

**NOTICE OF MEETING  
CITY OF SOUTH PADRE ISLAND  
BOARD OF ADJUSTMENTS & APPEALS (ZONING)**

**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 BOARD OF ADJUSTMENTS & APPEALS (ZONING) OF THE CITY OF SOUTH PADRE ISLAND, TEXAS, WILL HOLD A REGULAR MEETING ON:

**TUESDAY, APRIL 4, 2017  
9:00 A.M. AT THE MUNICIPAL BUILDING,  
CITY COUNCIL CHAMBERS, 2<sup>ND</sup> 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 the Board relating to agenda or non-agenda items. Speakers are required to address the Board at the podium and give their name before addressing their concerns. [Note: State law will not permit the Board of Adjustments & Appeals (Zoning) 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 Board of Adjustments & Appeals (Zoning) meeting]*
4. Approval of Minutes of the December 1, 2015 Regular Meeting.
5. Discussion and action regarding a variance from screening requirements for utility equipment in Table 5.2 Use Criteria of Sec.20-8.1 Appendix "Z" Padre Boulevard and Entertainment District Code.
6. Adjourn

DATED THIS THE 31<sup>ST</sup> DAY OF MARCH 2017

  
\_\_\_\_\_  
Susan Hill, City Secretary

I, THE UNDERSIGNED AUTHORITY, DO HEREBY CERTIFY THAT THE ABOVE NOTICE OF REGULAR MEETING OF THE BOARD OF ADJUSTMENTS & APPEALS (ZONING) OF THE CITY OF SOUTH PADRE ISLAND, TEXAS IS A TRUE AND CORRECT 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 **MARCH 31, 2017** AT/OR BEFORE **9:00 AM** 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 DAVID TRAVIS; ADA DESIGNATED RESPONSIBLE PARTY AT (956) 761-8103.

**BOARD OF ADJUSTMENTS & APPEALS (ZONING)**  
**MEETING MINUTES**  
**DECEMBER 1, 2015**

**1. Call to Order.**

Paul Fedigan called the meeting to order at 9:00 a.m. in the City Council Chambers on the Second Floor of the Municipal Complex Building: 4601 Padre Boulevard and declared a quorum of members present. Board Members in attendance were: Jerry Pace, Paul Fedigan, Austin “Mike” Morgan, Carol Bolstad, and Chris Huffman. Staff Members present were Development Director Sungman Kim, Building Official Jay Mitchim, Assistant City Manager Darla Jones, and Marta Martinez.

**2. Pledge of Allegiance.**

Mr. Fedigan led those present in the Pledge of Allegiance.

**3. Public comments and Announcements.**

None

**4. Approval of Minutes of the September 1, 2015 Regular Meeting.**

Mr. Fedigan announced the item from the agenda and asked the Board members if they had any corrections to the September 1, 2015 regular meeting minutes. Ms. Bolstad made a motion to approve as submitted. Mr. Pace seconded the motion. The motion carried unanimously.

**5. Discussion and action regarding a variance from Sec. 20-7.1 (D) (3) rear yard setback requirement (20') to allow a spiral slide from the 2<sup>nd</sup> story deck into the pool, on Lot 2, Block 4, Hass Subdivision.**

Mr. Fedigan announced the item from the agenda and asked for a staff report. Dr. Kim gave a brief presentation; staff recommends the Board approve the variance request.

Mr. Fedigan then opened it up for discussion by the Board. The Board expressed their comments/concerns regarding this matter. After some discussion Mr. Pace made a motion to approve the variance request. Ms. Bolstad seconded the motion. The motion carried unanimously.

**6. Adjourn**

Since the Board had no further business to discuss, Mr. Fedigan adjourned the meeting at 9:09 a.m.

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Marta Martinez, Secretary

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Paul Fedigan, Chairman

<b>BOARD OF ADJUSTMENT AGENDA REQUEST FORM</b>
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**MEETING DATE:** April 4, 2017

**ITEM:** 5

**SPONSOR / ORIGINATOR:** Skipjack Properties LLC

**TO:** Board of Adjustment

**FROM:** Sungman Kim, Director of Development Services

**ITEM DESCRIPTION:**

Discussion and action regarding a variance from screening requirements for utility equipment in Table 5.2 Use Criteria of Sec.20-8.1 Appendix “Z” Padre Boulevard and Entertainment District Code.

**DISCUSSION:**

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The Location

211 W. Swordfish Street (Tract IX, Lot 1, Block 51 & 52, Padre Beach, Section IV & V).

The Request

The owner wants a variance from the screening requirements for the exterior above-ground fuel tank (6,000 gallon concrete finish convault).

The Issue

1. Table 5.2 Use Criteria of the Padre Boulevard and Entertainment District requires utility equipment be screened with a Street Screen at least as high as the equipment being screened.

Hardship

1. According to the survey prepared by Halff Associate, the convault is approximately 9-foot tall;
2. Sec.20-11(A)(1) restricts the height of a fence, wall or other screening structure to be lower than six (6) feet in height;
3. Screening of 9-foot height cannot be achieved by a regular planting practice.

The Proposed Alternative Plan

1. On March 14, 2017, the Development Standard Review Task Force approved an application of paintings (mural; art in public space) to the convault making it look like a large aquarium;
2. The paintings show full of sea life and ‘Diver Jim’ in honor of the long history of Jims Pier, attracting families to the island and promoting sport fishing in the community;
3. Decorative plantings will be provided to the area around the convault.

**STAFF RECOMMENDATIONS / COMMENTS:**

Staff recommends the Board approve the variance request because the proposed plan demonstrates hardship and provides alternative measure addressing local aesthetics.

