

**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, SEPTEMBER 18, 2014**

3:00 P.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 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 minutes of the August 21, 2014 regular meeting.
5. Discussion and action on a vacation of previously recorded plat of Lots 32A and 32B Block 63 Neighborhood Crossing Character Zone and returning to their original plat for Lot 32 Block 63 Neighborhood Crossing Character Zone. (*110 E. Dolphin St.; Jose & Miriam Sanchez, owner*)
6. Public Hearing regarding a request by Dane Hebert with Origins Recovery Centers regarding a request for a Specific Use Permit to operate a "Substance Abuse Treatment Facility" located at Lot 4 Block 152 Padre Beach Subdivision, Section X and Lot 1 Block 1 Jones – Gardere Subdivision. (*Origins*)
7. Discussion and action regarding a request by Dane Hebert with Origins Recovery Centers regarding a request for a Specific Use Permit to operate a "Substance Abuse Treatment Facility" located at Lot 4 Block 152 Padre Beach Subdivision, Section X and Lot 1 Block 1 Jones – Gardere Subdivision. (*Origins*)
8. Public Hearing regarding a proposed amendment to the Planned Development District Standards, Specifications and Zoning for the Shores Subdivision of South Padre Island to be consistent with FEMA requirements. (*Richard Franke*)
9. Discussion and action regarding a proposed amendment to the Planned Development District Standards, Specifications and Zoning for the Shores Subdivision of South Padre Island to be consistent with FEMA requirements. (*Richard Franke*)

10. Public Hearing regarding a revision to Table 5.1 "Schedule of Uses" and Table 5.2 "Use Criteria" for Padre Boulevard and Entertainment District Code to allow Surface Parking (primary use of property) as a permitted use with design criteria in Neighborhood Transition Zone.
11. Discussion and action regarding a revision to Table 5.1 "Schedule of Uses" and Table 5.2 "Use Criteria" for Padre Boulevard and Entertainment District Code to allow Surface Parking (primary use of property) as a permitted use with design criteria in Neighborhood Transition Zone.
12. Discussion and action on recommended revisions to "By Laws and Rules of Procedure – Planning and Zoning Commission". (*Russell Judah*)
13. Adjournment

DATED THIS THE 12<sup>TH</sup> DAY OF SEPTEMBER 2014



Susan Hill, City Secretary

I, THE UNDERSIGNED AUTHORITY, DO HEREBY CERTIFY THAT THE ABOVE NOTICE OF MEETING OF THE PLANNING AND ZONING COMMISSION 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 **SEPTEMBER 12, 2014** AT/OR BEFORE **5:00 P.M.** AND REMAINED SO POSTED CONTINUOUSLY FOR AT LEAST 72 HOURS PRECEDING THE SCHEDULED TIME OF AID 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.

**PLANNING AND ZONING COMMISSION  
MEETING MINUTES  
AUGUST 21, 2014**

**1. Call to Order.**

Patrick McNulty 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. Commission members in attendance were: Patrick McNulty, Gary Olle, Deanna Bowman, Robert Fudge, Russell Judah, Ramona Alcantara, and Chris Huffman. Staff members present were Development Director Sungman Kim and Marta Martinez.

**2. Pledge of Allegiance.**

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

**3. Public Comments and Announcements.**

Mr. McNulty announced the item from the agenda and asked if anyone wish to speak in favor and/or against agenda item #5 and #6. Ramona Alcantara on behave of Galleon Bay Condos owners association, Jeff Gides, and Celia Gides spoke against agenda item #6. Robert Park spoke in favor of agenda item #6.

**4. Approval of minutes of the July 17, 2014 regular meeting.**

Mr. McNulty announced the item from the agenda and asked the Commission members if they had any corrections to the July 17, 2014 regular meeting minutes. Mr. Judah made a motion to approve as submitted. Mr. Fudge seconded the motion. The motion carried unanimously.

**5. Discussion and action regarding a proposed amendment to the Planned Development District Standards, Specifications and Zoning for the Shores Subdivision of South Padre Island to be consistent with FEMA requirements. (Richard Franke)**

Mr. McNulty announced the item from the agenda and asked for a staff report. Dr. Kim expressed his comments regarding the advertisement of this agenda item.

Mr. McNulty then opened it up for discussion by the Commission. Mr. Fudge made a motion to table the agenda item. Mr. Judah seconded the motion. The motion carried unanimously.

**6. Discussion and action a request by Dane Hebert with Origins Recovery Centers regarding a request for a Specific Use Permit to operate a "Substance Abuse Treatment Facility" located at Lot 4 Block 152 Padre Beach Subdivision, Section X and Lot 1 Block 1 Jones – Gardere Subdivision. (Origins)**

Mr. McNulty announced the item from the agenda. Mr. Fudge made a motion to table the agenda item. Mr. Huffman seconded the motion. The motion passed on a 3:2:2. Ms. Bowman and Mr. Judah voted in opposition. Ms. Alcantara and Mr. McNulty abstained.

**7. Discussion and action on recommended revisions to “By Laws and Rules of Procedure – Planning and Zoning Commission”.** *(Russell Judah)*

Mr. McNulty announced the item from the agenda and asked Mr. Judah for his report. Dr. Judah suggested this agenda item to be reviewed by the Commissioners.

Mr. McNulty then opened it up for discussion by the Commission. The Commissioners expressed their comments/concerns regarding this matter. After some discussion Ms. Alcantara made a motion to approve with changes recommended by Mr. Judah and have the City Attorney review. Ms. Bowman seconded the motion. The motion passed on a 6:0:1 vote. Mr. McNulty abstained

**8. Adjournment**

Since the Commission had no further business to discuss, Mr. McNulty adjourned the meeting at 3:38 p.m.

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Marta Martinez, Secretary

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Patrick McNulty, Chairman

**PLANNING & ZONING COMMISSION**

**AGENDA REQUEST FORM**

**MEETING DATE:** September 18, 2014

**ITEM: 5**

**TO:** Planning & Zoning Commission

**FROM:** Sungman Kim, Development Director

**ITEM DESCRIPTION:**

Discussion and action on a vacation of previously recorded plat of Lots 32A and 32B Block 63 Neighborhood Crossing Character Zone and returning to their original plat for Lot 32 Block 63 Neighborhood Crossing Character Zone.

**DISCUSSION:**

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The applicant is proposing a vacation of recorded plat of Lots 32A and 32B, so that the applicant can build a larger single family home on the original Lot 32.

The applicant is currently collecting signatures from appropriate local agencies and will submit final documents by Monday, September 15, 2014.

Therefore, there will be addendum to this item on Monday.

PLAT VACATION APPLICATION FORM

FILING DATE: 9-11-2014

NAME AND LOCATION

PHYSICAL ADDRESS: 110 E DOLPHIN ST. SOUTH PADRE ISLAND TX

SUBDIVISION NAME: PADRE BEACH SUBDIVISION 78598

SUBDIVISION LEGAL DESCRIPTIONS: (Current) LOT 32 A AND B BLK 43

JURISDICTION (CHECK ONE) CITY: ✓ ETJ: \_\_\_\_\_

DOES THIS SITE CURRENTLY HAVE ANY OF THE FOLLOWING: ELECTRIC METER\_\_\_\_, WATER TAP\_\_\_\_, or WASTEWATER\_\_\_\_,

IS A REPLAT OR RESUBDIVISION APPLICATION BEING SUBMITTED CONCURRENTLY FOR THE LOT(S) BEING VACATED? YES\_\_\_\_ NO\_\_\_\_.

IF YES, INCLUDE THE NAME OF PROPOSED PLAT: \_\_\_\_\_

OWNER INFORMATION

OWNER NAME: JOSE & MIRIAM SANCHEZ TELEPHONE NO. (956) 533-6565

STREET ADDRESS: 2415 E 22nd. St.

CITY, STATE AND ZIP MISSION, TX. 78572

EMAIL: FOUR4WO@AOL.COM

AGENT INFORMATION

NAME: \_\_\_\_\_ TELEPHONE NO. (\_\_\_\_) \_\_\_\_\_

STREET ADDRESS: \_\_\_\_\_

CITY, STATE AND ZIP \_\_\_\_\_

EMAIL: \_\_\_\_\_

## PLAT ATTRIBUTES

DO THE LOT(S) BEING VACATED RECIEVE UTILITY SERVICE? YES / NO ✓

SPECIFIC SERVICES AND UTILITY PROVIDER(S): WATER: \_\_\_\_\_

WASTEWATER: \_\_\_\_\_ ELECTRIC: \_\_\_\_\_

HAS ANY DEVELOPMENT OCCURRED ON THE LOT(S) BEING VACATED? YES / NO ✓

SPECIFY TYPE OF DEVELOPMENT: HOME

HAS A LETTER OF CREDIT BEEN POSTED FOR THE LOT(S) BEING VACATED? YES / NO ✓

WAS A RIGHT-OF-WAY DEDICATED BY THE PLAT? YES / NO ✓

SPECIFY IMPROVEMENTS FOR WHICH THE LETTER OF CREDIT WAS POSTED:

HAVE THESE IMPROVEMENTS BEEN COMPLETED? YES / NO ✓

HAS THE LETTER OF CREDIT BEEN RELEASED? YES / NO ✓

IF YES PLEASE GIVE DATE: \_\_\_\_\_

\$500.00 fee  
9-12-14

Planning & Zoning.

**PLANNING & ZONING COMMISSION  
AGENDA REQUEST FORM**

**MEETING DATE:** September 18, 2014

**ITEMS: 6 & 7**

**SPONSOR / ORIGINATOR:** Dane Hebert on behalf of Origins Recovery of Texas LLC.

**ITEM DESCRIPTION:**

Discussion and action regarding a Specific Use Permit as a 'Substance Abuse Treatment Facility' for 201 and 206 West Aries Drive.

**DISCUSSION:**

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**Location Map**



**The Request:** The owner of the Origins Recovery Center would like to use the properties as Substance Abuse Treatment Facilities.

**Consistency with the Comprehensive Plan:** The Specific Use Permit would be consistent with the Comprehensive Plan Chapter VI. Economic Development.

Policy 1.1.4: The City shall become one of the most business-friendly cities in the United States.

Strategy 1.1.4.2: Though restrictions on local business expansion should be removed.



**PLANNING & ZONING COMMISSION  
AGENDA REQUEST FORM**

Strategy 1.1.4.3: The City should establish programs encouraging and investing in local workforces

*Related Zoning Regulations:*

Sec.20-7 District B – Multi-family dwelling, apartment, motel, hotel, condominium, townhouse district.

(B) Use Regulations:

- (6) Specific Use Permits: Substance Abuse Treatment Facilities, General Hospitals, Special Hospitals, Primary Care Physicians Office, Urgent Care Centers, Dental Clinics may be granted Specific Use Permits in accordance with Section 20-24 Specific Use Permits.

Sec.20-8 District C – Business District

(B) Allowed Uses:

- (5) Specific Use Permits: Substance Abuse Treatment Facilities may be granted Specific Use Permit in accordance with Section 20-24 Specific Use Permits.

Sec.20-24 Specific Use Permits, as follows:

(A) Purpose and Intent

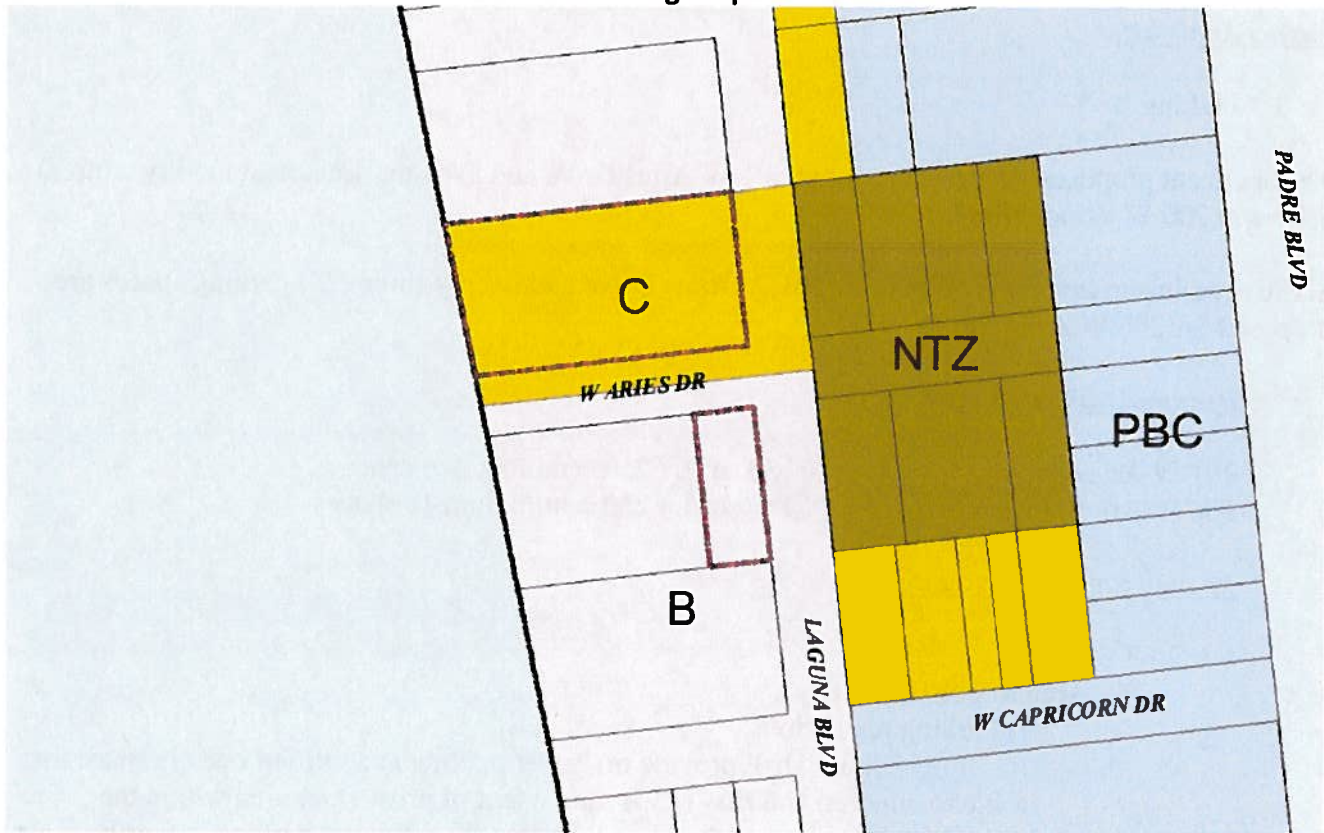
- (1) The City Council of the City of South Padre Island, Texas, after a public hearing and proper notice to all parties affected and after recommendations by the Planning & Zoning Commission may authorize the issuance of Specific Use Permits.
- (2) The purpose and intent of a Specific Use Permit is to authorize and regulate a use not normally permitted in a district which could be of benefit in a particular case to the general welfare, provided adequate development standards and safeguards are established for such use during the review of a Specific Use Permit application.

(B) Procedure

- (1) The Planning & Zoning Commission in considering and determining its recommendations to the City Council on any request for a Specific Use Permit may require from the applicant plans, information, operating data, and expert evaluation concerning the location, function, and design characteristics of any building or use proposed.
- (2) The City Council may, in the interest of the public welfare and to insure compliance with this ordinance, establish conditions of operation, location, arrangement, and type and manner of construction of any use for which a permit is authorized. In authorizing the location of any of the uses listed as specific use permits, the City Council may impose such development standards and safeguards as the conditions and locations indicate important to the welfare and protection of adjacent property from noise, vibration, dust, dirt, smoke, fumes, gas, odor, explosion, glare, offensive view, traffic, or other undesirable or hazardous conditions.
- (3) All Specific Use Permit approved in accordance with the provisions of this ordinance in its original form or as hereafter amended shall be referenced on the Zoning Map.

**PLANNING & ZONING COMMISSION  
AGENDA REQUEST FORM**

**Zoning Map**



**Compatibility Analysis:**

The property addressed at 201 W Aries is zoned for B-District and the District allows multi-family, apartment, motel, hotel, condominium, and town house. 206 W Aries is zoned for C-District, which allows office, retail, repair, clinic, primary care, special hospital and urgent care center. Beyond the permitted use, the both districts have Substance Abuse Treatment Facilities in the list of the Specific Use Permit.

The current uses of the properties are a multi-family (201 W Aries) and a restaurant (206 W Aries). It neighbors a condominium (El Castile) to the North, vacant NTZ lot (for office, art galleries, day care, religious and residential uses) and duplex townhome to the East, Origins Recovery Center to the West, and a multi-story condominium to the South.

The applicant proposes to use 201 W Aeries Drive as office spaces for 10 and 206 W Aeries Drive as recovery facilities with approximately 60 beds, 30 offices, group meeting rooms, kitchen, dining and living room area. There will be 10 parking spaces, a swimming pool, pier fishing and meditation areas in 206 W Aeries Drive.

Conflicts with the existing condominium uses may exist.

Direction	Zone	Current Use
North	B-District	Condominium (El Castile)
East	NTZ (Neighborhood Transition)	Vacant Lot & Duplex Townhome
South	B-District	Condominium
West	B-District (Specific Use Permit)	Origins Recovery Center

<p style="text-align: center;"><b>PLANNING &amp; ZONING COMMISSION AGENDA REQUEST FORM</b></p>
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Impact Analysis:

1. Parking

The applicant proposes 10 office spaces at 201 W Aries Drive and a 4-story treatment facility with 30 offices at 206 W Aeries Drive.

Six (6) parking spaces are proposed for 201 W Aries Drive and twenty-three (23) parking spaces are proposed for 206 W Aries Drive.

Required Minimum Parking:

201 W Aries Drive = 10 offices X 150 sq.ft. / 250 = minimum 6 spaces

206 W Aries Drive = 30 offices X 150 sq.ft. / 250 = minimum 18 spaces

Related Parking Regulations:

Sec.20-7 District B

(D) Area Regulations:

(5) Parking regulations:

(g) Clinics shall provide off-street parking at a ratio of one (1) space for each two hundred and fifty (250) square feet of gross floor area within the structures but in on case shall less than five (5) off-street parking spaces be provided.

(n) Required parking for a non-residential use may be located off-site under the following circumstances:

(1) No more than Fifty (50) percent of the required parking for the use may be located off-site.

(2) The off-site parking location must be either a contiguous property on the same side of the street as the property upon which the principal use to be served by the off-site parking is located, or a property directly across the street from the principal use, but no farther than Seventy-Six Feet (76') from the nearest property line of the principal use. Notwithstanding this provision, off-site parking locations shall not be permitted on the opposite side of Padre Boulevard from the location of the principal use to be served by the off-site parking.

(3) All off-site parking lots shall be located on property zoned within the same or similar zoning district.

Sec.20-8 District C

(F) Area Regulations:

(5) Parking regulations:

(a) Parking regulations for all "B" District uses located in "C" District shall be the same as those outlined in "B" District.

(c) Retail stores and office buildings shall provide off-street parking space in a ratio of one (1) space for each two hundred fifty (250) square feet of gross floor area.

<p style="text-align: center;"><b>PLANNING &amp; ZONING COMMISSION AGENDA REQUEST FORM</b></p>
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*Proposed Additional Parking*

The applicant also proposes additional 46 parking spaces on the vacant lots located directly across Laguna Boulevard from 201 W Aries Drive. The vacant lots are currently zoned for NTZ (Neighborhood Transition Zone) and, to accommodate primary parking, those need to be rezoned to District "C". This case would be a separate review for rezoning.

2. Noise

Noise from A/C, kitchen exhaust and emergency generator is anticipated. Because the properties are neighboring residential condominiums, therefore, technology of noise control for outside buildings shall be utilized.

3. Kitchen Odors

Commercial kitchen odor control measures including ventilation system, hood exhaust filtration and/or air cleaning system shall be utilized.

4. Aesthetics

Unsightliness of rooftop equipment should be minimized by utilization of green roof and/or other aesthetic treatments.

5. Safety

For the use of substance abuse treatment facilities, neighbors particularly concern about safety issues. These issues, whether factual or not, need to be addressed. In this case, to minimize potential interactions with neighbors, staff recommends the Origins acquire West Aeries Drive, segment from Laguna Boulevard to dead-end at Laguna Madre, and prepare a campus development.

**STAFF RECOMMENDATIONS / COMMENTS:**

Staff recommends the commission approve the Specific Use Permit to allow Origins Recovery Center to utilize the subject properties for Substance Abuse Treatment Facilities under the following condition:

1. The proposed intensity (201 W Aeries Drive as office spaces for 10; 206 W Aeries Drive as recovery facilities with approximately 60 beds, 30 offices, group meeting rooms, kitchen, dining and living room area) shall be kept and maintained;
2. Potential noise and kitchen odor issues shall be addressed by incorporating appropriate control systems;
3. The project shall address ways to enhance local aesthetic environment; and
4. The Origins should prepare a campus planning after acquiring West Aeries Drive, segment from Laguna Boulevard to dead-end at Laguna Madre.

<p><b>PLANNING &amp; ZONING COMMISSION</b> <b>AGENDA REQUEST FORM</b></p>
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**COMMISSION ACTION:**

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

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

McNulty	Huffman	Bowman	Fudge	Judah	Alcantara	Olle
Yes	Yes	Yes	Yes	Yes	Yes	Yes
No	No	No	No	No	No	No
Abstain	Abstain	Abstain	Abstain	Abstain	Abstain	Abstain

## Marta Martinez

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**From:** Sungman Kim  
**Sent:** Monday, August 25, 2014 8:14 AM  
**To:** Marta Martinez  
**Subject:** FW: Origins Application for Specific Use

For file.

Sungman Kim  
PhD, MBA, MLA, AICP, ASLA/PLA, GISP  
Director of Development Services  
City of South Padre Island  
4601 Padre Boulevard  
South Padre Island, TX 78597  
Phone: 956-761-8113  
[www.myspi.org](http://www.myspi.org)

**From:** Vince Huebinger [<mailto:vinceh@flash.net>]  
**Sent:** Friday, August 22, 2014 5:17 PM  
**To:** 'Robert Park, LCDR'  
**Cc:** 'Andrew Rothermel'; Sungman Kim; Ramona Kantack Alcantara  
**Subject:** Origins Application for Specific Use

Robert, please provide the information as requested on our call regarding the Origins in-patient guidelines. The use as defined in SPI development code does not prohibit court ordered rehabilitation, probated sentences and felons with addictions within the SUP process that you are asking to receive. How will Galleon be re-assured that these types of inpatients will not occupy the improvements you propose now or in the future.

Also please answer the question regarding Origin's reasons of occupying this specific location, and provide info on why other locations you may have reviewed would not work for you. I understand you currently occupy Hanna's House, but the other facilities will be new, and it appears that the entire campus is coming next door. Please explain, and if possible provide some idea of future growth.

When we discussed aesthetics & views, we appreciate the input on the future use of Hanna's House and the existing Duplex on Laguna to "remain the same" (except for the kitchen). We will need some written reassurances that the heights for both of these would remain at their current status.

Also appreciated for parking concerns is the shared parking. That may help El Castile more than us, but it is a good idea. We can also appreciate that Origins intends to spending millions of dollars on this site, but we have no visual idea how this will be constructed. You must realize that 20 of our owners will be looking at your facility every day, and architectural controls are an important factor in our decision. Again, provide some basic architectural guidelines, renderings, materials & roof visuals. Those would be extremely helpful and are not uncommon at this stage.

There was a lot of confusion regarding Tuesdays meeting. Was it cancelled, postponed or were there notification errors? Most of our owners were told that the meeting was cancelled and did not show up. Unfortunately, some of our owners will not be able to make the rescheduled Sept 18<sup>th</sup> meeting. I spoke to Mr. Kim about this earlier. Galleon's position was not represented during this hearing. Regarding our call, we certainly appreciate the opportunity to discuss this issue and we had a reasonable discussion on the phone. We learned a lot about your business plan, but I would not categorize Galleon as worry free or put at ease. If possible, provide the above written information to us for our board to review and discuss and we will try to decide then. Thanks

Vincent G. Huebinger

South Padre Island, TX 78597

Phone: 956-761-8113

www.myspi.org

-----Original Message-----

From: Richard Stamler [mailto:rstam12@sbcglobal.net]

Sent: Monday, August 25, 2014 9:58 AM

To: Sungman Kim

Cc: Vincent Huebinger

Subject: SUP

Dear Mr Kim,

I have sent two previous emails regarding the proposed SUP. This is obviously a highly charged issue. I would ask that your planning staff approach The Orgin's and search for a more suitable location on the Island. There are many uninhabited areas near the North development zones that would be much more suitable than this proposal. I can't imagine a less suitable location than the one proposed. Moving to the North would not be objected by anyone.

