Zoning Case No. 0321-02, The Estate of Hart F. Smith and Juliana Dunn Smith (District 1) Ordinance rezoning property at or near 1402 Flour Bluff Drive from the "RE" Residential Estate District to the "CG-1" General Commercial District, "RS-6/SP" Single-Family 6 District with a Special Permit, "RS-6" Single-Family 6 District, and the "RS-22" Single-Family 22 District.

**WHEREAS**, with proper notice to the public, a public hearing was held during a meeting of the Planning Commission during which all interested persons were allowed to be heard;

WHEREAS, the Planning Commission has forwarded to the City Council its final report and recommendation regarding the application 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 during a meeting of the City Council, during which all interested persons were allowed to be heard;

**WHEREAS**, the City Council has determined that this rezoning is not detrimental to the public health, safety, or general welfare of the City of Corpus Christi and its citizens; and

**WHEREAS**, the City Council finds that this rezoning will promote the best and most orderly development of the properties affected thereby, and to be affected thereby, in the City of Corpus Christi.

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

**SECTION 1.** The Unified Development Code ("UDC") and corresponding UDC Zoning Map of the City of Corpus Christi, Texas is amended by changing the zoning on the subject property described as being 4.12 Acre, Zoning Tract, out of Lot 6, Section 41, Flour Bluff and Encinal Farm and Garden Tracts, a map of which is recorded in Volume A, Pages 41 through 43, Map Records of Nueces County, Texas as shown in Exhibit "A":

from the "RE" Residential Estate District to the "CG-1" General Commercial District.

The Unified Development Code ("UDC") and corresponding UDC Zoning Map of the City of Corpus Christi, Texas is amended by changing the zoning on the subject property described as being and 27.22 Acre, Zoning Tract, out of Lots 6, 7, 8, and 9, Section 41, Flour Bluff and Encinal Farm and Garden Tracts, a map of which is recorded in Volume A, Pages 41 through 43, Map Records of Nueces County, Texas, as shown in Exhibit "B":

from the "RE" Residential Estate District to the "RS-6/SP" Single-Family 6 District with a Special Permit.

The Unified Development Code ("UDC") and corresponding UDC Zoning Map of the City of Corpus Christi, Texas is amended by changing the zoning on the subject property described as being and 4.84 Acre, Zoning Tract, out of Lots 9 and 10, Section 41, Flour Bluff and Encinal Farm and Garden Tracts, a map of which is recorded in Volume A, Pages 41 through 43, Map Records of Nueces County, Texas, as shown in Exhibit "C":

from the "RE" Residential Estate District to the "RS-6" Single-Family 6 District.

The Unified Development Code ("UDC") and corresponding UDC Zoning Map of the City of Corpus Christi, Texas is amended by changing the zoning on the subject property described as being and 3.73 Acre, Zoning Tract, out of Lot 10, Section 41, Flour Bluff and Encinal Farm and Garden Tracts, a map of which is recorded in Volume A, Pages 41 through 43, Map Records of Nueces County, Texas, as shown in Exhibit "D":

from the "RE" Residential Estate District to the "RS-22" Single-Family 22 District.

The subject property is located at or near 1402 Flour Bluff Drive. Exhibit A, B, C, and D which are the Metes and Bounds of the subject property with an associated map attached to and incorporated in this ordinance.

**SECTION 2.** The Special Permit granted in Section 1 of this ordinance is subject to the Owner following the conditions listed below regarding Exhibit B:

- 1. <u>Uses</u>: The only uses authorized by this Special Permit other than uses permitted in the base zoning district of the "RS-6" Single-Family 6 District, would be a townhouse development as permitted by "RS-TH" Townhouse District with two or more dwelling units per building, subject to the overall limitations that no more than 220 dwelling units within the 27.22 Acres may be developed in this zoning district.
- 2. <u>Development Standards</u>: Any townhouse development permitted under this Special Permit shall comply with all other development standards of the Code applicable to "RS-TH" Townhouse District.
- **3.** <u>Buffer Yards</u>: Any townhouse development permitted under this Special Permit shall comply with all buffer yard requirements of the Code applicable to "RS-TH" Townhouse District adjacent to any other zoning districts.
- **4.** <u>Time Limit:</u> In accordance with the UDC, this Special Permit shall be deemed to have expired within 24 months of this ordinance unless a complete building permit application has been submitted, and/or the Special Permit shall expire if the allowed use is discontinued for more than six consecutive months.