<p><b>BOARD OF ADJUSTMENT AGENDA REQUEST FORM</b></p>
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**COMMISSION ACTION:**

MOTION: \_\_\_\_\_

BY: \_\_\_\_\_

SECOND BY: \_\_\_\_\_

Bolstad	Fedigan	Huffman	Pace	Teniente	Mahan	Morgan	Trevino
Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
No	No	No	No	No	No	No	No
Abstain	Abstain	Abstain	Abstain	Abstain	Abstain	Abstain	Abstain

**5.2 Use Criteria:** All uses listed as P/C in Table 5.1 shall also meet the following standards in Table 5.2

Table 5.2 – Use Criteria	
Use	Location & Design Criteria
<b>Non-Residential Uses</b>	
Auto-related Sales and Service	<ul style="list-style-type: none"> <li>The building design shall conform to the requirements of the Padre Boulevard and Entertainment District Design Guidelines.</li> <li>Accessory structures, including canopies, kiosks, and car wash buildings, shall conform to or compliment the project architectural theme. This includes similar roof styles, column types, materials, textures, and colors.</li> <li>Service bays and car wash tunnel openings shall be oriented away from street view and screened from adjacent sites. If service bays and car wash openings toward street view are necessary, dense landscaping and/or architectural treatments shall be provided to screen and/or mitigate unattractive views and features from the street.</li> <li>Cross access connection shall be required for a mechanic shop to achieve a better screening.</li> <li>Building colors should emphasize earth tones. The use of highly reflective or glossy materials should be limited and will not be appropriate in all contexts.</li> <li>Such uses shall be designed so as to mitigate any negative impact on residential uses, including orientation and buffers.</li> <li>Where adjacent to residential zoning or residential uses, self-service or automatic car washes shall have sound attenuation devices, such as doors or screen walls, located at the entrances and/or exits of the car wash.</li> <li>All equipment within car wash tunnels shall be contained within the building.</li> <li>All vehicles under repair and equipment within repair bays shall be contained within the building and shall not be visible from outside.</li> <li>Canopy lighting shall be recessed and flush with its underside (ceiling).</li> <li>Full-service car washes shall provide shaded plazas and/or indoor waiting areas for customers.</li> <li>Gas pumps, canopies, and/or service bays shall not be located along any Pedestrian Priority Street frontage.</li> <li>Any buildings associated with the use shall also have a pedestrian entrance at a Pedestrian Priority Street and/or the Boulevard.</li> <li>No outdoor storage of vehicles or other products sold shall be permitted. All auto-related sales display shall be inside storefronts.</li> </ul>
Any permitted use with a drive through facility	<ul style="list-style-type: none"> <li>All drive through access (driveways) shall be from a street with a higher hierarchy.</li> <li>Drive through lanes and/or canopies shall not have frontage along any Pedestrian Priority Streets.</li> </ul>
<b>Residential Uses</b>	
Multi-family residential Ground Floor	<ul style="list-style-type: none"> <li>All ground floors along all Pedestrian Priority and Boulevard Frontages shall be built to Commercial Ready standards. Ground floors may be occupied by residential uses.</li> </ul>
<b>Other Uses</b>	
Publishing (newspaper, books, periodicals, software)	<ul style="list-style-type: none"> <li>Shall only be permitted on the upper floors of buildings</li> </ul>
Motion Picture and sound recording	
Telecommunications and broadcasting (radio, TV, cable, wireless communications, telephone, etc)	
Information services and data processing	
Parking, surface (primary use of property)	<ul style="list-style-type: none"> <li>Shall be permitted as an interim use of property (3 year increments)</li> <li>New surface parking shall be set back a minimum of 30' from the edge of the right-of-way of Pedestrian Priority Streets.</li> <li>New surface parking shall not be located at a street intersection for minimum of 30' along each street.</li> </ul>
Sales from Kiosks	<ul style="list-style-type: none"> <li>Kiosks shall only be permitted on civic/open spaces.</li> <li>Kiosks shall be no larger than 150 sq.ft. in area and no taller than 18' in height.</li> <li>Kiosk locations shall not impede pedestrian pathways or entrances to buildings</li> <li>Kiosks from which merchandise or food is sold shall be attended when open for business.</li> <li>Kiosks shall be constructed of similar materials or given a similar finish as adjacent buildings.</li> </ul>

Table 5.2 – Use Criteria	
Use	Location & Design Criteria
Community Garden	<ul style="list-style-type: none"> <li>• All sides of a kiosk shall have a finished look with no externally visible utility equipment.</li> <li>• Shall be no larger than 0.5 acres</li> <li>• Gardens shall be enclosed by a fence on all open sides.</li> <li>• Fences should be installed straight and plumb, with vertical supports at a minimum of 8' on center. Chicken wire, if used, should be continuously supported along all edges.</li> <li>• Fencing Materials:               <ul style="list-style-type: none"> <li>o <u>Permitted</u>: pressure treated wood (must be painted or stained medium to dark color), chicken wire, wrought iron, painted galvanized steel</li> <li>o <u>Not permitted</u>: chain link, bobbed wire, vinyl, un-painted/stained pressure treated wood, plywood</li> </ul> </li> </ul>
Antennas including cell, accessory and mounted (Excluded from this category are freestanding and commercial antennas and equipment buildings)	<ul style="list-style-type: none"> <li>• Antennas shall be permitted on rooftops.</li> <li>• Antennas shall be screened entirely with a screen of same color as the principal building.</li> <li>• Antennas shall not be visible from adjacent Pedestrian Priority Street.</li> </ul>
Rain water harvesting equipment	<ul style="list-style-type: none"> <li>• Rain water harvesting equipment may not be installed along Pedestrian Priority Streets.</li> <li>• On all other frontages, they shall be screened with a Street Screen at least as high as the equipment being screened.</li> </ul>
Utility equipment (includes electrical transformers, gas meters, etc)	<ul style="list-style-type: none"> <li>• Utility equipment shall not be installed with frontage on Pedestrian Priority Streets.</li> <li>• On all other frontages, they shall be screened with a Street Screen at least as high as the equipment being screened.</li> </ul>
Commercial Parking	<ul style="list-style-type: none"> <li>• New surface parking shall be set back a minimum of 30' from the edge of the right-of-way of Pedestrian Priority Streets.</li> <li>• New surface parking shall not be located at a street intersection for minimum of 30' along each street.</li> <li>• Commercial parking shall not be allowed along any pedestrian priority street frontage.</li> </ul>



