

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

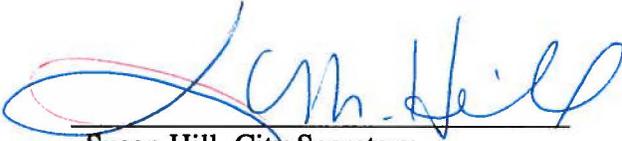
NOTE: One or more members of the City of South Padre Island City Council may attend this meeting; if so, this statement satisfies the requirements of the OPEN MEETINGS ACT.

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, JULY 16, 2015
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 the June 18, 2015 Regular Meeting Minutes.
5. Discussion and action regarding the proposed "Replat of "Lots 5 and 6" in Block 71, Padre Beach Subdivision, Section VI", South Padre Island, TX to have them combined into a single "Lot 5".
6. Public Hearing regarding text amendments to Table 5.1 – Schedule of Uses and Table 5.2 – Use Criteria of the form-based code, so that "Auto-related Sales or Service Establishment" are allowed within Town Center Crossing District.
7. Discussion and action regarding text amendments to Table 5.1 – Schedule of Uses and Table 5.2 – Use Criteria of the form-based code, so that "Auto-related Sales or Service Establishment" are allowed within Town Center Crossing Zone.
8. Public Hearing regarding the designation of Lot 1, Block 1 Padre Island Inn Subdivision (aka Ocean Tower Property) into a District "PBN" Padre Boulevard North Character Zone or a District "B" Multi-family dwelling, apartment, motel, hotel, condominium, townhouse district.
9. Discussion and action regarding the designation of Lot 1, Block 1 Padre Island Inn Subdivision (aka Ocean Tower Property) into a District "PBN" Padre Boulevard North Character Zone or a District "B" Multi-family dwelling, apartment, motel, hotel, condominium, townhouse district.
10. Discussion and action regarding the Transportation Plan. *(Russell Judah, Commissioner)*
11. Adjournment

DATED THIS THE 10TH DAY OF JULY 2015


Susan Hill, City Secretary

I, THE UNDERSIGNED AUTHORITY, DO HEREBY CERTIFIED THAT THE ABOVE NOTICE OF MEETING OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF SOUTH PADRE ISLAND, TEXAS IS A TRUE AND CORRENT 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 **JULY 10, 2015** AT/OR BEFORE **9:30 A.M.** AND REMAINED SO POSTED CONTINUOUSLY FOR AT LEAST 72 HOURS PRECEDING THE SCHEDULED TIME OF SAID MEETING.




Susan Hill, City Secretary

THIS FACILITY IS WHEELCHAIR ACCESSIBLE, AND ACCESSIBLE PARKING SPACES ARE AVAILABLE. REQUESTS FOR ACCOMMODATIONS OR INTERPRETIVE SERVICES MUST BE MADE 48 HOURS PRIOR TO THIS MEETING. PLEASE CONTACT BUILDING OFFICIAL, JAY MITCHIM; ADA DESIGNATED RESPONSIBLE PARTY AT (956)761-8103

**PLANNING AND ZONING COMMISSION
MEETING MINUTES
JUNE 18, 2015**

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: Russell Judah, Gary Olle, Patrick McNulty, and Chris Huffman. Members with an excused absence were Beth Vance and Robert Bujanos. Member with an excused absence was Kori Marra. Staff members present were Development Director Sungman Kim and Marta Martinez.

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 stated that the City will review the preliminary FEMA Map in less than 30 days in a plan to finalize it within the next 7 to 10 months. Mr. Judah stated that last month he requested the Transportation Plan to be placed on the agenda for discussion.

4. Approval of minutes of the May 21, 2015 regular meeting.

Mr. McNulty announced the item from the agenda and asked the Commission members if they had any corrections to the May 21, 2015 regular meeting minutes. Mr. Judah made a motion to approve the minutes as submitted. Mr. Olle seconded the motion. The motion carried unanimously.

5. Public Hearing regarding a Special Development Plan for the Courtyard by Marriott.

Mr. McNulty announced the item from the agenda and asked for a staff report. Dr. Kim gave a brief summary regarding this agenda item. Mr. McNulty then opened the public hearing at 3:06 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 3:07 p.m.

6. Discussion and action regarding a Special Development Plan for the Courtyard by Marriott.

Mr. McNulty 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 Mr. Judah made a motion to accept staff's recommendation subject to a complete fire safety review by an approved agency local and/or state. Mr. Olle seconded the motion. The motion carried unanimously.

7. Public Hearing regarding the designation of Lot 1 Block 1 Padre Island Inn Subdivision (aka Ocean Tower Property) into a District "PBN" Padre Boulevard North Character Zone.

Mr. McNulty announced the item from the agenda and that applicant requested the agenda item to be table until the next regular meeting. Mr. Judah made a motion to table this agenda item. Mr. Olle seconded the motion. The motion carried unanimously.

8. Discussion and action regarding the designation of Lot 1 Block 1 Padre Island Inn Subdivision (aka Ocean Tower Property) into a District "PBN" Padre Boulevard North Character Zone.

Same as agenda item 7.

9. Discussion and action regarding the proposed “Replat of Lots 17 and 18 Block 17, The Shores Subdivision, Marina Village Phase, Section I”, South Padre Island, TX.

Mr. McNulty announced the item from the agenda and asked for a staff report. Dr. Kim gave a brief summary regarding the proposed “Replat of Lots 17 and 18 Block 17, The Shores Subdivision, Marina Village Phase, Section I”.

Mr. McNulty then opened it up for discussion by the Commission. The Commissioners expressed their comments/concerns regarding this matter. After some discussion Mr. Olle made a motion to approve the Replat. Mr. Judah seconded the motion. The motion passed on a 3:0:1 vote. Mr. Huffman abstained.

10. Adjournment

Since the Commission had no further business to discuss, Mr. McNulty adjourned the meeting at 3:33 p.m.

Marta Martinez, Secretary

Patrick McNulty, Chairman

**PLANNING & ZONING COMMISSION
AGENDA REQUEST FORM**

MEETING DATE: July 16, 2015

ITEM: 5

TO: Planning and Zoning Commission

FROM: Sungman Kim, Director of Development Services

ITEM DESCRIPTION:

Discussion and action regarding the proposed "Replat of "Lots 5 and 6" in Block 71, Padre Beach Subdivision, Section VI", South Padre Island, TX to have them combined into a single "Lot 5".

DISCUSSION:

The Ownership

Ezra Ezban, on behalf of Rainbow Falls Properties, LLC

The Issue

1. Lot 5 is in "NT" (Neighborhood Transition) Zone and Lot 6 is in "B-2" District;
2. Access:
 - a. On the letter dated June 18, 2015, **the applicant insists that "they (the owners) are building a concrete drive all the way across the 100 ft. property, so will not need plans for a sidewalk."**
 - b. According to 2.14 Driveways, Alleys, Entrances and Approaches of the Standards and Specifications:
 - B. Residential Driveway Dimensions
 - (1) Depths
 - (a) Four inches of reinforced Hydraulic concrete cement with minimum strength 3,000 psi and #3 reinforcing steel (6" c-c); and four inches of sand cushion.
 - (c) City ROW permit required before construction of each driveway.
 - (2) Widths
 - (a) One and two family residential (min. 10 feet; max. 30 feet)
 - (b) Three family residential and above (24 feet)
 - c. Also, according to 2.13 Sidewalks of the Standards and Specifications:
 - C. Sidewalk Specifications:
 - (1) Sidewalks shall be a minimum of five (5) feet wide in residential areas and shall be constructed of Hydraulic Cement concrete.
 - (2) Sidewalks shall be constructed in one course, four (4) inches thick with a slope two (2) percent toward the center of the street. Sidewalks shall have a longitudinal slope no greater than one (1) inch per foot.

