



**NOTICE OF A REGULAR MEETING
BRENHAM PLANNING AND ZONING COMMISSION
MONDAY, DECEMBER 19, 2022, AT 5:15 PM
SECOND FLOOR CITY HALL BUILDING
COUNCIL CHAMBERS
200 W. VULCAN STREET
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 November 21, 2022 Planning and Zoning Commission Meeting.

4-b. Case No. P-22-028: A request by Arete Property Group, LLC for approval of a Preliminary Plat creating Lot 1 (0.338-acres) and Lot 2 (0.204-acres), Block 1 of the Arete Subdivision, being 0.541-acres of land out of the Arrabella Harrington Survey, A-55, in Brenham, Washington County, Texas.

4-c. Case No. P-22-029: A request by Arete Property Group, LLC for approval of a Final Plat creating Lot 1 (0.338-acres) and Lot 2 (0.204-acres), Block 1 of the Arete Subdivision, being 0.541-acres of land out of the Arrabella Harrington Survey, A-55, in Brenham, Washington County, Texas.

4-d. Case No. P-22-030: A request by Brenham Market Square, L.P. for approval of a Commercial Replat of Reserve "A1" of the Market Square Brenham Subdivision to create Reserve "A2" (26.139-acres) and Lot 10 (2.647-acres) for a total of 28.786-acres, and further described as part of the John Long Survey, A-156, in Brenham, Washington County, Texas.

REGULAR AGENDA

5. **Public Hearing, Discussion and Possible Action on Case Number P-22-027: A request by Chris and Deanna Marek for a specific use permit to allow an Accessory Dwelling Unit (ADU) in an R-2 Mixed Residential Use Zoning District on property addressed as 604 S. Baylor Street, and described as Lot E PT 3A, E PT 4A, Block 91, of the Original Town Addition in Brenham, Washington County, Texas.**

6. **Public Hearing, Discussion and Possible Action on Case Number P-22-031: A City initiated request to approve an Ordinance of the City of Brenham, Texas Amending the 2022 Thoroughfare Plan Map and Repealing All Ordinances or Parts of Ordinances in Conflict Herewith and Providing an Effective Date.**

7. **Adjourn**

CERTIFICATION

I certify that a copy of the December 19, 2022 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 December 15, 2022 at 5:15 pm.

Kim Hodde

Kim 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 _____, 2022 at _____.

Signature

Title

**CITY OF BRENHAM
PLANNING AND ZONING COMMISSION MINUTES
November 21, 2022**

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 November 21, 2022, at 12:00 pm in the Brenham Municipal Building, City Council Chambers, at 200 West Vulcan Street, Brenham, Texas.

Commissioners present:

M. Keith Behrens, Chairman
Chris Cangelosi

Calvin Kossie
Marcus Wamble

Commissioners absent:

Deanna Alfred
Cayte Neill
Artis Edwards, Jr.

Staff present:

Stephanie Doland, Development Services Director
Shauna Laauwe, City Planner
Kim Hodde, Planning Technician

Citizens / Media present:

Blake Brannon
Nathan Wade
Marie Surovik

Robert Buchman
Isabel Velasquez

1. Call Meeting to Order

Chairman Behrens called the meeting to order at 5:15 pm with a quorum of four (4) Commissioners present.

2. Public Comments

There were no public comments.

3. Reports and Announcements

Stephanie Doland stated that with Commissioner Wamble not seeking re-appointment to the Planning and Zoning Commission, there will be one vacancy to fill. An applicant must live inside the city limits. To date, a couple applications have been received.

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 October 24, 2022 Planning and Zoning Commission Meeting.

Chairman Behrens called for a motion for the statutory consent agenda. A motion was made by Commissioner Wamble and seconded by Commissioner Kossie to approve the Statutory Consent Agenda (Item 4-a), as presented. The motion carried unanimously.

REGULAR SESSION

5. Public Hearing, Discussion and Possible Action on Case Number P-22-022: A request by Brannon Industrial Group/Premier Metal Buyers 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 an Industrial Use District (I) on 3.77-acres of land, which is a portion of the 6.899-acre tract of land currently addressed as 1150 Dixie Road, and being further described as Tract 51, out of the Phillip Coe Survey, A-0031, in Brenham, Washington County, Texas.

Shauna Laauwe, City Planner, presented the staff report for Case No. P-22-026 (on file in the Development Services Department). Ms. Laauwe stated that this is a request from Brannon Industrial Group / Premier Metal Buyers to change the zoning classification from B-1, Local Business / Mixed Use District to I, Industrial District for a 3.77-acre portion of the tract addressed as 1150 Dixie Road to allow for the expansion of the existing industrial use located at 1555 Highway 36 North. The current use of the subject property is Commercial/Office Use. The Future Land Use Map designation shows the property designation as Estate Residential which are typically larger residential lots. The zoning of the surrounding properties is as follows:

- The properties to the north are located in the County, outside the City limits; therefore, no zoning designation is assigned.
- Residential development to the south,
- State Highway 36 to the east
- Vintage Farms Phase 5 (under construction) across Dixie Road to the west.

Ms. Laauwe presented a timeline for the property development in the area:

- 2011 – Brannon Industrial Group (BIG) purchases the property at 1555 SH 36 N for the Premier Metal Buyers (PMB) scrap metal and recycling business.
- 2014 – PMB rezoned the property from B-2 to Industrial.
- 2016 – Stylecraft purchased 86.664-acres to the southwest for Vintage Farms Phases 1-IV. A residential Planned Development District was approved in April 2017.
- 2019/20 – Stylecraft purchased an additional 52.428-acres for Vintage Farms Phase V. A residential PCC was approved in May 2020.
- 2022 – BIG purchased 6.899-acres at 1150 Dixie Road for proposed rezoning and to establish a new business office. A request to expand PMB by 3.77-acres to the west was submitted to the City.

The general site plan submitted by the applicant shows the proposed expansion area would be used for fleet parking, site circulation, and additional scrap storage. The site plan also shows conversion of the existing 3,000 square foot home to a business office use on the area not being requested to be rezoned. While only a 6-foot fence is required, the applicant stated in their application letter that they would provide an 8-foot metal fence along the north, west and south perimeters of the proposed expansion area. Since Dixie Road is a 40-foot right-of-way and is not capable of handling Industrial or Commercial

traffic, the drive aisle that connects the subject tract to the west (office use) will have an access gate for the Fire Department but will not be used for through-traffic. The entrance off of SH 36 will be the primary entrance and exit.

The following buffers are being proposed:

- 75-feet to the south. The detention pond is 75-foot from the property line.
- 50-feet to the west.
- 8-foot metal perimeter screening fence (6-foot required)
- There is no buffer to the north; however, Confederate Lane does serve as a 30-foot buffer between the site and the county residences.
- 20% of the buffer yard along the property line needs to be landscaped. The remaining 80% of the buffer is allowed to be utilized for parking, drive aisles, detention ponds or green space.

The properties are not currently platted; therefore, the applicant will need to have a preliminary and final plat to separate the property into two lots approved prior to further development. The long-term plan is to move these operations to another property near Blue Bell Creamery; however, there are access issues that are still being worked through.

Public Notice was posted in the Banner Press and property owners within 200-feet were mailed notices on November 21, 2022. Staff received one written citizen comment against the request.

Development Services staff have reviewed the request and finds that the rezoning request is not in line with the Future Land Use Map; however, an expansion of the industrial business is not “spot-zoning”, and the applicant has made attempts to lessen the impacts of the incompatible land uses.

Chairman Behrens opened the Public Hearing at 5:40 pm. Marie Surovik, who lives at 1030 Dixie Road, made the following comments:

- She was promised a fence when the original operation went in at this site and the fence was never constructed.
- PMB leans stuff against the wire fence.
- The retention pond was too shallow and flooded Ms. Surovik’s property.
- She complained to the Brenham Police Department about the noise and was told that the BPD does not have decibel monitors. She further expressed frustration about complaints without resolution.
- Ms. Surovik stated that her 15-acre property is on the real estate market and she currently has a contract on the property.

Isabel Velasquez, who lives at the corner of Confederate Lane and Union, stated the following:

- 18-wheeler trucks come onto Confederate Lane and get stuck frequently.
- Due to the dust from the massive amount of metal, her grandchildren that have asthma cannot go outside.
- PMB is inconsiderate of their neighbors and are frequently working at 2:00 am.
- PMB’s employees are disrespectful and whistle at her if she is outside.
- She is against the rezoning request.

The applicant, Blake Brannon, stated the following:

- When PMB operations was moved to this location it was next to a super fund site and a transfer station, so it seemed a compatible use and a logical location for a scrap yard.
- BIG/PMB didn’t think they would run out of space at this site.
- BIG/PMB is working on the access issues for their property on the other side of town.
- The 18-wheeled trucks coming onto Dixie Road and/or Confederate Lane are not BIG’s trucks.

- BIG/PMB have tried to be a good neighbor even though it is not an ideal situation and they acknowledge that it is a “loud” business.
- BIG/PMB currently employs over 100 people and extra space is needed for safety.

Chairman Behrens closed the Public Hearing at 5:59 pm and reminded everyone that on Thursday, December 1, 2022, the Brenham City Council would be holding another public hearing at 1:00 pm to consider this request.

Staff reiterated that prior to issuance of a certificate of occupancy, the screening and buffer yard requirements would have to be met.

A motion was made by Commissioner Cangelosi and seconded by Commissioner Wamble to recommend to City Council approval of the request by Brannon Industrial Group/Premier Metal Buyers 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 an Industrial Use District (I) on 3.77-acres of land, which is a portion of the 6.899-acre tract of land currently addressed as 1150 Dixie Road, as presented. The motion carried unanimously.

6. Adjourn.

A motion was made by Commissioner Kossie and seconded by Commissioner Cangelosi to adjourn the meeting at 6:00 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:

Planning and Zoning Commission	<u>M. Keith Behrens</u> Chair	<u>December 19, 2022</u> Meeting Date
Attest	<u>Kim Hodde</u> Staff Secretary	<u>December 19, 2022</u> Meeting Date



CASE P-22-028

PRELIMINARY PLAT: ARETE SUBDIVISION

PLAT TITLE: Arete Subdivision **CITY/ETJ:** City

PLAT TYPE: Preliminary Plat

OWNER/APPLICANT: Arete Property Group, LLC

ADDRESS/LOCATION: 1009 W Lubbock Street

LEGAL DESCRIPTION: Keys 3rd Addition, Part of Block 7 in Brenham, Washington County, Texas

LOT AREA: Lots 1-2 being 0.541-acres, Lot 1 (0.338-acres) and Lot 2 (0.204-acres)

ZONING DISTRICT: R-1, Single-Family Residential

EXISTING USE: Single-family residence

**COMP PLAN
FUTURE LAND USE:** Single-Family Residential

REQUEST: A request for a Preliminary Plat of the Arete Subdivision creating Lots 1-2 being 0.541 acres of land that is of the unrecorded Keys 3rd Addition, part of Block 7 in Brenham, Washington County, Texas.

BACKGROUND:

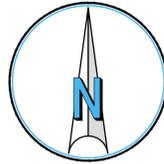
The subject 0.541-acres of land is generally located on the southeast corner of W Lubbock Street and S Lubbock Street and addressed as 1009 W Lubbock Street. The property owner, Arete Property Group, LLC, requests approval of a Preliminary Plat of the Arete Subdivision that subdivides the existing unplatted residential lot into proposed Lots 1 and 2, containing 0.338-acres and 0.204-acres, respectfully for a total of 0.541-acres of land. The applicant desires to plat the property to create an additional lot for future residential development. The subject site is part of the unrecorded Key's 3rd Addition and thus, approval of a Preliminary Plat and Final Plat is required for future development. No additional easements were required for this plat.

