

**Ordinance amending the Unified Development Code (“UDC”), upon application by Isaias Franco (“Owner”), by changing the UDC Zoning Map in reference to Tract 1, described as a 4.00-acre tract, to the “IL/SP” Light Industrial District with a Special Permit for a concrete batching plant, and in reference to Tract 2, described as a 25.003-acre tract, to the “IL” Light Industrial District, both tracts being out of the Anthony C. Page Survey 591, Abstract 1010 and the A.M. French Survey 312, Abstract 1018; 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 Isaias Franco (“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, June 29, 2016, during a meeting of the Planning Commission when the Planning Commission recommended approval of the change of zoning from the “R-MH” Manufactured Home District to the “IL/SP” Light Industrial District with a Special Permit for a concrete batching plant on Tract 1 and to the “IL” Light Industrial District on Tract 2; and on Tuesday, July 26, 2016, 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 Isaias Franco (“Owner”), the Unified Development Code (“UDC”) of the City of Corpus Christi, Texas (“City”), is amended by changing the UDC Zoning Map in reference to Tract 1, described as a 4.00-acre tract, to the “IL/SP” Light Industrial District with a Special Permit for a concrete batching plant, and in reference to Tract 2, described as a 25.003-acre tract, to the “IL” Light Industrial District, both tracts being out of the Anthony C. Page Survey 591, Abstract 1010 and the A.M. French Survey 312, Abstract 1018 (Zoning Map No. 056045), as shown in Exhibits “A”, “B”, “C”, and “D”. Exhibit A, which is a metes and bounds description of Tract 1, Exhibit B, which is a metes and bounds description of Tract 2, Exhibit C, which is a map of Tracts 1 and 2, and Exhibit D, which is a site plan of Tract 1, 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 complying with the following conditions:

1. **Uses:** The only use permitted under this Special Permit, other than those allowed by right in the "IL" Industrial District, is a concrete batch plant consisting of portable equipment and storage of materials and equipment necessary to conduct operations. The concrete batch plant shall not produce more than 600 cubic yards of concrete per day.
2. **Dust:** Dust control shall be in accordance with all City, State, and Federal requirements and specifications. Dust shall be controlled at both the operation of the batch plant and at the stockpile so that it does not drift across the approach to/from airport runways as indicated in the Airport Hazard Map attached.
3. **Lighting:** All light shall be directed downward and shielded. Lighting shall not be directed toward any of the airport approach/departure paths or towards the control tower.
4. **Access:** Vehicular access shall be allowed in accordance with the UDC.
5. **Screening and Buffering:** Screening and buffering shall be required in accordance with the UDC.
6. **Noise:** The applicant shall comply with the City's Noise Ordinance.
7. **Hours of Operation:** Operations of the concrete batch plant are limited between 6:00 A.M. and 6:00 P.M.
8. **Other Requirements:** The Special Permit conditions do not preclude compliance with all applicable UDC, Building Code, and State and/or Federal requirements.
9. **Time Limit:** Applicable permits shall be applied for within one year of approval of the Special Permit or the Special Permit shall expire in accordance with the UDC. Discontinuance of the use for a period of six (6) months shall cause the Special Permit to expire. The Special Permit shall expire in five years unless a time extension is approved by the City Council.

**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.** The change of zoning does not result in an amendment to the Future Land Use Map, an element of the Comprehensive Plan.

**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.

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	_____	Brian Rosas	_____
Rudy Garza	_____	Lucy Rubio	_____
Michael Hunter	_____	Mark Scott	_____
Chad Magill	_____	Carolyn Vaughn	_____
Colleen McIntyre	_____		

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

Nelda Martinez	_____	Brian Rosas	_____
Rudy Garza	_____	Lucy Rubio	_____
Michael Hunter	_____	Mark Scott	_____
Chad Magill	_____	Carolyn Vaughn	_____
Colleen McIntyre	_____		

PASSED AND APPROVED this the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

ATTEST:

