

**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, OCTOBER 16, 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 September 18, 2014 regular meeting.
5. Discussion and action on a vacation of previously recorded plat of Lot 17 Block 74 Padre Beach Subdivision Section VI and returning to their original plat for Lots 17 and 18 Block 74 Padre Beach Subdivision Section VI. (212 W. Acapulco St.; John K Falgout, owner)
6. Discussion and action on recommended revisions to "By Laws and Rules of Procedure – Planning and Zoning Commission". (Russell Judah)
7. Adjournment

DATED THIS THE 13TH DAY OF OCTOBER 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 **OCTOBER 13, 2014** AT/OR BEFORE 5:00 P.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
SEPTEMBER 18, 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, Ramona Alcantara, and Chris Huffman. Commission Members with an excused absence were Russell Judah and Robert Bujanos. Staff members present were City Manager Bill DiLibero, Assistant City Manager Darla Jones, Police Chief Randy Smith, Building Inspector David Travis, Development Director Sungman Kim and Marta Martinez. Also present were City Council Members Alex Avalos and Barry Patel.

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 and/or announcements. Lynn Tate spoke regarding the Scampi's building.

4. Approval of minutes of the August 21, 2014 regular meeting.

Mr. McNulty announced the item from the agenda and asked the Commission members if they had any corrections to the August 21, 2014 regular meeting minutes. Ms. Alcantara made a motion to approve with correction. Mr. Olle seconded the motion. The motion carried unanimously.

5. Discussion and on a vacation of previously recorded plat of Lots 32A and 32B Block 63 Neighborhood Crossing Character Zone and returning to their original plat for Lot 32 Block 63 Neighborhood Crossing Character Zone. (110 E. Dolphin St.; Jose & Miriam Sanchez, owner)

Mr. McNulty announced the item from the agenda and asked for a staff report. Dr. Kim gave a brief summary regarding the vacation of previously recorded plat of Lots 32A and 32B Block 63. Staff recommends approval.

Mr. McNulty then opened it up for discussion by the Commission. Mr. Huffman made a motion to approve. Ms. Alcantara seconded the motion. The motion passed on a 4:0:1 vote. Ms. Bowman abstained.

6. Public Hearing regarding 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)

Mr. McNulty announced the item from the agenda. Ms. Alcantara abstained from the commission seat and stepped down as she represents the Galleon Bay Homeowners Association. Mr. McNulty then asked for a staff report. Dr. Kim gave a summary regarding this agenda item. Mr. McNulty then opened the public hearing at 3:14 p.m. and asked if anyone from the public wished to speak in favor of this agenda item., Horacio Barrera, Roxanne Guenzel, David Gower, and Ellen Walker spoke in favor of this agenda item. Mr. McNulty then asked if any member from the public wished to speak in opposition to this matter. Vincent Huebinger, John Feist, Carlos Chacon, Suzanne Pena, Kerry Schwartz, Jeff Gides, Adriana Garcia, and Celia Gides spoke in opposition of the agenda item. Suggestions were made by Ramona Alcantara and Cesar Cantor. Comments were made by Julee LaMure on performance issue and Police Chief Randy Smith on Origins' call history. Mr. McNulty closed the public hearing at 4:20 p.m.

7. **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*)

Mr. McNulty announced the item from the agenda and opened it up for discussion from the Commission. The Commissioners expressed their comments/concerns regarding this matter. After much discussion Ms. Bowman made a motion to approve with conditions (see attachments) and directed City Manager to have the conditions be reviewed by an attorney other than Mr. Cunningham before forwarding it to the City Council. Mr. McNulty seconded the motion. The motion passed on a 3:0:1 vote. Mr. Huffman abstained.

8. **Public Hearing 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*)

Mr. McNulty announced the item from the agenda and asked for a staff report. Dr. Kim gave a summary regarding this agenda item. Mr. McNulty then opened the public hearing at 5:11 p.m. and asked if anyone from the public wished to speak in favor of this agenda item. Hearing none, Mr. McNulty then asked if any member from the public wished to speak in opposition to this matter. Hearing none, Mr. McNulty closed the public hearing at 5:12 p.m.

9. **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*)

Mr. McNulty announced the item from the agenda. Mr. Olle made a motion to approve as submitted. Ms. Alcantara seconded the motion. The motion carried unanimously.

For item 7.

The five conditions proposed by staff were:

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;
 4. The Origins should prepare a campus planning after acquiring West Aeries Drive, segment from Laguna Boulevard to dead-end at Laguna Madre; and
 5. Entering substance abuse treatment shall be voluntary. Individuals having violent criminal history and seeking diversion to treatment during pretrial phase of the criminal justice system shall not be accepted. Court-ordered treatment for drug-related crime shall not be considered.
-

10. Public Hearing regarding a revision to Table 5.1 “Schedule of Uses” and Table 5.2 “Use Criteria” for Padre Boulevard and Entertainment District Code to allow Surface Parking (primary use of property) as a permitted use with design criteria in Neighborhood Transition Zone.

Mr. McNulty announced the item from the agenda and asked for a staff report. Dr. Kim gave a summary regarding this agenda item. Mr. McNulty then opened the public hearing at 5:15 p.m. and asked if anyone from the public wished to speak in favor of this agenda item. Hearing none, Mr. McNulty then asked if any member from the public wished to speak in opposition to this matter. Hearing none, Mr. McNulty closed the public hearing at 5:16 p.m.

11. Discussion and action regarding a revision to Table 5.1 “Schedule of Uses” and Table 5.2 “Use Criteria” for Padre Boulevard and Entertainment District Code to allow Surface Parking (primary use of property) as a permitted use with design criteria in Neighborhood Transition Zone.

Mr. McNulty announced the item from the agenda and asked for a staff report. Dr. Kim gave a summary regarding this agenda item. Mr. McNulty then opened it up for discussion by the Commission. The Commissioners expressed their comments/concerns regarding this matter. After much discussion Ms. Bowman made a motion to approve. Mr. Huffman seconded the motion. The motion passed on a 3:0:2. Ms. Alcantara and Mr. Huffman abstained.

12. Discussion and action on recommended revisions to “By Laws and Rules of Procedure – Planning and Zoning Commission”. (Russell Judah)

Mr. McNulty announced the item from the agenda and made a motion to postpone this agenda item until the next regular meeting. All Commissioners were in favor.

13. Adjournment

Since the Commission had no further business to discuss, Ms. Bowman made a motion to adjourn. Mr. McNulty seconded the motion. The meeting was adjourned at 5:30 p.m.