**SECTION 3.** 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 including the penalties for violations as made and provided for in Article 10 of the UDC.

**SECTION 4.** 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 5.** All ordinances or parts of ordinances specifically pertaining to the zoning of the subject property that are in conflict with this ordinance are hereby expressly repealed.

**SECTION 6.** A violation of this ordinance, or requirements implemented under this ordinance, constitutes an offense punishable as provided in Article 1, Section 1.10.1 of the UDC, Article 10 of the UDC, and/or Section 1-6 of the Corpus Christi Code of Ordinances.

**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.

**SECTION 8.** This ordinance shall become effective upon publication.

	read for the first time and passed to its second, 2021, by the following vote:
Paulette M. Guajardo	John Martinez
Roland Barrera	Ben Molina
Gil Hernandez	Mike Pusley
Michael Hunter	Greg Smith
Billy Lerma	
the day of 20  Paulette M. Guajardo	
Roland Barrera	D M.P.
Gil Hernandez	Miko Duolov
Michael Hunter	0 0 111
Billy Lerma	
PASSED AND APPROVED on th	is the, 2021.
ATTEST:	
Rebecca Huerta City Secretary	Paulette M. Guajardo Mayor

#### Exhibit A



Job No.: 42674.C0.00 April 29, 2021

Exhibit A
Zoning Tract A
4.12 Acre

#### STATE OF TEXAS COUNTY OF NUECES

Fieldnotes, for a 4.12 Acre, Zoning Tract, out of Lot 6, Section 41, Flour Bluff and Encinal Farm and Garden Tracts, a map of which is recorded in Volume A, Pages 41 through 43, Map Records of Nueces County, Texas, said 4.12 Acre Zoning Tract being more fully described as follows:

Beginning, at a 1/2 Inch Iron Rod Found, on the Northwest Right-of-Way line of Flour Bluff Drive, a public roadway, being the South corner of Lot 1, Murphy Oil Subdivision, a map of which is recorded in Volume 67, Page 695, said Map Records;

Thence, South 28°33'44" West, with the said Northwest Right-of-Way 599.33 Feet, to the East corner of a 7.100 Acre Tract, being out of Lots 6 through 10, said Section 41, as described in a Warranty Deed from Juliana Smith to the City of Corpus Christi, recorded in Document No. 2011004146, Official Public Records of Nueces County, Texas, for the South corner of this Tract, from Whence, a 5/8 Inch Iron Rod with a red plastic cap stamped "URBAN ENGR CCTX" Found, bears South 28°33'44" West, 25.00 Feet;

Thence, North 61°17'45" West, with the Northeast boundary line of the said 7.100 Acre Tract, 300.00 Feet, to the West corner of this Tract;

Thence, North 28°33'44" East, over and across the said Lot 6, 598.48 Feet, to a point on the Southwest boundary line of the said Lot 1, for the North corner of this Tract, from Whence, a 1/2 Inch Iron Rod Found, for the common corner of Lots 1 and 2, said Murphy Oil Subdivision, bears North 61°27'31" West, 84.67 Feet;

Thence, South 61°27'31" East, with the common boundary line of the said Lot 1 and this Tract, 300.00 Feet, to the Point of Beginning, containing 4.12 Acres (179,671 Sq. Ft.) of Land, more or less.

Grid Bearings and Distances shown hereon are referenced to the Texas Coordinate System of 1983, Texas South Zone 4205, and are based on the North American Datum of 1983(2011) Epoch 2010.00.

Unless this fieldnotes description, including preamble, seal and signature, appears in its entirety, in its original form, surveyor assumes no responsibility for its accuracy.

4.12 Acre Tract is located within the City limits of Corpus Christi, Texas and a subdivision based on this sketch/description may be in violation of the current City of Corpus Christi subdivision ordinance.

