



**NOTICE OF A REGULAR MEETING
BRENHAM PLANNING AND ZONING COMMISSION
MONDAY, FEBRUARY 25, 2019 AT 5:15 P.M.
SECOND FLOOR CITY HALL
COUNCIL CHAMBERS
200 W. VULCAN
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**

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 January 28, 2019 Planning and Zoning Commission Workshop Meeting**
- 4-b. Minutes from the January 28, 2019 Planning and Zoning Commission Meeting**
- 4-c. Minutes from the February 18, 2019 Planning and Zoning Commission Workshop Meeting**

REGULAR AGENDA

- 5. Discussion and Possible Action on Case No. P-19-001: A City initiated request to amend the City of Brenham's Code of Ordinances to adopt, Appendix A: Zoning, Part II, Division 1, Section 18 – Exterior Construction Materials for Selected Districts, to prohibit metal façades on residential uses and accessory structures over 120 square feet in area, located in the R-1, R-2, R-3 and B-1 zoning.**
- 6. Public Hearing, Discussion and Possible Action on Case No. P-19-006: A request by John Hermann and Gregg Appel for an Amendment to the City of Brenham's Official Zoning Map of the Code of Ordinances to change the zoning from Mixed Residential Use District (R-2) to Commercial Research and Technology Use District (B-2) on a 2.539-acre tract of land described as part of the John Long Survey, A-156, in Brenham, Washington County, Texas.**
- 7. Adjourn**

CERTIFICATION

I certify that a copy of the February 25, 2019, 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 February 21, 2019, at 7:30 am.

Kim Hodde

Kim L. 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 _____, 2019 at _____ am/pm.

Signature

Title

**CITY OF BRENHAM
PLANNING AND ZONING COMMISSION MINUTES
January 28, 2019**

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

A special workshop meeting of the Brenham Planning and Zoning Commission was held on January 28, 2019 at 4:30 pm in the Brenham Municipal Building, Council Chambers, at 200 West Vulcan Street, Brenham, Texas.

Commissioners present:

Deanna Alfred
Keith Behrens
Leroy Jefferson
Calvin Kossie
Lynnette Sheffield
Marcus Wamble

Commissioners absent:

Nancy Low

Staff present:

Lori Sanguedolce, City Engineer/Director of Development Services
Stephanie Doland, Assistant Director of Development Services
Kim Hodde, Planning Technician

Citizens present:

None

1. Call Meeting to Order

Vice Chair Alfred called the meeting to order at 4:32 pm with a quorum of six (6) Commissioners present.

2. Public Comments

There were no public comments.

WORKSHOP AGENDA

3. Discussion regarding the Proposed Sign Ordinance Revisions

Stephanie Doland presented an in-depth look at the proposed draft sign ordinance including goals to be achieved by the ordinance, new signage types, prohibited signage, when a permit is required/not required, changeable electronic variable message signs (CEVMS), directional signage, regulations by use for residential and commercial signage, downtown signage, new commercial signs, existing signs, and a timeline of the next steps. In response to questions from Commissioners Ms. Doland responded:

- Temporary “Cub” or “Blinn” flags are not intended to fall under the same rules as the flags/flag poles section of the ordinance. These flags can be stuck in the ground, are temporary in nature, and often seen at banks as well as Blinn College during sporting seasons. Ms. Doland stated that these flags may be considered as temporary signs and additional research would be conducted.
- Ms. Doland stated that signs for fundraising, such as car wash signs that are human or living signs would currently be interpreted as prohibited and could be reconsidered for use on private property.
- Electronic or LED signage is proposed to be allowed along Highway 290 and Highway 36. The state regulates the copy change, no scrolling, brightness, etc. Existing LED signage will be grandfathered and staff is working with the City Attorney to determine how existing signs would be interpreted with the proposed ordinance.
- 60 square foot might not be enough for a subdivision entry monument sign. May need to clarify the limit applies to the “sign face” and not the entire sign monument structure.
- Staff is still working on the Sandwich Board (A-frame signs) section and is looking at alternatives to offer.

4. Adjourn

A motion was made by Commissioner Sheffield and seconded by Commissioner Wamble to adjourn the meeting at 5:15 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
Chairman

February 25, 2019
Meeting Date

Attest

Kim Hodde
Staff Secretary

February 25, 2019
Meeting Date

CITY OF BRENHAM
PLANNING AND ZONING COMMISSION MINUTES
January 28, 2019

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 January 28, 2019 at 5:15 pm in the Brenham Municipal Building, City Council Chambers, at 200 West Vulcan Street, Brenham, Texas.

Commissioners present:

Deanna Alfred, Vice Chair
Keith Behrens
Leroy Jefferson
Calvin Kossie
Lynnette Sheffield
Marcus Wamble

Commissioners absent:

Nancy Low, Chair

Staff present:

Lori Sanguedolce, City Engineer/Director of Development Services
Stephanie Doland, Assistant Director of Development Services
Kim Hodde, Planning Technician

Citizens present:

Lawrence Pitcaithly	Paul Leventis
Gregg Appel	Susan Cates
Pat & Mike Kilpatrick	Elizabeth Price
Jason Gaertner	Mary Thornhill
Jon Hodde	Jane Herzog
Kevin & Tammy Burnett	Pat & Jody Johnson
Brandon Marth	

1. Call Meeting to Order

Vice Chair Alfred called the meeting to order at 5:15 pm with a quorum of six (6) Commissioners present.