STAFF ANALYSIS AND RECOMMENDATION:

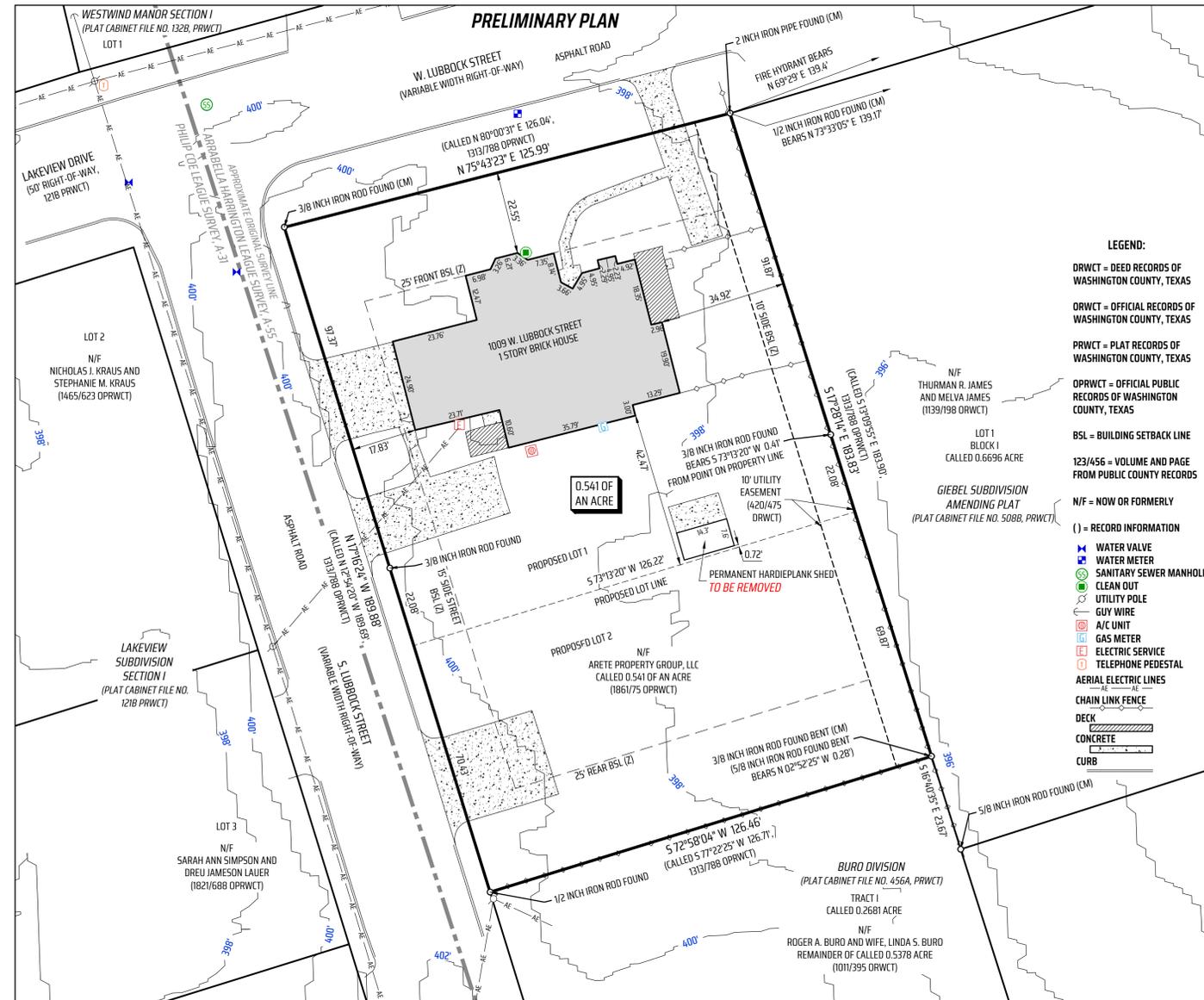
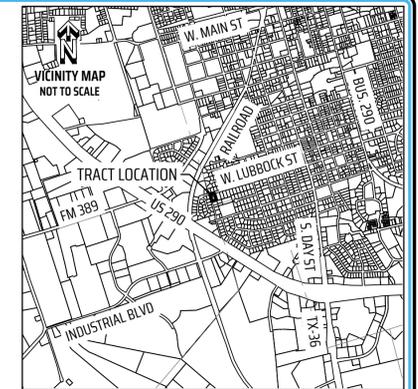
Development Services and Strand Engineering have reviewed this Preliminary Plat for compliance with applicable City of Brenham regulations and ordinances and recommends **approval** of this plat as presented.

EXHIBITS:

- A. Proposed Preliminary Plat



SCALE: 1" = 20'



- LEGEND:**
- DRWCT = DEED RECORDS OF WASHINGTON COUNTY, TEXAS
 - ORWCT = OFFICIAL RECORDS OF WASHINGTON COUNTY, TEXAS
 - PRWCT = PLAT RECORDS OF WASHINGTON COUNTY, TEXAS
 - OPRWCT = OFFICIAL PUBLIC RECORDS OF WASHINGTON COUNTY, TEXAS
 - BSL = BUILDING SETBACK LINE
 - 123/456 = VOLUME AND PAGE FROM PUBLIC COUNTY RECORDS
 - N/F = NOW OR FORMERLY
 - () = RECORD INFORMATION
 - Water Valve Symbol = WATER VALVE
 - Water Meter Symbol = WATER METER
 - Sanitary Sewer Manhole Symbol = SANITARY SEWER MANHOLE
 - Clean Out Symbol = CLEAN OUT
 - Utility Pole Symbol = UTILITY POLE
 - Guy Wire Symbol = GUY WIRE
 - A/C Unit Symbol = A/C UNIT
 - Gas Meter Symbol = GAS METER
 - Electric Service Symbol = ELECTRIC SERVICE
 - Telephone Pedestal Symbol = TELEPHONE PEDESTAL
 - Aerial Electric Lines Symbol = AERIAL ELECTRIC LINES
 - Chain Link Fence Symbol = CHAIN LINK FENCE
 - Deck Symbol = DECK
 - Concrete Symbol = CONCRETE
 - Curbs Symbol = CURB

- GENERAL NOTES**
- THIS TRACT LIES WITHIN FLOOD ZONE 'X' UNSHADED AND DOES NOT LIE WITHIN A SPECIAL FLOOD HAZARD AREA SUBJECT TO THE 1% ANNUAL CHANCE FLOOD (100 YEAR FLOOD PLAIN) ACCORDING TO THE WASHINGTON COUNTY FLOOD INSURANCE RATE MAP (FIRM) PANEL NO. 48477C0295C, EFFECTIVE DATE: 08-16-2011.
 - BEARING SYSTEM SHOWN HEREON IS BASED ON THE TEXAS STATE PLANE CENTRAL ZONE GRID NORTH AS ESTABLISHED FROM GPS OBSERVATION USING THE LEICA SMARTNET NAD83 (NA2011) EPOCH 2010 MULTI-YEAR CORS SOLUTION 2 (MYCS2).
 - DISTANCES SHOWN HEREON ARE SURFACE DISTANCES UNLESS OTHERWISE NOTED. TO OBTAIN GRID DISTANCES (NOT AREAS) DIVIDE BY A COMBINED SCALE FACTOR OF 1.0002333536522 (CALCULATED USING GEOID12B).
 - (CM) INDICATES CONTROLLING MONUMENT FOUND AND USED TO ESTABLISH PROPERTY BOUNDARIES.
 - ACCORDING TO THE CITY OF BRENHAM ONLINE ZONING MAP REFERENCED ON 11-29-2022, THIS TRACT IS ZONED R1 (RESIDENTIAL SINGLE FAMILY) AND IS SUBJECT TO THE FOLLOWING BUILDING SETBACKS (Z) AS SHOWN HEREON:

FRONT SETBACK	25 FEET
SIDE SETBACK (INTERIOR)	10 FEET
SIDE SETBACK (STREET)	15 FEET
REAR SETBACK	25 FEET
 - THIS SURVEY PLAT WAS PREPARED TO REFLECT THE TITLE COMMITMENT ISSUED BY BLUEBONNET ABSTRACT AND TITLE, LLC, GF NO. 22-476-WASH, EFFECTIVE DATE: 08-28-2022. ITEMS LISTED ON SCHEDULE B ARE ADDRESSED AS FOLLOWS:
 - ITEM 10K: 10' WIDE UTILITY EASEMENT TO THE CITY OF BRENHAM (420/475 DRWCT) DOES CROSS THIS TRACT AS SHOWN HEREON.
 - ALL OTHER ITEMS ARE NOT SURVEY ITEMS AND/OR ARE NOT ADDRESSED BY THIS PLAT.
 - ORIGINAL SURVEY LINES SHOWN HEREON (IF ANY) ARE BASED ON RAILROAD COMMISSION GIS DATA, ARE APPROXIMATED ONLY AND WERE NOT LOCATED ON THE GROUND. THIS SURVEYOR DID NOT DETERMINE THE EXISTENCE OF ANY VACANCY, EXCESS, OR SHORTAGE OF AREA IN ANY OF THE ORIGINAL GRANTS SHOWN HEREON.
 - CONTOURS SHOWN HEREON ARE APPROXIMATE, FROM TNRS EASTERN TEXAS LIDAR 2018, BRENHAMISE14RQU4938.shp

PRELIMINARY, THIS DOCUMENT SHALL NOT BE RECORDED FOR ANY PURPOSE

REVISED 11-29-2022 TO SHOW SETBACKS AND PRELIMINARY AND FINAL ON SEPARATE PLATS

PRELIMINARY PLAN OF ARETE SUBDIVISION BLOCK 1, LOT 1 (0.338 ACRES) AND LOT 2 (0.204 ACRES) 0.541 OF AN ACRE TOTAL VOLUME 1861, PAGE 75 OPRWCT ARRABELLA HARRINGTON LEAGUE SURVEY, ABSTRACT 55 BRENHAM, WASHINGTON COUNTY, TEXAS

KERR SURVEYING

SCALE: 1 INCH = 20 FEET
 SURVEY DATE: 11-03-2022 | PLAT DATE: 11-09-2022
 JOB NUMBER: 22-858 | CAD NAME: 22-858-FINAL PLAT-5
 POINT FILE: 22-858-ALL (job)
 DRAWN BY: TIF CHECKED BY: MK
 PREPARED BY: KERR SURVEYING, LLC
 TBPELS FIRM#10018500
 409 N. TEXAS AVENUE, BRYAN, TEXAS 77803
 PHONE: (979) 268-3195
 SURVEYS@KERRSURVEYING.NET | KERRLANDSURVEYING.COM

"When one person stands to gain over another, the facts must be uncovered"



CASE P-22-029
FINAL PLAT: ARETE SUBDIVISION

PLAT TITLE: Arete Subdivision **CITY/ETJ:** City

PLAT TYPE: Final Plat

OWNER/APPLICANT: Arete Property Group, LLC

ADDRESS/LOCATION: 1009 W Lubbock Street

LEGAL DESCRIPTION: Keys 3rd Addition, Part of Block 7 in Brenham, Washington County, Texas

LOT AREA: Lots 1-2 being 0.541-acres, Lot 1 (0.338-acres) and Lot 2 (0.204-acres)

ZONING DISTRICT: R-1, Single-Family Residential

EXISTING USE: Single-family residence

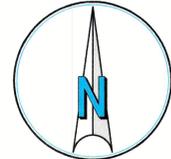
COMP PLAN Single-Family Residential
FUTURE LAND USE:

REQUEST: A request for a Final Plat of the Arete Subdivision creating Lots 1-2 being 0.541 acres of land that is of the unrecorded Keys 3rd Addition, part of Block 7 in Brenham, Washington County, Texas.

BACKGROUND:
The subject 0.541-acres of land is generally located on the southeast corner of W Lubbock Street and S Lubbock Street and addressed as 1009 W Lubbock Street. The property owner, Arete Property Group, LLC, requests approval of a Final Plat of the Arete Subdivision that creates subdivides the existing unplatted residential lot into proposed Lots 1 and 2, containing 0.338-acres and 0.204-acres, respectfully for a total of 0.541-acres of land. The applicant desires to plat the property to create an additional lot for future residential development. The subject site is part of the unrecorded Key's 3rd Addition and thus, approval of a Preliminary Plat and Final Plat is required for future development. No additional easements were required for this plat.

STAFF ANALYSIS AND RECOMMENDATION:
Development Services and Strand Engineering have reviewed this Final Plat for compliance with applicable City of Brenham regulations and ordinances and recommends **approval** of this plat as presented.

