

THE STATE OF TEXAS §
CITY OF BROWNSVILLE §
COUNTY OF CAMERON §

MINUTES of a Regular Meeting of the Planning and Zoning Commission of the City of Brownsville, Texas, held in the Commission Chambers, on the Second Floor of the Brownsville City Hall – Old Federal Building, located at 1001 East Elizabeth Street, Brownsville, Cameron County, Texas, on Thursday, January 10, 2019 at 5:30 P.M. with the following members present:

PRESENT:

RONALD MILLS
MYLES R. GARZA
DEREK BENAVIDES
TROY WHITTEMORE
ABRAHAM GALONSKY
CONSTANZA MINER

OMAR OCHOA
FRANCESCA LINDER
MARTIN VEGA

CHAIRMAN
VICE-CHAIR
SECRETARY
COMMISSIONER
COMMISSIONER
PLANNING AND DEVELOPMENT SERVICES
DEPARTMENT DIRECTOR
BUILDING OFFICIAL
ZONING & SUBDIVISION ADMINISTRATOR
PLANNER-1

ABSENT:

MICHAEL REYES
FRANCISCO OROZCO

A quorum being present, Chairman Ronald Mills, asked Mr. Martin Vega, Planner-1, to read the call to consider the following matters as posted and filed for the record in the Planning & Development Services Department on January 10, 2019.

REGULAR MEETING: 5:30 P.M.

PLEDGE OF ALLEGIANCE:

The Pledge of Allegiance was led by Chairman Ronald Mills.

1. Approval of the Minutes for the Regular Meeting(s) on December 6, 2018

Upon Motion by Chairman Ronald Mills, seconded by Commissioner Abraham Galonsky was found complete and carried unanimously.

PUBLIC HEARINGS:

2. Public Hearing and Action: Rosewood Estates, Master Plan

Ms. Francesca Linder, Zoning & Subdivision Administrator stated that staff finds Rosewood Estates, Master Plan complete.

Upon motion by Commissioner Troy Whittemore, seconded by Commissioner Derek Benavides was found **complete** and **carried unanimously**.

3. Public Hearing and Action: Rio Bravo Subdivision, Amended Plan Development

Ms. Francesca Linder, Zoning & Subdivision Administrator stated that staff finds Rio Bravo Subdivision, Amended Plan Development complete.

Upon motion by Commissioner Troy Whittemore, seconded by Commissioner Abraham Galonsky was found **complete** and **carried unanimously**.

4. Public Hearing and Action: Green Gardens Subdivision, Final Plat

Ms. Francesca Linder, Zoning & Subdivision Administrator stated that staff finds Green Gardens Subdivision, Final Plat incomplete.

Upon motion by Commissioner Troy Whittemore, seconded by Commissioner Abraham Galonsky was found **incomplete** and **carried unanimously**.

5. Public Hearing and Action: Santander Subdivision Phase 3, Amended Plat

Ms. Francesca Linder, Zoning & Subdivision Administrator stated that staff finds Santander Subdivision Phase 3, Amended Plat complete.

Upon motion by Commissioner Derek Benavides, seconded by Commissioner Troy Whittemore was found **complete** and **carried unanimously**.

6. Public Hearing and Action on Ordinance Number 235-2018-910: To rezone from Dwelling "Z" (DZ) to Dwelling "Z" (DZ-CO) for Rio Bravo Section 10, Cameron County, Texas, located near Mississippi River Boulevard, Brownsville, Texas 78526.

Ms. Francesca Linder, Zoning & Subdivision Administrator delivered a brief explanation of the city initiated ordinance, noting that the staff does supports the rezoning.

Mark Kerney, Esperanza Builders Representative, gave a brief explanation of the proposed project, stating that the current setbacks do not match the original plat setbacks which were less restrictive to accommodate RV's on smaller lots.

