0262-0000-049
Type:	R	Zoning:
Property Use:		Condo:
Location		
Situs Address:	FM 361 INGLESIDE, TX 78362	
Map ID:	U-9 &-	Mapsco:
Legal Description:	45.67 ACS OUT OF A-262 ROSA TEAL SURVEY	
Abstract/Subdivision:		
Neighborhood:		
Owner		
Owner ID:	102582	
Name:	PORT OF TEXAS LP	
Agent:		
Mailing Address:	PO BOX 868 CORPUS CHRISTI, TX 78403	
% Ownership:	100.0%	
Exemptions:	For privacy reasons not all exemptions are shown online.	

Property Values

Improvement Homesite Value:	\$0 (+)
Improvement Non-Homesite Value:	\$0 (+)
Land Homesite Value:	\$0 (+)
Land Non-Homesite Value:	\$4,567 (+)
Agricultural Market Valuation:	\$0 (+)
Market Value:	\$4,567 (=)
Agricultural Value Loss: ?	\$0 (-)
Appraised Value: ?	\$4,567 (=)
HS Cap Loss: ?	\$0 (-)
Circuit Breaker: ?	\$0 (-)



Exhibit 2 – Application for Special Use: Section 78-267 Intensive Uses



PO Drawer 400 • 2665 San Angelo • Ingleside, TX 78362
Phone: 361-776-3815 - building@inglesidetx.gov

SPECIAL USE: SECTION 78-267 INTENSIVE USES

Date Filed: _____

In accordance with the Planning and Zoning Subdivision Ordinance, Chapter 78, Article IV, application for special use Section 78-267 is requested on the property below:

Applicant

Name: The Port of Texas, LP

Address: P.O. Box 868, Corpus Christi, TX 78403; 2802 N. Shoreline Blvd., Corpus Christi, TX 78403

Phone #: (210) 960-2750

Email Address: rob@kgftx.com; melissa@kgftx.com; gabriela@kgftx.com

Property Owner (if different)

Name: The Port of Texas, LP

Address: P.O. Box 868, Corpus Christi, TX 78403; 2802 N. Shoreline Blvd., Corpus Christi, TX 78403

Phone #: (361) 877-7766

Email Address: theberryco@aol.com

Legal Description of Property:

ABST 184 WM MCDONOUGH 162.182 ACRES

ABST 262 ROSA TEAL 36.198 ACRES

44.08 ACS OUT OF A-262 ROSA TEAL SURVEY

45.67 ACS OUT OF A-262 ROSA TEAL SURVEY

Description of proposed uses, approval for which the property is sought:

See Section III of the Cover Letter.

Description of hazards, such as fire, explosion, noise vibration, dust, or the emission of smoke, odor, or toxic substances, accompanying the proposed use:

See Section IV of the Cover Letter

Description of all safeguards proposed to protect the surrounding property and persons from hazards accompanying the proposed use:

See Section IV of the Cover Letter

☒ A site plan showing the location of all improvements, landscaping, yard areas, sight and/or noise barriers, existing and planned, on the subject property.

Signature: _____

Date: _____

Zone: INDUSTRIAL

Reviewed By: _____

Date: _____



Exhibit 3 – Ordinance No. 2025-19

ORDINANCE NO. 2025-19

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF INGLESIDE, TEXAS AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF INGLESIDE BY ZONING TWO TRACTS OF LAND WITH A COMBINED 299.77 ACRES OF REAL PROPERTY FROM R-1 (SINGLE FAMILY RESIDENTIAL) TO I (INDUSTRIAL) WITH SUCH TRACTS GENERALLY LOCATED AT HIGHWAY 361 AND AVENUE B COMPRISED OF AN 89.75 ACRE TRACT LEGALLY DESCRIBED AS A 89.75 ACRE TRACT OF LAND, BEING THE SAME TRACT OF LAND AS DESCRIBED IN FILE NUMBER 646716 AND FILE NUMBER 646717, OFFICIAL PUBLIC RECORDS OF SAN PATRICIO COUNTY, TEXAS AND A 210.02 ACRE TRACT LEGALLY DESCRIBED AS A 210.02 ACRE TRACT, BEING OUT OF A 28.62 ACRE TRACT, A 1.61 ACRE TRACT, A 9.22 ACRE TRACT AND A 5.54 ACRE TRACT AS RECORDED IN VOLUME 326, PAGE 475 , DEED RECORDS, SAN PATRICIO COUNTY, TEXAS; THE REMAINDER OF A 50.91 ACRE TRACT AS RECORDED IN VOLUME 113 PAGE 182, DEED RECORDS, SAN PATRICIO COUNTY, TEXAS; THE REMAINDER OF A 48.18 ACRE TRACT AS RECORDED IN VOLUME 90, PAGE 553, DEED RECORDS, SAN PATRICIO COUNTY, TEXAS; THE REMAINDER OF A 46.81 ACRE TRACT, RECORDED IN VOLUME 149, PAGE 502, DEED RECORDS, SAN PATRICIO COUNTY, TEXAS; A 4.54 ACRE TRACT AS RECORDED IN VOLUME 148, PAGE 514, DEED RECORDS, SAN PATRICIO COUNTY, TEXAS; AND AN 8.93 ACRE TRACT AS RECORDED IN VOLUME 101, PAGE 391, DEED RECORDS, SAN PATRICIO COUNTY, TEXAS AND A 2.29 ACRE TRACT RECORDED IN VOLUME 88, PAGE 15, DEED RECORDS, SAN PATRICIO COUNTY, TEXAS.

