NOTICE OF BOARD OF ADJUSTMENTS AND APPEALS REGULAR MEETING CITY OF SOUTH PADRE ISLAND

TUESDAY, JUNE 1, 2021 9:00 AM 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. Election of Chairman and Vice-Chairman.
- 4. Public Comments and Announcements.

This is an opportunity for citizens to speak to the Board relating to agenda or non-agenda items. Speakers are required to address the Board at the podium and give their name before addressing their concerns. [Note: State law will not permit the Board of Adjustments & Appeals (Zoning) 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 Board of Adjustments & Appeals (Zoning) meeting]

- 5. Regular Agenda
 - 5.1. Approve Minutes of December 1, 2020 Regular Meeting.
 - 5.2. PUBLIC HEARING: to discuss a request by Mark Radomsky owner for a variance from Section 20-7.1 (D) (2) of the City's Code of Ordinances. The applicant is requesting a variance to the side yard setback for the proposed installation of a swimming pool to be located at 129 E Venus Lane. (Lot 16, Block 128, Padre Beach Subdivision, Section IX)
 - 5.3. Discussion and action regarding a request by Mark Radomsky owner for a variance from Section 20-7.1 (D) (2) of the City's Code of Ordinances. The applicant is requesting a variance to the side yard setback for the proposed installation of a swimming pool to be located at 129 E Venus Lane. (Lot 16, Block 128, Padre Beach Subdivision, Section IX)
 - 5.4. PUBLIC HEARING: to discuss a request by Crystal Torres with The Crystal Rose Salon & Spa for a variance from Table 5.1 Schedule of Uses (Land Use) of the City's Padre Boulevard and Entertainment District Code. The applicant is requesting a variance to allow the application of all permanent and semi-permanent makeup services to be located at 5800 Padre Blvd Ste. 102. (Lots 1 5 Block 195, Fiesta Isles Subdivision / Padre Beach Subdivision, Section XII)
 - 5.5. Discussion and action regarding a request by Crystal Torres with The Crystal Rose Salon & Spa for a variance from Table 5.1 Schedule of Uses (Land Use) of the City's Padre Boulevard and Entertainment District Code. The applicant is requesting a variance to allow the application of all permanent and semi-permanent makeup services to be located at 5800 Padre Blvd Ste. 102. (Lots 1 5 Block 195, Fiesta Isles Subdivision / Padre Beach Subdivision, Section XII)

- 5.6. PUBLIC HEARING: to discuss a request by Joe Mendez with Elements Aqua LLC for a variance from Table 5.1 Schedule of Uses (Land Use) of the City's Padre Boulevard and Entertainment District Code. The applicant is requesting a variance to allow the application of permanent makeup services to be located at 3200 Padre Blvd. (Lot 38 Block 76, Padre Beach Subdivision, Section VI)
- 5.7. Discuss and action regarding a request by Joe Mendez with Elements Aqua LLC for a variance from Table 5.1 Schedule of Uses (Land Use) of the City's Padre Boulevard and Entertainment District Code. The applicant is requesting a variance to allow the application of permanent makeup services to be located at 3200 Padre Blvd. (Lot 38 Block 76, Padre Beach Subdivision, Section VI)
- 6. Adjourn

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.

DATED THIS THE 28TH DAY OF MAY 2021

Marta Martinez, Assistant City Secretary

I, THE UNDERSIGNED AUTHORITY, DO HEREBY CERTIFY THAT THE ABOVE NOTICE OF MEETING OF THE BOARD OF ADJUSTMENTS AND APPEALS OF THE CITY OF SOUTH PADRE ISLAND, TEXAS IS A TRUE AND CORRECT COPY OF SAID NOTICE AND THAT I POSTED A TRUE AND CORRECT COPY OF SAID NOTICE ON THE BULLETIN BOARD AT CITY HALL/MUNICIPAL BUILDING ON MAY 28, 2021, AT/OR BEFORE 5:00 PM AND REMAINED SO POSTED CONTINUOUSLY FOR AT LEAST 72 HOURS PRECEDING THE SCHEDULED TIME OF SAID MEETING.



artinez, 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, GEORGE MARTINEZ AT (956)761-8103.

MEETING DATE: June 1, 2021

NAME & TITLE: Marta Martinez

DEPARTMENT: Planning/Parks & Rec. Department

ITEM

Approve Minutes of December 1, 2020 Regular Meeting.

ITEM BACKGROUND

Approve December 1, 2020 Minutes

BUDGET/FINANCIAL SUMMARY N/A

COMPREHENSIVE PLAN GOAL N/A

LEGAL REVIEW Sent to Legal: No Approved by Legal: No

MEETING MINUTES CITY OF SOUTH PADRE ISLAND BOARD OF ADJUSTMENTS & APPEALS (ZONING)

TUESDAY, DECEMBER 1, 2020

1. CALL TO ORDER

The Board of Adjustments & Appeals (Zoning) of the City of South Padre Island, Texas held a Regular Meeting on Tuesday, December 1, 2020 at the Municipal Complex Building, 2nd Floor, 4601 Padre Boulevard, South Padre Island, Texas. Chairman Paul Fedigan called the meeting to order at 9:00 a.m. A quorum was present: Board Members Carol Bolstad, Chris Huffman, Cain Mahan, and Alternate Board Member Abby Mahan. Board Member with an excused absence was Jerry Pace.

City staff Members present were City Manager Randy Smith, Public Works Director C. Alejandro Sanchez, and Administrative Assistant Marta Martinez.

2. PLEDGE OF ALLEGIANCE

Chairman Paul Fedigan led those present in the Pledge of Allegiance.

3. PUBLIC COMMENTS AND ANNOUNCEMENTS.

None.

4. **REGULAR AGENDA**

4.1 APPROVE MINUTES OF JUNE 2, 2020 REGULAR MEETING.

Board Member Bolstad made a motion, seconded by Board Member Mahan to approve the June 2, 2020 regular meeting minutes as submitted. Motion passed with a 4:0:1 vote. Alternate Board Member A. Mahan abstained.

5.4 PUBLIC HEARING: TO DISCUSS A REQUEST BY RONALD WEISFELD FOR A VARIANCE FROM SECTION 1.5 OF THE CITY'S PADRE BOULEVARD AND ENTERTAINMENT DISTRICT CODE / DESIGN GUIDELINES. THE APPLICANT IS REQUESTING A VARIANCE TO THE PUBLIC ART STANDARDS WHICH REQUIRES A 1% MINIMUM OF PROJECT VALUE DEDICATED TO PUBLIC ART. THE APPLICANT PROPOSES ADDITIONAL LANDSCAPING IN LIEU OF PUBLIC ART STANDARDS FOR 1903 LAGUNA BLVD AND 200 W CORRAL ST. (LOTS 1 & 2, BLOCK 8, PADRE BEACH SUBDIVISION, SECTION I) Chairman Fedigan opened the public hearing at 9:01 a.m. and asked if anyone wish to speak in favor or against this agenda item. Ronald Weisefeld spoke in favor of the agenda item. Chairman Fedigan then closed the public hearing at 9:12 a.m.

