

**NOTICE OF MEETING
CITY OF SOUTH PADRE ISLAND
PLANNING AND ZONING COMMISSION**

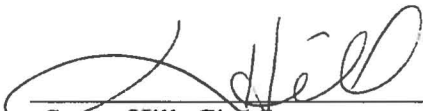
NOTE: One or more members of the City of South Padre Island City Council may attend this meeting; if so, this statement satisfies the requirements of the OPEN MEETINGS ACT.

NOTICE IS HEREBY GIVEN THAT THE PLANNING AND ZONING COMMISSION OF THE CITY OF SOUTH PADRE ISLAND, TEXAS, WILL HOLD A REGULAR MEETING ON:

THURSDAY, OCTOBER 20, 2016
3:00 P.M. AT THE MUNICIPAL BUILDING,
CITY COUNCIL CHAMBERS, 2ND FLOOR
4601 PADRE BOULEVARD, SOUTH PADRE ISLAND, TEXAS

1. Call to Order.
2. Pledge of Allegiance.
3. Public Comments and Announcements: *This is an opportunity for citizens to speak to Commissioners relating to agenda or non-agenda items. Speakers are required to address Commissioners at the podium and give their name before addressing their concerns. [Note: State law will not permit the Planning and Zoning Commission to discuss debate or consider items that are not on the agenda. Citizen Comments may be referred to City Staff or may be placed on the agenda of a future Planning and Zoning Commission meeting]*
4. Approval of the August 18, 2016 regular meeting minutes.
5. Discussion and action regarding the proposed replat of "Lot 1, Block 156, Padre Beach Subdivision, Section X", proposing to split it into "Lots 1A, 1B, 1C, 1D, and 1E".
6. Public Hearing regarding revision of Section 20-7(D) (2) Side Yards.
7. Discussion and action regarding revision of Section 20-7(D) (2) Side Yards.
8. Public Hearing on amending Table 5.1 'Schedule of Uses' in Subsection V of the Section 20-8.9 Appendix "Z" Padre Boulevard and Entertainment District Code to allow retail sale services in "Neighborhood Transition Character Zone (NT)".
9. Discussion and action on amending Table 5.1 'Schedule of Uses' in Subsection V of the Section 20-8.9 Appendix "Z" Padre Boulevard and Entertainment District Code to allow retail sale services in "Neighborhood Transition Character Zone (NT)".
10. Adjournment.

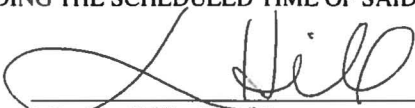
DATED THIS THE 14TH DAY OF OCTOBER 2016



Susan Hill, City Secretary

I, THE UNDERSIGNED AUTHORITY, DO HEREBY CERTIFIED THAT THE ABOVE NOTICE OF MEETING OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF SOUTH PADRE ISLAND, TEXAS IS A TRUE AND CORRENT COPY OF SAID NOTICE AND THAT I POSTED A TRUE AND CORRECT COPY OF SAID NOTICE ON THE BULLETIN BOARD AT CITY HALL/MUNICIPAL BUILDING ON **OCTOBER 14, 2016** AT/OR BEFORE **11:00 A.M.** AND REMAINED SO POSTED CONTINUOUSLY FOR AT LEAST 72 HOURS PRECEDING THE SCHEDULED TIME OF SAID MEETING.





Susan Hill, City Secretary

THIS FACILITY IS WHEELCHAIR ACCESSIBLE, AND ACCESSIBLE PARKING SPACES ARE AVAILABLE. REQUESTS FOR ACCOMMODATIONS OR INTERPRETIVE SERVICES MUST BE MADE 48 HOURS PRIOR TO THIS MEETING. PLEASE CONTACT BUILDING OFFICIAL, JAY MITCHIM; ADA DESIGNATED RESPONSIBLE PARTY AT (956)761-8103

**MINUTES
CITY OF SOUTH PADRE ISLAND
PLANNING AND ZONING COMMISSION REGULAR MEETING**

THURSDAY, AUGUST 18, 2016

I. CALL TO ORDER

The Planning and Zoning Commission of the City of South Padre Island, Texas held a Regular Meeting on Thursday, August 18, 2016 at the Municipal Complex Building, 2nd Floor, 4601 Padre Boulevard, South Padre Island, Texas. Vice-Chairman Chris Huffman called the meeting to order at 3:00 p.m. A quorum was present: Commission Member Gary Olle, Art Teniente, and Kimberly Dollar. Members with an excused absence were Robert Bujanos and Patrick McNulty. Member with an unexcused absence was Beth Vance. City staff members present were Development Director Sungman Kim and Administrative Assistant Marta Martinez.

II. PLEDGE OF ALLEGIANCE

Vice-Chairman Huffman led the Pledge of Allegiance.

III. PUBLIC COMMENTS AND ANNOUNCEMENTS

None.

IV. APPROVAL OF THE JULY 29, 2016 REGULAR MEETING MINUTES.

Mr. Huffman announced the item and asked the Commission members if they had any corrections to the July 29, 2016 regular meeting minutes. Ms. Dollar made a motion, seconded by Mr. Olle to approve with correction. Motion carried unanimously.

V. DISCUSSION AND ACTION REGARDING THE PROPOSED REPLAT OF "LOT 21, BLOCK 128, PADRE BEACH SUBDIVISION, SECTION IX" PROPOSING TO SPLIT IT INTO "LOTS 21A and 21B".

Mr. Huffman announced the item and opened it up for discussion by the Commission. The Commissioners expressed their comments/concerns regarding this matter. Mr. Olle made a motion, seconded by Mr. Teniente to approve. Motion carried unanimously.

VI. ADJOURNMENT

There being no further business, Mr. Huffman adjourned the meeting at 3:02 p.m.

Marta Martinez, Secretary

Chris Huffman, Chairman

**PLANNING & ZONING COMMISSION
AGENDA REQUEST FORM**

MEETING DATE: October 20, 2016

ITEM: 5

TO: Planning and Zoning Commission

FROM: Sungman Kim, Director of Development Services

ITEM DESCRIPTION:

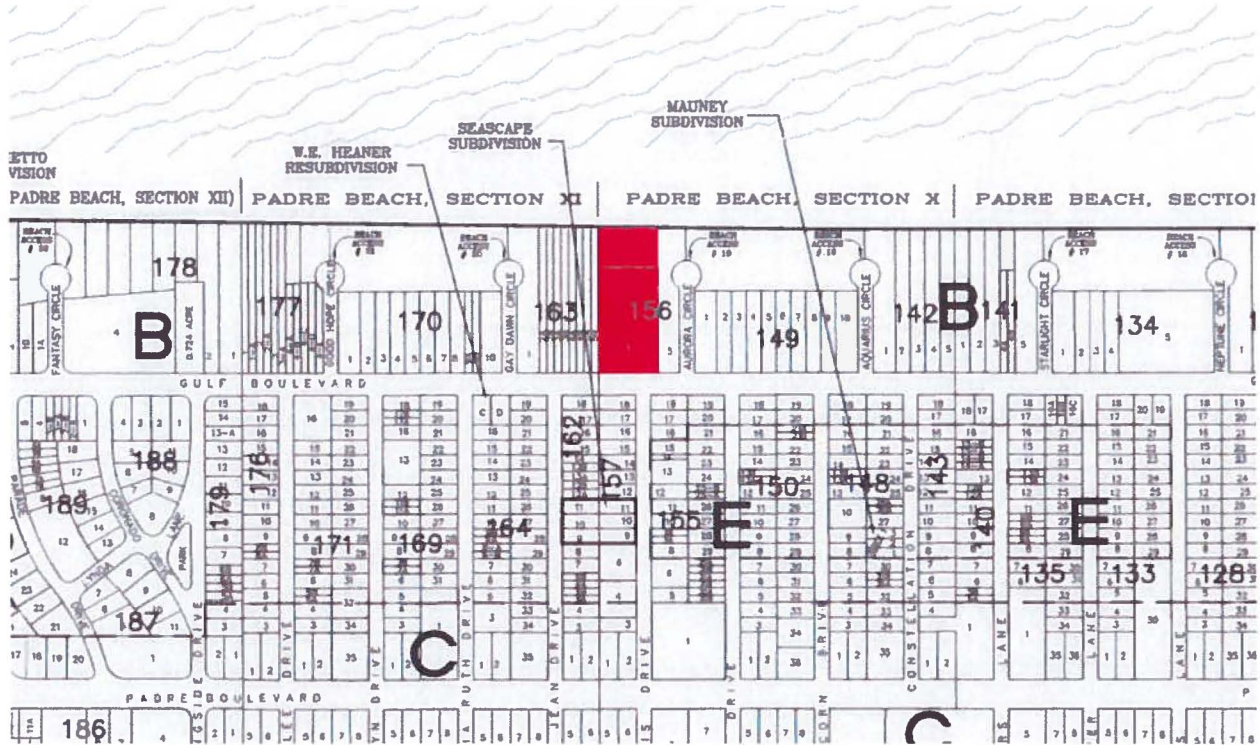
Discussion and action regarding the proposed replat of “Lot 1, Block 156, Padre Beach Subdivision, Section X”, proposing to split it into “Lots 1A, 1B, 1C, 1D, and 1E”.

DISCUSSION:

The Ownership

1. The entire lots belong to ACCESS SPI, LLC, according to the Certificate as to Title and Liens dated September 29, 2016 prepared by Rio Grande Valley Abstract Co., Inc.

Location



The Requirements

1. The lot has been zoned for “B” District allowing Multi-family Dwelling, Apartment, Motel, Hotel, Condominium, and Townhouse developments.

**PLANNING & ZONING COMMISSION
AGENDA REQUEST FORM**

Aerial Photo



2. Sec. 20-7

(A) Area, width, and depth of lots, sanitation and temporary building provisions are the same as District "A", except townhouse lots must have a minimum frontage of twenty five (25') feet; a minimum width of twenty-five (25') feet; a minimum depth of one hundred feet (100'); and a minimum area of two thousand five hundred square feet (2,500 sq. ft.).

3. Sidewalk Guarantee

Line-markings for pedestrian uses are provided to the entire frontage of Gulf Boulevard and sidewalk construction is not required.

