

Ordinance amending the Unified Development Code (“UDC”) upon application by Alex H. Harris, acting as agent on behalf of Williams Airline Partners, Ltd., owner of Lots 17-21, and by Alex H. Harris, owner of Lots 22-24, Block 45, Padre Island – Corpus Christi – Island Fairway Estates, from the “CR-2/IO” Resort Commercial District with an Island Overlay to the “RM-1/IO/PUD” Multifamily 1 District with an Island Overlay and a Planned Unit Development Overlay; 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 Alex H. Harris, acting as agent on behalf of Williams Airline Partners, Ltd., and of Alex H. Harris, individually, 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, May 22, 2013, during a meeting of the Planning Commission, and on Tuesday, June 11, 2013, 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 Alex H. Harris, acting as agent on behalf of Williams Airline Partners, Ltd., owner of Lots 17-21, and by Alex H. Harris, individually, as owner of Lots 22-24, (both parties collectively referred to as the “Owners”), the Unified Development Code (“UDC”) of the City of Corpus Christi, Texas (“City”) is amended by changing the zoning on Lots 17 - 24, Block 45, Padre Island – Corpus Christi – Island Fairway Estates (the “Property”), located along the east side of Nemo Court, approximately 525 feet west of South Padre Island Drive (PR 22), from the “CR-2/IO” Resort Commercial District with an Island Overlay to the “RM-1/IO/PUD” Multifamily 1 District with an Island Overlay and a Planned Unit Development Overlay, subject to 10 conditions (Zoning Map No. 047044), as shown in Exhibits “A” and “B.” Exhibit A, which is a location map pertaining to the Property, and Exhibit “B,” which is the master site plan (“Master Site Plan”) pertaining to the Property, are attached to and incorporated in this ordinance by reference as if fully set out herein in their entireties.

SECTION 2. The Planned Unit Development Overlay granted in Section 1 of this ordinance is subject to the following 10 conditions:

1. **Master Site Plan:** The Owners shall develop the Property in accordance with the Master Site Plan as shown in Exhibit B. The development of the Property is to consist of 44 townhouse units and shall be constructed in one phase.

2. **Dwelling Units per Acre:** The density of dwelling units on the Property cannot exceed 16.6 dwelling units per acre.
3. **Building Height:** The maximum height of the townhouse units is 30 feet.
4. **Parking:** The Property must have a minimum of 88 standard (9-foot wide by 18-foot long) off-street parking spaces and six compact (8.5-foot wide by 16-foot long) off-street parking spaces. Parking is prohibited within the private street.
5. **Setbacks and Lot Width:** The Property must be developed in accordance with the setbacks, lot sizes, and lot widths established on the associated replat and Master Site Plan as shown in Exhibit B. Minimum setback along Nemo Court shall be 10 feet. Minimum 20-foot wide front yard setbacks shall be provided for each lot. Minimum rear yard setbacks for all lots shall each be 10 feet. Minimum building separation between unattached townhouse units shall be 10 feet.
6. **Open Space:** The Property must maintain not less than 28% open space. Any surfaces constructed within the required open space must be constructed of pervious material.
7. **Private Street Access:** Each lot shall have access to a private street with a width of not less than 24 feet, as measured from back of curb to back of curb. The private street shall be striped to indicate "Fire Lane/No Parking."
8. **Pedestrian Access:** A minimum five-foot wide sidewalk is required to be constructed along one side of the internal private street.
9. **Rentals:** Units can be rented for less than a one-month period, and such use must comply with applicable federal, State, and local laws, rules, and regulations and all applicable building codes.
10. **Time Limit:** Construction of the development shall commence within 24 months from the date this modified Planned Unit Development ordinance is approved by the City Council.

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

SECTION 4. The UDC and corresponding UDC Zoning Map of the City of Corpus Christi, Texas, effective July 1, 2011, as amended from time to time and 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 (Lots 17 - 24, Block 45, Padre Island – Corpus Christi – Island Fairway Estates) and that are in conflict with this ordinance are hereby expressly repealed.

SECTION 7. Publication shall be made in the official publication of the City of Corpus Christi as required by the City Charter of the City of Corpus Christi.

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	_____	Chad Magill	_____
Kelley Allen	_____	Colleen McIntyre	_____
Rudy Garza	_____	Lillian Riojas	_____
Priscilla Leal	_____	Mark Scott	_____
David Loeb	_____		

