

NOTICE OF A REGULAR MEETING BOARD OF ADJUSTMENT MONDAY, MAY 11, 2020 AT 5:15 P.M. SECOND FLOOR CITY HALL COUNCIL CHAMBERS 200 W. VULCAN BRENHAM, TEXAS

1. Call Meeting to Order

2. Public Comments and Receipt of Petitions

[At this time, anyone will be allowed to speak on any matter other than personnel matters or matters under litigation, for length of time not to exceed three minutes. No Board discussion or action may take place on a matter until such matter has been placed on an agenda and posted in accordance with law.]

3. Reports and Announcements

CONSENT AGENDA

4. Statutory Consent Agenda

The Statutory Consent Agenda includes non-controversial and routine items that the Commission may act on with one single vote. A Commissioner may pull any item from the Consent Agenda in order that the Commission discuss and act upon it individually as part of the Regular Agenda.

4-a. Minutes from the March 9, 2020 Board of Adjustment Meeting

REGULAR AGENDA

- 5. Public hearing, Discussion and Possible Action on Case Number B-20-003: A request by Blinn Jr. College for a Special Exception from the City of Brenham Code of Ordinances, Appendix A Zoning, Part II, Division 1, Section 16.06(11) to reduce the number of required parking spaces for a dormitory development to be located at 911 W. Fifth Street and related parking to be located at 811 W. Fifth Street, described as Block 1, Lot 1 and Block 2, Lot 1 of the Blinn Fifth Street Subdivision, in Brenham, Washington County, Texas.
- 6. Adjourn

CERTIFICATION

I certify that a copy of the May 11, 2020, agenda of items to be considered by the Board of Adjustment was posted to the City Hall bulletin board at 200 W. Vulcan, Brenham, Texas on May 7, 2020, at 9:00 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) 337-7200 for assistance.

I certify that the attached notice and agenda of items to be considered by the Board of Adjustment was removed by me from the City Hall bulletin board on the _____ day of _____, 2020 at _____ am/pm.

Signature

Title

CITY OF BRENHAM BOARD OF ADJUSTMENT MINUTES

March 9, 2020

The meeting minutes herein are a summarization of meeting proceedings, not a verbatim transcription.

A regular meeting of the Board of Adjustment was held on March 9, 2020 at 5:15 pm in the Brenham Municipal Building, City Council Chambers, at 200 West Vulcan Street, Brenham, Texas.

<u>Commissioners present:</u> Jon Hodde, Chairman Danny Goss MaLisa Hampton (Alt) Thomas Painter Arlen Thielemann Mary Lou Winkelmann, Vice Chairman

<u>Commissioners absent:</u> Arlen Thielemann

<u>Staff present:</u> Donald Reese, Assistant City Manager Kim Hodde, Planning Technician

<u>Citizens present:</u> Gloria Wills Wilma Finley

1. Call Meeting to Order

Chairman Hodde called the meeting to order at 5:15 p.m. with a quorum of five (5) Commissioners present.

2. Public Comments and Receipt of Petitions

There were no public comments and/or receipt of petitions.

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 the February 10, 2020 Board of Adjustment Meeting

Chairman Hodde called for any corrections or additions to the minutes as presented. A motion was made by Commissioner Painter and seconded by Commissioner Winkelmann to approve the minutes from the February 10, 2020 meeting, as presented. The motion carried unanimously.

REGULAR AGENDA

5. Public hearing, Discussion and Possible Action on Case Number B-20-002: A request by MC Property Holdings/Dara Childs for a Special Exception from the City of Brenham Code of Ordinances, Appendix A – Zoning, Part II, Division 1, Section 1.05(1)(c) to allow a 20-foot rear yard setback where a minimum 25-foot rear yard setback is required for a single-family residence at 510 W. Jefferson Street, described as Lot 20, East Block of J. Wilkins Addition, in Brenham, Washington County, Texas.

