

**CITY OF BRENHAM
PLANNING AND ZONING COMMISSION MINUTES
December 18, 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 December 18, 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
Deanna Alfred, Vice Chair
Chris Cangelosi
Darren Heine
Calvin Kossie
Cayte Neil
Cyndee Smith

Commissioners absent:

None

Staff present:

Shauna Laauwe, City Planner
Kim Hodde, Planning Technician

Citizens/Media present:

Vincent DeSalvo	Jean King
Clay Teeters	Jetta Goodman
Dan Pasha	Karen Cooper
Michael Ancone	Bobby Schubert
Daniel Clark	

1. Call Meeting to Order

Chairman Behrens called the meeting to order at 5:16 pm with a quorum of seven (7) Commissioners present.

2. Public Comments

There were no public comments.

3. Reports and Announcements

Shauna Laauwe, City Planner, informed the Board of the following:

- December 19, 2023 – 1:00 – 3:00 pm – CIAC Meeting Number 3
- The 2024 P & Z meeting and submittal calendars are on the dais.
- Stephanie will be back part-time next week then full-time January 2nd.

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 November 27, 2023, Planning and Zoning Commission Meeting.

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

REGULAR SESSION

Due to the length of time anticipated for discussion on Item No. 5, Item No. 6 was moved up and considered prior to Item No. 5.

6. Public Hearing, Discussion and Possible Action on Case No. P-23-044: A request by Jorga Schuhknecht for approval of a Replat of Lots 8 & 9, Block 12 of the Fourth Atlow Addition to create Lot 8A containing 0.528-acres currently addressed as 395 and 407 Spinn Street, and further described as part of the M.N. Combs Survey, A-124, in Brenham, Washington County, Texas.

Shauna Laauwe, City Planner, presented the staff report for Case No. P-23-044 (on file in the Development Services Department). Ms. Laauwe stated that the property owner and applicant is Jorga Schuhknecht. The property is currently identified as Lots 8 & 9 of the 4th Atlow Addition and is approximately 0.528-acres of vacant land generally located north of Tison Street and on the west side of Spinn Street. The property is zoned R-1, Single Family Residential. The property owner would like to replat the two existing lots into one lot (Lot 8A) for a single-family residential development. The proposed home will face to the north in order to meet the lot depth requirements. This plat also dedicates a public utility easement along the north and east property lines.

A Public Hearing Notice was published in the Banner Press on December 3, 2023 and notices were mailed to property owners within 200-feet of the subject properties. Staff received one written citizen comment expressing concern over the drainage in the area; however, no support or opposition was provided.

Engineering and Development Services staff have reviewed the proposed replat for compliance with the City of Brenham's applicable regulations and ordinances and recommends **approval**.

Chairman Behrens closed the regular session and opened the public hearing at 5:23 pm. Bobby Schubert, who lives at 2110 Tison Street, also owns the home at 396 Spinn Street. After hearing the presentation, Mr. Shubert offered no objection to this request. There were no other citizen comments.

Chairman Behrens closed the public hearing and re-opened the regular session at 5:24 pm.

A motion was made by Commissioner Kossie and seconded by Commissioner Neil to approve the request by Jorga Schuhknecht for approval of a Replat of Lots 8 & 9, Block 12 of the Fourth Atlow Addition to create Lot 8A containing 0.528-acres currently addressed as 395 and 407 Spinn Street, in Brenham, as presented. The motion carried unanimously.

5. Public Hearing, Discussion and Possible Action on Case No. P-23-043: A request by Michael Ancone for a Specific Use Permit to allow a food truck park in a B-1, Local Business / Residential Mixed Use Zoning District on property located at the southeast corner of the intersection of N. Park Street and Brookside Drive, and being 2.6051-acres described as Scenic Estates, Section IV, Reserve A (1.9257-acres) and Reserve B2 (0.6794-acres) out of the Arrabella Harrington Survey in Brenham, Washington County, Texas.

Shauna Laauwe, City Planner, presented the staff report for Case No. P-23-043 (on file in the Development Services Department). Ms. Laauwe stated that the property owner and applicant is Michael Ancone. The current land use is vacant land and the future land use designation is Commercial & Single-family residential. The current zoning is B-1, Local Business Mixed Residential Use District. The property is approximately 2.6051-acres and is located on the southeast corner of the intersection of N. Park Street and Brookside Drive. The request is for a specific use permit to allow a Food Truck Park use on a 2.6051-acre lot in the B-1, Local Business Mixed Residential Zoning District. Two existing lots would be replatted into one lot with the east lot to be used as a detention pond.

