

**NOTICE OF MEETING
CITY OF SOUTH PADRE ISLAND
PLANNING AND ZONING COMMISSION**

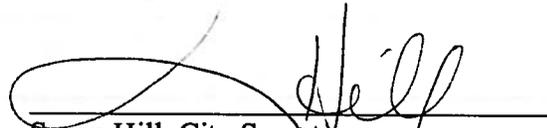
NOTE: One or more members of the City of South Padre Island City Council may attend this meeting; if so, this statement satisfies the requirements of the OPEN MEETINGS ACT.

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, AUGUST 21, 2014
3:00 P.M. AT THE MUNICIPAL BUILDING,
CITY COUNCIL CHAMBERS, 2ND FLOOR
4601 PADRE BOULEVARD, SOUTH PADRE ISLAND, TEXAS**

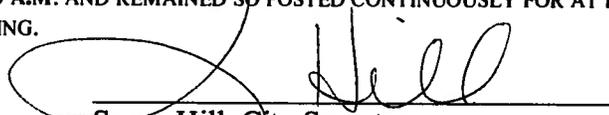
1. Call to Order.
2. Pledge of Allegiance.
3. **Public Comments and Announcements:** *This is an opportunity for citizens to speak to Commissioners relating to agenda or non-agenda items. Speakers are required to address Commissioners at the podium and give their name before addressing their concerns. [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 minutes of the July 17, 2014 regular meeting.
5. Discussion and action regarding a proposed amendment to the Planned Development District Standards, Specifications and Zoning for the Shores Subdivision of South Padre Island to be consistent with FEMA requirements. *(Richard Franke)*
6. Discussion and action a request by Dane Hebert with Origins Recovery Centers regarding a request for a Specific Use Permit to operate a "Substance Abuse Treatment Facility" located at Lot 4 Block 152 Padre Beach Subdivision, Section X and Lot 1 Block 1 Jones – Gardere Subdivision. *(Origins)*
7. Discussion and action on recommended revisions to "By Laws and Rules of Procedure – Planning and Zoning Commission". *(Russell Judah)*
8. Adjournment

DATED THIS THE 15TH DAY OF AUGUST 2014



Susan Hill, City Secretary

I, THE UNDERSIGNED AUTHORITY, DO HEREBY CERTIFY THAT THE ABOVE NOTICE OF MEETING OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF SOUTH PADRE ISLAND, TEXAS IS A TRUE AND CORRECT COPY OF SAID NOTICE AND THAT I POSTED A TRUE AND CORRECT COPY OF SAID NOTICE ON THE BULLETIN BOARD AT CITY HALL/MUNICIPAL BUILDING ON **AUGUST 15, 2014** AT/OR BEFORE **11:00 A.M.** AND REMAINED SO POSTED CONTINUOUSLY FOR AT LEAST 72 HOURS PRECEDING THE SCHEDULED TIME OF AID MEETING.



Susan Hill, City Secretary



THIS FACILITY IS WHEELCHAIR ACCESSIBLE, AND ACCESSIBLE PARKING SPACES ARE AVAILABLE. REQUESTS FOR ACCOMMODATIONS OR INTERPRETIVE SERVICES MUST BE MADE 48 HOURS PRIOR TO THIS MEETING. PLEASE CONTACT BUILDING OFFICIAL, JAY MITCHIM; ADA DESIGNATED RESPONSIBLE PARTY AT (956) 761-1025.

**PLANNING AND ZONING COMMISSION
MEETING MINUTES
JULY 17, 2014**

1. Call to Order.

Patrick McNulty called the meeting to order at 3:00 p.m. in the City Council Chambers on the Second Floor of the Municipal Complex Building: 4601 Padre Boulevard and declared a quorum of members present. Commission members in attendance were: Patrick McNulty, Gary Olle, Deanna Bowman, Robert Fudge, Russell Judah, Ramona Alcantara, and Chris Huffman. Staff members present were Development Director Sungman Kim and City Secretary Susan Hill.

2. Pledge of Allegiance.

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

3. Public Comments and Announcements.

Mr. McNulty announced the item from the agenda and asked if anyone had any comments/announcements. Mr. Judah stated that he will be placing an agenda item on the next regular meeting regarding the "By Laws and Rules of Procedure for the Planning and Zoning Commission

4. Approval of minutes of the June 19, 2014 regular meeting.

Mr. McNulty announced the item from the agenda and asked the Commission members if they had any corrections to the June 19, 2014 regular meeting minutes. Mr. Fudge made a motion to approve as submitted. Mr. Olle seconded the motion. The motion passed on a 5:0:2 vote. Ms. Alcantara and Mr. Judah abstained.

5. Discussion and action regarding proposed amendments to the Planned Development District Standards, Specifications and Zoning for the Shores Subdivision of South Padre Island. (Richard Franke)

Mr. McNulty announced the item from the agenda and ask for a staff report. Dr. Kim gave a presentation regarding the proposed amendments to the Planned Development District Standards, Specifications and Zoning for the Shores Subdivision of South Padre Island.

Mr. McNulty then opened it up for discussion by the Commission. The Commissioners expressed their comments/concerns regarding this matter. After some discussion Ms. Alcantara made a motion to approve with changes. Mr. Fudge seconded the motion. The motion carried unanimously.

6. Adjournment

Since the Commission had no further business to discuss, the meeting was adjourned at 3:18 p.m.

Marta Martinez, Secretary

Patrick McNulty, Chairman

**PLANNING & ZONING COMMISSION
AGENDA REQUEST FORM**

MEETING DATE: August 21, 2014

TO: Planning & Zoning Commission

FROM: Sungman Kim, Development Director

ITEM DESCRIPTION:

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

DISCUSSION:

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

The Amendments:

2.4.4A General Requirements

(O) Minimum Elevations

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

Issue:

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

STAFF RECOMMENDATIONS / COMMENTS:

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

**PLANNING & ZONING COMMISSION
AGENDA REQUEST FORM**

COMMISSION ACTION:

MOTION: _____

BY: _____

SECOND BY: _____

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

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

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

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

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

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

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

Example:

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

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

**PLANNING & ZONING COMMISSION
AGENDA REQUEST FORM**

MEETING DATE: August 21, 2014

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

ITEM DESCRIPTION:

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

DISCUSSION:

Location Map



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

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

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

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

**PLANNING & ZONING COMMISSION
AGENDA REQUEST FORM**

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

Related Zoning Regulations:

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

(B) Use Regulations:

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

Sec.20-8 District C – Business District

(B) Allowed Uses:

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

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

(A) Purpose and Intent

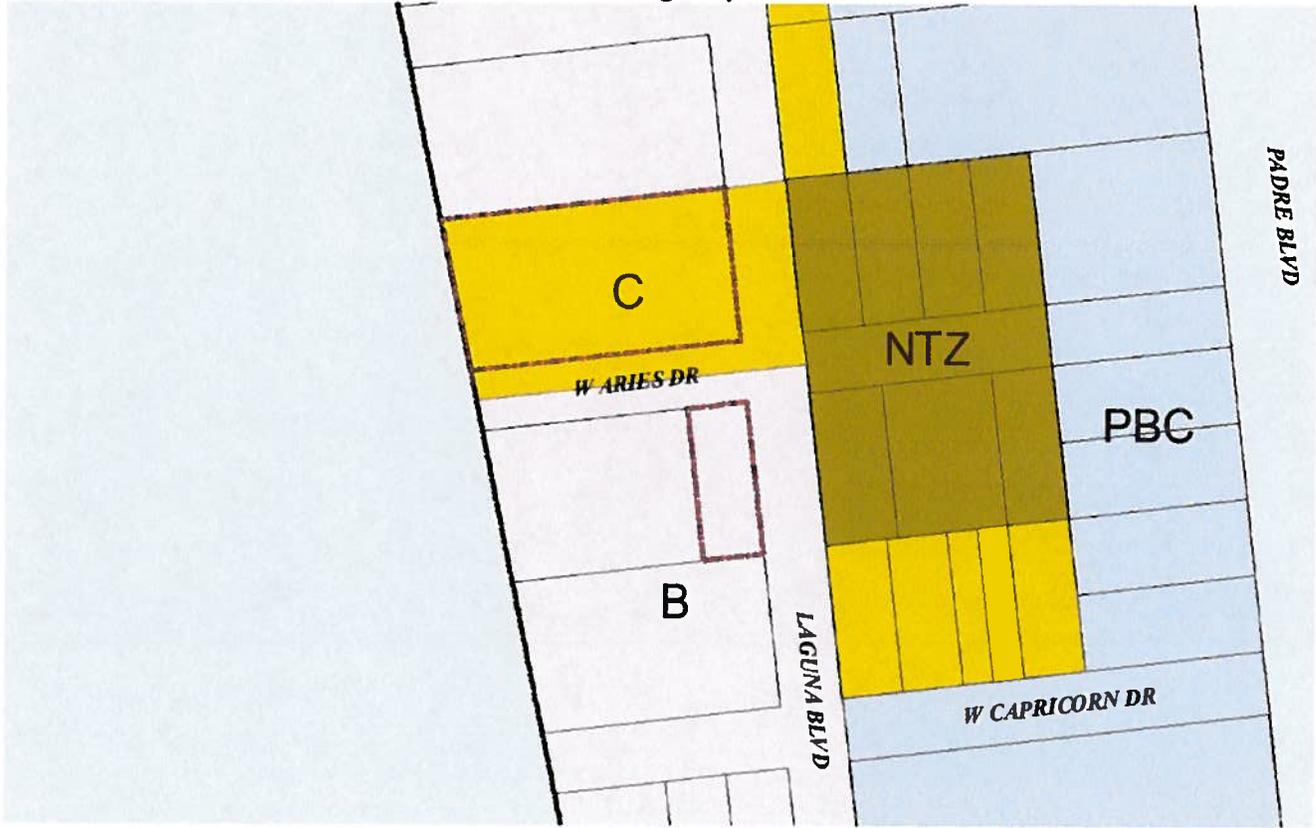
- (1) The City Council of the City of South Padre Island, Texas, after a public hearing and proper notice to all parties affected and after recommendations by the Planning & Zoning Commission may authorize the issuance of Specific Use Permits.
- (2) The purpose and intent of a Specific Use Permit is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

(B) Procedure

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

**PLANNING & ZONING COMMISSION
AGENDA REQUEST FORM**

Zoning Map



Compatibility Analysis:

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

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

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

Conflicts with the existing condominium uses may exist.

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

**PLANNING & ZONING COMMISSION
AGENDA REQUEST FORM**

Impact Analysis:

1. Parking

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

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

Required Minimum Parking:

201 W Aries Drive = 10 offices X 150 sq.ft. / 250 = minimum 6 spaces
206 W Aries Drive = 30 offices X 150 sq.ft. / 250 = minimum 18 spaces

Related Parking Regulations:

Sec.20-7 District B

(D) Area Regulations:

(5) Parking regulations:

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

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

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

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

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

Sec.20-8 District C

(F) Area Regulations:

(5) Parking regulations:

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

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

**PLANNING & ZONING COMMISSION
AGENDA REQUEST FORM**

Proposed Additional Parking

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

2. Noise

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

3. Kitchen Odors

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

4. Aesthetics

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

5. Safety

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

STAFF RECOMMENDATIONS / COMMENTS:

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

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

**PLANNING & ZONING COMMISSION
AGENDA REQUEST FORM**

COMMISSION ACTION:

MOTION: _____

BY: _____

SECOND BY: _____

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

Marta Martinez

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

Importance: High

For file.

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

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

Ms. Kim,

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

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

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

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

Thank you for the opportunity to share my viewpoint, SA

**the atkins group**

we move people

Steve Atkins
President

501 Soledad
San Antonio, Texas 78205

theatkinsgroup.com

steve@theatkinsgroup.com

C 210.410.9188

P 210.444.2500

Marta Martinez

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

For file.

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

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

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

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

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NO

SAM BARNETT
El Castile #16
SPI

Polaris Dr.



August 4, 2014

NOTICE OF "SPECIFIC USE REQUEST"

Dear Property Owner,

The City of South Padre Island received a request from Origins Recovery Centers for a proposed Specific Use Permit located at Lot 4, Block 152, Padre Beach Subdivision, Section X, AND Lot 1 Block 1 Jones – Gardere Subdivision to operate a Substance Abuse Treatment Facility. The subject property is located within the "B" Multi-family dwelling, apartment, motel, hotel, condominium, Townhouse District AND "C" Business district – Fire Zone.



The Planning and Zoning Commission for the City will conduct a meeting concerning this application on **Thursday, August 21, 2014 at 3:00 p.m.** in the City Council Chambers, on the Second Floor of the Municipal Complex Building located: **4601 Padre Boulevard**. Members of the public will be allowed to address this item at the meeting.

A copy of the proposed specific use is available for public review at the Development Department's Office, located at 4601 Padre Boulevard, South Padre Island, Texas 78597. Written comments can be sent to the South Padre Island Development Department's Office, 4601 Padre Boulevard, South Padre Island, Texas 78597, ATTN: Sungman Kim, Development Director or at Skim@MySPI.org. Written comments need to be received no later than 5:00 p.m. on August 20, 2014, for consideration by the Commission. All interested parties are invited to attend and be heard.

