

Ordinance amending the Unified Development Code (“UDC”), upon application by Charlie Thomas’ Courtesy Ford, Inc. on behalf of Patrick and Amy Nolan (“Owners”), by changing the UDC Zoning Map in reference to a 100 foot wide tract being 2.2763 acres of land (Tract 1) and a 9.8511 acre tract of land (Tract 2) in a portion of Lots 5 and 6, Block 1, Dusty Hills, from the “RM-1” Multifamily 1 District, “RM-AT” Multifamily AT District, “RM-3” Multifamily 3 District and the “CN-1” Neighborhood Commercial District to the “RM-1/SP” Multifamily 1 District with a Special Permit (Tract 1) and to the “CG-2” General Commercial District (Tract 2); amending the Comprehensive Plan to account for any deviations; and providing for a repealer clause and publication.

WHEREAS, the Planning Commission has forwarded to the City Council its final report and recommendation regarding the application of Charlie Thomas’ Courtesy Ford, Inc. on behalf of Patrick and Amy Nolan (“Owners”), for an amendment to the City of Corpus Christi’s Unified Development Code (“UDC”) and corresponding UDC Zoning Map;

WHEREAS, with proper notice to the public, public hearings were held on Wednesday, December 2, 2015, during a meeting of the Planning Commission when the Planning Commission recommended approval of the requested “CG-2” General Commercial District (Tract 2) and “RM-1/SP” Multifamily 1 District with a Special Permit (Tract 2), and on Tuesday, January 12, 2016, during a meeting of the City Council, during which all interested persons were allowed to appear and be heard; and

WHEREAS, the City Council has determined that this amendment would best serve the public health, necessity, convenience and general welfare of the City of Corpus Christi and its citizens.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CORPUS CHRISTI, TEXAS:

SECTION 1. Upon application made by application by Charlie Thomas’ Courtesy Ford, Inc. on behalf of Patrick and Amy Nolan (“Owners”), the Unified Development Code (“UDC”) of the City of Corpus Christi, Texas (“City”), is amended by changing the zoning on a 100 foot wide tract being 2.2763 acres of land (Tract 1) and a 9.8511 acre tract of land (Tract 2) in a portion of Lots 5 and 6, Block 1, Dusty Hills, located along the south side of McArdle Road between Prince Drive and Clare Drive (the “Property”), from the “RM-1” Multifamily 1 District, “RM-AT” Multifamily AT District, “RM-3” Multifamily 3 District and the “CN-1” Neighborhood Commercial District to the “CG-2” General Commercial District (Tract 2) and “RM-1/SP” Multifamily 1 District with a Special Permit (Tract 1) (Zoning Map No. 041035), as shown in Exhibits “A”, “B”, “C” and “D.” Exhibits A and C, which are metes and bounds descriptions of the Property, and Exhibits B and D, which are maps to accompany the metes and bounds, and Exhibit E, which is a site plan, are attached to and incorporated in this ordinance by reference as if fully set out herein in their entireties.

SECTION 2. The Special Permit granted in Section 1 of this ordinance is subject to the Owner complying with the following conditions and site plan (Exhibit E):

1. **Uses:** All uses allowed in the “RM-1” Multifamily 1 District, plus the use of the property for parking of vehicles associated with automobile sales and service. Consequently, no commercial buildings are permitted on Tract 1.
2. **Buffer Yard:** A 20-foot buffer yard shall be required along McArdle Road and shall consist of trees, landscaping, and a screening fence.
3. **Landscaping:** The 20-foot required buffer yard shall include 2 ½-inch caliper canopy trees planted every 30 feet and 500 landscape points achieved by plantings other than trees.
4. **Screening:** A minimum six-foot tall solid screening fence (excluding fences with metal sheeting or panels) shall be installed, maintained, and remain in place along McArdle Road south of the required landscaping/buffer yard.
5. **Lighting:** All lighting shall be shielded and meet all requirements of the UDC. Lighting may not exceed 15 feet in height. No private freestanding light shall be installed within 20 feet of the McArdle Road right-of-way.
6. **Outdoor Intercom Systems:** Intercom systems may not exceed 60 decibels (dBA) at the property line along McArdle Road.
7. **Dumpsters:** Solid waste containers shall not be located within the 20-foot buffer yard.
8. **Hours of Operation:** 6:30 AM to 7:30 PM
9. **Ingress/Egress:** A maximum of one ingress/egress point shall be permitted along McArdle Road, which shall be aligned with Nancy Drive unless otherwise determined by Staff during the plan review process. Such access point shall be limited to emergency and employee use only and shall have a bar for the purpose of limiting access of delivery vehicles. McArdle Road shall not be used for deliveries.
10. **Time Limit:** This Special Permit shall expire if applicable site and building permits for the buffer yard, landscaping and screening fence are not obtained within three years of the approval date of the ordinance.
11. **Other Requirements:** The Special Permit conditions listed herein do not preclude compliance with other applicable UDC and Building Code Requirements.