METES & BOUNDS DESCRIPTION

0.287 ACRE TRACT (12,500 SQ. FT.) BEING ALL OF LOTS NUMBERED FIVE (5) AND SIX (6), BLOCK SEVENTY-ONE (71), PADRE BEACH SUBDIVISION, SECTION VI, CITY OF SOUTH PADRE ISLAND, CAMERON COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN VOLUME 15, PAGE 4, MAP RECORDS OF CAMERON COUNTY, TEXAS, SAID 0.287 ACRE BEING MORE PARTICULARLY LOCATED AND DESCRIBED AS FOLLOWS:

BEGINNING, AT A PUNCH MARK FOUND AT THE NORTHEAST CORNER OF LOT 4, BLOCK 71 (REPLAT OF LOTS 2, 3 & 4, BLOCK 68 AND LOT 4, BLOCK 71), FOR THE NORTHWEST CORNER OF THIS TRACT;

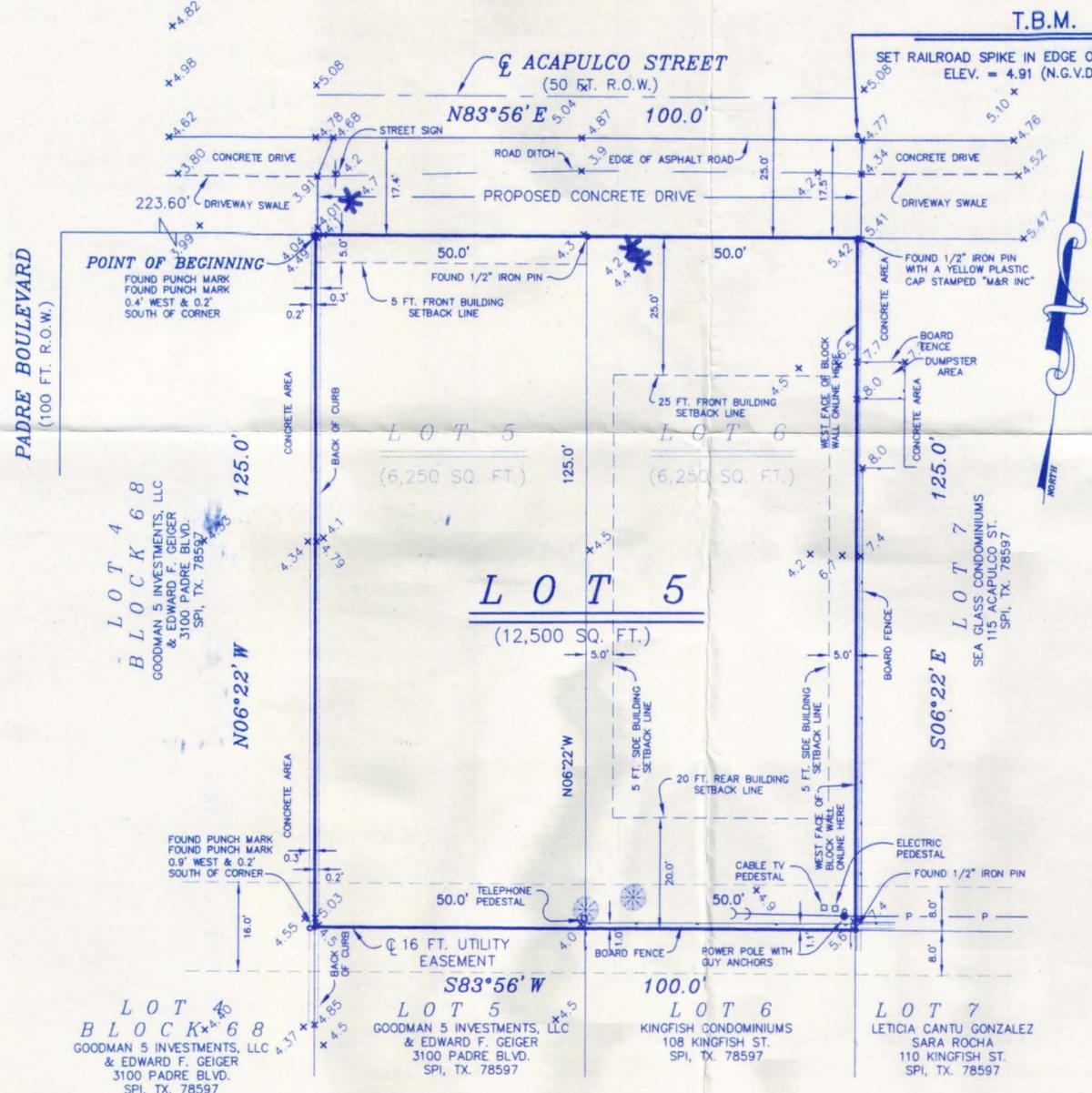
THENCE, NORTH 83 DEGREES 56 MINUTES EAST, A DISTANCE OF 100.0 FEET TO A 1/2" IRON PIN WITH A YELLOW PLASTIC CAP STAMPED "M&R INC" FOUND AT THE NORTHWEST CORNER OF LOT 7, BLOCK 71 (REPLAT OF LOTS 7, 8 & 9, BLOCK 71), FOR THE NORTHEAST CORNER OF THIS TRACT;

THENCE, SOUTH 06 DEGREES 22 MINUTES EAST, A DISTANCE OF 125.0 FEET TO A 1/2" IRON PIN FOUND AT THE NORTHWEST CORNER OF LOT 7, BLOCK 68, FOR THE SOUTHEAST CORNER OF THIS TRACT;

THENCE, SOUTH 83 DEGREES 56 MINUTES WEST, A DISTANCE OF 100.0 FEET TO A PUNCH MARK FOUND AT THE NORTHWEST CORNER OF LOT 5, BLOCK 68, FOR THE SOUTHWEST CORNER OF THIS TRACT;

THENCE, NORTH 06 DEGREES 22 MINUTES WEST, A DISTANCE OF 125.0 FEET TO THE POINT OF BEGINNING;

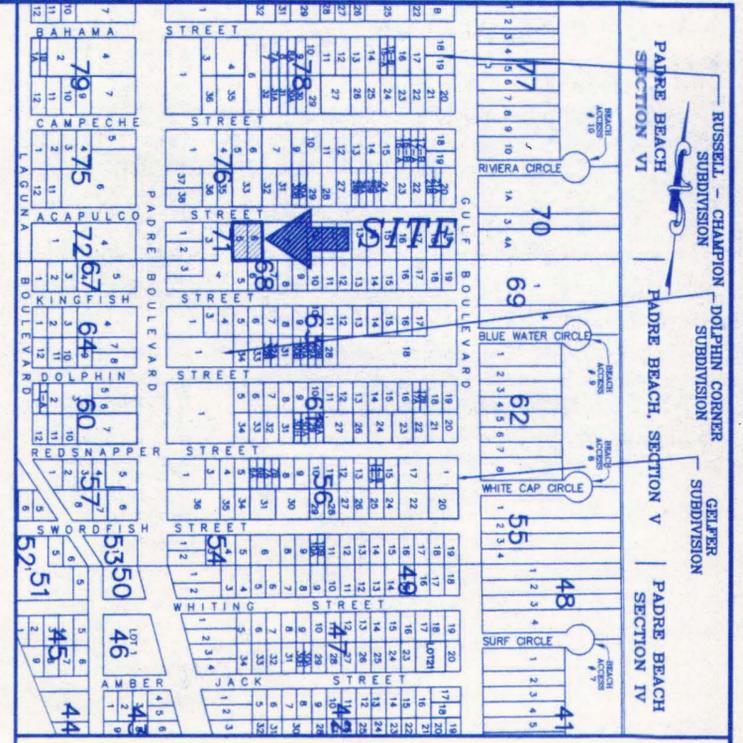
CONTAINING, 0.287 ACRE, MORE OR LESS.