Kim Hodde presented the staff report for case No. B-20-002 (on file in the Development Services Department). Ms. Hodde stated that MC Property Holdings/Dara Childs, the applicant, is the owner of the property at 510 W. Jefferson Street. The subject property is an approximate 4,750 square foot undeveloped tract of land. The applicant is requesting a special exception for a 5-foot reduction to the 25-foot rear yard setback to develop this tract with a single-family detached dwelling unit. This property was platted prior to adoption of the City of Brenham Zoning Ordinance in 1967. As a result, properties along this block face are substandard lots measuring from 45-feet to 100-feet wide by 91-feet to 93-feet deep. Current city lot requirements are 60-feet wide by 115feet deep and a minimum of 7,000 square feet lot area. The smaller lot size causes difficulty in developing a singlefamily residence in accordance with the setback requirements. Since there are four (4) other lots on the block that have non-conforming rear setbacks, a special exception could be granted.

One public comment was received in support of the request. Staff has reviewed the request and recommends approval of the requested special exception as presented.

Councilmember Goss asked about the side setbacks and if the proposed home would be built over the storm drain easement. He stated that when he was on City Council, the storm drain was filled in and the easement right-of-way was deeded to the adjoining property owners; however, they are unable to build on top of that abandoned easement. Ms. Hodde stated that the side setbacks are 10-feet and the abandoned easement is located to the west of this property. Kim Hodde reiterated that this request only pertains to the rear setback. All other requirements must be met.

Chairman Hodde opened the Public Hearing at 5:26 pm and asked for any comments. Gloria Wills asked whether he was building a "tiny home". Kim Hodde replied that Mr. Childs is proposing to construct a 1,125 square foot home. The City of Brenham's minimum residence size is 750 square feet; therefore, this residence is not considered a "tiny home".

Chairman Hodde closed the Public Hearing at 5:29 pm and re-opened the Regular Session.

A motion was made by Commissioner Winkelmann and seconded by Commissioner Painter to approve a special exception to allow a 20-foot rear setback for a single-family residence at 510 W. Jefferson Street (Case No. B-20-002), as presented. The motion carried unanimously.

6. Adjourn

A motion was made by Commissioner Painter and seconded by Commissioner Hampton to adjourn the meeting at 5:30 pm. The motion carried unanimously.

The City of Brenham appreciates the participation of our citizens, and the role of the Board of Adjustment in this decision-making process.

Certification of Meeting Minutes:

Jon E. Hodde, Chairman

Meeting Date

Attest, Staff Secretary

Meeting Date



CASE NUMBER: B-20-003

SPECIAL EXCEPTION REQUEST: 911 & 811 W. FIFTH STREET

STAFF CONTACT:	Shauna Laauwe, Project Planner
OWNERS/APPLICANTS:	Blinn Junior College
ADDRESS/LOCATION:	911 and 811 W. Fifth Street (Exhibit "A")
LEGAL DESCRIPTION:	Block 1, Lot 1 and Block 2, Lot 1 of the Blinn Fifth Street Subdivision
LOT AREA:	Approximately 3.59 acres
ZONING DISTRICT:	B-2, Commercial Research and Technology District (911 W. Fifth Street) R-2, Mixed Use Residential District (811 W. Fifth Street)- currently requesting rezoning to B-2. (Exhibit "B")
USE:	Vacant land
COMP PLAN FUTURE LAND USE:	Institutional Use (College and University)
REQUEST:	A request for a Special Exception from the City of Brenham Code of Ordinances, Appendix A – Zoning, Part II, Division 1, Section 16.06(11) to allow a reduction in the minimum required off-street parking spaces for a student dormitory located in an B-2 zoning district on property addressed as 911 and 811 W. Fifth Street and specifically described as Lot 1, Block 1 and Lot 1, Block 2 of the Blinn Fifth Street Addition. (Exhibit "C" – Request)

BACKGROUND:

The subject properties comprise of two vacant lots, 911 W. Fifth Street to the west that is 2.59 acres and 811 W. Fifth to the east that is approximately one (1) acre for a total of 3.59 acres. The two properties, located directly west-east from each other, are separated by High Street. The owner/applicant, Blinn Junior College (Blinn), proposes to develop the west lot into a dormitory complex that will be comprised of two structures and a parking area, whereas the east lot will be developed as an accessory off-street parking lot and dumpster area for the dormitory. The subject property located at 911 W. Fifth Street is currently zoned B-2, Commercial and Technology





District and the one-acre lot located at 811 W. Fifth Street is zoned R-2, Mixed Use Residential District and is in the process to rezone to B-2 District. The Planning & Zoning Commission recommended unanimously for the rezoning of the tract from R-2 to B-2 District on April 27, 2020 and the item was recommended for approval by the City Council on May 7, 2020 with possible final and ordinance approval of the rezoning on May 21, 2020.