Also reference accompanying sketch of tract described herein

URBAN ENGINEERING

James D. Carr, R.P.L.S License No. 6458

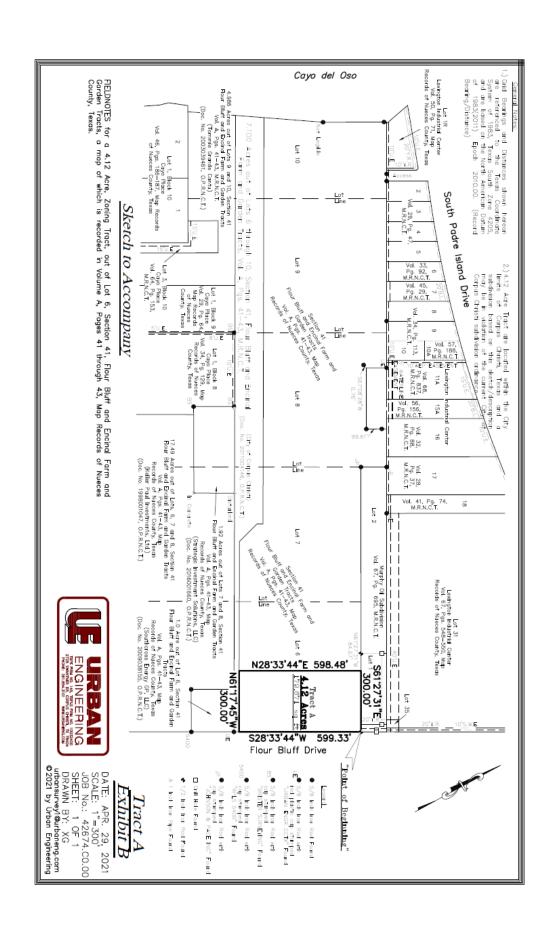
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#### Exhibit B



Exhibit A Zoning Tract B 27.23 Acre

STATE OF TEXAS COUNTY OF NUECES

Fieldnotes, for an 27.23 Acre, Zoning Tract, out of Lots 6, 7, 8, and 9 Section 41, Flour Bluff and Encinal Farm and Garden Tracts, a map of which is recorded in Volume A, Pages 41 through 43, Map Records of Nueces County, Texas, said 27.23 Acre Zoning Tract, being more fully described as follows:

Commencing at a 1/2 Inch Iron Rod Found, on the Northwest Right-of-Way line of Flour Bluff Drive, a public roadway, being the South corner of Lot 1, Murphy Oil Subdivision, a map of which is recorded in Volume 67, Page 695, said Map Records;

Thence, North 61°27'31" West, with the Southwest boundary line of the said Lot 1, 300.00 Feet, to the Point of Beginning, for the East corner of this Tract;

Thence, South 28°33'44" West, 599.48 Feet, over and across a portion of the said Lot 6, to the Northeast boundary line of a 7.100 Acre Tract, out of Lots 6 through 10, said Section 41, as described in a Warranty Deed from Juliana Smith to the City of Corpus Christi, recorded in Document No. 2011004146, Official Public Records of Nueces County, Texas, for the South corner of this Tract;

Thence over and across the said Lots 6, 7, 8 and 9, and with the common boundary of the said 7.100 Acre Tract and this Tract as follows:

- North 61°17'45" West, 635.58 Feet;
- North 16°17'51" West, 121.32 Feet;
- North 28°42'15" East, 29.22 Feet;
- North 61°17'45" West, 1360.82 Feet, to the West corner of this Tract;

Thence, North 28°42'15" East, over and across the said Lot 9, 604.28 Feet, to the Southwest boundary line of Lot 5, Lexington Industrial Center, a map of which is recorded in Volume 29, Page 47, said Map Records, for the North corner of this Tract, from Whence, a 5/8 Inch Iron Rod Found, being the West corner of Lot 2, said Lexington Industrial Center, bears North 61°26'43" West, 324.71 Feet;

