



**NOTICE OF A REGULAR MEETING
BRENHAM PLANNING AND ZONING COMMISSION
MONDAY, MAY 20, 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**
 - **June meeting date**

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 March 25, 2024, Planning and Zoning Commission Meeting.**
- 4-b. Minutes from April 22, 2024, Planning and Zoning Commission Meeting.**

REGULAR AGENDA

- 5. 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**
- 6. Public Hearing, Discussion and Possible Action on Case No. P-24-006: A request by Habitat for Humanity/Nathan Touchette for approval of a Replat of the residue of Lot 11 of the Randle's 2nd Addition to create Lot N PT 11-A containing 4,333 square feet and Lot N PT 11-B containing 4,333 square feet, currently addressed as 708 Cottonwood Drive, and further described as part of the A. Harrington Survey, A-55, in Brenham, Washington County, Texas.**

7. **Public Hearing, Discussion and Possible Action on Case No. P-24-007:** A request by Mischa L. Enos for approval of a Replat of Lots 36A and 37A of the West Main Addition to create Lot 36A-1 containing 0.6196-acres and Lot 37A-1 containing 0.5169-acres for a total of 1.136-acres, currently addressed as 503 W. Alamo Street, and further described as part of the A. Harrington Survey, A-55, in Brenham, Washington County, Texas.

8. **Public Hearing, Discussion and Possible Action on Case No. P-24-008:** A request by Presley Good (Garza EMC) / Arlen Thielemann for approval of a Replat of the unrestricted Reserve "B" of the Heritage Oaks Subdivision, Section 1 to create Heritage Oaks Subdivision, Section 2, containing 5.69-acres total and consisting of 15 Lots and 1 Block, and further described as part of the Isaac Lee Survey, A-77, in Brenham, Washington County, Texas.

9. **Discussion and Possible Action on Case No. P-24-009:** A request by Jon Hodde, Hodde & Hodde Land Surveying, Inc. / Michael Ancone for approval of a Replat of Reserve "A", Block IV, Scenic Estates Subdivision, Section 1 and Reserve "B2", Block IV of the Replat of the Original Subdivision Plat, Reserve B, Block IV, Scenic Estates Subdivision, Section 1 to create Lot 1-R, containing 2.609-acres, and further described as part of the A. Harrington Survey, A-55, in Brenham, Washington County, Texas.

10. **Adjourn**

CERTIFICATION

I certify that a copy of the May 20, 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 May 17, 2024, at 8:30 a.m.

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 _____, 2024 at _____.

Signature

Title

**CITY OF BRENHAM
PLANNING AND ZONING COMMISSION MINUTES
March 25, 2024**

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 March 25, 2024, 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:

Stephanie Doland, Development Services Director
Shauna Laauwe, City Planner

Citizens/Media present:

John Marek
Lauren Marek
Carra Sykes
Jay Pine
George Doran
Sarah Forsythe, Brenham Banner Press

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

Jay Pine, who lives at 1700 Lee Street, addressed the Commission stating that his neighbor built a pole barn for a Recreation Vehicle (RV) trailer, and this didn't please him. Mr. Pine stated that he has 16 large windows in his home and eight of them face this structure. He cited the following concerns/questions:

- Not appropriate for a small lot in town.
- Will these continue to be built?
- Do we want one in every yard?
- With a corner lot, the side yard may be someone else's front yard.

- Mr. Pine requested a conversation to discuss a structure of this scale and materials. He would like to see restrictions (a text amendment) to limit the size and location of large RV accessory structures so that these are not built all over town.
- Hoping his other neighbor doesn't build one as well.
- Mr. Pine is concerned about his property value.

3. Reports and Announcements

There were no reports or announcements.

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 January 22, 2024, 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

5. Public Hearing, Discussion and Possible Action on Case No. P-24-004: A request by John Paul Marek for a Specific Use Permit to allow and Accessory Dwelling Unit (ADU) in an R-1, Single-Family Residential Zoning District on property addressed as 503 Walnut Hill Drive, and being 0.3099-aces described as Walnut Hill, Block 1, Lot 2 in Brenham, Washington County, Texas.

Shauna Laauwe, City Planner, presented the staff report for Case No. P-24-004 (on file in the Development Services Department). Ms. Laauwe stated that the subject property is addressed as 503 Walnut Hill Drive, and the property is bounded by E. Mansfield Street to the rear. All the properties in the 500 and 600 block of Walnut Hill Drive face south towards Walnut Hill Drive and have a rear yard along E. Mansfield Street with a screening fence along that north property line. Although the existing home predates the adoption of the subdivision and zoning regulations adopted in 1968, the principal structure does meet all the current zoning setbacks for a single-family home. The property owners/applicants are Lauren Marek & Carra Sykes / John Marek. The current land use is Single-Family Residential, and the future land use designation is Single-Family Residential. The current zoning is R-1, Single-Family Residential Use District. The request is for approval of Specific Use Permit to allow for a proposed detached Accessory Dwelling Unit (ADU) to be located within an R-1, Single-Family Residential Zoning District. The subject property is a 13,500 square foot lot (90-feet wide and 150-feet in depth) developed with an existing 2,269 square foot home that was built in 1956. The proposed ADU is 31-feet wide by 20-feet deep (660 square feet). The ADU setback requirements are as follows:

- Front yard: 115-feet
- West side yard: 48-feet
- East side yard: 16-feet
- Rear yard: 15-feet

The subject property has an existing driveway to a carport to the rear of the home. With the carport and existing parking slab, the subject property has sufficient parking to meet the requirements of two (2) off-street parking spaces for the principal home and one (1) space for the ADU. The current lot coverage for the home (2,269 SF), the existing driveway (2,205 SF), and the existing carport (353 SF) is 4,827 square feet for 35.75% lot coverage. With the addition of the proposed 660 square foot ADU, the proposed lot will be 5,487 square feet for 40.6% total lot coverage.

The R-1 Zoning District allows ADU's with an approved Specific Use Permit and additional development standards.

The proposed ADU meets these requirements as follows:

- a) The property owner is to reside in either the principal structure or the ADU.
- b) The addition will be the same general architectural style and building material.
- c) The proposed ADU exceeds the 10-foot side yard and rear yard requirements.
- d) One off-street parking space requirement is met.
- e) The proposed ADU is less than one-half of the habitable area of the principal structure (2,269 SF).
- f) The ADU is not a HUD-code manufactured home.

STAFF ANALYSIS

- The proposed ADU is to be utilized as a studio and guest house.
- Approval of the SUP would allow compatible increased density and meets the character of the neighborhood.
- The proposed ADU is appropriate given the zoning, existing development in the vicinity, and the conformance with the Comprehensive Plan.
- The proposed ADU is subject to applicable R-1 development and ADU building standards.

A Public Hearing Notice was published in the Banner Press on March 10, 2024, and notices were mailed to property owners within 200-feet of the subject properties. Staff did not receive any written comments regarding this request.

Development Services staff have reviewed this Specific Use request for compliance with the City of Brenham's applicable regulations and ordinances and based on these findings, recommends **approval** of the request as presented.

Chairman Behrens closed the regular session and opened the public hearing at 5:33 pm.

Commissioner Neil asked if there was a reason that the applicant chose to put the ADU on the right side of the property versus the left side. The applicant stated that he chose the right side to maximize the natural light in the structure.

Commissioner Heine asked staff if a studio use is allowed for an ADU. Staff stated that use of the property as a home occupation workspace is allowed; however, there can be no employees and no signage permitted. The use must meet the requirements of the home occupation ordinance.

Commissioner Cangelosi asked whether the use would be a studio apartment. The applicant stated that the use would be for an artist workspace / guest house. It was further clarified that the nature of the artwork would be done on a computer.

There were no citizen comments.

Chairman Behrens closed the public hearing and re-opened the regular session at 5:37 pm.

A motion was made by Commissioner Neil and seconded by Commissioner Cangelosi to recommend approval to City Council of the request by John Paul Marek for a Specific Use Permit to allow and Accessory Dwelling Unit (ADU) in an R-1, Single-Family Residential Zoning District on property addressed as 503 Walnut Hill Drive, as presented. The motion carried unanimously.

7. Adjourn.

A motion was made by Commissioner Smith and seconded by Commissioner Kossie to adjourn the meeting at 5:40 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

M. Keith Behrens
Chair

May 20, 2024
Meeting Date

Attest

Kim Hodde
Staff Secretary

May 20, 2024
Meeting Date

CITY OF BRENHAM
PLANNING AND ZONING COMMISSION MINUTES
April 22, 2024

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 April 22, 2024, at 5:15 pm in the Brenham Municipal Building, City Council Chambers, at 200 West Vulcan Street, Brenham, Texas.

Commissioners present:

Darren Heine
Calvin Kossie
Cayte Neil
Cyndee Smith

Commissioners absent:

M. Keith Behrens, Chairman
Deanna Alfred, Vice Chair
Chris Cangelosi

Staff present:

Stephanie Doland, Development Services Director
Shauna Laauwe, City Planner

Citizens/Media present:

Adam Griffin / 30 K Holdings, LLC (applicant)
Larry Lazare
Alicia Lazare
George Dillingham
Joshua Blaschke, KWHI
Sarah Forsythe, Brenham Banner Press

1. Call Meeting to Order

In the absence of the Chair and Vice Chair, Commissioner Calvin Kossie called the meeting to order at 5:18 pm with a quorum of four (4) Commissioners present.

2. Public Comments

There were no public comments.

3. Reports and Announcements

Stephanie Doland informed the Board of the following:

- There will be Board training held on May 13, 2024, at the Nancy Carol Roberts Memorial Library beginning at 11:00 am. Lunch will be provided.
- The May P & Z meeting will be held on May 28th, which is the Tuesday after Memorial Day. Staff anticipates that there may be multiple plats to be considered due to the recent passage of the impact fee ordinance.

- Kim Hodde is back working. She will be working remote for a while, but you should start to get emails from her soon.

REGULAR SESSION

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 and 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 Road, and being 1.106-acres described as Arrabella Harrington Survey, Track 64, in Brenham, Washington County, Texas.

Shauna Laauwe, City Planner, presented the staff report for Case No. P-24-005 (on file in the Development Services Department). Ms. Laauwe stated that the subject property is a 1.106-acre lot that is located at the southeast intersection of E. Blue Bell Road and Gay Hill Street and is addressed as 804 E. Blue Bell Road. The applicant / property owner is Adam Griffin of 30K Holdings, Inc. The subject property is zoned B-1, Local Business/Residential Mixed-Use District and the adjacent property to the east is developed as Wee Care For All Childcare Center. Properties to the west, across Gay Hill Street and to the south are within an R-2 Mixed Residential District and owned by the Brenham Housing Authority. The property 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 the Brenham High School and the Washington County Fairgrounds. Additional nearby B-1 uses include Hodde & Hodde Land Surveying and the Rayna Reimer Plaza. The subject property is currently developed with a building that was constructed in 1981 and housed the former Terminix pest control. The Terminix building has been vacant for several years. The current land use is vacant, commercial property and the future land use designation is Commercial. The applicant is requesting approval of a Specific Use Permit to allow a proposed automobile (car) service station (convenience store with gas pumps) to be located within a B-1 Zoning District. Ms. Laauwe reiterated that this specific use permit request is just for the automobile service station as the convenience store is an allowed use by right. The zoning ordinance definition is as follows:

Automobile service station: Any building, structure or land used for sale of automobile fuel or motor oil, at retail direct to the customer, including the supplying of accessories, replacement parts and repair services essential to the normal operation of automobiles, but not including body or fender work, painting, or major motor repairs. Said facility may also provide for the sale of food products as an accessory use for the convenience of customers.

