



**NOTICE OF A REGULAR MEETING
BRENHAM PLANNING AND ZONING COMMISSION
MONDAY, JULY 22, 2019 AT 5:15 P.M.
SECOND FLOOR CITY HALL BUILDING
COUNCIL CHAMBERS
200 W. VULCAN
BRENHAM, TEXAS**

1. Call Meeting to Order

2. Public Comments

[At this time, anyone will be allowed to speak on any matter other than personnel matters or matters under litigation, for length of time not to exceed three minutes. No Board discussion or action may take place on a matter until such matter has been placed on an agenda and posted in accordance with law.]

3. Reports and Announcements

CONSENT AGENDA

4. Statutory Consent Agenda

The Statutory Consent Agenda includes non-controversial and routine items that the Commission may act on with one single vote. A Commissioner may pull any item from the Consent Agenda in order that the Commission discuss and act upon it individually as part of the Regular Agenda.

4-a. Minutes from the June 24, 2019 Planning and Zoning Commission Meeting

REGULAR AGENDA

5. Public Hearing, Discussion and Possible Action on Case Number P-19-023: A city initiated text amendment to the City of Brenham's Code of Ordinances, Appendix A: "Zoning" by amending Part II, Division 1, Section 12 – Landscaping and Buffering to revise the minimum landscape requirements for parking areas, and Section 16 – Off-Street Parking Requirements to revise the minimum parking space stall dimensions and establish a minimum parking space size for spaces designated as compact parking.

6. Public Hearing, Discussion and Possible Action on Case Number P-19-026: A city-initiated request for an Amendment to the City of Brenham's Official Zoning Map of the Code of Ordinances to change the zoning from a Local Business/Residential Mixed Use District (B-1) to a Commercial, Research and Technology Use District (B-2) on the following tracts of land:

- a) 1.416 acres addressed as 1701 State Highway 105, and further described as Part of Lots 23-27 in Block 1 of the Post Oak Grove Addition in Brenham, Washington County, Texas;
- b) 0.262 acres addressed as 1711 State Highway 105 (fka 1703 State Highway 105), and further described as Part of Lots 28 and 29 in Block 1 of the Post Oak Grove Addition in Brenham, Washington County, Texas;

- c) 3.160 acres addressed as 1801 & 1803 State Highway 105, and further described as Tract 86 of the Arrabella Harrington Survey in Brenham, Washington County, Texas; and
- d) A portion of the called 0.9765 acre tract, out of the A. Harrington Survey, A-55, the James Walker Survey, A-106, and the Post Oak Grove Addition in Brenham, Washington County, Texas. (WCAD R#19194)

- 7. **Public Hearing, Discussion and Possible Action on Case Number P-19-024:** A request by Circle K for an Amendment to the City of Brenham’s Official Zoning Map of the Code of Ordinances to change the zoning from a Local Business/Residential Mixed Use District (B-1) to a Commercial, Research and Technology Use District (B-2) on a 1.056 acre tract of land addressed as 1708 State Highway 105, and further described as Lot 1 of the Southeast Portion of Post Oak Grove Addition in Brenham, Washington County, Texas.
- 8. **Public Hearing, Discussion and Possible Action on Case Number P-19-025:** A request by Blinn College District for an Amendment to the City of Brenham’s Official Zoning Map of the Code of Ordinances to change the zoning from a Mixed Residential Use District (R-2) to a Commercial, Research and Technology Use District (B-2) on approximately 2.29 acres of land addressed as 901, 905, 909, 911, & 913 W. Fifth Street and 1104 & 1106 High Street, and further described as Lots 1, 2A, and 4 in Block 21 of the Key’s First Addition, in Brenham, Washington County, Texas.
- 9. **Public Hearing, Discussion and Possible Action on Case No. 19-027:** A request by Texas Plumbing Supply for a Specific Use Permit to allow open (outdoor) display or storage of retail merchandise as an accessory use to uses permitted in the B-1, Local Business/Residential Mixed Use Zoning District on approximately 2.190 acres of land located at 1608 & 1702 S. Market Street, and further described as Part of Lots 1 & 2, and Lots 3-7 in Block L of the Stone Subdivision, in Brenham, Washington County, Texas.
- 10. **Adjourn**

CERTIFICATION

I certify that a copy of the July 22, 2019, agenda of items to be considered by the Planning & Zoning Commission was posted to the City Hall bulletin board at 200 W. Vulcan, Brenham, Texas on July 19, 2019, at 7:15 am.

Kim Hodde

Kim L. Hodde, Planning Technician

Disability Access Statement: This meeting is wheelchair accessible. The accessible entrance is located at the Vulcan Street entrance to the City Administration Building. Accessible parking spaces are located adjoining the entrance. Auxiliary aids and services are available upon request (interpreters for the deaf must be requested twenty-four (24) hours before the meeting) by calling (979) 337-7567 for assistance.

I certify that the attached notice and agenda of items to be considered by the Planning and Zoning Commission was removed by me from the City Hall bulletin board on the _____ day of _____, 2019 at _____.

Signature

Title

**CITY OF BRENHAM
PLANNING AND ZONING COMMISSION MINUTES
June 24, 2019**

The meeting minutes herein are a summarization of meeting procedures, not a verbatim transcription.

A regular meeting of the Brenham Planning and Zoning Commission was held on May 28, 2019 at 5:15 pm in the Brenham Municipal Building, City Council Chambers, at 200 West Vulcan Street, Brenham, Texas.

Commissioners present:

M. Keith Behrens, Chair
Deanna Alfred, Vice Chair – out of town
Leroy Jefferson
Calvin Kossie
Nancy Low
Lynnette Sheffield
Marcus Wamble

Commissioners absent:

Staff present:

Lowell Ogle, Assistant City Manager
Kim Hodde, Planning Technician
Sarah Hill, Administrative Assistant

Citizens present:

Brad Trochta, Brenham Wholesale Grocery
Stephen Grove, Stylecraft Builders
Shanice Robinson, Bleyl Engineering

1. Call Meeting to Order

Chairman Behrens called the meeting to order at 5:15 pm with a quorum of seven (7) Commissioners present.

2. Public Comments

There were no public comments.

3. Reports and Announcements

Kim Hodde stated that a memo regarding parking space requirements is on the dais for the board members to take home and review. She stated that this item is scheduled to be presented at the next P & Z meeting. If the Board would like to have a workshop discussion instead of an action item at the next meeting to please contact staff and let them know. Commissioner Alfred asked if Ms. Doland could email the Board members and let them know what staff's recommendation is then a decision can be made as to whether a workshop discussion is needed.

CONSENT AGENDA

4. Statutory Consent Agenda

The Statutory Agenda includes non-controversial and routine items that the Commission may act on with one single vote. A Commissioner may pull any item from the Consent Agenda in order that the Commission discuss and act upon it individually as part of the Regular Agenda.

4-a. Minutes from the May 28, 2019 Planning and Zoning Commission Meeting

Chairman Behrens asked for any corrections or additions to the minutes as presented. A motion was made by Commissioner Sheffield and seconded by Commissioner Kossie to approve the minutes from the May 28, 2019 meeting, as presented. The motion carried unanimously.

REGULAR MEETING

- 5. Public Hearing, Discussion and Possible Action on Case No. P-19-021: A request by Brenham Wholesale Grocery for an Amendment to the City of Brenham’s Official Zoning Map of the Code of Ordinances to change the zoning from a Manufactured Home Residential Use District (R-3) to an Industrial Use District (I) on 1.27 acres of land described as James Walker Survey, A-106, and 0.136 acres described as Arrabella Harrington Survey, A-55, and 0.608 acres described as Block 1, Beacon Hill Addition, and 0.137 acres described as a portion of Limit Street, being a total of 2.151-acres in Brenham, Washington County, Texas.**

Kim Hodde presented the staff report for Case No. P-19-021 (on file in the Development Services Department). Ms. Hodde explained that City Council is in the process of abandoning a portion of the Limit Street right-of-way and that Brenham Wholesale Grocery will be platting the property.

Staff received two citizen/property owner comments regarding the requested zone change – one in support and one against.

Chairman Behrens opened the Public Hearing at 5:22 pm and asked for any comments. There were no citizen comments.

Chairman Behrens closed the Public Hearing at 5:23 pm and re-opened the Regular Session.

A motion was made by Commissioner Alfred and seconded by Commissioner Wamble to recommend approval to the Brenham City Council of the Zone Change request by Brenham Wholesale Grocery for an Amendment to the City of Brenham’s Official Zoning Map of the Code of Ordinances to change the zoning from a Manufactured Home Residential Use District (R-3) to an Industrial Use District (I) on the 2.151-acres, as presented. The motion carried unanimously.

- 6. Discussion and Possible Action on Case No. P-19-022: A Final Plat of Reserve “F” of the Vintage Farms Subdivision, Phase I to create Vintage Farms Subdivision, Phase II consisting of 17.778 acres located generally on State Highway 36 N and Dixie Road in Brenham, Washington County, Texas.**

Kim Hodde presented the staff report for Case No. P-19-022 (on file in the Development Services Department). She stated that a preliminary plat for the Vintage Farms Subdivision, Phases I, II and III was approved on October 23, 2017. The Final Plat for Phase I was approved on November 27, 2017 with the subject property being platted as Reserve “F”. This final plat, which is a replat of “Reserve F”, creates Vintage Farms Subdivision, Phase II consisting of 54 residential lots, common areas, and the remainder of “Reserve F”. Staff has reviewed the plat and finds that it meets all applicable City ordinances and recommends approval.

A motion was made by Commissioner Kossie and seconded by Commissioner Alfred to approve the Final Plat to create the Vintage Farms Subdivision, Phase II, as presented. The motion carried unanimously.

7. Adjourn

A motion was made by Commissioner Alfred and seconded by Commissioner Sheffield to adjourn the meeting at 5:30 pm. The motion carried unanimously.

The City of Brenham appreciates the participation of our citizens, and the role of the Planning and Zoning Commissioners in this decision-making process.

Certification of Meeting Minutes:

_____	<u>Deanna Alfred</u>	<u>July 22, 2019</u>
Planning and Zoning Commission	Vice Chairman	Meeting Date
_____	<u>Kim Hodde</u>	<u>July 22, 2019</u>
Attest	Staff Secretary	Meeting Date



CASE NUMBER P-19-023
TEXT AMENDMENT – Parking Lot Standards

REQUEST:

A city initiated text amendment to the City of Brenham’s Code of Ordinances, Appendix A: “Zoning” by amending Part II, Division 1, Section 12 – Landscaping and Buffering to revise the minimum landscape requirements for parking areas, and Section 16 – Off-Street Parking Requirements to revise the minimum parking space stall dimensions and establish a minimum parking space size for spaces designated as compact parking.

BACKGROUND:

City Staff have recently been asked to consider an amendment to the Code of Ordinances, Appendix A – Zoning, to reduce the standard parking space dimensions. In the coming twelve to eighteen months, the city is expecting to see an increase in the number of building permits for residential and commercial development.

