

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

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

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

TUESDAY, AUGUST 8, 2017
10:00 A.M. AT THE MUNICIPAL BUILDING,
CITY COUNCIL CHAMBERS, 2ND FLOOR
4601 PADRE BOULEVARD, SOUTH PADRE ISLAND, TX

1. Call to Order.
2. Pledge of Allegiance.
3. **Public Comments and Announcements:** *This is an opportunity for citizens to speak to the Task Force relating to agenda or non-agenda items. Speakers are required to address the Task Force at the podium and give their name before addressing their concerns. [Note: State law will not permit the Development Standards Review Task Force 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 Development Standards Review Task Force meeting]*
4. Approval of the July 11, 2017 Regular Meeting Minutes.
5. Discussion and action regarding the designation of certain beach areas – east of Block 20, Padre Beach Estates Subdivision (La Quinta Inn & Suites), Contran Subdivision Lot 2 (Clayton's Beach Bar), East Tract 17, Padre Beach Estate Subdivision (Clayton's Fishing Pier), and East Tract 16, Padre Beach Estate Subdivision (Marriott, Court Yard) – from District "B" Multi-family dwelling, apartment, motel, hotel, condominium, townhouse district to District "PBN" Padre Boulevard North Character Zone.
6. Adjournment.

DATED THIS THE 3RD DAY OF AUGUST 2017.


Susan Hill, City Secretary

I, THE UNDERSIGNED AUTHORITY, DO HEREBY CERTIFIED THAT THE ABOVE NOTICE OF REGULAR MEETING OF THE DEVELOPMENT STANDARDS REVIEW TASK FORCE OF THE CITY OF SOUTH PADRE ISLAND, TEXAS IS A TRUE AND CORRENT COPY OF SAID NOTICE AND THAT I POSTED A TRUE AND CORRECT COPY OF SAID NOTICE ON THE BULLETIN BOARD AT CITY HALL/MUNICIPAL BUILDING ON AUGUST 3, 2017 AT/OR BEFORE 5:00 P.M. AND REMAINED SO POSTED CONTINUOUSLY FOR AT LEAST 72 HOURS PRECEDING THE SCHEDULED TIME OF SAID MEETING.




Susan Hill, City Secretary

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

<p style="text-align: center;">MEETING MINUTES CITY OF SOUTH PADRE ISLAND DEVELOPMENT STANDARDS REVIEW TASK FORCE</p>
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TUESDAY, JULY 11, 2017

I. Call to Order.

The Development Standards Review Task Force Members of the City of South Padre Island, Texas held a Regular Meeting on Tuesday, July 11, 2017 at the Municipal Complex Building, 2nd Floor, 4601 Padre Boulevard, South Padre Island, Texas. Vice Chairman Gabriel Vanounou called the meeting to order at 10:00 a.m. A quorum was present: Task Force Member Gary Olle, George Shelley, and Kimberly Dollar. Member absent was Gardner Treharne.

City staff members present were: Development Director Sungman Kim and Administrative Assistant Marta Martinez.

II. Pledge of Allegiance.

Vice Chairman Vanounou led the Pledge of Allegiance.

III. Public Comments and Announcements.

Public comments and announcements were given at this time.

IV. Approval of the June 16, 2017 Special Meeting Minutes.

Task Force Member Dollar made a motion, seconded by Mr. Shelly to approve the Special Meeting Minutes as submitted. Motion carried unanimously.

V. Discussion and action regarding proposed relocation of a public art (buoy) at Lot 1A Skipjack Bayfront Subdivision. (2601 Laguna Boulevard)

The Task Force Member Shelly made a motion to approve as submitted. Motion was seconded by Task Force Member Dollar. The motion carried unanimously.

VI. Adjournment.

There being no further business, Task Force Member Treharne adjourned the meeting at 10:03 a.m.

