



**NOTICE OF A REGULAR MEETING
BRENHAM PLANNING AND ZONING COMMISSION
MONDAY, JUNE 22, 2020 AT 5:15 P.M.
SECOND FLOOR CITY HALL BUILDING
COUNCIL CHAMBERS
200 W. VULCAN STREET
BRENHAM, TEXAS**

1. Call Meeting to Order

2. Public Comments

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

3. Reports and Announcements

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 May 26, 2020 Planning and Zoning Commission Meeting

REGULAR AGENDA

5. Public Hearing, Discussion and Possible Action on Case No. P-20-024: A request to Replat Lot 2, Block 1 of the Siemsglusz Subdivision and a 1.62-acre tract, being Tract 87 of the Isaac Lee Survey, to create Lot 2-R, Block 1, containing 0.92 acres of land and Lot 3, Block 1, containing 1.54 acres of land located at 2411 E. Rosedale Drive and 2506 Gun & Rod Road, respectively, in Brenham, Washington County, Texas.

6. Public Hearing, Discussion and Possible Action on Case No. P-20-025: A request by Alexander and Mikayla Knight for a Specific Use Permit to allow an Accessory Dwelling Unit (ADU) in an R-2 Mixed Residential Use Zoning District on property addresses as 501 Crockett Street, and described as Lot L1-A, Block E of the Woodlawn Heights Addition in Brenham, Washington County, Texas.

WORKSHOP AGENDA

7. Discussion and Possible Direction to Staff Concerning the Commission's Plan of Work for 2020.

8. Adjourn

CERTIFICATION

I certify that a copy of the June 22, 2020, 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 June 19, 2020, 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 _____, 2020 at _____.

Signature

Title

**CITY OF BRENHAM
PLANNING AND ZONING COMMISSION MINUTES
May 26, 2020**

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 May 26, 2020 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
Dr. Deanna Alfred, Vice Chair
Calvin Kossie
Cayte Neil (via teleconference)
Lynnette Sheffield
Marcus Wamble

Commissioners absent:

Leroy Jefferson (excused)

Staff present:

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

Citizens present:

Lance Chambers	Austin & Rachael Taylor
Beau Yarbrough	George Dillingham
Jon Hodde	Albert Ehlert
Luther Hueske	Austin Love
Paul Bohls	

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, Development Services Director, provided a development update showing various projects in progress, recently completed, or anticipated to begin soon. A copy is on file with the Development Services Department. In response to questions from Commissioners, Ms. Doland stated that Baker Katz have requested and extension due to COVID-19.

- At the upcoming July meeting, there will be a “Plan of Work” workshop item. The recently adopted Comprehensive Plan, Historic Past, Bold Future: Plan 2040 established multiple action items in priority order. City staff will seek direction from the Commission about what next steps should be taken in the implementation of Plan 2040.
- Ms. Doland thanked the Development Services staff for keeping things going smoothly while she was out on maternity leave.

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 April 27, 2020 Planning and Zoning Commission Meeting**
- 4-b. Case No. P-20-015: Preliminary Plat of the Old Mill Creek Subdivision, Section 2, to create Lot 1-R, being 7.198 acres and dedication of 0.245 acres and 0.031 acres of land for road right-of-way, for a total of 7.474 acres out of the Phillip H. Coe Survey, A-31 in Brenham, Washington County, Texas.**
- 4-c. Case No. P-20-016: Final Plat of the Old Mill Creek Subdivision, Section 2, to create Lot 1-R, being 7.198 acres and dedication of 0.245 acres and 0.031 acres of land for road right-of-way, for a total of 7.474 acres out of the Phillip H. Coe Survey, A-31 in Brenham, Washington County, Texas.**
- 4-d. Case No. P-20-022: Final Plat of the WGW Compound Division No. 1 establishing a 60-foot wide private road containing 1.680 acres, Tract 1 and Tract 2, being a total of 4.680 acres of land out of the James Walker Survey in Washington County, Texas.**
- 4-e. Case No. P-20-023: Preliminary Plat of the Liberty Village Subdivision being 76.912 acres establishing Reserve “A” being 23.321 acres and Reserve “B” being 24.467 acres and establishing Phase 1 being 29.124 acres consisting of Common Areas 1-3 and 112 Lots in Blocks 1-8 out of the Phillip Coe Survey, A-31 and the Arrabella Harrington Survey, A-55 in Brenham, Washington County, Texas.**

Commissioner Neil recused herself from voting on the consent agenda.

Chairman Behrens called for a motion for the statutory consent agenda. A motion was made by Commissioner Wamble and seconded by Commissioner Alfred to approve the Statutory Consent Agenda Items 4-a through 4-e, as presented. The motion carried unanimously (5-0).

REGULAR MEETING

- 5. Public Hearing, Discussion and Possible Action on Case No. P-20-017: A request by the Washington County Healthy Living Association / Margaret E. Blizzard Senior Activity Center for a Specific Use Permit to allow additional parking as an accessory use for the Margaret E. Blizzard Senior Activity Center (located at 1301 E. Tom Green Street) in an R-1 Single Family Residential Use Zoning District on approximately 0.938 acres of land addressed as 1300, 1302, 1304 and 1306 Loesch Street, and described as Section 1, Block 1, Lots 1-4 of the Kenjura Subdivision in Brenham, Washington County, Texas.**

Shauna Laauwe, Project Planner, presented the staff report for Case No. P-20-017 (on file in the Development Services Department). Ms. Laauwe stated that in April 2012 a Specific Use Permit was issued for a non-profit / philanthropic use for construction of the Margaret E. Blizzard Senior Center. Currently the Senior Center serves lunch to 200-300 people Monday through Friday from 11:00 am to 1:00 pm and many seniors are parking along both sides of the street and having to walk to the Center. The Senior Center currently has approximately 122 parking spaces. If the proposed SUP is approved, the adjacent properties will add a net gain of 61 parking spaces for a total of 183 parking spaces. Approval of this Specific Use Permit is in accordance with the development pattern of local public facilities and would accommodate the existing spillover traffic. Staff recommends approval the requested Specific Use Permit.

Commissioner Alfred recused herself from discussion and voting on this item.

Chairman Behrens opened the Public Hearing at 5:29 pm and asked for any public comments. There were no citizen comments.

Chairman Behrens closed the Public Hearing at 5:30 pm.

A motion was made by Commissioner Kossie and seconded by Commissioner Sheffield to recommend approval of the request by the Washington County Healthy Living Association / Margaret E. Blizzard Senior Activity Center for a Specific Use Permit to allow additional parking as an accessory use for the Margaret E. Blizzard Senior Activity Center (located at 1301 E. Tom Green Street) in an R-1 Single Family Residential Use Zoning District on approximately 0.938 acres of land addressed as 1300, 1302, 1304 and 1306 Loesch Street, as presented. The motion carried unanimously (5-0).

- 6. Public Hearing, Discussion and Possible Action on Case No. P-20-018: A request by Paul Leventis / Russell and Brooke Schroeder 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 approximately 1.071 acres of land described as part of Tract 57 of the John Lang Survey, A-156 in Brenham, Washington County, Texas.**

Shauna Laauwe, Project Planner, presented the staff report for Case No. P-20-018 (on file in the Development Services Department). Ms. Laauwe stated that the property is currently zoned a mixture of B-2, Commercial Research and Technology and R-2, Mixed Residential Use District. The applicant requests to rezone the R-2 portion of the property to B-2 to allow for future commercial development.