2. Public Comments

Pat Johnson, owner of Select Furnishings of Brenham, stated that he did not make it in time to make the sign ordinance workshop but that he has been waiting over two years to get an LED sign for his business. He stated that he consulted a sign designer and based on speed and location, the recommendation was for him to have 20" letters and two lines of messaging for a total of a 64 square foot LED sign. The proposed sign ordinance only allows 32 square feet of LED signage on the highway and he thinks that this is not enough and hopes that city staff will look into revising the allowed sign area.

3. Reports and Announcements

Stephanie Doland thanked all of the Board members for promoting the Town Hall meeting that was held on January 10, 2019. She stated that the survey results are posted on the Comprehensive Plan page on the City's website. The next open house meeting will be held on February 28, 2019. She invited everyone to attend.

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 December 17, 2018 Planning and Zoning Commission Meeting

Vice Chair Alfred asked for any corrections or additions to the minutes as presented. A motion was made by Commissioner Sheffield and seconded by Commissioner Behrens to approve the minutes from the December 17, 2018 meeting, as presented. The motion carried unanimously.

REGULAR MEETING

5. Election of a Chairman, Vice-Chairman, Secretary and Deputy Secretary for the Planning and Zoning Commission for 2019.

Stephanie Doland stated that the Board needs to elect officers for 2019; however, Nancy Low indicated that she does not wish to be considered for Chairman for 2019.

A motion was made by Marcus Wamble and seconded by Lynette Sheffield to elect M. Keith Behrens as Chairman, Deanna Alfred as Vice Chairman, Lynette Sheffield as Secretary and Calvin Kossie as Deputy Secretary for the Planning and Zoning Commission for 2019. The motion carried unanimously.

Vice Chairman Alfred then turned the meeting over to Chairman Behrens

6. Development Services 2018 Annual Update.

Kim Hodde presented an update for the Development Services Department for 2018 including the number and various types of permits issued, certificates of occupancy issued, number of inspections performed, and a recap of the Planning and Zoning/Board of Adjustment meetings and actions taken. She presented a report of the code violations for December 2018 and indicated that the final data for 2018 was still being compiled.

7. Discussion and Possible Action on Case No. P-18-034: Preliminary Plat of the Burnett Subdivision, being 11.177 acres of land out of the Elizabeth Gordon Survey, A-49 in Washington County, Texas.

Stephanie Doland presented the staff report for Case No. P-18-034 (on file in the Development Services Department). Staff has reviewed the plat and finds that it meets all applicable City ordinances and recommends approval.

A motion was made by Commissioner Alfred and seconded by Commissioner Kossie to approve the Preliminary Plat to form the Burnett Subdivision, as presented. The motion carried unanimously.

8. Discussion and Possible Action on Case No. P-18-035: Final Plat of the Burnett Subdivision, being 11.177 acres of land out of the Elizabeth Gordon Survey, A-49 in Washington County, Texas.

Stephanie Doland presented the staff report for Case No. P-18-035 (on file in the Development Services Department). Staff has reviewed the plat and finds that it meets all applicable City ordinances and recommends approval.

A motion was made by Commissioner Kossie and seconded by Commissioner Wamble to approve the Final Plat to form the Burnett Subdivision, as presented. The motion carried unanimously.

9. Discussion and Possible Action on Case No. P-19-003: Preliminary Plat of the Blue Bell Subdivision, Section II, being 32.788 acres of land out of the James Walker Survey, Abstract 106 and the Arabella Harrington Survey, Abstract 55 in Brenham, Washington County, Texas.

Stephanie Doland presented the staff report for Case No. P-19-003 (on file in the Development Services Department). Staff has reviewed the plat and finds that it meets all applicable City ordinances and recommends approval.

A motion was made by Commissioner Alfred and seconded by Commissioner Kossie to approve the Preliminary Plat to form the Blue Bell Subdivision, Section 2, as presented. The motion carried unanimously.

10. Discussion and Possible Action on Case No. P-19-004: Final Plat of the Blue Bell Subdivision, Section II, being 32.788 acres of land out of the James Walker Survey, Abstract 106 and the Arabella Harrington Survey, Abstract 55 in Brenham, Washington County, Texas.

Stephanie Doland presented the staff report for Case No. P-19-004 (on file in the Development Services Department). Staff has reviewed the plat and finds that it meets all applicable City ordinances and recommends approval.

A motion was made by Commissioner Wamble and seconded by Commissioner Kossie to approve the Final Plat to form the Westwood Division No. 2 Subdivision, as presented. The motion carried unanimously.

11. Public Hearing, Discussion and Possible Action on Case No. P-19-002: Replat of Lot 5, Block 2 of Ralston Creek Estates, Phase 1 to create Lot 5-R, consisting of 1 residential lot on approximately 0.204 acres currently addressed as 2305 Ralston Creek Court, in Brenham, Washington County, Texas.

Stephanie Doland presented the staff report for Case No. P-19-002 (on file in the Development Services Department).

Staff received three (3) citizen comments in support of the replat.

Chairman Behrens opened the Public Hearing at 5:35 pm and asked for any comments. There were no public comments.

Chairman Behrens closed the Public Hearing at 5:36 pm and re-opened the Regular Session.

A motion was made by Commissioner Alfred and seconded by Commissioner Kossie to approve the Replat of Lot 5, Block 2 of Ralston Creek Estates, Phase 1 to create Lot 5-R, as presented. The motion carried unanimously.

12. Public Hearing, Discussion and Possible Action on Case No. P-19-005: A request by Brenham Market Square, LP for an Amendment to the City of Brenham's Official Zoning Map of the Code of Ordinances to change the zoning from Mixed Residential Use District (R-2) to Commercial Research and Technology Use District (B-2) on a 51.119-acre tract of land described as part of the John Long Survey, Abstract 156, R#20290 (WCAD) in Brenham, Washington County, Texas.

