

**NOTICE OF MEETING
CITY OF SOUTH PADRE ISLAND
DEVELOPMENT STANDARDS REVIEW TASK FORCE**

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 DEVELOPMENT STANDARDS REVIEW TASK FORCE OF THE CITY OF SOUTH PADRE ISLAND, TEXAS, WILL HOLD A REGULAR MEETING ON:

**TUESDAY, MAY 13, 2014
10:00 A.M. AT THE MUNICIPAL BUILDING,
CITY COUNCIL CHAMBERS, 2ND FLOOR
4601 PADRE BOULEVARD, SOUTH PADRE ISLAND, TX**

1. Call to Order.
2. Pledge of Allegiance.
3. Public Comments and Announcements.
4. Approval of Minutes of the April 8, 2014 Regular Meeting and Workshop Meeting.
5. Discussion and action regarding a variance request by U-Mix Frozen Yogurt from the City's Code of Ordinances and the City's Padre Boulevard Entertainment District Code. Applicant is requesting approval of proposed signage. *(1004 Padre Boulevard, Ste F-1)*
6. Discussion and action on revision of the Color Palette, adopted as a part of the Padre Boulevard and Entertainment District Code. *(Staff, Dr. Kim)*
7. Adjournment.

DATED THIS THE 9TH DAY OF MAY 2014


Susan Hill, City Secretary

I, THE UNDERSIGNED AUTHORITY, DO HEREBY CERTIFY THAT THE ABOVE NOTICE OF REGULAR MEETING OF THE DEVELOPMENT STANDARDS REVIEW TASK FORCE 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 **MAY 9, 2014** AT/OR BEFORE **10:00 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) 761-1025.

**DEVELOPMENT STANDARDS REVIEW TASK FORCE
MEETING MINUTES
APRIL 8, 2014**

1. Call to Order.

Robert Fudge called the meeting to order at 3:00 p.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. Task Force members in attendance were: Joe Logan, Joe Baker, Robert Fudge, Gardner Treharne, and Nancy Moyer. Staff members present were: Jay Mitchim, Building Official, Sungman Kim, Development Director and Marta Martinez.

2. Pledge of Allegiance.

Robert Fudge led those present in the Pledge of Allegiance.

3. Public Comments and Announcements.

None

4. Approval of Minutes of the March 18, 2014 Regular Meeting.

Mr. Fudge announced the item from the agenda and asked the Task Force Members if they had any corrections to the March 18, 2014 regular Meeting Minutes. Mr. Treharne made a motion to approve the minutes as submitted. Mr. Logan seconded the motion. The motion carried unanimously.

5. Discussion and action regarding a variance by Raul Gonzalez from Rio Tex Neon Sign, from the City's Code of Ordinances and the City's Padre Boulevard Entertainment District Code. Applicant is requesting to make changes to an existing Legally Non-Conforming Sign. (901 Padre Boulevard; W 1/2 of Track 3)

Mr. Fudge announced the item from the agenda and asked for a staff report. Mr. Mitchim stated that applicant is requesting a variance to make changes to an existing Legally Non-Conforming Sign. Staff recommends denial.

Mr. Fudge then opened it up for discussion by the Task Force. The Task Force expressed their comments/concerns regarding this matter. Mr. Treharne made a motion to deny the request. Mr. Baker seconded the motion. The motion carried unanimously.

6. Adjournment.

Since there was no further business to discuss, Mr. Treharne made a motion to adjourn the meeting. Ms. Moyer seconded the motion. The meeting was adjourned at 3:06 p.m.

Marta Martinez, Secretary

Robert Fudge, Chairman

**DEVELOPMENT STANDARDS REVIEW TASK FORCE
WORKSHOP MINUTES
APRIL 8, 2014**

1. Call to Order.

Robert Fudge called the meeting to order at 3:30 p.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. Task Force members in attendance were: Joe Logan, Joe Baker, Robert Fudge, Gardner Treharne, and Nancy Moyer. Staff members present were: Jay Mitchim, Building Official, Sungman Kim, Development Director and Marta Martinez.