WHEREAS, the City Council of the City Ingleside (“City Council”) has previously approved and adopted a Comprehensive Zoning Ordinance and Zoning Map of the City of Ingleside; and

WHEREAS, the City Council has previously created and appointed a Planning and Zoning Commission as authorized by the Texas Local Government Code; and,

WHEREAS, the Texas Local Government Code authorizes a municipality to adopt zoning districts after compliance with statutory notice provisions; and,

WHEREAS, application was made to rezone the real property A combined total of 299.77 acres consisting of an 89.75 Acre Tract of land legally described as A 89.75 ACRE TRACT OF LAND, BEING THE SAME TRACT OF LAND AS DESCRIBED IN FILE NUMBER 646716 AND FILE NUMBER 646717, OFFICIAL PUBLIC RECORDS OF SAN PATRICIO COUNTY, TEXAS and a 210.02 acre tract of land legally described as A 210.02 ACRE TRACT, BEING OUT OF A 28.62 ACRE TRACT, A 1.61 ACRE TRACT, A 9.22 ACRE TRACT AND A 5.54 ACRE TRACT AS RECORDED IN VOLUME 326, PAGE 475 , DEED RECORDS, SAN PATRICIO COUNTY, TEXAS; THE REMAINDER OF A 50.91 ACRE TRACT AS RECORDED IN VOLUME 113 PAGE 182, DEED RECORDS, SAN PATRICIO COUNTY, TEXAS; THE REMAINDER OF A 48.18 ACRE TRACT AS RECORDED IN VOLUME 90,

PAGE 553, DEED RECORDS, SAN PATRICIO COUNTY, TEXAS; THE REMAINDER OF A 46.81 ACRE TRACT, RECORDED IN VOLUME 149, PAGE 502, DEED RECORDS, SAN PATRICIO COUNTY, TEXAS; A 4.54 ACRE TRACT AS RECORDED IN VOLUME 148, PAGE 514, DEED RECORDS, SAN PATRICIO COUNTY, TEXAS; AND AN 8.93 ACRE TRACT AS RECORDED IN VOLUME 101, PAGE 391, DEED RECORDS, SAN PATRICIO COUNTY, TEXAS AND A 2.29 ACRE TRACT RECORDED IN VOLUME 88, PAGE 15, DEED RECORDS, SAN PATRICIO COUNTY, TEXAS; and

WHEREAS, after complying with the statutory publication and notification requirements, on May 19, 2025, the Ingleside Planning and Zoning Commission (“Commission”) conducted a public hearing on the potential rezoning application and after considering the testimony and evidence, has provided a recommendation to the City Council to rezone the above referenced properties from R-1 (Single Family Residential) to I (Industrial); and,

WHEREAS, after a public hearing and considering the application, the recommendation of the Commission, the present zoning and use of each of the properties in the surrounding area, the comprehensive master plan of the city, the future development of the city as a whole, and other relevant factors, the City Council is of the opinion and finds that it is in the best interest of the public health, safety, and welfare of the city to rezone this property, that the rezoning effected by this ordinance is in compliance with the Comprehensive Master Plan, that changing the zoning of the aforesaid property would not be detrimental to the public health, safety, or general welfare, and will, in fact, promote the best and most orderly development of the properties affected thereby, and to be affected thereby, in the City of Ingleside, and as well, the owners and occupants of the property, and the City generally.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF INGLESIDE, COUNTY OF SAN PATRICIO, STATE OF TEXAS:

