

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

PRESENT:

RONALD MILLS
MYLES R. GARZA
DEREK BENAVIDES
TROY WHITTEMORE
ABRAHAM GALONSKY
FRANCISCO OROZCO
ANA HERNANDEZ

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

CHAIRMAN
VICE-CHAIR
SECRETARY
COMMISSIONER
COMMISSIONER
COMMISSIONER
PLANNING AND DEVELOPMENT SERVICES
DEPARTMENT ASSISTANT DIRECTOR
ASSISTANT CITY ATTORNEY
ZONING & SUBDIVISION ADMINISTRATOR
BUILDING OFFICIAL
PLANS EXAMINER MANAGER
PLANNER 1
ADMINISTRATIVE SPECIALIST II

ABSENT:

MICHAEL REYES

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 April 5, 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 March 1, 2018

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

2. Approval of the Minutes for the Special Meeting(s) on March 21, 2018

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

PUBLIC HEARINGS:

3. 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 Francisco Orozco, seconded by Commissioner Myles Garza and **carried unanimously**, the public hearing was **closed**.

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

4. Public Hearing and Action: Saguaro Subdivision, Final Plat

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

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

Upon motion by Commissioner Myles Garza, seconded by Commissioner Derek Benavides was found **incomplete** and **carried unanimously**.

5. Public Hearing and Action: IDEA Academy Robindale Subdivision, Final Plat

Ms. Francesca Linder, Zoning & Subdivision Administrator stated that staff finds IDEA Academy Robindale Subdivision, Final Plat incomplete.

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

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

6. Public Hearing and Action on Ordinance Number 2018-235-.89: To amend the existing boundaries within the O31 – Nonresidential Overlay District; and dealing with related matters.

Ms. Francesca Linder, Zoning & Subdivision Administrator delivered a brief explanation of the city initiated ordinance, noting that the staff does support the amendment of the existing boundaries within the O31 – Nonresidential Overlay District.

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 2018-235-.89, be **approved** to amend the existing boundaries within the O31 – Nonresidential Overlay District; and dealing with related matters. The motion was seconded by Commissioner Abraham Galonsky and **carried unanimously**.

7. **Public Hearing and Action on Ordinance Number 2018-235-.90:** To amend the existing boundaries within the O51-A – Commercial Quality Overlay District; and dealing with related matters.

Ms. Francesca Linder, Zoning & Subdivision Administrator delivered a brief explanation of the city initiated ordinance, noting that the staff does support the amendment of the existing boundaries within the O51-A – Commercial Quality Overlay District.

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

Commissioner Derek Benavides moved that Ordinance Number 2018-235-.90, be **approved** to amend the existing boundaries within the O51-A – Commercial Quality Overlay District; and dealing with related matters. The motion was seconded by Commissioner Troy Whittemore and **carried unanimously**.

8. **Public Hearing and Action on Ordinance Number 235-2018-902-CO:** To rezone from Dwelling “Z” (DZ) to Dwelling “G” (DG-CO) for Block 1 and Block 2, Rio Bravo Subdivision Section 8, located near Sacramento River Drive, Brownsville, Texas 78520.

Ms. Francesca Linder, Zoning & Subdivision Administrator delivered a brief explanation of the city initiated ordinance, noting that the staff does support the rezoning with a Conditional Overlay (CO) to prohibit duplexes.

Dan Nolan, neighbor, stepped up to the podium to explain that he was concerned that motor homes would invade vacant lots.

Jimmy Bernard, development owner, explained that these lots are exclusively for single family homes with RV ports so that property owners with motor homes may park their vehicles. Mr. Bernard emphasized that motor homes by themselves would not be allowed on vacant lots.

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

Commissioner Myles Garza moved that Ordinance Number 235-2018-902-CO, be **approved** to rezone from Dwelling “Z” (DZ) to Dwelling “G” (DG-CO) for Block 1 and Block 2, Rio Bravo Subdivision Section 8, located near Sacramento River Drive, Brownsville, Texas 78520. The motion was seconded by Commissioner Francisco Orozco and **carried unanimously**.

