



**NOTICE OF A REGULAR MEETING
BRENHAM PLANNING AND ZONING COMMISSION
MONDAY, APRIL 22, 2024, 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

REGULAR AGENDA

4. Public Hearing, Discussion and Possible Action on Case No. P-24-005: A request by Adam Griffin of 30K Holdings, LLC for a Specific Use Permit to allow an Automobile (Car) Service Station (convenience store with gas pumps) in a B-1, Local Business Residential Mixed Use Zoning District on property addressed as 804 E Blue Bell Rd, and being 1.106-acres described as Arrabella Harrington Survey, Track 64, in Brenham, Washington County, Texas.

5. Adjourn

CERTIFICATION

I certify that a copy of the April 22, 2024, 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 April 19, 2024 at 12:00 p.m.



Shauna Laauwe AICP, City Planner

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 _____, 2024 at _____.

Signature

Title

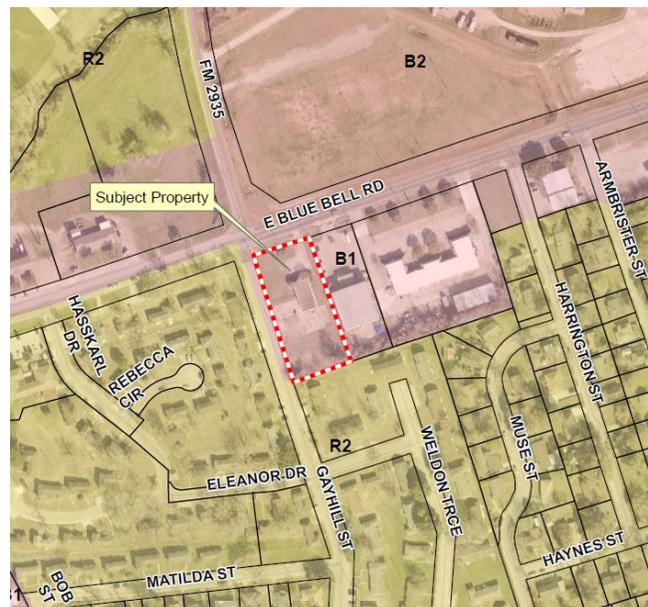
CASE NUMBER P-24-005
SPECIFIC USE PERMIT REQUEST – 804 E BLUE BELL ROAD

STAFF CONTACT:	Shauna Laauwe AICP, City Planner
OWNER:	30K Holdings, LLC.
APPLICANTS:	Adam Griffin for 30K Holdings, LLC.
ADDRESS/LOCATION:	804 E Blue Bell Road (Exhibit A).
LEGAL DESCRIPTION:	Arrabella Harrington Survey, Tract 64
LOT AREA:	1.106 acres
ZONING DISTRICT/USE:	B-1 Local Business/Residential Mixed Use (Exhibit B)
FUTURE LAND USE:	Commercial (Exhibit C)
REQUEST:	A request for a Specific Use Permit to allow an Automobile (Car) Service Station (convenience store with gas pumps) in a B-1 Local Business/Residential Mixed Use Zoning District (Exhibit D).

BACKGROUND:

The subject property is a 1.106-acre lot that is located at the southeast intersection of E Blue Bell Road and Gayhill Street and addressed as 804 E Blue Bell Road. The property is a slightly trapezoidal lot with 133 feet of frontage along E. Blue Bell Road, approximately 327 feet of frontage along Gayhill Street to the west, a south property line of 161-feet and an east side property line of 329 feet of length. The subject tract is zoned B-1, Local Business/Residential Mixed-Use District. The property is currently developed with the former Terminix pest control site that was constructed in 1981. The Terminix building has been vacant for several years. The applicant is proposing to demolish the existing structure and redevelop the property as a Zippy J's gas station and convenience store that will be operated daily with approximate hours of 5am to 11pm (not 24 hours).