Section 1. Zoning Change. Real property generally located at Highway 361 and Avenue B in Ingleside, San Patricio County Texas totaling 299.77 acres and comprised of one 89.77 acre tract of land legally described as A 89.75 ACRE TRACT OF LAND, BEING THE SAME TRACT OF LAND AS DESCRIBED IN FILE NUMBER 646716 AND FILE NUMBER 646717, OFFICIAL PUBLIC RECORDS OF SAN PATRICIO COUNTY, TEXAS and further described in Exhibit A and one 210.02 acres tract of land legally described as A 210.02 ACRE TRACT, BEING OUT OF A 28.62 ACRE TRACT, A 1.61 ACRE TRACT, A 9.22 ACRE TRACT AND A 5.54 ACRE TRACT AS RECORDED IN VOLUME 326, PAGE 475 , DEED RECORDS, SAN PATRICIO COUNTY, TEXAS; THE REMAINDER OF A 50.91 ACRE TRACT AS RECORDED IN VOLUME 113 PAGE 182, DEED RECORDS, SAN PATRICIO COUNTY, TEXAS; THE REMAINDER OF A 48.18 ACRE TRACT AS RECORDED IN VOLUME 90, PAGE 553, DEED RECORDS, SAN PATRICIO COUNTY, TEXAS; THE REMAINDER OF A 46.81 ACRE TRACT, RECORDED IN VOLUME 149, PAGE 502, DEED RECORDS, SAN PATRICIO COUNTY, TEXAS; A 4.54 ACRE TRACT AS RECORDED IN VOLUME 148, PAGE 514, DEED RECORDS, SAN PATRICIO COUNTY, TEXAS; AND AN 8.93 ACRE TRACT AS RECORDED IN VOLUME 101, PAGE 391, DEED RECORDS, SAN PATRICIO COUNTY, TEXAS AND A 2.29 ACRE TRACT RECORDED IN VOLUME 88, PAGE 15, DEED RECORDS, SAN PATRICIO COUNTY, TEXAS and further described as Exhibit B are hereby zoned from R-1 (Single Family Residential) to I (Industrial). Real property to be rezoned is further depicted in Exhibit C.

Section 2. Zoning Map. It is directed that the official zoning map of the city be changed to reflect the zoning classification change, rezoning, effected by this ordinance.

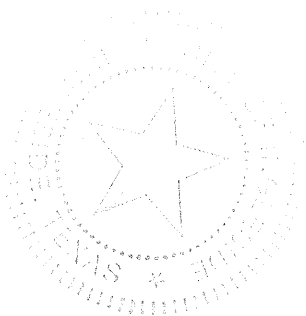
Section 3. Effective Date. As provided by Article III, Section 3.11C of the Charter of the City of Ingleside, this ordinance shall be effective upon adoption and, in addition, if any penalty, fine or forfeiture is imposed by this ordinance, then this ordinance shall be effective only after publication of this ordinance in its entirety or in summary form once in the official newspaper of the City of Ingleside.

Section 4. Reading. As provided by Article III, Section 3.11.B of the Charter of the City of Ingleside, this ordinance, or the caption of it shall be read at two City Council meetings with at least two weeks elapsing between each reading.

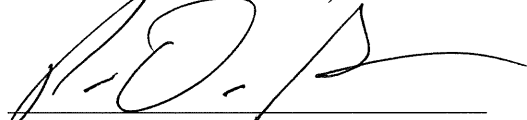
Section 5. Severance. If any part of this ordinance is invalid or void or is declared to be so, then said part shall be severed from the balance of this ordinance and said invalidity shall not affect the balance of this ordinance, the balance of the ordinance to be read as if said invalid or void portion thereof were not included.

Section 6. Publication. As provided by Article III, Section 3.11C, this ordinance shall be published one time in the official newspaper of the City of Ingleside, San Patricio County, Texas, which publication shall contain the caption of this ordinance stating in substance the purposes of same.

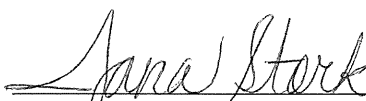
PASSED, ORDAINED, APPROVED AND ADOPTED this 10th day of June 2025 by 04 (ayes) to 02 (nays) with 00 abstentions by a vote of the City Council of the City of Ingleside.



