

**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, SEPTEMBER 12, 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 August 8, 2017 Regular Meeting Minutes.
5. Public hearing and discussion/action regarding the designation of certain beach and submerged land 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. Public hearing and discussion/action regarding a specific use permit for a private (commercial) fishing pier at East Tract 17, Padre Beach Estate Subdivision and submerged lands belong to the Texas General Land Office.
7. Adjournment.

DATED THIS THE 8th DAY OF SEPTEMBER 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 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 8, 2017 AT/OR BEFORE 10:00 A.M.** AND REMAINED SO POSTED CONTINUOUSLY FOR AT LEAST 72 HOURS PRECEDING THE SCHEDULED TIME OF SAID MEETING.


Susan Hill, City Secretary

THIS FACILITY IS WHEELCHAIR ACCESSIBLE, AND ACCESSIBLE PARKING SPACES ARE AVAILABLE. REQUESTS FOR ACCOMMODATIONS OR INTERPRETIVE SERVICES MUST BE MADE 48 HOURS PRIOR TO THIS MEETING. PLEASE CONTACT BUILDING OFFICIAL, 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, AUGUST 8, 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. Chairman Gardner Treharne called the meeting to order at 10:00 a.m. A quorum was present: Task Force Member Gabriel Vanounou, Gary Olle, George Shelley, and Kimberly Dollar.

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

II. Pledge of Allegiance.

Chairman Treharne led the Pledge of Allegiance.

III. Public Comments and Announcements.

Public comments and announcements were given at this time.

IV. Approval of the July 11, 2017 Regular Meeting Minutes.

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

V. 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.

The Task Force Members expressed their comments/concerns and after much discussion Task Force Member Dollar made a motion, seconded by Task force Member Treharne to deny the rezoning. as submitted. The motion passed on a 4:1 vote. Task Force Member Olle abstained.

VI. Adjournment.

There being no further business, Task Force Member Treharne adjourned the meeting at 10:40 a.m.

Marta Martinez, Secretary

Grader Treharne, Vice Chairman

DEVELOPMENT STANDARDS REVIEW TASK FORCE
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MEETING DATE: September 12, 2017

ITEM: 5

TO: Development Standards Review Task Force

FROM: Sungman Kim, Director of Development Services

ITEM DESCRIPTION:

Public hearing and discussion/action regarding the designation of certain beach and submerged land 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.

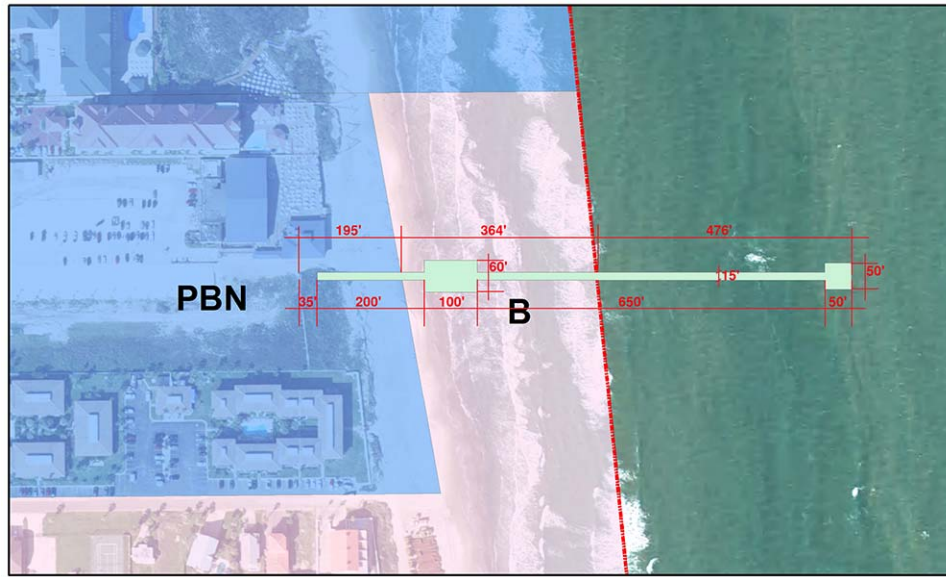
DISCUSSION:

The Issue

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

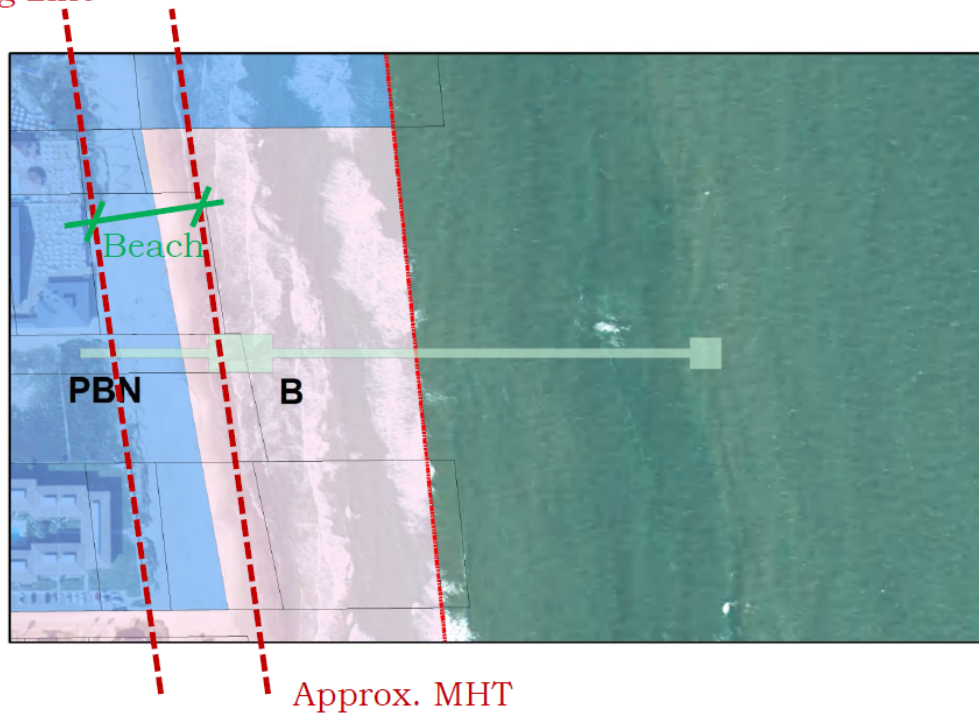
The owner, Clayton Brashear, proposes a private commercial use of the pier. Large portion of water properties have been zoned for District "B" that allows multi-family dwelling, apartment, motel, hotel, condominium and townhouse uses. District "B" however does not allow commercial for a primary use.

DEVELOPMENT STANDARDS REVIEW TASK FORCE



More specifically, current zoning map shows large coverage of PBN over beach areas and District “B” over water areas, and does not allow commercial activities at the proposed concession area over water.

Building Line



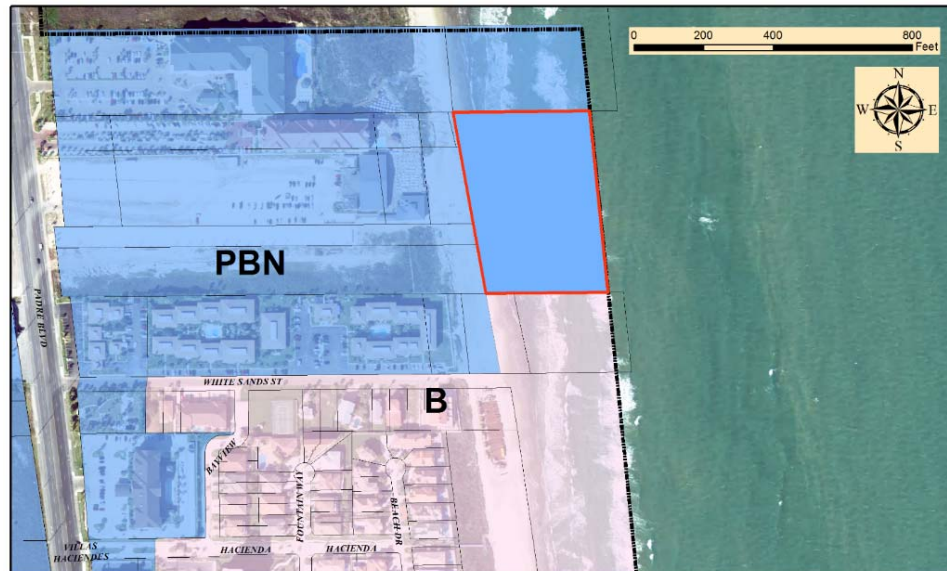
Approx. MHT

Rezoning

The subject 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 partial solution to the issue.

DEVELOPMENT STANDARDS REVIEW TASK FORCE

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 directly impact on the use of the public beach.

Staff Recommendation

Staff recommends the Task Force approve the proposed Rezoning. The PBN designation will allow the use of a fishing pier through a specific use permit.

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 AND SUBMERGED LAND 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.

