



**NOTICE OF A REGULAR MEETING  
BRENHAM PLANNING AND ZONING COMMISSION  
MONDAY, NOVEMBER 25, 2019 AT 5:15 P.M.  
SECOND FLOOR CITY HALL BUILDING  
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 October 28, 2019 Planning and Zoning Commission Meeting**

**REGULAR AGENDA**

- 5. Public Hearing, Discussion and Possible Action on Case No. P-19-041: A request by Bank of Brenham for an Amendment to the City of Brenham's Official Zoning Map of the Code of Ordinances to change the zoning from a Mixed Residential Use District (R-2) to a Commercial Research and Technology Use District (B-2) on an approximately 0.18-acre tract of land described as Lot 4A in Block 93 of the Original Town Addition, in Brenham, Washington County, Texas.**
- 6. Public Hearing, Discussion and Possible Action on Case No. P-19-043: Replat of Parkview Addition Section II, former park site and unimproved section of Parkview Street right-of-way, to create Block 1, Lot 1, being 3.948 acres of land in Brenham, Washington County, Texas.**
- 7. Public Hearing, Discussion and Possible Action on Case No. P-19-042 to Consider Amending Appendix A – "Zoning" of the Code of Ordinances to Assign Zoning District Classifications to the Properties Being Considered for Annexation into the City of Brenham, Said Properties Being More Specifically Described Below:**

- a) **Section 2019-1: Approximately 44.068 Acres of Land Situated in Washington County, Texas, Out of the Phillip Coe Survey, A-31, Consisting of a Single Tract of Land with Frontage Along Industrial Blvd., FM 332 and FM 389.**
- b) **Section 2019-2: Approximately 0.643 Acres of Land Situated in Washington County, Texas, Part of the A. Harrington Survey, A-55, Consisting of Portions of Multiple Tracts of Land with Frontage Along the West Side of Old Masonic Road.**
- c) **Section 2019-3: Approximately 194.762 Acres of Land Situated in Washington County, Texas, Part of the A. Harrington Survey, A-55, Consisting of Multiple Tracts of Land with Frontage Along the East Side of Farmers Road Between FM 389 and Old Mill Creek Road, and the North Side of Old Mill Creek Road Between the Current City Limit Line and Jackson Creek.**

**8. Adjourn**

**CERTIFICATION**

I certify that a copy of the November 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 November 22, 2019, at 9:00 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 \_\_\_\_\_.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Title

**CITY OF BRENHAM  
PLANNING AND ZONING COMMISSION MINUTES  
October 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 October 28, 2019 at 5:15 pm in the Brenham Municipal Building, City Council Chambers, at 200 West Vulcan Street, Brenham, Texas.

Commissioners present:

M. Keith Behrens, Chair  
Leroy Jefferson  
Calvin Kossie  
Nancy Low  
Lynnette Sheffield  
Marcus Wamble

Commissioners absent:

Deanna Alfred, Vice Chair (excused)

Staff present:

Stephanie Doland, Development Services Director  
Shauna Laauwe, Project Planner  
Kim Hodde, Planning Technician

Citizens present:

|                 |                                     |
|-----------------|-------------------------------------|
| Donald W. Lampe | Alyssa Faykus                       |
| Robert Scheel   | Keith Herring                       |
| Mark Scheel     | Adam Griffin                        |
| Jon Hodde       | Josh Blaschke, Brenham Banner Press |
| Kelcie Anton    |                                     |

**1. Call Meeting to Order**

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

**2. Public Comments**

There were no public comments.

**3. Reports and Announcements**

Stephanie Doland made the following announcements:

- Introduced Shauna Laauwe, Project Planner
- 2020 Plan of Work – workshop to prioritize “to-do” list from Comprehensive Plan / additional training.

- Annexation – several different areas to be annexed in a “phased-in” approach. Possible item at the next P & Z meeting for recommendation of zoning for the annexed areas. There will be a couple meetings to discuss the “frequently-asked questions”.
- Historic Preservation Ordinance – working on details for moving forward with the workshop
- Board re-appointments – all P & Z Commissioners up for re-appointment have submitted their applications.
- Due to the recent Legislative changes, staff will be meeting with local surveyors regarding how the changes affect our processes.

## **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 August 29, 2019 Planning and Zoning Commission Meeting**

Chairman Behrens asked for any corrections or additions to the minutes as presented. Commissioner Low stated that under item 4a it should be say acting Chairman Low instead of Chairman Behrens. Kim Hodde noted the correction. A motion was made by Commissioner Kossie and seconded by Commissioner Low to approve the minutes from the August 29, 2019 meeting, as corrected. The motion carried unanimously.

## **REGULAR MEETING**

### **5. Discussion and Possible Action on Case Number P-19-032: Preliminary Plat of the Southwest Industrial Park (SWIP), Section IV, Lot 1, being 6.00 acres of land out of the Phillip Coe Survey, Abstract-31 in Brenham, Washington County, Texas.**

Stephanie Doland presented the staff report for Case No. P-19-032 (on file in the Development Services Department). Ms. Doland stated that this property is owned by the Brenham Community Development Corporation and that the applicant desires to plat this tract to begin development of the land. Proposed Lot 1 will contain 6.000-acres of land. Development Services has reviewed this Preliminary Plat for compliance with applicable City of Brenham regulations and ordinance and recommends approved of this Preliminary Plat as presented.

A motion was made by Commissioner Low and seconded by Commissioner Kossie to approve the Preliminary Plat of the Southwest Industrial Park (SWIP), Section IV, as presented. The motion carried unanimously.

### **6. Discussion and Possible Action on Case No. P-19-033: Final Plat of the Southwest Industrial Park (SWIP), Section IV, Lot 1, being 6.00 acres of land out of the Phillip Coe Survey, Abstract-31 in Brenham, Washington County, Texas**

Stephanie Doland presented the staff report for Case No. P-19-033 (on file in the Development Services Department). Ms. Doland stated that this property is owned by the Brenham Community Development Corporation and that the applicant desires to plat this tract to begin development of the land. Proposed Lot 1 will contain 6.000-acres of land. Development Services has reviewed this Final Plat for compliance with applicable City of Brenham regulations and ordinance and recommends approved of this final plat as presented.

A motion was made by Commissioner Kossie and seconded by Commissioner Wamble to approve the Final Plat of the Southwest Industrial Park (SWIP), Section IV, as presented. The motion carried unanimously.

**7. Discussion and Possible Action on Case No. P-19-035: Preliminary Plat of the Scheel Division No. 1, Lots 1-3, being 3.721 acres of land and 0.106 acres dedicated for public right-of-way, out of the A. Harrington Survey, Abstract-55 in Brenham, Washington County, Texas.**

Stephanie Doland presented the staff report for Case No. P-19-035 (on file in the Development Services Department). Ms. Doland stated that this property is owned by Robert and Jeanette Scheel and that the applicant desires to divide this tract into three lots. Proposed Tract 1 will contain 1.487 acres of land, proposed Tract 2 will contain 1.117 acres of land and proposed Tract 3 will contain 1.117 acres of land. Included in the proposed plat is a 0.106-acre dedication for public right-of-way along Burleson Street. Development Services has reviewed this Preliminary Plat for compliance with applicable City of Brenham regulations and ordinance and recommends approved of this Preliminary Plat as presented.

A motion was made by Commissioner Kossie and seconded by Commissioner Wamble to approve the Preliminary Plat of the Scheel Division No. 1, as presented. The motion carried unanimously.

**8. Discussion and Possible Action on Case No. P-19-036: Final Plat of the Scheel Division No. 1, Lots 1-3, being 3.721 acres of land and 0.106 acres dedicated for public right-of-way, out of the A. Harrington Survey, Abstract-55 in Brenham, Washington County, Texas.**

Stephanie Doland presented the staff report for Case No. P-19-036 (on file in the Development Services Department). Ms. Doland stated that this property is owned by Robert and Jeanette Scheel and that the applicant desires to divide this tract into three lots. Proposed Tract 1 will contain 1.487 acres of land, proposed Tract 2 will contain 1.117 acres of land and proposed Tract 3 will contain 1.117 acres of land. Included in the proposed plat is a 0.106-acre dedication for public right-of-way along Burleson Street. Development Services has reviewed this Final Plat for compliance with applicable City of Brenham regulations and ordinance and recommends approved of this Final Plat as presented.

A motion was made by Commissioner Low and seconded by Commissioner Kossie to approve the Final Plat of the Scheel Division No. 1, as presented. The motion carried unanimously.

**9. Discussion and Possible Action on Case No. P-19-037: Preliminary Plat of the Anton Subdivision, Lots 1 and 2, being 20.873 acres of land out of the James Schrier Survey, Abstract-98 in Washington County, Texas**

Stephanie Doland presented the staff report for Case No. P-19-037 (on file in the Development Services Department). Ms. Doland stated that this property is owned by Kenneth and Kelcie Anton and is located in the City's Extraterritorial Jurisdiction (ETJ). The applicant desires to divide this tract into two lots. Proposed Lot 1 will contain 16.55 acres of land and proposed Lot 2 will contain 4.327 acres of land. The staff report recommendation was for approval with conditions; however, the applicant satisfied all the conditions prior to this meeting so no conditions of approval are required. Development Services has reviewed this Preliminary Plat for compliance with applicable City of Brenham regulations and ordinance and recommends approved of this Preliminary Plat as presented.

A motion was made by Commissioner Wamble and seconded by Commissioner Low to approve the Preliminary Plat of the Anton Subdivision, as presented. The motion carried unanimously.

**10. Discussion and Possible Action on Case No. P-19-038: Final Plat of the of the Anton Subdivision, Lots 1 and 2, being 20.873 acres of land out of the James Schrier Survey, Abstract-98 in Washington County, Texas.**

Stephanie Doland presented the staff report for Case No. P-19-037 (on file in the Development Services Department). Ms. Doland stated that this property is owned by Kenneth and Kelcie Anton and is located in the City's Extraterritorial Jurisdiction (ETJ). The applicant desires to divide this tract into two lots. Proposed Lot 1 will contain 16.55 acres of land and proposed Lot 2 will contain 4.327 acres of land. The staff report recommendation was for approval with conditions; however, the applicant satisfied all the conditions prior to the meeting so no conditions of approval are required. Development Services has reviewed this Final Plat for compliance with applicable City of Brenham regulations and ordinance and recommends approved of this Final plat as presented.

A motion was made by Commissioner Kossie and seconded by Commissioner Low to approve the Final Plat of the Anton Subdivision, as presented. The motion carried unanimously.

**11. Discussion and Possible Action on Case No. P-19-039: Preliminary Plat of the Zippy J – Brenham Subdivision, Tracts 1 and 2, being 2.062 acres of land and 0.074 acres dedicated for public right-of-way, out of the A. Harrington Survey, Abstract-55 and the James Walker Survey, Abstract-106 in Brenham, Washington County, Texas.**

Stephanie Doland presented the staff report for Case No. P-19-039 (on file in the Development Services Department). The proposed Tract 1, containing 1.944 acres of land is owned by Zippy J's Brenham Holdings, LLC and the proposed Tract 2, containing 0.118 acres of land, is owned by Carmen and Martha Cruz. Included in the proposed plat is a 0.074-acre dedication for public right-of-way along Chappell Hill Road as well as a public utility easement (PUE) for relocation of an existing sanitary sewer line. On July 8, 2019, the Board of Adjustment granted a variance to allow for the existing 43-foot lot width and 5,160 square foot lot size for Tract 2. Development Services has reviewed this Preliminary Plat for compliance with applicable City of Brenham regulations and ordinance and recommends approved of this Preliminary plat as presented.

A motion was made by Commissioner Wamble and seconded by Commissioner Kossie to approve the Preliminary Plat of the Zippy J – Brenham Subdivision, as presented. The motion carried unanimously.

