

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, May 3, 2018 at 5:30 P.M. with the following members present:

PRESENT:

RONALD MILLS
DEREK BENAVIDES
TROY WHITTEMORE
ABRAHAM GALONSKY
CONSTANZA MINER

ANA HERNANDEZ

TIMOTHY SAMPECK
FRANCESCA LINDER
OMAR OCHOA
MARTIN VEGA
ERIKA ESPINOZA

CHAIRMAN
SECRETARY
COMMISSIONER
COMMISSIONER
PLANNING AND DEVELOPMENT SERVICES
DEPARTMENT DIRECTOR
PLANNING AND DEVELOPMENT SERVICES
DEPARTMENT ASSISTANT DIRECTOR
ASSISTANT CITY ATTORNEY
ZONING & SUBDIVISION ADMINISTRATOR
BUILDING OFFICIAL
PLANNER 1
ADMINISTRATIVE SPECIALIST II

ABSENT:

MYLES R. GARZA
MICHAEL REYES
FRANCISCO OROZCO

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 May 3, 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 April 5, 2018

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

PUBLIC HEARINGS:

2. 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 complete.

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

Upon motion by Commissioner Troy Whittemore, seconded by Commissioner Ronald Mills was found **complete**. Commissioners Ronald Mills, Derek Benavides, and Troy Whittemore ayed the motion. Commissioner Abraham Galonsky abstained.

3. 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 Abraham Galonsky and **carried unanimously**, the public hearing was **closed**.

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

4. 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.

Jim Rose, Project Engineer, explained that the plat is incomplete because Brownsville Public Utilities Board is questioning the authority of IDEA Public Schools CEO to sign said plat. Mr. Rose further explained that BPUB was provided with a copy of IDEA's Articles of Formation to validate the CEO's authority to sign. He finalized his remarks by stating that this issue would prevent the plat from getting approved before the expiration date of the plat application, and therefore cause them to have to resubmit and pay an additional fee.

Commissioner Ronald Mills asked Ms. Francesca Linder if the applicant could be given some flexibility.

Ms. Francesca Linder, Zoning & Subdivision Administrator explained that the ordinance does not allow conditional approvals for subdivisions.

Commissioner Abraham Galonsky asked if the board could suggest a fee waiver for the resubmittal of the plat.

Ms. Linder explained that fee waivers must be approved by the City Manager.

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

Commissioner Derek Benavides moved to recommend an application fee waiver and find the subdivision incomplete. The motion was seconded by Commissioner Troy Whittemore and found **incomplete and carried unanimously**.

5. Public Hearing and Action: Hacienda West Subdivision Section VIII, Final Plat

Ms. Francesca Linder, Zoning & Subdivision Administrator stated that staff finds Hacienda West Subdivision Section VIII, Final Plat complete.

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

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

6. Public Hearing and Action: The Oaks Subdivision, Final Plat

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

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

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

7. Public Hearing and Action: The Woodlands No. 2-B Subdivision, Final Plat

Ms. Francesca Linder, Zoning & Subdivision Administrator stated that staff finds The Woodlands No. 2-B Subdivision, Final Plat incomplete.

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

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

8. Public Hearing and Action: Lozano Heights Subdivision, Final Plat

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

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

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

9. **Public Hearing and Action on Ordinance Number 235-2018-903-CO:** To rezone from Dwelling "X" (DX) to Dwelling "A" (DA-CO) for Block 1 and Block 2, Lazy Acres Estates Replat, located near Lazy Acres Road, Brownsville, Texas 78521.

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.

Fabian De La Garza, Resident and Developer, gave a brief description of the project and explained that they do not intend to change the neighborhood.

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 235-2018-903-CO, be **approved** to rezone from Dwelling "X" (DX) to Dwelling "A" (DA-CO) for Block 1 and Block 2, Lazy Acres Estates Replat, located near Lazy Acres Road, Brownsville, Texas 78521. The motion was seconded by Commissioner Troy Whittemore and **carried unanimously**.

10. **Public Hearing and Action on Ordinance Number 235-2018-012:** To rezone from Dwelling "A" (DA) to Apartment "G" (AG) for Lot 7, Block 21, Garden Parks Subdivision, and a 1.862 acre Tract out of Share 12, Espiritu Santo Grant, located near Center 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.

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 235-2018-012, be **approved** to rezone from Dwelling "A" (DA) to Apartment "G" (AG) for Lot 7, Block 21, Garden Parks Subdivision, and a 1.862 acre Tract out of Share 12, Espiritu Santo Grant, located near Center Drive, Brownsville, Texas 78520. The motion was seconded by Commissioner Troy Whittemore and **carried unanimously**.