Thence, South 61°26'43" East, with the said Southwest boundary line, at 362.90 Feet pass, a 5/8 Inch Iron Rod Found, on line, in all 592.51 Feet, to a 5/8 Inch Iron Rod with a red plastic cap stamped "URBAN ENGR CCTX" Found, on the Southwest boundary line of Lot 11A, Lexington Industrial Center, a map of which is recorded in Volume 68, Page 837, said Map Records, being an outer ell corner of Lot 15A, Lexington Industrial Center, a map of which is recorded in Volume 56, Page 156, said Map Records, for a corner of this Tract;

Thence with the common boundary of the said Lot 15A and this Tract as follows:

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June 4,2021

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- South 28°12'06" West, 100.00 Feet, to a common corner of the said Lot 15A and this Tract, from Whence, a 5/8 Inch Iron Rod Found, bears South 67°08'28" West, 0.76 Feet;
- South 61°26'43" East, 300.01 Feet, to a 5/8 Inch Iron Rod Found, for a common corner of the said Lot 15A and this Tract;
- North 28°12'06" East, at 99.61 Feet pass, a 5/8 Inch Iron Rod Found, in all 100.00 Feet, to
  the Southwest boundary line of Lot 16, Lexington Industrial Center, a map of which is
  recorded in Volume 32, Page 88, said Map Records, being an inner ell corner of the said
  Lot 15A, for an outer ell corner of this Tract;

Thence, South 61°26'43" East, with the Southwest boundary line of the said Lot 16 and Lot 17, Lexington Industrial Center, a map of which is recorded in Volume 28, Page 37, said Map Records, 187.09 Feet, to a 5/8 Inch Iron Rod with plastic cap stamped "JOHNSON & PACE INC." Found, being the North corner of Lot 2, said Murphy Oil Subdivision, for an outer ell corner of this Tract;

Thence, South 28°31'29" West, with the common boundary of the said Lot 2, 126.46 Feet, to a 5/8 Inch Iron Rod with plastic cap stamped "JOHNSON & PACE INC." Found, being the West corner of the said Lot 2, for an inner ell corner of this Tract;

Thence, South 61°27'31" East, with the Southwest boundary line of Lots 1 and 2, said Murphy Oil Subdivision, at 916.01 Feet pass, a 1/2 Inch Iron Rod Found, being a common corner of the said Lots 1 and 2, in all 1000.72 Feet, to the **Point of Beginning**, containing 27.23 Acres (1,186,142 Sq. Ft.) of Land, more or less.

Grid Bearings and Distances shown hereon are referenced to the Texas Coordinate System of 1983, Texas South Zone 4205, and are based on the North American Datum of 1983(2011) Epoch 2010.00. Unless this fieldnotes description, including preamble, seal and signature, appears in its entirety, in its original form, surveyor assumes no responsibility for its accuracy.

27.23 Acre Tract is located within the City limits of Corpus Christi, Texas and a subdivision based on this sketch/description may be in violation of the current City of Corpus Christi subdivision ordinance.

Also reference accompanying sketch of tract described herein.

URBAN ENGINEERING

James D. Carr, R.P.L.S. License No. 6458

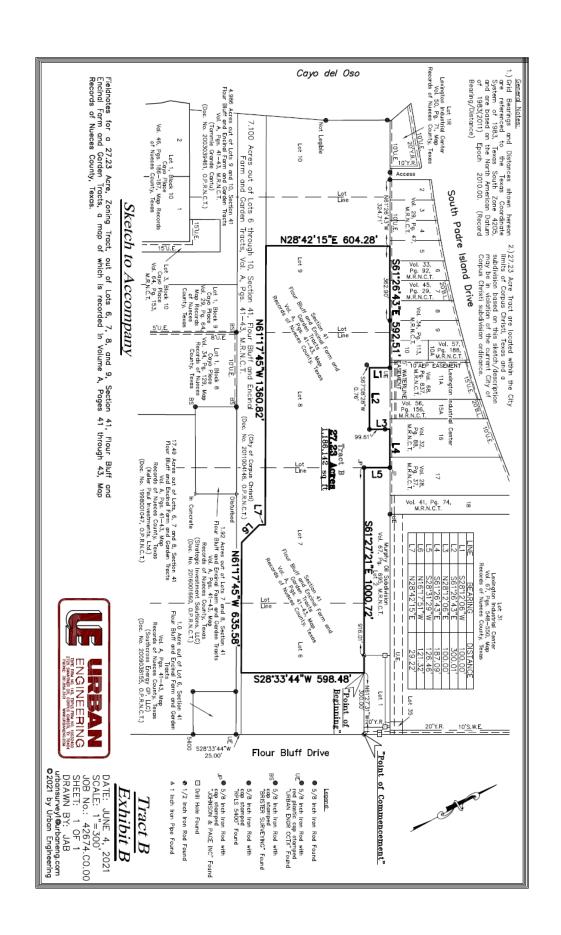
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#### Exhibit C