EXHIBITS:
A. Proposed Final Plat



SCALE: 1" = 20'



LEGEND:

DRWCT = DEED RECORDS OF WASHINGTON COUNTY, TEXAS

ORWCT = OFFICIAL RECORDS OF WASHINGTON COUNTY, TEXAS

PRWCT = PLAT RECORDS OF WASHINGTON COUNTY, TEXAS

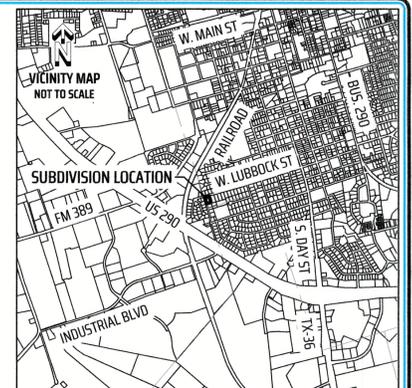
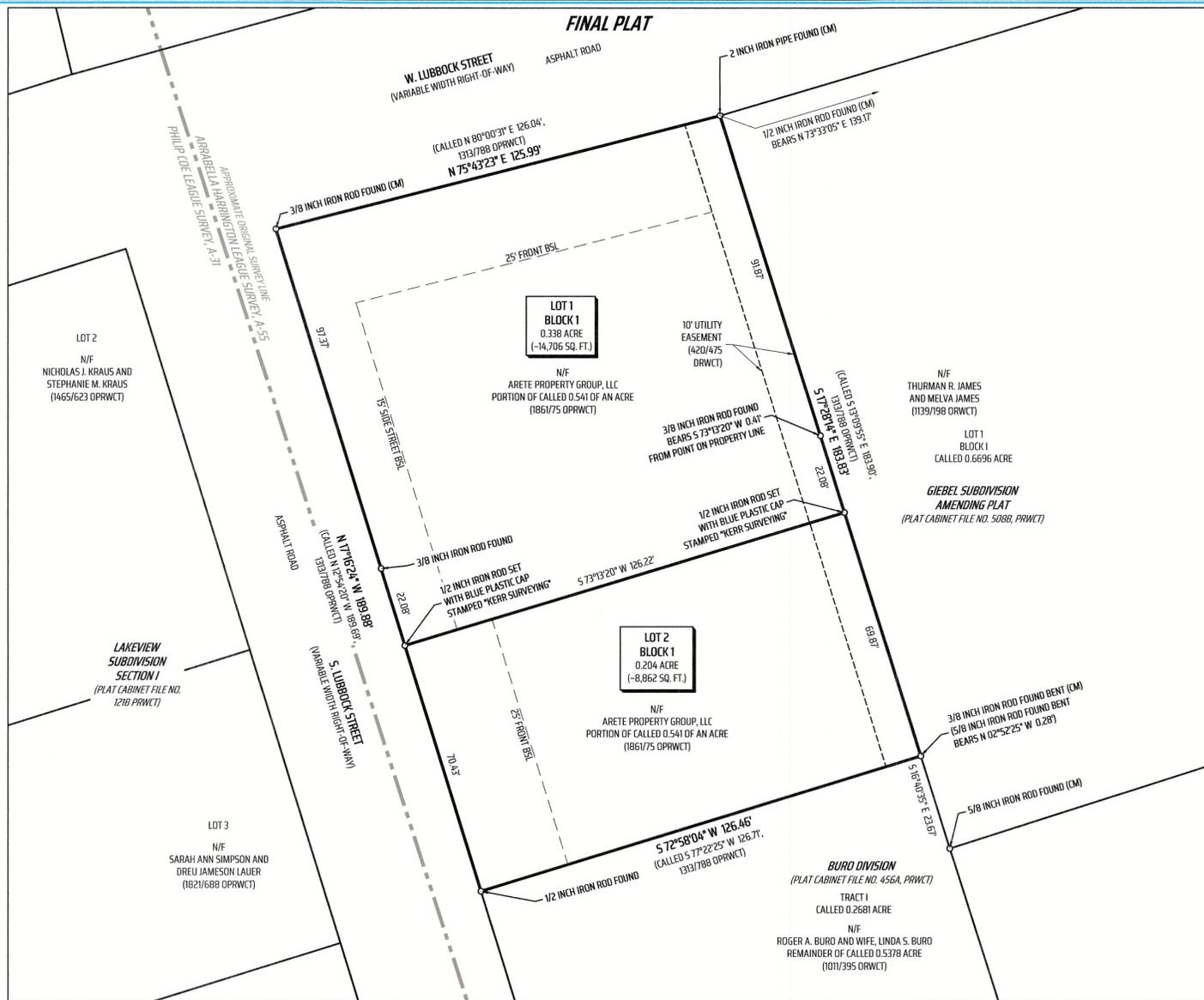
OPRWCT = OFFICIAL PUBLIC RECORDS OF WASHINGTON COUNTY, TEXAS

BSL = BUILDING SETBACK LINE

123/456 = VOLUME AND PAGE FROM PUBLIC COUNTY RECORDS

N/F = NOW OR FORMERLY

() = RECORD INFORMATION



SURVEYOR'S CERTIFICATE

KNOW ALL MEN BY THESE PRESENTS: THAT I, MICHAEL KONETSKI, REGISTERED PROFESSIONAL LAND SURVEYOR NO. 6531, IN THE STATE OF TEXAS, HEREBY CERTIFY THAT I PREPARED THIS PLAT FROM AN ACTUAL AND ACCURATE SURVEY OF THE LAND AND THAT THE CORNER MONUMENTS SHOWN THEREON WERE PROPERLY PLACED UNDER MY PERSONAL SUPERVISION, IN ACCORDANCE WITH THE SUBDIVISION REGULATIONS OF THE CITY OF BRENHAM, TEXAS.

Michael Konetski
MICHAEL KONETSKI
REGISTERED PROFESSIONAL LAND SURVEYOR NO. 6531



OWNER ACKNOWLEDGEMENT

I, ALVIN CARLILE, OF ARETE PROPERTY GROUP, LLC, OWNER OF THE LAND SHOWN ON THIS PLAT, BEING THE TRACT OF LAND CONVEYED TO US IN THE OFFICIAL PUBLIC RECORDS OF WASHINGTON COUNTY, TEXAS IN VOLUME 1861, PAGE 75, AND WHOSE NAME IS SUBSCRIBED HERETO, HEREBY DEDICATE TO THE USE OF THE PUBLIC FOREVER ALL STREETS, ALLEYS, PARKS, WATERCOURSES, DRAINS, EASEMENTS AND PUBLIC PLACES HEREON SHOWN FOR THE PURPOSES IDENTIFIED.

ALVIN CARLILE
ARETE PROPERTY GROUP, LLC
1928 HOLLEMAN DRIVE WEST #B
COLLEGE STATION, TX 77840

NOTARY PUBLIC ACKNOWLEDGEMENT

STATE OF TEXAS
COUNTY OF _____

BEFORE ME, THE UNDERSIGNED AUTHORITY, PERSONALLY APPEARED ALVIN CARLILE, KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING DOCUMENT, AND ACKNOWLEDGE TO ME THAT THEY EXECUTED THE SAME FOR THE PURPOSE AND CONSIDERATIONS STATED HEREON.

NOTARY PUBLIC
STATE OF TEXAS

DEED OF TRUST HOLDER ACKNOWLEDGEMENT

I, JEFF KURTZ, OF JK 401K PSP, HOLDER OF A DEED OF TRUST FOR THE LAND SHOWN ON THIS PLAT, BEING THE TRACT OF LAND CONVEYED TO ARETE PROPERTY GROUP, LLC IN THE OFFICIAL PUBLIC RECORDS OF WASHINGTON COUNTY, TEXAS IN VOLUME 1861, PAGE 75, AND WHOSE NAME IS SUBSCRIBED HERETO, HEREBY JOIN IN THE DEDICATION OF THE PUBLIC FOREVER ALL STREETS, ALLEYS, PARKS, WATERCOURSES, DRAINS, EASEMENTS AND PUBLIC PLACES HEREON SHOWN FOR THE PURPOSES IDENTIFIED.

JEFF KURTZ
JK 401K PSP

NOTARY PUBLIC ACKNOWLEDGEMENT

STATE OF TEXAS
COUNTY OF _____

BEFORE ME, THE UNDERSIGNED AUTHORITY, PERSONALLY APPEARED JEFF KURTZ, KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING DOCUMENT, AND ACKNOWLEDGE TO ME THAT THEY EXECUTED THE SAME FOR THE PURPOSE AND CONSIDERATIONS STATED HEREON.

NOTARY PUBLIC
STATE OF TEXAS

CERTIFICATE OF CITY PLANNING COMMISSION

APPROVED THIS _____ DAY OF _____ BY THE CITY PLANNING COMMISSION OF THE CITY OF BRENHAM, TEXAS.

CHAIRMAN _____

SECRETARY _____

COUNTY CLERK FILING ACKNOWLEDGEMENT

STATE OF TEXAS
COUNTY OF WASHINGTON

I, BETH ROTHERMEL, CLERK OF THE COUNTY COURT OF WASHINGTON COUNTY, TEXAS DO HEREBY CERTIFY THAT THE WITHIN INSTRUMENT WITH ITS CERTIFICATE OF AUTHENTICATION WAS FILED FOR REGISTRATION IN MY OFFICE ON THE _____ DAY OF _____, 2022, AT _____ O'CLOCK _____ M., AND DULY RECORDED IN CABINET _____ SHEET _____ OF THE RECORD IN THE PLAT RECORDS OF WASHINGTON COUNTY, TEXAS.

WITNESS MY HAND AND SEAL OF OFFICE, AT BRENHAM, WASHINGTON COUNTY, TEXAS, THE DAY AND DATE LAST WRITTEN ABOVE.

BETH ROTHERMEL
CLERK OF THE COUNTY COURT
WASHINGTON COUNTY, TEXAS

FINAL PLAT
OF
ARETE SUBDIVISION
CREATING BLOCK 1, LOT 1 (0.338 ACRES) AND LOT 2 (0.204 ACRES)
0.541 OF AN ACRE TOTAL
VOLUME 1861, PAGE 75 OPRWCT
ARRABELLA HARRINGTON LEAGUE SURVEY, ABSTRACT 55
BRENHAM, WASHINGTON COUNTY, TEXAS



SCALE: 1 INCH = 20 FEET
SURVEY DATE: 11-03-2022 | PLAT DATE: 12-09-2022
JOB NUMBER: 22-858 | CAD NAME: 22-858-FINAL-PLAT-5
POINT FILE: 22-858-ALL (job)
DRAWN BY: TIF CHECKED BY: MK
PREPARED BY: KERR SURVEYING, LLC
TBPELS FIRM#10018500
409 N. TEXAS AVENUE, BRYAN, TEXAS 77803
PHONE: (979) 268-3195
SURVEYS@KERRSURVEYING.NET | KERRLANDSURVEYING.COM

"When one person stands to gain over another, the facts must be uncovered"

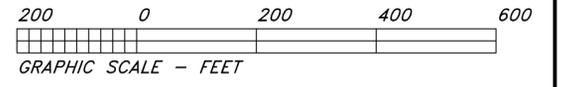
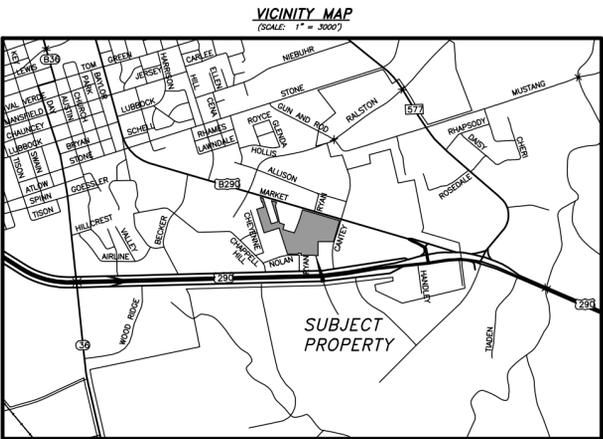
GENERAL NOTES

- 1. THIS TRACT LIES WITHIN FLOOD ZONE 'X' UNSHADED AND DOES NOT LIE WITHIN A SPECIAL FLOOD HAZARD AREA SUBJECT TO THE 1% ANNUAL CHANCE FLOOD (100 YEAR FLOOD PLAIN) ACCORDING TO THE WASHINGTON COUNTY FLOOD INSURANCE RATE MAP (FIRM) PANEL NO. 48477C0295C, EFFECTIVE DATE: 08-16-2011.
- 2. BEARING SYSTEM SHOWN HEREON IS BASED ON THE TEXAS STATE PLANE CENTRAL ZONE GRID NORTH AS ESTABLISHED FROM GPS OBSERVATION USING THE LEICA SMARTNET NAD83 (NA2011) EPOCH 2010 MULTI-YEAR CORRS SOLUTION 2 (MYCS2).
- 3. DISTANCES SHOWN HEREON ARE SURFACE DISTANCES UNLESS OTHERWISE NOTED. TO OBTAIN GRID DISTANCES (NOT AREAS) DIVIDE BY A COMBINED SCALE FACTOR OF 1.0000233536522 (CALCULATED USING GEOID12B).
- 4. (CM) INDICATES CONTROLLING MONUMENT FOUND AND USED TO ESTABLISH PROPERTY BOUNDARIES.
- 5. THIS SURVEY PLAT WAS PREPARED TO REFLECT THE TITLE COMMITMENT ISSUED BY BLUEBONNET ABSTRACT AND TITLE, LLC, GF NO. 22-476-WASH, EFFECTIVE DATE: 08-29-2022. ITEMS LISTED ON SCHEDULE B ARE ADDRESSED AS FOLLOWS:
 - ITEM 10K: 10' WIDE UTILITY EASEMENT TO THE CITY OF BRENHAM (420/475 DRWCT) DOES CROSS THIS TRACT AS SHOWN HEREON.
 - ALL OTHER ITEMS ARE NOT SURVEY ITEMS AND/OR ARE NOT ADDRESSED BY THIS PLAT.
- 6. ORIGINAL SURVEY LINES SHOWN HEREON (IF ANY) ARE BASED ON RAILROAD COMMISSION GIS DATA, ARE APPROXIMATED ONLY AND WERE NOT LOCATED ON THE GROUND. THIS SURVEYOR DID NOT DETERMINE THE EXISTENCE OF ANY VACANCY, EXCESS, OR SHORTAGE OF AREA IN ANY OF THE ORIGINAL GRANTS SHOWN HEREON.
- 7. THIS PLAT REFLECTS THE BOUNDARY OF THE PROPERTY ONLY.
- 8. ALL KNOWN AND APPARENT OIL/GAS PIPELINES OR PIPELINE EASEMENTS WITH OWNERSHIP THROUGH THE SUBDIVISION HAVE BEEN SHOWN.
- 9. THIS PLAT DOES NOT ATTEMPT TO AMEND OR REMOVE ANY VALID COVENANTS OR RESTRICTIONS.
- 10. THE BUILDING LINES SHOWN ON THIS PLAT SHALL BE IN ADDITION TO, AND SHALL NOT LIMIT OR REPLACE, ANY BUILDING LINES REQUIRED BY THE CITY OF BRENHAM CODE OF ORDINANCES AT THE TIME OF THE DEVELOPMENT OF THE PROPERTY.

