

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, March 1, 2018 at 5:30 P.M. with the following members present:

PRESENT:

RONALD MILLS
TROY WHITTEMORE
MICHAEL REYES
ABRAHAM GALONSKY
FRANCISCO OROZCO
CONSTANZA MINER

ANA HERNANDEZ

TIMOTHY SAMPECK
FRANCESCA LINDER
OMAR OCHOA
ELEAZAR RODRIGUEZ
JUAN VELEZ
MARTIN VEGA
ERIKA ESPINOZA

CHAIRMAN
COMMISSIONER
COMMISSIONER
COMMISSIONER
COMMISSIONER
PLANNING AND DEVELOPMENT SERVICES
DEPARTMENT DIRECTOR
PLANNING AND DEVELOPMENT SERVICES
DEPARTMENT ASSISTANT DIRECTOR
ASSISTANT CITY ATTORNEY
ZONING & SUBDIVISION ADMINISTRATOR
BUILDING OFFICIAL
PLANS EXAMINER MANAGER
HISTORIC PRESERVATION OFFICER
PLANNER 1
ADMINISTRATIVE SPECIALIST II

ABSENT:

MYLES R. GARZA
DEREK BENAVIDES

A quorum being present, Chairman Ronald Mills, asked Ms. Erika Espinoza, Administrative Specialist II, to read the call to consider the following matters as posted and filed for the record in the Planning & Development Services Department on March 1, 2018.

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 February 1, 2018

Upon Motion by Commissioner Troy Whittemore, seconded by Commissioner Francisco Orozco was found **complete** and **carried unanimously**.

PUBLIC HEARINGS:

2. Public Hearing and Action: Central Park Community Subdivision, Master Plan

Ms. Francesca Linder, Zoning & Subdivision Administrator stated that staff finds Central Park Community Subdivision, Master Plan complete.

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

3. Public Hearing and Action: Sandalwood Estates, Master Plan

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

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

4. Public Hearing and Action: Villas at Santander Subdivision, Plan Development

Ms. Francesca Linder, Zoning & Subdivision Administrator stated that staff finds Villas at Santander Subdivision, Plan Development complete.

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

5. Public Hearing and Action: Central Park Community Subdivision, Phase I, Final Plat

Ms. Francesca Linder, Zoning & Subdivision Administrator stated that staff finds Central Park Community Subdivision, Phase 1, Final Plat incomplete.

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

6. Public Hearing and Action: Sandalwood Estates, Phase I, Final Plat

Ms. Francesca Linder, Zoning & Subdivision Administrator stated that staff finds Sandalwood Estates, Phase 1, Final Plat complete.

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

7. Public Hearing and Action: Sunlight Subdivision, Final Plat

Ms. Francesca Linder, Zoning & Subdivision Administrator stated that staff finds Sunlight Subdivision, Final Plat complete.

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

8. Public Hearing and Action: El Naranjal Subdivision Section VIII, Final Plat

Ms. Francesca Linder, Zoning & Subdivision Administrator stated that staff finds El Naranjal Subdivision Section VIII, Final Plat incomplete.

Upon motion by Commissioner Michael Reyes, seconded by Commissioner Francisco Orozco was found **incomplete**. Commissioners Ronald Mills, Michael Reyes, Francisco Orozco, and Troy Whittemore ayed the motion. Commissioner Abraham Galonsky abstained.

9. Public Hearing and Action: Villas at Santander Subdivision, Final Plat

Ms. Francesca Linder, Zoning & Subdivision Administrator stated that staff finds Villas at Santander Subdivision, Final Plat complete.

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

10. Public Hearing and Action: Santander Subdivision, Phase III, Final Plat

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

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

11. Public Hearing and Action: Elm Ridge Subdivision, Replat, Final Plat

Ms. Francesca Linder, Zoning & Subdivision Administrator stated that staff finds Elm Ridge Subdivision, Replat, Final Plat incomplete.

Mr. Timothy Sampeck, Assistant City Attorney, stated that it is improper for Commissioner Abraham Galonsky to comment on this item since he has a financial stake in the project.

A discussion occurred where Oscar Chavez, project engineer; Andrew Jaross, project developer; Fred Hernandez, local engineer; and Commissioner Abraham Galonsky; stated that the Planning and Zoning Commission should have the authority to approve plats conditionally, if only minor items are pending.

Chairman Ronald Mills and Constanza Miner, Planning and Development Services Director stated that conditional approvals are currently not allowed.

Upon motion by Commissioner Francisco Orozco, seconded by Commissioner Michael Reyes and **carried unanimously**, the public hearing was **closed**.