**12. Discussion and Possible Action on Case No. P-19-040: Final Plat of the Zippy J – Brenham Subdivision, Tracts 1 and 2, being 2.062 acres of land and 0.074 acres dedicated for public right-of-way, out of the A. Harrington Survey, Abstract-55 and the James Walker Survey, Abstract-106 in Brenham, Washington County, Texas.**

Stephanie Doland presented the staff report for Case No. P-19-040 (on file in the Development Services Department). The proposed Tract 1, containing 1.944 acres of land is owned by Zippy J's Brenham Holdings, LLC and the proposed Tract 2, containing 0.118 acres of land, is owned by Carmen and Martha Cruz. Included in the proposed plat is a 0.074-acre dedication for public right-of-way along Chappell Hill Road as well as a public utility easement (PUE) for relocation of an existing sanitary sewer line. On July 8, 2019, the Board of Adjustment granted a variance to allow for the existing 43-foot lot width and 5,160 square foot lot size for Tract 2. Development Services has reviewed this Final Plat for compliance with applicable City of Brenham regulations and ordinance and recommends approved of this Final plat as presented.

A motion was made by Commissioner Kossie and seconded by Commissioner Wamble to approve the Final Plat of the Zippy J – Brenham Subdivision, as presented. The motion carried unanimously.

**13. Discussion on Case No. P-19-034: Workshop Discussion regarding Recreational Vehicle (RV) Parks in the City of Brenham.**

Shauna Laauwe presented the staff report for Case No. P-19-034 (on file in the Development Services Department). Ms. Laauwe stated that the applicant, Paul Kendall, approached the City quite some time ago desiring to build a recreational vehicle (RV) park in the 1700 Block of N. Park Street that is located within a B-1, Local Business / Residential Mixed-Use District. Mr. Kendall asked the City to consider allowing recreational vehicle parks in the R-3 and B-1 Districts. Ms. Laauwe stated that RV Parks are not specifically mentioned in the current Code of Ordinances or Zoning Appendix; therefore, they are not allowed in the city limits.

Ms. Laauwe stated that there are approximately 13,000 privately-owned RV Parks and 1,600 state parks in the US. About 40 million people own recreational vehicles.

Ms. Laauwe identified some potential benefits of allowing RV Parks such as helping Brenham become a “vacation destination” which brings in additional sales tax and increased property revenue.

Development standards will ensure that RV Parks will:

- Be built with limited density and be compatible to nearby and adjacent uses
- Have infrastructure for utility hookups and orderly and safe circulation for users and emergency vehicles
- Have hard surfaces for RV parking and roadways
- Built to the City’s landscaping and bufferyard standards

Ms. Laauwe explained that staff compared 15 cities throughout Texas that have adopted development regulations for RV Parks. She explained what criteria was researched and presented staff’s analysis and findings.

Staff’s recommendation is to:

- encourage RV Parks on the periphery of the City limits
- allow RV Parks in the residential zoning district R-3 and commercial zoning districts B-1 and B-2, with prior approval of a Specific Use Permit
- require a minimum development size of 3-acres to facilitate compatible land uses

A proposed text amendment to allow RV Parks in the aforementioned districts would:

- define the term Recreational Vehicle (RV)
- define Recreational Vehicle Park
- establish the Recreational Vehicle Park Use
- adopt additional standards for RV Parks

Ms. Laauwe provide various examples of RV Parks from several of the researched cities.

Commissioner questions/comments and staff responses included:

- Staff recommends establishing a 90-day maximum residency.
- Staff recommends a 15% landscape requirement as well as the requirement for trees, etc. to meet the City’s minimum landscape requirements.

- Staff will research entrance requirements to the RV park so that the use is compatible with adjacent properties and right-of-way.
- Staff will research requiring 1-tree per RV space.
- Staff will research enhanced requirements for the entry since the development is similar to a neighborhood.
- Staff recommends a manager and employees on-site to handle the day-to-day operations; additional on-site security is a possibility.
- Staff will research the traffic impacts associated with this use.

It was the consensus of the Commission to have staff do more research on these suggested revisions and then have another workshop before the text amendment is brought before the Commission for consideration.

**14. Adjourn**

A motion was made by Commissioner Wamble and seconded by Commissioner Low to adjourn the meeting at 6:07 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:

|                                |                         |                          |
|--------------------------------|-------------------------|--------------------------|
|                                | <u>M. Keith Behrens</u> | <u>November 25, 2019</u> |
| Planning and Zoning Commission | Chairman                | Meeting Date             |
|                                | <u>Kim Hodde</u>        | <u>November 25, 2019</u> |
| Attest                         | Staff Secretary         | Meeting Date             |





**CASE NUMBER P-19-041**  
**ZONE CHANGE REQUEST – 406 CHURCH STREET**

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|                             |  |
|-----------------------------|--|
| <b>STAFF CONTACT:</b>       | Shauna Laauwe, AICP, Project Planner   |
| <b>OWNERS/APPLICANTS:</b>   | Bank of Brenham, N.A.  |
| <b>ADDRESS/LOCATION:</b>    | 406 Church Street (Exhibit A)  |
| <b>LEGAL DESCRIPTION:</b>   | Lot 4A in Block 93 of the Original Town Addition   |
| <b>LOT AREA:</b>            | Approximately 0.186 acres  |
| <b>ZONING DISTRICT/USE:</b> | Mixed Residential Use District (R-2) / Commercial (Exhibit B)  |
| <b>FUTURE LAND USE:</b>     | Downtown   |
| <b>REQUEST:</b>             | A request to change the zoning classification from a Mixed Residential Use District (R-2) to a Commercial Research and Technology Use District (B-2) (Exhibit C) |

**BACKGROUND:**

The subject property was recently acquired by the Bank of Brenham, N.A. and is zoned as R-2, Mixed Residential Use Zoning District. The subject tract consists of 0.186 acres of land located at 406 Church Street, that is east of and adjacent to the existing Bank of Brenham property/building. The property owner/applicant would like to demolish the existing residence on the subject property and utilize the lot to provide access to the Bank's adjacent property via a driveway and/or parking for Bank customers and employees. Bank of Brenham, N.A. has requested that the property be rezoned to B-2, Commercial Research and Technology Use District, to match the Bank's existing zoning.

**ANALYSIS OF CITY OF BRENHAM ZONING POLICIES:**

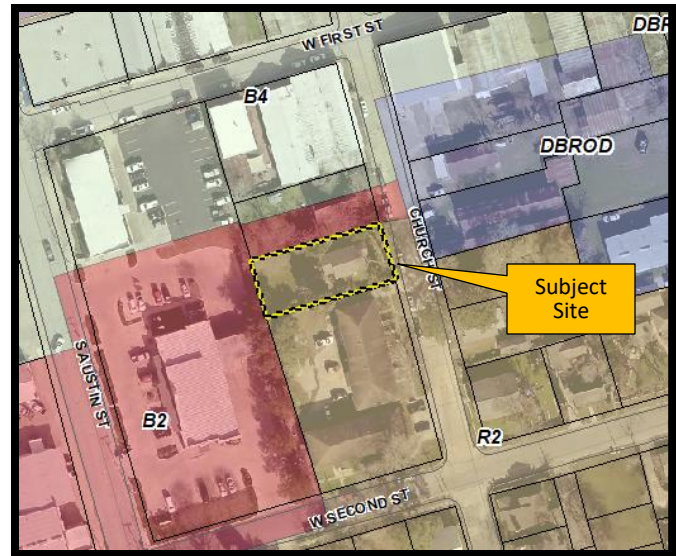
The purpose of zoning policies is to provide guidelines for considering future amendments to the zoning ordinance (Part 1, Section 4 of Appendix A – "Zoning" of the Brenham Code of Ordinances). They are as follows:

- (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. *Please refer to Map 1 on the following page for a visual of the current zoning described herein.*

**The subject property is located in the vicinity of Downtown with a mixture of commercial, single-family and multiple-family residential uses. The 0.186-acre tract is located midblock on the west side of Church Street. The adjacent properties to the west and north are also owned by the Bank of Brenham and zoned B-2, Commercial Research and Technology District, with the west lot developed as the main bank building and the north lot currently utilized as a single-family residence.**

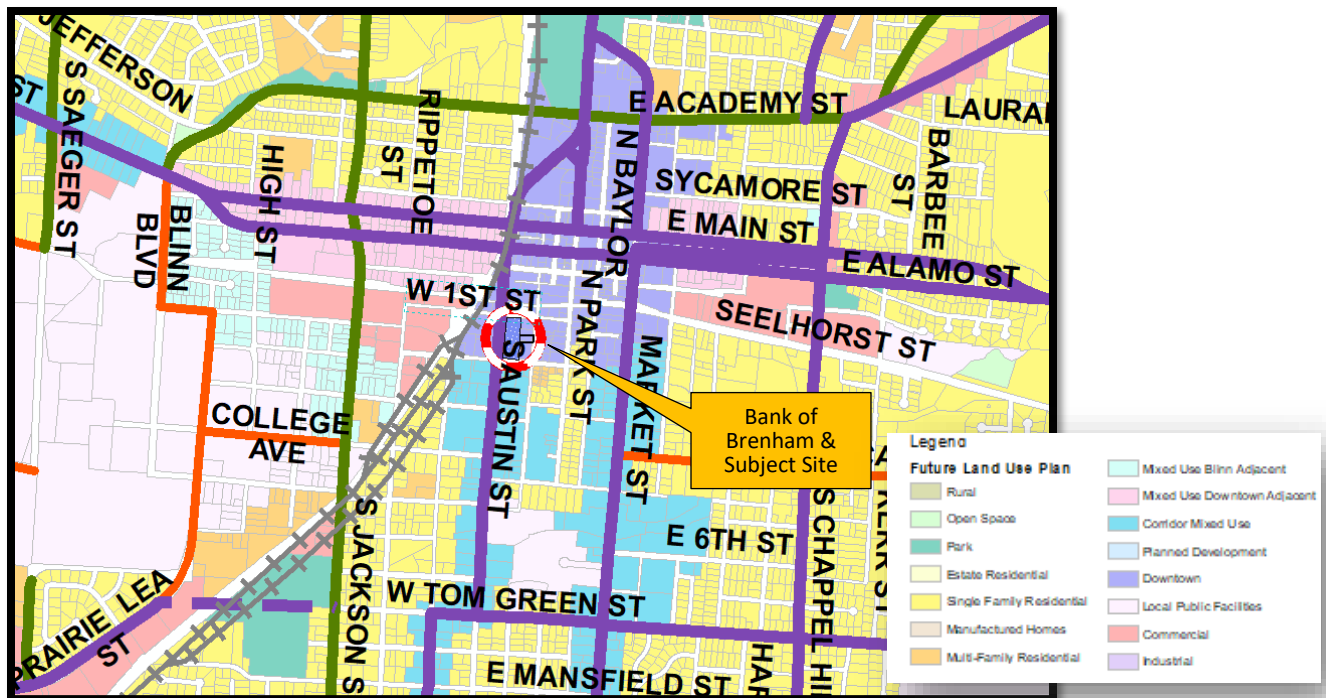
The adjacent property to the south is located within the B-1, Local Business Mixed District and is developed as multi-family residential. To the east, across Church Street, is the edge of the DBROD, Downtown Brenham Residential Overlay District. A vacant commercial building is currently located on the lot directly across from the subject property. To the southeast, across Church Street, is R-2, and developed as single-family residential. As evidenced, the subject property is located within an area of a mixture of land uses, and approval of the proposed rezoning request would allow the property to develop additional parking for Bank of Brenham patrons and employees while in keeping with the development pattern in the general vicinity.