METES & BOUNDS DESCRIPTION

1.635 ACRE TRACT BEING LOT NUMBER ONE (1), BLOCK NUMBER ONE HUNDRED FIFTY-SIX (156), PADRE BEACH, SECTION X, CITY OF SOUTH PADRE ISLAND, CAMERON COUNTY, TEXAS, ACCORDING TO THE MAP RECORDED IN CABINET 1, SLOT 2642 A, MAP RECORDS OF CAMERON COUNTY, TEXAS, SAID 1.635 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED AND LOCATED AS FOLLOWS:

BEGINNING AT A 1/2" IRON PIN WITH CAP STAMPED "AMAYA" FOUND AT THE NORTHWEST CORNER OF LOT 5, BEING A POINT ON THE EAST RIGHT-OF-WAY LINE OF GULF BOULEVARD (75 FT. R.O.W.), FOR A CORNER OF THIS TRACT;

THENCE, ALONG THE EAST RIGHT-OF-WAY LINE OF GULF BOULEVARD, NORTH 00°04' WEST, A DISTANCE OF 200.0 FEET TO A PUNCH MARK FOUND IN CONCRETE BASE OF STUCCO WALL AT THE NORTHWEST CORNER OF SAID LOT 1, FOR THE NORTHWEST CORNER OF THIS TRACT;

THENCE, ALONG THE NORTH BOUNDARY LINE OF SAID LOT 1, NORTH 83°56' EAST, AT 129.0 FEET A PUNCH MARK SET, AT 130.0 FEET THE ADJUSTED HISTORICAL BUILDING LINE, A TOTAL DISTANCE OF 357.4± FEET TO A POINT ON THE CONTOUR OF ELEVATION +0.7 FEET (N.G.V.D. 1929) SURVEYED FOR MEAN HIGHER HIGH TIDE ON NOVEMBER 4, 2005, FOR THE NORTHEAST CORNER OF THIS TRACT;

THENCE, ALONG THE SAID CONTOUR OF ELEVATION +0.7 FEET, SOUTH 04°16'08" EAST, A DISTANCE OF 5.86 FEET (CALC.), FOR A CORNER OF THIS TRACT;

THENCE, CONTINUING ALONG THE SAID CONTOUR OF ELEVATION +0.7 FEET, SOUTH 05°16'00" EAST, A DISTANCE OF 58.72 FEET (CALC.), FOR A CORNER OF THIS TRACT;

THENCE, CONTINUING ALONG THE CONTOUR OF ELEVATION +0.7 FEET, SOUTH 07°02'33" EAST, A DISTANCE OF 48.73 FEET (CALC.), FOR A CORNER OF THIS TRACT;

THENCE, CONTINUING ALONG THE CONTOUR OF ELEVATION +0.7 FEET, SOUTH 01°02'41" EAST, A DISTANCE OF 50.51 FEET (CALC.), FOR A CORNER OF THIS TRACT;

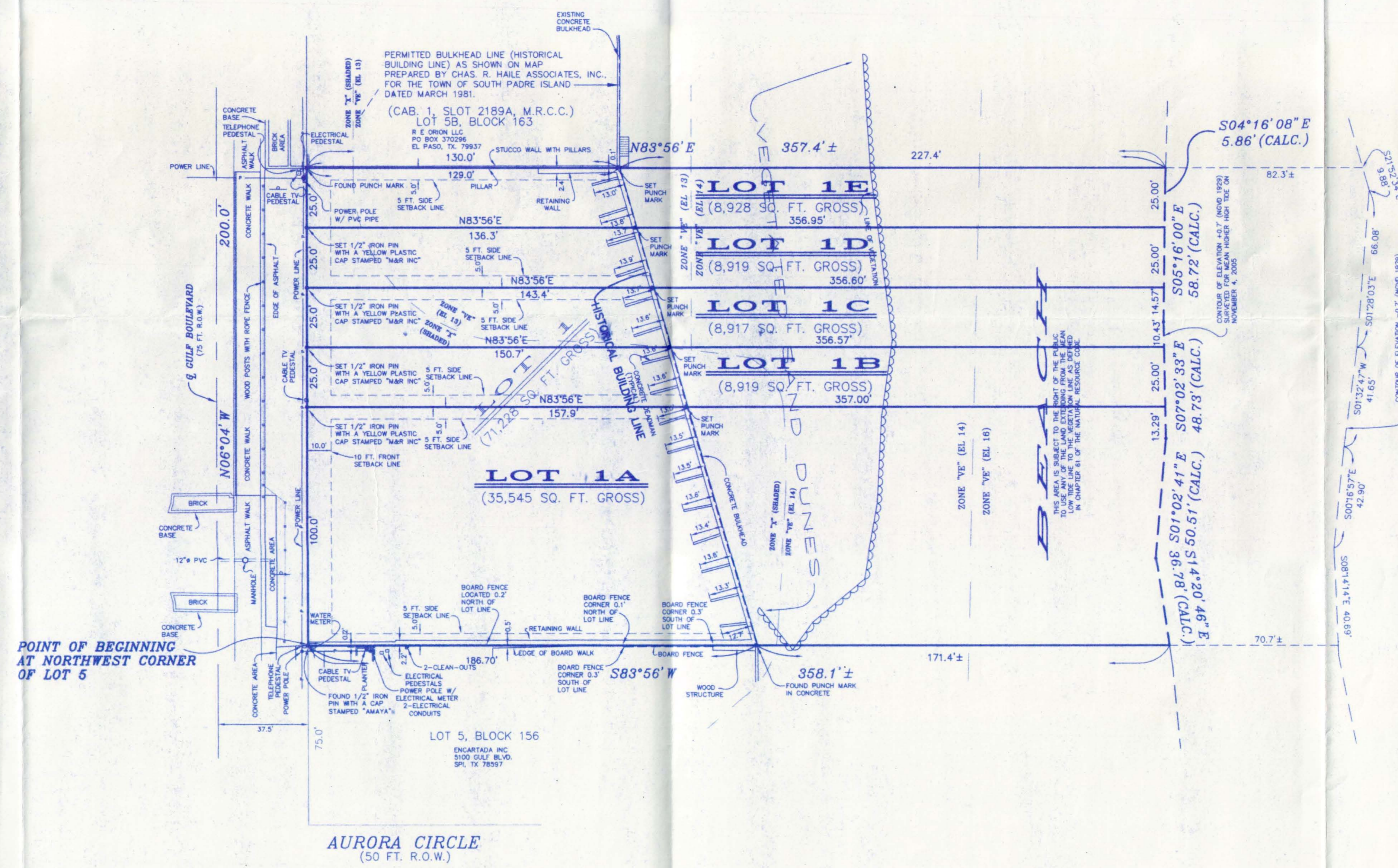
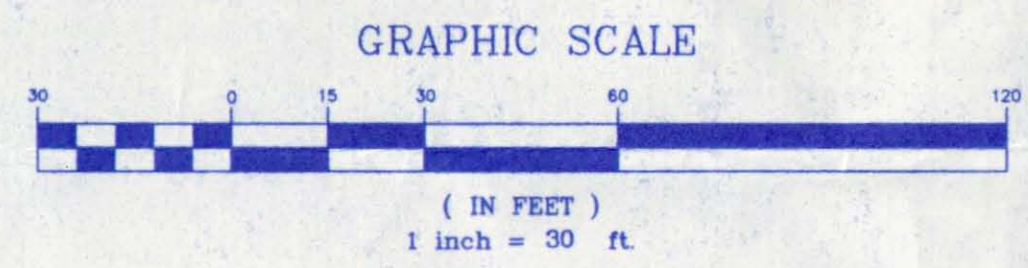
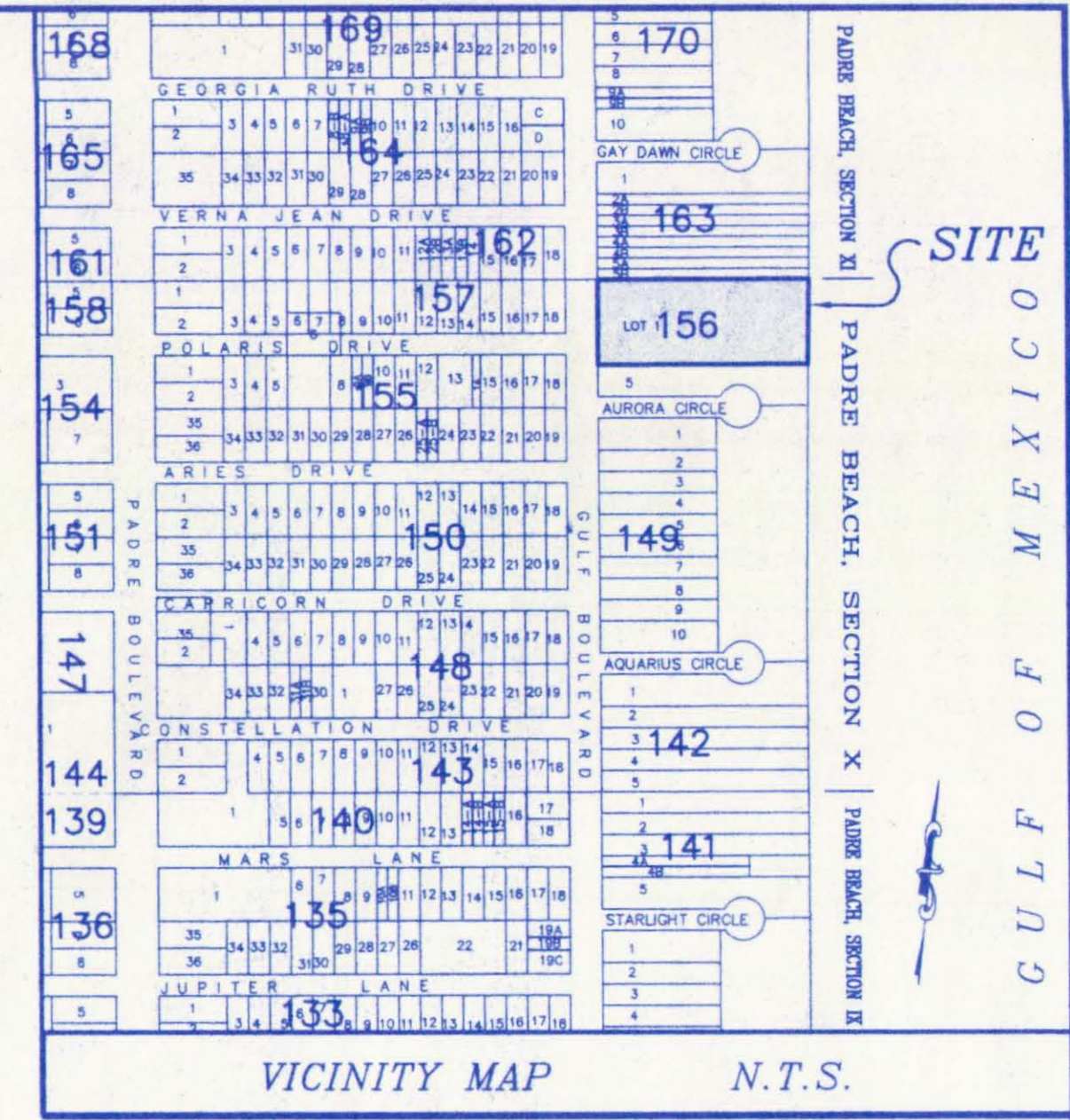
THENCE, CONTINUING ALONG THE CONTOUR OF ELEVATION +0.7 FEET, SOUTH 14°20'46" EAST, A DISTANCE OF 36.78 FEET (CALC.), TO A POINT ON THE NORTH BOUNDARY LINE OF SAID LOT 5, FOR THE SOUTHEAST CORNER OF THIS TRACT;