Marta Martinez, Secretary

Gabriel Vanounou, Vice Chairman

Rezoning

Discussion & Action Regarding Designation of Certain Beach Areas: East of La Quinta, Clayton's Bar, Fishing Pier & Court Yard Marriott.

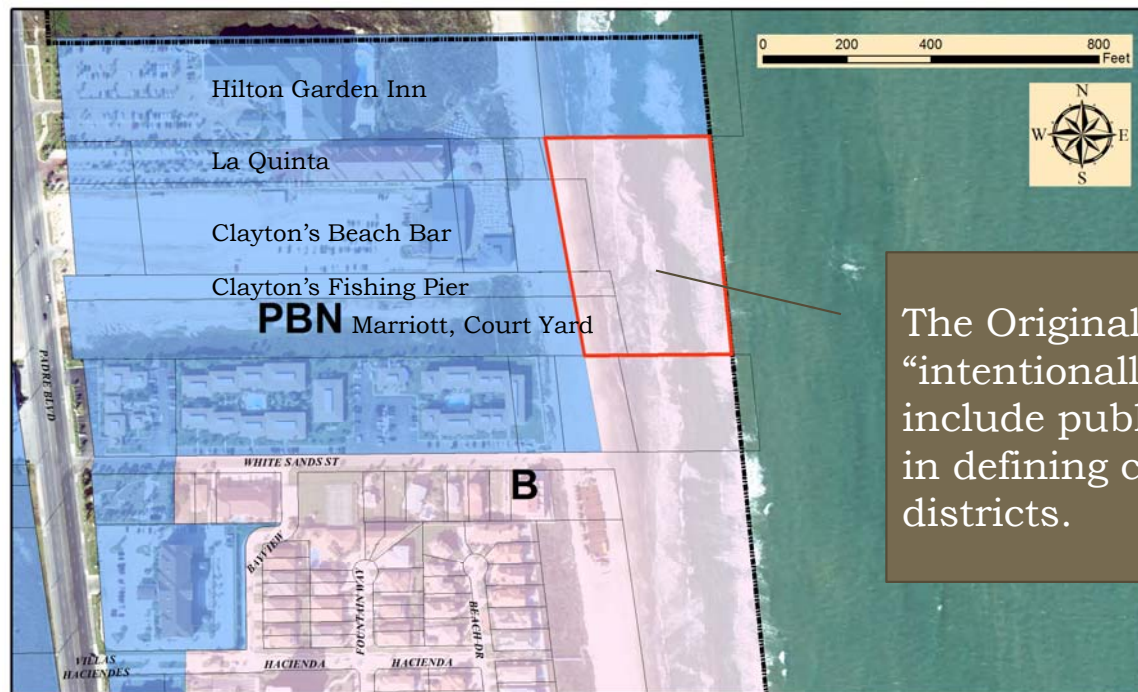


Permits: Building vs. Use

- Army Corps of Engineers, Texas General land Office and the City Council approved the construction of Clayton's Fishing Pier.
 - This is not an issue.
- The owner, Clayton Brashear, proposes a commercial use of the Fishing Pier.
 - This is the issue.