Approval of the requested zone change would allow for the proposed development of an office to accommodate the future Brenham Market Square mixed-use development and would zone the property in accordance with the surrounding B-2 zoning use district. The existing single-family home

is located on the B-2 portion and is considered legally nonconforming. Staff recommends approval of the requested Specific Use Permit.

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

Chairman Behrens closed the Public Hearing at 5:35 pm.

A motion was made by Commissioner Alfred and seconded by Commissioner Kossie to recommend approval of the request by Paul Leventis / Russell and Brooke Schroeder 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 approximately 1.071 acres of land, as presented. The motion carried unanimously.

7. Public Hearing, Discussion and Possible Action on Case No. P-20-019: Replat of Lot 5B of the Rippetoe Addition to create Lot 1 (0.257 acres) and Lot 2 (0.335 acres) of the Home Town Division, containing a total of 0.592 acres of land located at 307 Baber Street and 402 W. Jefferson Street, respectively, in Brenham, Washington County, Texas.

Stephanie Doland presented the staff report for Case No. P-20-019 (on file in the Development Services Department). Ms. Doland stated that Staff received one citizen comment against the replat. Engineering and Development Services have reviewed the proposed replat for compliance with the City of Brenham's applicable regulations and ordinances and recommend approval.

Chairman Behrens opened the Public Hearing at 5:37 pm and asked for any public comments. There were no citizen comments.

Chairman Behrens closed the Public Hearing at 5:37 pm.

A motion was made by Commissioner Wamble and seconded by Commissioner Kossie to approve a replat of Lot 5B of the Rippetoe Addition to create Lot 1 and Lot 2 of the Home Town Division, as presented. The motion carried unanimously.

8. Public Hearing, Discussion and Possible Action on Case No. P-20-020: Replat of Reserve "D" of the Overlook Estates Subdivision, Section 1 to create Overlook Estates Subdivision, Section 4, consisting of 11 residential lots and Reserve "A", containing approximately 11.300 acres of land located east of Old Masonic Road and north of Ava Drive in Brenham, Washington County, Texas.

Stephanie Doland presented the staff report for Case No. P-20-020 (on file in the Development Services Department). Ms. Doland stated that the owner requests approval of this replat of Reserve "D" of the Overlook Estates for residential development of eleven (11) lots that comprise 3.26-acres and a Reserve "A" that is 8.042-acres. The Reserve "A" is to be dedicated for detention use only as a 5.54-acre portion is located within a floodway. City staff received a total of five citizen comments in opposition of the replat (on file in the Development Services Department). Several property owners indicated to Staff that they were told that the property would not be developed; however, it was platted as an unrestricted reserve. The proposed development shall meet the adopted development standards including the requirement that there are no adverse drainage impacts on adjacent properties. Engineering and Development Services have reviewed the proposed replat for compliance with the City of Brenham's applicable regulations and ordinances and recommend approval.

Chairman Behrens opened the Public Hearing at 5:42 pm and asked for any public comments. Austin Taylor who lives at 309 Ava Drive stated that his concerns are as follows:

- Development will make an impact on the ecosystem (wildlife).
- Requests staff to ensure that the run-off is contained within the development so that adjoining property owners are not negatively impacted.
- No significant impact to the trees and vegetation.

In response to various questions, Ms. Doland and Beau Yarbrough (the owner/developer) stated that:

- The Engineering team has evaluated the proposed detention pond and drainage plan to verify that it will remain onsite and account for the proposed development.
- The trees and vegetation located in the flood-plain areas of the property are not planned to be removed.
- No building will be done within the flood zone.
- Developer has been working with City staff for the past five months.
- The Civil plans have been reviewed by the City's Engineer.
- The water and sewer are served by the City of Brenham.
- The electric service will be provided by Bluebonnet Electric.
- City staff recommended that the plat be named Overlook Estates, Section 4 since it was originally platted as a reserve portion of Overlook Estates, Section 1.
- DSW Homes is the builder.

Chairman Behrens requested that City Staff verify that the Ava Drive homes drain to the detention pond and that the pond is capable of detaining runoff from the proposed development. Chairman Behrens closed the Public Hearing at 5:50 pm.

A motion was made by Commissioner Wamble and seconded by Commissioner Kossie to approve a replat of Reserve "D" of the Overlook Estates Subdivision, Section 1 to create Overlook Estates Subdivision, Section 4, as presented. The motion carried unanimously.

9. Public Hearing, Discussion and Possible Action on Case No. P-20-021: Replat of a portion of Lot 65 of the College Heights Addition and a portion of abandoned right-of-way formerly known as Magnolia Street to create Lot 65B-R, containing 0.202 acres of land located at 1598 Clay Street in Brenham, Washington County, Texas.

Stephanie Doland presented the staff report for Case No. P-20-021 (on file in the Development Services Department). Ms. Doland stated that the proposed replat request will bring the property into compliance with adopted City ordinances. Engineering and Development Services have reviewed the proposed replat for compliance with the City of Brenham's applicable regulations and ordinances and recommend approval.

Chairman Behrens opened the Public Hearing at 5:53 pm and asked for any public comments. There were no citizen comments.

Chairman Behrens closed the Public Hearing at 5:53 pm.

A motion was made by Commissioner Kossie and seconded by Commissioner Sheffield to approve a replat of a portion of Lot 65 of the College Heights Addition and a portion of abandoned right-of-way formerly known as Magnolia Street to create Lot 65B-R, as presented. The motion carried unanimously.

10. Adjourn.

A motion was made by Commissioner Wamble and seconded by Commissioner Kossie to adjourn the meeting at 5:55 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>June 22, 2020</u>
Planning and Zoning Commission	Chairman	Meeting Date
_____	<u>Kim Hodde</u>	<u>June 22, 2020</u>
Attest	Staff Secretary	Meeting Date



CASE P-20-024

REPLAT: LOT 2, BLOCK 1 OF THE SIEMSGLUSZ SUBDIVISION INCLUDING A 1.62-ACRE TRACT TO CREATE LOT 2-R AND LOT 3, BLOCK 1

PLAT TITLE: Replat of Lot 2, Block 1 of the Siemsglusz Subdivision and a 1.62-acre tract to create Lot 2-R and Lot 3, Block 1 **CITY/ETJ:** City Limits

PLAT TYPE: Replat

OWNER: Mark J. Siemsglusz, Jennifer Giles Siemsglusz, and Mary Giles Kuecker

Applicant: Hodde & Hodde Land Surveying, Inc., Jon E. Hodde

LOT AREA /LOCATION: 0.920-acres (2411 E. Rosedale Drive) / 1.541-acres (2506 Gun & Rod Road)

PROPOSED LEGAL DESCRIPTION: Lot 2-R and Lot 3, Block 1 of the Siemsglusz Subdivision in Brenham, Washington County, Texas

ZONING DISTRICT R-1, Single Family Residential District

EXISTING USE: Residential

COMP PLAN Single-Family Residential

FUTURE LAND USE:

REQUEST: A request to replat Lot 2, Block 1 of the Siemsglusz Subdivision and a 1.62-acre tract to create Lot 2-R and Lot 3, Block 1 in Brenham, Washington County, Texas.

BACKGROUND:

The subject property was originally platted in April 2005 as Lot 1 and Lot 2 of the Siemsglusz Subdivision. Later, in October 2005 the City of Brenham annexed the subject tracts. The property owners are requesting to replat the property in an effort to formalize a deed line that was exchanged between family members since the original 2005 plat. Additionally, the proposed plat includes the addition of a third lot into the subdivision, known as Lot 3 and being 1.541 acres. The subject properties are currently served by existing City water and natural gas. The property is located in the Bluebonnet Service territory and as such is served by Bluebonnet. No additional easements are required with the proposed replat.