Figure 1



As shown in Figure 1, the subject site and the adjacent property to the east are zoned B-1, Local Business/Residential Mixed-Use District. The adjacent property to the east is developed as Wee Care For All Child Care Center. Properties to the west, across Gayhill Street and to the south, are within an R-2, Mixed Residential District and owned by Brenham Housing Authority. The properties are currently developed as duplexes but are uninhabited as the former residents have been relocated to the new Fairview Terrace Apartments further to the west. Properties to the southeast are also within an R-2 district and developed with a mix of single-family and duplex units. To the north, across Blue Bell Road, is zoned B-1 to the northwest and B-2, Commercial, Research and Technology to the north and northeast. The uses to the north are primarily developed as institutional uses to include Brenham High School and the Washington County Fair Grounds. Additional nearby B-1 uses include Hodde & Hodde Land Surveying and the Rayna Reimer Plaza.

The site plan for the proposed gas station and convenience store is shown below in Figure 2, with the proposed landscaping areas highlighted in green in Figure 3. The convenience store is proposed to be 90-feet by 52.6-feet (4,810 SF) and located on the southern portion of the subject property, fronting onto E. Blue Bell Road. The B-1 district setback requirements are 25-foot front yard, 15-foot side street (Gayhill Street), 10-foot rear yard setback and no interior side yard required except for when a bufferyard is required. Due to the adjacent property to the south being zoned for residential uses (R-2), the subject property has an additional 20-foot bufferyard along the south property line, resulting in a total rear building setback of 30-feet. The convenience store exceeds the required setback regulations with a more than 200-foot front yard setback, a 43-foot side street setback and an approximately 70-foot rear yard

