

Ordinance amending the Unified Development Code (“UDC”) upon application by HEB Grocery Company, LP (“Owner”), by changing the UDC Zoning Map in reference to a 21.21-acre tract of land out of Lots 17 and 18, Section 11, Flour Bluff and Encinal Farm and Garden Tracts, from the “RS-6” Single-Family 6 District to the “CG-2” General Commercial District on Tract 1 and the “CN-1” Neighborhood Commercial District on 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 report and recommendation regarding the application of HEB Grocery Company, LP (“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, public hearings were held on Wednesday, March 13, 2013, during a meeting of the Planning Commission, and on Tuesday, April 9, 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 made by HEB Grocery Company, LP (“Owner”), the Unified Development Code (“UDC”) of the City of Corpus Christi, Texas (“City”), is amended by changing the zoning on a 21.21-acre tract of land out of Lots 17 and 18, Section 11, Flour Bluff and Encinal Farm and Garden Tracts (the “Property”), located on the southeast corner of Timbergate Drive and South Staples Street (FM 2444), from the “RS-6” Single-Family 6 District to the “CG-2” General Commercial District on Tract 1 (northern 15.73 acres) and the “CN-1” Neighborhood Commercial District on Tract 2 (southern 5.48 acres) (Zoning Map Nos. 044032 & 044033), as shown in Exhibits “A,” “B,” and “C.” Exhibit “A,” which is a metes and bounds description of Tract 1, Exhibit “B,” which is a metes and bounds description of Tract 2, and Exhibit “C,” 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 entirety.

SECTION 2. The official UDC Zoning Map of the City is amended to reflect changes made to the UDC by Section 1 of this ordinance.

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.

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 in conflict with this ordinance are hereby expressly repealed.

SECTION 6. All ordinances or parts of ordinances specifically pertaining to the zoning of the Property (a 21.21-acre tract of land out of Lots 17 and 18, Section 11, Flour Bluff and Encinal Farm and Garden Tracts) and that are in conflict with this ordinance are expressly repealed.

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



February 13, 2013
Job No. 37698.B2.00

State of Texas
County of Nueces

Fieldnotes for a 15.73 acre tract of land (not based on an on-the-ground survey) out of Lots 17 and 18, Section 11, Flour Bluff and Encinal Farm and Garden Tracts, a map of which is recorded in Volume A, Pages 41-43, Map Records of Nueces County, Texas; said 15.73 acre tract being more fully described by metes and bounds as follows:

Beginning at a point on the southwest boundary of Timbergate Drive, a public roadway, for the east corner of this tract, from which the north corner of Lot 1, Block 1, The Village at Timbergate Unit 1, a map of which is recorded in Volume 67, Pages 344-345, Map Records of Nueces County, Texas, bears South 61°00'00" East, a distance of 554.91 feet;

Thence, South 29°00'00" West, a distance of 859.80 feet for the south corner of this tract;

Thence, North 61°04'31" West, a distance of 796.13 feet to a point on the southeast boundary of South Staples Street (F.M. 2444), a public roadway, for the west corner of this tract;

Thence, North 28°56'53" East, with said southeast boundary of South Staples Street (F.M. 2444), a distance of 845.85 feet to a point on said southwest boundary of Timbergate Drive, for the north corner of this tract;

Thence, South 61°00'00" East, continuing along the southwest boundary of said Timbergate Drive, a distance of 11.50 feet for a corner of this tract;

Thence, North 73°58'26" East, continuing along the southwest boundary of said Timbergate Drive, a distance of 21.20 feet for a corner of this tract;

Thence, South 61°00'00" East, continuing along said southwest boundary of said Timbergate Drive, a distance of 770.41 feet to the Point of Beginning and containing 15.73 acres (684.980.78 square feet) of land.

Bearings are based on the recorded plat of The Village at Timbergate Unit 1, a map of which is recorded in Volume 67, Pages 344-345, Map Records of Nueces County, Texas. No monumentation found or set at corners, unless otherwise noted.

Unless this Field Notes Description, including preamble, seal and signature, appears in its entirety, in its original form, surveyor assumes no responsibility or liability for its accuracy.