**SPI TRANSIT & DEVELOPMENT DEPARTMENT**

**BOARD OF ADJUSTMENT & APPEALS APPLICATION**

**APPLICANT INFORMATION**

Name Skipjack Properties LLC  
Mailing Address 211 W Swordfish  
City, State, Zip South Padre Island, Texas, 78597  
Phone number 956 739 3510  
Fax number \_\_\_\_\_  
Email Address PCurtin@HuntOil.com

**OWNER INFORMATION**

Name Skipjack Properties LLC  
Mailing address 1900 N Akard Street  
City, State, Zip Dallas, Texas, 75201  
Phone number 956 739 3510  
Fax number \_\_\_\_\_  
Email Address PCurtin@HuntOil.Com

**SITE LOCATION FOR REQUEST:**

Physical Address (Street Name & Number): 211 W Swordfish

Legal Description (Lot / Block / Subdivision): Tract IX, Lot 1, Block 51 & 52, Section 4 & 5, Subd: Padre Beach

I hereby request the following from the Board of Adjustment and Appeals: \_\_\_\_\_

Variance to the Form Based Code requirement to shield an exterior tank.

In addition, the application requires the submission of the following:

- ◇ \$250 application fee per variance or special exception request.
- ◇ Stamped/Sealed & dated survey of Improvements of the Subject Property.
- ◇ Copy of Floor Plan of structure proposed to be constructed or expanded.
- ◇ Current/recent photographs of the site.
- ◇ And any additional information to more clearly understand the request.

For Internal use only:

Amount Paid: \_\_\_\_\_  
Paid Cash or Check No. \_\_\_\_\_  
Date Received: \_\_\_\_\_

Note: Applicants are required to fully disclose in the application all information that is necessary for the various bodies to make their determination prior to issuance of any permit. At a minimum, an application for a variance or Special Exception shall contain ten (10) copies of the information outlined above. All information must be submitted no later than twenty (20) days prior to the meeting date. All fees must be paid prior to the Board reviewing the application.

If Staff determines that the application is incorrect, incomplete, illegible, or in any way inadequate to insure the complete understanding of the variance or special exception, staff shall return the application to the applicant.

Applicant's Name (Please Print) Paul J Curtin

Applicant's Signature: *Paul J Curtin*

Date: March 10, 2017

Owner's Name (Please Print): Paul J Curtin (Auth. Rep)

Owner's Signature: *Paul J Curtin*

Date: March 10, 2017

**METES AND BOUNDS DESCRIPTION "TRACT IV"**

1.344 ACRES BEING ALL OF LOT 10 (S. 1/4) OF BLOCK FIFTY-ONE (51), PADRE BEACH, SECTION IV, CITY OF SOUTH PADRE BEACH, CAMERON COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN VOLUME 14, PAGE 52, MAP RECORDS OF CAMERON COUNTY, TEXAS, S.A.D. 144 ACRES BEING MORE PARTICULARLY LOCATED AND DESCRIBED AS FOLLOWS:

BEGINNING AT THE INTERSECTION OF THE WEST RIGHT-OF-WAY LINE OF LADINA BEACHWAY (1/2" IN 1/2") AND THE NORTH RIGHT-OF-WAY LINE OF SECTION 12 (S. 1/4) OF BLOCK FIFTY-ONE (51), PADRE BEACH, SECTION IV, CITY OF SOUTH PADRE BEACH, CAMERON COUNTY, TEXAS, ALONG THE NORTH RIGHT-OF-WAY LINE OF SECTION 12 (S. 1/4) OF BLOCK FIFTY-ONE (51), PADRE BEACH, SECTION IV, CITY OF SOUTH PADRE BEACH, CAMERON COUNTY, TEXAS, TO THE NORTHWEST CORNER OF SAID LOT 10, S. 1/4, FOR THE NORTHEAST CORNER OF THIS TRACT.

THENCE, CONTINUING ALONG THE NORTH RIGHT-OF-WAY LINE OF SAID SECTION 12 (S. 1/4) OF BLOCK FIFTY-ONE (51), PADRE BEACH, SECTION IV, CITY OF SOUTH PADRE BEACH, CAMERON COUNTY, TEXAS, TO THE NORTHWEST CORNER OF SAID LOT 10, S. 1/4, FOR THE NORTHEAST CORNER OF THIS TRACT.

THENCE, ALONG THE WEST RIGHT-OF-WAY LINE OF SAID LOT 10, S. 1/4, FOR THE NORTHWEST CORNER OF THIS TRACT.

THENCE, CONTINUING ALONG THE WEST RIGHT-OF-WAY LINE OF SAID LOT 10, S. 1/4, FOR THE NORTHWEST CORNER OF THIS TRACT.