Job No.: 42674.C0.00 April 29, 2021

Exhibit A

Zoning Tract D

4.84 Acre

#### STATE OF TEXAS COUNTY OF NUECES

Fieldnotes for a 4.84 Acre, Zoning Tract, out of Lots 9 and 10, Section 41, Flour Bluff and Encinal Farm and Garden Tracts, a map of which is recorded in Volume A, Pages 41 through 43, Map Records of Nueces County, Texas, said 4.84 Acre Tract being more fully described as follows:

Commencing at a 5/8 Inch Iron Rod with red plastic cap stamped "URBAN ENGR CCTX" Found, on the Southwest boundary line of Lot 11A, Lexington Industrial Center, a map of which is recorded in Volume 68, Page 837, said Map Records, also being an outer ell comer of Lot 15A, Lexington Industrial Center, a map of which is recorded in Volume 56, Page 156, said Map Records;

Thence, North 61°26'43" West, with the said Southwest boundary line, at 229.61 Feet pass, a 5/8 Inch Iron Rod Found, in all 592.51 Feet, for the **Point of Beginning** and East corner of this Tract;

Thence, South 28°42'15" West, over and across the said Lot 9, 604.28 Feet, to the Northeast boundary line of a 7.100 Acre Tract, being out of Lots 6 through 10, said Section 41, as described in a Warranty Deed from Juliana Smith to the City of Corpus Christi, recorded in Document No. 2011004146, Official Public Records of Nueces County, Texas, for the South corner of this Tract;

Thence, North 61°17'45" West, over and across the said Lots 9 and 10, with the Northeast boundary of the said 7.100 Acre Tract. 348.95 Feet, to the West corner of this Tract:

Thence, North 28°42'15" East, over and across the said Lot 10, 603.37 Feet, to the North corner of this Tract;

Thence, South 61°26'43" East, at 24.25 Feet pass, a 5/8 Inch Iron Rod Found, being the West comer of Lot 2, Lexington Industrial Center, a map of which is recorded in Volume 29, Page 47, said Map Records, in all 348.95 Feet, to the Point of Beginning, containing 4.84 Acres (210,705 Sq. Ft.) of Land, more or less.

Grid Bearings and Distances shown hereon are referenced to the Texas Coordinate System of 1983, Texas South Zone 4205, and are based on the North American Datum of 1983(2011) Epoch 2010.00.

Unless this fieldnotes description, including preamble, seal and signature, appears in its entirety, in its original form, surveyor assumes no responsibility for its accuracy.

4.84 Acre Zoning Tract is located within the City limits of Corpus Christi, Texas and a subdivision based on this sketch/description may be in violation of the current City of Corpus Christi subdivision ordinance.

Also reference accompanying sketch of tract described herein,

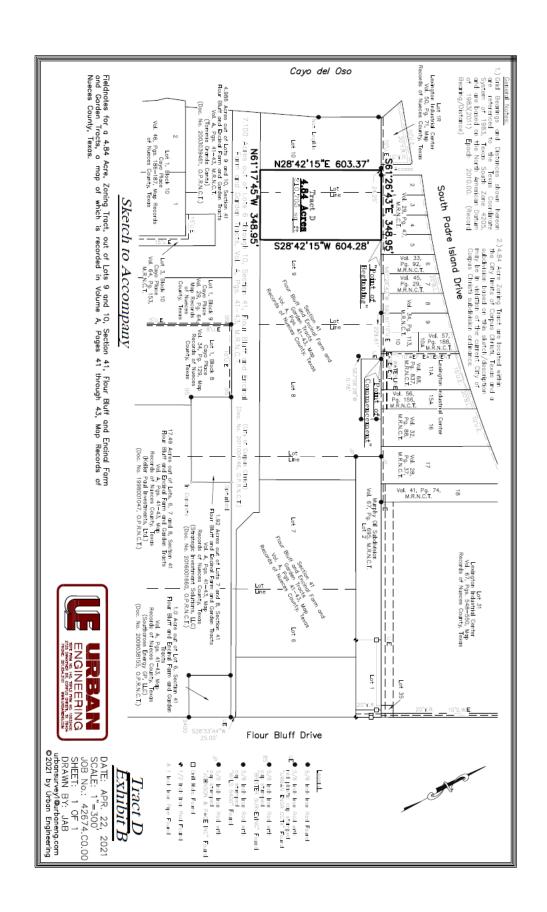
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#### Exhibit D