Upon motion by Commissioner Myles Garza, seconded by Commissioner Derek Benavides and **carried unanimously**, the public hearing was **closed**.

Commissioner Derek Benavides moved that Ordinance Number 235-2018-910, be **approved** to rezone from Dwelling "Z" (DZ) to Dwelling "Z" (DZ-CO) for Rio Bravo Section 10, Cameron County, Texas, located near Mississippi River Boulevard, Brownsville, Texas 78526. The motion was seconded by Commissioner Myles Garza. Commissioners Ronald Mills, Troy Whittemore, Myles Garza, and Derek Benavides ayed the motion. Commissioner Abraham Galonsky abstained.

7. Public Hearing and Action on Ordinance Number 235-2018-034: To rezone from Dwelling "A" (DA) to Dwelling "G" (DG) for Lot 18, Block 3, Riverside Park addition to the City of Brownsville, Cameron County, located at 108 West Broadway Drive, Brownsville, Texas 78520.

Ms. Francesca Linder, Zoning & Subdivision Administrator delivered a brief explanation of the ordinance, noting that the staff does support the applicant's request.

Narcisa Ayala, Neighbor, stepped up to the podium to express concerns with the applicant's request. Ms. Ayala explained that she is concerned with the proximity of the rear structure to her lateral property line and has safety concerns from having tenants as neighbors.

Xochitl Jimenez, Applicant, explained that she does not understand how her neighbor's concerns are related to the zoning case.

Upon motion by Commissioner Derek Benavides, seconded by Commissioner Troy Whittemore and **carried unanimously**, the public hearing was **closed**.

Commissioner Troy Whittemore moved that Ordinance Number 235-2018-034, be **denied** to rezone from Dwelling "A" (DA) to Dwelling "G" (DG) for Lot 18, Block 3, Riverside Park addition to the City of Brownsville, Cameron County, located at 108 West Broadway Drive, Brownsville, Texas 78520. The motion was seconded by Commissioner Myles Garza and **carried unanimously**.

8. **Public Hearing and Action on Ordinance Number 235-2018-051-S:** To allow a duplex, a Dwelling (D) use, in Professional Office "G" (1CG) for Lot 3, Block 45, Original Townsite of Brownsville, Cameron County, Texas, located near the corner of Palm Boulevard and East Levee Street, Brownsville, Texas 78520.

Ms. Francesca Linder, Zoning & Subdivision Administrator delivered a brief explanation of the ordinance, noting that the staff does support the applicant's request.

Upon motion by Commissioner Derek Benavides, seconded by Commissioner Abraham Galonsky and **carried unanimously**, the public hearing was **closed**.

Commissioner Troy Whittemore moved that Ordinance Number 235-2018-051-S, be **approved** to allow a duplex, a Dwelling (D) use, in Professional Office "G" (1CG) for Lot 3, Block 45, Original Townsite of Brownsville, Cameron County, Texas, located near the corner of Palm Boulevard and East Levee Street, Brownsville, Texas 78520. The motion was seconded by Commissioner Abraham Galonsky and **carried unanimously**.

9. **Public Hearing and Action on Ordinance Number 235-2018-054-S:** To allow a mobile vendor food court, a General Retail (4C) use, in General Retail "G" (4CG) for 2.026 acres, more or less, comprised of 4 tracts of land; Tract 1 being 1.86 acres out of Lot 4, The Eleven Subdivision; Tract 2 being the West 13 feet of Lot 3, The Eleven Subdivision; Tract 3 being a 0.135 acre tract of land out of a certain 11.89 acre tract out of Share 19, Espiritu Santo Grant; Tract 4 being 0.031 acres, more or less, out of Paredes Tracts 21 and 24, Share 19, Espiritu Santo Grant, Cameron County, Texas, located at 3107 Boca Chica Boulevard, Brownsville, Texas 78521.

Item was removed from the agenda.