2. Pledge of Allegiance.

Robert Fudge led those present in the Pledge of Allegiance.

3. Public Comments and Announcements.

None

4. Discussion regarding the Color Palette.

Mr. Fudge announced the item from the agenda and asked for a staff report. Dr. Kim gave a presentation regarding the Color Palette.

Mr. Fudge then opened it up for discussion by the Task Force and the Public. The Task Force and Public expressed their comments/concerns regarding this matter. No action was taken.

5. Adjournment.

Since there was no further business to discuss, Mr. Fudge adjourned the meeting at 4:26 p.m.

Marta Martinez, Secretary

Robert Fudge, Chairman

DEVELOPMENT STANDARDS REVIEW TASK FORCE AGENDA REQUEST FORM
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MEETING DATE: May 13, 2014

Item: 5

SPONSOR / ORIGINATOR: Ernesto Escudero, U-Mix Frozen Yogurt

ITEM DESCRIPTION:

Discussion and action regarding a variance request by U-Mix Frozen Yogurt from the City's Code of Ordinances and the City's Padre Boulevard Entertainment District Code. Applicant is requesting approval of proposed signage. *(1004 Padre Boulevard, Ste F-1)*

DISCUSSION:

STAFF RECOMMENDATIONS / COMMENTS:

This is a combination of two requirements. The first is the limitation of only one wall/awning sign per lease space per street front (Form Base Code, Table 11.1) and how the area of the sign is calculated (Section 15.2 (66), City's Code of Ordinances). If the sign is calculated as two attached rectangles that encompass the extreme limits of the representation it exceeds the square foot limitation. A variance from the one sign limitation or from the method of calculating the area is what is requested. The applicant believes that given the width of the store front (32ft) and the scale of the building the proposed configuration is the most aesthetically pleasing way to deliver his message to the public.

COMMISSION ACTION:

MOTION: _____

BY: _____ **SECOND BY:** _____

Fudge
Yes / No / A

Logan
Yes / No / A

Baker
Yes / No / A

Moyer
Yes / No / A

Treharne
Yes / No / A

Chapter 15

SIGNS

Sec.15-1 Purpose.

The purposes of these sign regulations are to encourage the effective use of signs as a means of communication in the City of South Padre Island, Texas to maintain and enhance the aesthetic environment and South Padre Island's ability to attract sources of economic development and growth; to improve pedestrian and traffic safety; to minimize the possible adverse effects of signs on nearby public and private property; and to enable the fair and consistent enforcement of community standards. These regulations are aimed at achieving the goals, objectives, and policies enumerated in South Padre Island Plan 2010. This Ordinance is adopted pursuant to Chapter 216, of the Texas Local Government Code.

Sec.15-1.1 Review-Amendment.

In order to carry out the purpose of this Chapter the City Council in 1996 appointed an Ad Hoc Sign Ordinance Review Committee which made recommendations to the City Council and which amendments were passed. The City Council do not wish to consider further amendments to this Chapter without recommendations from an appropriate citizen committee such as the Ad Hoc Sign Ordinance Review Committee. The City Council may appoint an Ad Hoc Sign Ordinance Review Committee every three years to review this Chapter and the City Council will review said recommendations prior to amending this Chapter.

Sec. 15-1.2 Provisions of this Chapter apply to ETJ.

All provisions of this Chapter 15 (sign regulatory ordinances) that regulate outdoor signs shall apply within the area of the extraterritorial jurisdiction of this city as defined by Chapter 42 of the Texas Local Government Code. [Ord 10-09]

Sec.15-2 Definitions.