My wife and I detoured 1000 miles out of our way to make the meeting that was cancelled. We will be out of the country and unable to attend the next one. I would ask that you and the board members consider what your decision would be if this was being proposed next to your homes. I think we all know the answer.

Please do the right thing and try to relocate this facility to another location.

Thank you,

Richard Stamler

Gail Stamler

Galleon Bay #508

Sent from my iPad



9/3/14

My name is Sam Barnett & I own  
Cand #16 at El Castile 201 W. Polaris St.  
Across the fence North of Scamp's.

I have young children & I am Totally  
against a substance abuse Center next  
door to me & my family.

I vote "NO".

Thank you  
Sam Barnett

956 323-1074 office

207 7756 cell

I will Try to make meeting if possible.



## Marta Martinez

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**From:** Sungman Kim  
**Sent:** Monday, September 08, 2014 3:29 PM  
**To:** Delfino Garza  
**Cc:** Marta Martinez  
**Subject:** RE: Notice of "Specific use Request" from Origins Recovery Centers at Lot 4, Block 152, Padre Beach Subdivision, Section X, and Lot 1, Block 1

I received your email and it will be delivered to the Planning & Zoning Commission.  
Thank you.

Sungman Kim  
PhD, MBA, MLA, AICP, ASLA/PLA, GISP  
Director of Development Services  
City of South Padre Island  
4601 Padre Boulevard  
South Padre Island, TX 78597  
Phone: 956-761-8113  
[www.myspi.org](http://www.myspi.org)

**From:** Delfino Garza [<mailto:design.group.international@gmail.com>]  
**Sent:** Monday, September 08, 2014 3:26 PM  
**To:** Sungman Kim  
**Subject:** Notice of "Specific use Request" from Origins Recovery Centers at Lot 4, Block 152, Padre Beach Subdivision, Section X, and Lot 1, Block 1

To: South Padre Island Development Dept. Office  
4601 Padre Blvd.  
South Padre Island, TX  
Dr. Sungman Kim, Director

**From:** Delfino Garza, Jr.  
**Sunset Condos # 1006**

Dr. Kim,

I will not be able to attend the the meeting on 9.18.14 to hear the discussion of this item. Based on the Notice of "Specific use Request" & a copy of a letter from HOA President of Galleon Bay, **I oppose approval of a "Specific use Request"** issued to Origins Recovery Centers.

I noticed at the bottom of the SPI Notice of "Specific use Request" the slogan "A Certified Retirement Community". It seems to me that the former is not consistent with the latter.

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Delfino Garza, Jr.

## Marta Martinez

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**From:** Sungman Kim  
**Sent:** Monday, August 11, 2014 8:05 AM  
**To:** Marta Martinez  
**Subject:** FW: Specific land use request

**Importance:** High

For file.

Sungman Kim  
PhD, MBA, MLA, AICP, ASLA/PLA, GISP  
Director of Development Services  
City of South Padre Island  
4601 Padre Boulevard  
South Padre Island, TX 78597  
Phone: 956-761-8113  
[www.myspi.org](http://www.myspi.org)

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**From:** Steve Atkins [mailto:[steve@theatkinsgroup.com](mailto:steve@theatkinsgroup.com)]  
**Sent:** Sunday, August 10, 2014 10:27 AM  
**To:** Sungman Kim  
**Subject:** Specific land use request  
**Importance:** High

Ms. Kim,

I am writing as a South Padre Island property owner (at Sunset Condominiums) and a concerned citizen. The request from Origins Recovery Centers for Lot 4, Block 152, Padre Beach Subdivision and Lot 1 Block 1 Jones-Gardere Subdivision is concerning.

The key "Economic Driver" of South Padre Island is Tourism and waterfront hotel/motel, whether Bay or Beach, is always most desirable. Seemingly, Origins Recovery Centers are committed to grow their patient volume on SPI and to do so on waterfront, versus middle Island, will reduce the waterfront land availability for hotel/motel expansion.

Secondarily, from an imaging and communication standpoint, how much "Substance Abuse Care" messaging do we want out about SPI, as Origins and maybe others continue expanding there, versus the tourism communications from hotels/motels/condos of a relaxing, safe, carefree vacation or potential retirement destination place.

I believe and hope the Mayor, City Manager and Council will consider these points thoroughly.

Thank you for the opportunity to share my viewpoint, SA



Steve Atkins  
President

501 Soledad  
San Antonio, Texas 78205

[theatkinsgroup.com](http://theatkinsgroup.com)

[steve@theatkinsgroup.com](mailto:steve@theatkinsgroup.com)

**C** 210.410.9188

**P** 210.444.2500

## Marta Martinez

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**From:** Sungman Kim  
**Sent:** Monday, August 11, 2014 8:05 AM  
**To:** Marta Martinez  
**Subject:** FW: Substance Abuse Treatment Facility

For file.

Sungman Kim  
PhD, MBA, MLA, AICP, ASLA/PLA, GISP  
Director of Development Services  
City of South Padre Island  
4601 Padre Boulevard  
South Padre Island, TX 78597  
Phone: 956-761-8113  
[www.myspi.org](http://www.myspi.org)

**From:** Combs, John F. [mailto:John.Combs@dnvgl.com]  
**Sent:** Saturday, August 09, 2014 1:42 PM  
**To:** Sungman Kim  
**Subject:** Substance Abuse Treatment Facility

SPI Development Director (Sungman Kim):  
I own a Unit on the side of the proposed site at Galleon Bay.  
I have not had any problems with the existing Hanna House,  
to date. I think there should be control concerning the height  
& size of the proposed buildings. My only issue with the existing  
Hanna House, is the large trees, on their side of the fence,  
adjacent to Galleon Bay Pool. Their trees drop considerable  
Needles, Bark, etc., causing extra cleaning of our Pool daily.  
Also, the trees block the view of the Bay for the lower units at  
Galleon Bay, on the Hanna House side. I think the considerate  
thing for Origins Recovery Centers to do for Galleon Bay and  
their Owners & SPI Renters, is to remove the trees asap.  
I do not oppose the new Treatment Facility, but they need  
do a little for their neighbors.

Best Regards  
John Combs  
20110 Wide Creek Court  
Katy, Texas 77449  
713-569-9098

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## Marta Martinez

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**From:** Sungman Kim  
**Sent:** Thursday, August 14, 2014 8:38 AM  
**To:** Marta Martinez  
**Subject:** FW: Rehab center

For file.

Sungman Kim  
PhD, MBA, MLA, AICP, ASLA/PLA, GISP  
Director of Development Services  
City of South Padre Island  
4601 Padre Boulevard  
South Padre Island, TX 78597  
Phone: 956-761-8113  
[www.myspi.org](http://www.myspi.org)

**From:** Richard Stamler [mailto:[rstam12@sbcglobal.net](mailto:rstam12@sbcglobal.net)]  
**Sent:** Thursday, August 14, 2014 8:35 AM  
**To:** Sungman Kim  
**Subject:** Rehab center

Dear Dr Kim.

My wife and I have recently purchased a condo at Galleon bay. We have been coming to SPI off and on for 22 years and love the Island. We intended to split our time between here and another condo we own in Granbury, TX.

We are writing to protest the proposed expanded drug and alcohol rehabilitation center adjacent to Galleon Bay Condominiums. We are strongly against this proposal.

The reason of course initially is selfish in nature. It will drive property values down and create dust and noise throughout the construction period.

There may be beneficial aspects in the short run for SPI with respect to construction jobs. The bigger issue is how this will impact our community in the long run.

Placing a facility of this scope on SPI would be akin to placing a gambling rehab center in Las Vegas. The temptations for failure are everywhere on the Island.

Rehab does not have a 100% success rate. Dr George Koob of the Scripps Institute estimates that 80% of addicts in rehab suffer failure within a year. Alan Leshner, Ph.D., director of the National Institute on Drug Abuse (NIDA) states that craving is a conditioned response that can be triggered by association with people, places and things associated with drug or alcohol abuse. I'm thinking Louie's Backyard, Clayton's and any number of our wonderful beach bars as well as Spring Break. SPI is not a good environment for this facility.

Addiction is almost always accompanied by depression. Depression is a mental illness. Of late, the preferred method of people suffering from mental illness is to express their dissatisfaction by massacring people. I don't think this is the type of national media attention we seek for our Island.

When we told our friends we were buying a condo on SPI they expressed concerns for our safety. In all fairness they don't understand that SPI is not part of the ongoing border problems. However It does illustrate the population mindset of any area near the border. The last thing our community needs is to gain national media attention from an incident related to this facility. If one patient fails and makes an unauthorized departure from the facility, it leaves all of our area facilities vulnerable to theft , robbery or assault to gain escape from the Island.

I'm sure the Origins Recovery Center by way of their lawyers and experts will try to refute much of what I have written. The fact remains this is not the perfect venue for this function and is not beneficial to our SPI community. We once again implore you to refuse the application for this facility.

Sincerely,

Richard Stamler

Gail Stamler  
817-219-1238

## Marta Martinez

---

**From:** Sungman Kim  
**Sent:** Friday, August 15, 2014 12:03 PM  
**To:** Marta Martinez  
**Subject:** FW: Origins  
**Attachments:** Mr\_Kim\_ letter of protest Origins.pdf

For file

Sungman Kim  
PhD, MBA, MLA, AICP, ASLA/PLA, GISP  
Director of Development Services  
City of South Padre Island  
4601 Padre Boulevard  
South Padre Island, TX 78597  
Phone: 956-761-8113  
[www.myspi.org](http://www.myspi.org)

**From:** John Stuckenschneider [mailto:stuckenjohn@hotmail.com]  
**Sent:** Friday, August 15, 2014 11:53 AM  
**To:** Sungman Kim  
**Subject:** Origins

As a new owner at Galleon Bay I concur with the attached letter.

Galleon Bay Condominiums  
4901 Laguna Blvd.  
South Padre Island, TX 78597  
956-761-5633

August 18, 2014

City of South Padre Island  
4601 Padre Boulevard  
South Padre Island, TX 78597  
City of South Padre Island

Attn: Dr. Sungman Kim  
PhD, MBA, MLA, AICP, ASLA/PLA, GISP  
Director of Development Services  
Email Delivered

**RE: Origins Application SUP Request Lot 4 Block 152 Padre Beach Subdivision.**

Dear Dr. Kim:

The original application came with Hannah's house. At first we considered opposing this application but we knew this was an ancillary rehab center, using an existing facility, not proposing any new construction. We decided not to oppose this application with respect to the use, occupants and knowing their main campus/office is appropriately located on SPI Blvd.

Approximately 8 months ago, Origins requested an SUP to remove and replace the duplex at 201 Aries into an expansion of their center. We objected then, as we are now. Now, Origins has expanded their plans to include a 60 bed facility with additional offices on the Scampi's site and an off street parking lot with a capacity of 46 spaces on the corner vacant lot. We oppose this proposal based on the following conditions.

**Compatibility;** There is nothing compatible about a major rehab campus moving next door and in between residential units and adjacent condominiums. Chapter 1 – Draft of new comprehensive plan – GOAL 1 – the city should ensure achieving the *highest quality of life by enhancing community characteristics and also minimizing threats to health, safety and welfare, which may be endangered by incompatible land uses.....*

Specific Use permits are specifically for uses that are "NOT" compatible with other typical uses in the zoning ordinance, therefore municipalities have separate hearings regarding use, conditions, terms, schedules, operations, parking and other criteria. The use can also be generic, such as the term Rehab facility. For example, once you approve a rehab center, it can provide services beyond typical Alcohol problems, including harder type drugs or felons that have received probated sentences which include rehabilitation or felons on probation. Therefore, if this SUP is approved, Goal # 1 in the new comprehensive plan is completely



City of South Padre Island

Dr. Kim

August 14, 2014

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irrelevant. A full medical rehab Campus within a few feet of residential mixed uses is not a compatible land use.

Policy 1.1.1 – Strategy ;,, *“well defined neighborhoods & zoning patterns for suitable transitions”*. Where is the transition? Not just in the zoning, but the existing land use?

**Existing zoning** – We are not sure how the commercial zoning was placed into surrounding residential condominium uses but it likely had something to do with Scampi’s restaurant. Scampi’s was always a high quality, quiet, top of the line restaurant for many years and operated harmoniously within this immediate area. The Commercial zoned property on Scampi’s is surrounded by Commercial zoned tracts that have the NTZ established, neighborhood transition zone. This is discussed further below.

**Traffic;** There is big difference between the proposed use and the existing use. Scampi’s would operate predominately in the evenings. The public/private boat ramp north of El Castile is normally used early in the morning until later that day. The amount of trucks and trailers on this street has already reached problem proportions. Level of service is at capacity for the local residential street on all sides of this development. Now you will mix in morning and evening traffic to the same intersections, and the level of service for normal trips and emergency vehicles will be worse than before. What proposals will we have from Origins of traffic improvements, with a proposed 60 new beds and 40 new offices? We have seen an increase in traffic and parking problems in our block and this extends north to El Castile and The Sunset Condominiums. We do not support this application due to the traffic concerns.

**Drainage:** Currently Scampi’s is paved, however the lot adjacent to the residential units planned for parking is not. The drainage system now in place is currently under preforming. When we get a significant rainfall event, the streets are at full capacity and the storm sewer backs up. Proposing 14,900 sf of additional pavement on Laguna and Aries will increase the runoff on the existing drainage system. This is not acceptable. What are the plans for drainage improvements?

**Values:** We have paid a premium for our Galleon Bay Views. A four story complex on Scampi’s lot will financially harm our 20 owners located on the north side of Galleon. If their campus and rehab facility is constructed to a 4 story height, 45’, we will be looking down on their rooftop. Galleon Owners will have the visual aesthetics, along with our peace and quiet that we enjoy taken away from us. What will Origins provide us to keep the views intact and the visual beauty of the Bay that is discussed in the comprehensive plan? Currently Scampi’s is an attractive 2 story structure. What conditions can be made to insure the visual beauty of our island?

City of South Padre Island

Dr. Kim

August 14, 2014

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**Security:** We have no control who Origins admits. We do not object to their mission, we only object to their location. We also do we control the fate of their economic interest. What happens if the decide to sell, or begin new treatments? It is clear that this use is allowed in the definition of the code. There needs to be security considerations within this land use decision adjacent to our residential families. Alcohol and chemical dependency rehabilitation facilities include facilities to which persons convicted of alcohol or drug related offenses are often ordered to remain under custodial supervision as a condition of probation or parole and can include halfway houses for the emotionally ill. Often this dependency is accompanied with depression.

**Economics:** What or Who is Origin? Are they a 501-C3? If they are, do they pay City, state and school taxes on these property improvements, or are they exempt? What is the economic benefit to this location, besides potential employees? Could they find a more appropriate location, say further north? What decides the location of major medical and rehab in the master plan? Is this addressed? Without paying property taxes doesn't this put the burden on the homeowners and business in the area to make up for these shortfalls?

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Commercial Off-Street parking adjacent to residential use, this is regulated in the SPI code for Off street parking. A summation of this criterion is that only 50% of the required parking for a facility would be allowed as "off street. The off street tract has to be adjacent or directly across

City of South Padre Island

Dr. Kim

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Page 4

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The SPI code definition of Substance Abuse Treatment facility discusses the prohibition "hospital narcotic drug detoxification treatment. It also states that if the facility is "faith based" that this type of facility is exempt from licensure by the state of Texas. Is Origins a faith based organization? If so, who monitors its operations?

In closing, we object to this land use and location based on code, criteria, lack of information on design, potential variances, security and clear reduction of values to our property at Galleon. If you have any questions please feel free to call me.

Sincerely,

Vincent G. Huebinger

Galleon Bay HOA President

## Marta Martinez

---

**From:** Sungman Kim  
**Sent:** Friday, August 15, 2014 12:51 PM  
**To:** Marta Martinez  
**Subject:** FW: Mr\_Kim\_ letter of protest Origins.pdf  
**Attachments:** Mr\_Kim\_ letter of protest Origins.pdf; ATT00001.txt

For file. 2nd email that came with the HOA letter.

Sungman Kim  
PhD, MBA, MLA, AICP, ASLA/PLA, GISP  
Director of Development Services  
City of South Padre Island  
4601 Padre Boulevard  
South Padre Island, TX 78597  
Phone: 956-761-8113  
[www.myspi.org](http://www.myspi.org)

-----Original Message-----

**From:** Mary Moses [mailto:[mary.moses@sbcglobal.net](mailto:mary.moses@sbcglobal.net)]  
**Sent:** Friday, August 15, 2014 12:49 PM  
**To:** Sungman Kim  
**Subject:** Mr\_Kim\_ letter of protest Origins.pdf

We also object as per enclosed letter.  
Tom& Mary Moses  
Galleon Bay 203 (owners)

Galleon Bay Condominiums  
4901 Laguna Blvd.  
South Padre Island, TX 78597  
956-761-5633

August 18, 2014

City of South Padre Island  
4601 Padre Boulevard  
South Padre Island, TX 78597  
City of South Padre Island

Attn: Dr. Sungman Kim  
PhD, MBA, MLA, AICP, ASLA/PLA, GISP  
Director of Development Services  
Email Delivered

**RE: Origins Application SUP Request Lot 4 Block 152 Padre Beach Subdivision.**

Dear Dr. Kim:

The original application came with Hannah's house. At first we considered opposing this application but we knew this was an ancillary rehab center, using an existing facility, not proposing any new construction. We decided not to oppose this application with respect to the use, occupants and knowing their main campus/office is appropriately located on SPI Blvd.

Approximately 8 months ago, Origins requested an SUP to remove and replace the duplex at 201 Aries into an expansion of their center. We objected then, as we are now. Now, Origins has expanded their plans to include a 60 bed facility with additional offices on the Scampi's site and an off street parking lot with a capacity of 46 spaces on the corner vacant lot. We oppose this proposal based on the following conditions.

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irrelevant. A full medical rehab Campus within a few feet of residential mixed uses is not a compatible land use.

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City of South Padre Island

Dr. Kim

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City of South Padre Island

Dr. Kim

August 14, 2014

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Sincerely,

Vincent G. Huebinger

Galleon Bay HOA President



## Marta Martinez

---

**From:** Sungman Kim  
**Sent:** Friday, August 15, 2014 5:35 PM  
**To:** Marta Martinez  
**Subject:** Fwd: Origin's zoning change request

For file.

Sungman Kim  
PhD, MBA, MLA  
AICP, ASLA/PLA, GISP

----- Original message -----

**From:** Larry Valtelhas <lvaltelhas@gmail.com>  
**Date:** 08/15/2014 4:38 PM (GMT-06:00)  
**To:** Sungman Kim <SKim@MySPI.org>  
**Subject:** Origin's zoning change request

Dr Kim:

Here is my response for the record. I'm against the special use permit for the Scampi's property. It's simply not a good idea.

There is not enough information to determine if this special use permit is for a medical facility or a jail for mentally ill people. If people volunteer for their care, it's a recovery center and I'm fine with medical care. If a judge or DA gives a person the option to get treatment or go to jail, it is a jail in the guise of a medical facility, because someone has committed a crime. I have no idea what the background of the people in their facilities is or will be, but it seems a more appropriate location is adjacent to ICE's Port Isabel Service Detention Center.

I doubt very many people residing on SPI have ever been treated at Origin's current SPI facilities, which means there's no public purpose to the advantage of the local residents. There is no need to increase the size of the facilities to meet any local need and probably no need for what they already have in a 25 mile radius of SPI. Medical facilities should be located near family and friends, because that's the real support group that people need to re-integrate into society.

I don't have a problem with the residential duplex building next to Laguna being used as an office, if they have the appropriate parking off street and the current size and height is maintained or reduced. I know it will add more traffic and noise, but I think business offices are compatible with our area as long as they don't destroy our viewscape.

I don't want a jail located next to my home, with the exception of the temporary holding facilities the SPI Police Department has two blocks away. There's a big difference. It was there before I bought my home and our professional police force is accountable to the public. I have no control over a private facility that starts right next door and wants to grow at my expense.

Larry Valtelhas  
4901 Laguna Blvd, Unit 302  
South Padre Island, TX 78597  
lvaltelhas@gmail.com 918-605-5485

## Marta Martinez

---

**From:** Sungman Kim  
**Sent:** Friday, August 15, 2014 8:56 PM  
**To:** Marta Martinez  
**Subject:** Fwd: Rehab center

For file.

Sungman Kim  
PhD, MBA, MLA  
AICP, ASLA/PLA, GISP

----- Original message -----

**From:** Richard Stamler <rstaml2@sbcglobal.net>  
**Date:** 08/15/2014 7:09 PM (GMT-06:00)  
**To:** Sungman Kim <SKim@MySPI.org>  
**Subject:** Rehab center

In addition to my previous email, I support 100% the position of our HOA president shown in the email message below.

Thank you,

Richard Stamler  
Unit 508, Galleon Bay Condominium

Mr. Sungman Kim August 18, 2014  
City of South Padre Island

Email Delivered

**RE: Origins Application SUP Request Lot 4 Block 152 Padre Beach Subdivision.**

Mr. Kim:

The original application came with Hannah's house. At first we considered opposing this application but we knew this was an ancillary rehab center, using an existing facility, not proposing any new construction. We decided not to oppose this application with respect to the use, occupants and knowing their main campus/office is appropriately located on SPI Blvd.

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In closing, we object to this land use and location based on code, criteria, lack of information on design, potential variances, security and clear reduction of values to our property at Galleon. If you have any questions please feel free to call me.

Sincerely,

Vincent G. Huebinger  
Galleon Bay HOA President  
Sent from my iPad

## Marta Martinez

---

**From:** Sungman Kim  
**Sent:** Saturday, August 16, 2014 7:41 AM  
**To:** Marta Martinez; Sam A. Listi  
**Subject:** Fwd: Special Use Permit

For file.

Sungman Kim  
PhD, MBA, MLA  
AICP, ASLA/PLA, GISP

----- Original message -----

**From:** sandysschultz@aol.com  
**Date:** 08/16/2014 7:21 AM (GMT-06:00)  
**To:** Sungman Kim <SKim@MySPI.org>  
**Subject:** Special Use Permit

**To:** Planning and zoning commission S.P.I.  
**Attention:** Sungman Kim

**From:** Robert J. Bartlett, owner  
201 W Polares # 33, S.P.I.

Concerning Special Use Permit (SUP) submitted by ORIGINS for a  
Substance  
Abuse Treatment Facility.

I oppose the SUP for a variety of reasons:

- A. It will decrease my property value.
- B. Too close to a residential area (approximately 12 feet from El Castille).
- C. Increased traffic in an already busy area.
- D. Potential safety issues with drug addicts and possible felons living within feet of my condo.

