

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

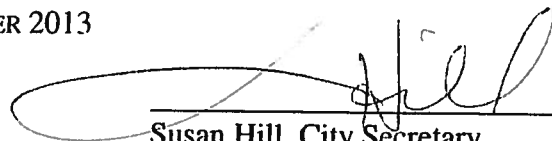
NOTE: One or more members of the City of South Padre Island City Council may attend this meeting; if so, this statement satisfies the requirements of the OPEN MEETINGS ACT.

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, DECEMBER 19, 2013
3:00 P.M. AT THE MUNICIPAL BUILDING,
CITY COUNCIL CHAMBERS, 2ND FLOOR
4601 PADRE BOULEVARD, SOUTH PADRE ISLAND, TEXAS

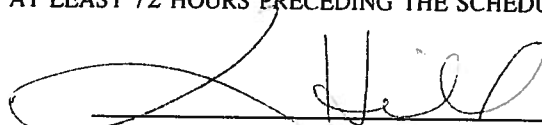
1. Call to Order.
2. Pledge of Allegiance.
3. Public Comments and Announcements: *This is an opportunity for citizens to speak to Commissioners relating to agenda or non-agenda items. Speakers are required to address Commissioners at the podium and give their name before addressing their concerns. [Note: 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 November 21, 2013 regular meeting.
5. Discussion and action regarding a one-year extension of the approved "Sea Breeze Estate" subdivision. *(Dr. Kim, Staff)*
6. Adjournment

DATED THIS THE 13TH DAY OF DECEMBER 2013



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 **DECEMBER 13, 2013** AT/OR BEFORE **12:00 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
NOVEMBER 21, 2013**

1. Call to Order.

John Giesecking 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: John Giesecking, Russell Judah, Gary Olle, Ramona Alcantara, Deanna Bowman, and Chris Huffman. Member with an excused absence was Patrick McNulty. Staff members present were Development Director Sungman Kim and Marta Martinez.

2. Pledge of Allegiance.

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

3. Public Comments and Announcements.

Mr. Giesecking announced the item from the agenda and stated that items 10 & 11 have been pulled from the agenda. Ms. Alcantara asked for the status of the color palette.

4. Approval of minutes of the September 19, 2013 regular meeting.

Mr. Giesecking announced the item from the agenda and asked the Commission members if they had any corrections to the September 19, 2013 regular Meeting Minutes. Ms. Alcantara made a motion to approve with a correction. Mr. Olle seconded the motion. The motion passed on a 6:0:1 vote. Mr. Judah abstained.

5. Discussion and action regarding an extension for the guarantee check for the proposed sidewalk improvements located at lots 19A, 19B & 19C, Block 164 Padre Beach Sec XI in the northwest corner of East Verna Jean and Gulf Blvd. (Jose Villarreal, owner)

Mr. Giesecking announced the item from the agenda and ask for a staff report. Dr. Kim gave a brief summary regarding this agenda item. Mr. Olle made a motion to approve a 1 year extension. Ms. Alcantara seconded the motion. The motion carried unanimously.

6. Public Hearing regarding the Specific Use Permit for off-site parking on Lot 3 Block 20 Padre Beach Subdivision Section II. (Guadalupe Hernandez, president of Hernandez O'Quinn, LTD)

Mr. Giesecking announced the item from the agenda and opened the public hearing at 3:08 p.m. and asked if anyone from the public wished to speak in favor of this agenda item. Hearing none, Mr. Giesecking then asked if any member from the public wished to speak in opposition of this agenda item. Hearing none, Mr. McNulty then closed the public hearing at 3:12 p.m.

7. Discussion and action regarding the Specific Use Permit for off-site parking on Lot 3 Block 20 Padre Beach Subdivision Section II. (Guadalupe Hernandez, president of Hernandez O'Quinn, LTD)

Mr. Giesecking announced the item from the agenda and 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. Mr. Olle seconded the motion. The motion carried unanimously.