"A Certified Retirement Community"

Development Department • 4601 Padre Boulevard • South Padre Island, Texas 78597

Office • 956.761.8113 • Fax 956.761.3898

Marta Martinez

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

For file.

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

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

Dear Dr Kim.

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

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

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

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

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

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

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

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

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

Sincerely,

Richard Stamler

Gail Stamler
817-219-1238



**CITY OF SOUTH PADRE ISLAND
ZONING APPLICATION**

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

* 201 ARIES - LOT 4 BLOCK 152 PADRE BEACH SECTION X
 SUBJECT PROPERTY: Lot(s) * 200 ARIES LOT 1 BLOCK 1 - JONES GARDEN SUBDIVISION

Block(s) _____

Section(s) / Subdivision _____

Intended Use of Property: RECOVERY CENTER

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

PROPERTY OWNER: ORIGINS RECOVERY OF TEXAS LLC

OWNER MAILING ADDRESS: 4610 PADRE BLVD

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

PHONE NUMBER: (561) 329 1772

FAX NUMBER: ()

EMAIL: DHEBERT@ORIGINSRECOVERY.COM

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

APPLICANT (if different from Owner): DANE HEBERT

APPLICANT MAILING ADDRESS: 4610 PADRE BLVD,

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

PHONE NUMBER: (512) 308 6034

FAX NUMBER: ()

EMAIL: DHEBERT@ORIGINSRECOVERY.COM

Include with this application:

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

Dane Hebert CFO
Signature of Applicant

7/30/14
Date

July 30, 2014

MEMO

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

ATTACHMENTS:

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

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

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

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

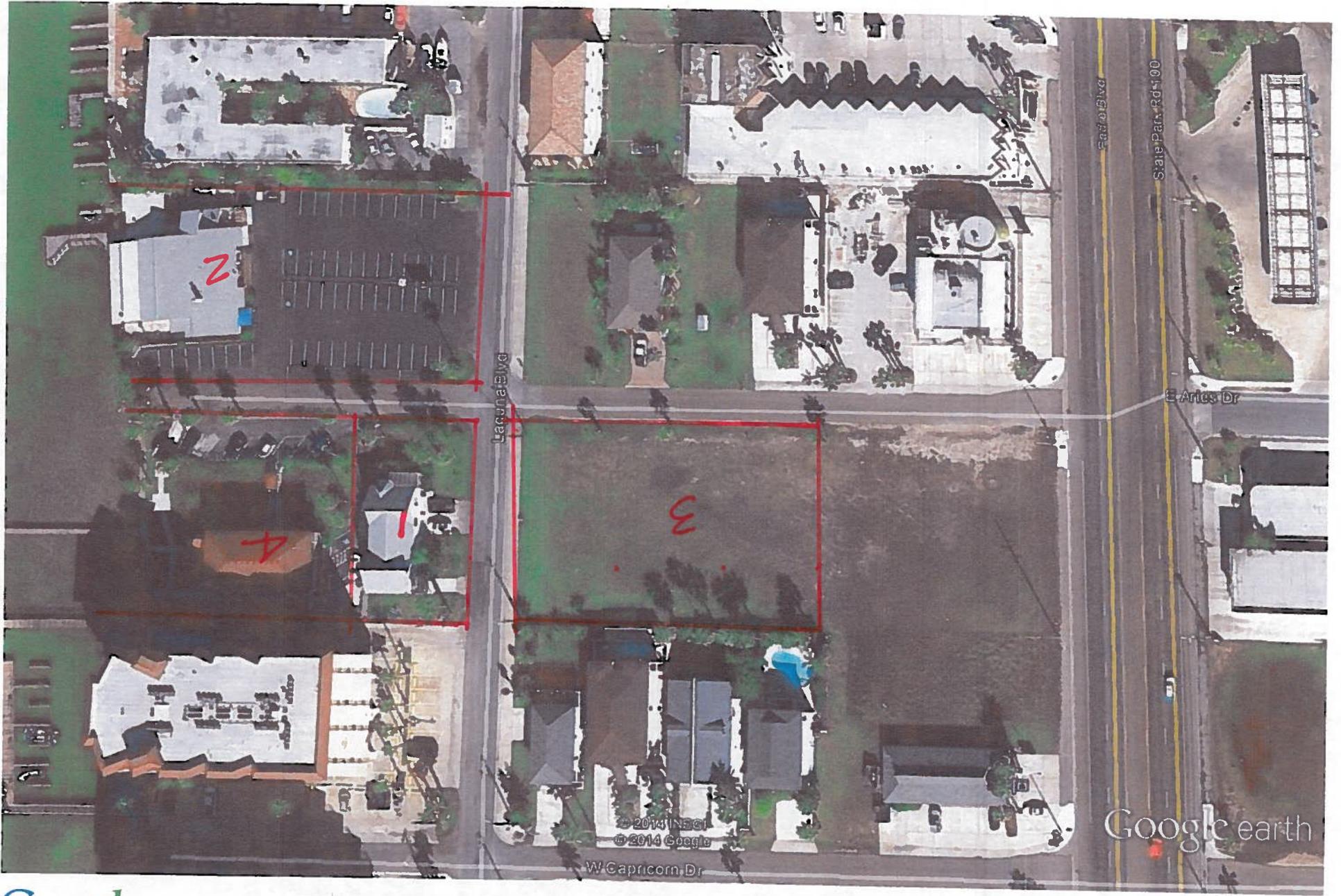
Property 2 to be used as recovery facilities with approximately 60 beds, 30 offices, group meeting rooms, kitchen, dining and living room area. The site will contain parking for 10, a swimming pool, pier fishing and meditation areas.

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

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

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

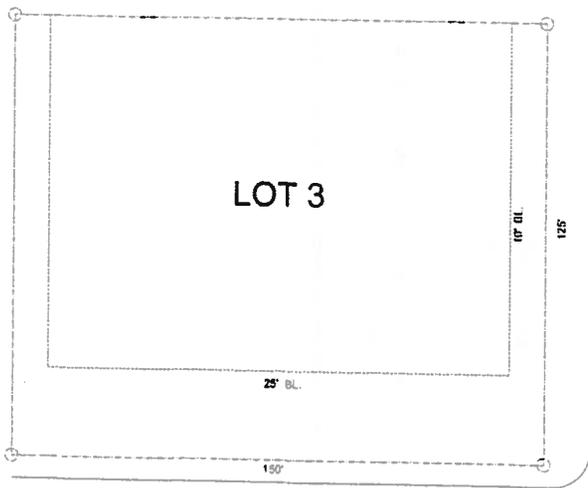
The additional parking will be used for family visitors.