When property develops within the City of Brenham, one of the site development criteria that is applied is minimum parking standards. The City’s current 90-degree minimum parking space dimensions are 10’ wide by 20’ deep. Additionally, the development code offers the option for up to 10% of the required parking to be compact parking spaces. However, the size requirements for compact spaces is not clearly defined.

Parking standards are not only considered for new, greenfield development, but are also considered when an existing site re-develops or when a new tenant requests electricity for a new use in an existing building. Often times retrofitting existing sites to meet the city’s minimum parking standards is challenging.

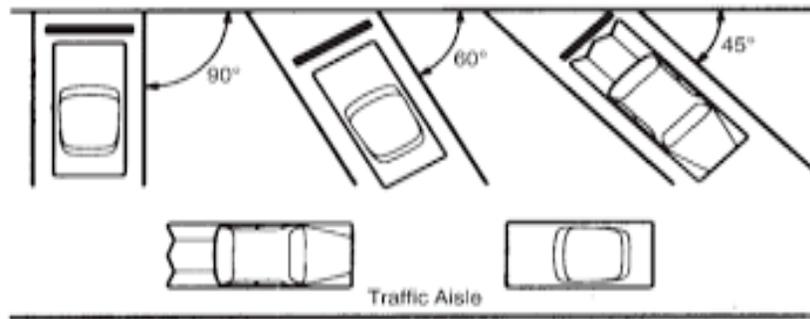
During the due diligence process of the Baker-Katz retail development project, it was determined by the prospect’s clients that the city’s 10’x20’ minimum parking space dimension is larger than average. As a result, the developer is not currently able to provide desired extra parking, above and beyond the minimum parking requirements, as originally planned. At this time it was requested that the city consider reducing the size of the standard parking space dimensions in Brenham.

In addition to revising the standard parking space dimensions, staff proposes to consider parking lot standards in general and consider an amendment to increase landscaping requirements in parking areas. Currently landscaping is required to be provided at 5% of the parking areas with no tree or shrub requirements. Comparatively, Brenham is incredibly behind in landscaping requirements with cities of a similar size (square miles) and population containing tree preservation ordinances, minimum tree requirements, requiring irrigation, and right-of-way screening.

PROPOSED AMENDMENTS:

Appendix A: “Zoning” by amending Part II, Division 1, Section 16 – Off-Street Parking Requirements

Parking Space Angle	Proposed Dimensions	Existing Dimensions
Parallel space (0°)	8’x22’	8’x22’ (no change)
45°	9’x21.1’	10’x21.1’
60°	9’x22.3’	10’x22.3’
90°	9’x19’	10’x20’
Compact 90°	8’x16’	7.5’x15’ (Design Standards)



Appendix A: “Zoning” by amending Part II, Division 1, Section 12 – Landscaping and Buffering

1. General Requirements:

- Landscaping applicable to all nonresidential and multiple-family parcels
- 15% of Developed Area (i.e. parking and improvements) shall be landscaped
- Redeveloped sites shall provide 8% landscaping of Developed Area
- Credit for preserved trees
- Irrigation required for all areas 100’ from outside hose bib (faucet)
- No more than fifty (50) percent of the same species may be planted at one (1) site.

2. Parking Lot Minimum Landscaping Requirements:

- One (1) tree shall be located within 110’ of every parking space (aka 1 tree per 12 spaces)
- One (1) tree shall be located in a landscape island at the terminus of all parking rows and shall be planted in a minimum permeable area of 100 square feet per tree.
- Tree wells/diamond planters shall be permitted at the head of parking stalls and encroach into the parking space. Minimum tree well dimension shall be 3’x3’.
- Trees shall generally be spread throughout the parking lot but may be clustered for the purposes of existing tree preservation or to accommodate topographic constraints.
- Required trees shall be 7’ tall and 2” in diameter when measured 6” from the ground
- Dumpsters shall be screened from view.
- A landscape earth berm, decorative wall or landscape screen shall be provided when:
 - Parking is located within 50’ of any right-of-way;
 - Fuel pumps are located between the principle building and right-of-way; and
 - A drive-up window faces the right-of-way.
 - Shrubs must be planted in such a manner to create a dense hedge of at least three feet (3’) at maturity.

3. Enforcement:

- Landscape plan shall be provided prior to issuance of a permit
- Landscaping and irrigation shall be installed prior to issuance of a CO
- Dead or improperly maintained landscaping shall be replaced within 120 days

ANALYSIS:

As cited in the city's adopted Zoning Ordinance, site development standards are established for the purpose of promoting and protecting the health, safety, morals and general welfare of the residents, citizens and inhabitants of the City of Brenham and for the protection and preservation of the small town character of Brenham, including historical places, places of cultural importance and places that reflect the predominant community values as reflected in the city's Comprehensive Plan. However, staff finds that from time-to-time it is necessary to update existing site development standards to accommodate development and modernize development requirements.

Staff recommends adopting a narrower parking space size (from 10' to 9') to allow for additional on-site parking spaces and to promote a reduction in impervious coverage during site construction. For comparison, nearby cities have standard parking space requirements ranging from 9' wide by 19' deep (Magnolia, Tomball, Nacogdoches) to 9' wide by 20' deep (Bastrop), or 8' wide by 20' deep (Bryan). Additionally, Texas Accessibility Standards (TAS) requires that handicap spaces be a minimum of 8' wide with an adjacent 5' wide loading zone. Overall, City of Brenham minimum parking space dimensions are larger than average and result in additional impervious coverage on-site.

Similarly, the City's adopted Zoning Ordinance cites landscaping as a method to separate different land uses, to minimize potential nuisances, and to mitigate against unsightly buildings or parking areas. Landscaping requirements help to provide for the orderly, attractive and healthful development of property and promote general welfare of the community. The use of landscape features can contribute to air purification, water absorption, and mitigate against noise, light, and heat hindrances. Staff proposes increasing the ratio of required landscaping in parking areas and establishing tree and screening shrub planting requirements adjacent to parking areas to allow development to contribute to the aesthetic charm of the community.

Staff finds that the proposed parking space and landscape standards further clarify the goals established in the City's adopted Zoning Ordinance and Comprehensive Plan and will allow for orderly, attractive and healthful development of the rapidly growing community.

PUBLIC COMMENTS:

The Notice of Public Hearing for the aforementioned Text Amendment was published in the Brenham Banner on July 12, 2019. Any public comments submitted to staff will be provided in the Planning & Zoning Commission and City Council prior to their decision on the matter.

STAFF RECOMMENDATION:

Staff recommends **approval** of an ordinance to amend site development standards by reducing parking space standards and increasing landscaping requirements.



CASE NUMBER P-19-026
ZONE CHANGE REQUEST – STATE HIGHWAY 105

STAFF CONTACT: Stephanie Doland, Development Services Director

OWNERS/APPLICANTS: Various owners/City of Brenham

ADDRESS/LOCATION: 1701, 1711, 1801 & 1803 State Highway 105, and a portion of the tract adjacent to and east of 1708 State Highway 105 (Exhibit A).

LEGAL DESCRIPTIONS:

- a) 1.416 acres addressed as 1701 State Highway 105, and further described as Part of Lots 23-27 in Block 1 of the Post Oak Grove Addition in Brenham, Washington County, Texas;
- b) 0.262 acres addressed as 1711 State Highway 105 (fka 1703 State Highway 105), and further described as Part of Lots 28 and 29 in Block 1 of the Post Oak Grove Addition in Brenham, Washington County, Texas;
- c) 3.160 acres addressed as 1801 & 1803 State Highway 105, and further described as Tract 86 of the Arrabella Harrington Survey in Brenham, Washington County, Texas; and
- d) A portion of the called 0.9765 acre tract, out of the A. Harrington Survey, A-55, the James Walker Survey, A-106, and the Post Oak Grove Addition in Brenham, Washington County, Texas. (WCAD R#19194)

ZONING DISTRICT/USE: Local Business/Residential Mixed Use District (B-1) / Commercial (Exhibit B)

FUTURE LAND USE: Commercial/Retail

REQUEST: A city-initiated request to change the zoning classification from a Local Business/ Residential Mixed Use District (B-1) to a Commercial Research and Technology Use District (B-2) (Exhibit C).

BACKGROUND:

On June 11, 2019 the City of Brenham received a rezoning request application by Circle K, to rezone their property at the eastern corner of the intersection of FM-577 and State Highway 105 from a Local Business/Residential Mixed Use District (B-1) to Commercial, Research and Technology Use District (B-2). The aforementioned rezoning request is scheduled by the Planning and Zoning Commission during the regular meeting on July 22, 2019.

The reason for the rezoning request by Circle K is to allow the demolition of the current property improvements and reconstruction of a Convenience Store/Fuel Station (Automobile Service Station) at the existing location. The City of Brenham Zoning ordinance does not permit by-right the use of an Automobile Service Station in the B-1 zoning district. In the past and currently, Circle K has been operating

as a grandfathered (legally nonconforming) use. With the proposed demolition, Circle K desires to rezone the property to allow the re-construction to be in compliance with the city's adopted zoning ordinance.

When examining the proposed rezoning request by Circle K, city staff found that adjacent properties in the vicinity of Circle K are also zoned B-1 and are also developed with legally non-conforming uses. Furthermore, it was identified that rezoning the Circle K property alone would be considered "spot zoning" as adjacent properties on all sides of the Circle K property are currently zoned B-1. Property located further north, along SH-105 were annexed into the City of Brenham city limits in 2006 and at that time were zoned B-2. Due to the aforementioned circumstances, city staff finds that it is appropriate to rezone property located north of the intersection of FM-577 and SH-105 to the B-2 district.

The proposed rezoning includes four properties with four different owners. Each of the four properties are currently zoned as B-1, Local Business/Residential Mixed Use District and suggested to be rezoned to B-2, Commercial Research and Technology District. The B-2 zoning district allows all uses allowed in B-1 (with the exception of single-family residential) and includes additional commercial and light industrial uses including: automobile/vehicular uses, lumber yards, and wholesale uses.

ANALYSIS OF CITY OF BRENHAM ZONING POLICIES:

The purpose of zoning policies is to provide guidelines for considering future amendments to the zoning ordinance (Part 1, Section 4 of Appendix A – "Zoning" of the Brenham Code of Ordinances). They are as follows:

- (1) The city's zoning should recognize and seek to preserve the small town attributes that make Brenham a special place for its citizens to live, work and play.

The subject properties are currently developed with an automobile service station (gas station/convenience store), car wash, vacant commercial building, and vacant land. The four subject properties are all adjacent to SH-105 north of the intersection of FM-577 and SH-105. Properties in the general vicinity are developed with a combination of uses, including a plumbing office, truck repair business, TXDOT offices, and various other business uses. The subject tracts of land are currently zoned B-1 and properties located generally north are zoned B-2, and south across FM-577 are a combinations of B-1, and R-2 (Mixed Residential District). Staff finds that rezoning the above-described four tracts of land will allow existing businesses to continue operations in a legally conforming manner and will allow for development and re-development in a manner that is consistent with the existing development pattern in the general vicinity.