Stephanie Doland presented the staff report for Case No. P-19-005 (on file in the Development Services Department).

Staff received six (6) citizen/property owner comments in opposition to this rezoning request.

Chairman Behrens opened the Public Hearing at 5:44 pm and asked for any comments. The developer, Paul Leventis, stated that he has previously done a mixed-use development in Bryan but on a larger tract. He stated that he has been working on this project for about 1 ½ years and has a hotel confirmed and several eateries have shown interest. Petra Collins, who lives on Cheyenne Drive, stated that this property is right behind her back fence and she is worried about traffic, noise, valuation and taxes and is opposed to this rezoning.

Chairman Behrens closed the Public Hearing at 5:52 pm and re-opened the Regular Session.

Commissioner Alfred asked if Mr. Leventis had a time-line for the project. He replied that it would be 9-12 months before construction would start. He emphasized that multi-family is already allowed in the R-2 zoning district but he just wanted to have the entire property zoned consistently.

A motion was made by Commissioner Wamble and seconded by Commissioner Kossie to approve the request by Brenham Market Square, LP for an Amendment to the City of Brenham's Official Zoning Map of the Code of Ordinances to change the zoning from Mixed Residential Use District (R-2) to Commercial Research and Technology Use District (B-2) on a 51.119-acre tract of land described as part of the John Long Survey, Abstract 156, as presented. The motion carried unanimously.

13. Public Hearing, Discussion and Possible Action on Case No. P-18-025: A City initiated request to amend the City of Brenham's Code of Ordinances, Appendix A: Zoning, Part 1, Sec. 5.02 Definitions, to redefine Accessory Building or Use, Garage Apartment and establish a new definition for Accessory Dwelling Units (ADU); to amend Part 2, Division 1, Section 10 – Accessory Structures and Uses to establish standards related to the development of such uses; to amend Part 2, Division 1, Section 17 – Height and Area Exceptions of General Applicability; and Part 2, Division 2 – Zoning District Regulations, to allow Accessory Dwelling Units by Specific Use Permit in the R-1, R-2, and R-3 zoning districts and by-right in the B-1 zoning district.

Stephanie Doland presented the staff report for Case No. P-18-025 (on file in the Development Services Department), which included an explanation of what ADU's are, the background for this request, and the staff analysis and findings.

Staff has not received any citizen comments regarding this request.

Commissioner comments included:

- Many accessory structures have to be 2-story in order to conform to the building setbacks
- ADUs could change the look of the neighborhood

In response to questions, Ms. Doland stated that

- The proposed ordinance would require all ADUs to receive prior approval of a specific use permit. With this requirement, each case would have to come before the Planning and Zoning Commission for review and approval.
- ADUs could be permitted with a second utility connection.

Chairman Behrens opened the Public Hearing at 6:20 pm and asked for any comments. Mary Thornhill stated that she was surprised that this was not addressed in the zoning ordinance. She stated that she has a very large back yard and is gone a lot on the weekends so she wants to put in a rental unit. The ADU would be wood or hardi-plank construction to reflect the look

of the current home. Additional parking would be provide along with a separate driveway. There would be no on-street parking and all of her neighbors are in support of it. Elizabeth Price, architect, stated that she has done extensive research and that this is a great opportunity to provide housing diversity in the community. This is also a way to help people age “in-place” by having a place for family to stay on the property. She stated that this is already happening in Brenham without regulation. She is in support of the requirement that the owner has to live on-site.

Chairman Behrens closed the Public Hearing at 6:28 pm and re-opened the Regular Session.

A motion was made by Commissioner Alfred and seconded by Commissioner Wamble to approve the City initiated request to amend the City of Brenham’s Code of Ordinances, Appendix A: Zoning, Part 1, Sec. 5.02 Definitions, to redefine Accessory Building or Use, Garage Apartment and establish a new definition for Accessory Dwelling Units (ADU); to amend Part 2, Division 1, Section 10 – Accessory Structures and Uses to establish standards related to the development of such uses; to amend Part 2, Division 1, Section 17 – Height and Area Exceptions of General Applicability; and Part 2, Division 2 – Zoning District Regulations, to allow Accessory Dwelling Units by Specific Use Permit in the R-1, R-2, and R-3 zoning districts and by-right in the B-1 zoning district with the exception that the height restriction be removed and that rear and side yards of not less than 5-feet be required for accessory structures. The motion carried unanimously.

14. Public Hearing, Discussion and Possible Action on Case No. P-19-001: A City initiated request to amend the City of Brenham’s Code of Ordinances to adopt, Appendix A: Zoning, Part II, Division 1, Section 18 – Exterior Construction Materials for Selected Districts, to prohibit metal façades on residential uses and accessory structures over 120 square feet in area, located in the R-1, R-2, R-3 and B-1 zoning.

Stephanie Doland presented the staff report for Case No. P-19-001 (on file in the Development Services Department). The initial request being from citizen, Susanna Leonard who complained that the metal homes are changing the aesthetics of the neighborhood.

Commissioner comments included:

- Staff should consider an ordinance that would allow home to be constructed partially of metal. Metal could look very nice if it is used correctly.
- Opposition to 100% prohibition on metal exteriors.