SECTION 3. The official UDC Zoning Map of the City is amended to reflect changes made to the UDC by Section 1 of this ordinance.

SECTION 4. The UDC and corresponding UDC Zoning Map of the City, made effective July 1, 2011, and as amended from time to time, except as changed by this ordinance, both remain in full force and effect.

SECTION 5. The Comprehensive Plan Future Land Use Map is amended by this ordinance to reflect a commercial land use designation on the Property. If the Special Permit on Tract 1 expires, the Future Land Use Map designation of Tract 1 shall revert to medium density residential uses.

SECTION 6. All ordinances or parts of ordinances specifically pertaining to the zoning of the Property and that are in conflict with this ordinance are hereby expressly repealed.

SECTION 7. Publication shall be made in the City's official publication as required by the City's Charter.

The foregoing ordinance was read for the first time and passed to its second reading on this the _____ day of _____, 20____, by the following vote:

Nelda Martinez	_____	Brian Rosas	_____
Rudy Garza	_____	Lucy Rubio	_____
Chad Magill	_____	Mark Scott	_____
Colleen McIntyre	_____	Carolyn Vaughn	_____
Lillian Riojas	_____		

The foregoing ordinance was read for the second time and passed finally on this the _____ day of _____, 20____, by the following vote:

Nelda Martinez	_____	Brian Rosas	_____
Rudy Garza	_____	Lucy Rubio	_____
Chad Magill	_____	Mark Scott	_____
Colleen McIntyre	_____	Carolyn Vaughn	_____
Lillian Riojas	_____		

PASSED AND APPROVED this the _____ day of _____, 20_____.

ATTEST:

Rebecca Huerta
City Secretary

Nelda Martinez
Mayor

STATE OF TEXAS

COUNTY OF NUECES

ELIZONDO & ASSOCIATES
5805 CALLAGHAN RD. STE. 109
PHONE (210) 375-4128
FAX (210) 375-5130

"EXHIBIT A"
CG-2 Zoning Area

A 9.8511 acre tract of land in a portion of Lots 5 and 6, Block 1 of Dusty Hills, a subdivision in the City of Corpus Christi, Nueces County, Texas, according to the map or plat thereof recorded in Volume 64, Page 195-196, Map Records, Nueces County, Texas, being more particularly described as follows:

COMMENCING at an "X" scribed in concrete at the north corner of said Lot 5, being in the southwest right of way line of McArdle Road;

THENCE South 29° 01' 30" West, with the west line of said Lot 5, a distance of 100.00 feet to the north corner of the herein described tract, same being the **POINT OF BEGINNING**;

THENCE South 61° 02' 06" East, a distance of 991.51 feet to the northeast corner of the herein described tract, being in the east line of said Lot 6;


THENCE South 29° 03' 53" West, with the east line of said Lot 6, a distance of 397.57 feet to the southeast corner of the herein described tract and said Lot 6;

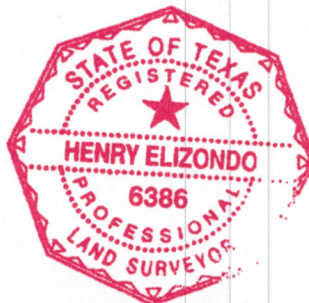
THENCE North 61° 03' 31" West, with the south line of said Lot 6, a distance of 554.39 feet to an angle point of the herein described tract, said point being in the east line of said Lot 5;

THENCE South 29° 01' 30" West, with the east line of said Lot 5, a distance of 80.00 feet to the southeast corner of said Lot 5;

THENCE North 60° 57' 27" West, with the south line of said Lot 5, a distance of 436.84 feet to the southwest corner of the herein described tract and said Lot 5;

THENCE North 29° 01' 30" East, with the west line of said Lot 5, a distance of 477.20 feet to the **POINT OF BEGINNING** and containing 9.8511 acres (429,114 square feet) more or less.


