

**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, APRIL 21, 2016
3:00 P.M. AT THE MUNICIPAL BUILDING,
CITY COUNCIL CHAMBERS, 2ND FLOOR
4601 PADRE BOULEVARD, SOUTH PADRE ISLAND, TEXAS


1. Call to Order.
2. Pledge of Allegiance.
3. Public Comments and Announcements: *This is an opportunity for citizens to speak to Commissioners relating to agenda or non-agenda items. Speakers are required to address Commissioners at the podium and give their name before addressing their concerns. [Note: State law will not permit the Planning and Zoning Commission to discuss debate or consider items that are not on the agenda. Citizen Comments may be referred to City Staff or may be placed on the agenda of a future Planning and Zoning Commission meeting]*
4. Approval of the March 17, 2016 regular meeting minutes.
5. Discussion and action on a vacation of Lots 12A & 12B Block 195 Fiesta Isles Subdivision Section XII on "B" District Multi-family dwelling, apartment, motel, hotel, condominium, Townhouse District and returning to their original plat for Lot 12 Block 195 Fiesta Isles Section XII.
6. Public Hearing regarding revision of Subsections (C) and (D) of Sec.20-21 Required Landscaping of Chapter 20 Zoning.
7. Discussion and action regarding revision of Subsections (C) and (D) of Sec.20-21 Required Landscaping of Chapter 20 Zoning.
8. Adjournment.

DATED THIS THE 15TH DAY OF APRIL 2016


Marta Martinez, Assistant City Secretary

I, THE UNDERSIGNED AUTHORITY, DO HEREBY CERTIFIED THAT THE ABOVE NOTICE OF MEETING OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF SOUTH PADRE ISLAND, TEXAS IS A TRUE AND CORRENT COPY OF SAID NOTICE AND THAT I POSTED A TRUE AND CORRECT COPY OF SAID NOTICE ON THE BULLETIN BOARD IN CITY HALL/MUNICIPAL BUILDING ON APRIL 15, 2016 AT/OR BEFORE 10:00 A.M. AND REMAINED SO POSTED CONTINUOUSLY FOR AT LEAST 72 HOURS PRECEDING THE SCHEDULED TIME OF SAID MEETING.




Marta Martinez, Assistant City Secretary

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

**PLANNING AND ZONING COMMISSION
MEETING MINUTES
MARCH 17, 2016**

1. Call to Order.

Patrick McNulty called the meeting to order at 10:00 a.m. in the City Council Chambers on the Second Floor of the Municipal Complex Building: 4601 Padre Boulevard and declared a quorum of members present. Commission members in attendance were: Patrick McNulty, Gary Olle, Chris Huffman, Robert Bujanos, Art Teniente, and Kimberly Dollar. Member with an excused absence was Beth Vance. 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.

None.

4. Approval of minutes of the February 18, 2016 regular meeting.

Mr. McNulty announced the item from the agenda and asked the Commission members if they had any corrections to the February 18, 2016 regular meeting minutes. Ms. Dollar made a motion to approve as submitted. Mr. Olle seconded the motion. The motion passed on a 4:0:2 vote. Mr. Bujanos and Mr. Teniente abstained.

5. Discussion and action regarding the proposed replat of "Lots 12 and 13, Block 17, the Shores Subdivision, Marina Village Phase, Section 2, South Padre Island, TX" to merge the land into "Lot 13A".

Mr. McNulty announced the item from the agenda and asked for a staff report. Dr. Kim gave a brief summary regarding the proposed replat.

Mr. McNulty then opened it up for discussion and action by the Commission. Mr. Olle made a motion to approve as submitted. Mr. Huffman seconded the motion. The motion carried unanimously.

6. Adjournment

Since the Commission had no further business to discuss, Mr. McNulty adjourned the meeting at 10:03 a.m.

Marta Martinez, Secretary

Patrick McNulty, Chairman

**PLANNING & ZONING COMMISSION
AGENDA REQUEST FORM**

MEETING DATE: April 21, 2016

ITEM: 5

TO: Planning & Zoning Commission

FROM: Sungman Kim, Development Director

ITEM DESCRIPTION:

Discussion and action on a vacation of Lots 12A & 12B Block 195 Fiesta Isles Subdivision Section XII on "B" District Multi-family dwelling, apartment, motel, hotel, condominium, Townhouse District and returning to their original plat for Lot 12 Block 195 Fiesta Isles Section XII.

DISCUSSION:

The applicant is proposing a vacation of recorded plat of Lots 12A & 12B (30.42' X 145.46' each) and returning to the original lot 12 (60.84' X 147.16').

Staff is available for any questions that the Commissioners may have.

Vacation of a Subdivision Plat

September 2, 2014



Department of Development Services
4601 Padre Boulevard
South Padre Island, TX 78597
Phone. (956) 761-8112

A: PLAT VACATION OVERVIEW

GENERAL INFORMATION

This packet outlines the procedures and submittal requirements necessary to obtain approval of a vacation of a subdivision plat within the City of South Padre Island planning jurisdiction. The planning jurisdiction includes the city limits and the extraterritorial jurisdiction (ETJ). The regulatory requirements and procedures for approval are defined in Chapter 212 of the Local Government Code of the State of Texas.

LGC Sec. 212.013. VACATING PLAT.

- (a) The proprietors of the tract covered by a plat may vacate the plat at any time before any lot in the plat is sold. *The plat is vacated when a signed, acknowledged instrument declaring the plat vacated is approved and recorded in the manner prescribed for the original plat.*
- (b) If lots in the plat have been sold, the plat, or any part of the plat, may be vacated on the application of all the owners of lots in the plat with approval obtained in the manner prescribed for the original plat.
- (c) The county clerk shall write legibly on the vacated plat the word "Vacated" and shall enter on the plat a reference to the volume and page at which the vacating instrument is recorded.
- (d) On the execution and recording of the vacating instrument, the vacated plat has no effect.

Additional information about the subdivision process and code requirements can be obtained prior to submitting an application by contacting the Department of Development Services, 4601 Padre Boulevard, South Padre Island, TX 78597, phone 956-761-8112, or by visiting the City of South Padre Island's Development Services website at <http://www.myspi.org/departments/index.php?structureid=23>.

WHAT IS A PLAT VACATION?

A plat vacation destroys the force and effect of the prior subdivision on the subject property. A total vacation eliminates an entire subdivision plat, including all lots and public rights-of-way, as well as any restrictions that may have been contained on the plat.