Marta Martinez, Secretary

Patrick McNulty, Chairman

Planning & Zoning Commission

October 16, 2014



Contents

Vacating Plat

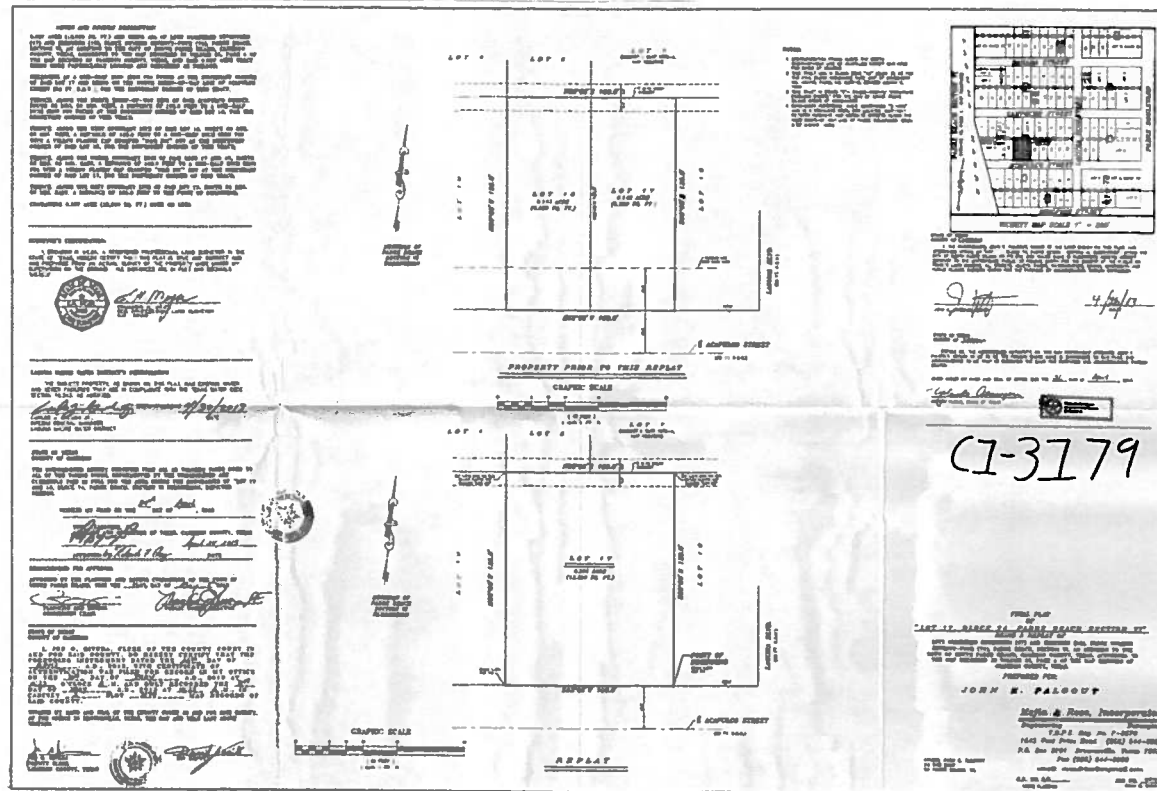
P&Z Rules of Procedure



Vacating Plat



The applicant is proposing a vacation of recorded plat of Lot 17 (100' X 125') and returning to the original lots 17 and 18 (50' X 125' each), so that the applicant can collect a deposit for sidewalk construction.



Texas Local Government Code

LGC Sec. 212.013. VACATING PLAT.

(a) The proprietors of the tract covered by a plat may vacate the plat at any time before any lot in the plat is sold. The plat is vacated when a signed, acknowledged instrument declaring the plat vacated is approved and recorded in the manner prescribed for the original plat.

(b) If lots in the plat have been sold, the plat, or any part of the plat, may be vacated on the application of all the owners of lots in the plat with approval obtained in the manner prescribed for the original plat.

(c) The county clerk shall write legibly on the vacated plat the word "Vacated" and shall enter on the plat a reference to the volume and page at which the vacating instrument is recorded.

(d) On the execution and recording of the vacating instrument, the vacated plat has no effect.



Timeline

- May 31, 2013: The plat was recorded.
- May 31, 2014: The term of the performance guarantee shall not exceed one (1) year (Sec.23.15(D)(1)).
- November 31, 2014: If the subdivider has not completed the vacation of the plat within six (6) months of the end of the last performance guarantee period, the total amount of the performance guarantee shall be forfeited to the City to allow completion of the work reflected by the final engineering plans approved by the City. (Sec.23.15(D)(3) (f)3.).



Completeness of the Application

- The owner applied for vacating plat;
- Laguna Madre Water District provided certification of utility availability on that location; and
- Cameron County Tax Office provided a Tax Certificate proving the owners' complete payments.



Staff Recommendation

- Staff recommends the P&Z Commission approve the proposed vacating plat application.



P&Z Commission Rules of Procedure



Pages 7 and 10

- Deleted: #3 ~~“forwarding without a recommendation”~~ under ‘Article 7.v. Action of the Commission’;
- Replaced: under Article 11 #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~~ actions resulting from that decision.”



PLANNING & ZONING COMMISSION

AGENDA REQUEST FORM

MEETING DATE: October 16, 2014

ITEM: 5

TO: Planning & Zoning Commission

FROM: Sungman Kim, Development Director

ITEM DESCRIPTION:

Discussion and action on a vacation of previously recorded plat of Lot 17 Block 74 Padre Beach Section VI on "E" District (Low Density Residential – Single Family and Townhouse Dwelling District) and returning to their original plats for Lot 17 and Lot 18 Block 74 Padre Beach Section VI.

DISCUSSION:

The applicant is proposing a vacation of recorded plat of Lot 17 (100' X 125') and returning to the original lots 17 and 18 (50' X 125' each), so that the applicant can collect a deposit for sidewalk construction.

Timeline:

May 31, 2013: The plat was recorded.

May 31, 2014: The term of the performance guarantee shall not exceed one (1) year (Sec.23.15(D)(1)).

November 31, 2014: If the subdivider has not completed the vacation of the plat within six (6) months of the end of the last performance guarantee period, the total amount of the performance guarantee shall be forfeited to the City to allow completion of the work reflected by the final engineering plans approved by the City. (Sec.23.15(D)(3) (f)3.).

Completeness of the Application:

The owner applied for vacating plat;

Laguna Madre Water District provided certification of utility availability on that location; and

Cameron County Tax Office provided a Tax Certificate proving the owners' complete payments.

Vacation of a Subdivision Plat

September 2, 2014



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

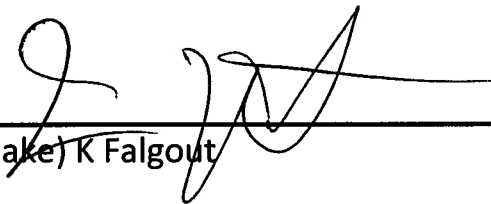
John (Jake) K Falgout
212 W Acapulco St
P.O. Box 3367
South Padre Island, TX 78597
956-371-6549

September 25, 2014

To The Planning and Zoning Board of South Padre Island;

I have completed all of the forms that are requested. The reason I want to vacate the plat that my house burned and I was going to build on both lots but due to unforeseen circumstances I am unable financially able to build. I am requesting a refund for the sidewalk that I had paid for.

Thank you very much,



John (Jake) K Falgout

PLAT VACATION APPLICATION FORM

FILING DATE: _____

NAME AND LOCATION

PHYSICAL ADDRESS: 212 W. ACAPULCO So. PADRE Island

SUBDIVISION NAME: Lot 17, Blk. 74 PADRE BEACH SECTION VI

SUBDIVISION LEGAL DESCRIPTIONS: (Current) same as above

JURISDICTION (CHECK ONE): CITY: ETJ: _____

DOES THIS SITE CURRENTLY HAVE ANY OF THE FOLLOWING: ELECTRIC METER _____, WATER TAP , or WASTEWATER _____,

IS A REPLAT OR RESUBDIVISION APPLICATION BEING SUBMITTED CONCURRENTLY FOR THE LOT(S) BEING VACATED? YES _____ NO .

