

**Zoning Case No. 0519-02 Rick's Homes, LLC: Ordinance rezoning
property at or near 3030 McKinzie Road from the "RS-6" Single-
Family 6 District to the "CN-1" Neighborhood Commercial District
(Tract 1) and "RS-4.5" Single-Family 4.5 District (Tract 2)**

WHEREAS, the Planning Commission has forwarded to the City Council its final report and recommendation regarding the application of Rick's Homes, LLC. ("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, May 1, 2019, during a meeting of the Planning Commission. The Planning Commission recommended approval of the change of zoning from the "RS-6" Single-Family District to the "CN-1" Neighborhood Commercial District (Tract 1) and "RS-4.5" Single-Family 4.5 District (Tract 2) and on Tuesday, June 11, 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 Rick's Homes, LLC. ("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 being 1.695 acre tract, for rezoning purposes only, out of a 9.107 acre tract described in a deed recorded in Document No. 2018054782 (Tract 1) and being 7.411 acre tract, for rezoning purposes only, out of a 9.107 acre tract described in a deed recorded in Document No. 2018054782 (Tract 2), located on the east side of McKinzie Road, south of Interstate 37, and north of Leopard Street (the "Property"), from the "RS-6" Single-Family District to the "CN-1" Neighborhood Commercial District (Tract 1) and "RS-4.5" Single-Family 4.5 District (Tract 2) (Zoning Map No. 061049), as shown in Exhibits "A" and "B". Exhibit A, is a metes and bounds description of the Property, and Exhibit B, 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 entireties.

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 specifically pertaining to the zoning of the Property and that are in conflict with this ordinance are hereby expressly repealed.

SECTION 6. Publication shall be made in the City's official publication as required by the City's Charter.

K:\DevelopmentSvcs\SHARED\ZONING CASES\2019\0519-02 Rick's Homes, LLC\Council Documents\Ordinance_0519-02 Rick's Homes, LLC.docx

That the foregoing ordinance was read for the first time and passed to its second reading on this the _____ day of _____, 2019, by the following vote:

Joe McComb _____

Michael Hunter _____

Roland Barrera _____

Ben Molina _____

Rudy Garza _____

Everett Roy _____

Paulette M. Guajardo _____

Greg Smith _____

Gil Hernandez _____

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

Joe McComb _____

Michael Hunter _____

Roland Barrera _____

Ben Molina _____

Rudy Garza _____

Everett Roy _____

Paulette M. Guajardo _____

Greg Smith _____

Gil Hernandez _____

PASSED AND APPROVED on this the _____ day of _____, 2019.

ATTEST:

Rebecca Huerta
City Secretary

Joe McComb
Mayor

Exhibit A

STATE OF TEXAS COUNTY OF NUECES

EXHIBIT A-1

Field notes of a 1.695 acre tract, for rezoning purposes only, out of a 9.107 acre tract described in a deed recorded in Document No. 2018054782, Official Public Records of Nueces County, Texas. Said 1.695 acre tract being more particularly described as follows.

BEGINNING at a 5/8" re-bar found previously set in the east right of way of McKinzie Road, for the southeast corner of a 40' road dedication described in a deed recorded in Document No. 1997036728, Deed Records of Nueces County, Texas, for the upper southwest corner of said 9.107 acre tract and for the southwest corner of this survey.

THENCE with the common line of the east right of way of McKinzie Road, said 9.107 acre tract and this survey, North 08°53'59" East, a distance of 327.37 feet to a point for the northwest corner of this survey, from **WHENCE** a 5/8" re-bar found previously set in the east right of way of McKinzie Road and for the northwest corner of said 9.107 acre tract bears, North 08°53'59" East, a distance of 130.00 feet.

THENCE South 81°06'01" East, a distance of 225.34 feet to a point for the northeast corner of this survey.

THENCE South 08°54'12" West, a distance of 328.15 feet to a point for the southeast corner of this survey.

THENCE North 80°54'11" West, at a distance of 56.61 feet pass a 5/8" re-bar found for an inside corner of said 9.107 acre tract and for the northeast corner of Lot 1, Block 7, Highway Village Section 1, Annex, as shown on a map recorded in Volume 42, Page 100, Map Records of Nueces County, Texas, and in all a total distance of 225.32 feet to the **POINT of BEGINNING**, and containing 1.695 acres of land, more or less.

Notes:

- 1.) Bearings are based on Global Positioning System NAD 83 (93) Datum.
- 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.

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

Ronald E. Brister

Ronald E. Brister, RPLS No. 5407
Date: March 12, 2019.