Map 1



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

Future Land Use Map



The future land use map portion of the Historic Past, Bold Future: Plan 2040 Comprehensive Plan suggests the subject property may be appropriate as part of a future expanded Downtown use area. The requested B-2 zoning district allows for a mixture of land uses, including banks, and would permit the Bank of Brenham to develop the existing residential tract with additional bank related uses. Above, is a portion of the Future Land Use Map that includes the subject site and surrounding area. Within the circle portion, the existing developed bank property is to the west with the rectangular shape outlined and the subject property is outlined adjacent to the east. The purple

area on the Future Land Use Plan denotes the Downtown, while the light blue area signifies future Corridor Mixed Use. If the requested zone change were approved, the subject property would allow for the development of the proposed additional off-street parking and driveway access via Church Street. Among the goals for Downtown envisioned in the Comprehensive Plan is the need for expanded commercial retail and services and office space. The Comprehensive Plan states in Land Use Policies, Retail/Office that "The downtown Brenham area and the Mixed Use Downtown Adjacent areas should be a focus for office, retail and service activities in appropriate locations relative to existing residential uses. . ." Staff finds that the proposed request is a step towards 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 an existing single-family residence with existing utility services located along the right-of-way for Church Street, which can be utilized to serve the future 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 November 14, 2019. The Notice of Public Hearing was published in the *Brenham Banner* on November 14, 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. The B-2 zoning district establishes a maximum impervious coverage limit of 85% and minimum building setbacks. Staff finds that the adopted zoning ordinance and building codes will ensure that adequate open spaces are 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 finds that the requested zoning and associated land uses are appropriate for 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 Bank of Brenham to develop the subject property in accordance with property in the general vicinity. The subject 0.186 acres of land abuts the**

**existing 1.6-acre Bank of Brenham site to the west, that encompasses 401 and 501 S. Austin Street. Allowing the property to develop as a commercial use will allow the existing bank to expand their existing off-street parking, provide an access via Church Street and to allow for potential future development. Nearby residential uses are located adjacent to the south and to the southeast, across Church Street. The residential use to the south is a multifamily apartment complex comprised of two structures on the northwest corner of Church Street and West Second Street. The residential uses across Church Street to the southeast appear to be single-family homes. The adjacent property to the north currently has a single-family residence, however, it is also owned by the Bank of Brenham and will be demolished, and the land utilized as part of the parking lot expansion plans. Further north along West First Street are commercial properties located within the B-4, Neighborhood Business District and developed as the vacant historic Pearl Distribution Building located at 201 West First Street and the Brenham Brewery located at 205 West First Street. Additionally, at the time of development, Brenham Bank will be required to adhere to applicable minimum setback, buffer yard and screening requirements. Buffer yard and screening requirements are established to preserve existing neighborhoods and ensure adjacent property develops in a manner compatible to nearby land uses. Staff finds that the proposed zoning would preserve the existing neighborhood culture and is consistent with the community's plan for the development and/or redevelopment of its neighborhoods.**

- (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 and not adversely affect adjacent existing and future residential neighborhoods due to the City's 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 that negatively impact adjoining properties.

**Staff is unable to determine any destabilizing effects on the neighboring properties should this rezoning request be approved. The proposed B-2 zoning for the subject property is more aligned with the existing commercial/office and multifamily uses on the subject block than the current single-family use.**

- (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.

**Vacant property zoned for commercial uses is located generally north and east of the subject tract. Staff finds that the proposed zoning change, if approved, will allow for orderly commercial development that will serve the properties in the general vicinity and the community. Similarly, there are additional properties in the vicinity that could be utilized for residential use.**

- (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 primarily residential, 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:**

Based on the evidence and findings above, Staff recommends **approving** the proposed rezoning of the 0.186-acre tract generally located at 406 Church Street to the Commercial Research and Technology zoning use district (B-2) for the subject tract.

**EXHIBITS:**

- A. Aerial Map
- B. Zoning Map
- C. Future Land Use Map
- D. Cover Letter
- E. Site photos

EXHIBIT "A"  
AERIAL MAP



EXHIBIT "B"  
ZONING MAP

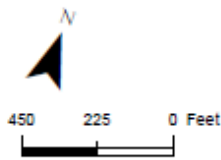


EXHIBIT "C"  
FUTURE LAND USE MAP



A comprehensive plan shall not constitute zoning regulations or establish zoning district boundaries.

Brenham, TX  
Future Land Use



Legend

Future Land Use Plan

- Rural
- Open Space
- Park
- Estate Residential
- Single Family Residential
- Manufactured Homes
- Multi-Family Residential
- Mixed Use Blinn Adjacent
- Mixed Use Downtown Adjacent
- Corridor Mixed Use
- Planned Development
- Downtown
- Local Public Facilities
- Commercial
- Industrial

- ETJ
- City Limits
- Railroad

2014 Thoroughfare Plan

- Freeway
- Minor Arterial
- Minor Arterial Proposed
- Major Collector
- Major Collector Proposed
- Minor Collector
- Minor Collector Proposed
- Network Extension



EXHIBIT "D"  
ZONE CHANGE COVER LETTER



October 28, 2019


City of Brenham  
Planning and Zoning Commission  
PO Box 1059  
200 W. Vulcan Street  
Brenham, TX 77834

Dear Planning and Zoning Commission,

Thank you for the opportunity to file for a request to rezone our newly acquired property at 406 Church Street in Brenham, Texas. The property is currently zoned R2 and the request is to rezone the property to B2. The Bank's adjacent property is currently zoned B4 and B2. We feel this request is reasonable because the property will no longer serve as a residence (which would be removed) and would provide for future access to the Bank's adjacent property via a driveway and/or parking for Bank customers and employees.

The Bank will work with City personnel to appropriately file the correct documents and take appropriate action in a timely manner in order to use the property in this new manner once the rezoning request is approved. Thank you.

Sincerely,



Jim E. Kruse  
President  
Bank of Brenham



**EXHIBIT "E"**  
**SITE PHOTOS**



**Subject Site- 406 Church Street**



**Adjacent Multi-Family to South**



Property directly across Church Street to East.



Looking North on Church Street from Site.



Looking South on Church Street from Site.



**CASE P-19-043**

**REPLAT: Parkview Addition – Section II, a former park site and unimproved section of Parkview Street right-of-way to create Lot 1, Block 1 of the Parkview Addition, Section II**

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**PLAT TITLE:** Parkview Addition – Section II, a former park site and unimproved Parkview Street right-of-way to create Lot 1, Block 1 of the Parkview Addition, Section II **CITY/ETJ:** City Limits

**PLAT TYPE:** Replat

**OWNER/APPLICANT:** Beverly Love on behalf of Boettcher Building Center

**LOT AREA /LOCATION:** 3.948 acres located west of Burseson Street and south of Pleasant View Avenue in Brenham, Washington County, Texas

**PROPOSED LEGAL DESCRIPTION:** Lot 1, Block 1 of the Parkview Addition, Section II in Brenham, Washington County Texas

**ZONING DISTRICT** R-2 Mixed Residential District

**EXISTING USE:** Vacant land

**COMP PLAN FUTURE LAND USE:** Multi-Family Residential

**REQUEST:** A request to replat Parkview Addition – Section II, a former park site and unimproved Parkview Street right-of-way to create Lot 1, Block 1 of the Parkview Addition, Section II, in Brenham, Washington County, Texas.

**BACKGROUND:**

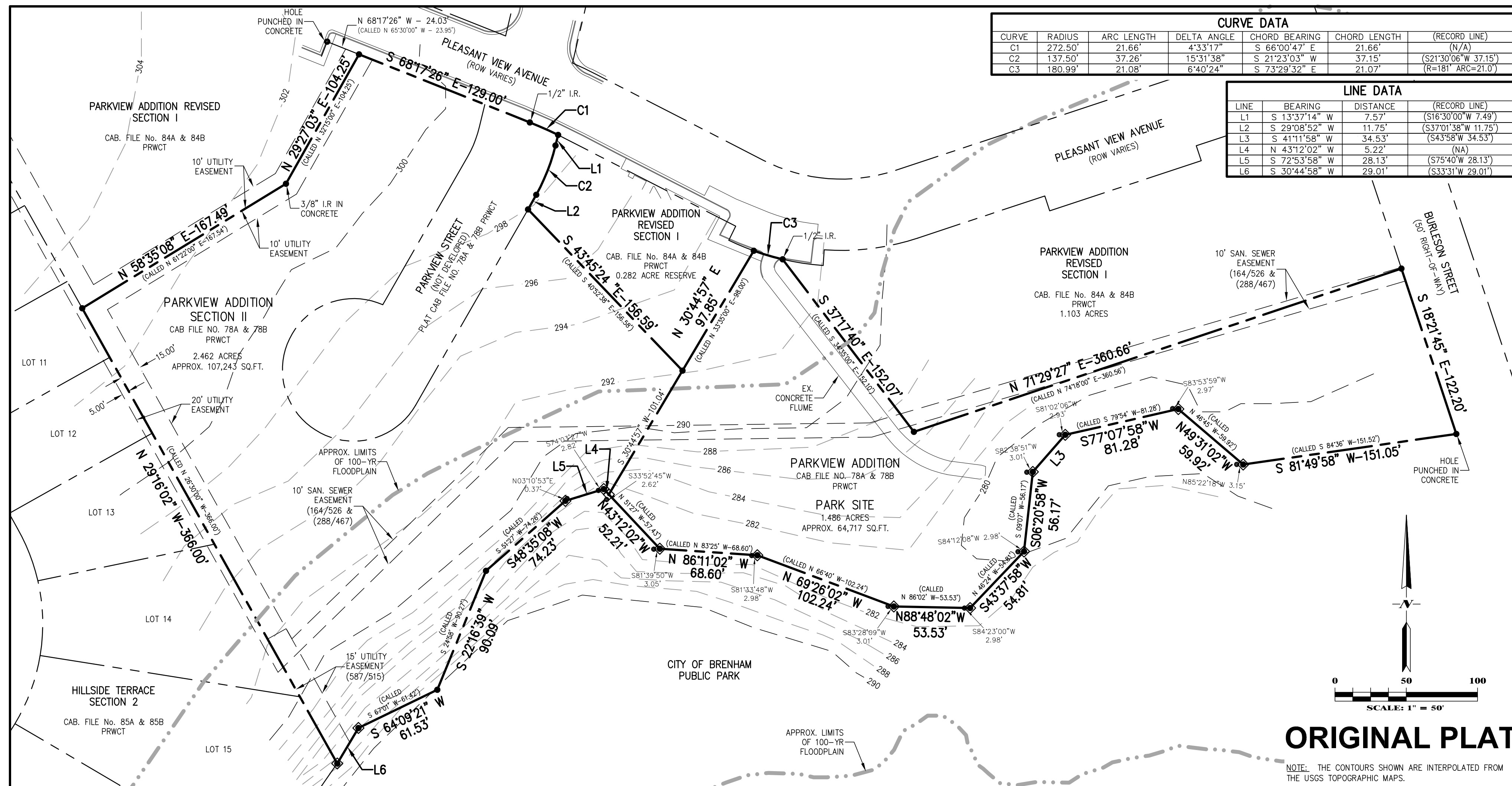
The Owner/Applicant requests approval of a Replat of Parkview Addition – Section II to remove formerly dedicated unimproved right-of-way and parkland dedication and to create Lot 1, Block 1 of The Parkview Addition, Section II, consisting of approximately 3.948 acres of land for future development of this lot. This plat also dedicates a 25' private drainage and public utility easement.

**STAFF RECOMMENDATION:**

Development Services staff has reviewed the proposed Replat for compliance the City of Brenham’s regulations and ordinances and recommends approval of the proposed Replat.