\_\_\_\_\_  
Rebecca Huerta  
City Secretary

\_\_\_\_\_  
Nelda Martinez  
Mayor

STATE OF TEXAS  
COUNTY OF NUECES

Tract 1

Field Notes of a 4.000 acre tract being out of the 24.62 acre Kirchberg tract as described in a deed recorded in Document No. 900502, Deed Records Nueces County, Texas. Said 4.000 acre tract also being out of the Anthony C. Page Survey 591, Abstract 1010 and the A.M. French Survey 312, Abstract 1018. Said 4.000 acre tract being more particularly described as follows:

COMMENCING at a found 5/8" iron rod in the east right of way of Rhew Road, for the southwest corner of Lot 18, Rhew Industrial Tracts Unit 1, Volume 67, Page 174, Map Records Nueces County, Texas, in the common line of said Lot 18 and the 80 foot detention basin as described in a deed recorded in Document No. 2008030157, Deed Records Nueces County, Texas, from WHENCE a found 5/8" iron rod in the east right of way of Rhew Road, for the northwest corner of Lot 1, and for the southwest corner of the Geo Worthley tract as described in a deed recorded in Volume 2261, Page 651, Deed Records Nueces County, Texas, bears North 01°27'16" West, a distance of 2,084.26 feet. THENCE South 88°32'44" West, a distance of 5.00 feet to a point in the east right of way of Rhew Road, and for the lower northwest corner of said 80 foot detention basin. THENCE with the east right of way Rhew Road, South 01°27'16" East, a distance of 130.00 feet to the southwest corner of the Isaias Franco Tract II being 15.85 acres as described in a deed recorded in Document No. 2013050881, Deed Records Nueces County, Texas, for the northwest corner of this survey, and for the POINT OF BEGINNING.

THENCE with the south line of said Isaias Franco Tract II, North 88°32'44" East, at a distance of 5.00 feet pass a found 5/8" iron rod as an offset in the south line of said Isaias Franco Tract II, and in all a total distance of 460.00 feet to a set 5/8" iron rod in the south line of said Tract II and for the northeast corner of this survey.

THENCE South 01°27'16" East, a distance of 378.78 feet to a set 5/8" iron rod for the southeast corner of this survey.

THENCE South 88°32'44" West, a distance of 460.00 feet to a set 5/8" iron rod in the east right of way of Rhew Road, and for the southwest corner of this survey.

THENCE with the east right of way of Rhew Road, North 01°27'16" West, a distance of 378.78 feet to the POINT OF BEGINNING, and containing 4.000 acres of land, more or less.

Notes:

- 1.) Bearings are based on Global Positioning System NAD 83 (93) 4205 Datum.
- 2.) A Map of equal date accompanies this Metes and Bounds description.
- 3.) Set 5/8" iron rod = iron rod set with yellow plastic cap labeled Brister Surveying.

I, Ronald E. Brister do hereby certify that this survey of the property legally described herein was made on the ground this day December 4, 2015 and is correct to the best of my knowledge and belief.

*Ronald E. Brister*

Ronald E. Brister, RPLS No. 5407

Date: December 9, 2015.



**Tract 2**  
**Field Note Description**  
**25.003 Acre Tract**

Being a tract situated in Nueces County, Texas, portions of the Anthony C. Page Survey 591, Abstract 1010 and the A.M French Survey 312, Abstract 1018 and being a portion of that 150 acre tract conveyed to J.B Hunter by R.L. Schoaf as described in the deed dated April 18, 1902 and recorded in Volume 9, Page 255, Deed Records of Nueces County, Texas and being more particularly described by metes and bounds as follows:

BEGINNING at a cotton spindle set in the centerline of Rhew Road, in the east line of a 69.265 acre tract surveyed by Brister Surveying on January 6, 2014, for the northwest corner of the Bell Property Management, LTD 30 acre tract as described in a deed recorded in Document No. 2010036147, Deed Records Nueces County, Texas, and for the southwest corner of this survey, from WHENCE a 60d nail found in the intersection of Rhew Road and Sedwick Road bears South 01° 27' 30" East, a distance of 994.21 feet;