Thank you for your consideration,  
Rob Bartlet and Sandy Schultz  
303 570 0009  
sandysschultz@aol.com

## **Marta Martinez**

---

**From:** Sungman Kim  
**Sent:** Saturday, August 16, 2014 6:26 PM  
**To:** Marta Martinez  
**Subject:** Fwd:

For file

Sungman Kim  
PhD, MBA, MLA  
AICP, ASLA/PLA, GISP

----- Original message -----

**From:** edward flatt <edwardeflatt@hotmail.com>  
**Date:** 08/16/2014 10:32 AM (GMT-06:00)  
**To:** Sungman Kim <SKim@MySPI.org>  
**Subject:**

ORIGINS HAVE NOT FROM THE TIME THEY OPENED HANNA HOUSE BEEN A GOOD NEIGHBOR . ACTING AS PROPERTY MANAGER , BOARD V.P , AND RESIDENT OF ELCASTILE, HAVE ON A NUMBER OF OCCATIONS HAD PROBLEMS WITH THEIR RESIDENTS . THEY CAN NOT HANDLE THE 12 OR LESS HOUSED AT THIS LOCATIN NOW . ORIGINS IS A DETRIMENT TO THE ISLAND , I KNOW THEY ARE IN MY NEIGHBORHOOD FIRST HAND . I THEREFOR VEHEMENTLY APPOSE ORIGINS SPECIFIC USE REQUEST .     THANK YOU FOR YOUR CONSIDERATION REGAURDING MY REQUEST

EDWARD FLATT PH# 618-232-9408

## **Marta Martinez**

---

**From:** Sungman Kim  
**Sent:** Saturday, August 16, 2014 6:27 PM  
**To:** Marta Martinez  
**Subject:** Fwd: Galleon Bay ~ Letter of Protest  
**Attachments:** Mr\_Kim\_letter\_of\_protest\_Origins.pdf

Sungman Kim  
PhD, MBA, MLA  
AICP, ASLA/PLA, GISP

----- Original message -----

**From:** Adriana Garcia <agardocwh@aol.com>  
**Date:** 08/16/2014 6:00 PM (GMT-06:00)  
**To:** Sungman Kim <SKim@MySPI.org>  
**Subject:** Galleon Bay ~ Letter of Protest

Dr. Kim, I am in total agreement with the attached letter and object as well. I own two units on the north side. Adriana Garcia



Galleon Bay Condominiums  
4901 Laguna Blvd.  
South Padre Island, TX 78597  
956-761-5633

August 18, 2014

City of South Padre Island  
4601 Padre Boulevard  
South Padre Island, TX 78597  
City of South Padre Island

Attn: Dr. Sungman Kim  
PhD, MBA, MLA, AICP, ASLA/PLA, GISP  
Director of Development Services  
Email Delivered

**RE: Origins Application SUP Request Lot 4 Block 152 Padre Beach Subdivision.**

Dear Dr. Kim:

The original application came with Hannah's house. At first we considered opposing this application but we knew this was an ancillary rehab center, using an existing facility, not proposing any new construction. We decided not to oppose this application with respect to the use, occupants and knowing their main campus/office is appropriately located on SPI Blvd.

Approximately 8 months ago, Origins requested an SUP to remove and replace the duplex at 201 Aries into an expansion of their center. We objected then, as we are now. Now, Origins has expanded their plans to include a 60 bed facility with additional offices on the Scampi's site and an off street parking lot with a capacity of 46 spaces on the corner vacant lot. We oppose this proposal based on the following conditions.

**Compatibility;** There is nothing compatible about a major rehab campus moving next door and in between residential units and adjacent condominiums. Chapter 1 – Draft of new comprehensive plan – GOAL 1 – the city should ensure achieving the *highest quality of life by enhancing community characteristics and also minimizing threats to health, safety and welfare, which may be endangered by incompatible land uses.....*

Specific Use permits are specifically for uses that are "NOT" compatible with other typical uses in the zoning ordinance, therefore municipalities have separate hearings regarding use, conditions, terms, schedules, operations, parking and other criteria. The use can also be generic, such as the term Rehab facility. For example, once you approve a rehab center, it can provide services beyond typical Alcohol problems, including harder type drugs or felons that have received probated sentences which include rehabilitation or felons on probation. Therefore, if this SUP is approved, Goal # 1 in the new comprehensive plan is completely

City of South Padre Island

Dr. Kim

August 14, 2014

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irrelevant. A full medical rehab Campus within a few feet of residential mixed uses is not a compatible land use.

Policy 1.1.1 – Strategy ;,, *“well defined neighborhoods & zoning patterns for suitable transitions”*. Where is the transition? Not just in the zoning, but the existing land use?

**Existing zoning** – We are not sure how the commercial zoning was placed into surrounding residential condominium uses but it likely had something to do with Scampi’s restaurant. Scampi’s was always a high quality, quiet, top of the line restaurant for many years and operated harmoniously within this immediate area. The Commercial zoned property on Scampi’s is surrounded by Commercial zoned tracts that have the NTZ established, neighborhood transition zone. This is discussed further below.

**Traffic;** There is big difference between the proposed use and the existing use. Scampi’s would operate predominately in the evenings. The public/private boat ramp north of El Castile is normally used early in the morning until later that day. The amount of trucks and trailers on this street has already reached problem proportions. Level of service is at capacity for the local residential street on all sides of this development. Now you will mix in morning and evening traffic to the same intersections, and the level of service for normal trips and emergency vehicles will be worse than before. What proposals will we have from Origins of traffic improvements, with a proposed 60 new beds and 40 new offices? We have seen an increase in traffic and parking problems in our block and this extends north to El Castile and The Sunset Condominiums. We do not support this application due to the traffic concerns.

**Drainage:** Currently Scampi’s is paved, however the lot adjacent to the residential units planned for parking is not. The drainage system now in place is currently under preforming. When we get a significant rainfall event, the streets are at full capacity and the storm sewer backs up. Proposing 14,900 sf of additional pavement on Laguna and Aries will increase the runoff on the existing drainage system. This is not acceptable. What are the plans for drainage improvements?

**Values:** We have paid a premium for our Galleon Bay Views. A four story complex on Scampi’s lot will financially harm our 20 owners located on the north side of Galleon. If their campus and rehab facility is constructed to a 4 story height, 45’, we will be looking down on their rooftop. Galleon Owners will have the visual aesthetics, along with our peace and quiet that we enjoy taken away from us. What will Origins provide us to keep the views intact and the visual beauty of the Bay that is discussed in the comprehensive plan? Currently Scampi’s is an attractive 2 story structure. What conditions can be made to insure the visual beauty of our island?

City of South Padre Island

Dr. Kim

August 14, 2014

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What guarantees will Origins give us on Hannah's house and the 201 Aries residence directly adjacent to our north property never being razed and rebuilt to multiple stories or expanded once they get this foothold, or the proposed parking lot. What will be their next phase on that parcel in the near future? It certainly won't be a parking lot for long. These questions need answers. Most of us were here when Hanna's house was the Brown pelican, and that was the perfect bed and breakfast, complimenting a land use of residential in nature exactly like to ours.

**Security:** We have no control who Origins admits. We do not object to their mission, we only object to their location. We also do we control the fate of their economic interest. What happens if the decide to sell, or begin new treatments? It is clear that this use is allowed in the definition of the code. There needs to be security considerations within this land use decision adjacent to our residential families. Alcohol and chemical dependency rehabilitation facilities include facilities to which persons convicted of alcohol or drug related offenses are often ordered to remain under custodial supervision as a condition of probation or parole and can include halfway houses for the emotionally ill. Often this dependency is accompanied with depression.

**Economics:** What or Who is Origin? Are they a 501-C3? If they are, do they pay City, state and school taxes on these property improvements, or are they exempt? What is the economic benefit to this location, besides potential employees? Could they find a more appropriate location, say further north? What decides the location of major medical and rehab in the master plan? Is this addressed? Without paying property taxes doesn't this put the burden on the homeowners and business in the area to make up for these shortfalls?

**Ordinance:** The SPI zoning ordinance establishes the use as a specific Use permit required in this zoning category. Section 20-24(2) states "the purpose and intent of a SUP is to authorize and regulate a use not normally permitted in a district". 20-24 (b)2 states further that the city council can establish conditions of operation, location and arrangement, and that they may impose safeguards to the welfare and protection of adjacent property from noise, offensive views, traffic and other undesirable or hazardous conditions. Has the city seen detailed site plans to completely understand this operation, construction and development? The majority of Texas municipalities have prohibited this land use in or adjacent to residential zoned or used properties for the benefit of landowners. Typically this land use is reserved for major commercial corridors due to our concerns listed in this letter.

Commercial Off-Street parking adjacent to residential use, this is regulated in the SPI code for Off street parking. A summation of this criterion is that only 50% of the required parking for a facility would be allowed as "off street. The off street tract has to be adjacent or directly across

City of South Padre Island

Dr. Kim

August 14, 2014

Page 4

the street from the permitted building, which this is not, and the off street parking area is located in NTZ neighborhood transition zone. This is also not compatible with code. Further, the existing 4 residential structures located along Capricorn will now have rear yards adjoining a commercial parking lot with noise, fumes, lights, trash and traffic on a daily basis.

The SPI code definition of Substance Abuse Treatment facility discusses the prohibition "hospital narcotic drug detoxification treatment. It also states that if the facility is "faith based" that this type of facility is exempt from licensure by the state of Texas. Is Origins a faith based organization? If so, who monitors its operations?

In closing, we object to this land use and location based on code, criteria, lack of information on design, potential variances, security and clear reduction of values to our property at Galleon. If you have any questions please feel free to call me.

Sincerely,

Vincent G. Huebinger

Galleon Bay HOA President

**Marta Martinez**

---

**From:** Sungman Kim  
**Sent:** Monday, August 18, 2014 7:12 AM  
**To:** Marta Martinez  
**Subject:** Fwd: Vote on August 20,2014 regarding property at scampis and adjacent vacant land

For file

Sungman Kim  
PhD, MBA, MLA  
AICP, ASLA/PLA, GISP

----- Original message -----

**From:** Elizabeth Winter <lizannwinter@gmail.com>  
**Date:** 08/18/2014 7:07 AM (GMT-06:00)  
**To:** Sungman Kim <SKim@MySPI.org>  
**Subject:** Vote on August 20,2014 regarding property at scampis and adjacent vacant land

We are in opposition .  
Jim and Elizabeth winter  
Owner of unit 34  
El Castile

Vote no  
Sincerely yours

## Marta Martinez

---

**From:** Sungman Kim  
**Sent:** Monday, August 18, 2014 12:24 PM  
**To:** vinceh@flash.net  
**Cc:** John Stuckenschneider; Richard Stamler; Mary Moses; Adriana Garcia; Marta Martinez  
**Subject:** RE: Origins  
**Attachments:** Staff Report - Origins.pdf

Dear Mr. Huebinger and residents,

I appreciate your concerns on the proposed specific use permit (SUP) for the use of lands as a part of the Origins, substance abuse treatment facilities.

I believe that the major concerns of yours include: security and land values. Those should be discussed at the upcoming public meetings in detail.

At the same time, to be fair with the applicant and to make you understand the details of the SUP process, I found myself needing to address the following:

According to *Village of Belle Terre v. Boraas* (416 US 1, 94 S.Ct. 1536, 39 L.Ed.2d 797 (1974), citing, *Berman v. Parker*, 348 US 26, 32-33 (1954)), it has been written that "[t]he concept of the public welfare is broad and inclusive...The value it represents are spiritual as well as physical, aesthetic as well as monetary. It is within the power of the legislature (the City Council) to determine that the community should be beautiful as well as healthy, spacious as well as clean, well-balanced as well as carefully patrolled."

SUP or special permits are thought to be the first site specific zoning amendments validated by Texas courts. At least as early as 1947, the City of Dallas zoning code provided that the City Council could authorize by special permit "in any use district" the location of a number of specific uses listed in the code. By 1950 the Dallas code has been amended to expand the role of the Planning Commission to make a recommendation "containing requirements and safeguards as are necessary to protect adjoining property."

At the case of *City of Lubbock v. Whitacre* (414 S.W. 2d 497, 498-99 (1967, writ re'd n.r.e.)), the Court of Civil Appeals in Amarillo was pronouncing that the SUP process has been "recognized and approved by the Courts of Texas." Moreover, the court approved of language in the adopting ordinance specifying that the special permit conditions were 'not conditions precedent to the granting of the special permit, but were to be construed as conditions precedent to the granting of a building permit and certificate of occupancy'(Id. At 502).

Within the City's zoning ordinance, the substance abuse treatment facilities are not the only use categorized for SUP. SUP includes General Hospitals, Special Hospitals, Primary Care Physicians Office, Urgent Care Centers, and Dental Clinics.

City's Sec.20-24(A)(2) states that the purpose and intent of a SUP is to authorize and regulate a use not normally permitted in a district which could be of benefit in a particular case to the general welfare, provided adequate development standards and safeguards are established for such use during the review of the SUP application.

Therefore, there should not be any discretion in the review between the proposed substance abuse treatment facility and other uses listed under the list for SUP. If "not normally permitted" is to "not permit" the uses, the City will not be able to have any of those medical facilities under the code within the jurisdiction.

The details will be reviewed at the public hearings. The development standards/safeguard will be established if the SUP is approved. My staff report is attached in this email.

Thank you.  
Sungman

Sungman Kim  
PhD, MBA, MLA, AICP, ASLA/PLA, GISP  
Director of Development Services  
City of South Padre Island  
4601 Padre Boulevard  
South Padre Island, TX 78597  
Phone: 956-761-8113  
[www.myspi.org](http://www.myspi.org)

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**From:** John Stuckenschneider [mailto:[stuckenjohn@hotmail.com](mailto:stuckenjohn@hotmail.com)]  
**Sent:** Friday, August 15, 2014 11:53 AM  
**To:** Sungman Kim  
**Subject:** Origins

As a new owner at Galleon Bay I concur with the attached letter.

## **Marta Martinez**

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**From:** Sungman Kim  
**Sent:** Monday, August 18, 2014 1:54 PM  
**To:** Marta Martinez  
**Subject:** FW: Specific Use Request from Origins Recovery Centers

For File.

Sungman Kim  
PhD, MBA, MLA, AICP, ASLA/PLA, GISP  
Director of Development Services  
City of South Padre Island  
4601 Padre Boulevard  
South Padre Island, TX 78597  
Phone: 956-761-8113  
[www.myspi.org](http://www.myspi.org)

**From:** Michael Zanca [mailto:[mzanca@roflp.com](mailto:mzanca@roflp.com)]  
**Sent:** Monday, August 18, 2014 1:33 PM  
**To:** Sungman Kim  
**Subject:** Specific Use Request from Origins Recovery Centers

Dear Mr. Kim,

As a homeowner and boardmember at El Castile(#35), and as a permanent resident of South Padre Island, I am writing this letter on behalf of myself and my wife objecting to the granting of the specific use request referenced above. While I certainly am aware of the benefits to patients provided by a facility of this sort, and wholly support their purpose, I cannot and will not stand idly by while our condo is devalued, potentially economically and certainly aesthetically, by this proposed construction. A four story building next door will not only block the wonderful southern breeze we get most of the year, but will house up to sixty rehab patients at a given time. Patients at these facilities leave on a regular basis for a myriad of reasons, and the existing facility has had patients on our property within the last six months, without permission. This potential alone is unacceptable. We have to also very mindful of the impact of street overcrowding with such a large project(30 offices and 60 beds!) with visitors on weekends or throughout the week. I believe many of these concerns and others were addressed by the Galleon Bay HOA and their president in a thorough way and I agree with them as do the majority of my neighbors. I think it is amazing that Origins was unable to expand on Padre Boulevard but now the City is thinking of allowing this project to move forward on the water and next door to our residence. I say resoundingly "NO", let them find another home for their facility. Unfortunately I am unable to attend the meeting on Thursday or I would voice my concerns directly, but appreciate all due consideration given. Thank you for your consideration and feel free to contact me via e-mail, office number below, on my cell phone at 956-605-8246 or at the City of Harlingen Municipal Court where I am an Associate Judge.

Sincerely,  
**Michael A. Zanca, Partner**  
**ROERIG, OLIVEIRA & FISHER, L.L.P.**  
10225 N. 10th Street  
McAllen, Texas 78504  
(956) 393-6300  
(956) 386-1625 (Fax)  
[mzanca@roflp.com](mailto:mzanca@roflp.com)



## Marta Martinez

---

**From:** Sungman Kim  
**Sent:** Tuesday, August 19, 2014 7:01 AM  
**To:** Marta Martinez  
**Subject:** Fwd: Specific Use Permit as a 'Substance Abuse Treatment Facility' for 201 and 206 W Aries Dr., Expansion of Origins Rehab facility on SPI.  
**Attachments:** Mr\_Kim.pdf; El\_Castile\_letter-1.pdf

For file.

Sungman Kim  
PhD, MBA, MLA  
AICP, ASLA/PLA, GISP

----- Original message -----

**From:** Bobpeggywagner <bobpeggywagner@aol.com>  
**Date:** 08/18/2014 9:03 PM (GMT-06:00)  
**To:** Sungman Kim <SKim@MySPI.org>  
**Cc:** rickwarrior1@yahoo.com,dick.ross@sbcglobal.net,mzanca@roflp.com,sotxgringa@gmail.com,edwardeflatt@hotmail.com,stephen.h.guinn@gmail.com  
**Subject:** Specific Use Permit as a 'Substance Abuse Treatment Facility' for 201 and 206 W Aries Dr., Expansion of Origins Rehab facility on SPI.

Dear Sir,

We object to the proposed land use and location based on code, criteria, lack of information on design, potential variances, security and property value reductions to El Castile Condominiums. We are in agreement with the attached letters from Mr. Vincent C. Huebinger, President of Galleon Bay HOA and Mr. Rick Guerrero, President of El Castile HOA.

Sincerely  
Bob & Peggy Wagner  
El Castile Home Owner

**El Castile Condominiums**  
**Home owners Association**

**P O Box 3001**

**South Padre Island, Texas 78597**

**August 16, 2014**

**Sungman Kim**

**PhD, MBA, MLA, AICP, ASLA/PLA, GISP**

**Director of Development Services**

**City of South Padre Island, Texas 78597**

**Dear Dr. Kim,**

**On behalf of the owners and residents of El Castile Condominiums, I wish to express our unanimous objection to the specific use permit request by Origins Recovery Center to expand their facilities to the properties located at 201 W. Aires and 206 W. Aires. We find that the project, as proposed, is incompatible with the safe and peaceful enjoyment and usage of our property. We wish to add our agreement with the reasons and issues raised in the well crafted letter by Mr. Vincent G. Huebinger, President of the Galleon Bay HOA. We are confident that these concerns are shared by all the surrounding residents and property owners. Likewise, we are confident that the City Council will recognize the need to encourage Origins to find a more suitable location for such a facility.**

**Respectfully,**

**Rick Guerrero, President**

**El Castile Home Owners Association**

## Marta Martinez

---

**From:** Sungman Kim  
**Sent:** Tuesday, August 19, 2014 8:24 AM  
**To:** Bobpeggywagner  
**Cc:** rickwarrior1@yahoo.com; dick.ross@sbcglobal.net; mzanca@roflp.com; sotxgringa@gmail.com; edwardeflatt@hotmail.com; stephen.h.guinn@gmail.com; Marta Martinez  
**Subject:** RE: Specific Use Permit as a 'Substance Abuse Treatment Facility' for 201 and 206 W Aries Dr., Expansion of Origins Rehab facility on SPI.  
**Attachments:** Staff Report 08192014 - Origins.pdf

Dear residents,

Earlier I sent the following to Mr. Vincent Huebinger to inform him accurate details of specific use permit process. Understanding that many people are relying on Mr. Huebinger's opinion, I am sending the same information for your reference:

I appreciate your concerns on the proposed specific use permit (SUP) for the use of lands as a part of the Origins, substance abuse treatment facilities.

I believe that the major concerns of yours include: security and land values. Those should be discussed at the upcoming public meetings in detail.

At the same time, to be fair with the applicant and to make you understand the details of the SUP process, I found myself needing to address the following:

According to Village of Belle Terre v. Boraas (416 US 1, 94 S.Ct. 1536, 39 L.Ed.2d 797 (1974), citing, Berman v. Parker, 348 US 26, 32-33 (1954)), it has been written that "[t]he concept of the public welfare is broad and inclusive...The value it represents are spiritual as well as physical, aesthetic as well as monetary. It is within the power of the legislature (the City Council) to determine that the community should be beautiful as well as healthy, spacious as well as clean, well-balanced as well as carefully patrolled."

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At the case of City of Lubbock v. Whitacre (414 S.W. 2d 497, 498-99 (1967, writ re'd n.r.e.)), the Court of Civil Appeals in Amarillo was pronouncing that the SUP process has been "recognized and approved by the Courts of Texas." Moreover, the court approved of language in the adopting ordinance specifying that the special permit conditions were 'not conditions precedent to the granting of the special permit, but were to be construed as conditions precedent to the granting of a building permit and certificate of occupancy'(Id. At 502).

Within the City's zoning ordinance, the substance abuse treatment facilities are not the only use categorized for SUP. SUP includes General Hospitals, Special Hospitals, Primary Care Physicians Office, Urgent Care Centers, and Dental Clinics.

City's Sec.20-24(A)(2) states that the purpose and intent of a SUP is to authorize and regulate a use not normally permitted in a district which could be of benefit in a particular case to the general welfare, provided adequate development standards and safeguards are established for such use during the review of the SUP application.

Therefore, there should not be any discretion in the review between the proposed substance abuse treatment facility and other uses listed under the list for SUP. If "not normally permitted" is to "not permit" the uses, the City will not be able to have any of those medical facilities under the code within the jurisdiction.

The details will be reviewed at the public hearings. The development standards/safeguard will be established if the SUP is approved. My staff report is attached to this email.

Thank you.  
Sungman

Sungman Kim  
PhD, MBA, MLA, AICP, ASLA/PLA, GISP  
Director of Development Services  
City of South Padre Island  
4601 Padre Boulevard  
South Padre Island, TX 78597  
Phone: 956-761-8113  
www.myspi.org

**From:** Bobpeggywagner [mailto:bobpeggywagner@aol.com]  
**Sent:** Monday, August 18, 2014 9:03 PM  
**To:** Sungman Kim  
**Cc:** rickwarrior1@yahoo.com; dick.ross@sbcglobal.net; mzanca@roflp.com; sotxgringa@gmail.com; edwardeflatt@hotmail.com; stephen.h.guinn@gmail.com  
**Subject:** Specific Use Permit as a 'Substance Abuse Treatment Facility' for 201 and 206 W Aries Dr., Expansion of Origins Rehab facility on SPI.

Dear Sir,

We object to the proposed land use and location based on code, criteria, lack of information on design, potential variances, security and property value reductions to El Castile Condominiums. We are in agreement with the attached letters from Mr. Vincent C. Huebinger, President of Galleon Bay HOA and Mr. Rick Guerrero, President of El Castile HOA.

Sincerely  
Bob & Peggy Wagner  
El Castile Home Owner

## Marta Martinez

---

**From:** Sungman Kim  
**Sent:** Tuesday, August 19, 2014 2:20 PM  
**To:** Tom Fiore  
**Cc:** Marta Martinez  
**Subject:** RE: Special Use Permit Submitted by Origins

Thank you. I will do so.

Sungman Kim  
PhD, MBA, MLA, AICP, ASLA/PLA, GISP  
Director of Development Services  
City of South Padre Island  
4601 Padre Boulevard  
South Padre Island, TX 78597  
Phone: 956-761-8113  
[www.myspi.org](http://www.myspi.org)

-----Original Message-----

**From:** Tom Fiore [mailto:[tomjfiore@gmail.com](mailto:tomjfiore@gmail.com)]  
**Sent:** Tuesday, August 19, 2014 2:18 PM  
**To:** Sungman Kim  
**Subject:** Re: Special Use Permit Submitted by Origins

Sungman:

Please forward my email to the P&Z Commission. Sorry for any confusion.

Thanks.  
Tom Fiore  
[tomjfiore@gmail.com](mailto:tomjfiore@gmail.com)  
970 389-3069

"When you strengthen your language and actions you strengthen your life"

On Tue, Aug 19, 2014 at 1:15 PM, Sungman Kim <[SKim@myspi.org](mailto:SKim@myspi.org)> wrote:

> Mr. Fiore,

>

> Your email has been addressed to my attention and for the consideration of P&Z Commission at the letter head.

> However, it was written as if you are telling me, not the P&Z Commission.

> So, I need to ask you if you are asking my answers with your email or you just want me to forward it to the P&Z Commission.

>

> Let me know.

> Sincerely,

> Sungman

>

> Sungman Kim

> PhD, MBA, MLA, AICP, ASLA/PLA, GISP  
> Director of Development Services  
> City of South Padre Island  
> 4601 Padre Boulevard  
> South Padre Island, TX 78597  
> Phone: 956-761-8113  
> www.myspi.org

> -----Original Message-----

> From: Tom Fiore [mailto:tomjfiore@gmail.com]  
> Sent: Tuesday, August 19, 2014 2:02 PM  
> To: Sungman Kim  
> Subject: Special Use Permit Submitted by Origins

> To: S.P.I. Planning and Zoning Commission  
> Attention: Sungman Kim

> Mr. Kim, I am the owner of Unit #32 in the El Castle Condominiums, located at 201 W Polaris Dr., South Padre Island, Tx. I am writing you this email, because I am strongly apposed to the SUP application submitted by Origins for a Substance Abuse Treatment Facility, to be located next to the El Castle Condominiums. I am somewhat familiar with the SUP process as I have written several of them in Colorado. I know that it is your responsibility to insure that Origins complies with all existing laws and regulations. I also know that public comment plays a role (an important role) in determining the outcome of a specific SUP application.