As shown in Figure 1, surrounding properties to the site are currently zoned B-2, Commercial and Technology District to the north and west and R-2, Mixed Residential District to the south and east. The surrounding B-2 District properties are predominately developed as part of the Blinn Campus, with exception to the southwest corner of Prairie Lea Street and W. Fifth Street that is developed as the Prairie Lea Cemetery. The nearby and abutting R-2 District properties are a mixture of single family and multi-family residential, with single-family residential to the south and east and a multi-family complex abutting the southeast corner of 811 W. Fifth Street. The abutting R-2 property located on the southwest corner of the 911 W. Fifth Street lot, however is developed as the First Pentecostal Church.

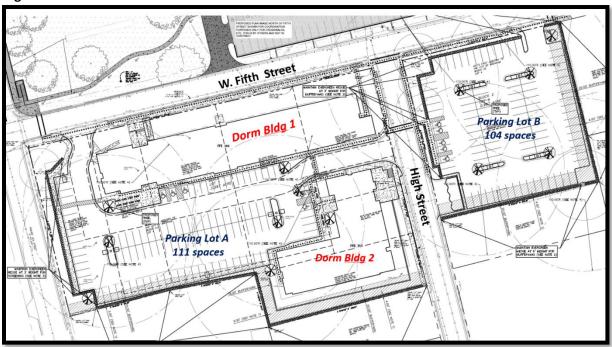


Figure 2

The preliminary site plan for the student dormitory and parking area is shown above In Figure 2. The site comprises of two dormitory buildings and parking on the west lot (911 W. Fifth St) and additional parking on the east lot (811 W. Fifth Street). The Zoning Regulations, in Section 16.06 (11) requires "Fraternity, sorority, or dormitory uses: At a ratio of one and one-half (1½) parking spaces for each sleeping room." The applicant states that the proposed dormitory structures will have a combined total of 262 sleeping rooms. Thus, at 1.5 spaces per sleeping room, the Zoning Regulations require a minimum of 393 off-street parking spaces to be provided. As seen in Figure 2, Parking Lot A would provide 111 spaces, while Parking Lot B is proposed to provide 104 parking spaces for a total of 215 on-site parking spaces. The applicant states that an additional 88 dedicated parking spaces will be located at Solons Hall, approximately one block to the west at the southwest corner of Blinn Boulevard and College Avenue. As outlined on the next page, the three proposed parking lots would provide a total of 303 off-street parking spaces of the minimum required 393, thus the applicant is requesting a reduction of 90 parking spaces with a calculated ratio of 1.16 parking spaces per sleeping room.

Parking Lot A	111 spaces
Parking Lot B	104 spaces
Solons Hall	<u>88 spaces</u>
Total	303 spaces / 262 sleeping rooms = 1.16 spaces per room
	393 required = a 90 space or 23% reduction

In the fall of 2019, Blinn submitted a construction plan for review for the new STEI Building that was to be developed on an existing parking lot. With concerns about parking availability, Staff requested a campus-wide parking analysis to determine if existing parking was adequate for faculty, students, and visitors alike. The Blinn campus-wide parking analysis detailed that adequate parking was available on campus, see Exhibit "D". Furthermore, the analysis found that based on the number of on-campus residents that purchase parking permits, only 60% of the students that reside on campus drive. The applicant is requesting 303 parking spaces because that equates to 60% of the maximum number of residents (504) that may reside in the new dormitory complex. Notwithstanding, the requested 303 parking spaces provided for this development is 77% of the minimum zoning requirement.