Figure 2

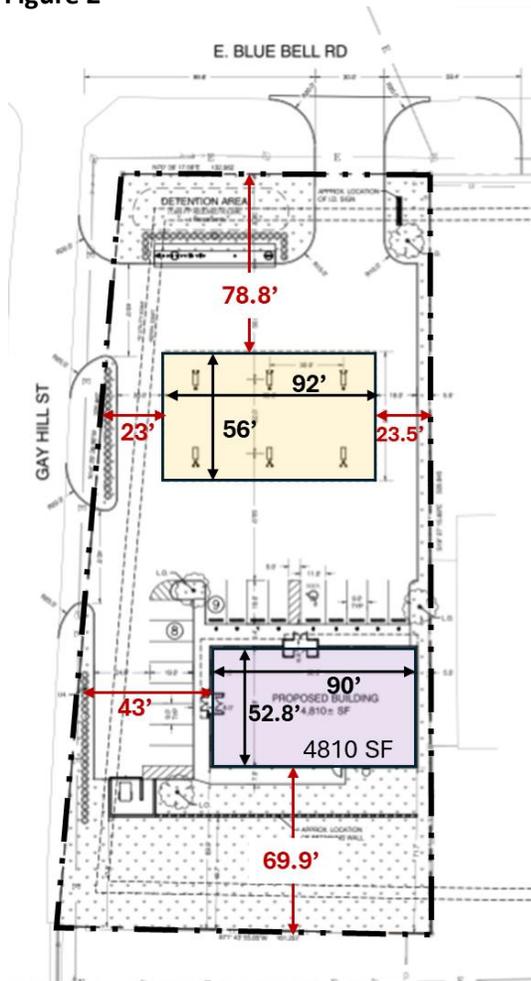


Figure 3 – Landscape Plan



setback. The proposed gas station portion is located on the north half of the subject property and would consist of six (6) gas pumps to provide a total of 12 fueling stations under a canopy. The proposed canopy has an approximate front yard setback of 79-feet along E. Blue Bell Road and a 23-foot side street setback along Gayhill Street and a 23.5-foot setback along the east property line. The applicant has also accounted for off-street parking needs. The regulations require that the convenience store/retail space use provide one (1) parking space per 250 square feet, with the 4,810 square foot convenience store requiring a minimum of 19 parking spaces. The site plan provides for 16 standard parking spaces, 1 handicap accessible space, and 12 parking spaces at the fueling pumps, for a total of 29 off-street parking spaces on the proposed site. The site plan also details three access points, with two driveway entrances (one new) on Gayhill Street and the existing driveway access to East Blue Bell Road. Shown in Figure 3, the landscape plan meets both the additional bufferyard landscaping requirements, parking lot landscaping and meets the maximum lot coverage limits of 80% with 70% of impervious cover. Due to the subject property being larger than 1-acre, the proposed development will be required to submit a drainage study and provide detention for excess storm runoff. The subject property, as shown in site photos in Exhibit “D”, has a steep slope at the south end of the site making the site difficult to screen from the adjacent residential property. A non-screening fence is currently along the south property line and the applicants propose placing a retaining wall behind the store structure to help with drainage and to provide for some screening.

The B-1 District automobile (car) service stations with prior approval of a Specific Use Permit (SUP). Thus, the applicant and property owners are seeking a SUP to allow for the construction of a 12-fuel pump gas station and 4,810 square foot convenience store on a 1.106-acre tract of land in a B-1, Local Business/Residential Use District located at 804 E Blue Bell Road.

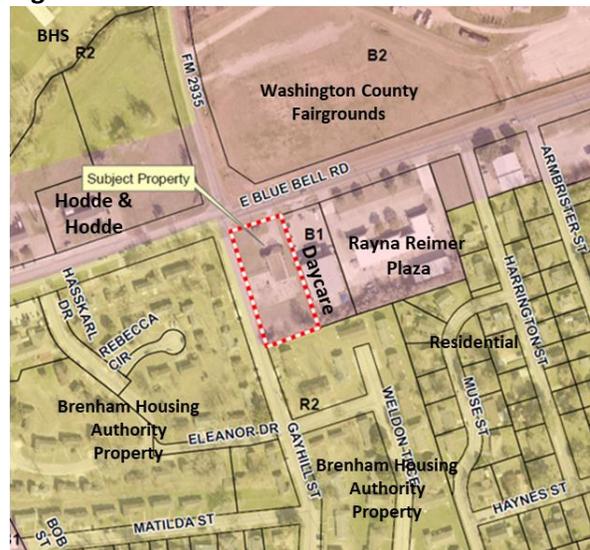
ANALYSIS OF CITY OF BRENHAM ZONING POLICIES:

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 1.106 -acre tract of land is located at the southeast intersection of East Blue Bell Road and Gayhill Street. The subject tract is zoned B-1, Local Business/Residential Mixed-Use District. As shown in Figure 4, the subject site, and the properties to the east and northeast, are zoned B-1, Local Business/Residential Mixed-Use District. Additional nearby B-1 uses include business offices, a daycare, the Rayna Reimer Plaza that has both medical offices and retail uses. The adjacent properties to the south and west are currently zoned R-2, Mixed Residential District. The property to the west, across Gayhill Street and adjacent to the south is owned by Brenham Housing Authority and currently has vacant duplex structures. To the southeast is the

Figure 4



Armbrister neighborhood that is a mixture of single-family and two-family units. To the northeast, across East Blue Bell Road is zoned B-2 and developed as the Washington County Fairgrounds, while further north is a R-2 district that is developed as the Brenham High School campus. The applicant proposes to redevelop the approximately 1-acre tract and former Terminix site into an automobile gas station and convenience store that would be open 7 days a week from 5am-11pm/midnight. The proposed gas station would have 6 gas pumps with 12 fueling stations, while the proposed convenience store would be 4,810 square feet. The submitted site plan shows 29 off-street parking spaces, which is 10 more than the parking regulations minimum for 4,810 square foot retail use. In addition, both the gas station canopy and store structure exceed the minimum required setbacks to include the south bufferyard area.