THENCE, ALONG THE NORTH BOUNDARY LINE OF SAID LOT 5, SOUTH 83°56' WEST, AT 171.1± FEET, PASSING THE HISTORICAL BULKHEAD LINE, AT DISTANCE OF 171.4± FEET A PUNCH MARK FOUND ON A CONCRETE BULKHEAD, A TOTAL DISTANCE OF 358.1± FEET TO THE POINT OF BEGINNING.

CONTAINING 1.635 ACRES OF LAND, MORE OR LESS.

NOTES:

1. MONUMENTATION FOUND ALONG THE EAST RIGHT-OF-WAY LINE OF GULF BOULEVARD WAS HELD FOR BASIS OF BEARING.
2. THIS TRACT LIES IN FLOOD ZONES "X" (SHADED), "VE" (ELEV. 13), "VE" (ELEV. 14), "VE" (ELEV. 16) AS PER THE F.I.A. FLOOD INSURANCE RATE MAP OF COMMUNITY NO. 480115, PANEL NO. 0001D, REVISED MARCH 9, 1999.
3. REFERENCE NGS BENCH MARK "E 1436" (ELEV. 2.66) (N.G.V.D. 1929) AND IS LOCATED ON THE WEST RIGHT-OF-WAY LINE OF PADRE BOULEVARD BETWEEN GEORGIA RUTH DRIVE AND CAROLYN DRIVE.
4. LOT 1 IS ZONED "B" MULTI-FAMILY, APT., MOTEL, HOTEL, CONDO, TOWNHOUSE DWELLING DISTRICT, PER CHAPTER 20 OF THE CODE OF ORDINANCES OF THE CITY OF SOUTH PADRE ISLAND'S ZONING CODES.
5. ZONE "B" SETBACKS PER SECTION 20-7.0 OF THE CODE OF ORDINANCES OF THE CITY OF SOUTH PADRE ISLAND'S ZONING CODES.
6. LOTS 1B, 1C, 1D AND 1E ARE DESIGNATED FOR TOWNHOUSE USE ONLY.



GULF OF MEXICO

MERIDIAN OF PADRE BEACH SUBDIVISION SECTION X

PRELIMINARY PLAT OF "LOTS 1A, 1B, 1C, 1D AND 1E, BLOCK 156, PADRE BEACH, SECTION X"

BEING A RE-PLAT OF LOT NUMBER ONE (1), BLOCK NUMBER ONE HUNDRED FIFTY-SIX (156), PADRE BEACH, SECTION X, CITY OF SOUTH PADRE ISLAND, CAMERON COUNTY, TEXAS, ACCORDING TO THE MAP RECORDED IN CABINET 1, SLOT 2642 A, MAP RECORDS OF CAMERON COUNTY, TEXAS.

SCALE: 1" = 30'
PREPARED FOR:
ACCESS SPI, LLC
SEPTEMBER 27, 2016

Mejia & Rose, Incorporated

Engineering Surveying
T.B.P.E. Reg. No. F-002670
T.B.P.L.S. Reg. No. 10023900
1643 West Price Road (956) 544-3022
P.O. Box 3761 Brownsville, Texas 78520
Fax (956) 544-3068
email: mandrinc@engmail.com

OWNER:
ACCESS SPI, LLC
7220A BOB BULLOCK LOOP
LAREDO, TEXAS 78041
(956) 544-3022
(956) 544-3068 FAX

G.F. NO. N/A JOB NO. 19954 S.TROWBRIDGE

PRELIMINARY ONLY
This document shall not be recorded for any purpose.

The undersigned hereby certifies that the survey described hereon was made on the ground on 10-5-16 that the only improvements on the ground are as shown; that there are no visible encroachments, visible overlapping, apparent conflicts, or visible easements, except as shown hereon. THIS CERTIFICATION IS ONLY VALID WITH AN ORIGINAL SIGNATURE AND IF THE DRAWING CONTAINS NO ERASURES OR ADDITIONS.

REGISTERED PROFESSIONAL LAND SURVEYOR NO. 3900

METES & BOUNDS DESCRIPTION

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THENCE, ALONG THE NORTH BOUNDARY LINE OF SAID LOT 1, NORTH 83°56' EAST, AT 129.0 FEET A PUNCH MARK SET, AT 130.0 FEET THE ADJUSTED HISTORICAL BUILDING LINE, A TOTAL DISTANCE OF 357.4 FEET TO A POINT ON THE CONTOUR OF ELEVATION +0.7 FEET (N.G.V.D. 1929) SURVEYED FOR MEAN HIGHER HIGH TIDE ON NOVEMBER 4, 2005, FOR THE NORTHEAST CORNER OF THIS TRACT;

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CONTAINING 1.635 ACRES OF LAND, MORE OR LESS.

SURVEYOR'S CERTIFICATION:

I, EDUARDO H. MEJIA, A REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF TEXAS, HEREBY CERTIFY THAT THIS PLAT IS TRUE AND CORRECT AND WAS PREPARED FROM AN ACTUAL SURVEY OF THE PROPERTY MADE UNDER MY SUPERVISION ON THE GROUND. ALL DISTANCES ARE IN FEET AND DECIMALS THEREOF.

EDUARDO H. MEJIA
REG. PROFESSIONAL LAND SURVEYOR
NO. 3900

**STATE OF TEXAS
COUNTY OF CAMERON**

THE UNDERSIGNED HEREBY CERTIFIES THAT ALL AD VALOREM TAXES OWED TO ALL OF THE TAXING UNITS, REPRESENTED BY THE UNDERSIGNED ARE CURRENTLY PAID IN FULL FOR THE AREA INSIDE THE BOUNDARIES OF "LOT 1, BLOCK 156, PADRE BEACH, SECTION X", DEPICTED HEREON.

APPROVED: _____ DATE _____
TONY YZAGUIRRE, Jr. ASSESSOR AND COLLECTOR OF TAXES, CAMERON COUNTY, TEXAS.
ASSESSOR AND COLLECTOR OF TAXES, POINT ISABEL INDEPENDENT SCHOOL DISTRICT.

LAGUNA MADRE WATER DISTRICT'S CERTIFICATION

THE SUBJECT PROPERTY, AS SHOWN ON THIS PLAT, HAS EXISTING WATER AND SEWER FACILITIES THAT ARE IN COMPLIANCE WITH THE TEXAS WATER CODE SECTION 16.343, AS AMENDED.

CARLOS J. GALVAN, JR. - GENERAL MANAGER
LAGUNA MADRE WATER DISTRICT

**STATE OF TEXAS
COUNTY OF CAMERON**

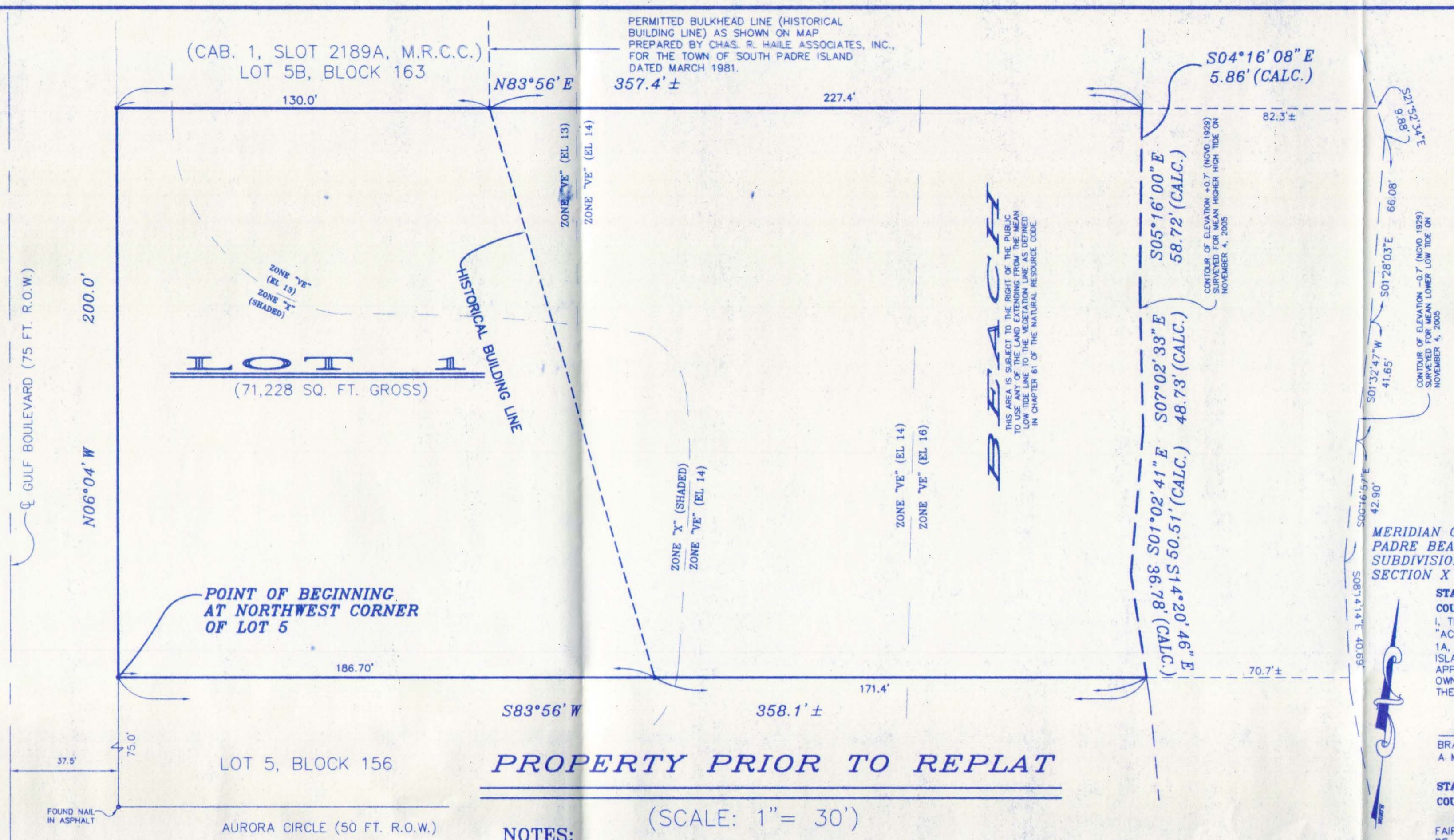
APPROVED BY THE PLANNING AND ZONING COMMISSION OF THE CITY OF SOUTH PADRE ISLAND, THIS THE _____ DAY OF _____ 2016.