The applicant is proposing to demolish the existing structure and re-develop the site as a Zippy J’s gas station (6 pumps/12 stations) and a 4,810 SF convenience store that will be operated daily with proposed hours of operation from 5:00 am to 11:00 pm. The development will have the following setbacks:

<u>SETBACKS</u>	<u>Canopy</u>	<u>C-Store</u>	
• Front yard:	78.8’	+200.0’	[25’ required]
• West SY:	23.0’	43.0’	[15’ required]
• East SY:	23.5’	5.0’	[0’ required]
• Rear yard:	+200.0’	69.9’	[30’ required]
• 20’ bufferyard along south property line.			
• 80% maximum lot coverage is allowed in the B-1 Zoning District. 70% lot coverage is proposed for this project.			
• The proposed landscaping is 30% and meets the landscape ordinance for site and parking.			

- Required Parking: 1 space/250 SF
 - $4,810 \text{ SF} / 250 = 19.24$ or 19 spaces required 17 parking spaces (1 ADA) proposed along store +
 - 12 parking spaces at fuel pumps = 29 spaces
- The project would be required to meet all B-1 zoning, engineering, fire, and building codes.

STAFF ANALYSIS

- The gas station and convenience store would redevelop a vacant commercial site.
- Approval of the SUP would allow the service station and C-Store to serve the surrounding residential properties to the south and west.
- The convenience store is appropriate given the zoning, existing development in the vicinity, and conformance with the Comprehensive Plan.
- The service station and store are subject to applicable B-1 development, fire code, building code, and engineering regulations.
- The B-1 Zoning District allows automobile (car) service stations with prior approval of a Specific Use Permit (SUP).
- Screening is required between the commercial use and the adjacent residential properties. There are lots of trees there at this time that could be used as screening.
- This property has not been platted; therefore, a preliminary and final plat will need to be submitted, approved, and recorded.

A Public Hearing Notice was published in the Banner Press on April 11, 2024, and notices were mailed to property owners within 200-feet of the subject properties. Staff received one written comment from Wee Care For All Child Care Center opposing the proposed request.

Development Services staff have reviewed this 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 on the condition of obtaining a preliminary and final plat, as presented.

Commissioner Kossie opened the public hearing at 5:34.

Larry Lazare, owner and operator of the Wee Care For All Child Care Center located at 900 E. Blue Bell Road, stated that he is strongly against approval of this request. Mr. Lazare cited the following comments/concerns:

- Their day care is considered a school since they have more than six (6) children ages 6-weeks to 12-years old.
- According to City of Brenham Ordinance O-09-007 approved 4-16-2009, it is unlawful for alcoholic beverages to be sold within 300-feet of a church, school, or hospital. It appears that this would be a violation of an ordinance already in effect.
- Mr. Lazare is concerned with the children's safety.
- Mr. Lazare is offended that a fence is required adjacent to residential zoned property but not required on the daycare/school side.
- There are enough convenience stores in the area.
- The sale of these types of products (alcohol, tobacco, vape supplies, etc.) is not needed in this neighborhood.

Commissioner Smith asked what the TABC regulations rules are with regards to selling alcohol close to a school. Commissioner Kossie stated that his research showed that there are two categories – 300-feet and 1,000 feet but he couldn't find much additional information.

Stephanie Doland stated that the Applicant reached out to the City Secretary prior to submitting the SUP request regarding the parameters associated with alcohol sales. The City Secretary, Jeana Bellinger, conferred with the City Attorney, Cary Bovey. The TABC's interpretation of separation requirements is based on a licensed, accredited school with the state. Mr. Lazare of Wee Care for All Child Care stated that the facility is an accredited school; thus, alcohol sales should not be permitted. Ms. Doland noted that the City of Brenham has additional, differing separation requirements. The City of Brenham's regulations specifically refer to "Public Schools" and the TABC refers to "Public and Private Schools".

Commissioner Smith asked if the distance is measured door-to-door or property line-to property line? Staff indicated that this question would have to be researched.

Adam Griffin stated that the next phase of approvals is based on whether or not alcohol sales are permitted. There were no other citizen comments.

Commissioner Kossie closed the public hearing and re-opened the regular session at 5:42 pm.

Commissioner Kossie made the following comments about his concerns:

- Gasoline sales/gas stations are not really addressed by the TABC.
- Commissioner Kossie stated that he has visited several communities near and adjacent to Brenham, including Fayetteville, Cy-Fair, Waller, Bryan, Jerrell, and Sealy and he couldn't find one location where you could go from the driveway of a school and go next door to a convenience store.
- Commissioner Kossie requested that someone research the number of schools that do not have a convenience store next to it (city-wide versus state-wide).
- Insurance may go up for the Wee Care For All if the convenience store goes in next door.
- Has the applicant addressed/considered safety with the increased traffic due to the patrons?
- How is the applicant addressing traffic flow? With the High School traffic and daycare traffic, additional traffic due to the gas station/convenience store is a concern.
- Smaller children do not move as fast as older children, and this is a safety concern.
- While he understands that this is a commercially zoned property, the sale of alcohol, tobacco, and gasoline is a concern being so close to the day care center and the neighborhood.

Mr. Lazare further stated that the Wee Care For All Child Care Center is a licensed and accredited school and felt that the regulations and definitions of TABC applied to their school. Ms. Doland stated that City Staff reviewed and confirmed the licensing and registration of Wee Care for All as a daycare but did not review the status of the business as a licensed and registered school.

A motion was made by Commissioner Neil and seconded by Commissioner Heine to **table** any action on the request by Adam Griffin of 30K Holdings, LLC for a Specific Use Permit to allow and Automobile (Car) Service Station (convenience store with gas pumps) in a B-1 Zoning District on property addressed as 804 E. Blue Bell Road until research could be done regarding TABC requirements in relation to daycares and private schools and to determine if the Wee Care For All Child Care is considered a licensed and accredited school. The motion carried unanimously.

5. Adjourn.

A motion was made by Commissioner Neil and seconded by Commissioner Smith to adjourn the meeting at 5:50 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

M. Keith Behrens
Chair

May 20, 2024
Meeting Date

Attest

Kim Hodde
Staff Secretary

May 20, 2024
Meeting Date



CASE NUMBER P-24-005
Specific Use Permit Request – 804 E Blue Bell Road

BACKGROUND:

On April 22, 2024, the Planning and Zoning Commission heard and held a public hearing for a Specific Use Permit request to allow a proposed Automobile (car) Service Station, consisting of a convenience store and 6 gas pumps, in a B-1 Local Business/Residential Mixed Use Zoning District. The subject property is a 1.106-acre lot that is located on the southeast intersection of E Blue Bell Road and Gayhill Street and addressed as 804 E Blue Bell Road. The subject property is currently developed as the former Terminix pest control site that was constructed in 1981 but has been vacated for several years. The applicant proposes to redevelop the site into a Zippy J's convenience store and gas station that would be open daily with approximate hours of 5am to 11pm. Please see the attached Staff Report for a detailed description of the proposed site and zoning considerations.

After the scheduled public hearing and Commission discussion, the proposed Specific Use Permit was tabled. The Planning and Zoning Commission voiced concerns and hesitations based on the public hearing comments from Mr. Lazare, the owner of the adjacent Wee Care For All Child Care Center located at 900 E. Blue Bell Road. Mr. Lazare stated that the childcare center was considered a school and thus, alcoholic beverages would not be permitted to be sold at the proposed location per Texas Alcoholic and Beverage Commission (TABC) regulations. He also voiced safety concerns for the children and families of his daycare due to increased traffic and the general public that would be frequenting the proposed use. At the meeting, Staff were unable to confirm or deny that the daycare was considered a school per the TABC and whether the proposed use would be prohibited from selling alcohol.

The City Secretary's office reviews TABC licenses in accordance with local ordinances. Please see the attachment Exhibit "A1" for excerpts of the City of Brenham Code of Ordinances, Section 17 and from the State of Texas State Statutes. Since the April Planning and Zoning Commission meeting, Staff has confirmed with Mr. Lazare that the daycare center *is not* accredited by an accrediting agency that is a member of the Texas Private School Accreditation Commission and is considered only as a day-care, not a public or private school.

Zippy J's, at its current location holds a TABC license for a Wine & Beer Retailer's On-Premise (BQ) license which is mandated by Chapter 26 of the Texas Alcoholic Beverage Code. *Chapter 26 is for retailers that sell alcohol for off-premises consumption.* Chapter 26 businesses are exempt from any distance requirements related to sales near day-care centers or childcare facilities (Alcoholic Beverage Code, Section 109.33 as shown in Exhibit "A1"). However, a business that sells alcohol *for on-site consumption* such as a bar or restaurant, would not be allowed to be located adjacent to the childcare center.

The Specific Use Permit for the proposed Automobile (car) service station with convenient store is scheduled for consideration at the May 20, 2024 Planning and Zoning Commission meeting.

Please contact Shauna Laauwe, City Planner or Jeana Bellinger, City Secretary, with any questions regarding the TABC regulations.

Exhibit A1

City of Brenham - Code of Ordinances, Section 17:

Section 17-40. Sale of alcoholic beverages within three hundred feet of church, school or hospital; measurement of distance.

- a. From and after the effective date of this article it shall be unlawful for any dealer of alcoholic beverages, whose place of business is within three hundred (300) feet of a church, **public school**, or public hospital, to sell alcoholic beverages from such place of business.
- b. The measurement of the distance shall be along the property lines of the street fronts and from front door to front door, and in direct line across intersections.

State of Texas State Statutes – Alcoholic Beverage Code, Chapter 109:

Sec. 109.33. Sales near school, church, or hospital:

- (a) The commissioners court of a county may enact regulations applicable in areas in the county outside an incorporated city or town, and the governing board of an incorporated city or town may enact regulations applicable in the city or town, prohibiting the sale of alcoholic beverages by a dealer whose place of business is within:
 - (1) 300 feet of a church, **public or private school**, or public hospital;
 - (2) 1,000 feet of a public school, if the commissioners court or the governing body receives a request from the board of trustees of a school district under Section 38.007, Education Code; or
 - (3) 1,000 feet of a private school if the commissioners court or the governing body receives a request from the governing body of the private school.

State of Texas State Statutes – Education Code:

“**Public schools**” are defined as learning institutions that are funded by local, state and/or federal governments.

State of Texas State Statutes - Business and Commerce Code, Chapter 111:

Sec. 111.001(4). “**Private school**” means a school that:

- A. Offers a course of instruction for students in one or more grade from prekindergarten through grade 12.
- B. Is not operated by a governmental entity.
- C. Is accredited by an accrediting agency that is a member of the Texas Private School Accreditation Commission.

State of Texas State Statutes – Alcoholic Beverage Code, Chapter 109:

Sec. 109.331. Sales near day-care center or child-care facility.

- (a) This section applies only to a permit or license holder under Chapters **25, 28, 32, 69 or 74** who does not hold a food and beverage certificate.