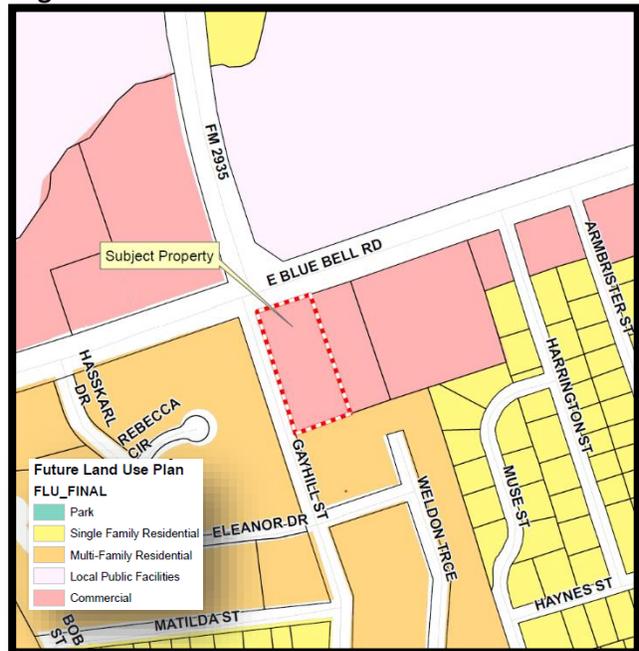
The SUP process allows staff to identify additional land uses, which may be appropriate in special circumstances. The applicant has stated that the proposed convenience store and gas station will not be a 24-hour truck stop and will include typical convenience store items in addition to a deli that will offer hot and fresh food options, along with daily specials with a rotating menu. The convenience store will also carry grab and go freshly made in-house salads and sandwiches and espresso-based coffees.

Staff finds that the applicant has proposed appropriate measures to ensure that the proposed gas station with convenience store will not adversely affect the small-town attributes that make Brenham a special place for its citizens to live, work and play.

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

The future land use map portion of the Envision 2020 Comprehensive Plan suggests the subject property may be appropriate for commercial uses. The B-1 District is a district that provides for diverse uses and convenient locations for lite commercial uses suitable for neighborhood shopping and for residential uses to include moderate density multifamily housing. While the subject property, adjacent properties to the east, and surrounding properties across East Blue Bell Road are currently zoned B-1, Local Business/Residential Mixed-Use District, the adjacent properties to the south are zoned R-2, Mixed Residential District. The Future Land Use Map, shown in Figure 5, does show the subject property to be for commercial use and the properties to the south to be multifamily residential. A gas station and convenience store, with adequate bufferyards and attention to noise and light levels, may be suitable as a neighborhood commercial use that aligns with the goals and land use policies established in the Comprehensive Plan.

Figure 5



- (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 E Blue Bell Road and Gayhill Street and

will not require any extension of utility services.

- (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 April 11, 2024. The Notice of Public Hearing was published in the Brenham Banner on April 11, 2024. One public comment, from Larry Lozare of Wee Care For All Childcare Center, was received in opposition of the specific use request. Mr. Lozar is concerned with the sale of alcohol, cigarettes, and other tobacco products and is concerned about the safety of the children at the daycare center. Mr. Lozare's comment form may be found in Exhibit "G."

Any additional 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 minimum building setbacks, maximum impervious coverage requirements, landscaping, and buffer yard requirements. The applicant has submitted a preliminary site plan (Exhibit F) which depicts the proposed location of the convenience store, gas pumps, canopy structure, and landscape plan. Each of the structures on the proposed site plan exceeds the minimum required setbacks and the landscape plan meets the landscaping ordinance. 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 is consistent with the City's adopted Comprehensive Plan. The proposed development is in line with the Future Land Use Plan, while also providing adequate parking, landscaping, and screening. Staff does recommend the utilization of hooded lights to reduce the impact on nearby residential uses.