- (2) The city's zoning should be guided by the future land use plan and other applicable guidelines found in the Comprehensive Plan.

The future land use map portion of the Envision 2020 Comprehensive Plan suggests the subject properties may be appropriate for commercial/retail uses. The subject tracts are located adjacent to SH-105, an arterial roadway on the city's adopted Thoroughfare Plan. Arterial roadways are capable of handling traffic generated by retail and commercial uses. Therefore, the city's adopted long-range plans recommends that the City consider permitting commercial and retail uses along highly traveled roadways such as SH-105. If the requested zone change were approved, the subject property would allow for the development of retail and commercial uses and staff believes that the proposed request is aligned with the goals and land use policies established in the Comprehensive Plan.

- (3) The city's zoning should be designed to facilitate the more efficient use of existing and future city services and utility systems in accordance with the Comprehensive Plan.

The majority of the subject properties are currently developed and currently have access to existing utility services located along the right-of-ways for SH-105. The vacant property located to the north of Circle K could tie on to existing city services at the time of development.

- (4) The city's zoning should be organized and as straight forward as possible to minimize use problems and enforcement problems.

The proposed zone change, if approved, will be reflected on the City of Brenham zoning map available for citizen viewing on the City of Brenham homepage.

- (5) The city's zoning process should be fair and equitable, giving all citizens adequate information and opportunity to be heard prior to adoption of zoning amendments.

Property owners within 200 feet of the project site were mailed notifications of this request on July 11, 2019. The Notice of Public Hearing was published in the Brenham Banner on July 12, 2019. Any public comments submitted to staff will be provided in the Planning & Zoning Commission and City Council packets or during the public hearing.

- (6) The city's zoning should insure that adequate open space is preserved as residential and commercial development and redevelopment occur.

As previously mentioned, many of the subject tracts are already developed. However, should the property be redeveloped and the rezoning request approved minimum building setbacks and maximum impervious coverage requirements shall apply. Staff finds that the aforementioned requirements will ensure that adequate open spaces is preserved on the subject properties.

- (7) The city's zoning should insure Brenham's attractiveness for the future location of business and housing by preserving an attractive and safe community environment in order to enhance the quality of life for all of its residents.

Staff believes that the requested zoning and associated land uses are appropriate in this location given adjacent zoning designations, existing development in the vicinity, and conformance with the City's adopted future land use map.

- (8) The city's zoning ordinance should preserve neighborhood culture by retaining and promoting land uses consistent with the community's plan for the development and/or redevelopment of its neighborhoods.

Rezoning the subject property to Commercial Research and Technology District will allow the subject properties to either continue their existing uses or develop in accordance with property in the general vicinity. Staff finds that property located north of the intersection of FM-577 and SH-105 is appropriate for heavy commercial and light industrial uses. The nearest residential land uses are located south of the subject properties, across FM-577 and along Brown Street and Simon Avenue. Allowing property located along two major arterial roadways to be developed with commercial uses is in accordance with the land use policies adopted in the Comprehensive Plan and is consistent with the development pattern in the general vicinity.

- (9) The city's zoning should protect existing and future residential neighborhoods from encroachment by incompatible uses.

Staff finds that rezoning the property will protect adjacent existing and future residential neighborhoods due to the City adopted development standards including requirements related to buffer yards, screening, setbacks, drainage and landscaping.

- (10) The city's zoning should assist in stabilizing property values by limiting or prohibiting the development of incompatible land uses or uses of land or structures, which negatively impact adjoining properties.

Staff is unable to determine any destabilizing effects on the neighboring properties should this rezoning request be approved. The proposed rezoning request, if approved, will allow two properties to operate as a legally conforming land use rather than continuing to operate as a grandfathered use. Staff finds that rezoning the tracts will assist in stabilizing the property values and ensuring that existing businesses in operation will be brought into compliance with the City's adopted zoning ordinance.

- (11) The city's zoning should make adequate provisions for a range of commercial uses in existing and future locations that are best suited to serve neighborhood, community and regional markets.

If approved, the proposed rezoning will allow development for a mixture of land uses, including retail, office, commercial, and light industrial uses. Staff believes that the proposed zoning change, if approved, will allow for commercial development that will serve the properties in the general vicinity and the community. There are additional properties in the vicinity that are currently vacant, zoned residential, and could be developed for residential use.

- (12) The city's zoning should give reasonable accommodation to legally existing incompatible uses, but it should be fashioned in such a way that over time, problem areas will experience orderly change through redevelopment that gradually replaces the nonconforming uses.

Staff finds that two of the four tracts are currently operating as legally non-conforming uses under the current B-1 zoning district. However, the subject properties are compatible to adjacent uses as property in the vicinity and adjacent to the subject tracts are developed with non-residential, business uses. Staff finds that approval of the proposed zone change will correct the nonconforming status of the property and promote the goals and objectives of the City's adopted zoning ordinance and Comprehensive Plan.

- (13) The city's zoning should provide for orderly growth and development throughout the city.

Staff finds that the proposed rezoning change will allow for the orderly growth and development in the general vicinity and throughout the city.

STAFF RECOMMENDATION:

Staff recommends **approving** the proposed rezoning to the Commercial Research and Technology zoning use district (B-2) for the subject properties identified above.

EXHIBITS:

- A. Aerial Map
- B. Zoning Map
- C. Site photos

EXHIBIT "A"
AERIAL MAP



**EXHIBIT "B"
ZONING MAP**

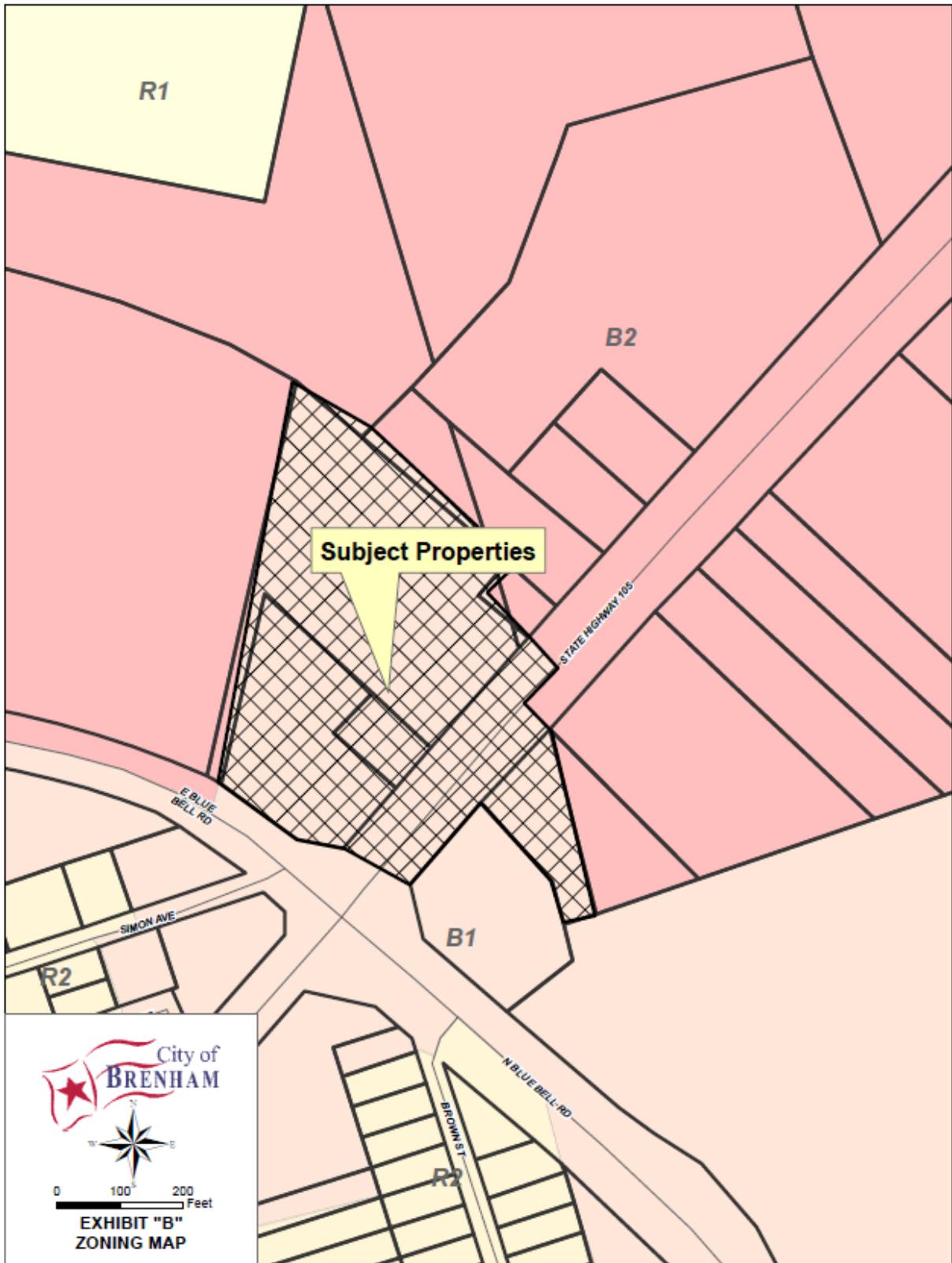


EXHIBIT "C"
SITE PHOTOS



1701 State Hwy 105, looking west



1701 State Hwy 105, looking west



1801 State Hwy 105, looking west



Property between T3TNT and Valero, facing east on Hwy 105



CASE NUMBER P-19-024
ZONE CHANGE REQUEST – 1708 STATE HIGHWAY 105

STAFF CONTACT: Stephanie Doland, Development Services Director

OWNERS/APPLICANTS: Circle K

ADDRESS/LOCATION: 1708 State Highway 105/southeast corner of the intersection of State Highway 105 and N. Blue Bell Road (Exhibit A).

LEGAL DESCRIPTION: Lot 1 of the Southeast Portion of Post Oak Grove Addition.

LOT AREA: Approximately 1.056 acres

ZONING DISTRICT/USE: Local Business/Residential Mixed Use District (B-1) / Commercial (Exhibit B)

FUTURE LAND USE: Commercial/Retail

REQUEST: A request to change the zoning classification from a Local Business/Residential Mixed Use District (B-1) to a Commercial Research and Technology Use District (B-2) (Exhibit C).

BACKGROUND:

The subject property is located east of the intersection of State Highway 105 and North Blue Bell Road and is currently owned by Circle K. The subject property is developed with an existing convenience store, car wash, and gas pumps. This property, as well as surrounding properties, are currently zoned as B-1 Local Business Mixed Residential Use District. Property located in their general vicinity, north of the subject tract and adjacent to SH 105 is currently zoned B-2, Commercial Research and Technology District.

