

**Ordinance amending Ordinance No. 029355, upon application by Sigifredo Montemayor, acting as custodian agent on behalf of Edward Montemayor and Mearary Iveth Montemayor ("Owners"), by adding a 12-month time extension to the special permit time limit initially approved; amending the Comprehensive Plan to account for any deviations; and providing for a repealer clause and publication.**

**WHEREAS**, Sigifredo Montemayor, acting as custodian agent on behalf of Edward Montemayor and Mearary Iveth Montemayor ("Owners"), requested, prior to the initial special permit expiration date provided by Ordinance No. 029355, a 12-month extension of the 12-month special permit time limit initially approved, therein requesting a total time limit of 24 months;

**WHEREAS**, the Planning Commission has forwarded to the City Council its reports and recommendations regarding the application of Sigifredo Montemayor for an amendment to the time limited stated in the special permit time granted in Ordinance No. 029355;

**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 public health, necessity, convenience and the 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 Sigifredo Montemayor, acting as custodian agent on behalf of Edward Montemayor and Mearary Iveth Montemayor ("Owners") to extend the time limit stated in the special permit previously approved in Ordinance No. 029355 and made effective January 23, 2012, Ordinance No. 029355 is amended by adding a 12-month time extension to the 12-month special permit time limit initially approved, thus extending the time limit in the approved special permit to a total of 24 months. A copy of the special permit previously approved by Ordinance No. 029355 is attached to this ordinance as Exhibit "A," the provisions of which are incorporated by reference in this ordinance as if fully set out herein in its 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 Lot 22, Block 1, Flour Heights, 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

**Ordinance amending the Unified Development Code (UDC), upon application by Sigifredo Montemayor, by changing the UDC zoning map in reference to Flour Heights, Block 1, Lot 22, from the "RS-6" Single-Family 6 District to the "CN-1/SP" Neighborhood Commercial District with a Special Permit and subject to eight (8) conditions, amending the comprehensive plan to account for any deviations from the existing comprehensive plan; providing a repealer clause; providing a penalty; providing for publication; and declaring an emergency.**

**WHEREAS**, the Planning Commission has forwarded to the City Council its reports and recommendations concerning the application of Sigifredo Montemayor, for amendment to the City of Corpus Christi Unified Development Code (UDC) and corresponding UDC Zoning Map;

**WHEREAS**, with proper notice to the public, public hearings were held on Wednesday, July 20, 2011, during a meeting of the Planning Commission, and on Tuesday, January 10, 2012, during a meeting of the City Council, in the Council Chambers, at City Hall, in the City of Corpus Christi, 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 public health, necessity, convenience and the general welfare of the City of Corpus Christi and its citizens.

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

**SECTION 1.** That the UDC of the City of Corpus Christi, Texas, is amended by changing the zoning on Flour Heights, Block 1, Lot 22, located along the east side of Flour Bluff Drive and approximately 320 feet north of the Purdue Road intersection, from the "RS-6" Single-Family 6 District to the "CN-1/SP" Neighborhood Commercial District, subject to eight (8) conditions, resulting in a change of future land use from single-family use to a commercial use with a special permit (Zoning Map 037,031) (Exhibit A - "Planning Commission and Staff Recommendation").

**SECTION 2.** That the Special Permit granted in Section 1 of this ordinance is subject to the following eight (8) conditions:

1. Uses: All uses allowed in the "CN-1" Neighborhood Commercial District, plus the addition of a storage warehouse and limited outdoor storage.
2. Landscaping: Landscaping must be provided in accordance with Article 7.3 of the UDC Landscaping as if new construction in the "CN-1" Neighborhood Commercial District.