THENCE, ALONG THE SOUTH RIGHT-OF-WAY LINE OF SAID LOT 10, S. 1/4, FOR THE SOUTHWEST CORNER OF THIS TRACT.

THENCE, CONTINUING ALONG THE SOUTH RIGHT-OF-WAY LINE OF SAID LOT 10, S. 1/4, FOR THE SOUTHWEST CORNER OF THIS TRACT.

THENCE, ALONG THE WEST RIGHT-OF-WAY LINE OF SAID LOT 10, S. 1/4, FOR THE NORTHWEST CORNER OF THIS TRACT.

THENCE, CONTINUING ALONG THE WEST RIGHT-OF-WAY LINE OF SAID LOT 10, S. 1/4, FOR THE NORTHWEST CORNER OF THIS TRACT.

THENCE, ALONG THE SOUTH RIGHT-OF-WAY LINE OF SAID LOT 10, S. 1/4, FOR THE SOUTHWEST CORNER OF THIS TRACT.

THENCE, CONTINUING ALONG THE SOUTH RIGHT-OF-WAY LINE OF SAID LOT 10, S. 1/4, FOR THE SOUTHWEST CORNER OF THIS TRACT.

CONTAINING 1.344 ACRES OF LAND, MORE OR LESS.

**METES AND BOUNDS DESCRIPTION "TRACT V"**

0.134 ACRES BEING ALL OF LOT 10 (S. 1/4) OF BLOCK FIFTY-ONE (51), PADRE BEACH, SECTION IV, CITY OF SOUTH PADRE BEACH, CAMERON COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN VOLUME 14, PAGE 52, MAP RECORDS OF CAMERON COUNTY, TEXAS, S.A.D. 0.134 ACRES BEING MORE PARTICULARLY LOCATED AND DESCRIBED AS FOLLOWS:

BEGINNING AT A 1/2" IRON PIN WITH A YELLOW PLASTIC CAP STAMPED "N.M. 100" FOUND AT THE INTERSECTION OF THE WEST RIGHT-OF-WAY LINE OF LADINA BEACHWAY (1/2" IN 1/2") AND THE NORTH RIGHT-OF-WAY LINE OF SECTION 12 (S. 1/4) OF BLOCK FIFTY-ONE (51), PADRE BEACH, SECTION IV, CITY OF SOUTH PADRE BEACH, CAMERON COUNTY, TEXAS, TO THE NORTHWEST CORNER OF SAID LOT 10, S. 1/4, FOR THE NORTHEAST CORNER OF THIS TRACT.

THENCE, CONTINUING ALONG THE NORTH RIGHT-OF-WAY LINE OF SAID SECTION 12 (S. 1/4) OF BLOCK FIFTY-ONE (51), PADRE BEACH, SECTION IV, CITY OF SOUTH PADRE BEACH, CAMERON COUNTY, TEXAS, TO THE NORTHWEST CORNER OF SAID LOT 10, S. 1/4, FOR THE NORTHEAST CORNER OF THIS TRACT.

THENCE, ALONG THE WEST RIGHT-OF-WAY LINE OF SAID LOT 10, S. 1/4, FOR THE NORTHWEST CORNER OF THIS TRACT.

THENCE, CONTINUING ALONG THE WEST RIGHT-OF-WAY LINE OF SAID LOT 10, S. 1/4, FOR THE NORTHWEST CORNER OF THIS TRACT.

THENCE, ALONG THE SOUTH RIGHT-OF-WAY LINE OF SAID LOT 10, S. 1/4, FOR THE SOUTHWEST CORNER OF THIS TRACT.

THENCE, CONTINUING ALONG THE SOUTH RIGHT-OF-WAY LINE OF SAID LOT 10, S. 1/4, FOR THE SOUTHWEST CORNER OF THIS TRACT.

THENCE, ALONG THE WEST RIGHT-OF-WAY LINE OF SAID LOT 10, S. 1/4, FOR THE NORTHWEST CORNER OF THIS TRACT.

THENCE, CONTINUING ALONG THE WEST RIGHT-OF-WAY LINE OF SAID LOT 10, S. 1/4, FOR THE NORTHWEST CORNER OF THIS TRACT.

THENCE, ALONG THE SOUTH RIGHT-OF-WAY LINE OF SAID LOT 10, S. 1/4, FOR THE SOUTHWEST CORNER OF THIS TRACT.

THENCE, CONTINUING ALONG THE SOUTH RIGHT-OF-WAY LINE OF SAID LOT 10, S. 1/4, FOR THE SOUTHWEST CORNER OF THIS TRACT.

CONTAINING 0.134 ACRES OF LAND, MORE OR LESS.



VICINITY MAP (N.T.S.)

**METES AND BOUNDS DESCRIPTION "TRACT VI"**

0.134 ACRES BEING ALL OF LOT 10 (S. 1/4) OF BLOCK FIFTY-ONE (51), PADRE BEACH, SECTION IV, CITY OF SOUTH PADRE BEACH, CAMERON COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN VOLUME 14, PAGE 52, MAP RECORDS OF CAMERON COUNTY, TEXAS, S.A.D. 0.134 ACRES BEING MORE PARTICULARLY LOCATED AND DESCRIBED AS FOLLOWS:

BEGINNING AT THE INTERSECTION OF THE WEST RIGHT-OF-WAY LINE OF LADINA BEACHWAY (1/2" IN 1/2") AND THE NORTH RIGHT-OF-WAY LINE OF SECTION 12 (S. 1/4) OF BLOCK FIFTY-ONE (51), PADRE BEACH, SECTION IV, CITY OF SOUTH PADRE BEACH, CAMERON COUNTY, TEXAS, TO THE NORTHWEST CORNER OF SAID LOT 10, S. 1/4, FOR THE NORTHEAST CORNER OF THIS TRACT.