Once the vacation document has been properly prepared, signed, notarized, approved and recorded, the real estate description reverts to the original survey or any underlying subdivision. A lot may not be partially vacated; the vacation must include the entire lot.

Please be advised that the Department of Development Services cannot recommend approval of a vacation of a lot or plat which receives utility services unless the property is legally platted with a legal lot from a previous underlying subdivision or is concurrently replatted. To replat the property, a new subdivision application must be filed in addition to the vacation application. **Also, be aware that all plat vacations require the signatures of 100% of the property owners in the subdivision who own intact original lots as shown on the original plat as required by State Law per Section 212.013 of the Local Government Code. Applications will not be accepted without all of the signatures having been obtained prior to submittal for completeness check.**

WHO APPROVES PLAT VACATIONS?

Under state law, vacations must be approved in the manner that the original plat was approved. Therefore, if the original plat was approved by the City's Planning and Zoning Commission, approval by the Commission is required to vacate the plat. If the original plat was approved by the County Commissioners Court, approval by the Court is required to vacate the plat (County Commissioners Court approval is not required if the site is now located in the full purpose jurisdiction of the City). If the original plat was approved administratively, then it can be vacated by approval of the authorized staff.

B. PLAT VACATION PROCEDURES

The procedures for review and approval of plat vacation applications are summarized below:

STEP 1: COMPLETENESS CHECK

The formal application must be submitted to the Department of Development Services. No appointment is necessary. Staff reviews the application and pertinent information to determine if all required administrative items have been submitted. Staff then forwards it to the team, which determines whether the technical items needed for review have been submitted.

An application for completeness check must include:

- Plat Vacation Application Form (see attached);
- Plat Attributes Survey (see attached);
- Vacating of Plat Form with all required signatures and notaries (see attached);
- Laguna Madre Water District's Certification (see attached);
- Current Tax Certificate(s) for lot(s) or plat to be vacated (see attached).
- Current Title Report or Attorney's Title Opinion showing ownership of lot(s) or plat to be vacated;
- Eight folded copies of plat to be vacated (or plat containing lot(s) to be vacated);
- A short statement as to the reason that vacation is being requested; and
- \$500.00 application fee (check, cash, money order or credit card);

STEP 2: UPDATE INTO COMPLIANCE

If it is determined that the application does not comply with applicable regulations after the initial review, the applicant must file an update in order to bring it into compliance.

STEP 3: PLAT VACATION APPROVAL AND RECORDATION

Once all requirements have been met, the staff will notify the applicant that the plat vacation can either be approved administratively or scheduled for Planning and Zoning Commission approval if necessary. If Commission approval is necessary, the staff will inform you of the date and time of the public hearing. In addition, if the subdivision is located in Cameron County in the City of South Padre Island's Extraterritorial Jurisdiction, County Commissioners Court approval may also be required after the Planning and Zoning Commission approves the vacation.

After approval, you will be required to submit the vacation documents for recording with the Cameron County Clerk's Office at:

964 E. Harrison Street
Second Floor Administration Bldg.
P.O. Box 2178
Brownsville, TX 78520

PLAT VACATION APPLICATION FORM

FILING DATE: March 23, 2016

NAME AND LOCATION

PHYSICAL ADDRESS: Havana Drive

SUBDIVISION NAME: _____

SUBDIVISION LEGAL DESCRIPTIONS: (Current) Lots 12A & 12B, Block 195
Fiesta Isles Subd.

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: Ruth Navarro TELEPHONE NO. (915) 373-0021

STREET ADDRESS: 28 Golf House Rd.

CITY, STATE AND ZIP Laguna Vista, Texas, 78578

EMAIL: ruth.navarro85@gmail.com

AGENT INFORMATION

NAME: Mejia & Rose Inc. TELEPHONE NO. (956) 544-3022

STREET ADDRESS: 1643 W. Price Rd.

CITY, STATE AND ZIP Brownsville TX. 78520

EMAIL: mandrinc@cngmail.com j.gorive@cngmail.com

PLAT ATTRIBUTES

DO THE LOT(S) BEING VACATED RECIEVE UTILITY SERVICE? YES NO Vacant Lots

SPECIFIC SERVICES AND UTILITY PROVIDER(S): WATER: L.M.W.D.

WASTEWATER: L.M.W.D. ELECTRIC: AEP

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

SPECIFY TYPE OF DEVELOPMENT: Residential

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:

N/A

HAVE THESE IMPROVEMENTS BEEN COMPLETED? ~~YES~~ / ~~NO~~ N/A

HAS THE LETTER OF CREDIT BEEN RELEASED? ~~YES~~ / ~~NO~~ N/A

IF YES PLEASE GIVE DATE: N/A

VACATING OF PLAT

Subdivision Plat Name: Lots 12A and 12B, Block 195, Fiesta Isles

Lots 12A&B, Block 195, (Cabinet I, Slot 2871B, Map Records)

As owner(s) of the Fiesta Isles Replat, a subdivision plat recorded in the map records of Cameron County, Texas in Cabinet I, Pages 2871B, Slot _____, we by this instrument declare the subdivision plat vacated. At this time we are still the owners of all the lots and no improvements have been made within the limits of the subdivision as of this day. We will inform the regulatory agencies that approved the plat that this plat has been vacated.

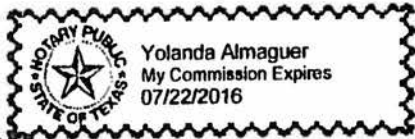
Owners:

Signature [Handwritten Signature]
Print Name Ruth Navarro

THE STATE OF TEXAS
COUNTY OF CAMERON

On this 24th day of March, 2016, before me personally appeared Ruth Navarro, known to me to be the individual described in and who executed the foregoing instrument and who duly acknowledged to me that they executed the same for the purpose therein contained.

In witness whereof, I hereinto set my hand and official seal.



[Handwritten Signature]
Notary Public in and for Cameron County
& For the State of Texas
My Commission Expires: 7/22/16

THE STATE OF TEXAS
COUNTY OF CAMERON

On this ____ day of _____, 20____, before me personally appeared _____, known to me to be the individual described in and who executed the foregoing instrument and who duly acknowledged to me that they executed the same for the purpose therein contained.

In witness whereof, I hereinto set my hand and official seal.

Notary Public in and for Cameron County
& For the State of Texas
My Commission Expires: _____

THE STATE OF TEXAS
COUNTY OF CAMERON

On this ____ day of _____, 20____, before me personally appeared _____, known to me to be the individual described in and who executed the foregoing instrument and who duly acknowledged to me that they executed the same for the purpose therein contained.