CITY OF INGLESIDE, TEXAS


Pedro Oscar Adame, Mayor

ATTEST:

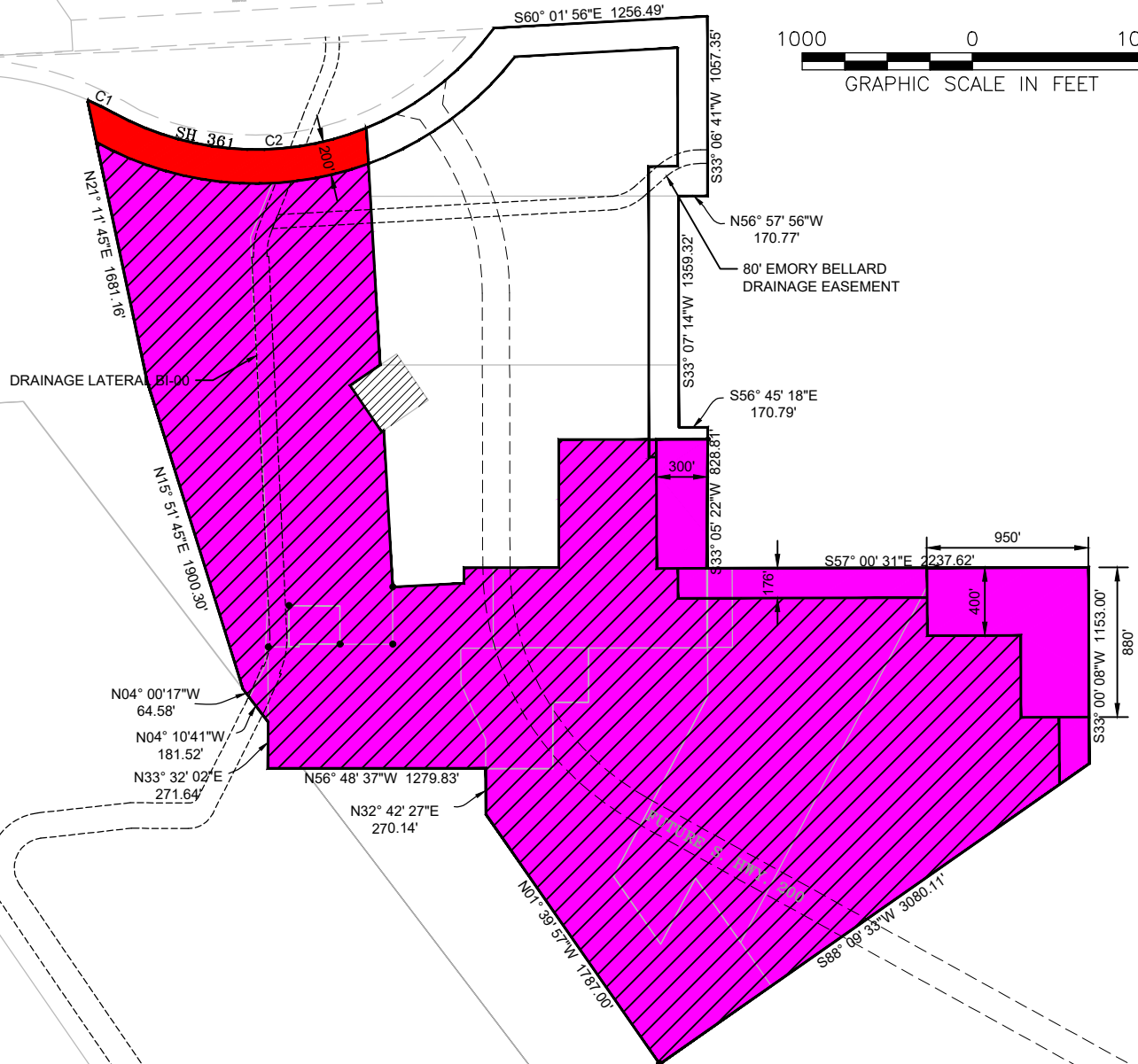
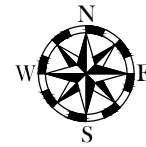

Jana Stork, City Secretary

First Reading: May 27, 2025

Second Reading: June 10, 2025



Exhibit 4 – Conceptual Site Plan



Curve Table				
Curve #	Length	Radius	Chord Direction	Chord Length
C1	174.73	1820.08	S30° 49' 35"E	174.67
C2	2499.35	1727.28	S69° 30' 47"E	2286.94

LEGEND

- INDUSTRIAL W/OBJECTIONABLE USE REZONING
- INDUSTRIAL REZONING
- GENERAL COMMERCIAL

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TBPE F-417 / TBPLS F-10039500
TBAE F-BR 2458 / TBPG F-50556

EXHIBIT B

EXXON PROPERTIES REZONING
INGLESIDE, TEXAS

18I0014



Exhibit 5 – Pleadings

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

PORT OF TEXAS, LP
PLAINTIFF,

V.