5.5 DISCUSS A REQUEST BY RONALD WEISFELD FOR A VARIANCE FROM SECTION 1.5 OF THE CITY'S PADRE BOULEVARD AND ENTERTAINMENT DISTRICT CODE / DESIGN GUIDELINES. THE APPLICANT IS REQUESTING A VARIANCE TO THE PUBLIC ART STANDARDS WHICH REQUIRES A 1% MINIMUM OF PROJECT VALUE DEDICATED TO PUBLIC ART. THE APPLICANT PROPOSES ADDITIONAL LANDSCAPING IN LIEU OF PUBLIC ART STANDARDS FOR 1903 LAGUNA BLVD AND 200 W CORRAL ST. (LOTS 1 & 2, BLOCK 8, PADRE BEACH SUBDIVISION, SECTION 1)

Chairman Fedigan announced the item from the agenda and opened it up for discussion by the Board. Ronald Weisfeld applicant is requesting a variance to the Public Art Standards. The applicant proposes additional landscaping in lieu of Public Art. After much discussion regarding the variance request, Board Member Bolstad made a motion, seconded by Chairman Fedigan to approve landscaping with Royal palms equivalent to \$6,700.00 on Lot 1 only in lieu of Public Art Standards. The motion carried unanimously

5. ADJOURN

There being no further business, Board Member Bolstad made a motion, seconded by Board Member Mahan to adjourn the meeting. The meeting was adjourned at 9:54 p.m.

Marta Martinez, Secretary

Paul Fedigan, Chairman

MEETING DATE: June 1, 2021

NAME & TITLE: Alex Sanchez, Public Works Director

DEPARTMENT: Planning/Parks & Rec. Department

ITEM

PUBLIC HEARING: to discuss a request by Kelly Norman or Randy with South Texas Pools for a variance from Section 20-7.1 (D) (2) of the City's Code of Ordinances. The applicant is requesting a variance to the side yard setback for the proposed installation of a swimming pool to be located at 129 E Venus Lane. (Lot 16, Block 128, Padre Beach Subdivision, Section IX)

ITEM BACKGROUND

- 1. The Chairman opens the Public Hearing.
- 2. Staff presents information regarding the proposed variance request.
- 3. Presentations and/or comments from the public.
- 4. The Chairman closes the public hearing and moves to the next item on the agenda.

Please keep in mind that the purpose of a public hearing is to allow the public to have input on the agenda item. Discussion and action by the Board will be addressed under the next item on the agenda. Therefore, the Board should refrain from treating the public hearing as a period for Board discussion.

Staff has received one letter in opposition from the public regarding the proposed variance request.

BUDGET/FINANCIAL SUMMARY N/A

COMPREHENSIVE PLAN GOAL N/A

LEGAL REVIEW Sent to Legal: No Approved by Legal: No

MEETING DATE: June 1, 2021

NAME & TITLE: Alex Sanchez, Public Works Director

DEPARTMENT: Planning/Parks & Rec. Department

ITEM

Discussion and action regarding a request by Kelly Norman or Randy with South Texas Pools for a variance from Section 20-7.1 (D) (2) of the City's Code of Ordinances. The applicant is requesting a variance to the side yard setback for the proposed installation of a swimming pool to be located at 129 E Venus Lane. (Lot 16, Block 128, Padre Beach Subdivision, Section IX)

ITEM BACKGROUND

The applicant is requesting to encroach into the side yard setback to install a swimming pool. The property is zoned B-2 Residential & Multi-Family District. The Zoning Ordinance states that there shall be a side yard setback of five (5) feet.

The Board will need to determine if the applicant has adequately demonstrated a hardship, or that the code is sufficiently ambiguous. Notice of this request and the hearing were given to the public in accordance with Section 20-16.1 and staff has received one response. Please remember to state for the record your reason(s) for approval and/or denial.

BUDGET/FINANCIAL SUMMARY N/A

COMPREHENSIVE PLAN GOAL N/A

LEGAL REVIEW Sent to Legal: No Approved by Legal: No

Marta Martinez <mmartinez@myspi.org>

129 E Venus

Sat, May 15, 2021 at 2:47 PM

Variance Request

1 message

Lot 16 Block 128

jvanovermeer <jvanovermeer@aol.com> To: MMartinez@myspi.org

We vote No. The lots are small and it could change the property values in the area. Al and Jan Van Overmeer

Sent from the all new AOL app for iOS

Chapter 20 - ZONING^[1]

Sec. 20-7.1. - District "B-2"—Residential & Multi-family Dwelling District.

- (A) Area, width, and depth of lots, sanitation and temporary building provisions are the same as District "A", except townhouse lots must have a minimum frontage of twenty five (25) feet; a minimum width of twenty-five (25) feet; a minimum depth of one hundred (100) feet; and a minimum area of two thousand five hundred square feet (2,500 sq. ft.).
- (B) Use Regulations. In District "B-2", no land shall be used and no buildings shall be erected for or converted to any use other than:
 - (1) Single family dwellings, multi-family dwellings; apartment buildings, condominiums and Townhomes.
 - (2) Incidental uses to any of the above specified uses include, but are not limited to, customary home occupations when engaged in by the private dwelling occupant. Said incidental use, however, shall never be permitted as a principal use, but only as a secondary use when indispensably necessary to the enjoyment of the premises by the private dwelling occupant.
 - (3) Special Exceptions: Public Service Facility.
 - (4) Specific Use Permit: Off-site parking spaces in excess of required spaces from a different zoning district.
- (C) Height regulations. No building shall exceed three stories. The height shall be restricted to fifty (50) feet above the FEMA Base Flood Elevation.