3. Screening: Construction of a solid screening fence along the north, east and south property lines. In addition the existing solid screening fence and gate combination must be maintained along the Flour Bluff Drive right-of-way exposure.
4. Lighting: Any and all outdoor lighting shall be shielded and directed away from adjacent neighboring properties and the Flour Bluff Drive street right-of-way.
5. Dumpsters: No dumpster storage permitted within the existing 20 foot street yard.
6. Hours of Operation: Hours of operation shall be 6 a.m. to 9 p.m. Any and all deliveries must occur within this time frame.
7. Storage: All storage will be inside of a building with a provision to allow for the temporary storage of vehicles, equipment, and associated construction materials outside for a time period not to exceed (24) hours.
8. Time Limit: Such Special permit shall be deemed to have expired within twelve (12) months of the date of this ordinance, unless the property is being used as outlined in Condition #1 and in compliance with all other conditions.

**SECTION 3.** That the UDC and corresponding UDC Zoning Map of the City of Corpus Christi, Texas, effective July 1, 2011, as amended from time to time, except as changed by this ordinance and any other ordinances adopted on this date, remain in full force and effect.

**SECTION 4.** That to the extent that this amendment to the UDC represents a deviation from the Comprehensive Plan, the Comprehensive Plan is amended to conform to the UDC, as amended by this ordinance.

**SECTION 5.** That all ordinances or parts of ordinances in conflict with this ordinance are hereby expressly repealed.

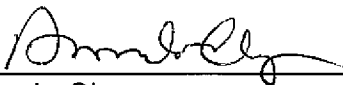
**SECTION 6.** A violation of this ordinance or requirements implemented under this ordinance constitutes an offense punishable as provided in Section 1.10.1 and/or Article 10 of the UDC.


**SECTION 7.** That 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.** That upon written request of the Mayor or five Council members, copy attached, the City Council finds and declares an emergency due to the need for immediate action necessary for the efficient and effective administration of City affairs and suspends the Charter rule as to consideration and voting upon ordinances at two regular meetings so that this ordinance is passed upon first reading as an emergency measure on this 17<sup>th</sup> day of January, 2012.

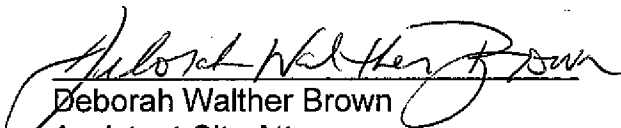
ATTEST:

CITY OF CORPUS CHRISTI

  
Armando Chapa  
City Secretary

  
Joe Adame  
Mayor, City of Corpus Christi

APPROVED AS TO FORM: This 10<sup>th</sup> day of January, 2012

  
Deborah Walther Brown  
Assistant City Attorney  
For City Attorney

Corpus Christi, Texas

17<sup>th</sup> day of January, 2012

TO THE MEMBERS OF THE CITY COUNCIL

Corpus Christi, Texas

For the reasons set forth in the emergency clause of the foregoing ordinance, an emergency exists requiring suspension of the Charter rule as to consideration and voting upon ordinances at two regular meetings. I/we, therefore, request that you suspend said Charter rule and pass this ordinance finally on the date it is introduced, or at the present meeting of the City Council.

Respectfully,

Respectfully,

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Joe Adame  
Joe Adame  
Mayor, City of Corpus Christi