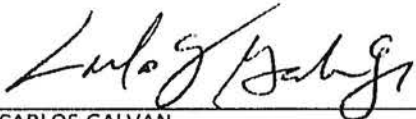
In witness whereof, I hereinto set my hand and official seal.

Notary Public in and for Cameron County
& For the State of Texas
My Commission Expires: _____

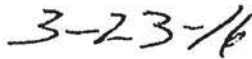
NOTARY STATEMENT REQUIRED FOR EACH SIGNATURE UNLESS ALL OR SOME OWNERS SIGN BEFORE THE SAME NOTARY. THE DATE OF EACH INDIVIDUAL NOTARY CERTIFICATE MUST MATCH THE DATE THAT APPEARS OPPOSITE THE OWNER'S SIGNATURE IN THE BODY OF THE DOCUMENT.

LAGUNA MADRE WATER DISTRICT'S CERTIFICATION

After the total cancellation of the subdivision Lots 12A and 12B, Block 195, Fiesta Isles (Cab. I, Slot 2871B, M/R),
the subject property has existing water and sewer facilities that are in compliance with the Texas Water Code Section
16.343, as amended and may be developed under the original plat.



CARLOS GALVAN
GENERAL MANAGER
LAGUNA MADRE WATER DISTRICT



DATE

PHYSICAL ADDRESS: Havana Drive

SUBDIVISION NAME: _____

SUBDIVISION LEGAL DESCRIPTIONS: (Current) Lots 12A & 12B, Block 195

Fiesta Isles Subd. (cab. 1 slot 2871 B, M/R)

CURRENT TAX CERTIFICATE

STATE OF TEXAS
COUNTY OF CAMERON

The undersigned hereby certifies that all Ad Valorem taxes owed to all of the taxing units represented by the undersigned are currently paid in full for the area inside the boundaries of above subdivision, depicted hereon

Witness my hand on this the _____ day of _____, 20__.

APPROVED:

TONY YZAGUIRRE, JR
ASSESSOR AND COLLECTOR OF TAXES, CAMERON COUNTY, TEXAS

APPROVED:

ASSESSOR-COLLECTOR OF TAXES
POINT ISABEL INDEPENDENT SCHOOL DISTRICT TAX OFFICE

DATE

CAMERON COUNTY TAX OFFICE

Tony Yzaguirre, Jr Tax Assessor Collector

964 E. Harrison

Brownsville TX 78520

(956) 544-0800

ACCOUNT NUMBER: 67/1600/1950/0120/10

PROPERTY OWNER:

FIRST NATIONAL BANK
PO BOX 810
EDINBURG, TX 78540-0810

PROPERTY DESCRIPTION:

LOT 12B BLK 195 FIESTA ISLES SUBDI
VISION (VOL 17 PG 43 MRCC
EPLAT C1-2871 B CCMR FILED 12/17/0
7)

CAUSE # ACRES .1183 MIN% .000000000000 TYPE
BANKRUPTCY # USER CODES

THIS IS TO CERTIFY THAT AFTER A CAREFUL CHECK OF THE TAX RECORDS OF THIS OFFICE
THE FOLLOWING DELINQUENT TAXES, PENALTIES, AND INTERESTS ARE DUE AS OF:
DESCRIBED PROPERTY OF THE FOLLOWING TAX UNIT(S):

YEAR	ENTITY	BASE TAX	P & I	COLLECTION FEES	TOTAL
2015	POINT ISABEL ISD			* ALL PAID	*
	SOUTH TEXAS ISD			* ALL PAID	*
	CTY SO PADRE ISLAND			* ALL PAID	*
	CAMERON COUNTY			* ALL PAID	*
	LAGUNA M WATER DIST			* ALL PAID	*
	TX SHMOST COLLEGE			* ALL PAID	*

TOTAL SEQUENCE 0 * ALL PAID *

TOTAL TAX: * ALL PAID *
UNPAID FEES: * NONE *
INTEREST ON FEES: * NONE *
COMMISSION: * NONE *
TOTAL DUE ==> * ALL PAID *

TAXES PAID FOR YEAR 2015 \$2,086.05

ALL TAXES PAID IN FULL PRIOR TO AND INCLUDING THE YEAR 2015 EXCEPT FOR UNPAID
YEARS LISTED ABOVE.

THE ABOVE DESCRIBED PROPERTY MAY BE SUBJECT TO SPECIAL VALUATION BASED ON ITS
USE, AND ADDITIONAL ROLLBACK TAXES MAY BE DUE. (SECTION 23.55, STATE PROPERTY
TAX CODE.)

THE ISSUANCE OF THIS CERTIFICATE DOES NOT PRECLUDE A SUBSEQUENT SUPPLEMENTAL
ASSESSMENT ON THE PROPERTIES ABOVE BY THE APPRAISAL DISTRICT AND DOES NOT
REFLECT WHETHER OR NOT THE TAXPAYER OWES COURT COST IN ANY DELINQUENT TAX COLLEC
TION LAWSUITS (WHICH MUST BE CHECKED WITH THE COLLECTION ATTORNEYS).
PURSUANT TO *31.08 OF THE PROPERTY TAX CODE, THERE IS A FEE ON ALL TAX
CERTIFICATES.

GIVEN UNDER MY HAND AND SEAL OF OFFICE ON THIS DATE OF 03/23/2016

Fee Paid: \$10.00

Tony Yzaguirre Jr.
Tax Assessor & Collector

By: Walter M. Tz DEPUTY

%% T A X R E C E I P T %%

RECEIPT NO: 671912

CAMERON COUNTY TAX OFFICE

Tony Yzaguirre, Jr Tax Assessor Collector

964 E. Harrison

Brownsville TX 78520

(956) 544-0800

BATCH NO: 16083NIL

EFFECTIVE DATE PAID: 03/23/2016

ACCOUNT NUM: 67/1600/1950/0120/10

REC'D BY: NIL

REF#: 6015754

PROC DATE: 03/23/2016

PROC TYPE: PST

PROC TIME: 16:13:57

MORTGAGE CODE: 656

NUM:

DESC: LOT 12B BLK 195 FIESTA ISLES SUBDI

VISION (VOL 17 PG 43 MRCC) (2008 R

EPLAT C1-2871 B CCMR FILED 12/17/0

7)