IF YES, INCLUDE THE NAME OF PROPOSED PLAT: _____

JOHN K. FALGOUT
OWNER INFORMATION

OWNER NAME: JOHN K. FALGOUT TELEPHONE NO. (952) 371-6549

STREET ADDRESS: P.O. Box 3367

CITY, STATE AND ZIP: South PADRE ISLAND, TX. 78597

EMAIL: JAKES122 @ AOL . com

AGENT INFORMATION

NAME: _____ TELEPHONE NO. (____) _____

STREET ADDRESS: _____

CITY, STATE AND ZIP: _____

EMAIL: _____

PLAT ATTRIBUTES

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

NO VACANT LOTS

SPECIFIC SERVICES AND UTILITY PROVIDER(S): WATER: _____

WASTEWATER: _____ ELECTRIC: _____

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

NO

SPECIFY TYPE OF DEVELOPMENT: _____

HAS A LETTER OF CREDIT BEEN POSTED FOR THE LOT(S) BEING VACATED? YES / NO

NO

WAS A RIGHT-OF-WAY DEDICATED BY THE PLAT? YES / NO

NO

SPECIFY IMPROVEMENTS FOR WHICH THE LETTER OF CREDIT WAS POSTED: _____

N/A

HAVE THESE IMPROVEMENTS BEEN COMPLETED? YES / NO

N/A

HAS THE LETTER OF CREDIT BEEN RELEASED? YES / NO

N/A

IF YES PLEASE GIVE DATE: _____

VACATING OF PLAT

Subdivision Plat Name: Padre Beach Section VI Lot 17 Blk 74

As owner(s) of the Lot 17, Block 74, Padre Beach ^{Sec. VI} Replat, a subdivision plat recorded in the map records of Cameron County, Texas in Cabinet 1, Pages 3179, Slot we by this instrument declare the subdivision plat vacated. At this time we are still the owners of all the lots and no improvements have been made within the limits of the subdivision as of this day. We will inform the regulatory agencies that approved the plat that this plat has been vacated.

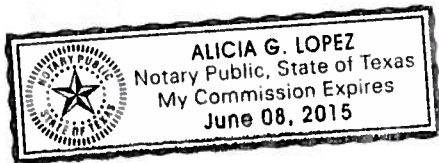
Owners:

Signature [Handwritten Signature]
Print Name John (Jake) Falgout
Michele Sanchez, Trustee MICHELE SANCHEZ, TRUSTEE

THE STATE OF TEXAS
COUNTY OF CAMERON

On this 23rd day of September, 2014, before me personally appeared JOHN (JAKE) FALGOUT, known to me to be the individual described in and who executed the foregoing instrument and who duly acknowledged to me that they executed the same for the purpose therein contained.

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

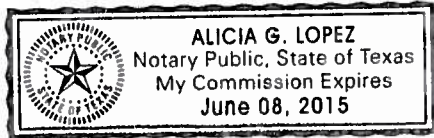


[Handwritten Signature]
Notary Public in and for Cameron County
& For the State of Texas
My Commission Expires: 06/08/2015

THE STATE OF TEXAS
COUNTY OF CAMERON

On this 23rd day of September, 2014, before me personally appeared MICHELE SANCHEZ, TRUSTEE, known to me to be the individual described in and who executed the foregoing instrument and who duly acknowledged to me that they executed the same for the purpose therein contained.

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



[Handwritten Signature]
Notary Public in and for Cameron County
& For the State of Texas
My Commission Expires: 06/08/2015

THE STATE OF TEXAS
COUNTY OF CAMERON

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

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

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

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

LAGUNA MADRE WATER DISTRICT'S CERTIFICATION

After the total cancellation of the subdivision Padre Beach Sec. VI Lot 17 Block 74,
the subject property has existing water and sewer facilities that are in compliance with the Texas Water Code Section
16.343, as amended and may be developed under the original plat.


CARLOS GALVAN
GENERAL MANAGER
LAGUNA MADRE WATER DISTRICT

9-22-2014
DATE

CAMERON COUNTY TAX OFFICE

Tony Yzaguirre, Jr Tax Assessor Collector

964 E. Harrison

Brownsville TX 78520

(956) 544-0800

ACCOUNT NUMBER: 67/6400/0740/0170/00

PROPERTY OWNER:

FALGOUT JOHN K
PO BOX 3367
SO PADRE ISLAND, TX 78597-3367

PROPERTY DESCRIPTION:

SO PADRE IS - PADRE BEACH SECTION
VI LOT 17 BLK 74 (2014 C1
R FILED 5/31/2013)

CAUSE # ACRES .2870 MIN% .000000000000 TYPE
BANKRUPTCY # USER CODES

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

Table with 5 columns: YEAR, ENTITY, BASE TAX, P & I, COLLECTION FEES TOTAL. Rows include 2013 taxes for Point Isabel ISD, South Texas ISD, CTY So Padre Island, Cameron County, Laguna M Water Dist, and TX Shmost College.

TOTAL SEQUENCE 0

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

TAXES PAID FOR YEAR 2013 \$2,264.92

ALL TAXES PAID IN FULL PRIOR TO AND INCLUDING THE YEAR 2013 EXCEPT FOR UNPAID YEARS LISTED ABOVE.

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

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

GIVEN UNDER MY HAND AND SEAL OF OFFICE ON THIS DATE OF 09/25/2014

Fee Paid: \$10.00

Tony Yzaguirre Jr.
Tax Assessor & Collector

By: [Signature] DEPUTY

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

RECEIPT NO: 251262

CAMERON COUNTY TAX OFFICE

Tony Yzaguirre, Jr Tax Assessor Collector

964 E. Harrison

Brownsville TX 78520

(956) 544-0800

BATCH NO: 14268NC

EFFECTIVE DATE PAID: 09/25/2014

ACCOUNT NUM: 67/6400/0740/0170/00

REC'D BY: NCR

PROC DATE: 09/25/2014

REF#: 5606004

PROC TYPE: PST

PROC TIME: 15:08:35

DESC: SO PADRE IS - PADRE BEACH SECTION

VI LOT 17 BLK 74 (2014 C1-3179 CCM

R FILED 5/31/2013)

NAME: FALGOUT JOHN K

PO BOX 3367

SO PADRE ISLAND, TX 78597-3367

ACRES: 0.287

YEAR	ENTITY	TYPE	BASE TAX	P & I	COLL FEE	TOTAL AMT	REFERENCE
2013	CERTFEE		FEE: CERTIFICATE FEE			10.00	1

ACCT TAX DUE BEFORE PYMT 0.00 TOTAL APPLIED 10.00

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

CK #: CASH PYMT TYPE: CA PAID BY FALGOUT JOHN

YEAR	ENTITY	CODE & DESCRIPTION	NET TAXABLE VALUE	TAX RATE
------	--------	--------------------	-------------------	----------

PAID
 SEP 25 2014
 CAMERON COUNTY TAX OFFICE
 DEPUTY

PHYSICAL ADDRESS: 212 W. ACAPULCO So. Padre Island, Tx

SUBDIVISION NAME: _____

SUBDIVISION LEGAL DESCRIPTIONS: (Current) _____

Lot 17 BLK. 74 PADRE BEACH Sec. VI

CURRENT TAX CERTIFICATE

STATE OF TEXAS
COUNTY OF CAMERON

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

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

APPROVED:

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

APPROVED:

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

DATE

WARRANTY DEED WITH VENDOR'S LIEN

CONFORMS TO STATE BAR FORM 2253 REV.10-85

VOL 4540 PAGE 195

Date: August 29, 1997

Grantor: JURGEN MEYER and wife, ELSA MEYER

Grantor's Mailing Address (including county):

Grantee: JOHN K. FALGOUT

Grantee's Mailing Address (including county):

Consideration: TEN AND NO/100 DOLLARS (\$10.00) and a note of even date that is in the principal amount of ONE HUNDRED FOURTEEN THOUSAND AND NO/100 DOLLARS (\$114,000.00), and is executed by Grantee, payable to the order of INTERNATIONAL BANK OF COMMERCE, One South Broadway, P.O. Box 579, McAllen, Hidalgo County, Texas 78505-0579. The note is secured by a vendor's lien retained in favor of INTERNATIONAL BANK OF COMMERCE in this Deed and by a Deed of Trust of even date from Grantee to ANA V. ARRIOLA, Trustee.

Property (including any improvements): LOTS 17 AND 18, BLOCK 74, PADRE BEACH, SECTION VI, AN ADDITION TO THE TOWN OF SOUTH PADRE ISLAND, CAMERON COUNTY, TEXAS, ACCORDING TO MAP THEREOF RECORDED IN VOLUME 15, PAGE 4 OF THE MAP RECORDS, CAMERON COUNTY, TEXAS.