Enrique C. Elizondo, R.P.L.S. No. 6386

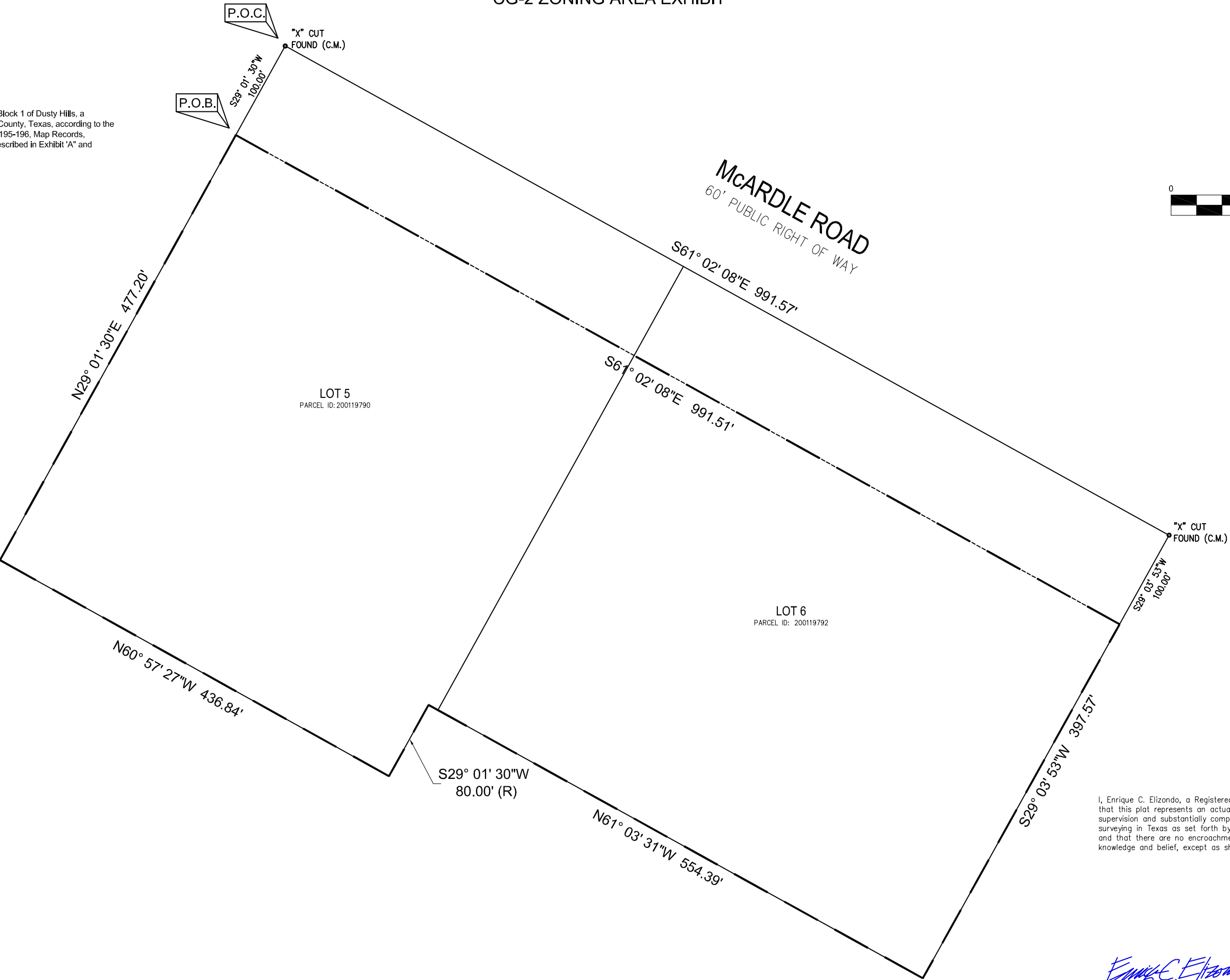


10/12/2015

CG-2 ZONING AREA EXHIBIT

FIELD NOTE DESCRIPTION

9.8511 acres of land in a portion of Lots 5 and 6, Block 1 of Dusty Hills, a subdivision in the City of Corpus Christi, Nueces County, Texas, according to the map or plat thereof recorded in Volume 64, Page 195-196, Map Records, Nueces County, Texas, being more particularly described in Exhibit 'A' and made a part of hereto.