NAME: FIRST NATIONAL BANK

PO BOX 810

EDINBURG, TX 78540-0810

ACRES: 0.118

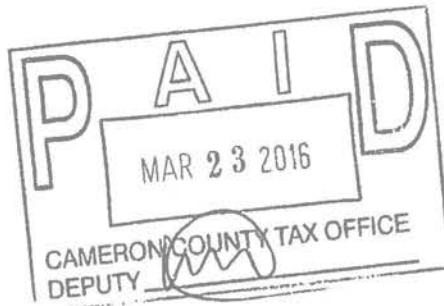
YEAR	ENTITY	TYPE	BASE TAX	P & I	COLL FEE	TOTAL AMT	REFERENCE
2015	CERTFEE	FEE: CERTIFICATE FEE				10.00	1

ACCT TAX DUE BEFORE PYMT 0.00 TOTAL APPLIED 10.00

ACCT TAX DUE AFTER PYMT *PAID IN FULL* TOTAL TENDERED 10.00

CK #: 024430 PYMT TYPE: CH PAID BY MEJIA & ROSE

YEAR	ENTITY	CODE & DESCRIPTION	NET TAXABLE VALUE	TAX RATE
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CAMERON COUNTY TAX OFFICE

Tony Yzaguirre, Jr Tax Assessor Collector

964 E. Harrison

Brownsville TX 78520

(956) 544-0800

ACCOUNT NUMBER: 67/1600/1950/0120/00

PROPERTY OWNER:

FIRST NATIONAL BANK
PO BOX 810
EDINBURG, TX 78540-0810

PROPERTY DESCRIPTION:

LOT 12A BLK 195 FIESTA ISLES SUBDI
VISION (VOL 17 PG 43 MRCC
EPLAT C1-2871 B CCMR FILED 12/17/0
7)

CAUSE # ACRES .1164 MIN% .000000000000 TYPE
BANKRUPTCY # USER CODES

THIS IS TO CERTIFY THAT AFTER A CAREFUL CHECK OF THE TAX RECORDS OF THIS OFFICE
THE FOLLOWING DELINQUENT TAXES, PENALTIES, AND INTERESTS ARE DUE AS OF:
DESCRIBED PROPERTY OF THE FOLLOWING TAX UNIT(S):

YEAR	ENTITY	BASE TAX	P & I	COLLECTION FEES	TOTAL
2015	POINT ISABEL ISD			* ALL PAID	*
	SOUTH TEXAS ISD			* ALL PAID	*
	CTY SO PADRE ISLAND			* ALL PAID	*
	CAMERON COUNTY			* ALL PAID	*
	LAGUNA M WATER DIST			* ALL PAID	*
	TX SHMOST COLLEGE			* ALL PAID	*

TOTAL SEQUENCE 0 * ALL PAID *

TOTAL TAX: * ALL PAID *
UNPAID FEES: * NONE *
INTEREST ON FEES: * NONE *
COMMISSION: * NONE *
TOTAL DUE ==> * ALL PAID *

TAXES PAID FOR YEAR 2015 \$2,052.44

ALL TAXES PAID IN FULL PRIOR TO AND INCLUDING THE YEAR 2015 EXCEPT FOR UNPAID
YEARS LISTED ABOVE.

THE ABOVE DESCRIBED PROPERTY MAY BE SUBJECT TO SPECIAL VALUATION BASED ON ITS
USE, AND ADDITIONAL ROLLBACK TAXES MAY BE DUE. (SECTION 23.55, STATE PROPERTY
TAX CODE.)

THE ISSUANCE OF THIS CERTIFICATE DOES NOT PRECLUDE A SUBSEQUENT SUPPLEMENTAL
ASSESSMENT ON THE PROPERTIES ABOVE BY THE APPRAISAL DISTRICT AND DOES NOT
REFLECT WHETHER OR NOT THE TAXPAYER OWES COURT COST IN ANY DELINQUENT TAX COLLEC
TION LAWSUITS (WHICH MUST BE CHECKED WITH THE COLLECTION ATTORNEYS).
PURSUANT TO *31.08 OF THE PROPERTY TAX CODE, THERE IS A FEE ON ALL TAX
CERTIFICATES.

GIVEN UNDER MY HAND AND SEAL OF OFFICE ON THIS DATE OF 03/23/2016

Fee Paid: \$10.00

Tony Yzaguirre Jr.
Tax Assessor & Collector

By: Walter WTB DEPUTY

%% T A X R E C E I P T %%

RECEIPT NO: 671911

CAMERON COUNTY TAX OFFICE

Tony Yzaguirre, Jr Tax Assessor Collector

964 E. Harrison

Brownsville TX 78520

(956) 544-0800

BATCH NO: 16083NIL

EFFECTIVE DATE PAID: 03/23/2016

ACCOUNT NUM: 67/1600/1950/0120/00

REC'D BY: NIL

REF#: 6015753

PROC DATE: 03/23/2016

PROC TYPE: PST

PROC TIME: 16:13:27

MORTGAGE CODE: 656

NUM:

DESC: LOT 12A BLK 195 FIESTA ISLES SUBDI

VISION (VOL 17 PG 43 MRCC) (2008 R

EPLAT C1-2871 B CCMR FILED 12/17/0

7)

NAME: FIRST NATIONAL BANK

PO BOX 810

EDINBURG, TX 78540-0810

ACRES: 0.116

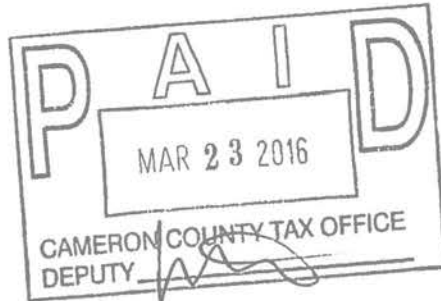
YEAR	ENTITY	TYPE	BASE TAX	P & I	COLL FEE	TOTAL AMT	REFERENCE
2015	CERTFEE	FEE: CERTIFICATE FEE				10.00	1

ACCT TAX DUE BEFORE PYMT 0.00 TOTAL APPLIED 10.00

ACCT TAX DUE AFTER PYMT *PAID IN FULL* TOTAL TENDERED 10.00

CK #: 024430 PYMT TYPE: CH PAID BY MEJIA & ROSE

YEAR	ENTITY CODE & DESCRIPTION	NET TAXABLE VALUE	TAX RATE
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APPROVAL OF PLAT VACATION

BE IT KNOWN, that on the ____ day of _____, 20____, the Planning and Zoning Commission of the City of South Padre Island, at its regular meeting, did approve the vacation of the subdivision known as _____, as recorded in Cabinet _____, Pages _____, Slot _____, Cameron County Plat Records, upon application therefore by all of the owners of all of the lots in said subdivision.