Circle K is requesting that the subject 1.056 acre property be rezoned from B-1 to B-2. The reason for this rezoning request is to allow the demolition of the current property improvements and reconstruction of a Convenience Store/Fuel Station (Automobile Service Station) at this location. The City of Brenham Zoning ordinance does not permit by-right the use of an Automobile Service Station in the B-1 zoning district. In the past and currently, Circle K has been operating as a grandfathered use. With the proposed demolition, Circle K desires to rezone the property to allow the re-construction to be in compliance with the City's adopted zoning ordinance.

ANALYSIS OF CITY OF BRENHAM ZONING POLICIES:

The purpose of zoning policies is to provide guidelines for considering future amendments to the zoning ordinance (Part 1, Section 4 of Appendix A – "Zoning" of the Brenham Code of Ordinances). They are as follows:

(1) The city's zoning should recognize and seek to preserve the small town attributes that make Brenham

a special place for its citizens to live, work and play.

The subject property is located at the eastern corner of FM-577 and SH-105, a major intersection and along two arterial roadways. Property located to the north and east of the subject tract is currently vacant land, also zoned B-1. Property across SH-105 is developed with an automobile service station (gas station/convenience store), car wash, plumbing business, heavy truck repair business, and multiple other commercial uses. For decades the subject property has been developed with an automobile service station and the property owner desires to reconstruct the service station with a more feasible site layout and additional fuel pumps. Allowing the proposed rezoning request would allow the approximately 1-acre tract to be redeveloped as an automobile service station. Staff finds that the existing and proposed use of a service station at this location is in accordance with development pattern in the general vicinity.

- (2) The city's zoning should be guided by the future land use plan and other applicable guidelines found in the Comprehensive Plan.

The future land use map portion of the Envision 2020 Comprehensive Plan suggests the subject property may be appropriate for commercial/retail uses. If the requested zone change were approved, the subject property would allow for the redevelopment of an automobile service station at this location. Staff believes that the proposed request is aligned with the goals and land use policies established in the Comprehensive Plan.

- (3) The city's zoning should be designed to facilitate the more efficient use of existing and future city services and utility systems in accordance with the Comprehensive Plan.

The subject property is currently served by existing City of Brenham utilities including, water, sewer, gas and electric which are located along the right-of-ways of N. Blue Bell Road and SH-105. Staff finds that existing utilities in the area can serve the subject property and the proposed re-development of the subject property.

- (4) The city's zoning should be organized and as straight forward as possible to minimize use problems and enforcement problems.

The proposed zone change, if approved, will be reflected on the City of Brenham zoning map available for citizen viewing on the City of Brenham homepage.

- (5) The city's zoning process should be fair and equitable, giving all citizens adequate information and opportunity to be heard prior to adoption of zoning amendments.

Property owners within 200 feet of the project site were mailed notifications of this request on July 11, 2019. The Notice of Public Hearing was published in the Brenham Banner on July 12, 2019. Any public comments submitted to staff will be provided in the Planning & Zoning Commission and City Council packets or during the public hearing.

- (6) The city's zoning should insure that adequate open space is preserved as residential and commercial development and redevelopment occur.

If approved, the subject property will be required to adhere to all applicable site development and building codes, including minimum building setbacks and maximum impervious coverage requirements for property zoned B-2. Staff finds that the aforementioned requirements will ensure that adequate open spaces is preserved on the subject property.

- (7) The city's zoning should insure Brenham's attractiveness for the future location of business and housing by preserving an attractive and safe community environment in order to enhance the quality of life for all of its residents.

Staff believes that the requested zoning and associated land uses are appropriate in this location given adjacent zoning designations, existing development in the vicinity, and conformance with the City's adopted future land use map.

- (8) The city's zoning ordinance should preserve neighborhood culture by retaining and promoting land uses consistent with the community's plan for the development and/or redevelopment of its neighborhoods.

Rezoning the subject property to Commercial Research and Technology District will allow the subject property to develop in accordance with property in the general vicinity. The subject 1+ acres of land is located at the intersection of two arterial roadways that are both capable of handling traffic associated with uses allowed in the B-2 district. Properties located to the north of the subject tract, along SH-105 were annexed into the City of Brenham in 2006 and at that time were zoned B-2. The subject tract, as well as additional parcels located north of the intersection of FM-577 and SH-105 are also proposed to be rezoned to B-2 during the Planning and Zoning Commission meeting for which the proposed Circle K rezoning is scheduled to be considered. Staff finds that property located north of the intersection of FM-577 and SH-105 is appropriate for heavy commercial and light industrial uses. The nearest residential land uses are located south of the subject property along Brown Street and Simon Avenue. Allowing property located along two major arterial roadways to be developed with commercial uses is in accordance with the land use policies adopted in the Comprehensive Plan and is consistent with the development pattern in the general vicinity.

- (9) The city's zoning should protect existing and future residential neighborhoods from encroachment by incompatible uses.

Staff is unaware of any negative impacts to residential uses in the general vicinity. The nearest residential uses are located across N. Blue Bell Road along Simon Avenue and Brown Street. Any future residential neighborhoods will be protected from incompatible land uses due to the City's adopted development standards including requirements related to buffer yards, screening, setbacks, drainage and landscaping.

- (10) The city's zoning should assist in stabilizing property values by limiting or prohibiting the development of incompatible land uses or uses of land or structures, which negatively impact adjoining properties.

Staff is unable to determine any destabilizing effects on the neighboring properties should this rezoning request be approved.

- (11) The city's zoning should make adequate provisions for a range of commercial uses in existing and future locations that are best suited to serve neighborhood, community and regional markets.

If approved, the proposed rezoning will allow development for a mixture of land uses, including retail and commercial uses, and specifically automobile service stations. Staff believes that the proposed zoning change, if approved, will allow for commercial development that will serve the properties in the general vicinity and the community. There are additional vacant properties in the vicinity that could be utilized to serve neighborhood, community and regional market needs.

(12) The city's zoning should give reasonable accommodation to legally existing incompatible uses, but it should be fashioned in such a way that over time, problem areas will experience orderly change through redevelopment that gradually replaces the nonconforming uses.

The property is currently developed, planned to be demolished and redeveloped. Staff is not aware of any hindrances on the property created by legally existing incompatible uses. The proposed rezoning will allow for compatible, legally conforming development.

(13) The city's zoning should provide for orderly growth and development throughout the city.

Staff finds that the proposed rezoning change will allow for the orderly growth and development in the general vicinity and throughout the city. Furthermore, the proposed rezoning is in accordance with the City's adopted Future Land Use Map and Comprehensive Plan.

STAFF RECOMMENDATION:

Staff recommends **approving** the proposed rezoning to the Commercial Research and Technology zoning use district (B-2) for the subject 1.056-acre tract, **subject to the approval of Case No. P-19-026** a City initiated rezoning for property adjacent to State Highway 105.

EXHIBITS:

- A. Aerial Map
- B. Zoning Map
- C. Cover Letter
- D. Conceptual Site Plan
- E. Site photos

**EXHIBIT "A"
AERIAL MAP**



EXHIBIT "B"
ZONING MAP

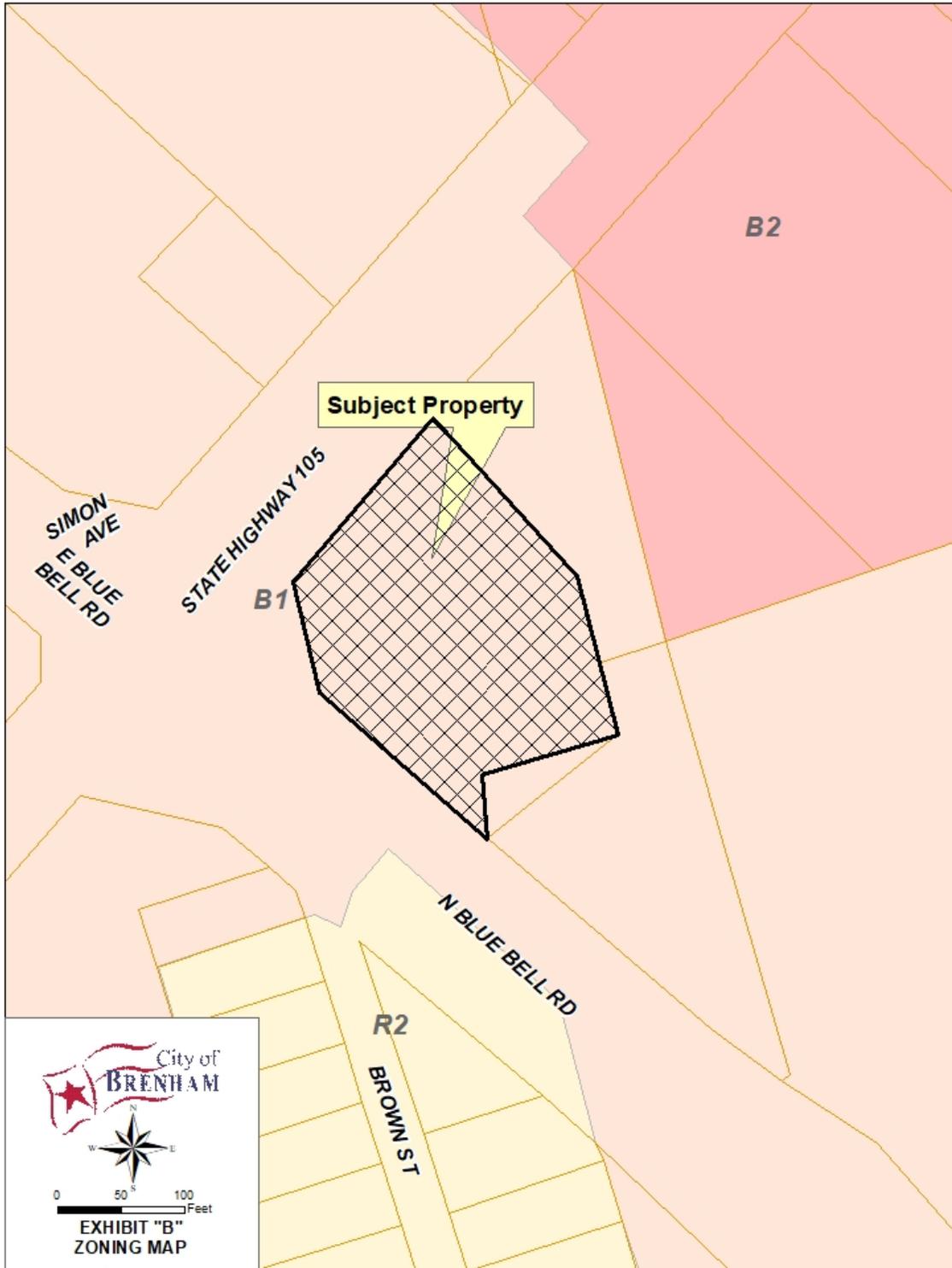


EXHIBIT "C"
COVER LETTER



June 11, 2019

Stephanie Doland
Board of Adjustments
200 W. Vulcan
Brenham, Texas 77833
P:979-337-7220

Re: 1708 Hwy 105 E – Rezoning

Ms. Doland,

On behalf of Circle K, I am requesting the site at 1708 Hwy 105 E to be rezoned from B-1 to B-2. Rezoning this site will allow the site to remain as a convenience store.