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

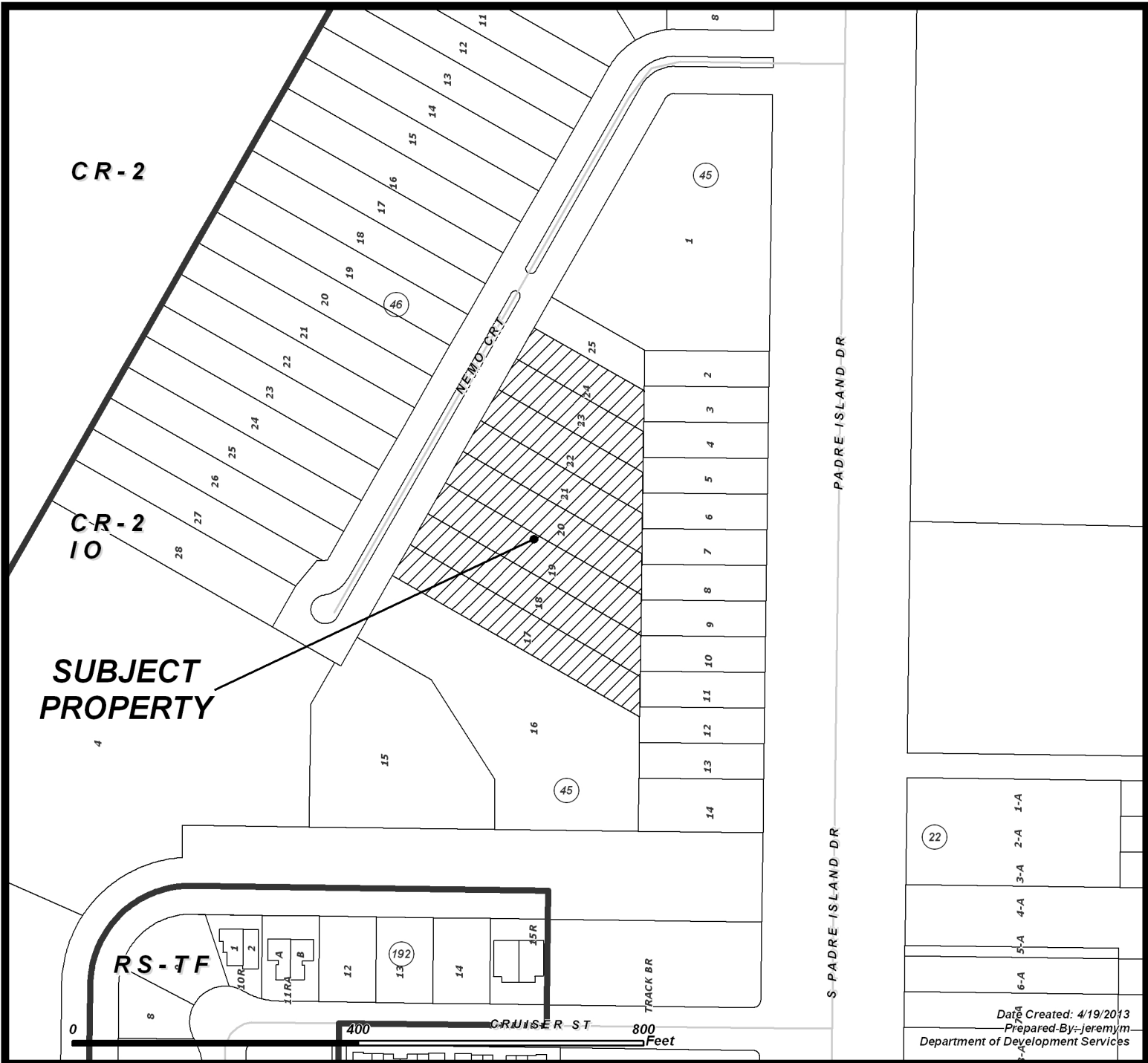
Nelda Martinez	_____	Chad Magill	_____
Kelley Allen	_____	Colleen McIntyre	_____
Rudy Garza	_____	Lillian Riojas	_____
Priscilla Leal	_____	Mark Scott	_____
David Loeb	_____		

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

ATTEST:

Armando Chapa
City Secretary

Nelda Martinez
Mayor

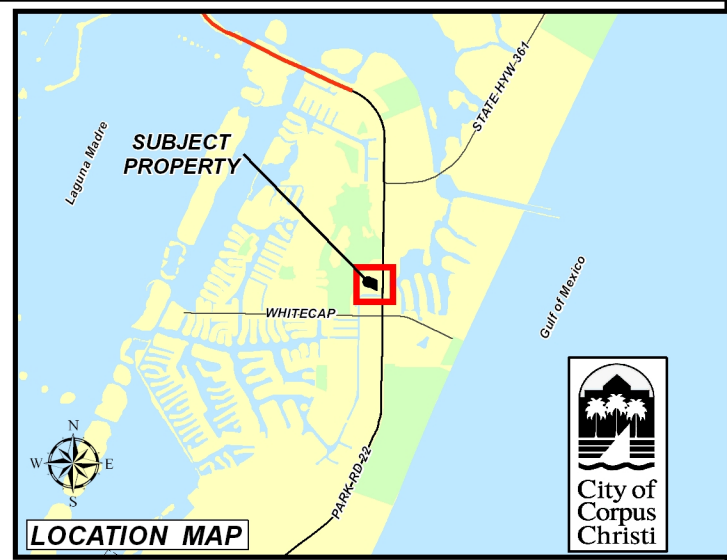


Date Created: 4/19/2013
 Prepared By: jeremym
 Department of Development Services

