

Ordinance amending the Unified Development Code (“UDC”), upon application by Mohammed Motaghi (“Owner”), by changing the UDC Zoning Map in reference to a 7.05 acre tract of land out of the replat of the Edwin E. Connor Tract, as recorded in Volume 40, Page 95, of the map records of Nueces County, Texas, from the “RS-6/SP” Single-Family 6 District with a Special Permit to the “RS-6/SP” Single-Family 6 District with a Special Permit with conditions; 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 Mohammed Motaghi (“Owner”), 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, a public hearing was held on Wednesday, May 17, 2017, during a meeting of the Planning Commission. The Planning Commission recommended approval of the change of zoning from the “RS-6/SP” Single-Family 6 District with a Special Permit to the “RS-6/SP” Single-Family 6 District with a Special Permit with conditions, and on Tuesday, July 11, 2017, 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 by Mohammed Motaghi (“Owner”), the Unified Development Code (“UDC”) of the City of Corpus Christi, Texas (“City”), is amended by changing the zoning on a 7.05 acre tract of land out of the replat of the Edwin E. Connor Tract, as recorded in Volume 40, Page 95, of the map records of Nueces County, Texas, located along the east side of Weber Road, south of Gollihar Road, and north of McArdle Road (the “Property”), from the “RS-6/SP” Single-Family 6 District with a Special Permit to “RS-6/SP” Single-Family 6 District with a Special Permit with conditions (Zoning Map No. 045038), as shown in Exhibits “A” and “B”. Exhibit A, which is a metes and bounds description of the Property, and Exhibit B, which is a map to accompany the metes and bounds, 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 following the conditions listed below:

1. **Uses:** The only uses allowed on the Property other than uses permitted in the base zoning district are retail, professional offices, restaurants, and ninety-one (91) multifamily units.

2. **Building:** No expansion of the building shall be allowed for the purposes of multifamily uses.
3. **Lighting:** All security lighting must be shielded and directed away from abutting residences and nearby streets. Cut-off shields are required for all lighting. No light projection is permitted beyond the property line near all public roadways and residential development.
4. **Buffer Area:** The buffer area is defined as the area between the existing building and the single-family residences with a masonry wall to the north and south of the property. The existing separation between the building and six (6) foot masonry wall shall be maintained. No expansion of the building into this area shall be allowed. The property owner shall maintain and keep the existing six (6) foot masonry wall in good condition. No parking shall be allowed in the buffer area.
5. **Dumpsters:** Dumpsters shall not be located in the buffer area as described in Condition #4.
6. **Signage:** All existing signs along Weber Road will be allowed to remain. No additional signage for the purposes of advertisement shall be allowed.
7. **Other Requirements:** The Special Permit conditions listed herein do not preclude compliance with other applicable UDC, and Building and Fire Code Requirements.
8. **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, and the Special Permit shall expire if the allowed use is discontinued for more than six consecutive months.

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. To the extent this amendment to the UDC represents a deviation from the City's Comprehensive Plan, the Comprehensive Plan is amended to conform to the UDC, as it is amended by this ordinance.

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.

That the foregoing ordinance was read for the first time and passed to its second reading on this the _____ day of _____, 2017, by the following vote:

Joe McComb	_____	Ben Molina	_____
Rudy Garza	_____	Lucy Rubio	_____
Paulette Guajardo	_____	Greg Smith	_____
Michael Hunter	_____	Carolyn Vaughn	_____
Debbie Lindsey-Opel	_____		

That the foregoing ordinance was read for the second time and passed finally on this the _____ day of _____, 2017, by the following vote:

Joe McComb	_____	Ben Molina	_____
Rudy Garza	_____	Lucy Rubio	_____
Paulette Guajardo	_____	Greg Smith	_____
Michael Hunter	_____	Carolyn Vaughn	_____
Debbie Lindsey-Opel	_____		

PASSED AND APPROVED on this the _____ day of _____, 2017.