This site has functioned as a convenience store and gas station since before 1995. The current zoning does not allow for this use and the requested zone change would permit the site to continue as a convenience store.

For this reason, I request the site be rezoned to B-2 from B-1 to conform to the current and desired use.

I greatly appreciate your consideration of this matter. If you need additional information, please do not hesitate to contact me directly at 281-301-5955 ext. 1007.

Sincerely,

A handwritten signature in blue ink that reads "Patrick Carrigan".

Patrick Carrigan, P.E.
Partner
ALJ-Lindsey, LLC
TSBPE Firm No. F-11526
Email: pcarrigan@aljlindey.com
Office: 281-301-5955 ext. 1007

EXHIBIT "D" CONCEPTUAL SITE PLAN

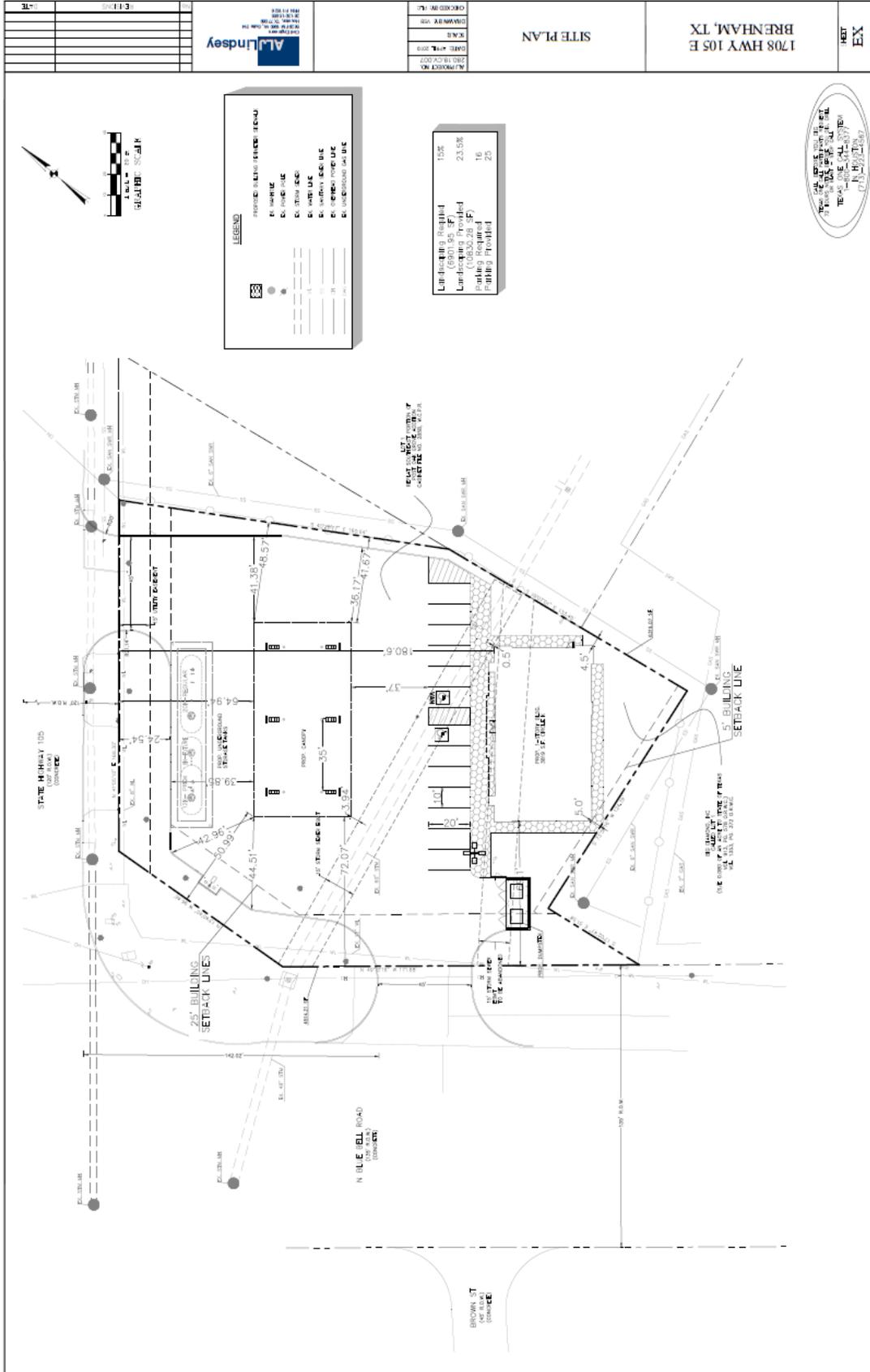


EXHIBIT "E"
SITE PHOTOS



Looking southeast across State Hwy 105



CASE NUMBER P-19-025
ZONE CHANGE REQUEST – W. FIFTH AND HIGH STREETS

STAFF CONTACT: Stephanie Doland, Development Services Director

OWNERS/APPLICANTS: Blinn College District

ADDRESS/LOCATION: 901, 905, 909, 911 & 913 W. Fifth Street and 1104 & 1106 High Street (Exhibit A).

LEGAL DESCRIPTION: Lots 1, 2A, and 4 in Block 21 of the Key’s First Addition.

LOT AREA: Approximately 2.29 acres

ZONING DISTRICT/USE: Mixed Residential Use District (R-2) / Commercial (Exhibit B)

FUTURE LAND USE: Commercial/Retail

REQUEST: A request to change the zoning classification from a Mixed Residential Mixed Use District (R-2) to a Commercial Research and Technology Use District (B-2) (Exhibit C).

BACKGROUND:

The subject property was acquired by Blinn College in the early 1990’s and is zoned as R-2, Mixed Residential Use Zoning District. The subject tract consists of 2.29 acres platted into various lots as part of the Keys 1st Subdivision and is located along West Fifth Street between Prairie Lea Street and High Street. The property owner/applicant, would like to develop the property in the short term with an entry monument sign and with College/higher education uses at a later date. Blinn has requested that the property be rezoned to B-2, which allows for College and University uses by-right.

ANALYSIS OF CITY OF BRENHAM ZONING POLICIES:

The purpose of zoning policies is to provide guidelines for considering future amendments to the zoning ordinance (Part 1, Section 4 of Appendix A – “Zoning” of the Brenham Code of Ordinances). They are as follows:

- (1) The city's zoning should recognize and seek to preserve the small town attributes that make Brenham a special place for its citizens to live, work and play.

The subject property is located in the vicinity of many public/institutional uses with a mixture of single-family and multiple-family residential uses. The 2.29 acre tract is located along West Fifth Street in between Prairie Lea Street and High Street and is primarily vacant land with two residential homes constructed along High Street. Property located north, across West Fifth Street is zoned B-2, Commercial Research and Technology District and is developed with the Blinn Football Stadium. Property located west, across Prairie Lea Street is also zoned B-2 and developed with the Prairie Lea

Cemetery. Property located across High Street is zoned R-2, Mixed Residential Use District and is owned by Blinn College and multiple single-family home owners. Land adjacent to the south of the subject tract is currently owned by the First Pentecostal Church and zoned R-2. Blinn College is requesting to rezone the subject property to B-2 to allow for the construction of an entry monument sign which would serve as a landmark for entrance into the Blinn College campus. As mentioned, the property is located in an area with a mixture of land uses, primarily public uses, and approval of the proposed rezoning request would allow the property to develop in keeping with the development pattern in the general vicinity.

- (2) The city's zoning should be guided by the future land use plan and other applicable guidelines found in the Comprehensive Plan.

The future land use map portion of the Envision 2020 Comprehensive Plan suggests the subject property may be appropriate for commercial/retail uses. The requested B-2 zoning district allows for a mixture of land uses, including Junior Colleges, and would permit Blinn College to further develop the primarily vacant tract with additional College related uses. If the requested zone change were approved, the subject property would allow for the development of the proposed entry monument sign, and in the future, would allow for dorms, academic or office buildings. Staff believes that the proposed request is aligned with the goals and land use policies established in the Comprehensive Plan.

- (3) The city's zoning should be designed to facilitate the more efficient use of existing and future city services and utility systems in accordance with the Comprehensive Plan.

The subject property is primarily vacant and existing utility services are located along the right-of-ways Prairie Lea, West Fifth and High Street and can be utilized to serve the future development on the property.

- (4) The city's zoning should be organized and as straight forward as possible to minimize use problems and enforcement problems.

The proposed zone change, if approved, will be reflected on the City of Brenham zoning map available for citizen viewing on the City of Brenham homepage.

- (5) The city's zoning process should be fair and equitable, giving all citizens adequate information and opportunity to be heard prior to adoption of zoning amendments.

Property owners within 200 feet of the project site were mailed notifications of this request on July 11, 2019. The Notice of Public Hearing was published in the Brenham Banner on July 12, 2019. Any public comments submitted to staff will be provided in the Planning & Zoning Commission and City Council packets or during the public hearing.

- (6) The city's zoning should insure that adequate open space is preserved as residential and commercial development and redevelopment occur.

If approved, the property will be required to adhere to minimum building setbacks and maximum impervious coverage requirements for property zoned B-2. The B-2 zoning district establishes a maximum impervious coverage limit of 85% and minimum building setbacks. Staff finds that the adopted zoning ordinance and building codes will ensure that adequate open spaces is preserved on the subject property.

- (7) The city's zoning should insure Brenham's attractiveness for the future location of business and housing by preserving an attractive and safe community environment in order to enhance the quality of life for all of its residents.

Staff believes that the requested zoning and associated land uses are appropriate in this location given adjacent zoning designations, existing development in the vicinity, and conformance with the City's adopted future land use map.

- (8) The city's zoning ordinance should preserve neighborhood culture by retaining and promoting land uses consistent with the community's plan for the development and/or redevelopment of its neighborhoods.

Rezoning the subject property to B-2 will allow Blinn College to develop the subject property in accordance with property in the general vicinity. The subject 2.29 acres of land is located at the entrance to the Blinn College campus, adjacent to the Prairie Lea Cemetery and a local faith based organization. Allowing the property to develop with additional public and institutional uses will preserve the existing culture in the general vicinity. Nearby residential uses are located across High Street and further east along West Fifth Street. Many of the residential uses in the neighborhood and surrounding areas are located adjacent to the Junior College and various other public (faith-based) uses. Additionally, at the time of development Blinn will be required to adhere to applicable minimum setback, buffer yard and screening requirements. Buffer yard and screening requirements are established to preserve existing neighborhoods and ensure adjacent property develops in a manner compatible to nearby land uses.