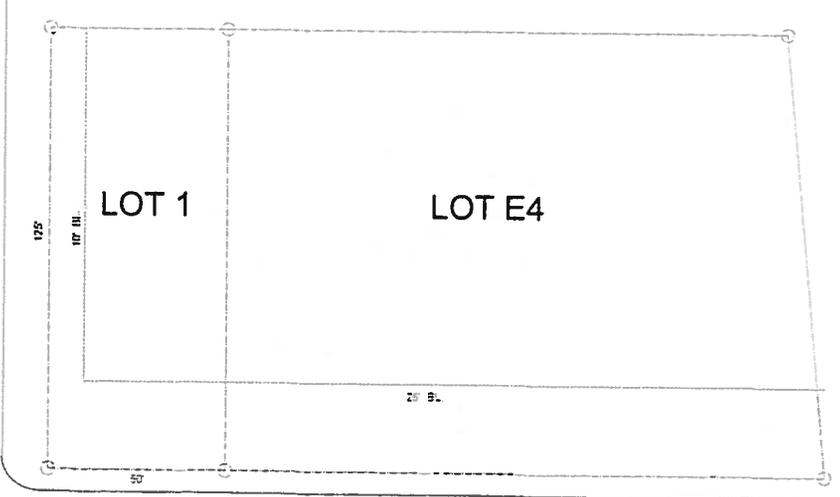
Google earth



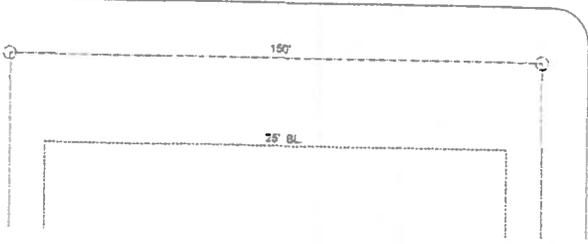
Google earth



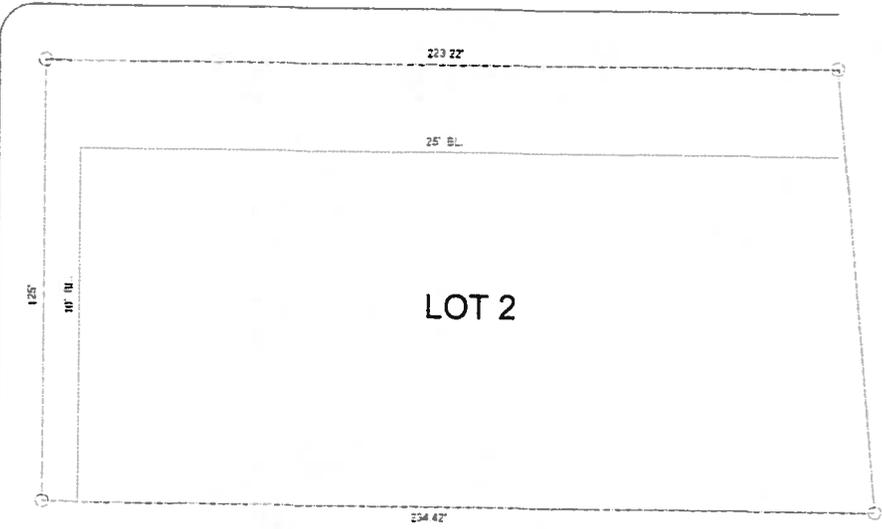
LAGUNA BLVD.
50' ROW

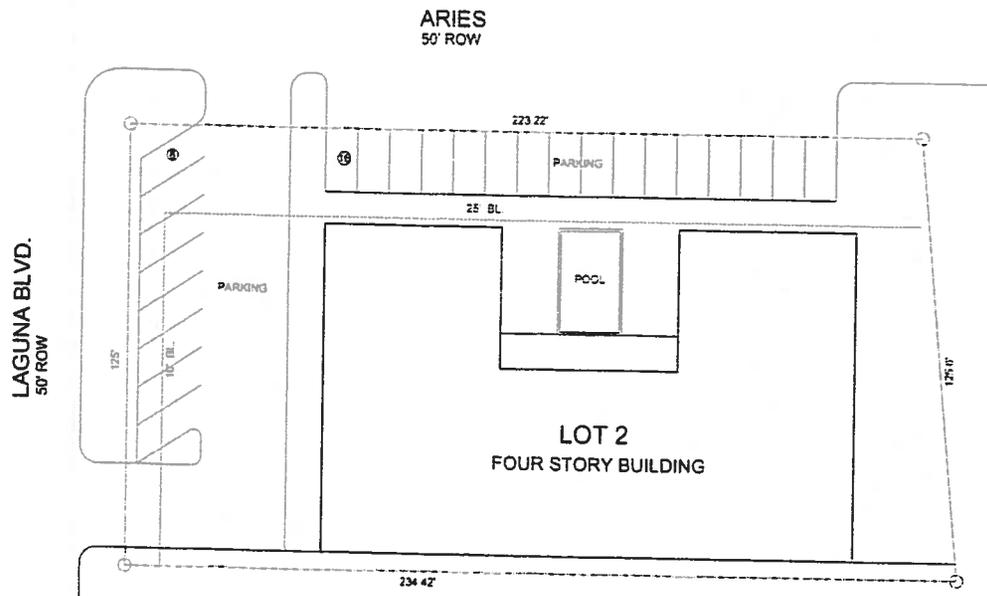


ARIES
50' ROW



ORIGINS RECOVERY
CENTER





ORIGINS RECOVERY CENTER



SITE PLAN

SCALE
1/16" = 1'-0"



Origins Recovery Centers®

Reference: §448.704
Client Rights – Program Rules

Annex D

Program Rules – Origins Recovery Center - SPI

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

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

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

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

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

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

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

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

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

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

6. TITLE POLICY AND SURVEY:

A. Title Policy:

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

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

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

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



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

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

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

7. PROPERTY CONDITION AND FEASIBILITY PERIOD:

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

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

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

C. Inspections, Studies, or Assessments:

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

Initialed by Seller



Buyer: _____

Page 3

D. Property Information:

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

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

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

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

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

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

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

(1) October 31, 2014.

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

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

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

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

Initialed by Seller



Buyer: _____

Page 4

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

E. At closing, Buyer will:

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

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

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

12. **SPECIAL PROVISIONS.** None.