MERIDIAN OF PADRE BEACH SECTION VI

NOTES:

- 1) THIS TRACT LIES IN ZONE "AE" (ELEV. 8) AS PER THE F.I.A. FLOOD INSURANCE RATE MAP OF COMMUNITY NO. 480115, PANEL NO. 0001-D, EFFECTIVE MARCH 09, 1999.
- 2) MONUMENTATION FOUND ALONG THE SOUTH RIGHT-OF-WAY LINE OF ACAPULCO STREET WAS USED FOR BASIS OF BEARING.
- 3) LOT 5, BLOCK 71, IS ZONED "NT" NEIGHBORHOOD TRANSITION CHARACTER DISTRICT, PER SECTION 6.7 OF THE PADRE BOULEVARD AND ENTERTAINMENT DISTRICT CODE OF THE CITY OF SOUTH PADRE ISLAND.
- 4) ZONE "NT" SETBACKS PER SECTION 6.7.2 ii, OF THE PADRE BOULEVARD AND ENTERTAINMENT DISTRICT CODE OF THE CITY OF SOUTH PADRE ISLAND.
- 5) LOT 6, BLOCK 71, IS ZONED "B-2" RESIDENTIAL & MULTI-FAMILY DWELLING DISTRICT, PER CHAPTER 20 OF THE CODE OF ORDINANCES OF THE CITY OF SOUTH PADRE ISLAND'S ZONING CODES.
- 6) ZONE "B-2" SETBACKS PER SECTION 20-7.1, OF THE CODE OF ORDINANCES OF THE CITY OF SOUTH PADRE ISLAND'S ZONING CODES.
- 7) REFERENCE NGS BENCH MARK "D1436" (ELEV. 2.39)(N.G.V.D. 29) AND IS LOCATED ON THE WEST RIGHT-OF-WAY OF PADRE BOULEVARD BETWEEN HUISACHE STREET AND MEZQUITE STREET.



VICINITY MAP N.T.S.

PRELIMINARY PLAT
OF

"Lots 5 and 6, Block 71, Padre Beach Subdivision, Section VI"

BEING A RE-PLAT OF LOTS NUMBERED FIVE (5) AND SIX (6), BLOCK SEVENTY-ONE (71), PADRE BEACH SUBDIVISION, SECTION VI, CITY OF SOUTH PADRE ISLAND, CAMERON COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN VOLUME 15, PAGE 4, MAP RECORDS OF CAMERON COUNTY, TEXAS.

SCALE: 1" = 20'
PREPARED FOR:

RAINBOW FALLS PROPERTIES, L.L.C.

JUNE 11, 2015

Mejia & Rose, Incorporated

Engineering Surveying
T.B.P.E. Reg. No. F-002670
T.B.P.L.S Reg. No. 10023900
1643 West Price Road (956) 544-3022
P.O. Box 3761 Brownsville, Texas 78520
Fax (956) 544-3068
email: mandrinc@cngmail.com

OWNER: RAINBOW FALLS PROPERTIES, L.L.C.
2665 30TH STREET
SUITE 212
SANTA MONICA,
CA. 90405
(956) 544-3022 PHONE
(956) 544-3088 FAX

The undersigned hereby certifies that the survey described hereon was made on the ground on JUNE 11, 2015; that the only improvements on the ground are as shown; that there are no visible encroachments, visible overlappings, apparent conflicts, or visible easements, except as 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

METES & BOUNDS DESCRIPTION

0.287 ACRE TRACT (12,500 SQ. FT.) BEING ALL OF LOTS NUMBERED FIVE (5) AND SIX (6), BLOCK SEVENTY-ONE (71), PADRE BEACH SUBDIVISION, SECTION VI, CITY OF SOUTH PADRE ISLAND, CAMERON COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN VOLUME 15, PAGE 4, MAP RECORDS OF CAMERON COUNTY, TEXAS, SAID 0.287 ACRE BEING MORE PARTICULARLY LOCATED AND DESCRIBED AS FOLLOWS:

BEGINNING, AT A PUNCH MARK FOUND AT THE NORTHEAST CORNER OF LOT 4, BLOCK 71, FOR THE NORTHWEST CORNER OF THIS TRACT;

THENCE, NORTH 83 DEGREES 56 MINUTES EAST, A DISTANCE OF 100.0 FEET TO A 1/2" IRON PIN WITH A YELLOW PLASTIC CAP STAMPED "MAR INC" FOUND AT THE NORTHWEST CORNER OF LOT 7, BLOCK 71 (REPLAT OF LOTS 7, 8 & 9, BLOCK 71), FOR THE NORTHEAST CORNER OF THIS TRACT;

THENCE, SOUTH 06 DEGREES 22 MINUTES EAST, A DISTANCE OF 125.0 FEET TO A 1/2" IRON PIN FOUND AT THE NORTHWEST CORNER OF LOT 7, BLOCK 68, FOR THE SOUTHEAST CORNER OF THIS TRACT;

THENCE, SOUTH 83 DEGREES 56 MINUTES WEST, A DISTANCE OF 100.0 FEET TO A PUNCH MARK FOUND AT THE NORTHWEST CORNER OF LOT 5, BLOCK 68, FOR THE SOUTHWEST CORNER OF THIS TRACT;

THENCE, NORTH 06 DEGREES 22 MINUTES WEST, A DISTANCE OF 125.0 FEET TO THE POINT OF BEGINNING;

CONTAINING, 0.287 ACRE, 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

**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 LOTS 5 AND 6, BLOCK 71, PADRE BEACH SUBDIVISION, SECTION VI, DEPICTED HEREON.

APPROVED: *Tony Yzaguirre, Jr.* DATE *7/2/2015*
TONY YZAGUIRRE, JR. DATE
ASSESSOR AND COLLECTOR OF TAXES, CAMERON COUNTY, TEXAS.
ASSESSOR AND COLLECTOR OF TAXES, POINT ISABEL INDEPENDENT SCHOOL DISTRICT.

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. DATE *7-8-15*
CARLOS J. GALVAN, JR. - GENERAL MANAGER
LAGUNA MADRE WATER DISTRICT

**STATE OF TEXAS
COUNTY OF CAMERON**

APPROVED BY THE PLANNING AND ZONING COMMISSION OF THE CITY OF SOUTH PADRE ISLAND, THIS THE _____ DAY OF _____ 20____.