Blinn received a similar parking exception from the Board of Adjustments in 2016 for the student housing development on the corner of Old Mill Creek Road and S. Saeger Street. The Exception granted a reduction of the parking requirement from 454 to 285, which equated to 63% of the zoning requirement.

In summary, the applicant is requesting a Special Exception to allow a parking ratio of 1.16 parking spaces per sleeping room, a 23% reduction of the minimum required off-street parking requirement of 1.5 spaces per sleeping room for a proposed dormitory complex to be located at 911 & 811 West Fifth Street.

APPLICABLE SECTION OF ORDINANCE AND ANALYSIS:

(Sec. 1.01) Authority. The Board of Adjustment shall have the authority to grant special exceptions in accordance with the procedures and standards herein provided to permit:

(5) To waive or reduce off-street parking and loading requirements when the board finds that the same are unnecessary for the proposed use of the building or structure for which the special exception request applies.

STAFF FINDINGS AND RECOMMENDATION:

Staff has reviewed the request and **recommends approval**. The applicant has conducted a thorough campus parking analysis that, in part, concluded that 60% or less of campus residents purchase parking permits, and thus the minimum required 1.5 parking spaces per sleeping room far exceeds the need. The applicant states that the maximum number of residents in the new dormitory would be 504, thus the minimum required 393 parking spaces (based on sleeping rooms) would provide a parking space for 78% of the maximum residents. The parking requirement in the Zoning Ordinance, however, is based on the number of sleeping rooms and not the number of residents. The dormitory complex will be comprised of 262 sleeping rooms, and the proposed 303 dedicated parking spaces would provide 1.16 parking spaces per sleeping room, a reduction of 23% of the required 1.5 parking spaces per sleeping room. It should also be considered that additional parking is available in the vicinity and throughout the campus.

The adjacent properties to the south and east are existing single-family and two-family residential uses. High Street, that runs between the two properties, serves as access to six (6) residential lots to the south of the proposed development, and currently has "No Bus Parking" signs located on both sides of the street. If on-street parking on High Street becomes prevalent because of the development, Staff may bring to City Council a request to place "No Parking" signs along High Street to protect the nearby residential uses.

The dormitory development is still under building permit review to ensure the compliance with all Zoning, Building, Fire, and Subdivision regulations. Given that a final site plan has not yet been approved, *Staff recommends that the Special Exception to the minimum parking be given at a 25% reduction, for a minimum allowance of 295 parking spaces that equates to 1.13 parking spaces per sleeping room.*

Based on the needs assessment and availability of parking in the vicinity and throughout the campus, this request meets the criteria for Part IV, Division 4, Section 1.01(5), Special Exceptions of the Zoning Ordinance. Should the special exception be denied, the applicant would be required to adhere to the minimum required 1.5 parking spaces per sleeping room.

PUBLIC COMMENTS:

Property owners within 200 feet of the project site were mailed notifications of this proposal on April 30, 2020. Any public comments will be provided in the Board of Adjustments Packet or during the public hearing.

EXHIBITS:

- A. Aerial Map
- B. Zoning Map
- C. Special Exception Request
- D. Parking Analysis Summary
- E. Site Plan
- F. Photo(s)