Development Services and Engineering have reviewed this replat for compliance with applicable City of Brenham regulations and ordinances of the City of Brenham, Texas and **recommends approval** of this plat as presented.

EXHIBITS:

- A. Proposed Replat



SCALE: 1" = 200'



OVERALL LAYOUT

LEGEND

- FOUND 5/8" IRON ROD WITH ID. CAP (HODDE & HODDE LAND SURVEYING) UNLESS OTHERWISE NOTED
- BOUNDARY LINES
- - - EASEMENT LINES
- BUILDING LINES

LINE TABLE

NUM	BEARING	DISTANCE	NUM	BEARING	DISTANCE
L1	N 17°32'49" W	130.06'	L26	S 73°59'48" E	25.00'
L2	S 74°47'56" W	14.92'	L27	S 16°00'12" W	135.74'
L3	N 17°12'25" W	121.35'	L28	S 73°59'48" E	4.16'
L4	S 73°42'29" E	72.12'	L29	N 72°23'13" E	81.70'
L5	S 73°42'29" E	130.75'	L30	S 16°00'12" W	12.01'
L6	S 16°17'31" W	94.27'	L31	S 72°23'45" W	75.05'
L7	S 73°59'48" E	118.62'	L32	S 16°00'12" W	31.70'
L8	S 16°00'12" W	132.33'	L33	S 16°00'12" W	16.10'
L9	N 15°56'54" E	230.08'	L34	S 83°36'33" E	3.91'
L10	S 3°08'24" E	43.41'	L35	S 72°23'45" W	52.16'
L11	N 86°18'43" W	60.00'	L36	N 17°36'15" W	15.00'
L12	S 23°46'15" W	65.94'	L37	N 72°23'45" E	57.50'
L13	N 73°48'05" W	112.43'	L38	S 83°36'33" E	26.53'
L14	N 16°17'25" E	193.05'	L39	N 72°23'45" E	51.67'
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L17	S 19°49'44" W	232.12'	L42	N 17°36'15" W	2.00'
L18	S 23°36'58" W	358.42'	L43	N 17°36'15" W	10.00'
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L23	S 3°24'32" W	10.00'	L48	N 17°36'15" W	72.99'
L24	S 72°23'45" W	19.70'	L49	S 0°45'19" E	26.23'
L25	N 16°00'12" E	133.72'	L50	S 17°36'15" E	4.19'

CURVE TABLE

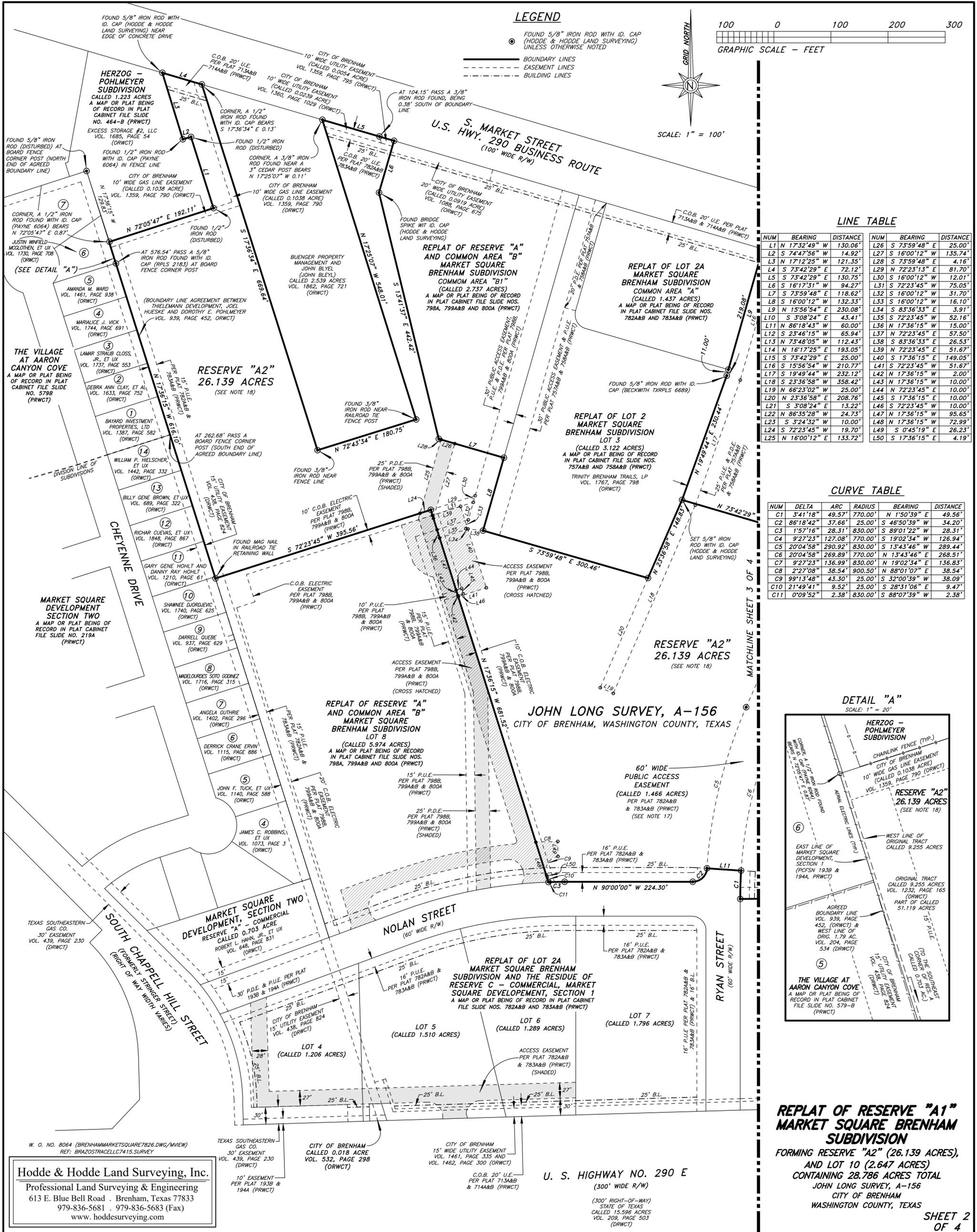
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REPLAT OF RESERVE "A1" MARKET SQUARE BRENHAM SUBDIVISION

FORMING RESERVE "A2" (26.139 ACRES), AND LOT 10 (2.647 ACRES) CONTAINING 28.786 ACRES TOTAL JOHN LONG SURVEY, A-156 CITY OF BRENHAM WASHINGTON COUNTY, TEXAS

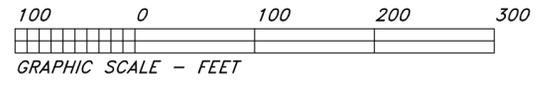
W. O. NO. 8064 (BRENHAMMARKETSQUARE7826.DWG/MVIEW)
REF: BRAZOSTRACELLC7415.SURVEY

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LEGEND

- FOUND 5/8" IRON ROD WITH ID. CAP (HODDE & HODDE LAND SURVEYING) UNLESS OTHERWISE NOTED
- BOUNDARY LINES
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- BUILDING LINES



SCALE: 1" = 100'

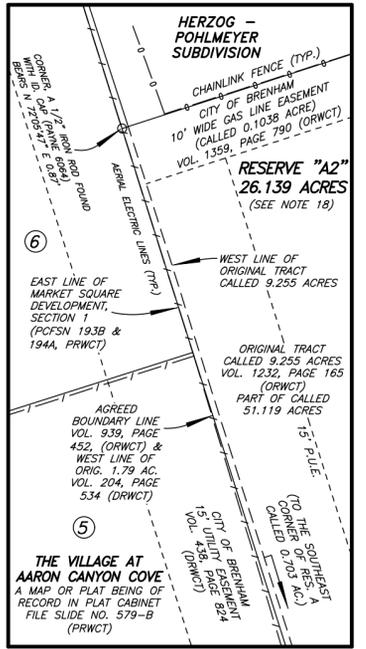
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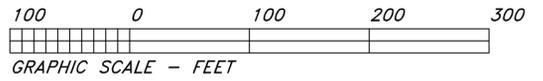
DETAIL "A"



REPLAT OF RESERVE "A1" MARKET SQUARE BRENHAM SUBDIVISION
 FORMING RESERVE "A2" (26.139 ACRES), AND LOT 10 (2.647 ACRES) CONTAINING 28.786 ACRES TOTAL
 JOHN LONG SURVEY, A-156
 CITY OF BRENHAM
 WASHINGTON COUNTY, TEXAS

Hodde & Hodde Land Surveying, Inc.
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U. S. HIGHWAY NO. 290 E
 (300' WIDE R/W)
 (300' RIGHT-OF-WAY)
 STATE OF TEXAS
 CALLED 15.596 ACRES
 VOL. 209, PAGE 503 (DRWCT)



SCALE: 1" = 100'

LEGEND

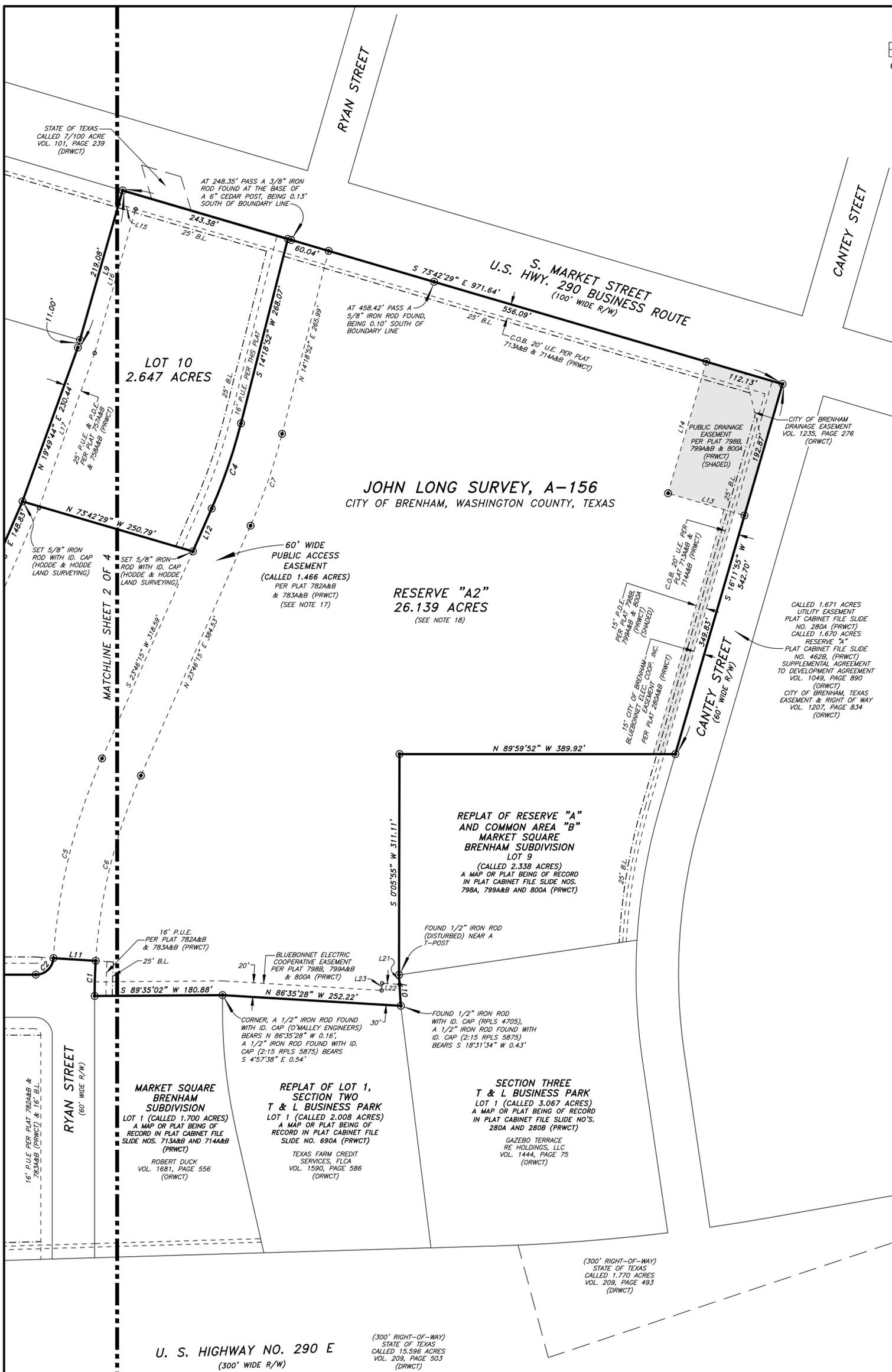
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**REPLAT OF RESERVE "A1"
MARKET SQUARE BRENHAM
SUBDIVISION**
FORMING RESERVE "A2" (26.139 ACRES),
AND LOT 10 (2.647 ACRES)
CONTAINING 28.786 ACRES TOTAL
JOHN LONG SURVEY, A-156
CITY OF BRENHAM
WASHINGTON COUNTY, TEXAS