Zippy J’s Current TABC License

Zippy J’s currently has a TABC license for a Wine & Beer Retailer’s On-Premise (BQ) license which is mandated by **Chapter 26** of the Texas Alcoholic Beverage Code. **Chapter 26** is exempt

from any distance requirements related to sales near day-care centers or child care facilities (see Alcoholic Beverage Code, Sec. 109.33 above)

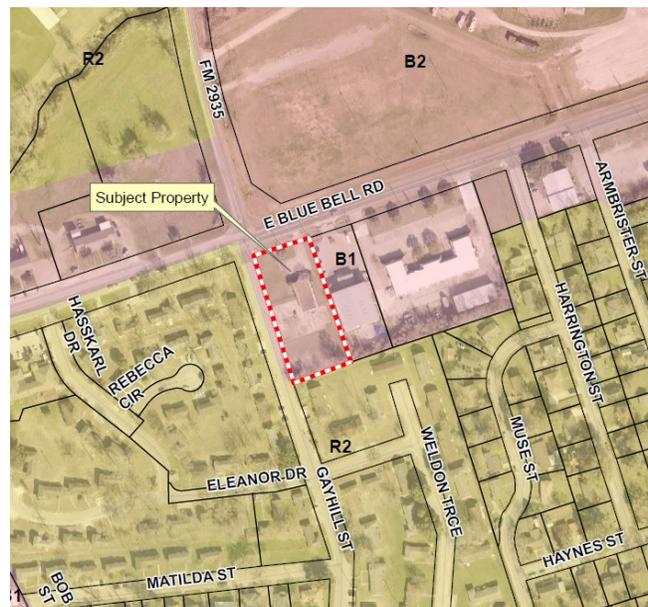
CASE NUMBER P-24-005
SPECIFIC USE PERMIT REQUEST – 804 E BLUE BELL ROAD

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

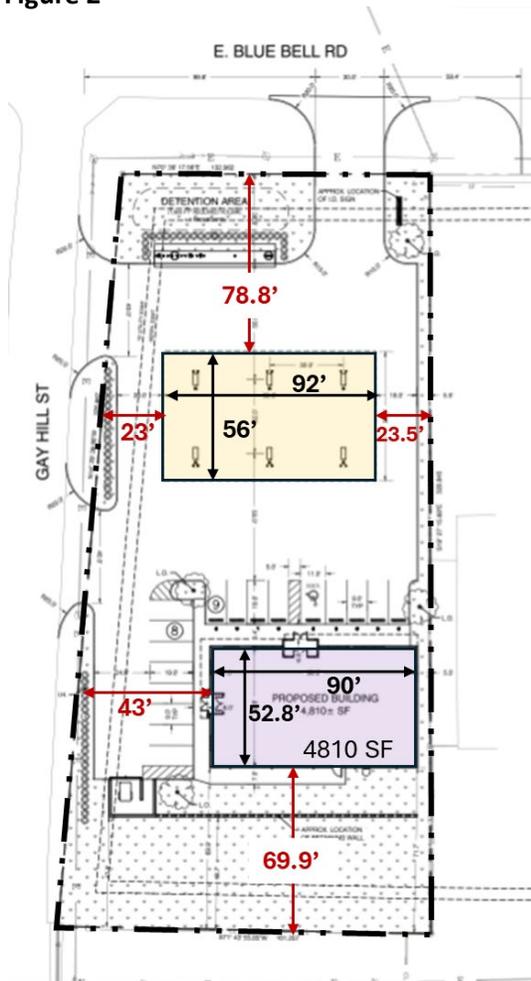


Figure 3 – Landscape Plan



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.

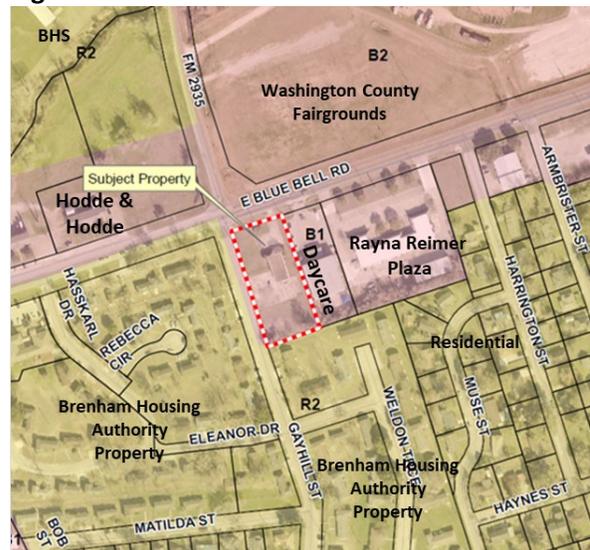
ANALYSIS OF CITY OF BRENHAM ZONING POLICIES:

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.

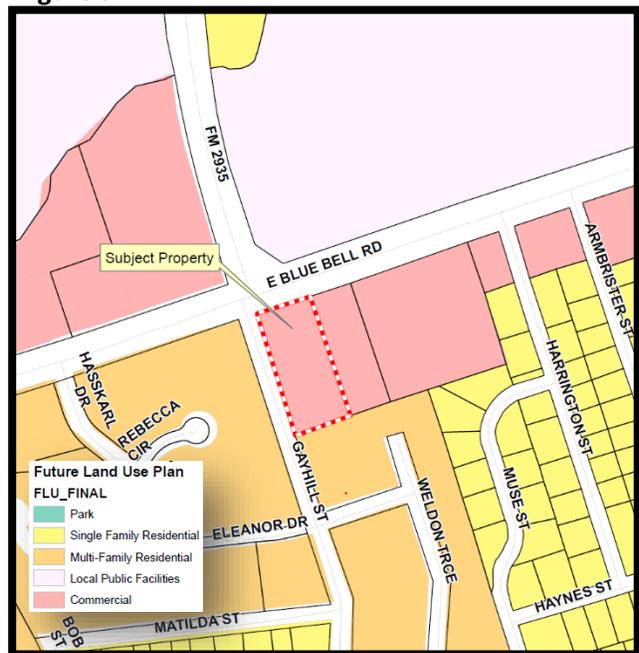
The SUP process allows staff to identify additional land uses, which may be appropriate in special circumstances. The applicant has stated that the proposed convenience store and gas station will not be a 24-hour truck stop and will include typical convenience store items in addition to a deli that will 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 are 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

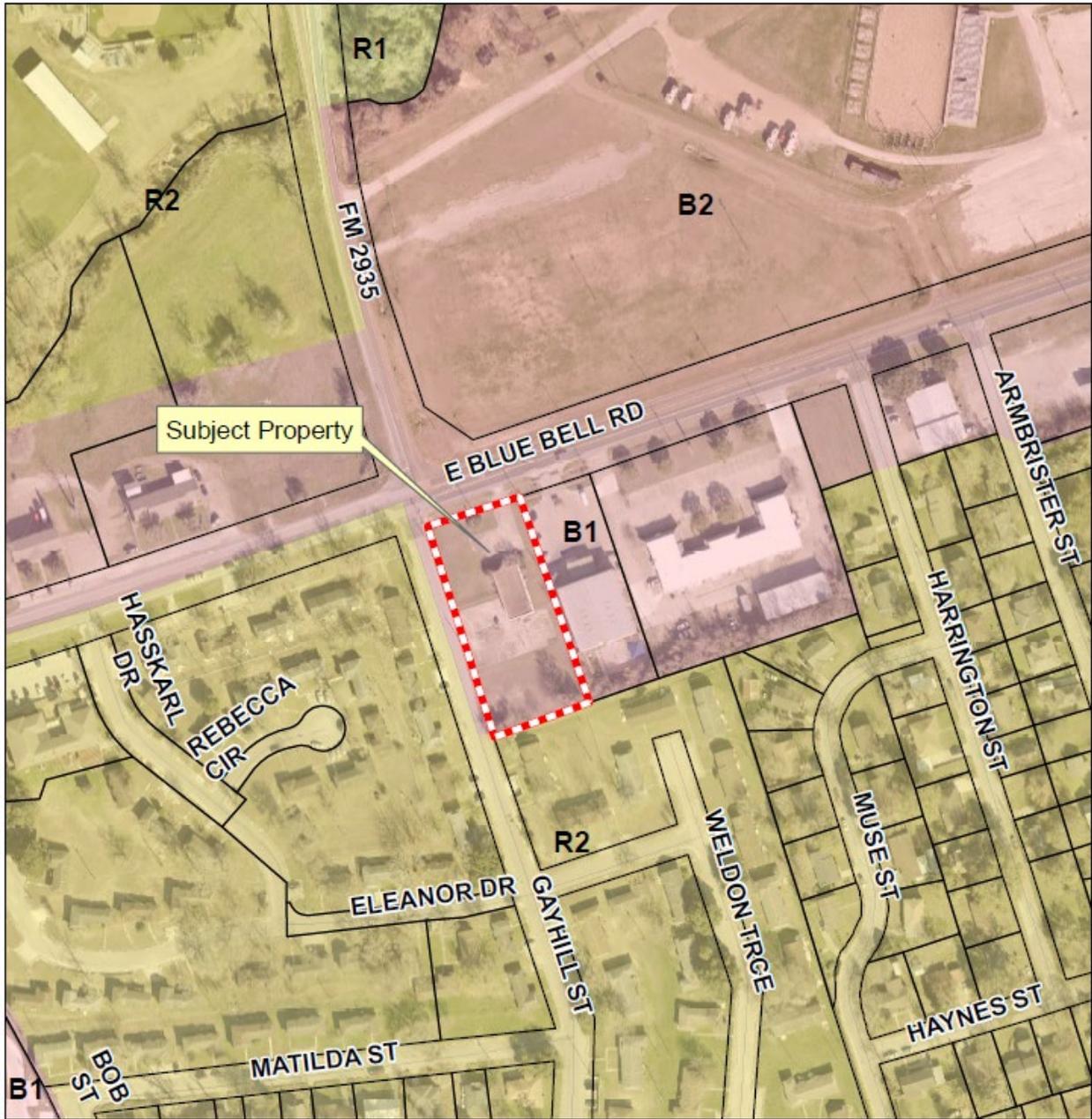


Location Map
Specific Use Permit- Convenient Store/Gas Station
804 E Blue Bell Road


1 inch = 198 feet



EXHIBIT "B"
ZONING MAP



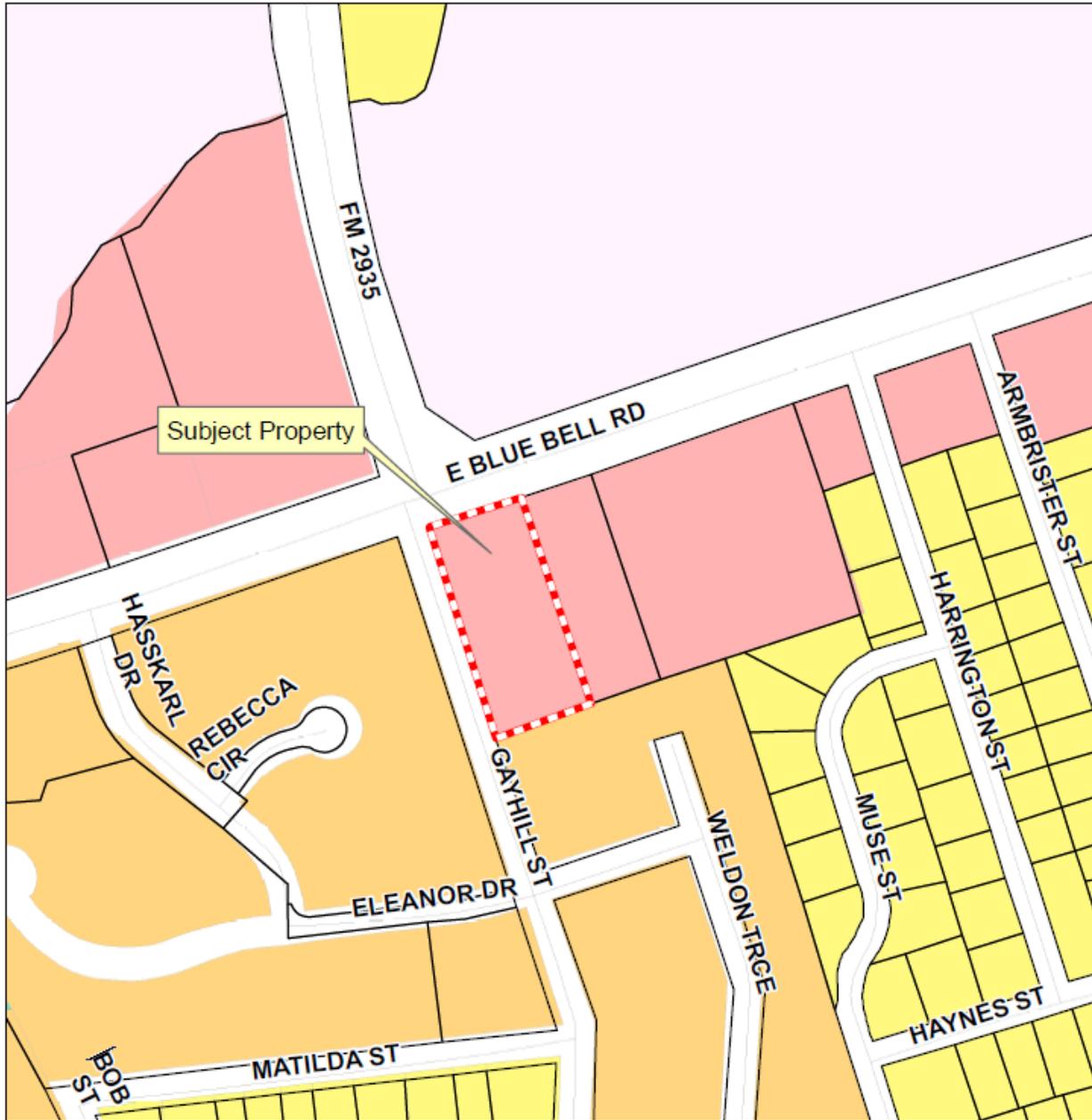
Zoning Map
Specific Use Permit- Convenient Store/Gas Station
804 E Blue Bell Road

Legend

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



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

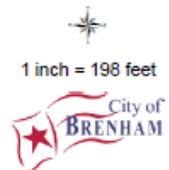


EXHIBIT "D"
LETTER OF INTENT

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: We 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.