13. **SALES EXPENSES:**

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

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

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

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

14. **PRORATIONS:**

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



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

15. DEFAULT:

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

16. CASUALTY LOSS AND CONDEMNATION:

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

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

18. ESCROW:

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

Initialed by Seller



Buyer: _____

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

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

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

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

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

Initialed by Seller



Buyer:

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

Attorney for Seller:

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

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

22. AGREEMENT OF THE PARTIES:

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

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

Initialed by Seller



Buyer: _____

Page 8

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

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

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

READ THIS CONTRACT CAREFULLY.

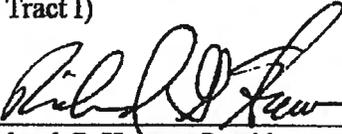
BUYER:

ORIGINS RECOVERY OF TEXAS, LLC

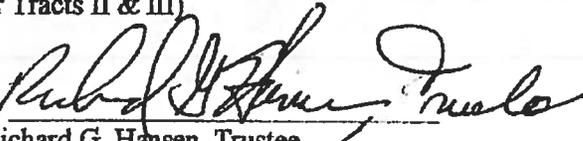
By: _____

SELLERS:

VIKING HOSPITALITY ENTERPRISES, INC.
(for Tract I)

By:  _____
Richard G. Hansen, President

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

By:  _____
Richard G. Hansen, Trustee

Initialed by Seller



Buyer: _____

Page 9

EXHIBIT 1

TRACT I:

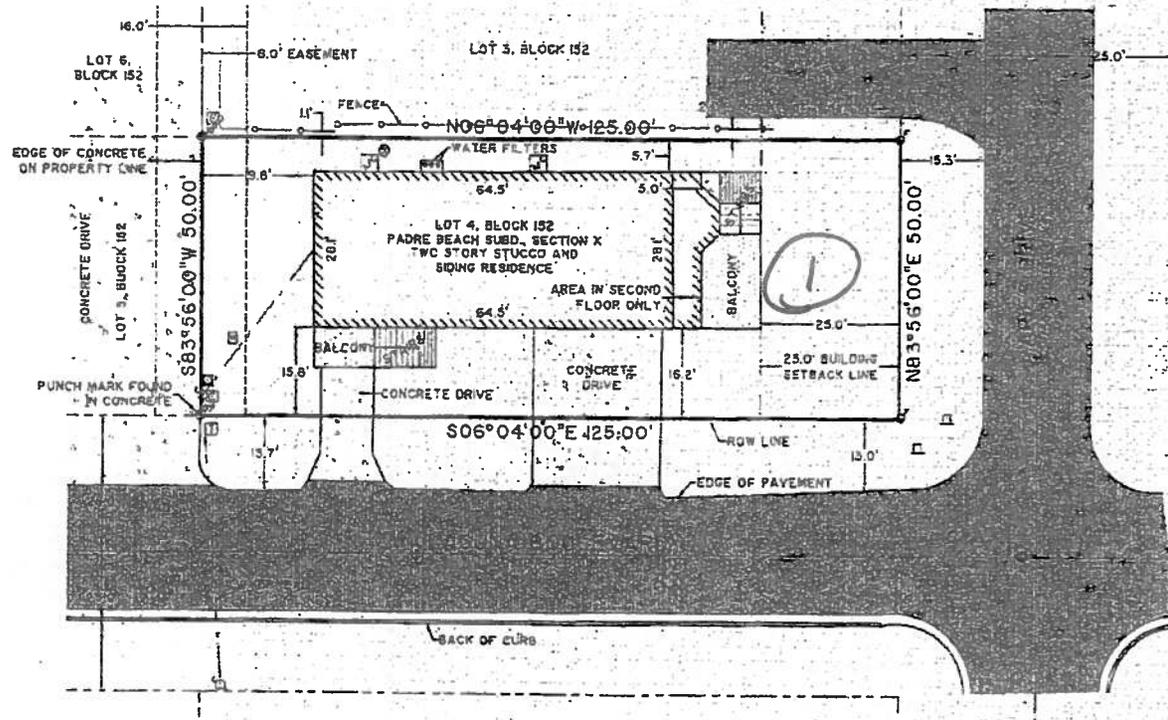
Lot One (1), Block One (1), JONES-GARDERE SUBDIVISION, TOWN OF SOUTH PADRE ISLAND, Cameron County, Texas, according to the Map thereof recorded in Cabinet I, A lot 1275-A, Map Records of Cameron County, Texas, being a Resubdivision of Lots 5, 6, 7 and 8, Padre Beach Subdivision, Section 10, as recorded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

TRACT II:

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

TRACT III:

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



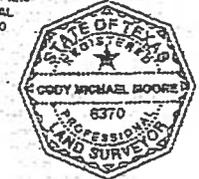
GENERAL NOTES

1. BASIS OF BEARINGS AS PER PADRE BEACH SUBDIVISION SECTION X RECORDED IN VOLUME 15, PAGE 40, MAP RECORDS OF CAMERON COUNTY, TEXAS.
2. ADDRESS: 204 W ARCS DRIVE SOUTH PADRE ISLAND, TEXAS 78597
3. COMMITMENT FOR TITLE INSURANCE WITH FILE NO. 289047, ISSUED NOVEMBER 13, 2012 WAS USED TO PREPARE THIS SURVEY.

SURVEYOR CERTIFICATE

THE UNDERSIGNED HEREBY CERTIFIES THAT THIS SURVEY AS DESCRIBED HEREIN WAS MONUMENTED ON THE GROUND ON 11/20/12, THAT THE ONLY VISIBLE IMPROVEMENTS ON THE GROUND ARE AS SHOWN; THAT THERE ARE NO VISIBLE ENCROACHMENTS; VISIBLE OVERLAPPIINGS, APPARENT CONFLICTS, OR VISIBLE EASEMENTS EXCEPT AS SHOWN HEREIN. THIS SURVEY CONFORMS TO THE MINIMUM STANDARDS OF PRACTICE PROMULGATED BY THE TEXAS BOARD OF PROFESSIONAL LAND SURVEYING.

Cody Michael Moore
 CODY MICHAEL MOORE, R.P.L.S.
 REGISTERED PROFESSIONAL
 LAND SURVEYOR NO. 6370
 23 November 2012
 DATE



BOUNDARY SURVEY OF:

LOT FOUR (4),
 BLOCK ONE HUNDRED FIFTY-TWO (152),
 PADRE BEACH SUBDIVISION, SECTION X,
 SOUTH PADRE ISLAND, CAMERON COUNTY,
 TEXAS, ACCORDING TO THE MAP OF SAID
 SUBDIVISION RECORDED IN VOLUME 15, PAGE 40,
 MAP RECORDS OF CAMERON COUNTY, TEXAS.