10. **Public Hearing and Action on Ordinance Number 235-2018-057:** To rezone from Dwelling "A" (DA) to Apartment "H" (AH) for Lot 24, Block 2, Alamo Heights Subdivision, Cameron County, Texas, located at 6185 Bowie Drive, Brownsville, Texas 78521.

Ms. Francesca Linder, Zoning & Subdivision Administrator delivered a brief explanation of the ordinance, noting that staff does support the applicant's request; also, that the applicant is now requesting to rezone to Dwelling "G" in order to allow a duplex

Irene Vera, Applicant, explained that the request of zoning change is to allow a duplex. She added that she is willing to downsize from a six units to a duplex in order for the property to be in compliance.

Upon motion by Commissioner Abraham Galonsky, seconded by Commissioner Derek Benavides and carried **unanimously**, the public hearing was closed.

Commissioner Derek Benavides moved that Ordinance Number 235-2018-057, be **approved** to rezone from Dwelling "A" (DA) to Apartment "H" (AH) for Lot 24, Block 2, Alamo Heights Subdivision, Cameron County, Texas, located at 6185 Bowie Drive, Brownsville, Texas 78521. The motion was seconded by Commissioner Abraham Galonsky and carried **unanimously**.

11. Public Hearing and Action on Ordinance Number 235-2018-058: To rezone from Dwelling "Z" (DZ) to General Retail "F" (4CF) for a 2.011 acre tract out of a 30.223 acre tract out of a 568.836 acre tract in Share 14, Espiritu Santo Grant, City of Brownsville, Cameron County, Texas, located near the corner of FM 1732 and Summerhill Boulevard, Brownsville, Texas 78575.

Mr. Martin Vega, Planner-1 delivered a brief explanation of the ordinance, noting that the staff does support the applicant's request.

Upon motion by Commissioner Derek Benavides, seconded by Commissioner Troy Whittemore and carried **unanimously**, the public hearing was closed.

Commissioner Derek Benavides moved that Ordinance Number 235-2018-058, be **approved** to rezone from Dwelling "Z" (DZ) to General Retail "F" (4CF) for a 2.011 acre tract out of a 30.223 acre tract out of a 568.836 acre tract in Share 14, Espiritu Santo Grant, City of Brownsville, Cameron County, Texas, located near the corner of FM 1732 and Summerhill Boulevard, Brownsville, Texas 78575. The motion was seconded by Commissioner Troy Whittemore and carried **unanimously**.

12. Public Hearing and Action on Ordinance Number 235-2018-059: To rezone from Dwelling "Z" (DZ) to Dwelling "F" (DF) for a 28.212 acre tract out of a 30.223 acre tract out of a 568.836 acre tract in Share 14, Espiritu Santo Grant, City of Brownsville, Cameron County, Texas, located near the corner of FM 1732 and Summerhill Boulevard, Brownsville, Texas 78575.

Mr. Martin Vega, Planner-1 delivered a brief explanation of the ordinance, noting that the staff does support the applicant's request.

Upon motion by Chairman Ronald Mills, seconded by Commissioner Derek Benavides and carried **unanimously**, the public hearing was closed.

Commissioner Troy Whittemore moved that Ordinance Number 235-2018-059, be **approved** to rezone from Dwelling "Z" (DZ) to Dwelling "F" (DF) for a 28.212 acre tract out of a 30.223 acre tract out of a 568.836 acre tract in Share 14, Espiritu Santo Grant, City of Brownsville, Cameron County, Texas, located near the corner of FM 1732 and Summerhill Boulevard, Brownsville, Texas 78575. The motion was seconded by Commissioner Abraham Galonsky and carried **unanimously**.

13. Public Hearing and Action on Ordinance Number 235-2018-060: To rezone from Dwelling "A" (DA) to General Retail "H" (4CH) for Lot 7, Block "B", a resubdivision of Ebony Acres Subdivision, Cameron County, Texas, located at 1733 Boca Chica Boulevard, Brownsville, Texas 78520.