Upon motion by Commissioner Francisco Orozco, seconded by Commissioner Michael Reyes was found **incomplete**. Commissioners Ronald Mills, Michael Reyes, Francisco Orozco, and Troy Whittemore ayed the motion. Commissioner Abraham Galonsky abstained.

12. Public Hearing and Action: XE Figueroa Subdivision, Final Plat

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

Oscar Chavez, project engineer, and Commissioner Abraham Galonsky stated that the Planning and Zoning Commission should have the authority to approve plats conditionally, if only minor items are pending.

Chairman Ronald Mills and Ms. Constanza Miner, Planning and Development Services Director, stated that plats can only be found complete or incomplete.

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

Upon motion by Commissioner Francisco Orozco, seconded by Commissioner Michael Reyes was found **incomplete** and **carried unanimously**.

13. Public Hearing and Action on Ordinance Number 235-2017-081-S: To allow a wireless communication facility, a General Retail (4C) use, in General Retail "H" (4CH) for Lots 4, 5, and 6 of Block 46-A, Stillman Extention Brownsville, located near the corner of West Elizabeth Street and West 3rd 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.

Troy Williams, representative of Branch Communications, gave a brief explanation regarding the specifications of the wireless communication facility. Mr. Williams continued by further explaining the benefits this installation would bring to the area's communication services.

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

Commissioner Francisco Orozco moved that Ordinance Number 235-2017-081-S, be **approved** to allow a wireless communication facility, a General Retail (4C) use, in General Retail "H" (4CH) for Lots 4, 5, and 6 of Block 46-A, Stillman Extention Brownsville, located near the corner of West Elizabeth Street and West 3rd Street, Brownsville, Texas, 78520. The motion was seconded by Commissioner Michael Reyes and **carried unanimously**.

14. **Public Hearing and Action on Ordinance Number 235-2018-001:** To rezone from Light Retail "G" (2CG) to General Retail "G" (4CG) for the East 90.5 feet of Lot 3, Block 21, Adrean Acres Subdivision, Cameron County, Texas, located at 4416 Boca Chica Boulevard, Brownsville, Texas 78521.

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

Commissioner Troy Whittemore moved that Ordinance Number 235-2018-001, be **approved** to rezone from Light Retail "G" (2CG) to General Retail "G" (4CG) for the East 90.5 feet of Lot 3, Block 21, Adrean Acres Subdivision, Cameron County, Texas, located at 4416 Boca Chica Boulevard, Brownsville, Texas 78521. The motion was seconded by Commissioner Abraham Galonsky and **carried unanimously**.

15. **Public Hearing and Action on Ordinance Number 235-2018-002:** To rezone from Dwelling "Z" (DZ) to Apartment "G" (AG) for a 13.15 acre tract of land, more or less, out of Lots 41, 42, and 43, Palo Alto Groves Subdivision No. 1, in Share 22 of the Espiritu Santo Grant, located near Old Alice Road, Olmito, Texas 78575.

Case was removed from agenda as per applicant request.

16. **Public Hearing and Action on Ordinance Number 235-2018-004-CO:** To rezone from General Retail "G" (4CG) to Medium Commercial "G" (6CG-CO) for Lots 4, 5, 6, 7, and 8, 777 Commercial Subdivision, Cameron County, Texas, located at 7077 North Expressway 77, Olmito, Texas 78575.

Ms. Francesca Linder, Zoning & Subdivision Administrator delivered a brief explanation of the ordinance, noting that the staff does support the applicant's request with a Conditional Overlay (CO) to restrict certain types of businesses.

Rafael Chacon, owner, gave a brief explanation of what he envisions for his project and to explain the concept of a flex space plaza. Mr. Chacon added that he agrees with the Conditional Overlay recommended by the Planning and Development Services Department.

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

Commissioner Abraham Galonsky moved that Ordinance Number 235-2018-004-CO, be **approved** to rezone from General Retail "G" (4CG) to Medium Commercial "G" (6CG-CO) for Lots 4, 5, 6, 7, and 8, 777 Commercial Subdivision, Cameron County, Texas, located at 7077 North Expressway 77, Olmito, Texas 78575. The motion was seconded by Commissioner Troy Whittemore and **carried unanimously**.

17. **Public Hearing and Action on Ordinance Number 235-2018-005:** To rezone from Dwelling "A" (DA) to Apartment "H" (AH) for 24.393 acres consisting of 2 Tracts; Tract 1 being 4.223 acres out of Tract 20, Share 19, Espiritu Santo Grant, Cameron County, Texas; Tract 2 being

20.170 acres out of Tracts 17 & 20, Share 19, Espiritu Santo Grant, Cameron County, Texas, located at 341 Oak Street, Brownsville, Texas 78521.