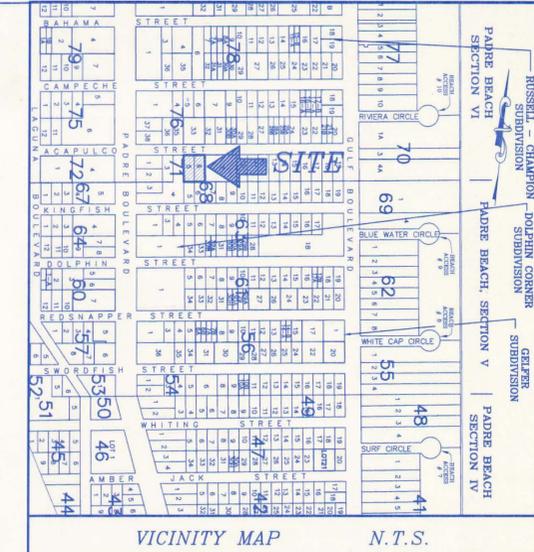
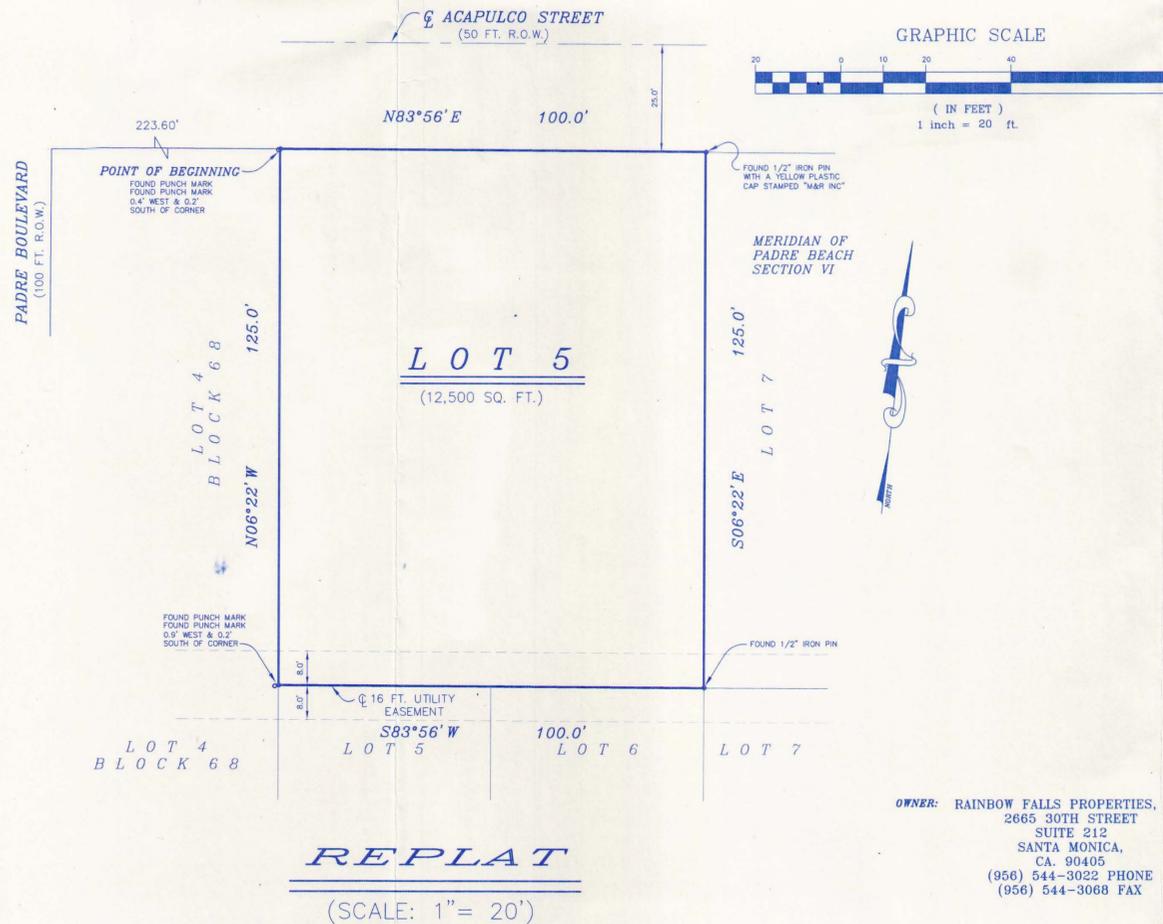
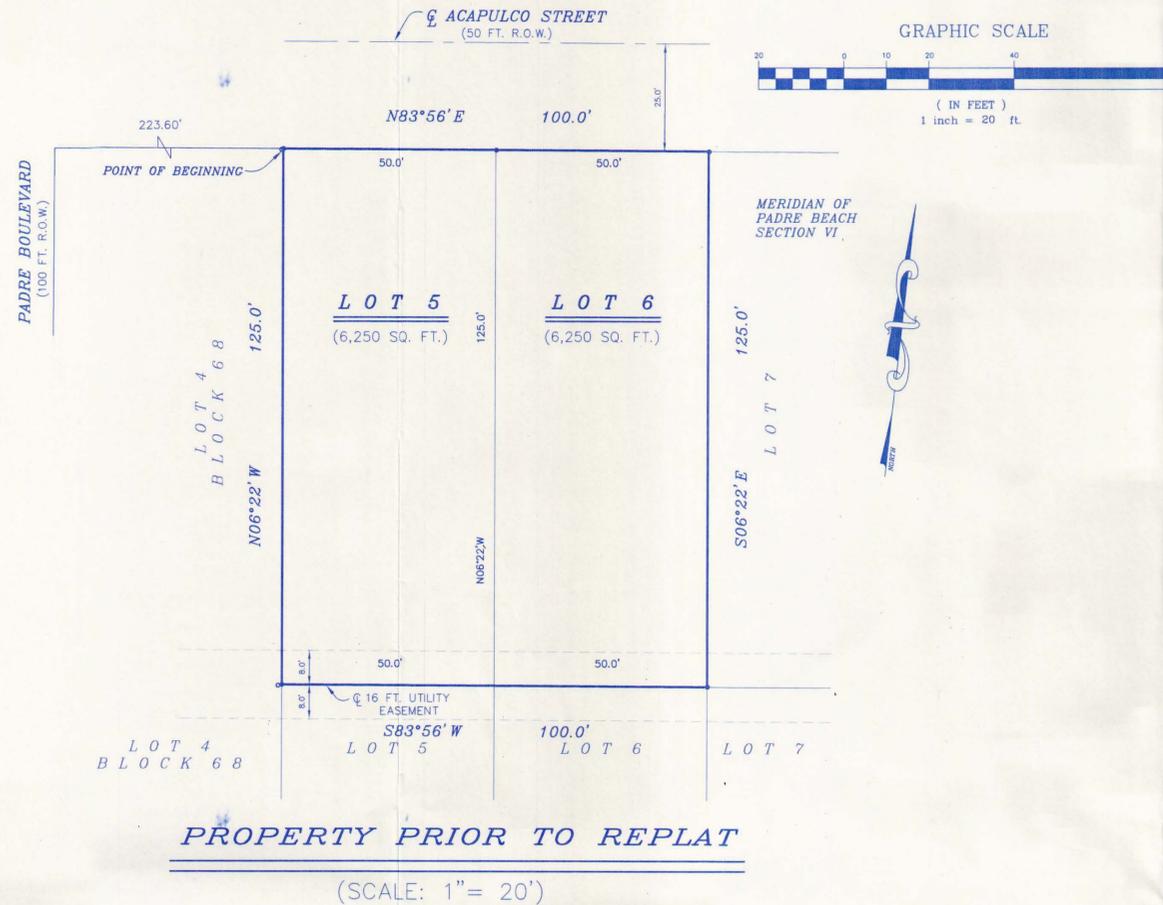
PLANNING AND ZONING COMMISSION PUBLIC WORKS DIRECTOR
CHAIR

**STATE OF TEXAS
COUNTY OF CAMERON**

I, SYLVIA GARZA-PEREZ, CLERK OF THE COUNTY COURT IN AND FOR SAID COUNTY, DO HEREBY CERTIFY THAT THE FOREGOING INSTRUMENT DATED THE _____ DAY OF _____ A.D., 20____, WITH CERTIFICATE OF AUTHENTICATION WAS FILED FOR RECORD IN MY OFFICE ON THE _____ DAY OF _____ A.D., 20____ AT _____ O'CLOCK _____ M. AND DULY RECORDED THE _____ DAY OF _____ A.D., 20____ AT _____ M., IN CABINET _____ SLOT _____ MAP RECORDS OF SAID COUNTY.