Mr. Martin Vega, Planner-1 delivered a brief explanation of the ordinance, noting that the staff does support the applicant's request.

Upon motion by Commissioner Derek Benavides, seconded by Commissioner Troy Whittemore and carried **unanimously**, the public hearing was closed.

Commissioner Troy Whittemore moved that Ordinance Number 235-2018-060, be **approved** to rezone from Dwelling "A" (DA) to General Retail "H" (4CH) for Lot 7, Block "B", a resubdivision of Ebony Acres Subdivision, Cameron County, Texas, located at 1733 Boca Chica Boulevard, Brownsville, Texas 78520. The motion was seconded by Commissioner Myles Garza and **carried unanimously**.

14. **Public Hearing and Action on Ordinance Number 235-2018-061:** To rezone from Dwelling "A" (DA) to Dwelling "E" (DE) for the West ½ of Lot 3, Block 326, La Entrada Subdivision, an addition to the City of Brownsville, Cameron County, Texas, located at 924 D Street, Brownsville, Texas 78520.

Mr. Martin Vega, Planner-1 delivered a brief explanation of the ordinance, noting that the staff does support the applicant's request.

Margarita Armendariz, Neighbor, stepped up to the podium to ask what the case was about and what the applicant was proposing.

Mr. Ronald Mills, Chairman, responded by stating that the applicant is looking to rezone the property to be able to build a single family home on a half lot.

Upon motion by Commissioner Derek Benavides, seconded by Commissioner Troy Whittemore and **carried unanimously**, the public hearing was closed.

Commissioner Derek Benavides moved that Ordinance Number 235-2018-061, be **approved** to rezone from Dwelling "A" (DA) to Dwelling "E" (DE) for the West ½ of Lot 3, Block 326, La Entrada Subdivision, an addition to the City of Brownsville, Cameron County, Texas, located at 924 D Street, Brownsville, Texas 78520. The motion was seconded by Commissioner Troy Whittemore and **carried unanimously**.

15. **Public Hearing and Action on Ordinance Number 235-2018-062:** To rezone from Dwelling "A" (DA) to Apartment "A" (AA) for 0.52 acres in Block 43, El Jardin Subdivision, Share 27, Espiritu Santo Grant, Cameron County, Texas, located at 410 North Central Avenue, Brownsville, Texas 78520.

Mr. Martin Vega, Planner-1 delivered a brief explanation of the ordinance, noting that the staff does support the applicant's request.

Upon motion by Commissioner Derek Benavides, seconded by Commissioner Troy Whittemore and **carried unanimously**, the public hearing was closed.

Commissioner Troy Whittemore moved that Ordinance Number 235-2018-062, be **approved** to rezone from Dwelling "A" (DA) to Apartment "A" (AA) for 0.52 acres in Block 43, El Jardin Subdivision, Share 27, Espiritu Santo Grant, Cameron County, Texas, located at 410 North Central Avenue, Brownsville, Texas 78520. The motion was seconded by Commissioner Derek Benavides and **carried unanimously**.

16. **Public Hearing and Action on Ordinance Number 235-2018-063:** To rezone from Dwelling "A" (DA) to Dwelling "G" (DG) for Lot 13, Block 15, Ebony Heights Addition to the City of Brownsville, Cameron County, Texas, located at 1663 Yale Avenue, Brownsville, Texas 78520.

Mr. Martin Vega, Planner-1 delivered a brief explanation of the ordinance, noting that the staff does support the applicant's request.

Jose Garcia, Neighbor, wanted to know if this zoning change would increase the property taxes for surrounding properties.

Mr. Ronald Mills, Chairman, responded to the question by stating that the commission cannot answer that question but presumes that it would not. Mr. Mills added that the change would only be giving the applicant permission to have an already existing structure.

Mr. Garcia also wanted to know why adjacent property owners only receive a notification and not a letter to submit a written protest.