- (9) The city's zoning should protect existing and future residential neighborhoods from encroachment by incompatible uses.

Staff finds that rezoning the property will protect adjacent existing and future residential neighborhoods due to the City adopted development standards including requirements related to buffer yards, screening, setbacks, drainage and landscaping.

- (10) The city's zoning should assist in stabilizing property values by limiting or prohibiting the development of incompatible land uses or uses of land or structures that negatively impact adjoining properties.

Staff is unable to determine any destabilizing effects on the neighboring properties should this rezoning request be approved.

- (11) The city's zoning should make adequate provisions for a range of commercial uses in existing and future locations that are best suited to serve neighborhood, community and regional markets.

Vacant property zoned for commercial uses is located generally north and west of the subject tract. Staff believes that the proposed zoning change, if approved, will allow for orderly commercial development that will serve the properties in the general vicinity and the community. Similarly, there are additional properties in the vicinity that could be utilized for residential use.

- (12) The city's zoning should give reasonable accommodation to legally existing incompatible uses, but it should be fashioned in such a way that over time, problem areas will experience orderly change through redevelopment that gradually replaces the nonconforming uses.

The property is primarily vacant, and staff is not aware of any hindrances on the property created

by legally existing incompatible uses. The applicant's request will allow the subject property to develop with a mixture of land uses and if approved, will allow for compatible, legally conforming development.

(13) The city's zoning should provide for orderly growth and development throughout the city.

Staff finds that the proposed rezoning change will allow for the orderly growth and development in the general vicinity and throughout the city. Furthermore, the proposed rezoning is in accordance with the City's adopted Future Land Use Map and Comprehensive Plan.

STAFF RECOMMENDATION:

Staff recommends **approving** the proposed rezoning to the Commercial Research and Technology zoning use district (B-2) for the subject tracts.

EXHIBITS:

- A. Aerial Map
- B. Zoning Map
- C. Cover Letter
- D. Site photos

EXHIBIT "A"
AERIAL MAP



EXHIBIT "B"
ZONING MAP

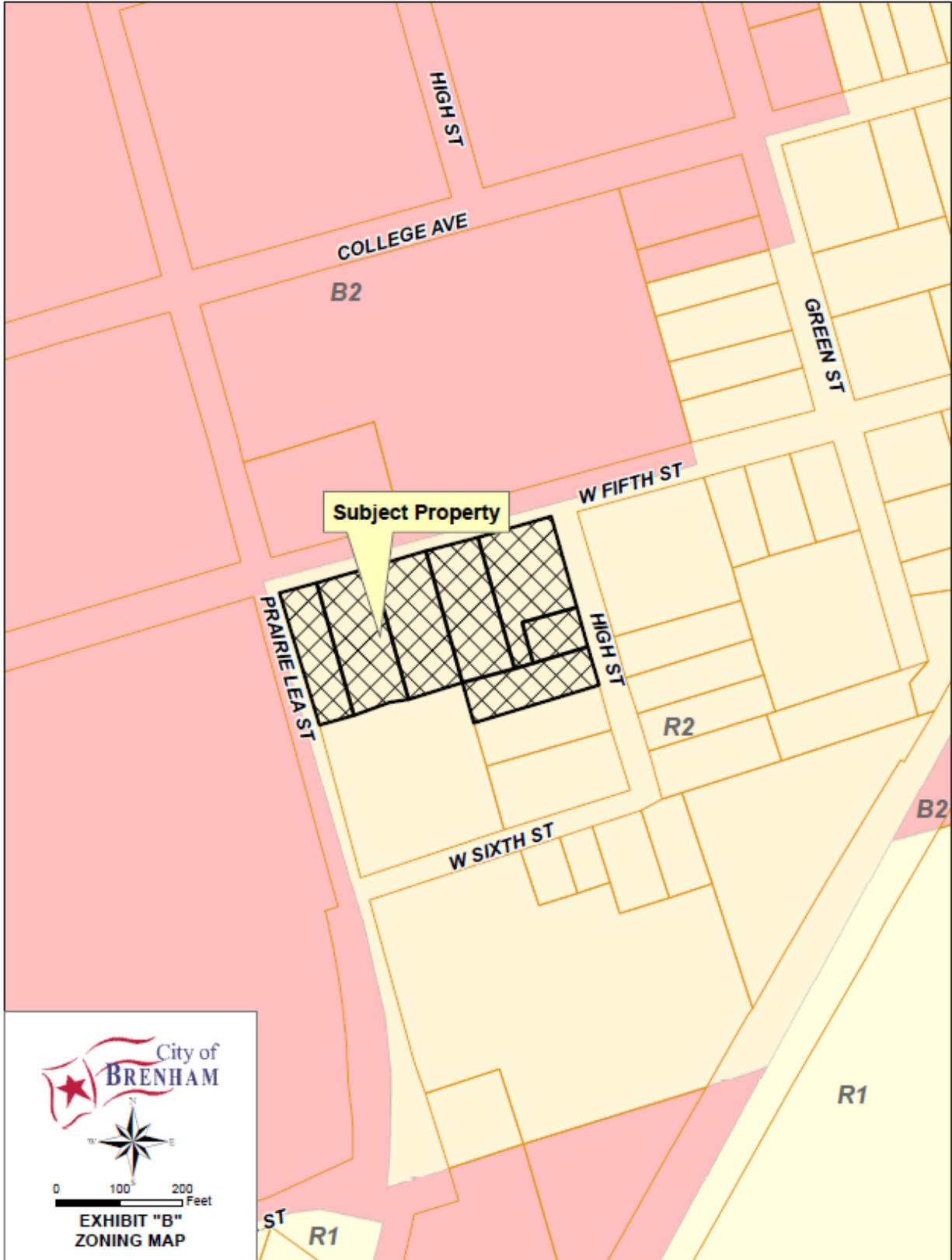


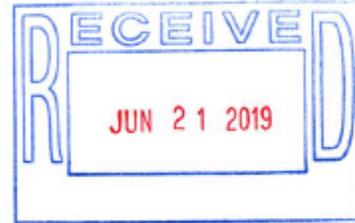
EXHIBIT "C"
COVER LETTER



June 20, 2019

Richard O'Malley, P.E. (inactive)
Assistant Vice Chancellor of Facilities, Planning, and Construction
Blinn College District
902 College Ave.
Brenham, Texas 77833

Planning and Zoning Commission
City of Brenham
200 W. Vulcan
Brenham, Texas 77833



Re: Rezoning – 901, 905, 909, 911 and 913 W. Fifth St.; 1104 and 1106 High St.

Dear Planning and Zoning Commission,

The Blinn College District is requesting to rezone lot 901, 905, 909, 911 and 913 W. Fifth St.; and 1104 and 1106 High St. from an R1 Residential Single Family use to a B2 Commercial Research and Technology Use. This change in zoning will allow Blinn College District to develop this property currently owned by the district for use by an educational institution.

Best Regards,

Richard O'Malley, P.E. (inactive)
Assistant Vice Chancellor of Facilities, Planning, and Construction

EXHIBIT "D"
SITE PHOTOS



Intersection of Fifth St. and High St.



Intersection of Fifth St. and Prairie Lea St.



CASE NUMBER P-19-027
SPECIFIC USE PERMIT REQUEST – 1608 & 1702 S. Market Street

STAFF CONTACT: Stephanie Doland, Director of Development Services

OWNERS/APPLICANTS: Boettcher Family Partnership LTD/ Texas Plumbing Supply

ADDRESS/LOCATION: 1608 & 1702 S. Market Street (Exhibit A).

LEGAL DESCRIPTION: Part of Lots 1 & 2, and Lots 3-7 in Block L of the Stone Subdivision

LOT AREA: Approximately 2.190 acres

ZONING DISTRICT/USE: B-1 Local Business/Residential Mixed Use / Vacant Commercial Building (Exhibit B)

FUTURE LAND USE: Commercial/Retail

REQUEST: A request for a Specific Use Permit to allow open (outdoor) display or storage of retail merchandise as an accessory use to uses permitted in the B-1 Local Business/Residential Mixed Use Zoning District (Exhibit C and D).

BACKGROUND:

The subject property is 2.19 acres located between South Market Street and South Baylor Street south of East Mansfield Street and is commonly referred to as the Boettcher Lumber Building. The subject property has not been used as a Lumber Supply store for at least 21 years and has been actively marketed for sale.

The subject property is currently zoned as B-1, Local Business/Residential Mixed Use Zoning District. A City Zoning map from 1976 shows the subject property zoned was B-2 Commercial Research and Technology District at that time. The current B-1 zoning designation allows for a mixture of retail, office and residential uses by-right. In addition, open (outdoor) storage of retail merchandise as an accessory use is permitted in the B-1 district with prior approval of a Specific Use Permit (SUP). The purpose of the SUP process is to identify those uses which might be appropriate within a zoning district but, due to either their location, function, or operation, could have a potentially harmful impact on adjacent properties or the surrounding area; and to provide for a procedure whereby such uses might be permitted by further restricting or conditioning them so as to mitigate or eliminate such adverse impacts.

The applicant, Glenn Fuller on behalf of Texas Plumbing Supply, has requested a SUP in order to relocate the plumbing supply business to the subject property with limited outdoor storage.

ANALYSIS OF CITY OF BRENHAM ZONING POLICIES:

The purpose of zoning policies is to provide guidelines for considering future amendments to the zoning ordinance (Part 1, Section 4 of Appendix A – “Zoning” of the Brenham Code of Ordinances). They are as follows:

- (1) The city's zoning should recognize and seek to preserve the small town attributes that make Brenham a special place for its citizens to live, work and play.

The 2.19 acre tract of land is primarily adjacent to public right-of-way, including South Market Street to the east, South Baylor Street to the west East Mansfield Street to the north and adjacent property zoned B-1, Local Business Mixed District to the south. The applicant is requesting a SUP on the subject property to allow the use of outdoor display as an accessory use to a plumbing supply retail operation. Approval of the proposed SUP request will allow Texas Plumbing Supply to locate at the subject property and provide outdoor storage on the subject tract.

The SUP process allows staff to identify additional land uses, which may be appropriate in special circumstances. Staff recommends approval of the proposed SUP request, with the condition that all outdoor storage be completely screened from view by adjacent properties and city right-of-way. As shown on Exhibit D – Proposed Site Plan and referenced in the letter from the applicant (Exhibit C), the applicant plans to provide the aforementioned screening. Screening outdoor storage from view by vehicular traffic and adjacent properties will allow the plumbing supply business to operate at this location in a way that will help transition between adjacent land uses. To the east and west of the subject property, across the right-of-way exists a residential zoning district and single-family residential uses. Staff finds that approval of the proposed SUP with the condition of required screening will allow the property to re-develop in a manner that is in keeping with the development pattern in the general vicinity.