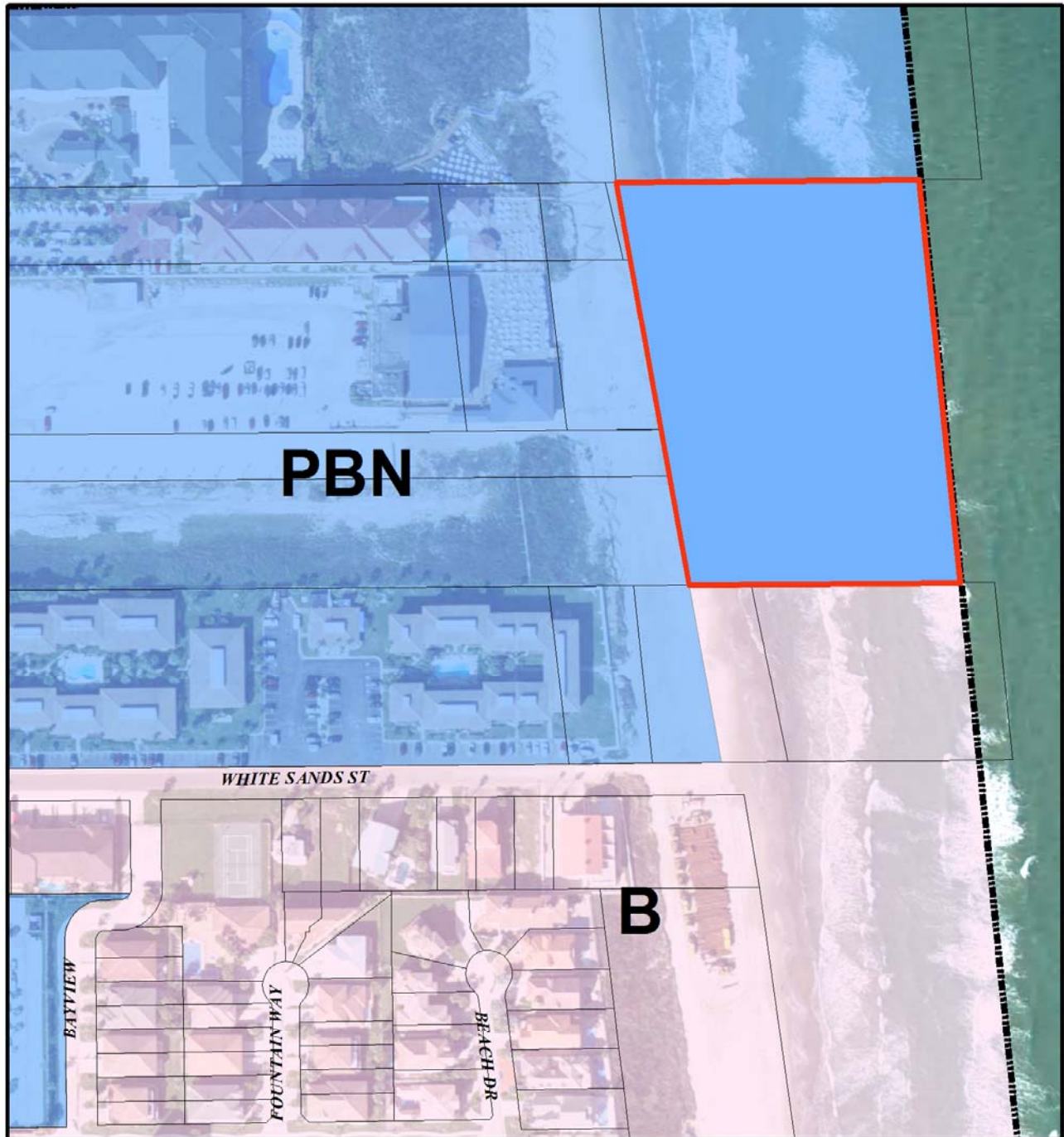
ATTEST:

CITY OF SOUTH PADRE ISLAND,
TEXAS

SUSAN HILL, CITY SECRETARY

BHARAT R. PATEL, MAYOR

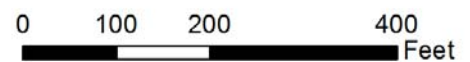
Exhibit "A"



REZONING

FROM: DISTRICT "B"

TO: PADRE BOULEVARD NORTH CHARACTER ZONE



Rezoning

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



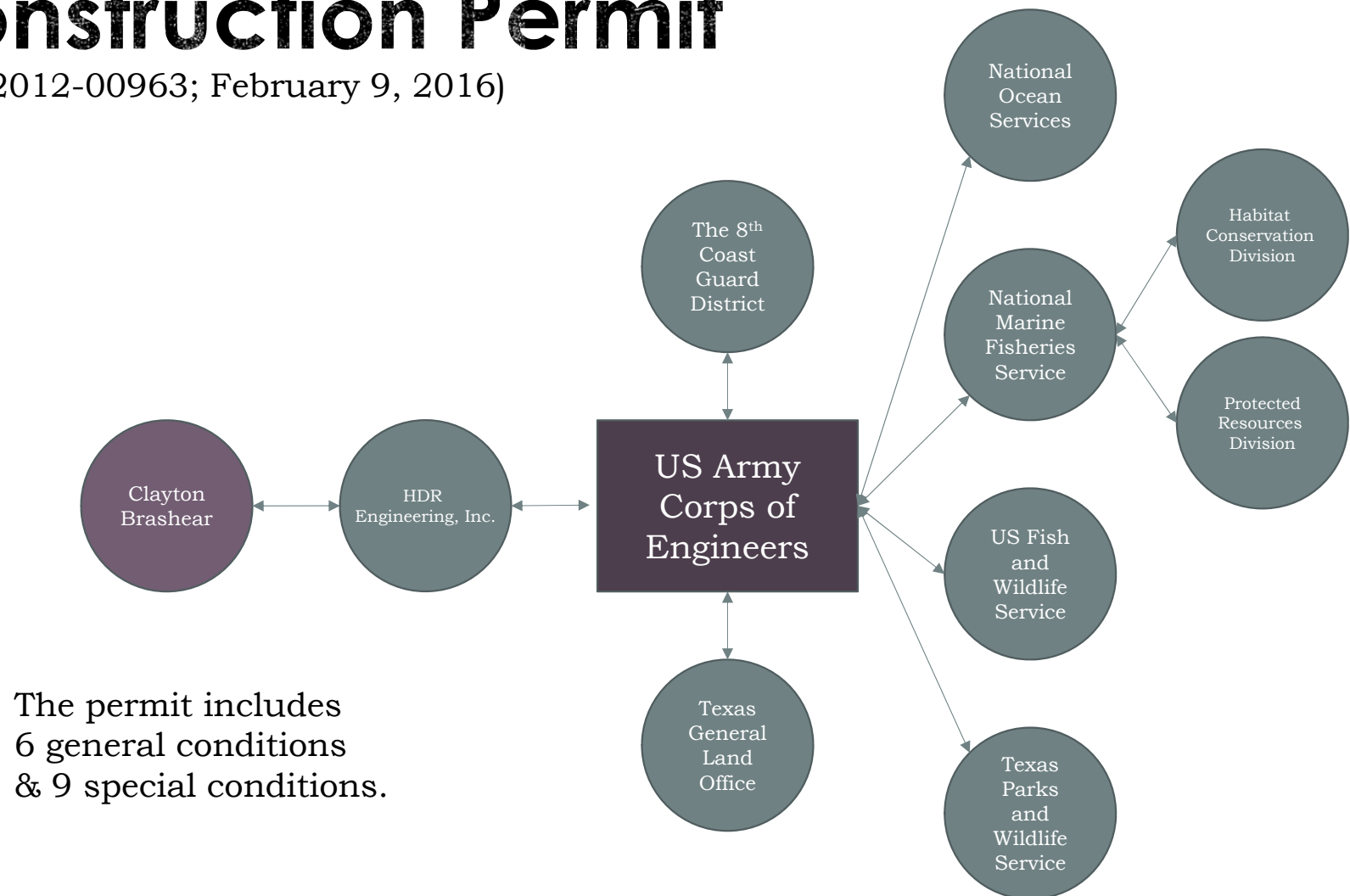
Permits

- Army Corps of Engineers, Texas General land Office, Shoreline Task Force and the City Council approved the construction of Clayton's Fishing Pier.



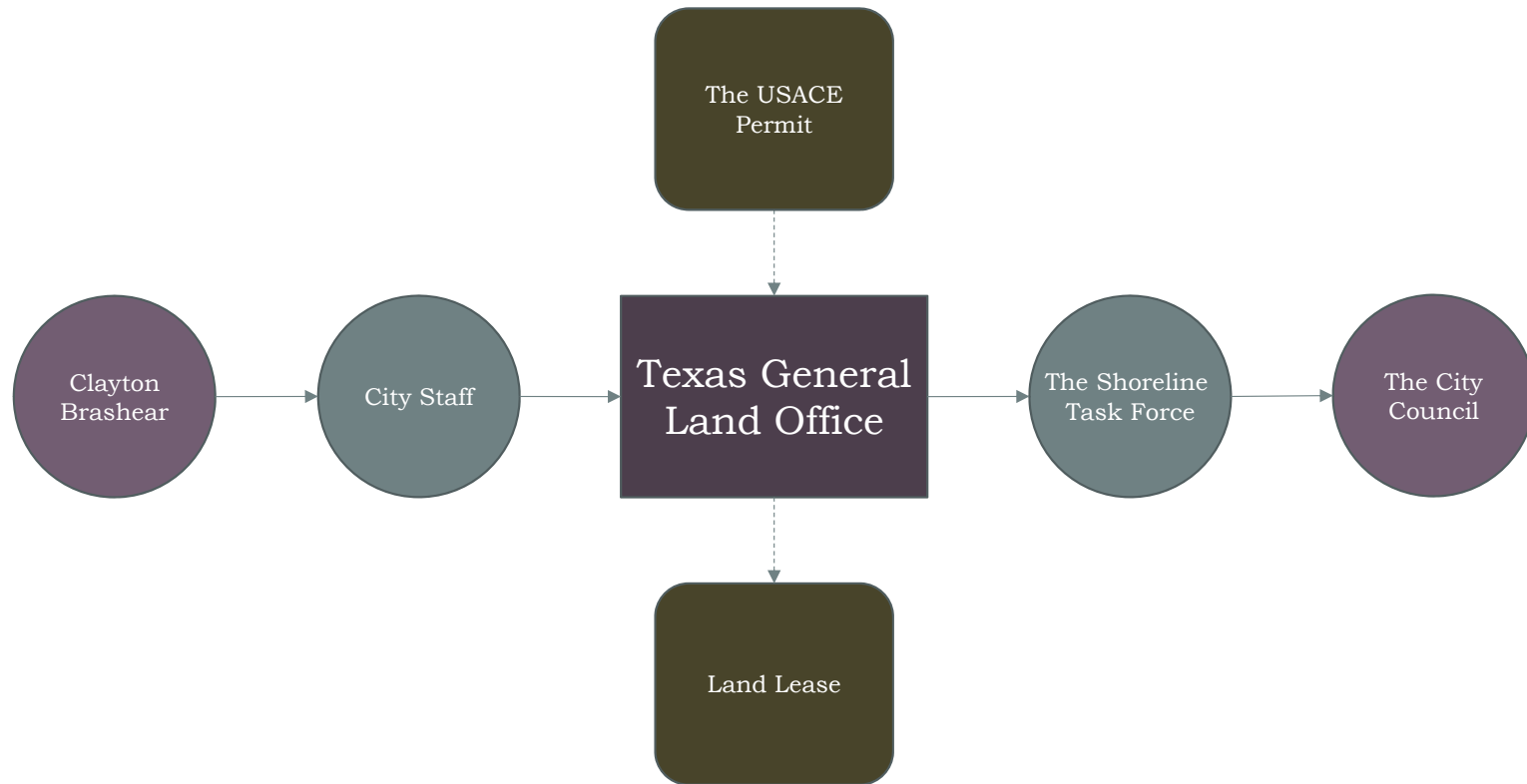
Construction Permit

(SWG-2012-00963; February 9, 2016)



Beach & Dune Protection Permit

(BDSPI-17-0068; June 7, 2017)





This notice of authorization must be
conspicuously displayed at the site of work.