Chairman Behrens opened the Public Hearing at 6:45 pm and asked for any comments. Brandon Marth commented that there are a lot of steel structure in the community that look very nice. This ordinance also limits you from building a metal accessory structure over 120 square feet in your back yard, such as a shop. Mr. Marth stated that the owner/developer of the metal homes could not be at this meeting as well as several other people that are interested; therefore, he requested that the Planning and Zoning Commission postpone any action on this item at this meeting. Elizabeth Price, architect, stated that she does not like this ordinance because there are many ways to use metal in design. The “box” structure issue cannot be fixed by prohibiting the use of a metal façade.

Chairman Behrens closed the Public Hearing at 6:50 pm and re-opened the Regular Session.

A motion was made by Commissioner Alfred and seconded by Commissioner Wamble to table any action on the City initiated request to amend the City of Brenham’s Code of Ordinances to adopt, Appendix A: Zoning, Part II, Division 1, Section 18 – Exterior Construction Materials for Selected Districts, to prohibit metal façades on residential uses and accessory structures over 120 square feet in area, located in the R-1, R-2, R-3 and B-1 zoning until the next meeting to provide time for feedback and to obtain additional information. The motion carried unanimously.

15. Adjourn

A motion was made by Commissioner Wamble and seconded by Commissioner Kossie to adjourn the meeting at 6:57 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
Chairman

February 25, 2019
Meeting Date

Attest

Kim Hodde
Staff Secretary

February 25, 2019
Meeting Date

CITY OF BRENHAM
PLANNING AND ZONING COMMISSION MINUTES
February 18, 2019

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

A special workshop meeting of the Brenham Planning and Zoning Commission was held on February 18, 2019 at 11:30 am in the Brenham Municipal Building, Council Chambers, at 200 West Vulcan Street, Brenham, Texas.

Commissioners present:

Deanna Alfred
Leroy Jefferson
Calvin Kossie
Lynnette Sheffield
Marcus Wamble

Commissioners absent:

Keith Behrens
Nancy Low

Staff present:

Lori Sanguedolce, City Engineer/Director of Development Services
Stephanie Doland, Assistant Director of Development Services
Kim Hodde, Planning Technician

Citizens present:

Tina Heritage
Nathan Winkelmann
Tom Bartley
Arthur Hahn (Brenham Banner Press)

1. Call Meeting to Order

Vice Chair Alfred called the meeting to order at 11:30 am with a quorum of five (5) Commissioners present.

2. Public Comments

There were no public comments.

WORKSHOP AGENDA

3. Discussion Regarding Exterior Construction Materials for Selected Districts

Stephanie Doland stated that this workshop is a continuation of the discussion from the last meeting regarding exterior construction materials, specifically metal facades, for selected districts. Ms. Doland recapped the history of this request:

- December 3, 2018 – request received from citizen, Susanna Leonard stating that the metal building homes are changing the aesthetic landscape of the neighborhood. She provided examples from various cities.
- January 28, 2019 - Staff presented text amendment recommendation to P & Z [action was tabled]

The following concerns were expressed at the last meeting:

- Complete prohibition of metal may be too restrictive
- 120 square foot limit is too restrictive as storage units for lawn care would be included
- Proposed ordinance may not resolve the issue
- Consider a percentage of metal façade allowed
- Consider a location in Brenham where metal homes are allowed
- Consider including additional architectural details in amendment

Ms. Doland presented information from various other cities and how they addressed the exterior construction materials and presented the following amendment options:

- Allow a percentage of nonmetallic siding
- Restrict metallic siding on certain elevations
- Allow metal homes in R-3 zoning district
- Consider architectural standards
- Prohibit nonmetallic siding on residential development

After discussion, the Planning and Zoning Commission recommended that staff proceed with revisions to the proposed text amendment to:

- Allow metal buildings in the R-3 district
- Allow a percentage of metal exterior in the R-1 and R-2 District
- Possibly look at architectural designs

Staff will present a revised text amendment request to the Planning and Zoning Commission at their meeting on February 25, 2019.

4. Discussion Regarding the Proposed Sign Ordinance Revisions

Stephanie Doland stated that the primary purpose for this meeting is that when the proposed sign ordinance revisions were presented at the workshop in January, there was not adequate time for review and questions.

Ms. Doland noted that legislation has been adopted to limit the maximum sign height to 42 ½-feet instead of the current maximum height of 48-feet.

Commission Sheffield stated that she has noticed that there is not any consistency with the proximity of the location of the signs to the road. Ms. Doland stated that currently a sign must be at least 8-feet from the back of curb; however, if the property line is further back than 8-feet the sign must be placed on the property line. Staff is not proposing a change to this setback.

Nathan Winkelmann, owner of Nathan's BBQ, recommended that the City of Brenham adopt the state recommended height of 42 ½-feet. Commissioner Sheffield also recommended staying with the state recommendation.

Ms. Doland stated that Select Furnishings has requested 64 square feet of signage instead of the proposed allowed amount of 32 square feet. Tina Heritage stated that there is a beautiful oak tree on the property that will have to be cut down if they cannot have the 64 square foot LED sign. They consulted sign designers who looked at their location, elevation, and the speed limit of the highway and they told him what size letters and sign would be effective and that is the 64 square foot sign.

Commissioner Sheffield stated that she was not in favor of increasing the LED sign limits due to it being a visual distraction. Nathan Winkelmann commented that LED signs are the most effective and most attractive; however, he thinks that 32 square feet is too small for the highways. That size may work for in-town but not for the highways. Lori Sanguedolce stated that most cities adopt an ordinance for 32 square feet of CEVM signage.

Ms. Doland stated that staff is refining the definition of monument signs. She further stated that the Downtown Districts (B-3 and B-4) will have their own set of regulations. Ms. Doland stated that this ordinance also adds definitions and clarification of definitions including off-premise signage, non-commercial signs and garage sale signs.