8. **Public Hearing regarding the rezoning of Lots 3 & 4 Block 20 Padre Beach Subdivision Section II, from their current zone of District "B-2" – Residential & Multi-family Dwelling District to District "PBS" Padre Boulevard South Character Zone.** (*Guadalupe Hernandez, president of Hernandez O'Quinn, LTD*)

Mr. Giesecking announced the item from the agenda and opened the public hearing at 3:17 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 of this agenda item. Hearing none, Mr. McNulty then closed the public hearing at 4:20 p.m.

9. **Discussion and action regarding the rezoning of Lots 3 & 4 Block 20 Padre Beach Subdivision Section II, from their current zone of District "B-2" – Residential & Multi-family Dwelling District to District "PBS" Padre Boulevard South Character Zone.** (*Guadalupe Hernandez, president of Hernandez O'Quinn, LTD*)

Mr. Giesecking announced the item from the agenda and ask for a staff report. Dr. Kim gave a brief summary regarding this agenda item. Mr. Giesecking then opened it up for discussion by the Commission. The Commissioners expressed their comments/concerns regarding this matter. After some discussion Mr. Hernandez, owner stated that he would like to withdraw his application. No action was taken.

10. **Public Hearing regarding the request for a Specific Use Permit to operate a "Substance Abuse Treatment Facility" for 201 West Aries Drive; Lot 1 Block 152 Padre Beach Subdivision, Section X.** (*Benjamin A. Levenson, owner*)

This agenda item was pulled

11. **Discussion and action regarding the request for a Specific Use Permit to operate a "Substance Abuse Treatment Facility" for 201 West Aries Drive; Lot 1 Block 152 Padre Beach Subdivision, Section X.** (*Benjamin A. Levenson, owner*)

This agenda item was pulled

12. **Adjournment**

Since the Commission had no further business to discuss, Ms. Alcantara made a motion to adjourn the meeting. The meeting was adjourned at 3:27 p.m.

**PLANNING & ZONING COMMISSION
AGENDA REQUEST FORM**

MEETING DATE: December 19, 2013

TO: Planning & Zoning Commission

FROM: Sungman Kim, Development Director

ITEM DESCRIPTION:

Discussion and action regarding a one-year extension of the approved "Sea Breeze Estate" subdivision.

DISCUSSION:

The Planning and Zoning Commission approved the Final Plat for a subdivision replat of the Lots 1 through 5 Block 1 Sea Breeze Estate at the September 19th meeting.

The Request: Mr. Larry Mark Polsky is requesting a one-year extension of the approved final plat for the Sea Breeze Estate subdivision due to scheduling conflict with Cameron County for their approval. The given 60-day filing period was not enough in this case since the site is located within Extraterritorial Jurisdiction and requires dual approval from both the City and the County.

Subdivision Ordinance:

Section 23.12 Record Plat

(D) Processing of record plat

(5) Period of Validity. Approval of the record plat shall be effective for a period of sixty (60) calendar days following the date of Commission approval, at the end of which time, recording of the record plat with the County Clerk's Office must have been completed. If any record plat is not filed within this time period, the record plat shall be null and void and the applicant shall be required to resubmit a new plat for approval subject to all zoning and subdivision regulations in effect at the time of resubmission.

At the request of the applicant, and upon cause shown, the Planning and Zoning Commission may extend the approval of the record plat not to exceed one (1) year beyond this expiration date.

STAFF RECOMMENDATIONS / COMMENTS:

The applicant is in a special situation due to the site location and the absence of an inter-local agreement. Staff recommends the Planning and Zoning Commission approve grant of a one-year extension.