CASE P-24-006

REPLAT: RESIDUE OF LOT 11, RANDLE'S 2ND ADDITION (UNRECORDED)

STAFF CONTACT: Shauna Laauwe AICP, City Planner

PLAT TITLE: Replat of the residue of Lot 11, Randle's 2nd Addition to Create Lot N PT 11-A and Lot N PT 11-B. **CITY/ETJ:** City Limits

PLAT TYPE: Residential Replat

OWNERS: Habitat for Humanity

APPLICANT/AGENT: Owners / Nathan Touchette

LOT AREA /LOCATION: 8,666 square feet / 708 Cottonwood Street

PROPOSED LEGAL DESCRIPTION: Lot N PT 11-A and Lot N PT 11-B of the Randle's 2nd Addition in Brenham, Washington County, Texas

ZONING DISTRICT: R-1, Single-Family Residential

EXISTING USE: Vacant land

COMP PLAN FUTURE LAND USE: Single-Family Residential

REQUEST: A request by Habitat For Humanity / Nathan Touchette for approval of a residential Replat of the residue of Lot 11, Randle's 2nd Addition (unrecorded) to create Lot N PT 11-A containing 4,333 square feet and N PT 11-B containing 4,333 square feet currently addressed as 708 Cottonwood Street, and further described as part of the A. Harrington Survey, A-55, in Brenham, Washington County, Texas.

BACKGROUND:

The subject property, currently identified as the residue of Lot 11 of the Randle's 2nd Addition (unrecorded), is owned by Habitat for Humanity. The subject property is an approximate 8,666 square foot vacant lot addressed as 908 Cottonwood Street and is a through lot with frontage along both Cottonwood Street and Hosea Street, with Riggs Street to the north and Liberty Street to the south. The property owner would like to replat the one lot into two lots, for future single-family residential development. As the subdividing of the subject property into two lots would not meet the zoning regulations for lots in a R-1, Single-Family Residential district, the subject property was granted Variances by the Board of Adjustment on April 8, 2024. The proposed lots were granted variances to allow lot areas of 4,222-square feet and 4,268-square feet, to allow a lot width of 45-feet, and to allow an average lot depth of 93-feet and 95-feet, where a minimum lot size of 7,000, a minimum lot width of 60-feet, and a minimum average lot depth of 115-feet is required for residential lots.

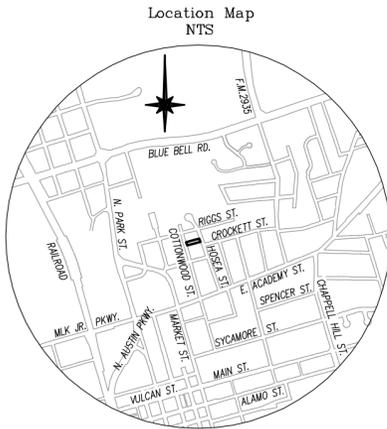
The plat dedicates a 10-foot public utility easement along Cottonwood Street and Hosea Street.

STAFF RECOMMENDATION:

Development Services staff and Engineering have reviewed the proposed residential Replat for compliance with the City of Brenham's regulations and ordinances and **recommends approval** of the proposed residential Replat as presented.

EXHIBITS:

- A. Proposed residential Replat



FINAL PLAT A REPLAT OF RANDLE 2ND ADDITION TO FORM LOT N PT 11-A AND LOT N PT 11-B



Bearings and Distances are based on the Texas Coordinate System of 1983-Central Zone as obtained by GPS observations.

- NOTES:**
- All oil/gas pipelines or pipeline easements with ownership through the subdivision have been shown.
 - This plat does not attempt to amend or remove any valid covenants or restrictions.
 - 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.
 - According to Flood Insurance Rate Map (F.I.R.M.), compiled by the Federal Emergency Management Agency, Map No. 48477C0295C, Washington County, Texas, effective date of August 16, 2011, the subject property does not lie within the Special Flood Hazard Area.
 - Iron rods set are fitted with plastic cap stamped "Lampe Surveying".
 - Contours shown hereon were derived from City of Brenham, Texas data.

LOT N PT 11-A: 4,333 SQUARE FEET
 LOT N PT 11-B: 4,333 SQUARE FEET
 FOR A TOTAL OF 8,666 SQUARE FEET
 IN THE A. HARRINGTON SURVEY, A-55
 CITY OF BRENHAM,
 WASHINGTON COUNTY, TEXAS

BEING THE SAME LAND DESCRIBED AS 0.199 ACRES IN A DEED FROM WASHINGTON COUNTY, AS TRUSTEE FOR ITSELF, BRENHAM INDEPENDENT SCHOOL DISTRICT, CITY OF BRENHAM, AND BLINN COLLEGE TO HABITAT FOR HUMANITY, WASHINGTON COUNTY, DATED JANUARY 22, 2008, RECORDED IN VOLUME 1275, PAGE 451, OFFICIAL RECORDS OF WASHINGTON COUNTY, TEXAS.

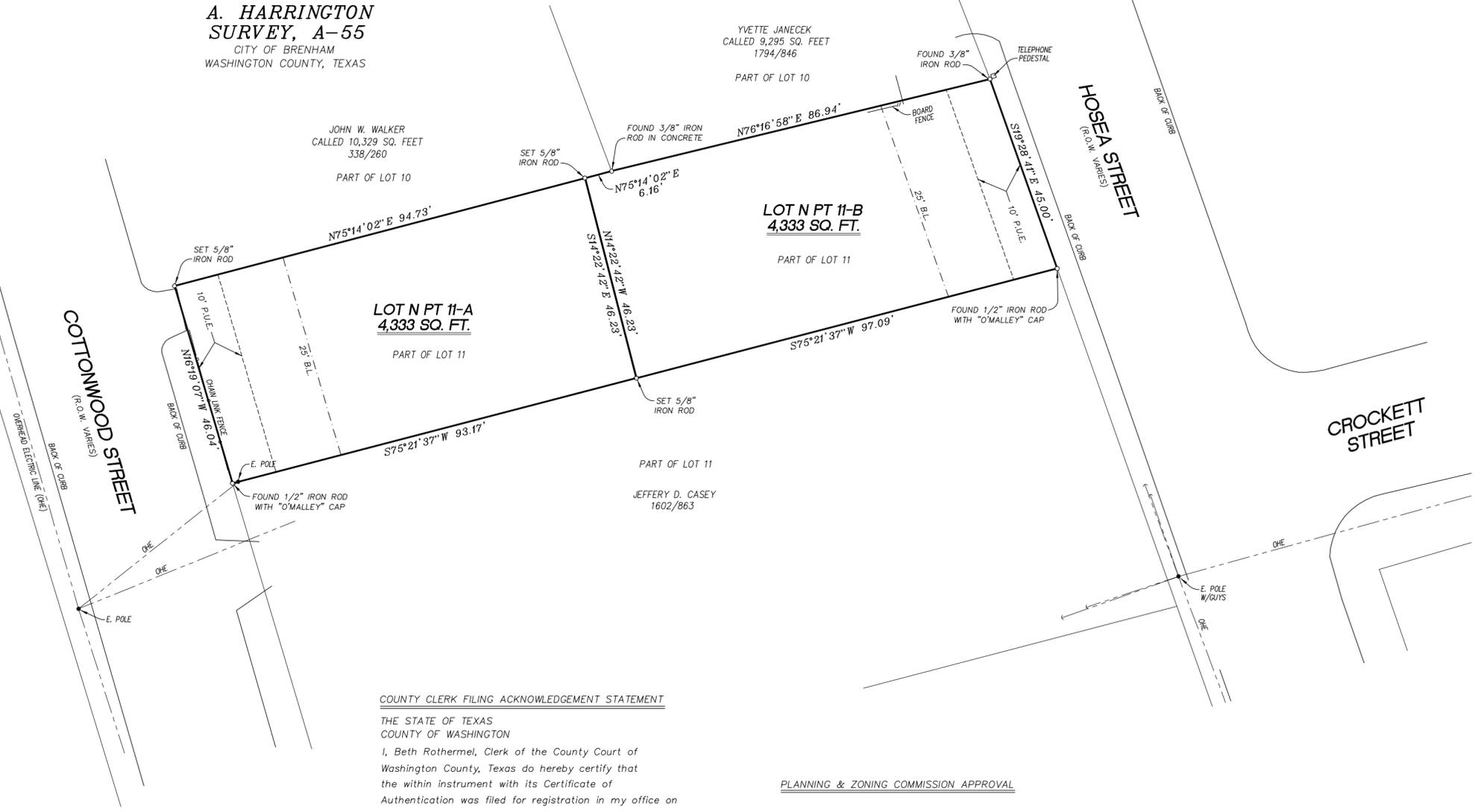
LEGEND:
 B.L. = BUILDING LINE
 P.U.E. = PUBLIC UTILITY EASEMENT
 OHE = OVERHEAD ELECTRIC LINE



Property Owner
 Habitat For Humanity,
 Washington County
 119 Lake Street
 Bryan, Texas 77801
 (979) 571-3772

Plat Prepared by
 Lampe Surveying, Inc
 P.O. Box 2037
 1408 West Main Street
 Brenham, Texas 77834
 (979) 836-6677

**A. HARRINGTON
 SURVEY, A-55**
 CITY OF BRENHAM
 WASHINGTON COUNTY, TEXAS



OWNER DEDICATION

Habitat For Humanity, Washington County, owner of the property subdivided in the foregoing map of Plat of Randle 2nd Addition to Form Lot N PT 11-A and Lot N PT 11-B, to the City of Brenham, Texas, do hereby make subdivision of said property according to the lines, lots, building lines, and easements thereon shown and designate said subdivision as the Plat of Randle 2nd Addition to Form Lot N PT 11-A and Lot N PT 11-B, to the City of Brenham, Texas, located in the City of Brenham, Washington County, Texas, and I do hereby dedicate to public use, as such the easements shown thereon forever and do hereby bind ourselves, our heirs, executors, and administrators to warrant and forever defend the title to the easements so dedicated. 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 all easements shown hereon.

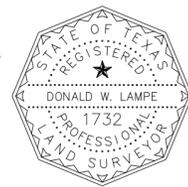
Nathan D. Touchette
 Director of Property, Acquisition, Development & Maintenance

THE STATE OF TEXAS
 COUNTY OF WASHINGTON

This instrument was acknowledged before me on the _____ day of _____, 2024 by Nathan D. Touchette.