Current Zoning

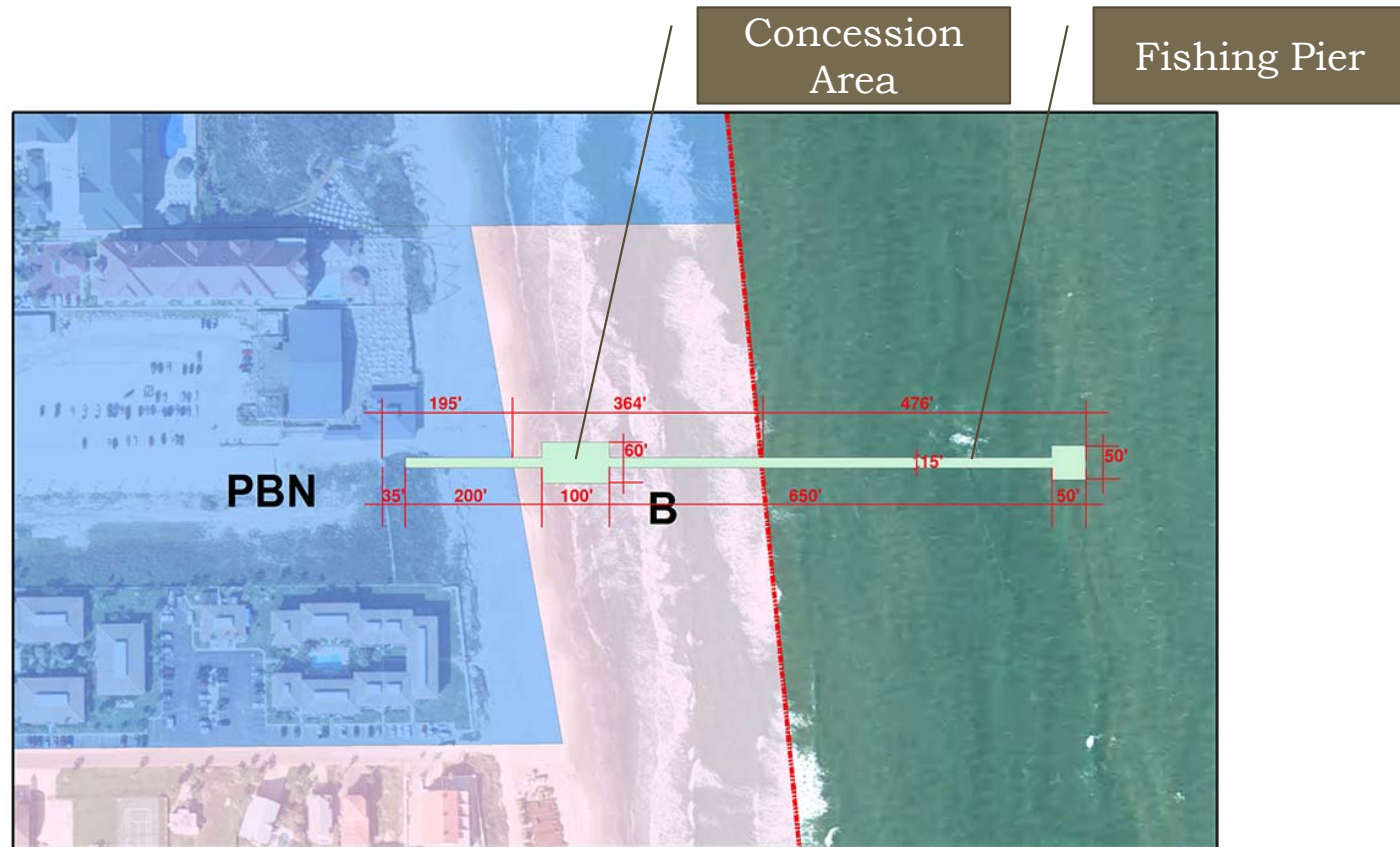


The Original FBC “intentionally” did not include public beach area in defining commercial districts.