CASE: 0513-01
1. SUBJECT PROPERTY

 Subject Property

EXHIBIT A



NEMO CAY

Padre Island, Corpus Christi, Texas

Alex Harris
Nemo Cay Resort, LP

Submitted By:

Naismith Engineering, Inc.
4501 Gollihar Road
Corpus Christi, TX 78411
TBPE F-355

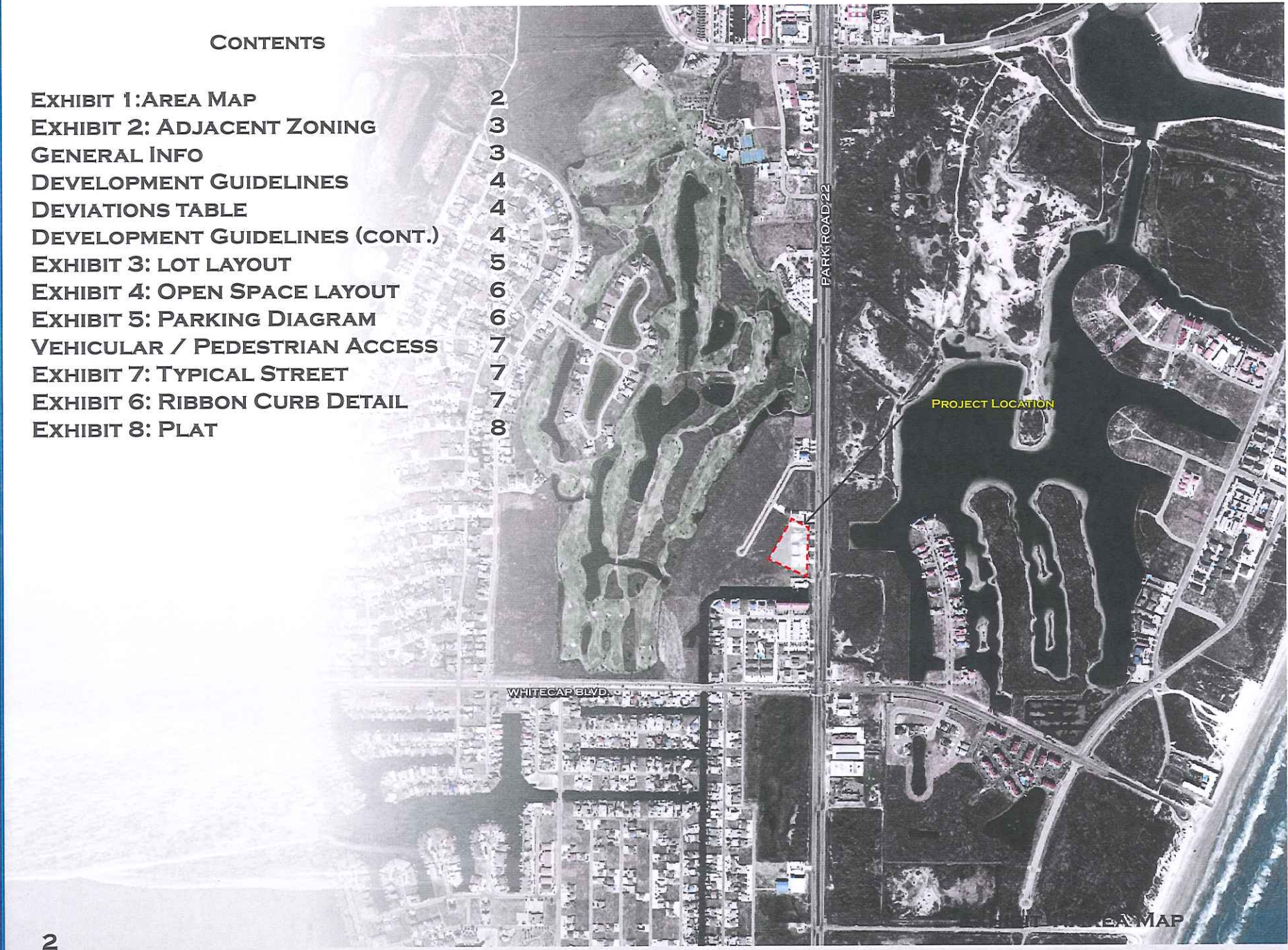
South Texas Prime Design Group, Inc.
15217 S. Padre Island Drive Suite 201
Corpus Christi, TX 78418

Engineer: Craig B. Thompson, P.E.