APPROVED by the Planning and Zoning Commission of the City of South Padre Island, this _____ day of _____, 20_____.

PLANNING AND ZONING COMMISSION CHAIR

PUBLIC WORKS DIRECTOR

THE STATE OF TEXAS
COUNTY OF CAMERON

On this ____ day of _____, 20____, before me personally appeared _____, known to me to be the individual described in and who executed the foregoing instrument and who duly acknowledged to me that they executed the same for the purpose therein contained.

In witness whereof, I hereinto set my hand and official seal.

Notary Public in and for Cameron County
& For the State of Texas

My Commission Expires: _____

METES AND BOUNDS DESCRIPTION

BEING 0.235 ACRE OF LAND, MORE OR LESS, BEING ALL OF LOT TWELVE (12), BLOCK ONE HUNDRED NINETY-FIVE (195), FIESTA ISLES SUBDIVISION, A SUBDIVISION IN THE TOWN OF SOUTH PADRE ISLAND, CAMERON COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN VOLUME 17, PAGE 43 OF THE MAP RECORDS OF CAMERON COUNTY, TEXAS, SAID 0.235 ACRE TRACT BEING MORE PARTICULARLY LOCATED AND DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF LOT 12, BLOCK 195, BEING A POINT ON THE WESTERN RIGHT-OF-WAY LINE OF HAVANA DRIVE (50 FT. R.O.W.), SAID POINT BEING A 1/2" IRON PIN WITH A YELLOW PLASTIC CAP STAMPED "MAR INC" SET, FOR THE NORTHEAST CORNER OF THIS TRACT.

THENCE CONTINUING ALONG THE WESTERN RIGHT-OF-WAY LINE OF SAID HAVANA DRIVE, ALONG A CURVE TO THE LEFT WITH A RADIUS OF 776.43 FEET, AN ARC DISTANCE OF 81.08 FEET TO A 1/2" IRON PIN WITH YELLOW PLASTIC CAP STAMPED "MAR INC" SET, AT THE SOUTHWEST CORNER OF SAID LOT 12, FOR THE SOUTHWEST CORNER OF THIS TRACT.

THENCE ALONG THE SOUTH BOUNDARY OF SAID LOT 12, SOUTH 78 DEG. 01 MIN. WEST, A DISTANCE OF 147.19 FEET TO A 1/2" IRON PIN WITH YELLOW PLASTIC CAP STAMPED "MAR INC" SET, AT THE SOUTHWEST CORNER OF SAID LOT 12, FOR THE SOUTHWEST CORNER OF THIS TRACT.

THENCE ALONG THE WEST BOUNDARY OF SAID LOT 12, NORTH 05 DEG. 52 MIN. WEST, A DISTANCE OF 60.84 FEET TO A 1/2" IRON PIN WITH YELLOW PLASTIC CAP STAMPED "MAR INC" SET, AT THE NORTHWEST CORNER OF SAID LOT 12, FOR THE NORTHWEST CORNER OF THIS TRACT.

THENCE ALONG THE NORTH BOUNDARY LINE OF SAID LOT 12, NORTH TO DEG. 00 MIN. 20 SEC. EAST, A DISTANCE OF 146.55 FEET TO THE POINT OF BEGINNING, CONTAINING 0.235 ACRE OF LAND, MORE OR LESS.

SURVEYOR'S CERTIFICATION:

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



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

LAGUNA MADRE WATER DISTRICT'S CERTIFICATION

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

[Signature]
GABRIEL SOTELO - GENERAL MANAGER
LAGUNA MADRE WATER DISTRICT

**STATE OF TEXAS
COUNTY OF CAMERON**

THE UNDERSIGNED HEREBY CERTIFIES THAT ALL AD VALOREM TAXES OWED TO ALL OF THE TAXING UNITS, REPRESENTED BY THE UNDERSIGNED ARE CURRENTLY PAID IN FULL FOR THE AREA INSIDE THE BOUNDARIES OF LOT 12, BLOCK 195, FIESTA ISLES SUBDIVISION, DEPICTED HEREON.

APPROVED *[Signature]* DATE 11-14-07
TONY YZAQUIRRE, JR.
ASSESSOR AND COLLECTOR OF TAXES, CAMERON COUNTY

APPROVED *[Signature]* DATE 11-16-07
FILOMENA SAENZ
ASSESSOR-COLLECTOR OF TAXES
POINT ISABEL INDEPENDENT SCHOOL DISTRICT TAX OFFICE

APPROVED BY THE PLANNING AND ZONING COMMISSION OF THE TOWN OF SOUTH PADRE ISLAND, THIS THE 12th DAY OF DECEMBER 2007.

[Signature] *[Signature]*
PLANNING AND ZONING COMMISSION
CHAIR PUBLIC WORKS DIRECTOR