(D) Area regulations:

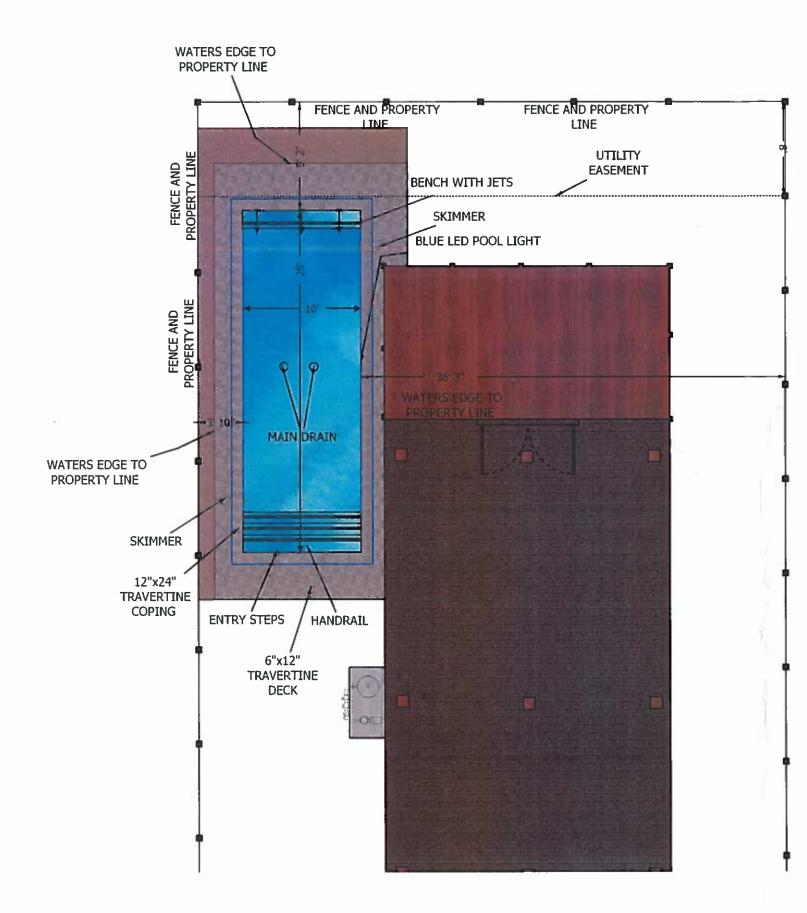
- (1) *Front yards.* Same as District "A" (minimum of 25 feet), except that all lots fronting the west side right-of-way line of Gulf Boulevard may have a front yard setback of ten (10) feet from the property line abutting the west Gulf Boulevard right-of-way line.
- (2) Side Yards. Same as District "A" (minimum of 5 feet).
- (3) Rear yards. Same as District "A" (minimum of 20 feet), except that the structure may have decks and/or balconies extending within 10 feet of the rear property line, as long as said decks or balconies are not enclosed and shall only have such enclosures thereabouts as may be required as a good building practice. Any open deck or patio that undertakes to extend beyond the 20 feet rear yard setback within 10 feet of the rear property line as provided for above, shall only be erected or placed in such a manner after a permit specifically therefore is issued by the Building Inspector. The open deck allowed within said area may not in any manner be enclosed, and by way of illustration and not by limitation, such as awnings, shutters, walls or having fixtures or any other type of device other than that which is required as a safety measure under the Building Codes. Any subsequent enclosure on a lawfully extended deck hereunder shall be deemed a violation of this Ordinance.
- (4) Size of structure. The minimum size of structure is twelve hundred (1,200) square feet.
- (E) Any condominium building which exists on Feb 1, 2010 that does not conform to the height limitations of this District shall be deemed a conforming structure and may re-build to the same size and height that it was on Feb 1, 2010.
- (F) Any structure which exists on Feb 1, 2010 that does not conform to the standards of this District shall be deemed a conforming structure and may re-build to the same size and height that it was on Feb 1, 2010.
- (G) Any land use that exists on Feb 1, 2010 that does not conform to the standards of the B-2 District shall be deemed a conforming use and may continue the use as it was on Feb 1, 2010.

Sec. 20-13. - Setback area—Special regulations and uses.

(A) Setbacks—Area Not To Be Used. No vertical structures or manufacture of any kind, temporary or permanent, or any types of goods, wares or merchandise of any kind, nor other property of any kind, will be placed within the setback requirements required by this code, except for fences, signs, trash pads, walks, linen cabinets as detailed in Section 20-13(E) below and retaining walls and the sideyard setback may have placed in it swimming pool equipment, trash pads, walks, shower pads and air conditioning equipment not to exceed first floor level. The rear yard setback may have placed in it a swimming pool equipment and shower pads, pool railings, water features, water pumps, swimming pool equipment and shower pads, provided those accessories are to be used solely by occupants of the dwelling(s) and their guests and shall not exceed 6.5 feet in height when located within 10 feet of a property line. The setback area shall be that portion of the property between a public right-of-way or lot line and the permissible building line for that piece of property.

(

	SPI PUBLIC WORKS/PLANNING/BUILDING	DEPARTMENT
	BOARD OF ADJUSTMENT & APPEALS AT	PPLICATION
	APPLICANT INFORMATION 956-730-6598 OWNER INFORMA	ATION
	Name Mark Radomsky / Royce SouthTerns Name Mark R Fools	adomsky
	Mailing Address 5358 Blue Bill Park DR. Mailing address 129	
	City, State, Zip Machigan, Wi, 53704 City, State, Zip SPJ	
	Phone number <u>847-942-8573</u> Phone number <u>847-</u>	942-8573
	Fax number Fax number	
	Email Address MtRadomsky Egmail.com Email Address utra	demasky Camelicon
	SITE LOCATION FOR REQUEST: royce @ south texaspools.com	
	Physical Address (Street Name & Number): 129 E Venus, SPJ	
	Legal Description (Lot / Block / Subdivision): Lot 14 BIK 128 P	B Secly
	I hereby request the following from the Board of Adjustment and Appeals: _5	winning Part &
	power decking Request	0
	In addition, the application requires the submission of the following:	For Internal use only:
250	 \$100 application fee per variance or special exception request. \$ Survey of Improvements of the Subject Property. 	Amount Paid: Paid Cash / Check No.
	♦ Copy of Floor Plan of structure proposed to be constructed or expanded.	Date Received:
	 Photographs of the site. And any additional information to more clearly understand the request. 	
	Note: Applicants are required to fully disclose in the application all information that is make their determination prior to issuance of any permit. At a minimum, an ap Exception shall contain ten (10) copies of the information outlined above. All informat twenty (20) days prior to the meeting date. All fees must be paid prior to the Board rev If Staff determines that the application is incorrect, incomplete, illegible, or in any way understanding of the variance or special exception, staff shall return the application to	plication for a variance or Special ion must be submitted no later than iewing the application. y inadequate to insure the complete
	Applicant's Name (Please Print) Rayce Morinan Owner's Name (Please Prin Applicant's Signature: Royce Monthease Owner's Signature: Much Date: 4-20-21 Date: 4-20-21	1)1 Maak Radousty









Received

APR 7 2021

City of South Padre Island Inspections Department











<u>3321 W. Expressway 83. East Frontage Rd.</u> <u>La Feria. Texas. 78559</u> (956) 797-1190 <u>WWW.SouthTexasPools.com</u>

