

**Zoning Case No. 0420-02, Branch Towers III, LLC. (District 3).
Ordinance rezoning property at or near 4701 Ayers Street from the “IL” Light Industrial District to the “IL/SP” Light Industrial District with a Special Permit.**

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 appear and be heard;

WHEREAS, the Planning Commission has forwarded to the City Council its final report and recommendation regarding the application 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 during a meeting of the City Council, during which all interested persons were allowed to appear and 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. The Unified Development Code (“UDC”) and corresponding UDC Zoning Map of the City of Corpus Christi, Texas is amended by changing the zoning on the subject property described as being 0.43 acres out of Lots 1-A, Block 2, Behmann Subdivision as shown in Exhibit “A”:

from the “IL” Light Industrial District to the “IL/SP” Light Industrial District with a Special Permit.

The subject property is located at or near 4701 Ayers Street. Exhibit A, which is the Metes and Bounds of the subject property with an associated map, is attached to and incorporated in this ordinance.

SECTION 2. The Special Permit granted in Section 1 of this ordinance is subject to the Owner following the conditions listed below:

1. **Use:** The only use permitted under this Special Permit, other than those permitted by right in the “IL” Light Industrial District, is a wireless telecommunication facility of 120-feet in height and shall be designed to withstand a sustained wind speed of 130 mph.

2. **Access:** Access and placement shall be as per the site plan.
3. **Telecommunications Tower Standards:** The wireless communication tower is subject to all requirements of Section 5.5 of the Unified Development Code (UDC). These standards pertain to setbacks, screening, landscaping, and lighting.
4. **Other Requirements:** The Special Permit conditions listed herein do not preclude compliance with other applicable UDC, Building, and Fire Code Requirements.
5. **Time Limit:** In accordance with the UDC, this Special Permit shall be deemed to have expired within twelve (12) months of this ordinance, unless a complete building permit application has been submitted, and the Special Permit shall expire if the allowed use is discontinued for more than six consecutive months

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 including the penalties for violations as made and provided for in Article 10 of the UDC.

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 subject property that are 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 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 7. 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. 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 _____, 2020, 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 _____ 2020, 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 _____, 2020.

ATTEST:

Rebecca Huerta
City Secretary

Joe McComb
Mayor

Exhibit A



SMW Engineering Group, Inc.
158 Business Center Drive
Birmingham, Alabama 35244
Telephone: (205) 252-6985
Fax: (205) 320-1504

PARENT TRACT (DOCUMENT NUMBER 2003023190)

Lot One-A (1-A), Block Two (2), REPLAT OF BEHMANN SUBDIVISION, a subdivision to the City of Corpus Christi, Nueces County, Texas, according to map or plat thereof recorded in Volume 44, Page 144 Map Records of Nueces County, Texas.

"Together Planning A Better Tomorrow."
www.smweng.com



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50' X 50' LEASE AREA (AS-SURVEYED)

Being a certain tract of land as described and recorded in Document No. 2003023190 in Nueces County, Texas out of the Replat Behmann Subdivision in the Map Records of Nueces County, Texas and being more particularly described as follows;
Commencing at a capped rebar found on the west right-of-way line of Ayers Street and having Texas South State Plane Coordinates of N:17159333.91, E:1332094.54; said capped rebar lying 170'± south of the intersection of Ayers Street and Mansheim Boulevard; thence N 28°56'16" E a distance of 188.02 feet along said right-of-way line to a capped rebar found having Texas South State Plane Coordinates of N:17159498.46, E:1332185.52; thence N 21°28'23" W a distance of 656.81 feet leaving said right-of-way line to a 5/8" rebar set and the Point of Beginning; thence N 62°13'18" W a distance of 50.00 feet to a 5/8" rebar set; thence N 27°46'42" E a distance of 50.00 feet to a mag nail set; thence S 62°13'18" E a distance of 50.00 feet to a mag nail set; thence S 27°46'42" W a distance of 50.00 feet to a 5/8" rebar set and the Point of Beginning. Said above described tract contains 2,500.0 square feet or 0.06 acres, more or less.



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30' INGRESS/EGRESS & UTILITY EASEMENT (AS-SURVEYED)

Being a certain tract of land as described and recorded in Document No. 2003023190 in Nueces County, Texas out of the Replat Behmann Subdivision in the Map Records of Nueces County, Texas and being more particularly described as follows:
Commencing at a capped rebar found on the west right-of-way line of Ayers Street and having Texas South State Plane Coordinates of N:17159333.91, E:1332094.54; said capped rebar lying 170'± south of the intersection of Ayers Street and Mansheim Boulevard; thence N 28°56'16" E a distance of 188.02 feet along said right-of-way line to a capped rebar found having Texas South State Plane Coordinates of N:17159498.46, E:1332185.52; thence N 21°28'23" W a distance of 656.81 feet leaving said right-of-way line to a 5/8" rebar set; thence N 62°13'18" W a distance of 50.00 feet to a 5/8" rebar set; thence N 27°46'42" E a distance of 50.00 feet to a mag nail set; thence S 62°13'18" E a distance of 50.00 feet to a mag nail set; thence S 27°46'42" W a distance of 25.00 feet to the Point of Beginning of an Easement being 30 feet in width and lying 15 feet on each side of the following described centerline; thence S 60°26'46" E a distance of 49.19 feet to a point; thence N 66°27'09" E a distance of 102.80 feet to a point; thence S 61°51'10" E a distance of 382.46 feet, more or less to the west right-of-way line of Ayers Street and the Point of Ending. Said above described Easement contains 16,033.5 square feet or 0.37 acres, more or less.