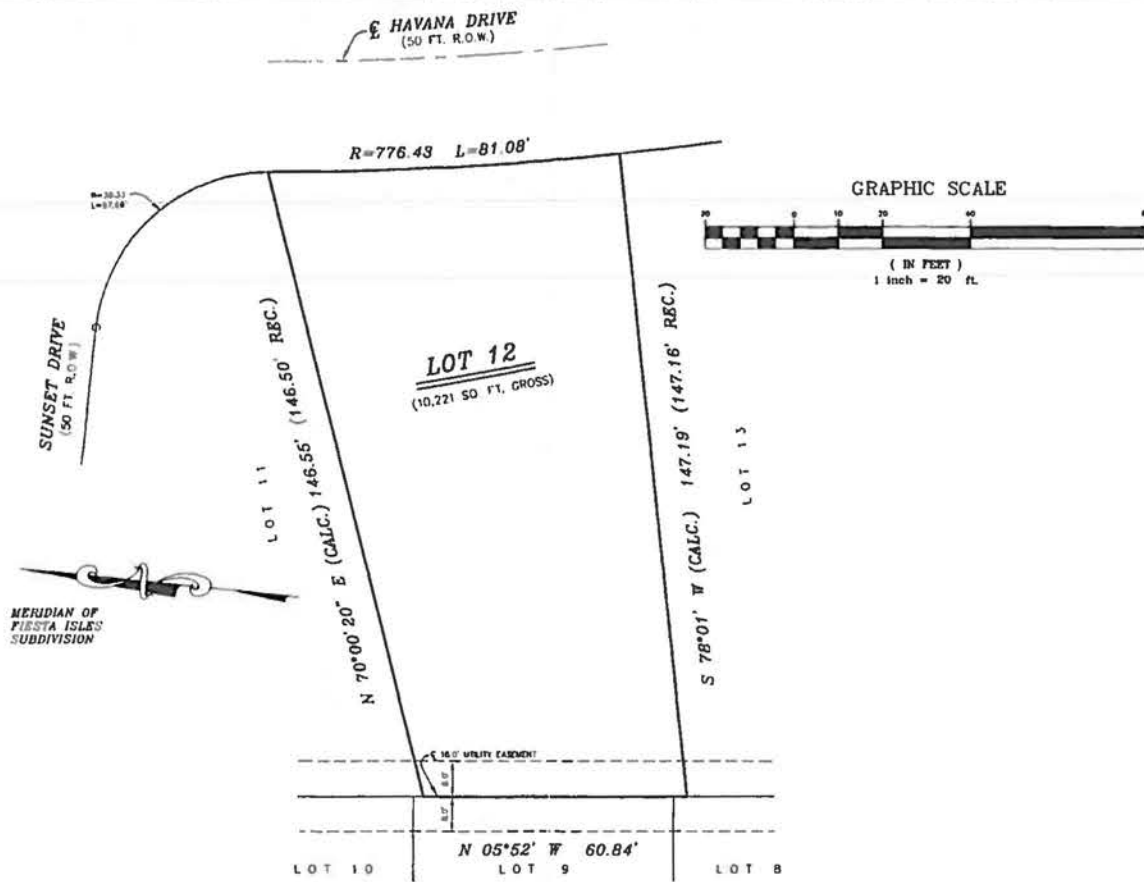
NOTE:

- THIS TRACT LIES IN FLOOD ZONE "AE" (ELEV. 6) PER THE F.I.A. FLOOD INSURANCE RATE MAP OF COMMUNITY NO. 48015, PANEL NO. 0001 D, MAP REVISED MARCH 9, 1999.
- THIS TRACT LIES WITHIN SECTION 20-10, DISTRICT "E" - LOW DENSITY RESIDENTIAL - SINGLE-FAMILY AND TOWNHOUSE DWELLING DISTRICT, PER CHAPTER 20 OF THE CODE OF ORDINANCES OF THE TOWN OF SOUTH PADRE ISLAND'S ZONING CODES.
- ELEVATION ON TEMPORARY BENCH MARK (TBM) IS REFERENCED FROM BENCH MARK STAMPED "E 1436" AND IS LOCATED ON THE WEST RIGHT OF WAY LINE OF PADRE BOULEVARD BETWEEN GEORGIA RUTH AND CAROLYN STREET. ELEV. = 2.68 (N.G.V.D. 1929)
- BASES OF BEARING IS MONUMENTATION FOUND ALONG THE CENTERLINE OF BLOCK 195, FIESTA ISLES SUBDIVISION.
- THESE LOTS ARE DESIGNATED AS TOWNHOUSE LOTS.
- THIS TRACT IS SUBJECT TO RESTRICTIONS RECORDED IN VOLUME 17, PAGE 43 MAP RECORDS OF CAMERON COUNTY, TEXAS.
- EASEMENT AND RIGHT-OF-WAY DATED SEPTEMBER 12, 2005 FILED DECEMBER 5, 2005 EXECUTED BY NIT ISLAND HOMES, INC. TO ADP TEXAS CENTRAL COMPANY, A TEXAS CORPORATION, RECORDED IN VOLUME 10030, PAGE 87, OFFICIAL PUBLIC RECORDS OF CAMERON COUNTY, TEXAS. (BLANKET EASEMENT)

**STATE OF TEXAS
COUNTY OF CAMERON**

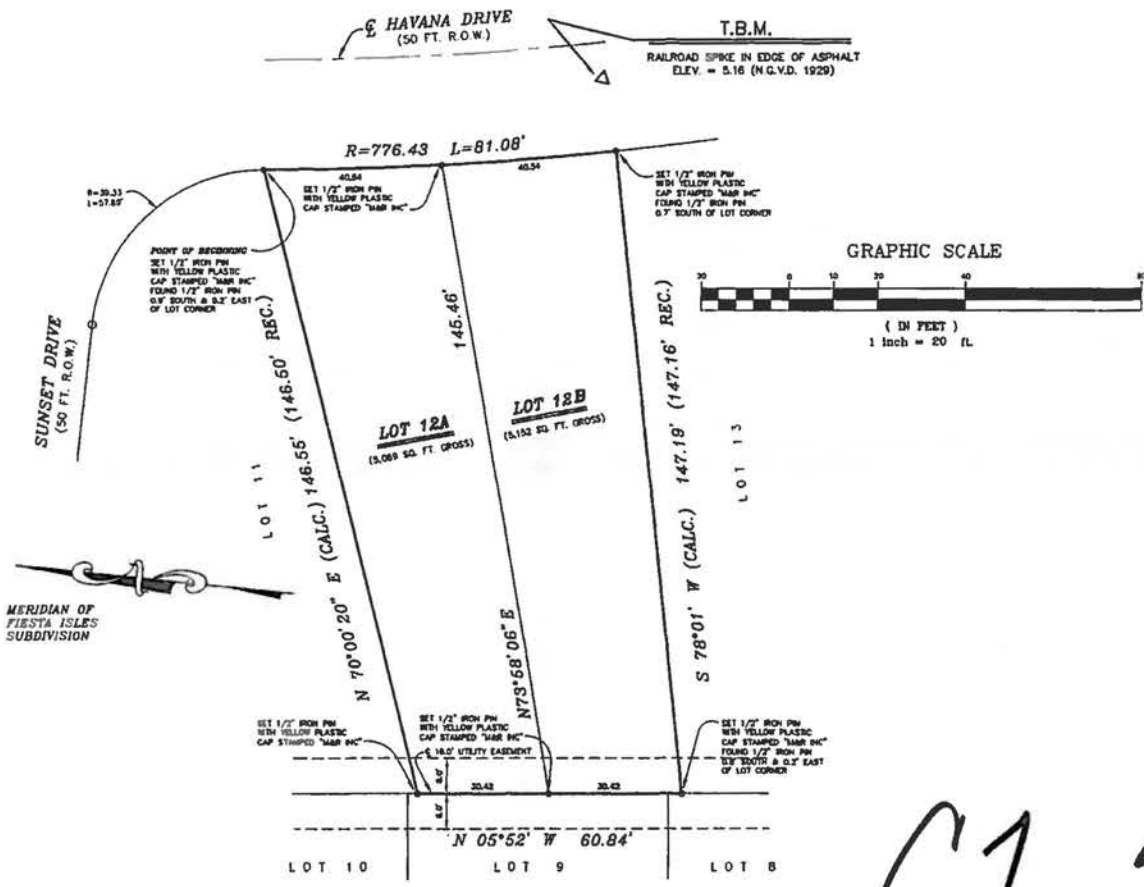
I, JOE G. RIVERA, CLERK OF THE COUNTY COURT IN AND FOR SAID COUNTY, DO HEREBY CERTIFY THAT THE FOREGOING INSTRUMENT DATED THE 15th DAY OF November A.D., 2007, WITH CERTIFICATE OF AUTHENTICATION WAS FILED FOR RECORD IN MY OFFICE ON THE 17th DAY OF December A.D., 2007 AT 10:50 O'CLOCK A.M. AND DULY RECORDED THE 17th DAY OF December A.D., 2007 AT 10:55 A.M. IN CABINET 1 SLOT 2871B MAP RECORDS OF SAID COUNTY.