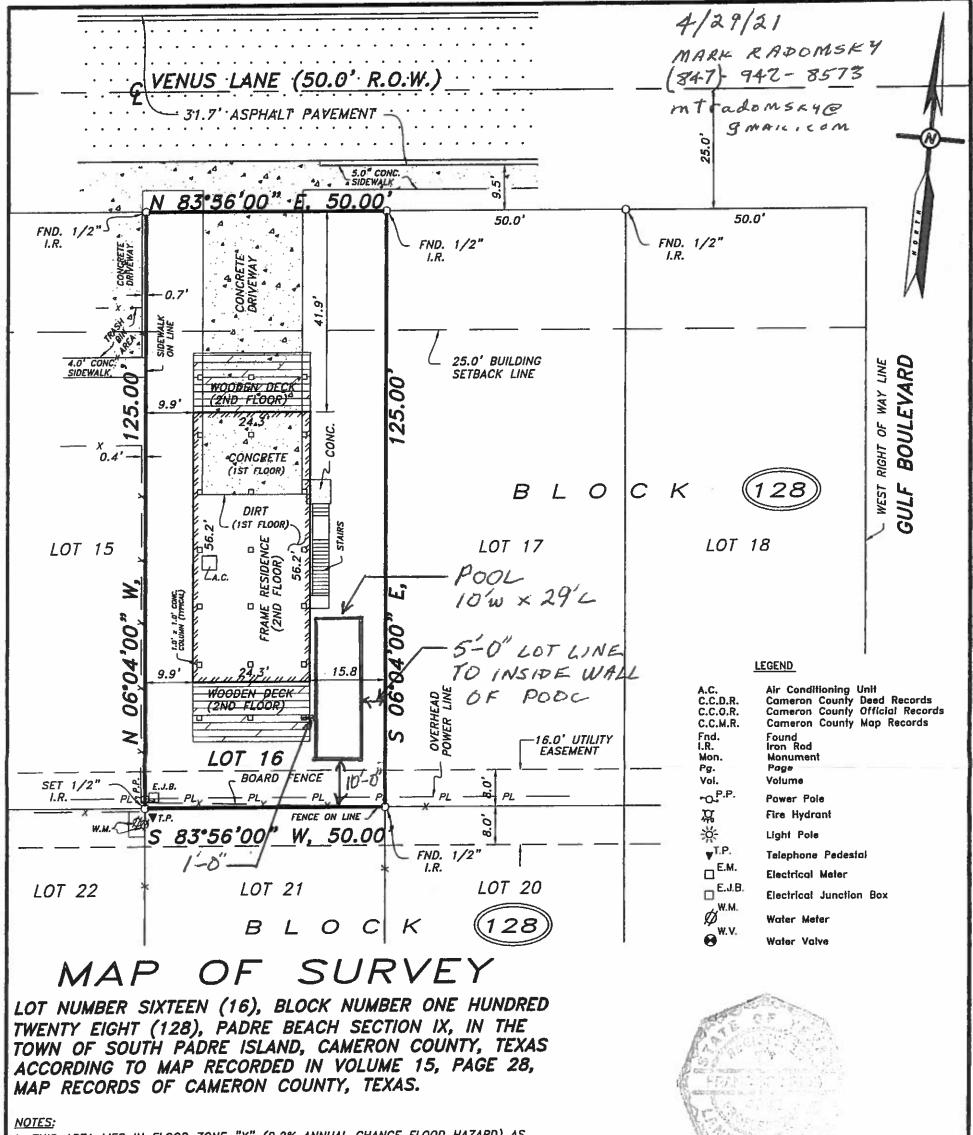
Drawing Disclaimer. Materials that are shown are for visual reference/presentation only. Must choose Materials. The Design is intended to give the Customer a visual reference of the project and what is shown may or may not be included per contract. Please reference Estimate of Contract for what is included. Also note the Landscape, Furniture, and other items are not included unless listed on the Estimate or Contract, they are typically placed in the Drawing as a visual aid.

Always see the Estimate for items listed for what is included in the scope of the Project.

	Pools
COUNT:	1
ENVELOPE	
PERIMETER	78'
AREA:	
	7.301 gallons
COPING AREA:	82 ft ²
	Hardscapes
COUNT:	1
	106' 11"
	236.23 ft ²
	Project Info
PROJECT NAME:	Randomsky, Mark & Ernestine
CLIENT NAME:	Mar & Ernestine Ramdomsky
ADDRESS	129 E Venus Ln
CITY	South padre island
	Texas
ZIP/POSTAL CODE	
	David Miranda
	SouthTexasPools

	Pool De	epth Profile	
3ft.		4ft.	lît.
	14ft, 4in,	14ft. 8in	•

12



1. THIS AREA LIES IN FLOOD ZONE "X" (0.2% ANNUAL CHANCE FLOOD HAZARD) AS

SCALED PER FIRM COMMUNITY PANEL NUMBER: 48061CUSIUF, EFFECTIVE DATE: FEBRUARY 16, 2018.

- 2. ALL BEARINGS ARE BASED ON THE MAP OF PADRE BEACH SECTION IX, AS RECORDED IN VOLUME 15, PAGE 28 OF THE MAP RECORDS, CAMERON COUNTY, TEXAS.
- 3. EASEMENT AND RIGHT OF WAY TO CENTRAL POWER AND LIGHT COMPANY, AS RECORDED IN VOLUME 705, PAGE 76, OF THE OFFICIAL RECORDS, CAMERON COUNTY, TEXAS (BLANKET).
- 4. EASEMENT AND RIGHT OF WAY TO CENTRAL POWER AND LIGHT COMPANY, AS RECORDED IN VOLUME 14747, PAGE 164 OF THE OFFICIAL RECORDS, CAMERON COUNTY, TEXAS (BLANKET).

SURVEYED FOR:

MARK T. RADOMSKY AND ERNESTINE RADOMSKY

PROPERTY ADDRESS:

129 E. VENUS LANE SOUTH PADRE ISLAND TEXAS 78597.

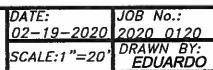
RIO GRANDE VALLEY ABSTRACT G.F. NO. 202089444

RIOS SURVEYING L.L.C. FIRM NUMBER: 10117600 EMAIL: RIOS_SURVEYING@SBCGLOBAL.NET I HEREBY CERTIFY THAT THIS PLAT WAS PREPARED FROM AN ACTUAL SURVEY MADE ON THE GROUND ON 02-19-2020 BY MEN WORKING UNDER MY SUPERVISION AND THAT THERE ARE NO VISIBLE ENCROACHMENTS, VISIBLE OVERLAPPING, APPARENT CONFLICTS OR VISIBLE EASEMENTS ON SAID PROPERTY EXCEPT AS SHOWN HEREON. THIS SURVEY SUBSTANTIALLY COMPLIES WITH THE CURRENT TEXAS SOCIETY OF PROFESSIONAL SURVEYORS STANDARDS AND SPECIFICATIONS FOR A CATEGORY 1A CONDITION II SURVEY.