W. O. NO. 8064 (BRENHAMMARKETSQUARE7826.DWG/MVIEW)
REF: BRAZOSTRACELL7415.SURVEY

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NOTES:

- 1. THE BEARINGS SHOWN HEREON ARE RELATIVE TO THE TEXAS STATE PLANE GRID SYSTEM, NAD-83 {2011}, CENTRAL ZONE 4203. CONVERGENCE ANGLE AT N: 10037905.626' - E: 3544925.146' IS 2'-02"-04.23", COMBINED SCALE FACTOR IS 0.99998033, U.S. SURVEY FEET, UTILIZING TXDOT CONTROL MONUMENTS FOR U.S. HWY. 290. DISTANCES SHOWN HEREON ARE GROUND DISTANCES.
- 2. NO PART OF THE SUBJECT PROPERTY LIES WITHIN THE SPECIAL FLOOD HAZARD AREA ACCORDING TO THE FLOOD INSURANCE RATE MAP (FIRM) AS COMPILED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY, NATIONAL FLOOD INSURANCE PROGRAM, MAP NUMBERS 48477C0295C AND 48477C0315C, EFFECTIVE DATE AUGUST 16, 2011, CITY OF BRENHAM, WASHINGTON COUNTY, TEXAS.
- 3. THIS SURVEY WAS PERFORMED IN CONJUNCTION WITH WASHINGTON COUNTY ABSTRACT COMPANY, TITLE REPORT FILE NUMBER WCTP2200434, DATED NOVEMBER 28, 2022, AT 8:00 AM.
- 4. SUBJECT TO COVENANTS, CONDITIONS, RESTRICTIONS, RESERVATIONS, EASEMENTS AND BUILDING LINES APPLICABLE TO T&L BUSINESS PARK, AS RECORDED IN PLAT CABINET FILE SLIDE NO. 462B, IN THE PLAT RECORDS OF WASHINGTON COUNTY, TEXAS, POHLMAYER SUBDIVISION, AS RECORDED IN PLAT CABINET FILE SLIDE NO. 463A, IN THE PLAT RECORDS OF WASHINGTON COUNTY, TEXAS, MARKET SQUARE BRENHAM SUBDIVISION, AS RECORDED IN PLAT CABINET FILE SLIDE NOS. 713A, 713B, 714A & 714B, IN THE PLAT RECORDS OF WASHINGTON COUNTY, TEXAS, REPLAT OF LOT 2, MARKET SQUARE BRENHAM SUBDIVISION, AS RECORDED IN PLAT CABINET FILE SLIDE NOS. 757A, 757B, 758A & 758B, IN THE PLAT RECORDS OF WASHINGTON COUNTY, TEXAS, REPLAT OF LOT 2A, MARKET SQUARE BRENHAM SUBDIVISION AND THE RESIDUE OF RESERVE C - COMMERCIAL, MARKET SQUARE DEVELOPMENT, SECTION 1, AS RECORDED IN PLAT CABINET FILE SLIDE NOS. 782A, 782B, 783A & 783B, IN THE PLAT RECORDS OF WASHINGTON COUNTY, TEXAS AND REPLAT OF RESERVE "A" AND COMMON AREA "B", MARKET SQUARE BRENHAM SUBDIVISION, AS RECORDED IN PLAT CABINET FILE SLIDE NOS. 798B, 799A, 799B & 800A, IN THE PLAT RECORDS OF WASHINGTON COUNTY, TEXAS.
- 5. SUBJECT TO DECLARATION OF COVENANTS, CONDITIONS, RESTRICTIONS, AND ACCESS RIGHTS OF MARKET SQUARE BRENHAM, AS RECORDED IN VOLUME 1681, PAGE 469, IN THE OFFICIAL RECORDS OF WASHINGTON COUNTY, TEXAS.
- 6. SUBJECT TO AMENDED AND RESTATED DECLARATION OF COVENANTS, CONDITIONS, RESTRICTIONS, AND ACCESS RIGHTS OF MARKET SQUARE BRENHAM SUBDIVISION, BRENHAM, WASHINGTON COUNTY, TEXAS, AS RECORDED IN VOLUME 1803, PAGE 694, IN THE OFFICIAL RECORDS OF WASHINGTON COUNTY, TEXAS.
- 7. SECOND AMENDED AND RESTATED DECLARATION OF COVENANTS, CONDITIONS, RESTRICTIONS, AND ACCESS RIGHTS OF MARKET SQUARE BRENHAM SUBDIVISION, BRENHAM, WASHINGTON COUNTY, TEXAS, AS RECORDED IN VOLUME 1867, PAGE 650, IN THE OFFICIAL RECORDS OF WASHINGTON COUNTY, TEXAS.
- 8. SUBJECT TO RIGHT OF WAY DEED DATED FEBRUARY 11, 1929, EXECUTED BY WILL KOLWES TO M&M PIPE LINE COMPANY, AS RECORDED IN VOLUME 95, PAGE 6, IN THE DEED RECORDS OF WASHINGTON COUNTY, TEXAS. {NOT DETERMINABLE FROM DESCRIPTION PROVIDED}
- 9. SUBJECT TO RIGHT OF WAY GRANT DATED FEBRUARY 23, 1954, EXECUTED BY WILL KOLWES, SR. TO TEXAS SOUTHEASTERN GAS COMPANY, AS RECORDED IN VOLUME 197, PAGE 455, IN THE DEED RECORDS OF WASHINGTON COUNTY, TEXAS. {NOT PLOTTABLE}
- 10. SUBJECT TO EASEMENT DATED AUGUST 13, 1946, EXECUTED BY WILL KOLWES TO L. HAUSMAN, AS RECORDED IN VOLUME 149, PAGE 222, IN THE DEED RECORDS OF WASHINGTON COUNTY, TEXAS. {NOT PLOTTABLE}
- 11. THERE IS ALSO DEDICATED FOR UTILITIES AN UNOBSTRUCTED AERIAL EASEMENT FIVE (5) FEET WIDE FROM A PLANE TWENTY (20) FEET ABOVE THE GROUND UPWARD, LOCATED ADJACENT TO THE EASEMENTS SHOWN HEREON.
- 12. ALL OIL/GAS PIPELINES OR PIPELINE EASEMENTS WITH OWNERSHIP THROUGH THE SUBDIVISION HAVE BEEN SHOWN BASED ON ABOVE GROUND EVIDENCE, TEXAS RAILROAD COMMISSION DATA AND TITLE REPORT DATED NOVEMBER 28, 2022.
- 13. ALL OIL/GAS WELLS WITH OWNERSHIP (PLUGGED, ABANDONED, AND/OR ACTIVE) THROUGH THE SUBDIVISION HAVE BEEN SHOWN BASED ON ABOVE GROUND EVIDENCE, TEXAS RAILROAD COMMISSION DATA AND TITLE REPORT DATED NOVEMBER 28, 2022.
- 14. NO BUILDING OR STRUCTURE SHALL BE CONSTRUCTED ACROSS ANY PIPELINES, BUILDING LINES, AND/OR EASEMENTS. BUILDING SETBACK LINES WILL BE REQUIRED ADJACENT TO OIL/GAS PIPELINES. THE SETBACKS AT A MINIMUM SHOULD BE 15 FEET OFF CENTERLINE OF LOW PRESSURE GAS LINES, AND 30 FEET OFF CENTERLINE OF HIGH PRESSURE GAS LINES.
- 15. THIS PLAT DOES NOT ATTEMPT TO AMEND OR REMOVE ANY VALID COVENANTS OR RESTRICTIONS.
- 16. THE BUILDING LINES SHOWN ON THIS PLAT SHALL BE IN ADDITION TO, AND SHALL NOT LIMIT OR REPLACE, ANY BUILDING LINES REQUIRED BY THE CITY OF BRENHAM CODE OF ORDINANCES AT THE TIME OF THE DEVELOPMENT OF THE PROPERTY.
- 17. THE 60 FEET WIDE PUBLIC ACCESS EASEMENT (CALLED 1.466 ACRES) PER PLAT OF MARKET SQUARE BRENHAM SUBDIVISION AND THE RESIDUE OF RESERVE C - COMMERCIAL, MARKET SQUARE DEVELOPMENT, SECTION 1, AS RECORDED IN PLAT CABINET FILE SLIDE NOS. 782A, 782B, 783A & 783B, IN THE PLAT RECORDS OF WASHINGTON COUNTY, TEXAS WILL BE DEDICATED TO THE CITY OF BRENHAM AS A PUBLIC STREET AT A FUTURE DATE.
- 18. BEFORE DEVELOPMENT OF RESERVE "A2" (26.139 ACRES), A PLAT OF THE TRACT SHALL BE SUBMITTED TO THE CITY FOR REVIEW AND APPROVAL ACCORDING TO THE DEVELOPMENT CODE OF THE CITY OF BRENHAM.
- 19. (DRWCT) DENOTES DEED RECORDS OF WASHINGTON COUNTY, TEXAS.
(ORWCT) DENOTES OFFICIAL RECORDS OF WASHINGTON COUNTY, TEXAS.
(PRWCT) DENOTES PLAT RECORDS OF WASHINGTON COUNTY, TEXAS.
(PCFSN) DENOTES PLAT CABINET FILE SLIDE NO.
B.L. DENOTES BUILDING LINE
U.E. DENOTES UTILITY EASEMENT
P.U.E. DENOTES PUBLIC UTILITY EASEMENT
D.E. DENOTES DRAINAGE EASEMENT
P.D.E. DENOTES PUBLIC DRAINAGE EASEMENT
C.O.B. DENOTES CITY OF BRENHAM

SURVEY MAP

SHOWING A SURVEY AND REPLAT FORMING RESERVE "A2" (26.139 ACRES) AND LOT 10 (2.647 ACRES), LYING AND BEING SITUATED IN THE CITY OF BRENHAM, WASHINGTON COUNTY, TEXAS, PART OF THE JOHN LONG SURVEY, A-156. SAID RESERVE "A2" (26.139 ACRES) AND LOT 10 (2.647 ACRES) BEING PART OF RESERVE "A1" (CALLED 28.786 ACRES) OF THE REPLAT OF RESERVE "A" AND COMMON AREA "B", MARKET SQUARE BRENHAM SUBDIVISION, A MAP OR PLAT OF SAID SUBDIVISION BEING OF RECORD IN PLAT CABINET FILE SLIDE NOS. 798B, 799A, 799B & 800A, IN THE PLAT RECORDS OF WASHINGTON COUNTY, TEXAS. SAID RESERVE "A2" (26.139 ACRES) BEING PART OF THE SAME LAND DESCRIBED AS 51.119 ACRES IN THE DEED FROM THE FIRST BAPTIST CHURCH OF BRENHAM, TEXAS TO BRENHAM MARKET SQUARE, LP, DATED AUGUST 27, 2018, AS RECORDED IN VOLUME 1644, PAGE 324, IN THE OFFICIAL RECORDS OF WASHINGTON COUNTY, TEXAS, BEING CORRECTED IN INSTRUMENT DATED AUGUST 31, 2018, AS RECORDED IN VOLUME 1645, PAGE 90, IN THE OFFICIAL RECORDS OF WASHINGTON COUNTY, TEXAS, AND BEING PART OF THE SAME LAND DESCRIBED AS 1.071 ACRES IN DEED FROM RUSSELL SCHRADER AND SPOUSE, BROOKE SCHRADER TO BRENHAM MARKET SQUARE, LP, DATED JUNE 25, 2020, AS RECORDED IN VOLUME 1727, PAGE 904, IN THE OFFICIAL RECORDS OF WASHINGTON COUNTY, TEXAS. SAID LOT 10 (2.647 ACRES) BEING PART OF THE SAME LAND DESCRIBED AS 51.119 ACRES IN THE DEED FROM THE FIRST BAPTIST CHURCH OF BRENHAM, TEXAS TO BRENHAM MARKET SQUARE, LP, DATED AUGUST 27, 2018, AS RECORDED IN VOLUME 1644, PAGE 324, IN THE OFFICIAL RECORDS OF WASHINGTON COUNTY, TEXAS, BEING CORRECTED IN INSTRUMENT DATED AUGUST 31, 2018, AS RECORDED IN VOLUME 1645, PAGE 90, IN THE OFFICIAL RECORDS OF WASHINGTON COUNTY, TEXAS.