ATTEST:

Rebecca Huerta
City Secretary

Joe McComb
Mayor

STATE OF TEXAS

COUNTY OF NUECES

TRACT 1

FIELD NOTES FOR A 7.05 ACRE TRACT OF LAND OUT OF THE REPLAT OF THE EDWIN E. CONNOR TRACT AS RECORDED IN VOLUME 40, PAGE 95, OF THE MAP RECORDS OF NUECES COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING AT A 3/4-INCH IRON ROD FOUND ALONG THE EAST RIGHT-OF-WAY LINE OF WEBER ROAD AND THE WEST BOUNDARY LINE OF SAID EDWIN E. CONNOR TRACT, FOR THE NORTHWEST CORNER OF SAID EDWIN E. CONNOR TRACT AND THE NORTHWEST CORNER TO THIS TRACT;

THENCE SOUTH 61 DEGREES 47 MINUTES 20 SECONDS EAST, ALONG THE NORTH BOUNDARY LINE OF SAID EDWIN E. CONNOR TRACT, A DISTANCE OF 750.90 FEET, TO A POINT FOR THE NORTHEAST CORNER OF THIS TRACT;


THENCE SOUTH 28 DEGREES 10 MINUTES 40 SECONDS WEST, A DISTANCE OF 441.75 FEET, TO A POINT ALONG THE SOUTH BOUNDARY LINE OF SAID EDWIN E. CONNOR TRACT, FOR THE LOWER SOUTHEAST CORNER OF THIS TRACT;

THENCE NORTH 61 DEGREES 47 MINUTES 20 SECONDS WEST, ALONG THE SOUTH BOUNDARY LINE OF SAID EDWIN E. CONNOR TRACT, A DISTANCE OF 210.90 FEET, TO A 3/4-INCH IRON ROD FOUND FOR THE UPPER SOUTHEAST CORNER OF SAID EDWIN E. CONNOR TRACT, AND THE UPPER SOUTHEAST CORNER OF THIS TRACT;

THENCE NORTH 42 DEGREES 19 MINUTES 43 SECONDS WEST, ALONG THE SOUTH BOUNDARY LINE OF SAID EDWIN E. CONNOR TRACT, A DISTANCE OF 159.09 FEET TO A 3/4-INCH IRON ROD FOUND FOR AN INTERIOR CORNER OF SAID EDWIN E. CONNOR TRACT, AND AN INTERIOR CORNER OF THIS TRACT;

THENCE NORTH 61 DEGREES 47 MINUTES 20 SECONDS WEST, ALONG THE SOUTH BOUNDARY LINE OF SAID EDWIN E. CONNOR TRACT, A DISTANCE OF 390.03 FEET, TO A POINT FOR THE SOUTHWEST CORNER OF SAID EDWIN E. CONNOR TRACT AND THE SOUTHWEST CORNER OF THIS TRACT;

THENCE NORTH 28 DEGREES 10 MINUTES 40 SECONDS EAST, A DISTANCE OF 388.75 FEET, ALONG THE EAST BOUNDARY LINE OF SAID WEBER ROAD, AND THE WEST BOUNDARY LINE OF SAID EDWIN E. CONNOR TRACT, FOR THE NORTHWEST CORNER OF SAID EDWIN E. CONNOR TRACT, THE NORTHWEST CORNER OF THIS TRACT AND **POINT OF BEGINNING**, CONTAINING 7.05 ACRES OF LAND, MORE OR LESS.


Victor S. Medina
3/9/17

TRACT 2

FIELD NOTES FOR A 5.37 ACRE TRACT OF LAND OUT OF THE REPLAT OF THE EDWIN E. CONNOR TRACT AS RECORDED IN VOLUME 40, PAGE 95, OF THE MAP RECORDS OF NUECES COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCING AT A 3/4-INCH IRON ROD FOUND ALONG THE EAST RIGHT-OF-WAY LINE OF WEBER ROAD AND THE WEST BOUNDARY LINE OF SAID EDWIN E. CONNOR TRACT, FOR THE NORTHWEST CORNER OF SAID EDWIN E. CONNOR TRACT;

THENCE SOUTH 61 DEGREES 47 MINUTES 20 SECONDS EAST, ALONG THE NORTH BOUNDARY LINE OF SAID EDWIN E. CONNOR TRACT, A DISTANCE OF 750.90 FEET, TO A POINT FOR THE NORTHWEST CORNER OF THIS TRACT AND **POINT OF BEGINNING**;