- (2) The city's zoning should be guided by the future land use plan and other applicable guidelines found in the Comprehensive Plan.

The future land use map portion of the Envision 2020 Comprehensive Plan suggests the subject property may be appropriate for commercial/retail uses. Staff finds that the proposed request aligns with the goals and land use polices established in the Comprehensive Plan.

- (3) The city's zoning should be designed to facilitate the more efficient use of existing and future city services and utility systems in accordance with the Comprehensive Plan.

The subject property is already developed with multiple buildings and currently has access to all needed public utilities, including, City of Brenham water, sewer, gas and electric lines.

- (4) The city's zoning should be organized and as straight forward as possible to minimize use problems and enforcement problems.

The proposed SUP, if approved, will be reflected on the City of Brenham zoning map available for citizen viewing on the City of Brenham homepage.

- (5) The city's zoning process should be fair and equitable, giving all citizens adequate information and opportunity to be heard prior to adoption of zoning amendments.

Property owners within 200 feet of the project site were mailed notifications of this request on July 11, 2019. The Notice of Public Hearing was published in the Brenham Banner on July 12, 2019. Any public comments submitted to staff will be provided in the Planning & Zoning Commission and City Council packets or during the public hearing.

- (6) The city's zoning should insure that adequate open space is preserved as residential and commercial development and redevelopment occur.

Should the property be re-developed, city staff will work with the property owner to bring the site into compliance with adopted and applicable site development and building codes such as minimum building setbacks and maximum impervious coverage requirements for property zoned B-1, Local Business/Residential Mixed Use. The applicant has submitted a site plan (Exhibit D) which does not depict any substantial changes to the site. Staff finds that the site development requirements will ensure that adequate open space is preserved on the subject property.

- (7) The city's zoning should insure Brenham's attractiveness for the future location of business and housing by preserving an attractive and safe community environment in order to enhance the quality of life for all of its residents.

Staff believes that the requested use of outdoor storage as an accessory to a retail use is appropriate at this location given adjacent zoning designations, existing development in the vicinity, and conformance with the City's adopted Comprehensive Plan.

- (8) The city's zoning ordinance should preserve neighborhood culture by retaining and promoting land uses consistent with the community's plan for the development and/or redevelopment of its neighborhoods.

The subject property is located in an area with a mixture of land uses. Land uses immediately adjacent to the subject tract are either similarly developed, similarly zoned or developed with right-of-way. Property in the general vicinity is zoned residential and developed with single-family residential uses. To preserve adjacent development and residential uses in the general vicinity, staff recommends approval of the proposed use of outdoor storage with the condition that all outdoor storage be screened from view by adjacent properties. Approval of the proposed use with the aforementioned condition of will allow the subject property to develop in keeping with property in the general vicinity. Staff finds that the proposed retail use and use of outdoor storage when properly screened will be compatible to nearby land uses and consistent with the land use policies established in the Comprehensive Plan.

- (9) The city's zoning should protect existing and future residential neighborhoods from encroachment by incompatible uses.

Staff finds that approval of the proposed SUP and redevelopment of the property with primarily retail uses, will promote the orderly and healthful development of the community. Staff is unable to discern any factors related to this request that will adversely affect health, safety, morals, or general welfare of properties in the general vicinity or the community in general.

- (10) The city's zoning should assist in stabilizing property values by limiting or prohibiting the development of incompatible land uses or uses of land or structures, which negatively impact adjoining properties.

Staff believes that the proposed development will have a positive effect on the surrounding area.

The subject property has been primarily vacant for 2+ years and the proposed retail operation is in accordance with the future land use map and land use policies of Brenham's Comprehensive Plan. Staff is unable to determine any destabilizing effects on the neighboring properties should this specific use permit request be approved.

- (11) The city's zoning should make adequate provisions for a range of commercial uses in existing and future locations that are best suited to serve neighborhood, community and regional markets.

If approved, the proposed SUP will allow the subject property to be operated as a retail plumbing business with outdoor storage. The subject tract has remained primarily vacant for 21+ years and allowing compatible re-development at this location will serve the adjacent neighborhood and community in a positive way. Staff believes that the proposed SUP, if approved, will not negatively affect vacant land classified for commercial uses.

- (12) The city's zoning should give reasonable accommodation to legally existing incompatible uses, but it should be fashioned in such a way that over time, problem areas will experience orderly change through redevelopment that gradually replaces the nonconforming uses.

The property is primarily developed with multiple structures previously used for the Boettcher Lumber Yard business. The property is also proposed to continue to be used by BBA Architects, LP and proposed as the new location for Texas Plumbing Supply. As previously mentioned, should the property owner desire to re-develop the subject property, staff will work bring the site into compliance with applicable site development and building codes.

- (13) The city's zoning should provide for orderly growth and development throughout the city.

Staff finds approval of the proposed SUP will allow for the orderly growth and development in the general vicinity and throughout the city.

STAFF RECOMMENDATION:

Staff recommends **approval** of a Specific Use Permit to allow open (outdoor) storage of retail merchandise as an accessory use to uses permitted in the B-1 Local Business/Residential Mixed Used Zoning District for the subject 2.190 acres of land **with the following conditions:**

- 1. That all outdoor storage be completely screened from view by adjacent right-of-way and residential property.**

EXHIBITS:

- A. Aerial Map
- B. Zoning Map
- C. SUP Application
- D. Cover Letter to the Commission
- E. Proposed Site Plan
- F. Site photos