EXHIBIT "A" AERIAL MAP

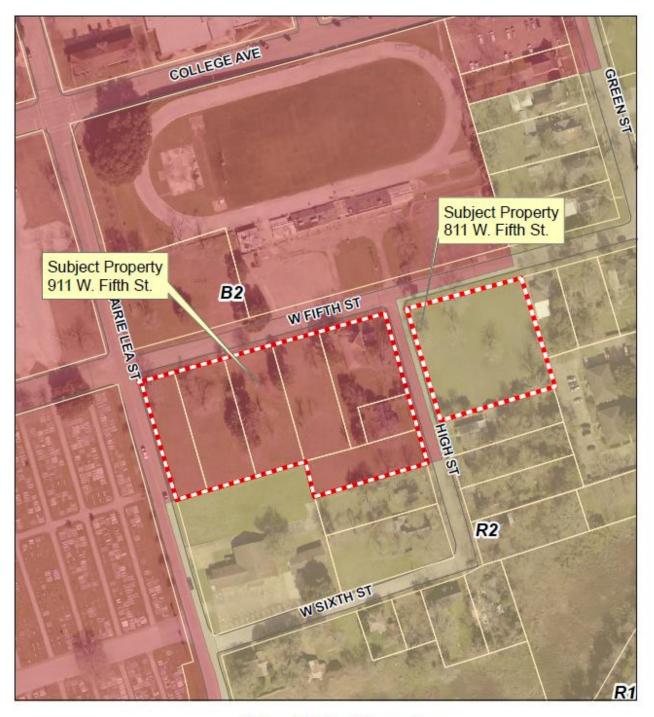


Blinn Student Dormitory 911 & 811 W. Fifth Street Board of Adjustments May 11, 2020

BRENHAM

1 inch = 142 feet

EXHIBIT "B" ZONING MAP



Blinn Student Dormitory 911 & 811 W. Fifth Street Board of Adjustments May 11, 2020

1 inch = 142 feet





EXHIBIT "C" SPECIAL EXCEPTION REQUEST



April 07, 2020

City of Brenham Board of Adjustment 200 W. Vulcan Street Brenham, TX 77833

Re: Parking Variance Blinn Brenham Student Housing

Dear Brenham Board of Adjustment,

Servitas Collegiate Real Estate Services is developing student housing for Blinn Jr. College – Brenham Campus. Per Section 16-06 of Appendix A of the Brenham Code of Ordinance it is required that multi-family or dormitory developments provide 1.5 parking spaces per sleeping room. The development will have 262 sleeping rooms which equates to 393 parking spaces as required by the code. We are requesting a variance from Section 16-06 of Appendix A of the Brenham Code of Ordinance to provide 60% of the total number of beds/students, as Blinn College – Brenham Campus and the City have historically agreed on this method due to the College's data that only 60% of the City required parking is needed for on-campus student housing students. This is a direct result of the College's issued parking permits, previous parking study and attached Appendix A reference letter from Blinn College – Brenham Campus. For this calculation the subject Housing Project will have 504 beds, thus a 60% ratio would equate to 303 parking spaces.

The development will be providing 215 parking spaces and through Blinn College – Brenham Campus' available on campus inventory (see attached Appendix A) there will be 88 spaces dedicated to this development by the College, which will bring the total parking for the project to 303, thus meeting the 60% variance that is being requested.

Below is the list of requirements that variance request must comply with under Appendix A, Part IV, Division 2, Section 1 of the Brenham Code of Ordinances and how this development meets each:

Requirement: Such modifications are necessary to accommodate appropriate development of a
particular parcel of land that is restricted by attributes inherent in the land such as area, shape or
slope to the extent that it cannot otherwise be appropriately developed.

GarzaEMC | 13100 Wortham Center Drive, 3rd Floor | Houston, TX 77065 | 713.491.6039 www.garzaemc.com | TBPE No. F-14629

City of Brenham-Board of Adjustments April 7, 2020 Page 2

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Response: The tract of land being developed has geometric constraints as its property lines are not square (L-Shaped Lot). Those geometric constraints are compounded by setbacks and buffer yard standards per the zoning, as well as, the excessive contouring or slope of the existing site. Coupled with Blinn College – Brenham Campus' need for a minimum of 500 on-campus beds and the limited inventory of vacant College owned land near the Campus' core the property can't yield the required on-site surface parking values. In an attempt to be good stewards of the code requirements, the development is constructing an off-site adjacent parking lot on College owned land across High Street, but the deficiency in the required parking counts still exist, which is the basis for this variance request.

2. Requirement: The granting of the variance will not be materially detrimental or injurious to other property or improvements in the neighborhood in which the subject property is located, nor impair an adequate supply of light or air to adjacent property, nor substantially increase the congestion in the public streets, nor increase the danger of fire, or in any way endanger the public health, safety and well-being of the neighborhood in which the subject property is located.