Notary Public _____ Notary's Name (Printed): _____
 State of Texas _____ Notary's Commission _____
 Expires: _____

I, Donald W. Lampe, Registered Professional Land Surveyor No. 1732 of the State of Texas, do hereby certify that this plat accurately represents the results of an on the ground survey made under my direction.
 Dated this the 17th day of April, 2024. _____
 Donald W. Lampe
 R.P.L.S. No. 1732
 Lampe Surveying, Inc



COUNTY CLERK FILING ACKNOWLEDGEMENT STATEMENT

THE 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 _____, 2024, A.D. at _____ o'clock ____ .M., and duly recorded on the _____ day of _____, 2024, A.D. at _____ o'clock ____ .M., in Plat Cabinet File No. _____.

Witnessed by hand and seal of the County Court of the said County, at office in Brenham, Texas.
 By: _____ Deputy Beth Rothermel
 County Clerk
 Washington County, Texas

PLANNING & ZONING COMMISSION APPROVAL

Approved this _____ day of _____, 2024 by the City Planning & Zoning Commission of the City of Brenham, Texas.
 _____ Chairman
 _____ Secretary

LAMPE SURVEYING, INC
 PROFESSIONAL LAND SURVEYORS
 1408 WEST MAIN STREET
 P. O. BOX 2037
 BRENHAM, TEXAS 77834
 (979) 836-6677
 TBPELS FIRM NO. 10040700
 W.O. 4055 4055S1(FINAL).DWG 3252NRS.CGC



CASE P-24-007
REPLAT: LOTS 36A AND 37A OF THE WEST MAIN ADDITION

STAFF CONTACT: Shauna Laauwe AICP, City Planner

PLAT TITLE: Replat of Lot 36A & 37A, West Main Addition to Create Lot 36A-1 and Lot 37A-1 **CITY/ETJ:** City Limits

PLAT TYPE: Residential Replat

OWNERS: Mischa L. Enos

APPLICANT/AGENT: Mischa L. Enos

LOT AREA /LOCATION: 1.136-acres / 503 W. Alamo Street

PROPOSED LEGAL DESCRIPTION: Lot 36A-1 and Lot 37A-1 of the West Main Addition in Brenham, Washington County, Texas

ZONING DISTRICT: R-2, Mixed Residential Use

EXISTING USE: Single-Family Residential

COMP PLAN FUTURE LAND USE: Mixed Use Downtown Adjacent

REQUEST: A request by Mischa L. Enos for approval of a Replat of Lots 36A and 37A of the West Main Addition to create Lot 36A-1 containing 0.6196-acres and Lot 37A-1 containing 0.5169-acres for a total of 1.136-acres, currently addressed as 503 W. Alamo Street, and further described as part of the A. Harrington Survey, A-55, in Brenham, Washington County, Texas.

BACKGROUND:

The subject property, currently identified as Lot 36A and Lot 37A of the West Main Addition, is owned by Mischa L. Enos. The subject property is approximately 1.136-acres that is addressed as 503 W. Alamo Street, and generally located on the south side of W. Alamo Street and approximately 106 feet to the west of Seward Street and 338 feet east of South Jackson Street. The subject property is a double frontage lot, with frontage along W. Alamo Street to the north and Peabody Street to the south. The property is currently developed with a single-family residence, carriage house (ADU), and pool. The property owner would like to replat the one lot into two lots in order to sell a portion of the large lot. The existing home would be located on the northern Lot 36A-1, while the existing carriage house (ADU) and pool would be located on the southern Lot 37A-1. The property owner has architectural plans to expand the carriage house into a single-family residence.

The plat dedicates a 15-foot public utility easement along W. Alamo Street and Peabody Street.

STAFF RECOMMENDATION:

Development Services staff and Engineering have reviewed the proposed residential Replat for compliance with the City of Brenham's regulations and ordinances and **recommends approval** of the proposed residential Replat as presented.

EXHIBITS:

- A. Proposed residential Replat

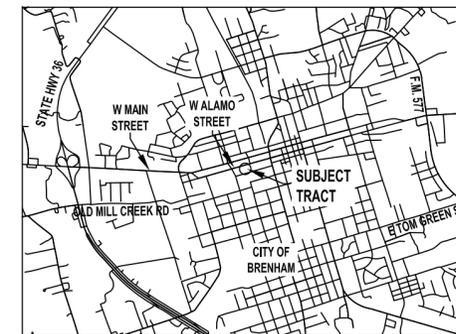
FINAL PLAT

REPLAT OF LOTS 36A AND 37A OF THE WEST MAIN STREET ADDITION

LEGEND

- P.P. = POWER POLE
- B.L. = BUILDING LINE
- P.U.E. = PUBLIC UTILITY EASEMENT
- O.R.W.C., TX = OFFICIAL RECORDS OF WASHINGTON COUNTY, TEXAS
- P.R.W.C., TX = PLAT RECORDS OF WASHINGTON COUNTY, TEXAS
- OE = OVERHEAD UTILITY LINES
- RW = RIGHT OF WAY LINE

VICINITY MAP



OWNER ACKNOWLEDGMENT

WE, MISCHA LOSETTE ENOS, THE OWNERS OF THE LAND DESCRIBED HEREON AND WHOSE NAMES ARE SUBSCRIBED HERETO, DO HEREBY ACKNOWLEDGE THE CHANGES TO THE 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 AND TITLE)

NOTARY PUBLIC ACKNOWLEDGMENT

THE STATE OF TEXAS

COUNTY OF _____

THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME ON THE _____

DAY OF _____, 2024

BY _____

NOTARY PUBLIC, STATE OF TEXAS

NOTARY COMMISSION EXPIRES: _____

LIENHOLDERS' ACKNOWLEDGEMENT AND SUBORDINATION STATEMENT

WE, _____, THE OWNERS AND HOLDERS OF A LIEN AGAINST THE PROPERTY DESCRIBED AS 1.136 ACRES RECORDED IN VOLUME 1744, PAGE 222 IN THE OFFICIAL RECORDS OF WASHINGTON COUNTY, TEXAS, DO HEREBY IN ALL THING SUBORDINATE TO SAID PLAT OF WASHINGTON COUNTY, TEXAS 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 AND TITLE)

NOTARY PUBLIC ACKNOWLEDGMENT

THE STATE OF TEXAS

COUNTY OF _____

THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME ON THE _____

DAY OF _____, 2024

BY _____

NOTARY PUBLIC, STATE OF TEXAS

NOTARY COMMISSION EXPIRES: _____

PLANNING AND ZONING COMMISSION APPROVAL

APPROVED THIS _____ DAY OF _____, 2024
BY THE PLANNING AND ZONING COMMISSION OF THE CITY OF BRENHAM, TEXAS.

CHAIRMAN

SECRETARY

COUNTY CLERK FILING ACKNOWLEDGE STATEMENT

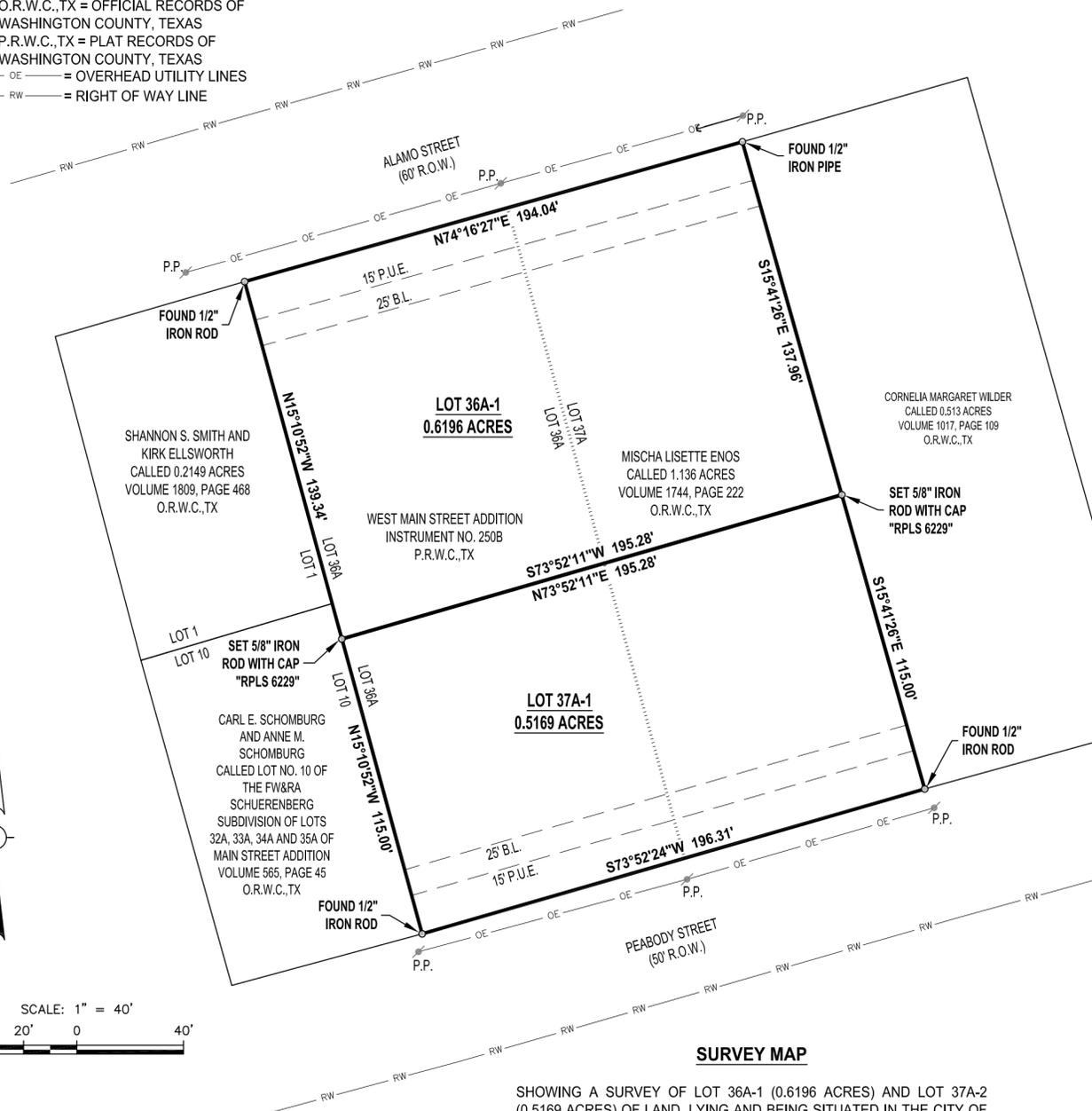
THE STATE OF TEXAS
COUNTY OF WASHINGTON

I _____, CLERK OF THE COURT OF WASHINGTON COUNTY, TEXAS DO HEREBY CERTIFY THAT THE INSTRUMENT WITH ITS CERTIFICATE OF AUTHENTICATION WAS FILED FOR REGISTRATION IN MY OFFICE ON THE _____ DAY OF _____, 20____, 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, TEAS THE DAY AND DATE LAST ABOVE WRITTEN

CLERK OF THE COUNTY COURT
WASHINGTON COUNTY, TEXAS

ORIGINAL SHEET SIZE = 18" X 24"



SURVEY MAP

SHOWING A SURVEY OF LOT 36A-1 (0.6196 ACRES) AND LOT 37A-1 (0.5169 ACRES) OF LAND, LYING AND BEING SITUATED IN THE CITY OF BRENHAM, WASHINGTON COUNTY, TEXAS, PART OF THE ARRABELLA HARRINGTON SURVEY, ABSTRACT NO. 55, BEING ALL OF LOTS 36A AND 37A OF THE WEST MAIN STREET ADDITION RECORDED IN INSTRUMENT NO. 250B P.R.W.C.,TX AND BEING ALL OF THAT CALLED 1.136 ACRE TRACT DESCRIBED IN DEED TO MISCHA LISETTE ENOS RECORDED IN VOLUME 1744, PAGE 222 O.R.W.C.,TX

NOTES:

- BEARINGS BASED ON THE TEXAS COORDINATE SYSTEM OF 1983 (2011 ADJUSTMENT), CENTRAL ZONE, U.S. SURVEY FEET
- 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 NUMBER 48477C0295C, EFFECTIVE AUGUST 16, 2011, CITY OF BRENHAM, WASHINGTON COUNTY, TEXAS
- THIS SURVEY HAS BEEN PREPARED WITHOUT THE BENEFIT OF A TITLE COMMITMENT. THERE MAY BE EASEMENTS AFFECTING SUBJECT PROPERTY UNKNOWN TO THE SURVEYOR
- THIS PLAT DOES NOT INTEND TO AMEND OR REMOVE ANY VALID COVENANTS OR RESTRICTIONS
- SUBJECT TO BUILDING SETBACK LINES AND YARD REQUIREMENTS ACCORDING TO ZONE AND USE AS SET FORTH IN THE CITY OF BRENHAM ZONING ORDINANCE

I, DONALD RAY HUNTER, JR., REGISTERED PROFESSIONAL LAND SURVEYOR, NO. 5197 OF THE STATE OF TEXAS, DO HEREBY CERTIFY THAT THIS MAP SHOWING A SURVEY AND REPLAT OF 2 LOTS OF LAND IS TRUE AND CORRECT IN ACCORDANCE WITH AN ACTUAL SURVEY MADE ON THE GROUND UNDER MY PERSONAL DIRECTION AND SUPERVISION

DATED THIS _____ DAY OF MAY, 2024 A.D.