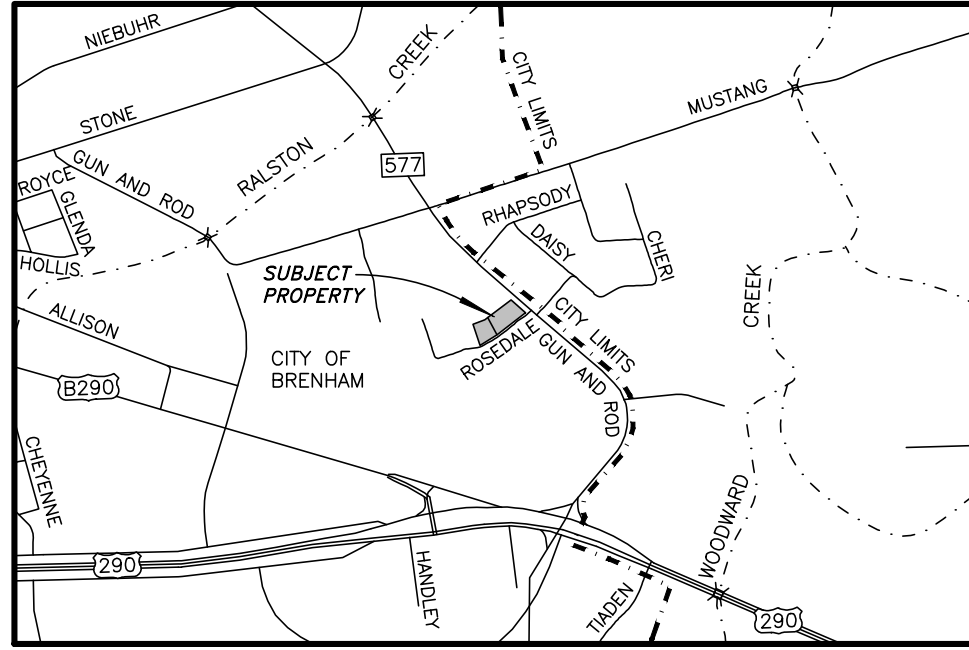
STAFF RECOMMENDATION:

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.

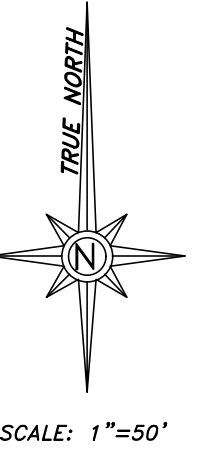
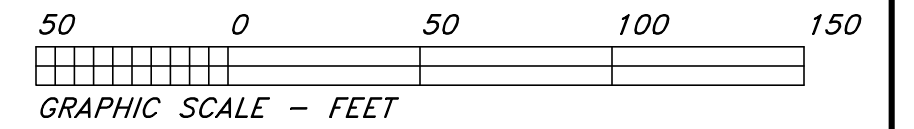
EXHIBITS:

A. Proposed Replat Document

VICINITY MAP
(SCALE: 1" = 2000')



**ISAAC LEE SURVEY
A-77**
CITY OF BRENHAM
WASHINGTON COUNTY, TEXAS



THE DOC C. PAIR AND REBA D. PAIR REVOCABLE LIVING TRUST CALLED 0.893 ACRE VOL. 1414, PAGE 582 (ORWCT)

EDWIN SCHMID RESIDUE OF ORIGINAL TRACT CALLED 44-1/2 ACRES (TRACT 1) VOL. 75, PAGE 252 (DRWCT)

CORNER, A 5/8" IRON ROD FOUND BEARS S 54°19'49" W 0.84'

GUN & ROD ROAD (F.M. HIGHWAY NO. 577) (120' WIDE R/W)

CORNER, A 5/8" IRON ROD FOUND BEARS N 53°50'42" E 0.18'

LOT 3
1.541 ACRES

BLOCK 1

LOT 2-R
0.920 ACRE

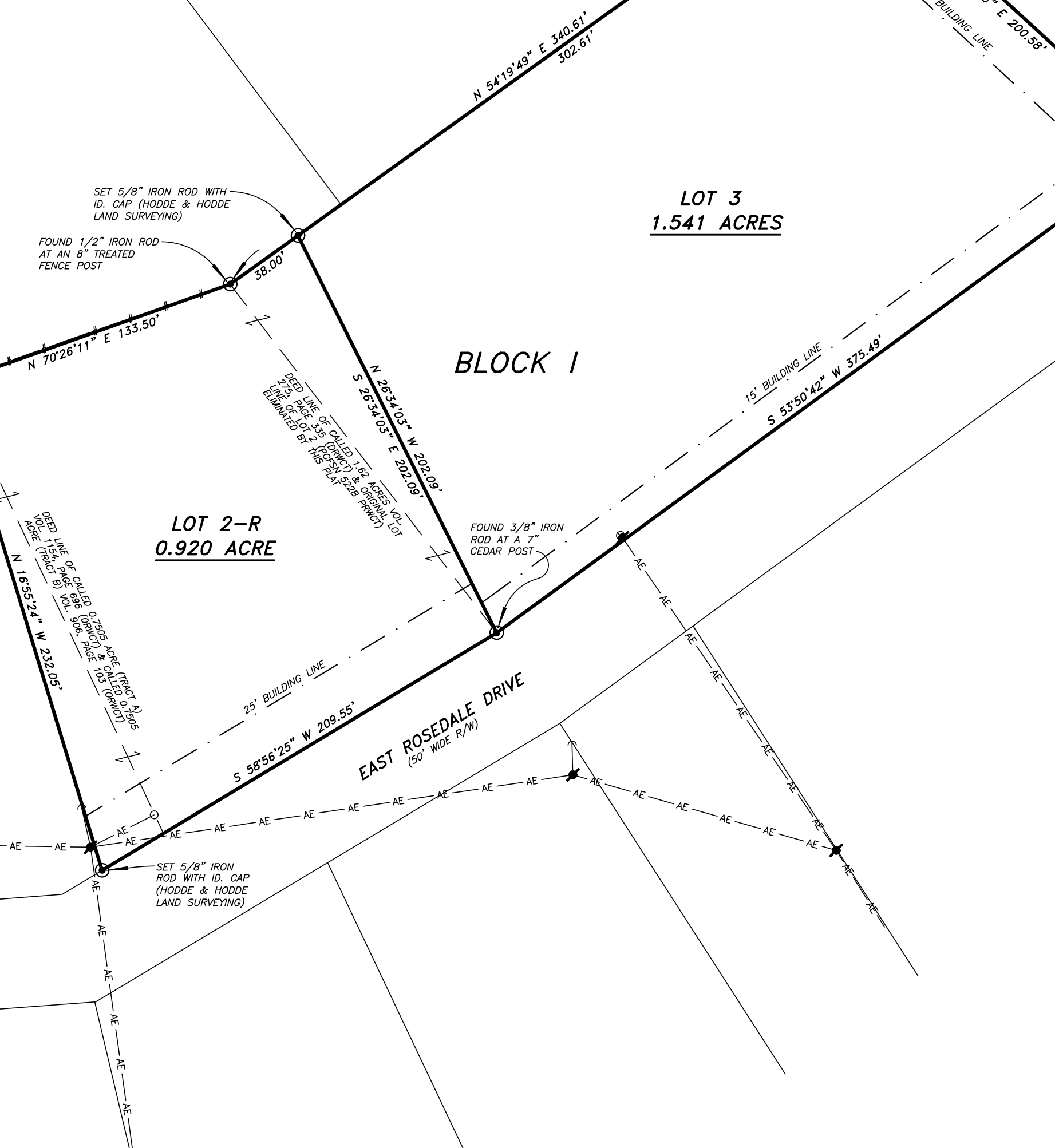
SIEMSGLUSZ SUBDIVISION
A MAP OR PLAT BEING OF RECORD IN PLAT CABINET FILE SLIDE NO. 522B (PRWCT)