Urban Engineering

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TBPE Firm #145

EXHIBIT A



February 13, 2013
Job No. 37698.B2.00

State of Texas
County of Nueces

Fieldnotes for a 5.48 acre tract of land (not based on an on-the-ground survey) out of Lots 17 and 18, Section 11, Flour Bluff and Encinal Farm and Garden Tracts, a map of which is recorded in Volume A, Pages 41-43, Map Records of Nueces County, Texas; said 5.48 acre tract being more fully described by metes and bounds as follows:

Commencing at a point on the southwest boundary of Timbergate Drive, a public roadway, for the east corner of this tract, from which the north corner of Lot 1, Block 1, The Village at Timbergate Unit 1, a map of which is recorded in Volume 67, Pages 344-345, Map Records of Nueces County, Texas, bears North 29°00'00" East, a distance of 859.80 feet, South 61°00'00" East, a distance of 554.91 feet;

Thence, South 29°00'00" West, a distance of 300.00 feet for the south corner of this tract;

Thence, North 61°04'31" West, a distance of 795.86 feet to a point on the southeast boundary of South Staples Street (F.M. 2444), a public roadway, for the west corner of this tract;


Thence, North 28°56'53" East, with said southeast boundary of South Staples Street (F.M. 2444), a distance of 300.00 feet to a point for the north corner of this tract;

Thence, South 61°04'31" East, a distance of 796.13 feet to the Point of Beginning and containing 5.48 acres (238,798.76 square feet) of land.

Bearings are based on the recorded plat of The Village at Timbergate Unit 1, a map of which is recorded in Volume 67, Pages 344-345, Map Records of Nueces County, Texas. No monumentation found or set at corners, unless otherwise noted.

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South Staples Street (F.M. 2444) S61°00'00"E 11.50' N73°58'26"E 21.20'

N61°04'31"W 795.86'

Proposed CN-1
5.48 Acres

Lot 17, Section 11
Flour Bluff and Encinal
Farm and Garden Tracts
Vol. A, Pgs. 41-43, Map
Records of Nueces County, Texas

Proposed CG-2
15.73 Acres

10' U.E. (Doc. No. 2009047355, O.R.N.C.T.)

Lot 5A
Staples Plaza
V. 66, P. 1,
MRNCT
Lot 5B
Staples Plaza
V. 64, P. 266,
MRNCT

Lot 8
Block 1
Staples Plaza Unit 1
V. 86, P. 86-97,
MRNCT
Lot 7

Lot 6
Staples Plaza
V. 64, P. 266,
MRNCT

Lot 16, Section 11

300.00'

859.80'

"Point of Beginning"
5.48 Acres

"Point of Beginning"
15.73 Acres

"Point of Commencement"
for 5.48 Acres

Lot 18, Section 11
Flour Bluff and Encinal Farm and Garden Tracts
Vol. A, Pgs. 41-43, Map
Records of Nueces County, Texas

7.5' U.E. (Doc. No. 2009047355, O.R.N.C.T.)

Lot 19, Section 11

7.5' U.E.

Lot 1, Block 1
The Village at Timbergate Unit 1
Vol. 67, Pgs. 344-345, Map
Records of Nueces County, Texas

S61°00'00"E 554.91'

Lot 15, Section 11

Lot 14, Section 11

Flour Bluff and Encinal Farm and Garden Tracts
Vol. A, Pgs. 41-43, Map
Records of Nueces County, Texas

Timbergate Street

Spanish Wood Drive

Lot 1, Block 3

Lot 1, Block 2

Stonehenge Drive

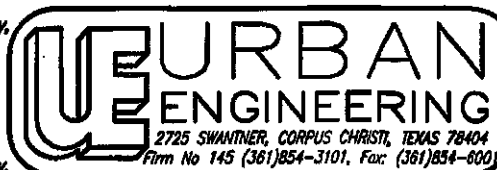
Lot 20, Section 11
Flour Bluff and Encinal Farm and Garden Tracts
Vol. A, Pgs. 41-43, Map
Records of Nueces County, Texas

Lot 13, Section 11
Flour Bluff and Encinal Farm
and Garden Tracts
Vol. A, Pgs. 41-43, Map
Records of Nueces County, Texas

Map to Accompany

FIELDNOTES for a 5.48 acre tract of land (not based on an on-the-ground survey) out of Lots 17 and 18, Section 11, Flour Bluff and Encinal Farm and Garden Tracts, a map of which is recorded in Volume A, Pages 41-43, Map Records of Nueces County, Texas.

FIELDNOTES for a 15.73 acre tract of land (not based on an on-the-ground survey) out of Lots 17 and 18, Section 11, Flour Bluff and Encinal Farm and Garden Tracts, a map of which is recorded in Volume A, Pages 41-43, Map Records of Nueces County, Texas.



REV: Feb. 15, 2013
DATE: Feb. 13, 2013
SCALE: 1"=300'
JOB NO.: 37698.B2.00
SHEET: 1 of 1
DRAWN BY: XG

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