

Zoning Case No. 0321-04, ERF Real Estate, Inc.: (District 4) Ordinance amending Zoning Ordinance number 031728 by adding a 24-month time extension to the special permit time limit initially approved by City Council.

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 request by ERF Real Estate, Inc., submitted prior to the initial special permit expiration date, for a twenty-four (24) month time extension to a special permit with Zoning Ordinance number 031728, as shown in Exhibit "A";

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. That Zoning Ordinance 031728 is amended by adding a 24-month time extension to the 24-month special permit time limit initially approved, thus extending the total special permit time limit to expire April 1, 2023 unless a complete building permit application has been submitted or, if no building permit is required, a certificate of occupancy or UDC compliance has been issued.

SECTION 2. 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 3. 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 4. 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 5. 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 6. This ordinance shall become effective upon publication.

That the foregoing ordinance was read for the first time and passed to its second reading on this the _____ day of _____, 2021, by the following vote:

Paulette M. Guajardo _____	John Martinez _____
Roland Barrera _____	Ben Molina _____
Gil Hernandez _____	Mike Pusley _____
Michael Hunter _____	Greg Smith _____
Billy Lerma _____	

That the foregoing ordinance was read for the second time and passed finally on this the _____ day of _____ 2021, by the following vote:

Paulette M. Guajardo _____	John Martinez _____
Roland Barrera _____	Ben Molina _____
Gil Hernandez _____	Mike Pusley _____
Michael Hunter _____	Greg Smith _____
Billy Lerma _____	

PASSED AND APPROVED on this the _____ day of _____, 2021.

ATTEST:

Rebecca Huerta
City Secretary

Paulette M. Guajardo
Mayor

Exhibit A

Case No. 1218-01 Carmelite Sisters: Ordinance rezoning property at or near 4130 South Alameda Street from the "RS-6" Single-Family 6 District to the "RM-1/SP" Multifamily 1 District with a Special Permit (Tract 1), the "RM-1" Multifamily 1 District (Tract 2), and the "CN-1" Neighborhood Commercial District (Tract 3)

WHEREAS, the Planning Commission has forwarded to the City Council its final report and recommendation regarding the application of Carmelite Sister ("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, December 12, 2018, during a meeting of the Planning Commission. The Planning Commission recommended approval of the change of zoning from the "RS-6" Single-Family 6 District to the "CN-1" Neighborhood Commercial District and on Tuesday, February 12, 2019, 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 Carmelite Sisters ("Owner"), the Unified Development Code ("UDC") of the City of Corpus Christi, Texas ("City"), is amended by changing the zoning on a property described as Lot 1, Block 1, Carmelite Home Tract, located on the north side of South Alameda Street, east of Carmel Parkway, and west of Everhart Road (the "Property"), from the "RS-6" Single-Family 6 District to the "RM-1/SP" Multifamily 1 District with a Special Permit (Tract 1), to the "RM-1" Multifamily 1 District (Tract 2), and to the "CN-1" Neighborhood Commercial District (Tract 3) (Zoning Map No. 043038), as shown in Exhibits "A", "B", and "C". Exhibit A, is a metes and bounds description and map of Tract 1 of the Property, and Exhibit B, is a metes and bounds description and map of Tract 2 of the Property, and Tract C, is a metes and bounds description and map of Tract 3 of the Property. All 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 authorized by this Special Permit other than uses permitted by right in the base zoning district are as defined by the Unified Development Code (UDC) in Section 5.1.5.E "Medical Facility" except blood plasma donation center, Minor Emergency Center, or Hospital, Section 5.1.4.C "Office", Section 5.1.4.F "Restaurant" except for restaurants with a drive-through or drive-in facility as an accessory use, and Section 5.1.4.G "Retail Sales and Service" except convenience goods.
2. **Driveways:** The crossing for vehicular access over the Carmel Parkway drainage ditch is prohibited.