No.M marsho

FRANCISCO RIOS REGISTERED PROFESSIONAL LAND SURVEYOR REGISTRATION NO. 4642

221 SOUTH OSCAR WILLIAMS ROAD SAN BENITO, TEXAS 78586 (956)361-9179, FAX (956)361-9254



MEETING DATE: June 1, 2021

NAME & TITLE: Alex Sanchez, Public Works Director

DEPARTMENT: Planning/Parks & Rec. Department

ITEM

PUBLIC HEARING: to discuss a request by Crystal Torres with The Crystal Rose Salon & Spa for a variance from Table 5.1 - Schedule of Uses (Land Use) of the City's Padre Boulevard and Entertainment District Code. The applicant is requesting a variance to allow the application of all permanent and semi-permanent makeup services to be located at 5800 Padre Blvd Ste. 102. (Lots 1 - 5 Block 195, Fiesta Isles Subdivision / Padre Beach Subdivision, Section XII)

ITEM BACKGROUND

- 1. The Chairman opens the Public Hearing.
- 2. Staff presents information regarding the proposed variance request.
- 3. Presentations and/or comments from the public.
- 4. The Chairman closes the public hearing and moves to the next item on the agenda.

Please keep in mind that the purpose of a public hearing is to allow the public to have input on the agenda item. Discussion and action by the Board will be addressed under the next item on the agenda. Therefore, the Board should refrain from treating the public hearing as a period for Board discussion.

Staff has received no comments from the public regarding the proposed variance request.

BUDGET/FINANCIAL SUMMARY N/A

COMPREHENSIVE PLAN GOAL N/A

LEGAL REVIEW Sent to Legal: No Approved by Legal: No

MEETING DATE: June 1, 2021

NAME & TITLE: Alex Sanchez, Public Works Director

DEPARTMENT: Planning/Parks & Rec. Department

ITEM

Discussion and action regarding a request by Crystal Torres with The Crystal Rose Salon & Spa for a variance from Table 5.1 - Schedule of Uses (Land Use) of the City's Padre Boulevard and Entertainment District Code. The applicant is requesting a variance to allow the application of all permanent and semi-permanent makeup services to be located at 5800 Padre Blvd Ste. 102. (Lots 1 - 5 Block 195, Fiesta Isles Subdivision / Padre Beach Subdivision, Section XII)

ITEM BACKGROUND

Crystal Torres owner of The Crystal Rose Salon & Spa is requesting to allow the application of all permanent and semi-permanent makeup services as an additional business use. This property is zoned "PBN" Padre Boulevard North Character Zone.

The Board will need to determine if the applicant has adequately demonstrated a hardship, or that the code is sufficiently ambiguous. Notice of this request and the hearing were given to the public in accordance with Section 20-16.1. Please remember to state for the record your reason(s) for approval and/or denial.

BUDGET/FINANCIAL SUMMARY N/A

COMPREHENSIVE PLAN GOAL N/A

LEGAL REVIEW Sent to Legal: No Approved by Legal: No

PADRE BOULEVARD AND ENTERTAINMENT DISTRICT CODE

Table 5.1 – Schedule of Uses (Land Use)

	01 0363 (1			-				
Character Zone	Bayfront	Entertainment District Core	Neighborhood Crossing	Town Center Crossing	Padre Boulevard North/Central	Padre Boulevard South	Neighborhood Transition	Northern Resort District
Commercial Uses (Office, Retail, Re	staurant. Sal	es and Service	uses)					
Retail Sales with no drive through facility (includes alcohol sales; bicycle, vehicle, and water sport sales & rental; general merchandise; pharmacy; cigarette & cigar sales; hardware stores, etc.) Excluded from this category are retail sales and service establishments geared towards the automobile.	Р	Р	P	Р	Ρ	Р	NP	Р
Head Shop (a retail outlet with the sale of paraphernalia related to the consumption of cannabis, other recreational drugs and/or new age herbs. Products typically include but are not limited to, water pipes, bongs, roach clips, pipes, rolling papers, rolling machines, and whipped cream chargers containing nitrous oxide.)	NP	NP	NP	NP	NP	SE	NP	NP
Auto-related Sales or Service establishments (includes gasoline sales)	NP	NP	P/C	P/C	P/C	P/C	NP	P/C
Marine repairs	NP	NP	NP	NP	NP	NP	NP	NP
Finance, Insurance, and Real Estate establishments (with no drive through facility)	Р	Р	Р	Р	Р	Р	NP	Р
Offices for business, professional, administrative, and technical services	Р	Р	Р	Р	Р	Р	Р	Р
Research laboratory headquarters, laboratories and associated facilities	NP	NP	NP	NP	Р	Р	NP	Р
Food Service Uses such (includes seating on a sidewalk areas with no pedestrian obstruction; includes alcohol sales; with no drive through facility)	Р	Р	Р	Р	Р	Р	NP	Р
Bar or drinking place	Р	Р	Р	Р	Р	Р	NP	Р
Personal Services such as laundry, dry cleaners, hair care, etc.	Р	Р	Р	Р	Р	Р	NP	Р
Tattoo and body piercing (with a state license)	NP	NP	NP	NP	NP	Р	NP	NP
Permanent Makeup Application (with a state license)	NP	(NP)	(NP)	(NP)	(NP)	P	<mark>NP</mark>	<mark>NP</mark>
Retail bait stands	Р	Р	NP	NP	Р	NP	NP	Р
Pet and animal sales or service	Р	Р	Р	Р	Р	Р	NP	Р
Any permitted use with a drive through facility	NP	NP	P/C	NP	P/C	P/C	NP	P/C
Arts, Entertainment, a	nd Recreatio	n Uses						
Indoor amusement or theme park establishment including bowling alleys, bingo parlor, games arcades, skating, etc.	Р	Р	Р	Р	Р	Р	NP	Р
Outdoor amusement or theme park establishment including miniature golf, go-cart tracks, etc.	P/SUP	P/SUP	NP	NP	P/SUP	P/SUP	NP	P/SUP
Art galleries	Р	Р	Р	Р	Р	Р	Р	Р
Art, antique, apparel, appliance, furniture or electronics studio (includes retail, repair or fabrication uses)	Р	Р	Р	Р	Р	Р	NP	Р
Fitness, recreational sports, gym, or athletic club	Р	Р	Р	Р	Р	Р	NP	Р
Private clubs, fraternities, sororities and lodges that operate solely for the benefit of their members only	Р	Р	Р	Р	Р	Р	NP	Р
Art, dance & music schools	Р	Р	Р	Р	Р	Р	NP	Р
Marina or yachting club facility	P/SUP	NP	NP	NP	P/SUP	P/SUP	NP	P/SUP
Boat docks	Р	NP	Р	NP	Р	Р	NP	Р
Museums and other special purpose recreational institutions	Р	Р	NP	Р	Р	Р	NP	Р
Parks, greens, plazas, squares, and playgrounds	Р	Р	Р	Р	Р	Р	Р	Р
Performing arts, theater, cinema, dance or music establishment	Р	Р	Р	Р	Р	Р	NP	Р
Educational, Public Administration, Hea		1	1	1	Γ	1		1
Business associations and professional membership organizations	Р	Р	Р	Р	Р	Р	NP	Р
Child day care and preschools	Р	Р	Р	Р	Р	Р	Р	Р