United States Army Corps of Engineers
2000 Fort Belvoir Road
Galveston, TX 77555

2016_____

A permit to construct a pier

at 6800 Padre Boulevard, South Padre Island, Cameron County, Texas

has been issued to Clayton Brashear on 9 Feb. 20 16

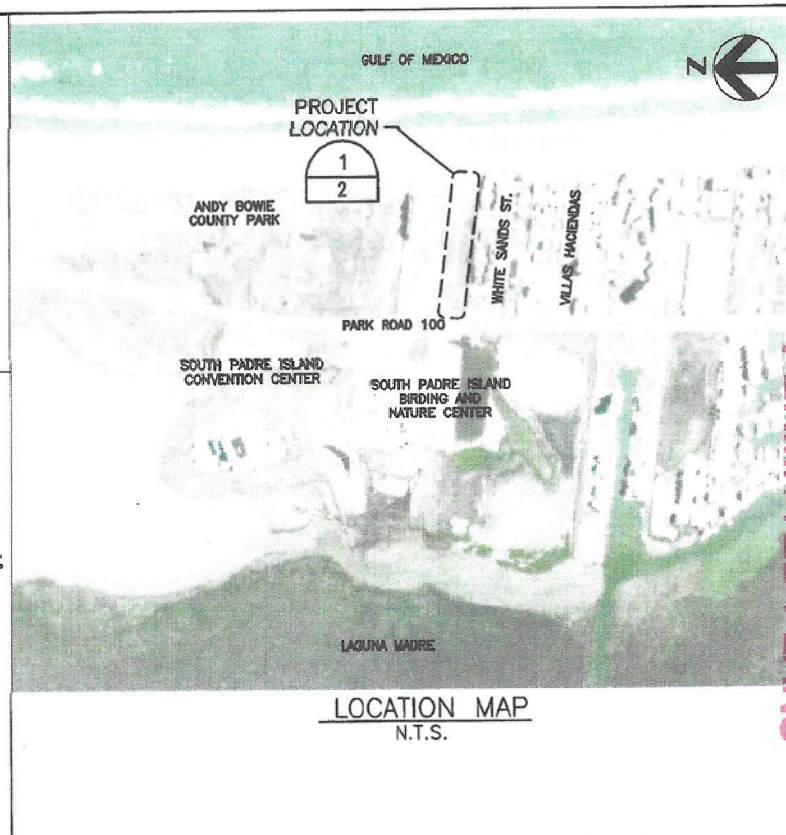
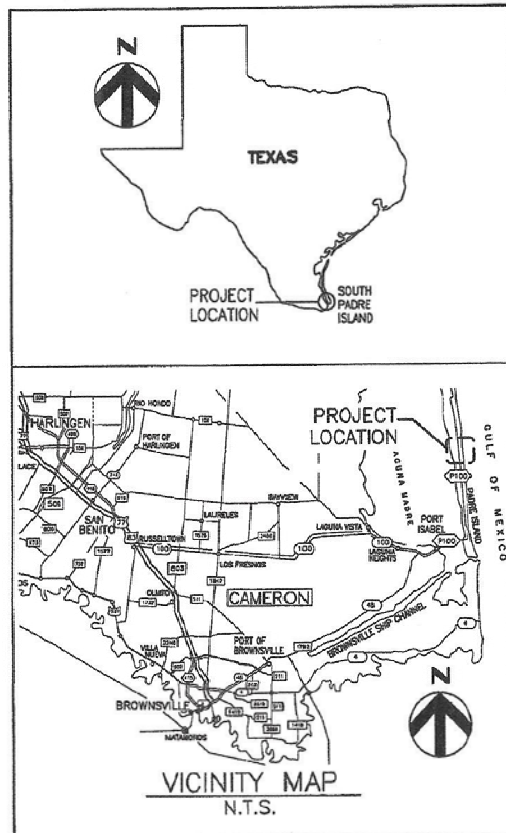
Address of Permittee 6800 Padre Blvd., South Padre Island, TX 78597

Permit Number

SWG-2017-00953

District Commander
Matthew Kinnel
For COL. RICHARD P. PARNELL





RECOMMENDED PLANS

SWG-2107-GWS

SWG-2012-00963
Sheet 1/4

SWG-2012-00963



Texas P.E. Firm
Registration No. F-754

Registration No. F-754

PROJECT TITLE	CLAYTON'S BEACH BAR AND GRILL
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SHEET TITLE
CONSTRUCT WOODEN ELEVATED PIER

PROJECT NUMBER
194870

PROJECT MANAGER.