Downtown business owner Tom Bartley stated that sandwich boards are very important to the businesses in the downtown area, especially those that are not located on Main or Alamo Streets. The sandwich boards direct people to their businesses. If you take away the ability of a merchant to advertise using these sandwich boards, this will adversely affect the small merchants. Downtown merchants really believe in the off-premise sandwich boards.

Ms. Doland stated that staff has been using the term "sidewalk signs" instead of sandwich boards and they are looking at a new definition and placement of the signage.

5. Adjourn

Vice Chair Alfred adjourned the meeting at 12:54 pm.

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
Chairman

February 25, 2019
Meeting Date

Attest

Kim Hodde
Staff Secretary

February 25, 2019
Meeting Date



CASE NUMBER P-19-001
TEXT AMENDMENT – Metal Exterior (Facades) for Residential Uses

REQUEST:

The City of Brenham initiated this request to amend the City of Brenham’s Code of Ordinances, Appendix A – Zoning, Part III, Division 1, Section 18 to prohibit metal exteriors (façades) for residential uses.

BACKGROUND:

The City of Brenham’s zoning ordinance does not regulate exterior construction materials (façade) for properties developed within the City Limits. Therefore, no minimum masonry requirements or exterior façade limitations are applied to either residential, retail, or commercial property within the City of Brenham. Recently, 100% metal façade single-family detached dwellings were constructed on properties along Old Mill Creek Road, east of US Highway 290 West.

The City of Brenham has adopted zoning to foster orderly and healthful development and to protect the health, safety, morals and general welfare of its residents and citizens. Preserving character and ensuring land use compatibility are objectives of the zoning ordinance and adopted Comprehensive Plan.

Staff finds that metal façade dwellings, specifically those built with a 100% metal façade, are not compatible adjacent to or within established neighborhoods built primarily of brick, stone, or other non-metallic façades. It is recommended to amend the zoning ordinance establishing a requirement that residential uses built in Brenham and located in the R-1, R-2, and B-1 districts be built with a limited metallic exterior, and that residential uses built in the R-3 district may be built with a metallic exterior.

PROPOSED AMENDMENT:

- Require a minimum 75% non-metal façade on exterior wall surfaces facing the right-of-way
- Require a minimum 50% non-metal façade on exterior wall surfaces not facing the right-of-way
- Non-metal façade shall mean brick or brick veneer, stone or stone veneer, stucco, wood, vinyl, or fiber-cement siding
- Shall apply to the R-1: Residential Single Family, R-2: Mixed Residential, and B-1: Local Business/Residential Mixed Use District
- Property less than 1 acre in size containing accessory structures 160 square feet or greater in area shall be constructed with at least 50% non-metal façade on each wall or elevation, excluding windows and doors.

ANALYSIS:

Chapter three – Housing, of the Brenham Comprehensive Plan recommends that the City establish guidelines to protect established neighborhoods. Within the City of Brenham there are many existing established neighborhoods that could be considered an aging housing stock and should be preserved. Many times areas where older neighborhoods exist begin to see infill or re-development. Design guidelines help to ensure that new homes in existing neighborhoods are appropriate in terms of context, such as building materials, height similarities, window spacing, and size of the home. Protecting existing

established neighborhoods through design guidelines will ensure the long-term stability and long-term vitality of an area, and thus the quality of life for the community.

The Comprehensive Plan suggests that developing guidelines to protect the character of neighborhoods from inappropriate building or renovations should include identifying complimentary elements of existing housing that can be reasonably incorporated into new development. The new housing type with 100% metal exterior do not have complimentary elements to existing housing stock (Exhibit A).

In an effort to preserve the Dixie Subdivision, and all other residential development in Brenham, staff finds that restricting the use of metal exteriors on residential uses is a necessary amendment to the zoning ordinance. As mentioned in the Comprehensive Plan, establishing guidelines to preserve neighborhood integrity will help maintain property values and protect community character.

PUBLIC COMMENTS:

The Notice of Public Hearing was published in the newspaper on January 17, 2019. During the Public Hearing portion of the January 28, 2019 Planning and Zoning Commission meeting two citizens spoke in opposition of the proposed amendment to prohibit metal facades in residential districts, stating that the proposed ordinance was too restrictive. Since the January 28, 2019 meeting staff has received two calls from citizens in favor of an amendment to restrict metal housing in Brenham. Additional written correspondence from citizens is included below (Exhibit B).

STAFF RECOMMENDATION:

Staff recommends **approval** of an ordinance to limit metal exteriors on residential uses in the R-1, R-2 and B-1 zoning districts.

EXHIBITS:

1. Exhibit A – Citizen Compliant
2. Exhibit B – Public Comments

EXHIBIT "A"
Citizen Compliant

Hello Ms. Doland,

I would like to bring to your attention an issue that is happening in a residential neighborhood in Brenham. There are metal buildings being built at a rapid pace. These buildings are changing the aesthetic landscape of the neighborhood, lowering property values and upsetting the community togetherness.