THENCE, CONTINUING ALONG THE NORTH RIGHT-OF-WAY LINE OF SAID SECTION 12 (S. 1/4) OF BLOCK FIFTY-ONE (51), PADRE BEACH, SECTION IV, CITY OF SOUTH PADRE BEACH, CAMERON COUNTY, TEXAS, TO THE NORTHWEST CORNER OF SAID LOT 10, S. 1/4, FOR THE NORTHEAST CORNER OF THIS TRACT.

THENCE, ALONG THE WEST RIGHT-OF-WAY LINE OF SAID LOT 10, S. 1/4, FOR THE NORTHWEST CORNER OF THIS TRACT.

THENCE, CONTINUING ALONG THE WEST RIGHT-OF-WAY LINE OF SAID LOT 10, S. 1/4, FOR THE NORTHWEST CORNER OF THIS TRACT.

THENCE, ALONG THE SOUTH RIGHT-OF-WAY LINE OF SAID LOT 10, S. 1/4, FOR THE SOUTHWEST CORNER OF THIS TRACT.

THENCE, CONTINUING ALONG THE SOUTH RIGHT-OF-WAY LINE OF SAID LOT 10, S. 1/4, FOR THE SOUTHWEST CORNER OF THIS TRACT.

THENCE, ALONG THE WEST RIGHT-OF-WAY LINE OF SAID LOT 10, S. 1/4, FOR THE NORTHWEST CORNER OF THIS TRACT.

THENCE, CONTINUING ALONG THE WEST RIGHT-OF-WAY LINE OF SAID LOT 10, S. 1/4, FOR THE NORTHWEST CORNER OF THIS TRACT.

THENCE, ALONG THE SOUTH RIGHT-OF-WAY LINE OF SAID LOT 10, S. 1/4, FOR THE SOUTHWEST CORNER OF THIS TRACT.

THENCE, CONTINUING ALONG THE SOUTH RIGHT-OF-WAY LINE OF SAID LOT 10, S. 1/4, FOR THE SOUTHWEST CORNER OF THIS TRACT.

CONTAINING 0.134 ACRES OF LAND, MORE OR LESS.

**METES AND BOUNDS DESCRIPTION "TRACT VII"**

0.134 ACRES BEING ALL OF LOT 10 (S. 1/4) OF BLOCK FIFTY-ONE (51), PADRE BEACH, SECTION IV, CITY OF SOUTH PADRE BEACH, CAMERON COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN VOLUME 14, PAGE 52, MAP RECORDS OF CAMERON COUNTY, TEXAS, S.A.D. 0.134 ACRES BEING MORE PARTICULARLY LOCATED AND DESCRIBED AS FOLLOWS:

BEGINNING AT THE INTERSECTION OF THE WEST RIGHT-OF-WAY LINE OF LADINA BEACHWAY (1/2" IN 1/2") AND THE NORTH RIGHT-OF-WAY LINE OF SECTION 12 (S. 1/4) OF BLOCK FIFTY-ONE (51), PADRE BEACH, SECTION IV, CITY OF SOUTH PADRE BEACH, CAMERON COUNTY, TEXAS, TO THE NORTHWEST CORNER OF SAID LOT 10, S. 1/4, FOR THE NORTHEAST CORNER OF THIS TRACT.

THENCE, CONTINUING ALONG THE NORTH RIGHT-OF-WAY LINE OF SAID SECTION 12 (S. 1/4) OF BLOCK FIFTY-ONE (51), PADRE BEACH, SECTION IV, CITY OF SOUTH PADRE BEACH, CAMERON COUNTY, TEXAS, TO THE NORTHWEST CORNER OF SAID LOT 10, S. 1/4, FOR THE NORTHEAST CORNER OF THIS TRACT.

THENCE, ALONG THE WEST RIGHT-OF-WAY LINE OF SAID LOT 10, S. 1/4, FOR THE NORTHWEST CORNER OF THIS TRACT.

THENCE, CONTINUING ALONG THE WEST RIGHT-OF-WAY LINE OF SAID LOT 10, S. 1/4, FOR THE NORTHWEST CORNER OF THIS TRACT.

THENCE, ALONG THE SOUTH RIGHT-OF-WAY LINE OF SAID LOT 10, S. 1/4, FOR THE SOUTHWEST CORNER OF THIS TRACT.

THENCE, CONTINUING ALONG THE SOUTH RIGHT-OF-WAY LINE OF SAID LOT 10, S. 1/4, FOR THE SOUTHWEST CORNER OF THIS TRACT.

THENCE, ALONG THE WEST RIGHT-OF-WAY LINE OF SAID LOT 10, S. 1/4, FOR THE NORTHWEST CORNER OF THIS TRACT.

THENCE, CONTINUING ALONG THE WEST RIGHT-OF-WAY LINE OF SAID LOT 10, S. 1/4, FOR THE NORTHWEST CORNER OF THIS TRACT.

THENCE, ALONG THE SOUTH RIGHT-OF-WAY LINE OF SAID LOT 10, S. 1/4, FOR THE SOUTHWEST CORNER OF THIS TRACT.

THENCE, CONTINUING ALONG THE SOUTH RIGHT-OF-WAY LINE OF SAID LOT 10, S. 1/4, FOR THE SOUTHWEST CORNER OF THIS TRACT.

CONTAINING 0.134 ACRES OF LAND, MORE OR LESS.

**STORYBOOK**

THE REAL ESTATE AS DESCRIBED ON THIS PLAT OF SURVEY IS NOT TO BE CONSIDERED AS A SUBDIVISION OF LAND UNDER APPLICABLE COUNTY OR CITY ORDINANCES.