BY: _____ DEPUTY
SYLVIA GARZA-PEREZ
COUNTY CLERK
CAMERON COUNTY, TEXAS

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



STATE OF TEXAS
COUNTY OF CAMERON
I, THE UNDERSIGNED, EZRA EZBAN, MANAGER OF RAINBOW FALLS PROPERTIES, L.L.C., OWNER OF THE LAND SHOWN ON THIS PLAT AND DESIGNATED HEREIN AS "LOT 5, BLOCK 71, PADRE BEACH SUBDIVISION, SECTION VI", 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.

EZRA EZBAN, MANAGER OF RAINBOW FALLS PROPERTIES, L.L.C. DATE

STATE OF TEXAS
COUNTY OF CAMERON
BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED, EZRA EZBAN, MANAGER OF RAINBOW FALLS PROPERTIES, L.L.C., 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 CONSIDERATION THEREIN STATED.

GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS _____ DAY OF _____, 20____.

NOTARY PUBLIC
COUNTY

- NOTES:**
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FINAL PLAT OF "Lot 5, Block 71, Padre Beach Subdivision, Section VI"

BEING A RE-PLAT OF LOTS NUMBERED FIVE (5) AND SIX (6), BLOCK SEVENTY-ONE (71), PADRE BEACH SUBDIVISION, SECTION VI, CITY OF SOUTH PADRE ISLAND, CAMERON COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN VOLUME 15, PAGE 4, MAP RECORDS OF CAMERON COUNTY, TEXAS.

SCALE: 1" = 20'
PREPARED FOR:
RAINBOW FALLS PROPERTIES, L.L.C.
JUNE 11, 2015

Mejia & Rose, Incorporated
Engineering Surveying
T.B.P.E. Reg. No. F-002670
T.B.P.L.S Reg. No. 10023900
1643 West Price Road (956) 544-3022
P.O. Box 3761 Brownsville, Texas 78520
Fax (956) 544-3068
email: mandrinc@cngmail.com

OWNER: RAINBOW FALLS PROPERTIES, L.L.C.
2665 30TH STREET
SUITE 212
SANTA MONICA,
CA. 90405
(956) 544-3022 PHONE
(956) 544-3068 FAX

**PLANNING & ZONING COMMISSION
AGENDA REQUEST FORM**

MEETING DATE: July 16, 2015

ITEM: 6 & 7

TO: the Planning & Zoning Commission

FROM: Sungman Kim, Development Director

SPONSOR / ORIGINATOR: Dr. Gerald Sher

ITEM DESCRIPTION:

Discussion and action regarding text amendments to Table 5.1 – Schedule of Uses and Table 5.2 – Use Criteria of the form-based code, so that “Auto-related Sales or Service Establishment” are allowed within Town Center Crossing Zone.

DISCUSSION:

Background:

Dr. Gerald Sher and Susan Sher own a car wash facility (Isle Wash) and it is currently non-conforming. The owners want to make it a conforming structure so that he can add automatic wash systems and is also seeking ways to build a mechanic shop behind the car wash facility.

The Request:

An amendment to Table 5.1 – Schedule of Uses to accommodate Auto-related Sales or Service Establishments in Town Center Crossing Zone.

Issues:

1. Creating a non-conforming use through planning (initiation of the form-based code) would not be a good exercise.
2. “Auto-related Sales or Service Establishments” are permitted with design criteria in the Neighborhood Crossing Zone, which is a smaller scale and a commercial version (activity nodes) of Town Center Crossing Zone (a civic node).
3. The Town Center Crossing Zone is intended to create a development node centered on major civic and public uses. Development standards will emphasize the creation and preservation of a strong public/civic identity at this crossing. (PBEDC 4.2.4).
4. To help establish public/civic identity with the “Auto-related Sales or Service Establishments”, the following design criteria are recommended to add to Table 5.2:
 - The building design shall conform to the requirements of the Padre Boulevard and Entertainment District Design Guidelines.
 - Accessory structures, including canopies, kiosks, and car wash buildings, shall conform to or compliment the project architectural theme. This includes similar roof styles, column types, materials, textures, and colors.
 - Service bays and car wash tunnel openings shall be oriented away from street view and screened from adjacent sites. If service bays and car wash openings toward street view are necessary, dense landscaping

**PLANNING & ZONING COMMISSION
AGENDA REQUEST FORM**

and/or architectural treatments shall be provided to screen and/or mitigate unattractive views and features from the street.

- Building colors should emphasize earth tones. The use of highly reflective or glossy materials should be limited and will not be appropriate in all contexts.
- Such uses shall be designed so as to mitigate any negative impact on residential uses, including orientation and buffers.
- Where adjacent to residential zoning or residential uses, self-service or automatic car washes shall have sound attenuation devices, such as doors or screen walls, located at the entrances and/or exits of the car wash.
- All equipment within car wash tunnels shall be contained within the building.
- Canopy lighting shall be recessed and flush with its underside (ceiling).
- Full-service car washes shall provide shaded plazas and/or indoor waiting areas for customers.



DSRTF RECOMMENDATIONS

DSRTF will discuss this item on July 14th and their recommendations will be announced at the Planning & Zoning Commission meeting on July 16th.

STAFF RECOMMENDATIONS / COMMENTS:

Staff recommends the Planning & Zoning Commission approve the proposed text amendments to Tables 5.1 and 5.2.

EXHIBIT “A”

Table 5.1 – Schedule of Uses (Land Use)

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

EXHIBIT "A"