Job No. 190419A

STATE OF TEXAS
COUNTY OF NUECES

EXHIBIT B-1

Field notes of a 7.411 acre tract, for rezoning purposes only, out of a 9.107 acre tract described in a deed recorded in Document No. 2018054782, Official Public Records of Nueces County, Texas. Said 7.411 acre tract being more particularly described as follows:

BEGINNING at a 5/8" re-bar found in the north right of way of North Harrington Drive, for the southeast corner of Lot 1, Block 7, Highway Village Section 1, Annex, as shown on a map recorded in Volume 42, Page 100, Map Records of Nueces County, Texas, and for the common lower southwest corner of said 9.107 acre tract and this survey, from **WHENCE** the intersection of the north right of way of North Harrington Drive and the cutback in the east right of way of McKinzie Road, for an outside corner of said Lot 1, Block 7, and for a point of curvature of a curve having a radius of 10.00 feet bears, North 80°50'28" West, a distance of 148.74 feet.

THENCE with the common line of said Lot 1, Block 7, said 9.107 acre tract, and this survey, North 08°59'26" East, a distance of 208.95 feet to a 5/8" re-bar found for the northeast corner of said Lot 1, Block 7 and for a common inside corner of said 9.107 acre tract and this survey.

THENCE 80°54'11" East, a distance of 56.61 feet to a point for an inside corner of this survey.

THENCE North 08°54'12" East, a distance of 328.15 feet to a point for an inside corner of this survey.

THENCE North 81°06'01" West, a distance of 225.34 feet to a point in the current east right of way of McKinzie Road, in the west line of said 9.107 acre tract and for the upper southwest corner of this survey.

THENCE with the common line of the current east right of way of McKinzie Road, the west line of said 9.107 acre tract, and this survey, North 08°53'59" East, a distance of 130.00 feet to a 5/8" re-bar found previously set for the common northwest corner of said 9.107 acre tract and this survey.

THENCE with the common line of said 9.107 acre tract and this survey, South 81°06'01" East, at a distance of 10.00 feet pass a point for the southwest corner of Lot 2, Block 7, Highway Village Section 1, Annex, as shown on a map recorded in Volume 46, Page 225, Map Records of Nueces County, Texas, and in all a total distance of 360.35 feet to a point in the west line of the Elbas Land Development, LLC 5.84 acre tract out of the west portion of a 17.74 acre tract described in a deed recorded in Document No. 2011024672, Official Public Records of Nueces County, Texas, for the southeast corner of said Lot 2, Block 7, and for the common northeast corner of said 9.107 acre tract and this survey.

THENCE with the common line of said 5.84 acre tract, said 9.107 acre tract, and this survey, South 08°54'12" West, a distance of 427.50 feet to a 5/8" re-bar found for the southwest corner of said 5.84 acre tract and for a common inside corner of said 9.107 acre tract and this survey.

THENCE with the common line of said 5.84 acre tract, said 9.107 acre tract, and this survey, South 80°50'26" East, at a distance of 264.45 feet pass a point of the common south corner of said 5.84 acre tract and of Lot 22, Block 4, Maple Hills Unit 7, Phase One, as shown on a map recorded in Volume 68, Page 691, Map Records of Nueces County, Texas, and in all a total distance of 797.40 to a PK nail found previously set in the west line of Lot 7, Block 1, Maple Hills Subdivision Unit 3, as shown on a map recorded in Volume 65, Page 137, Map Records of Nueces County, Texas, for the common south corner of Lots 5 and 6, Block 3 of said Maple Hills Unit 7, Phase One, and for the common northeast corner of said 9.107 acre tract and this survey.

THENCE with the common line of said 9.107 acre tract, Block 1, Maple Hills Subdivision Unit 3, and this survey, South 08°56'18" West, a distance of 240.26 feet to a point in the north line of Lot 5, Block 1, Highway Village Section 2, as shown on a map recorded in Volume 11, Pages 54 and 55, Map Records of Nueces County, Texas, for the common southeast corner of said 9.107 acre tract and this survey, from **WHENCE** a 5/8" re-bar found in the west right of way of Wagonwheel Drive, for the common east corner of Lot 23, Block 1, Rolling Acres No. 2, as shown on a map recorded in Volume 11, Page 47, Map Records of Nueces County, Texas and of Lot 1, Block 1, Rolling Acres Unit 3, as shown on a map recorded in Volume 68, Pages 997 & 998, Map Records of Nueces County, Texas bears, South 80°50'28" East, a distance of 2,463.20 feet.