CITY OF INGLESIDE,
DEFENDANT

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CIVIL ACTION NO. 2:24-CV-267

MOTION TO DISMISS

Defendant, City of Ingleside, Texas, moves to dismiss the Complaint filed against it by Port of Texas, LP pursuant to Fed. R. Civ. P. 12(b)(1) and 12(b)(6). As grounds, Defendant would show:

**I.
Facts**

1. Plaintiff's Complaint alleges that its claims are brought pursuant to the Fifth Amendment to the U.S. Constitution, Article I, § 17 of the Texas Constitution, 28 U.S.C. §2201 and 42 U.S.C. § 1983. Jurisdiction is alleged to exist pursuant to 28 U.S.C. § 1331 due to an alleged "taking" without compensation prohibited by the Fifth Amendment. Complaint, paras. 3, 4.

2. Plaintiff owns an approximately 288.13-acre tract of land (the "Property") within the City of Ingleside in San Patricio County, Texas. Plaintiff purchased the Property from Exxon in 2022. Complaint, para. 7.

3. As stated in the Complaint, the Property has been used for activities related to oil and gas storage, processing and transportation, bulk storage and operating as an oil and gas pipeline hub since 1927. Complaint, para. 9.

4. Ingleside annexed the Property into its corporate limits in 1998. It's initial zoning classification as a newly annexed area under Ingleside's Zoning Ordinance was R-1 single-family residential district. The Property has not been reclassified since it was annexed into the City of Ingleside. Complaint, paras. 10, 11.

5. The owners of the Property, including Port of Texas, have been allowed to continue their operations on the Property. The City of Ingleside has not required the Port of Texas to stop the nonconforming use of the Property and Plaintiff's Complaint concedes that "(s)ince 1998, when the Property was annexed by the City, the activity on the Property has remained industrial contrary to the temporary zoning of "R-1". Complaint, para. 18.

6. Port of Texas requested formal recognition by Ingleside that it had nonconforming use rights on the Property on March 5, 2024. Plaintiff's request was denied by the City based on the discontinuance of the use of the property to store oil and gas because of the removal of the gas storage tanks in 2005. Complaint, paras. 18, 19. The City relied on Sec. 78.93 of its Code of Ordinances which provides:

Sec. 78-93 Discontinuing of Use

If the nonconforming use of any building or premises is discontinued or its normal operation stopped for a period of one year, the use of the same shall thereafter conform to the regulations of the district in which it is located except to the extent authorized by Texas Local Government Code Section 211.019.

7. Following rejection of its request for recognition of nonconforming status, Plaintiff applied for a change of Zoning from R-1 to Industrial (“I”) with Objectional Use Permit, which was approved by Ingleside’s Planning and Zoning Commission but denied by Ingleside’s City Council on September 10, 2024. Complaint, paras. 20, 23, 24.

8. The City of Ingleside has permitted Plaintiff’s use of the Property to continue and has not required Port of Texas to stop any aspect of its use of the Property.

II.

The Court lacks jurisdiction because no Constitutional violation has occurred and no 42 U.S.C. § 1983 claim has been stated for the same reason

9. State law and the City of Ingleside’s Zoning Ordinance allows a property owner to continue a legal use which existed prior to annexation, adoption or change in a zoning regulation.

Tex. Local Gov’t Code, § 43.002(a)(1) states:

“CONTINUATION OF LAND USE. A municipality may not, after annexing an area, prohibit a person from ... continuing to use land in the area in the manner in which the land was being used on the date the annexation proceedings were instituted if the land use was legal at that time...”.

Tex. Local Gov’t Code, § 211.019(b) states:

a “person using a property in a manner considered to be a nonconforming use as a result of the adoption of or change to a zoning regulation or boundary may continue to use the property in the same manner unless required by a municipality to stop the nonconforming use of the property.”

Sec. 79.90 of Ordinance No. 2023-27 of the City of Ingleside, Texas states:

The lawful use of a building existing at the time of the adoption of the ordinance from which this chapter was derived may be continued even though such use does not conform with the provisions of the ordinance from which this chapter was derived. If no structural alterations are made, a nonconforming use of a building may be changed to another nonconforming use of the same or more restricted classification. The foregoing provisions shall also apply to nonconforming uses in districts as may be hereafter changed. **Whenever a nonconforming use of a building has been changed to a more restricted use or to a conforming use, such use shall not thereafter be changed to a less restricted use. (emphasis applied)**

10. A dispute has arisen between Port of Texas and the City of Ingleside whether Port of Texas is entitled to use the Property as an oil and gas storage facility because of the removal of the gas storage tanks from the Property approximately twenty years previously. Nevertheless, Plaintiff's more restricted use of the Property has continued and no requirement to stop the current use has been imposed.