FOR: ORIGINS RECOVERY OF TEXAS LLC

FERRIS & FLINN, LLC
 CONSULTING ENGINEERS
 1405 N. STANLEY PLACE ROAD
 BROWNSVILLE, TEXAS 77802
 PHONE 361-862-2277 FAX 361-862-2272

THIS IS A PROFESSIONAL LAND SURVEYING SERVICE. THE PROFESSIONAL SURVEYOR'S SIGNATURE IS REQUIRED.
 DATE: 11/20/12
 DRAWN BY: CM
 28 NOVEMBER 2012
 JOB NO. 154-048

FLOOD ZONE

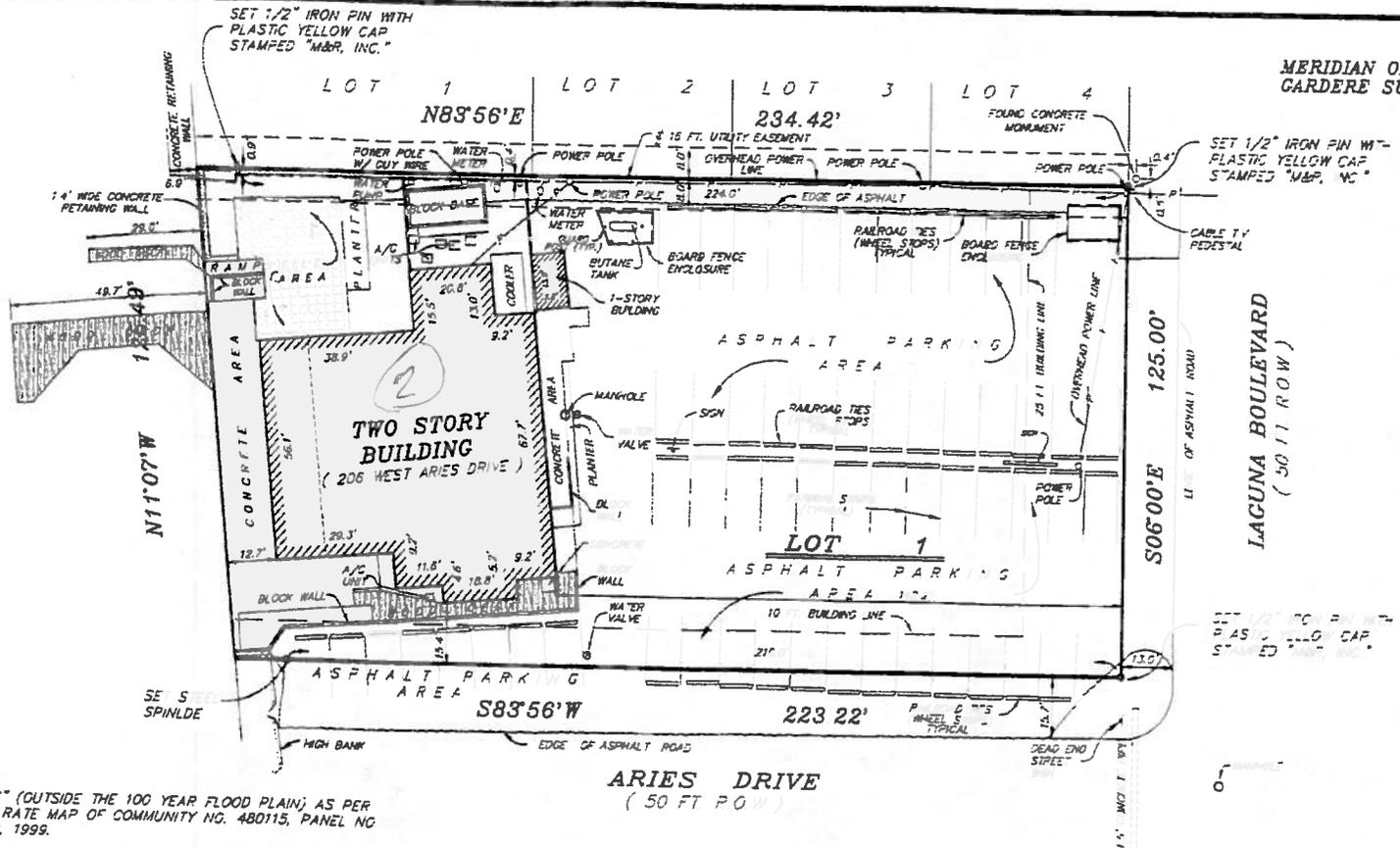
BY GRAPHIC PLOTTING ONLY, THIS PROPERTY LIES IN ZONE "AE (EL. 87), AS PER THE NATIONAL FLOOD INSURANCE PROGRAM OF COMMUNITY NO. 48015, PANEL NO. 0001, SUFFIX "D", REVISED MARCH 9, 1999.

LEGEND

⊙	IRON ROD FOUND
⊗	"X" MARK FOUND
⊠	SIGN
⊕	POWER POLE
⊙	TELEPHONE PEDESTAL
⊕	WATER METER
⊕	ELECTRIC JUNCTION BOX
⊕	CABLE PEDESTAL
⊕	A/C UNIT
⊕	MAL BOX
⊕	CLEANOUT
⊕	MANHOLE

1:154-048 Lot 4 DK 152 Padre Beach X(152) 154-048.dwg, Survey, 11/20/2012 11:35:33 AM

MADRE
LAGUNA



NOTES:

1. THIS TRACT LIES IN ZONE "C" (OUTSIDE THE 100 YEAR FLOOD PLAIN) AS PER THE F.I.A FLOOD INSURANCE RATE MAP OF COMMUNITY NO. 48D115, PANEL NC 0001D, EFFECTIVE MARCH 09, 1995.
2. HELD MONUMENTATION FOUND ALONG THE EAST RIGHT-OF-WAY LINE OF LAGUNA BOULEVARD FOR BASIS OF BEARING.

The undersigned hereby certifies that the survey described herein was made on the ground on SEPTEMBER 06, 2000; that the only improvements on the ground are as shown; that there are no visible encroachments, visible overlapping apparent conflicts, or visible easements except shown hereon. THIS CERTIFICATION IS ONLY VALID WITH AN ORIGINAL SIGNATURE AND IF THE DRAWING CONTAINS NO ERASURES OR ADDITIONS.



