

**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, APRIL 18, 2019
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. Approve minutes of March 28, 2019 special meeting.
5. Public hearing regarding a proposed text amendment to Chapter 20-11 (D) of the Zoning Ordinance to Regulate the Construction and Operation of Temporary Structures.
6. Discussion and action regarding a proposed text amendment to Chapter 20-11 (D) of the Zoning Ordinance to Regulate the Construction and Operation of Temporary Structures.
7. Adjournment.

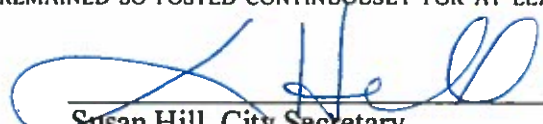
DATED THIS THE 12TH DAY OF APRIL 2019



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 CURRENT 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 APRIL 12, 2019 AT/OR BEFORE 5:00 P.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, DAVID TRAVIS, ADA DESIGNATED RESPONSIBLE PARTY AT (956)761-8103

**SPECIAL MEETING MINUTES
CITY OF SOUTH PADRE ISLAND
PLANNING AND ZONING COMMISSION SPECIAL MEETING**

THURSDAY, MARCH 28, 2019

I. CALL TO ORDER

The Planning and Zoning Commission of the City of South Padre Island, Texas held a Special Meeting on Thursday, March 28, 2019 at the Municipal Complex Building, 2nd Floor, 4601 Padre Boulevard, South Padre Island, Texas. Chairman Patrick McNulty called the meeting to order at 3:00 p.m. A quorum was present: Commission Member Gary Olle, Norris Fletcher, Howard Avery, Art Teniente, and Gordon Garlock. Member with an excused absence was David Zipp.

City staff members present were: Police Chief/Interim City Manager Randy Smith, Administrative Services Director/Assistant City Manager Wendi Delgado, Public Works Director Alejandro Sanchez, Building Official David Travis, and Administrative Assistant Marta Martinez. Also present was Council Member Joe Ricco and Kerry Schwartz.

II. PLEDGE OF ALLEGIANCE

Chairman McNulty led the Pledge of Allegiance.

III. PUBLIC COMMENTS AND ANNOUNCEMENTS.

Public comments and announcements were given at this time.

IV. APPROVE MINUTES OF FEBRUARY 21, 2019 REGULAR MEETING.

Commissioner Garlock made a motion, seconded by Commissioner Avery to approve the regular meeting minutes for February 21, 2019 as submitted. Motion carried unanimously.

V. DISCUSSION AND ACTION REGARDING THE PROPOSED REPLAT OF “LOTS 3 & 4, BLOCK 175, PADRE BEACH SUBDIVISION, SECTION XI” TO SUBDIVIDE THEM INTO “LOTS 3A, 3B & 3C”.

Chairman McNulty announced the item from the agenda and excused himself from the item. Commissioner Olle then took over of agenda item. Commissioner Teniente made a motion, seconded by Commissioner Fletcher to approve the replat of Lots 3 & 4 Block 175 into Lots 3A, 3B & 3C as submitted. Motion carried unanimously.

VI. DISCUSSION AND ACTION REGARDING THE PROPOSED REPLAT OF “LOTS 7 & 8, BLOCK 10, PADRE BEACH SUBDIVISION, SECTION I” TO MERGE THEM INTO “LOT 7A”.

Commissioner Garlock made a motion, seconded by Commissioner Avery to approve the replat of Lots 7 & 8 Block 10 into Lot 7A as submitted. Motion carried unanimously.

VII. PUBLIC HEARING REGRDING A SPECIFIC USE PERMIT TO ALLOW FOR THE EXPANSION AND OPERATION OF AN “OUTDOOR AMUSEMENT” PARK LOCATED AT 1201 PADRE BLVD.

At 3:16 p.m., Chairman McNulty opened the Public Hearing and asked for a staff report. Public Works Director Alex Sanchez and applicant Doyle Wells gave a brief presentation.

Proponents: Lee Roy Summerlin
Rag Patel
Paul Magee
Paul Earnhart
Joe Graham
April Vallejo
Kannan Elangovan
Venhatesh Boopathy
Alex Avalos
Herb Houston

Opponents: Martha Isaacson
staff received 26 emails

Chairman McNulty closed the Public Hearing at 3:25 p.m.

VIII. DISCUSSION AND ACTION REGRDING A SPECIFIC USE PERMIT TO ALLOW FOR THE EXPANSION AND OPERATION OF AN “OUTDOOR AMUSEMENT” PARK LOCATED AT 1201 PADRE BLVD.

Chairman McNulty announced the item from the agenda and opened it up for discussion by the Commission. Commissioners expressed their comments/concerns regarding the zip-lines. After some discussion Commissioner Garlock made a motion, seconded by Commissioner Fletcher to approve the zip-lines located at 1201 Padre Boulevard. The motion carried unanimously.

IX. ADJOURNMENT

There being no further discussion; Chairman McNulty adjourned the meeting at 3:44 p.m.