For purposes of this Ordinance, the following definitions shall apply:

- (1) **Abandoned Sign:** A sign which no longer correctly directs or exhorts any person, advertises a bona fide business or service provided, lessor, owner, project, activity conducted, or product available on the premises where the sign is displayed. (A temporary closing of a business, not to exceed 90 days, shall not be considered an abandoned sign.)
- (2) **Airborne Sign:** A sign on a balloon, flag, pennant, or inflatable sign.
- (3) **Altered:** A change of copy, logo, or other means in which the message is changed or enlarged, changing shape or location.
- (4) **Animated Sign:** Any sign which includes action or motion.
- (4.1) **Art in Public Spaces:** Art located in places easily seen by the public but which has no direct commercial connection to the structure or location in which this art is located. Reviewed and approved by the Development Standards Review Task Force on a case by case basis.
- (5) **Average Grade:** The grade of the finished ground level at the midpoint of each exterior surface of a sign, or a structure, in the event that the sign is attached to the structure. The height of a sign shall be computed as the distance from the base of the sign at

- (60) **Reflective Surface:** Any material or device which has the effect of intensifying reflected light, including but not limited to scotch light, day glow, glass beads and luminous paint.
- (61) **Required Signs:** Any sign required by law for the protection of the general health, safety and welfare of the public. For the purposes of this Ordinance, numbers attached to the front plane of a facing and visible from the adjacent public right-of-way or private ingress/egress for the purpose of identifying the street address of the structure shall be considered a required sign. Such numbers shall be a minimum of four (4) inches in height, shall be of a color in distinct contrast to the color of the wall to which it is attached, and shall be plainly visible from the adjacent public right-of-way or private ingress/egress.
- (62) **Residential Nameplate Sign:** A sign permitted for the sole purpose of identifying the inhabitant residing therein, the house name, or identifying the address of the house. The sign may contain no advertising of any kind.
- (63) **Roof Line:** The highest point of the coping on a flat roof, false mansard, or parapet wall; the decline of a true mansard roof; the ridge line between the upper and lower slopes of a gambrel roof; or the mean height level between the eaves and the ridge of a gable or hip roof.
- (64) **Roof Sign:** A sign attached to, and wholly or partially dependent upon, the roof of a structure for support, or attached to the roof in any way, but not extending above the roof line, as defined by this Ordinance. Such signs will be completely enclosed between the sign and the corresponding roof, and shall be designed to meet the wind resistance requirements of Section 15-10.
- (65) **Sign:** Any thing of visual appearance primarily used for, or having the effect of, attracting attention from the streets, sidewalks, or other curbside public areas for identification purposes, whether illuminated or non-illuminated. An identification logo, description, illustration or device which is affixed to or represented directly or indirectly upon a building, structure or land, and which directs attention to a product, place, activity, person, service, institution or business, whether illuminated or non-illuminated. For the purposes of removal, the definition of "sign" shall include all of the sign structure. For the purposes of this Ordinance, this definition shall also include paintings directly upon a building, other structure or vehicle and any manufacture incorporated or added to a building or property that is not a normal structural or architectural component of a building shall be considered a "sign" (i.e. to attract attention from public right-of-way) and must comply with all the commercial sign regulations of this Chapter pertaining to either a monument sign or a projecting sign. (Ord. 02-14; Nov.20, 2002) The basic intent behind this definition is not to discourage product displays, design, or art from epitomizing simplicity, good taste, and compatibility with the community's desired image.
- (66) **Sign Area:** The area of a sign face (which is also the sign area of a wall sign or other sign with only one face) shall be computed by means of the smallest square, circle, rectangle, triangle, or combination thereof that will encompass the extreme limits of the writing, representation, emblem, or other display, together with any material or color forming an integral part of the background of the display or used to differentiate the sign from the backdrop or structure against which it is placed, but not including any supporting framework, bracing, or decorative fence or wall when such fence or wall otherwise meets zoning ordinance regulations and is clearly incidental to the display itself. The sign area for a sign with more than one face shall be computed by adding together the area of all sign faces visible from one point. When two identical sign faces

are placed back to back, so that both faces cannot be viewed from any point at the same time, and when such sign faces are part of the same sign structure and are not more than 42 inches apart, the sign area shall be computed by the measurement of one of the faces.