Designer: Jon Hall

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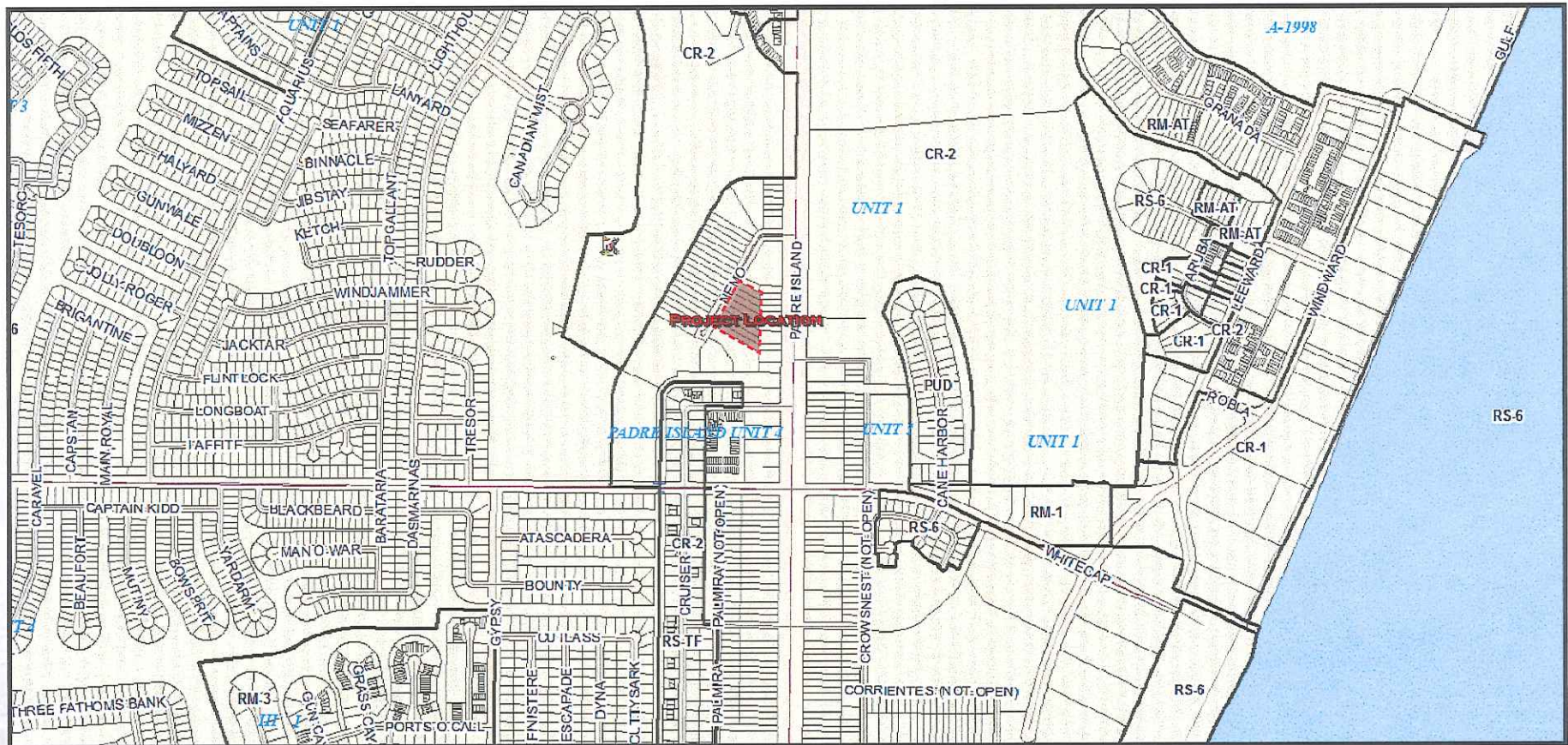


GENERAL INFO

Nemo Cay is a proposed 44 lot non-gated residential development on Padre Island with attached single-family units. The development is on the east side of the public road Nemo Court and sits on 2.65 acres of vacant land. Existing base zoning designation is CR-2/I-O. Adjacent development is mostly smaller

commercial establishments. This zoning change application is to change the base zoning designation to RM-1/I-O with a P.U.D. overlay, with the requirements discussed in the following sections.

EXHIBIT 2: ADJACENT ZONING



DEVIATIONS TABLE

Description	Zong / Platting Ordinance Requirement (RS-TH)	Nemo Cay
Min. Site Area (SF)	20,000	115,434
Min. Area per Dwelling Unit (SF)		
Front Access	2,600	1,131
Rear Access	2,200	n/a
Shared Parking	1,600	1,131
Min. Dwelling Unit Width (FT)		
Front Access	26	16
Rear Access	22	n/a
Shared Parking	16	16
Min. Yards (FT)		
Street	10	20
Street (corner)	10	20
Side (single)	0	0
Side (total)	0	0
Rear	5	10
Min. Building Separation (FT)	10	10
Min. Open Space	30 %	28% See Exhibit 4 on Page 6
Max. Height (FT)	45	30
Curb Type	6" Curb & Gutter	2' Ribbon Curb: See Exhibit 6 - Page 7
Parking Requirement	2.2 / lot (97 total)	2.12 / lot (94 total)
Sidewalks	5' on Both Sides of Road	5' on One Side of Road

DEVELOPMENT GUIDELINES

Private Access and Utility Easement:

Block 1, Lot 47

1. Maintenance: Home Owners Association (HOA)
2. Parking Requirement: Not Allowed within Access Road
3. Usage: Areas supporting the community (Vehicular Access Drive, Pedestrian Access, Walkways, etc.)