[Signature] BY *[Signature]*
JOE G. RIVERA
COUNTY CLERK
CAMERON COUNTY, TEXAS



PROPERTY PRIOR TO REPLAT

(SCALE: 1" = 20')



REPLAT

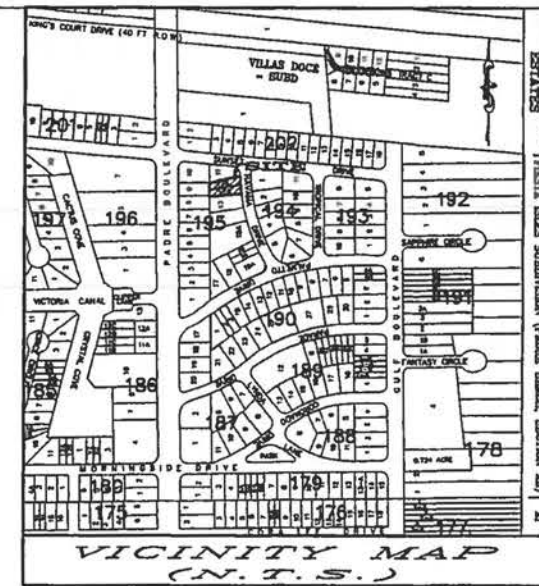
(SCALE: 1" = 20')

GRAPHIC SCALE

(IN FEET)
1 inch = 20 ft.

OWNER:

DHANSUKH R. PATEL
PO BOX 3696
S.P.I., TX. 78597
(956)-341-4696



STATE OF TEXAS

I, THE UNDERSIGNED, DHANSUKH R. PATEL, OWNER OF THE LAND SHOWN ON THIS PLAT AND DESIGNATED HEREIN AS "LOTS 12A & 12B, BLOCK 195, FIESTA ISLES SUBDIVISION, WITHIN THE TOWN OF SOUTH PADRE ISLAND OR ITS ETI, AND WHOSE NAME IS SUBSCRIBED HERETO, HEREBY DEDICATED TO THE APPROPRIATE PUBLIC OR PRIVATE ENTITY FOR THE BENEFIT OF THE PUBLIC OR PRIVATE LAND OWNERS, ALL STREETS, ALLEYS, PARKS, WATERCOURSES, DRAINS, EASEMENTS AND PUBLIC PLACES THEREON SHOWN FOR THE PURPOSE OR CONSIDERATION THEREIN EXPRESSED.

[Signature] DATE 11/15/07
DHANSUKH R. PATEL - OWNER

STATE OF TEXAS

BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED DHANSUKH R. PATEL, KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THIS PLAT AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME FOR PURPOSES AND CONSIDERATION THEREIN STATED.

GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS THE 15th DAY OF November 15, 2007.
[Signature]
NOTARY PUBLIC
Cameron
COUNTY

STATE OF TEXAS

I, THE UNDERSIGNED, DULY AUTHORIZED OFFICER OF THE LIENHOLDER OF A SECURITY INTEREST IN THE ABOVE DESCRIBED PROPERTY, BEING THE LAND ON THIS PLAT AND DESIGNATED HEREIN AS "LOTS 12A AND 12B, BLOCK 195, FIESTA ISLES SUBDIVISION" IN THE TOWN OF SOUTH PADRE ISLAND, TEXAS OR ITS "ETI", DO HEREBY CONSENT TO THE SUBDIVISION OF THE PROPERTY AS PROVIDED FOR UNDER THE PLAT AND DO HEREBY PROVIDE THAT ANY FORECLOSURE RELATING TO THE SECURITY INTEREST ON THE ABOVE DESCRIBED PROPERTY SHALL BE SUBJECT TO THE PLATTING OF THE PROPERTY AS PROVIDED FOR HEREIN.

[Signature] DATE 11/21/07
G. W. GOESER II, BRANCH PRESIDENT
FIRST NATIONAL BANK

STATE OF TEXAS

BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY APPEARED, G. W. GOESER II, KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THIS PLAT, AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME FOR THE PURPOSES AND CONSIDERATIONS THEREIN STATED.

GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS THE 21st DAY OF November 2007.
[Signature]
NOTARY PUBLIC, STATE OF TEXAS

"LOTS 12A AND 12B, BLOCK 195, FIESTA ISLES SUBDIVISION"

BEING A REPLAT
OF

LOT TWELVE (12), BLOCK ONE HUNDRED NINETY-FIVE (195), FIESTA ISLES SUBDIVISION, A SUBDIVISION IN THE TOWN OF SOUTH PADRE ISLAND, CAMERON COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN VOLUME 17, PAGE 43 OF THE MAP RECORDS OF CAMERON COUNTY, TEXAS.

PREPARED FOR:
DHANSUKH R. PATEL

SEPTEMBER 4, 2007

C1-2871B

Mejia & Ross, Incorporated
Engineering Surveying
1643 West Price Road (956) 544-3022
P.O. Box 3781 Brownsville, Texas 78520
Fax (956) 544-3088

C.F. NO. N/A 208 ILL. 15892 & TROUSDECK

12-17-07

**PLANNING & ZONING COMMISSION
AGENDA REQUEST FORM**

MEETING DATE: April 21, 2016

ITEM: 6 & 7

TO: Planning and Zoning Commission

FROM: Sungman Kim, Director of Development Services

ITEM DESCRIPTION:

Public Hearing AND Discussion and action regarding revision of Subsections (C) and (D) of Sec.20-21 Required Landscaping of Chapter 20 Zoning

DISCUSSION:

The Issue

As the City has been getting developed, we are about to handle infill developments that more likely be involved in wetlands.