9. **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.

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 Derek Benavides and **carried unanimously**, the public hearing was **closed**.

Commissioner Francisco Orozco moved that Ordinance Number 235-2018-002, be **approved** 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. The motion was seconded by Commissioner Derek Benavides. Commissioners Ronald Mills, Abraham Galonsky, Francisco Orozco, Derek Benavides, and Troy Whittemore ayed the motion. Commissioner Myles Garza nayed the motion.

10. **Public Hearing and Action on Ordinance Number 235-2018-007:** To rezone from Dwelling “X” (DX) to Dwelling “G” (DG) for a 3.69 acre tract out of the West 5 acres of Block 5, Acacia Lake Tract Subdivision, located near Acacia Lake Drive, Brownsville, Texas 78521.

Ms. Francesca Linder, Zoning & Subdivision Administrator delivered a brief explanation of the ordinance, noting that the staff recommends that the subject property be rezoned from Dwelling “X” (DX) to Dwelling “A” (DA).

Edmundo Gonzalez, project engineer, gave a brief explanation of the project, stating that the development owner, Enrique Canales, is subdividing the subject property into three lots in order to build single family homes. He explained that the rezoning was primarily for one of the three lots since the setbacks would not be suitable for its shape. Mr. Gonzalez also pointed out that the subject property is in a transitional area, in which there are lots transitioning from large to smaller dimensions.

Commissioners Francisco Orozco and Ronald Mills asked the applicant if he would agree with the recommendation given by the staff which was to rezone to Dwelling “A” rather than Dwelling “G”.

Enrique Canales, development owner, stated that he would agree with staff recommendation.

Horacio Barrera, neighbor, began his statement by saying that there are deed restrictions and covenants that are attached to the subject property that require a minimum of one acre lots. Mr. Barrera explained that this rezoning will have an effect on the character of the neighborhood, traffic, and density.

Nurith Galonsky, neighbor; Cynthia Ramirez, neighbor; Dr. Celia Flores, neighbor; John Fais, neighbor; Jackie Lockett, neighbor; and Nicky Hodgson, neighbor; stated that they are concerned with increased traffic, pedestrian safety, population density in the neighborhood, the effect on the character of the neighborhood, and that this will open the door to future developers that would want to do the same.

Commissioner Francisco Orozco explained that it would not be fair to the applicant that a government entity stops his development when what he is asking for is what his neighbor already has.

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

Commissioner Troy Whittemore moved that Ordinance Number 235-2018-007, be **denied** to rezone from Dwelling "X" (DX) to Dwelling "G" (DG) for a 3.69 acre tract out of the West 5 acres of Block 5, Acacia Lake Tract Subdivision, located near Acacia Lake Drive, Brownsville, Texas 78521. The motion was seconded by Commissioner Myles Garza. Commissioners Ronald Mills, Myles Garza, and Troy Whittemore aye the motion. Commissioners Derek Benavides and Francisco Orozco naye the motion. Commissioner Abraham Galonsky abstained.

11. **Public Hearing and Action on Ordinance Number 235-2018-008:** To rezone from Light Retail "F" (2CF) to General Retail "G" (4CG) for Lot 4, Block 1, Walker Addition Resubdivision, located at 2705 East Price Road, 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.

Omar Quintero, applicant, stated that the subject property was zoned as industrial when originally purchased by his father and was downed zoned by the city sometime later. Mr. Quintero finalized his statement by explaining that he just wants a fair rezoning to a higher use district than what the property currently has.

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 235-2018-008, be **approved** to rezone from Light Retail "F" (2CF) to General Retail "G" (4CG) for Lot 4, Block 1, Walker Addition Resubdivision, located at 2705 East Price Road, Brownsville, Texas 78521. The motion was seconded by Commissioner Abraham Galonsky and **carried unanimously**.