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DEVELOPMENT GUIDELINES (CONT.)

Residential Lots:

Block 1, Lots 1-17, 19-45

- | | | |
|----------------------------|------------------------------------------------------------------------------------------------------------------------------|----------|
| 1. Lot Size: | Minimum | 1,131 sf |
| | Maximum | 2,924 sf |
| 2. Lot Width: | Minimum | 16 Feet |
| | Maximum | 50 Feet |
| 3. Front Yard Requirement: | 20 feet Minimum | |
| 4. Rear Yard Requirement: | 10 feet Minimum | |
| 5. Side Yard Requirement: | Zero Lot Line | |
| 6. Maintenance: | Lot owner and/or Home Owners Association (HOA) | |
| 7. Building Spacing: | 10' | |
| 8. Building Height: | Maximum - 2 Stories, 30' Roof Peak of Habitable space. | |
| 9. Parking Requirement: | 2.12 Per Lot (94 Spaces Required)
94 Spaces Provided - See Exhibit 5 on Page 6 | |
| 10. Usage: | Single Family Residential | |
| 11. Improvements: | Structure, decks, porches, etc. shall not protrude beyond the Yard, Easement Line or Property Line (whichever is applicable) | |

Common Area Lots:

Block 1, Lots 18 & 46

- | | | |
|----------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------|
| 1. Lot Size: | Minimum | 450 sf |
| | Maximum | 15,000 sf |
| 2. Lot Width: | Minimum | 10 Feet |
| | Maximum | 150 Feet |
| 3. Front Yard Requirement: | 8 feet Minimum | |
| 4. Rear Yard Requirement: | 10 feet Minimum | |
| 5. Side Yard Requirement: | Not Applicable | |
| 6. Maintenance: | Home Owners Association (HOA) | |
| 7. Building Spacing: | 10 ft except for common wall construction | |
| 8. Building Height: | Maximum - 1 Stories | |
| 9. Parking Requirement: | Available in Designated Areas - See Exhibit 3 on Page 5. | |
| 10. Floor Area Ratio: | Not Applicable | |
| 11. Usage: | Non-Residential structures supporting the community. | |
| 12. Improvements: | Structure, decks, porches, etc. shall not protrude beyond the Yard, Easement Line or Property Line (whichever is applicable).
Parking Areas can protrude into Easements. | |

EXHIBIT 3: LOT LAYOUT



EXHIBIT 4: OPEN SPACE LAYOUT

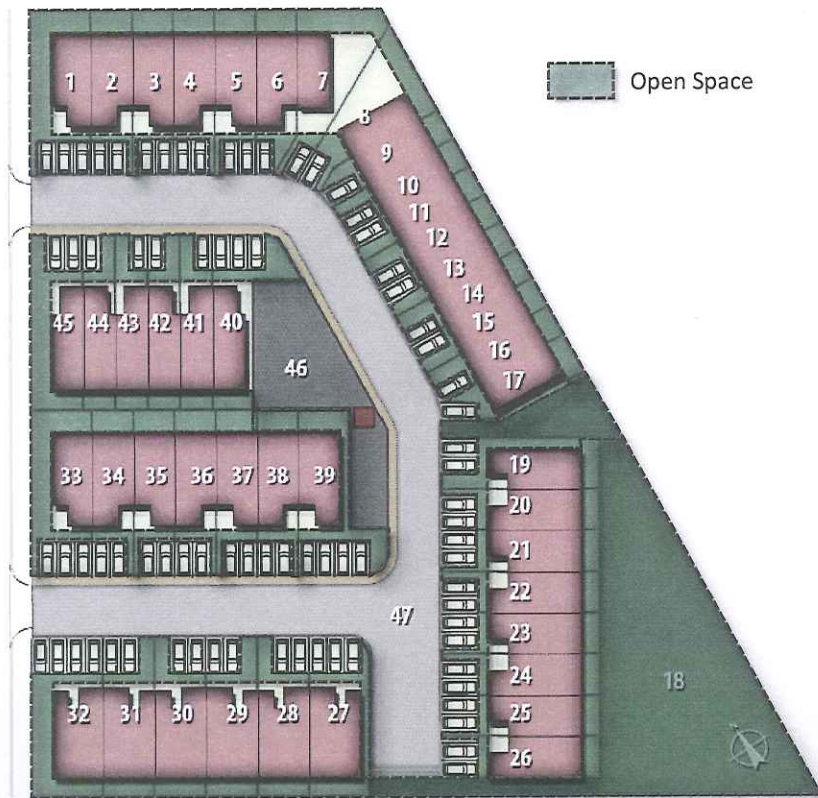
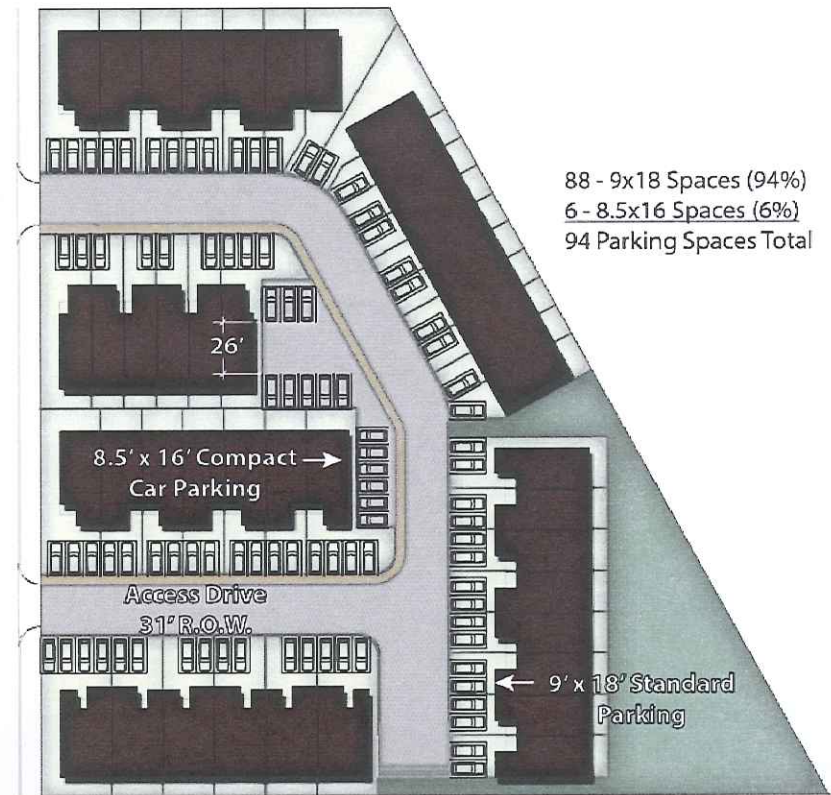