THENCE SOUTH 61 DEGREES 47 MINUTES 20 SECONDS EAST, ALONG THE NORTH BOUNDARY LINE OF SAID EDWIN E. CONNOR TRACT, A DISTANCE OF 529.10 FEET, TO A POINT FOR THE NORTHEAST CORNER OF SAID EDWIN E. CONNOR TRACT, AND THE NORTHEAST CORNER OF THIS TRACT;

THENCE SOUTH 28 DEGREES 10 MINUTES 40 SECONDS WEST, ALONG THE EAST BOUNDARY LINE OF SAID EDWIN E. CONNOR TRACT, A DISTANCE OF 441.75 FEET, TO A 3/4-INCH IRON ROD FOUND ALONG THE SOUTH BOUNDARY LINE OF SAID EDWIN E. CONNOR TRACT, FOR THE SOUTHEAST CORNER OF SAID EDWIN E. CONNOR TRACT AND THE SOUTHEAST CORNER OF THIS OF THIS TRACT;

THENCE NORTH 61 DEGREES 47 MINUTES 20 SECONDS WEST, ALONG THE SOUTH BOUNDARY LINE OF SAID EDWIN E. CONNOR TRACT, A DISTANCE OF 529.10 FEET, TO A POINT FOR THE SOUTHWEST CORNER OF THIS TRACT;

THENCE NORTH 28 DEGREES 10 MINUTES 40 SECONDS EAST, A DISTANCE OF 441.75 FEET, FOR THE NORTHWEST CORNER OF THIS TRACT AND **POINT OF BEGINNING**, CONTAINING 5.37 ACRES OF LAND, MORE OR LESS.



Victor S. Medina
3/9/17

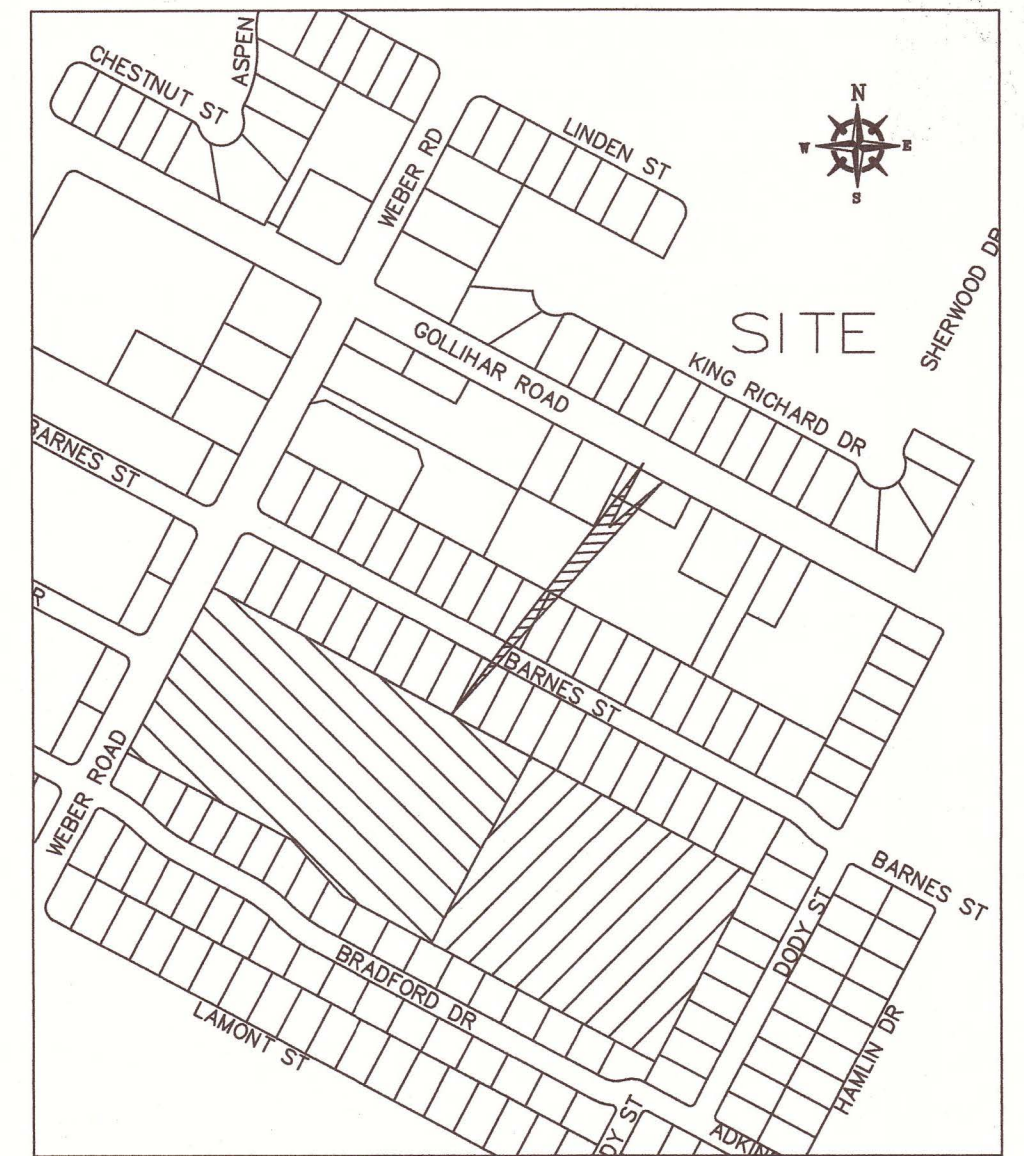
PROPOSED RE-ZONING OF: THE EDWIN E. CONNOR TRACT