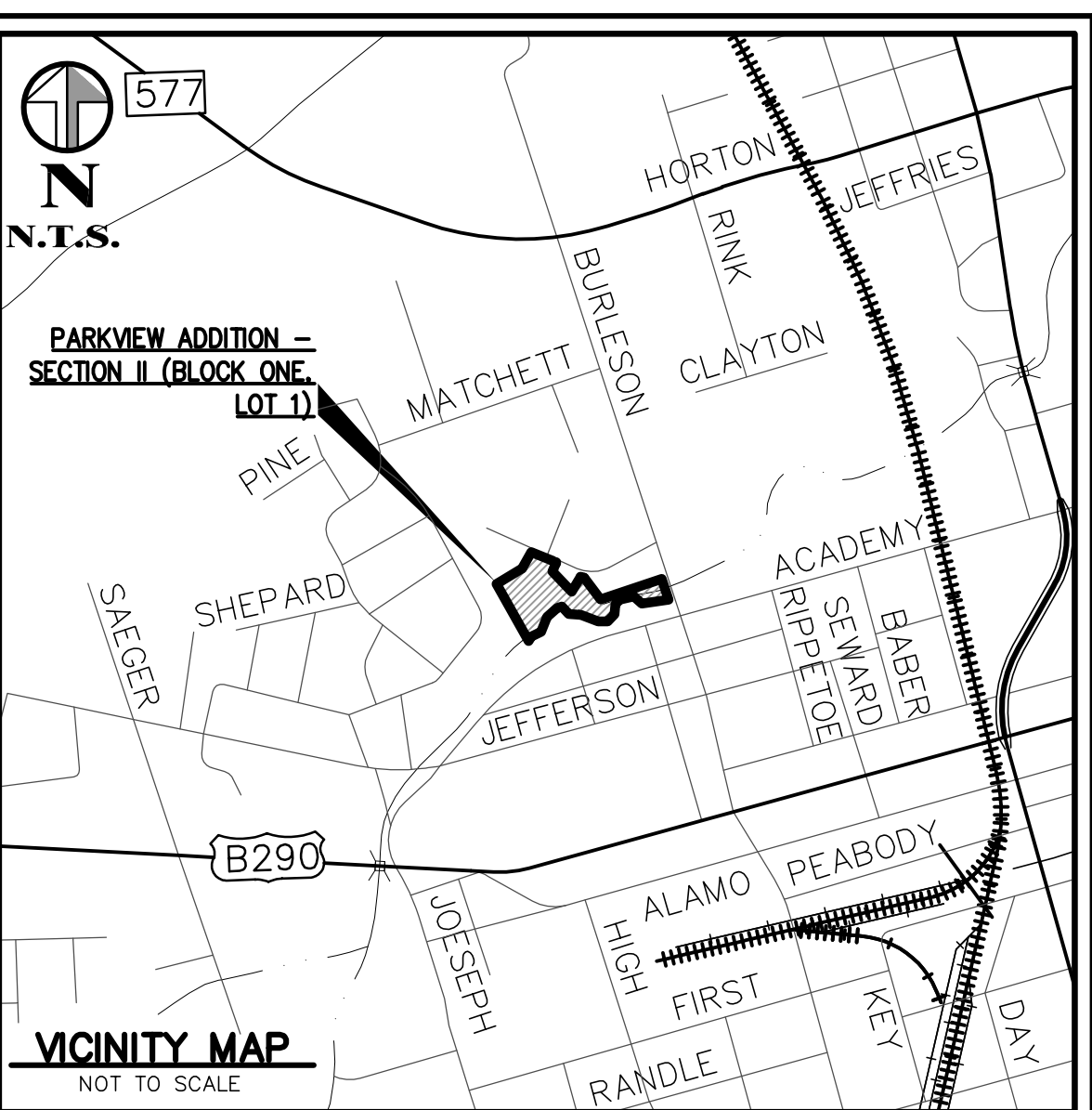
**EXHIBITS:**

- A. Proposed Replat Document



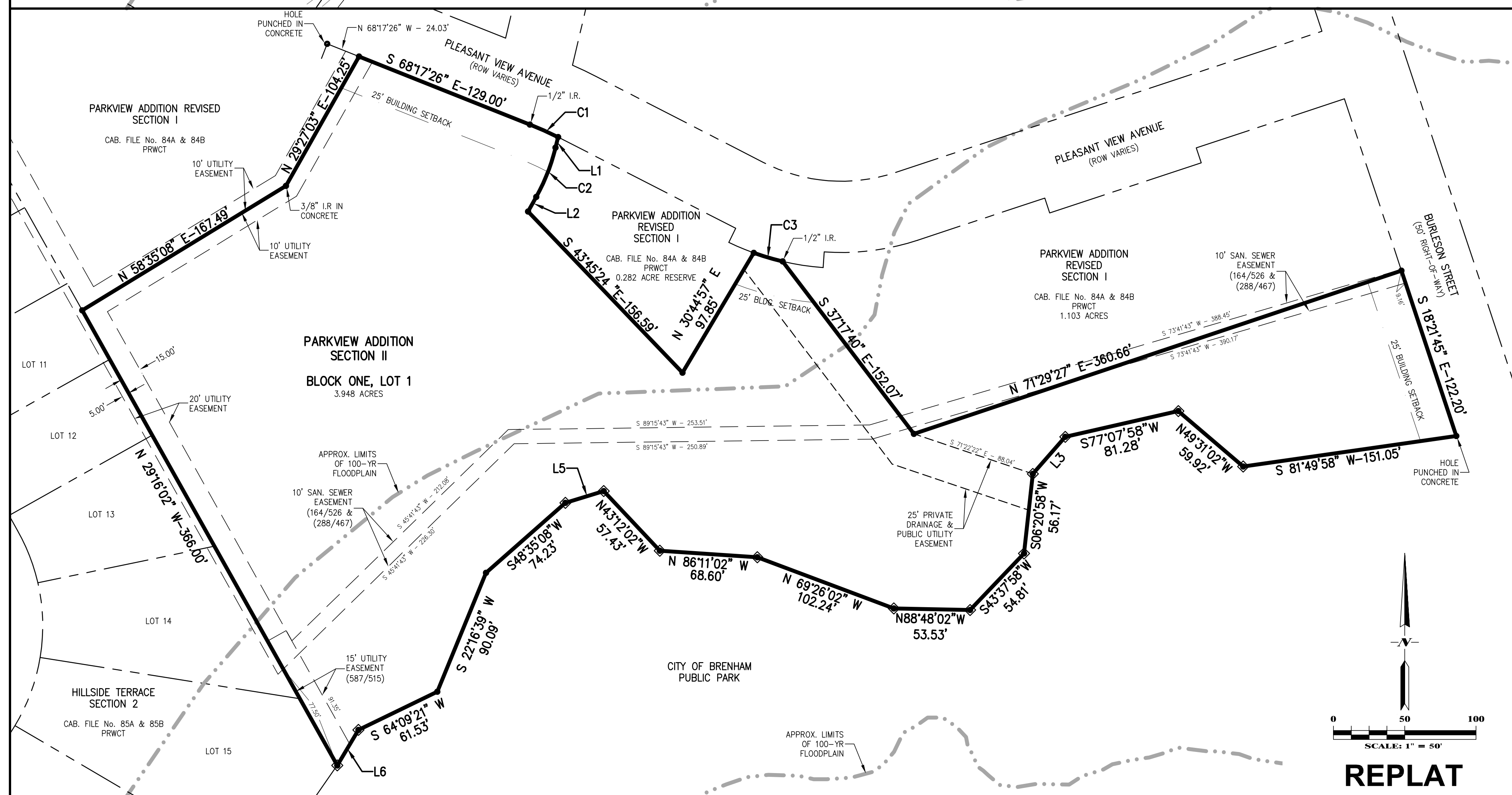
**REPLAT NOTES:**

- ACCORDING TO HORIZONTAL SCALING FROM THE CURRENT F.E.M.A.— FIRM COMMUNITY PANEL NO. 48477C 0256C, AUGUST 16, 2011, A PORTION OF THIS TRACT LIES WITHIN ZONE AE (BASE FLOOD ELEVATIONS DETERMINED).
- BASIS OF BEARING:** THIS IS A GRID DRAWING; HOWEVER, DISTANCES AND AREAS SHOWN HEREON ARE REPORTED AT SURFACE VALUES BASED ON A SURFACE ADJUSTMENT FACTOR OF 1.000013796
- BEARING BASIS:** THE TEXAS COORDINATE SYSTEM OF 1983 (NAD83), CENTRAL ZONE, BASED ON GPS SOLUTIONS FROM SMARTNET FOR PAYNE CONTROL POINT 1 (CP1).
- TEXAS STATE PLANE COORDINATES:  
N 10047425.39  
E 3536643.12
- PROPERTY CORNERS ARE 1/2 INCH IRON ROD SET WITH PLASTIC CAP MARKED "PAYNE 6064" UNLESS OTHERWISE NOTED.
- THIS SURVEY WAS DONE IN CONJUNCTION WITH TITLE REPORT FILE NO. 190540A, DATED JULY 5, 2019 PROVIDED BY WASHINGTON COUNTY ABSTRACT COMPANY. THIS SURVEYOR DID NOT RESEARCH THE DEED RECORDS FOR PREVIOUS CONFLICTS IN TITLE OR EASEMENT, THEREFORE, CERTAIN EASEMENTS MAY HAVE BEEN GRANTED WHICH ARE NOT REFLECTED HEREON.
- EASEMENT DATED JANUARY 25, 1949, EXECUTED BY J.V. DIETZ AND MRS. ELSIE DIETZ TO THE CITY OF BRENHAM, RECORDED IN VOLUME 164, PAGE 526, DEED RECORDS OF WASHINGTON COUNTY, TEXAS, AND FURTHER DEFINED AND SET FORTH IN INSTRUMENT DATED MARCH 24, 1969, RECORDED IN VOLUME 288, PAGE 467, DEED RECORDS OF WASHINGTON COUNTY, TEXAS, TOGETHER WITH ALL RIGHTS INCIDENT HERETO, TITLE TO SAID INTEREST NOT CHECKED SUBSEQUENT TO DATE OF SUCH DOCUMENT. AFFECTS SUBJECT PROPERTY AND IS PLOTTED HEREON.
- SUCH EASEMENTS AND/OR BUILDING LINES AS SET FORTH ON PLAT FILED IN PLAT CABINET FILE NO. 78A AND 78B, PLAT RECORDS OF WASHINGTON COUNTY, TEXAS AND REVISED IN PLAT CABINET FILE NO. 84A AND 84B, PLAT RECORDS OF WASHINGTON COUNTY, TEXAS, AFFECTS SUBJECT PROPERTY AND IS PLOTTED HEREON.
- SUBJECT TO AN UNOBSTRUCTED AERIAL EASEMENT FIVE FEET (5') WIDE FROM A PLANE TWENTY FEET (20') ABOVE THE GROUND UPWARD, LOCATED ADJACENT TO ALL EASEMENTS AS STATED ON PLAT FILED IN PLAT CABINET FILE NO. 78A AND 78B, PLAT RECORDS OF WASHINGTON COUNTY, TEXAS AND REVISED IN PLAT CABINET FILE NO. 84A AND 84B, PLAT RECORDS OF WASHINGTON COUNTY, TEXAS, AFFECTS SUBJECT PROPERTY BUT CONTAINS NO PLOTTABLE ITEMS.
- TWENTY-FOOT (20') EASEMENT AS SET FORTH ON PLAT FILED IN PLAT CABINET FILE NO. 78A AND 78B, PLAT RECORDS OF WASHINGTON COUNTY, TEXAS AND REVISED IN PLAT CABINET FILE NO. 84A AND 84B, PLAT RECORDS OF WASHINGTON COUNTY, TEXAS, AFFECTS SUBJECT PROPERTY AND IS PLOTTED HEREON.
- TEN-FOOT (10') EASEMENT AS SET FORTH ON PLAT FILED IN PLAT CABINET FILE NO. 78A AND 78B, PLAT RECORDS OF WASHINGTON COUNTY, TEXAS AND REVISED IN PLAT CABINET FILE NO. 84A AND 84B, PLAT RECORDS OF WASHINGTON COUNTY, TEXAS AND AS SHOWN ON SURVEY DATED DECEMBER 6, 2007, PREPARED BY JOHN E. PLEDGER, R.P.L.S. NO. 2183 AND ON SURVEY DATED JANUARY 29, 2008, PREPARED BY JOHN E. PLEDGER, R.P.L.S. NO. 2183 AFFECTS SUBJECT PROPERTY AND IS PLOTTED HEREON.
- FIFTEEN FOOT (15') UTILITY EASEMENT AS SET FORTH ON PLAT FILED IN PLAT CABINET FILE NO. 78A AND 78B, PLAT RECORDS OF WASHINGTON COUNTY, TEXAS AND REVISED IN PLAT CABINET FILE NO. 84A AND 84B, PLAT RECORDS OF WASHINGTON COUNTY, TEXAS AS SHOWN ON SURVEY DATED JANUARY 29, 2008, PREPARED BY JOHN E. PLEDGER, R.P.L.S. NO. 2183 AFFECTS SUBJECT PROPERTY AND IS PLOTTED HEREON.
- TWENTY-FIVE FOOT (25') BUILDING LINE AS SET FORTH ON PLAT FILED IN PLAT CABINET FILE NO. 78A AND 78B, PLAT RECORDS OF WASHINGTON COUNTY, TEXAS AND AS SHOWN ON SURVEY DATED JANUARY 29, 2008, PREPARED BY JOHN E. PLEDGER, R.P.L.S. NO. 2183 AFFECTS SUBJECT PROPERTY AND IS PLOTTED HEREON.
- ALL OIL/GAS PIPELINES OR PIPELINE EASEMENTS WITH OWNERSHIP THROUGH THE SUBDIVISION HAVE BEEN SHOWN. (NONE LISTED IN THE TITLE REPORT, SEE NOTE #4).
- THIS PLAT DOES NOT ATTEMPT TO AMEND OR REMOVE ANY VALID COVENANTS OR RESTRICTIONS.
- BUILDING SETBACK LINES SHALL BE IN ACCORDANCE WITH THE CITY OF BRENHAM CODE OF ORDINANCES AT THE TIME OF THE DEVELOPMENT OF THE PROPERTY.