E.H. Mejia
REGISTERED PROFESSIONAL LAND SURVEYOR NO. 3900

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

SCALE: 1" = 30'
SURVEYED FOR:

VIKING HOSPITALITY ENTERPRISES, INC.

Mejia & Rose, Incorporated
Engineering Surveying
1843 West Price Road (856) 544-3022
P.O. Box 3761 Brownsville, Texas 78520
Fax (856) 544-3068
G.P. NO. 20058407 JOB NO. 11753
Jose L. Yarbrough

METES AND BOUNDS DESCRIPTION

A 1/2 ACRE TRACT 115.00' BY 150' OF LAND BEING THE ENTIRE ALL OF LOTS 1, 2 AND 3, BLOCK 151, PADRE BEACH, SECTION X, TOWN AND WARD 10, COUNTY CAMERON, TEXAS, ACCORDING TO THE MAP OF SAID TRACT RECORDED IN VOLUME 15, PAGE 40 OF THE MAP RECORDS OF CAMERON COUNTY, TEXAS, SAID 1/2 ACRE TRACT BEING MORE PARTICULARLY LOCATED AND DESCRIBED AS FOLLOWS:

BEGINNING AT A ONE-HALF (1/2) CORNER WITH A BEARING PLASTER CAP STAMPED "180° 00' 00" FOUND AT THE INTERSECTION OF SAID LOT 1 BEING THE INTERSECTION OF THE EAST RIGHT-OF-WAY LINE OF LAGUNA BOULEVARD AND THE EAST RIGHT-OF-WAY LINE OF SAID LOT 1 BEING 150' BY 150' AND THE SOUTH RIGHT-OF-WAY LINE OF SAID LOT 1 BEING 150' BY 150', AND THE INTERSECTION OF SAID LOT 1 BEING 150' BY 150', AND THE INTERSECTION OF SAID LOT 1 BEING 150' BY 150'.

THENCE ALONG THE SOUTH RIGHT-OF-WAY LINE OF SAID LOT 1 BEING 150' BY 150' TO THE INTERSECTION OF SAID LOT 1 BEING 150' BY 150' AND THE SOUTH RIGHT-OF-WAY LINE OF SAID LOT 1 BEING 150' BY 150', AND THE INTERSECTION OF SAID LOT 1 BEING 150' BY 150'.

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CONTAINING 1/2 ACRE OF LAND, MORE OR LESS

ENGINEER'S CERTIFICATION
I, CAMERON MEYER, A REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF TEXAS, HEREBY CERTIFY THAT THIS MAP WAS PREPARED BY ME OR UNDER MY CLOSE PERSONAL SUPERVISION AND THAT I AM A LICENSED SURVEYOR IN THE STATE OF TEXAS. ALL DISTANCES ARE IN FEET AND DECIMALS THEREOF.

LAGUNA MARINE WATER DISTRICT'S CERTIFICATION
THE SUBJECT PROPERTY AS SHOWN ON THIS MAP HAS EXISTING WATER AND SEWER FACILITIES AND IS COMPATIBLE WITH THE TOWN AND WARD SECTION 151 AS SHOWN ON THE MAP OF SAID TOWN AND WARD.

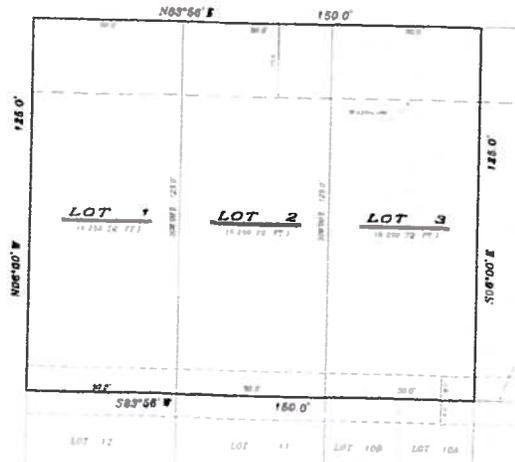
STATE OF TEXAS
CITY OF CAMERON
THE UNDERSIGNED HEREBY CERTIFIES THAT ALL ADJACENT OWNERS HAVE BEEN NOTIFIED AND ADVISED OF THE PROPOSED MAP AND THE PROPOSED LOTS AND THAT THE ADJACENT OWNERS HAVE BEEN ADVISED OF THE PROPOSED MAP AND THE PROPOSED LOTS AND THAT THE ADJACENT OWNERS HAVE BEEN ADVISED OF THE PROPOSED MAP AND THE PROPOSED LOTS.

APPROVED: Tony Morgan, Jr. Mayor
15th JUNE 2015

APPROVED: [Signature]
15th JUNE 2015

OWNER: VIKING HOSPITALITY ENTERPRISES INC.
3014 PADRE ISLAND TX 78521

ARIES DRIVE

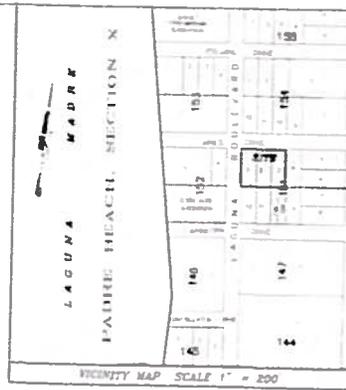


PROPERTY PRIOR TO THIS REPLAT



REPLAT

NOTES
1. THIS MAP IS A REPLAT OF THE MAP OF SAID TRACT RECORDED IN VOLUME 15, PAGE 40 OF THE MAP RECORDS OF CAMERON COUNTY, TEXAS.
2. THE DISTANCES ON THIS MAP ARE IN FEET AND DECIMALS THEREOF.
3. THE BEARINGS ON THIS MAP ARE IN DEGREES, MINUTES AND SECONDS.
4. THE AREA OF SAID TRACT IS 1/2 ACRE, MORE OR LESS.



STATE OF TEXAS
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"LOTS 1 AND 2, BLOCK 151, PADRE BEACH SECTION X"

BEING A REPLAT OF LOTS 1, 2 AND 3, BLOCK 151, PADRE BEACH SECTION X AN ADDITION TO THE TOWN OF SOUTH PADRE ISLAND, CAMERON COUNTY TEXAS, ACCORDING TO MAP THEREOF RECORDED IN VOLUME 15, PAGE 40 OF THE MAP RECORDS, CAMERON COUNTY, TEXAS.

VIKING HOSPITALITY ENTERPRISES INC.