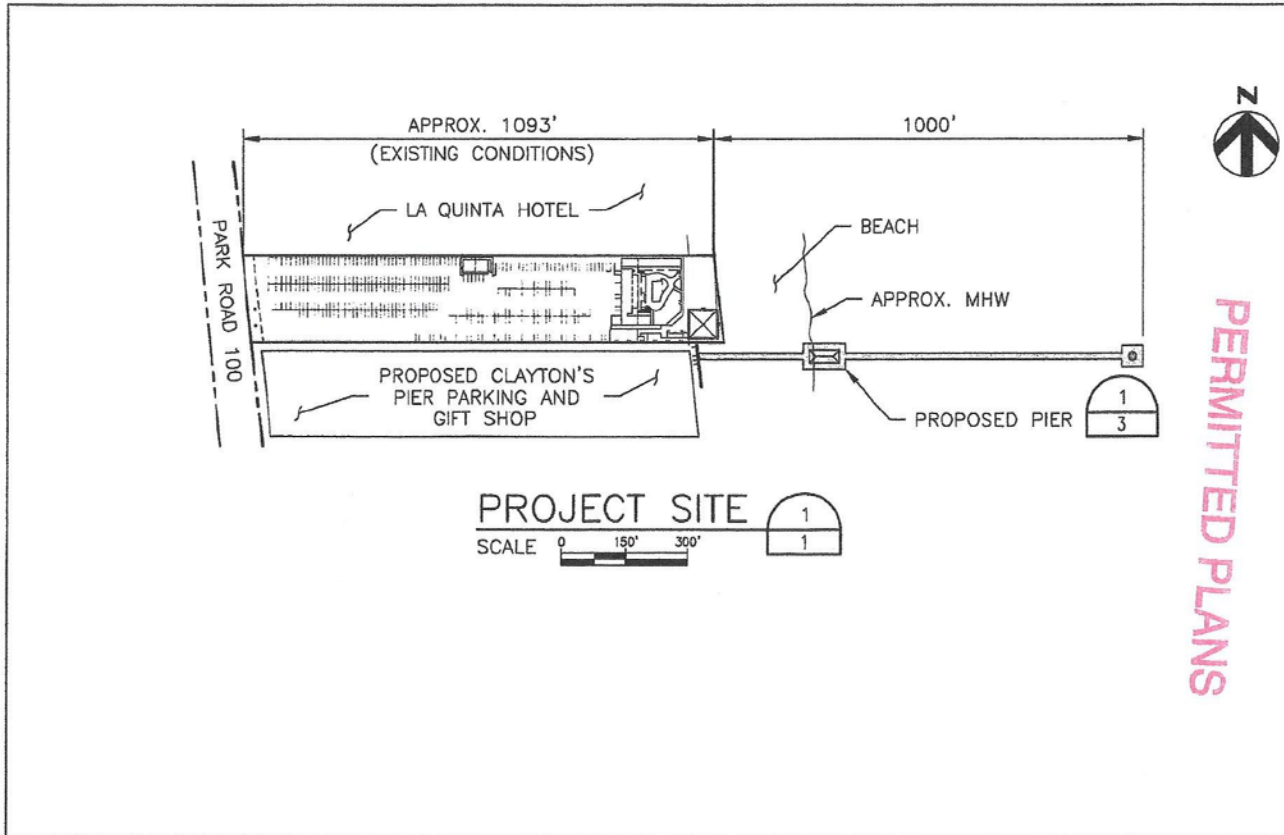
DATE
05/13/15

| REFERENCE SHEET

REFERENCE DOCUMENT

SHEET NUMBER

1 of 4



SMG-2012-00963

SMG-2012-00963
Sheet 2/4



PROJECT TITLE CLAYTON'S BEACH BAR AND GRILL

SHEET TITLE
CONSTRUCT WOODEN ELEVATED PIER

PROJECT NUMBER
194870

PROJECT MANAGER

DATE
05/13/15

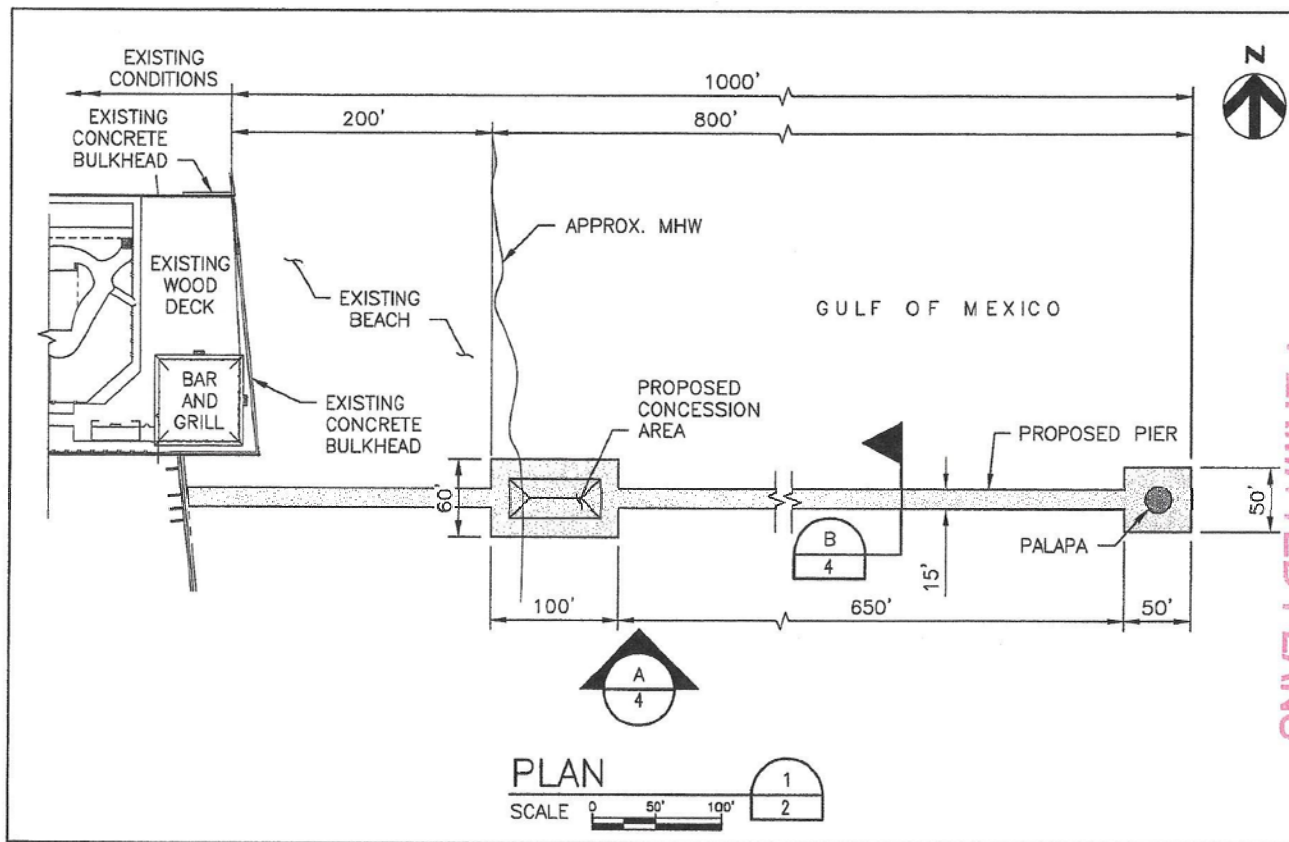
REFERENCE SHEET

REFERENCE DOCUMENT

SHEET NUMBER

2 of 4





PERMITTED PLANS

SWG-2012-00963

Sheet 3/4
SWG-2012-00963

HDR
Texas P.E. Firm
Registration No. F-754

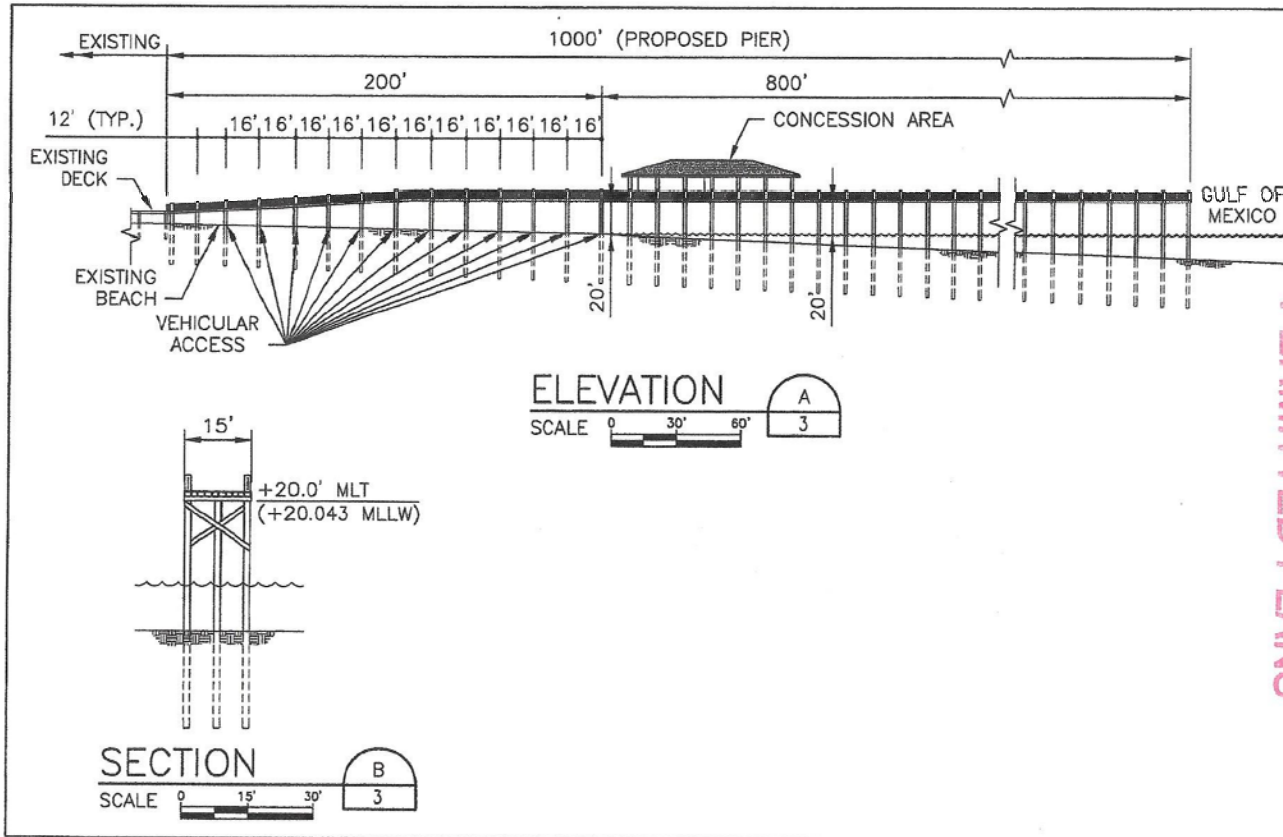
PROJECT TITLE CLAYTON'S BEACH BAR AND GRILL
SHEET TITLE
CONSTRUCT WOODEN ELEVATED PIER

PROJECT NUMBER
194870
PROJECT MANAGER
DATE
05/13/15

REFERENCE SHEET
REFERENCE DOCUMENT
SHEET NUMBER

3 of 4





PERMITTED PLANS

SWG-2012-00963

SWG-2012-00963
Sheet 4/4



PROJECT TITLE CLAYTON'S BEACH BAR AND GRILL

SHEET TITLE
CONSTRUCT WOODEN ELEVATED PIER

PROJECT NUMBER
194870
PROJECT MANAGER

DATE
05/13/15

REFERENCE SHEET

REFERENCE DOCUMENT

SHEET NUMBER

4 of 4

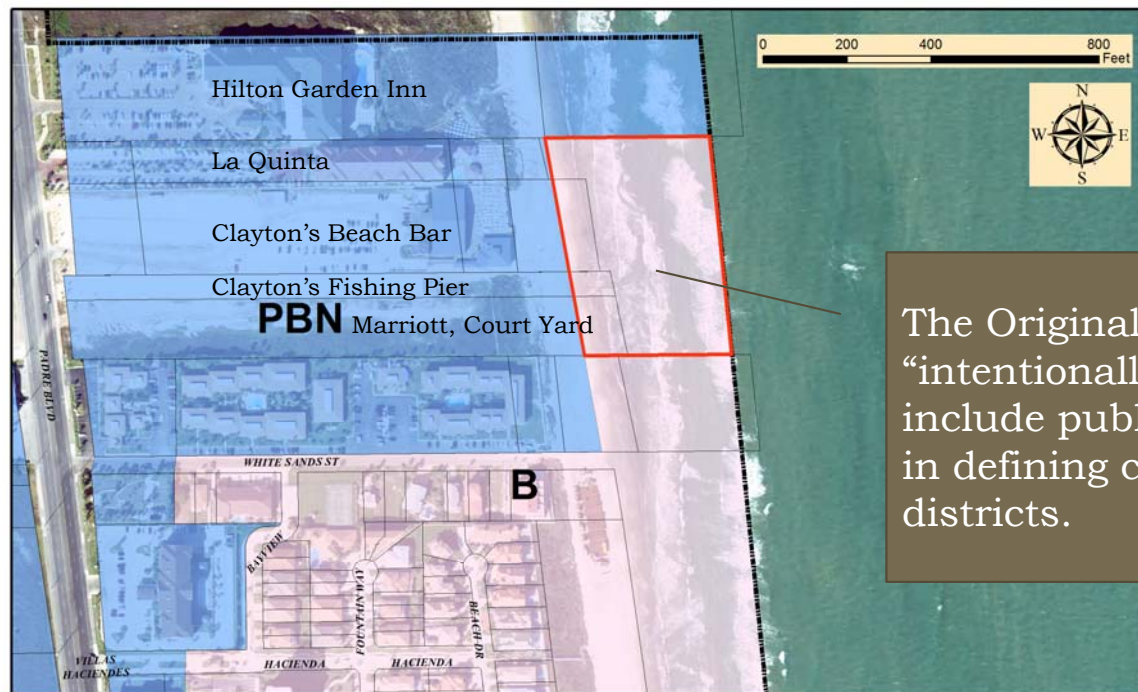


Rezoning (Use)

- The owner, Clayton Brashear, proposes a commercial use of the Fishing Pier.
 - the use of the concession