031728

SCANNED

3. **Dumpsters:** All dumpsters or refuse receptacles shall be screened from view from any public right-of-way.
4. **Lighting:** All lighting must be shielded and directed away from single-family residences and nearby streets. Cut-off shields are required for all lighting. No light projection is permitted beyond the property line.
5. **Noise:** Noise regulations shall be subject to Section 31-3 of the Municipal Code. Outside paging, speakers, telephone bells, or similar devices are prohibited.
6. **Hours of Operation:** The hours of operation shall be limited to 6:00 AM to 9:00 PM.
7. **Landscaping:** In lieu of a standard buffer yard, a yard consisting of a row of canopy trees with a minimum of a 2 ½" caliper shall be placed 30 feet on center along the property line shared with the drainage ditch.
8. **Other Requirements:** The Special Permit conditions listed herein do not preclude compliance with other applicable UDC, Building, and Fire Code Requirements.
9. **Time Limit:** In accordance with the UDC, this Special Permit shall be deemed to have expired within twenty-four (24) months of this ordinance, unless a complete building permit application has been submitted or, a certificate of occupancy or UDC compliance has been issued. 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 12th day of February, 2019, by the following vote:

Joe McComb	<u>Aye</u>	Michael Hunter	<u>Aye</u>
Roland Barrera	<u>Aye</u>	Ben Molina	<u>Aye</u>
Rudy Garza	<u>Aye</u>	Everett Roy	<u>Aye</u>
Paulette M. Guajardo	<u>Aye</u>	Greg Smith	<u>Aye</u>
Gil Hernandez	<u>Aye</u>		

That the foregoing ordinance was read for the second time and passed finally on this the 26th day of March, 2019, by the following vote:

Joe McComb	<u>Aye</u>	Michael Hunter	<u>Aye</u>
Roland Barrera	<u>Aye</u>	Ben Molina	<u>Aye</u>
Rudy Garza	<u>Aye</u>	Everett Roy	<u>Aye</u>
Paulette M. Guajardo	<u>Aye</u>	Greg Smith	<u>Aye</u>
Gil Hernandez	<u>Aye</u>		

PASSED AND APPROVED on this the 26th day of March, 2019.

ATTEST:

Rebecca Huerta
 Rebecca Huerta
 City Secretary

Joe McComb
 Joe McComb
 Mayor

<p>EFFECTIVE DATE</p> <p><u>4/1/19</u></p>

Exhibit A

STATE OF TEXAS COUNTY OF NUECES

EXHIBIT A-1

TRACT 1

Field notes of a 1.090 acre tract, for the purpose of rezoning, out of Lot 1, Block 1, Carmelite Home Tract, as shown on a map recorded in Volume 43, Page 80, Map Records of Nueces County, Texas. Said 1.090 acre tract being more particularly described as follows.

COMMENCING at a point in the intersection of the northeast right of way of South Alameda Street and the cutback in the northwest right of way of Everhart Road, for a common outside corner of Lot 1 and of Tract 3, **THENCE** with the common line of the northeast right of way of South Alameda Street, of Lot 1 and of Tract 3, North 31°06'00" West, a distance of 468.79 feet to a point for the common west corner of Tract 3, of this tract and for the **POINT of BEGINNING**.

THENCE with the common line of the northeast right of way of South Alameda Street, of Lot 1 and of this tract, North 31°06'00" West, a distance of 100.00 feet to a point for the common west corner of a 75 foot City of Corpus Christi drainage right of way, of Lot 1 and of this tract.

THENCE with the common line of said 75 foot drainage right of way, of Lot 1 and of this tract, North 58°54'00" East, a distance of 475.00 feet to a point for the north corner of this tract, from **WHENCE** the northeast corner of Lot 1 bears, North 58°54'00" East, a distance of 538.42 feet.


THENCE South 31°06'00" East, a distance of 100.00 feet to a point for the common east corner of Tract 2 and of this tract.

THENCE with the common line of Tract 2 and of this tract, South 58°54'00" West, at a distance of 180.68 feet pass a point for the common north corner of Tract 2 and Tract 3, and in all a total distance of 475.00 feet to the **POINT of BEGINNING**, and containing 1.090 acres of land, more or less.