Character Zone	Bayfront	Entertainment District Core	Neighborhood Crossing	Town Center Crossing	Padre Boulevard North/Central	Padre Boulevard South	Neighborhood Transition
Schools, libraries, and community halls	P	P	P	P	P	P	NP
Universities and Colleges	P	P	P	P	P	P	NP
Technical, trade, and specialty schools	P	P	P	P	P	P	NP
Hospitals (General and Special), primary care office, urgent care centers, and dental clinics	NP	NP	P	P	P	P	NP
Nursing, supervision, and other rehabilitation services (including Substance Abuse Clinics)	NP	NP	P/SUP	P/SUP	P/SUP	P/SUP	NP
Civic uses	P	P	P	P	P	P	NP
Social and fraternal organizations	P	P	P	P	P	P	NP
Social services and philanthropic organizations	P	P	P	P	P	P	NP
Public administration uses (including government uses, public safety, health and human services)	P	P	P	P	P	P	NP
Religious Institutions	P	P	P	P	P	P	P
Funeral homes	P	P	P	P	P	P	NP
Residential Uses							
Home Occupations such as a dressmaker, physician/surgeon/dentist offices, a musician/artist studio etc.	P/A	P/A	P/A	P/A	P/A	P/A	P/A
Single family	SE	SE	SE	SE	SE	SE	SE
Multi-family residential (including apartment and condominiums)							
Ground floor	P/C	P/C	P/C	P/C	P/C	P/C	P
Upper floors	P	P	P	P	P	P	P
Residential Lofts	P	P	P	P	P	P	P
Weekend cottages	NP	NP	NP	NP	NP	NP	NP
Single-family residential attached dwelling unit (Townhomes)	SE	SE	P/Ĉ	P/Ĉ	P/Ĉ	P/Ĉ	P
Accessory residential unit (accessory building not exceed 50% of the floor area of the principal structure)	SE	SE	P/A	P/A	P/A	P/A	P/A
Residential accessory uses in a vacant lot that is contiguous with a residential single family lot having a principal building under common ownership	NA	NA	NA	NA	NA	NA	NA
Short-term (less than 30 days) rentals	P	P	P	P	P	P	P
Mixed use structure (with uses allowed in the district)	P	P	P	P	P	P	P
Trailer parks (travel trailers)	NP	NP	NP	NP	NP	NP	NP
Live-work unit	P	P	P	P	P	P	P
Other Uses							
Accessory uses (the sum of all accessory uses shall not constitute a total area larger than twenty (20) percent of the total building area of the principal use)	NP	NP	NP	NP	NP	NP	NP
Publishing (newspaper, books, periodicals, software)	P/C	P/C	P	P	P	P	NP
Motion picture and sound recording	P/C	P/C	P	P	P	P	NP
Telecommunications and broadcasting	P/C	P/C	P	P	P	P	NP
Information services and data processing	P/C	P/C	P	P	P	P	NP
Model homes or field offices for sales and promotion (until all the homes are sold; building permit is required and shall be valid for a one (1) year period; renewable if sales are still active)	P	P	P	P	P	P	P
Bed and Breakfast Establishments	NP	NP	NP	NP	P	P	P
Hotels and motels	P	P	P	P	P	P	NP
Hotels, motels and condominiums with more than twelve (12) units may include within the premises such businesses as bars, food establishments, barber shops, beauty parlors and other similar businesses	P	P	P	P	P	P	NP
Commercial parking	P/C	P/C	P/C	P/C	P/C	P/C	NP
Temporary commercial parking*	P	P	P	P	P	P	NP
Parking, surface (primary use of property)	P/C	P/C	P/C	P/C	P/C	P/C	P/C

EXHIBIT “A”

Character Zone	Bayfront	Entertainment District Core	Neighborhood Crossing	Town Center Crossing	Padre Boulevard North/Central	Padre Boulevard South	Neighborhood Transition
Parking, surface (accessory use of property)	P	P	P	P	P	P	P
Parking, structured	P	P	P	P	P	P	NP
Private attached garage	P/A	P/A	NP	NP	NP	NP	P/A
Private detached garage	P/A	P/A	NP	NP	NP	NP	P/A
Impound lot	NP	NP	NP	NP	NP	NP	NP
Outdoor storage	NP	NP	NP	NP	NP	NP	NP
Heliport landing/take-off pads	NP	NP	NP	NP	NP	NP	NP
Community garden	P/C	P/C	P/C	P/C	P/C	P/C	P/C
Antennas including cell, accessory, and mounted on top of buildings.	P/A/C	P/A/C	P/A/C	P/A/C	P/A/C	P/A/C	P/A/C
Utility equipment (includes electrical transformers, gas meters, etc)	P/A/C	P/A/C	P/A/C	P/A/C	P/A/C	P/A/C	P/A/C
Wind energy equipment	P/A	P/A	P/A	P/A	P/A	P/A	P/A
Rain harvesting equipment	P/A/C	P/A/C	P/A/C	P/A/C	P/A/C	P/A/C	P/A/C
Solar energy equipment	P/A	P/A	P/A	P/A	P/A	P/A	P/A
Special Event	P/SUP	P/SUP	P/SUP	P/SUP	P/SUP	P/SUP	NP
Temporary buildings for construction (shall be removed upon completion or abandonment of construction work)	P	P	P	P	P	P	P

- P:** Permitted by right
- P/C:** Permitted with design criteria per Table 5.2
- P/A:** Permitted accessory use
- P/A/C:** Permitted as an accessory use with design criteria per Table 5.2
- P/SUP:** Permitted with a Specific Use Permit
SUP shall meet standards in Chapter 20-24 of the City Code of Ordinances
- A:** Accessory use to not exceed 25% of the primary use building square footage
- SE:** Special Exception
- NA:** Not applicable
- NP:** Not permitted

*All parking and maneuvering areas on a non-residential lot shall have dustproof paving or vegetative coverage. (Usage of Caliche or similar materials that may cause clogs in drainage system or create dust in the area are not allowed.)

EXHIBIT "A"

5.2 Use Criteria: All uses listed as P/C in Table 5.1 shall also meet the following standards in Table 5.2

Table 5.2 – Use Criteria	
Use	Location & Design Criteria
Non-Residential Uses	
Auto-related Sales and Service	<ul style="list-style-type: none"> • <u>The building design shall conform to the requirements of the Padre Boulevard and Entertainment District Design Guidelines.</u> • <u>Accessory structures, including canopies, kiosks, and car wash buildings, shall conform to or compliment the project architectural theme. This includes similar roof styles, column types, materials, textures, and colors.</u> • <u>Service bays and car wash tunnel openings shall be oriented away from street view and screened from adjacent sites. If service bays and car wash openings toward street view are necessary, dense landscaping and/or architectural treatments shall be provided to screen and/or mitigate unattractive views and features from the street.</u> • <u>Building colors should emphasize earth tones. The use of highly reflective or glossy materials should be limited and will not be appropriate in all contexts.</u> • <u>Such uses shall be designed so as to mitigate any negative impact on residential uses, including orientation and buffers.</u> • <u>Where adjacent to residential zoning or residential uses, self-service or automatic car washes shall have sound attenuation devices, such as doors or screen walls, located at the entrances and/or exits of the car wash.</u> • <u>All equipment within car wash tunnels shall be contained within the building.</u> • <u>Canopy lighting shall be recessed and flush with its underside (ceiling).</u> • <u>Full-service car washes shall provide shaded plazas and/or indoor waiting areas for customers.</u> • Gas pumps, canopies, and/or service bays shall not be located along any Pedestrian Priority Street frontage. • No more than 50% of a lot's frontage along the Boulevard shall be occupied by gas pumps, canopies, and/or service bays. • Any buildings associated with the use shall also have a pedestrian entrance at a Pedestrian Priority Street and/or the Boulevard. • No outdoor storage of vehicles or other products sold shall be permitted. All auto-related sales display shall be inside storefronts.
Any permitted use with a drive through facility	<ul style="list-style-type: none"> • All drive through access (driveways) shall be from a street with a higher hierarchy. • Drive through lanes and/or canopies shall not have frontage along any Pedestrian Priority Streets.
Residential Uses	
Multi-family residential Ground Floor	<ul style="list-style-type: none"> • All ground floors along all Pedestrian Priority and Boulevard Frontages shall be built to Commercial Ready standards. Ground floors may be occupied by residential uses.
Other Uses	
Publishing (newspaper, books, periodicals, software)	<ul style="list-style-type: none"> • Shall only be permitted on the upper floors of buildings
Motion Picture and sound recording	
Telecommunications and broadcasting (radio, TV, cable, wireless communications, telephone, etc)	
Information services and data processing	
Parking, surface (primary use of property)	<ul style="list-style-type: none"> • Shall be permitted as an interim use of property (3 year increments) • New surface parking shall be set back a minimum of 30' from the edge of the right-of-way of Pedestrian Priority Streets. • New surface parking shall not be located at a street intersection for minimum of 30' along each street.
Sales from Kiosks	<ul style="list-style-type: none"> • Kiosks shall only be permitted on civic/open spaces. • Kiosks shall be no larger than 150 sq. ft. in area and no taller than 18' in height. • Kiosk locations shall not impede pedestrian pathways or entrances to buildings • Kiosks from which merchandise or food is sold shall be attended when open for business. • Kiosks shall be constructed of similar materials or given a similar finish as adjacent buildings. • All sides of a kiosk shall have a finished look with no externally visible utility equipment.
Community Garden	<ul style="list-style-type: none"> • Shall be no larger than 0.5 acres