BLOCK 1
LOT 1 (CALLED 0.6662 ACRE)

ROSEDALE SUBDIVISION SECTION ONE
A MAP OR PLAT BEING OF RECORD IN PLAT CABINET FILE SLIDE NO. 334B (PRWCT)

LOT 9 (CALLED 0.846 ACRE)

LOT 1 (CALLED 0.794 ACRE)



LEGEND

- CORNER MONUMENT (AS NOTED)
- ⚡ UTILITY POLE
- ⊥ GUY ANCHOR
- METER POLE
- AE — AERIAL ELECTRIC LINES
- — — BOUNDARY LINES
- · — · — BUILDING LINES
- · — · — DEED LINES/ORIGINAL LOT LINES
- # — # — MESH WIRE FENCE

**REPLAT OF LOT 2, BLOCK 1 OF SIEMSGLUSZ SUBDIVISION AND
A 1.62 ACRES TRACT TO CREATE LOT 2-R (0.920 ACRE)
AND LOT 3 (1.541 ACRES), BLOCK 1
PART OF THE ISAAC LEE SURVEY, A-77
CITY OF BRENHAM, WASHINGTON COUNTY, TEXAS
CONSISTING OF 2 RESIDENTIAL LOTS CONTAINING 2.461 ACRES TOTAL**

(PRELIMINARY)
JON E. HODDE, RPLS NO. 5197
DATE: JUNE 11, 2020

THE PURPOSE OF THIS DOCUMENT IS FOR
PRELIMINARY REVIEW ONLY.
PRELIMINARY, THIS DOCUMENT SHALL NOT
BE RECORDED FOR ANY PURPOSE.

**SHEET 1
OF 2**

W.O. NO. 7689 (SIEMSGLUSZ7689.DWG/VIEW) REF: GESSNERS987.SURVEY

Hodde & Hodde Land Surveying, Inc.
Professional Land Surveying & Engineering
613 E. Blue Bell Road · Brenham, Texas 77833
979-836-5681 · 979-836-5683 (Fax)
www.hoddesurveying.com

NOTES:

1. THE BEARINGS SHOWN HEREON ARE RELATIVE TO TRUE NORTH AS OBTAINED BY GPS OBSERVATIONS, OBSERVED AT LATITUDE: 30°09'30.08" N - LONGITUDE: 96°22'28.66" W (WGS-84).
2. NO PART OF THE SUBJECT PROPERTY LIES WITHIN THE SPECIAL FLOOD HAZARD AREA ACCORDING TO THE FLOOD INSURANCE RATE MAP (FIRM) AS COMPILED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY, NATIONAL FLOOD INSURANCE PROGRAM, MAP NUMBER 48477C0315D, MAP REVISED MAY 16, 2019, CITY OF BRENHAM, WASHINGTON COUNTY, TEXAS.
3. THIS SURVEY WAS PERFORMED IN CONJUNCTION WITH BOTTS TITLE COMPANY TITLE EVIDENCE REPORT GF NO. OR FILE NO. WA-20-145, EFFECTIVE DATE MAY 6, 2020 AT 8:00 AM AND TITLE EVIDENCE REPORT GF NO. OR FILE NO. WA-20-146, EFFECTIVE DATE APRIL 23, 2020 AT 8:00 AM.
4. THERE IS ALSO DEDICATED FOR UTILITIES AN UNOBSTRUCTED AERIAL EASEMENT FIVE (5) FEET WIDE FROM A PLANE TWENTY (20) FEET ABOVE THE GROUND UPWARD, LOCATED ADJACENT TO THE EASEMENTS SHOWN HEREON.
5. ALL OIL/GAS PIPELINES OR PIPELINE EASEMENTS WITH OWNERSHIP THROUGH THE SUBDIVISION HAVE BEEN SHOWN BASED ON ABOVE GROUND EVIDENCE, TEXAS RAILROAD COMMISSION DATA AND TITLE REPORTS DATED EFFECTIVE MAY 6, 2020 AND APRIL 23, 2020.
6. ALL OIL/GAS WELLS WITH OWNERSHIP (PLUGGED, ABANDONED, AND/OR ACTIVE) THROUGH THE SUBDIVISION HAVE BEEN SHOWN BASED ON ABOVE GROUND EVIDENCE, TEXAS RAILROAD COMMISSION DATA AND TITLE REPORTS DATED EFFECTIVE MAY 6, 2020 AND APRIL 23, 2020.
7. NO BUILDING OR STRUCTURE SHALL BE CONSTRUCTED ACROSS ANY PIPELINES, BUILDING LINES, AND/OR EASEMENTS. BUILDING SETBACK LINES WILL BE REQUIRED ADJACENT TO OIL/GAS PIPELINES. THE SETBACKS AT A MINIMUM SHOULD BE 15 FEET OFF CENTERLINE OF LOW PRESSURE GAS LINES, AND 30 FEET OFF CENTERLINE OF HIGH PRESSURE GAS LINES.
8. THIS PLAT DOES NOT ATTEMPT TO AMEND OR REMOVE ANY VALID COVENANTS OR RESTRICTIONS.
9. SUBJECT TO BUILDING SETBACK LINES AND YARD REQUIREMENTS ACCORDING TO ZONE AND USE AS SET FORTH IN THE CITY OF BRENHAM ZONING ORDINANCE.
10. (DRWCT) DENOTES DEED RECORDS OF WASHINGTON COUNTY, TEXAS
(ORWCT) DENOTES OFFICIAL RECORDS OF WASHINGTON COUNTY, TEXAS
(PRWCT) DENOTES PLAT RECORDS OF WASHINGTON COUNTY, TEXAS
(PCFSN) DENOTES PLAT CABINET FILE SLIDE NUMBER