EXHIBIT 5: PARKING DIAGRAM



Open Space Calculation

28% Open Space

Front & Side Yard:	9,744 sf
Pool Area and Amenities:	13,296 sf
Rear Yard:	9,437 sf
Total Open Space:	32,478 sf
Total Area:	115,434 sf

Note: Rear Yard Patios to be constructed with Pervious Materials

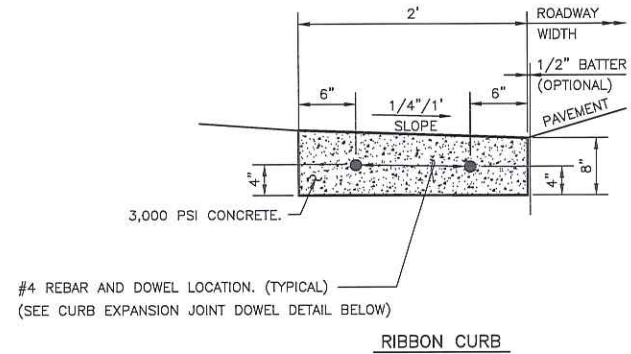
VEHICULAR / PEDESTRIAN ACCESS

Vehicular and Pedestrian access will be provided through a 24' back of curb to back of curb Private Access Drive with access to each single family and common area lot. The Access Drive will be striped to indicate "No Parking" and will not have a security gate for entrance to the property.

Parking will be off-street within designated parking areas for each unit including space for overflow parking. See Exhibit 5 on Page 6 for Parking Layout.

Pedestrian access will be within a designated 5' wide sidewalk adjacent to the Private Access Drive.

EXHIBIT 6: RIBBON CURB DETAIL



NOTES:

1. ALL WORK AND MATERIAL SHALL CONFORM TO ASTM A615, A615M, C309 AND D1752. BROOM FINISH EXPOSED SURFACE.
2. CONTROL JOINT SPACING SHALL NOT EXCEED 10'-0".
3. EXPANSION JOINTS AS PER STANDARD ASTM D-1752.
4. EXPANSION JOINT INTERVALS NOT TO EXCEED 40'-0" FOR ALL CURBS AND CONSTRUCTION METHODS.
5. ALL CURBS SHALL HAVE A MINIMUM OF 4" OF COMPACTED FLEXIBLE BASE BETWEEN BOTTOM OF CURB AND TOP SUBGRADE THAT SHALL EXTEND A MINIMUM OF 18" BEHIND BACK OF CURB. TOTAL DEPTH OF FLEXIBLE BASE UNDER AND BEHIND CURB SHALL BE: (TOTAL DEPTH OF FLEXIBLE BASE) LESS (6-INCHES).
6. ALL CURBS SHALL CONFORM TO THESE DETAILS INDEPENDANT OF THE CONSTRUCTION METHODS USED.