Notes:

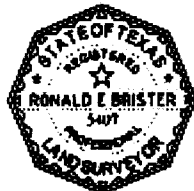
- 1.) Bearings are based on recorded plat in Volume 43, Page 80, Map Records of Nueces County, Texas.
- 2.) A Map of equal date accompanies this Metes and Bounds description.
- 3.) Set 5/8" re-bar = steel re-bar set with yellow plastic cap labeled Brister Surveying.
- 4.) This exhibit does not represent an on the ground boundary survey.

I, Ronald E. Brister do hereby certify that this exhibit of the property legally described herein is correct to the best of my knowledge and belief.



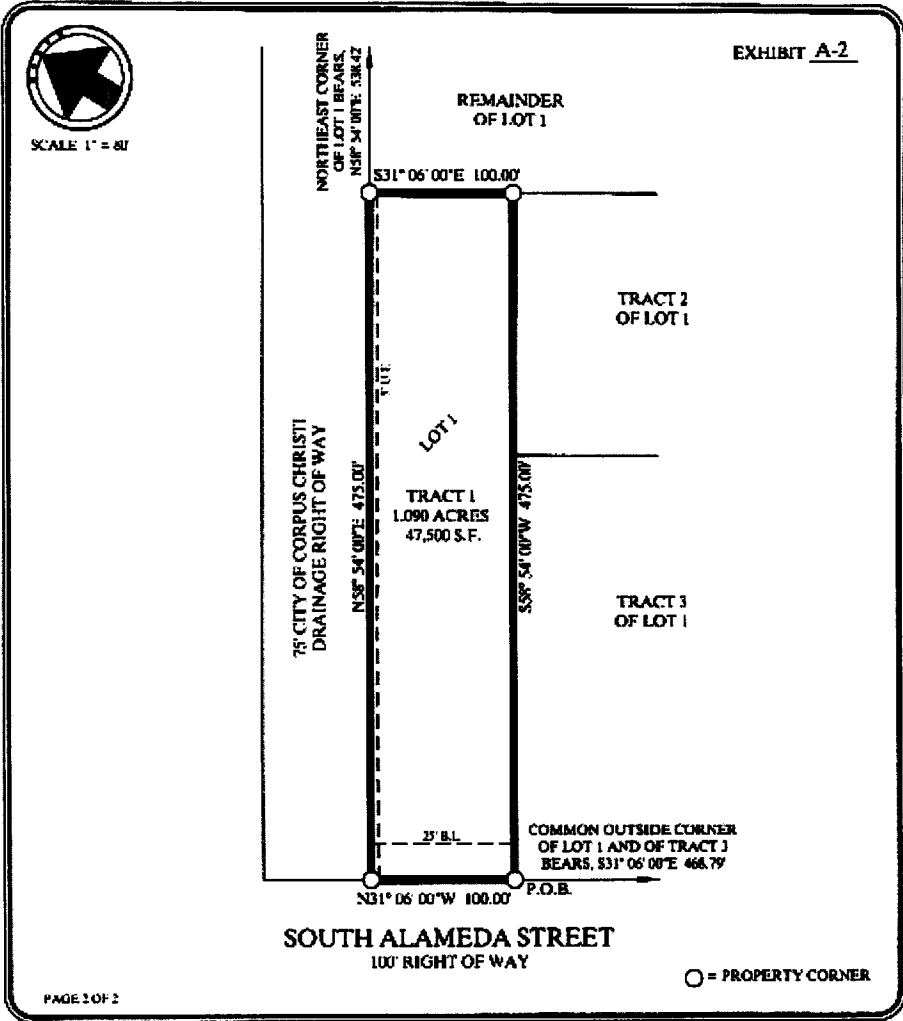
Ronald E. Brister, RPLS No. 5407


Date: February 26, 2019.