SURVEY MAP

SHOWING A SURVEY AND REPLAT FORMING LOT 2-R (0.920 ACRE) AND LOT 3 (1.541 ACRES), BLOCK 1, LYING AND BEING SITUATED IN THE CITY OF BRENHAM, WASHINGTON COUNTY, TEXAS, PART OF THE ISAAC LEE SURVEY, A-77, SAID LOT 2-R (0.920 ACRE) BEING ALL OF LOT 2 (CALLED 0.8350 ACRE), BLOCK 1 OF SIEMSGLUSZ SUBDIVISION, A MAP OR PLAT OF SAID SUBDIVISION BEING OF RECORD IN PLAT CABINET FILE SLIDE NUMBER 522B OF THE PLAT RECORDS OF WASHINGTON COUNTY, TEXAS AND BEING PART OF THE SAME LAND DESCRIBED AS 1.62 ACRES IN THE DEED FROM EDWIN S. SCHMID AND WIFE, FLORINE SCHMID TO ROBERT LATHAM GILES AND WIFE, GENEVIEVE JUREK GILES, DATED MARCH 20, 1968, AS RECORDED IN VOLUME 275, PAGE 335, IN THE DEED RECORDS OF WASHINGTON COUNTY, TEXAS, SAID LOT 3 (1.541 ACRES) BEING PART OF THE SAME LAND DESCRIBED AS 1.62 ACRES IN THE DEED FROM EDWIN S. SCHMID AND WIFE, FLORINE SCHMID TO ROBERT LATHAM GILES AND WIFE, GENEVIEVE JUREK GILES, DATED MARCH 20, 1968, AS RECORDED IN VOLUME 275, PAGE 335, IN THE DEED RECORDS OF WASHINGTON COUNTY, TEXAS, SAID LOT 2 (CALLED 0.8350 ACRE) BEING PART OF THE SAME LAND DESCRIBED AS 0.7505 ACRE (TRACT A) IN THE DEED FROM LANCE KUECKER AND WIFE, MARY GILES KUECKER TO MARK J. SIEMSGLUSZ AND WIFE, JENNIFER GILES SIEMSGLUSZ, DATED MARCH 21, 2005, AS RECORDED IN VOLUME 1154, PAGE 696, IN THE OFFICIAL RECORDS OF WASHINGTON COUNTY, TEXAS AND BEING ALL OF THE SAME LAND DESCRIBED AS 0.7505 ACRE (TRACT B) IN THE DEED FROM GENEVIEVE GILES TO MARK J. SIEMSGLUSZ AND WIFE, JENNIFER GILES-SIEMSGLUSZ, DATED SEPTEMBER 10, 1998, AS RECORDED IN VOLUME 906, PAGE 103, IN THE OFFICIAL RECORDS OF WASHINGTON COUNTY, TEXAS.

CERTIFICATION

THE STATE OF TEXAS
COUNTY OF WASHINGTON

I, JON E. HODDE, REGISTERED PROFESSIONAL LAND SURVEYOR, NO. 5197 OF THE STATE OF TEXAS, DO HEREBY CERTIFY THAT THIS MAP SHOWING A SURVEY AND REPLAT OF 2.461 ACRES OF LAND IS TRUE AND CORRECT IN ACCORDANCE WITH AN ACTUAL SURVEY MADE ON THE GROUND UNDER MY PERSONAL DIRECTION AND SUPERVISION.

DATED THIS THE 11TH DAY OF JUNE, 2020, A.D.

(PRELIMINARY)

JON E. HODDE, RPLS NO. 5197
DATE: JUNE 11, 2020

THE PURPOSE OF THIS DOCUMENT IS FOR PRELIMINARY REVIEW ONLY.
PRELIMINARY, THIS DOCUMENT SHALL NOT BE RECORDED FOR ANY PURPOSE.

(PRELIMINARY)

JON E. HODDE
REGISTERED PROFESSIONAL
LAND SURVEYOR NO. 5197
HODDE & HODDE LAND SURVEYING, INC.
613 EAST BLUE BELL ROAD
BRENHAM, TEXAS 77833
(979)-836-5681
TBPE&LS SURVEY FIRM REG. NO. 10018800

OWNER ACKNOWLEDGMENT

I, JENNIFER GILES SIEMSGLUSZ, THE OWNER 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)

NOTARY PUBLIC ACKNOWLEDGMENT

THE STATE OF TEXAS
COUNTY OF _____
THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME ON
THE ____ DAY OF _____, 2020,
BY _____

NOTARY PUBLIC, STATE OF TEXAS

(SEAL)

OWNER ACKNOWLEDGMENT

I, MARK J. SIEMSGLUSZ, THE OWNER 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)

NOTARY PUBLIC ACKNOWLEDGMENT

THE STATE OF TEXAS
COUNTY OF _____
THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME ON
THE ____ DAY OF _____, 2020,
BY _____

NOTARY PUBLIC, STATE OF TEXAS

(SEAL)

OWNER ACKNOWLEDGMENT

I, MARY GILES KUECKER, THE OWNER 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)

NOTARY PUBLIC ACKNOWLEDGMENT

THE STATE OF TEXAS
COUNTY OF _____
THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME ON
THE ____ DAY OF _____, 2020,
BY _____

NOTARY PUBLIC, STATE OF TEXAS

(SEAL)

PLANNING AND ZONING COMMISSION APPROVAL

APPROVED THIS _____ DAY OF _____, 2020 BY
THE PLANNING AND ZONING COMMISSION OF THE CITY OF BRENHAM, TEXAS.

CHAIRMAN

SECRETARY

COUNTY CLERK FILING ACKNOWLEDGMENT STATEMENT

THE STATE OF TEXAS §
COUNTY OF WASHINGTON §

I, _____, CLERK OF THE COUNTY COURT OF WASHINGTON COUNTY, TEXAS DO HEREBY CERTIFY THAT THE WITHIN INSTRUMENT WITH ITS CERTIFICATE OF AUTHENTICATION WAS FILED FOR REGISTRATION IN MY OFFICE ON THE ____ DAY OF _____, 2____, AT _____ O'CLOCK. ____M., AND DULY RECORDED ON THE ____ DAY OF _____, 2____, AT _____ O'CLOCK. ____M. IN CABINET _____ SHEET _____ OF RECORD IN THE PLAT RECORDS OF WASHINGTON COUNTY, TEXAS.

WITNESS MY HAND AND SEAL OF OFFICE, AT BRENHAM, WASHINGTON COUNTY, TEXAS, THE DAY AND DATE LAST ABOVE WRITTEN.

CLERK OF THE COUNTY COURT
WASHINGTON COUNTY, TEXAS

**REPLAT OF LOT 2, BLOCK 1 OF SIEMSGLUSZ SUBDIVISION AND
A 1.62 ACRES TRACT TO CREATE LOT 2-R (0.920 ACRE)
AND LOT 3 (1.541 ACRES), BLOCK 1
PART OF THE ISAAC LEE SURVEY, A-77
CITY OF BRENHAM, WASHINGTON COUNTY, TEXAS
CONSISTING OF 2 RESIDENTIAL LOTS CONTAINING 2.461 ACRES TOTAL**

W.O. NO. 7689 (SIEMSGLUSZ7689.DWG/MVIEW) REF: GESSNER5987.SURVEY

Hodde & Hodde Land Surveying, Inc.

Professional Land Surveying & Engineering
613 E. Blue Bell Road . Brenham, Texas 77833
979-836-5681 . 979-836-5683 (Fax)
www.hoddesurveying.com

**SHEET 2
OF 2**

CASE NUMBER P-20-025
SPECIFIC USE PERMIT REQUEST – ACCESSORY DWELLING UNIT

STAFF CONTACT: Shauna Laauwe AICP, Project Planner

APPLICANT/OWNER: Alexander and Mikayla Knight

ADDRESS/LOCATION: 501 Crockett Street

LEGAL DESCRIPTION: Lot L1-A, Block E of the Woodlawn Height Addition

LOT AREA: Approximately 0.389 acres

ZONING DISTRICT/USE: R-2 Mixed Residential District (Exhibit B)

FUTURE LAND USE: Residential (Exhibit C)

REQUEST: A request for a Specific Use Permit to allow a proposed Accessory Dwelling Unit (ADU) in a R-2 Mixed Residential Zoning District (Exhibit D).

BACKGROUND:

The subject property is a 16,995 square foot, 0.389-acre lot is addressed as 501 Crockett Street and generally located southeast of Henderson Park on the northeast corner of Crockett Street and Hosea Street. As seen in Figure 1, the property has street frontages on three sides: along Crockett Street to the south, Hosea Street to the west and Riggs Street to the north. The property is zoned R-2, Mixed Residential Use District and is developed with a 1,706 square foot single-family home and a 468 square foot detached garage.