THENCE with the centerline of Rhew Road, North 01° 27' 30" West, a distance of 538.70 feet to a point in the east line of said 69.265 acre tract and for the northwest corner of this survey;

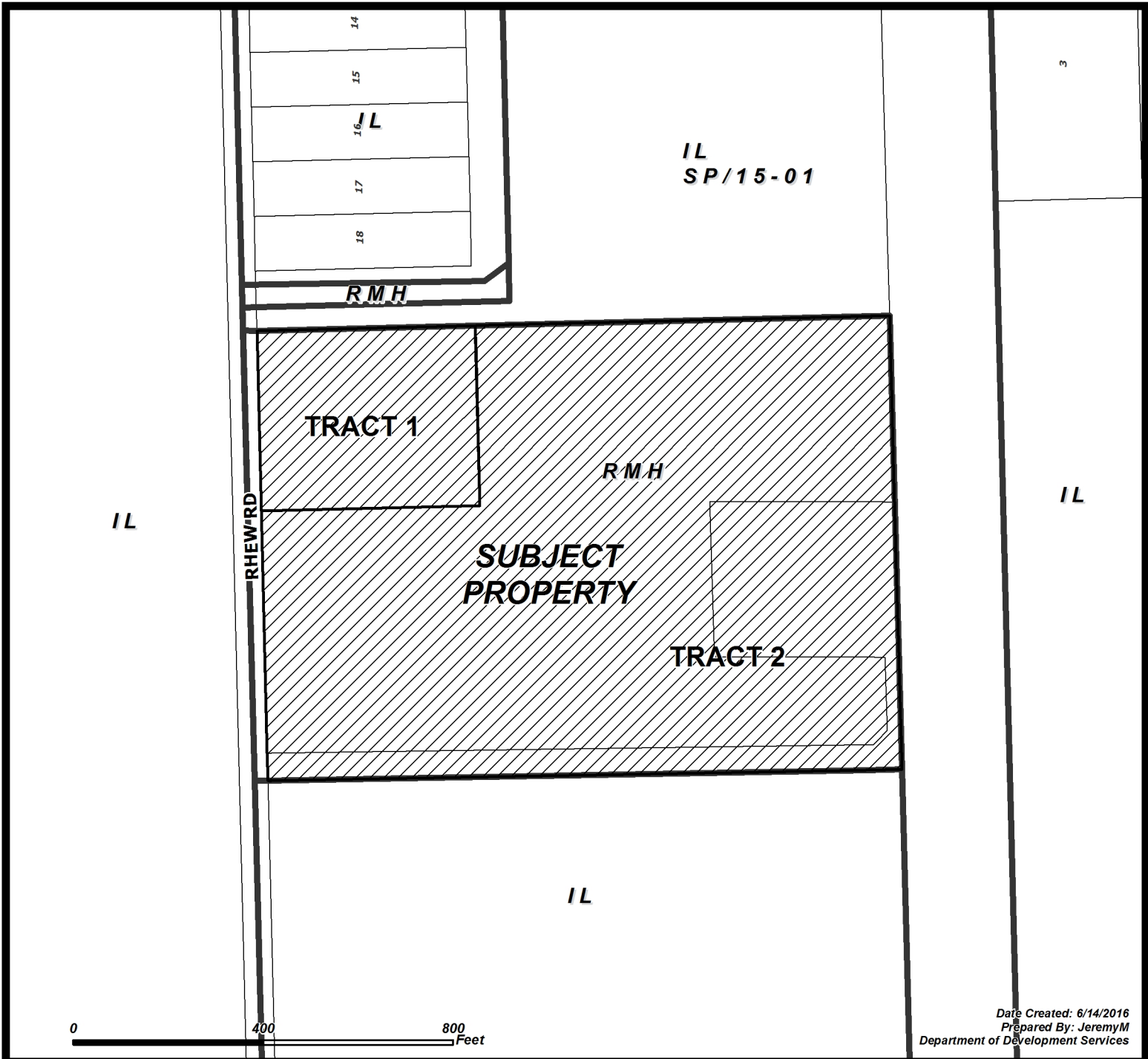
THENCE North 88° 32' 44" East, a distance of 460.00 feet, at a distance of 30 feet past a 5/8" iron rod found in the east line of Rhew Road to the interior northwest corner of this survey;