11. Plaintiff's claim under 42 U.S.C. § 1983 is premised on alleged violation of the "Taking Clause" of the Fifth Amendment to the U.S. Constitution which provides that private property will not "be taken for public use without just compensation." U.S. Const., amend V. Plaintiff also uses the alleged violation of the Fifth Amendment to the U.S. Constitution to support its request for a declaratory judgment since the dispute about which the declaration is sought must arise under federal law or some element of the claim would necessarily depend on the resolution of a substantial disputed federal question. The

Declaratory Judgment Act does not extend the jurisdiction of the Federal Courts. *Skelly Oil Co. v. Phillips Petroleum Co.*, 339 U.S. 667, 671, 70 S. Ct. 876, 94 L. Ed 1194 (1950).

12. Here, Plaintiff argues that Ingleside zoning classification of R-1, together with restrictive covenants prohibiting residential use put in place by the Property's previous owner, deprive it of all economically beneficial use of the Property and constitute a "regulatory taking".

13. Plaintiff's claims, however, do not take into consideration state laws and Ingleside Ordinances protecting nonconforming use or recognize that, despite refusing to recognize nonconforming use status, Ingleside has allowed historical use of the Property to continue without interference since it annexed the property in 1998 and since Plaintiff acquired the Property in 2022.

14. Additionally, an investment in a nonconforming use that is made after a zoning change, as is the case here, is not innocent and thus is not entitled to protection or recognition. *Neighborhood Committee on Lead Pollution v. Board of Adjustment of the City of Dallas*, 728 S.W. 2d 64, 70 (Tex. App-Dallas 1987, writ ref'd n.r.e.)(holding investments in the nonconforming use made after the zoning change are not required to be amortized, because such investments, if included in the amortization base, could extend the nonconforming use indefinitely); *City of Garland v. Valley Oil*, 482 S.W. 2d 342, 346 (Tex. App-Dallas 1972, writ, ref'd n.r.e.) Cert. denied 411 U.S. 933, 93 S. Ct. 1902, 36 L. Ed. 2d 392 (1973)("[T]he owner of a nonconforming service station, who, with actual or constructive notice of a zoning ordinance, purchases an adjoining lot for the purpose of building a larger station, cannot complain of any hardship by denial of such extended use."); *Mattox v. Bd. of Adjustment*, Civil No. 3:93-CV-1043-H, 1996 U.S. Dist. LEXIS

4234, at *6 (N.D. Tex. Jan. 5, 1996)(“The Texas Court of Appeals for the Fifth District, Dallas County, has consistently held that an investment in a nonconforming use that is made after the zoning change is not innocent and thus is not entitled to protection or recognition.”).

15. In this case, the Ingleside has not restricted the owner's use except to the extent a nonconforming use has been discontinued and Ingleside has not otherwise prohibited productive and economically beneficial use of the land. *Lingle v. Chevron U.S.A. Inc.*, 544 U.S. 528, 538, 125 S. Ct. 2074, 161 L. Ed. 2d 876 (2005); *Tahoe-Sierra Pres. Council, Inc. v. Tahoe Reg'l Plan. Agency*, 535 U.S. 302, 330, 122 S. Ct. 1465, 152 L. Ed 2d 517 (2002).

16. Because the City of Ingleside has not ordered Plaintiff's use of the Property to stop and has allowed the previous historic uses to continue unless discontinued for a one-year period, there has been no "taking" without compensation or any violation of the Fifth Amendment to the U.S. Constitution.

17. Without a Constitutional violation to support them, Plaintiff's claims under 25 U.S.C. 2201 for declaratory judgment and its claims under 42 U.S. § 1983 must fail for want of jurisdiction and for failure to state a claim upon which relief can be granted. "The first inquiry in any § 1983 suit is whether the Plaintiff has been deprived of a right 'secured by the Constitution and laws.'" *Baker v. McCollan*, 443 U.S. 137, 140, 99 S. Ct. 2689, 61 L. Ed 2d 433 (1979). Likewise, a federal claim is necessary to support a declaratory judgment action under 28 U.S.C. § 2201. *Skelly Oil Co.*, 339 U.S. at 671. Since jurisdiction in this case is premised on a violation of the Fifth Amendment to the U.S. Constitution and Plaintiff's Complaint indicates that the Plaintiffs use of the Property has continued without

interference by the City, this Court lacks jurisdiction to hear this case. Alternatively, the Complaint should be dismissed for failure to state a claim upon which relief can be granted.