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

Henry Martinez, neighbor, stated that he is speaking for himself and his neighbors to express their concerns. Mr. Martinez continued by stating that they are concerned that this may increase flooding and that in the past, apartment residents broke into their homes.

Carla Mancha, CEO of the Brownsville Housing Authority, stated that the Brownsville Housing Authority wants to be a responsible and respectful developer for the community. Ms. Mancha invited concerned residents to meet with her at the Brownsville Housing Authority office to address all of their concerns.

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

Commissioner Troy Whittemore moved that Ordinance Number 235-2018-005, be **approved** to rezone from Dwelling "A" (DA) to Apartment "H" (AH) for 24.393 acres consisting of 2 Tracts; Tract 1 being 4.223 acres out of Tract 20, Share 19, Espiritu Santo Grant, Cameron County, Texas; Tract 2 being 20.170 acres out of Tracts 17 & 20, Share 19, Espiritu Santo Grant, Cameron County, Texas, located at 341 Oak Street, Brownsville, Texas 78521. The motion was seconded by Commissioner Abraham Galonsky and **carried unanimously**.

18. Public Hearing and Action on Ordinance Number 235-2018-006-S: To allow a Type A Home Assisted Living Facility, a General Retail (4C) use, in Dwelling "G" (DG) for Lot 1, Block 1, Mario Moreno Subdivision, a subdivision to the City of Brownsville, Cameron County, Texas, located at 3275 Old Port Isabel Road, Brownsville, Texas 78526.

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 Francisco Orozco, seconded by Commissioner Troy Whittemore and **carried unanimously**, the public hearing was **closed**.

Commissioner Francisco Orozco moved that Ordinance Number 235-2018-006-S, be **approved** to allow a Type A Home Assisted Living Facility, a General Retail (4C) use, in Dwelling "G" (DG) for Lot 1, Block 1, Mario Moreno Subdivision, a subdivision to the City of Brownsville, Cameron County, Texas, located at 3275 Old Port Isabel Road, Brownsville, Texas 78526. The motion was seconded by Commissioner Michael Reyes and **carried unanimously**.

19. Public Hearing and Action on Ordinance Number 2018-1100.58: To readopt the Historic Preservation Plan for 2018.

Mr. Juan Velez, Historic Preservation Officer, delivered a brief explanation of the Historic Preservation Plan for 2018.

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

Commissioner Michael Reyes moved that Ordinance Number 2018-1100.58, be **approved** to readopt the Historic Preservation Plan for 2018. The motion was seconded by Commissioner Francisco Orozco and **carried unanimously**.

20. Public Hearing and Action: To appeal the Historic Preservation and Design Review Board denial of the proposed demolition of structures at IDEA Public Schools: Camp RIO, located at 280 Fish Hatchery Road, Brownsville, Texas 78520.

Ms. Francesca Linder, Zoning & Subdivision Administrator, delivered a brief explanation of the Certificate of Appropriateness approval process and an explanation of the proposed demolition of structures at IDEA Public Schools: Camp Rio.

Nancy Mance, Director of Camp RIO and representative of IDEA Public Schools, stated that the Historic Preservation and Design Review Board issued a Certificate of Appropriateness for the preservation a whole cabin pod, which is infeasible. Ms. Mance continued by stating that IDEA Public Schools then proposed to preserve two structures in each pod, which was denied. She also stated that the designer of the structures was not Simmons, but rather an architect from San Benito named Murry Thompson. Ms. Nancy Mance stated that the preservation of one or a couple of the structures would be best for their development.

Chairman Ronald Mills asked Juan Velez, Historic Preservation Officer, what the minimum recommendation would be.

Mr. Juan Velez stated that preserving one of each type of structure would be appropriate.

Ms. Mance stated that they were concerned with the unsafe conditions of the restrooms.

Mr. Ronald Mills asked if they would agree to disconnect a restroom from the drainage system and preserve it as a model.

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

Commissioner Ronald Mills moved that the Certificate of Appropriateness for 280 Fish Hatchery Road, be **approved** to allow the proposed demolition of structures at IDEA Public Schools: Camp RIO, located at 280 Fish Hatchery Road, Brownsville, Texas 78520. The motion was seconded by Commissioner Abraham Galonsky and **carried unanimously**.

ADJOURNMENT:

There being no further business to come before the Commission, upon duly made motion, the meeting adjourned at 6:53 p.m.

Approved this 5th day of April, 2018.



Ronald Mills
Chairman

Attest:



Martin Vega
Planner I

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