Figure 1

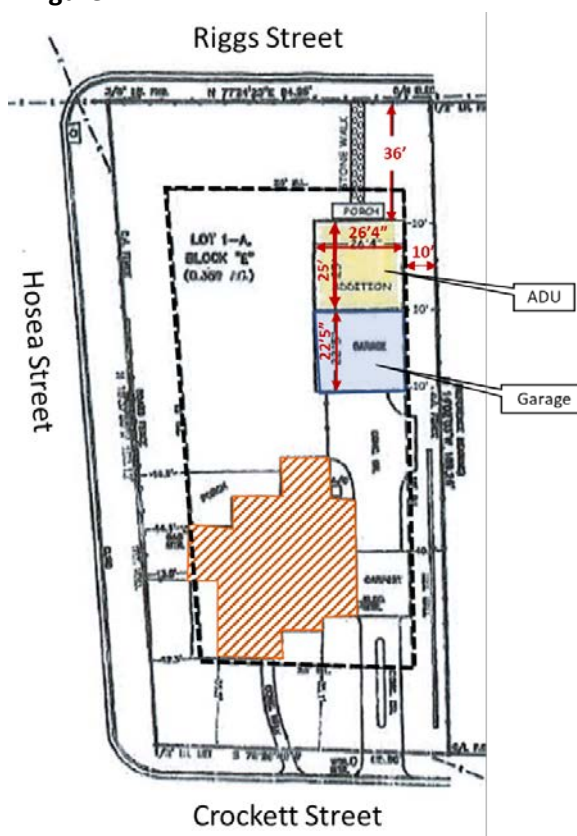


The applicants propose to construct a 658 square foot (26'4" x 25') accessory dwelling unit (ADU) addition attached to the north side of the existing garage (See Figure 2). The proposed ADU is intended to be utilized as a mother-in-law quarters addition that consists of a bedroom, bathroom, living room, and dining area with kitchenette (Exhibit F). The proposed ADU is oriented to face Riggs Street and includes a porch area and stone walkway to the street. As for off-street parking, in addition to the two required spaces for the principal structure, ADUs are

required to have at least one parking space located to the side or rear of the primary structure. The existing elongated driveway, in addition to the garage, meets the regulations and provides ample parking area to for the residents and guests of both the principal structure and accessory dwelling unit. Furthermore, the proposed ADU meets the minimum 10-foot side yard setback along the east property line and exceeds the minimum required 15 foot setback to the north and west, with a setback of 36 feet from the north property line along Riggs Street and approximately 54 feet from the west property line along Hosea Street.

The R-2 District allows accessory dwelling units (ADUs) with prior approval of a Specific Use Permit (SUP). Thus, the applicants are seeking a SUP to allow for the development of a proposed approximate 660 square foot accessory dwelling unit on a 0.389-acres of land in a R-2, Mixed Residential Use District.

Figure 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 approximate 0.4-acre tract of land is a corner lot generally located southeast of Henderson Park and on the northeast corner of Crockett Street and Hosea Street. The property has street frontages on three sides along Crockett Street to the south, Hosea Street to the west and Riggs Street to the north. The subject property and all surrounding properties are located within a R-2, Mixed Residential District that allows for a mix of residential uses to include single family and two family dwellings, in addition to multifamily dwellings on sites of less than two acres. The subject property and vicinity are developed as single-family homes. Further to the north, to the east of Henderson Park, is a tract within a B-1, Local Business/Residential Mixed-Use District that is developed as Parklane Villas, a multifamily residential complex. The applicants are requesting a SUP to allow the construction of an Accessory Dwelling Unit (ADU) addition to the north side of the existing detached garage.

The allowance and standards for ADUs were adopted within in the Zoning Regulations with Ordinance No. O-19-012 that was approved on March 7, 2019. The adopted regulations allow any homeowner living on a single-family zoned property may build an ADU with prior approval of a Specific Use Permit and a building permit. Any homeowner or business owner located in a B-1

zoning district may build an ADU with a building permit. This SUP request is the first to go through the process for ADU approval. Section 10.02(4) of the Zoning Regulations lists additional development standards that pertain to ADUs:

- a) Should the primary use be a single-family dwelling, the property owner's primary residence shall be the single-family dwelling or ADU.

The applicants/property owners will utilize the existing single-family dwelling as their primary residence.

- b) An ADU must be designed and constructed keeping with the general architecture and building material of the principal structure.

The proposed addition will be in the same general architecture style and building material of the principal structure. (See Exhibit F)

- c) An attached ADU shall be subject to the regulations affecting the principal structure. A detached ADU shall have side yards of not less than the required side yard for the principal structure and rear yards of not less than ten (10) feet.

The proposed ADU has an east side yard of 10 feet, a 36-foot setback from Riggs Street and will be approximately 55 feet from the west property line along Hosea Street.

- d) One (1) on-site parking space, located to the side or rear of the primary structure, shall be provided for the ADU in addition to the required parking for the principal structure.

The site has driveway access via Crockett Street. The existing driveway is approximately 105 feet deep and reaches to the detached garage to the rear of the home. The first 80-foot portion of the driveway in front of and beside the home is a single drive then widens to approximately 22 feet to support additional vehicles near the garage. Given the parking capacity of the existing driveway and garage, it does not appear necessary to provide an additional parking space for the ADU.

- e) The maximum habitable area of an ADU is limited to either one-half (1/2) of the habitable area of the principal structure, or one thousand (1,000) square feet, whichever is smaller.

The principal structure is 1,706 square feet in area and the proposed ADU is 658 square feet, less than ½ of the habitable area of the principal structure.

- f) ADUs shall not be HUD-code manufactured home or mobile home.

The proposed ADU will not be a HUD-code manufactured home or mobile home.

The SUP process allows staff to identify additional land uses, which may be appropriate in special circumstances. Several neighboring properties along Crockett Street and in the vicinity have permitted accessory structures that are utilized for a variety of uses from an art studio, to detached garages, to typical storage sheds. While the proposed ADU may be larger than some of the nearby accessory structures, the structure will not be out of character with the surrounding neighborhood. Staff recommends approval of the SUP request as the proposed ADU will be compatible with small-town attributes that make Brenham a special place for its citizens to live as it complies with the development standards for accessory dwelling units and will likely have minimum to no adverse impacts to the surrounding neighborhood.

- (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 Historic Past, Bold Future 2040 Comprehensive Plan suggests the subject property and surrounding area as single-family residential use. The subject property and vicinity are currently developed as single-family uses and the requested SUP would not deter from the envisioned use. Staff finds that the proposed request aligns with the goals and land use polices 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 has existing utilities available along both Hosea Street and Crockett Street. ADUs are an opportunity to increase density in a compatible manner within a residential area as they do not require additional infrastructure to be built to accommodate the new residence.

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

The proposed SUP, if approved, will be reflected on the City of Brenham zoning map available for citizen viewing on the City of Brenham homepage.

- (5) The city's zoning process should be fair and equitable, giving all citizens adequate information and opportunity to be heard prior to adoption of zoning amendments.

Property owners within 200 feet of the project site were mailed notifications of this request on June 11, 2020. The Notice of Public Hearing was published in the Brenham Banner on June 11, 2020. 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 ensure that adequate open space is preserved as residential and commercial development and redevelopment occur.

If approved, the property will be required to adhere to the regulations of the R-2 District to include, the accessory dwelling unit development standards, minimum building setbacks and maximum impervious coverage requirements. The applicant has submitted a preliminary site plan (Exhibit E) which depicts the proposed location of the ADU and access. The applicant has also provided a proposed elevation and building floorplan (Exhibit F). Staff finds that the site development requirements will ensure that adequate open space is preserved on the subject property.