11. **Public Hearing and Action on Ordinance Number 235-2018-013:** To rezone from Dwelling "A" (DA) to Dwelling "G" (DG) for Lot 13, Block 16, Colonia Acacia, located at 3335 Short Street, Brownsville, Texas 78521.

Ms. Francesca Linder, Zoning & Subdivision Administrator delivered a brief explanation of the ordinance, noting that the staff does not support the applicant's request.

Jessica Barrientos, daughter of applicant, explained that a few properties away from her father's property some portable buildings were installed to be used as a multifamily home. She continued by explaining how the portables are in bad conditions and how her father's project would be nothing like them.

Christina Hernandez, Neighbor, explained that she is concerned that her property taxes may go up with the change in zoning. She finalized her comment by saying that a tax increase would not be favorable for her since she is on a fixed income.

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 235-2018-013, be **denied** to rezone from Dwelling "A" (DA) to Dwelling "G" (DG) for Lot 13, Block 16, Colonia Acacia, located at 3335 Short Street, Brownsville, Texas 78521. The motion was seconded by Commissioner Abraham Galonsky. Commissioners Troy Whittemore, Ronald Mills, and Abraham Galonsky nayed the motion. Commissioner Derek Benavides ayed the motion.

12. Public Hearing and Action on Ordinance Number 235-2018-014: To rezone from General Retail "G" (4CG) to Medium Commercial "G" (6CG) for 1.284 acres consisting of 2 Tracts; Tract 1 being 0.6372 acres of a 3.80 acre Tract of a portion of the Olmito Water Company Reservoir and Block 193 of Olmito, Texas, and a portion of Reservoir Street; Tract 2 being 0.6465 of a 3.80 acre Tract of a portion of the Olmito Water Company Reservoir and Block 193 of Olmito, Texas, and a portion of Reservoir Street, located near North Expressway 77, Brownsville, Texas 78526.

Ms. Francesca Linder, Zoning & Subdivision Administrator delivered a brief explanation of the ordinance, noting that the staff does not support the applicant's request.

Moises Molina, Representative, began by explaining the type of business that his client wishes to establish on the property to be rezoned. He stated that his client wishes to rent out his property to a Truck Sale Business.

Commissioner Abraham Galonsky asked Ms. Francesca Linder what staff would recommend for the applicant to do if staff is not supporting this case.

Ms. Linder suggested that rather than rezoning the property a specific use permit would be more suitable for this case.

Commissioner Ronald Mills asked the representative if this suggestion is something that his client would agree to, keeping in mind that he would only be limited to the truck sale business.

Mr. Moises Molina responded that his client's intent is to have the property rezoned and not go through a specific use.

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 235-2018-014, be **denied** to rezone from General Retail “G” (4CG) to Medium Commercial “G” (6CG) for 1.284 acres consisting of 2 Tracts; Tract 1 being 0.6372 acres of a 3.80 acre Tract of a portion of the Olmito Water Company Reservoir and Block 193 of Olmito, Texas, and a portion of Reservoir Street; Tract 2 being 0.6465 of a 3.80 acre Tract of a portion of the Olmito Water Company Reservoir and Block 193 of Olmito, Texas, and a portion of Reservoir Street, located near North Expressway 77, Brownsville, Texas 78526. The motion was seconded by Commissioner Ronald Mills and **carried unanimously**.

- 13. Public Hearing and Action on Ordinance Number 235-2018-015:** To rezone from Apartment “H” (AH) to Professional Office “H” (1CH) for Lot 1, Block 1, Alvarez Subdivision, Cameron County, Texas, located at 334 Morningside 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.

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 235-2018-015, be **approved** to rezone from Apartment “H” (AH) to Professional Office “H” (1CH) for Lot 1, Block 1, Alvarez Subdivision, Cameron County, Texas, located at 334 Morningside Road, Brownsville, Texas 78521. The motion was seconded by Commissioner Derek Benavides and **carried unanimously**.

- 14. Public Hearing and Action on Ordinance Number 235-2018-016:** To rezone from Dwelling “A” (DA) to Apartment “H” (AH) for 2.375 acres out of a 4.00 acre Tract in Block 28, Acacia Lake Gardens Subdivision in Share 19, Espiritu Santo Grant, Cameron County, Texas, located at 265 Calle Milpa Verde, Brownsville, Texas, 78521.

Ms. Francesca Linder, Zoning & Subdivision Administrator delivered a brief explanation of the ordinance, noting that the staff does not support the applicant’s request.