**ORIGINAL PLAT**

NOTE: THE CONTOURS SHOWN ARE INTERPOLATED FROM THE USGS TOPOGRAPHIC MAPS.



**REPLAT**

**OWNER ACKNOWLEDGEMENT**

I/We, \_\_\_\_\_ the Owner(s) 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)

**CERTIFICATE OF CITY PLANNING COMMISSION**

Approved this \_\_\_\_\_ day of \_\_\_\_\_ by the City Planning Commission of the City of Brenham, Texas.

Chairman \_\_\_\_\_

Secretary \_\_\_\_\_

**COUNTY CLERK FILING ACKNOWLEDGEMENT**

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 \_\_\_\_\_, 2019, at \_\_\_\_\_ o'clock \_\_\_\_\_ M. and duly recorded on the \_\_\_\_\_ day of \_\_\_\_\_, 2019 at \_\_\_\_\_ o'clock \_\_\_\_\_ M. in Cabinet \_\_\_\_\_ Sheet \_\_\_\_\_ of the 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 written above.

Beth Rothermel  
Clerk of the County Court  
Washington County, Texas

**CERTIFICATE OF SURVEYOR**

STATE OF TEXAS  
COUNTY OF WASHINGTON

I, ERIC J. DANNHEIM Registered Professional Land Surveyor No. 6075, in the State of Texas, hereby certify that this plat from an actual and accurate survey of the land and that the corner monuments shown thereon were properly placed under my personal supervision, in accordance with the Subdivision Regulations of the City of Brenham, Texas.

DATE OF SURVEY: JULY 30, 2019

ERIC J. DANNHEIM, RPLS No. 6075  
FIRM No. 10194453  
Job # 1836-001

**SYMBOL & LINE LEGEND**

|     |                                  |
|-----|----------------------------------|
| --- | ADJOINER PROPERTY LINE           |
| --- | PROPOSED SUBDIVISION LINE        |
| --- | EASEMENT LINE                    |
| ●   | PROPERTY CORNER FOUND (AS NOTED) |
| ○   | 5/8" I.R. w/CAP (5197 OR 2183)   |
| ◇   | 1/2" I.R. w/CAP (6064)           |

**FINAL PLAT**  
OF  
**PARKVIEW ADDITION**  
SECTION II  
BLOCK ONE, LOT ONE  
TOTAL: 3.948 ACRES  
**BEING A REPLAT OF**  
PARKVIEW ADDITION SECTION II, PARK SITE & A PORTION OF  
PARKVIEW STREET  
CABINET FILE NO. 78A & 78B  
HARRINGTON SURVEY, A-55  
BRENHAM, WASHINGTON COUNTY, TEXAS

**RME Consulting Engineers**

PROPERTY INFORMATION  
BOETTCHER BLDG CENTER  
c/o BEVERLY LOVE  
1702 S. MARKET STREET  
BRENHAM, TX 77833  
OFF: (936) 825-8901

EMAIL: BBLOVE3808@YAHOO.COM  
SCALE: 1"=50'  
SUBMITTED DATE: 10/21/19  
REVISIONS: 11/5/19

POST OFFICE BOX 9253 - COLLEGE STATION, TX 77842  
EMAIL: civil@rmengineer.com  
OFFICE - (979) 764-0704  
TEXAS FIRM REGISTRATION No. F-4695

**PAYNE INDUSTRIES**

DRAWN BY: R.A.M. CHECKED BY:  
FIELD BOOK: N/A PAGES: N/A  
RME CONSULTING ENGINEERS  
CLIENT NO. PROJECT NO.  
**336 - 0700**

302 W. Hopkins, Ste. 1A, San Marcos, TX 78666  
(512) 748-2878 (979) 567-4500 (432) 238-3186



**CASE P-19-042**  
**ANNEXATION no. 2019-1**

---

**OWNER/APPLICANT:** Brenham Community Development Corporation (BCDC)

**LOT AREA /LOCATION:** At the intersection of FM 389, FM 322 and Industrial Blvd

**LEGAL DESCRIPTION:** Approximately 44.068 Acres of Land Situated in Washington County, Texas, Out of the Phillip Coe Survey, A-31

**EXISTING USE:** Primarily vacant land

**COMP PLAN** Industrial

**FUTURE LAND USE:**

**REQUEST:** An owner-requested annexation of approximately 44.068 acres of land

**BACKGROUND:**

The Brenham Community Development Corporation purchased the above-referenced property from the Gurrech family in 2017. The subject 44+ acres of land is planned to be an additional phase of the Southwest Industrial Park. Since the BCDC purchase of the subject tract, the property has not been formally incorporated into the City of Brenham City Limits.

The subject tract is located at the intersection of FM 389, FM 322 and Industrial Boulevard. Property located across the aforementioned right-of-ways are located in the City of Brenham extraterritorial jurisdiction (ETJ) and are developed with agricultural and rural residential uses. Land adjacent to the eastern property line is currently developed with a Manufactured Home Park and zoned Manufactured Home Residential (R-3).

On May 7th, 2019 with the passage of Resolution no. R-19-013 the City of Brenham City Council directed the City Manager and City staff to consider annexation of properties located adjacent and contiguous to the City Limits. The above-referenced BCDC property (depicted on Exhibit A) was included in the proposed resolution to be considered for annexation. Since that time, City Staff have evaluated the subject property for annexation, conducted two town hall meetings, and held two Public Hearings at City Council meetings.

The City of Brenham Code of Ordinances grants authority to the Planning and Zoning Commission to "hold public hearings and make recommendations to the city council relating to creation, amendment and implementation of zoning regulations, use classifications and districts, all as provided in the laws of the State of Texas and the ordinances of the city" (Appendix A – Zoning, Part V, Section 2). Therefore, prior to Council's decision to consider the subject tract for annexation into the City Limits, the Planning and Zoning Commission is charged with recommending which zoning district is most appropriate for the subject tract.

**RELATION TO THE BRENHAM COMPREHENSIVE PLAN, PLAN 2040: HISTORIC PAST, BOLD FUTURE**

Plan 2040 was adopted as the City of Brenham Comprehensive Plan on September 19, 2019 and serves as the City's guiding document in determining zoning and land uses decisions. Adopted with the Comprehensive Plan is the Future Land Use Plan and the establishment of use-specific land use policies,

general city-wide land use policies, and annexation policies which support the goals and objectives established in the Comprehensive Plan. The Future Land Use Plan, included as attached Exhibit B, includes the subject 44+ acre tract as an area where industrial development is appropriate.

In addition to referencing the Future Land Use Plan to determine zoning designations, Plan 2040 includes major factors to determine areas appropriate to consider annexation and annexation policies. Staff finds the following excerpts from Plan 2040 (page 52-53) are relevant for consideration of this request:

Annexation Considerations:

- **Fiscal:** Value added relative to cost to serve (based on various factors including land use).
- **Service Provision:** Feasibility and realistic timing of service extension and whether the City prefers to be the primary service provider.
- **Service Provision:** Already providing certain municipal services to area (and residents already benefiting from use of in-city streets, parks, etc.).
- **Growth:** Proximity to current incorporated area.
- **Growth:** Market and development community interest and/or economic development potential.

Annexation Policies:

- Wherever possible, existing infrastructure systems in areas proposed for annexation should have near or fully adequate capacities to accommodate current and projected development demands in such areas without the City bearing an inordinate burden for capital investment in the near or longer term.
- To maximize the use and efficiency of existing City infrastructure, growth should first be directed toward vacant parcels and underutilized lands within the city limits before extensive development is considered or encouraged within future growth areas beyond the city limits.
- Annexation decisions should be consistent with the economic development objectives of the City.

**PROPOSED INDUSTRIAL ZONING:**

Based on the Annexation Policies above and the City's adopted Future Land Use Map (Exhibit B), staff recommends **approving the requested annexation of these 44+ acres and assigning Industrial (I) zoning** to the subject property. Approving the requested annexation will bring these 44.068 acres of primarily vacant land under the full regulatory control of the City. Therefore, annexation of this tract will help promote orderly growth and development of this property and be in-keeping with the City's adopted Comprehensive Plan. Furthermore, the subject tract is located adjacent and contiguous to the City Limits and is located adjacent to property currently served by city utilities including water, wastewater and gas.

Staff finds that the proposed annexation meets the annexation criteria established in Plan 2040 and applicable sections of the City's adopted Zoning Ordinance. A draft service plan which includes municipal services to be provided to the subject property following annexation is included for reference (Exhibit C).