SHALL NOT BE USED FOR THE PURPOSE OF THE LOT OR TRACT DESCRIBED HEREON, AS A SUBDIVISION OF LAND.

**UNRECORDED EASEMENTS**

THESE ARE THE UNRECORDED EASEMENTS THAT AFFECT THE LOT OR TRACT DESCRIBED HEREON, AS A SUBDIVISION OF LAND.

**ENCUMBRANCES**

THESE ARE THE ENCUMBRANCES THAT AFFECT THE LOT OR TRACT DESCRIBED HEREON, AS A SUBDIVISION OF LAND.

**EXCEPTIONS PER OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY TITLE COMMITTEE OF 1901**

1. THE REAL ESTATE AS DESCRIBED ON THIS PLAT OF SURVEY IS NOT TO BE CONSIDERED AS A SUBDIVISION OF LAND UNDER APPLICABLE COUNTY OR CITY ORDINANCES.

2. THE REAL ESTATE AS DESCRIBED ON THIS PLAT OF SURVEY IS NOT TO BE CONSIDERED AS A SUBDIVISION OF LAND UNDER APPLICABLE COUNTY OR CITY ORDINANCES.

3. THE REAL ESTATE AS DESCRIBED ON THIS PLAT OF SURVEY IS NOT TO BE CONSIDERED AS A SUBDIVISION OF LAND UNDER APPLICABLE COUNTY OR CITY ORDINANCES.

4. THE REAL ESTATE AS DESCRIBED ON THIS PLAT OF SURVEY IS NOT TO BE CONSIDERED AS A SUBDIVISION OF LAND UNDER APPLICABLE COUNTY OR CITY ORDINANCES.

5. THE REAL ESTATE AS DESCRIBED ON THIS PLAT OF SURVEY IS NOT TO BE CONSIDERED AS A SUBDIVISION OF LAND UNDER APPLICABLE COUNTY OR CITY ORDINANCES.

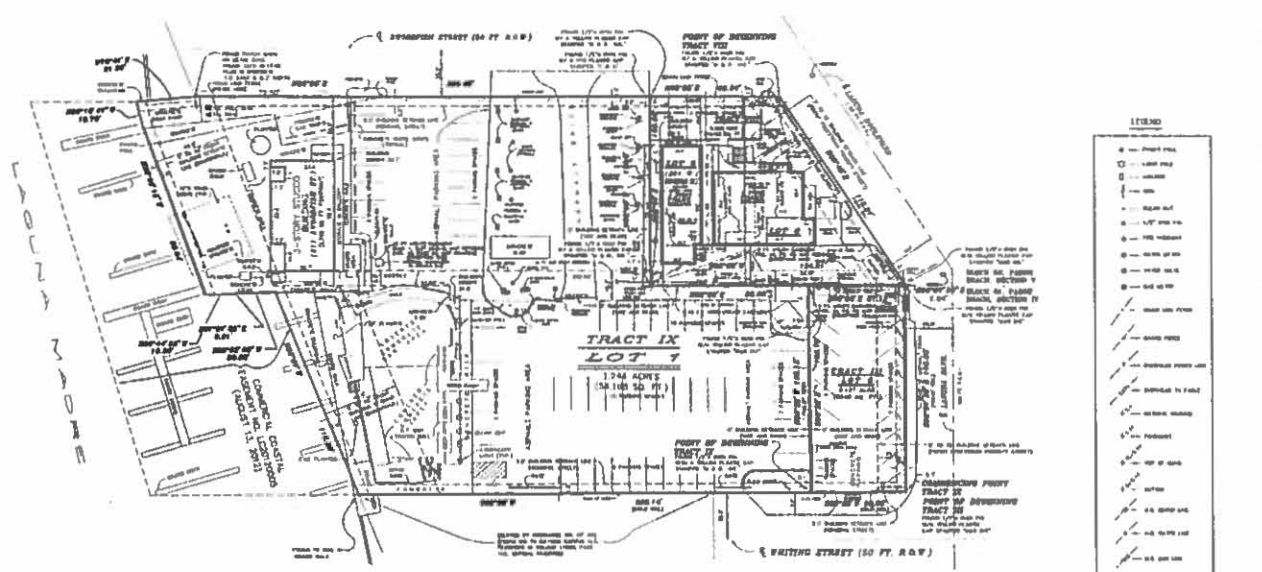
6. THE REAL ESTATE AS DESCRIBED ON THIS PLAT OF SURVEY IS NOT TO BE CONSIDERED AS A SUBDIVISION OF LAND UNDER APPLICABLE COUNTY OR CITY ORDINANCES.

7. THE REAL ESTATE AS DESCRIBED ON THIS PLAT OF SURVEY IS NOT TO BE CONSIDERED AS A SUBDIVISION OF LAND UNDER APPLICABLE COUNTY OR CITY ORDINANCES.

8. THE REAL ESTATE AS DESCRIBED ON THIS PLAT OF SURVEY IS NOT TO BE CONSIDERED AS A SUBDIVISION OF LAND UNDER APPLICABLE COUNTY OR CITY ORDINANCES.

9. THE REAL ESTATE AS DESCRIBED ON THIS PLAT OF SURVEY IS NOT TO BE CONSIDERED AS A SUBDIVISION OF LAND UNDER APPLICABLE COUNTY OR CITY ORDINANCES.

10. THE REAL ESTATE AS DESCRIBED ON THIS PLAT OF SURVEY IS NOT TO BE CONSIDERED AS A SUBDIVISION OF LAND UNDER APPLICABLE COUNTY OR CITY ORDINANCES.