Drawn By: LJJ
Survey Date: 10/12/2015
Phone: (210) 375-4128 Fax: (210) 375-5130
5805 Callaghan Road, Suite 109
San Antonio, Texas 78228
TEXAS LICENSED SURVEYING
FIRM No. 10193864
www.elizondoassociates.com



Elizondo & Associates
LAND SURVEYING & MAPPING, LLC.

I, Enrique C. Elizondo, a Registered Professional Land Surveyor do hereby certify that this plat represents an actual survey made on the ground under my supervision and substantially complies with the minimum standards for land surveying in Texas as set forth by the Texas Board of Professional Land Surveying and that there are no encroachments or visible easements, to the best of my knowledge and belief, except as shown herein. This 12th day of October, 2015.

Enrique C. Elizondo
Enrique C. Elizondo
Registered Professional Land Surveyor
Texas Registration No. 6386



STATE OF TEXAS

COUNTY OF NUECES

ELIZONDO & ASSOCIATES
5805 CALLAGHAN RD. STE. 109
PHONE (210) 375-4128
FAX (210) 375-5130

A 100 foot wide tract being 2.2763 acres of land in a portion of Lots 5 and 6, Block 1 of Dusty Hills, a subdivision in the City of Corpus Christi, Nueces County, Texas, according to the map or plat thereof recorded in Volume 64, Page 195-196, Map Records, Nueces County, Texas, being more particularly described as follows:

BEGINNING at an "X" scribed in concrete at the north corner of said Lot 5, being in the southwest right of way line of McArdle Road;

THENCE South 61° 02' 08" East, with the northeast line of said Lot 5 and Lot 6 and the southwest right of way line of McArdle Road, a distance of 991.57 feet to an "X" scribed in concrete at the north corner of said Lot 6;

THENCE South 29° 03' 53" West, with the east line of said Lot 6, a distance of 100.00 feet to the southeast corner of the herein described 100 foot wide tract;

THENCE North 61° 02' 08" West, a distance of 991.51 feet to the southwest corner of the herein described 100 foot wide tract, being in the west line of said Lot 5;

THENCE North 29° 01' 30" East, with the west line of said Lot 5, a distance of 100.00 feet to the **POINT OF BEGINNING** and containing 2.2763 acres (99,154 square feet) of land, more or less.