THENCE North 01° 27' 16" West 378.78 feet to the northwest corner of this survey;

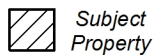
THENCE North 88° 33' 56" East, a distance of 904.23 feet to a 5/8" iron rod found in the west line of the Isaac Franco 20 acre tract as described in a deed recorded in Document No. 2012013727, Deed Records Nueces County, Texas, for the southeast corner of said 15.845 acre tract, and for the northeast corner of this survey, from WHENCE the southeast corner of the Eleanor Tract Subdivision Tract 1 as shown on a plat recorded in Volume 34, Page 36 of the Map Records Nueces County, Texas bears North 01° 37' 54" East, a distance of 1,496.45 feet;

THENCE with the west line of said 20 acre tract, South 01° 37' 54" East, a distance of 932.76, for the southeast corner of this tract, WHENCE a 2" iron pipe found in the north right of way of Sedwick Road bears South 01° 37' 54" East, a distance of 956.17 feet;

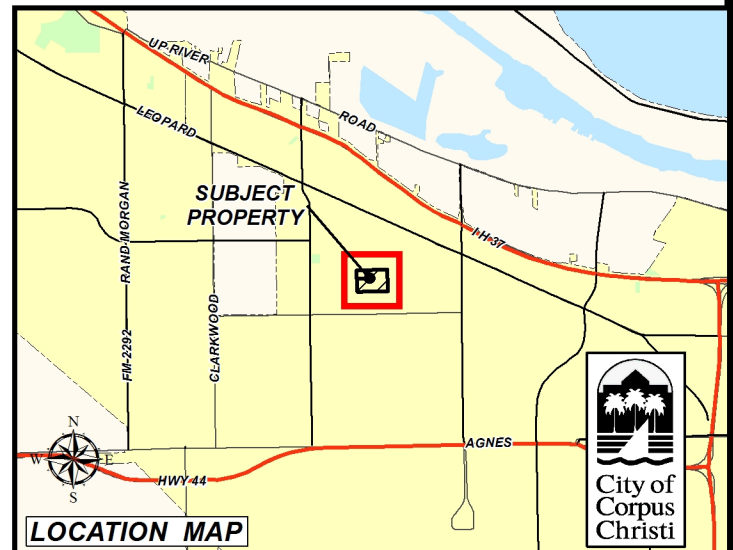
THENCE with the south line of this tract and the north line of said 30 acre tract, South 89° 12' 21" West, at a distance 30 feet past the east line of Rhew Road, a total distance of 1367.14 feet to the center of Rhew Road to the point of beginning of this tract containing 25.003 acres.