PLANNING AND ZONING COMMISSION PUBLIC WORKS DIRECTOR
CHAIR

**STATE OF TEXAS
COUNTY OF CAMERON**

I, SYLVIA GARZA-PEREZ, COUNTY CLERK OF CAMERON COUNTY, certify that the plat bearing this certificate was filed and duly recorded on the _____ day of _____, 2016 at _____ O'clock _____ M in the Map Records of Cameron County, Texas, Document No. _____

By: _____ Deputy

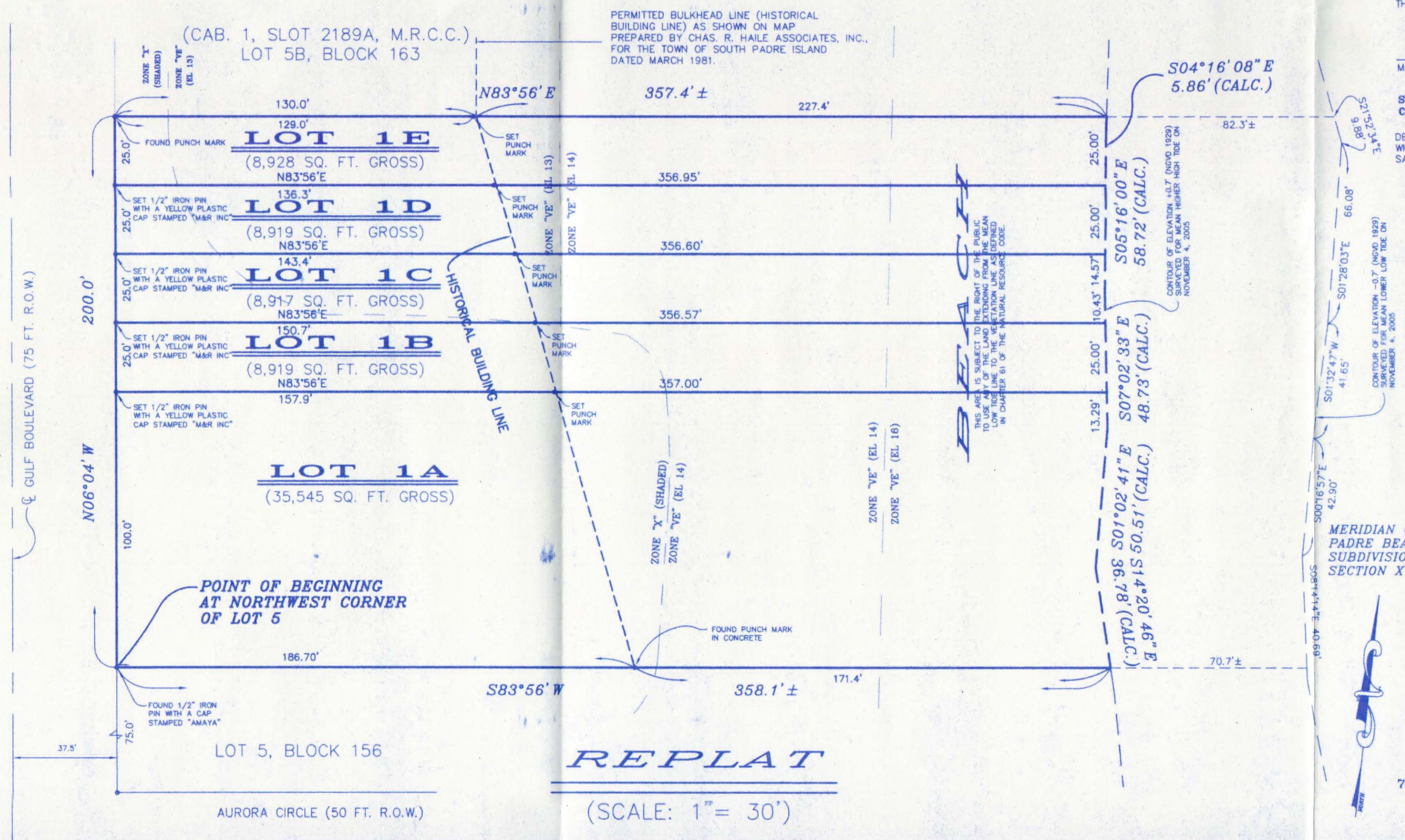


PROPERTY PRIOR TO REPLAT

(SCALE: 1" = 30')

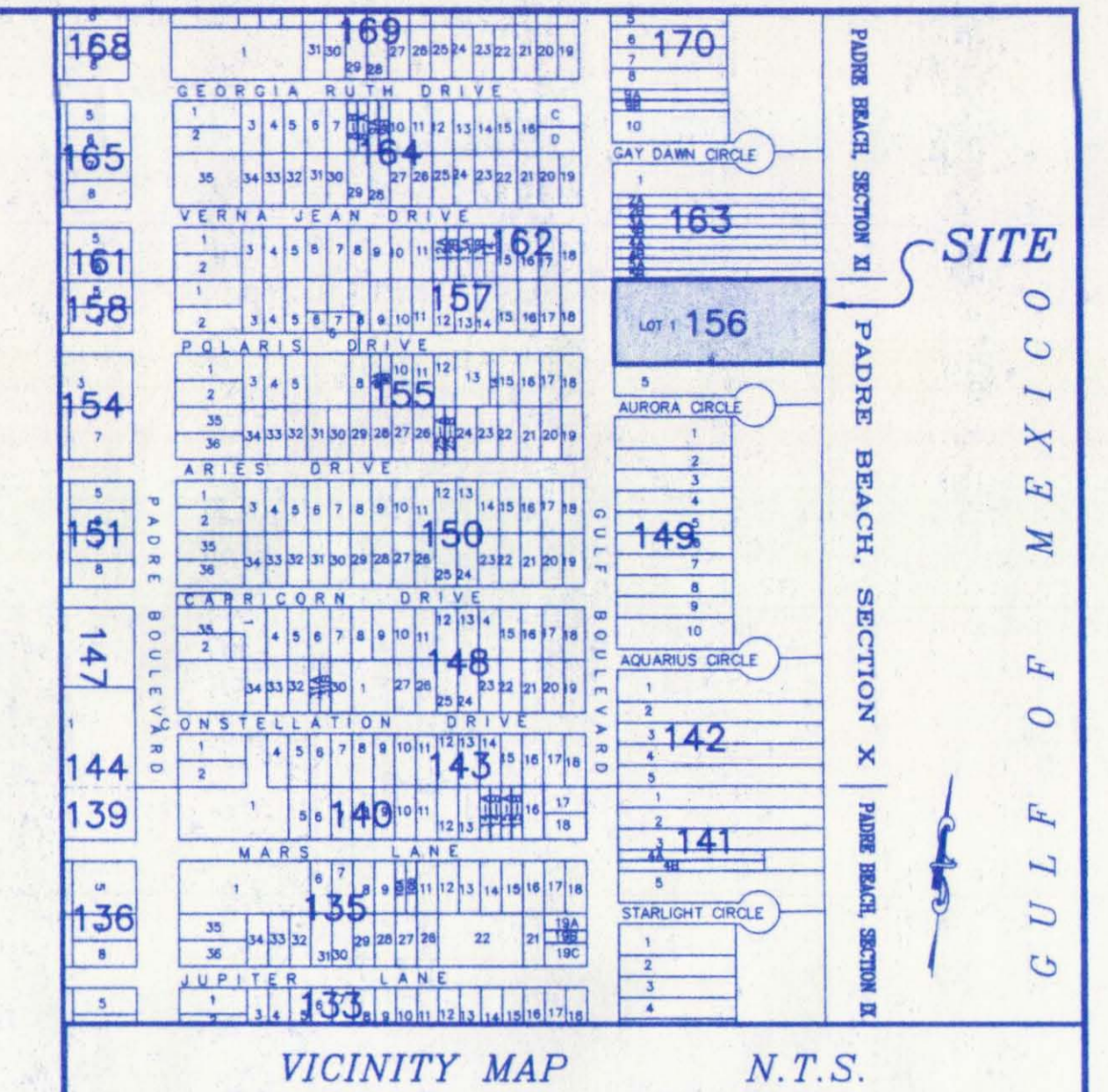
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4. LOT 1 IS ZONED "B" MULTI-FAMILY, APT., MOTEL, HOTEL, CONDO, TOWNHOUSE DWELLING DISTRICT, PER CHAPTER 20 OF THE CODE OF ORDINANCES OF THE CITY OF SOUTH PADRE ISLAND'S ZONING CODES.
5. ZONE "B" SETBACKS PER SECTION 20-7.0 OF THE CODE OF ORDINANCES OF THE CITY OF SOUTH PADRE ISLAND'S ZONING CODES.
6. LOTS 1B, 1C, 1D AND 1E ARE DESIGNATED FOR TOWNHOUSE USE ONLY.