Marta Martinez, Secretary

Patrick McNulty, Chairman

**PLANNING & ZONING COMMISSION
AGENDA REQUEST FORM**

MEETING DATE: April 18, 2019

Item: 5 & 6

TO: Planning and Zoning Commission

FROM: Planning Department

ITEM DESCRIPTION:

Discussion and action regarding a proposed text amendment to Chapter 20-11(D) of the Zoning Ordinance to Regulate the Construction and Operation of Temporary Structures within 150 feet of Padre Boulevard.

DISCUSSION:

BACKGROUNDS

December 19, 2018, the Planning and Zoning Commission approved the text amendment to Chapter 20-11(D) of the Zoning Ordinance to regulate the construction and operation of temporary structures within 150 feet of Padre Boulevard.

January 16, 2019, the City Council denied the text amendment to Chapter 20-11(D) of the Zoning Ordinance to Regulate the Construction and Operation of Temporary Structures within 150 feet of Padre Boulevard, and directed staff to take it back to the Planning and Zoning Commission

The Requirements

1. Sec.20-18 Changes and amendments.

- (C) Submission of changes to Planning and Zoning Commission. Before taking action on any proposed amendment, supplement or change, the City Council shall submit same to the Planning and Zoning Commission for its recommendation and report in the event there is a Planning and Zoning Commission, and if there is no Planning and Zoning Commission then the City Council may amend this ordinance as provided by law.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF SOUTH PADRE ISLAND, TEXAS, AMENDING CHAPTER 20 OF THE CODE OF ORDINANCES (ZONING CHAPTER) SECTION 20-11(D) TO REGULATE THE CONSTRUCTION AND OPERATION OF TEMPORARY STRUCTURES, AND DEALING WITH RELATED MATTERS

WHEREAS, Chapter 211 of the Texas Local Government Code empowers the City Council of the City of South Padre Island to enact zoning regulations and districts and provide for their administration, enforcement and amendment; and

WHEREAS, the Planning and Zoning Commission and the City Council has complied with all notice and public hearing requirements of the Code of Ordinances and Chapter 211 of the Texas Local Government Code; and

WHEREAS, the City Council desires to amend the Zoning regulations to allow for certain uses not currently delimited but consistent with existing uses in certain districts; and

WHEREAS, the City Council specifically finds that the requirements specified herein are rationally related to protecting the public purposes of lessening congestion in the streets, securing the safety of its citizens from fire, panic, and other dangers, promoting the health and the general welfare of its citizens; preventing the overcrowding of land, and avoiding undue concentration of population

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SOUTH PADRE ISLAND, TEXAS:

SECTION 1: That Chapter 20, Section 20-11(D) of the City of South Padre Island Code of Ordinances be amended by deleting the following;

- (2) Temporary structures are prohibited within one-hundred and fifty (150) feet of Padre Boulevard.
- (3) Commercial sales activities of any kind are not allowed in temporary structures regardless of their location.
- (9) City Exemption: Notwithstanding the requirements of this City Code of Ordinances relating to open display and the use of temporary structures, the City of South Padre Island shall be exempt from all provisions herein, and is expressly permitted to authorize the use of public property and the public right-of-way for the purposes of outdoor display and temporary structures for the purpose of publicly sponsored events, as well as recognized events sponsored by other agencies authorized by the City.

SECTION 2: That Chapter 20, Section 20-11(D) of the City of South Padre Island Code of Ordinances be amended by adding the following;

- (2) Temporary structures are prohibited within one-hundred and fifty (150) feet of Padre Boulevard unless they are directly associated with operations of the onsite permanent business and a Temporary Structure Permit has been obtained by the property owner or lessee. No more than three (3) Temporary Structure Permits may be issued within calendar year. Each permit shall be valid for not more than four (4) days.
- (3) Commercial sales activities of any kind are not allowed in temporary structures regardless of their location.
- (9) City Exemption: Notwithstanding the requirements of this City Code of Ordinances relating to open display and the use of temporary structures, the City of South Padre Island shall be exempt from all provisions herein, and is expressly permitted to authorize the use of: 1) private property with express authorization from private property owner, 2) public property and 3) the public right-of-way for the purposes of outdoor display and temporary structures for the purpose of publicly sponsored events, as well as recognized events sponsored by other agencies authorized by the City.

SECTION 3: This Ordinance repeals all portions of any prior ordinances or parts of ordinances of the Code of Ordinances in conflict herewith.

SECTION 4: If for any reason, any section, paragraph, subdivision, clause, phrase, word, or provision of the Ordinance shall be held unconstitutional by final judgment of a court of competent jurisdiction, it shall not affect any other section, paragraph, subdivision, clause, phrase, word, or provision of this Ordinance, for it is the definite intent of this City Council that every section, paragraph, subdivision, clause, phrase, word, or provision hereof be given full force and effect for its purpose.

SECTION 5: This Ordinance shall become effective when published in summary form according to law.

PASSED, APPROVED AND ADOPTED on First Reading, the ____ day of _____ 2019.

PASSED, APPROVED AND ADOPTED on Second Reading, the ____ day of _____ 2019.

ATTEST:

CITY OF SOUTH PADRE ISLAND,
TEXAS

SUSAN HILL, CITY SECRETARY

DENNIS STAHL, MAYOR