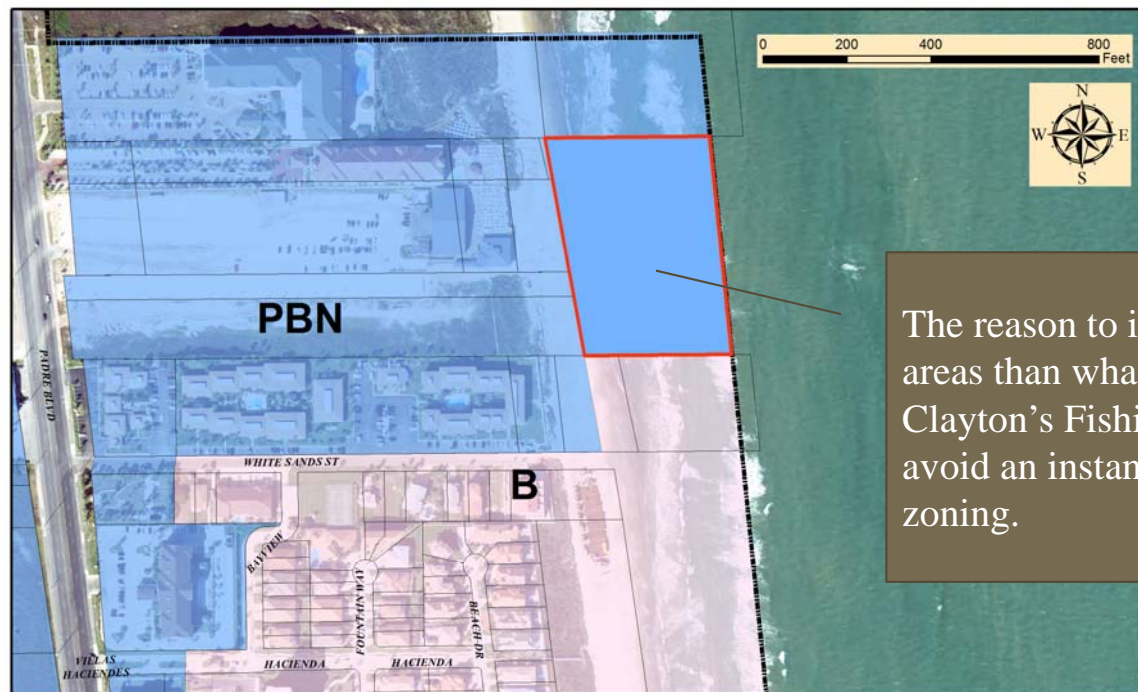
District “B” - multi-family dwelling, apartment, motel, hotel, condominium and townhouse uses



Proposed Uses



Proposed Rezoning



The reason to include other areas than what is required for Clayton's Fishing Pier is to avoid an instance of spot zoning.



Other Regulations

- Sec.13-17 Beaches-Peddlers, commercial activity prohibited thereon.
All peddlers, vendors and other commercial activity **where people are contacted on the public beach** is hereby prohibited and no person may solicit or sell to people located on the public beaches within the City. (Ord. No. 82, 8-6-80)
- Sec.13-17.1 Food and beverage service to people on the Public Beach abutting the property
Beach front properties that hold a food establishment permit issued by the City **may serve food and beverage to people on the public beach** that abuts the property but such service may not impair the public right to use the public beach and such service will not be in violation of Sec.13-17.
- **This rezoning** does not impact on the use of the public beach. **It will only allow commercial activities on the fishing pier, NOT on the public beach.**



Staff Recommendation

- Staff recommends approval of the proposed rezoning.



DEVELOPMENT STANDARDS REVIEW TASK FORCE

MEETING DATE: August 8, 2017

ITEM: 5

TO: Development Standards Review Task Force

FROM: Sungman Kim, Director of Development Services

ITEM DESCRIPTION:

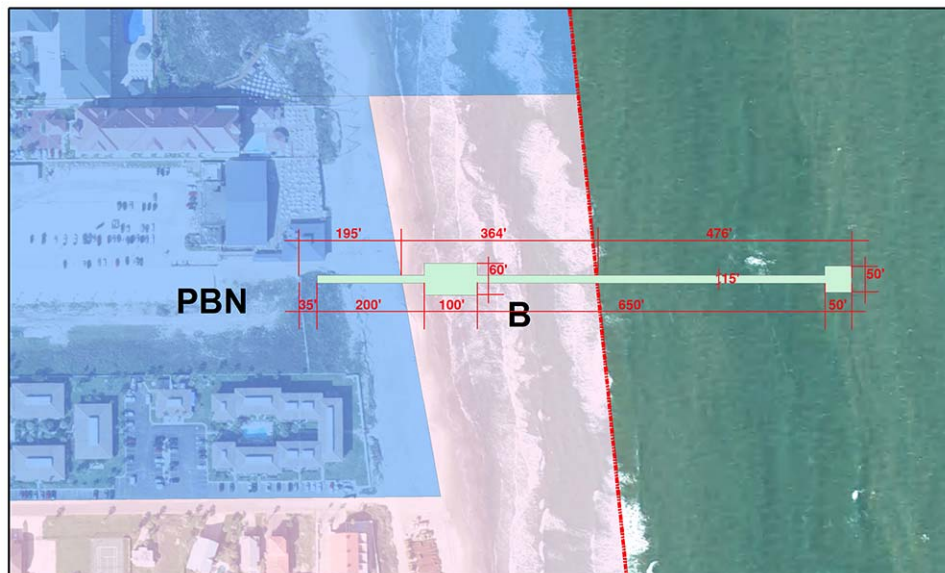
Discussion and action regarding the designation of certain beach areas – east of Block 20, Padre Beach Estates Subdivision (La Quinta Inn & Suites), Contran Subdivision Lot 2 (Clayton's Beach Bar), East Tract 17, Padre Beach Estate Subdivision (Clayton's Fishing Pier), and East Tract 16, Padre Beach Estate Subdivision (Marriott, Court Yard) – from District "B" Multi-family dwelling, apartment, motel, hotel, condominium, townhouse district to District "PBN" Padre Boulevard North Character Zone.

DISCUSSION:

The Issue

Recently, Army Corps of Engineers, Texas General Land Office, and the City Council approved the construction of Clayton's Fishing Pier.

The owner, Clayton Brashear, proposes a private commercial use of the pier. Large portion of beach properties have been zoned for District "B" that allows multi-family dwelling, apartment, motel, hotel, condominium and townhouse uses. District "B" however does not allow commercial for a primary use.