EXHIBIT B-2

THENCE with the common line of Block 1, Highway Village Section 2, said 9.107 acre tract, and this survey, North 80°50'28" West, a distance of 989.19 feet to the **POINT of BEGINNING** of this survey, and containing 7.411 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" re-bar = steel re-bar set with yellow plastic cap labeled Brister Surveying.

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

Ronald E. Brister

Ronald E. Brister, RPLS No. 5407

Date: March 12, 2019.



Job No. 190419B

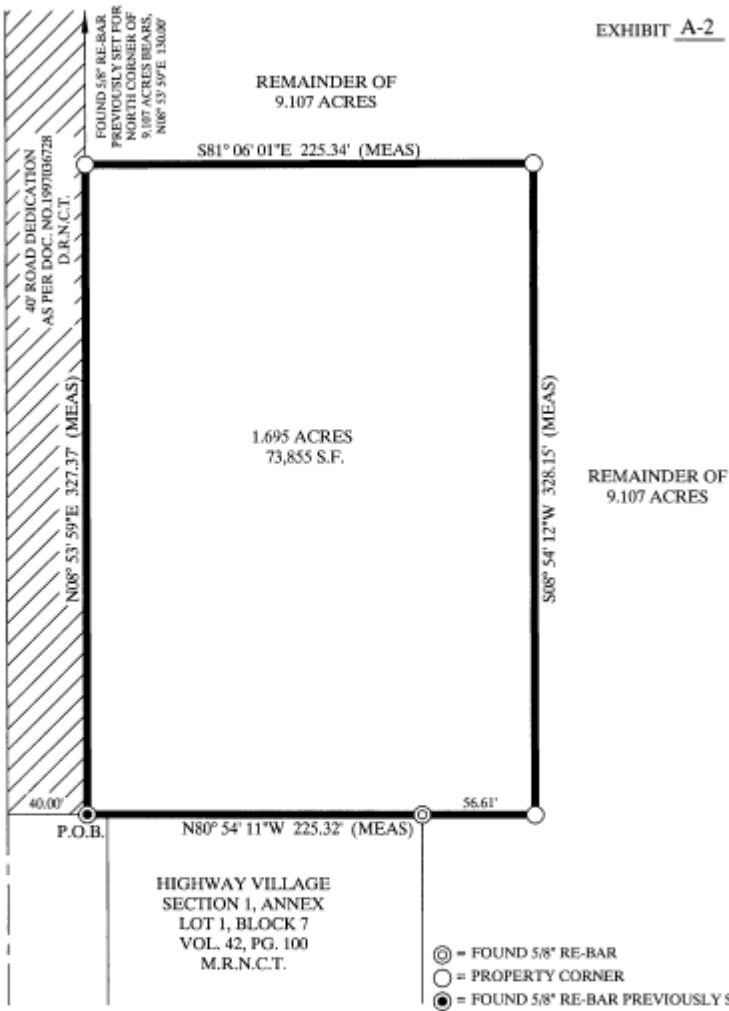
Exhibit B

EXHIBIT OF
A 1.695 ACRE TRACT, FOR REZONING PURPOSES ONLY, OUT OF A 9.107 ACRE
TRACT DESCRIBED IN A DEED RECORDED IN DOCUMENT NO. 2018054782,
OFFICIAL PUBLIC RECORDS OF NUECES COUNTY, TEXAS.



SCALE 1" = 60'

McKINZIE ROAD
RIGHT OF WAY VARIES



PAGE 2 OF 2



Brister Surveying

4433 South Padre Island Drive Suite 51
Corpus Christi, Texas 78411
DT 361-450-1800
Fax 361-450-1802
bristersurveying@corpusowc.com
Form Registration No. 19072800



NOTES:
1.) TOTAL SURVEYED AREA IS 1.695 ACRES.
2.) MEASURED BEARINGS ARE BASED ON GLOBAL POSITIONING SYSTEM NAD 83 (99) 430 DATUM.
3.) SET 5/8" RE-BAR = STEEL RE-BAR SET WITH YELLOW PLASTIC CAP LABELED BRISTER SURVEYING.
4.) A METES AND BOUNDS DESCRIPTION OF EQUAL DATE ACCOMPANIES THIS SURVEY.

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

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

Ronald E. Brister

SURVEY DATE: MARCH 12, 2019

JOB NO. 190419A

RONALD E. BRISTER R.P.L.S. NO. 5407

EXHIBIT OF
A 7.411 ACRE TRACT, FOR REZONING PURPOSES ONLY, OUT OF A 9.107 ACRE
TRACT DESCRIBED IN A DEED RECORDED IN DOCUMENT NO. 2018054782,
OFFICIAL PUBLIC RECORDS OF NUECES COUNTY, TEXAS.