> The Scampies property is clearly zoned commercial. The Scampies Restaurant has operated as a successful business for many years. That is not to say there haven't been periodic problems with noise and parking. To go from a small family run restaurant to a large many story Substance Abuse Facility is a giant step that does not seem well thought out at all. Property values at El Castle will drop substantially. Can we put a number on it, probably not. But we all would be naive to think that they will not go down. Who would want to buy a condominium on a beautiful island like S.P.I when it sits next to a Substance Abuse Treatment Facility. How could potential buyers not compare it to a detention center or jail.

> This whole proposal is wrong on so many levels. Origins is a non profit organization. How will the city of S.P.I. compensate for the loss of tax revenue?

> If you were designing an island resort from scratch, would you include provisions for a Substance Abuse Treatment Facility to be included in the overall city planning? I think not. At the very minimum, I would think that Origins should be looking at property on the outlying areas of the city. These area exist within the boundaries of S.P.I.

> In Short, I am apposed to the SUP Application for the following reasons:

- > 1. It will decrease my property value.
- > 2. Too close to a residential area (approximately 12 feet from El Castille).
- > 3. Increased traffic in an already busy area.
- > 3. Potential safety issues with drug addicts and possible felons living within feet of my condo.

> I appreciate your time and consideration in this matter. Thank you for taking the time to read my objections.

> Sincerely,

> Tom Fiore  
> El Castle Condominium Owner  
>  
>  
>  
> Tom Fiore  
> tomjfiore@gmail.com  
> 970 389-3069  
>  
> "When you strengthen your language and actions you strengthen your life"

## **Marta Martinez**

---

**From:** Sungman Kim  
**Sent:** Tuesday, August 19, 2014 10:31 PM  
**To:** Marta Martinez  
**Subject:** Fwd: Letter by Vincent G. Huebinger Regarding Specific Use of Orgins Building  
**Attachments:** Mr\_Kim\_letterofprotestOrigins.pdf

Sungman Kim  
PhD, MBA, MLA  
AICP, ASLA/PLA, GISP

----- Original message -----

**From:** ChrisKMS@aol.com  
**Date:** 08/19/2014 6:12 PM (GMT-06:00)  
**To:** Sungman Kim <SKim@MySPI.org>  
**Subject:** Letter by Vincent G. Huebinger Regarding Specific Use of Orgins Building

Dr.Kim,

Attached is the letter with which I am incomplete agreement with.

Christina Gutierrez  
Galleon Bay



Galleon Bay Condominiums  
4901 Laguna Blvd.  
South Padre Island, TX 78597  
956-761-5633

August 18, 2014

City of South Padre Island  
4601 Padre Boulevard  
South Padre Island, TX 78597  
City of South Padre Island

Attn: Dr. Sungman Kim  
PhD, MBA, MLA, AICP, ASLA/PLA, GISP  
Director of Development Services  
Email Delivered

**RE: Origins Application SUP Request Lot 4 Block 152 Padre Beach Subdivision.**

Dear Dr. Kim:

The original application came with Hannah's house. At first we considered opposing this application but we knew this was an ancillary rehab center, using an existing facility, not proposing any new construction. We decided not to oppose this application with respect to the use, occupants and knowing their main campus/office is appropriately located on SPI Blvd.

Approximately 8 months ago, Origins requested an SUP to remove and replace the duplex at 201 Aries into an expansion of their center. We objected then, as we are now. Now, Origins has expanded their plans to include a 60 bed facility with additional offices on the Scampi's site and an off street parking lot with a capacity of 46 spaces on the corner vacant lot. We oppose this proposal based on the following conditions.

**Compatibility;** There is nothing compatible about a major rehab campus moving next door and in between residential units and adjacent condominiums. Chapter 1 – Draft of new comprehensive plan – GOAL 1 – the city should ensure achieving the *highest quality of life by enhancing community characteristics and also minimizing threats to health, safety and welfare, which may be endangered by incompatible land uses.....*

Specific Use permits are specifically for uses that are "NOT" compatible with other typical uses in the zoning ordinance, therefore municipalities have separate hearings regarding use, conditions, terms, schedules, operations, parking and other criteria. The use can also be generic, such as the term Rehab facility. For example, once you approve a rehab center, it can provide services beyond typical Alcohol problems, including harder type drugs or felons that have received probated sentences which include rehabilitation or felons on probation. Therefore, if this SUP is approved, Goal # 1 in the new comprehensive plan is completely

City of South Padre Island

Dr. Kim

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irrelevant. A full medical rehab Campus within a few feet of residential mixed uses is not a compatible land use.

Policy 1.1.1 – Strategy ;,, *“well defined neighborhoods & zoning patterns for suitable transitions”*. Where is the transition? Not just in the zoning, but the existing land use?

**Existing zoning** – We are not sure how the commercial zoning was placed into surrounding residential condominium uses but it likely had something to do with Scampi’s restaurant. Scampi’s was always a high quality, quiet, top of the line restaurant for many years and operated harmoniously within this immediate area. The Commercial zoned property on Scampi’s is surrounded by Commercial zoned tracts that have the NTZ established, neighborhood transition zone. This is discussed further below.

**Traffic;** There is big difference between the proposed use and the existing use. Scampi’s would operate predominately in the evenings. The public/private boat ramp north of El Castile is normally used early in the morning until later that day. The amount of trucks and trailers on this street has already reached problem proportions. Level of service is at capacity for the local residential street on all sides of this development. Now you will mix in morning and evening traffic to the same intersections, and the level of service for normal trips and emergency vehicles will be worse than before. What proposals will we have from Origins of traffic improvements, with a proposed 60 new beds and 40 new offices? We have seen an increase in traffic and parking problems in our block and this extends north to El Castile and The Sunset Condominiums. We do not support this application due to the traffic concerns.

**Drainage:** Currently Scampi’s is paved, however the lot adjacent to the residential units planned for parking is not. The drainage system now in place is currently under preforming. When we get a significant rainfall event, the streets are at full capacity and the storm sewer backs up. Proposing 14,900 sf of additional pavement on Laguna and Aries will increase the runoff on the existing drainage system. This is not acceptable. What are the plans for drainage improvements?

**Values:** We have paid a premium for our Galleon Bay Views. A four story complex on Scampi’s lot will financially harm our 20 owners located on the north side of Galleon. If their campus and rehab facility is constructed to a 4 story height, 45’, we will be looking down on their rooftop. Galleon Owners will have the visual aesthetics, along with our peace and quiet that we enjoy taken away from us. What will Origins provide us to keep the views intact and the visual beauty of the Bay that is discussed in the comprehensive plan? Currently Scampi’s is an attractive 2 story structure. What conditions can be made to insure the visual beauty of our island?

City of South Padre Island

Dr. Kim

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What guarantees will Origins give us on Hannah's house and the 201 Aries residence directly adjacent to our north property never being razed and rebuilt to multiple stories or expanded once they get this foothold, or the proposed parking lot. What will be their next phase on that parcel in the near future? It certainly won't be a parking lot for long. These questions need answers. Most of us were here when Hanna's house was the Brown pelican, and that was the perfect bed and breakfast, complimenting a land use of residential in nature exactly like to ours.

**Security:** We have no control who Origins admits. We do not object to their mission, we only object to their location. We also do we control the fate of their economic interest. What happens if the decide to sell, or begin new treatments? It is clear that this use is allowed in the definition of the code. There needs to be security considerations within this land use decision adjacent to our residential families. Alcohol and chemical dependency rehabilitation facilities include facilities to which persons convicted of alcohol or drug related offenses are often ordered to remain under custodial supervision as a condition of probation or parole and can include halfway houses for the emotionally ill. Often this dependency is accompanied with depression.

**Economics:** What or Who is Origin? Are they a 501-C3? If they are, do they pay City, state and school taxes on these property improvements, or are they exempt? What is the economic benefit to this location, besides potential employees? Could they find a more appropriate location, say further north? What decides the location of major medical and rehab in the master plan? Is this addressed? Without paying property taxes doesn't this put the burden on the homeowners and business in the area to make up for these shortfalls?

**Ordinance:** The SPI zoning ordinance establishes the use as a specific Use permit required in this zoning category. Section 20-24(2) states "the purpose and intent of a SUP is to authorize and regulate a use not normally permitted in a district". 20-24 (b)2 states further that the city council can establish conditions of operation, location and arrangement, and that they may impose safeguards to the welfare and protection of adjacent property from noise, offensive views, traffic and other undesirable or hazardous conditions. Has the city seen detailed site plans to completely understand this operation, construction and development? The majority of Texas municipalities have prohibited this land use in or adjacent to residential zoned or used properties for the benefit of landowners. Typically this land use is reserved for major commercial corridors due to our concerns listed in this letter.

Commercial Off-Street parking adjacent to residential use, this is regulated in the SPI code for Off street parking. A summation of this criterion is that only 50% of the required parking for a facility would be allowed as "off street. The off street tract has to be adjacent or directly across

City of South Padre Island

Dr. Kim

August 14, 2014

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the street from the permitted building, which this is not, and the off street parking area is located in NTZ neighborhood transition zone. This is also not compatible with code. Further, the existing 4 residential structures located along Capricorn will now have rear yards adjoining a commercial parking lot with noise, fumes, lights, trash and traffic on a daily basis.

The SPI code definition of Substance Abuse Treatment facility discusses the prohibition "hospital narcotic drug detoxification treatment. It also states that if the facility is "faith based" that this type of facility is exempt from licensure by the state of Texas. Is Origins a faith based organization? If so, who monitors its operations?

In closing, we object to this land use and location based on code, criteria, lack of information on design, potential variances, security and clear reduction of values to our property at Galleon. If you have any questions please feel free to call me.

Sincerely,

Vincent G. Huebinger

Galleon Bay HOA President

## Marta Martinez

---

**From:** Sungman Kim  
**Sent:** Tuesday, August 19, 2014 10:32 PM  
**To:** Marta Martinez  
**Subject:** Fwd: Origins Specific Use Request  
**Attachments:** Ltr to Dr. S. Kim - Aug. 2014.docx

Sungman Kim  
PhD, MBA, MLA  
AICP, ASLA/PLA, GISP

----- Original message -----

**From:** J Feist <acacialake@att.net>  
**Date:** 08/19/2014 9:17 PM (GMT-06:00)  
**To:** Sungman Kim <SKim@MySPI.org>  
**Subject:** Origins Specific Use Request

Good evening, Dr. Kim. Please see the attached letter regarding the Origins Specific Use Request. Thanks. jcf

August 19, 2014

Dr. Sungman Kim, Development Director  
City of South Padre Island  
4601 Padre Boulevard  
South Padre Island, Texas 78597

Dear Dr. Kim:

The purpose of this letter is to voice our strong objection to the request by Origins Recovery Centers (ORC) for a zoning change on their properties at the intersection of Aries Street and Laguna Boulevard, South Padre Island, Texas. Please ensure that our objection is communicated to the appropriate decision makers concerning the ORC request.

The whole concept of allowing a drug/alcohol treatment facility to set up shop within a few feet of vacation homes should never have become reality when ORC made their spot zoning request some time ago. The notion that the company now proposes a huge expansion referring to it as a "campus" for drug/alcohol and probably other addiction rehabilitation is preposterous in our resort community. Such a facility needs to be located in an area away from family and vacation residences or as a minimum have an appropriate buffer zone surrounding it.

For a number of years we have owned a condominium at Galleon Bay, 4901 Laguna Boulevard and immediately next door south of ORC properties. Consequently, we will be directly and negatively impacted by the zoning change requested by ORC. Immediately after ORC purchased the former Bed & Breakfast on Aries at the bay, the commercial style, elevated, kitchen exhaust fan they had installed on their building substantially raised the noise level and initiated the ongoing smell of grease and other cooking odors that became noticeably offensive. As the north balconies at Galleon Bay are but a few feet from the exhaust it is impossible to escape the noise or the smells when the fan is operating. So, we already have experienced the negative impact of having ORC next door in their single, original building. Allowing that to be multiplied without strong safeguards against a proliferation of more of the same is unacceptable.

Though ORC is proposing a much more ambitious project than the one they planned a year ago, they apparently have provided the city with far less information regarding construction plans. At least when I last checked with city staff that was the case. If that is still the situation it seems premature for any action to be taken regarding the ORC specific use request. SPI city staff needs to know all the specifics as do those making zoning decisions before "specific use" discussions and decisions are justified. Property owners affected by the ORC request also deserve to know exactly what is proposed.

Even after reviewing the sketchy plans for the huge expansion proposed by ORC, it seems obvious that the quality of life and property values at Galleon Bay and other surrounding residences are seriously at risk. In order to minimize the negative impact by ORC's plans to redevelop the properties abutting Aries Street should their spot zoning request be granted, it is requested that they be required, as part of any building permit that may be issued in the future, to mitigate the problems they will cause to the fullest extent possible. As a minimum that will include: constructing permanent shields around air conditioning compressors or other equipment mounted on roofs to reduce noise and improve aesthetics for neighbors whose view may include building rooftops. Additional remedial measures that need to be required of ORC coincident with any future building permit are: best, state-of-the-art noise and odor suppression exhaust systems to be installed for existing and new kitchen(s) and any emergency generators that may be planned on the properties. Before any new construction permit is approved for ORC it is requested that the company be required to have design plans that shield the view of the trash dumpsters from both ground and balcony levels as seen from Galleon Bay property. Finally, there need to be guarantees imposed that require ORC to limit the elevation of their two buildings immediately south of Aries Street to their current heights and intensity of use.

Thank you for your ongoing efforts to make our South Padre Island a preferred location for vacations, fun and relaxation and with planning and zoning regulations that owners and buyers may rely on without concern that spot zoning ("Specific Use Request") at a later date will degrade quality of life and property values.

Yours truly,

*Celia Flores-Feist and John Feist*

## Marta Martinez

---

**From:** Sungman Kim  
**Sent:** Wednesday, August 20, 2014 8:38 AM  
**To:** J Feist  
**Cc:** Marta Martinez  
**Subject:** RE: Origins Specific Use Request  
**Attachments:** Staff Report 08192014 - Origins.pdf

Mr. Feist,

SUP or special permits are thought to be the first site specific zoning amendments validated by Texas courts. At least as early as 1947, the City of Dallas zoning code provided that the City Council could authorize by special permit "in any use district" the location of a number of specific uses listed in the code. By 1950 the Dallas code has been amended to expand the role of the Planning Commission to make a recommendation "containing requirements and safeguards as are necessary to protect adjoining property."

At the case of City of Lubbock v. Whitacre (414 S.W. 2d 497, 498-99 (1967, writ ref'd n.r.e.)), the Court of Civil Appeals in Amarillo was pronouncing that the SUP process has been "recognized and approved by the Courts of Texas." Moreover, the court approved of language in the adopting ordinance specifying that the special permit conditions were 'not conditions precedent to the granting of the special permit, but were to be construed as conditions precedent to the granting of a building permit and certificate of occupancy'(Id. At 502).

Therefore, calling it a "Spot Zoning" would not be a correct exercise in planning terms. I added intensity standards in the condition. Please see my staff report attached.

Thank you.

Sungman Kim  
PhD, MBA, MLA, AICP, ASLA/PLA, GISP  
Director of Development Services  
City of South Padre Island  
4601 Padre Boulevard  
South Padre Island, TX 78597  
Phone: 956-761-8113  
[www.myspi.org](http://www.myspi.org)

---

**From:** J Feist [mailto:[acacialake@att.net](mailto:acacialake@att.net)]  
**Sent:** Tuesday, August 19, 2014 9:17 PM  
**To:** Sungman Kim  
**Subject:** Origins Specific Use Request

Good evening, Dr. Kim. Please see the attached letter regarding the Origins Specific Use Request. Thanks. jcf



## Marta Martinez

---

**From:** Sungman Kim  
**Sent:** Wednesday, August 20, 2014 11:42 AM  
**To:** Marta Martinez  
**Subject:** FW: letter  
**Attachments:** Mr\_Kim\_ letter of protest Origins.pdf

For File.

Sungman Kim  
PhD, MBA, MLA, AICP, ASLA/PLA, GISP  
Director of Development Services  
City of South Padre Island  
4601 Padre Boulevard  
South Padre Island, TX 78597  
Phone: 956-761-8113  
[www.myspi.org](http://www.myspi.org)

**From:** L Pearl [<mailto:larry.pearl@gmail.com>]  
**Sent:** Wednesday, August 20, 2014 11:30 AM  
**To:** Sungman Kim  
**Subject:** letter

Dear Dr. Kim,  
I would like to add my voice to the opposition to the Origins expansion for all the reasons so eloquently expressed by Mr. Huebinger. I have attached a copy of his letter.  
Thank you for your time.

Sincerely,

Laurence Pearl, MD

## Marta Martinez

---

**From:** Sungman Kim  
**Sent:** Wednesday, August 20, 2014 1:47 PM  
**To:** Marta Martinez  
**Subject:** FW: Origins Specific Use Request

Sungman Kim  
PhD, MBA, MLA, AICP, ASLA/PLA, GISP  
Director of Development Services  
City of South Padre Island  
4601 Padre Boulevard  
South Padre Island, TX 78597  
Phone: 956-761-8113  
[www.myspi.org](http://www.myspi.org)

**From:** John Feist [mailto:[acacialake@att.net](mailto:acacialake@att.net)]  
**Sent:** Wednesday, August 20, 2014 9:56 AM  
**To:** Sungman Kim  
**Subject:** Re: Origins Specific Use Request

Good morning, Dr. Kim. Thanks for all the info. I appreciate your use of the stronger terms, "shall be," in your Staff Recommendations/Comments. I plan to attend the meeting tomorrow afternoon at three in support of your recommendations. Thanks again for your ongoing work to make SPI better for everyone. jcf

Sent from my iPad

On Aug 20, 2014, at 8:38 AM, Sungman Kim <[SKim@MySPI.org](mailto:SKim@MySPI.org)> wrote:

Mr. Feist,

SUP or special permits are thought to be the first site specific zoning amendments validated by Texas courts. At least as early as 1947, the City of Dallas zoning code provided that the City Council could authorize by special permit "in any use district" the location of a number of specific uses listed in the code. By 1950 the Dallas code has been amended to expand the role of the Planning Commission to make a recommendation "containing requirements and safeguards as are necessary to protect adjoining property."

At the case of City of Lubbock v. Whitacre (414 S.W. 2d 497, 498-99 (1967, writ ref'd n.r.e.)), the Court of Civil Appeals in Amarillo was pronouncing that the SUP process has been "recognized and approved by the Courts of Texas." Moreover, the court approved of language in the adopting ordinance specifying that the special permit conditions were 'not conditions precedent to the granting of the special permit, but were to be construed as conditions precedent to the granting of a building permit and certificate of occupancy'(Id. At 502).

Therefore, calling it a "Spot Zoning" would not be a correct exercise in planning terms. I added intensity standards in the condition. Please see my staff report attached.

Thank you.

Sungman Kim  
PhD, MBA, MLA, AICP, ASLA/PLA, GISP  
Director of Development Services  
City of South Padre Island  
4601 Padre Boulevard  
South Padre Island, TX 78597  
Phone: 956-761-8113  
[www.myspi.org](http://www.myspi.org)

---

**From:** J Feist [<mailto:acacialake@att.net>]  
**Sent:** Tuesday, August 19, 2014 9:17 PM  
**To:** Sungman Kim  
**Subject:** Origins Specific Use Request

Good evening, Dr. Kim. Please see the attached letter regarding the Origins Specific Use Request. Thanks. jcf

<Staff Report 08192014 - Origins.pdf>

## Marta Martinez

---

**From:** Sungman Kim  
**Sent:** Wednesday, August 20, 2014 2:02 PM  
**To:** Marta Martinez  
**Subject:** FW:

Sungman Kim  
PhD, MBA, MLA, AICP, ASLA/PLA, GISP  
Director of Development Services  
City of South Padre Island  
4601 Padre Boulevard  
South Padre Island, TX 78597  
Phone: 956-761-8113  
[www.myspi.org](http://www.myspi.org)

**From:** leticia osio [mailto:[leticiaosio@flash.net](mailto:leticiaosio@flash.net)]  
**Sent:** Wednesday, August 20, 2014 1:59 PM  
**To:** Sungman Kim  
**Subject:**

I agree with the letter sent against building next to Galleon Bay.

## Marta Martinez

---

**From:** Sungman Kim  
**Sent:** Wednesday, August 20, 2014 3:46 PM  
**To:** Marta Martinez  
**Subject:** FW: Specific Use Permit as a 'Substance Abuse Treatment Facility' for 201 and 206 W Aries Dr., Expansion of Origins Rehab facility on SPI.  
**Attachments:** HOA LetterCastile.pdf

I believe that we have the attached...Please double check.

Sungman Kim  
PhD, MBA, MLA, AICP, ASLA/PLA, GISP  
Director of Development Services  
City of South Padre Island  
4601 Padre Boulevard  
South Padre Island, TX 78597  
Phone: 956-761-8113  
[www.myspi.org](http://www.myspi.org)

**From:** rick guerrero [mailto:[rickwarrior1@yahoo.com](mailto:rickwarrior1@yahoo.com)]

**Sent:** Wednesday, August 20, 2014 3:44 PM

**To:** Sungman Kim

**Subject:** Re: Specific Use Permit as a 'Substance Abuse Treatment Facility' for 201 and 206 W Aries Dr., Expansion of Origins Rehab facility on SPI.

I am also sending a hard copy to you VIA Mr. Jerry McDowell

Thank you

Rick Guerrero

On Tuesday, August 19, 2014 8:26 AM, Sungman Kim <[SKim@MySPI.org](mailto:SKim@MySPI.org)> wrote:

Dear residents,

Earlier I sent the following to Mr. Vincent Huebinger to inform him accurate details of specific use permit process. Understanding that many people are relying on Mr. Huebinger's opinion, I am sending the same information for your reference:

I appreciate your concerns on the proposed specific use permit (SUP) for the use of lands as a part of the Origins, substance abuse treatment facilities.

I believe that the major concerns of yours include: security and land values. Those should be discussed at the upcoming public meetings in detail.

At the same time, to be fair with the applicant and to make you understand the details of the SUP process, I found myself needing to address the following:

According to Village of Belle Terre v. Boraas (416 US 1, 94 S.Ct. 1536, 39 L.Ed.2d 797 (1974), citing, Berman v. Parker, 348 US 26, 32-33 (1954)), it has been written that "[t]he concept of the public welfare is broad and inclusive...The value it represents are spiritual as well as physical, aesthetic as well as monetary. It is within

the power of the legislature (the City Council) to determine that the community should be beautiful as well as healthy, spacious as well as clean, well-balanced as well as carefully patrolled."

SUP or special permits are thought to be the first site specific zoning amendments validated by Texas courts. At least as early as 1947, the City of Dallas zoning code provided that the City Council could authorize by special permit "in any use district" the location of a number of specific uses listed in the code. By 1950 the Dallas code has been amended to expand the role of the Planning Commission to make a recommendation "containing requirements and safeguards as are necessary to protect adjoining property."

At the case of City of Lubbock v. Whitacre (414 S.W. 2d 497, 498-99 (1967, writ ref'd n.r.e.)), the Court of Civil Appeals in Amarillo was pronouncing that the SUP process has been "recognized and approved by the Courts of Texas." Moreover, the court approved of language in the adopting ordinance specifying that the special permit conditions were 'not conditions precedent to the granting of the special permit, but were to be construed as conditions precedent to the granting of a building permit and certificate of occupancy'(Id. At 502).

Within the City's zoning ordinance, the substance abuse treatment facilities are not the only use categorized for SUP. SUP includes General Hospitals, Special Hospitals, Primary Care Physicians Office, Urgent Care Centers, and Dental Clinics.