- (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 properties to the north and east are located within a B-1 District, with properties to the south and west currently zoned R-2 District. The B-1 District allows a variety of commercial and residential uses, and the R-2 District to the south is developed as two-family and single-family residential units. The adjacent property to the east is developed as We Care for All Child Care Center and further east is developed as Rayna Reimer Plaza that has both medical offices and retail uses, and the Washington County Emergency Management building. To

the north, nearby properties are developed as business offices, the Washington County Fairgrounds, and the Brenham High School campus. The proposed automobile gas station and associated convenience store will provide a generally compatible redevelopment of the unutilized 1.1-acre property. The automobile gas station and convenience store use is compatible to nearby land uses and consistent with the land policies established in the Comprehensive Plan.

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

Staff finds that approval of the proposed SUP and redevelopment of the property as a gas station with a convenience store may provide for an orderly and positive development of the community. Due to adjacent residential uses to the south, the proposed commercial use is required to provide an additional 20-foot bufferyard to the minimum setbacks for the B-1 District. This bufferyard provision requires that screening of either a 6-foot fence or 6-foot in height dense shrubbery be provided along the shared property lines of residential uses. In addition, 20-percent of the bufferyard shall be landscaped. The applicant has exceeded the required bufferyard and setback requirements by locating the proposed store structure approximately 70-feet from the south rear property line. The proposed building setbacks, off-street parking, and landscaping will help mitigate negative effects that the convenient store and gas station may cause. The redevelopment of the commercial property will remove a structure that has been vacant for several years and bring the subject property into compliance with current building, fire, and zoning regulations.

- (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, will be compatible with anticipated uses near the subject property, and will be in accordance with the land use policies of Brenham's Comprehensive Plan. The subject property has been a vacant commercial site for many years along a main arterial road in our community. The gas station and convenience store will redevelop the site to be compatible with existing and anticipated uses surrounding the property. With the proposed site design layout, development codes, and bufferyard standards in place, Staff is unable to determine any destabilizing effects on the neighboring properties should this specific use permit request be approved.

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

If approved, the proposed SUP will allow for the redevelopment of a commercial site that has been vacant for several years. The vicinity of SH 105 to the east and the E. Blue Bell corridor near the subject property has a variety of neighborhood commercial uses to include gas stations, restaurants, business offices and public uses. A few vacant commercial properties are located nearby along East and North Blue Bell Road. Staff believes that the proposed SUP, if approved, will not negatively affect vacant land classified for commercial uses.

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

The B-1, Local Business/Residential Mixed-Use District subject property currently has a vacant structure that was once Terminix and the associate parking lot. The site has been abandoned commercial property for several years. 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 an automobile (car) gas station and convenience store use as provided in the application site plan, general landscape plan, and written documents in a B-1 Local Business/Residential Mixed-Use Zoning District for the subject 1.106-acre tract of land that is located at 804 E Blue Bell Road and legally described Arrabella Harrington, Tract 64 on the following condition:

1. The subject property shall be preliminary and final platted before a building permit is issued.

EXHIBITS:

- A. Aerial Map
- B. Zoning Map
- C. Future Land Use Map
- D. Letter of Intent
- E. Proposed Site Plan
- F. Site photos
- G. Comment Form: Lazare