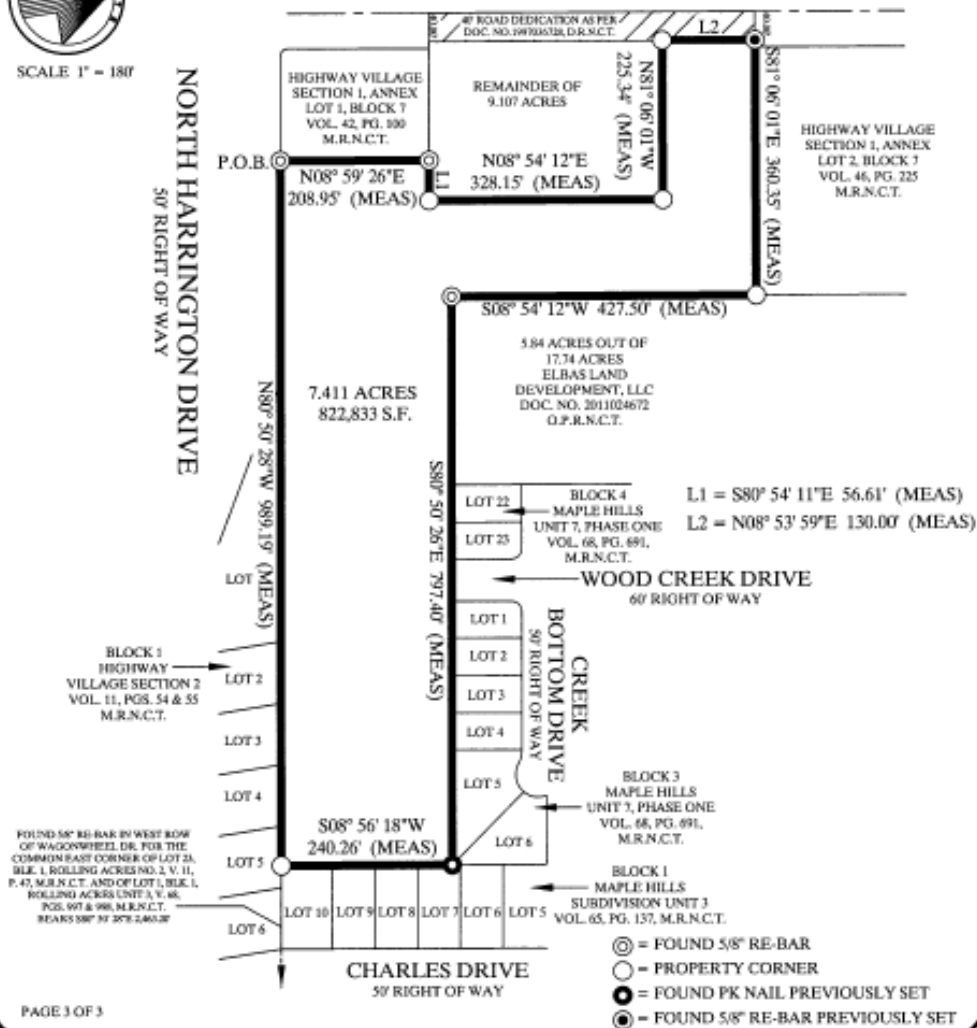


SCALE 1" = 180'

NORTH HARRINGTON DRIVE
50' RIGHT OF WAY

McKINZIE ROAD
RIGHT OF WAY VARIES

EXHIBIT B-3



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Briser Surveying

4455 South Padre Island Drive Suite 51
Corpus Christi, Texas 78411
OIT 361-850-1880
Fax 361-850-1882
Brisersurveying@corpus.net
Firm Registration No. 10072880



NOTES:
1.) TOTAL SURVEYED AREA IS 7.411 ACRES.
2.) MEASURED BEARINGS ARE BASED ON GLOBAL POSITIONING SYSTEM NAD 83 (91) 430 DATUM.
3.) SET 5/8" RE-BAR = STEEL RE-BAR SET WITH YELLOW PLASTIC CAP LABELED BRISTER SURVEYING.
4.) A METES AND BOUNDS DESCRIPTION OF EQUAL DATE ACCOMPANIES THIS SURVEY.

THIS SURVEY DOES NOT INCLUDE THE RESEARCH, INVESTIGATION, OR LOCATIONS OF ALL SERVITUDES, BASEMENTS, RIGHT OF WAYS, OR UTILITIES ON THIS PROPERTY.

I, RONALD E. BRISTER DO HEREBY CERTIFY THAT THIS SURVEY 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. 5407

SURVEY DATE: MARCH 12, 2019

JOB NO. 190419B