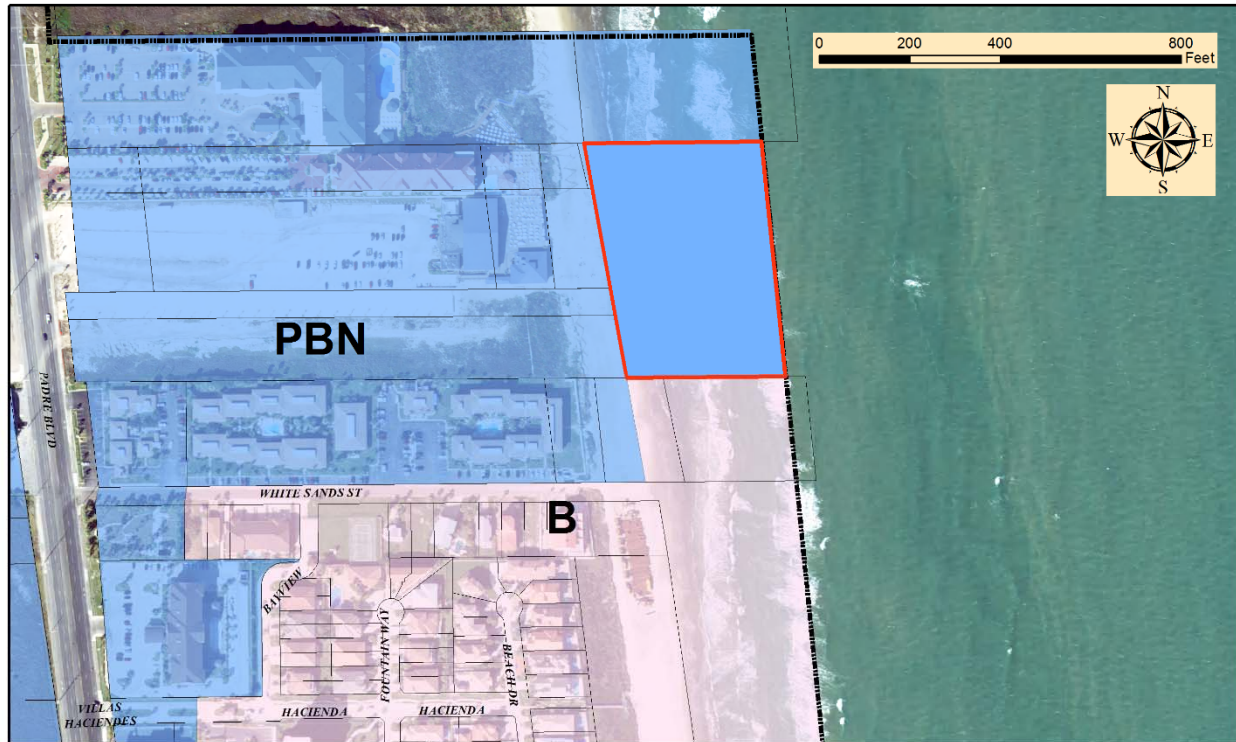


DEVELOPMENT STANDARDS REVIEW TASK FORCE

Rezoning

The properties occupied by La Quinta Inn & Suites, Clayton's Beach Bar, Clayton's Fishing Pier (mostly parking spaces in this case) and Marriott have already been zoned for PBN in the past through the Form-Based Code, and extension of the PBN designation toward east will provide a solution to the issue.

The reason to include other areas than what is required for Clayton's Fishing Pier is to avoid an instance of spot zoning.



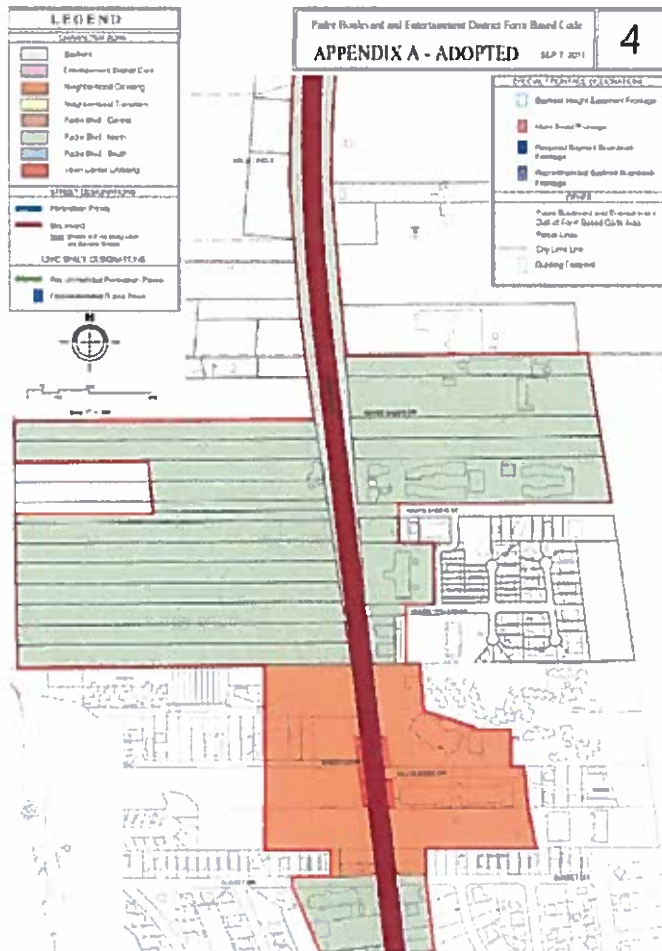
Staff Recommendation

Staff recommends the Task Force approve the proposed Rezoning.