EXHIBIT 7: TYPICAL STREET

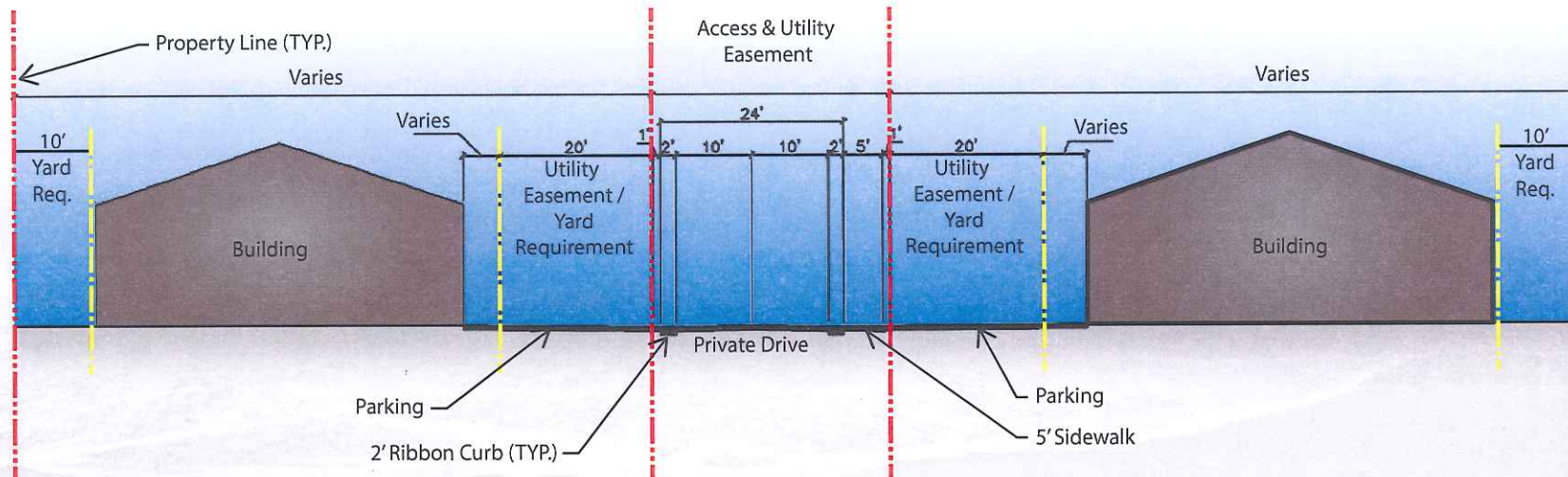
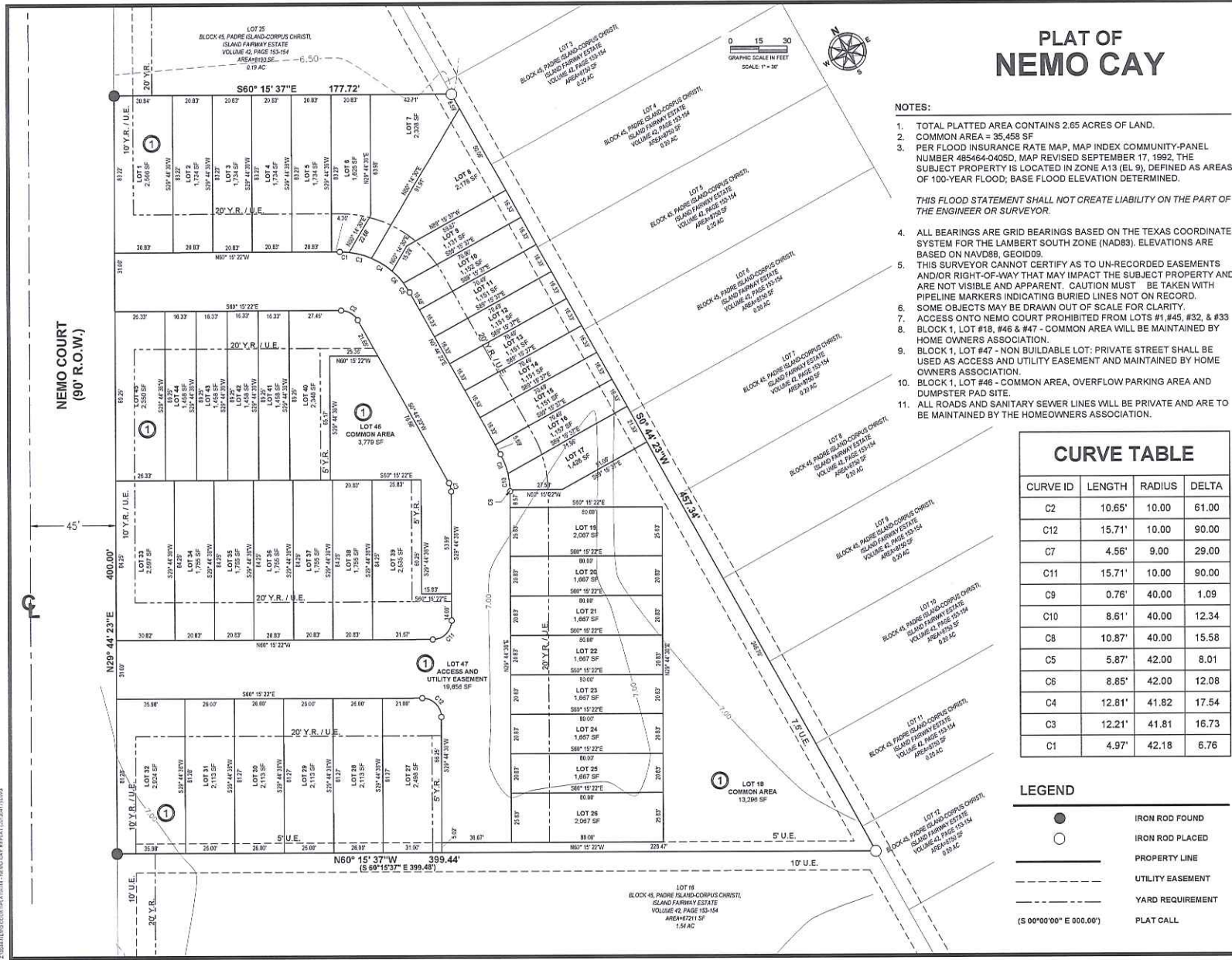