Ms. Francesca Linder, Zoning and Subdivision Administrator, responded to Mr. Garcia by stating that the Planning and Development Services Department includes their contact information in the notification. She added that if he had called the number, staff would have given him the corresponding instructions to submit a written protest.

Upon motion by Commissioner Derek Benavides, seconded by Commissioner Myles Garza and carried **unanimously**, the public hearing was closed.

Commissioner Myles Garza moved that Ordinance Number 235-2018-063, be **approved** to rezone from Dwelling "A" (DA) to Dwelling "G" (DG) for Lot 13, Block 15, Ebony Heights Addition to the City of Brownsville, Cameron County, Texas, located at 1663 Yale Avenue, Brownsville, Texas 78520. The motion was seconded by Commissioner Derek Benavides and **carried unanimously**.

17. Public Hearing and Action on Ordinance Number 235-2018-064-S: To allow a freight terminal, a Medium Commercial (6C) use, in Medium Commercial "J" (6CJ) for Lot 1, Block 1, Thirlwall Subdivision, Cameron County, Texas, located at 2691 Dana Avenue, Brownsville, Texas 78526.

Mr. Martin Vega, Planner-1 delivered a brief explanation of the ordinance, noting that the staff does support the applicant's request.

Eddie Padron, Neighbor, stepped up to the podium to express concern in regards to the applicant's request. Mr. Padron added that there is a large amount of traffic on Dana Road, and that its narrow design and current condition would not support the increase in traffic that the proposed use would produce. He finalized his comment by stating that this could compromise the safety of residents and cause car accidents.

Anthony O'Connor, Neighbor, stated that he agrees with Mr. Padron and that allowing the proposed use would only add to the problem.

Juan Duenas, Representative, stated that the proposed use will service the existing business on the adjacent property. Mr. Duenas added that the property owner just wants to expand his existing freight business.

Mr. Martin Vega explained that staff requested a traffic study of Dana Road. He added that the Traffic Department reviewed the proposed site plan and determined that the use would not have a significant impact on the roadway. Mr. Vega also pointed out that if the developer were to subdivide the property to separate the proposed use from the current use, a wireless communications tower, then the developer would be able to have the proposed use by right without having to go through the Specific Use Permit process.

Upon motion by Commissioner Abraham Galonsky, seconded by Commissioner Troy Whittemore and **carried unanimously**, the public hearing was closed.

Chairman Ronald Mills moved that Ordinance Number 235-2018-064-S, be tabled to allow a freight terminal, a Medium Commercial (6C) use, in Medium Commercial "J" (6CJ) for Lot 1, Block 1, Thirlwall Subdivision, Cameron County, Texas, located at 2691 Dana Avenue, Brownsville, Texas 78526. The motion was seconded by Commissioner Derek Benavides. Commissioners Ronald Mills, Derek Benavides, and Myles Garza ayed the motion. Commissioners Abraham Galonsky and Troy Whittemore nayed the motion.

- 18. **Public Hearing and Action on Ordinance Number 235-2018-065-S:** To allow an event center, a Light Commercial (5C) use, in General Retail "G" (4CG) for Lots 1 and 2, Block 1, Jefferson Plaza Subdivision Unit VI, an addition to the City of Brownsville, Cameron County, Texas, located at 1060 Ruben M. Torres Boulevard, Brownsville, Texas 78521.

Item was removed from the agenda.

ADJOURNMENT:

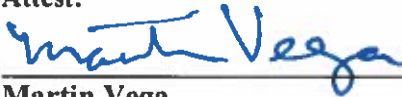
There being no further business to come before the Commission, upon duly made motion, the meeting adjourned at 7:08 p.m.

Approved this 7th day of February, 2019.



Ronald Mills
Chairman

Attest:



Martin Vega
Planner-1

Respectfully submitted by:
Martin Vega, Planner 1
Planning and Development Services Department