THIS IS TO CERTIFY THAT I HAVE CONSULTED THE FEMA MAPS AND FOUND THAT THE HEREIN SHOWN PROPERTY IS NOT LOCATED IN A SPECIAL FLOOD HAZARD AREA ZONE C

THIS THE 9TH DAY OF MARCH 2017

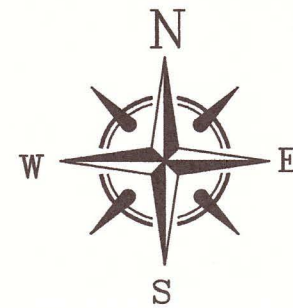
REFERENCE: VOLUME 40 PAGE(S) 95 MAP RECORDS NUECES COUNTY, TEXAS.

NOTE: THIS SURVEY IS FOR THE SOLE USE OF THE BUYER, TITLE COMPANY, OR MORTGAGE COMPANY IN THIS TRANSACTION ONLY.



LOCATION MAP
1" = 400'

EXISTING ZONING = RS-6
PROPOSED ZONING = CN-1



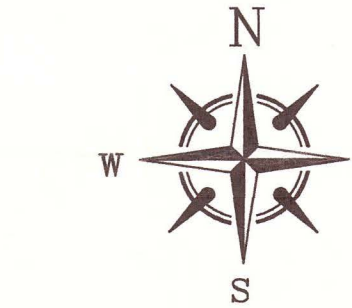
7.05
ACRES
(307064.23 SQ. FT.)

TRACT 1

GRAPHIC SCALE



(IN FEET)
1 inch = 80 ft.



5.37
ACRES
(233729.89 SQ. FT.)

TRACT 2

EXISTING ZONING = RS-6
PROPOSED ZONING = CG-2

THE UNDERSIGNED DOES HEREBY CERTIFY THAT THIS SURVEY WAS THIS DAY MADE, ON THE GROUND OF THE PROPERTY, LEGALLY DESCRIBED HEREON AND IS CORRECT; AND THAT THERE ARE NO DISCREPANCIES, CONFLICTS, SHORTAGES IN AREA, BOUNDARY LINE CONFLICTS, VISIBLE ENCROACHMENTS, OVERLAPPING OF IMPROVEMENTS, EASEMENTS OR APPARENT RIGHTS-OF-WAY, EXCEPT AS SHOWN HEREON, AND SAID PROPERTY HAS ACCESS TO AND FROM A DEDICATED ROADWAY, EXCEPT AS SHOWN HEREON.

Victor S. Medina

VICTOR S. MEDINA, REGISTERED PROFESSIONAL LAND SURVEYOR TEXAS
LICENSE NO. 3419



MEDINA CONSULTANTS
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MARCH 09, 2017

Rec'd 6:30 P.M.