Job No. 190310A

**EXHIBIT OF
TRACT 1 BEING A 1.090 ACRE TRACT, FOR THE PURPOSE OF REZONING, OUT
OF LOT 1, BLOCK 1, CARMELITE HOME TRACT, AS SHOWN ON A MAP
RECORDED IN VOLUME 43, PAGE 80, MAP RECORDS OF NUECES COUNTY,
TEXAS.**





Brister Surveying
4402 South Padre Island Drive Suite 317
Corpus Christi, Texas 78411
Cell 361-656-1888
Fax 361-656-1882
Bristersurveying@comcast.net
File Registration No. 20072800

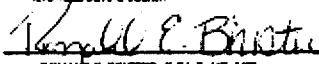


NOTES

- 1) TOTAL AREA OF EXHIBIT IS 1.090 ACRES
- 2) MEASURED BEARINGS ARE BASED ON RECORDED PLAT IN VOLUME 43, PAGE 80, MAP RECORDS OF NUECES COUNTY TEXAS.
- 3) SET BY 3/8" BAR = STEEL RE-BAR SET WITH YELLOW PLASTIC CAP LABELED BRISTER SURVEYING
- 4) THIS EXHIBIT DOES NOT REPRESENT AN ON THE GROUND BOUNDARY SURVEY.

THIS EXHIBIT DOES NOT INCLUDE THE RESEARCH, INVESTIGATION OR LOCATIONS OF ALL BERMUDA GRASS OR ITS RIGHT OF WAYS, OR UTILITIES ON THIS PROPERTY.

I, RONALD E. BRISTER DO HEREBY CERTIFY THAT THIS EXHIBIT OF THE PROPERTY LEGALLY DESCRIBED HEREIN IS CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.


 RONALD E. BRISTER R.P.L.S. NO 3407

DATE: FEBRUARY 26, 2019

JOB NO. 190304

Exhibit B

STATE OF TEXAS
COUNTY OF NUECES

EXHIBIT B-1

TRACT 2

Field notes of a 1.093 acre tract, for the purpose of rezoning, out of Lot 1, Block 1, Carmelite Home Tract, as shown on a map recorded in Volume 43, Page 80, Map Records of Nueces County, Texas. Said 1.093 acre tract being more particularly described as follows.

COMMENCING at a point in the intersection of the northwest right of way of Everhart Road and the cutback in the northeast right of way of South Alameda Street, for a common outside corner of Lot 1 and of Tract 3. **THENCE** with the common line of the northwest right of way of Everhart Road, of Lot 1 and of Tract 3, North 28°51'28" East, a distance of 322.65 feet to a point for the common south corner of Tract 3, of this tract and for the **POINT of BEGINNING**.

THENCE with the common line of the Tract 3 and of this tract, North 31°06'00" West, a distance of 315.88 feet to a point in the southeast line of Tract 1, for the common north corner of Tract 3 and of this tract.

THENCE with the common line of Tract 1 and this tract, North 58°54'00" East, a distance of 180.68 feet to a point for the common east corner of Tract 1 and of this tract.

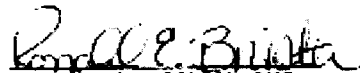
THENCE South 31°06'00" East, a distance of 211.39 feet to a point in the common line of the northwest right of way of Everhart Road and of Lot 1, and for the east corner of this tract, from **WHENCE** the east corner of Lot 1 bears, North 28°51'28" East, a distance of 621.98 feet.

THENCE with the common line of the northwest right of way of Everhart Road, of Lot 1 and of this tract, South 28°51'28" West, a distance of 208.72 feet to the **POINT of BEGINNING**, and containing 1.093 acres of land, more or less.

Notes:

- 1.) Bearings are based on recorded plat in Volume 43, Page 80, Map Records of Nueces County, Texas.
- 2.) A Map of equal date accompanies this Metes and Bounds description.
- 3.) Set 5/8" re-bar = steel re-bar set with yellow plastic cap labeled Brister Surveying.
- 4.) This exhibit does not represent an on the ground boundary survey.

I, Ronald E. Brister do hereby certify that this exhibit of the property legally described herein is correct to the best of my knowledge and belief.