Mariela Salazar, Applicant, began by stating that in 2014 she had applied for a specific use permit to allow apartments on the subject property. Ms. Salazar added that said proposal did not proceed because of a change in building code that would require her to install a sprinkler system which was not economically feasible at the time. Ms. Salazar finished her remarks by giving a brief description of her project.

Ms. Francesca Linder stated that staff suggested that Ms. Salazar applies for a specific use permit since under the new ordinance she would be allowed to amend the approved site plan in the event that any changes need to be made. Ms. Linder added that in order to achieve the number of units desired by the applicant, the area district would have to be rezoned regardless.

Commissioner Ronald Mills asked Ms. Linder what recommendation they would have to make to achieve this.

Ms. Linder stated that the area district should be changed from “A” to “H” while the use district remains as Dwelling.

Ms. Mariela Salazar stated that she is willing to do what the city tells her in order to comply and carry out her development.

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

Commissioner Ronald Mills moved that Ordinance Number 235-2018-016, be **approved** to rezone from Dwelling "A" (DA) to Dwelling "H" (DH) for 2.375 acres out of a 4.00 acre Tract in Block 28, Acacia Lake Gardens Subdivision in Share 19, Espiritu Santo Grant, Cameron County, Texas, located at 265 Calle Milpa Verde, Brownsville, Texas, 78521. The motion was seconded by Commissioner Troy Whittemore and **carried unanimously**.

- 15. Public Hearing and Action on Ordinance Number 235-2018-017:** To rezone from Light Retail "V" (2CV) to Medium Commercial "V" (6CV) for 4 acres consisting of Tract 1, Tract 2, and Tract 3 of Lot 1, Block 1, M. Samano Partition, located near Paredes Line 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 Troy Whittemore, seconded by Commissioner Derek Benavides and **carried unanimously**, the public hearing was closed.

Commissioner Troy Whittemore moved that Ordinance Number 235-2018-017, be **approved** to rezone from Light Retail "V" (2CV) to Medium Commercial "V" (6CV) for 4 acres consisting of Tract 1, Tract 2, and Tract 3 of Lot 1, Block 1, M. Samano Partition, located near Paredes Line Road, Brownsville, Texas 78526. The motion was seconded by Commissioner Abraham Galonsky and **carried unanimously**.

- 16. Public Hearing and Action on Ordinance Number 235-2018-018:** To rezone from Apartment "H" (AH)/ General Retail "J" (4CJ)/Light Industrial "J" (7CJ) to General Retail "J" (4CJ) for 0.41 acres for Lots 4, 5, and 6, Block 13, Paredes Tract Addition, located at 1800 East Van Buren 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.

Pauline Zerebeck, Realtor, explained that this property has been up for sale for about two years. She stated that they would like to see the property rezoned to 7th commercial.

Commissioner Ronald Mills responded by explaining that the commission can only approve the recommendation given to them which was to rezone the property to General Retail "J".

Ms. Linder pointed out that in 2017, the applicant applied to rezone the property to 5th commercial but was denied.

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

Commissioner Troy Whittemore moved that Ordinance Number 235-2018-018, be **approved** to rezone from Apartment "H" (AH)/ General Retail "J" (4CJ)/Light Industrial "J" (7CJ) to General Retail "J" (4CJ) for 0.41 acres for Lots 4, 5, and 6, Block 13, Paredes Tract Addition, located at 1800 East Van

Buren Street, Brownsville, Texas 78520. The motion was seconded by Commissioner Ronald Mills and carried **unanimously**.

17. **Public Hearing and Action on Ordinance Number 235-2018-019-S:** To allow Apartments, an Apartment (A) use, in General Retail "H" (4CH) for 0.7651 acres of Lot 4 El Jardin Resubdivision, Block 204 and 0.2267 acres of Abstract 2 Lopez High School Subdivision PT Lot 1, Block 1 located at 3228 South Dakota Avenue, 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 Abraham Galonsky, seconded by Commissioner Derek Benavides and **carried unanimously**, the public hearing was **closed**.

Commissioner Abraham Galonsky moved that Ordinance Number 235-2018-019-S, be **approved** to allow Apartments, an Apartment (A) use, in General Retail "H" (4CH) for 0.7651 acres of Lot 4 El Jardin Resubdivision, Block 204 and 0.2267 acres of Abstract 2 Lopez High School Subdivision PT Lot 1, Block 1 located at 3228 South Dakota Avenue, Brownsville, Texas 78526. The motion was seconded by Commissioner Troy Whittemore and **carried unanimously**.