CERTIFICATION

THE STATE OF TEXAS
COUNTY OF WASHINGTON

I, JON E. HODDE, REGISTERED PROFESSIONAL LAND SURVEYOR, NO. 5197 OF THE STATE OF TEXAS, DO HEREBY CERTIFY THAT THIS MAP SHOWING A SURVEY AND REPLAT OF 28.786 ACRES OF LAND IS TRUE AND CORRECT IN ACCORDANCE WITH AN ACTUAL SURVEY MADE ON THE GROUND UNDER MY PERSONAL DIRECTION AND SUPERVISION.
DATED THIS THE 1ST DAY OF DECEMBER, 2022, A.D.

(PRELIMINARY)

JON E. HODDE, RPLS NO. 5197
DATE: DECEMBER 1, 2022

THE PURPOSE OF THIS DOCUMENT IS FOR
PRELIMINARY REVIEW ONLY.
PRELIMINARY, THIS DOCUMENT SHALL NOT
BE RECORDED FOR ANY PURPOSE.

(PRELIMINARY)

JON E. HODDE
REGISTERED PROFESSIONAL
LAND SURVEYOR NO. 5197
HODDE & HODDE LAND SURVEYING, INC.
613 EAST BLUE BELL ROAD
BREHMAN, TEXAS 77833
(979)-836-5681
TBPE&LS SURVEY FIRM REG. NO. 10018800

OWNER ACKNOWLEDGMENT

WE, BRENHAM MARKET SQUARE, LP, THE OWNERS OF THE LAND DESCRIBED HEREON AND WHOSE NAMES ARE SUBSCRIBED HERETO, DO HEREBY ACKNOWLEDGE THE CHANGES TO SAID PROPERTY IN ACCORDANCE WITH THE PLAT SHOWN HEREON. THE PLATTED PROPERTY REMAINS SUBJECT TO EXISTING DEDICATIONS, COVENANTS, RESTRICTIONS AND EASEMENTS EXCEPT AS SHOWN OR STATED HEREON.

BY: _____
(SIGNATURE)

(PRINTED NAME & TITLE)

NOTARY PUBLIC ACKNOWLEDGMENT

THE STATE OF TEXAS

COUNTY OF _____

THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME ON THE _____

DAY OF _____, 2022, BY _____

NOTARY PUBLIC, STATE OF TEXAS

(SEAL)

LIENHOLDERS' ACKNOWLEDGMENT AND SUBORDINATION STATEMENT

WE, EXTRACO BANKS, N.A., THE OWNERS AND HOLDERS OF A LIEN AGAINST THE PROPERTY DESCRIBED HEREON, DO HEREBY IN ALL THING SUBORDINATE TO SAID PLAT OF WASHINGTON COUNTY, TEXAS. SAID LIEN AND WE HEREBY CONFIRM THAT WE ARE THE PRESENT OWNER OF SAID LIEN AND HAVE NOT ASSIGNED THE SAME NOR ANY PART THEREOF.

BY: _____
(SIGNATURE)

(PRINTED NAME & TITLE)

NOTARY PUBLIC ACKNOWLEDGMENT

THE STATE OF TEXAS

COUNTY OF _____

THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME ON THE _____

DAY OF _____, 2022, BY _____

NOTARY PUBLIC, STATE OF TEXAS

(SEAL)

PLANNING AND ZONING COMMISSION APPROVAL

APPROVED THIS _____ DAY OF _____, 2022 BY
THE PLANNING AND ZONING COMMISSION OF THE CITY OF BRENHAM, TEXAS.

CHAIRMAN

SECRETARY

COUNTY CLERK FILING ACKNOWLEDGMENT STATEMENT

THE STATE OF TEXAS §
COUNTY OF WASHINGTON §

I, _____, CLERK OF THE COUNTY COURT OF WASHINGTON COUNTY, TEXAS DO HEREBY CERTIFY THAT THE WITHIN INSTRUMENT WITH ITS CERTIFICATE OF AUTHENTICATION WAS FILED FOR REGISTRATION IN MY OFFICE ON THE _____ DAY OF _____, 2_____, AT _____ O'CLOCK. ____M., AND DULY RECORDED ON THE _____ DAY OF _____, 2_____, AT _____ O'CLOCK. ____M. IN CABINET _____ SHEET _____ OF RECORD IN THE PLAT RECORDS OF WASHINGTON COUNTY, TEXAS.

WITNESS MY HAND AND SEAL OF OFFICE, AT BRENHAM, WASHINGTON COUNTY, TEXAS, THE DAY AND DATE LAST ABOVE WRITTEN.

CLERK OF THE COUNTY COURT
WASHINGTON COUNTY, TEXAS

W. O. NO. 8064 (BREHMANMARKETSQUARE7826.DWG/MVIEW)
REF: BRAZOSTRACELLC7415.SURVEY

Hodde & Hodde Land Surveying, Inc.

Professional Land Surveying & Engineering
613 E. Blue Bell Road . Brenham, Texas 77833
979-836-5681 . 979-836-5683 (Fax)
www.hoddesurveying.com

**REPLAT OF RESERVE "A1"
MARKET SQUARE BRENHAM SUBDIVISION**
FORMING RESERVE "A2" (26.139 ACRES) AND LOT 10 (2.647 ACRES)
CONTAINING 28.786 ACRES TOTAL
JOHN LONG SURVEY, A-156,
CITY OF BRENHAM,
WASHINGTON COUNTY, TEXAS

OWNER/DEVELOPER
BREHMAN MARKET SQUARE, LP
1722 BROADMOOR DRIVE, SUITE 212
BRYAN, TEXAS 77802
PHN. 979-774-2900

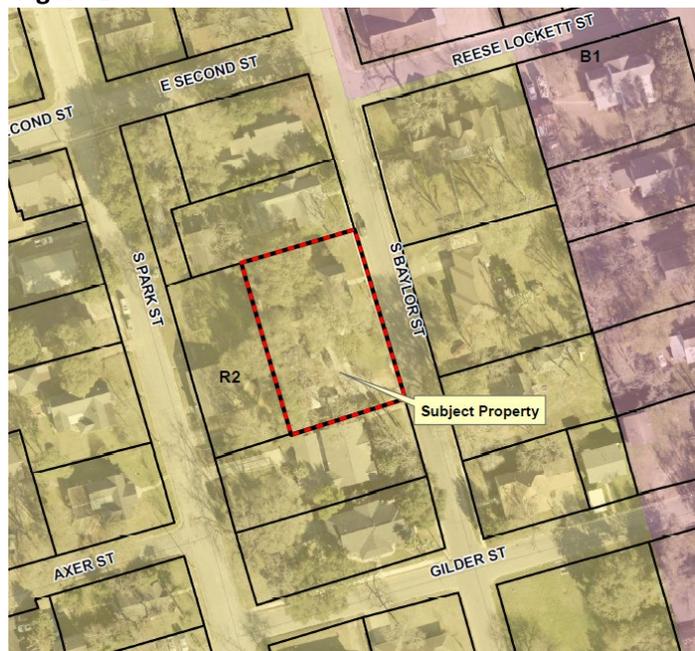
CASE NUMBER P-22-027
SPECIFIC USE PERMIT REQUEST – ACCESSORY DWELLING UNIT

STAFF CONTACT:	Shauna Laauwe AICP, City Planner
APPLICANT/OWNER:	Chris and Deanna Marek
ADDRESS/LOCATION:	604 S. Baylor Street
LEGAL DESCRIPTION:	E PT 3A, E PT 4A, Block 91 Original Town Addition
LOT AREA:	16,798 square feet, approximately 0.386-acres
ZONING DISTRICT/USE:	R-2 Mixed Residential District (Exhibit B)
FUTURE LAND USE:	Single-Family Residential (Exhibit C)
REQUEST:	A request for a Specific Use Permit to allow a proposed Accessory Dwelling Unit (ADU) in a R-2 Mixed Residential Zoning District (Exhibit D).

BACKGROUND:

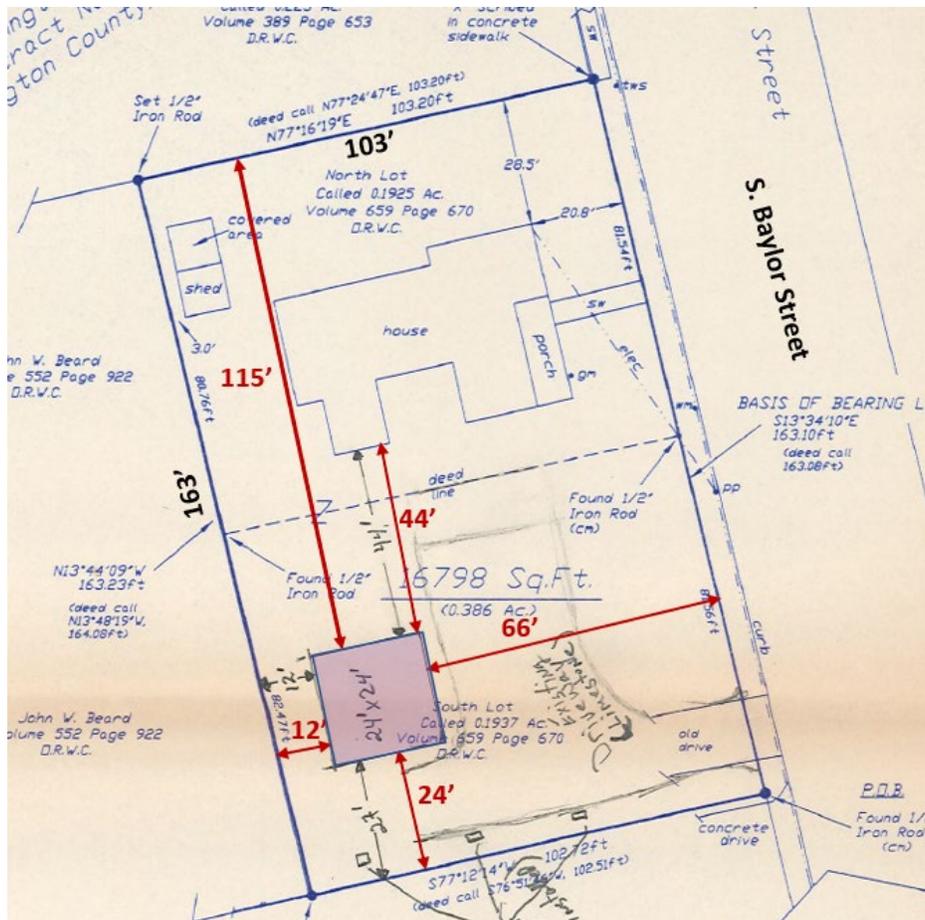
The subject property is a 16,798 square foot (0.386-acre) lot that is addressed as 604 S. Baylor Street, and generally located on the west side of S. Baylor Street, south of E. Second Street and north of Gilder Street. As shown in Figure 1, the property is a rectangular shaped lot that is approximately 163 feet wide along S. Baylor Street and 103 feet in depth. The property is zoned R-2, Mixed Residential Use District and is developed with a 1,743 square foot single-family home and three storage sheds. The existing principal structure was constructed in 1882 and is situated on the northern half of the lot, nearest E. Second Street. The applicants propose to demolish an existing metal storage shed located near the south property line and construct a new 24'x24', (576 square feet), single-story detached accessory dwelling unit (ADU). As detailed in Figure 2 and Exhibit E, the proposed ADU structure will be located on the south portion of the property, 44 feet from the principal house, and setback 66.72 feet from the front property

Figure 1



line along S. Baylor Street, approximately 115 feet from the north side property line, 27 feet from the south side property line, and 12 feet from the rear property line. An existing driveway located on the south end of the lot would be utilized as access and parking. The existing limestone driveway would be required to be an impervious surface of either asphalt or concrete. The applicants state that they plan to utilize the ADU to accommodate guests and to rent as a short-term rental.

