

**CITY OF BRENHAM
PLANNING AND ZONING COMMISSION MINUTES
July 24, 2023**

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 July 24, 2023, at 5:15 pm in the Brenham Municipal Building, City Council Chambers, at 200 West Vulcan Street, Brenham, Texas.

Commissioners present:

M. Keith Behrens, Chairman
Chris Cangelosi
Darren Heine
Cayte Neil

Commissioners absent:

Deanna Alfred, Vice Chair
Artis Edwards, Jr.
Calvin Kossie

Staff present:

Stephanie Doland, Development Services Director
Shauna Laauwe, City Planner

Citizens / Media present:

Joshua Blaschke – KWHI
Donald W. Lampe
Gregg Appel

1. Call Meeting to Order

Chairman Behrens called the meeting to order at 5:44 pm with a quorum of four (4) Commissioners present.

2. Public Comments

There were no public comments.

3. Reports and Announcements

Shauna Laauwe, City Planner, reminded everyone about the Small Area Plan Town Hall meeting that will be held on August 10, 2023 from 5:30-7:30 pm at the Barnhill Center Ballroom. Over 290 survey results were submitted.

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 June 26, 2023, Planning and Zoning Commission Meeting.
- 4-b. Case No. P-23-024: A request by Gregory E. Appel and John J. Appel Rental Partnership for approval of a Preliminary Plat creating Lots 1-5 of the Timber Oaks Subdivision, Section IV, being 1.613-acres of land out of the P. H. Coe Survey, A-31, in Brenham, Washington County, Texas.
- 4-c. Case No. P-23-025: A request by Gregory E. Appel and John J. Appel Rental Partnership for approval of a Final Plat creating Lots 1-5 of the Timber Oaks Subdivision, Section IV, being 1.613-acres of land out of the P. H. Coe Survey, A-31, in Brenham, Washington County, Texas.

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

REGULAR SESSION

- 5. Public Hearing, Discussion and Possible Action on Case No. P-23-026: A City initiated request to amend the City of Brenham’s Code of Ordinances, Appendix A: Zoning including:
 - a. A revision of the definition of “Food Truck Site” found in Part 1, Division 5, Section 5.02; and
 - b. A revision of the Specific Use provisions for the R-1 (Single Family Residential) and the Permitted and Specific Use provisions of the R-2 (Mixed Residential) Zoning Districts found in Part 2, Division, 2, Sections 1 and 2 respectively; and
 - c. Deletions to Part 2, Division 1, Section 11 – Performance Standards; and
 - d. Deletion of Part IV, Division 2, Section 2 pertaining to conditions on variances.

Shauna Laauwe, City Planner, presented the staff report for Case No. P-23-026 (on file in the Development Services Department). Ms. Laauwe stated that the Zoning Ordinance is a working document that needs to be amended and updated from time-to-time. As a result of the Housing Task Force meetings and a few citizen concerns, staff has identified several amendments that are being proposed to the Zoning Ordinance. Ms. Laauwe explained each of the proposed amendments as follows:

A. Part 1, Division 5, Section 5.02

In 2019, definitions were established for Food Truck Sites, Mobile Food Kitchens, and Food Truck Parks. Recently, staff has received multiple complaints about a couple of the food trucks being parked/stored a residences/in residential zoning districts. Recreational Vehicles (RV’s) cannot be located in the front façade of the home for longer than 72-hours. They can be parked behind the front façade indefinitely. The Food Truck owners have currently been trying to meet this RV/trailer requirements by moving the Food Truck from one side of their property to the other every 72-hours.

The proposed amendment to the Definition of Food Truck site is to add the words “**or to be stored**” to the sentence stating “*Food truck sites shall not be permitting as an accessory use on property developed with a residential use*” to clarify that not only are food trucks not permitted to be an accessory use but that they cannot be stored on property developed with a residential use.

In response to questions from Commissioners, Staff clarified that there are several self storage and open-sided storage areas in and around Brenham that could be rented for the trailer storage. Additionally, staff

responded that yes, the proposed amendment is in response to issues currently identified in Brenham by citizens who have called to complain about a food trailer.

B. Part 2, Division 2

Section 1.03 (Specific Uses) – R-1, Single Family Residential

Currently, two family dwellings (duplexes) are not defined in the Zoning Ordinance and their minimum requirements are not defined. The proposal is to add two-family (duplex) dwellings and twin homes as permitted in the R-1 Zoning District with an approved Specific Use Permit as follows:

- (6) Dwelling, two-family (duplex): Two (2) single-family attached units in accordance with the development standards outlined in the “R-2: Mixed Residential District.”
- (7) Twin Home: Single-family attached units on individual lots in accordance with the development standards as outlined in the “R-2: Mixed Residential District.”