City's Sec.20-24(A)(2) states that the purpose and intent of a SUP is to authorize and regulate a use not normally permitted in a district which could be of benefit in a particular case to the general welfare, provided adequate development standards and safeguards are established for such use during the review of the SUP application.

Therefore, there should not be any discretion in the review between the proposed substance abuse treatment facility and other uses listed under the list for SUP. If "not normally permitted" is to "not permit" the uses, the City will not be able to have any of those medical facilities under the code within the jurisdiction.

The details will be reviewed at the public hearings. The development standards/safeguard will be established if the SUP is approved. My staff report is attached to this email.

Thank you.  
Sungman

Sungman Kim  
PhD, MBA, MLA, AICP, ASLA/PLA, GISP  
Director of Development Services  
City of South Padre Island  
4601 Padre Boulevard  
South Padre Island, TX 78597  
Phone: 956-761-8113  
[www.myspi.org](http://www.myspi.org)

**From:** Bobpeggywagner [<mailto:bobpeggywagner@aol.com>]

**Sent:** Monday, August 18, 2014 9:03 PM

**To:** Sungman Kim

**Cc:** [rickwarrior1@yahoo.com](mailto:rickwarrior1@yahoo.com); [dick.ross@sbcglobal.net](mailto:dick.ross@sbcglobal.net); [mzanca@roflp.com](mailto:mzanca@roflp.com); [sotxgringa@gmail.com](mailto:sotxgringa@gmail.com); [edwardeflatt@hotmail.com](mailto:edwardeflatt@hotmail.com); [stephen.h.guinn@gmail.com](mailto:stephen.h.guinn@gmail.com)

**Subject:** Specific Use Permit as a 'Substance Abuse Treatment Facility' for 201 and 206 W Aries Dr., Expansion of Origins Rehab facility on SPI.

Dear Sir,

We object to the proposed land use and location based on code, criteria, lack of information on design, potential variances, security and property value reductions to El Castile Condominiums. We are in agreement with the attached letters from Mr. Vincent C. Huebinger, President of Galleon Bay HOA and Mr. Rick Guerrero, President of El Castile HOA.

Sincerely  
Bob & Peggy Wagner  
El Castile Home Owner

El Castile Condominiums  
Home owners Association

P O Box 3001

South Padre Island, Texas 78597

August 16, 2014

Sungman Kim

PhD, MBA, MLA, AICP, ASLA/PLA, GISP

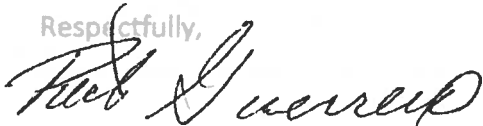
Director of Development Services

City of South Padre Island, Texas 78597

Dear Dr. Kim,

On behalf of the owners and residents of El Castile Condominiums, I wish to express our unanimous objection to the specific use permit request by Origins Recovery Center to expand their facilities to the properties located at 201 W. Aires and ~~205~~ W. Aires. We find that the project, as proposed, is incompatible with the safe and peaceful enjoyment and usage of our property. We wish to add our agreement with the reasons and issues raised in the well crafted letter by Mr. Vincent G. Huebinger, President of the Galleon Bay HOA. We are confident that these concerns are shared by all the surrounding residents and property owners. Likewise, we are confident that the City Council will recognize the need to encourage Origins to find a more suitable location for such a facility.

Respectfully,

A handwritten signature in black ink, appearing to read "Rick Guerrero", written in a cursive style.

Rick Guerrero, President

El Castile Home Owners Association

## **Marta Martinez**

---

**From:** Sungman Kim  
**Sent:** Wednesday, August 20, 2014 3:59 PM  
**To:** Marta Martinez  
**Subject:** FW: Specific use of permit for 201 and 206 W. Aries Dr.

For File.

Sungman Kim  
PhD, MBA, MLA, AICP, ASLA/PLA, GISP  
Director of Development Services  
City of South Padre Island  
4601 Padre Boulevard  
South Padre Island, TX 78597  
Phone: 956-761-8113  
[www.myspi.org](http://www.myspi.org)

-----Original Message-----

**From:** Judy Ross [mailto:[djross28@sbcglobal.net](mailto:djross28@sbcglobal.net)]  
**Sent:** Wednesday, August 20, 2014 3:58 PM  
**To:** Sungman Kim  
**Subject:** Specific use of permit for 201 and 206 W. Aries Dr.

Specific use permit for facility for 201 and 206 W. Aries Dr. expansion of Origins Rehab facility on SPI.

We have great concerns to more traffic, more noise, and the security around the area of El Castile Condominium.

Judy and Dick Ross, El Castile owners  
Sent from my iPad



## Marta Martinez

---

**From:** Sungman Kim  
**Sent:** Wednesday, August 20, 2014 4:21 PM  
**To:** Marta Martinez  
**Subject:** FW: Origins Application SUP  
**Attachments:** letter of protest.pdf

For File.

Sungman Kim  
PhD, MBA, MLA, AICP, ASLA/PLA, GISP  
Director of Development Services  
City of South Padre Island  
4601 Padre Boulevard  
South Padre Island, TX 78597  
Phone: 956-761-8113  
[www.myspi.org](http://www.myspi.org)

**From:** Anita G. Lozano [mailto:[aglozano@jgkl.com](mailto:aglozano@jgkl.com)]  
**Sent:** Wednesday, August 20, 2014 4:16 PM  
**To:** Sungman Kim  
**Subject:** Origins Application SUP

Good afternoon Dr. Kim, as you have heard from many of our fellow condominium owners and the Board President Galleon Bay, it is with great concern and alarm that we have come to understand the proposed use for the adjoining property. My husband, Dr. Sergio Lozano, myself and our partners, Dr. and Mrs. Jorge Kutugata, invested in purchasing three units in Galleon Bay about 6 years ago. This was a time when property values at South Padre Island were beginning to decrease. We chose Galleon Bay because it was a quiet part of South Padre Island, and appreciated the tranquility our neighboring bed and breakfast brought. We also wanted to invest in the great City of South Padre Island, even though it quite honestly, went against what our financial advisers recommended.

Being owners at Galleon Bay has been difficult as we went from a timeshare building with heavy delinquent taxes, to a fully owned condominium complex. It has been a difficult road, yet as a group of determined professionals and retirees, we withstood the challenges and are making our property a better complex, which should be what the City of South Padre Island would encourage. The many specific concerns we have, have been identified in many prior letters and emails, and I will not reiterate them, however, we would like to voice our objections as well and ask that you add this email to your file as objections to this change of zoning request. We hope that the City of South Padre takes into consideration the ramifications of allowing the construction of a 5-floor rehabilitation center next door to us. It will, no doubt, result in many owners selling their units, thereby reducing the values and ultimately the tax base for the City, School and County. We ask that you consider our objections and that you voice our concerns to the city commission.

We also attach the letter prepared by our board president to show we agree with all that he has stated in this letter, we are greatly concerned with this matter.

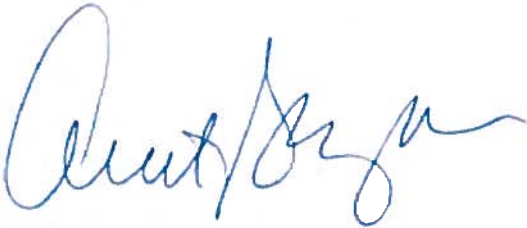
Sincerely,

Sergio Lozano, PA-C, DDS,  
Clinica Familiar San Jose

8030 N. FM 1015  
Mercedes, Texas

Jorge Kutugata, MD  
Rainbow Pediatric Clinic  
902 South Airport  
Weslaco, Texas 78596

Judy Kutugata, RN  
Rainbow Pediatric Clinic  
902 South Airport  
Weslaco, Texas 78596



Anita G. Lozano,  
Jones, Galligan, Key & Lozano, L.L.P.  
Town Center Tower, Suite 300  
2300 West Pike Boulevard  
Weslaco, Texas 78596  
(956) 968-5402  
(956) 973-1110 (d)



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Galleon Bay Condominiums  
4901 Laguna Blvd.  
South Padre Island, TX 78597  
956-761-5633

August 18, 2014

City of South Padre Island  
4601 Padre Boulevard  
South Padre Island, TX 78597  
City of South Padre Island

Attn: Dr. Sungman Kim  
PhD, MBA, MLA, AICP, ASLA/PLA, GISP  
Director of Development Services  
Email Delivered

**RE: Origins Application SUP Request Lot 4 Block 152 Padre Beach Subdivision.**

Dear Dr. Kim:

The original application came with Hannah's house. At first we considered opposing this application but we knew this was an ancillary rehab center, using an existing facility, not proposing any new construction. We decided not to oppose this application with respect to the use, occupants and knowing their main campus/office is appropriately located on SPI Blvd.

Approximately 8 months ago, Origins requested an SUP to remove and replace the duplex at 201 Aries into an expansion of their center. We objected then, as we are now. Now, Origins has expanded their plans to include a 60 bed facility with additional offices on the Scampi's site and an off street parking lot with a capacity of 46 spaces on the corner vacant lot. We oppose this proposal based on the following conditions.

**Compatibility;** There is nothing compatible about a major rehab campus moving next door and in between residential units and adjacent condominiums. Chapter 1 – Draft of new comprehensive plan – GOAL 1 – the city should ensure achieving the *highest quality of life by enhancing community characteristics and also minimizing threats to health, safety and welfare, which may be endangered by incompatible land uses.....*

Specific Use permits are specifically for uses that are "NOT" compatible with other typical uses in the zoning ordinance, therefore municipalities have separate hearings regarding use, conditions, terms, schedules, operations, parking and other criteria. The use can also be generic, such as the term Rehab facility. For example, once you approve a rehab center, it can provide services beyond typical Alcohol problems, including harder type drugs or felons that have received probated sentences which include rehabilitation or felons on probation. Therefore, if this SUP is approved, Goal # 1 in the new comprehensive plan is completely

City of South Padre Island

Dr. Kim

August 14, 2014

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irrelevant. A full medical rehab Campus within a few feet of residential mixed uses is not a compatible land use.

Policy 1.1.1 – Strategy ;,, “*well defined neighborhoods & zoning patterns for suitable transitions*”. Where is the transition? Not just in the zoning, but the existing land use?

**Existing zoning** – We are not sure how the commercial zoning was placed into surrounding residential condominium uses but it likely had something to do with Scampi’s restaurant. Scampi’s was always a high quality, quiet, top of the line restaurant for many years and operated harmoniously within this immediate area. The Commercial zoned property on Scampi’s is surrounded by Commercial zoned tracts that have the NTZ established, neighborhood transition zone. This is discussed further below.

**Traffic;** There is big difference between the proposed use and the existing use. Scampi’s would operate predominately in the evenings. The public/private boat ramp north of El Castile is normally used early in the morning until later that day. The amount of trucks and trailers on this street has already reached problem proportions. Level of service is at capacity for the local residential street on all sides of this development. Now you will mix in morning and evening traffic to the same intersections, and the level of service for normal trips and emergency vehicles will be worse than before. What proposals will we have from Origins of traffic improvements, with a proposed 60 new beds and 40 new offices? We have seen an increase in traffic and parking problems in our block and this extends north to El Castile and The Sunset Condominiums. We do not support this application due to the traffic concerns.

**Drainage:** Currently Scampi’s is paved, however the lot adjacent to the residential units planned for parking is not. The drainage system now in place is currently under preforming. When we get a significant rainfall event, the streets are at full capacity and the storm sewer backs up. Proposing 14,900 sf of additional pavement on Laguna and Aries will increase the runoff on the existing drainage system. This is not acceptable. What are the plans for drainage improvements?

**Values:** We have paid a premium for our Galleon Bay Views. A four story complex on Scampi’s lot will financially harm our 20 owners located on the north side of Galleon. If their campus and rehab facility is constructed to a 4 story height, 45’, we will be looking down on their rooftop. Galleon Owners will have the visual aesthetics, along with our peace and quiet that we enjoy taken away from us. What will Origins provide us to keep the views intact and the visual beauty of the Bay that is discussed in the comprehensive plan? Currently Scampi’s is an attractive 2 story structure. What conditions can be made to insure the visual beauty of our island?

City of South Padre Island

Dr. Kim

August 14, 2014

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What guarantees will Origins give us on Hannah's house and the 201 Aries residence directly adjacent to our north property never being razed and rebuilt to multiple stories or expanded once they get this foothold, or the proposed parking lot. What will be their next phase on that parcel in the near future? It certainly won't be a parking lot for long. These questions need answers. Most of us were here when Hanna's house was the Brown pelican, and that was the perfect bed and breakfast, complimenting a land use of residential in nature exactly like to ours.

**Security:** We have no control who Origins admits. We do not object to their mission, we only object to their location. We also do we control the fate of their economic interest. What happens if the decide to sell, or begin new treatments? It is clear that this use is allowed in the definition of the code. There needs to be security considerations within this land use decision adjacent to our residential families. Alcohol and chemical dependency rehabilitation facilities include facilities to which persons convicted of alcohol or drug related offenses are often ordered to remain under custodial supervision as a condition of probation or parole and can include halfway houses for the emotionally ill. Often this dependency is accompanied with depression.

**Economics:** What or Who is Origin? Are they a 501-C3? If they are, do they pay City, state and school taxes on these property improvements, or are they exempt? What is the economic benefit to this location, besides potential employees? Could they find a more appropriate location, say further north? What decides the location of major medical and rehab in the master plan? Is this addressed? Without paying property taxes doesn't this put the burden on the homeowners and business in the area to make up for these shortfalls?

**Ordinance:** The SPI zoning ordinance establishes the use as a specific Use permit required in this zoning category. Section 20-24(2) states "the purpose and intent of a SUP is to authorize and regulate a use not normally permitted in a district". 20-24 (b)2 states further that the city council can establish conditions of operation, location and arrangement, and that they may impose safeguards to the welfare and protection of adjacent property from noise, offensive views, traffic and other undesirable or hazardous conditions. Has the city seen detailed site plans to completely understand this operation, construction and development? The majority of Texas municipalities have prohibited this land use in or adjacent to residential zoned or used properties for the benefit of landowners. Typically this land use is reserved for major commercial corridors due to our concerns listed in this letter.

Commercial Off-Street parking adjacent to residential use, this is regulated in the SPI code for Off street parking. A summation of this criterion is that only 50% of the required parking for a facility would be allowed as "off street. The off street tract has to be adjacent or directly across

City of South Padre Island

Dr. Kim

August 14, 2014

Page 4

the street from the permitted building, which this is not, and the off street parking area is located in NTZ neighborhood transition zone. This is also not compatible with code. Further, the existing 4 residential structures located along Capricorn will now have rear yards adjoining a commercial parking lot with noise, fumes, lights, trash and traffic on a daily basis.

The SPI code definition of Substance Abuse Treatment facility discusses the prohibition "hospital narcotic drug detoxification treatment. It also states that if the facility is "faith based" that this type of facility is exempt from licensure by the state of Texas. Is Origins a faith based organization? If so, who monitors its operations?

In closing, we object to this land use and location based on code, criteria, lack of information on design, potential variances, security and clear reduction of values to our property at Galleon. If you have any questions please feel free to call me.

Sincerely,

Vincent G. Huebinger  
Galleon Bay HOA President



August 14, 2014

South Padre Dev Department  
4601 Padre Blvd  
S.P.I., TX 78597

ATTN: Kim Sungman

We vote no to vote  
scheduled on Aug 20, 2014.  
Subject: land next to  
Scampi's restaurant &  
Scampi's to develop  
those properties.

We are traveling and  
did not receive your  
post card. We can properly  
at EL Castle - unit 34  
S.P.I., Texas 78597-3434

We have another address:  
~~at~~ Jim & Elizabeth Winter  
4070 Wavy Oak Drive  
Colorado Springs, CO 80908-1394  
This is our summer resident

## Ramona Kantack

---

**From:** Richard Stamler <rstam12@sbcglobal.net>  
**Sent:** Thursday, August 21, 2014 10:47 AM  
**To:** ramona@kantacklawoffice.com  
**Cc:** Vincent Huebinger  
**Subject:** Proposed rehab facility

Dear Ms Alcantara,

My wife, Gail Stamler, and I have recently purchased a condo at The Galleon Bay. We submitted a previous letter expressing our opposition to the SUP, although we are not sure if it was received by the full board.

We had planned on attending the meeting on the 21st. In fact we detoured over 1000 miles from a planned route to attend the meeting. You can imagine our disappointment to see it delayed over a potential agenda error. We will not be able to attend the meeting on the 25th but would appreciate if you could share this email with the other board members.

The first question would be why this location? This is a residential area with many families visiting year round. Why not have Orgin's consider a more remote location to the North of the developed areas, or even across the bay where it is less populated?

We assume you and all of the board members reside here on the Island. Please ask your selves if this facility were being proposed next to your homes, would recommend approval? I suspect the answer would be no. If you would not allow this facility to be located next to your homes then you should not allow it to be next to our homes either.

Mr Kim partially responded to our HOA President, Vince Huebinger who expressed concerns over this proposal. In his response Mr Kim cited City's Sec.20-24(A) (2). It states, in part, the intent of the SUP is to authorize and regulate a use NOT NORMALLY permitted in a district which could be of benefit in a particular case to the general welfare .....

We would like someone to explain how this could possibly be a benefit to the general welfare. By the City's own regulation this alone should disqualify this facility from being built in this location.

As we put forth in our previous email the failure rate for this type of treatment is about 80 %. The HOA president of El Cantile has related a story of female patients from the existing facility next door harassing occupants of their condo begging for money. Another 60 beds can only increase the risk of this and even more serious incidents.

We are not sure if you are aware but Orgin's treats all sorts of addictions to include sex addiction. They can give us assurances of what will be treated in this facility but we have no way of verifying who is in the facility and what type of treatment they are receiving. HIPA alone will prevent us from discovering what they are doing in this facility.

We are surprised this proposal has gone this far without the community becoming aware of this proposal. Orgin's would never have put a contingency offer on this property had they not received some assurances that it would go forward. I would hope this is not the case and the board seriously considers rejecting this proposal.

Sincerely,

Richard Stamler  
Gail stamler





## CITY OF SOUTH PADRE ISLAND ZONING APPLICATION

- ☐ \$1,000 Rezoning    ☐ \$1,000 Planned Development District (PDD)  
☒ \$250 Specific Use Permit (Sec. 20-24)

\* 201 ARIES - LOT 4 BLOCK 152 PADRE BEACH SECTION X  
SUBJECT PROPERTY: Lot(s) \* 206 ARIES LOT 1 BLOCK 1 - JONES GARDERE  
SUBDIVISION

Block(s) \_\_\_\_\_

Section(s) / Subdivision \_\_\_\_\_

Intended Use of Property: RECOVERY CENTER

Zoning District(s): LOT 4 - "B" LOT 1 "C"

PROPERTY OWNER: ORIGINS RECOVERY OF TEXAS LLC

OWNER MAILING ADDRESS: 4610 PADRE BLVD

CITY, STATE, ZIP: S. PADRE ISLAND, TX 78597

PHONE NUMBER: (561) 329 1772

FAX NUMBER: ( )

EMAIL: DHEBERT@ORIGINSRECOVERY.COM

An authorization letter from the  
Property Owner will be required,  
if applicant is not the property  
owner.

APPLICANT (if different from Owner): DANE HEBERT

APPLICANT MAILING ADDRESS: 4610 PADRE BLVD.

CITY, STATE, ZIP: S. PADRE ISLAND TX 78597

PHONE NUMBER: (512) 308 6034

FAX NUMBER: ( )

EMAIL: DHEBERT@ORIGINSRECOVERY.COM

### Include with this application:

- 1) Application fee
- 2) 10 copies of supporting document(s)
- 3) Stamped/sealed & dated survey
- 4) Proposed uses
- 5) Additional Information (operating the time, functions, any expected impacts)
- 6) Location of any building proposed
- 7) Design (floor and section plan) of any building proposed (if available)
- 8) Digital copy of entire packet

Dane Hebert CFO  
Signature of Applicant

7/30/14  
Date



# *Martinez, Barrera, y Martinez, L.L.P.*

*Attorneys at Law*

*An Association of Professional Corporations*

*Tony Martinez \**

*Horacio L. Barrera*

*Benigno (Trey) Martinez*

*1206 E. Van Buren*

*Brownsville, Texas 78520*

*Telephone: (956) 546-7159*

*Fax: (956) 544-3559*

September 10, 2014

VIA E-Mail and Regular Mail  
**CITY OF SOUTH PADRE ISLAND**  
Planning Department  
4601 Padre Boulevard  
South Padre Island, TX 78597  
ATTENTION: Dr. Sungman Kim

Re: Specific Use Permit Application by Origins Recovery of Texas, LLC

Dear Dr. Kim:

I represent Origins Recovery of Texas, LLC. After viewing some of the letters objecting to the specific use permit requested by Origins Recovery of Texas, I felt it necessary to respond in writing in order to correct some of the factual inaccuracies and improper characterizations that have been made in some of those letters about Origins Recovery's operations and our proposed project. First, let me state that most cities that I am familiar with, would not even require a specific use or conditional use permit to conduct the medical and counseling operations conducted by any professional treatment facility as the one operated by Origins. Typically, those permits are generally required for the operation of sexually oriented businesses or bars and nightclubs, rather than professional facilities that render medical and psychological counseling services. The fact that South Padre Island requires this type of permit in all areas zoned for this activity is somewhat unusual.

I believe that your staff's recommendation to approve the specific use permit, was thoroughly analyzed and their conclusion to recommend approval was correct. The property that Origins is acquiring is already zoned to accommodate Origins' operations. Our plan is to build a self-contained facility to house patients, medical, administrative offices for counseling and support staff on the old Scampi's property. The adjoining property will also be used for additional administrative offices. Between land acquisition and permanent improvements, Origins is prepared to invest over \$6,000,000 on the site and the construction of improvements. The residential, counseling and administrative activities that would be conducted at this location, would in fact, generate less traffic, produce virtually no noise and be more compatible with the surrounding neighborhood than what exists there today and has existed in the past.

[www.martinezybarrera.com](http://www.martinezybarrera.com)

*\*Board Certified Personal Injury Law Texas Board Of Legal Specialization*

Some questions have been raised regarding security, somehow suggesting to the Planning and Zoning Board that Origins' treatment facility poses some risk or danger to its surrounding neighbors. Nothing is further from the truth or the facts. Indeed, this is the typical and unfounded red herring argument, which we have encountered before and is not unsupported by any facts or evidence. Origins is not a halfway house, as one person suggested. Origins' patients are not referred to our facility by the court system and most of our resident patients have never even had any encounters with legal system. Before any patient is accepted into the program and admitted to our facility, a review of their background is done, and the patient is carefully screened by our staff. Only after the patient is deemed to be a suitable candidate for our program is he or she admitted. I can certainly state that when Origins admits someone into their program they know more about that residents' medical and personal backgrounds than what any hotel or condominium rental facility on South Padre Island knows about any of the guests they admit to their premises. This is one of the reasons that since Origins began its operations on South Padre Island it has never had any incidents with any of its residents around the town that ever required police intervention.

Origins maintains strict security policies and the proposed site is planned to make that site even more secure. This is not to suggest that we fear problems from our patients. Rather, the goal of our security is monitor our patients and to maintain our premises safe from outside influences and keep our premises free of drugs and alcohol or any persons that would try to disrupt the care and treatment of our patients. Our facility regularly tests the patients and supervises them for compliance with our facility's policies and procedures. The average patient is around 30 years of age and many are professionals who are voluntarily seeking substance abuse treatment. Their backgrounds range from politicians to preachers, doctors to lawyers and teachers to students. The patients at Origins are all in the program voluntarily and while in our program and on our premises, they enjoy sobriety. We insure sobriety through tough personal property searches and random drug and alcohol testing as well as staff supervision. We doubt the same could be said about the sobriety of persons in the surrounding area. This fact alone could be a substantial change for the better in the neighborhood than the operation of a bar and restaurant. In short, the unsupported fears or concerns of nearby owners and residents about the patients at Origins are without any foundation and totally unjustified. Origins has a well established track record with the city, the police and all of the other city departments, which prove that the alleged security concerns are without merit.