- (7) The city's zoning should ensure Brenham's attractiveness for the future location of business and housing by preserving an attractive and safe community environment in order to enhance the quality of life for all residents.

Staff finds that the requested land use is appropriate in this location given adjacent zoning designations, existing development in the vicinity, and conformance with the City's adopted Comprehensive Plan. The proposed development is in line with the Future Land Use Plan and the development requirements for Accessory Dwelling Units.

- (8) The city's zoning ordinance should preserve neighborhood culture by retaining and promoting land uses consistent with the community's plan for the development and/or redevelopment of its neighborhoods.

The subject property and the surrounding vicinity are located within a R-2 District, that allows for a mix of residential uses to include single family and two-family dwellings, and multifamily dwellings on sites of less than two acres. Further to the north is a B1, Local Business/Residential Mixed-Use District that is developed as Parklane Villas, a Brenham Housing Authority multifamily apartment complex. The ADU structure would not be out of character with the surrounding vicinity as several neighboring properties along Crockett Street and nearby have permitted accessory structures of varying sizes that are utilized for uses such as, an art studio, detached garages, to typical storage sheds. Staff finds that the proposed ADU is compatible to nearby land uses and consistent with the land use policies established in the Comprehensive Plan.

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

Staff finds that approval of the proposed SUP to allow for further development of the property with an ADU will promote the orderly and healthful development of the community. This request, to allow a 658 square foot accessory dwelling unit to be constructed as an addition to an existing detached garage on a 0.389 acre lot, currently developed as a single-family residential use, will not adversely affect health, safety, morals, or general welfare of properties in the general vicinity or the community in general.

- (10) The city's zoning should assist in stabilizing property values by limiting or prohibiting the development of incompatible land uses or uses of land or structures which negatively impact adjoining properties.

Staff believes that the proposed development will have a positive effect on the surrounding area and will be compatible with anticipated uses surrounding this property. The proposed ADU will be constructed in accordance to the development standards set forth in the zoning ordinance and is in character with both the principal structure and nearby residential properties.

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

If approved, the proposed SUP will allow for the construction of a 658 square foot, one bedroom, one bath ADU to provide a mother-in-law quarters for a relative of the property owners. Vacant commercial property is located along East Academy Street/State Highway 105 to the southeast. Staff believes that the proposed SUP, if approved, will not negatively affect vacant land classified for commercial uses.

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

The property is currently developed as a single-family home within a R-2, Mixed Residential District. 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 in a compatible, legally conforming manner.

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

Staff finds approval of the proposed SUP will allow for the orderly growth and development in the general vicinity and throughout the city.

STAFF RECOMMENDATION:

Staff recommends **approval** of a Specific Use Permit to allow for the construction of an accessory dwelling unit, as provided in the application site plan, in a R-2 Mixed Residential Use Zoning District for the subject 0.389 acre tract of land that is located at 501 Crockett Street and legally described as Block E, Lots 1-A, Woodlawn Heights Addition.

EXHIBITS:

- A. Aerial Map
- B. Zoning Map
- C. Future Land Use Map
- D. Cover Letter to the Commission
- E. Proposed Site Plan
- F. Proposed Building Elevations & Floorplan
- G. Site photos

EXHIBIT "A"
AERIAL MAP



Aerial Map
501 Crockett St
ADU Request

1 inch = 89 feet



EXHIBIT "B"
ZONING MAP



Zoning Map
501 Crockett St
ADU Request

1 inch = 89 feet



EXHIBIT "C"
Future Land Use Map



Future Land Use Map
501 Crockett St

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



1 inch = 89 feet



EXHIBIT "D"
SUP APPLICATION COVER LETTER

Specific Use Permit Proposal
501 Crockett St.

May 20, 2020

Planning and Zoning Commission
City of Brenham, Texas

To whom it may concern,

My husband and I, owners of 501 Crockett St., would like to be granted a specific use permit for our proposed mother-in-law quarters addition. We are proposing to place the Accessory Dwelling Unit (ADU) directly attached on the rear side of the garage. The garage will continue to be used as storage. We have attached to our application the design and all the measurements taken during the official survey prior to us purchasing the home as well as some additional measurements taken by our family. We would like to place a small front porch with a stone pathway leading to Riggs Street. The current driveway extends from the garage to Crockett street. We would like to maintain the single driveway for the property instead of adding another for the ADU. However, we are willing to work with the city as far as meeting guidelines and regulations. As visible in the images attached to this proposal, the ADU will maintain the same building material and architecture of the primary residence dwelling and garage on the property. The current garage is and the proposed ADU will be 10 feet from the east side property line and the ADU will be 36 feet from the rear property line. These measurements were confirmed multiple times by our family and a close family friend who is also a contractor.

The ADU will be used as a mother-in-law quarters by our mother who is moving to Texas to be under our care and spend some quality time with her new grandchildren. She will live in the ADU alone. The ADU will be a 1 bed 1 bath, which reflects the intended use. We appreciate your considerations as we work through this process to bring our family closer together. Shall you have additional comments or concerns, please reach out to either of us anytime.