Response: The granting of this variance will not be cause any of the above items to occur. The reduction of parking lot size has the opportunity to improve air quality (potential less cars in the neighborhood emitting exhaust), improve health/safety/well-being/congestion (potential less cars in the neighborhood to allow students more walkability to class and less congestion on streets and in neighborhood), allow more supply of light to neighborhood (all at-grade parking as opposed to parking garage)

- 3. Requirement: The literal enforcement of the ordinance would work on unnecessary hardship. Response: If the ordinance was adhered to, the Blinn College – Brenham Campus would experience an undue hardship for expenses of constructing parking spaces that simply wouldn't be used. The make-up of the commuter students and those who own a car and purchase parking passes for the Blinn College – Brenham Campus has historically shown that it is only 60% of the overall student enrollment numbers. Therefore, there is no need for the excess parking requirement on Blinn College – Brenham Campus projects.
- Requirement: The piece of property is unique and contains properties or attributes not common to other similarly situated properties.

Response: See response to #1 above.

5. Requirement: The need for the variance was not created by the applicant.

Response: The need for this variance was not created by the applicant. The site constraints mentioned in Items #1 and #4 above cause the property the hardship of providing the code required parking allotment



City of Brenham-Board of Adjustments April 7, 2020 Page 3

 Requirement: The hardship to be suffered through the literal enforcement of the ordinance would not be financial alone.

Response: The hardship to be suffered is not solely a financial hardship, the site constraints mentioned above in Item #1 are also contributors to this the hardship.

7. Requirement: The granting of the variance would not be injurious to the public health, safety and welfare or defeat the intent of the philosophy contained in the zoning ordinance. Response: As mentioned above in Item #2, the granting of this variance request will not be injurious to the public health, safety and welfare of the public nor will it defeat the intent of the philosophy contained in the zoning ordinance as this development is providing the adequate amount of parking for its true use, which is the intent of the zoning ordinance.

Sincerely,

Darren Huckert, P.E., LEED AP Vice President GarzaEMC, LLC



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EXHIBIT "D" PARKING ANALYSIS SUMMARY



April 6, 2020

Ms. Stephanie Doland Development Services Director City of Brenham 200 W. Vulcan St. Brenham, TX 77833

RE: Parking Variance Blinn Brenham Student Housing

Ms. Doland

Blinn College District is working with Servitas Collegiate Real Estate Services to develop student housing on our Brenham campus. It is our understanding that Servitas' consultant, Garza EMC, has submitted a request for parking variance requesting that the City of Brenham allow for the construction of 215 new parking spaces for the proposed student housing development. Garza EMC further states that the difference between the 215 new spaces and the requested variance parking space count would come from the College's existing inventory. Please accept this letter as Blinn College District's statement of parking need and excess inventory.

In the fall of 2019, the Blinn College District contracted with PBK Architects and Gessner Engineering to provide a parking study for the Brenham campus. From this study the consultants found that Blinn College District – Brenham Campus has a total parking count of 2,510 existing off-street parking spaces with an additional 236 existing on-street parking space.

Blinn College District – Brenham campus has a parking need of 1,884 spaces. The parking need number was arrived at by taking a 60% ratio of on-campus student housing need, 33% commuter student need, and 100% faculty and staff need. These campus wide ratios are as follows:

On-Campus Student Housing:	1,760 students @ 60% = 1,056 parking spaces needed
Commuter Student:	1,090 students @ 33% = 360 parking spaces needed
Faculty:	200 @ 100% = 200 parking spaces needed
Staff:	268 @ 100% = 268 parking spaced needed
Total Need:	1,884 parking spaces needed

This needs-based assessment provides for a surplus inventory of 626 parking spaces on the Brenham campus.

If you have any questions regarding this parking analysis please give me a call.

Regards, 1 1

Mark Feldhake, NCARB, LEED AP Project Director Blinn College District

Cc: Richard O'Malley, P.E. (inactive), Assistant Vice Chancellor Facilities, Planning, and Construction Thomas Gutierrez, Director of Project Development, Servitas

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EXHIBIT "E" **PRELIMINARY SITE PLAN**

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EXHIBIT "F" SITE PHOTOS