From: Jayashree Narayana <jay@livableplans.com>
Sent: Monday, July 31, 2017 4:00 PM
To: Dr. Sungman Kim
Subject: Re: FBC - Zoning Map

From: Jayashree Narayana <jay@livableplans.com>
Sent: Monday, July 31, 2017 4:00 PM
To: Dr. Sungman Kim
Subject: Re: FBC - Zoning Map

Sungman - Actually when the FBC was originally adopted, the boundary of the PBN district did not extend to include the beach. See below:



The goal was to keep the parcels that were undeveloped or underdeveloped along the boulevard within the FB district and leave out the parcels along the beach or parcels that would likely remain as is (under the prior zoning). Is there a benefit for the parcel to be within the PBN district versus the B District? I think we left the areas outside the FBC district to be the existing zoning assuming the beach was the public open space which the city has control over what can be built on it. At some point, I assume that the beach frontage along PBN was rezoned into the district, but that was not the original plan. Although, with zoning, cities have legislative authority to change zoning without too much justification needed (defer to city's legal expertise on this of course).

If you need further clarification, please call and we can discuss more.

Thanks,

Jay

ORDINANCE NO. 17-

AN ORDINANCE OF THE CITY OF SOUTH PADRE ISLAND, TEXAS, AMENDING THE ZONING DISTRICT MAP OF THE CITY OF SOUTH PADRE ISLAND, TEXAS, BY REZONING CERTAIN BEACH AREAS – EAST OF BLOCK 20, PADRE BEACH ESTATES SUBDIVISION (LA QUINTA INN & SUITES), CONTRAN SUBDIVISION LOT 2 (CLAYTON’S BEACH BAR), EAST TRACT 17, PADRE BEACH ESTATE SUBDIVISION (CLAYTON’S FISHING PIER), AND EAST TRACT 16, PADRE BEACH ESTATE SUBDIVISION (MARRIOTT, COURT YARD) – FROM DISTRICT “B” MULTI-FAMILY DWELLING, APARTMENT, MOTEL, HOTEL, CONDOMINIUM, TOWNHOUSE DISTRICT TO DISTRICT “PBN” PADRE BOULEVARD NORTH CHARACTER ZONE; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR A PENALTY OF UP TO TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH VIOLATION; PROVIDING FOR THE EFFECTIVE DATE; AND AUTHORIZING PUBLICATION IN CAPTION FORM.

WHEREAS, the City of South Padre Island has heretofore adopted Chapter 20 (Zoning) of the Code of Ordinances and subsequently adopted Section 20-5 District Map to designate the “Zoning District Map”;

WHEREAS, the City Council of South Padre Island found that the certain beach areas have been zoned for District “B”, which allows mostly residential uses;

WHEREAS, It is intent of the City Council of South Padre Island to promote and support local businesses; 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. That the Zoning District Map of the City of South Padre Island, Texas, be and the same is hereby designated as identified on the Zoning District Map that is attached as **Exhibit “A”**.

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

Section 3. Any violation of the above mentioned section of Chapter 20 of the Code of Ordinances of the City of South Padre Island may be punished by a fine not to exceed two thousand

Dollars (\$2000.00) for each offense of for each day such offense shall continue and the penalty provisions of Sections of Section 21-2 of the Code of Ordinances is hereby adopted and incorporated for all purposes.

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

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

PASSED, APPROVED AND ADOPTED on First Reading, the ____ day of ____ 2017.

PASSED, APPROVED AND ADOPTED on Second Reading, the ____ day of ____ 2017.