Another concern expressed had to do with property value and a perceived potential increase in traffic. In fact, the traffic at the location will certainly be reduced from what existed when Scampi's was in operation. Since Origins does not permit any of its patients to have a car while in the program, the only movement into and out of the facility will come from the Origins' staff. While there are occasional visitors, such as the families of patients, these visits occur during normal business hours and would be virtually indistinguishable from normal traffic. Staff movements would likewise be during normal business hours and during nursing shift changes.

Property values would not be negatively impacted, but rather in all probability increased. Origins has contracted to spend more than 1.3 million dollars for land acquisition with another 5 million dollars for the construction of a state of the art residential and counseling facility. This would no doubt be reflected at the county appraisal office and probably cause the surrounding properties to increase in value. The proposed building and landscaping plan will blend well with the surrounding neighborhood and enhance the attractiveness of the entire block. The thought that acquiring and improving this property and converting it from a past its prime bar and restaurant into an attractive residential and professional facility at a cost in excess of 6 million dollars would somehow decrease the surrounding property values is quite frankly, absurd.

Drainage, views and blocking the breeze have also been expressed as concerns. In fact, drainage will be improved by reducing some of the hardscape of the parking lot and adding landscaping to the property. The architects and engineers for the project would certainly work closely with the city to ensure that all codes are adhered to. While construction of a four story building might conceivably affect the views of some nearby property owners, no one is guaranteed a permanently unobstructed view by ordinance or otherwise. Since the property is zoned for a multitude of uses, including a hotel or another condominium project the property could just as easily be used to build a six or seven story hotel or condominium project and only be required to adhere to the city's set back requirements. Some mention was made of blocking the breeze to the condominiums to the north of the property. However, after looking at that property, those condominiums are divided from the Scampi's property by a 6 foot wooden security fence, a sidewalk and landscaping. In fact, the back of those condominiums face the Scampi's property with no balconies or entrances on their south side. It is hard to see how any construction on the proposed project would have any impact on these residents' views or the breeze.

Questions were also raised about economic impact, which Origins has on the community. We are happy to answer this question as well. Origins is a privately licensed substance treatment facility. It is currently the second largest employer on South Padre Island and has an annual payroll of over 6 million dollars. It pays property taxes on all of the facilities it owns on South Padre Island that are valued in excess of 2.5 million dollars. The proposed project would add an addition 6 plus million dollars to Origins' taxable property. In addition to owing and paying taxes on owned property, Origins also rents property on South Padre Island. It employs doctors, nurses, physician assistants, psychologists and other professionals paying them a comfortable living wage allowing many of them to live on South Padre Island. Additionally, the patients' families also contribute significant revenue to the areas businesses when they visit and spend money at hotels and restaurants. Moreover, these contributions to the local economy are not just seasonal, but are felt year round. Origins also volunteers its medical staff to provide services for many community projects that range from grief counseling to staffing a nursing tent during spring break. It is the hope of the owners and managers of Origins that it can continue to make a significant positive contribution to South Padre

Letter to Dr. Kim  
September 10, 2014  
Page 4

Island and its future patients. The requested permit allowing for the construction of a state of the art facility at the proposed location would be an additional positive step in further economic contributions to the City of South Padre Island.

We look forward to being present to answer any questions the board may have about our plans and our project.

Sincerely,

A handwritten signature in blue ink, appearing to read "Horacio L. Barrera".

Horacio L. Barrera

cc:  
Mr. Robert Park  
Mr. Drew Rothermel

July 30, 2014

MEMO

TO: Planning and Zoning  
FROM: Origins Recover Center  
REF: Special Use Permit  
201 & 206 West Aries  
South Padre Island, Texas

ATTACHMENTS:

Application  
Google Map  
Land Use Designations  
Proposed Layout  
Client Parking Policy  
Contact on 206 Aries Property  
Surveys

Origins Recovery Center is requesting a Special Use Permit for The above properties.  
It is currently Zoned "C".

On the attached handout Property E4 is existing.  
Property 1, 2 & 3 are planned as expansions to the master plan.

Property 1 is intended for use as office space for 10 and;

Property 2 to be used as recovery facilities with approximately 60 beds, 30 offices, group meeting rooms, kitchen, dining and living room area. The site will contain parking for 10, a swimming pool, pier fishing and meditation areas.

Property 3 will be used as a well-landscaped parking area for 46 cars. Origins intends to return to P&Z to a zoning change.

The parking requirements for property 1 with 10 offices (10x150sf / 250) is 6.  
The parking requirements for property 2 with 30 offices (10x150sf / 250) is 18.

The calculations are based on the current city code of 250 sf per space. The clients in this facility are restricted to no cars (attached).

The additional parking will be used for family visitors.





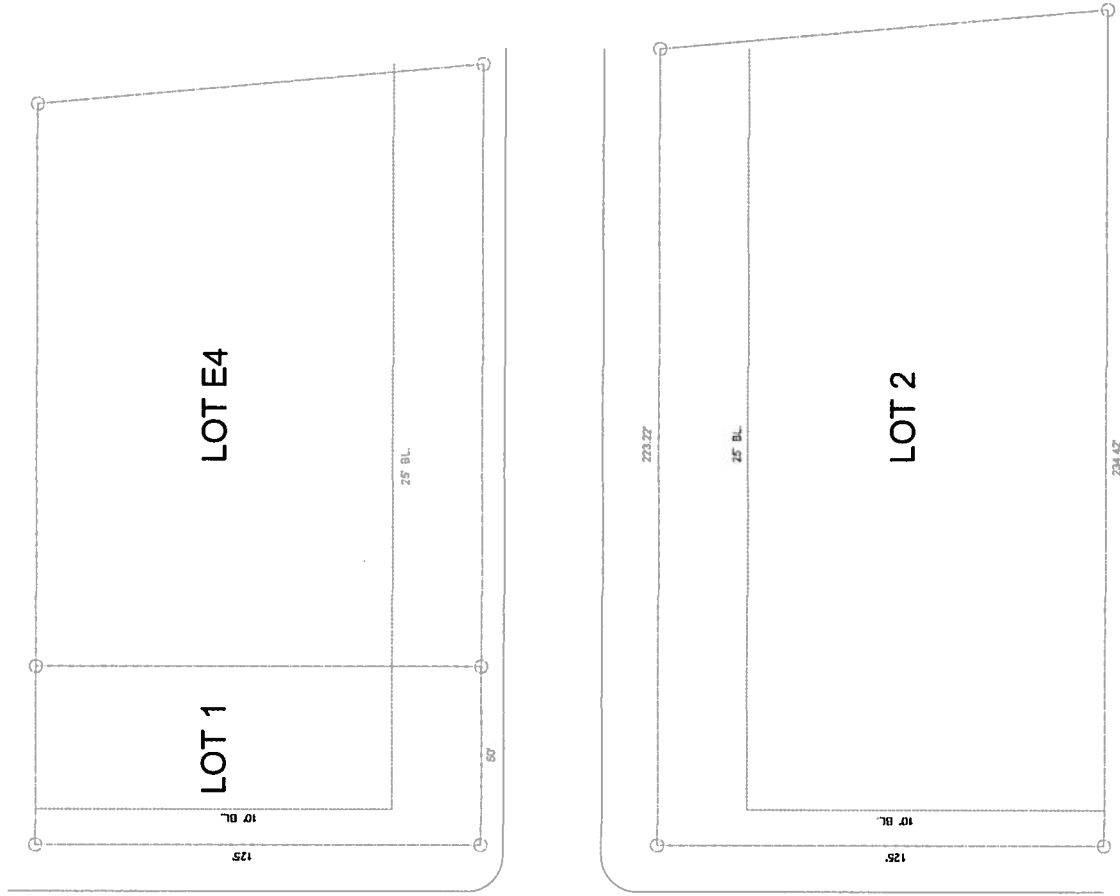
Google earth

feet  
meters



Google earth





LAGUNA BLVD.  
50' ROW

ARIES  
50' ROW

ORIGINS RECOVERY  
CENTER

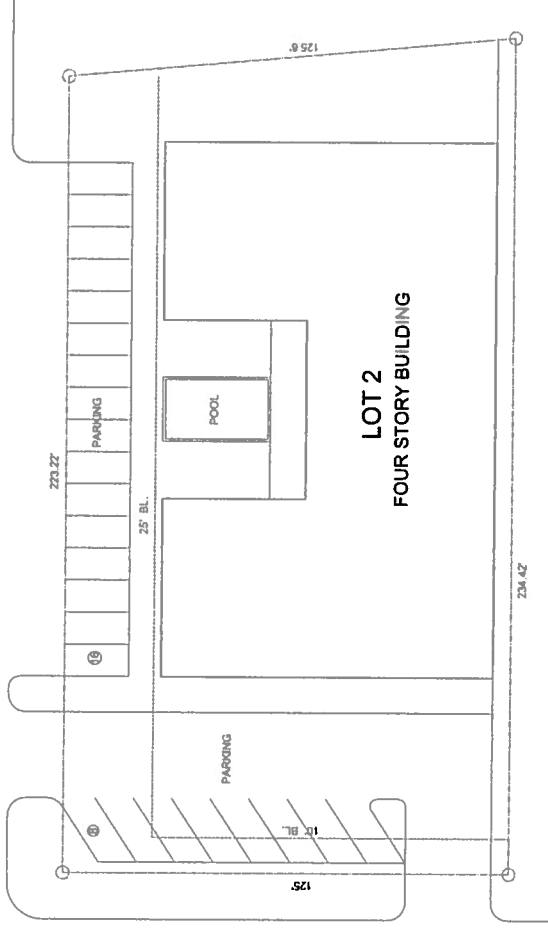


SCALE  
1/16" = 1'-0"

SITE PLAN



ARIES  
50' ROW



LAGUNA BLVD.  
50' ROW

ORIGINS RECOVERY  
CENTER





## Origins Recovery Centers®

Reference: 5448.704

Client Rights – Program Rules

### Annex D

#### Program Rules – Origins Recovery Center - SPI

Client Name:	_____	_____	_____
	Last	First	M.I.
Admit Date:	_____	Client #:	_____

**AA Meetings (off premises):** When attending outside meetings of AA or CA, it is important to realize that your behavior not only reflects upon yourself and your commitment to permanent sobriety, but upon Origins as well. All Clients must be in their chairs when the meeting begins and stay in your seat for the entire meeting. Do not write or do other distracting things during the meeting. It is impolite to rise to go to the restroom or for more coffee while someone is sharing. Do not talk about Origins or previous treatment centers by name (always protect the confidentiality of other Clients). Always thank the speaker after a meeting, help others clean up after the meeting and never leave trash or a mess. Clients are to return to the vehicle only when directed to do so by a Recovery Advocate. Smoking is only acceptable in assigned areas. No tobacco use of any kind is allowed during the meeting. Dispose of cigarette butts and dip cups in the appropriate place.

**Ancillary Services Deposit:** Funds from this account are allowed to be used for any group outings and for the purchase of necessary personal items. Remember, you are not to receive cash or credit/debit cards directly under any circumstances from anyone. The amount of money available for personal items comes out of your Ancillary deposit account and is supervised and regulated at Origins' staff discretion, but will be kept to a fixed maximum amount of \$50 per week. Any item over \$50 should be pre-approved by their case manager.

Cash and credit cards will be stored by Origins in our safe. Any amount of cash over \$200 will be deposited in your Ancillary account (See Ancillary Services Deposit section in Master Services Agreement).

**Automobiles:** Personal automobiles and other forms of transportation are not permitted on Campus.

**Beach Conduct/Sand:** All Clients must conduct themselves properly while at the beach and follow the instructions of staff at all times. Absolutely no fraternization with the opposite sex is allowed at the beach, including conversing, whistling and cat calling, etc. Misconduct may result in loss of beach privileges. All sand must be washed off before your return onto the Origins property and shaken loose from clothing and beach towels. Avoid bringing any sand whatsoever onto the Origins property or into any rooms. Be advised the sun in South Texas is very strong and you should take care to wear protective clothing and sunscreen. In addition, the ocean currents are *extremely strong* and no swimming is allowed alone and never more than seventy-five (75) feet from the shoreline. If you get caught in strong current yell for help and swim parallel to the shoreline to exit the current. Beware of potentially dangerous sea life, including, but not limited to stinging jellyfish, stingrays, seafloor life with spiny prongs and dangerous fish such as sharks and barracuda. Client must stay within boundaries set by present staff. No lifeguard on duty-swim at your own risk.

**Bedrooms:** Food or drinks are not allowed in living quarters, with the exception of water only. All bedrooms and bathrooms are to be kept neat and orderly at all times, with beds made before the first

## CONTRACT FOR SALE OF COMMERCIAL PROPERTY

1. **PARTIES:** Seller agrees to sell and convey to Buyer the Property described in Paragraph 2. Buyer agrees to buy the Property from Seller for the sales price stated in Paragraph 3. The parties to this contract are:

Seller: Viking Hospitality Enterprises, Inc.  
& Richard G. Hansen, Trustee of the Richard G. Hansen Trust  
Address: 5775 Stonebridge Drive SW  
Grandville, MI 49418  
Phone: (616) 490-2857  
E-mail: rghansen@aol.com

Buyer: Origins Recovery of Texas, LLC  
Address: 4610 Padre Blvd.  
South Padre Island, TX 78597  
Phone: (561) 329-1772  
E-mail: arothermel@originsrecovery.com

### 2. PROPERTY:

A. "Property" means that real property situated in Cameron County, Texas at 206 West Aries Street and the lots located at the north west corner of West Aries and Laguna Blvd, South Padre Island, and that is legally described herein as follows: **LEGAL DESCRIPTIONS FOR ALL THREE TRACTS ARE ATTACHED AND INCORPORATED AS EXHIBIT 1.**

B. Subject to the terms and conditions of this agreement, Seller will sell and convey the Property together with:

- (1) all buildings, improvements, and fixtures;
- (2) all rights, privileges, and appurtenances pertaining to the Property, including Seller's right, title, and interest in any minerals, utilities, adjacent streets, alleys, strips, gores, and rights-of-way;
- (3) Seller's interest in all licenses and permits related to the Property;
- (4) Seller's interest in all third-party warranties or guaranties, if transferable, relating to the Property or any fixtures;

### 3. SALES PRICE:

A. At or before closing, Buyer will pay the following sales price for the Property:

- (1) Cash portion payable by Buyer at closing .....\$1,525,000.00
- (2) Sum of all financing described in Paragraph 4 .....\$ - 0 -
- (3) Sales price (sum of 3A(1) and 3A(2)) .....\$1,525,000.00

B. Adjustment to Sales Price: The sales price will not be adjusted based on a survey.

### 4. FINANCING: N/A

### 5. EARNEST MONEY:

Initialed by Seller



Buyer:

Page 1

A. Not later than 5 days after the effective date, Buyer must deposit \$25,000.00 as earnest money with **STEWART TITLE of CAMERON COUNTY** (Escrow Agent) at 2111 Padre Blvd, South Padre Island, Texas 78597. If Buyer fails to timely deposit the earnest money, Seller may terminate this contract or exercise any of Seller's other remedies under Paragraph 15 by providing written notice to Buyer before Buyer deposits the earnest money.

B. Buyer may instruct the escrow agent to deposit the earnest money in an interest-bearing account at a federally insured financial institution and to credit any interest to Buyer.

C. Additional Earnest Money for extension of Feasibility Period: If Buyer wishes to exercise the option to extend the feasibility period (as hereinafter described in paragraph 7), Buyer may extend the period for an additional thirty (30) days, but must deposit additional Earnest Money with the Escrow Agent in the amount of TEN THOUSAND (\$10,000.00) No/Dollars in cash, no later than ten (10) days prior to the expiration of said period. Buyer may request up to five (5) more additional thirty (30) day extensions, but it must be in accordance with this section and section 7.

#### **6. TITLE POLICY AND SURVEY:**

##### **A. Title Policy:**

- (1) Seller, at Seller's expense, will furnish Buyer an Owner's Policy of Title Insurance (the title policy) issued by Stewart Title Cameron County (title company) in the amount of the sales price, dated at or after closing, insuring Buyer against loss under the title policy, subject only to:
  - (a) those title exceptions permitted by this contract or as may be approved by Buyer in writing; and
  - (b) the standard printed exceptions contained in the promulgated form of title policy unless this contract provides otherwise.
- (2) The standard printed exception as to discrepancies, conflicts, or shortages in area and boundary lines, or any encroachments or protrusions, or any overlapping improvements will not be amended or deleted from the title policy.
- (3) Within 60 days after the effective date, Seller will furnish Buyer a commitment for title insurance (the commitment) including legible copies of recorded documents evidencing title exceptions. Seller authorizes the title company to deliver the commitment and related documents to Buyer's attorney.

B. Survey: Within 60 days after the effective date, Seller, at Buyer's expense, will furnish Buyer and the title company a survey of the Property dated after the effective date. The survey must be made in accordance with the: (i) ALTA/ACSM Land Title Survey standards, or (ii) Texas Society of Professional Surveyors' standards for a Category 1A survey under the appropriate condition.

##### **C. Buyer's Objections to the Commitment and Survey:**

- (1) Within 30 days after Buyer receives the commitment, copies of the documents evidencing the title exceptions, and any required survey, Buyer may object in writing to matters disclosed in the items if:
  - (a) the matters disclosed are a restriction upon the Property or constitute a defect or



encumbrance to title to the real property described in Paragraph 2, other than those permitted by this contract or liens that Seller will satisfy at closing or Buyer will assume at closing; or

(b) the items show that any part of the Property lies in a special flood hazard area (an "A" or "V" zone as defined by FEMA).

- (2) Seller may, but is not obligated to, cure Buyer's timely objections within 15 days after Seller receives the objections. The closing date will be extended as necessary to provide such time to cure the objections. If Seller fails to cure the objections by the time required, Buyer may terminate this contract by providing written notice to Seller within 5 days after the time by which Seller must cure the objections. If Buyer terminates, the earnest money will be refunded to Buyer.
- (3) Buyer's failure to timely object is a waiver of Buyer's right to object, except that Buyer will not waive the requirements in Schedule C of the commitment.

## **7. PROPERTY CONDITION AND FEASIBILITY PERIOD:**

A. Present Condition: Buyer accepts the Property in its present condition except that Seller, at Seller's expense, may sell or otherwise dispose of all supplies, equipment, etc. currently in the building.

B. Feasibility Period and Land Use Contingency: Buyer may terminate this contract ten (10) days prior to closing if any special use permit, zoning classification, building code, or other land use limitation or restriction prohibits Buyer from being able to construct and operate a residential treatment center on the Property. Buyer has the option to extend the feasibility period and therefore the closing date, so long as it is in compliance with the terms of section 5, and Buyer timely deposits the additional required Earnest Money deposit of Ten Thousand (\$10,000.00) No/Dollars for each and every requested extension.

If Buyer terminates the contract under this provision, then all deposited Earnest Money (to include any additional Earnest Money) will not be refunded and will become the property of Seller.

### **C. Inspections, Studies, or Assessments:**

- (1) Prior to Closing, Buyer, at Buyer's expense, may complete or cause to be completed any and all inspections, studies, or assessments of the Property (including all improvements and fixtures) desired by Buyer.
- (2) Buyer must:
  - (a) employ only trained and qualified inspectors and assessors;
  - (b) notify Seller, in advance, of when the inspectors or assessors will be on the Property;
  - (c) abide by any reasonable entry rules or requirements of Seller;
  - (d) not interfere with existing operations or occupants of the Property; and
  - (e) restore the Property to its original condition if altered due to inspections, studies, or assessments that Buyer completes or causes to be completed.
- (3) Except for those matters that arise from the negligence of Seller or Seller's agents, Buyer is responsible for any claim, liability, encumbrance, cause of action, and expense resulting from Buyer's inspections, studies, or assessments, including any property damage. Buyer will indemnify, hold harmless, and defend Seller and Seller's agents involving a matter for which Buyer is responsible under this paragraph. This paragraph survives termination of this contract.



**D. Property Information:**

(1) **Delivery of Property Information:** Within 30 days after the effective date, Seller will deliver to Buyer, to the extent Seller has in his possession:

- \_\_\_ (a) copies of all current leases pertaining to the Property, including any modifications, supplements, or amendments to the leases;
- \_\_\_ (b) copies of all notes and deeds of trust against the Property;
- \_\_\_ (c) copies of all current service, maintenance, and management agreements relating to the ownership and operation of the Property;
- \_\_\_ (d) copies of current utility capacity letters from the Property's water and sewer service provider;
- \_\_\_ (e) copies of all leasing or commission agreements that currently relate to all or part of the Property;
- \_\_\_ (f) copies of all previous environmental assessments, geotechnical reports, studies, or analyses made on or relating to the Property;
- \_\_\_ (g) real and personal property tax statements for the Property for the previous 2 calendar years;
- \_\_\_ (h) plats of the Property.

(2) **Return of Property Information:** If this contract terminates for any reason, Buyer will, not later than 10 days after the termination date: (a) return to Seller all those items described in Paragraph 7D(1) that Seller delivered to Buyer and all copies that Buyer made of those items; and (b) deliver copies of all inspection and assessment reports related to the Property that Buyer completed or caused to be completed. This Paragraph 7D(2) survives termination of this contract.

8. **LEASES.** This paragraph was intentionally deleted.

9. **BROKERS:** Each party represents itself in this transaction, and there are no brokers.

10. **CLOSING:** Subject to Buyer's option to exercise an extension in accordance with sections 5 and 7:

A. The date of the closing of the sale (closing date) will be on or before:

(1) October 31, 2014.

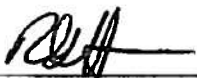
B. If either party fails to close by the closing date, the non-defaulting party may exercise the remedies in Paragraph 15.

C. At closing, Seller will execute and deliver, at Seller's expense, a special warranty deed. The deed must include a vendor's lien if any part of the sales price is financed.

D. At closing, Seller, at Seller's expense, will also deliver to Buyer:

- (1) tax statements showing no delinquent taxes on the Property;
- (2) to the extent that the following items are assignable, an assignment to Buyer of the following items as they relate to the Property or its operations: (a) licenses and permits; and (b) warranties and guaranties;
- (3) evidence that the person executing this contract is legally capable and authorized to bind Seller;

Initialed by Seller



Buyer:

Page 4

- (4) an affidavit acceptable to the escrow agent stating that Seller is not a foreign person or, if Seller is a foreign person, a written authorization for the escrow agent to: (i) withhold from Seller's proceeds an amount sufficient to comply applicable tax law; and (ii) deliver the amount to the Internal Revenue Service (IRS) together with appropriate tax forms; and
- (5) any notices, statements, certificates, affidavits, releases, and other documents required by this contract, the commitment, or law necessary for the closing of the sale and issuance of the title policy, all of which must be completed by Seller as necessary.

**E. At closing, Buyer will:**

- (1) pay the sales price in good funds acceptable to the escrow agent;
- (2) deliver evidence that the person executing this contract is legally capable and authorized to bind Buyer; and
- (3) execute and deliver any notices, statements, certificates, or other documents required by this contract or law necessary to close the sale

**F. Unless the parties agree otherwise, the closing documents will be as found in the basic forms in the current edition of the State Bar of Texas Real Estate Forms Manual without any additional clauses.**

**11. POSSESSION:** Seller will deliver possession of the Property to Buyer upon closing and funding of this sale.

**12. SPECIAL PROVISIONS.** None.

**13. SALES EXPENSES:**

**A Seller's Expenses:** Seller will pay for the following at or before closing:

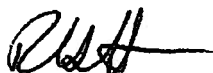
- 1) releases of existing liens, other than those liens assumed by Buyer, including prepayment penalties and recording fees;
- (2) release of Seller's loan liability, if applicable;
- (3) tax statements or certificates;
- (4) preparation of the deed;
- (5) one-half of any escrow fee;
- (6) costs to record any documents to cure title objections that Seller must cure; and
- (7) other expenses that Seller will pay under other provisions of this contract.

**B. Buyer's Expenses:** Buyer will pay for the following at or before closing:

- (1) recording fees for the deed;
- (2) one-half of any escrow fee;
- (3) other expenses that Buyer will pay under other provisions of this contract.

**14. PRORATIONS:**

- A. Prorations:** If the amount of ad valorem taxes for the year in which the sale closes is not available on the closing date, taxes will be prorated on the basis of taxes assessed in the previous year. If the taxes for the year in which the sale closes vary from the amount prorated at closing, the parties will adjust the prorations when the tax statements for the year in which the sale closes become available. This Paragraph 14A(2) survives closing.