EXHIBIT 8: PLAT



PLAT OF NEMO CAY

- NOTES:**
- TOTAL PLATTED AREA CONTAINS 2.65 ACRES OF LAND.
 - COMMON AREA = 35,458 SF
 - PER FLOOD INSURANCE RATE MAP, MAP INDEX COMMUNITY-PANEL NUMBER 485464-0405D, MAP REVISED SEPTEMBER 17, 1992, THE SUBJECT PROPERTY IS LOCATED IN ZONE A13 (EL 9), DEFINED AS AREAS OF 100-YEAR FLOOD; BASE FLOOD ELEVATION DETERMINED.
- THIS FLOOD STATEMENT SHALL NOT CREATE LIABILITY ON THE PART OF THE ENGINEER OR SURVEYOR.
- ALL BEARINGS ARE GRID BEARINGS BASED ON THE TEXAS COORDINATE SYSTEM FOR THE LAMBERT SOUTH ZONE (NAD83). ELEVATIONS ARE BASED ON NAVD88, GEOIDS.
 - THIS SURVEYOR CANNOT CERTIFY AS TO UN-RECORDED EASEMENTS AND/OR RIGHT-OF-WAY THAT MAY IMPACT THE SUBJECT PROPERTY AND ARE NOT VISIBLE AND APPARENT. CAUTION MUST BE TAKEN WITH PIPELINE MARKERS INDICATING BURIED LINES NOT ON RECORD.
 - SOME OBJECTS MAY BE DRAWN OUT OF SCALE FOR CLARITY.
 - ACCESS ONTO NEMO COURT PROHIBITED FROM LOTS #1, #45, #32, & #33
 - BLOCK 1, LOT #18, #46 & #47 - COMMON AREA WILL BE MAINTAINED BY HOME OWNERS ASSOCIATION.
 - BLOCK 1, LOT #47 - NON-BUILDABLE LOT-PRIVATE STREET SHALL BE USED AS ACCESS AND UTILITY EASEMENT AND MAINTAINED BY HOME OWNERS ASSOCIATION.
 - BLOCK 1, LOT #46 - COMMON AREA, OVERFLOW PARKING AREA AND DUMPSTER PAD SITE.
 - ALL ROADS AND SANITARY SEWER LINES WILL BE PRIVATE AND ARE TO BE MAINTAINED BY THE HOMEOWNERS ASSOCIATION.

CURVE ID	LENGTH	RADIUS	DELTA
C2	10.65'	10.00	61.00
C12	15.71'	10.00	90.00
C7	4.56'	9.00	29.00
C11	15.71'	10.00	90.00
C9	0.76'	40.00	1.09
C10	8.61'	40.00	12.34
C8	10.87'	40.00	15.58
C5	5.87'	42.00	8.01
C6	8.85'	42.00	12.08
C4	12.81'	41.82	17.54
C3	12.21'	41.81	16.73
C1	4.97'	42.18	6.76

- LEGEND**
- IRON ROD FOUND
 - IRON ROD PLACED
 - PROPERTY LINE
 - - - UTILITY EASEMENT
 - - - YARD REQUIREMENT
 - (S 00°00'00" E 000.00')

NAIMSMITH ENGINEERING, INC. 1501 W. WASHINGTON, SUITE 300, DALLAS, TEXAS 75207
 TEL: (214) 416-1155 FAX: (214) 416-1156
 WWW.NAISSMITHENGINEERING.COM

PLAT OF NEMO CAY
 REPLAT OF 2.65 ACRES OF LOTS 17-24 ISLAND FAIRWAY ESTATE FROM
 BLOCK 45, PADRE ISLAND-CORPUS CHRISTI

SHEET 2 OF 2