I know you are a very busy as the Assistant Director of Development services for the City of Brenham, however your attention to this matter is greatly appreciated. Brenham will benefit immensely by adopting an ordinance which prohibits metal buildings larger than 120 sq ft in R1 Zoning. I have included links for other cities in Texas that have adopted similar ordinances-

City of Gainesville, TX Zoning Code Amendments - page 9

<http://www.gainesville.tx.us/DocumentCenter/View/981/Zoning-Code-Amendments-2nd-reading-061813?bidId=>

City of Corinth, TX Ordinance No 11-06-16-12 Sec 301.3.1

<https://www.cityofcorinth.com/DocumentCenter/View/777/ORDINANCE-NO-11-06-16-12?bidId=>

City of Fulshear, TX Sec. 1-167[a]. - Exterior Construction Materials

https://library.municode.com/tx/fulshear/codes/code_of_ordinances?nodeId=PTIICOOR_APXAZO_ARTIIDIRE_DIV1GE_S1-167AEXCOMA

City of League City, TX Sec 125-140.Q. Exterior Construction Requirements

<http://www.leaguecity.com/DocumentCenter/View/734/Zoning-Ordinance?bidId=>

City of Bedford, TX 5.8.A STANDARD MASONRY CONSTRUCTION

<https://bedfordtx.gov/DocumentCenter/View/186/Zoning-Ordinance-PDF>

I have also attached pictures of these metal buildings that have been erected in the past few months in my neighborhood. In addition, I included photos of other homes in my neighborhood. As you will see, the metal buildings greatly reduce the quality aesthetic of the neighborhood.

Your prompt attention to this manner is greatly appreciated. I would like to include this as a proposal for the next city council meeting. There is a 5 acre lot that is pending sale in our neighborhood, I fear the same builder of these metal units is planning to develop on this 5 acre lot. I am confident I can garner support from my neighbors if beneficial. I have also sent this letter to Mayor Tate. Please let me know if I can provide any further information and what I need to do in order to submit this on the city council agenda. Samantha Ullrich and her grandfather are building these metal rental units.

Sincerely,

Susanna Leonard

979-213-8714

seleonard13@gmail.com

201 Meadowbrook Ln

Brenham, TX 77833





EXHIBIT "B"
Public Comments

Good Afternoon Stephanie Doland,

My name is Wes Holt and I'm emailing you today in regards to the recent discussion concerning metal buildings along Old Mill Creek Rd. I am a 11 year home owner in the Meadow Brook subdivision and the consensus among the neighborhood is in agreement with Mrs. Leonard. We (Meadow Brook Subdivision) were recently in a lengthy battle with another out of town developer who requested the City to rezone two platts along Old Mill Creek Rd, who had/has intentions on building an apartment complex. We banded together, formed an official petition and fought the developer's request and to our dismay; the City still voted to change from residential to a mixed commercial property, paving the way for the developer. Fortunately, that hasn't come to pass...yet, but here we are again 2 years later, faced with another attempt to morph our quiet neighborhood into a short-term housing carousel. Needless to say we feel that our neighborhood is constantly under attack by outside profiteers. I'm not against trying to improve the area, but there should be some considerations given to the families who have lived here for decades and have invested in their property.

These buildings are not being built for home ownership, but as rental properties. Therefore, there is no pride in ownership, curb appeal or value added to the neighborhood. In fact, the inverse is more likely. My mother-in-law is a realtor at Hodde and is concerned that this trend in the neighborhood would be detrimental to our property values and resale potential.

Specifically, the 5 acre lot that has been rumored to be the next housing project is of our utmost concern. I understand that the developer in question has denied any knowledge or involvement in that property, but we believe they have set a precedent to achieve the same goal by another party.

I respectfully request the City strongly consider the suggested ordinance to prohibit residential use of metal buildings over 120 square feet in residential zones.

Thank you,

Wes Holt

Meadow Brook Lane Resident
713-253-9253 (cell)

February 20, 2019

Dear Council Members,

I am writing to express my opposition to the metal rental homes built around the cul-de-sacs in the Dixie Subdivision with hopes to prevent more from being built within the city limits.

I have lived in this neighborhood for over 14 years. During this time, I have watched the area deteriorate and at the same time increase in rental homes. It is my opinion that the metal homes are an added deficit to an area primarily made up of older brick/mortar homes. I maintain that the metal homes not only bring more transient residents, because they are rentals, but also a drastic change to the "aesthetics" of the neighborhood – these homes look more like storage sheds or something that belongs in a country setting. Furthermore, the homes offer very little parking for residents which leaves the renters and their guests to use the turn-around as a parking area. (see attached photo)

These cul-de-sacs were added just a couple of years ago, was parking the intended function? There is one cul-de-sac which has three metal homes. What is the owners plan for parking? I would also like to point out that the owner has not attempted to beautify the homes with grass, shrubs or trees.

It is quite possible to surmise that our property values will go down when one adds these metal home rentals built on every cul-de-sac, the growing number of home rentals and the continued zoning violators at 1500 Plymouth (Alan Krueger), 115 Drumm Streets (Walter Schlabach) and the Dixie Motel (as a pay-by-night hotel.) The homes of Krueger and Schlabach have also had numerous drug crime issues over the years.

Sincerely,

Joni Daniel

Hampshire Dr. cul-de-sac



Drumm Street



1500 Plymouth



CASE NUMBER P-19-006
ZONE CHANGE REQUEST – 2412 S. Market Street

STAFF CONTACT:	Stephanie Doland, Assistant Director of Development Services
OWNERS/APPLICANTS:	John Hermann and Gregg Appel
ADDRESS/LOCATION:	2412 S. Market Street. Located west of the intersections of South Market Street, Cantey Street and US Highway 290 E (Exhibit A).
LEGAL DESCRIPTION:	2.539 acres of land being part of the John Long Survey, A -156
LOT AREA:	Approximately 2.539 acres
ZONING DISTRICT/USE:	Mixed Residential Use District (R-2) and B-2 Commercial Research and Technology District / Vacant (Exhibit B)
FUTURE LAND USE:	Multiple-Family
REQUEST:	A request to change the zoning classification from a combination of Mixed Residential Use District (R-2) and Commercial Research and Technology Use District (B-2) to Commercial Research and Technology Use District (B-2) (Exhibit C).