Conclusion and Prayer

18. For the reasons stated above, the City of Ingleside asks the Court to dismiss Port of Texas, LP's claim for lack of federal question jurisdiction. Alternatively, Ingleside asks that Plaintiff's claim under 42 U.S.C. § 1983 be dismissed for failure to state a claim upon which relief and be granted.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document has been forwarded pursuant to Rule 21a, Texas Rules of Civil Procedure, on this the 13th day of December 2024, as follows:

S. Mark Murray

Email: mark.murray@fordmurray.com

Kennedy Hatfield Asel

Email: hatfieldasel@fordmurray.com

10001 Reunion Place, Suite 640

San Antonio, Texas 78216

Attorneys for Port of Texas, L.P.

/s/ R Jo Reser

R. Jo Reser

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

PORT OF TEXAS, LP
Plaintiff,

V.

CITY OF INGLESIDE,
Defendant.

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Civil Action No. 2:24-CV-267

SECOND JOINT ADVISORY TO THE COURT

COMES NOW, Plaintiff, PORT OF TEXAS, LP, as well as the Defendant, CITY OF INGLESIDE (the “City”), and, pursuant to this Court’s Order of April 7, 2025, files this their Second Joint Advisory to the Court, and shows the Court as follows:

1. The City initiated the rezoning of Plaintiff’s property (the “Property”) from R-1 (Single-Family Residential) to I (Industrial). On May 19, 2025, following a public hearing, the Ingleside Planning and Zoning Commission (the “Commission”) considered the proposed rezoning. After deliberation, the Commission voted to recommend that the Ingleside City Council rezone the Property from R-1 (Single-Family Residential) to I (Industrial). Pursuant to the Ingleside City Charter, all ordinances—except those related to the budget—must be read and approved twice before taking effect.

2. In addition to approving the zoning change from R-1 (Single-Family Residential) to I (Industrial), Plaintiff cannot use its Property as a tank farm without approval of a Special Use Permit for Intensive Uses (“SUP”) that accompanied its

zoning change application previously filed on June 4, 2024. City staff recommended approval of Plaintiff's zoning application as did the Commission who voted 6-0 to recommend approval on August 19, 2024. The Commission did not recommend approval of the SUP. However, the zoning change and the SUP are not taken up by City Council at the same time. Instead, the City Council must first approve the base zoning change (here, from R-1 to I) before the SUP is considered. This is because under the City's Code, the Property must be zoned Industrial before the City Council can grant the SUP for Intensive Uses. Because Plaintiff's 2024 base zoning change application was denied, the City Council never took up Plaintiff's SUP request. As such, to save time and expense, Plaintiff requested that the City Council take up its SUP request if and when the base zoning change from R-1 (Single-Family Residential) to I (Industrial) was approved.

3. The City has agreed to waive the filing fee associated with filing a new SUP application but would not agree to present Plaintiff's previously filed SUP to City Council for consideration due to procedural concerns. Instead, it is the City's position that the previously filed SUP that already went through both City staff and the Commission became moot when the City Council failed to approve the base zoning change in September 2024. It is the City's position that Plaintiff must now refile its SUP application. It is Plaintiff's position that because the previously filed SUP was never considered by City Council it can still be brought before City Council for consideration. Further, it is Plaintiff's position that there is no support (from either state statute or the City's own ordinances) for the City's position that the SUP application became "moot" making it unable to be take up for consideration now that

the base zoning change has been approved.

4. On May 27, 2025, at a regularly held city council meeting, the Ingleside City Council considered the Commission's recommendation to rezone the Property from R-1 (Single-Family Residential) to I (Industrial) and conducted a public hearing and the first reading of the proposed zoning ordinance.

5. Following a public hearing, the City Council voted to approve the ordinance on first reading and scheduled the second reading for June 10, 2025, the next regularly scheduled city council meeting.