DONALD RAY HUNTER JR.
REGISTERED PROFESSIONAL LAND SURVEYOR NO. 6229

DATE SURVEYED: JULY 07, 2023 & APRIL 15, 2024
BEARINGS BASED ON THE TEXAS COORDINATE SYSTEM OF 1983 (2011), CENTRAL ZONE, U.S. SURVEY FEET

FINAL PLAT			
REPLAT OF LOTS 36A AND 37A			
OF THE WEST MAIN STREET ADDITION TO			
CREATE LOT 36A-1 (0.6196 ACRES) AND			
LOT37A-1 (0.5169 ACRES) FOR A TOTAL OF 1.136 ACRES			
DRAWN BY: DRH	DATE: 04/24/2024	DWG. NO.	REV.
CHECKED BY: DRH	DATE: 04/26/2024	23-124-01	0
SCALE: 1" = 40'	APP.: DRH		

PREPARED BY: HLS SERVICES, LLC
15803 ROSE PINE CT., CYPRESS, TX 77429
PHONE: (832) 690-9007

Kim Hodde

From: Suzanne Callaway <skilty86@gmail.com>
Sent: Wednesday, May 8, 2024 10:39 AM
To: Kim Hodde
Subject: Case #P-24-007

The owner has cared for the entire property since purchase and improved it immensely. I am sure that will continue after the replat making two manageable properties.

*Suzanne Callaway
501 Peabody St
Brenham, TX 77833*

**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-24-007
P.O. Box 1059
Brenham, Texas 77834-1059

Name: Cheryl Dutille

(please print)
Address: 501 W Main

Brenham TX 77833

Signature: Cheryl Dutille

Date: 5/13/2024

I am FOR the requested REPLAT as explained on the attached public notice for P&Z Case P-24-007. (Please state reasons below)

I am AGAINST the requested REPLAT as explained on the attached public notice for P&Z Case P-24-007. (Please state reasons below)

Date, Location, & Time of Planning and Zoning Commission meeting:

Monday, May 20, 2024, 5:15 PM
City Council Chambers, 2nd Floor, City of Brenham City Hall
200 West Vulcan Street, Brenham, Texas 77833

COMMENTS/REASONS:

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.

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-24-007
P.O. Box 1059
Brenham, Texas 77834-1059

Name: Mischra L. Enos

(please print)
Address: 503 W. Alamo Sts

Brenham, TX

Signature: *Mischra L. Enos*

Date: May 10, 2024

I am FOR the requested REPLAT as explained on the attached public notice for P&Z Case P-24-007. (Please state reasons below)

I am AGAINST the requested REPLAT as explained on the attached public notice for P&Z Case P-24-007. (Please state reasons below)

Date, Location, & Time of Planning and Zoning Commission meeting:
Monday, May 20, 2024, 5:15 PM
City Council Chambers, 2nd Floor, City of Brenham City Hall
200 West Vulcan Street, Brenham, Texas 77833

COMMENTS/REASONS:
I am the owner of the entire property at 503 W. Alamo
and wish to petition for the replat so that
I may establish a separate dwelling on the south
half of the lot.

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.

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-24-007
P.O. Box 1059
Brenham, Texas 77834-1059

Name:
(please print)
Address:

SEAN PEREIRA
410 W AVADO ST
BRENHAM, TX 77833

Signature:

Sean Pereira

Date:

05/07/2024

I am FOR the requested REPLAT as explained on the attached public notice for P&Z Case P-24-007. (Please state reasons below)

I am AGAINST the requested REPLAT as explained on the attached public notice for P&Z Case P-24-007. (Please state reasons below)

Date, Location, & Time of Planning and Zoning Commission meeting:

Monday, May 20, 2024, 5:15 PM
City Council Chambers, 2nd Floor, City of Brenham City Hall
200 West Vulcan Street, Brenham, Texas 77833

COMMENTS/REASONS:

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.

Kim Hodde

From: Lorie A. Woodward <lorieawoodward@gmail.com>
Sent: Sunday, May 12, 2024 2:04 PM
To: Kim Hodde
Subject: Public Comment: Case Number P-24-007

I am FOR the requested REPLAT as explained on the attached public notice for P&Z Case P-24-007).

It will not affect quality of life and/or aesthetics on Alamo St./Peabody St. and the replat is amenable to the owner and potential future owner.

--

Lorie A. Woodward
Brenham, Texas
325-656-4033
lorieawoodward@gmail.com



CASE P-24-008

REPLAT: UNRESTRICTED RESERVE “B”, HERITAGE OAKS SUBDIVISION, SECTION 1

STAFF CONTACT: Shauna Laauwe AICP, City Planner

PLAT TITLE: Replat of Unrestricted Reserve “B”,
Heritage Oaks Subdivision, Section 1 to
Create Heritage Oaks Subdivision Section 2,
Lots 1-15, Block 1. **CITY/ETJ:** City Limits

PLAT TYPE: Residential Replat

OWNER: Arlen Thielemann

APPLICANT/AGENT: Presley Good, Garza EMC

LOT AREA: 5.69 Acres

PROPOSED LEGAL DESCRIPTION: Lots 1-15, Block 1 of the Heritage Oaks Subdivision, Section 2 in Brenham, Washington County, Texas

ZONING DISTRICT: R-1, Single-Family Residential

EXISTING USE: Vacant land

COMP PLAN FUTURE LAND USE: Single-Family Residential

REQUEST: A request by Presley Good (Garza EMC) / Arlen Thielemann for approval of a Replat of the unrestricted Reserve “B” of the Heritage Oaks Subdivision, Section 1 to create Heritage Oaks Subdivision, Section 2, containing 5.69-acres total and consisting of 15 Lots and 1 Block, and further described as part of the Isaac Lee Survey, A-77, in Brenham, Washington County, Texas.

BACKGROUND:
The subject property, currently identified as unrestricted Reserve “B” of the Heritage Oaks Subdivision, Section 1, is owned by Arlen Thielemann. The subject property is an approximately 5.69 acre vacant lot that is generally located east of Cantey Street and north of Oak Hollow Lane. The property owner would like to replat the unrestricted reserve property into 15 lots for future single-family residential development. The plat dedicates a 55-foot right-of-way each for two streets, Oak View Lane and Pecan Crossing Court. In addition, the plat dedicates a 10-foot public utility easement along Pecan Crossing Court and along the lot lines of Lot 1, as well as 20-foot public utilities easements bordering the lot lines of Lot 11. The plat also dedicates a 20-foot drainage easement between proposed Lots 10 and 11.

STAFF RECOMMENDATION:

Development Services staff and Engineering have reviewed the proposed residential Replat for compliance with the City of Brenham's regulations and ordinances and **recommends approval** of the proposed residential Replat as presented.

EXHIBITS:

- A. Proposed residential Replat



Scale 1" = 50'



cm = control monument
D.R.W.C. = Deed Records of Washington County, Texas
O.R.W.C. = Official Records of Washington County, Texas
COB PUE = City of Brenham public utilities easement
BL = building setback line
PUE = public utilities easement

Bearings shown hereon are based on the Texas Coordinate System of 1983, Central Zone (4203).

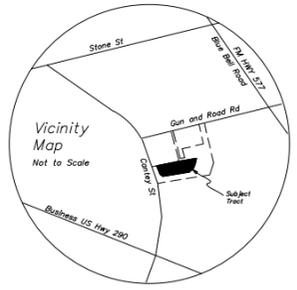
Unless otherwise noted, all lot and reserve corners, points of intersection, points of curvature, points of reverse curvature, and points of tangency shown hereon are marked with 5/8 inch diameter iron pins 2.5 feet in length with a plastic cap marked "RPLS 5935".

Heritage Oaks, Section 2

Being a Replat of
Unrestricted Reserve "B"
Containing 5.69 Ac. Total
Consisting of 15 Lots and 1 Block

Isaac Lee Survey, Abstract No. 77
City of Brenham, Washington County, Texas

Showing a survey of 5.69 acres of land, situated in Washington County, Texas, being out of the Isaac Lee Survey, Abstract No. 77, in the City of Brenham, being a portion of a called 23.822 acre tract described in that deed dated June 14, 2016, from Patricia L. Doyle, et al to Thielemann Development Company, LP, recorded in Volume 1546, Page 0249 of the Official Records of Washington County, Texas.



CURVE	RADIUS	DELTA ANGLE	ARC LENGTH	CHORD BEARING	CHORD LENGTH
C1	13.00'	103°07'06"	23.40'	S 53°01'20" E	20.36'
C2	281.51'	08°13'41"	40.43'	N 72°15'55" E	40.39'
C3	14.00'	61°01'58"	14.91'	N 35°30'48" E	14.22'
C4	62.00'	35°50'05"	38.78'	S 22°37'59" W	38.15'
C5	62.00'	53°36'04"	58.00'	S 67°20'44" W	55.91'
C6	62.00'	47°31'47"	51.43'	N 62°05'21" W	49.97'
C7	62.00'	43°57'44"	47.57'	N 16°20'35" W	46.41'
C8	62.00'	46°03'09"	49.83'	N 28°39'51" E	48.50'
C9	62.00'	67°04'14"	72.58'	N 85°13'33" E	68.50'
C10	14.00'	46°37'27"	11.39'	N 87°43'18" W	11.08'
C11	336.51'	09°53'58"	58.14'	N 71°30'00" E	58.02'
C12	336.51'	11°58'19"	70.02'	N 82°24'39" E	69.89'
C13	14.00'	45°03'20"	11.01'	S 54°52'35" W	10.73'
C14	62.00'	74°15'55"	80.36'	N 68°08'23" E	74.85'
C15	62.00'	42°45'35"	46.27'	S 53°20'52" E	45.20'
C16	62.00'	51°00'42"	55.20'	S 06°27'43" E	53.39'
C17	62.00'	47°51'24"	51.79'	S 42°58'20" W	50.29'
C18	62.00'	77°37'56"	84.01'	N 74°7'00" W	77.73'
C19	14.00'	59°47'03"	14.61'	S 61°56'18" E	13.95'
C20	13.00'	89°52'50"	20.39'	N 43°25'53" E	18.37'

PLANNING AND ZONING COMMISSION APPROVAL
Approved this _____ day of _____, 2023, by the Planning and Zoning Commission of the City of Brenham, Texas.