Reservations from and Exceptions to Conveyance and Warranty: See Exhibit "A" attached hereto.

Grantor, for the consideration and subject to the reservations from and exceptions to conveyance and warranty, grants, sells, and conveys to Grantee the property, together with all and singular the rights and appurtenances thereto in any wise belonging, to have and hold it to Grantee, Grantee's heirs, executors, administrators, successors, or assigns forever. Grantor hereby binds Grantor and Grantor's heirs, executors, administrators, and successors to warrant and forever defend all and singular the property to Grantee and Grantee's heirs, executors, administrators, successors, and assigns, against every person whomsoever lawfully claiming or to claim the same or any part thereof, except as to the reservations from and exceptions to warranty.

The vendor's lien against and superior title to the property are retained until each note described is fully paid according to its terms, at which time this deed shall become absolute.

When the context requires, singular nouns and pronouns include the plural, and plural nouns and pronouns include the singular.

INTERNATIONAL BANK OF COMMERCE, at Grantee's request, has paid in cash to Grantors that portion of the purchase price of the property that is evidenced by the Note described. The vendor's lien and superior title to the property are retained for the benefit of INTERNATIONAL BANK OF COMMERCE and are transferred to that party without recourse on Grantors.

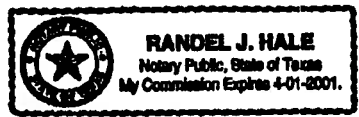
JURGEN MEYER (Signature)

ELSA MEYER (Signature)

(Acknowledgement)

STATE OF TEXAS COUNTY OF CAMERON

This instrument was acknowledged before me on the 15th day of September, 1997, by JURGEN MEYER and wife, ELSA MEYER.



Notary Public, State of Texas Notary's name (printed): Notary's commission expires:

AFTER RECORDING RETURN TO: JOHN K. FALGOUT 212 W. ALCAPULCO STREET SOUTH PADRE ISLAND, TEXAS 78597

PREPARED IN THE LAW OFFICE OF: JOHN KING 3409 N. 10th, Suite 100 McAllen, Texas 78501 FILE NO.: #48;GF971135;RH/rg

VOL 4540 PAGE 196

RESTRICTIONS RECORDED IN VOLUME 556, PAGE 52, DEED RECORDS, CAMERON COUNTY, TEXAS, BUT OMITTING ANY COVENANT OR RESTRICTION BASED ON RACE, COLOR, RELIGION, SEX, ~~HANDICAP~~, FAMILIAL STATUS, OR NATIONAL ORIGIN.

A STATED RESERVATION OF ALL MINERALS, EXCEPT A PROPORTIONATE PART OF 1/4TH OF 1/8TH NON-PARTICIPATING ROYALTY INTEREST AS SET OUT IN DEED DATED JUNE 3, 1958, EXECUTED BY JOHN L. TOMPKINS, TRUSTEE TO NOBLE MARTIN RHEA, RECORDED IN VOLUME 657, PAGE 252, DEED RECORDS OF CAMERON COUNTY, TEXAS.

A STATED RESERVATION OF 1/16TH NON-PARTICIPATING (BEING 1/2 OF 1/8TH) ROYALTY INTEREST IN ALL OIL, GAS AND OTHER MINERALS IN DEED DATED OCTOBER 12, 1951 FROM W. J. EHLERS, ET AL TO JOHN L. TOMPKINS, TRUSTEE, RECORDED IN VOLUME 527, PAGE 129, DEED RECORDS, CAMERON COUNTY, TEXAS.

EIGHT (8') FOOT UTILITY EASEMENT ALONG THE REAR OF SAID LOT, ACCORDING TO THE RECORDED PLAT.

THE RIGHT OF THE PUBLIC, INDIVIDUALLY AND COLLECTIVELY TO THE USE OF ANY PORTION OF SAID LAND LYING BETWEEN THE MEAN LOW TIDE AND MEAN HIGH TIDE AND/OR THE LINE OF VEGETATION, BORDERING ON THE GULF OF MEXICO OR THE LAGUNA MADRE, SAID MEAN HIGH TIDE OR MEAN LOW TIDE OR LINE OF VEGETATION IS DETERMINED, DEFINED AND ADJUDICATED BY ANY STATUTE OR STATUTES OF THE STATE OF TEXAS OR BY ANY COURT OF COMPETANT JURISDICTION.

ZONING REGULATIONS AND RULES PRO ULGATED BY THE COMMISSIONER'S COURT OF CAMERON COUNTY, TEXAS AND THE TOWN OF SOUTH PADRE ISLAND, TEXAS.

ANY LOSS OR GAINS OF LAND HEREIN DESCRIBED FROM ANY EROSIONS, REFLECTIONS OR ACCRETIONS FROM NATURAL OR ARTIFICIAL FORCES TO LAND BORDERING ON THE LAGUNA MADRE OR GULF OF MEXICO.

STATUTORY RIGHTS, RULES AND REGULATIONS IN FAVOR OF LAGUNA MADRE WATER DISTRICT AND ALL VISIBLE EASEMENTS.

TWENTY FIVE (25') FOOT BUILDING SET BACK LINE ALONG THE FRONT OF SAID LOTS, ACCORDING TO THE RECORDED PLAT.

32457

FILED FOR RECORD
AT _____

VOL 4540 PAGE 197

SEP 18 4 10 PM '97

JOE O. RIVERA
CLERK COUNTY COURT
CAMERON COUNTY, TEXAS
BY _____ DEPUTY

STATE OF TEXAS
COUNTY OF CAMERON
I hereby certify that this instrument was FILED on the
date and at the time stamped herein to me and was duly
RECORDED in the Volume and page of the named RECORDS of
Cameron County, Texas as stamped herein by me



[Handwritten Signature]
County Clerk
Cameron County, Texas

00013866

ML# 5000198235

RELEASE OF LIEN

Date: FEBRUARY 19, 2002

Note:

Date: AUGUST 29, 1997

Original Amount: ONE HUNDRED FOURTEEN THOUSAND AND NO/100 (\$114,000.00)

Maker: JOHN K. FALGOUT, A SINGLE MAN
Payee: INTERNATIONAL BANK OF COMMERCE

Date of Maturity: SEPTEMBER 1st, 2027

Holder of Note and Lien: INTERNATIONAL BANK OF COMMERCE

Holder's Mailing Address (including County): P.O. BOX 579
MCALLEN HIDALGO
COUNTY TEXAS
78505-0579

Note and Lien are described in the following Document, Recorded in:

DEED OF TRUST DATED AUGUST 29, 1997 EXECUTED BY JOHN K, FALGOUT A SINGLE MAN RECORDED IN DOCUMENT NUMBER 32458 OF THE OFFICIAL RECORDS OF CAMERON COUNTY, TEXAS, SECURING THE AMOUNT OF ONE HUNDRED FOURTEEN THOUSAND AND NO/100 (\$114,000.00)

Property (including any improvements) Subject to Lien:

LOTS 17 AND 18, BLOCK 74, PADRE BEACH, SECTION VI, AND ADDITION TO THE TOWN OF SOUTH PADRE ISLAND, CAMERON COUNTY, TEXAS. ACCORDING TO MAP THEREOF RECORDED IN VOLUME 15, PAGE 4 OF THE MAP RECORDS, CAMERON COUNTY TEXAS.

Holder of the note acknowledges its payment and releases the property from the lien.

When the context requires, singular nouns and pronouns include the plural.

Doc
00013866 DR
BK
Vol
7833
Pg
289

INTERNATIONAL BANK OF COMMERCE

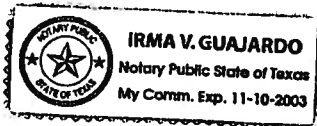
BY: *Rafael Medrano Jr.*
RAFAEL MEDRANO JR.
SENIOR VICE PRESIDENT

(Acknowledgment)

STATE OF TEXAS

COUNTY OF HIDALGO

This instrument was acknowledged before me on February 23, 2002, by RAFAEL MEDRANO JR., SENIOR VICE PRESIDENT, of INTERNATIONAL BANK OF COMMERCE, on behalf of said bank.