The subject property is bounded by various zoning districts and uses as follows:

West – B-2 Zoning (Hohlt Park)

North – B-1 Zoning (Dollar General)

South – R-2 Zoning (Brenham Housing Authority multi-family/duplex development)

East – R-1 Zoning (single-family residential)

Northeast – R- 1 Zoning (single-family residential)

Food Truck Parks were approved by Ordinance (O-21-030) on 11-4-2021 for the B-1, B-2, B-3 and B-4 Zoning Districts with an approved Specific Use Permit. The Food Truck Park requirements can be found in Section 18 of the City of Brenham Zoning Ordinance. This is the first request received for a Food Truck Park.

The Ordinance mandates the following fourteen standards that have to be met for a Food Truck Park. The proposed site development answers are provided in red:

- 1) A designated seating area shall be provided for patrons. **Picnic tables provided.**
- 2) Accessible restroom facilities shall be provided within a permanent structure. Temporary or portable toilet facilities are not permitted. **Restroom facility provided.**
- 3) A minimum of two (2) parking spaces shall be provided for each food truck site provided within the food truck park. **48 off-street parking spaces provided. 16 required for the proposed 8 food truck sites.**
- 4) Mobile kitchens shall not park in required parking stalls, rather they shall be located on a designated paved surface. **Designated paved parking pads for food trucks are shown on the site plan.**
- 5) There shall be at least fifteen (15) feet of unobstructed clearance between all individual mobile kitchens parked side-by-side and all permanent or accessory structures and five (5) feet of unobstructed clearance between all individual mobile kitchens parked end-to-end. **Spacing provided on the site plan. If approved, plan review will ensure proper spacing.**

- 6) A dumpster with a minimum capacity of two (2) cubic yards, a concrete pad at least six (6) inches thick and solid screening fence shall be provided. **Dumpster site shown.**
- 7) Communal grease disposal station shall be provided on-site within a completely screened enclosure. **Grease disposal station shown on site plan.**
- 8) Landscaping and bufferyard requirements shall be met in accordance with Appendix A – Zoning, Part II, Division 1, Section 12 – Landscaping and Buffering. **A 20-foot bufferyard to adjacent residential properties to the east is required and shown on the site plan. The site needs additional landscaping between the parking spaces and food trucks and along the N. Park Street frontage road. This review for compliance is part of the building permit process.**
- 9) No mobile kitchen nor any associated seating areas or restroom facilities shall be located in the required landscape buffer yard. **Restroom facilities and picnic tables are not shown to be in the landscape bufferyard.**
- 10) Mobile kitchens conducting business at a food truck park shall have current vehicular registration and shall be in a suitable operating condition for transit. **This would be monitored.**
- 11) All activity must occur on private property, outside of the public right-of-way. **Activities shown outside of the public right-of-way. This would be monitored.**
- 12) Vehicular drive-thru service of food and/or beverages shall be prohibited. **No drive-thru service is shown or proposed.**
- 13) Electrical service shall be provided to the mobile kitchen by a permitted electrical connection. The use of on-board generators shall be prohibited.
- 14) The municipality may without warning, notice, or hearing, revoke any permit to operate a mobile kitchen if the holder of the permit, person in charge, or the operation of the food establishment does not comply with the requirements of the Brenham Code of Ordinances or if the operation of the food establishment otherwise constitutes an immediate hazard to public health.

The applicant proposes to develop the subject lots as a Food Truck Park that would include pad sites for eight (8) food trucks, a restroom facility, picnic tables, trails, a 60-foot by 82-foot (5,000) retail space [Phase 2 of the project], and an ice kiosk location. The retail, restrooms, and ice kiosk would be located above the 263-foot flood elevation. The food truck pad sites and picnic tables will be out of the floodplain but at a lower elevation than the other improvements. Since food trucks are mobile, they are not required to be located a minimum of 2-feet about the base flood elevation; however, the picnic tables will be required to be anchored down. Retail is allowed in B-1 Zoning and since the applicant reduced the proposed size of the retail building from 7,500 to 5,000, there should be less site congestion. The parking requirement for retail use is 1 space per 250 square feet and office use is 1 space per 300 square feet. Detention will be thoroughly reviewed for this project to ensure that that the detention pond can handle the 100-year storm plus the additional run-off of the new development.

The site plan for the project also depicts a walking trail from two points leading to N. Park Street. An existing underground pass is located at this point that leads to Hohlt Park to the west. Mr. Ancone has contacted TxDOT for permission to privately make this an accessible passageway for people to safely have access to and from the park.

STAFF ANALYSIS

- The Comprehensive Plan and Future Land Use Map envision the subject area as Commercial. B-1 Zoning is for neighborhood commercial uses.
- Specific Uses are permitted only by an ordinance passed specifically to permit the use. SUPs are for uses that need additional oversight to help avoid adverse impact on neighboring properties.
- This project meets or exceeds setbacks and bufferyard spacing requirements.
- This project exceeds parking requirement.
- The proposed walkway would alleviate vehicle traffic.
- A 6-foot screening fence along the east property line.