**STAFF RECOMMENDATION:**

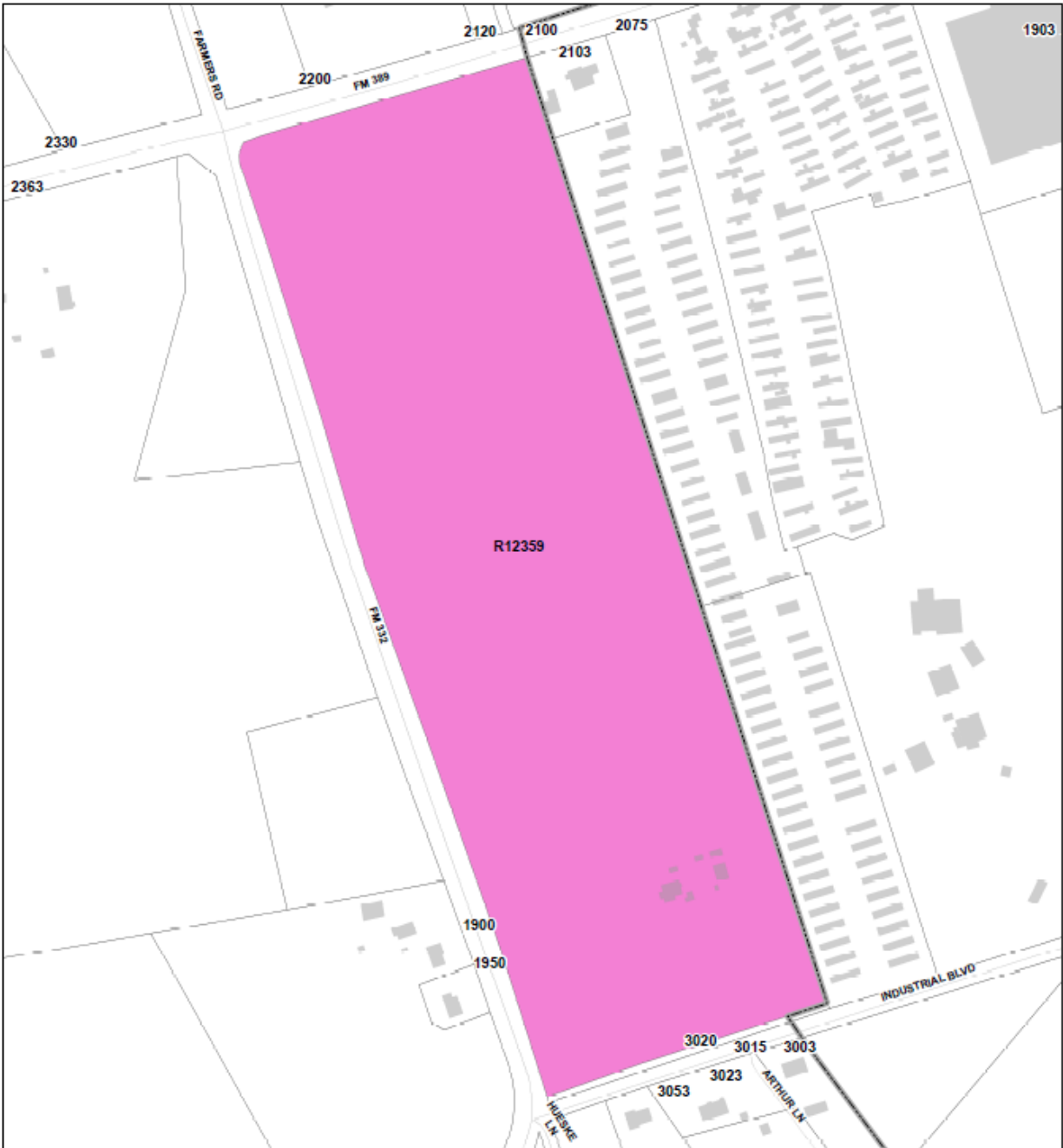
Staff recommends that the 44.068 acre tract of land be assigned the permanent zoning classification of Industrial (I) zoning upon annexation.

**EXHIBITS:**

- A. Proposed Annexation Vicinity Map
- B. Future Land Use Map
- C. Draft Annexation Service Plan



EXHIBIT "A"  
Proposed Annexation Vicinity Map



**R12359 BCDC Volunteer**

1 inch = 332 feet



Document Path: Z:\ANNEXATIONS\ANNEXATION PROJECT\All Annexation.mxd



EXHIBIT "C"  
Draft Annexation Service Plan

**SERVICE PLAN FOR  
2019 ANNEXATION AREA(S)**

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Upon annexation of the area identified in Exhibits \_\_\_\_\_ and \_\_\_\_\_, the City of Brenham will provide City services utilizing methods by which it extends services to any other equivalent area of the City.

**SERVICES PROVIDED BY THE EFFECTIVE DATE OF ANNEXATION**

Police Protection

The City of Brenham and its Police Department will provide police protection to the newly annexed area at the same or similar level of service now being provided to other areas of the City with like topography, land use and population density as those found within the newly annexed area. The Police Department will have the responsibility to respond to all dispatched calls for service or assistance within the newly annexed area.

Fire Protection

The City of Brenham and its Fire Department will provide fire protection to the newly annexed area at the same or similar level of service now being provided to other areas of the City with like topography, land use and population density as those found within the newly annexed area. The Fire Department will have the responsibility to respond to all dispatched calls for service or assistance within the newly annexed area.

Maintenance of Water and Wastewater Facilities

Any and all water and wastewater facilities owned, operated or maintained by the City of Brenham Public Utilities Department at the time of annexation shall continue to be maintained by Public Utilities. Any and all water and wastewater facilities which may be acquired subsequent to the annexation of the proposed area shall be operated and maintained by the City's Public Utilities Department to the extent of the City's ownership. The now existing water and wastewater mains at existing locations shall be available for the point of use extension based upon the City's standard extension policy now existing or as may be amended. On-site sewage systems may be maintained in accordance with the City's Code of Ordinances and other applicable regulations.

Solid Waste Collection

The City of Brenham or its authorized franchisees, collect solid waste and refuse within the corporate limits of the City. Solid waste collection will be provided to citizens in the newly annexed area at the same or similar level of service now being provided to other areas of the City with like topography, land use and density as those found within the newly annexed area. The City may negotiate with the annexed area to allow continued services with an existing solid waste provider. After the second anniversary of the annexation date, the City will impose solid waste collection fees and provide the service.

If areas with private roads and/or gates are arranged so that garbage may be collected without creating a safety hazard, the City, at its discretion, may collect the garbage provided proper indemnification is received from the community association or individual property owner(s). The City will then impose solid waste collection fees and provide the service. Garbage collection locations shall be subject to the approval of the Sanitation Superintendent. In the event the City does not collect garbage within the areas with private roads and/or gates, residents of these areas will not be billed for service after the two-year date.

#### Maintenance of Roads and Streets

Any and all public roads, streets, or alleyways shall be maintained to the same degree and extent that other public roads, streets, and alleyways are maintained in areas of the City with like topography, land use and density as those found within the newly annexed area. Private roads will remain under private ownership until dedicated to and accepted by the City, and as such shall be maintained by the property owner(s).

#### Maintenance of Parks, Playgrounds and Swimming Pools

The City of Brenham is not aware of the existence of any publicly owned parks, playgrounds or swimming pools now located in the proposed area of annexation. In the event any such parks, playgrounds or swimming pools do exist and are public facilities, the City will maintain such areas and facilities to the extent and degree and to the same or similar level of service now being provided to other such areas and facilities within the corporate limits of the City with like topography, land use and density as those found within the newly annexed area. Private facilities will remain under private ownership and as such, shall be maintained by the owner.

#### Maintenance of any Publicly Owned Facility, Building or Municipal Service

The City of Brenham is not aware of the existence of any publicly owned facility, building, or other municipal service now located in the proposed area of annexation. In the event any publicly owned facility, building, or other municipal service does exist and are public facilities, the City will maintain such areas and facilities to the extent and degree and to the same or similar level of service now being provided to other such areas and facilities within the corporate limits of the City with like topography, land use and density as those found within the newly annexed area. Private facilities will remain under private ownership and as such, shall be maintained by the owner.

#### Other Services

The City of Brenham finds and determines that such services as planning, code enforcement, animal control, library, parks and recreation, municipal court and general administration will be made available after the effective date of the annexation as the same or similar level of service now being provided to other areas of the City with similar topography, land use and density as those found within the newly annexed area.

## **CONSTRUCTION OF ANY CAPITAL IMPROVEMENTS TO BE SUBSTANTIALLY COMPLETE WITHIN TWO AND ONE-HALF (2½) YEARS**

The City of Brenham will provide full municipal services in the annexed area no later than 2 ½ years after the effective date of the annexation unless certain services cannot reasonably be provided within that period. In the event the services cannot be provided within two and one-half (2½) years, the City will propose a schedule for providing those services, and will include a list of all services to be provided under the plan and a schedule to extend the period of providing certain services. The schedule will provide for the provision of full municipal services no later than four and one-half (4½) years after the effective date of the annexation.

### Police Protection, Fire Protection, and Solid Waste Collection

The City of Brenham finds and determines it is not necessary to acquire or construct any capital improvements within two and one-half (2½) years of the effective date of the annexation of the particular annexed area for the purpose of providing police protection, fire protection, emergency medical services or solid waste collection. The City finds and determines that it has at the present time adequate facilities and other resources to provide same type, kind and level of service and protection which is presently being administered to other areas already incorporated in the City of Brenham with like topography, land use and population density as those found within the newly annexed area.

### Water and Wastewater Facilities

The City of Brenham finds and determines that there is sufficient capacity for water and wastewater to provide services to the annexed area pursuant to Public Utilities extension policies. The construction of any capital improvements necessary to extend water and wastewater services to an annexed area will be substantially complete with within two and one-half (2½) years after the effective date of the annexation unless said time period is extended pursuant to Chapter 43 of the Texas Local Government Code, as amended.

### Roads and Streets

The City of Brenham finds and determines it is not necessary to acquire or construct any capital improvements within two and one-half (2½) years of the effective date of the particular annexed area.

### Maintenance of Parks, Playgrounds, Swimming Pools, and Other Publicly Owned Facility, Building or Service

The City of Brenham finds and determines it is not necessary to acquire or construct any capital improvements within two and one-half (2½) years of the effective date of the particular annexed area for the purpose of parks maintenance, playgrounds, swimming pools and other publicly owned facility, building or service.

## **SPECIFIC FINDINGS**

The City of Brenham find and determines that this proposed service plan will not provide any fewer service and will not provide a lower level of service in the area being considered for annexation that were in existence in the proposed area at the time immediately preceding the annexation process. Given the proposed annexation area's topography, land utilization and population density, the service levels to be provided in the newly annexed area will be equivalent to those provided to other areas of the City with similar characteristics.

## **TERMS**

This Plan shall be valid for a term of ten (10) years. Renewal of this Plan is at the discretion of the City of Brenham

## **LEVEL OF SERVICE**

Nothing in this Plan shall require the City to provide a uniform level of full municipal services to each area of the City, including the annexed area, if different characteristics of topography, land use, and population density are considered a sufficient basis for providing different levels of service.

## **AMENDMENTS**

This Plan shall not be amended except in accordance with Chapter 43 of the Texas Local Government Code.



**CASE P-19-042**  
**ANNEXATION no. 2019-2**

---

**OWNER/APPLICANT:** City-Initiated Annexation

**LOT AREA /LOCATION:** Scenic Estates, adjacent to the west side of Old Masonic Road

**LEGAL DESCRIPTION:** Approximately 0.643 Acres of Land being part of Lots 29-34 in Block 4 Section 1 of the Scenic Estates Subdivision

**EXISTING USE:** Single-Family Residential

**COMP PLAN** Single-Family Residential

**FUTURE LAND USE:**

**REQUEST:** A city-initiated annexation of approximately 0.643 acres of land

**BACKGROUND:**

The subject 0.643 acres of land proposed for annexation consideration includes part of seven tracts of land located in the Scenic Estates subdivision immediately adjacent to the west side of Old Masonic Road. The City of Brenham annexed the area now known as the Scenic Estates Subdivision in 1984 prior to development of the single-family neighborhood. During the 1984 annexation an error was made in the boundary description of the annexation and a small sliver of land, the subject 0.643 acres, was not included in the annexation area.

On May 7th, 2019 with the passage of Resolution no. R-19-013 the City of Brenham City Council directed the City Manager and City staff to consider annexation of properties located adjacent and contiguous to the City Limits. In an effort to remedy the boundary description error from 1984 the above-referenced properties (depicted on Exhibit A) were included in the proposed resolution to be considered for annexation. Since that time, City Staff have evaluated the subject property for annexation, conducted two town hall meetings, and held two Public Hearings at City Council meetings.

The City of Brenham Code of Ordinances grants authority to the Planning and Zoning Commission to “hold public hearings and make recommendations to the city council relating to creation, amendment and implementation of zoning regulations, use classifications and districts, all as provided in the laws of the State of Texas and the ordinances of the city” (Appendix A – Zoning, Part V, Section 2). Therefore, prior to Council’s decision to consider the subject tract for annexation into the City Limits, the Planning and Zoning Commission is charged with recommending which zoning district is most appropriate for the subject tract.