- (67) **Sign Structure:** The sign and all parts associated with its construction.
- (68) **Snipe Sign:** A sign which is tacked, nailed, posted, pasted, glued or otherwise attached to trees, utility poles, stakes, or fences or to other objects, and whose message is not associated with the premises upon which such sign is located.
- (69) **Temporary Signage:** A sign erected for a special purpose and for a specifically stated short term of duration, as regulated by Sections 15-6(G), 15-7, and 15-12. Temporary signage may include such otherwise prohibited forms of signage as portable signs [Section 15-5(E)] and banners [Section 15-5(F)].
- (70) **Traffic Control Sign:** A permitted sign for the purpose of identifying parking areas and directing the flow of traffic on private property.
- (71) **Wall Sign:** A sign attached to, painted on, or erected against the wall of a building or structure with the exposed face of the sign in a plan parallel to the face of the wall and not projecting more than Nine (9) inches from the face of the wall at any point.
- (72) **Window Sign:** A sign – printed, painted, neon or otherwise – no greater than thirty-two (32) square feet, displayed in or through a window or glass door and which can be seen from the front property line / right of way line. All windows signs except open or closed, name of store or business and national product logos (Image signs are permitted) are prohibited after February 1, 2012. *Ord 04-03; Ord 10-02*

Sec.15-3 Permits, Renewals, Expiration and Transfers.

Permit Required: It shall be unlawful to commence or to proceed with the erection, construction, reconstruction, conversion, alteration, enlargement, extension, placement, or moving of any sign or sign structure or any portion thereof without first having applied in writing to the City Manager, or his designee, for a sign permit to do so, and a sign permit has been granted therefore. Should any existing sign be enlarged, replaced, moved, or reconstructed, it shall be considered a new sign, requiring a sign permit. If an existing sign is repainted or the sign panels replaced for the purpose of changing the business or tenant, it shall require the filing of an assignment permit, pursuant to Section 15-3(G)(2). However, the re-painting of a sign face or the replacement of sign panels for ordinary maintenance, shall not constitute such a change as to classify the sign as a new sign, and shall not require a sign permit, providing that the repair and/or replacement shall be in conformance with the height, location, and dimensions as shown in accordance with the original sign permit, and that any damage to the sign shall not be sufficient to make the sign subject to the requirements of Section 15-13. The primary responsibility for securing the necessary permit(s) shall be the property owner's. However, if the property owner should contract part or all of the proposed work, it shall become the responsibility of the person or firm hired to perform that work to ensure that all required permits and approvals have been secured prior to any work being initiated. For the purposes of this Ordinance, through the acceptance of the contract to perform the work, the third party so contracted shall become equally liable for all fees, fines, and penalties prescribed by this Ordinance arising from violations resulting from that work.

- (A) Applications shall be submitted to the Public Works Department for review and approval. Said application shall consist of a scale drawing showing the detail and

XI. Signage Standards

11.1 Applicability. For new and substantially modified signs, the standards in Table 11.1 shall apply and sign permits shall be approved administratively by the City of South Padre Island Building Official unless specifically noted in this section. Except as specifically listed below, all other signage and sign standards shall comply with Chapter 15 of the City of South Padre Island City Ordinances, as amended. Refer to Section XIII for Definitions of the various sign types.