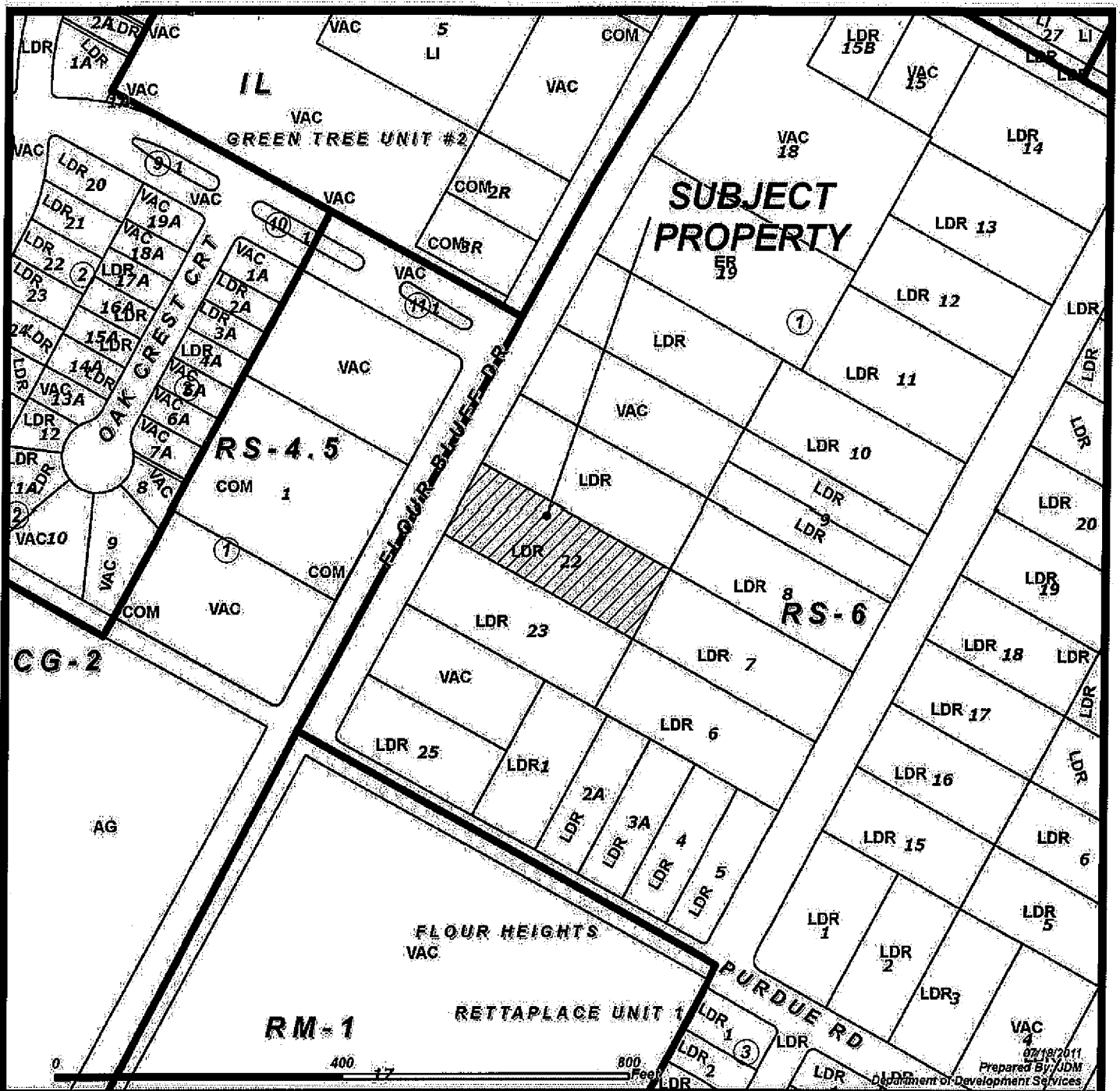
**Council Members**

The above ordinance was passed by the following vote:

Joe Adame	<u>Aye</u>
Chris N. Adler	<u>absent</u>
Larry Elizondo, Sr.	<u>absent</u>
Priscilla G. Leal	<u>Aye</u>
David Loeb	<u>no</u>
John E. Marez	<u>Aye</u>
Nelda Martinez	<u>Aye</u>
Mark Scott	<u>Aye</u>

District 1 Representative is vacant

<b>EFFECTIVE DATE</b>
<u>1/23/12</u>



**CASE: 0711-02**

## Exhibit A

Planning Commission &  
Staff Recommendation

From: "RS-6" Single Family 6

To: "CN-1/SP" Neighborhood Commercial  
with a Special Permit

Ordinance No. \_\_\_\_\_