Figure 2



The proposed ADU floorplan is not finalized, but the applicant states that it will be a 2-3 bedroom with a 1 or 1 1/2 bathroom. The proposed structure would be a pier and beam foundation like the principal house and have a composition roof, and the same type of siding as the principal home consisting of real wood, smart board and/or hardiplank. The applicant also states that the ADU would be painted in the same colors as the principal house. The proposed ADU would utilize the existing driveway and have a parking space on the south side of the structure. The parking area will need to be improved with an impervious surface of either asphalt or pavement. When improved to an impervious surface, the proposed off-street parking will likely provide ample parking area for the residents and guests of both the principal structure and accessory dwelling unit. Furthermore, the proposed ADU will be placed 66 feet from the front yard setback along S. Baylor Street and would exceed the minimum required 10-foot south side yard setback by 14 feet and the minimum required 10-foot rear yard setback by 2 feet.

Before a building permit may be issued, the subject property that currently consists of two tracts of land will be required to be replatted into one lot. This is required due to an accessory structure being unable to be the only structure on a lot. Plats are approved by the Planning and Zoning Commission.

The R-2 District allows accessory dwelling units (ADUs) with prior approval of a Specific Use Permit (SUP). Thus, the applicants are seeking a SUP to allow for the construction of a 576 square foot accessory dwelling unit on a 0.386-acre tract of land in a R-2, Mixed Residential Use District.

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 an approximately 0.386-acre tract and generally located on the west side of S. Baylor Street and is situated mid-block between E. Second Street to the north and Gilder Street to the south. The subject property, and all surrounding properties are located within a R-2, Mixed Residential District that allows for a mix of residential uses to include single family and two-family dwellings, in addition to multifamily dwellings on sites of less than two acres. The subject property and adjacent properties are developed as single-family homes. Further to the east and northeast, across Reese Lockett Street to the north and along S. Market Street to the east is zoned B-1, Local Business Mixed Residential District and developed as a mix of single-family, multifamily, and neighborhood commercial. Further to the north transitions into the Downtown Districts.

The applicants are requesting a SUP to allow the construction of a 24'x24' (576 square feet), one-story detached Accessory Dwelling Unit (ADU) on the south portion of the existing lot. The allowance and standards for ADUs were adopted within in the Zoning Regulations with Ordinance No. O-19-012 that was approved on March 7, 2019. The adopted regulations allow any homeowner living on a single-family or mixed residential zoned property to build an ADU with prior approval of a Specific Use Permit and a building permit. Any homeowner or business owner located in a B-1 zoning district may build an ADU with a building permit. Section 10.02(4) of the Zoning Regulations lists additional development standards that pertain to ADUs:

- a) Should the primary use be a single-family dwelling, the property owner's primary residence shall be the single-family dwelling or ADU.

The applicants/property owners will utilize the existing single-family dwelling as their primary residence.

- b) An ADU must be designed and constructed keeping with the general architecture and building material of the principal structure.

The proposed addition will be in the same general architecture style and building material of the principal structure.

- c) An attached ADU shall be subject to the regulations affecting the principal structure. A detached ADU shall have side yards of not less than the required side yard for the principal structure and rear yards of not less than ten (10) feet.

The proposed ADU exceeds the rear and side yard setback requirements with a rear yard setback of 12-feet, a south side yard setback of 27-feet and a north side yard setback of approximately 115 feet.

- d) One (1) on-site parking space, located to the side or rear of the primary structure, shall be provided for the ADU in addition to the required parking for the principal structure.

The site has driveway access via S. Baylor Street. The applicant proposes to utilize the existing nonconforming limestone parking area located to the south of the principal structure. With the proposed site improvements, the parking area will be required to be converted to an impervious surface of either asphalt or concrete. The proposed parking area would provide for one 9'x19' off-street parking space.

- e) The maximum habitable area of an ADU is limited to either one-half (1/2) of the habitable area of the principal structure, or one thousand (1,000) square feet, whichever is smaller.

The principal structure is 1,743 square feet in area and the proposed ADU is 576 square feet, less than ½ of the habitable area of the principal structure.

- f) ADUs shall not be HUD-code manufactured home or mobile home.

The proposed ADU will not be a HUD-code manufactured home or mobile home.

The SUP process allows staff to identify additional land uses, which may be appropriate in special circumstances. The proposed structure is to be utilized as a short-term rental and as an accommodation for guests. The applicant provided site plan indicates that the structure will have a proposed setback of over 66 feet from S. Baylor Street. The proposed structure will not be out of character with the surrounding neighborhood as it is proposed to be of similar pier and beam construction with comparable siding, paint color and roof composition shingles as the principal structure and nearby properties.

Staff recommends approval of the SUP request as the proposed ADU will be compatible with small-town attributes that make Brenham a special place for its citizens to live as it complies with the development standards for accessory dwelling units and staff is unable to identify any adverse impacts to the surrounding neighborhood.

- (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 Historic Past, Bold Future 2040 Comprehensive Plan suggests the subject property and the area on the west side of S. Baylor Street as single-family residential, while the area located to the east side of S. Baylor Street is envisioned as Corridor Mixed Use. To the north of East Second Street, the area transitions to Downtown uses. The subject property and surrounding area are currently developed as single-family uses. The requested SUP would not deter from the envisioned use. 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 has existing utilities available along S. Baylor Street. ADUs are an opportunity to increase density in a compatible manner within a residential area as they do not require additional infrastructure to be built to accommodate the new dwelling unit.

- (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 December 8, 2022. The Notice of Public Hearing was published in the Brenham Banner on December 8, 2022. As of December 15, 2022, Staff has received one written citizen comment form in favor of the request and one citizen comment form against the request regarding the proposed ADU. Any additional forms or written comments received after the staff report is complete, will be presented at the Planning and Zoning Commission meeting.

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 ensure that adequate open space is preserved as residential and commercial development and redevelopment occur.

If approved, the property will be required to adhere to the regulations of the R-2 District to include, the accessory dwelling unit development standards, minimum building setbacks and maximum impervious coverage requirements. The applicant has submitted a site plan (Exhibit E) which depicts the proposed location of the ADU and access. The R-2 District allows for greater density of residential units with a mix of residential uses to include single family and two-family dwellings, and multifamily dwellings on sites of less than two acres. As the subject property is 16,798 square feet and is equivalent or larger than the surrounding residential properties, only a minimal increase in density will occur. An increase in impervious cover will occur, as the development improvement will require the existing nonconforming limestone off-street parking area and driveway to be improved to an impervious surface. Even so, 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 ensure 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 residents.

Staff finds that the requested land use is appropriate in this location given adjacent zoning designations, existing development in the vicinity, and conformance with the City's adopted Comprehensive Plan. The proposed use is also in line with the Future Land Use Plan. Prior to approval of a building permit to construct the proposed ADU the applicant is required to replat the property into one lot for the primary residence and ADU. Replatting the property for the proposed accessory dwelling unit is required to meet the zoning and subdivision regulations that an accessory structure may not be the principal structure on a platted lot.

- (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 and the surrounding vicinity are located within a R-2 District, that allows for a mix of residential uses to include single family and two-family dwellings, and multifamily dwellings on sites of less than two acres. The Future Land Use Map, as part of the Comprehensive Plan adopted in September 2019, envisions the subject property and the area on the west side of S. Baylor Street as single-family residential, while the area located to the east side of S. Baylor Street is envisioned as Corridor Mixed Use. To the north of East Second Street, the area transitions to Downtown commercial uses. The subject property and surrounding area are currently developed as single-family uses.

The ADU use would not be out of character with the surrounding vicinity of predominately single-family homes and commercial uses further to the north and east. Staff finds that the proposed ADU is compatible to nearby land uses and is 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 to allow for further development of the property with an ADU will promote the orderly and healthful development of the community. This request, to allow a proposed 24'x24' (576 square foot) detached accessory structure to be located on the south portion of the large 0.386-acre lot, will not 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 and will be compatible with anticipated uses surrounding this property. The proposed ADU would be located on the south side of the property and exceed the minimum required setbacks. The applicant proposes to either rent out the ADU for additional income or use as a guest house. The proposed structure meets the development standards set forth in the zoning ordinance and is in character with both the principal structure and nearby residential properties. The applicant would be required to submit a building permit for the ADU and meet all applicable building and fire code requirements.

- (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 for a 576 square foot, one- or two-bedroom, one bath detached ADU to be located on the south portion of the existing property that would provide supplemental income or be utilized as a guest house for the property owners. Commercial property is located to the east and northeast within a B-1, Local Business Mixed Residential Use District and developed as a variety of residential and neighborhood commercial uses. Vacant commercial properties are located within the surrounding neighborhood, to the northeast along S. Market Street near Reese Lockett Street. Vacant commercial properties are also located in the vicinity to the north within the B-3 and DBROD Downtown Districts. Staff finds 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 currently developed as a single-family home within a R-2, Mixed Residential District. 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 in a compatible, legally conforming manner.

(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 for a detached accessory dwelling unit to be located within a R-2 Mixed Residential Use Zoning District for the subject 0.386-acre tract of land that is located at 604 S. Baylor Street and legally described as E PT 3A, E PT 4A, Block 91, Original Town Addition **with the following conditions:**

1. The subject tract, which is currently platted as two lots, shall be replatted into one residential lot with approval by the Planning and Zoning Commission.
2. Proposed off-street parking area and driveway shall be improved to an impervious surface of either asphalt or concrete.

EXHIBITS:

- A. Aerial Map
- B. Zoning Map
- C. Future Land Use Map
- D. Cover Letter to the Commission
- E. Site Plan
- F. Site photos

EXHIBIT "A"
AERIAL MAP



**Aerial Location Map
604 S Baylor Street
Specific Use Permit Request**



1 inch = 83 feet

EXHIBIT "B"
ZONING MAP



Zoning Map
604 S Baylor Street
Specific Use Permit Request



-  B1 Local Business Mixed
-  Downtown Business/Residential Overlay District
-  R2 Mixed Residential



1 inch = 83 feet

EXHIBIT "C"
FUTURE LAND USE MAP



Future Land Use Plan
FLU_FINAL

-  Single Family Residential
-  Multi-Family Residential
-  Corridor Mixed Use
-  Downtown

Future Land Use Map
604 S Baylor Street
Specific Use Permit Request



1 inch = 83 feet

EXHIBIT "D"
SUP APPLICATION COVER LETTER

November 16, 2022

Planning and Zoning Commission:

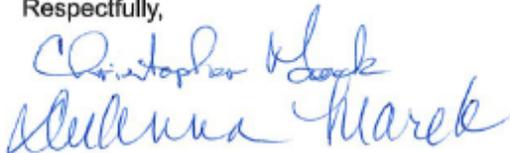
We, Chris and DeeAnna Marek, would like to construct a 24' x 24' building on the southwest section of our property, located at 604 S. Baylor St., Brenham. We have been in our home since January 2000 and have raised 5 children in the main dwelling and love this town!

This will be used as an ADU (Accessory Dwelling Unit) for the purpose to allow out of town visitors, as well as an AirBnB. We would like to share the area with others and have them feel what it is like to live here while being Hosts to our guests and/or family.

The building will be constructed on a pier and beam foundation, Smartboard lap siding for the exterior with a 6" reveal and a limited lifetime composition roof to mimic the main dwelling. The ADU will have approximately a 12' back yard, 27' left side yard and 45' right side yard. Parking will be in front of the building.

We thank you for your consideration.