Enrique C. Elizondo, R.P.L.S. No. 6386



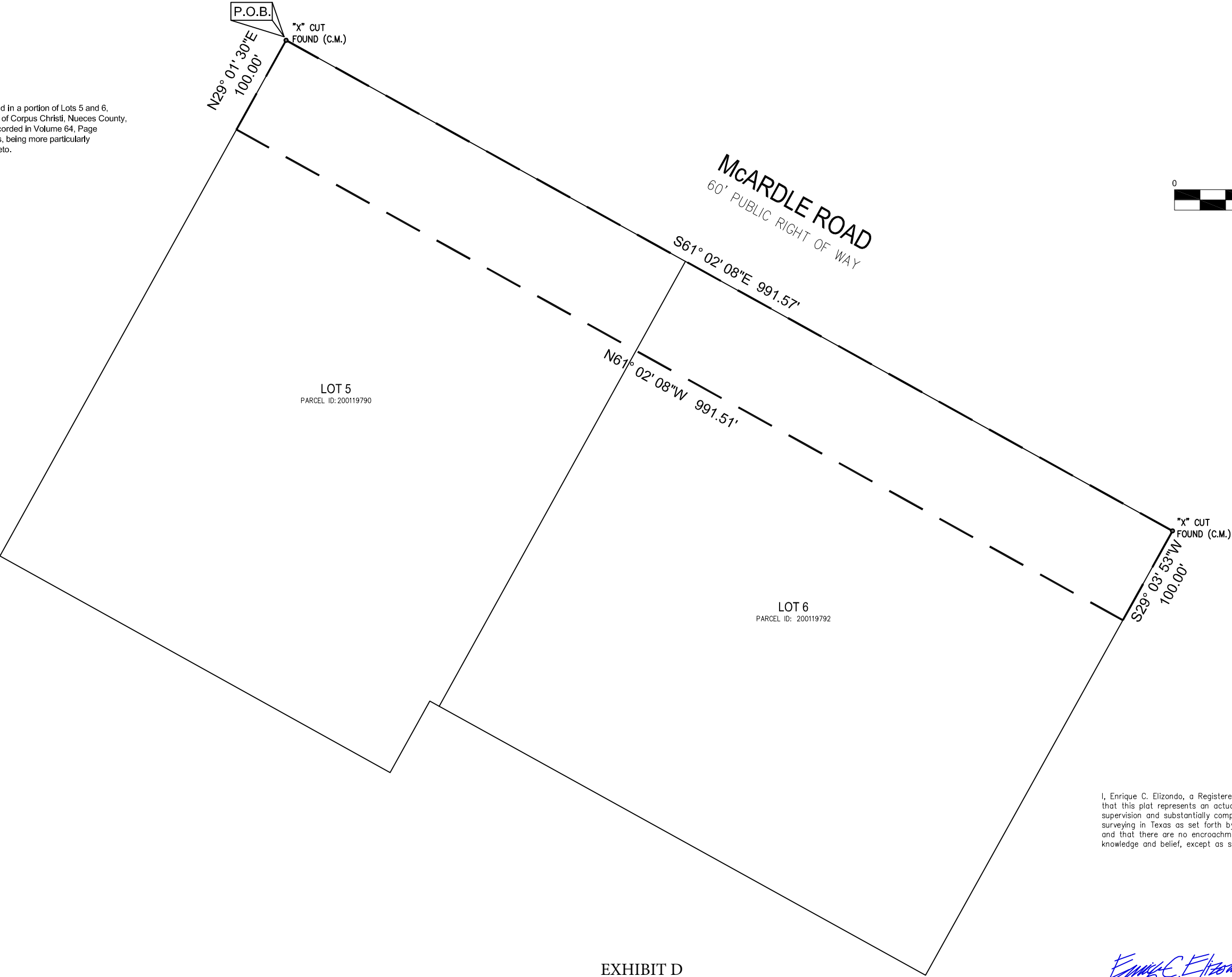
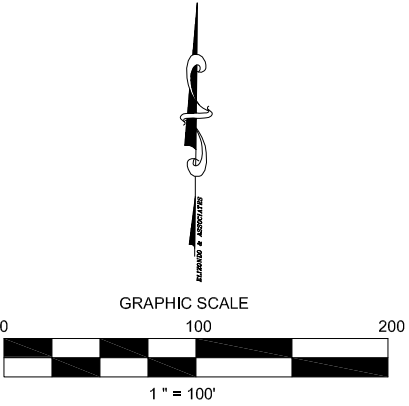
10/12/2015

EXHIBIT C

100' CN-1 ZONING AREA EXHIBIT

FIELD NOTE DESCRIPTION

A 100 foot wide tract being 2.2763 acres of land in a portion of Lots 5 and 6, Block 1 of Dusty Hills, a subdivision in the City of Corpus Christi, Nueces County, Texas, according to the map or plat thereof recorded in Volume 64, Page 195-196, Map Records, Nueces County, Texas, being more particularly described in Exhibit 'A' and made a part of hereto.



Drawn By: LJJ
Survey Date: 10/12/2015
Phone: (210) 375-4128 Fax: (210) 375-5130
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Elizondo & Associates
LAND SURVEYING & MAPPING, LLC.

EXHIBIT D

I, Enrique C. Elizondo, a Registered Professional Land Surveyor do hereby certify that this plat represents an actual survey made on the ground under my supervision and substantially complies with the minimum standards for land surveying in Texas as set forth by the Texas Board of Professional Land Surveying and that there are no encroachments or visible easements, to the best of my knowledge and belief, except as shown herein. This 12th day of October, 2015.

Enrique C. Elizondo
Enrique C. Elizondo
Registered Professional Land Surveyor
Texas Registration No. 6386





EXHIBIT E