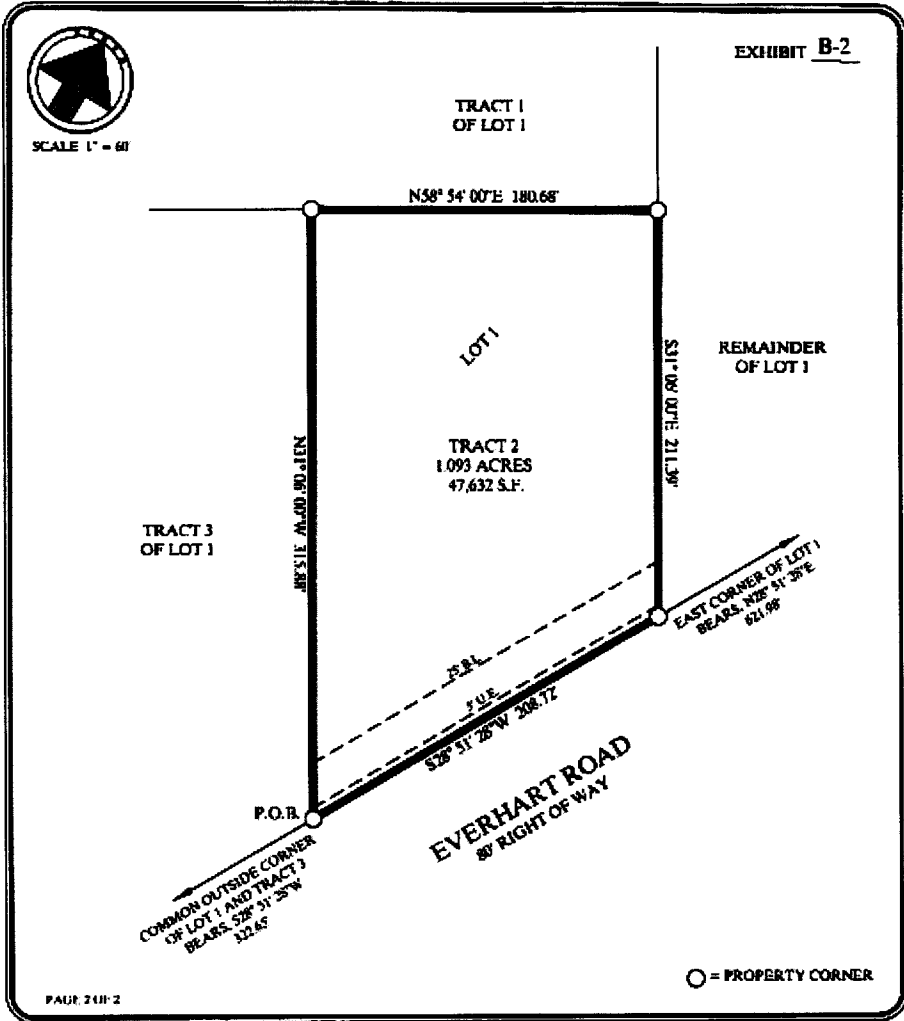


Ronald E. Brister, RPLS No. 5407
Date: February 26, 2019.



Job No. 19033018

**EXHIBIT OF
TRACT 2 BEING A 1.093 ACRE TRACT, FOR THE PURPOSE OF REZONING, OUT OF
LOT 1, BLOCK 1, CARMELITE HOME TRACT, AS SHOWN ON A MAP RECORDED
IN VOLUME 43, PAGE 80, MAP RECORDS OF NUECES COUNTY, TEXAS.**



	Brister Surveying	<p>NOTES</p> <p>1) TOTAL AREA OF EXHIBIT IS 1.093 ACRES</p> <p>2) UNADJUSTED BEARINGS ARE BASED ON RECORDED PLAT IN VOLUME 43, PAGE 80, MAP RECORDS OF NUECES COUNTY, TEXAS.</p> <p>3) SET 5/8" IR BAR - STEEL RE-BAR SET WITH YELLOW PLASTIC CAP LABELED BRISTER SURVEYING</p> <p>4) THIS EXHIBIT DOES NOT REPRESENT AN ON THE GROUND BOUNDARY SURVEY</p>
<p>4123 South Fwy Blvd, Suite 51 Corpus Christi, Texas 78411 Off 361-656-1889 Fax 361-659-1980 BristerSurveying@comcast.net Texas Registration No. 12072860</p>		<p>THIS EXHIBIT DOES NOT INCLUDE THE RESEARCH INVESTIGATION, OR LOCATIONS OF ALL SERVICES, EASEMENTS, RIGHT OF WAY OR UTILITIES ON THIS PROPERTY.</p>
<p>W. BY DATE <u>FEBRUARY 26, 2019</u></p>	<p>JOB NO. 190330B</p>	<p>1. RONALD E. BRISTER DO HEREBY CERTIFY THAT THIS EXHIBIT OF THE PROPERTY LEGALLY DESCRIBED HEREIN IS CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF</p> <p><i>Ronald E. Brister</i> RONALD E. BRISTER R.P.L.S. NO. 5407</p>