COMMISSION ACTION:

MOTION: _____

BY: _____

SECOND BY: _____

| | | | | | |
|---------|---------|------------|---------|---------|-----------|
| Judah | McNulty | Giesecking | Olle | Bowman | Alcantara |
| Yes | Yes | Yes | Yes | Yes | Yes |
| No | No | No | No | No | No |
| Abstain | Abstain | Abstain | Abstain | Abstain | Abstain |



**LARRY MARK POLSKY, ESQ.
TRIAL LAWYER**

5508 Padre Blvd., Suite A • South Padre Island, TX 78597
Office: (956) 761-1LAW • Fax: (956) 761-1599

**LICENSED:
Texas
Florida
Hawaii
District of Columbia**

December 2, 2013

Via Hand Delivery

Mr. Sungman Kim, Development Director
City of South Padre Island
4601 Padre Boulevard
South Padre Island, Texas 78597

Re. Larry Mark Polsky / Lots 1 – 5 Block 1 Sea Breeze Estates

Dear Mr. Kim:

As you know, on September 19, 2013, the City of South Padre Island approved my 5 lot subdivision known as "Seabreeze Estates" subject to the approval of the Cameron County engineer. As you also know, my plot approval from the City of South Padre Island expired in 60 days from September 19, 2013, to wit, it expired on November 19, 2013. I am respectfully requesting a one year extension as I am having difficulties with the County approving said signing off on my 5 lot plat.

Please extend me the courtesy of giving me this one year extension. If I am not given the one year extension, I will be forced to have to sue the City pursuant to Texas Local Government Code 242.001 and the basis of my lawsuit is that at this point in time, there should have been a written agreement between the City and the County regarding who has sole jurisdiction over re-platting in the extraterritorial jurisdiction in the City. Since there is no such written agreement, mandatory arbitration has to take place in order that one or the other, to wit, the County of the City have sole discretion authority over re-platting properties such as mine.

Therefore, I am very hopeful you will give me the one year extension so that I do not have to sue the City.

I look forward to hearing from you **in writing** within the next 5 working days.

I remain,

Respectfully yours,

Larry Mark Polsky, Esquire
Law Office of Larry Mark Polsky

LMP/tlr
Enc.

cc:

via facsimile (956) 761-7812

Paul Y. Cunningham, Jr., Esq.

P. O. Box 2729

South Padre Island, TX 78597



Larry Polsky
5508 Padre Boulevard
South Padre Island, TX 78597

September 20, 2013

Re: Lots 1 – 5 Block 1 Sea Breeze Estates.

Dear Mr. Polsky,

The Planning and Zoning Commission reviewed the Preliminary and Final Plat for a subdivision replat at their regular meeting on September 19, 2013. Your request to replat Lots 1 – 5 Block 1 Sea Breeze Estates was approved by the Commission.

Section 23.12 (D) (5) of the City's Code of Ordinances states that Record Plat approval is effective for a period of sixty (60) calendar days, a time within which the Record Plat must be recorded at the County Clerk's Office. If the Record Plat has not been recorded within sixty (60) days of the approval date, the plat becomes null and void.

The Cameron County Engineer must sign off on the plat prior to recordation at the Cameron County Courthouse. The County Engineer is located at 3310 S. Hwy 77 in San Benito, Texas 78586 (they can be reached at (956) 247-3518; 3519), and the Cameron County Courthouse is located at 964 E. Harrison, also in Brownsville (544-0815).

Once recorded, you will need to return a mylar copy and a paper copy of the recorded subdivision plat, which bears the Cameron County Clerk's signature, seal and notation as to the plat book and page, as well as a digital AutoCAD.dwg file of the plat to the Public Works Department before any additional building permits will be issued for this lot.

Should you have any further questions, please contact our office Monday through Friday from 8:00 a.m. to 5:00 p.m.

Sincerely,

CITY OF SOUTH PADRE ISLAND

Sungman Kim
Development Director

I, the undersigned, City Secretary of City of South Padre Island, do hereby certify that this document is a true and correct copy.

C: Jim Holdar, Holdar Engineering Company
Herb Houston, Applicant
File

"A Certified Retirement Community"

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

Office • 956.761.8113 • Fax 956.761.3898