18. **Public Hearing and Action on Ordinance Number 235-2018-020-S:** To allow Storage Units, a Light Commercial (5C) use, in Professional Office "G" (1CG) for an estimated 1.518 acres out of the front portion of a 5.00 acre Tract of land out of a certain East 20.0 acres, Block 27, El Jardin Subdivision, Tract 33, Share 19, Espiritu Santo Grant, Cameron County, Texas, located at 4005 Jaime Zapata Avenue, 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.

Basilio Gomez, Representative, gave a brief explanation about his client's project and added that the storage units are being built to service the apartment complex located adjacent to the property.

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 235-2018-020-S, be **approved** to allow Storage Units, a Light Commercial (5C) use, in Professional Office "G" (1CG) for an estimated 1.518 acres out of the front portion of a 5.00 acre Tract of land out of a certain East 20.0 acres, Block 27, El Jardin Subdivision, Tract 33, Share 19, Espiritu Santo Grant, Cameron County, Texas, located at 4005 Jaime Zapata Avenue, Brownsville, Texas 78521. The motion was seconded by Commissioner Abraham Galonsky and **carried unanimously**.

19. **Public Hearing and Action on Ordinance Number 235-2018-021:** To rezone from Dwelling "G" (DG) to Apartment "H" (AH) for Lots 9, 10, 11, and 12, Canyon Valley Subdivision Replat, Cameron County, Texas, located near Menchaca Court, Brownsville, Texas 78526.

Ms. Francesca Linder, Zoning & Subdivision Administrator delivered a brief explanation of the ordinance, noting that the staff does not support the applicant's request.

Eddie Lucio, Representative, gave a brief explanation of his client's project and added that the Home Owners Association of the subdivision submitted a petition stating that they are in favor of the zoning change to allow apartments. Mr. Lucio also explained that a lot further down the street has area district "H", therefore, his client wants the same.

Arturo Menchaca, Developer, gave a brief explanation about his project and emphasized that the Home Owners Association agrees with the zoning change. Mr. Menchaca added that his project complies with the surrounding land uses and that it is nonsensical to believe otherwise. He finalized his comments by stating that he just wants the same area district as the property down the street in order to be able to fit the number of units that he is requesting.

Ms. Francesca Linder suggested that the property be granted a change in area district while maintaining the use district, and then applying for a specific use permit.

Commissioner Ronald Mills made the recommendation to change the zoning from Dwelling "G" to Dwelling "H".

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

Commissioner Ronald Mills moved that Ordinance Number 235-2018-021, be **approved** to rezone from Dwelling "G" (DG) to Dwelling "H" (DH) for Lots 9, 10, 11, and 12, Canyon Valley Subdivision Re-plat, Cameron County, Texas, located near Menchaca Court, Brownsville, Texas 78526. The motion was seconded by Commissioner Derek Benavides and **carried unanimously**.

20. Public Hearing and Action on Ordinance Number 235-2018-022: To rezone from General Retail "G" (4CG) to Medium Commercial "G" (6CG) for a 59.33 acre Tract of land, more or less, out of Blocks 3, 4, 17, 18, 31, and 32 out of Rincon Subdivision, Share 22, Espiritu Santo Grant, located near Farm to Market 511, 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 Troy Whittemore, seconded by Commissioner Derek Benavides and **carried unanimously**, the public hearing was closed.

Commissioner Troy Whittemore moved that Ordinance Number 235-2018-022, be **approved** to rezone from General Retail "G" (4CG) to Medium Commercial "G" (6CG) for a 59.33 acre Tract of land, more or less, out of Blocks 3, 4, 17, 18, 31, and 32 out of Rincon Subdivision, Share 22, Espiritu Santo Grant, located near Farm to Market 511, Brownsville, Texas 78526. The motion was seconded by Commissioner Derek Benavides and **carried unanimously**.

21. Public Hearing and Action on Ordinance Number 235-2018-601-CU: An ordinance allowing a conditional use permit for the sale of on-premises alcohol (Bar) for a 2.209 acre Tract in Blocks 41 and 42 Media Luna Subdivision, also described as, Lot 301, Country Club Estates-1 Convention Center, located at 301 McFadden 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.


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

Commissioner Ronald Mills moved that Ordinance Number 235-2018-601-CU, be **approved** to allow a conditional use permit for the sale of on-premises alcohol (Bar) for a 2.209 acre Tract in Blocks 41 and 42 Media Luna Subdivision, also described as, Lot 301, Country Club Estates-1 Convention Center, located at 301 McFadden Drive, 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 7:07 p.m.

Approved this 7th day of June, 2018.



Ronald Mills
Chairman

Attest:


Erika Espinoza
Administrative Specialist II

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