Exhibit C

STATE OF TEXAS
COUNTY OF NUECES

EXHIBIT C-1

TRACT 3

Field notes of a 2.708 acre tract, for the purpose of rezoning, out of Lot 1, Block 1, Carmelite Home Tract, as shown on a map recorded in Volume 43, Page 80, Map Records of Nueces County, Texas. Said 2.708 acre tract being more particularly described as follows.

BEGINNING at a point in the intersection of the northeast right of way of South Alameda Street and the cutback in the northwest right of way of Everhart Road and for a common outside corner of Lot 1 and this tract.

THENCE with the common line of the northeast right of way of South Alameda Street, Lot 1 and this tract, North 31°06'00" West, a distance of 468.79 feet to a point for the common west corner of Tract 1 and of this tract, from **WHENCE** the common west corner of Tract 1 and of Lot 1 bears, North 31°06'00" West, a distance of 100.00 feet.

THENCE with the common line of Tract 1 and this tract, North 58°54'00" East, a distance of 294.32 feet to a point for the common north corner of Tract 2 and of this tract.

THENCE with the common line of Tract 2 and of this tract, South 31°06'00" East, a distance of 315.88 feet to a point in the common line of the northwest right of way of Everhart Road and of Lot 1, and for the east corner of this tract, from **WHENCE** the east corner of Lot 1 bears, North 28°51'28" East, at a distance of 208.72 feet pass a point for the east corner of Tract 2, and in all a total distance of 830.70 feet.

THENCE with the common line of the northwest right of way of Everhart Road, Lot 1 and this tract, South 28°51'28" West, a distance of 322.65 feet to a point in the intersection of the northwest right of way of Everhart Road and the cutback in the northeast right of way of South Alameda Street, for a common outside corner of Lot 1 and this tract, and for a point of curvature of a curve to the right having a radius of 10.00 feet.

THENCE with the common line of said cutback, said curve to the right and this tract, a chord bearing of South 88°46'01" West, a chord distance of 17.31 feet and a curve distance of 20.93 feet to the **POINT** of **BEGINNING**, and containing 2.708 acres of land, more or less.

Notes:

- 1.) Bearings are based on recorded plat in Volume 43, Page 80, Map Records of Nueces County, Texas.
- 2.) A Map of equal date accompanies this Metes and Bounds description.
- 3.) Set 5/8" re-bar = steel re-bar set with yellow plastic cap labeled Brister Surveying.
- 4.) This exhibit does not represent an on the ground boundary survey.