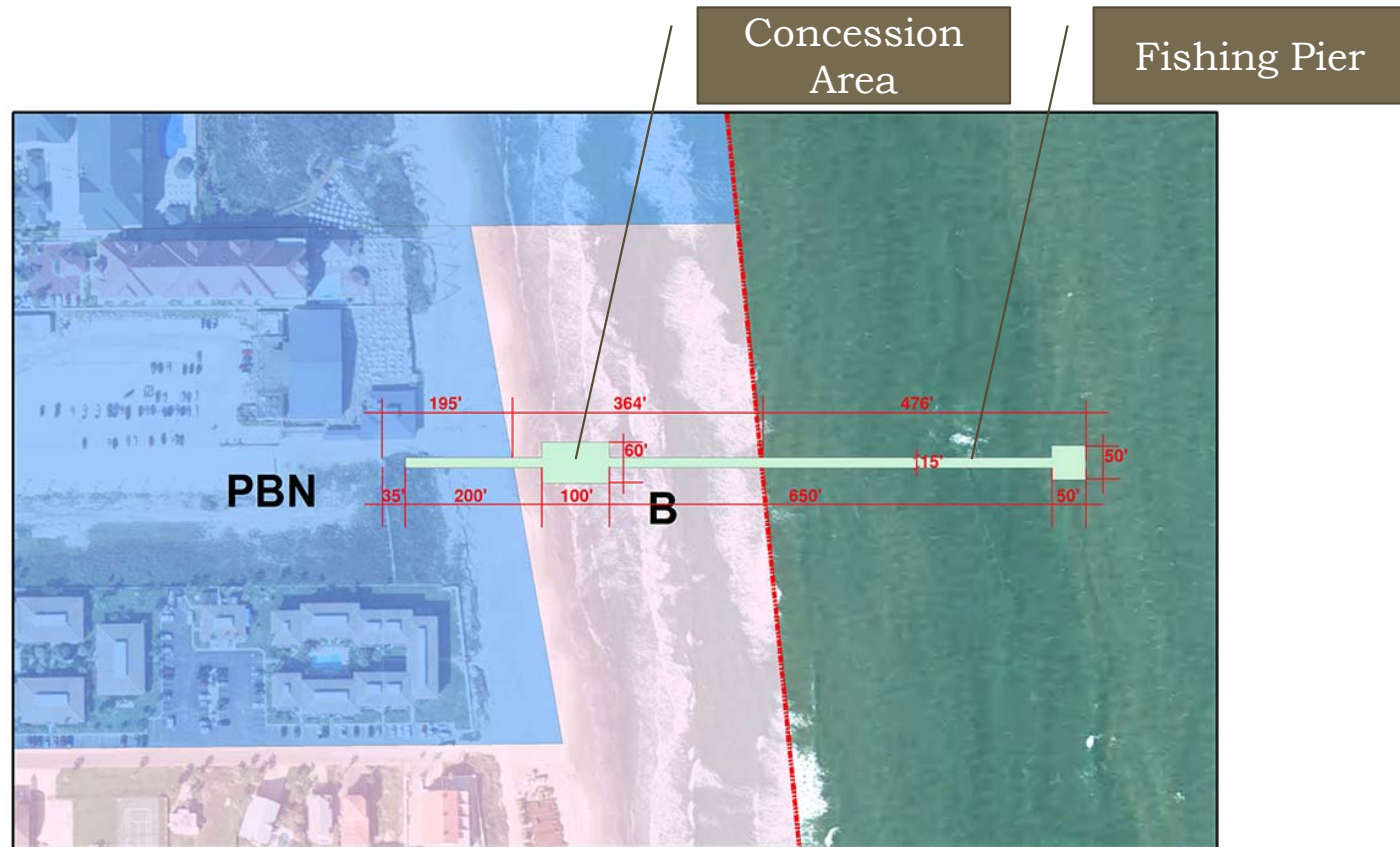
Current Zoning



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

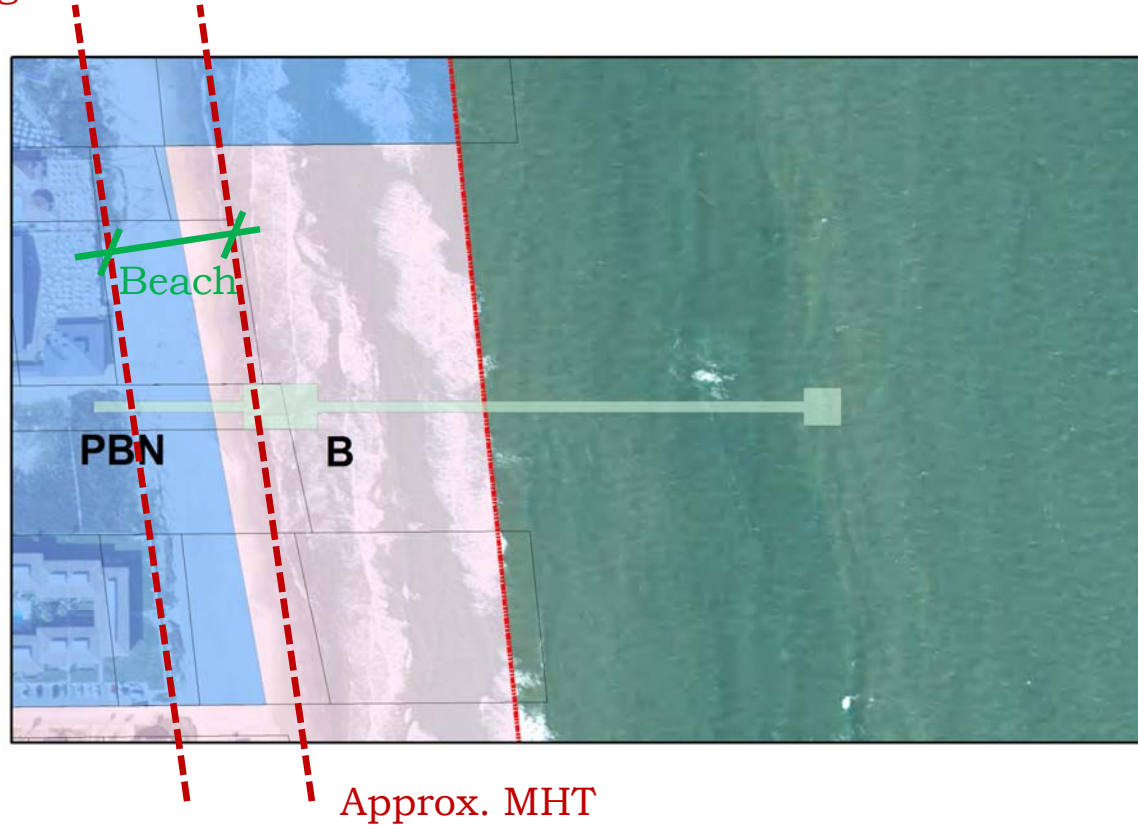


Proposed Uses

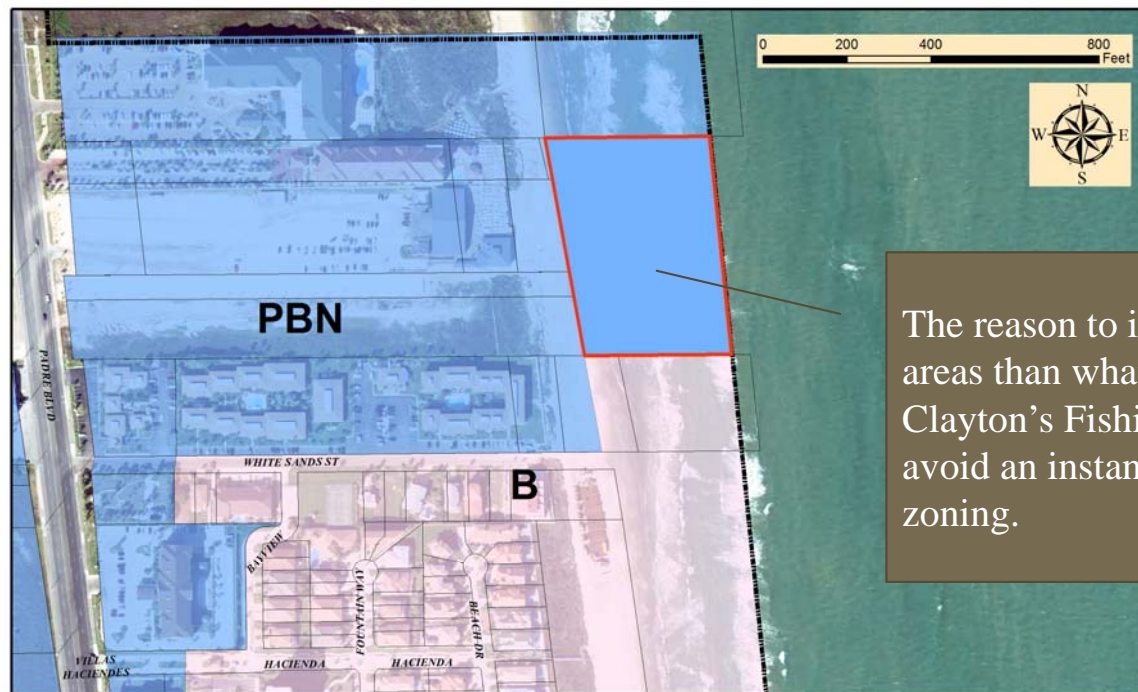


Location of the Pier Structure

Building Line



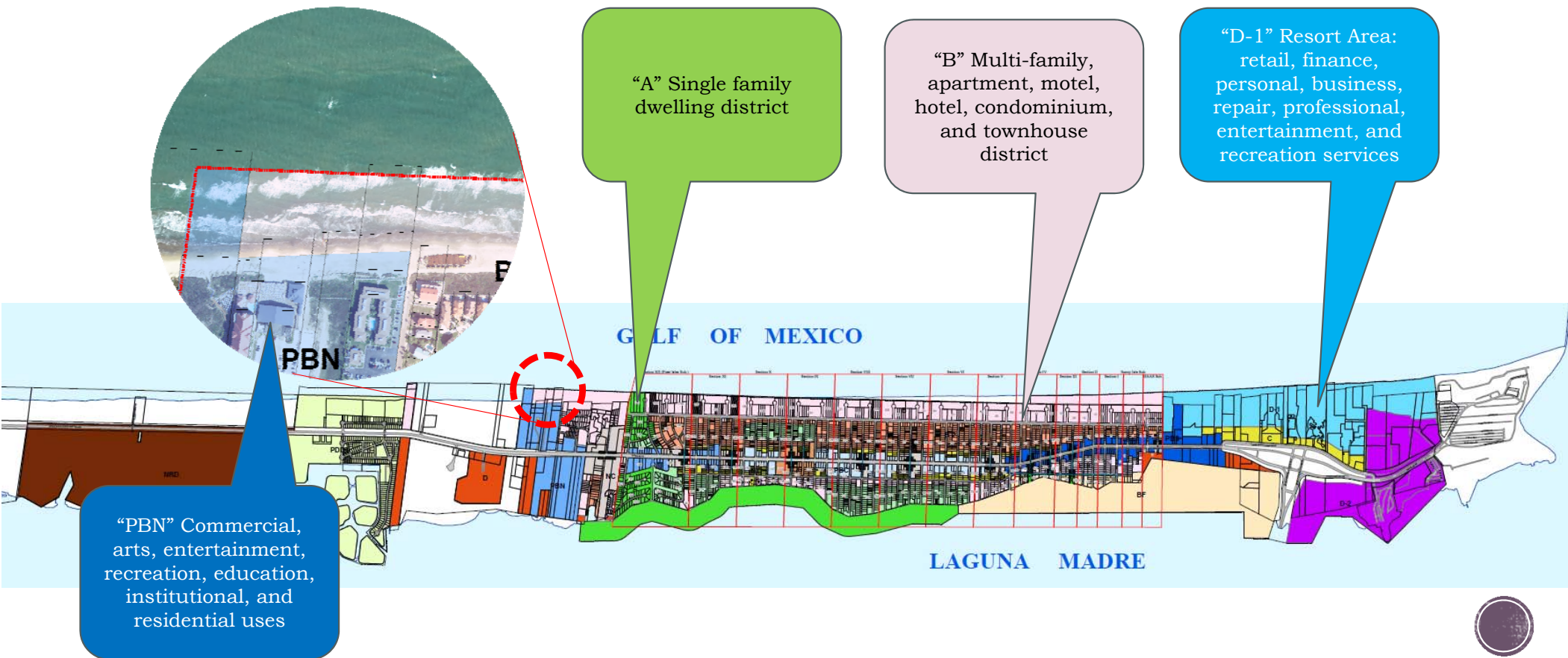
Proposed Rezoning



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



Encroachment (?)