Table 11.1								
Character Zone	Bayfront	Entertainment District Core	Neighborhood Crossings	Town Center Crossing	Padre Boulevard South	Padre Boulevard Central	Padre Boulevard North	Neighborhood Transition
Sign Type								
Wall Signs	P	P	P	P	P	P	P	P (comm. uses only)
								<ul style="list-style-type: none"> For all ground floor commercial uses (retail, office, and restaurant): One sign per tenant space per each street frontage, not to exceed more than 2 signs; area to be calculated at 1.5 sq. ft. per linear foot of public street frontage for the tenant space with a maximum of 100 sq. ft. per tenant. Second and upper floor commercial uses may also be permitted one second floor wall sign per tenant space per public street frontage; area to be calculated at 1.5 sq. ft. per linear foot of second or upper floor frontage along that public street with a maximum of 125 sq. ft. Institutional uses (non-profits and churches): One sign per tenant space; area to be calculated at 1.5 sq. ft. per linear foot of public street frontage with a maximum of 100 sq. ft. Live-Work and Home occupations: One sign limited to an area of 20 sq. ft. max. Building sign may encroach a maximum of 12" on to a sidewalk while maintaining a vertical clearance of 8 ft. from the finished sidewalk. Building signs may be internally or externally lit. Marquee signs as only permitted as specified below.
Monument Signs	NP	NP	P	P	P	P	P	NP
								<ul style="list-style-type: none"> One monument sign per lot per lot street frontage (no more than 2 per lot separated by at least 100 ft.) limited to a maximum of 50 sq. ft. per sign face and 6 ft. in height.
Window Signs	P	P	P	P	P	P	P	P (comm. uses only)
								<ul style="list-style-type: none"> Limited to 10% of the window area. In the Neighborhood Transition Zone, window signs are only permitted for commercial uses (including the "work" component of live-work uses). <p>The following shall be exempt from this limitation:</p> <ul style="list-style-type: none"> Addresses, closed/open signs, hours of operation, credit card logos, real estate signs, and now hiring signs. Mannequins and storefront displays of merchandise sold. Interior directory signage identifying shopping aisles and merchandise display areas.
Building Blade Signs	P	P	P	P	P	P	P	P (comm. uses only)
								<ul style="list-style-type: none"> One per building (commercial and mixed use buildings only) Area = 30 sq. ft. maximum per sign face. May encroach a maximum of 2 ft. over a sidewalk, but shall not encroach over any parking or travel lane. Building blade signs may be attached to the building at the corners of building or along any street facing façade above the first floor façade.
Tenant Blade Signs	P	P	P	P	P	P	P	P (comm.)
								<ul style="list-style-type: none"> One per commercial tenant space (retail, office, or restaurant use) Area = 16 sq. ft. maximum per sign face



CITY OF SOUTH PADRE ISLAND

Development Standards Review Task Force Application

Meeting date on the 2nd Tuesday of every month.

To be considered a complete application this form must be COMPLETELY filled out and ten (10) copies of the form and supporting documentation must be submitted **two (2) weeks before the meeting date. \$250 application fee per variance request.**

SITE LOCATION FOR REQUEST:

Physical Address (Street Name & Number): 1004 Padre Blvd, Ste F-1

Legal Description (Lot/Block/Subdivision): Ste F-1

Is this property part of a shopping center (i.e. one tenant of many?) | ☒ YES | NO

Linear footage of any walls facing a street: 32 Ln. ft.

TOT. ALLOWABLE SQ. FT. SIGNAGE: 48 sq ft

I hereby request the following from the Development Standards Review Task Force: To allow Umix Yogurt a variance from the one sign or a variance from the way it is calculated as opposed to section 15-2(66). We request for each word to be calculated as stand alone and not consider the sq. ft. in between words (Picture 1 - light gray box). Picture 2 is representative of proposed finish look.

*SIGNS & STRUCTURES: person pulling sign permit is required to have a \$10,000 license and permit bond made out to the City of South Padre Island.