**ALTA/ACSM LAND TITLE SURVEY**

**TRACT IX - LOT FIVE (5), BLOCK FIFTY-ONE (51), PADRE BEACH, SECTION IV, CITY OF SOUTH PADRE BEACH, CAMERON COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN VOLUME 14, PAGE 52, MAP RECORDS OF CAMERON COUNTY, TEXAS.**

**TRACT VII - LOTS FIVE (5) AND SIX (6), BLOCK FIFTY-TWO (52), PADRE BEACH, SECTION V, A SUBDIVISION IN THE CITY OF SOUTH PADRE BEACH, CAMERON COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN VOLUME 14, PAGE 65, MAP RECORDS OF CAMERON COUNTY, TEXAS.**

**TRACT IX - LOT ONE (1), BLOCKS FIFTY-ONE (51) AND FIFTY-TWO (52), PADRE BEACH, SECTION IV & V, A SUBDIVISION IN THE CITY OF SOUTH PADRE BEACH, CAMERON COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN CABINET 1, SLOT 1610-B, MAP RECORDS OF CAMERON COUNTY, TEXAS.**

**SCALE: 1" = 30'**

**SURVEYED FOR SKIPJACK PROPERTIES, L.L.C.**

**Mejia & Ross, Incorporated**  
Engineering Surveying  
T.B.P. Reg. No. F-002670  
T.B.P.E. Reg. No. 1002900  
1643 West Price Road (856) 544-3022  
P.O. Box 3781 Brownsville, Texas 77820  
Fax (856) 544-3068  
email: mandrine@engmail.com  
G.F. No. 15011211 JOB NO. 144



Boundary information shown as  
prepared by Mejia & Rose on March 27, 2015

Condition #1

*The granting of this variance will not be contrary to the public interest.*

The mural is intended to be in the public interest by adding art pieces for visiting families to view and enjoy. The Design Review Task Force has reviewed the proposal to be 'Public Art'.

Condition #2

*The literal enforcement of the ordinance will result in unnecessary hardship*

The hardship is caused by the property itself – it is unusually tall and large. Physical conditions did not allow for it to be placed underground (water table is less than 2 feet).

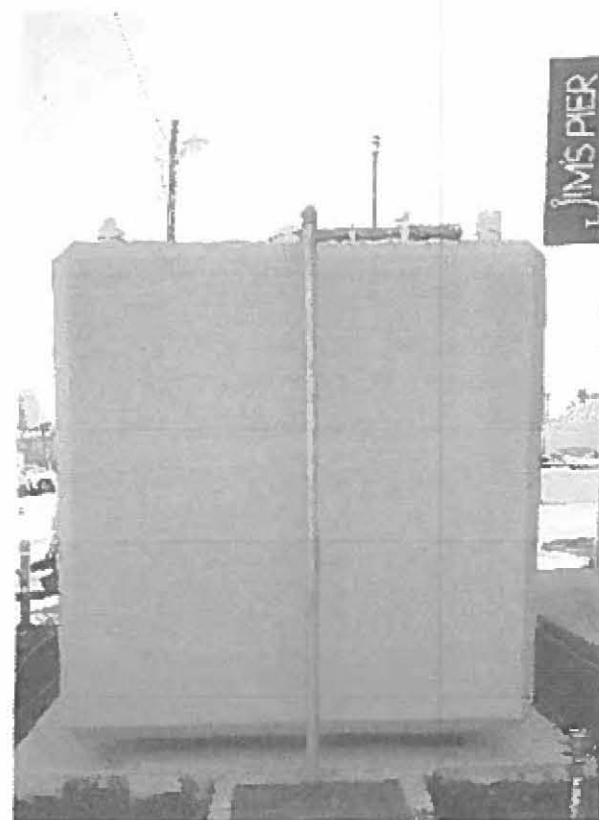
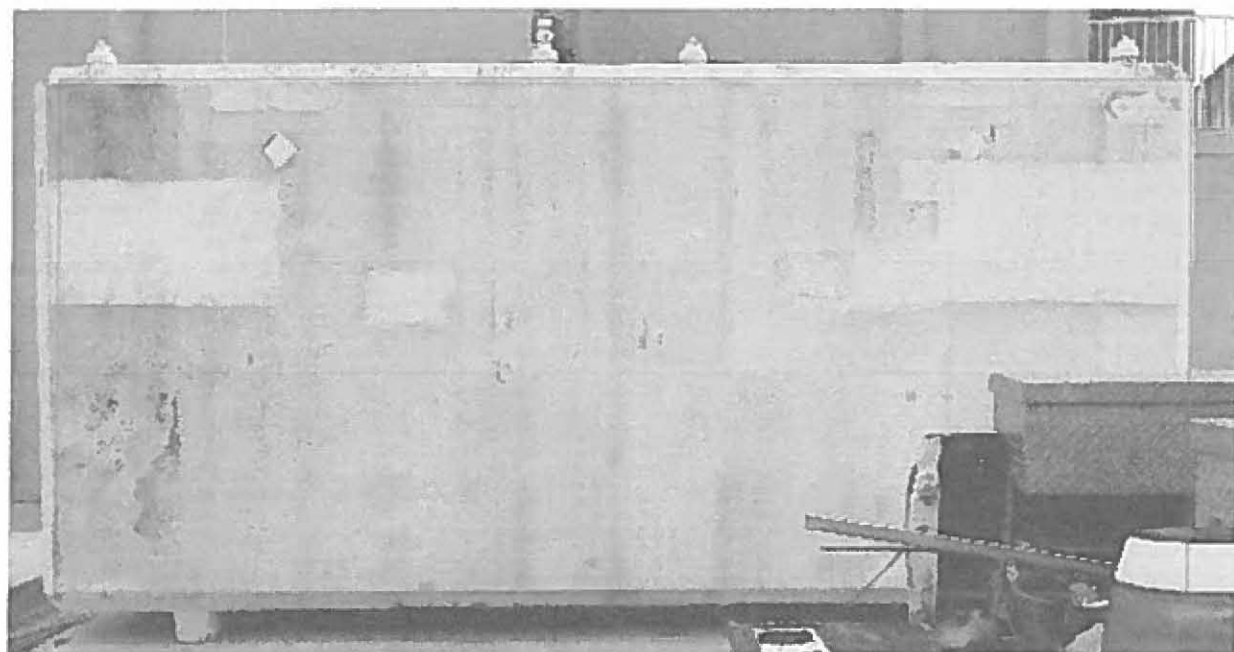
Vegetation screening will take some years to reach the height of 10 to 12 feet to shield the tank.