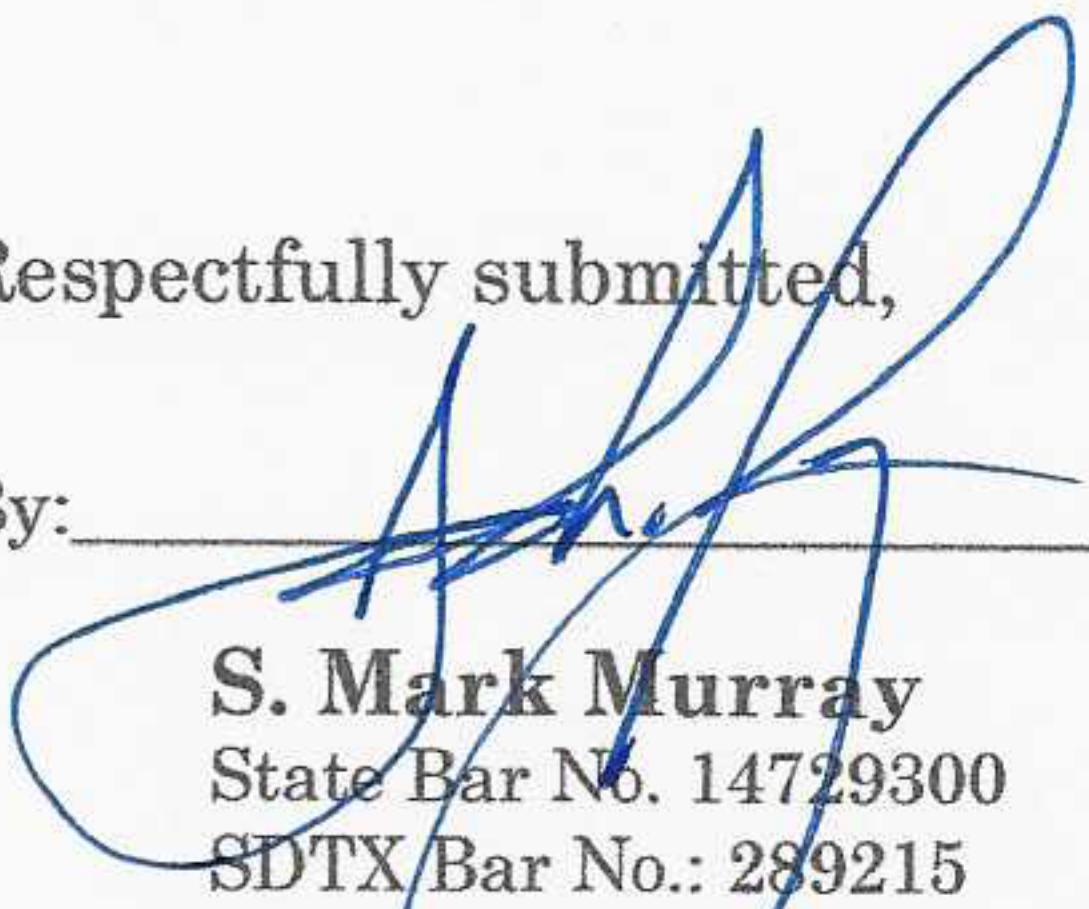
6. At its June 10, 2025, meeting, the Ingleside City Council conducted the second reading of the ordinance zoning the Property to I (Industrial) and voted to approve the ordinance.

7. As a result, the Property is now officially zoned I (Industrial), and Plaintiff may utilize the Property in accordance with the uses permitted for the Industrial District as contained in the Ingleside Code of Ordinances, which does not include using the Property as a tank farm.

8. Additionally, the Parties respectfully request that the Court issue a revised scheduling order, as several deadlines in the current order have already passed since this case was abated.

9. Defendant City of Ingleside has had a Motion to Dismiss pending pursuant to Fed. R. Civ. P. 12(b)(1) and 12(b)(6), since December 13, 2024, which Defendant asserts is determinative of all Plaintiff's claims.

Respectfully submitted,

By: 

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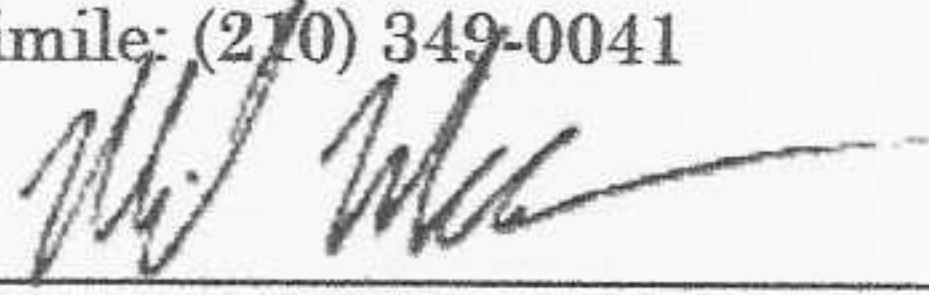
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OF INGLESIDE**

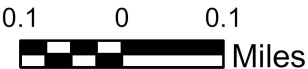


City of Ingleside
Rezoning
Aerial Map

- Legend
-  Case Area
 -  Parcels

Date: 05/27/2025

This product is for informational purposes only and may not have been prepared for or be suitable for use in legal, engineering, or surveying products. It does not represent an on-the-ground survey and only represents the relative location of property boundaries.



Source: Esri, Maxar, Earthstar Geographics, and the GIS User Community