- B. Rollback Taxes: If Seller changes the use of the Property before closing or if a denial of a special valuation on the Property claimed by Seller results in the assessment of additional taxes, penalties, or interest (assessments) for periods before closing, the assessments will be the obligation of the Seller. If this sale or Buyer's use of the Property after closing results in additional assessments for periods before closing, the assessments will be the obligation of Buyer. This Paragraph 14B survives closing.

**15. DEFAULT:**

- A. If Buyer fails to comply with this contract, Buyer is in default and Seller may terminate this contract and receive the earnest money, as liquidated damages and as Seller's sole remedy. Seller may not enforce specific performance.
- B. If, without fault, Seller is unable within the time allowed to deliver the commitment, Buyer may:
- (1) terminate this contract and receive the earnest money as liquidated damages and as Buyer's sole remedy; or
  - (2) extend the time for performance at Buyer's discretion and the closing will be extended as necessary, if both parties agree.
- C. Except as provided in Paragraph 15B, if Seller fails to comply with this contract, Seller is in default and Buyer may:
- (1) terminate this contract and receive the earnest money as liquidated damages and as Buyer's sole remedy; or
  - (2) enforce specific performance, or seek such other relief as may be provided by law or both.

**16. CASUALTY LOSS AND CONDEMNATION:**

- A. If before closing, condemnation proceedings are commenced against any part of the property, Buyer may:
- (1) terminate this contract by providing written notice to Seller within 15 days after Buyer is advised of the condemnation proceedings, and the earnest money will be refunded to Buyer; or
  - (2) appear and defend in the condemnation proceedings and any award will, at Seller's election, belong to:
    - (a) Seller, and the sales price will be reduced by the same amount; or
    - (b) Buyer, and the sales price will not be reduced.

**17. ATTORNEY'S FEES:** If Buyer, Seller, or any escrow agent is a prevailing party in any legal proceeding brought under or with relation to this contract or this transaction, such party is entitled to recover from the non-prevailing parties all costs of such proceeding and reasonable attorney's fees. This Paragraph 17 survives termination of this contract.

**18. ESCROW:**

- A. At closing, the earnest money will be applied first to the sales price, then to Buyer's closing costs. If no closing occurs, escrow agent may require payment of unpaid expenses

Initialed by Seller



Buyer:

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incurred on behalf of the parties and a written release of liability of escrow agent from all parties.

- B. If one party makes written demand for the earnest money, escrow agent will give notice of the demand by providing to the other party a copy of the demand. If escrow agent does not receive written objection to the demand from the other party within 15 days after the date escrow agent sent the demand to the other party, escrow agent may disburse the earnest money to the party making demand, reduced by the amount of unpaid expenses incurred on behalf of the party receiving the earnest money and escrow agent may pay the same to the creditors.
- C. If escrow agent complies with this Paragraph 18, each party hereby releases escrow agent from all claims related to the disbursement of the earnest money.
- D. Notices under this Paragraph 18 must be sent by certified mail, return receipt requested. Notices to escrow agent are effective upon receipt by escrow agent.
- E. Any party who wrongfully fails or refuses to sign a release acceptable to escrow agent within 7 days after receipt of the request will be liable to the other party for liquidated damages in an amount equal to the sum of: (i) three times the amount of the earnest money; (ii) the earnest money; (iii) reasonable attorney's fees; and (iv) all costs of suit.

**19. MATERIAL FACTS:** Except as otherwise provided in this contract, Seller is not aware of:

- (1) any subsurface structures, pits, waste, springs, or improvements;
- (2) any pending or threatened litigation, condemnation, or assessment affecting the Property;
- (3) any environmental hazards or other conditions that materially affect the Property;
- (4) whether the Property is or has been used for the storage or disposal of hazardous materials or toxic waste, a dump site or landfill, or any underground tanks or containers;
- (5) whether radon, asbestos containing materials, urea-formaldehyde foam insulation, leadbased paint, toxic mold (to the extent that it adversely affects the health of ordinary occupants), or other pollutants or contaminants of any nature now exist or ever existed on the Property;
- (6) any wetlands, as defined by federal or state law or regulation, on the Property;
- (7) any threatened or endangered species or their habitat on the Property;
- (8) any present or past infestation of wood-destroying insects in the Property's improvements;
- (9) any contemplated material changes to the Property or surrounding area that would materially and detrimentally affect the ordinary use of the Property;
- (10) any material physical defects in the improvements on the Property; or
- (11) any condition on the Property that violates any law or ordinance.

**20. NOTICES:** All notices between the parties under this contract must be in writing and are effective when hand-delivered, mailed by certified mail return receipt requested, or sent by e-mail to the parties at the addresses stated in Paragraph 1 and their attorneys:



Attorney for Buyer:  
Steven R. Welch Stroud  
Marrero & Welch, PLLC  
11824 Jollyville Road, Suite 200  
Austin, Texas 78759  
(512) 482-9291  
[swelch@stroudmarrerowelch.com](mailto:swelch@stroudmarrerowelch.com)

Attorney for Seller:

Paul Y. Cunningham, Jr.  
P.O. Box 2729  
South Padre Island, Texas 78597  
(956) 761-6476  
[lawofficepyc@sbcglobal.net](mailto:lawofficepyc@sbcglobal.net)

**21. DISPUTE RESOLUTION:** The parties agree to negotiate in good faith in an effort to resolve any dispute related to this contract that may arise. If the dispute cannot be resolved by negotiation, the parties will submit the dispute to mediation before resorting to arbitration or litigation and will equally share the costs of a mutually acceptable mediator. This paragraph survives termination of this contract. This paragraph does not preclude a party from seeking relief from a court of competent jurisdiction. The parties agree that any dispute relating to this contract shall be heard in the District Court of Cameron County, Texas, and that any such dispute shall be governed by the laws of the State of Texas, without regard to its conflicts of law rules.


**22. AGREEMENT OF THE PARTIES:**

- A. This contract is binding on the parties, their heirs, executors, representatives, successors, and permitted assigns. This contract is to be construed in accordance with the laws of the State of Texas. If any term or condition of this contract shall be held to be invalid or unenforceable, the remainder of this contract shall not be affected thereby.
- B. This contract contains the entire agreement of the parties and may not be changed except in writing.
- C. If this contract is executed in a number of identical counterparts, each counterpart is an original and all counterparts, collectively, constitute one agreement.
- D. Addenda which are part of this contract are: (Check all that apply.)
  - \_\_\_ (1) Property Description Exhibit 1 identified in Paragraph 2;
  - \_\_\_ (2) Notice to Purchaser of Real Property in a Water District;
  - \_\_\_ (3) Addendum for Coastal Area Property;
  - \_\_\_ (4) Addendum for Property Located Seaward of the Gulf Intracoastal Waterway;
  - \_\_\_ (5) \_\_\_\_\_

E. Buyer may assign this contract.

**23 TIME:** Time is of the essence in this contract. The parties require strict compliance with the times for performance. If the last day to perform under a provision of this contract falls on a Saturday, Sunday, or legal holiday, the time for performance is extended until the end of the next

Initialed by Seller



Buyer: \_\_\_\_\_

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day which is not a Saturday, Sunday, or legal holiday.

24. **EFFECTIVE DATE:** The effective date of this contract for the purpose of performance of all obligations is the date the escrow agent receipts this contract after all parties execute this contract.

25. **CONTRACT AS OFFER:** The execution of this contract by the first party constitutes an offer to buy or sell the Property. Unless the other party accepts the offer by 5:00 p.m., in the time zone in which the Property is located, on \_\_\_\_\_ 2014, the offer will lapse and become null and void.

**READ THIS CONTRACT CAREFULLY.**


**BUYER:**

**ORIGINS RECOVERY OF TEXAS, LLC**

By: \_\_\_\_\_

**SELLERS:**

**VIKING HOSPITALITY ENTERPRISES, INC.**  
(for Tract I)

By:   
Richard G. Hansen, President

**RICHARD G. HANSEN TRUST**  
(for Tracts II & III)

By:   
Richard G. Hansen, Trustee

**EXHIBIT 1**

**TRACT I:**

Lot One (1), Block One (1), JONES-GARDERE SUBDIVISION, TOWN OF SOUTH PADRE ISLAND, Cameron County, Texas, according to the Map thereof recorded in Cabinet I, A lot 1275-A, Map Records of Cameron County, Texas, being a Resubdivision of Lots 5, 6, 7 and 8, Padre Beach Subdivision, Section 10, as recorded in Volume 15, Page 40, Map Records of Cameron County, Texas; and

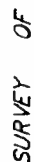
**TRACT II:**

Lot One (1), Block One Hundred Fifty-One (151), PADRE BEACH SUBDIVISION, SECTION X, South Padre Island, Cameron County, Texas, being a REPLAT of Lots 1, 2, 3, Block One Hundred Fifty-One (151), PADRE BEACH, SECTION X, according to the Map or Plat thereof recorded in Cabinet 1, Slot 2497-A, Map Records of Cameron County, Texas; and

**TRACT III:**

Lot Two (2), Block One Hundred Fifty-One (151), PADRE BEACH SUBDIVISION, SECTION X, South Padre Island, Cameron County, Texas, being a REPLAT of Lots 1, 2, 3, Block One Hundred Fifty-One (151), PADRE BEACH, SECTION X, according to the Map or Plat thereof recorded in Cabinet 1, Slot 2497-A, Map Records of Cameron County, Texas.





LOT NUMBER ONE (1), BLOCK NUMBER ONE (1), JONES-GARDERE SUBDIVISION, IN THE TOWN OF SOUTH PADRE ISLAND, CAMERON COUNTY, TEXAS, ACCORDING TO MAP RECORDED IN CABINET 1, SLOT 1275-A, MAP RECORDS OF CAMERON COUNTY, TEXAS.

SCALE: 1" = 30'

SURVEYED FOR:

**VIKING HOSPITALITY ENTERPRISES, INC.**

*Mejia & Rose, Incorporated*

**Diplomant      Diplomandus**

1643 West Price Road (958) 544-3022

P.O. Box 3761 Brownsville, Texas 78520

**Pat (858) 544-3068**

J. NO. 20058407 JOB NO. 11753

www.4mat.org





**PLANNING & ZONING COMMISSION  
AGENDA REQUEST FORM**

**MEETING DATE:** September 18, 2014

**ITEM: 8 & 9**

**TO:** Planning & Zoning Commission

**FROM:** Sungman Kim, Development Director

**ITEM DESCRIPTION:**

Discussion and action regarding proposed amendments to the Planned Development District Standards, Specifications and Zoning for the Shores Subdivision of South Padre Island. **(2.4.4A General Requirements (O)b)**

**DISCUSSION:**

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The Request: Mr. Richard Franke, Franke Realtors, on behalf of the Shores community have requested that amendments be made to the approved Planned Development District Standards, Specifications and Zoning for the Shores Subdivision of South Padre Island.

The Amendments:

**2.4.4A General Requirements**

(O) Minimum Elevations

b. Commercial Development shall have a minimum finish floor ~~commercial~~ elevation of ~~11 feet above sea level~~ that meet minimum FEMA Requirements except, that development in parks or common areas may be built at a lesser elevation as is necessary. The owner is also responsible for complying with the requirements of FEMA and the Town of South Padre Island Building Regulations, and where these regulations are more stringent than those defined in this code, the more stringent regulations will govern.

Issue:

The floor elevation of the existing office building is 11 feet. However when the Shores community build the downtown and, if the FEMA elevation is lowered, the amendment will make the requirement much more customer friendly without requiring a huge change in elevation.

**STAFF RECOMMENDATIONS / COMMENTS:**

Staff recommends the Planning and Zoning Commission approve the proposed amendments to the Planned Development District Standards, Specifications and Zoning for the Shores Subdivision of South Padre Island.



<p><b>PLANNING &amp; ZONING COMMISSION</b> <b>AGENDA REQUEST FORM</b></p>
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**COMMISSION ACTION:**

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

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

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

McNulty	Huffman	Bowman	Fudge	Judah	Alcantara	Olle
Yes	Yes	Yes	Yes	Yes	Yes	Yes
No	No	No	No	No	No	No
Abstain	Abstain	Abstain	Abstain	Abstain	Abstain	Abstain

responsible for complying with the requirements of FEMA and the Town of South Padre Island Building Regulations, and where these regulations are more stringent than those defined in this code, the more stringent regulations will govern.

- b. Commercial Development shall have a minimum finish floor ~~commercial elevation of 11 feet above sea level~~ that meet minimum FEMA Requirements except, that development in parks or common areas may be built at a lesser elevation as is necessary. The owner is also responsible for complying with the requirements of FEMA and the Town of South Padre Island Building Regulations, and where these regulations are more stringent than those defined in this code, the more stringent regulations will govern.

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- (P) **First Floor Level:** The top of the finish floor of the first floor (ground level) of a building, out building or garage must be a minimum of one foot above crown of the street directly in front of the building. If the first floor of the Building, Outbuilding or Garage contains a bathroom, the bottom of the lowest horizontal structural member must comply with FEMA Regulations. Note: The owner is also responsible for complying with the requirements of FEMA and the Town of South Padre Island Building Regulations.

- (Q) **Front Door:** A Primary Residence must have an entrance door visible from the street. The spirit of the design code requirement is to connect visually the pedestrian pathway from the street to the door, the porch being the transition space. However, there are two exceptions: (1) a Primary Residence may have a side entrance where the lot is a corner lot; (2) a Primary Residence may have a side entrance where the lot is on a common walkway (part of The Shores infrastructure), so long as the residence also has an entrance connection with the street through doors on the porch, which would lead to the side entry; and (3) A Primary Residence may have a side entry into the house, so long as the residence also has an entrance connection with the street through doors on a porch (a Charleston style entry), which would lead to the side entry. Please keep in mid the spirit of this Design Code provision.

- (R) **Garage Floor Elevation:** the required elevation of the garage floor above the crown of the street in a R-1 or R-2 zoned district is as follows:

Garage floor must be elevated above the crown of the street. 6 of an inch for each foot of distance between the property line at the street and the front of the house and garage door.

Example:

20' = 12"	/ required elevation of garage floor above crown of street
24' = 14.4"	/ required elevation of garage floor above crown of street
60' = 36"	/ required elevation of garage floor above crown of street

- (S) **Garage Doors:** the Primary Residence may have a maximum of one (1) garage door and one (1) golf cart door (maximum 5' wide) facing the street. Outbuilding may have a maximum of one (1) garage door facing the street.

<p style="text-align: center;"><b>PLANNING &amp; ZONING COMMISSION</b> <b>AGENDA REQUEST FORM</b></p>
---

**MEETING DATE:** September 18, 2014

**ITEM: 10 & 11**

**SPONSOR / ORIGINATOR:** Staff

**ITEM DESCRIPTION:**

Discussion and action on revising Table 5.1 "Schedule of Uses" and Table 5.2 "Use Criteria" for Padre Boulevard and Entertainment District Code to allow Surface Parking (primary use of property) as a permitted use with design criteria in Neighborhood Transition Zone. (Public Hearing)

**DISCUSSION:**

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**BACKGROUND HISTORY**

On July 9, 2014, DSRTF reviewed potential alternatives for Padre Boulevard Design Standards and selected a preferred section elevations. At the meeting, parking issue was discussed and DSRTF requested staff to come up with a parking plan.

At the same time, the City has been looking for parking spaces that will serve city's current parking needs and found that many vacant lands are in Neighborhood Transition Zone, which does not allow Surface Parking as a primary use of property.

**LOCATION ANALYSIS**

Neighborhood Transition Zones are located between residential and non-residential areas and intended to minimize negative impacts from non-residential toward residential areas.

On the other hand, Neighborhood Transition Zones have been the major area that has parking problems because of its proximity to non-residential areas and lack of parking spaces. The City recently reduced parking capacity within residential areas and it brought more parking needs in Neighborhood Transition Zone.

**POLICY ANALYSIS**

Surface parking as a primary use of property within Padre Boulevard and Entertainment District Code has only been permitted when it meets the design criteria per Table 5.2, and the criteria are as follow:

- Shall be permitted as an interim use of property (3 year increments);
- Applications for new surface lots shall include in-fill building concepts on the lot;
- New surface parking shall be set back a minimum of 30' from the edge of the right-of-way of Pedestrian Priority Streets;
- New surface parking shall not be located at a street intersection for minimum of 30' along each street.

<p><b>PLANNING &amp; ZONING COMMISSION</b> <b>AGENDA REQUEST FORM</b></p>
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The provided criteria stipulates that the use of surface parking as a primary use of property shall be an interim use.

**RECOMMENDATION**

Staff recommends the Planning & Zoning Commission allow surface parking as 'a primary use of property that is permitted with design criteria per Table 5.2' for Neighborhood Transition Zone.

On August 19, 2014, at the DSRTF Special Meeting, DSRTF unanimously approved the proposed changes.

**COMMISSION ACTION:**

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

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

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

McNulty	Huffman	Bowman	Fudge	Judah	Alcantara	Olle
Yes	Yes	Yes	Yes	Yes	Yes	Yes
No	No	No	No	No	No	No
Abstain	Abstain	Abstain	Abstain	Abstain	Abstain	Abstain

Table 5.1 – Schedule of Uses						
Character Zone	Bayfront	Entertainment District Core	Neighborhood Crossing	Town Center Crossing	Padre Boulevard North/Central /South	Neighborhood Transition
<b>Land Use</b>						
<b>Commercial Uses (Office, Retail, Restaurant, Sales and Service Uses)</b>						
Retail Sales with <u>no drive through facility</u> (includes alcohol sales). Excluded from this category are retail sales and service establishments geared towards the automobile	P	P	P	P	P	NP
Auto-related Sales or Service establishments (includes gasoline sales)	NP	NP	P/C	NP	P/C	NP
Finance, Insurance, and Real Estate establishments including banks, credit unions, real estate, and property management services, <u>with no drive through facility</u>	P	P	P	P	P	NP
Offices for business, professional, administrative, and technical services such as accountants, architects, lawyers, doctors, etc.	P	P	P	P	P	P
Research laboratory headquarters, laboratories and associated facilities	NP	NP	NP	NP	P	NP
Food Service Uses such as full-service restaurants, cafeterias, bakeries and snack bars with <u>no drive through facilities</u> Included in this category is café seating within a public or private sidewalk area with no obstruction of pedestrian circulation. Also included in this category is the sale of alcoholic beverages.	P	P	P	P	P	NP
Bar or drinking place	P	P	P	P	P	NP
Personal Services such as laundry, hair care, etc.	P	P	P	P	P	NP
Pet and animal sales or service	P	P	P	P	P	NP
Any permitted use with a drive through facility	NP	NP	P/C	NP	P/C	NP
<b>Arts, Entertainment, and Recreation Uses</b>						
Amusement or theme park establishment (indoor) including bowling alleys, bingo parlor, games arcades, skating, etc.	P	P	P	P	P	NP
Amusement or theme park establishment (outdoor) including miniature golf, go-cart tracks, etc.	P/SEU	P/SEU	NP	NP	P/SEU	NP
Art galleries	P	P	P	P	P	P
Art, antique, furniture or electronics studio (includes retail, repair or fabrication uses)	P	P	P	P	P	NP
Fitness, recreational sports, gym, or athletic club	P	P	P	P	P	NP
Marina or yachting club facility	P/SEU	NP	NP	NP	P/SEU	NP
Museums and other special purpose recreational institutions	P	P	NP	P	P	NP
Parks, greens, plazas, squares, and playgrounds	P	P	P	P	P	P
Performing arts establishment	P	P	P	P	P	NP
Theater, cinema, dance, or music establishment	P	P	P	P	P	NP
<b>Educational, Public Administration, Health Care and Other Institutional Uses</b>						
Business associations and professional membership organizations	P	P	P	P	P	NP
Child day care and preschools	P	P	P	P	P	P

Table 5.1 – Schedule of Uses							
	Character Zone	Bayfront	Entertainment District Core	Neighborhood Crossing	Town Center Crossing	Padre Boulevard North/Central /South	Neighborhood Transition
Schools, libraries, and community halls		P	P	P	P	P	NP
Universities and Colleges		P	P	P	P	P	NP
Technical, trade, and specialty schools		P	P	P	P	P	NP
Hospitals (General and Special) and clinics		NP	NP	P	P	P	NP
Nursing, supervision, and other rehabilitation services (including Substance Abuse Clinics)		NP	NP	P/SEU	P/SEU	P/SEU	NP
Civic uses		P	P	P	P	P	NP
Social and fraternal organizations		P	P	P	P	P	NP
Social services and philanthropic organizations		P	P	P	P	P	NP
Public administration uses (including local, state, and federal government uses, public safety, health and human services)		P	P	P	P	P	NP
Religious Institutions		P	P	P	P	P	P
Funeral homes		P	P	P	P	P	NP
Residential Uses							
Home Occupations		P/A	P/A	P/A	P/A	P/A	P/A
Multi-family residential							
Ground floor		P/C	P/C	P/C	P/C	P/C	P
Upper floors		P	P	P	P	P	P
Residential Lofts		P	P	P	P	P	P
Single-family residential attached dwelling unit (Townhomes)		NP	NP	P/C	P/C	P/C	P
Accessory residential unit		NA	NA	P/A	P/A	P/A	P/A
Live-work unit		P	P	P	P	P	P
Other Uses							
Publishing (newspaper, books, periodicals, software)		P/C	P/C	P	P	P	NP
Motion picture and sound recording		P/C	P/C	P	P	P	NP
Telecommunications and broadcasting (radio, TV, cable, wireless communications, telephone, etc)		P/C	P/C	P	P	P	NP
Information services and data processing		P/C	P/C	P	P	P	NP
Model homes for sales and promotion**		P	P	P	P	P	P
Bed and Breakfast Establishments		NP	NP	NP	NP	P	P
Hotels		P	P	P	P	P	NP
Parking, surface (primary use of property)		P/C	P/C	P/C	P/C	P/C	NP P/C
Parking, surface (accessory use of property)		P	P	P	P	P	P
Parking, structured		P	P	P	P	P	NP
Private attached garage		P/A	P/A	NP	NP	NP	P/A
Private detached garage		P/A	P/A	NP	NP	NP	P/A
Sales from kiosks		P/C	P/C	P/C	P/C	P/C	NP
Community garden		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

\*\* Model homes are limited to a time period until all the homes are sold in the neighborhood.

Table 5.1 – Schedule of Uses

	Character Zone	Bayfront	Entertainment District Core	Neighborhood Crossing	Town Center Crossing	Padre Boulevard North/Central/South	Neighborhood Transition
Utility equipment (includes electrical transformers, gas meters, etc)		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
Rain harvesting equipment		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
Special Event		P/SEU	P/SEU	P/SEU	P/SEU	P/SEU	NP

P= Permitted by right

NP= Not Permitted

P/C = Permitted with design criteria per Table 5.2

P/A = Permitted Accessory Use

P/SEU = Permitted with a Special Exception Use Permit

NA= Not applicable

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

A\* = Accessory use to not exceed 25% of the primary use building square footage

SEU Permits shall meet standards in Chapter 20-16 of the City of South Padre Island Code of Ordinances.