**RELATION TO THE BRENHAM COMPREHENSIVE PLAN, PLAN 2040: HISTORIC PAST, BOLD FUTURE**

Plan 2040 was adopted as the City of Brenham Comprehensive Plan on September 19, 2019 and serves as the City’s guiding document in determining zoning and land uses decisions. Adopted with the Comprehensive Plan is the Future Land Use Plan and the establishment of use-specific land use policies, general city-wide land use policies, and annexation policies which support the goals and objectives established in the Comprehensive Plan. The Future Land Use Plan, included as attached Exhibit B, includes the subject 0.643 acre tract as an area where single-family residential development is appropriate.

In addition to referencing the Future Land Use Plan to determine zoning designations, Plan 2040 includes major factors to determine areas appropriate to consider annexation and annexation policies. Staff finds the following excerpts from Plan 2040 (page 52-53) are relevant for consideration of this request:

Annexation Considerations:

- **Fiscal:** Value added relative to cost to serve (based on various factors including land use).
- **Service Provision:** Health and safety (housing/building conditions, sanitation, emergency response viability, etc.).
- **Service Provision:** Already providing certain municipal services to area (and residents already benefiting from use of in-city streets, parks, etc.).
- **Growth:** Proximity to current incorporated area.
- **Growth:** Land use compatibility and quality (including to protect nearby in-city neighborhoods and developed areas).

Annexation Policies:

- Wherever possible, existing infrastructure systems in areas proposed for annexation should have near or fully adequate capacities to accommodate current and projected development demands in such areas without the City bearing an inordinate burden for capital investment in the near or longer term.
- All annexation decisions should require a fiscal impact assessment to determine that the annexation is fiscally responsible from the perspective of City operations, maintenance, capital investments and debt.
- Annexation actions should be consistent with the direction and priorities of this Comprehensive Plan.

**PROPOSED RESIDENTIAL SINGLE-FAMILY (R-1) ZONING:**

Based on the Annexation Policies above and the City's adopted Future Land Use Map (Exhibit B), staff recommends **approving the requested annexation of these 0.643 acres and assigning residential single-family (R-1) zoning** to the subject property. Approving the requested annexation will bring these 0.643 acres of land developed with single family dwellings under the full regulatory control of the City. Therefore, annexation of this tract will help promote orderly growth and development of these properties and be in-keeping with the City's adopted Comprehensive Plan. Furthermore, the subject tract is not only located adjacent and contiguous to the City Limits but has operated as if it were in the City of Brenham City Limits for many years. The subject tracts currently have access to city utilities including water, wastewater and gas.

Staff finds that the proposed annexation meets the annexation criteria established in Plan 2040 and applicable sections of the City's adopted Zoning Ordinance. A draft service plan which includes municipal services to be provided to the subject property following annexation is included for reference (Exhibit C).

**STAFF RECOMMENDATION:**

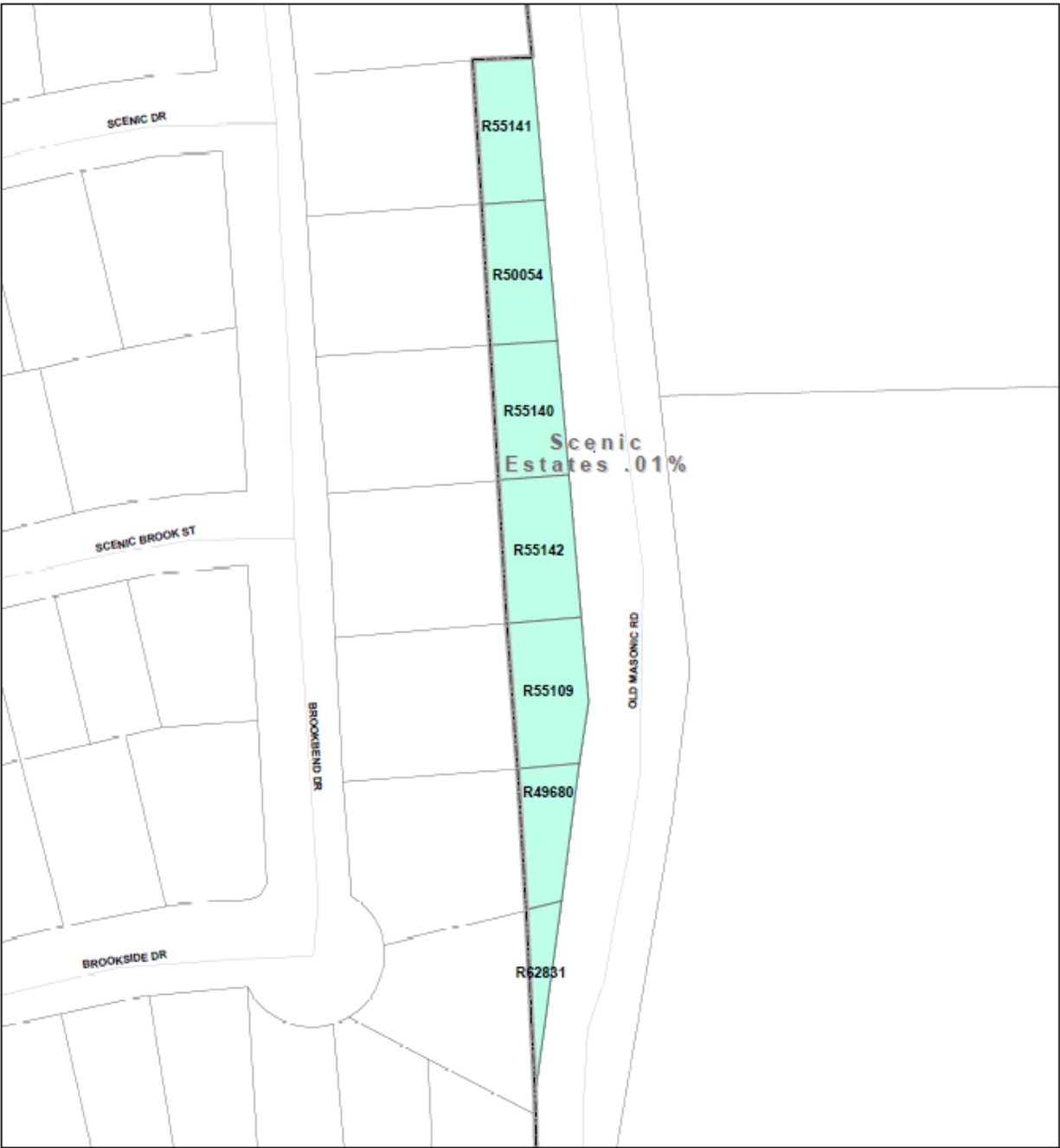
Staff recommends that the 0.643-acre tract of land be assigned the permanent zoning classification of Residential Single-Family zoning upon annexation.

**EXHIBITS:**

- A. Proposed Annexation Vicinity Map
- B. Future Land Use Map
- C. Draft Annexation Service Plan



EXHIBIT "A"  
Proposed Annexation Vicinity Map



Scenic Estates

1 Inch = 88 feet



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EXHIBIT "B"  
Future Land Use Map

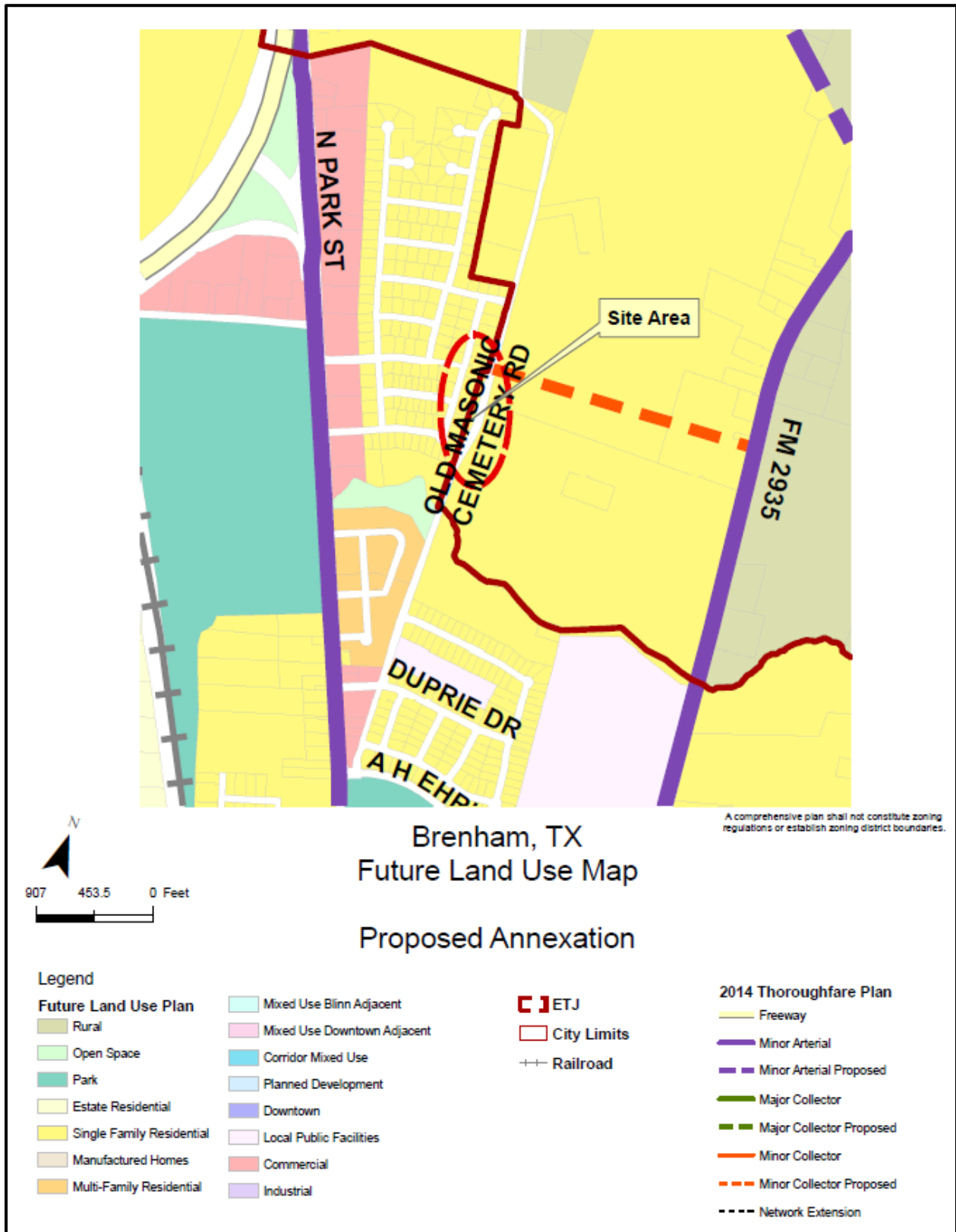


EXHIBIT "C"  
Draft Annexation Service Plan

**SERVICE PLAN FOR  
2019 ANNEXATION AREA(S)**

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Upon annexation of the area identified in Exhibits \_\_\_\_\_ and \_\_\_\_\_, the City of Brenham will provide City services utilizing methods by which it extends services to any other equivalent area of the City.

**SERVICES PROVIDED BY THE EFFECTIVE DATE OF ANNEXATION**

Police Protection

The City of Brenham and its Police Department will provide police protection to the newly annexed area at the same or similar level of service now being provided to other areas of the City with like topography, land use and population density as those found within the newly annexed area. The Police Department will have the responsibility to respond to all dispatched calls for service or assistance within the newly annexed area.

Fire Protection

The City of Brenham and its Fire Department will provide fire protection to the newly annexed area at the same or similar level of service now being provided to other areas of the City with like topography, land use and population density as those found within the newly annexed area. The Fire Department will have the responsibility to respond to all dispatched calls for service or assistance within the newly annexed area.