Irma V. Guajardo
Notary Public, State of TEXAS
Notary's Name (Printed):

IRMA V. GUAJARDO

Notary's Commission Expires:

11/10/03

AFTER RECORDING RETURN TO:

JOHN K FALGOUT
ATTN DONNA EYMARD
IBC SOUTH PADRE ISLAND
SOUTH PADRE ISLAND TX 78597

Doc 00013866 BK Vol 7833 Pg 290

FILED AND RECEIVED
OFFICIAL PUBLIC RECORDS
Dist. Mar. 14, 2002 at 10:21A
Document Number: 00013866
By
Mel Perez
Joe G Rivera, County Clerk
Cameron County

Cameron County
Joe G Rivera
County Clerk
Brownsville, TX 78520



70 2014 00033423

Instrument Number: 2014-00033423

Recorded On: September 19, 2014

As
Real Property

Billable Pages: 3
Number of Pages: 4

Parties:
To

Comment:

(Parties listed above are for Clerks reference only)

**** Examined and Charged as Follows: ****

Real Property	34.00
Total Recording:	34.00

***** DO NOT REMOVE. THIS PAGE IS PART OF THE INSTRUMENT *****

Any provision herein which restricts the Sale, Rental or use of the described REAL PROPERTY because of color or race is invalid and unenforceable under federal law.

File Information:

Document Number: 2014-00033423
Receipt Number: 703181
Recorded Date/Time: September 19, 2014 08:39:44A
Book-Vol/Pg: BK-OR VL-20453 PG-69
User / Station: H Perez - Cash Station # 5

Record and Return To:

MICHELLE SANCHEZ
717 N EXPWY
BROWNSVILLE TX 78520

I hereby certify that this instrument was filed on the date and time stamped hereon and was duly recorded in the Official Public Records in Cameron County, Texas



Joe G. Rivera
Cameron County Clerk

NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OR ALL OF THE FOLLOWING INFORMATION FROM ANY INSTRUMENT THAT TRANSFERS AN INTEREST IN REAL PROPERTY BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER.

WARRANTY DEED

00033423

Date: September 9, 2014

Grantor: JOHN K. FALGOUT, a Single Man now and at all times during my ownership of the hereinafter described real property

Grantor's Mailing Address (including county): P.O. Box 2819, South Padre Island, Texas 78597
CAMERON County

Grantee: MICHELE SANCHEZ, TRUSTEE

Grantee's Mailing Address (including County): c/o 7863 Etienne, Corpus Christi, Texas 78414
NUECES County

PROPERTY (including any improvements):

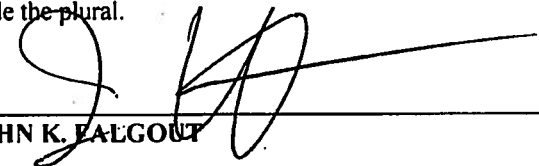
Lot Seventeen (17), Block Seventy-Four (74), PADRE BEACH, SECTION VI, being a replat of Lots 17 and 18, Block 74, Padre Beach, Section VI, an Addition to the Town of South Padre Island, Cameron County, Texas, according to the map recorded in Cabinet 1, Slot 3179 of the Map Records of Cameron County, Texas.

RESERVATIONS FROM AND EXCEPTIONS TO CONVEYANCE AND WARRANTY:

This conveyance is made and accepted subject to any and all restrictions, covenants, conditions, easements, mineral and royalty reservations, zoning laws, regulations and ordinances of municipal and other governmental authorities, if any, and only to the extent that same are still in effect, shown of record in Cameron County, Texas; together with any and all visible and apparent easements, to include but not limited to easements for roadways on or across the land.

Grantor, for the consideration, receipt of which is acknowledged, and subject to the reservations from and exceptions to conveyance and warranty, **GRANTS AND CONVEYS** to Grantee the property, together with all and singular the rights and appurtenances thereto in any wise belonging, to have and hold it to Grantee, Grantee's heirs, executor, administrators, successors or assigns forever. Grantor, Grantor's heirs, executors, administrators and successors are hereby bound to warrant and forever defend all and singular the property to Grantee and Grantee's heirs, executors, administrators, successors and assigns against every person whomsoever lawfully claiming or to claim the same or any part thereof, except as to the reservations from and exceptions to conveyance and warranty.

When the context requires, singular nouns and pronouns include the plural.

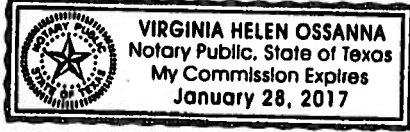


JOHN K. FALGOUT

ACKNOWLEDGMENT

STATE OF TEXAS
COUNTY OF CAMERON

This instrument was acknowledged before me on September 15, 2014 by JOHN K. FALGOUT.



Virginia Helen Ossanna
Notary Public, State of Texas

AFTER RECORDING RETURN TO:

Ms. Michele Sanchez, Trustee
c/o 7865 Etienne
Corpus Christi, TX 78414

PREPARED IN THE OFFICE OF:

MICHELE SANCHEZ, P.C.
717 No. Expressway
Brownsville, TX 78520



Doc	Bk	Vol	Pa
00033423	OR	20453	72

FILED AND RECORDED
OFFICIAL PUBLIC RECORDS
On: Sep 19, 2014 at 08:39A

Document Number: 00033423

By
Hilda Perez
Joe G Rivera, County Clerk
Cameron County

METES AND BOUNDS DESCRIPTION

0.287 ACRE (12,500 SQ. FT.) AND BEING ALL OF LOTS NUMBERED SEVENTEEN (17) AND EIGHTEEN (18), BLOCK NUMBER SEVENTY-FOUR (74), PADRE BEACH, SECTION VI, AN ADDITION TO THE CITY OF SOUTH PADRE ISLAND, CAMERON COUNTY, TEXAS, ACCORDING TO THE MAP RECORDED IN VOLUME 15, PAGE 4 OF THE MAP RECORDS OF CAMERON COUNTY, TEXAS, AND SAID 0.287 ACRE TRACT BEING MORE PARTICULARLY LOCATED AND DESCRIBED AS FOLLOWS:

BEGINNING AT A ONE-HALF INCH IRON PIN FOUND AT THE SOUTHWEST CORNER OF SAID LOT 17 AND BEING ON THE NORTH RIGHT-OF-WAY LINE OF ACAPULCO STREET (50 FT. R.O.W.), FOR THE SOUTHWEST CORNER OF THIS TRACT;

THENCE, ALONG THE NORTH RIGHT-OF-WAY LINE OF SAID ACAPULCO STREET, SOUTH 83 DEG. 56 MIN. WEST, A DISTANCE OF 100.0 FEET TO A ONE-HALF INCH IRON PIN FOUND AT THE SOUTHWEST CORNER OF SAID LOT 18, FOR THE SOUTHWEST CORNER OF THIS TRACT;

THENCE, ALONG THE WEST BOUNDARY LINE OF SAID LOT 18, NORTH 06 DEG. 00 MIN. WEST, A DISTANCE OF 125.0 FEET TO A ONE-HALF INCH IRON PIN WITH A YELLOW PLASTIC CAP STAMPED "M&R INC" SET AT THE NORTHWEST CORNER OF SAID LOT 18, FOR THE NORTHWEST CORNER OF THIS TRACT;

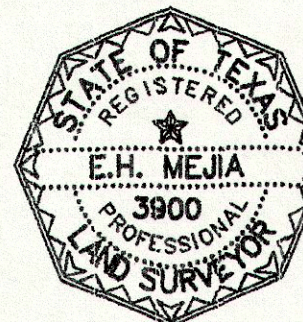
THENCE, ALONG THE NORTH BOUNDARY LINE OF SAID LOTS 17 AND 18, NORTH 83 DEG. 56 MIN. EAST, A DISTANCE OF 100.0 FEET TO A ONE-HALF INCH IRON PIN WITH A YELLOW PLASTIC CAP STAMPED "M&R INC" SET AT THE NORTHEAST CORNER OF SAID LOT 17, FOR THE NORTHEAST CORNER OF THIS TRACT;

THENCE, ALONG THE EAST BOUNDARY LINE OF SAID LOT 17, SOUTH 06 DEG. 00 MIN. EAST, A DISTANCE OF 125.0 FEET TO THE POINT OF BEGINNING;

CONTAINING 0.287 ACRE (12,500 SQ. FT.) MORE OR LESS.