SPI PUBLIC WORKS/PLANNING/BUILDING	DEPARTMENT
BOARD OF ADJUSTMENT & APPEALS AF	PPLICATION
Phone number956.772.8166Phone number956.7Fax numberFax numberFax number956.7	Investments 5 fadre Blud th Padre Island TV 78597 .761-2606 61.2650 Cfrankerealtors.com 2 South Padre Istand Padre Beach. Callow the
 And any additional information to more clearly understand the request. 	
Note: Applicants are required to fully disclose in the application all information that is make their determination prior to issuance of any permit. At a minimum, an ap Exception shall contain ten (10) copies of the information outlined above. All informati twenty (20) days prior to the meeting date. <u>All fees must be paid prior to the Board revi</u>	plication for a variance or Special ion must be submitted no later than
If Staff determines that the application is incorrect, incomplete, illegible, or in any way understanding of the variance or special exception, staff shall return the application to t	
	.). Dennis Franke
Date : Date:	



City of South Padre Island

Randy Smith, City Manager

April 2, 2021

Crystal Torres 5800 Padre Blvd South Padre Island, TX 78597

 Re: The Crystal Rose Salon & Spa 5800 Padre Blvd
 Lots 1-5 Block 195 Fiesta Isles Subdivision
 Padre Boulevard North Character Zone
 South Padre Island, Texas 78597

Dear Ms. Torres,

As per your request the property mentioned above is located within the "PBN" Padre Boulevard North Character Zone in accordance with the City of South Padre Island Padre Boulevard and Entertainment District Code. Attached is a copy of the regulations pertaining to the uses and setback requirements within the "PBN" Padre Boulevard North Character Zone. The City of South Padre Island is allowing micro blading as a secondary use for The Crystal Rose Salon & Spa.

Should you have any additional question, please feel free to contact us or come by our office. Office hours are Monday through Friday from 8 a.m. to 5 p.m.

Sincerely,

CITY OF SOUTH PADRE ISLAND

Randy Smith City Manager To whom it may concern,

My name is Crystal Torres and I am the owner of The Crystal Rose Salon & Spa located at 5800 Padre Boulevard, Suite 102. The Crystal Rose Salon & Spa is a premier full-service salon that offers an extensive range of services that cater to all ages. The salon is fully staffed with highly experienced and motivated individuals who continually strive to expand their skill set by attending regular training and continuing education courses. Additionally, we aim to keep up with the latest cosmetic trends by offering services that reach a broad range of clientele. In keeping with this, we would be exceptionally grateful for the opportunity to further extend our service menu by adding semi-permanent cosmetic services that include, but are not limited to: microblading, lip blushing and eyeliner services.

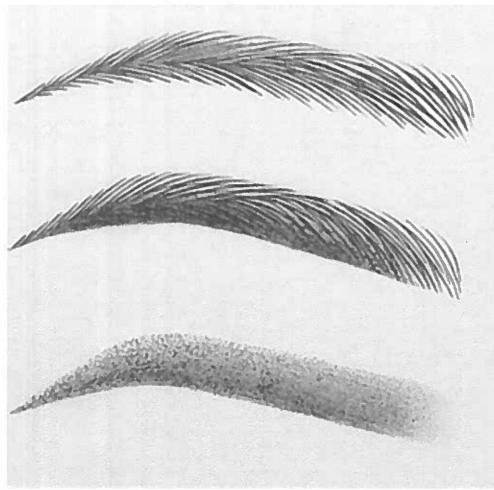
Microblading is a semi-permanent tattoo technique that is used to enhance the appearance of the eyebrows. This technique uses a disposable hand-held tool that is made up of tiny, fine-point needles to draw hair-like strokes creating the illusion of fuller eyebrows. The pigment used to tattoo the eyebrows is less concentrated than that of regular tattoo ink and does not break the skin past the upper layer of the dermis. Results last anywhere from one to three years. In addition to this, specialty microblading services such as ombre and combo brows use both a manual and a machine to create a more bold look. Lip blushing is a semi-permanent cosmetic procedure achieved by depositing pigment in your lips using a small disposable needle, similar to that of microblading. This service will last for approximately two to five years depending on the person. Semi-permanent eyeliner comes in different variations including winged, star dust, and classic styles. This procedure deposits pigment onto your top lash line to create the appearance of eyeliner and the results will last three to five years. Each of these services require the use of a manual tool and/or a digital machine to create different styles of semi permanent makeup treatments.

The addition of these services to the salon will provide the opportunity to expand business for both ourselves and South Padre Island, being that we will be the first and only salon to provide this service here. The salon is already established, fully functional, and will not require any special physical modifications to provide this service. Unfortunately, as this service is considered a tattoo, the location of the salon falls short of the permitted zoning area. With permission from the city of South Padre Island, The Crystal Rose Salon & Spa will be able to obtain the proper licensing to successfully execute these services in an appropriate, state-regulated manner. Thank you very much for your time and consideration. Please let me know if there is any additional information that I can provide.

Best Regards,

uppeln Crystal Torres

The Crystal Rose Salon & Spa



Microblading

- individual hair strokes
 very natural
 more touch ups
- normal/dry skin types

Combo Brows

a hybrid of hair strokes and shading
 great for adding density
 fuller look to brows

Microshading

- More of a 'makeup' look
 Less touch ups
 Good for all skin types
 - Good for cover ups



MEETING DATE: June 1, 2021

NAME & TITLE: Alex Sanchez, Public Works Director

DEPARTMENT: Planning/Parks & Rec. Department

ITEM

PUBLIC HEARING: to discuss a request by Joe Mendez with Elements Aqua LLC for a variance from Table 5.1 -Schedule of Uses (Land Use) of the City's Padre Boulevard and Entertainment District Code. The applicant is requesting a variance to allow the application of permanent makeup services to be located at 3200 Padre Blvd. (Lot 38 Block 76, Padre Beach Subdivision, Section VI)

ITEM BACKGROUND

- 1. The Chairman opens the Public Hearing.
- 2. Staff presents information regarding the proposed variance request.
- 3. Presentations and/or comments from the public.
- 4. The Chairman closes the public hearing and moves to the next item on the agenda.