Job No.: 42674.C0.00 April 29, 2021

# Exhibit A Zoning Tract E 3.73 Acre

### STATE OF TEXAS COUNTY OF NUECES

**Fieldnotes** for a 3.73 Acre, Zoning Tract, out of Lot 10, Section 41, Flour Bluff and Encinal Farm and Garden Tracts, a map of which is recorded in Volume A, Pages 41 through 43, Map Records of Nueces County, Texas, said 3.73 Acre Tract being more fully described as follows:

Commencing, at a 5/8 Inch Iron Rod with red plastic cap stamped "URBAN ENGR CCTX" Found, on the Southwest boundary line of Lot 11A, Lexington Industrial Center, a map of which is recorded in Volume 68, Page 837, said Map Records, also being an outer ell corner of Lot 15A, Lexington Industrial Center, a map of which is recorded in Volume 56, Page 156, said Map Records;

Thence, North 61°26'43" West, with the said Southwest boundary line, at 229.61 Feet pass, a 5/8 Inch Iron Rod Found, at 917.21 Feet pass, a 5/8 Inch Iron Rod Found, being the West corner of Lot 2, Lexington Industrial Center, a map of which is recorded in Volume 29, Page 47, said Map Records, in all 941.46 Feet, for the **Point of Beginning** and East corner of this Tract;

Thence, South 28°42'15" West, over and across the said Lot 10, 603.37 Feet, to the Northeast boundary line of a 7.100 Acre Tract, being out of Lot 10, said Section 41, as described in a Warranty Deed from Juliana Smith to the City of Corpus Christi, recorded in Document No. 2011004146, Official Public Records of Nueces County, Texas, to the South corner of this Tract:

**Thence**, North 61°17'45" West, over and across the said Lot 6 through 10, with the Northeast boundary of the said 7.100 Acre Tract, 285.51 Feet, to the West corner of this Tract;

**Thence**, North 32°59'42" East, 290.96 Feet, to a 5/8 Inch Iron Rod with plastic cap (not legible) Found, for a corner of this Tract;

Thence, North 28°21'06" East, at 312.02 Feet pass, a 5/8 Inch Iron Rod with plastic cap (not legible) Found, in all 312.54 Feet, to the on the Southwest boundary line of Lot

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1R, Lexington Industrial Center, a map of which is recorded in Volume 50, Page 71, said Map Records, for the North corner of this Tract;

**Thence**, South 61°26'43" East, with the said Southwest boundary line, at 255.02 Feet pass, a 5/8 Inch Iron Rod Found, in all 265.67 Feet, to the **Point of Beginning**, containing 3.73 Acres (162,505 Sq. Ft.) of Land, more or less.

Grid Bearings and Distances shown hereon are referenced to the Texas Coordinate System of 1983, Texas South Zone 4205, and are based on the North American Datum of 1983(2011) Epoch 2010.00.

Unless this fieldnotes description, including preamble, seal and signature, appears in its entirety, in its original form, surveyor assumes no responsibility for its accuracy.

3.73 Acre Zoning Tract is located within the City limits of Corpus Christi, Texas and a subdivision based on this sketch/description may be in violation of the current City of Corpus Christi subdivision ordinance.

Also reference accompanying sketch of tract described herein.



URBAN ENGINEERING

James D. Carr, R.P.L.S. License No. 6458