PROPERTY OWNER: DALOR LTD

OWNER MAILING ADDRESS: 1004 PADRE BLVD

CITY, STATE, ZIP: SP 78597

PHONE NUMBER: 761 5100 (E-mail address) Controller@torba.com

Signature of Property Owner (required) [Signature] Date 5/3/14

APPLICANT: U-Mix Frozen Yogurt

APPLICANT MAILING ADDRESS: 1805 E. Ruben M. Torres, Ste A-10

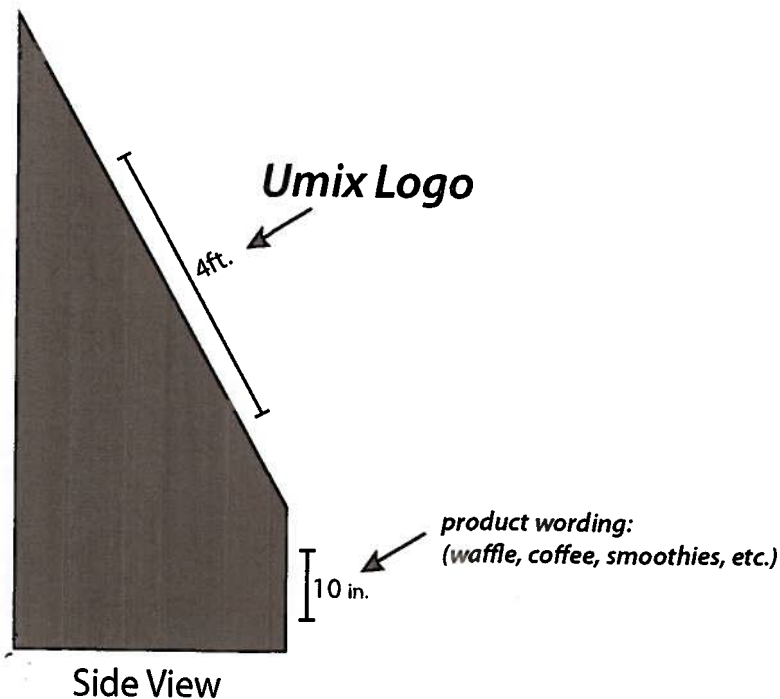
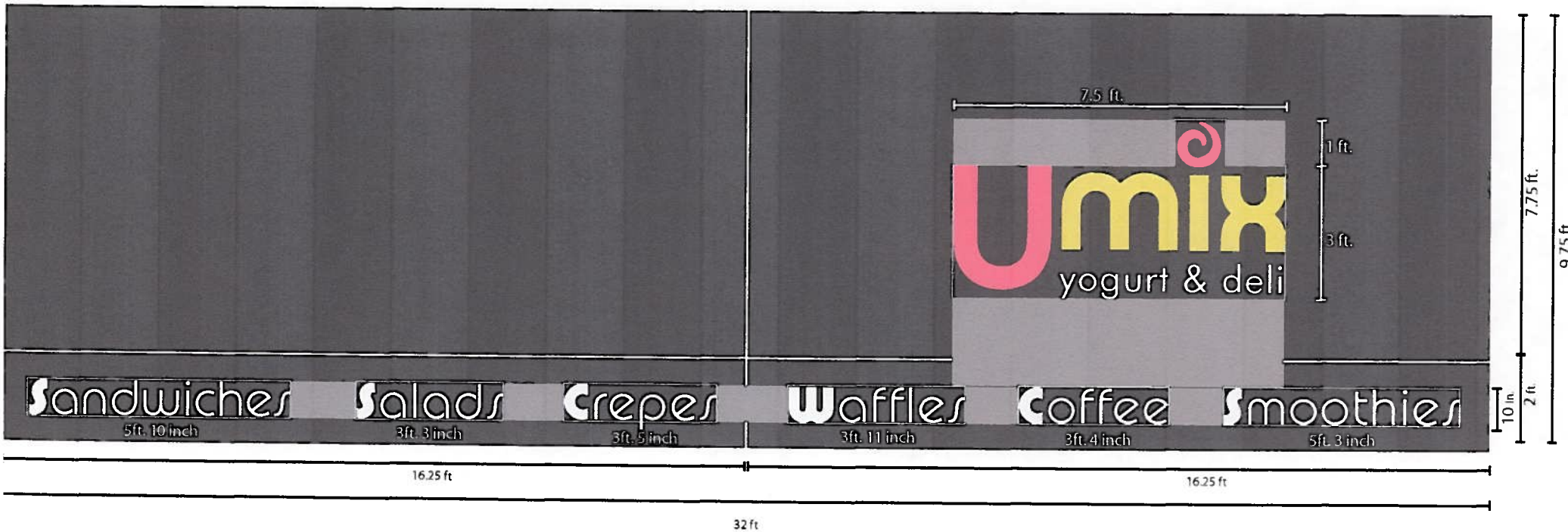
CITY, STATE, ZIP: Brownsville, TX. 78526