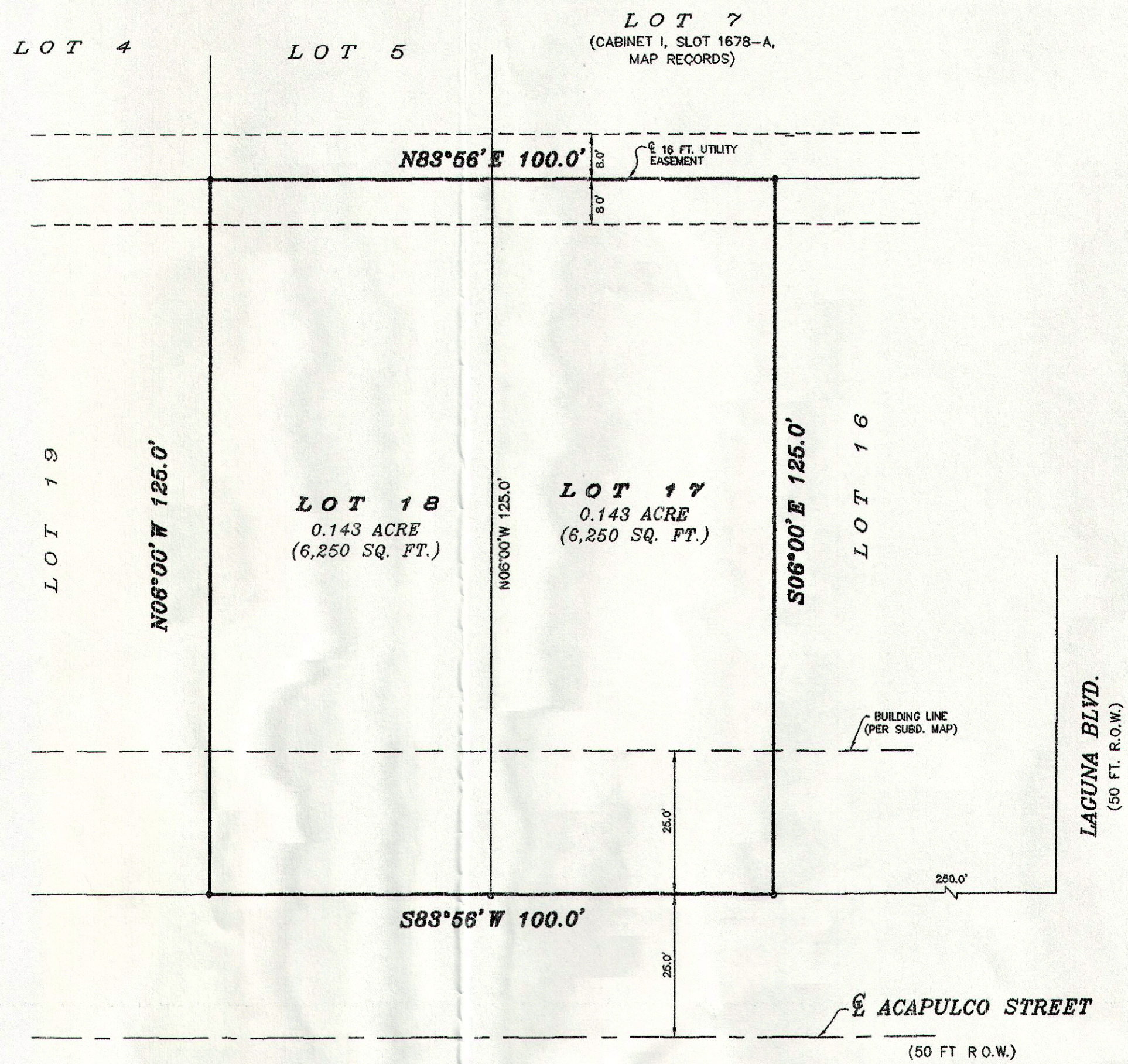
SURVEYOR'S CERTIFICATION:

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

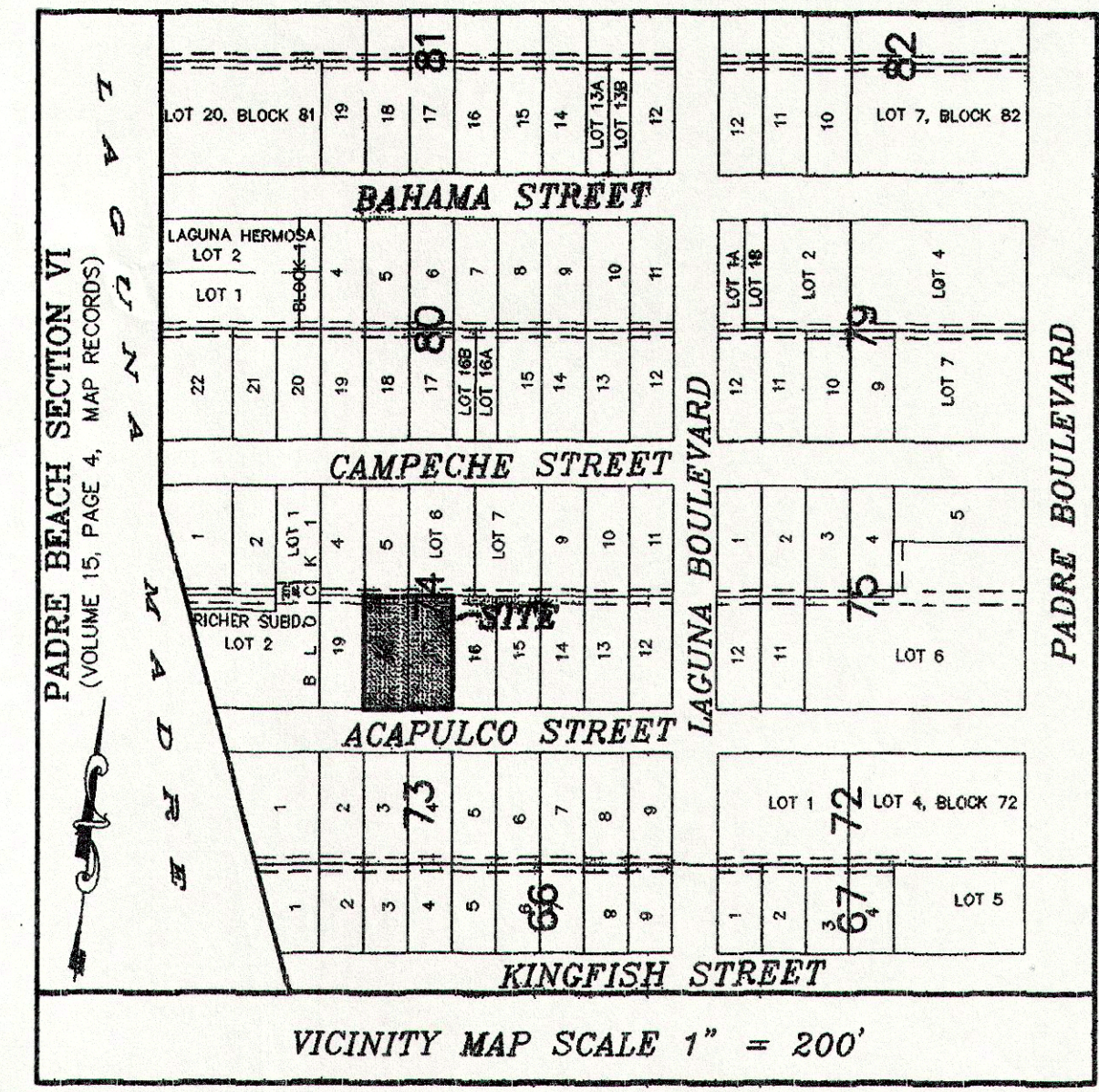


E.H. Mejia
EDUARDO H. MEJIA
REG. PROFESSIONAL LAND SURVEYOR
NO. 3900

MERIDIAN OF PADRE BEACH SECTION VI SUBDIVISION



- NOTES:**
- MONUMENTATION FOUND ALONG THE NORTH RIGHT-OF-WAY LINE OF ACAPULCO STREET WAS HELD FOR BASIS OF BEARING
 - THIS TRACT LIES IN FLOOD ZONE "AE" (ELEV. 8) AS PER THE F.I.A. FLOOD INSURANCE RATE MAP OF COMMUNITY NO. 480115, PANEL NO. 0301-D, REVISED MARCH 9, 1999
 - THIS TRACT IS ZONED "E" - SINGLE-FAMILY/TOWNHOUSE DWELLING DISTRICT PER THE CITY OF SOUTH PADRE ISLAND CODES OF ORDINANCES
 - BENCHMARK REFERENCE N.G.S. BENCHMARK "D 1436" AND IS A STAINLESS STEEL ROD LOCATED HALF-WAY BETWEEN HUISACHE AND MESQUITE STREETS ALONG THE WEST RIGHT-OF-WAY LINE OF PADRE BOULEVARD. (ELEV. 2'38" N.G.V.D. 1929)



STATE OF TEXAS
COUNTY OF CAMERON

I, THE UNDERSIGNED, JOHN K. FALGOUT, OWNER OF THE LAND SHOWN ON THIS PLAT, AND DESIGNATED HEREIN AS "LOT 17, BLOCK 74, PADRE BEACH, SECTION VI, SUBDIVISION", WITHIN THE CITY OF SOUTH PADRE ISLAND OR ITS ETJ, AND WHOSE NAME IS SUBSCRIBED HERETO, HEREBY DEDICATE TO THE APPROPRIATE PUBLIC OR PRIVATE ENTITY FOR THE BENEFIT OF THE PUBLIC OR PRIVATE LAND OWNERS, ALL STREETS, ALLEYS, PARKS, WATERCOURSES, DRAINS, EASEMENTS AND PUBLIC PLACES THEREON SHOWN FOR THE PURPOSE OR CONSIDERATION THEREIN EXPRESSED.

John K. Falgout
JOHN K. FALGOUT, OWNER
DATE: 4/26/13

STATE OF TEXAS
COUNTY OF CAMERON

BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED JOHN K. FALGOUT, KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THIS PLAT, AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME FOR PURPOSES AND CONSIDERATIONS THEREIN STATED.

GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS THE 26th DAY OF April, 2013.

Yolanda Altamirano
NOTARY PUBLIC, STATE OF TEXAS

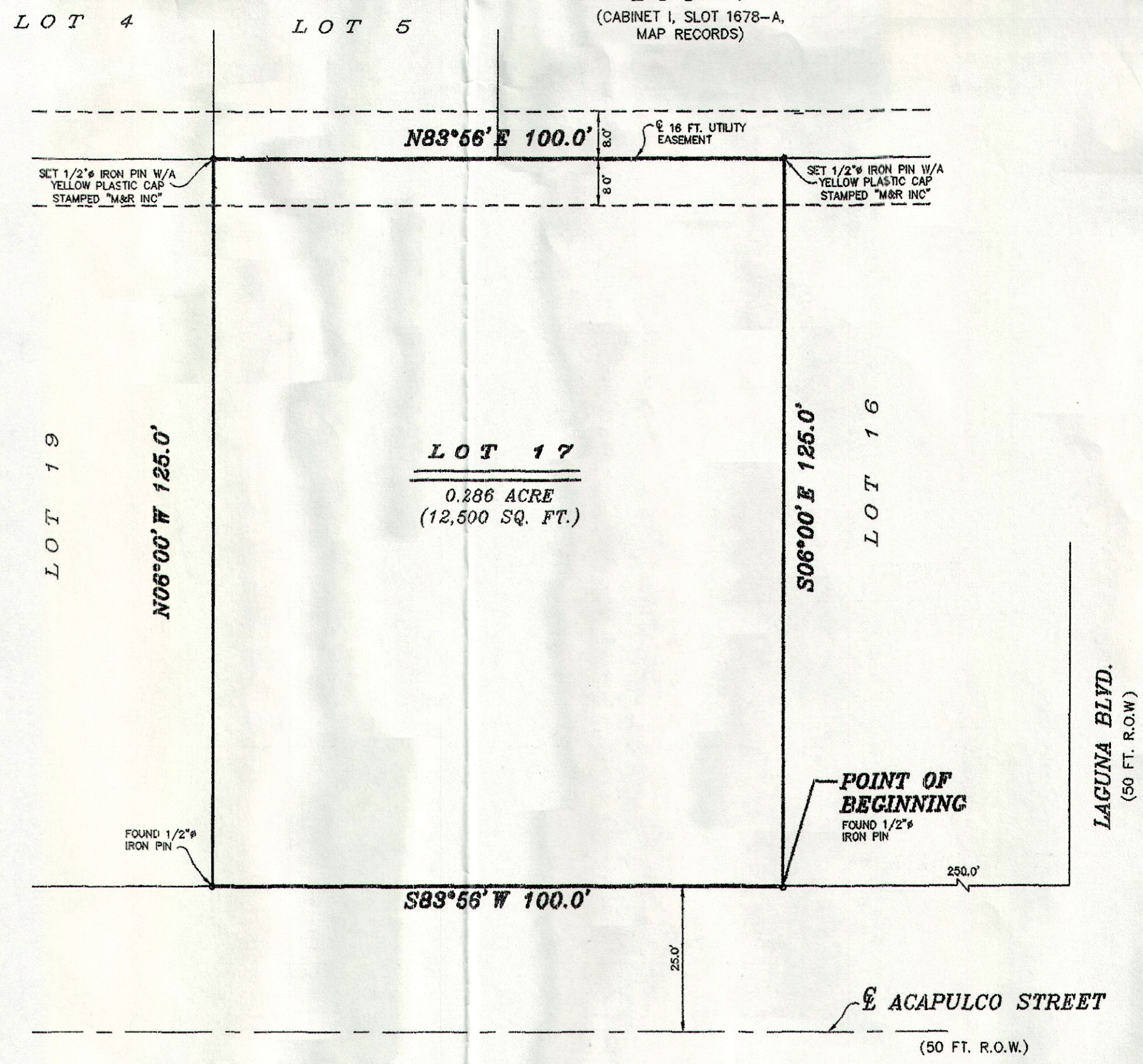
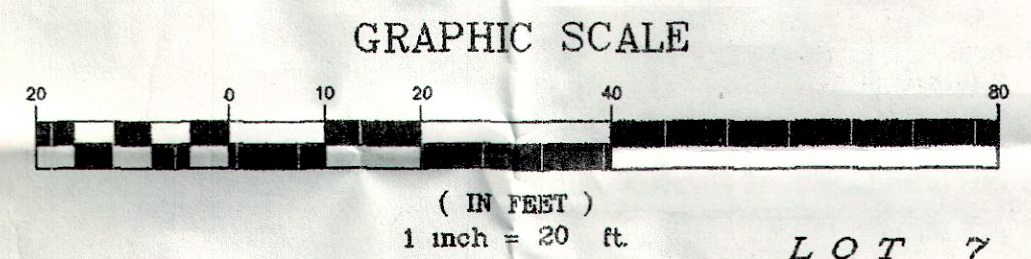
LAGUNA MADRE WATER DISTRICT'S CERTIFICATION