REPLAT

(SCALE: 1" = 30')



**STATE OF TEXAS
COUNTY OF CAMERON**

I, THE UNDERSIGNED, BRANDON FAIRLIE OF 1SFS INVESTMENTS, LLC, A MANAGING MEMBER OF "ACCESS SPI, LLC", OWNER OF THE LAND SHOWN ON THIS PLAT AND DESIGNATED HEREIN AS "LOTS 1A, 1B, 1C, 1D AND 1E, BLOCK 156, PADRE BEACH, SECTION X", WITHIN THE CITY OF SOUTH PADRE ISLAND OR ITS ET, AND WHOSE NAME IS SUBSCRIBED HERETO, HEREBY DEDICATED TO THE APPROPRIATE PUBLIC OR PRIVATE ENTITY FOR THE BENEFIT OF THE PUBLIC OR PRIVATE LAND OWNERS, ALL STREETS, ALLEYS, PARKS, WATERCOURSES, DRAINS, EASEMENTS AND PUBLIC PLACES THEREON SHOWN FOR THE PURPOSE OR CONSIDERATION THEREIN EXPRESSED.

BRANDON FAIRLIE OF 1SFS INVESTMENTS, LLC, A MANAGING MEMBER OF "ACCESS SPI, LLC" DATE _____

**STATE OF TEXAS
COUNTY OF CAMERON**

BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED, BRANDON FAIRLIE OF 1SFS INVESTMENTS, LLC, A MANAGING MEMBER OF "ACCESS SPI, LLC", KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THIS PLAT AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME FOR PURPOSES AND CONSIDERATION THEREIN STATED.

GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS THE _____ DAY OF _____, 2016.

NOTARY PUBLIC

COUNTY

**STATE OF TEXAS
COUNTY OF CAMERON**

I, THE UNDERSIGNED, MR. S. DAVID DEANDA, JR., SR. VICE PRESIDENT OF LONE STAR NATIONAL BANK, DULY AUTHORIZED OFFICER OF THE LENDHOLDER OF A SECURITY INTEREST IN THE ABOVE DESCRIBED PROPERTY, BEING HEREIN AS LOT 1, BLOCK 156, PADRE BEACH, SECTION X, WITHIN THE CITY OF SOUTH PADRE ISLAND, TEXAS, OR ITS ET, DO HEREBY CONSENT TO THE SUBDIVISION OF THE PROPERTY AS PROVIDED FOR UNDER THE PLAT AND DO HEREBY PROVIDE THAT ANY FORECLOSURE RELATING TO THE SECURITY INTEREST ON THE ABOVE DESCRIBED PROPERTY SHALL BE SUBJECT TO THE PLATING OF THE PROPERTY AS PROVIDED FOR HEREIN.

MR. S. DAVID DEANDA, JR., SR. VICE PRESIDENT OF LONE STAR NATIONAL BANK DATE _____

**STATE OF TEXAS
COUNTY OF CAMERON**

BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED MR. S. DAVID DEANDA, JR., SR. VICE PRESIDENT OF LONE STAR NATIONAL BANK, KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THIS PLAT, AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME FOR THE PURPOSES AND CONSIDERATIONS THEREIN STATED.

GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS THE _____ DAY OF _____, 2016.

NOTARY PUBLIC

COUNTY

**FINAL PLAT
OF
"LOTS 1A, 1B, 1C, 1D AND 1E, BLOCK 156,
PADRE BEACH, SECTION X"**

BEING A RE-PLAT OF
LOT NUMBER ONE (1), BLOCK NUMBER ONE HUNDRED FIFTY-SIX (156), PADRE BEACH, SECTION X, CITY OF SOUTH PADRE ISLAND, CAMERON COUNTY, TEXAS, ACCORDING TO THE MAP RECORDED IN CABINET 1, SLOT 2642 A, MAP RECORDS OF CAMERON COUNTY, TEXAS.

SCALE: 1" = 30'
PREPARED FOR:

ACCESS SPI, LLC

SEPTEMBER 27, 2016

Mejia & Rose, Incorporated

Engineering Surveying
T.B.P.E. Reg. No. F-002670
T.B.P.L.S. Reg. No. 10023900

1643 West Price Road (956) 544-3022

P.O. Box 3761 Brownsville, Texas 78520

Fax (956) 544-3068

email: mandrinc@cnngmail.com

OWNER:
ACCESS SPI, LLC
7220A BOB BULLOCK LOOP
LAREDO, TEXAS 78041
(956) 544-3022
(956) 544-3068 FAX

G.F. NO. N/A JOB NO. 19954
S.TROWBRIDGE

**PLANNING & ZONING COMMISSION
AGENDA REQUEST FORM**

MEETING DATE: October 20, 2016

ITEM: 6 & 7

TO: Planning and Zoning Commission

FROM: Sungman Kim, Director of Development Services

ITEM DESCRIPTION:

Discussion and action regarding revision of Section 20-7(D)(2) Side Yards.

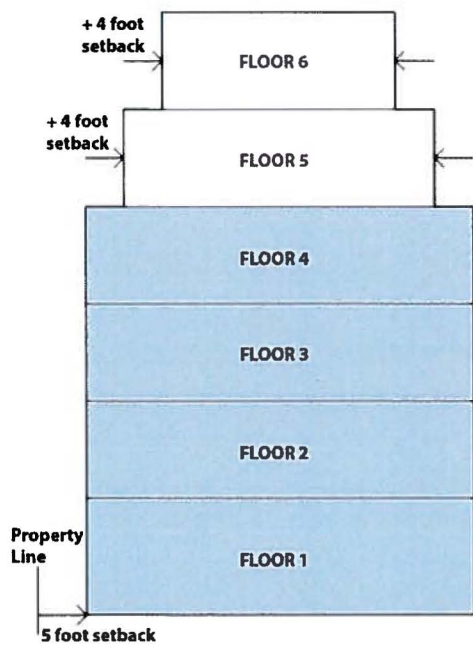
DISCUSSION:

The General Purpose of Setbacks

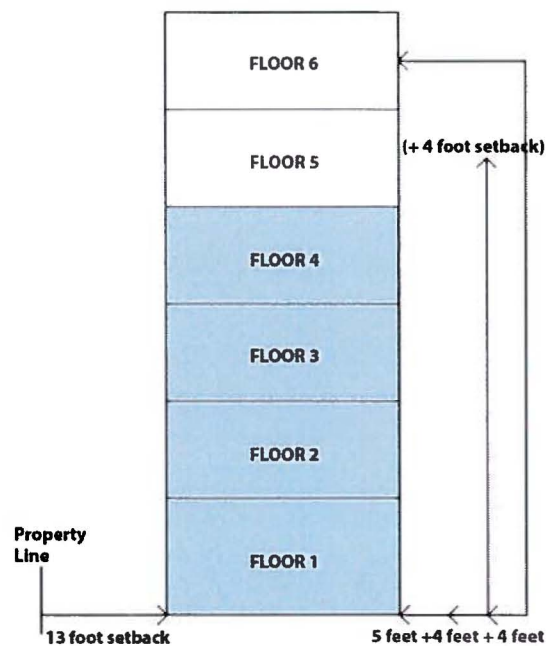
The purpose of setback is to (1) acquire public utility access; (2) provide adequate spaces between buildings; (3) reserve areas for future expansion of ROWs and/or (4) provide emergency access.

The Current Requirement in Sec.20-7(D)

- (2) Side Yards: Additional Floors Authorized – Additional floors above four standard stories may be permitted if additional setbacks are provided as follows:



5 foot setback from property line for four standard stories. Add four feet to the setback requirement for each additional floor above four standard stories



5 foot setback from property line for four standard stories. Add four feet to the setback on all floors for each floor.

**PLANNING & ZONING COMMISSION
AGENDA REQUEST FORM**

The Issue

1. The setback requirements that have been established for District “A” have been utilized as a basic standard for the residential districts “A”, “B”, “B-2” and “E”.
2. When Ordinance 09-19 was adopted to regulate side yard setbacks for additional floors authorized, the intent was not to remove the original requirements, and the intent can be found at one of the WHEREAS clause: “the Planning and Zoning Commission finds the original regulatory intent of the current height restrictions, sideyard requirements and first floor parking provisions will be maintained with the proposed Zoning Ordinance amendments.”
3. Since Ordinance 09-19, however, the original requirements have been removed from the Zoning Ordinance.
4. Although the WHEREAS clause of Ordinance 09-19 was assumed to be correct, there is a bit of difficulty in concluding if the WHEREAS clause or the Section II of Ordinance 09-19 was correct. Therefore, staff recommends this to be an amendment of zoning rather than just a correction of a scrivener's error.
5. The side yard setback requirements for District “A” are as follow:

Sec.20-6(C)(2) Side yards:
 - (a) There shall be a side yard on each side of the lot having a clear width of not less than five (5) feet, including projections of the side of the building such as eaves, cornices, porches, stairways, carports, etc.
 - (b) In all cases where the side yard is adjacent to a side street, the side yard shall not be less than ten (10) feet.
 - (c) Where canals, bay front, beach front, and/or yacht basins occur at the side of lots, buildings may extend to the bulkhead abutting such canals, bay front, beach front, and/or yacht basins.
6. Given the absence of the original requirements (Same as District “A”), not to mention of the practical/technical aspects of zoning, reinforcement practices can be unfair. For example, 4-story building on a corner lot can have only 5’ side yard setback when other residential areas require this setback to be 10’.

The Proposed Revision to Sec.20-7(D)

- (2) Side Yards:
 - (a) Same as District “A”.