Please keep in mind that the purpose of a public hearing is to allow the public to have input on the agenda item. Discussion and action by the Board will be addressed under the next item on the agenda. Therefore, the Board should refrain from treating the public hearing as a period for Board discussion.

Staff has received no comments from the public regarding the proposed variance request.

BUDGET/FINANCIAL SUMMARY N/A

COMPREHENSIVE PLAN GOAL N/A

LEGAL REVIEW Sent to Legal: No Approved by Legal: No

MEETING DATE: June 1, 2021

NAME & TITLE: Alex Sanchez, Public Works Director

DEPARTMENT: Planning/Parks & Rec. Department

ITEM

Discuss and action regarding a request by Joe Mendez with Elements Aqua LLC for a variance from Table 5.1 -Schedule of Uses (Land Use) of the City's Padre Boulevard and Entertainment District Code. The applicant is requesting a variance to allow the application of permanent makeup services to be located at 3200 Padre Blvd. (Lot 38 Block 76, Padre Beach Subdivision, Section VI)

ITEM BACKGROUND

Joe Mendez with Elements Aqua LLC is requesting a variance to allow the application of permanent makeup services as an additional business use. This property is zoned "PBC" Padre Boulevard Central Character Zone.

The Board will need to determine if the applicant has adequately demonstrated a hardship, or that the code is sufficiently ambiguous. Notice of this request and the hearing were given to the public in accordance with Section 20-16.1. Please remember to state for the record your reason(s) for approval and/or denial.

BUDGET/FINANCIAL SUMMARY N/A

COMPREHENSIVE PLAN GOAL N/A

LEGAL REVIEW Sent to Legal: No Approved by Legal: No

PADRE BOULEVARD AND ENTERTAINMENT DISTRICT CODE

Table 5.1 – Schedule of Uses (Land Use)

	01 0363 (1			-				
Character Zone	Bayfront	Entertainment District Core	Neighborhood Crossing	Town Center Crossing	Padre Boulevard North/Central	Padre Boulevard South	Neighborhood Transition	Northern Resort District
Commercial Uses (Office, Retail, Re	staurant. Sal	es and Service	uses)					
Retail Sales with no drive through facility (includes alcohol sales; bicycle, vehicle, and water sport sales & rental; general merchandise; pharmacy; cigarette & cigar sales; hardware stores, etc.) Excluded from this category are retail sales and service establishments geared towards the automobile.	Р	Р	P	Р	Ρ	Р	NP	Р
Head Shop (a retail outlet with the sale of paraphernalia related to the consumption of cannabis, other recreational drugs and/or new age herbs. Products typically include but are not limited to, water pipes, bongs, roach clips, pipes, rolling papers, rolling machines, and whipped cream chargers containing nitrous oxide.)	NP	NP	NP	NP	NP	SE	NP	NP
Auto-related Sales or Service establishments (includes gasoline sales)	NP	NP	P/C	P/C	P/C	P/C	NP	P/C
Marine repairs	NP	NP	NP	NP	NP	NP	NP	NP
Finance, Insurance, and Real Estate establishments (with no drive through facility)	Р	Р	Р	Р	Р	Р	NP	Р
Offices for business, professional, administrative, and technical services	Р	Р	Р	Р	Р	Р	Р	Р
Research laboratory headquarters, laboratories and associated facilities	NP	NP	NP	NP	Р	Р	NP	Р
Food Service Uses such (includes seating on a sidewalk areas with no pedestrian obstruction; includes alcohol sales; with no drive through facility)	Р	Р	Р	Р	Р	Р	NP	Р
Bar or drinking place	Р	Р	Р	Р	Р	Р	NP	Р
Personal Services such as laundry, dry cleaners, hair care, etc.	Р	Р	Р	Р	Р	Р	NP	Р
Tattoo and body piercing (with a state license)	NP	NP	NP	NP	NP	Р	NP	NP
Permanent Makeup Application (with a state license)	NP	(NP)	(NP)	(NP)	(NP)	P	<mark>NP</mark>	<mark>NP</mark>
Retail bait stands	Р	Р	NP	NP	Р	NP	NP	Р
Pet and animal sales or service	Р	Р	Р	Р	Р	Р	NP	Р
Any permitted use with a drive through facility	NP	NP	P/C	NP	P/C	P/C	NP	P/C
Arts, Entertainment, a	nd Recreatio	n Uses						
Indoor amusement or theme park establishment including bowling alleys, bingo parlor, games arcades, skating, etc.	Р	Р	Р	Р	Р	Р	NP	Р
Outdoor amusement or theme park establishment including miniature golf, go-cart tracks, etc.	P/SUP	P/SUP	NP	NP	P/SUP	P/SUP	NP	P/SUP
Art galleries	Р	Р	Р	Р	Р	Р	Р	Р
Art, antique, apparel, appliance, furniture or electronics studio (includes retail, repair or fabrication uses)	Р	Р	Р	Р	Р	Р	NP	Р
Fitness, recreational sports, gym, or athletic club	Р	Р	Р	Р	Р	Р	NP	Р
Private clubs, fraternities, sororities and lodges that operate solely for the benefit of their members only	Р	Р	Р	Р	Р	Р	NP	Р
Art, dance & music schools	Р	Р	Р	Р	Р	Р	NP	Р
Marina or yachting club facility	P/SUP	NP	NP	NP	P/SUP	P/SUP	NP	P/SUP
Boat docks	Р	NP	Р	NP	Р	Р	NP	Р
Museums and other special purpose recreational institutions	Р	Р	NP	Р	Р	Р	NP	Р
Parks, greens, plazas, squares, and playgrounds	Р	Р	Р	Р	Р	Р	Р	Р
Performing arts, theater, cinema, dance or music establishment	Р	Р	Р	Р	Р	Р	NP	Р
Educational, Public Administration, Hea		1	1	1	Γ	1		1
Business associations and professional membership organizations	Р	Р	Р	Р	Р	Р	NP	Р
Child day care and preschools	Р	Р	Р	Р	Р	Р	Р	Р