Fencing will be as unsightly as the painted tank over time and City code maximum height for fencing is 7 feet.

Condition #3

*By granting the variance, the spirit of the ordinance will be observed and substantial justice will be done.*

The spirit of the ordinance is served by converting the tank surface into an artists canvas to create a vibrant three dimensional aquarium mural full of sea life found at South Padre Island and 'Diver Jim' – in honor of the long history of Jims Pier attracting families to the island and promoting sport fishing in our community.



West Side





South Side







East Side

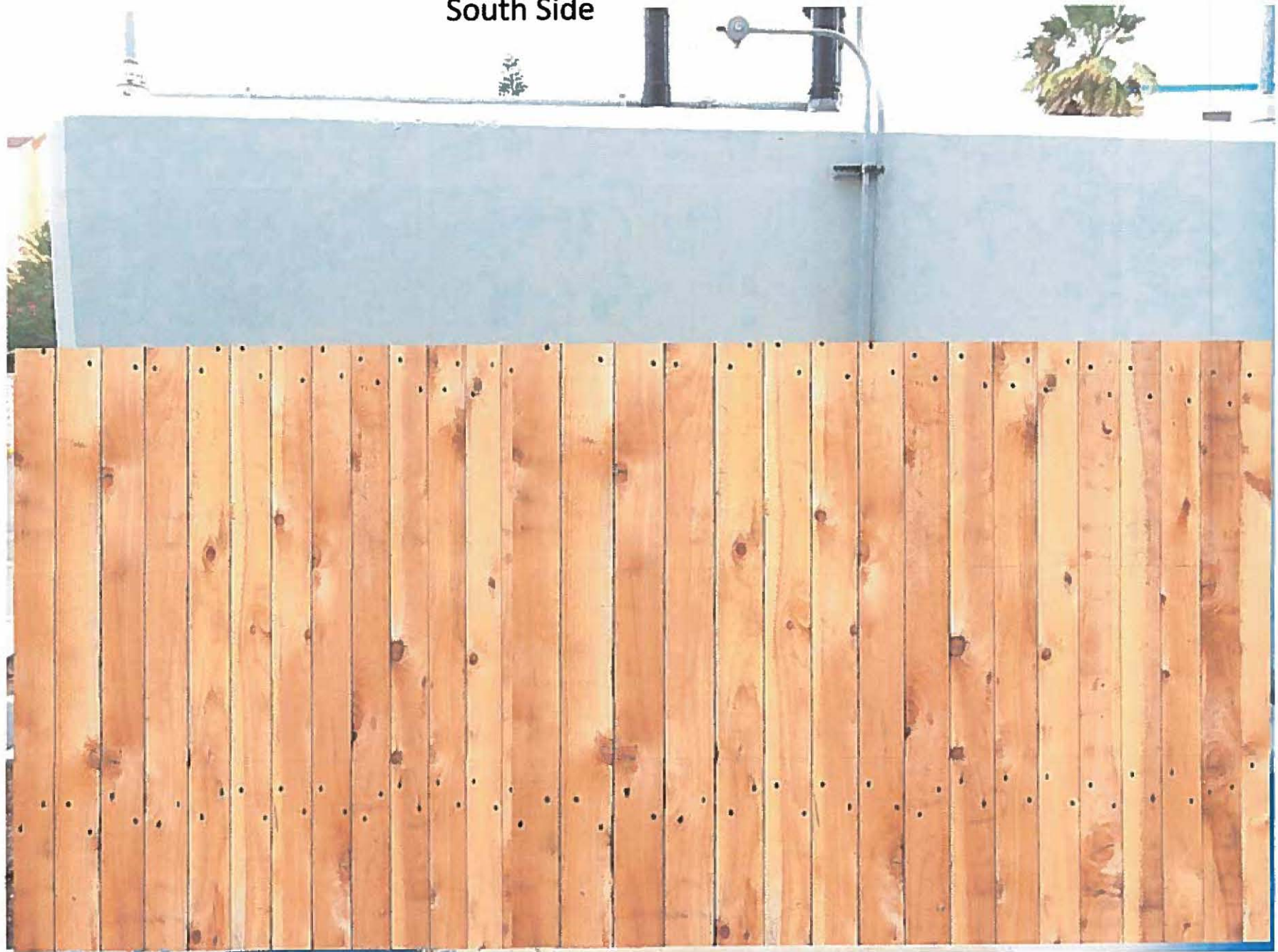




West Side



South Side







North Side

JIM'S



East Side





West Side





North Side



5 foot perimeter planting





South Side



5 foot perimeter planting



East Side



5 foot perimeter planting