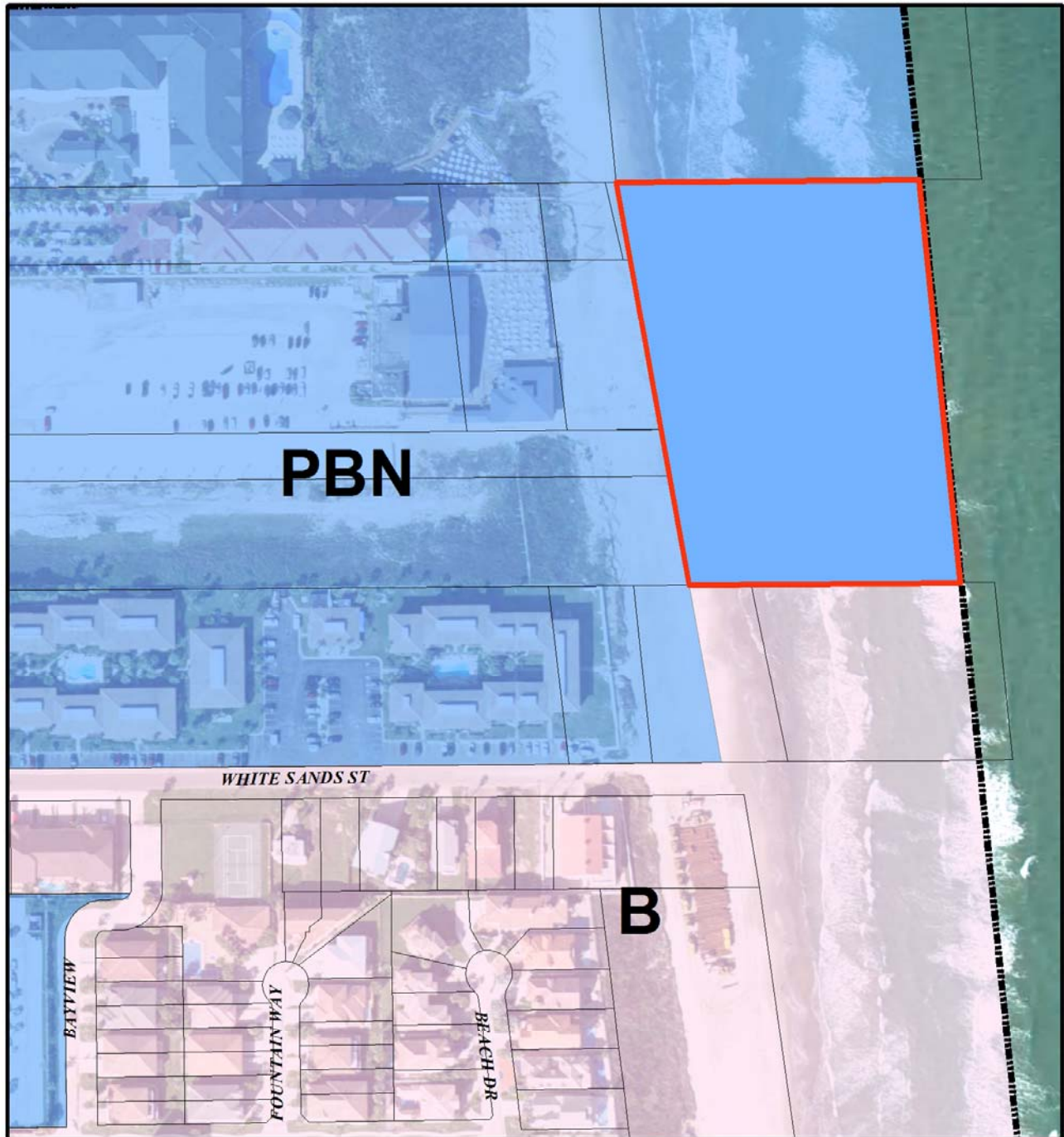
ATTEST:

CITY OF SOUTH PADRE ISLAND,
TEXAS

SUSAN HILL, CITY SECRETARY

BHARAT R. PATEL, MAYOR

Exhibit "A"



REZONING

FROM: DISTRICT "B"
TO: PADRE BOULEVARD NORTH CHARACTER ZONE



0 100 200 400 Feet