EXHIBIT “A”

Table 5.2 – Use Criteria

<i>Use</i>	<i>Location & Design Criteria</i>
	<ul style="list-style-type: none"> • Gardens shall be enclosed by a fence on all open sides. • Fences should be installed straight and plumb, with vertical supports at a minimum of 8' on center. Chicken wire, if used, should be continuously supported along all edges. • Fencing Materials: <ul style="list-style-type: none"> ○ <u>Permitted</u>: pressure treated wood (must be painted or stained medium to dark color), chicken wire, wrought iron, painted galvanized steel ○ <u>Not permitted</u>: chain link, bobbed wire, vinyl, un-painted/stained pressure treated wood, plywood
Antennas including cell, accessory and mounted (Excluded from this category are freestanding and commercial antennas and equipment buildings)	<ul style="list-style-type: none"> • Antennas shall be permitted on rooftops. • Antennas shall be screened entirely with a screen of same color as the principal building. • Antennas shall not be visible from adjacent Pedestrian Priority Street.
Rain water harvesting equipment	<ul style="list-style-type: none"> • Rain water harvesting equipment may not be installed along Pedestrian Priority Streets. • On all other frontages, they shall be screened with a Street Screen at least as high as the equipment being screened.
Utility equipment (includes electrical transformers, gas meters, etc)	<ul style="list-style-type: none"> • Utility equipment shall not be installed with frontage on Pedestrian Priority Streets. • On all other frontages, they shall be screened with a Street Screen at least as high as the equipment being screened.
Commercial Parking	<ul style="list-style-type: none"> • New surface parking shall be set back a minimum of 30' from the edge of the right-of-way of Pedestrian Priority Streets. • New surface parking shall not be located at a street intersection for minimum of 30' along each street. • Commercial parking shall not be allowed along any pedestrian priority street frontage.

**PLANNING & ZONING COMMISSION
AGENDA REQUEST FORM**

MEETING DATE: July 16, 2015

ITEM: 8 & 9

TO: Planning & Zoning Commission

FROM: Sungman Kim, Development Director

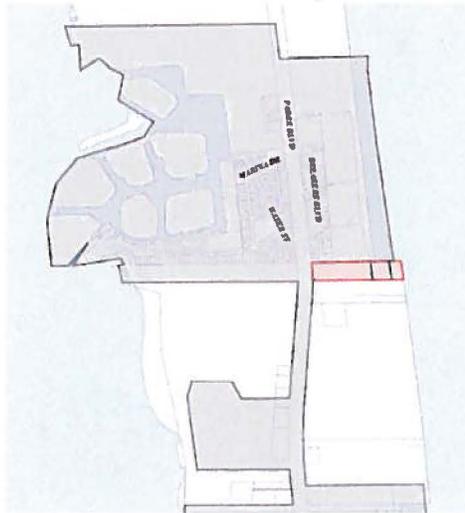
SPONSOR / ORIGINATOR: Staff

ITEM DESCRIPTION:

Discussion and action regarding the designation of Lot 1, Block 1 Padre Island Inn Subdivision (aka Ocean Tower Property) into a District “PBN” Padre Boulevard North Character Zone or a District “B” Multi-family dwelling, apartment, motel, hotel, condominium, townhouse district.

DISCUSSION:

Location Map



Background:

Zoning Ordinance Sec.20-5.1 Initial Zoning for Annexed Lands

Property owners have the opportunity to negotiate with the City to determine appropriate zoning of annexed land prior to annexation through discussions with the Planning and Zoning Commission, which will provide its recommendation to the City Council. In such case, the property annexed into the City of South Padre Island shall be zoned as stated within the City’s Annexation Plan for the designated area effective the date of annexation. However, if negotiations of zoning do not take place prior to annexation, property annexed into the City of South Padre Island shall be zoned “A” Residential, Single Family District effective concurrently with the date of official annexation. This temporary zoning classification shall remain in effect until a change therein is approved by the City Council. Within 180 days after

**PLANNING & ZONING COMMISSION
AGENDA REQUEST FORM**

the date of official annexation, the Planning and Zoning Commission shall review and provide specific zoning recommendations to the City Council as to the appropriate zoning for such annexed area.

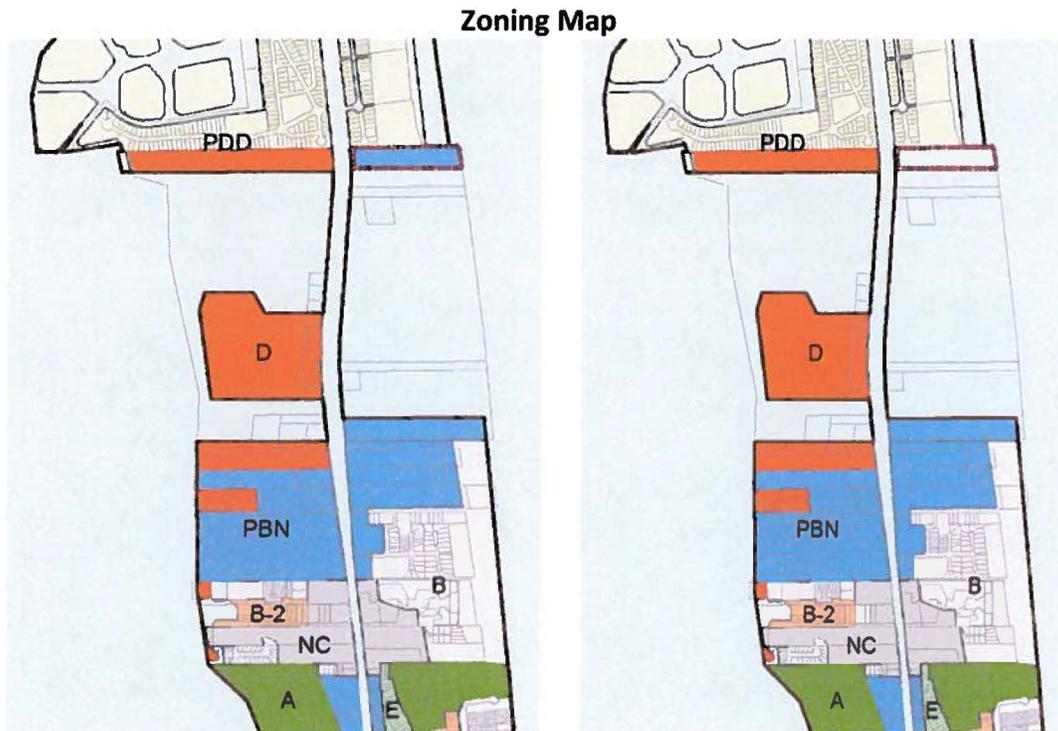
Zoning Ordinance Sec.20-18(B)

Submission of changes to the Development Standards Review Task Force. Any proposed changes/revisions/amendments to the Form Based Code (Padre Boulevard and Entertainment District Code) shall be reviewed by the Development Standards Review Task Force prior to being submitted to the Planning and Zoning Commission. The Development Standards Review Task Force shall make recommendations to the Planning and Zoning Commission.