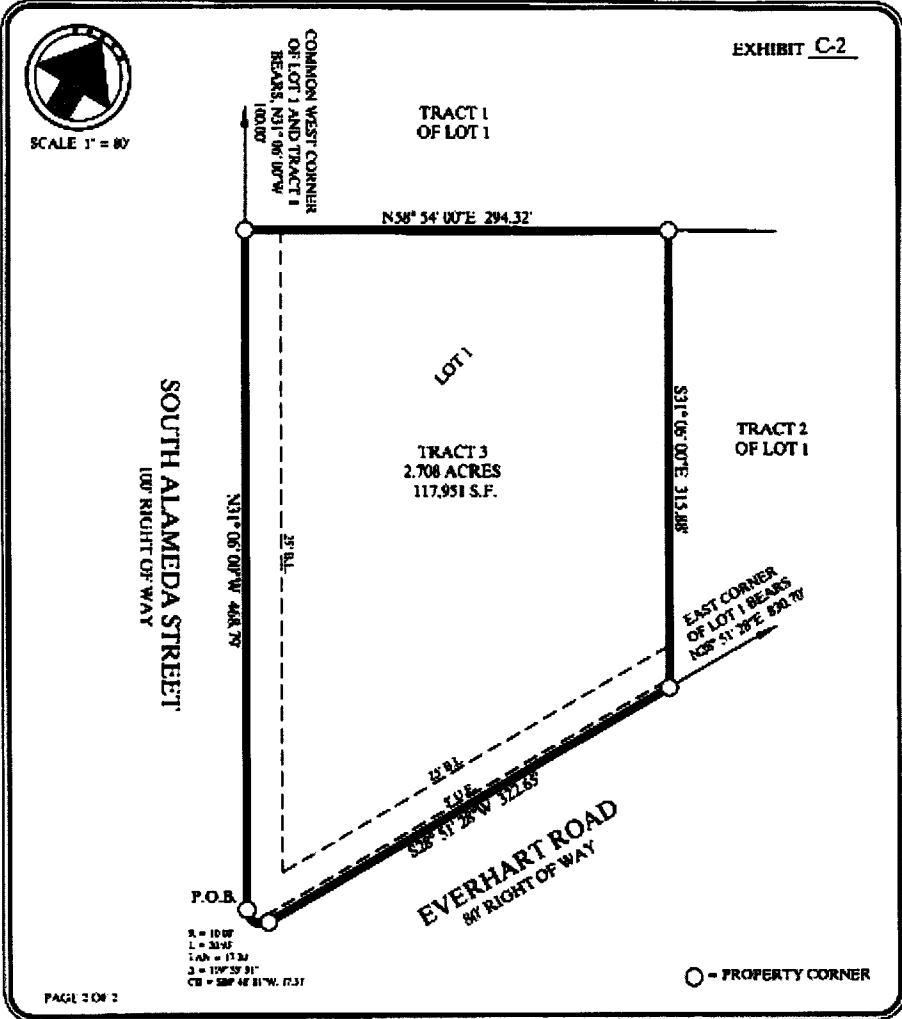
I, Ronald E. Brister do hereby certify that this exhibit of the property legally described herein is correct to the best of my knowledge and belief.



Ronald E. Brister, RPLS No. 5407
Date: February 26, 2019.




Job No. 190310C

**EXHIBIT OF
TRACT 3 BEING A 2.708 ACRE TRACT, FOR THE PURPOSE OF REZONING, OUT OF
LOT 1, BLOCK 1, CARMELITE HOME TRACT, AS SHOWN ON A MAP RECORDED IN
VOLUME 43, PAGE 80, MAP RECORDS OF NUECES COUNTY, TEXAS.**





Brister Surveying
4455 South Padre Island Drive Suite 71
Corpus Christi, Texas 78411
Dial 981-830-1000
Fax 981-830-1882
Bristersurveying@corpusweb.com
Texas Registration No. 11872888



NOTES

- 1.) TOTAL AREA OF EXHIBIT IS 2.708 ACRES
- 2.) MEASURED BEARINGS ARE BASED ON RECORD PLAT IN VOLUME 43, PAGE 80, MAP RECORDS OF NUECES COUNTY, TEXAS.
- 3.) SET 24" RE-BAR = STEEL RE-BAR SET WITH YELLOW PLASTIC CAP LABELED BRISTER SURVEYING
- 4.) THIS EXHIBIT DOES NOT REPRESENT AN ON-THE-GROUND BOUNDARY SURVEY

THIS EXHIBIT DOES NOT INCLUDE THE RESEARCH INVESTIGATION, OR LOCATIONS OF ALL SERVICES, EASEMENTS, RIGHT OF WAYS, OR UTILITIES ON THIS PROPERTY.

I, RONALD E. BRISTER, DO HEREBY CERTIFY THAT THIS EXHIBIT OF THE PROPERTY LEGALLY DESCRIBED HEREIN IS CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

Ronald E. Brister
RONALD E. BRISTER R.P.L.S. NO. 5487

SURVEY DATE: FEBRUARY 26, 2019

JOB NO. 190230C