Chairman _____
Secretary _____

OWNER'S ACKNOWLEDGEMENT
I, Arlen Thielemann, owner of the land described hereon and whose name is 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.

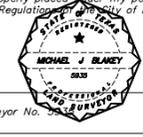
NOTARY PUBLIC ACKNOWLEDGEMENT
THE STATE OF TEXAS
COUNTY OF WASHINGTON
This instrument was acknowledged before me on this _____ day of _____, 2023.

COUNTY CLERK FILING ACKNOWLEDGEMENT STATEMENT
I, Beth Rothermel, Clerk of the County Court of Washington County, Texas, do hereby certify that the within instrument was filed with my office on the _____ day of _____, 2023, at _____ o'clock, _____ m., and duly recorded on the _____ day of _____, _____ o'clock, _____ m., in cabinet _____ of the _____ records of said county.

Beth Rothermel
Clerk of the County Court of Washington County, Texas.
By: _____

KNOW ALL MEN BY THESE PRESENTS: That I, do hereby certify that I prepared this plat from an actual and accurate survey of the land and that the corner monuments shown hereon were properly placed under my personal supervision, in accordance with the Subdivision Regulation Ordinance of the City of Brenham, Texas.

Michael J. Blakey
Registered Professional Land Surveyor No. _____ August 15, 2023



- NOTE:
- 1) This plat does not attempt to amend or remove any valid covenants or restrictions.
 - 2) Subject to building setback lines and yard requirements according to zone and use as set forth by The City of Brenham Zoning Ordinance.
 - 3) The subject tract/lot shown hereon does not lie within the Special Flood Hazard Area according to the FEMA Flood Insurance Rate Map for Washington County, Texas, Map Number 48477C0315C, effective date August 16, 2011.
 - 4) All oil/gas pipelines or pipeline easements with ownership through subdivision have been shown.
 - 5) All oil/gas wells with ownership (plugged, abandoned, and/or active) through the subdivision have been shown.
 - 6) 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 (fifteen) feet off centerline of low pressure gas lines, and 30 (thirty) feet off centerline of high pressure gas lines.

W.O.#2023-3453

Blakey Surveying, LLC
RPLS 4052 RPLS 5935
TEXAS FIRM REGISTRATION NO. 10085000
4850 Wilhalm Lane
Burlton, Texas 77855 (979) 877-8549

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-24-008
P.O. Box 1059
Brenham, Texas 77834-1059

Name: Otto J. Acker / Peggy H Acker
(please print)
Address: 2431 OAK HOLLOW LANE

BRENHAM, TX 77833

Signature: Oja Peggy H Acker

Date: 5-6-24

I am FOR the requested REPLAT as explained on the attached public notice for P&Z Case P-24-008. (Please state reasons below)

I am AGAINST the requested REPLAT as explained on the attached public notice for P&Z Case P-24-008. (Please state reasons below)

Date, Location, & Time of Planning and Zoning Commission meeting:
Monday, May 20, 2024, 5:15 PM
City Council Chambers, 2nd Floor, City of Brenham City Hall
200 West Vulcan Street, Brenham, Texas 77833

COMMENTS/REASONS:

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.

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-24-008
P.O. Box 1059
Brenham, Texas 77834-1059

Name: Marilynnette Cox
(please print)
Address: 364 Blue Branch Street
Eustis, FL 32736
Signature: Marilynnette Cox
Date: 05/17/2024

I am FOR the requested REPLAT as explained on the attached public notice for P&Z Case P-24-008. (Please state reasons below)

I am AGAINST the requested REPLAT as explained on the attached public notice for P&Z Case P-24-008. (Please state reasons below)

Date, Location, & Time of **Planning and Zoning Commission** meeting:

Monday, May 20, 2024, 5:15 PM
City Council Chambers, 2nd Floor, City of Brenham City Hall
200 West Vulcan Street, Brenham, Texas 77833

COMMENTS/REASONS:

In sufficient information provided as of this date.
see attached questions/concerns

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.

Case Number P-24-008

Proposed Replat Heritage Oaks, Section 2

Owner/Applicant: Arlen Thielemann/Presley Good (Garza EMC)

I am the owner of Lot 11, Block 3, Section 1, of Heritage Oaks (2406 Oak Hollow Lane). I have the following questions/concerns:

1) The rear of my lot borders the detention pond designated on the proposed Replat of Unrestricted Reserve "B" as Restricted Reserve "D" Detention Pond called 1.484 ac.

What assurance can you give me that the 1.484 ac Detention Pond is adequate for the drainage easements called for in the proposed Replat, in addition to the existing drainage easements of Heritage Oaks Subdivision?

2) What is the change in elevation of the proposed Replat in relation to the lots contained in Block 3, specifically my Lot 11?

3) What is the minimum square footage of the homes to be built on the lots in the proposed Replat?

4) The proposed Replat calls for a total of 15 lots. Is there a possibility this number of lots could be amended at a later date? What would be the procedure in this event?

5) What is the proposed timeline for commencing work on the proposed Replat?

Submitted by:

Marilynette Cox

05/17/2024

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-24-008
P.O. Box 1059
Brenham, Texas 77834-1059

Name: Dianne Lovell

(please print)
Address: 6352 Wiedeville Church Rd

Brenham TX 77833

Signature: Dianne Lovell

Date: 5/17/2024

I am FOR the requested REPLAT as explained on the attached public notice for P&Z Case P-24-008. (Please state reasons below)

I am AGAINST the requested REPLAT as explained on the attached public notice for P&Z Case P-24-008. (Please state reasons below)

Date, Location, & Time of **Planning and Zoning Commission** meeting:

Monday, May 20, 2024, 5:15 PM
City Council Chambers, 2nd Floor, City of Brenham City Hall
200 West Vulcan Street, Brenham, Texas 77833

COMMENTS/REASONS:

Based on information provided. See attached
email of this date to khodde@cityofbrenham.org

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.

From: [Dianne Craft](#)
To: [Kim Hodde](#)
Subject: Case Number: P-24-008
Date: Friday, May 17, 2024 12:12:40 PM
Attachments: [Public Comment Form_DLovell.pdf](#)

Ms. Hodde,

Please see attached Public Comment Form.

Case Number P-24-008

Proposed Replat Heritage Oaks, Section 2

Owner/Applicant: Arlen Thielemann/Presley Good (Garza EMC)

I am the owner of Lot 10, Block 3, Section 1, of Heritage Oaks (2408 Oak Hollow Lane). I have the following questions/concerns:

1) The rear of my lot borders the detention pond designated on the proposed Replat of Unrestricted Reserve "B" as Restricted Reserve "D" Detention Pond called 1.484 ac.

What assurance can you give me that the 1.484 ac Detention Pond is adequate for the drainage easements called for in the proposed Replat, in addition to the existing drainage easements of Heritage Oaks Subdivision?

2) What is the change in elevation of the proposed Replat in relation to the lots contained in Block 3, specifically my Lot 10?

3) What is the minimum square footage of the homes to be built on the lots in the proposed Replat?

4) The proposed Replat calls for a total of 15 lots. Is there a possibility this number of lots could be amended at a later date? What would be the procedure in this event?

5) What is the proposed timeline for commencing work on the proposed Replat?

Submitted by:

Dianne Lovell



CASE P-24-009

**REPLAT: RESERVE "A", BLOCK IV, SCENIC ESTATES SUBDIVISION, SECTION 1
AND RESERVE "B2", BLOCK IV, SECTION 1**

STAFF CONTACT: Shauna Laauwe AICP, City Planner

PLAT TITLE: Replat of Reserve A, Block IV of Scenic Estates Section 1 and Reserve B2, Block IV of the Replat of Original Subdivision Plat, Reserve B, Block IV, Scenic Estates, Section 1 **CITY/ETJ:** City Limits

PLAT TYPE: Commercial Replat

STAFF CONTACT: Shauna Laauwe ACIP, City Planner

OWNER: Michael Ancone / Ancona LLC

APPLICANT/AGENT: Hodde & Hodde Land Surveying

LOT AREA /LOCATION: 2.609 Acres / Southeast corner of Brookside Drive and SH 36 North

PROPOSED LEGAL Lot 1R, Block IV, Scenic Estates Section 1

ZONING DISTRICT: B-1, Local Business Mixed Residential District

EXISTING USE: Vacant land

COMP PLAN Commercial / Food Truck Park

FUTURE LAND USE:

REQUEST: A request by Jon Hodde, Hodde & Hodde Land Surveying, Inc. / Michael Ancone for approval of a Replat of Reserve "A", Block IV, Scenic Estates Subdivision, Section 1 and Reserve "B2", Block IV of the Replat of the Original Subdivision Plat, Reserve B, Block IV, Scenic Estates Subdivision, Section 1 to create Lot 1-R, containing 2.609-acres, and further described as part of the A. Harrington Survey, A-55, in Brenham, Washington County, Texas.

BACKGROUND:

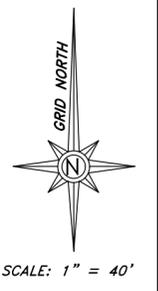
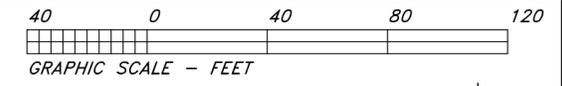
The subject properties, identified as Reserve A of Block IV of Scenic Estates Section 1 and Reserve B2, Block IV, Scenic Estates, Section 1, are owned by Michael Ancone / Ancona, LLC. The properties are currently vacant and generally located on the southeast corner of Brookside Drive and State Highway 36 North. The property owner would like to replat the two tracts into one tract for development of a Food Truck Park with related parking and a commercial building. Proposed Lot 1-R is proposed to contain 2.609-acres of land. The proposed replat includes the building setback lines in relation to established property lines and existing utility easements.

STAFF RECOMMENDATION:

Development Services staff and Engineering have reviewed the proposed Commercial Replat for compliance of the City of Brenham's regulations and ordinances and **recommends approval** of the proposed commercial Replat as presented.

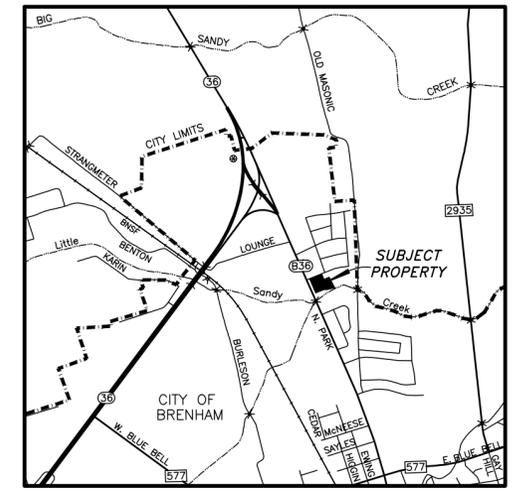
EXHIBITS:

- A. Proposed Commercial Replat



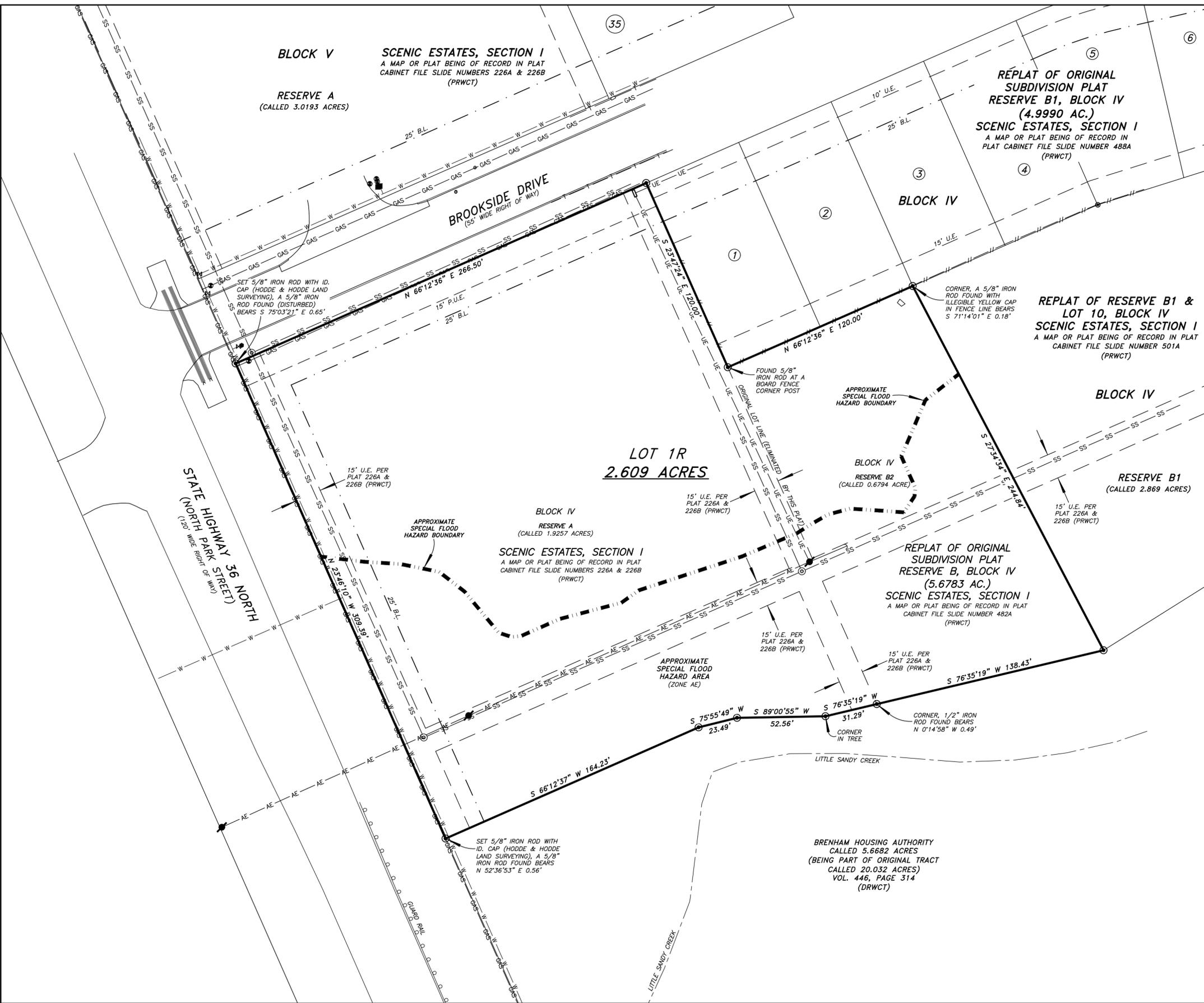
**A. HARRINGTON SURVEY,
A-55**
CITY OF BRENHAM
WASHINGTON COUNTY, TEXAS

VICINITY MAP
SCALE: 1" = 2500'



LEGEND

- MONUMENT/MARKER (AS NOTED)
- ⚡ ELECTRIC POLE
- GUY ANCHOR
- FIRE HYDRANT
- WATER METER
- ⊠ WATER VALVE
- ⊗ IRRIGATION CONTROL VALVE
- SANITARY SEWER MANHOLE
- 30" RCP CULVERT
- BOUNDARY LINES
- - - 260 - - - CONTOUR LINES
- W - W - W - WATER LINES
- GAS - GAS - GAS - GAS LINES
- SS - SS - SS - SANITARY SEWER LINES
- AE - AE - AE - AERIAL ELECTRIC LINES
- UE - UE - UE - UNDERGROUND ELECTRIC LINES
- - - UTILITY EASEMENTS
- - - BUILDING LINE
- - - - - APPROXIMATE SPECIAL FLOOD HAZARD BOUNDARY



W. O. NO. 8192 (ANCONEB192.DWG/ANNEW) REF: ANCONA 8192.LEICA

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

(PRELIMINARY)
JON E. HODDE, RPLS NO. 5197
DATE: MAY 1, 2024
THE PURPOSE OF THIS DOCUMENT IS FOR PRELIMINARY REVIEW ONLY. PRELIMINARY, THIS DOCUMENT SHALL NOT BE RECORDED FOR ANY PURPOSE.

**REPLAT OF
RESERVE A, BLOCK IV OF SCENIC ESTATES, SECTION I AND RESERVE
B2, BLOCK IV OF THE REPLAT OF ORIGINAL SUBDIVISION PLAT,
RESERVE B, BLOCK IV (5.6783 AC.), SCENIC ESTATES, SECTION I
FORMING LOT 1R (2.609 ACRES)**
A. HARRINGTON SURVEY, A-55, CITY OF BRENHAM, WASHINGTON COUNTY, TEXAS

OWNER/DEVELOPER
ANCONA LLC
202 BROOKSIDE LANE
BRENHAM, TEXAS 77833
PHN. 979-277-4826
EMAIL: MGANCONA@GMAIL.COM

**SHEET 1
OF 2**

NOTES:

1. THE BEARINGS SHOWN HEREON ARE RELATIVE THE TEXAS STATE PLANE GRID SYSTEM, NAD-83, CENTRAL ZONE 4203. DISTANCES SHOWN HEREON ARE GROUND DISTANCES, U.S. SURVEY FEET. ELEVATIONS SHOWN HEREON ARE RELATIVE TO NAVD-88 (GEOID18).
2. PART OF THE SUBJECT PROPERTY LIES WITHIN THE SPECIAL FLOOD HAZARD AREA (ZONE AE), PART OF THE SUBJECT PROPERTY LIES WITHIN (ZONE X), AREAS OF 0.2% ANNUAL CHANCE FLOOD, AND PART OF THE SUBJECT PROPERTY LIES WITHIN (ZONE X), AREAS DETERMINED TO BE OUTSIDE OF THE 0.2% ANNUAL CHANCE FLOODPLAIN, ACCORDING TO THE FLOOD INSURANCE RATE MAP (FIRM) AS COMPILED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY, NATIONAL FLOOD INSURANCE PROGRAM, MAP NUMBERS 48477C0295C AND 48477C0300C, EFFECTIVE DATE AUGUST 16, 2011, CITY OF BRENHAM, WASHINGTON COUNTY, TEXAS. HOWEVER, THE APPROXIMATE SPECIAL FLOOD HAZARD BOUNDARY SHOWN HEREON WAS DERIVED FROM THE FEMA FLOOD STUDY AND SUBSEQUENT FEMA BASE FLOOD ELEVATIONS FOR ZONE AE. THE FEMA MAP INCORRECTLY SHOWS THE LOCATION OF THE SPECIAL FLOOD HAZARD AREA.
3. \odot - DENOTES A 5/8" IRON ROD SET WITH ID. CAP STAMPED "HODDE & HODDE LAND SURVEYING" UNLESS OTHERWISE NOTED ON THE PLAT.
4. THIS SURVEY WAS PERFORMED IN CONJUNCTION WITH BRENHAM ABSTRACT & TITLE COMPANY, TITLE REPOT FILE NO. 20240314, EFFECTIVE DATE FEBRUARY 15, 1913, AND THE TITLE WAS RUN FORWARD TO MARCH 28, 2024.
5. SUBJECT TO COVENANTS, CONDITIONS, RESTRICTIONS, RESERVATIONS, EASEMENTS AND BUILDING LINES APPLICABLE TO THE SCENIC ESTATES, SECTION 1, AS RECORDED IN PLAT CABINET FILE SLIDE NUMBERS 226A & 226B, IN THE PLAT RECORDS OF WASHINGTON COUNTY, TEXAS AND THE REPLAT OF ORIGINAL SUBDIVISION PLAT, RESERVE B, BLOCK IV (5.6783 AC.), SCENIC ESTATES, SECTION 1, AS RECORDED IN PLAT CABINET FILE SLIDE NUMBER 482A, IN THE PLAT RECORDS OF WASHINGTON COUNTY, TEXAS.
6. SUBJECT TO RESTRICTIVE COVENANTS FOR THE SCENIC ESTATES SUBDIVISION DATED OCTOBER 22, 1985, FROM FIRST SAVINGS ASSOCIATION OF BRENHAM TO THE PUBLIC, AS RECORDED IN VOLUME 521, PAGE 175, IN THE OFFICIAL RECORDS OF WASHINGTON COUNTY, TEXAS.
7. 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.
8. 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 MARCH 28, 2024.
9. 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 MARCH 28, 2024.
10. 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.
11. THIS PLAT DOES NOT ATTEMPT TO AMEND OR REMOVE ANY VALID COVENANTS OR RESTRICTIONS.
12. 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.
13. THE LOCATIONS OF UNDERGROUND UTILITIES AS SHOWN HEREON ARE BASED ON OBSERVED EVIDENCE, ABOVE GROUND STRUCTURES AND DRAWINGS PROVIDED BY THE CITY OF BRENHAM UTILITY DEPARTMENT. NO EXCAVATIONS WERE MADE DURING THE PROCESS OF THIS SURVEY TO LOCATE UNDERGROUND UTILITIES/STRUCTURES AND DEPTHS.
14. (DRWCT) DENOTES DEED RECORDS OF WASHINGTON COUNTY, TEXAS.
(ORWCT) DENOTES OFFICIAL RECORDS OF WASHINGTON COUNTY, TEXAS.
(PRWCT) DENOTES PLAT RECORDS OF WASHINGTON COUNTY, TEXAS.
B.L. DENOTES BUILDING LINE
U.E. DENOTES UTILITY EASEMENT
P.U.E. DENOTES PUBLIC UTILITY EASEMENT

SURVEY MAP

SHOWING A SURVEY AND REPLAT FORMING RESERVE A1, CONTAINING 2.609 ACRES OF LAND, LYING AND BEING SITUATED IN THE CITY OF BRENHAM, WASHINGTON COUNTY, TEXAS, PART OF THE A. HARRINGTON SURVEY, A-55. SAID RESERVE A1 BEING ALL OF RESERVE A (CALLED 1.9257 ACRES), BLOCK IV OF SCENIC ESTATES, SECTION 1, A MAP OR PLAT BEING OF RECORD IN PLAT CABINET FILE SLIDE NUMBERS 226A AND 226B, IN THE PLAT RECORDS OF WASHINGTON COUNTY, TEXAS AND BEING ALL OF RESERVE B2 (CALLED 0.6794 ACRE), BLOCK IV OF THE REPLAT OF ORIGINAL SUBDIVISION PLAT RESERVE B, BLOCK IV (5.6783 AC.), SCENIC ESTATES, SECTION 1, A MAP OR PLAT BEING OF RECORD IN PLAT CABINET FILE SLIDE NUMBER 482A, IN THE PLAT RECORDS OF WASHINGTON COUNTY, TEXAS, OR BEING THE SAME LAND CONVEYED IN THE DEED FROM SCENIC INVESTMENTS TO ANCONA LLC, DATED FEBRUARY 2, 2024, AS RECORDED IN INSTRUMENT NUMBER 2024-0570, 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 2.609 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 10TH DAY OF APRIL, 2024, A.D.

(PRELIMINARY)

JON E. HODDE, RPLS NO. 5197
DATE: MAY 1, 2024

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
BRENHAM, TEXAS 77833
(979)-836-5681

TBPE&LS SURVEY FIRM REG. NO. 10018800

OWNER ACKNOWLEDGMENT

WE, ANCONA LLC, 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 _____, 2024, BY _____

NOTARY PUBLIC, STATE OF TEXAS
(SEAL)

PLANNING AND ZONING COMMISSION APPROVAL

APPROVED THIS _____ DAY OF _____, 2024 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