EXHIBIT "A"
AERIAL MAP

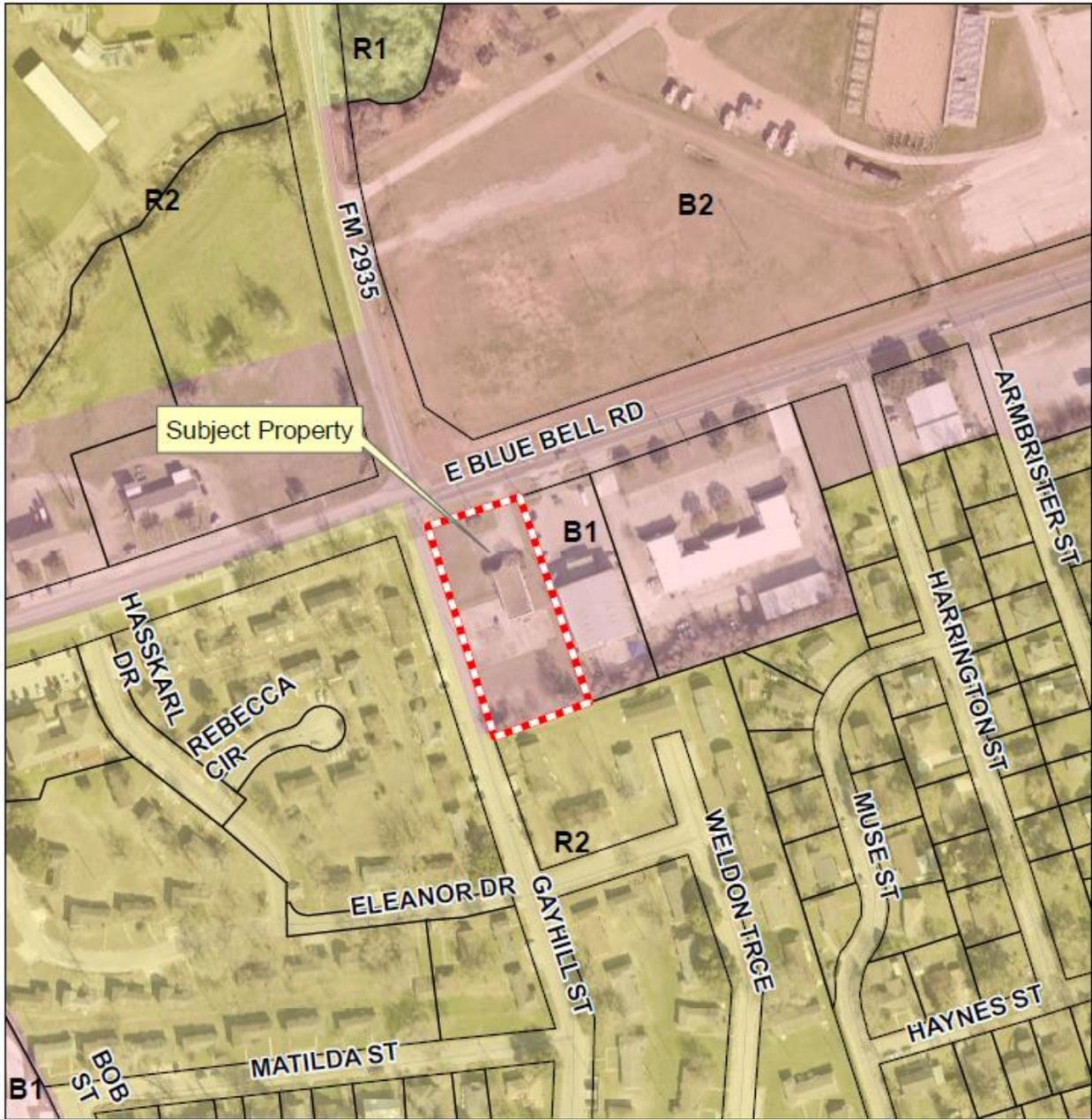


Location Map
Specific Use Permit- Convenient Store/Gas Station
804 E Blue Bell Road


1 inch = 198 feet



EXHIBIT "B"
ZONING MAP



Zoning Map
Specific Use Permit- Convenient Store/Gas Station
804 E Blue Bell Road