12. **Public Hearing and Action on Ordinance Number 235-2018-009:** To rezone from Medium Retail "G" (3CG) to General Retail "G" (4CG) for the North 1.25 acres of Lot 3, Block FF, Brownsville Land and Improvement Company Subdivision, in Cameron County, Texas, located at 2735 North Coria 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 Francisco Orozco and **carried unanimously**, the public hearing was closed.

Commissioner Francisco Orozco moved that Ordinance Number 235-2018-009, be **approved** to rezone from Medium Retail "G" (3CG) to General Retail "G" (4CG) for the North 1.25 acres of Lot 3, Block FF, Brownsville Land and Improvement Company Subdivision, in Cameron County, Texas, located at 2735 North Coria Street, Brownsville, Texas 78520. The motion was seconded by Commissioner Troy Whittemore and **carried unanimously**.

13. **Public Hearing and Action on Ordinance Number 235-2018-010-S:** To allow a Used Car Lot, a Light Commercial (5C) use, in General Retail "G" (4CG) for Lot 23, Block 2, Villa Vera Subdivision, located at 3925 Southmost 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 Abraham Galonsky, seconded by Commissioner Derek Benavides and **carried unanimously**, the public hearing was closed.

Commissioner Troy Whittemore moved that Ordinance Number 235-2018-010-S, be **approved** to allow a Used Car Lot, a Light Commercial (5C) use, in General Retail "G" (4CG) for Lot 23, Block 2, Villa Vera Subdivision, located at 3925 Southmost Boulevard, Brownsville, Texas 78521. The motion was seconded by Commissioner Francisco Orozco. Commissioners Ronald Mills, Abraham Galonsky, Francisco Orozco, Derek Benavides, and Troy Whittemore ayed the motion. Commissioner Myles Garza nayed the motion.

14. Public Hearing and Action on Ordinance Number 235-2018-011-S: To allow a Professional Office, a Professional Office (1C) use, in Dwelling "A" (DA) for all of Lot 7 and Lot 8, Block 114-A, Stillman Extension, located at 654 West Saint Charles 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.

Henry Corona, applicant, stated that he run his civil engineering and surveying business from that property since 1986 and that he wants is to be able to carry out the rest of his career. He finalized his comments by stating that he applied for a specific use permit after he was given a citation for not being in compliance with zoning.

Bill Berg, neighbor; John Kinch, neighbor; and Larry Holman, neighbor; stated that they are concerned that changes to the existing structures would be made, and therefore, affect the historical aesthetics of the neighborhood. The neighbors also stated that they are concerned that, once Mr. Corona retires, a new business could arise and change the residential character of the neighborhood.

Ms. Francesca Linder explained that this is a specific use permit and that any deviation to the current site plan would require an amendment. Building a new structure would be considered a major amendment in which case the Planning and Development Services Department would send out new notices and such change would require approval from the Planning and Zoning Commission and City Commission.

Commissioner Ronald Mills explained that if the applicant's request is approved, then he would have to occupy the building as is at that very moment. The applicant would not be able to add to a structure or remove a structure. Mr. Mills added that once Mr. Corona departs from the current function of the building, then the requested permit goes away and no new use may replace the previous.

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

Commissioner Francisco Orozco moved that Ordinance Number 235-2018-011-S, be **approved** to allow a Professional Office, a Professional Office (1C) use, in Dwelling "A" (DA) for all of Lot 7 and Lot 8, Block 114-A, Stillman Extension, located at 654 West Saint Charles Street, Brownsville, Texas 78520. The motion was seconded by Commissioner Troy Whittemore and **carried unanimously**.

ADJOURNMENT:

There being no further business to come before the Commission, upon duly made motion, the meeting adjourned at 7:27 p.m.

Approved this 3rd day of May, 2018.



Ronald Mills
Chairman

Attest:


Erika Espinoza
Administrative Specialist II

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