Respectfully,



Christopher and DeeAnna Marek

EXHIBIT "E"
PROPOSED SITE PLAN

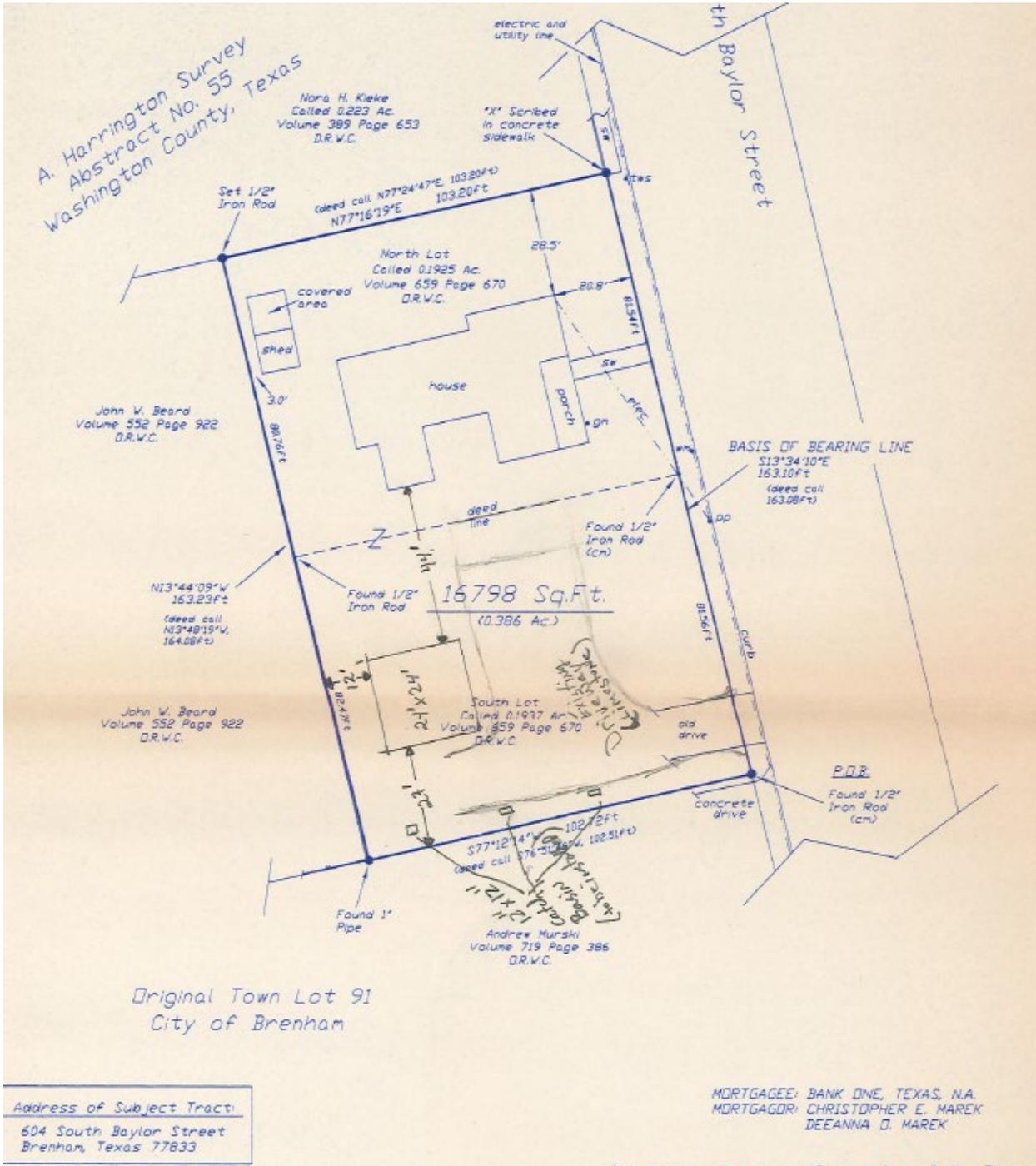


EXHIBIT "F"
SITE PHOTOS



Existing Principal Home



Metal shed is approximate location for the ADU. Can see the unimproved driveway, parking surface, and principal structure.



Existing metal storage shed to be removed.



Looking north on South Baylor Street towards Downtown



Looking south on South Baylor Street. Single-Family Residential properties.

CASE NUMBER P-22-031 AMENDMENT TO THOROUGHFARE PLAN MAP

REQUEST:

Mr. David Klingler owns 140-acres of land outside of the city limits, but within the City's Extraterritorial Jurisdiction (ETJ). The tract is generally located near the northeast city limits of Brenham, abutting the city limits line along the east side of Old Masonic Road, and being north of Brookside Drive and west of FM 2935. Mr. Klingler wishes to plat a 10.60-acre portion of his tract for the development of four (4) residential lots. As the property is within the ETJ, the proposed plat is approved through the Planning and Zoning Commission. During a preliminary review, it was found that the Thoroughfare Plan Map shows a proposed collector street going through the tract. Mr. Klingler is requesting that the proposed collector street, that would require an 80-foot right-of-way dedication at the time of platting, be removed from the official Thoroughfare Plan Map that was adopted in February 2022 as part of the overall Thoroughfare Plan. The overall Thoroughfare Plan report discusses, creates, and refines the existing Brenham Thoroughfare Plan Map, provides typical street sections for new development, highlights priority transportation projects, establishes a current truck routes map, proposes priority bicycle and pedestrian routes via an official map, and initiates a detailed traffic impact analysis guideline discussion for future implementation.

BACKGROUND and ANALYSIS:

The map shown in Figure 1 details the city limit line in red, the approximate location and configuration of a 10.60-acre portion of the Klingler tract to be platted depicted by a yellow dashed line, and the proposed collector street shown by a purple/black line. Both the 2014 and 2022 Thoroughfare Plan Maps indicate that the purple/black line shown in Figure 1 to be a proposed collector street that was envisioned to connect Scenic Street and Old Masonic Road to FM 2935. The Thoroughfare Plan and associated maps show both existing roadways and proposed roadways with classifications from local/residential streets, collector streets, to arterial streets and highways. Each street classification has an associated right-of-way width with residential streets being the least with 55-feet to arterials that have 105-feet of right-of-way. The adopted Thoroughfare



Maps are necessary to ensure a well-planned community as they account for existing and new development. The map serves as a projection of where roadways are required to serve a growing population and increased traffic demands in an attempt to mitigate unusual road alignments and connections. The adopted Thoroughfare Plan map also shows where existing roads may need to be extended and where new roads would be beneficial to accommodate future growth both within the city limits and ETJ. On the 2022 adopted Thoroughfare Map shown in Figure 2, the dashed lines are proposed roadways/extensions, while the solid lines are exiting streets. A mistake was made on the 2022 Map as the proposed collector in question is shown as solid line. When a developer wishes to develop and plat a tract of land, the zoning and future land use maps, as well as the Thoroughfare Map is consulted to see if the tract of land meets the intended use and regulations.



When a street is shown to border or go through a tract of land, the city requires right-of-way dedication as part of the plat. If the projected street abuts the property, half the dedication is requested from each abutting property owner as it is platted for development. In this case, the proposed collector street goes through the Klinger tract and would require an right-of-way dedication as it would totally be within the development and cross between proposed Lots 1 and 2 of the future plat (Exhibit C).

Mr. Klinger wishes for the projected collector street shown to traverse his property be removed from the adopted 2022 Thoroughfare Map as it could reduce the property values of the proposed platted lots. Staff finds that a collector street is not warranted at this location as it may not be feasible for Scenic Drive, an existing local/residential street, to serve as a connector to North Park Street to the west to FM 2935 to the east. An alternative connection between Old Masonic Road and FM 2935 will be researched and brought forward at later date.

PROPOSED AMENDMENTS:

Figure 3: Adopted Thoroughfare Plan Map

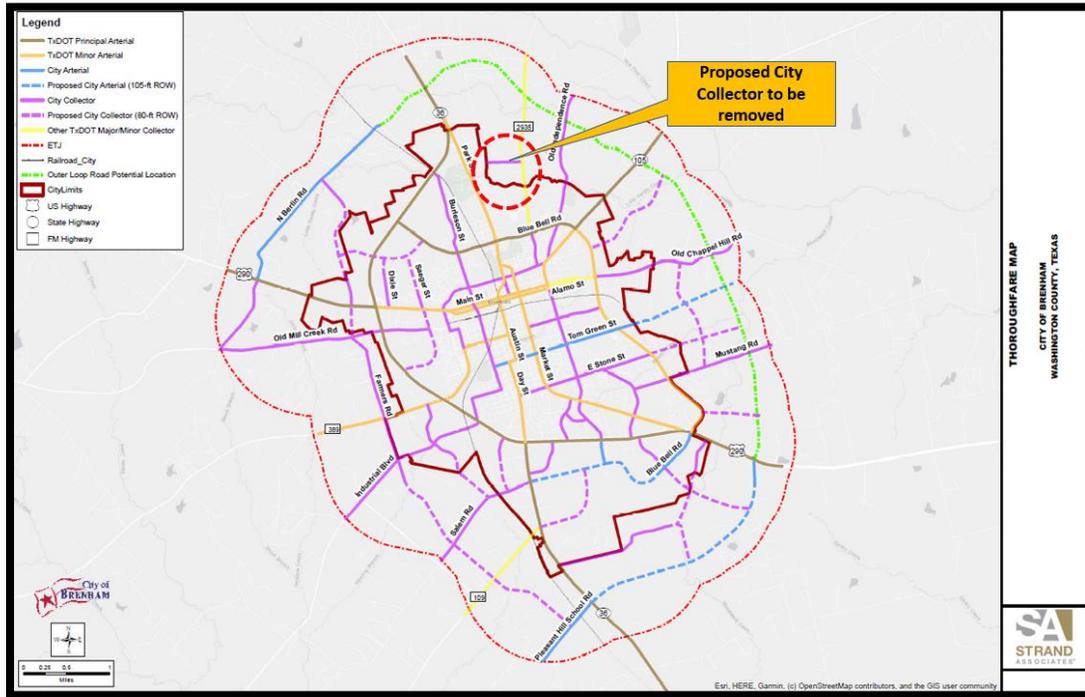
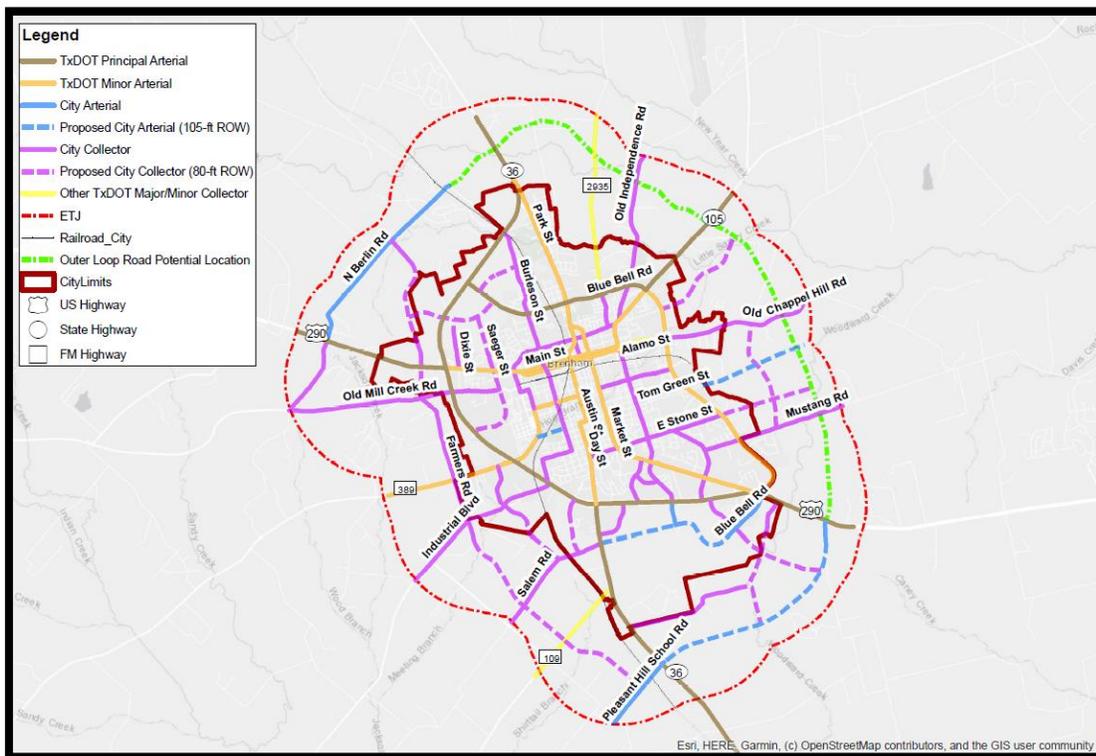


Figure 4: Proposed Thoroughfare Plan Map



PUBLIC COMMENTS:

The Notice of Public Hearing for the proposed Text Amendment was published in the Brenham Banner on December 11, 2022. Any public comments submitted to staff will be provided prior to the Planning and Zoning Commission and City Council prior to their decision on the matter.

STAFF RECOMMENDATION:

Staff recommends **approval** of an ordinance to amend the 2022 Thoroughfare Plan Maps to remove the proposed collector street show to connect Old Masonic Road to FM 2935.

Attachment:

1. Exhibit "A": Letter from Mr. Klinger

EXHIBIT "A"
LETTER FROM MR. KLINGER

DAVID KLINGLER

281-382-9773 davidklingler@mac.com 2450 Old Masonic Rd., Brenham, TX 77833

November 1, 2022

City of Brenham

To whom it may concern,

I recently submitted a plat for four residential lots (from 2-4 acres) on Old Masonic Rd to the city for consideration. The response was that a "20-foot access easement along the south property line of proposed Lot 1 to accommodate a future bike/pedestrian trail shown on the City's 2022 Thoroughfare Plan" was required. However, it was pointed out in a later meeting that the plan did not show a "future bike/pedestrian trail" but a current major thoroughfare. Of course, that road (going from Old Masonic Rd to FM 2935) does not exist. Moreover, putting a future road in that spot would require moving power lines as well as installing a major bridge in order to traverse a 20 foot drop in elevation that is a major drainage area. Finally, such a road would so negatively effect my land value that I would never grant an easement. I would request that the city take these issues into account and grant approval of the proposed lots without any reservations.

Sincerely yours,



DAVID KLINGLER