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

Carlos J. Galvan Jr.
CARLOS J. GALVAN JR.
INTERIM GENERAL MANAGER
LAGUNA MADRE WATER DISTRICT

DATE: 4/30/2013

PROPERTY PRIOR TO THIS REPLAT



STATE OF TEXAS
COUNTY OF CAMERON

THE UNDERSIGNED HEREBY CERTIFIES THAT ALL AD VALOREM TAXES OWED TO ALL OF THE TAXING UNITS, REPRESENTED BY THE UNDERSIGNED ARE CURRENTLY PAID IN FULL FOR THE AREA INSIDE THE BOUNDARIES OF "LOT 17 AND 18, BLOCK 74, PADRE BEACH, SECTION VI SUBDIVISION, DEPICTED HEREON.

WITNESS MY HAND ON THE 24th DAY OF April, 2013

TONY ZAQUIRRE, JR.
ASSASS AND COLLECTOR OF TAXES, CAMERON COUNTY, TEXAS

APPROVED: *Rubens F. Cruz* DATE: April 24, 2013

RECOMMENDED FOR APPROVAL

APPROVED BY THE PLANNING AND ZONING COMMISSION OF THE TOWN OF SOUTH PADRE ISLAND, THIS THE 16th DAY OF May, 2013.

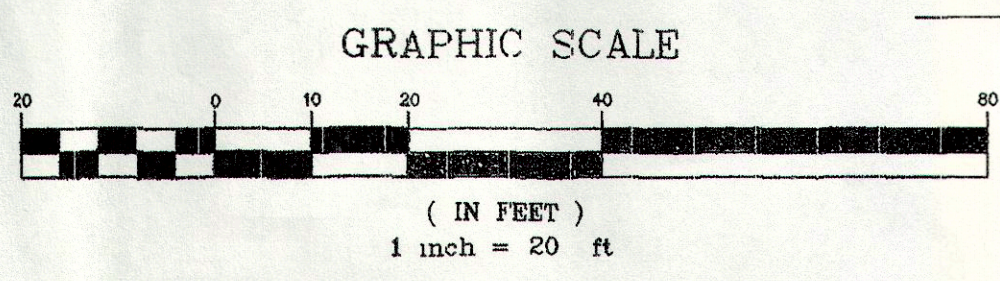
Travis Johnson
PLANNING AND ZONING COMMISSION CHAIR
PUBLIC WORKS DIRECTOR

STATE OF TEXAS
COUNTY OF CAMERON

I, JOE G. RIVERA, CLERK OF THE COUNTY COURT IN AND FOR SAID COUNTY, DO HEREBY CERTIFY THAT THE FOREGOING INSTRUMENT DATED THE 24th DAY OF April, A.D., 2013, WITH CERTIFICATE OF AUTHENTICATION WAS FILED FOR RECORD IN MY OFFICE ON THE 31st DAY OF May, A.D., 2013 AT 10:22 O'CLOCK A.M. AND DULY RECORDED THE 31st DAY OF May, A.D., 2013 AT 10:27 A.M., IN CABINET 2, SLOT 3179, MAP RECORDS OF SAID COUNTY.

WITNESS MY HAND AND SEAL OF THE COUNTY COURT IN AND FOR SAID COUNTY, AT THE OFFICE IN BROWNSVILLE, TEXAS, THE DAY AND YEAR LAST ABOVE WRITTEN.

Joe G. Rivera
JOE G. RIVERA
COUNTY CLERK
CAMERON COUNTY, TEXAS



REPLAT

CI-3179

"LOT 17, BLOCK 74, PADRE BEACH SECTION VI" BEING A REPLAT OF

LOTS NUMBERED SEVENTEEN (17) AND EIGHTEEN (18), BLOCK NUMBER SEVENTY-FOUR (74), PADRE BEACH, SECTION VI, AN ADDITION TO THE TOWN OF SOUTH PADRE ISLAND, CAMERON COUNTY, TEXAS, ACCORDING TO THE MAP RECORDED IN VOLUME 15, PAGE 4 OF THE MAP RECORDS OF CAMERON COUNTY, TEXAS.

PREPARED FOR:
JOHN K. FALGOUT

Mejia & Rose, Incorporated
Engineering Surveying
T.B.P.E. Reg. No. F-2670
1643 West Price Road (956) 544-3022
P.O. Box 3761 Brownsville, Texas 78520
Fax (956) 544-3068
email: mandrinc@cnmail.com

OWNER: JOHN K. FALGOUT
PO BOX 3367
80 PADRE ISLAND, TX,

G.F. NO. N/A 18878 PLAT.DWG
JOB NO. 18878
Gene G. Orive Jr.

**PLANNING & ZONING COMMISSION
AGENDA REQUEST FORM**

MEETING DATE: October 16, 2014

ITEM: 6

TO: Planning & Zoning Commission

FROM: Sungman Kim, Development Director

ITEM DESCRIPTION:

Discussion and action on recommended revisions to “By Laws and Rules of Procedure – Planning and Zoning Commission”.

DISCUSSION:

Attach is the draft By Laws and Rules of Procedure – Planning and Zoning Commission for your review.

STAFF RECOMMENDATIONS / COMMENTS:

COMMISSION ACTION:

MOTION: _____

BY: _____

SECOND BY: _____

McNulty	Huffman	Bowman	Bujanos	Judah	Olle
Yes	Yes	Yes	Yes	Yes	Yes
No	No	No	No	No	No
Abstain	Abstain	Abstain	Abstain	Abstain	Abstain

BYLAWS AND RULES OF PROCEDURE



THE PLANNING AND ZONING COMMISSION
CITY OF SOUTH PADRE ISLAND, TEXAS

Revised on: October 2014

RULES OF PROCEDURE
TOWN CITY 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~~ City of South Padre Island and have been approved by the ~~Board of Aldermen~~ City Council.

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~~ City Council for terms of two (2) years.
2. All regular members of the Planning and Zoning Commission are appointed by the ~~Board of Aldermen~~ City Council and may be removed by the ~~Board of Aldermen~~ City Council. The Chairman may recommend to the ~~Board of Aldermen~~ City Council that a member(s) be removed when their conduct does not support respectful discussion or treatment of ~~Town~~ City 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 any matter presented by public hearing in order to be eligible to vote on any that 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~~ **be made** at the first meeting after the official appointment of new members by the ~~Board of Aldermen City Council~~ **City Council** ~~(which normally takes place in or around September/October).~~ **By policy, these appointments are made for calendar years and after the City Council elections in November of each year.** 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 role 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 City 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~~ City Council.

- 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 Members, 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 City'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~~ **City'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~~ **City'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~~ **City Council** 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~~ **City Council**. Such application may be initiated by any member of the ~~Board of Aldermen~~ **City Council**, 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~~ **City**.

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~~ **City Council**. Such request may be initiated by any member of the ~~Board of Aldermen~~ **City Council**, 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~~ City'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-City Council 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~~ **City Council** 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~~ **City Council** 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~~ **City** 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~~ **are** improperly drawn or ~~is~~ **are** 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 **and meet all other requirements of the Texas Open Meeting Act**. 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 **City** 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~~ **City Council**. 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-actions** 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~~ City 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~~ City Council 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~~ City Council pursuant to Section 23.05(E) of the ~~Town's~~ City'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~~ City Council.
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.