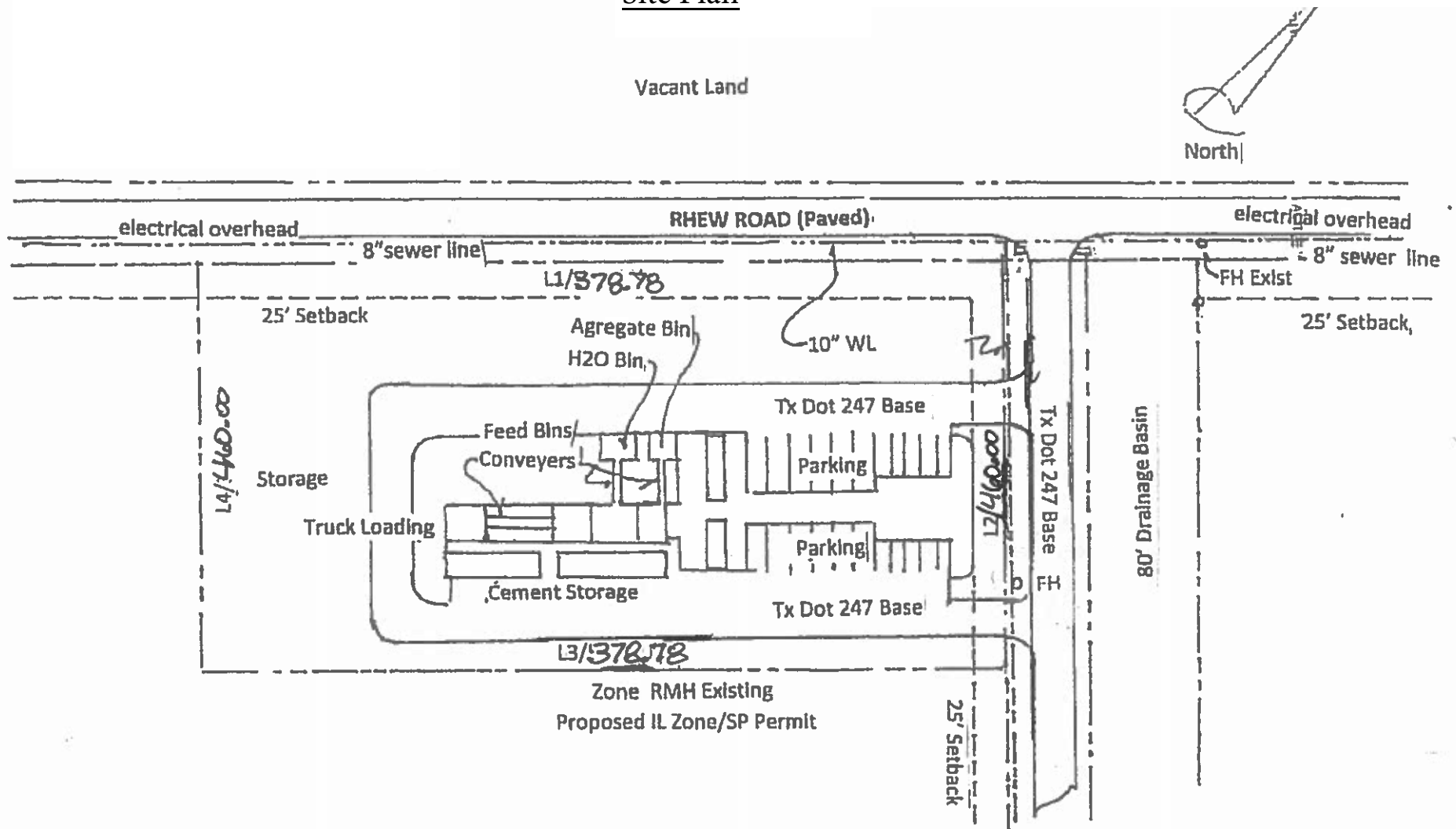
## CASE: 0616-06 SUBJECT PROPERTY WITH ZONING



RM-1 Multifamily 1	IL Light Industrial
RM-2 Multifamily 2	IH Heavy Industrial
RM-3 Multifamily 3	PUD Planned Unit Dev. Overlay
ON Professional Office	RS-10 Single-Family 10
RM-AT Multifamily AT	RS-6 Single-Family 6
CN-1 Neighborhood Commercial	RS-4.5 Single-Family 4.5
CN-2 Neighborhood Commercial	RS-TF Two-Family
CR-1 Resort Commercial	RS-15 Single-Family 15
CR-2 Resort Commercial	RE Residential Estate
CG-1 General Commercial	RS-TH Townhouse
CG-2 General Commercial	SP Special Permit
CI Intensive Commercial	RV Recreational Vehicle Park
CBD Downtown Commercial	RMH Manufactured Home
CR-3 Resort Commercial	
FR Farm Rural	
H Historic Overlay	
BP Business Park	



# Site Plan



FOUR ACRE SITE PLAN

PROPOSED PORTABLE CONCRETE PROCESSING PLANT

SCALE 1" = 100'

Exhibit D

2014.27.16