### 5.3 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	Zone	Location & Design Criteria
<b>Non-Residential Uses</b>		
Auto-related Sales and Service	Neighborhood Crossing and Padre Boulevard North/Central/South	<ul style="list-style-type: none"> <li>Gas pumps, canopies, and/or service bays shall not be located along any Pedestrian Priority Street frontage.</li> <li>No more than 50% of a lot's frontage along the Boulevard shall be occupied by gas pumps, canopies, and/or service bays.</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	Neighborhood Crossing and Padre Boulevard North/Central/South	<ul style="list-style-type: none"> <li>All drive through access (driveways) shall be from the Boulevard.</li> <li>Drive through lanes and/or canopies shall not have frontage along on or be located along any Pedestrian Priority Streets.</li> <li>Drive through areas screened by a 4' high Street Screen.</li> </ul>
<b>Residential Uses</b>		
Multi-family residential Ground Floor	Bayfront, Entertainment District Core, Neighborhood Crossing, Town Center Crossing and Padre Boulevard North/Central/South	<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 unless designated as Main Street Frontage.</li> <li>Ground floors of all buildings designated as Main Street Frontage on the Regulating Plan shall not be occupied by residential units and/or lodging rooms to a minimum depth of 30 feet as measured from the front building line.</li> </ul>
Single-family residential attached dwelling unit (Townhomes)	Neighborhood Crossing, Town Center Crossing and Padre Boulevard North/Central/South	<ul style="list-style-type: none"> <li>Frontages along street intersections shall be built to Commercial Ready standards for a minimum of 30' along each street or the width of the lot, whichever is less.</li> </ul>

Table 5.2 – Use Criteria		
Use	Zone	Location & Design Criteria
<b>Other Uses</b>		
Publishing (newspaper, books, periodicals, software)	Bayfront and Entertainment District Core	<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)	<del>Bayfront, Entertainment District Core, Neighborhood Crossing, Town Center Crossing and Padre Boulevard North/Central/South</del> All Zones	<ul style="list-style-type: none"> <li>Shall be permitted as an interim use of property (3 year increments)</li> <li>Applications for new surface lots shall include in-fill building concepts on the lot</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	Bayfront, Entertainment District Core, Neighborhood Crossing, Town Center Crossing and Padre Boulevard North/Central/South	<ul style="list-style-type: none"> <li>Kiosks shall only be permitted on civic/open spaces or along the bayfront Boardwalk frontage.</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> <li>All sides of a kiosk shall have a finished look with no externally visible utility equipment.</li> </ul>
Community Garden	All Zones	<ul style="list-style-type: none"> <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>Permitted: pressure treated wood (must be painted or stained medium to dark color), chicken wire, wrought iron, painted galvanized steel</li> <li>Not permitted: 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)	All Zones	<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	All Zones	<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)	All Zones	<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>



<p><b>PLANNING &amp; ZONING COMMISSION AGENDA REQUEST FORM</b></p>
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**MEETING DATE:** September 12, 2014

**ITEM: 12**

**TO:** Planning & Zoning Commission

**FROM:** Sungman Kim, Development Director

**ITEM DESCRIPTION:**

Discussion and action on recommended revisions to "By Laws and Rules of Procedure – Planning and Zoning Commission".

**DISCUSSION:**

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Attach is the draft By Laws and Rules of Procedure – Planning and Zoning Commission for your review.

**STAFF RECOMMENDATIONS / COMMENTS:**

**COMMISSION ACTION:**

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

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

McNulty	Huffman	Bowman	Bujanos	Judah	Alcantara	Olle
Yes	Yes	Yes	Yes	Yes	Yes	Yes
No	No	No	No	No	No	No
Abstain	Abstain	Abstain	Abstain	Abstain	Abstain	Abstain

# RULES OF PROCEDURE ~~TOWN~~ CITY OF SOUTH PADRE ISLAND, TEXAS PLANNING AND ZONING COMMISSION

## ARTICLE 1

### *AUTHORITY*

These Rules of Procedure are adopted under the authority of Chapters 211 and 212 of the Texas Local Government Code and Chapter 20 of the Code of Ordinances for the ~~Town~~ City of South Padre Island and have been approved by the ~~Board of Aldermen~~ City Council.

## ARTICLE 2

### *MEMBERSHIP*

1. The Planning and Zoning Commission shall consist of seven (7) regular members, who shall be appointed by the ~~Board of Aldermen~~ City Council for terms of two (2) years.
2. All regular members of the Planning and Zoning Commission are appointed by the ~~Board of Aldermen~~ City Council and may be removed by the ~~Board of Aldermen~~ City Council. The Chairman may recommend to the ~~Board of Aldermen~~ City Council that a member(s) be removed when their conduct does not support respectful discussion or treatment of ~~Town~~ City staff or any person in attendance.
3. Vacancies shall be filled for the unexpired term of any member whose term becomes vacant. Each member shall continue to serve until his successor is appointed.

## ARTICLE 3

### *VOTING*

1. The regular members of the Planning and Zoning Commission shall be voting members, from whose number the elected officers of the Commission shall be elected.
2. Any four (4) members of the Planning and Zoning Commission shall constitute a quorum for the purpose of conducting business.
3. A majority of those members present (and voting) shall be required to decide any item of business before the Commission.
4. The Planning and Zoning Commission shall keep minutes of its proceedings showing the vote of each member upon each question before the Commission, or the fact that a member is absent or fails to vote.
5. Any member of the Planning and Zoning Commission who voted with the majority may call for the reconsideration of any vote at the same meeting of the Commission at which it passed, and if sustained by a majority of votes, the reconsideration shall be ordered.
6. Absentee or proxy voting shall not be permitted. Members must be present for ~~the~~ any matter presented by public hearing in order to be eligible to vote on ~~any~~ that matter. In

the event, ~~that~~ a member is absent for a portion of the public hearing, such member's eligibility to vote on the matter shall be at the discretion of the Chairman.

#### **ARTICLE 4**

##### ***CONFLICT OF INTEREST***

1. Any member of the Planning and Zoning Commission who has any direct or indirect financial interest or relationship as defined by Section 171.002 of the Local Government Code in any matter on the agenda of the Commission shall notify the Commission of such interest and abstain from voting on the matter and file the affidavit proscribed by Section 171.004 of the Local Government Code, if applicable.
2. All members of the Commission shall comply with Chapters 171 and 176 of the Local Government Code.

#### **ARTICLE 5**

##### ***OFFICERS***

1. Election of Chairman and Vice Chairman shall ~~take place~~ **be made** at the first meeting after the official appointment of new members by the ~~Board of Aldermen~~ **City Council** ~~(which normally takes place in or around September/October).~~ **By policy, these appointments are made for calendar years and after the City Council elections in November of each year.** At this meeting, all current members of the Planning and Zoning Commission shall be given the opportunity to nominate and elect a Chairman and a Vice-Chairman. The term of office for all elected officers shall be **one (1) year**. All current officers shall be eligible for re-election at the expirations of their terms.
2. Election of officers shall take place immediately following nominations. Voting shall take place in one of the following ways: voice, show of hands, rising, balloting, or roll call vote. A candidate receiving a majority vote of the regular membership of the Planning and Zoning Commission shall be declared elected, shall take office immediately, and shall serve the term of one (1) year or until a successor is elected and takes office.
3. Should any duly elected officer of the Commission leave the membership of the Commission for any reason prior to the expiration of his/her term of office, an election shall be held at the next regularly scheduled meeting of the Commission for the purpose of filling the vacated office for the remainder of the unexpired term.
4. The Chairman shall be the presiding officer at all meetings and hearings of the Commission and shall perform his duties, and conduct all meetings and hearings in accordance with **Robert's Rules of Order**, except as they may be amended by these rules. Generally, the **Chairman's duties** include:
  - A. To open and call the meeting to order.
  - B. To call the role of members present and absent.
  - C. To announce the business to be conducted.
  - D. To recognize members of the Commission and members of the public entitled to the floor.

- E. To state and put to a vote all questions which are regularly moved or necessarily arise in the course of proceedings.
- F. To announce the results of all votes.
- G. To protect the Commission for frivolous motions by not recognizing them.
- H. To speed up proceedings, as much as possible.
- I. To inform the group present as to a point of order, or a practice pertinent to pending business.
- J. To control all public hearings and general meetings in order to maintain an environment of civility and decorum, with the power to eject or cause to be removed any person from the meeting when their conduct does not support respectful discussion or treatment of Town City staff or any person in attendance.
- K. To decide all points of procedure unless otherwise directed by a majority of the Commission.
- ~~L. Administer oath and compel the attendance of witnesses.~~

The Chairman shall conduct business only for the benefit of the Commission, and shall reflect no personal prejudice in any matter. The Chairman may appoint members of the Commission to special committees as may be found necessary, and may designate members to make special inspections when necessary, from time to time. As an appointed regular member of the Commission, the Chairman shall have the privilege of discussing all matters before the Board and vote thereon.

- 5. The Vice-Chairman shall assist the Chairman in any way possible, subject to the Chairman's request. Upon the absence or disqualification of the Chairman, the Vice-Chairman shall automatically become the presiding officer of the Commission, and shall assume all the powers, duties, and responsibilities of the Chairman.
- 6. In the event that all of the officers of the Commission are absent or disqualified, the members present shall elect from their number a Temporary Chairman, who shall have all the powers, duties, and responsibilities of the duly elected, regular Chairman.

## ARTICLE 6

### *MEETINGS*

- 1. Regular meetings of the Planning and Zoning Commission shall generally be held at least once a month, at a time and place established by the Commission. The time, place, and number of meetings shall be established, and may be changed by the affirmative vote of a majority of those present and voting.
- 2. Special Meetings:
  - A. Special meetings may be called by the majority vote of those members present and voting in the course of a regularly-scheduled Commission meeting.
  - B. Outside of regularly-scheduled Commission meetings, special meetings may only be called by the Chairman of the Commission, and then only on a finding that the situation involved is truly an emergency situation clearly requiring immediate action by the Commission to effect a recommendation to be presented to the next scheduled meeting of the Board of Aldermen City Council.

- C. Definition – An “emergency situation” is a request by an applicant for specific action by the Planning and Zoning Commission which is based upon economic, legal, medical, time, or weather-related factors “not under the control” of the applicants, and which precludes routine processing of the application by the Planning and Zoning Commission.
3. Cancellation: Whenever there is a lack of a quorum, lack of business for Commission consideration, or in the event of natural disaster, the Chairman of the Commission may cancel any regular or special meeting. In such cases, the staff of the Commission shall give written notice if possible, or otherwise oral notice to the members of the Planning and Zoning Commission Members, and the news media, and to those having business before the Commission, if possible. In the event of a cancellation, the Chairman may require re-notification to interested parties, as the Chairman deems appropriate.

## **ARTICLE 7**

### ***POWERS OF THE COMMISSION***

1. The Planning and Zoning Commission shall have the following powers and duties:
  - A. Requests For Approval of the Subdivision or Re-subdivision of Land: To review proposals for the subdivision or re-subdivision of land, to determine if the proposal meets all of the minimum standards established in the ~~Town's~~ City's Code of Ordinances, and to approve or deny such requests.
    - i. Subdivision Approval Process:
      1. Is a Plat Required? On written request of a landowner, the municipal authority responsible for approving plats must, within twenty (20) days, determine whether a plat is required for the land.
      2. Application: Section 212.008 of the Texas Local Government Code states that a person desiring approval of a plat must apply to and file a copy of the plat with the Planning Commission.
      3. Plat Review Process:
        - a. Review by the Planning Commission staff.
        - b. Staff comments sent to the applicant.
        - c. Applicant addresses staff comments.
        - d. Consideration of the Preliminary Plat by the Planning Commission within thirty (30) days after filing, in which the Planning Commission approves, denies, or approves subject to conditions.
        - e. Preparation of engineering construction plans/submission of performance guarantee
        - f. Preparation of Record Plat
        - g. Consideration of Record Plat by the Planning Commission
        - h. Record Plat signed by the Chairman and attested by the Public Works Director.
        - i. The Plat is recorded in the County Courthouse.



4. Approval Required, When. The Planning and Zoning Commission is obligated to approve a plat if:
    - a. It conforms to the Comprehensive Plan for the municipality in its current and future streets, alleys, parks, and public utilities and facilities.
    - b. A suitably acceptable performance guarantee insuring the installation of any proposed improvements has been submitted.
    - c. The proposed plat meets all minimum requirements of the ~~Town's~~ **City's** Code of Ordinances or the applicant has obtained a variance.
  5. Action of the Commission. Following their review of the proposed plat, the action of the Planning and Zoning Commission may take one of the following forms:
    - a. Approval: The Commission approves the plat as submitted.
    - b. Conditional Preliminary Plat approval: The Commission approves the preliminary plat with conditions which must be met and/or items which need to be corrected. The amended and corrected plat must be submitted to the Commission within sixty (60) days of conditional preliminary plat approval for full preliminary plat approval.
    - c. Denial: If the Commission finds that the proposed plat does not meet the minimum requirements of the ~~Town's~~ **City's** Code of Ordinances, and that it cannot be adequately corrected by the attachment of reasonable conditions requiring the amendment of the plat, the Commission may deny the replat.
- B. Requests to Amend the Text of the Zoning Ordinances or the Zoning Map: To review proposals for amendments to the Zoning Ordinance, hold such public hearings as required by law, determine the appropriateness of the proposed amendment, and to recommend a course of action in regards to the proposed amendment to the ~~Board of Aldermen~~ **City Council** based upon that determination.
- i. **Text Amendments:**
    1. Submission requirements: A written and signed request to modify the written text of the Zoning Ordinance may be filed in the Planning Department ~~Office~~ for consideration by the Planning and Zoning Commission and the ~~Board of Aldermen~~ **City Council**. Such application may be initiated by any member of the ~~Board of Aldermen~~ **City Council**, the Mayor, or the Planning Commission, or any member of the public. An application for an amendment to the text of the Zoning Ordinance shall set forth the new text to be added and any existing text to be deleted.
    2. Public Hearing: All such applications shall be set down for a public hearing before the Planning and Zoning Commission not later than the second regular monthly meeting from the date of

filing same. Any such hearing may, for good cause at the request of the applicant or in the discretion of the Commission be continued from time to time.

3. Notice: At least fifteen (15) days notice of the time and place of such hearing shall be published in a newspaper of general circulations within the ~~Town~~ City.

ii. Zoning Map Amendments:

1. Submission Requirements: A written and signed request for an amendment to the Zoning Map may be filed in the Planning Department ~~Office~~ for consideration by the Planning and Zoning Commission and the ~~Board of Aldermen~~ City Council. Such request may be initiated by any member of the ~~Board of Aldermen~~ City Council, the Mayor, or the Planning Commission, or any person with a financial, contractual, or proprietary interest in the property to be included in the proposed change of zoning. The request for an amendment to the Zoning Map shall include:
  - a. The lot, block, section, and subdivision name, or a metes and bounds legal description of the subject property.
  - b. A scaled map of the subject property, correlated with the description, and clearly showing the property's location.
  - c. The name and address of the petitioner.
  - d. The petitioner's interest in the property, and if the petitioner is not the property-owner, the name and address of the owner(s), and the written, notarized consent of the owner(s).
  - e. Signature(s) of the petitioner(s) and the owner(s) certifying the accuracy of the required information.
  - f. The present and proposed zoning, and the reasoning for the proposed change.
  - g. Completion of any required information and the payment of any required fees.
2. Public Hearing: All such applications shall be set down for a public hearing before the Planning and Zoning Commission not later than the second regular monthly meeting from the date of filing same. Any such hearing may, for good cause at the request of the applicant or in the discretion of the Commission, be continued from time to time.
3. Notice:
  - a. At least fifteen (15) days notice of the time and place of such hearing shall be published in a newspaper of general circulation within the Town.
  - b. At least ten (10) days prior to the date of the public hearing, written notice shall be sent to each owner, as indicated by the most recently approved municipal tax role of real property within two hundred (200) feet of the property on which the change in zoning classification is proposed. The

notice may be served by its deposit, property addressed with postage paid, in the United States mail.

iii. Evaluation Considerations: In considering the appropriateness of any proposed amendment to the Zoning Ordinance, the Planning and Zoning Commission will consider the following:

1. Whether the request is in accordance with the ~~Town's~~ City's Comprehensive Plan.
2. Whether the proposal lessens congestion in the streets.
3. Whether the proposal secures safety from fire, panic, and other dangers.
4. Whether the proposal promotes health and the general welfare.
5. Whether the proposal provides for the maintenance of adequate light and air.
6. Whether the proposal would prevent the overcrowding of land.
7. Whether the proposal would avoid the undue concentration of population.
8. Whether the proposal would facilitate the adequate provision of transportation, water, sewer, schools, parks, and other public requirements.

iv. Revisions to the Request:

1. Increased Density or Intensity: No petition can be revised in a manner which would increase the intensity or density of use that is proposed to be permitted once the required public notice on the public hearing has been issued. Any such revision request will result in postponing the application for one month to allow for re-advertising and re-notification of all interested parties. The applicant shall bear the cost of such re-advertising and re-notification.
2. Decreased Density or Intensity: It shall be within the discretion of the Planning and Zoning Commission to approve an applicant's request to amend the application in a manner which decreases the intensity or density of use. Any interested parties may be heard on the subject of such revision.

v. Action of the Commission: Following conclusion of the public hearing and their review of the proposed zoning amendment, the action of the Planning and Zoning Commission may take one of the following forms:

1. recommendation of approval: The Commission may recommend approval of the proposed zoning amendment.
2. recommendation of denial: The Commission may recommend denial of the proposed zoning amendment.

~~0. forwarding without a recommendation: If the Commission is unable to come to a satisfactory conclusion on the advisability of the proposed zoning amendment, the Commission may forward the proposed zoning amendment to the Board of Aldermen City Council without a specific recommendation.~~



~~D.C.~~ Other Tasks: The Planning and Zoning Commission shall be responsible for such other tasks and activities as the ~~Board of Aldermen~~ City Council may designate from time to time.

## **ARTICLE 8**

### ***FILING REQUESTS***

1. All matters to be presented to the Planning and Zoning Commission shall be:
  - a. Made in the manner prescribed by the Commission.
  - b. Shall be filed with the Commission's staff with the number of copies directed by the Commission.
  - c. Shall be deemed "filed" only after the payment of any fees, as may be established by the ~~Board of Aldermen~~ City Council from time to time, and upon the day and time the application appears on the Commission's posted agenda.
2. The Commission staff shall not place the application on the Commission's agenda if:
  - a. The information required by the ~~Town~~ City is incorrect, incomplete, illegible, or in any way inadequate to insure the complete understanding of the request.
  - b. The request is not within the Commission's jurisdiction to grant.
  - c. Any of the maps or drawings is ~~are~~ improperly drawn or ~~is~~ ~~are~~ in any way inadequate to insure the complete understanding of the request.
  - d. Any additional information request is not supplied which is necessary to insure complete understanding of the request.
3. Any communication from an applicant purporting to be an application shall be regarded by the staff as mere notice of the intent to file an application until it is made in the manner required by these rules, and with all required plats, maps, and supporting data.

## **ARTICLE 9**

### ***THE AGENDA***

1. Each application or re-application, filed in the proper manner with the required data, shall be placed upon the agenda of the Commission by the staff following the staff's determination that the application and all supporting data and documentation have been properly prepared and are complete as required herein. In no case shall the application be placed upon the agenda until it has been inspected and found to be correct and in proper form as set forth in Article 8, Paragraph 2, above.
2. The placement of applications on the agenda of the Commission shall be in accordance with the following requirements:
  - A. All applications submitted ten (10) days or more prior to the date of the next regular meeting shall be placed upon the agenda, providing that the applications are complete and in compliance with the requirements of Article 8, Paragraph 2.
3. Applications shall be heard in the order in which they were submitted, except that an application may be advanced for hearing by the order of the Chairman upon good cause shown.

4. The agenda shall be posted in the City Hall a minimum of three (3) days before the regular meeting to which it applies **and meet all other requirements of the Texas Open Meeting Act**. No notice other than that provided for in these rules need be given to applicants or others interested in meetings of the Commission.
5. The order of business shall be as follows:
  - A. Call to Order and Roll Call.
  - B. Pledge of Allegiance.
  - C. Comment from the Chair.
  - D. Approval of the Minutes of the previous meeting(s).
  - E. Old Business
  - F. New Business
  - G. Reports.
  - H. Adjournment.

## **ARTICLE 10**

### ***HEARINGS***

1. In addition to those required by law, the Planning and Zoning Commission may, at its discretion, hold public hearings when it decides that such hearings will be in the public interest.
2. Notice of such hearings shall be posted in accordance with Article 9, Paragraph 2 4, above.
3. The applicant may appear in his own behalf, or be represented by an agent at said hearing. The applicant must be the owner of record on the date of the hearing or his authorized agent. If the applicant is to be represented by an authorized agent, then a notarized statement to that effect must be submitted to the Commission's staff in advance of his/her appearance. In the absence of any personal appearance by the applicant or as an authorized agent on his/her behalf, the Commission may postpone consideration of the item until a subsequent meeting, unless in the opinion of the Commission, the request is of such a nature that the presence of the applicant is not essential to the decision rendered.
4. At a public hearing, the order shall be as follows:
  - A. The Chairman announces the opening of the public hearing.
  - B. Report or comments from the Commission's staff
  - C. Presentation by the applicant and statement by those present in favor of the request.
  - D. Presentations and statements by those present in opposition to the request.
  - E. Rebuttal by the applicant of matters presented by those in opposition. (The applicant may only rebut evidence submitted by those in opposition and may not submit new evidence.
  - F. The Chairman officially closes the public hearing.
5. A record shall be kept of those speaking before the Commission.
6. The members of the Commission may ask questions concerning the presentations by **City** staff, applicant, or those present in opposition; at any point during the hearing.

7. In order to assure the timely completion of the public hearing, the Chairman may levy time limits upon those members of the audience addressing the Commission.
8. All persons wishing to be heard on any matter before the Planning and Zoning Commission must stand before the Commission and provide their names and addresses for the record.
9. All commentary at a public hearing shall be addressed to the Commission through the Chairman. Such commentary shall not be permitted between opposing parties.
10. The Chairman shall have the authority to prohibit repetitious and irrelevant testimony.
11. Orderly Conduct: Every person appearing before the Commission shall abide by the order and direction of the Chairman. Discourteous, disorderly, or contemptuous conduct shall not be tolerated, and the Chairman may take such action as is deemed necessary to prevent such conduct. Such person or persons shall be required to leave the meeting room.
12. Upon closing the public hearing, the initiation of discussion by the Commission will begin. Once the public hearing is closed, no further comments will be taken from the audience **unless specifically authorized** by the Commission.

## **ARTICLE 11**

### ***FINAL DISPOSITION OF APPLICATIONS***

1. The final disposition of any application shall be in the form of a motion. In the instance of an application for a zoning map or text amendment, the motion shall recommend approval or denial of the request to the ~~Board of Aldermen~~ **City Council**. In the instance of a subdivision or re-subdivision request, the motion for Record Plat approval shall be formed as either approving the Plat as submitted, or denying the request. In either instance, the Commission may elect to table the request for further consideration at a future meeting; however, by law, the Commission must act on the plat request within thirty (30) days of submission of a complete application, otherwise the plat is automatically approved.
2. Any applicant may withdraw his appeal or application at any time prior to the decision by the Planning and Zoning Commission.
3. The staff shall send a notice of the final disposition of the application to the applicant within thirty (30) days of the date of the decision of the Planning and Zoning Commission; said notice to include any modifications or **donations** ~~actions~~ resulting from that decision.
4. **refiling**: No application which has been denied by the Planning and Zoning Commission shall again be placed upon the agenda for consideration within **a period of one (1) year from the date of such disapproval**, unless the Commission finds that there is a substantial change in the petition or circumstances affecting the application, in which case the matter may be placed upon the agenda only if a motion to permit such placement is duly adopted by the Commission.

## **ARTICLE 12**

### ***APPEAL OF THE COMMISSION'S DECISION***

In matters relating to Zoning, the Planning and Zoning Commission for the ~~Town~~ City of South Padre Island, Texas **is a solely recommendatory body**. That is, all decisions of the Planning and Zoning Commission are recommendations to the ~~Board of Aldermen~~ City Council on what action they should take in respect to that individual request.

In matters relating to the subdivision of land, the Planning and Zoning Commission is the deciding body. Nevertheless, any applicant aggrieved by the decision of the Planning and Zoning Commission on their specific request may appeal to the ~~Board of Aldermen~~ City Council pursuant to Section 23.05(E) of the ~~Town's~~ City's Code of Ordinances.

### **ARTICLE 13**

#### ***AMENDMENTS AND SUSPENSIONS***

1. Amendments: These bylaws and rules of procedure may be amended from time to time by the Planning and Zoning Commission upon an affirmative vote of a majority of those members present and voting, provided that such amendment be presented in writing at a regular meeting, and action taken thereon at a subsequent regular meeting and approved by the ~~Board of Aldermen~~ City Council.
2. Suspension of the Rules: The suspension of any rule or procedure herein may be authorized by the Commission at any regular or special meeting upon the affirmative vote of a majority of those present and voting, provided however, that no rule which is required to comply with federal, state, or local law may be so suspended.