The Request:

The subject lots have been annexed to the City since March 4, 2015 by Ordinance No. 15-02. Staff sent two (2) letters (dated April 8 and 30) to Resaca Investment Ltd., the owners of the property, and finally had a chance to talk with the owner.

According to the discussion, the owner wants to build a 5-story Hampton Inn hotel on the property.



Compatibility Analysis:

Given the current land use pattern, no conflict is anticipated. There are multi-story condominiums, within the mixed-use PDD, exist to the north and other sides are all natural areas that can be used for buffers. It therefore is estimated that a District “PBN”, which allows mixed-use multi-story building, could be appropriate for the site. Also, a designation of District “B”, which is less intense than the District “PBN”, could be working for the hotel development. PDD demonstrates “C” designation right

**PLANNING & ZONING COMMISSION
AGENDA REQUEST FORM**

next to “R-1” residential zone. District “D”, resort area district, incorporates the uses permitted in District “C”

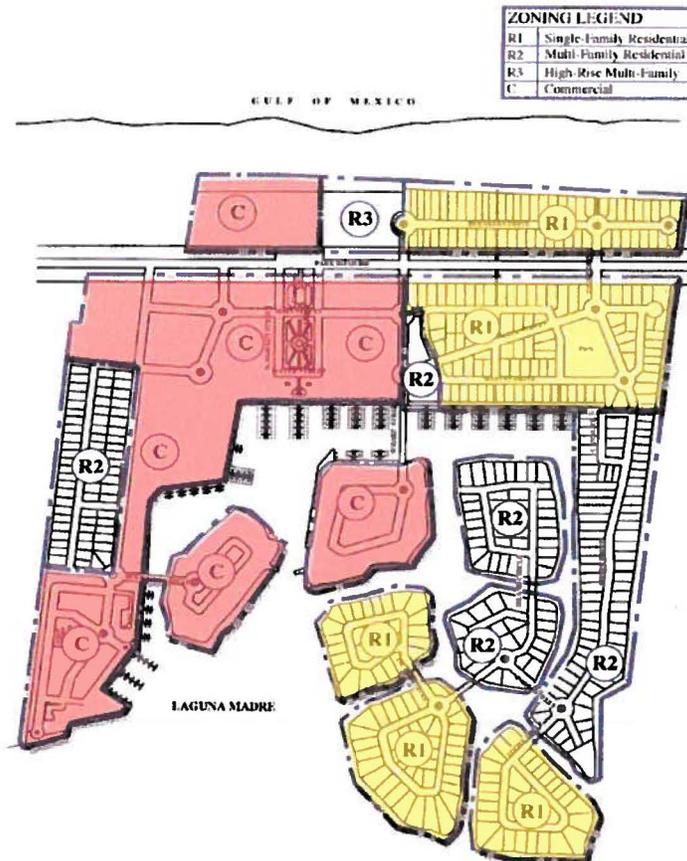
North	Shores PDD
East	Gulf of Mexico
South	County Park
West	District “D” Resort area

The Shores



THE SHORES - Subdivision Zoning Plan

Exhibit D



Consistency with the Comprehensive Plan:

**PLANNING & ZONING COMMISSION
AGENDA REQUEST FORM**

The following is the Mission Statement of the City of South Padre Island:

South Padre Island is a unique, friendly seaside resort community that values its residents and tourists, preserves and protects the natural environment, and *provides for quality sustainable growth and development that is highly diverse and responsive to changing economic conditions.*

While meeting the Mission Statement, this would also be consistent with the Comprehensive Plan Chapter IV. Growth & Infrastructure.

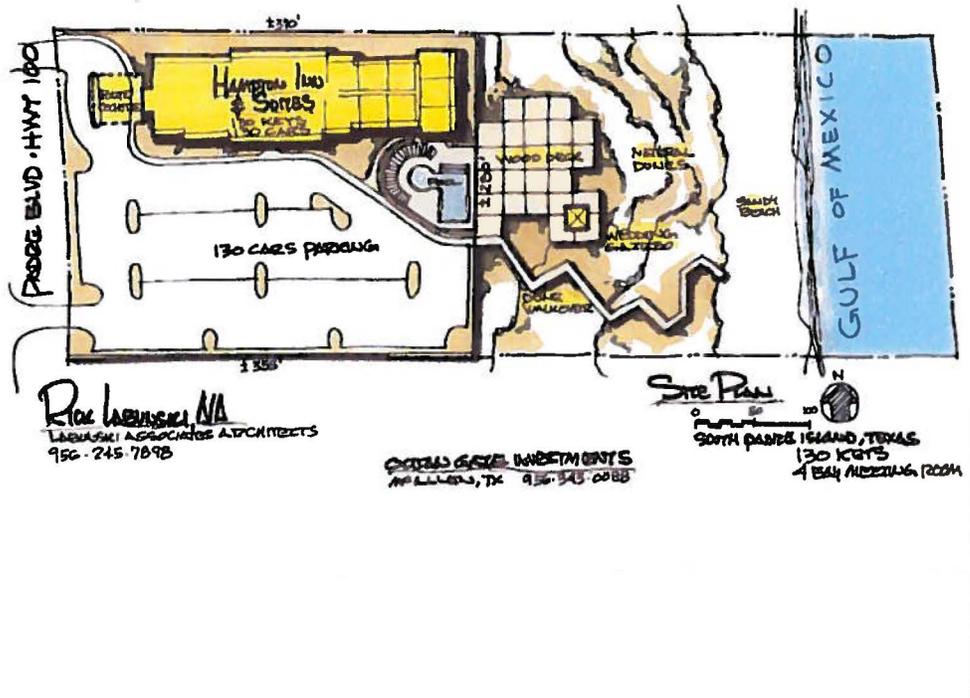
Goal 1: The City shall ensure orderly growth, with the anticipated infrastructure and facility needs, in a fiscally responsible manner.

DSRTF RECOMMENDATIONS / COMMENTS:

On June 9, 2015 DSRTF unanimously recommended the Planning and Zoning Commission approve the proposed zoning designation of District "PBN" for the newly annexed property.

HAMPTON INN CONCEPTUAL PLAN

The conceptual plan shows preservation of natural dune areas and noise mitigation by locating the main building on the north boundaries. Appropriate buffers and sufficient parking areas will be provided.



PLANNING & ZONING COMMISSION AGENDA REQUEST FORM

STAFF RECOMMENDATIONS / COMMENTS:

After discussion with the applicant, staff recommends the Planning and Zoning Commission approve the proposed zoning designation of District "B" for the newly annexed property. It is a lesser intense designation than District "PBN" and it serves right for the hotel development.

COMMISSION ACTION:

MOTION: _____

BY: _____ SECOND BY: _____

McNulty	Huffman	Vance	Bujanos	Judah	Marra	Olle
Yes						
No						
Abstain						