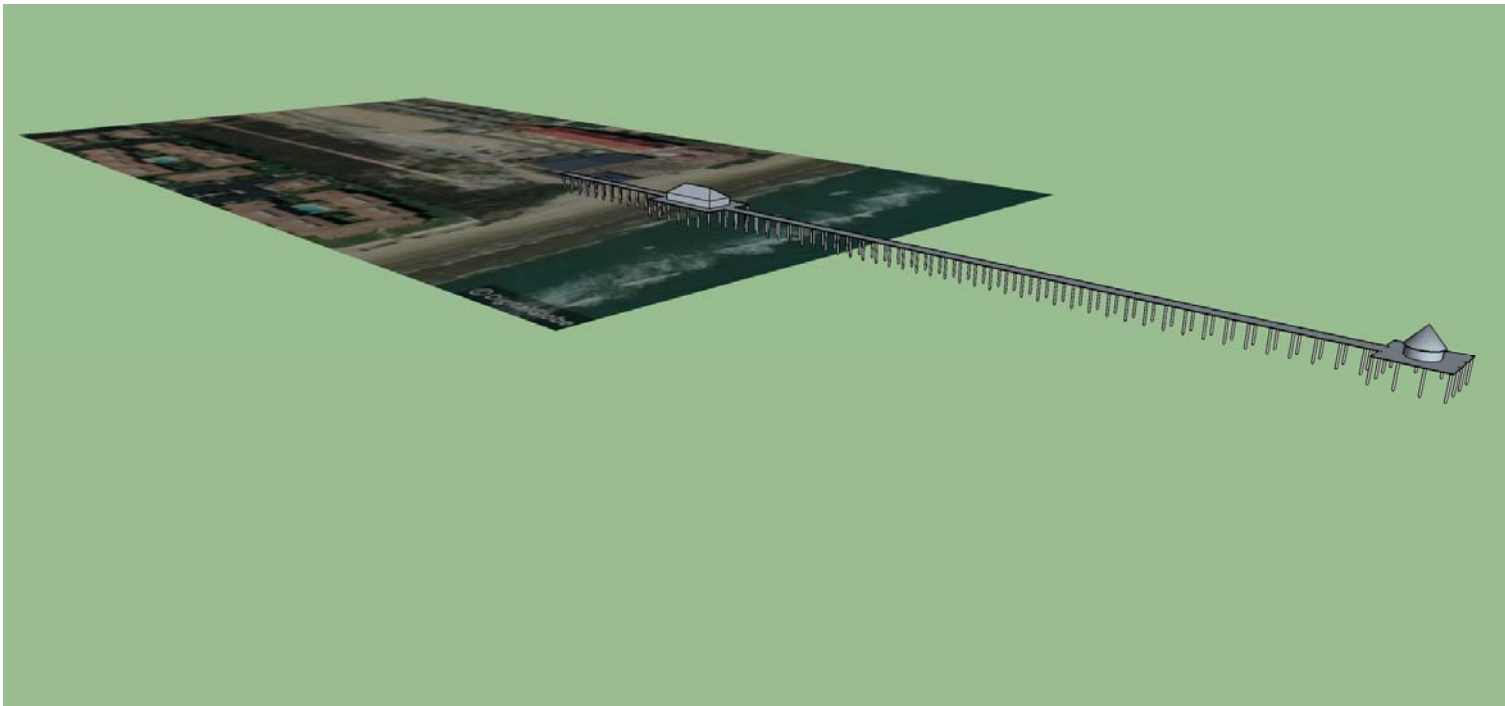


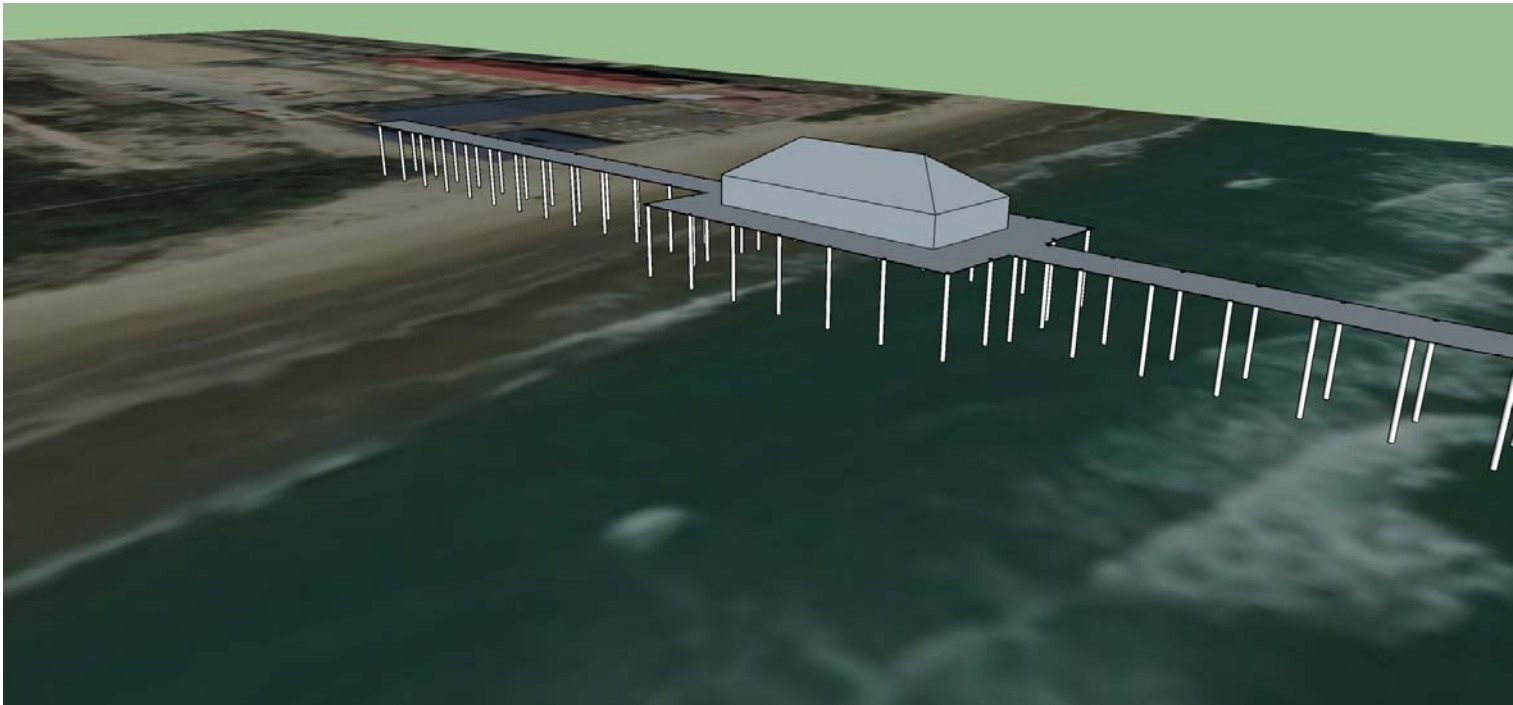
Other Regulations

- 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 directly impact on the use of the public beach.