BACKGROUND:

The subject property is currently zoned as a combination of R-2, Mixed Residential Use District and B-2, Commercial Research and Technology District. The property owners/applicants, John Hermann and Gregg Appel, would like to have consistent zoning on this tract for future development. The applicants have requested that the portion of the property currently zoned R-2 be rezoned such that the entire property be zoned B-2.

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 subject property is currently undeveloped vacant land. The subject property is adjacent to S. Market Street to the north, located to the east is zoned a combination of B-2 and R-2 and developed with a single-family home, the west is zoned B-2 with the northern tract being a commercial development and the tract to the west and south undeveloped. The applicant desires to have

consistent B-2 zoning on this tract instead of a mix of R-2 and B-2 zoning. Allowing the proposed rezoning request would allow the tract to develop as a mixed-use development and would be in keeping with the development pattern in the general vicinity.

- (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 (Plan) suggests the subject property may be appropriate for multiple-family uses. However, the Plan also includes land use policies to help guide land use decisions. Specifically the Plan recommends that the City consider permitting commercial and retail uses along highly traveled roadways such as Business Highway 290. Additionally, the land use policies include the recommendation that multiple-family housing shall be located near major arterials "towards the periphery of the community." If the requested zone change were approved, the subject property would allow for the development of both multiple-family housing developments two acres or greater in size in addition to office, retail and commercial uses. Staff believes that the proposed request aligns with the goals and land use policies established in the Comprehensive Plan.

- (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 is vacant; however, existing utility services are located along the right-of-ways for S. Market Street and can be extended to serve the proposed development on the property.

- (4) The city's zoning should be organized and as straight forward as possible to minimize use problems and enforcement problems.

The proposed zone change, 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 February 14, 2019. The Notice of Public Hearing was published in the Brenham Banner on February 15, 2019. Any 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 insure 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 and maximum impervious coverage requirements for property zoned B-2, Commercial Research and Technology. Staff finds that the aforementioned requirements will ensure that adequate open space is preserved on the subject property.

- (7) The city's zoning should insure 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 of its residents.

Staff believes that the requested zoning and associated land uses are appropriate in this location

given adjacent zoning designations, existing development in the vicinity, and conformance with the City's adopted future land use map.

- (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.

Rezoning the subject property to B-2 will allow the subject property to develop in a similar manner to property in the general vicinity. On January 28, 2019, the Planning and Zoning Commission recommended approval of a similar rezoning request for the approximately 52-acre tract of land located south east of the subject tract. The 52-acre tract rezoning request was approved by the Brenham City Council for a B-2 zoning distinction on February 21, 2019. The subject tract is located adjacent to an arterial roadway, which is capable of handling traffic associated with uses allowed in the B-2 district. Adjacent property to the west and the south is zoned B-2, and the property to the east is zoned a combination of B-2 and R-2 and developed with a single-family dwelling. The applicants, John Hermann and Gregg Appel, will be required to adhere to minimum buffer yard requirements. Buffer yard requirements are established to preserve existing neighborhoods and ensure adjacent property develops in a manner compatible to nearby land uses.

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

Staff finds that rezoning the property will protect adjacent existing and future residential neighborhoods due to the City adopted development standards including requirements related to buffer yards, screening, setbacks, drainage and landscaping.

- (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 is unable to determine any destabilizing effects on the neighboring properties should this rezoning 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 rezoning will allow construction of a mixture of land uses, including multiple-family, retail, office, and commercial. Vacant commercial property surrounds the subject tract to the north, east, west, and south. Staff believes that the proposed zoning change, 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 property is vacant, and staff is not aware of any hindrances on the property created by legally existing incompatible uses. The applicant's request will allow the subject property to develop with a mixture of land uses and if approved, will allow for compatible, legally conforming development.

- (13) The city's zoning should provide for orderly growth and development throughout the city.

Staff finds that the proposed rezoning change will allow for the orderly growth and development in the general vicinity and throughout the city. Furthermore, the proposed rezoning is in accordance with the City's adopted Future Land Use Map and Comprehensive Plan.

STAFF RECOMMENDATION:

Staff recommends **approving** the proposed rezoning to the B-2, Commercial Research and Technology zoning use district for the subject 2.539-acre tract.

EXHIBITS:

- A. Aerial Map
- B. Zoning Map
- C. Zone Change Application
- D. Site photos

EXHIBIT "A"
AERIAL MAP



EXHIBIT "B"
ZONING MAP

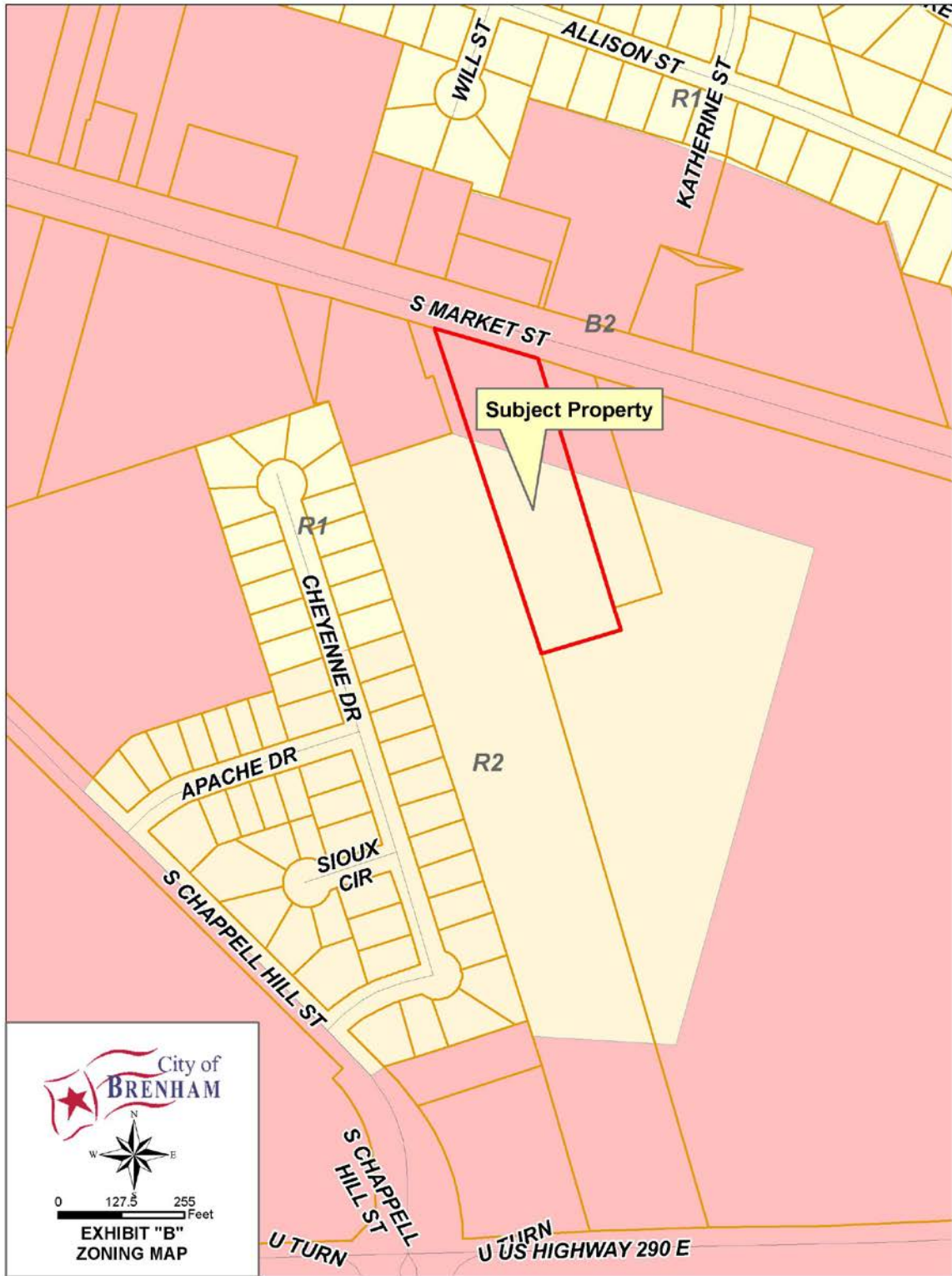


EXHIBIT "C"

ZONE CHANGE APPLICATION



For office use only

APPLICATION NO. _____

MEETING DATE: _____

DATE SUBMITTED: _____

CITY OF BRENHAM
GENERAL APPLICATION

Type of Application

- | | |
|---|--|
| <input type="checkbox"/> Variance from Appendix A: Zoning | <input checked="" type="checkbox"/> Zone Change |
| <input type="checkbox"/> Specific Use Permit | <input type="checkbox"/> Plan Review |
| <input type="checkbox"/> Preliminary Plat | <input type="checkbox"/> Final Plat/Replat/Amending Plat |
| <input type="checkbox"/> Variance from Chapter 21: Signs | <input type="checkbox"/> Other: _____ |

Property Owners Information

Name John A Hermann, Gregg Appel

Principal Officers (If Corporation) President _____

Secretary _____

Address 2502 Chev. Ln, Brenham Texas 77833

Telephone Number 979-451-0136 E-mail Address gregg@hyundai.brenham.com

Applicant Information

Name Gregg Appel

Address 2502 Chev. Ln, Brenham Tx 77833

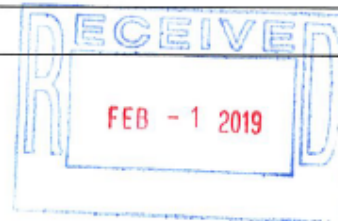
Telephone Number 979-451-0136 E-mail Address gregg@hyundai.brenham.com

Agent or Engineer Information

Name _____

Address _____

Telephone Number _____ E-mail Address _____



Location of Property

Street Address: 2412 S Market St, Brenham Tx 77833

Legal Description (attach metes and bounds description if not subdivided): see attached

Subdivision: John Lang Abstract Block(s): 156 Lot(s): tract 52

Zoning Information

Existing Zoning: 1/2 B2 and 1/2 R2

Proposed Zoning: B2 for entire tract

Reasons for requesting zone change: * all surrounding tracts are B2

Variance Information

Section of Code from which variance is described:*

Describe variance requested:*

Reasons for requesting variance:*

Proposed Property Use

Describe in detail the proposed operation at this location:*

to make property all commercial

Construction Value \$ _____

Site plans are required for variance, special use, and plan review requests; please see Ordinance No. 0-05-007 for minimum site plan requirements.

I, Gregg Appel, being the owner (or authorized agent) of the above described property, do hereby certify the information set forth above is true and correct. I further request that the Planning & Zoning Commission/Board of Adjustments/Plan Review Committee review this matter and take appropriate action.


_____ Owner

_____ Agent

EXHIBIT "D"
SITE PHOTOS