CITY OF SOUTH PADRE ISLAND BOARD OF ADJUSTMENT & APPEALS APPLICATION

≈\$250 variance □Special Exception Use (Sec. 20-16.1)
□ Administrative Appeal

APPLICANT INFORMATION	OWNER INFORMATION
Name Doe Mendez	Name Exements Aqua LLC
Mailing Address 3200 Public Blud	Mailing address 3200 Padre Blud
City, State, Zip SPJ 78597	City, State, Zip SPF 78597
Phone number 415-542-6521	Phone number <u>956-426-9033</u>
Fax number	Fax number
E-mail Address <u>CIZjMendez@Smail.co</u>	î-mail Address
SITE LOCATION FOR REQUEST:	
Physical Address (Street Name & Number):	Padie Blud
Legal Description (Lot / Block / Subdivision): 101 - 38	
I hereby request the following from the Board of Adjust Medicul Facility pern	
In addition, the application requires the submission of th \$250 application fee per variance, special exception, an \$ Stamped/Sealed & dated survey of Improvements of t \$ Copy of Floor Plan of structure proposed to be constr \$ Current/recent photographs of the site. \$ And any additional information to more clearly under	nd appeal request. Amount Paid: he Subject Property. Paid Cash or Check No. ucted or expanded. Date Received:
make their determination prior to issuance of any permit.	ion all information that is necessary for the various bodies to At a minimum, an application for a variance or Special lined above. All information must be submitted no later than aid prior to the Board reviewing the application.
If Staff determines that the application is incorrect, incomple understanding of the variance or special exception, staff shall t	ete, illegible, or in any way inadequate to insure the complete return the application to the applicant.
Applicant's Name (Please Print) Desc. Mondos	Owner's Name (Please Print): <u>ELegante Haall</u>
Applicant's Signature:	Owner's Signature:
Date: 5-11-21	Date: <u>S-11-21</u>

25

Key Points:

- 1. Variance as a Medical Facility under Medical Director Juan Garcia
- 2. Permanent makeup application (considered a tattoo) including microblading.
- 3. No Tattoo Establishment License required from the State as a Med Spa (Medical Facility)
- 4. Conflicts between, Salons versus Med Spa Services and requirements
- Differences between traditional microblading, powder brows, combo brows, eye liner, lip blushing, all require a Tattoo Machine except (traditional microblading ; disposable wands used)
- 6. With- Tattoo Establishment license, City cannot put restrictions.
- 7. Conflicts with City regarding variance with Medical Director

<

Padre Island Code of Ordinances).

- 3) Special Exceptions:
 - (a) Impound Lot, subject to compliance with the requirements of subsection <u>20-8(B)(4) of this Chapter;</u>
 - (b) Permanent Makeup Application, but only when applied by an individual licensed by the Texas Department of Health or by the Texas State Board of Medical/Dental Examiners who performs such application within either an establishment which also provides "Personal Services", or within a "Medical Facility", as such terms are defined in subsection <u>20-8</u> (B)(2).
 - (c) Public Service Facility.
- No impound lot shall be approved nor continue to operate as a Special
 Impound I of shall be approved nor
 Impound I of shall be approved

1:02 T 👓 🎮 🖬 T 🗖

<

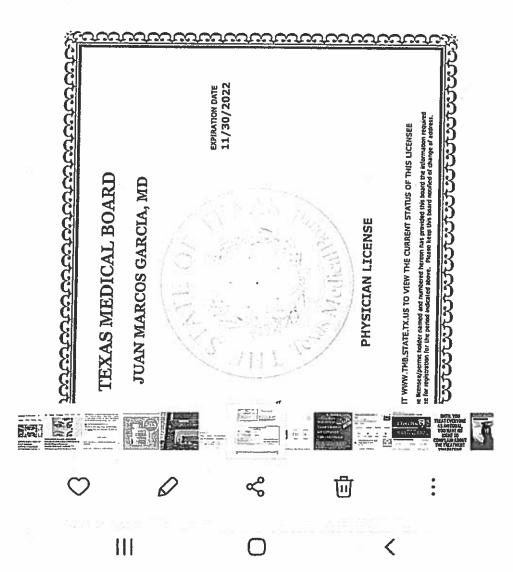
. Č.

🏵 🙃 🖩 🍵

6 0

DEA REGIETRATION	THE ACCUTATION	FEL	CONTROLLED SUBSTANCE REGISTRATION CERTIFICATE UNITED STATES DEPARTMENT OF JUSTICE
BG4821484	09-30-2022	\$731	ORDIG ENFORCEMENT ADMINISTRATION WASHINGTON D.C. 20337
SCHEDIALS	BURNESS ACTIVITY	BEUC DATE	
2,2N, 3,3N,4,5	PRACTITIONER	08-02-2019	
GARCIA, JUAN MEALTH & WELLI 5505 S US HWY 7 NARLINGEN, TX	NESS SPECIALISTS, PLLC 77, SUITE 304 78350-7855		Sections 304 and 1000 (21 USC 824 and 953) of the Cenesored Substancy Act of 1978, as anaroted, provide that the Approxy General may invite or Support a regulation to menufacture, distribute, disjunce, import or export a controlled substance.
	Constant of the		THIS CERTIFICATE IS NOT TRANSFERABLE ON CHANGE OF OWNERSHIP, CONTROL, LOCATION, OR BUSINESS ACTIVIT AND IT IS NOT VALID AFTER THE EXPRIMITION DATE.





<

§ 0

consumers and investigates complaints involving possible violations of the state requirements for operating tattoo and body piercing studios.

Licensing

We require any business engaged in tattooing (for example, the practice of producing an indelible mark or figure on the human body by scarring or inserting pigments under the skin using needles, scalpels or other related equipment) or body piercing (for example, the practice of creating an opening in a person's body, other than the earlobe, to insert jewelry or another decoration) to be licensed with the Texas Department of State Health Services (DSHS). In addition, we require temporary locations at which tattooing or body piercing is performed for not more than seven days in conjunction with a single event or celebration to be licensed with the Department. To learn more on how to become licensed, visit the licensing requirements webpage.

Email Updates

Sign up to receive email updates about important changes to the Tattoo and Body Piercing Studios Program. This feature will serve as a tool to increase communication with license holders regarding new information added to the website.

កា

i

<



Contact Information For General Program Assistance

Email: Druos and Medical Devices Group

29

...





The Crystal Rose Salon & Spa is at **The Crystal Rose Salon & Spa**. Sponsored • 🞯

Guess what's NEW at The Crystal Rose Salon & Spa!!

*Microblading *Powder Ombre Brows *Signature Combo Brows *Lip Blushing *Classic Eyeliner *Stardust Eyeliner

Pre-book your appointment/s for May and receive \$50 Off your service! For more information call 956.772.8166