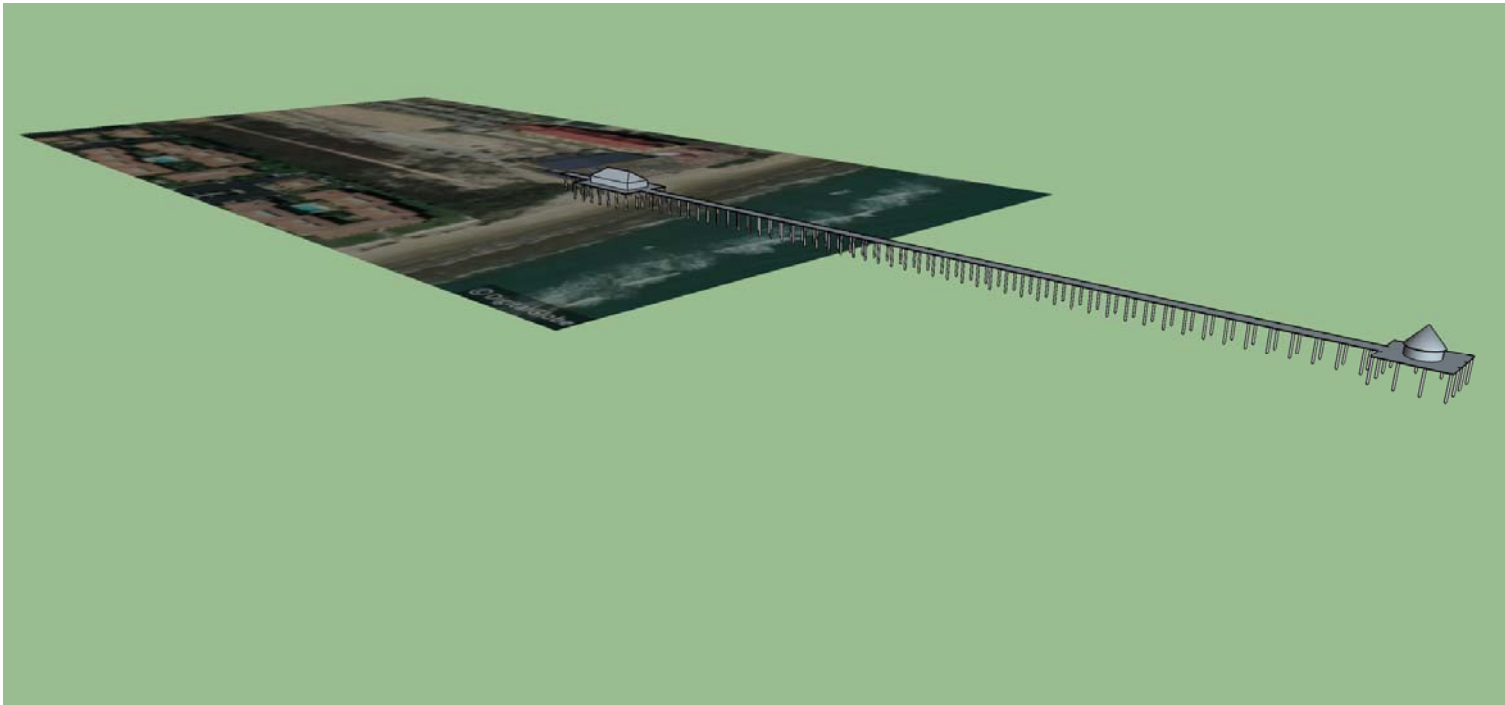


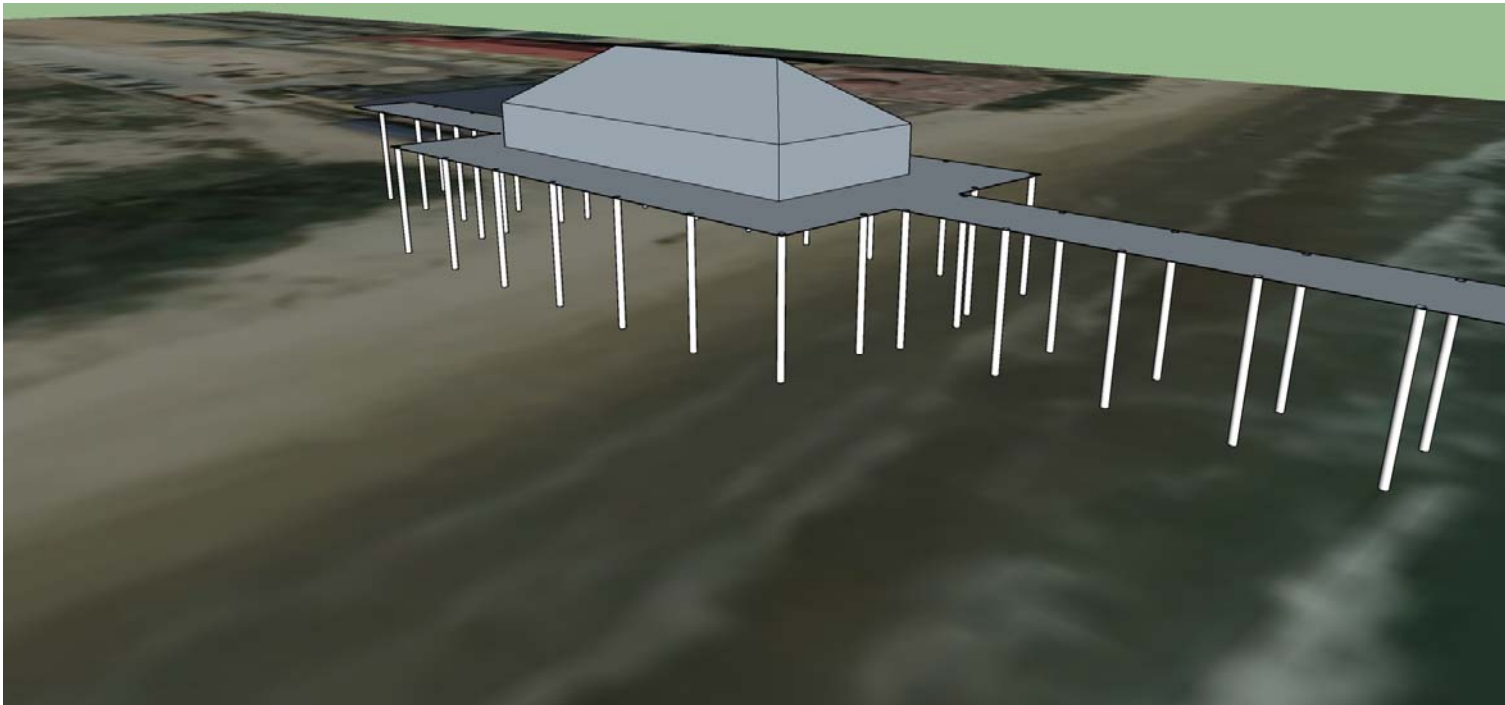
The Proposed:





If it moves to PBN (not recommended):





Staff Recommendation

- Staff recommends the Task Force approve the proposed Rezoning.
- The PBN designation will allow the use of a fishing pier through a specific use permit that will be discussed next.



DEVELOPMENT STANDARDS REVIEW TASK FORCE
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MEETING DATE: September 12, 2017

ITEM: 6

TO: Development Standards Review Task Force

FROM: Sungman Kim, Director of Development Services

ITEM DESCRIPTION:

Public hearing and discussion/action regarding a specific use permit for a private (commercial) fishing pier at East Tract 17, Padre Beach Estate Subdivision and submerged lands belong to the Texas General Land Office

DISCUSSION:

The Issue

This review of a specific use permit assumes that the rezoning to PBN has been approved. If the rezoning is not approved by the City Council at the end of the process, the review of this specific use permit will not be valid. This is a site specific review to control commercial activities on the private (commercial) pier, while protecting public health, safety and welfare.

Specific Use Permit

Table 5.1 (Schedule of Uses) of the Padre Boulevard and Entertainment District Code allows “outdoor amusement or theme park establishment including miniature golf, go-cart tracks, etc.” at the Padre Boulevard North Character Zone (PBN) through a Specific Use Permit. North American Industry Classification System (2017) defines "Fishing Pier" a part of "All Other Amusement and Recreation Industries (713990)" and this justifies this categorization.

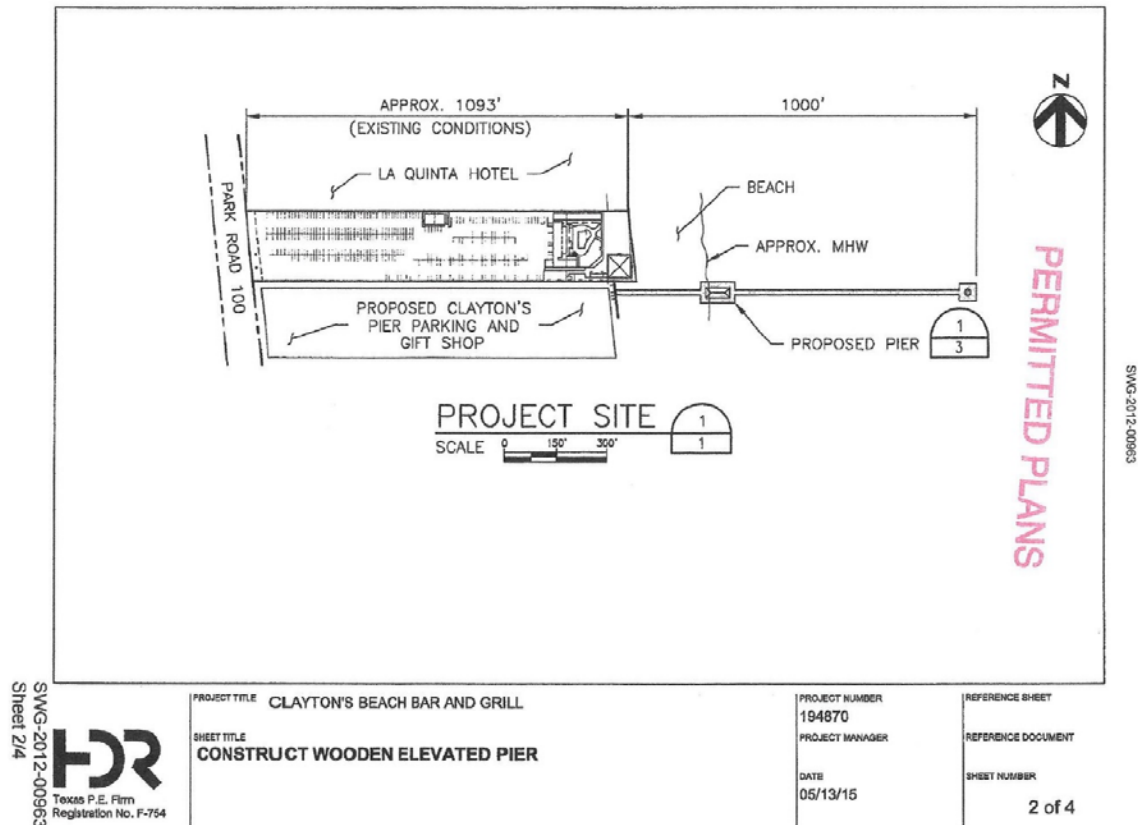
The purpose and intent of a Specific Use Permit is to authorize and regulate a use not normally permitted in a district which could be of benefit in a particular case to the general welfare, provided adequate development standards and safeguards are established for such use during the review of a Specific Use Permit application. [Sec. 20-24(A)(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. [Sec. 20-24(B)(2)]

DEVELOPMENT STANDARDS REVIEW TASK FORCE

Site Plan Review

The development consists of (1) Pier, (2) Concession, (3) Parking and (4) Gift Shop. The issues raised by citizens are (1) Sharks, (2) Public Safety, (3) Trash and (4) Parking/Traffic.



Staff Recommendation

Staff recommends the Task Force approve the specific use permit with the following conditions:

- (1) No-trash/safety signs shall be installed on the pier;
- (2) Trash bins shall be located for the convenience of the users;
- (3) The owner(s) proactively remove trash on the pier, beach and water area at least twice a day, and as necessary at any time during the day;
- (4) Fish cleaning areas shall be designated, and organic materials (scales, fins, heads, bones, guts, blood and/or dead fishes etc.) shall be disposed properly into a labeled waste container;
- (5) The concession area shall be the only place that commercial activities are allowed;
- (6) Suitably trained first-aid staff shall be available at all times that the premises are open to the public; and
- (7) The entire parking lot shall be paved and landscaped to be compliance with Chapter 20 Zoning of the City of South Padre Island Code of Ordinance.

ORDINANCE NO. 17-

AN ORDINANCE OF THE CITY OF SOUTH PADRE ISLAND, TEXAS, REFERRING TO THE SPECIFIC USE PERMIT BY MAKING A REFERENCE IN THE ZONING MAP OF THE CITY OF SOUTH PADRE ISLAND, TEXAS; PROVIDING FOR A SPECIFIC USE PERMIT FOR A PRIVATE (COMMERCIAL) FISHING PIER AT EAST TRACT 17, PADRE BEACH ESTATE SUBDIVISION AND SUBMERGED LANDS BELONG TO THE TEXAS GENERAL LAND OFFICE; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR A PENALTY OF UP TO TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH VIOLATION; PROVIDING FOR SEVERABILITY; AND AUTHORIZING PUBLICATION IN CAPTION FORM.

WHEREAS, the City Council of the City of South Padre Island ("City Council"), has investigated and determined the City of South Padre Island, Texas ("City") should refer to the Specific Use Permit by making a reference in the Zoning Map as provided herein and pursuant to a notice being duly posted according to law, conducted a public hearing wherein a request was made by Clayton Brashear (the "Applicant") to allow a Specific Use Permit for a Private (Commercial) Fishing Pier on a tract of land zoned Districts "PBN" (Padre Boulevard North);

WHEREAS, the tracts of land are in the City of South Padre Island, Texas, being East Tract 17, Padre Beach Estate Subdivision, and being more particularly described in Exhibit "A" attached hereto and incorporated herein for all purposes (the "Property");

WHEREAS, the City Council finds that Applicant has agreed to comply with all provisions of the ordinances of the City, including but not limited to the Zoning Ordinance, and has further agreed to comply with the additional restrictions set forth herein;

WHEREAS, the City Council has investigated and determined that it would be fair to accommodate the Private (Commercial) Fishing Pier by granting the Specific Use Permit;

WHEREAS, the Planning and Zoning Commission of the City and the City Council, in compliance with the laws of the State of Texas and the requirements of Sec. 20-18 of the City Code of Ordinances (Zoning) have given requisite notice by publication and otherwise, and holding due hearings and affording a full and fair hearing to all property owners generally and to all persons interested and situated in the affected area and in the vicinity thereof, and in the exercise of its legislative discretion have concluded that the Specific Use Permit should be referenced on the Zoning Map as required by Section 20-24 of the City Code of Ordinance;

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

Section 1. The findings set forth above are incorporated into the body of this Ordinance as if fully set forth herein.