ORDINANCE NO. 09-19

AN ORDINANCE OF THE TOWN OF SOUTH PADRE ISLAND TEXAS AMENDING CHAPTER 20 ZONING ORDINANCE SECTION 20-7 (C) HEIGHT REGULATIONS; AND, SECTION 20-7 (D) AREA REGULATIONS (2) SIDEYARDS; AND, SECTION 20-13 SETBACK AREA –SPECIAL REGULATIONS AND USES, (C) FIRST FLOOR PARKING, PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE; AND PROVIDING FOR A PENALTY NOT TO EXCEED \$2,000.00 FOR EACH OFFENSE OR FOR EACH DAY SUCH OFFENSE SHALL CONTINUE.

WHEREAS, the Board of Adjustment requested that the Planning and Zoning Commission review the regulations and administration of the side yard setbacks, height regulations and parking provisions for properties located within the B Residential – Multi-Family District; and,

WHEREAS, the Planning and Zoning Commission reviewed current regulations and recommended to the Board of Aldermen the proposed ordinance amendment; and,

WHEREAS, the Planning and Zoning Commission finds the original regulatory intent of the current height restrictions, sideyard requirements and first floor parking provisions will be maintained with the proposed Zoning Ordinance amendments; and ,

WHEREAS, this ordinance is consistent with the goals of the Town's Comprehensive Plan.

BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE TOWN OF SOUTH PADRE ISLAND, TEXAS THAT:

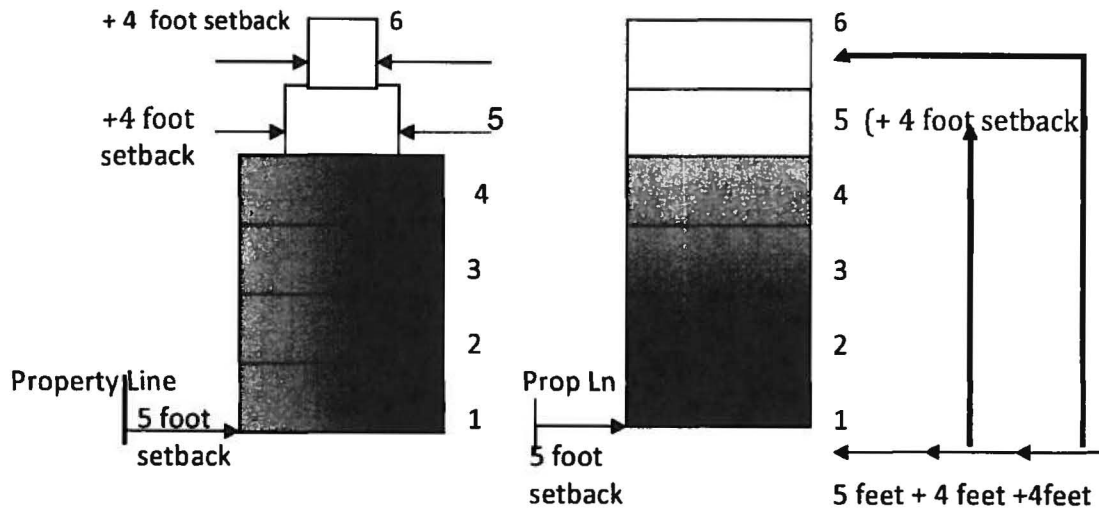
Section I. Amend Chapter 20, Zoning Ordinance, Section 20-7 (C) Height Regulations (C) Building Height: Up to 4 standard stories.

Section II. Amend Chapter 20, Zoning Ordinance, Section 20-7 (C) Height Regulations, (D) Area regulations (2) side yards, as follows:

(d) Area Regulations

(2) Sideyards

Additional Floors Authorized – Additional floors above four standard stories may be permitted if additional setbacks are provided as follows:



5 foot setback from property line for four standard stories. Add four feet to the setback requirement for each additional floor above four standard stories

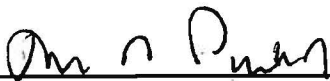
5 foot setback from property line for four standard stories. Add four feet to the set back on all floors for each floor.

Section III. Deleting : Chapter 20, Zoning Ordinance, Section 20-13 Setback area – Special Regulations and Uses, (C) First Floor Parking

(C) First Floor Parking. For purpose of determining setback lines only, if a structure utilizes its entire first floor as a parking structure (no storerooms washrooms, telephone rooms or other habitable enclosures located thereon) the same shall not be counted as floor height for setback requirements.

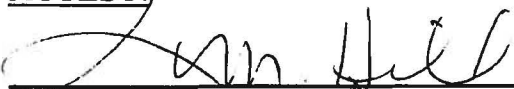
PASSED AND APPROVED THIS THE 4TH DAY OF NOVEMBER, 2009

PASSED, APPROVED AND ADOPTED ON THIS THE 18TH DAY OF
NOVEMBER, 2009



Robert J. Pinkerton, Mayor

ATTEST:



Susan Hill, City Secretary



ORDINANCE NO. 16 -

AN ORDINANCE OF THE CITY OF SOUTH PADRE ISLAND, TEXAS, AMENDING SECTION 20-7(D)(2) OF CHAPTER 20 ZONING BY ADDING STANDARD REQUIREMENTS FOR SIDE YARD SETBACKS; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR A PENALTY OF UP TO TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH VIOLATION; PROVIDING FOR THE EFFECTIVE DATE; AND AUTHORIZING PUBLICATION IN CAPTION FORM.

WHEREAS, the City of South Padre Island has heretofore adopted Chapter 20 (Zoning) of the Code of Ordinances; and

WHEREAS, the City Council amended Section 20-7(D)(2) by Ordinance 09-19 to add side yard setback requirements for buildings with additional floors greater than 4 (four) standard stories;

WHEREAS, the City Council finds that the intent of Ordinance 09-19 was not to remove the original requirements;

WHEREAS, the City Council finds that the removed original requirements have caused issues of inconsistency and fairness;

WHEREAS, the City Council wants to protect public health, safety and welfare by amending Sec.20-7(D)(2); and

WHEREAS, The City has complied with the requirements of Sec. 20-18 of the Code of Ordinances (Zoning) to amend Chapter 20;

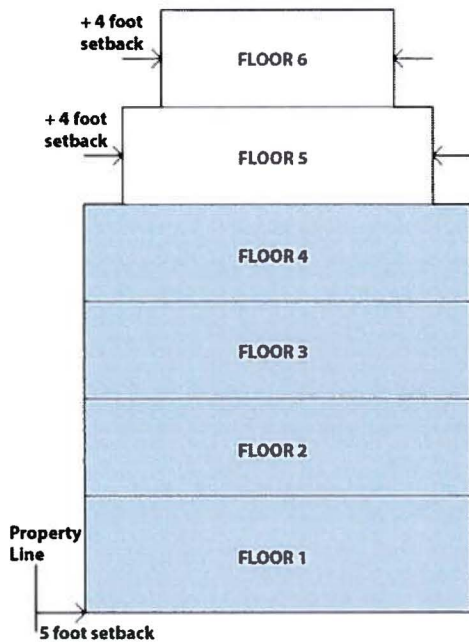
NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SOUTH PADRE ISLAND, TEXAS:

Section 1. Sec. 20-7(D)(2) of the Chapter 20 Zoning of the Code of Ordinances is hereby amended and restated to read as follows:

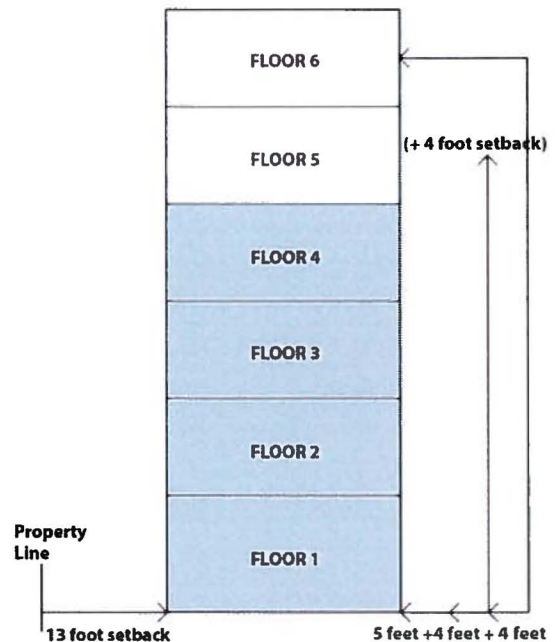
(2) Side Yards:

(a) Same as District "A".

(b) Additional Floors Authorized – Additional floors above four standard stories may be permitted if additional setbacks are provided as follows:



5 foot setback from property line for four standard stories. Add four feet to the setback requirement for each additional floor above four standard stories



5 foot setback from property line for four standard stories. Add four feet to the setback on all floors for each floor.

Section 2. This ordinance repeals all portions of any prior ordinances or parts of ordinances of the Code of Ordinances in conflict herewith.

Section 3. Any violation of the above mentioned section of Chapter 20 of the Code of Ordinances of the City of South Padre Island may be punished by a fine not to exceed two thousand Dollars (\$2000.00) for each offense of for each day such offense shall continue and the penalty provisions of Sections of Section 21-2 of the Code of Ordinances is hereby adopted and incorporated for all purposes.

Section 4. If for any reason, any section, paragraph, subdivision, clause, phrase, word, or provision of the Ordinance shall be held unconstitutional by final judgment of a court of competent jurisdiction, it shall not affect any other section, paragraph, subdivision, clause, phrase, word, or provision of this Ordinance, for it is the definite intent of this City Council that every section, paragraph, subdivision, clause, phrase, word, or provision hereof be given full force and effect for its intended purpose.

Section 5. This Ordinance shall become effective when published in caption form.

PASSED, APPROVED AND ADOPTED on First Reading, the _____ day of 2016.

PASSED, APPROVED AND ADOPTED on Second Reading, the _____ day of 2016.