- The properties would be subject to the Food Truck Park standards as well as applicable B-1 development and building standards, to include drainage & floodplain requirements.
- The project would require replatting before development permit.
- This location would serve the park, neighborhood and passersby.

A Public Hearing Notice was published in the Banner Press on December 7, 2023 and notices were mailed to property owners within 200-feet of the subject properties. Staff received three written comments in opposition to the request. The reasons cited for being against this project are increased traffic, congestion, loss of privacy, excessive noise, and loss of property valuation.

Development Services staff have reviewed the specific use permit request for compliance with the City of Brenham’s applicable regulations and ordinances and based on these findings, recommends **approval** of the request with the following conditions:

1. Screening fence or hedge of at least 6-feet in height shall be built along the east property line.
2. Lights are downcast and directed away from residential properties to the north and east.
3. Additional landscaping to be provided within the bufferyard area and along N. Park Street.
4. Limit the proposed retail building to no more than 5,000 SF of gross area.
5. Two lots that make up the site are replatted into one lot.

Chairman Behrens closed the regular session and opened the public hearing at 5:44 pm. The applicant, Michael Ancone, stated that there are not a lot of food options in this area. Crowds at the park looking for food. Food Truck Parks offer a variety of good food. He stated that the food trucks would go in before the retail area.

Various residents made the following comments/questions:

- Entry into the site off Brookside Drive will create more traffic and more traffic is not needed in this area.
- Can the City of Brenham and/or TxDOT look into a light/crosswalk for this crossing as well as possibly a reduction the speed limit for this area/
- There are usually cars parked on both sides of Brookside Drive and trucks have been using it as a thoroughfare.
- You will have kids crossing the street from the park and that is not safe.
- This will be taking away from the Park concessions.
- Additional concerns with hours of operation, lighting, and an increase in traffic.
- The “bridge” is actually a creek, which poses a flooding hazard.
- The City needs to put in sidewalks all the way down to Blue Bell Road.

In response to questions and comments, Mr. Ancone clarified the following:

- What was submitted is a conceptual site layout not the final design.
- The hours of operation are not finalized but possibly 6:00 am to 9:00 pm.
- The food trucks would stay parked overnight.
- Mr. Ancone would be responsible for the trash, litter, and cleanliness of the site.
- TxDOT will not allow access off N. Park Street since it doesn’t meet their criteria.
- Mr. Ancone stated that he is in residential construction and has never developed a food truck park, but he sees a need and the potential to fill that need. He has been consulting with other Food Truck Park owners/developers.
- Mr. Ancone has talked to an Engineer but has not hired one yet since the first step in this process is to get the Specific Use Permit approved, then get the properties replatted, then get the site plan approved.
- No set use for the retail space yet. That will be Phase 2 of this project.

Commissioner Neil stated that the role of the Planning and Zoning Commission is to make sure that the project meets the zoning and use requirements. Development Services Department will ensure that all of the development requirements are met.

Commissioner Heine stated that this is a good use for the site. He urged the encouragement of the kids to go under the bridge instead of crossing State Highway 36. He suggested that Mr. Ancone verify whether the bridge access would need to be ADA compliant.

There were no other citizen comments.

Chairman Behrens closed the public hearing and re-opened the regular session at 6:19 pm.

A motion was made by Commissioner Behrens and seconded by Commissioner Kossie to recommend approval to City Council of the request by Michael Ancone for a Specific Use Permit to allow a food truck park in a B-1, Local Business / Residential Mixed Use Zoning District on property located at the southeast corner of the intersection of N. Park Street and Brookside Drive, with the conditions:

1. Screening fence or hedge of at least 6-feet in height shall be built along the east property line.
2. Lights are downcast and directed away from residential properties to the north and east.
3. Additional landscaping to be provided within the bufferyard area and along N. Park Street.
4. Limit the proposed retail building to no more than 5,000 SF of gross area.
5. Two lots that make up the site are replatted into one lot.
6. Develop and submit a plan for pedestrian traffic for crossing State Highway 36.
7. Consider parking for oversized vehicles (small buses) to encourage group transportation from Hohlt Park.

The motion carried unanimously.

7. Adjourn.

A motion was made by Commissioner Neil and seconded by Commissioner Smith to adjourn the meeting at 6:25 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
Kim Hodde

Attest

M. Keith Behrens
Chair

Kim Hodde
Staff Secretary

January 22, 2024
Meeting Date

January 22, 2024
Meeting Date