Section 2. The locations of the Specific Use Permit are referenced on the Zoning Map as shown on Exhibit “A”.

Section 3. Applicant is granted a Specific Use Permit to allow a Private (Commercial) Fishing Pier. A condition of granting this Specific Use Permit is that the Applicant and the use of the land(s) must abide by each of the following:

1. No-trash/safety signs shall be installed on the pier;
2. Trash bins shall be located for the convenience of the users;
3. The owner(s) proactively remove trash on the pier, beach and water area at least twice a day, and as necessary at any time during the day;
4. Fish cleaning areas shall be designated, and organic materials (scales, fins, heads, bones, guts, blood and/or dead fishes etc.) shall be disposed properly into a labeled waste container;
5. The concession area shall be the only place that commercial activities are allowed;
6. Suitably trained first-aid staff shall be available at all times that the premises are open to the public; and
7. The entire parking lot shall be paved and landscaped to be compliance with Chapter 20 Zoning of the City of South Padre Island Code of Ordinance.

Section 4. All terms of this Specific Use Permit shall be complied with prior to issuance of a certificate of occupancy and shall be maintained thereafter. This Specific Use Permit will be declared null and void if:

1. Any failure to comply with any term or condition of this Ordinance, as it exists or may be amended; or
2. This Specific Use Permit was obtained by fraud or deception.

Section 5. This ordinance repeals all portions of any prior ordinances or parts of ordinances of the Code of Ordinances in conflict herewith.

Section 6. 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 7. 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 8. 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.

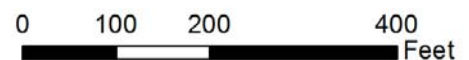
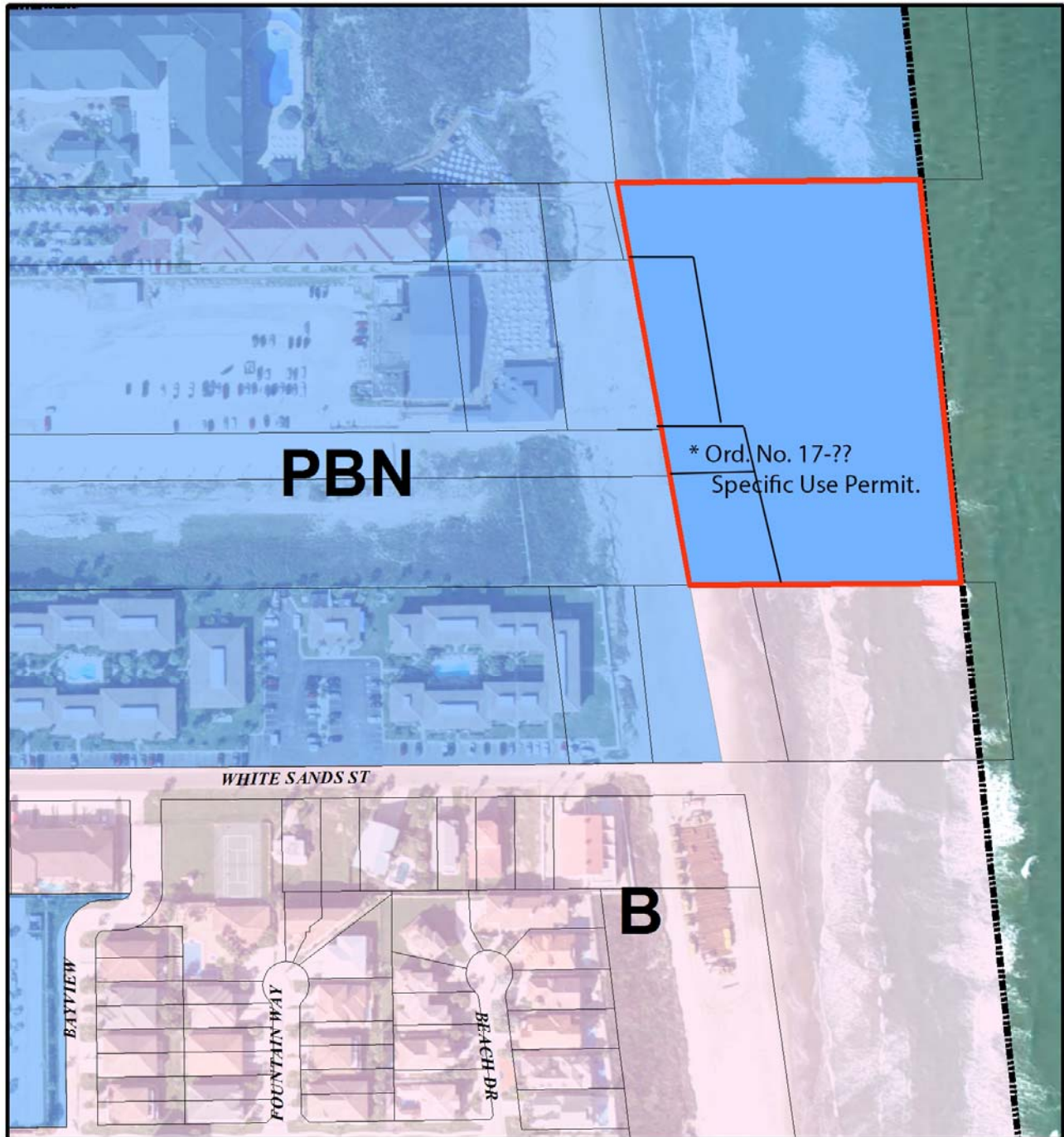
ATTEST:

CITY OF SOUTH PADRE ISLAND,
TEXAS

SUSAN HILL, CITY SECRETARY

BHARAT R. PATEL, MAYOR

Exhibit "A"



Specific Use Permit

Discussion and action regarding a specific use permit for a private (commercial) fishing pier at East Tract 17, Padre Beach Estate Subdivision and Submerged Lands Belong to the Texas General Land Office.



Assumption

- This review of a specific use permit assumes that the rezoning to PBN has been approved.
- If the rezoning is not approved by the City Council at the end of the process, the review of this specific use permit will not be valid.



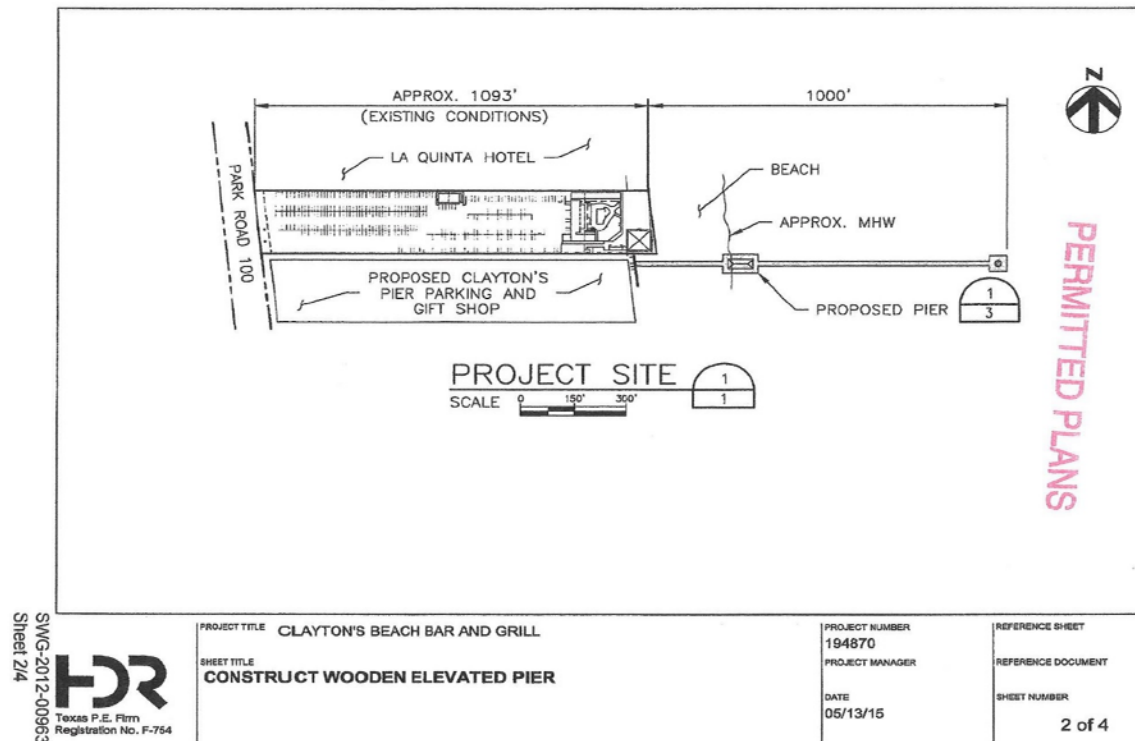
Specific Use Permit

- This is a site specific review.
- North American Industry Classification System (2017) defines "Fishing Pier" a part of "All Other Amusement and Recreation Industries (713990)" and this justifies this categorization.
- Table 5.1 (Schedule of Uses) of the Padre Boulevard and Entertainment District Code allows “outdoor amusement or theme park establishment including miniature golf, go-cart tracks, etc.” at the Padre Boulevard North Character Zone (PBN) through a Specific Use Permit.
- In authorizing the location of any of the uses listed as specific use permits, the City Council may impose 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. [Sec. 20-24(B)(2)]



Site Plan Review

- The development is consists of;
 - (1) Pier,
 - (2) Concession
 - (3) Parking, and
 - (4) Gift Shop.



Raised Issues

- The issues raised by citizens are (1) Sharks, (2) Public Safety, (3) Trash and (4) Parking/Traffic.



Staff Recommendation (SUP)

- Staff recommends the Task Force approve the specific use permit with the following conditions:
 1. No-trash/safety signs shall be installed on the pier;
 2. Trash bins shall be located for the convenience of the users;
 3. The owner(s) proactively remove trash on the pier, beach and water area at least twice a day, and as necessary at any time during the day;
 4. Fish cleaning areas shall be designated, and organic materials (scales, fins, heads, bones, guts, blood and/or dead fishes etc.) shall be disposed properly into a labeled waste container;
 5. The concession area shall be the only place that commercial activities are allowed;
 6. Suitably trained first-aid staff shall be available at all times that the premises are open to the public; and
 7. The entire parking lot shall be paved and landscaped to be compliance with Chapter 20 Zoning of the City of South Padre Island Code of Ordinance.