PHONE NUMBER: 956-572-6074 (E-mail address) jeescudero@hotmail.com

Signature of Applicant (if different from owner) [Signature] Date 5/2/14

Umix Yogurt & Deli Canopy Sign

Picture 1



Total Square Ft. Allowed 48 Sq. Ft.

Umix Logo	23.5
Smoothies	4.35
Coffee	2.76
Waffles	3.25
Crepes	2.84
Salads	2.7
Sandwiches	4.84
Total Sq. ft.	44.24 (if considered individual signs)

Variance of area not to be considered.

Picture 2



DEVELOPMENT STANDARDS REVIEW TASK FORCE AGENDA REQUEST FORM
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MEETING DATE: May 13, 2014

Item: 6

TO: Development Standards Review Task Force

FROM: Sungman Kim, Director of Development Services

ITEM DESCRIPTION:

Discussion and action on revision of the Color Palette, adopted as a part of the Padre Boulevard and Entertainment District Code.

NOTES AT THE APRIL 8TH DSRTF WORKSHOP

(Provided by Mr. Bob Fudge on April 23, 2014)

1. Make it simpler for business owners;
2. Restrictions on trim – being unrestricted may be a problem;
3. Consider making the accent and trim the same color;
4. Determine number of colors to be allowed (4 or 5 or another number);
5. Make color palette a business and not residential palette;
6. Review total number of colors to be accepted on palette.

STAFF RECOMMENDATION

Staff recommends DSRTF to consider the following:

The colors, which are specified based on the Munsell Color System, of a building are restricted to those below:

1. Areas for color application shall be categorized into (1) body, (2) trim, (3) accent and (4) roof. Body colors indicates colors applied to wall areas. Trim colors include areas of shutters, doors, windows, and wainscot. Accent colors cover fascia and soffit. Roof colors indicate entire roof areas.
2. General Provisions.
 - a. Colors that are recommended:
 - i. Existing color palette; and
 - ii. Earth tone and/or colors of natural materials.



<p align="center">DEVELOPMENT STANDARDS REVIEW TASK FORCE AGENDA REQUEST FORM</p>
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- b. Colors that are not allowed:
 - i. Colors of raw metals; and
 - ii. Fluorescent, neon or any illuminated colors.

3. Specific Provisions.

- a. Body and roof colors are restricted to those in the table below:

	Hue	Value	Chroma
Body	All	8 or above	6 or below
Roof	All	6 or below	6 or below

- b. Accent and trim colors are not restricted.
Alternative 1 – Consider making the accent and trim colors the same color or the same hue.

Alternative 2 – Restrict accent and trim colors

- c. Number of colors allowed:

- i. Four (body, trim, accent and roof) colors up to 5,000 sq.ft.
- ii. Five colors for buildings greater than 5,000 sq.ft.
 - (1) Two (2) body colors may be applied to façade rhythm of 20' to 30' bays to be consistent with the required Façade Composition (PBEDC 8.1.3).
 - (2) No pattern of narrower stripes than 20' is allowed.