ATTEST:

**CITY OF SOUTH PADRE ISLAND,
TEXAS**

SUSAN HILL, CITY SECRETARY

BHARAT R. PATEL, MAYOR

**PLANNING & ZONING COMMISSION
AGENDA REQUEST FORM**

MEETING DATE: October 20, 2016

ITEM: 8 & 9

TO: Planning and Zoning Commission

FROM: Sungman Kim, Director of Development Services

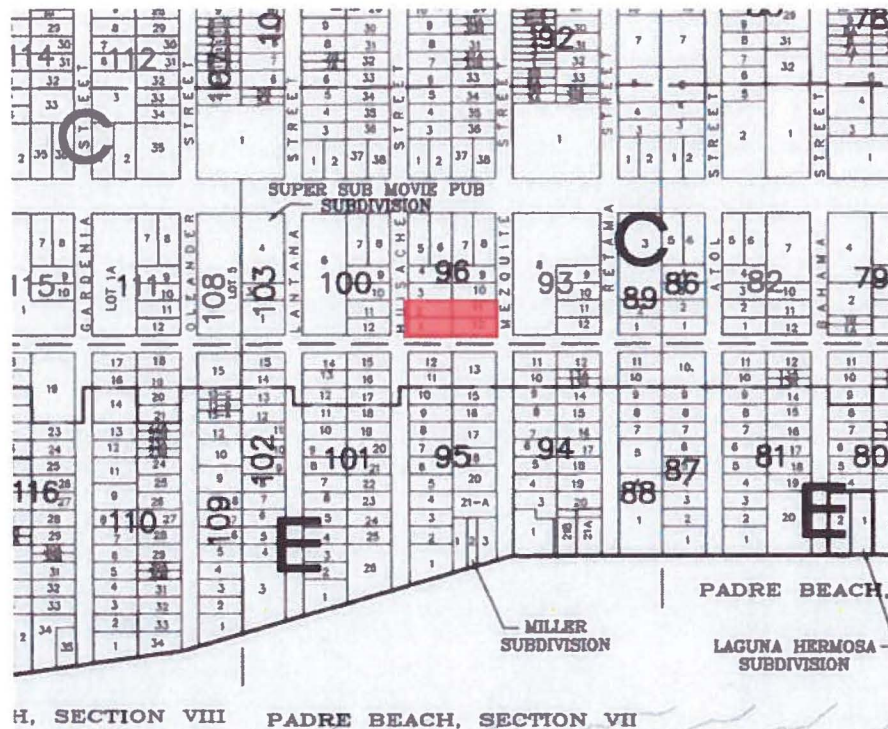
ITEM DESCRIPTION:

Discussion and action on amending Table 5.1 'Schedule of Uses' in Subsection V of the Section 20-8.9 Appendix "Z" Padre Boulevard and Entertainment District Code to allow retail sale services in "Neighborhood Transition Character Zone (NT)".

DISCUSSION:

The Issue

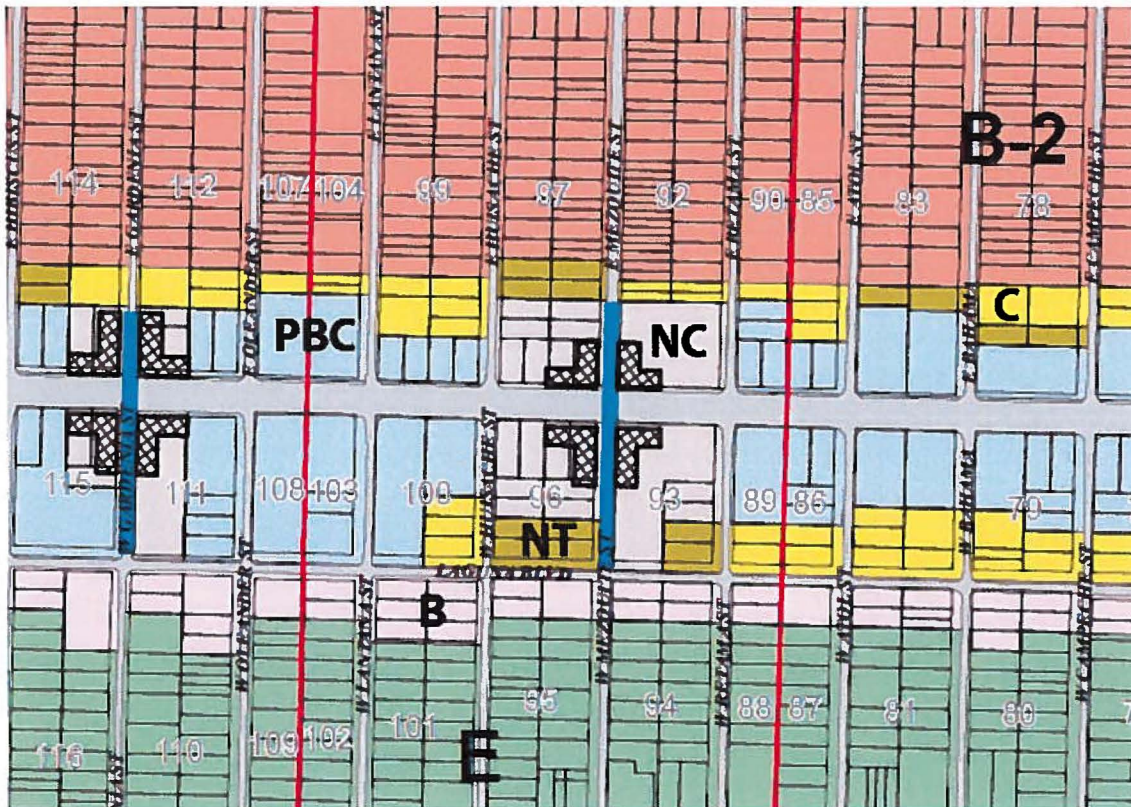
1. Currently, retail sale services are not allowed in Neighborhood Transition Character Zone (NT);
2. Ace Hardware (a retail service) intends to move from the current location at **LOT 9 BLK 28 PADRE BEACH SUBDIVISION SECTION III** to **LOTS 1, 2, & 3 BLOCK 96, PADRE BEACH SECTION VII**, where Lots 1 & 2 are within NT zone; and
3. The owner (Columbia Padre Boulevard LLC) also wants to seek if **LOTS 11 & 12 BLOCK 96, PADRE BEACH SECTION VII**, where Lots 11 & 12 are within NT zone, can be rezoned to accommodate retail services.



**PLANNING & ZONING COMMISSION
AGENDA REQUEST FORM**

The General Findings

1. NT zone has not been consistently applied throughout the City and, in many cases, discontinued and replaced by District "C" (Business District), which is the most intensive commercial zone in the City. This raises concerns in **zoning consistency**;
2. According to Padre Blvd Entertainment District Code 4.2.8, "the Neighborhood Transition Zone is intended to provide for *a range of smaller scale commercial (retail, office, and live-work) and residential transitions* between Padre Boulevard and the neighborhoods to the east and west of the boulevard." However, according to Table 5.1 'Schedule of Use', offices, condominiums, townhomes and surface parking can only be accommodated in NT. This raises concerns in **conformity**; and
3. Although, the original request was rezoning, staff found that an amendment to Table 5.1, by adding retail sale services to NT, would satisfy the need, and this amendment will also make NT in compliance with its' original intent.



Technical Analysis

The category "Retail sales with no drive through facility" in Table 5.1 generally indicates "smaller scale commercial" that is covered by the intent of Neighborhood Transition (PBEDC 4.2.8);

1. ITE (Institute of Transportation Engineers) Trip Generation Handbook (see attached) indicates that smaller scale commercial uses with lower than 2 PM Peak trips include hotel/motel (0.49 trips), church (0.59), hospital (0.71), nursing home (0.27), specialty

TABLE 1: TRIP GENERATION

Land Use Category	ITE Land Use Codes	Land Use	Unit of Measure	Adjusted Peak Trips*
Residential	210	Single Family Detached/Modular Home	Dwelling Unit	1.01
Residential	220	Multi-Family Residential	Dwelling Unit	0.62
Residential	230	Condo/Townhouse	Dwelling Unit	0.54
Commercial	320	Hotel/Motel	1000 sq ft**	0.49
Commercial	444	Movie Theater	1000 sq ft	3.23
Commercial	493	Health Club	1000 sq ft	4.30
Commercial	560	Church/Synagogue	1000 sq ft	0.59
Commercial	565	Daycare Center	1000 sq ft	9.77
Commercial	610	Hospital	1000 sq ft	0.71
Commercial	620	Nursing Home	1000 sq ft	0.27
Commercial	812	Bldg Materials/Lumber Store	1000 sq ft	3.27
Commercial	813	Free Standing Discount Superstore	1000 sq ft	2.33
Commercial	814	Specialty Retail Store	1000 sq ft	1.27
Commercial	815	Discount Store	1000 sq ft	2.59
Commercial	816	Hardware/Paint Store	1000 sq ft	1.77
Commercial	817	Nursery/Garden Center	1000 sq ft	3.08
Commercial	820	Shopping Center	1000 sq ft	2.36
Commercial	831	Quality Restaurant	1000 sq ft	6.14
Commercial	832	High-Turnover Restaurant	1000 sq ft	6.52
Commercial	834	Fast Food Restaurant w/drive-thru	1000 sq ft	17.74
Commercial	840	Auto Care Center	1000 sq ft	2.81
Commercial	841	Car Dealership	1000 sq ft	2.21
Commercial	843	Automotive Parts Sales	1000 sq ft	5.98
Commercial	845	Service Station with Conven. Mkt.	1000 sq ft	46.26
Commercial	848	Tire Store	1000 sq ft	3.42
Commercial	850	Supermarket	1000 sq ft	6.68
Commercial	851	Convenience Store-24 hours w/o pumps	1000 sq ft	21.49
Commercial	853	Convenience Store w/pumps	1000 sq ft	29.09
Commercial	860	Wholesale	1000 sq ft	0.19
Commercial	861	Discount Club	1000 sq ft	2.32
Commercial	862	Home Improvement Superstore	1000 sq ft	2.32
Commercial	880	Pharmacy/Drugstore w/o drive thru	1000 sq ft	4.65
Commercial	881	Pharmacy/Drugstore w/drive thru	1000 sq ft	6.34
Commercial	890	Furniture Store	1000 sq ft	0.36
Commercial	896	Video Rental Store	1000 sq ft	8.30
Commercial	911	Walk-in Bank	1000 sq ft	26.52
Commercial	912	Drive-thru Bank	1000 sq ft	33.41
Office	710	Office Building	1000 sq ft	1.37
Office	720	Medical-Dental Offices	1000 sq ft	2.82
Office	760	Research & Development Bldg.	1000 sq ft	0.99
Office	770	Business Park Building	1000 sq ft	1.19
Industrial	110	Light Industrial Manufacturing	1000 sq ft	0.99
Industrial	140	Manufacturing (Heavy)	1000 sq ft	0.68
Warehouse	150	Warehouse Storage	1000 sq ft	0.47
Warehouse	151	Mini-Warehouse	1000 sq ft	0.24

* Based on weekday p.m. peak hour of the adjacent road, one hour between 4 and 6 p.m.