Section 2.02 (Permitted Uses) – R-2, Mixed Residential

- (5) Update the wording from “Two family dwellings or duplexes” to “Dwelling, Two-family (duplex)” to reflect consistency with the other sections.
- (8) Add Accessory Dwelling Unit as a permitted use.
- (10) Add Twin homes as a permitted use as follows: Twin homes. Single-family attached dwelling of two units on separate adjacent lots that share a common interior wall and property line. Each twin home unit is platted on a separate lot.

Section 2.03 (Specific Uses) – R-2, Mixed Residential

- (1) Remove Accessory Dwelling Unit as a specific use since it will be a permitted use.

Section 2.05 (Area Regulations) – R-2, Mixed Residential – Single-family attached units (townhomes)

- (B) Size of Yards
 - (ii) Side Yards. Reduce the side yard setback on the street side of a corner lot from twenty (20) feet to fifteen (15) feet for consistency with the other residential development requirements.
- (D) Lot coverage. Reduce the maximum impervious coverage from eight (80) percent to sixty (60) percent for townhomes since the maximum for multi-family developments is sixty (60) percent.

In response to questions from Commissioners, staff discussed how the smaller lot size and required setbacks may require the eighty (80) percent maximum lot coverage as currently adopted. Therefore, this proposed amendment may be removed as part of a motion if the Commission so chooses. Additionally, staff informed the Commission that the setbacks were in accordance with the adopted Fire Code.

- (E) Add Utility Access requirements as follows:
Utility Access: All utilities shall be located adjacent to a public or private paved, all-weather surface. Utility layouts shall be approved by the General Manager of Public Utilities or designee prior to approval of civil plans. Recently, a couple proposed developments have created issues as to where to locate the utilities and provide proper access; therefore, the addition of this section should help alleviate these issues.

Add the following two new sections:

(3) Dwelling, two-family (duplex): Two (2) Single-family attached units

(4) Twin homes: Single-family attached units on individual lots

❖ The following provisions will be added for these two new dwelling types in the R-2 District:

(A) Minimum site area of 6,000 square feet.

(B) Size of yards (setbacks)

- Front yard setback – 25-feet
- Side yard setback – 10-feet
- Street side yard setback – 15-feet
- Rear yard setback – 20-feet, except adjacent to a major street which will be a 25-foot rear yard setback.

(C) Size of lots – minimum 60-foot lot width and minimum 100-foot lot depth.

(D) Lot coverage – maximum sixty (60) percent lot coverage.

With the addition of the two new sections, existing Section 4 will now be Section 6 and is proposed to be revised as follows:

(6) Multifamily units (apartments):

(A) Minimum site area. Remove the first line pertaining to the minimum site area required for duplexes since these requirements defined in the new section above.

(B) Size of yards:

(i) Front yard. There shall be a front yard having a depth of not less than twenty-five (25) feet. This revision is proposed for consistency with other residential requirements.

C. Part 2, Division 1, Section 11 Performance Standards

The City of Brenham Noise Ordinance is being revised. During this revision process, it was discovered that Chapter 17 of the Code of Ordinances contain the same provisions as the Zoning Ordinance. Since most noise complaints are addressed by the Police Department and not Development Services, the proposal is to delete Section 11.02 that pertains to noise violations out of the Zoning Ordinance. Section 11.01 will be amended to clarify that noise violation information may be found in Chapter 17, Article V of the City of Brenham Code of Ordinances.

D. Part IV, Division 2, Variances – Section 2 (Conditions)

Per the Texas Local Government Code, conditions may NOT be placed on variances; therefore, the proposal is to remove this section which states that the Board may establish conditions on variances.

All affected sections and subsections will be re-numbered as needed.

A Public Hearing Notice was published in the Banner Press on July 13, 2023. Staff has not received any phone calls for or against the proposed text amendments.

Chairman Behrens closed the regular session and opened the public hearing at 6:10 pm. There were no citizen comments.

Chairman Behrens closed the public hearing and re-opened the regular session at 6:11 pm.

A motion was made by Commissioner Cangelosi and seconded by Commissioner Heine to recommend to City Council approval of the proposed text amendments, as amended by removing the revision to the maximum lot coverage in Part 2, Division 2, Section 2.05(D). The motion carried unanimously.

6. Adjourn.

A motion was made by Commissioner Neil and seconded by Commissioner Cangelosi to adjourn the meeting at 6:12 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:

M. Keith Behrens
Planning and Zoning Commission

M. Keith Behrens
Chair

August 28, 2023
Meeting Date

Kim Hodde
Attest

Kim Hodde
Staff Secretary

August 28, 2023
Meeting Date