**EXHIBIT "A"
AERIAL MAP**

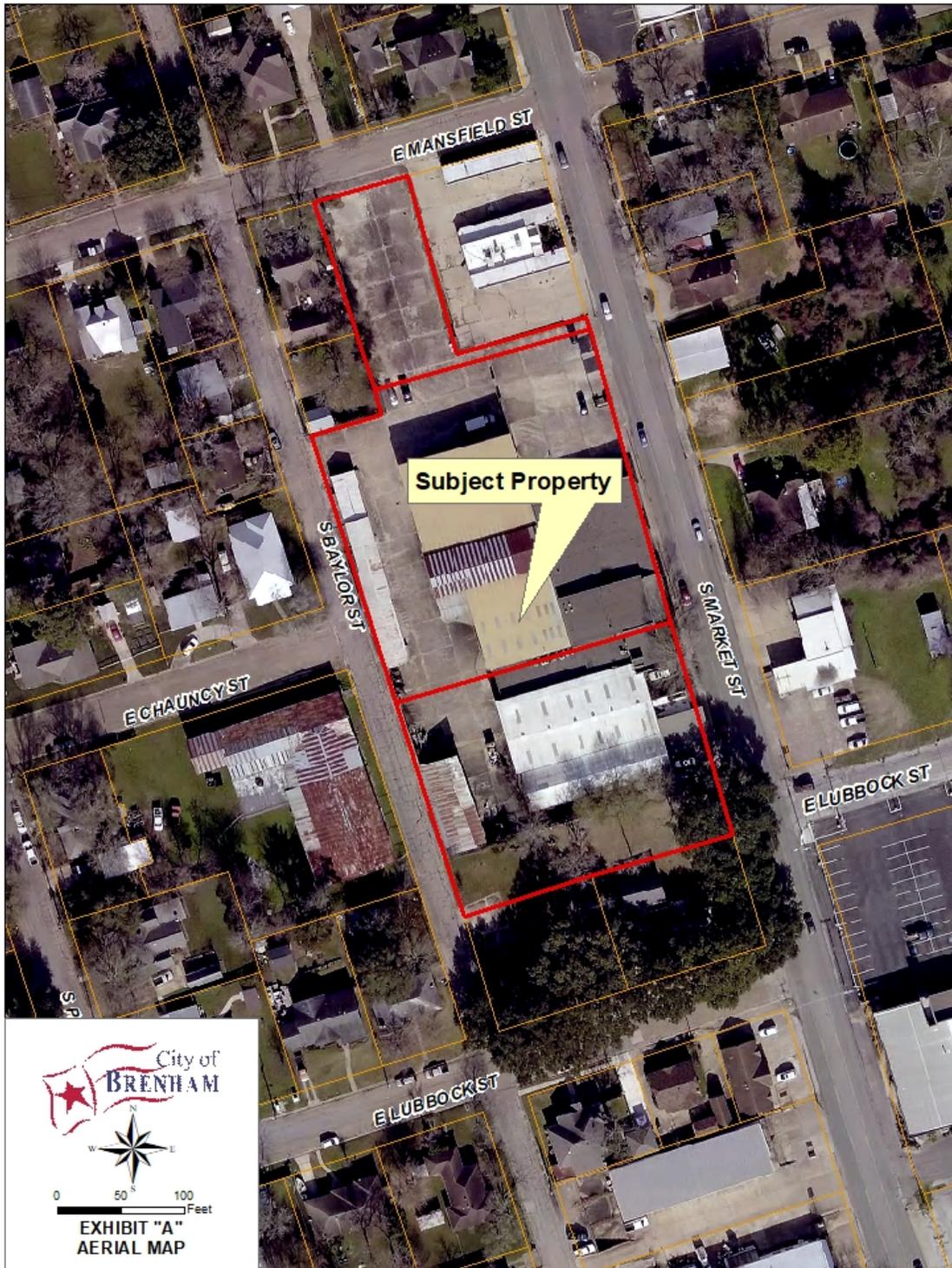


EXHIBIT "B"
ZONING MAP

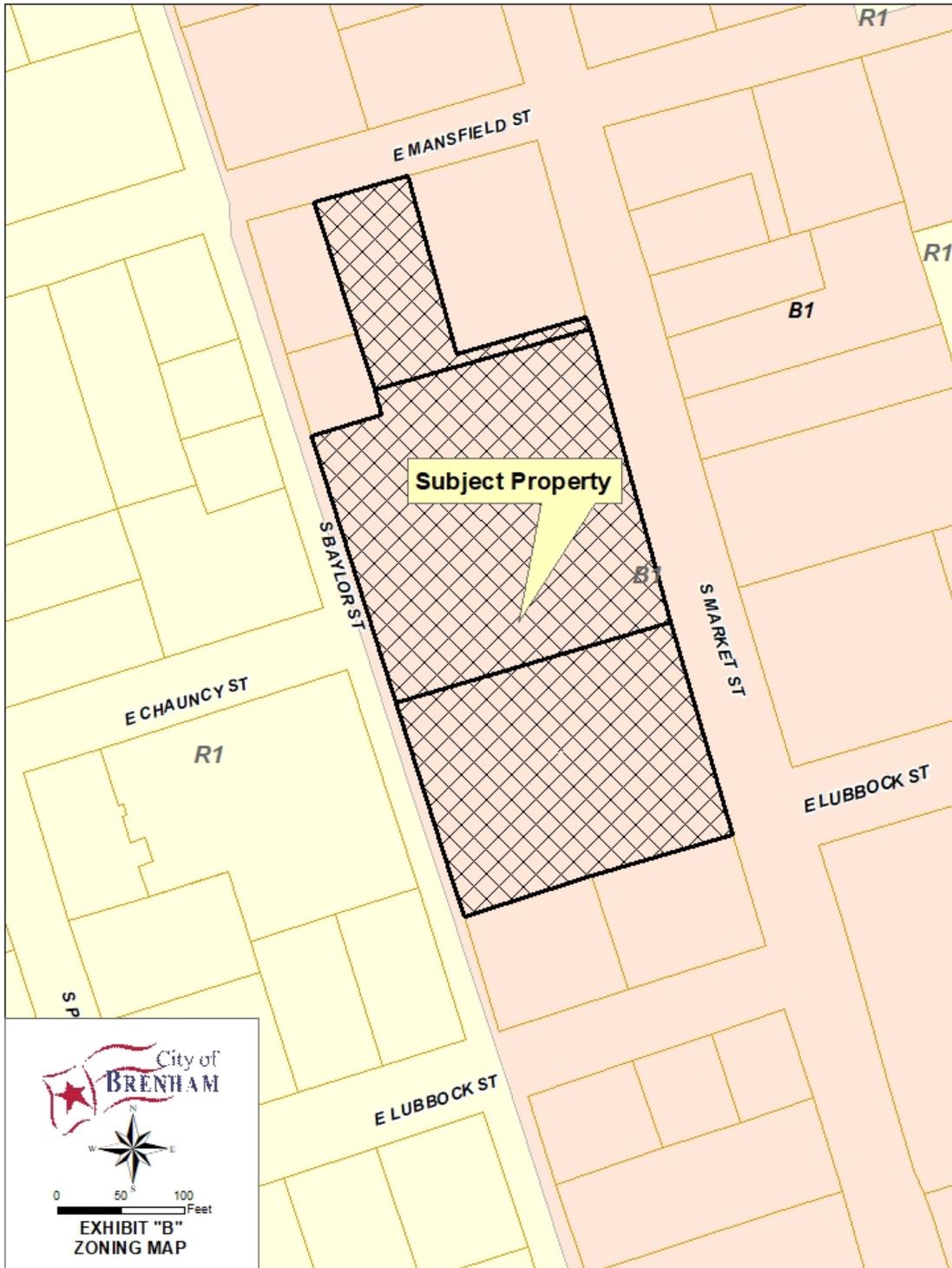


EXHIBIT "C"
COVER LETTER TO THE COMMISSION



June 24th, 2019

City of Brenham

c/o Planning and Zoning Commission

re: Specific Use Permit for Boettcher Lumber Yard property

To Whom it May Concern,

My name is Glenn Fuller and I own and operate Texas Plumbing Supply. We are based out of Houston with a location operating in Brenham since 2009 located @ 2294 S. Market Street. I write this to request a Specific Use Permit to allow us to move my business to a new location, located in a zone B-1 area.

We are needing a location with more yard space than we currently have and came across the property located @ 1702 and 1608 S. Market Street, known previously as Boettcher Lumber Yard. We are considering purchasing this new property if we can continue to operate our existing Plumbing Supply business. Our business is to sell plumbing supplies to retail customers and to plumbers, just as we currently do. In addition to Texas Plumbing Supply operating from this new location, we plan to sign a lease with Boettcher Architects, LLP, allowing them to continue to operate from this location.

In order to operate our business, some materials are required to be stored outside but within our fenced in yard area. I am requesting Specific Use Permit to allow outside storage of material such as pallets and pipe to operate our business. (see Exhibit "A") If this permit is granted, I would be happy to install a shade or privacy netting in order to prevent anyone from seeing into our yard from the street. (see Exhibit "B") In addition to storing plumbing materials, we would park vehicles in the yard, just as they currently do.

Texas Plumbing Supply business hours are Monday through Friday 7:30am-4:30pm. Because of our hours, we operate a business that is not intrusive to our neighbors.

I look forward to this Commissions' consideration and decision of this Specific Use Permit request as I prefer to continue to be a good business partner operating in the City of Brenham.

If I can answer any questions, please feel free to call me at 281-858-8833 or my cell 832-367-0963.

Thank you in advance for your consideration.

Respectfully,

A handwritten signature in black ink, appearing to read "Glenn Fuller", with a long horizontal flourish extending to the right.

Glenn Fuller

July 17, 2019

City of Brenham

c/o Planning and Zoning Commission

re: Letter of Support for Texas Plumbing Supply for Specific Use Permit

To Whom It May Concern,

The Boettcher family writes this letter in support of Texas Plumbing Supply's request for a Specific Use Permit at 1608 and 1702 South Market Street.

The vision of opening a lumberyard in Brenham was developed by Ed Boettcher and his father in 1946. Ed was blessed to remain in the building supply business and subdivision development for 52 years. These years saw the purchase of the Coke building and resulting renovation of the Boettcher Building Center in 1981 with the Broesche/Boettcher Architect firm occupying the south east end of the building. The fact that Ed's son, Ben, was working adjacent to the lumberyard afforded them to work together on many projects. Ben Boettcher and Associates, Architects purchased the south end of the building from Ed in 2004 and still reside in this location. Upon the closing of the building center on March 7, 1998, the Boettcher family began searching for a buyer for the property.

The Boettcher family has entered into a contract with Texas Plumbing Supply, owned by the Fuller Family, for the purchase of the properties at 1608 and 1702 South Market Street. They believe that our facility is a good fit for the expansion of their business, allowing them to serve Brenham in an even larger capacity. Completion of this sales contract hinges upon approval of a special permit request that would allow for outside storage of plumbing supplies. Therefore, we respectfully request your consideration and approval of this permit. Such an approval will result in an effort to revitalize this area of Market Street since the Lumberyard has been vacant for over 20 years. Additionally, the Fuller Family plans for BBA Architects to remain in their current building and lease from them. The establishment at our South Market location of this thriving plumbing business would produce income to the City as well as other benefits.

While it will be bittersweet to close this chapter in our family's history, we know that it is time to move forward with allowing this space to be utilized by another vibrant business. We wish to express our gratitude to the City of Brenham for allowing our family to serve this great community through our businesses for the past 73 years.

Thank you for your consideration and approval of this change.

Respectfully,

The Boettcher Family


Beverly Boettcher Love

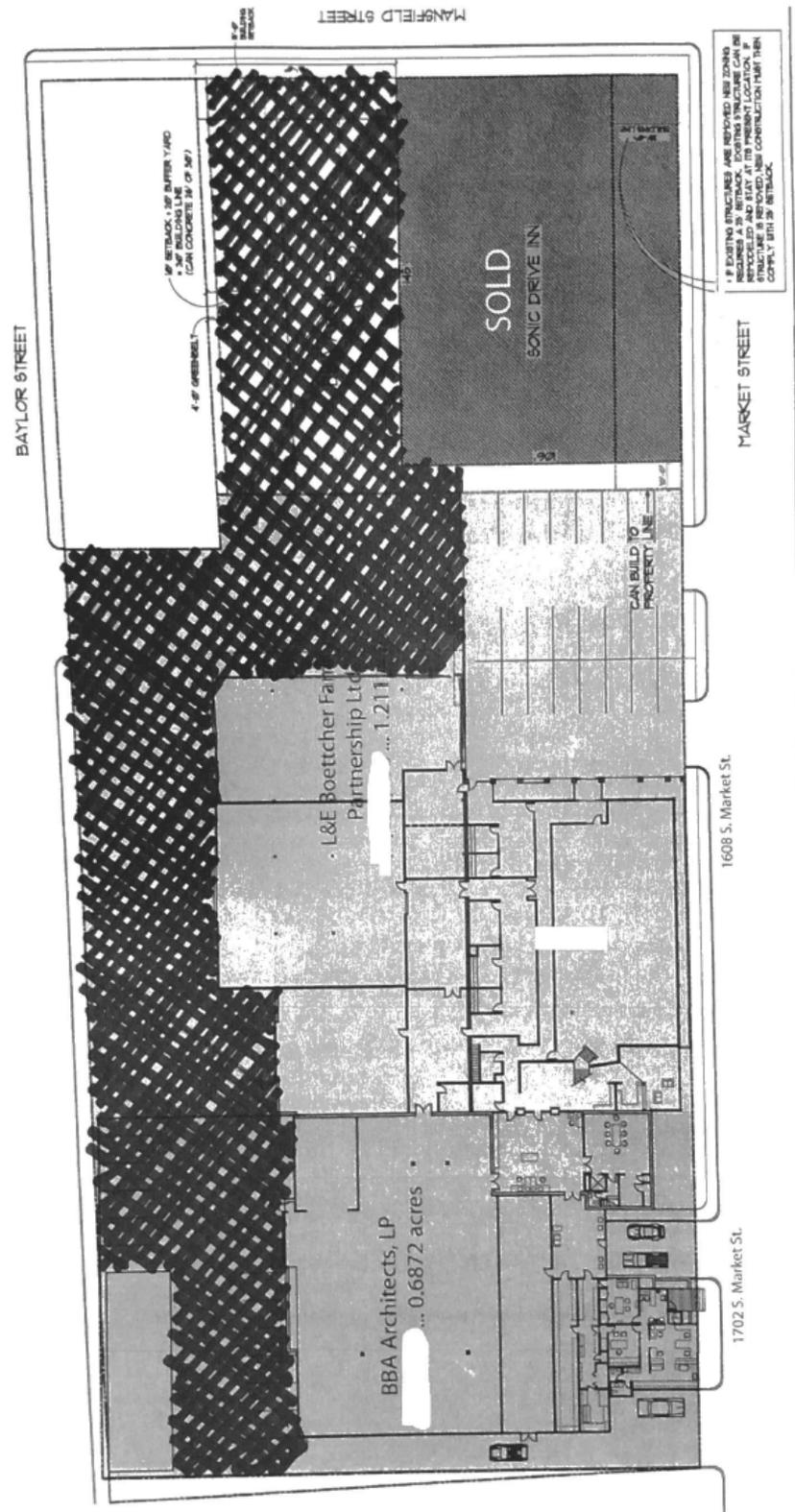

Amy Boettcher King


Cynthia King Boettcher

EXHIBIT "D"
PROPOSED SITE PLAN

Handwritten: = yard area requesting specific use permit
 Exhibit "A"

LOT COVERAGE: IN NO CASE SHALL MORE THAN EIGHTY (80%) PER CENT OF THE TOTAL LOT AREA BE COVERED BY BUILDINGS, DRIVEWAYS, PATIOS, PORCHES, AND BRACKERS. THIS APPLIES ONLY TO THE NEELY PURCHASED PROPERTY.



Boettcher Building Center of Brenham LP

BBA Architects, LP
... 0.6872 acres

L&E Boettcher Family
Partnership Ltd
... 1.211

1702 S. Market St.

1608 S. Market St.

EXHIBIT "E"
SITE PHOTOS