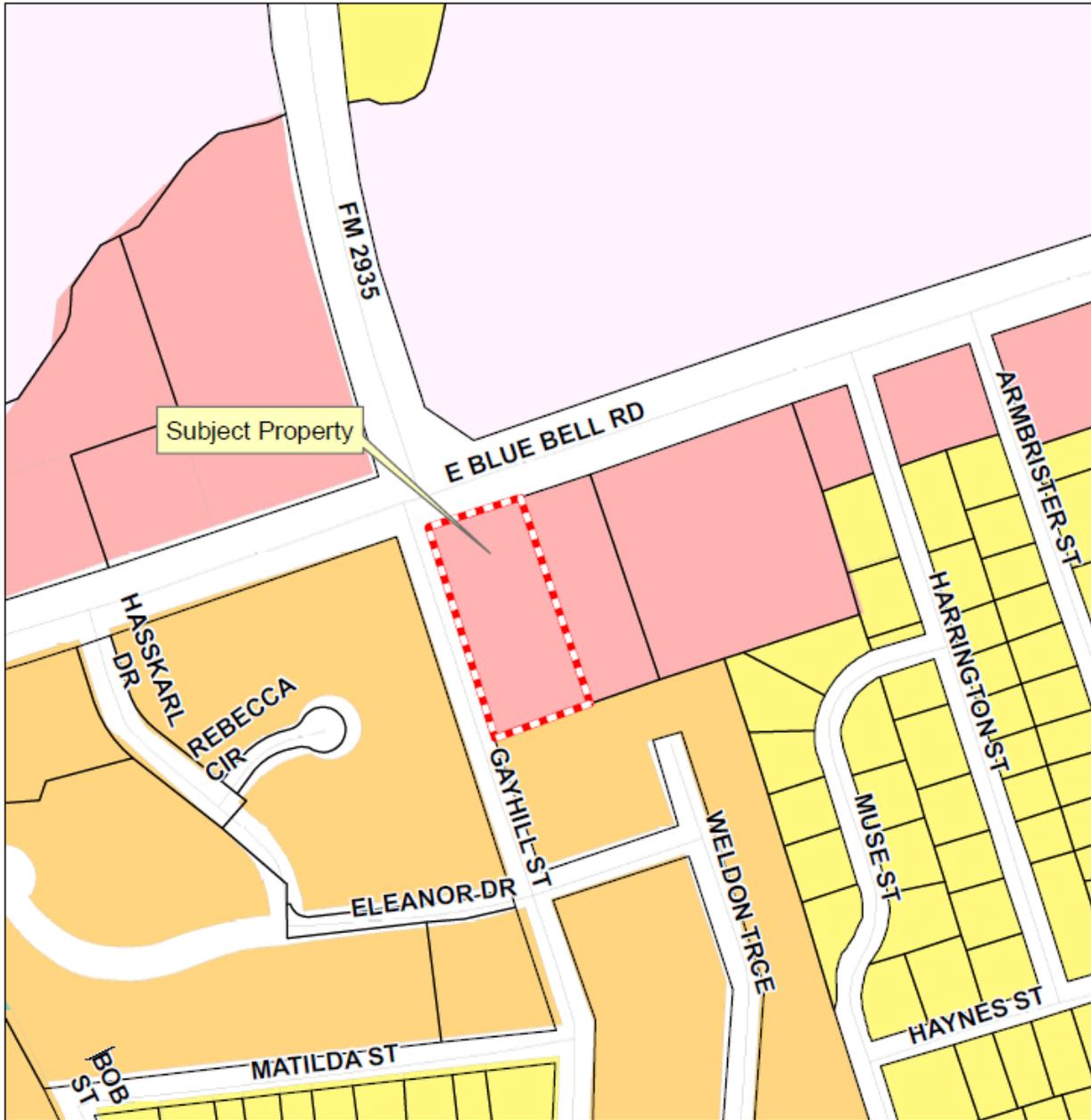
Legend

-  B1 Local Business Mixed
-  B2 Commercial Research and Technology
-  R1 Residential Single Family
-  R2 Mixed Residential



1 inch = 198 feet

EXHIBIT "C"
Future Land Use Map



Future Location Map
Specific Use Permit- Convenient Store/Gas Station
804 E Blue Bell Road

Future Land Use Plan

FLU_FINAL

- Park
- Single Family Residential
- Multi-Family Residential
- Local Public Facilities
- Commercial