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Engineering Surveying
1643 West Price Road (856) 544-3022
P.O. Box 3761 Brownsville, Texas 78520
Fax (856) 544-3068

CI-2497A

CS 50 1/2
1/25/2015

**CITY OF SOUTH PADRE ISLAND
4601 PADRE BOULEVARD
SOUTH PADRE ISLAND, TX 78597**

BOARD MEETING AGENDA ITEM REQUEST

Name of Board: PLANNING & ZONING COMMISSION

Meeting Date: 14 AUGUST 2014 Time: 3 PM

Your Name: RUSSELL J. JUDAH Phone: 761.2702

Description of Proposed Agenda Item: (please be as detailed as possible)
DISCUSSION AND ACTION ON RECOMMENDED REVISIONS TO "BY LAWS AND
RULES OF PROCEDURE - PLANNING & ZONING COMMISSION"

So that we comply with the Open Meetings Act requirements, the following deadlines apply for submitting agenda items: (If submitted after the deadline, your items will be placed on the next agenda)

In some cases the Chairperson of each board can place or remove agenda items at their discretion.

<u>Board:</u>	<u>Meeting Date:</u>	<u>Submittal Deadline:</u>	<u>Administrative Support:</u>
Bay Area Task Force	4 th Thursday	Previous Friday by 3:00	Mary Ann Guillen
Beach and Dune Task Force	2 nd Monday	Previous Thursday by 3:00	Mary Ann Guillen
	4 th Monday	Previous Thursday by 3:00	
Development Plan and Review Board	2 nd Tuesday	Previous Wednesday by noon	Janie Mota
	4 th Tuesday	Previous Wednesday by noon	
Form Based Code Commission	2 nd Tuesday	Previous Friday by noon	Marta Martinez
Keep SPI Beautiful	2 nd Thursday	Previous Monday by noon	Amy Bush
Padre Boulevard Revitalization Implementation Committee	3 rd Tuesday	Previous Friday by noon	Marta Martinez
Planning and Zoning Commission	3rd Thursday	Previous Friday by noon	Marta Martinez

Please fax this completed form to South Padre Island City Hall at (956) 761-3898 or email to the appropriate administrative support person listed by the deadline. Mary Ann Guillen (mguillen@southpadretexas.gov), Marta Martinez (mmartinez@southpadretexas.gov), Janie Mota (jmota@southpadretexas.gov) or Amy Bush (abush@southpadretexas.gov).

Thank you!!

**THE LAST REVISION WAS MADE 5 APRIL 2006; SO
A REVIEW SEEMS TIMELY**

R. Judah
7.3.14

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

ARTICLE 1

AUTHORITY

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

ARTICLE 2

MEMBERSHIP

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

ARTICLE 3

VOTING

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

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

ARTICLE 4

CONFLICT OF INTEREST

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

ARTICLE 5

OFFICERS

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

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

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

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

ARTICLE 6

MEETINGS

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

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

ARTICLE 7

POWERS OF THE COMMISSION

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

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

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

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

ii. Zoning Map Amendments:

1. Submission Requirements: A written and signed request for an amendment to the Zoning Map may be filed in the Planning Department Office for consideration by the Planning and Zoning Commission and the Board of Aldermen. Such request may be initiated by any member of the Board of Aldermen, the Mayor, or the Planning Commission, or any person with a financial, contractual, or proprietary interest in the property to be included in the proposed change of zoning. The request for an amendment to the Zoning Map shall include:

- a. The lot, block, section, and subdivision name, or a metes and bounds legal description of the subject property.
- b. A scaled map of the subject property, correlated with the description, and clearly showing the property's location.
- c. The name and address of the petitioner.
- d. The petitioner's interest in the property, and if the petitioner is not the property-owner, the name and address of the owner(s), and the written, notarized consent of the owner(s).
- e. Signature(s) of the petitioner(s) and the owner(s) certifying the accuracy of the required information.
- f. The present and proposed zoning, and the reasoning for the proposed change.
- g. Completion of any required information and the payment of any required fees.

2. Public Hearing: All such applications shall be set down for a public hearing before the Planning and Zoning Commission not later than the second regular monthly meeting from the date of filing same. Any such hearing may, for good cause at the request of the applicant or in the discretion of the Commission, be continued from time to time.

3. Notice:

- a. At least fifteen (15) days notice of the time and place of such hearing shall be published in a newspaper of general circulation within the Town.
- b. At least ten (10) days prior to the date of the public hearing, written notice shall be sent to each owner, as indicated by the most recently approved municipal tax role of real property within two hundred (200) feet of the property on which the change in zoning classification is proposed. The

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

- iii. Evaluation Considerations: In considering the appropriateness of any proposed amendment to the Zoning Ordinance, the Planning and Zoning Commission will consider the following:
 1. Whether the request is in accordance with the Town's Comprehensive Plan.
 2. Whether the proposal lessens congestion in the streets.
 3. Whether the proposal secures safety from fire, panic, and other dangers.
 4. Whether the proposal promotes health and the general welfare.
 5. Whether the proposal provides for the maintenance of adequate light and air.
 6. Whether the proposal would prevent the overcrowding of land.
 7. Whether the proposal would avoid the undue concentration of population.
 8. Whether the proposal would facilitate the adequate provision of transportation, water, sewer, schools, parks, and other public requirements.
- iv. Revisions to the Request:
 1. Increased Density or Intensity: No petition can be revised in a manner which would increase the intensity or density of use that is proposed to be permitted once the required public notice on the public hearing has been issued. Any such revision request will result in postponing the application for one month to allow for re-advertising and re-notification of all interested parties. The applicant shall bear the cost of such re-advertising and re-notification.
 2. Decreased Density or Intensity: It shall be within the discretion of the Planning and Zoning Commission to approve an applicant's request to amend the application in a manner which decreases the intensity or density of use. Any interested parties may be heard on the subject of such revision.
- v. Action of the Commission: Following conclusion of the public hearing and their review of the proposed zoning amendment, the action of the Planning and Zoning Commission may take one of the following forms:
 1. Recommendation of Approval: The Commission may recommend approval of the proposed zoning amendment.
 2. Recommendation of Denial: The Commission may recommend denial of the proposed zoning amendment.
 3. Forwarding without a Recommendation: If the Commission is unable to come to a satisfactory conclusion on the advisability of the proposed zoning amendment, the Commission may forward the proposed zoning amendment to the Board of Aldermen without a specific recommendation.

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

ARTICLE 8

FILING REQUESTS

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

ARTICLE 9

THE AGENDA

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

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

ARTICLE 10

HEARINGS

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

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

ARTICLE 11

FINAL DISPOSITION OF APPLICATIONS

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

ARTICLE 12

APPEAL OF THE COMMISSION'S DECISION

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

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

ARTICLE 13

AMENDMENTS AND SUSPENSIONS

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