** Based on .6 trips per occupied room, at 80% average occupancy and 600 sq ft per room.

ORDINANCE NO. 16-

AN ORDINANCE OF THE CITY OF SOUTH PADRE ISLAND, TEXAS, AMENDING CHAPTER 20 ZONING ORDINANCE, SECTION 20-8.9 APPENDIX “Z” PADRE BOULEVARD AND ENTERTAINMENT DISTRICT CODE, BY REVISING TABLE 5.1 – SCHEDULE OF USES IN SUBSECTION V, TO ALLOW RETAIL SALES IN ‘NEIGHBORHOOD TRANSITION CHARACTER ZONE’; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR A PENALTY OF UP TO TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH VIOLATION; PROVIDING FOR THE EFFECTIVE DATE; AND AUTHORIZING PUBLICATION IN CAPTION FORM.

WHEREAS, the City of South Padre Island has heretofore adopted the Padre Boulevard and Entertainment District Code (Form-Based Code), which was incorporated into Chapter 20 (Zoning) of the Code of Ordinances;

WHEREAS, the City Council finds that the uses allowed for Neighborhood Transition Character Zone do not conform to its’ intent stated in Subsection 4.2.8 of Section 20-8.9 Appendix “Z” Padre Boulevard and Entertainment District Code;

WHEREAS, the City Council finds that Table 5.1 of Section 20-8.9 Appendix “Z” Padre Boulevard and Entertainment District Code of Chapter 20 (Zoning) should be amended to clarify the schedule of permitted uses; and

WHEREAS, The City has complied with the requirements of Sec. 20-18 of the Code of Ordinances (Zoning) to amend Chapter 20;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SOUTH PADRE ISLAND, TEXAS:

Section 1. Table 5.1 – Schedule of Uses in Subsection V of the Section 20-8.9 Appendix “Z” Padre Boulevard and Entertainment District Code of Chapter 20 Zoning is hereby amended as depicted in Exhibit “A” attached hereto.

Section 2. This ordinance repeals all portions of any prior ordinances or parts of ordinances of the Code of Ordinances in conflict herewith.

Section 3. Any violation of the above mentioned section of Chapter 20 of the Code of Ordinances of the City of South Padre Island may be punished by a fine not to exceed two thousand Dollars (\$2000.00) for each offense of for each day such offense shall continue and the penalty provisions of Sections of Section 21-2 of the Code of Ordinances is hereby adopted and incorporated for all purposes.

Section 4. If for any reason any section, paragraph, subdivision, clause, phrase, word or provision of this ordinance shall be held invalid or unconstitutional by final judgment of a court of competent jurisdiction, it shall not affect any other section, paragraph, subdivision, clause, phrase, word or provision of this ordinance for it is the definite intent of this City Council that every section, paragraph, subdivision, clause, phrase, word or provision hereof be given full force and effect for its purpose.

Section 5. This Ordinance shall become effective when published in caption form.

PASSED, APPROVED AND ADOPTED on First Reading, the ____ day of ____ 2016.

PASSED, APPROVED AND ADOPTED on Second Reading, the ____ day of ____ 2016.

ATTEST:

CITY OF SOUTH PADRE ISLAND,
TEXAS

SUSAN HILL, CITY SECRETARY

BHARAT R. PATEL, MAYOR

	Character Zone								
	Bayfront	Entertainment District Core	Neighborhood Crossing	Town Center Crossing	Padre Boulevard North/Central	Padre Boulevard South	Neighborhood Transition	Northern Resort District	
Schools, libraries, and community halls	P	P	P	P	P	P	NP	P	
Universities and Colleges	P	P	P	P	P	P	NP	P	
Technical, trade, and specialty schools	P	P	P	P	P	P	NP	P	
Hospitals (general and special), primary care office, urgent care centers, and dental clinics	NP	NP	P	P	P	P	NP	P	
Nursing, supervision, and other rehabilitation services (including Substance Abuse Clinics)	NP	NP	P/SUP	P/SUP	P/SUP	P/SUP	NP	P/SUP	
Civic uses	P	P	P	P	P	P	NP	P	
Social and fraternal organizations	P	P	P	P	P	P	NP	P	
Social services and philanthropic organizations	P	P	P	P	P	P	NP	P	
Public administration uses (including government uses, public safety, health and human services)	P	P	P	P	P	P	NP	P	
Religious Institutions	P	P	P	P	P	P	P	P	
Funeral homes	P	P	P	P	P	P	NP	P	
Residential Uses									
Home occupations such as a dressmaker, physician/surgeon/dentist offices, a musician/artist studio etc.	P/A	P/A	P/A	P/A	P/A	P/A	P/A	P/A	P/A
Single family	SE	SE	SE	SE	SE	SE	SE	SE	P
Multi-family residential (including apartment and condominiums)									
Ground floor	P/C	P/C	P/C	P/C	P/C	P/C	P	P	
Upper floors	P	P	P	P	P	P	P	P	
Residential lofts	P	P	P	P	P	P	P	P	
Weekend cottages	NP	NP	NP	NP	NP	NP	NP	P	
Single-family residential attached dwelling unit (Townhomes)	SE	SE	P	P	P	P	P	P	
Accessory residential unit (accessory buildings not exceed 50% of the floor area of the principal structure)	SE	SE	P/A	P/A	P/A	P/A	P/A	P/A	
Residential accessory uses in a vacant lot that is contiguous with a residential single family lot having a principal building under common ownership	NA	NA	NA	NA	NA	NA	NA	NA	
Short-term (less than 30 days) rentals	P	P	P	P	P	P	P	P	
Mixed Use Structure (with uses allowed in the district)	P	P	P	P	P	P	P	P	
Trailer parks (travel trailers)	NP	NP	NP	NP	NP	NP	NP	NP	
Live-work unit	P	P	P	P	P	P	P	P	
Other Uses									
Accessory uses (the sum of all accessory uses shall not constitute a total area larger than twenty (20) percent of the total building area of the principal use.	NP	NP	NP	NP	NP	NP	NP	NP	P
Publishing (newspaper, books, periodicals, software)	P/C	P/C	P	P	P	P	NP	P	
Motion picture and sound recording	P/C	P/C	P	P	P	P	NP	P	
Telecommunications and broadcasting	P/C	P/C	P	P	P	P	NP	P	
Information services and data processing	P/C	P/C	P	P	P	P	NP	P	
Model homes or field offices for sales and promotion (until all the homes are sold; building permit is required and shall be valid for a one (1) year period; renewable if sales are still active)	P	P	P	P	P	P	P	P	
Bed and breakfast establishments	NP	NP	NP	NP	P	P	P	P	
Hotels and motels	P	P	P	P	P	P	NP	P	
Hotels, motels and condominiums with more than twelve (12) units may include within the premises such businesses as bars, food establishments, barber shops, beauty parlors and other similar businesses	P	P	P	P	P	P	NP	P	

	Character Zone								
	Bayfront	Entertainment District Core	Neighborhood Crossing	Town Center Crossing	Padre Boulevard North/Central	Padre Boulevard South	Neighborhood Transition	Northern Resort District	
Commercial parking	P/C	P/C	P/C	P/C	P/C	P/C	NP	P/C	
Temporary Commercial Parking*	P	P	P	P	P	P	NP	P	
Parking, surface (primary use of property)	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	
Parking, surface (accessory use of property)	P	P	P	P	P	P	P	P	
Parking, structured	P	P	P	P	P	P	NP	P	
Private attached garage	P/A	P/A	NP	NP	NP	NP	P/A	P/A	
Private detached garage	P/A	P/A	NP	NP	NP	NP	P/A	P/A	
Impound Lot	NP	NP	NP	NP	NP	NP	NP	NP	
Outdoor storage	NP	NP	NP	NP	NP	NP	NP	NP	
Heliport landing/take-off pads	NP	NP	NP	NP	NP	NP	NP	NP	
Community garden	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	
Antennas including cell, accessory, and mounted on top of buildings	P/A/C	P/A/C	P/A/C	P/A/C	P/A/C	P/A/C	P/A/C	P/A/C	
Utility equipment (including electrical transformers, gas meters, etc.)	P/A/C	P/A/C	P/A/C	P/A/C	P/A/C	P/A/C	P/A/C	P/A/C	
Wind energy equipment	P/A	P/A	P/A	P/A	P/A	P/A	P/A	P/A	
Rain harvesting equipment	P/A/C	P/A/C	P/A/C	P/A/C	P/A/C	P/A/C	P/A/C	P/A/C	
Solar energy equipment	P/A	P/A	P/A	P/A	P/A	P/A	P/A	P/A	
Special event	P/SUP	P/SUP	P/SUP	P/SUP	P/SUP	P/SUP	NP	P/SUP	
Temporary buildings for construction (shall be removed upon completion or abandonment of construction work)	P	P	P	P	P	P	P	P	

P: Permitted by right

P/C: Permitted with design criteria per Table 5.2

P/A: Permitted accessory use

P/A/C: Permitted as an accessory use with design criteria per Table 5.2

P/SUP: Permitted with a Specific Use Permit

SUP shall meet standards in Chapter 20-24 of the City Code of Ordinances.

A: Accessory use to not exceed 25% of the primary use building square footage

SE: Special exception

NA: Not applicable

NP: Not permitted

*All parking and maneuvering areas on a non-residential lot shall have dustproof paving or vegetative coverage. (Usage of Caliche or similar materials that may cause clogs in drainage system or create dust in the area are not allowed.)