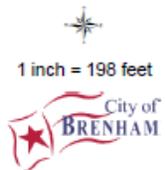


EXHIBIT "D"
LETTER OF INTENT

03.21.2024

P&Z Request for Specific Use Permit-804 E. Blue Bell Road

TO
P&Z Committee
Members

FROM
30K Holdings LLC –
Adam Griffin

RE
Specific Use Permit

DEAR COMMITTEE MEMBERS,

On behalf of 30K Holdings LLC, I am requesting a Specific Use Permit at 804 E. Blue Bell Road to be allowed to construct and operate a new Zippy J's Community store (c-store) similar to the location we own at 203 S Blue Bell Road. This location would only have front fueling pumps and would only be able to service 4 wheeled vehicles and light duty commercial vehicles vs heavy duty commercial 18-Wheeler traffic like our other site in town. To further clarify, our proposed site plan is for pedestrian vehicles and is not planned to be a 24-hour truck stop.

I have attached a site plan of Zippy J's #22 that we believe would add numerous benefits to the North side of Brenham. Per our plans, we have included "The Deli at Zippy J's" inside the store which will offer many hot and fresh food options (breakfast, lunch, dinner) along with our made in house daily specials consisting of a different casserole or dish using a rotating menu. In addition to all of the hot food options, we will carry a grab and go lineup of freshly made in-house salads and sandwiches for our customers that are seeking out that option. We will also offer espresso-based coffees (hot or iced) and bean to cup fresh brewed drip coffee every second the store is open.

This proposed store will remain fully stocked, fully staffed and have the same beautiful aesthetics, landscaping and cleanliness as the first location we opened in Brenham in 2020.

Since my use is not a "permitted use" per the City of Brenham Code, I will not be able to purchase and develop this property without approval of the Specific Use Permit we are requesting.

Thank you for your consideration.

Adam Griffin
30K Holdings LLC

EXHIBIT "F"
SITE PHOTOS



Subject Site looking east. 804 E. Blue Bell Road



South portion of the existing site. Can see the adjacent Wee Care For All Child Care Center building.



South portion of the site with a rising topography. This portion will remain unchanged. Existing trees along the property line provide screening.



Brenham Housing Authority properties to the west.



E. Blue Bell Road. Looking north towards Brenham High School.

EXHIBIT "G"
PUBLIC COMMENT FORM

City of Brenham
Development Services Department



PUBLIC COMMENT FORM

All submitted forms will become a part of the public record.

Please return to:

City of Brenham
Attn: Development Services Dept., Case P-24-005
P.O. Box 1059
Brenham, Texas 77834-1059

Name: Wee Care For All Child Care Center - LARRY LAZAR
(please print)
Address: 900 E Blue Bell Rd.
Brenham TX 77833
Signature: Larry Lazar
Date: 4/17/24

I am FOR the requested SPECIFIC USE PERMIT REQUEST as explained on the attached public notice for P&Z Case P-24-005 (Please state reasons below)

I am AGAINST the requested SPECIFIC USE PERMIT REQUEST as explained on the attached public notice for P&Z Case P-24-005 (Please state reasons below)

Date, Location, & Time of Planning and Zoning Commission meeting:
Monday, April 22, 2024, 5:15 PM
City Council Chambers, 2nd Floor, City of Brenham City Hall
200 West Vulcan Street, Brenham, Texas 77833

Date, Location, & Time of City Council meeting:
Thursday, May 2, 2024, 1:00 PM
City Council Chambers, 2nd Floor, City of Brenham City Hall
200 West Vulcan Street, Brenham, Texas 77833

COMMENTS/REASONS:
I own the child care center next door the business may be selling Alcohol, Cigaretts, and other tobacco products, Beer, and other items which may attract a group of people that could be a danger to our kids that we would like to keep safe. My property connect to this property. Ch 12 Art IIIi Sale of Alcoholic Bev.

You may also submit comments via email to khodde@cityofbrenham.org. Please reference the case number in the subject line. For questions regarding this proposal, please call the Development Services Department at (979) 337-7220.