Maintenance of Water and Wastewater Facilities

Any and all water and wastewater facilities owned, operated or maintained by the City of Brenham Public Utilities Department at the time of annexation shall continue to be maintained by Public Utilities. Any and all water and wastewater facilities which may be acquired subsequent to the annexation of the proposed area shall be operated and maintained by the City's Public Utilities Department to the extent of the City's ownership. The now existing water and wastewater mains at existing locations shall be available for the point of use extension based upon the City's standard extension policy now existing or as may be amended. On-site sewage systems may be maintained in accordance with the City's Code of Ordinances and other applicable regulations.

Solid Waste Collection

The City of Brenham or its authorized franchisees, collect solid waste and refuse within the corporate limits of the City. Solid waste collection will be provided to citizens in the newly annexed area at the same or similar level of service now being provided to other areas of the City with like topography, land use and density as those found within the newly annexed area. The City may negotiate with the annexed area to allow continued services with an existing solid waste provider. After the second anniversary of the annexation date, the City will impose solid waste collection fees and provide the service.

If areas with private roads and/or gates are arranged so that garbage may be collected without creating a safety hazard, the City, at its discretion, may collect the garbage provided proper indemnification is received from the community association or individual property owner(s). The City will then impose solid waste collection fees and provide the service. Garbage collection locations shall be subject to the approval of the Sanitation Superintendent. In the event the City does not collect garbage within the areas with private roads and/or gates, residents of these areas will not be billed for service after the two-year date.

#### Maintenance of Roads and Streets

Any and all public roads, streets, or alleyways shall be maintained to the same degree and extent that other public roads, streets, and alleyways are maintained in areas of the City with like topography, land use and density as those found within the newly annexed area. Private roads will remain under private ownership until dedicated to and accepted by the City, and as such shall be maintained by the property owner(s).

#### Maintenance of Parks, Playgrounds and Swimming Pools

The City of Brenham is not aware of the existence of any publicly owned parks, playgrounds or swimming pools now located in the proposed area of annexation. In the event any such parks, playgrounds or swimming pools do exist and are public facilities, the City will maintain such areas and facilities to the extent and degree and to the same or similar level of service now being provided to other such areas and facilities within the corporate limits of the City with like topography, land use and density as those found within the newly annexed area. Private facilities will remain under private ownership and as such, shall be maintained by the owner.

#### Maintenance of any Publicly Owned Facility, Building or Municipal Service

The City of Brenham is not aware of the existence of any publicly owned facility, building, or other municipal service now located in the proposed area of annexation. In the event any publicly owned facility, building, or other municipal service does exist and are public facilities, the City will maintain such areas and facilities to the extent and degree and to the same or similar level of service now being provided to other such areas and facilities within the corporate limits of the City with like topography, land use and density as those found within the newly annexed area. Private facilities will remain under private ownership and as such, shall be maintained by the owner.

#### Other Services

The City of Brenham finds and determines that such services as planning, code enforcement, animal control, library, parks and recreation, municipal court and general administration will be made available after the effective date of the annexation as the same or similar level of service now being provided to other areas of the City with similar topography, land use and density as those found within the newly annexed area.

## **CONSTRUCTION OF ANY CAPITAL IMPROVEMENTS TO BE SUBSTANTIALLY COMPLETE WITHIN TWO AND ONE-HALF (2½) YEARS**

The City of Brenham will provide full municipal services in the annexed area no later than 2 ½ years after the effective date of the annexation unless certain services cannot reasonably be provided within that period. In the event the services cannot be provided within two and one-half (2½) years, the City will propose a schedule for providing those services, and will include a list of all services to be provided under the plan and a schedule to extend the period of providing certain services. The schedule will provide for the provision of full municipal services no later than four and one-half (4½) years after the effective date of the annexation.

### Police Protection, Fire Protection, and Solid Waste Collection

The City of Brenham finds and determines it is not necessary to acquire or construct any capital improvements within two and one-half (2½) years of the effective date of the annexation of the particular annexed area for the purpose of providing police protection, fire protection, emergency medical services or solid waste collection. The City finds and determines that it has at the present time adequate facilities and other resources to provide same type, kind and level of service and protection which is presently being administered to other areas already incorporated in the City of Brenham with like topography, land use and population density as those found within the newly annexed area.

### Water and Wastewater Facilities

The City of Brenham finds and determines that there is sufficient capacity for water and wastewater to provide services to the annexed area pursuant to Public Utilities extension policies. The construction of any capital improvements necessary to extend water and wastewater services to an annexed area will be substantially complete with within two and one-half (2½) years after the effective date of the annexation unless said time period is extended pursuant to Chapter 43 of the Texas Local Government Code, as amended.

### Roads and Streets

The City of Brenham finds and determines it is not necessary to acquire or construct any capital improvements within two and one-half (2½) years of the effective date of the particular annexed area.

### Maintenance of Parks, Playgrounds, Swimming Pools, and Other Publicly Owned Facility, Building or Service

The City of Brenham finds and determines it is not necessary to acquire or construct any capital improvements within two and one-half (2½) years of the effective date of the particular annexed area for the purpose of parks maintenance, playgrounds, swimming pools and other publicly owned facility, building or service.

## **SPECIFIC FINDINGS**

The City of Brenham find and determines that this proposed service plan will not provide any fewer service and will not provide a lower level of service in the area being considered for annexation that were in existence in the proposed area at the time immediately preceding the annexation process. Given the proposed annexation area's topography, land utilization and population density, the service levels to be provided in the newly annexed area will be equivalent to those provided to other areas of the City with similar characteristics.

## **TERMS**

This Plan shall be valid for a term of ten (10) years. Renewal of this Plan is at the discretion of the City of Brenham

## **LEVEL OF SERVICE**

Nothing in this Plan shall require the City to provide a uniform level of full municipal services to each area of the City, including the annexed area, if different characteristics of topography, land use, and population density are considered a sufficient basis for providing different levels of service.

## **AMENDMENTS**

This Plan shall not be amended except in accordance with Chapter 43 of the Texas Local Government Code.



**CASE P-19-042**  
**ANNEXATION no. 2019-3**

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**OWNER/APPLICANT:** City-Initiated Annexation

**LOT AREA /LOCATION:** Property located adjacent to the north of Old Mill Creek Road between the current City Limit boundary and Jackson Creek and property adjacent to the east of Farmers Road between FM 389 and Old Mill Creek Road

**LEGAL DESCRIPTION:** Approximately 194.8 Acres of Land being part of the A. Harrington Survey, A-55

**EXISTING USE:** Combination of Single-Family Residential, Commercial and Industrial Uses

**COMP PLAN** Rural

**FUTURE LAND USE:**

**REQUEST:** A city-initiated annexation of approximately 194.8 acres of land

**BACKGROUND:**

The above-referenced 194+ acres of land (depicted in attached Exhibit A – Southwest Annexation) is located adjacent and contiguous to the City of Brenham City Limits and is located north of Old Mill Creek Road out to Jackson Creek and to the east of Farmers Road between FM 389 and Old Mill Creek Road. The property is currently developed with a mixture of land uses, including, agricultural, Country Place West and Wilder Crest (residential subdivisions), rural residential development, Rudloff Brick wholesale, Bluebonnet Electric COOP service station, and other industrial uses.

On May 7<sup>th</sup>, 2019 with the passage of Resolution no. R-19-013 the City of Brenham City Council directed the City Manager and City staff to consider annexation of properties located adjacent and contiguous to the City Limits. The above-referenced properties (Exhibit A) were included in the proposed resolution to be considered for annexation. Since that time, City Staff has evaluated the subject property for annexation, mailed development agreements to qualified property owners, conducted two town hall meetings, and held two Public Hearings at City Council meetings. During the research and examination of the subject 194.8 acres of land for annexation into the City of Brenham, City Staff determined that additional time and consideration was needed before a formal staff recommendation could be made concerning the proposed annexation and assignment of a permanent zoning classification.

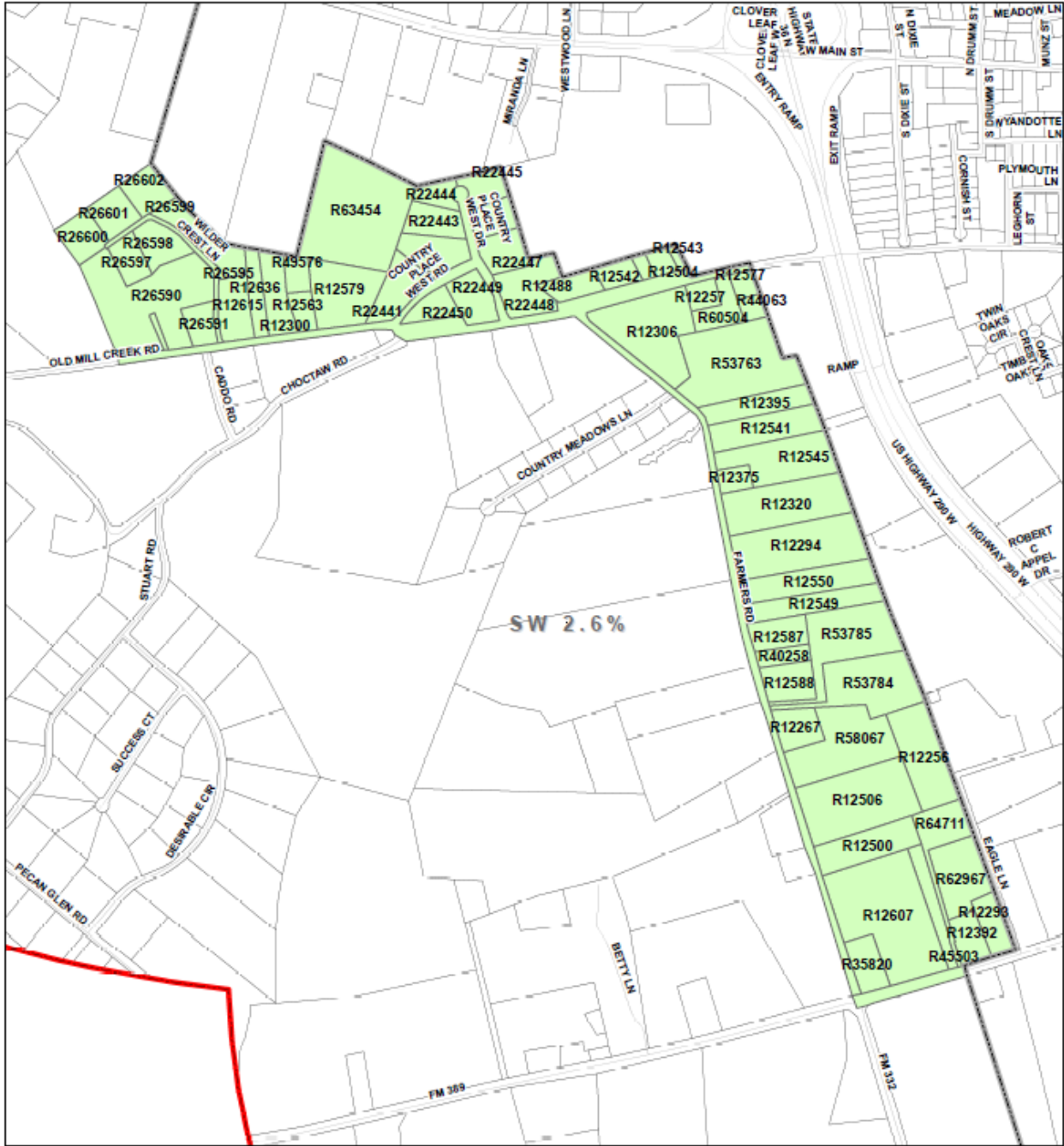
**STAFF RECOMMENDATION:**

Staff recommends the Planning and Zoning Commission recommend the City Council **postpone consideration of the annexation** and the establishment of a formal zoning designation on these 194.8 acres of land adjacent to Old Mill Creek Road and Farmers Road.

**EXHIBITS:**

A. Southwest Annexation Vicinity Map

EXHIBIT "A"  
 Southwest Area Annexation



Southwest Annexation

1 Inch = 941 feet



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