Undisturbed wetlands needs to be protected and, at the same time, the City needs to help landowners, who need to deal with both wetlands and the required landscaping area, getting into an unnecessary hardship.

The Proposed Change

(C) Minimum Area, and Location of Landscaping: Except as and to the extent otherwise provided herein, all required landscaping shall be placed within the front-of-building area, except that for corner lots such landscaping shall also be placed within the side-of-building-area as well, and shall be distributed fairly equally within such area. For the purpose of calculating the minimum required landscaping area, parking garages, private streets/roads, swimming pools, and those areas enclosed by a visually impenetrable fence/wall having a height of six feet (6') or greater as measured from walking grade will be excluded if located within the front-of-building area or required setback area. In no case shall a property have less than twenty-five (25) square feet of landscaping planted visible from the street. **Undisturbed, delineated wetlands may be included in calculating the required minimum landscaping area.**

(D) Tree Requirements: For the purposes of this section, trees shall be planted within the required landscaped area at a ratio of one tree per 300 square feet of required landscaped area; **within the required landscaping area, all plantings shall be kept outside of the wetlands. For residential developments, the required number of tree plantings may be waived by the city manager's designee if existing wetlands do not provide enough room for planting spaces.** Provided, however, that no less than one (1) tree shall be planted on each lot.

ORDINANCE NO. 16 -

AN ORDINANCE OF THE CITY OF SOUTH PADRE ISLAND, TEXAS, AMENDING SECTION 20-21(C) OF CHAPTER 20 ZONING BY INCLUDING WETLANDS IN THE CALCULATION OF THE MINIMUM REQUIRED LANDSCAPING AREA; AMENDING SECTION 20-21(D) OF CHAPTER 20 ZONING BY CLARIFYING THE REQUIRED NUMBER OF TREES AND THEIR LOCATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR A PENALTY OF UP TO TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH VIOLATION; PROVIDING FOR THE EFFECTIVE DATE; AND AUTHORIZING PUBLICATION IN CAPTION FORM.

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

WHEREAS, the City Council finds the needs to include wetlands in calculating the minimum required landscaping area to avoid landowners getting into an unnecessary hardship;

WHEREAS, the City Council subsequently finds the needs to wave the required number of tree plantings if existing wetlands on a property do not provide enough room for planting spaces; and

WHEREAS, the City Council wants to protect public health, safety and welfare by amending Sec.20-21(C) and Sec.20-21(D); and

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

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

Section 1. Sec. 20-21(C) of the Chapter 20 Zoning of the Code of Ordinances is hereby amended and restated to read as follows:

(C) Minimum Area, and Location of Landscaping: Except as and to the extent otherwise provided herein, all required landscaping shall be placed within the front-of-building area, except that for corner lots such landscaping shall also be placed within the side-of-building-area as well, and shall be distributed fairly equally within such area. For the purpose of calculating the minimum required landscaping area, parking garages, private streets/roads, swimming pools, and those areas enclosed by a visually impenetrable fence/wall having a height of six feet (6') or greater as measured from walking grade will be excluded if located within the front-of-building area or required setback area. In no case shall a property have less than twenty-five (25) square feet of landscaping planted visible from the street. **Undisturbed, delineated wetlands may be included in calculating the required minimum landscaping area.**

- (1) Single Family Use: The area of required landscaping shall not be less than 30% of the minimum front yard setback area in accordance with the requirements of this Section 20-21.
- (2) Townhouse Use: The area of required landscaping shall not be less than 15% of the minimum front yard setback area in accordance with the requirements of this Section 20-21.
- (3) Commercial / Multifamily Uses (Hotel, Motel, Condominium, Duplex, etc.): The area of required landscaping shall not be less than 20% of the front-of-building area in accordance with the requirements of this Section 20-21. Commercial properties may substitute up to 20% of their required parking spaces only for additional landscaped areas (above and beyond these minimum requirements) if the owner can reasonably justify that the parking is not needed for the business.
- (4) Corner Lots: An additional 10% of the side-of-building-area shall be landscaped in accordance with the requirements of this Section 20-21.
- (5) For those developed properties that have no building by which to determine "front-of-building area" (e.g. parking lots), the area of required landscaping shall not be less than 10% of the entire lot in accordance with the requirements of this Section 20-21, also distributed fairly equally within the lot.
- (6) Other materials such as planters, bark mulch, brick, stone, natural forms, water forms, and aggregate (but not concrete or asphalt) may be used provided the 80% coverage of live plant materials will be achieved. Plant material will be measured at a point no higher than 3 feet above grade.

Section 2. Sec.20-21(D) of the Chapter 20 Zoning of the Code of Ordinances is hereby amended and restated to read as follows:

- (D) Tree Requirements: For the purposes of this section, trees shall be planted within the required landscaped area at a ratio of one tree per 300 square feet of required landscaped area; **within the required landscaping area, all plantings shall be kept outside of the wetlands. For residential developments, the required number of tree plantings may be waived by the city manager's designee if existing wetlands do not provide enough room for planting spaces.** Provided, however, that no less than one (1) tree shall be planted on each lot.

Section 3. This ordinance repeals all portions of any prior ordinances or parts of ordinances of the Code of Ordinances in conflict herewith.

Section 4. Any violation of the above mentioned section of Chapter 20 of the Code of Ordinances of the City of South Padre Island may be punished by a fine not to exceed two thousand Dollars (\$2000.00) for each offense of for each day such offense shall continue and the penalty provisions of Sections of Section 21-2 of the Code of Ordinances is hereby adopted and incorporated for all purposes.

Section 5. If for any reason, any section, paragraph, subdivision, clause, phrase, word, or provision of the Ordinance shall be held unconstitutional by final judgment of a court of competent jurisdiction, it shall not affect any other section, paragraph, subdivision, clause, phrase, word, or provision of this Ordinance, for it is the definite intent of this City Council that every section, paragraph, subdivision, clause, phrase, word, or provision hereof be given full force and effect for its intended purpose.

Section 6. This Ordinance shall become effective when published in caption form.

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

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

ATTEST:

**CITY OF SOUTH PADRE ISLAND,
TEXAS**

SUSAN HILL, CITY SECRETARY

BHARAT R. PATEL, MAYOR