Respectfully,

Mikayla and Alexander Knight, owners

(832) 921-6957

mikaylamarz02@gmail.com



EXHIBIT "E"
 PROPOSED SITE PLAN

501 CROCKETT
 GARAGE ADDITION PLOT

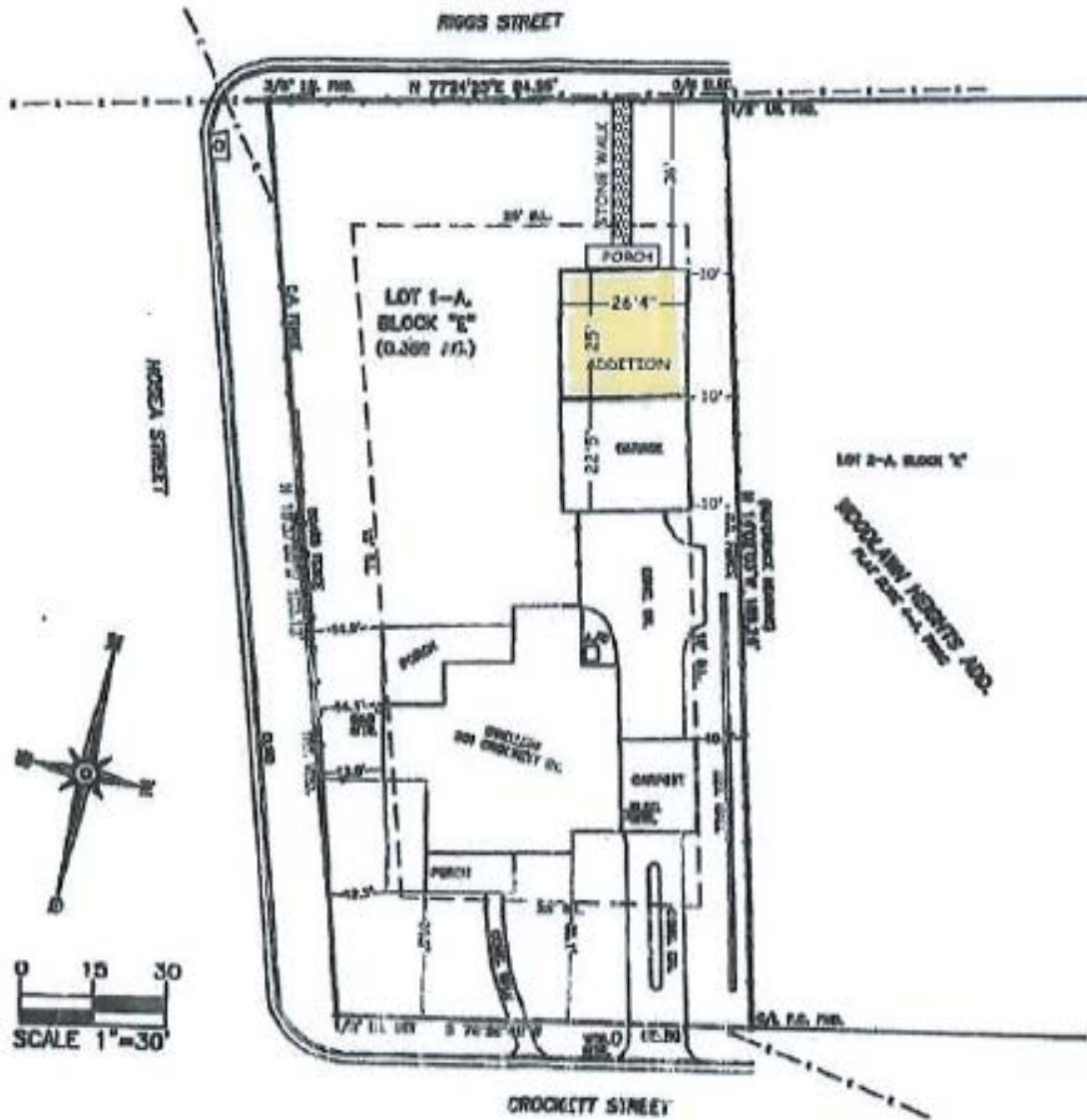


EXHIBIT "F"
ELEVATION & FLOORPLAN

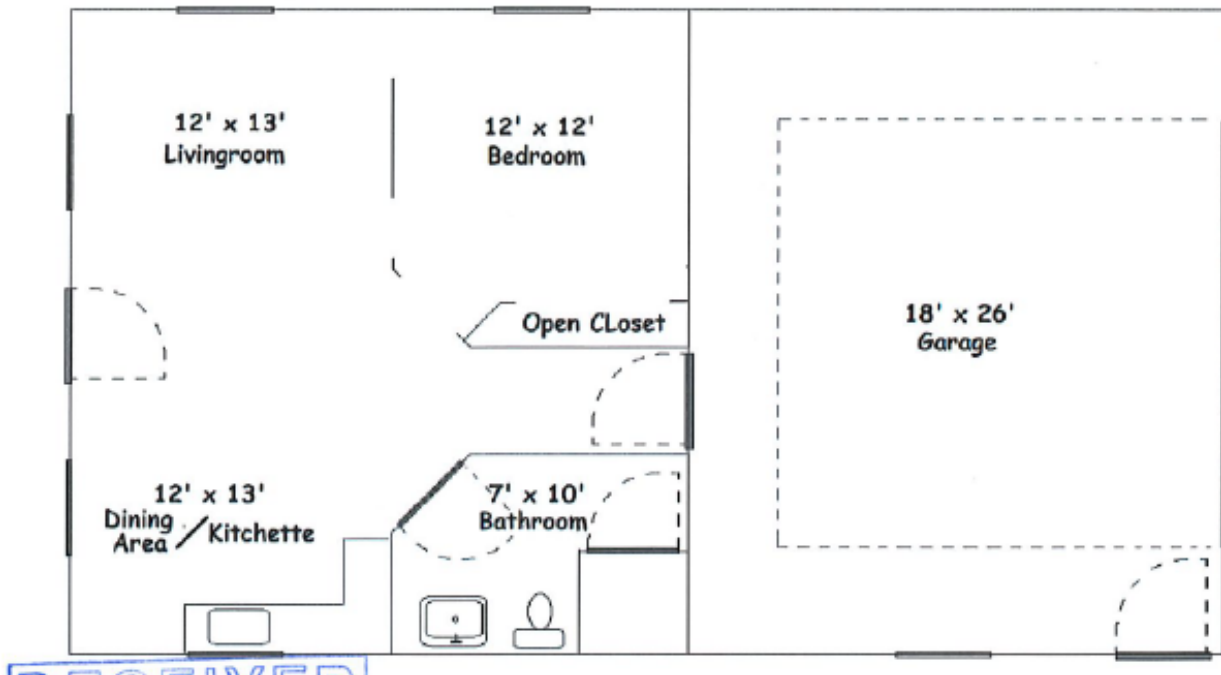
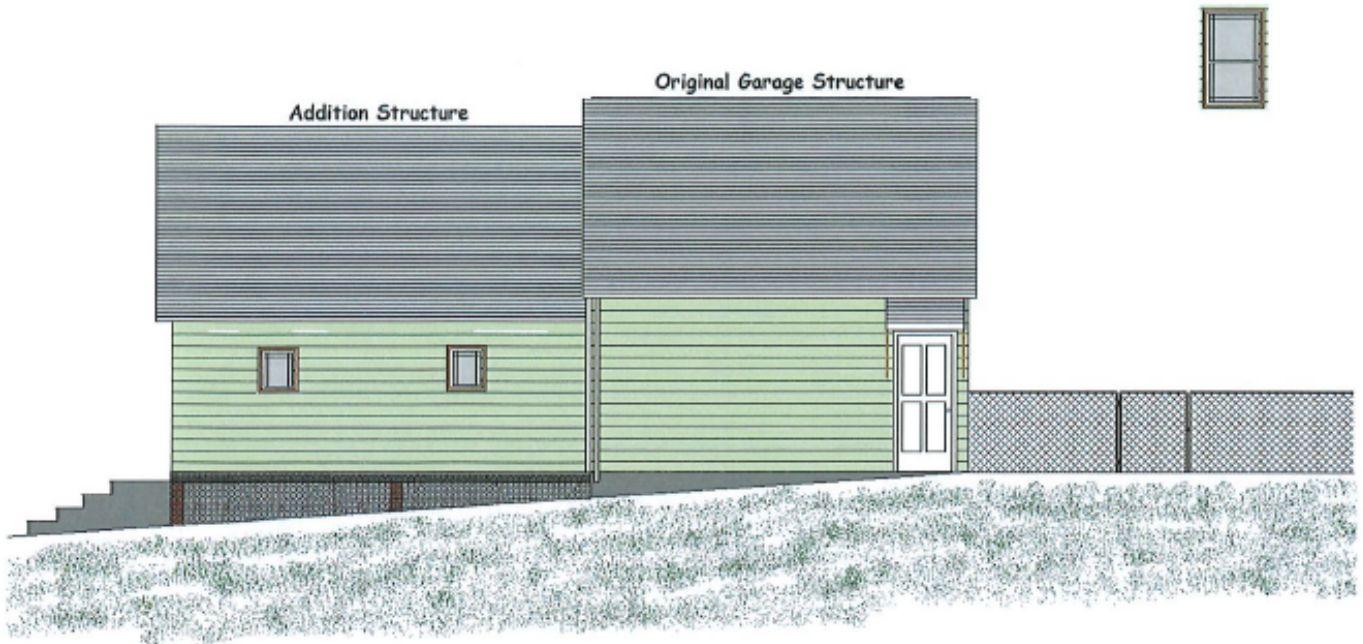


EXHIBIT "G"

SITE PHOTOS







Development Services Department

200 W. Vulcan St.
Brenham, Texas 77833

979-337-7215
slaauwe@cityofbrenham.org

Memorandum

Date June 22, 2020

To Chair Keith Behrens and Planning and Zoning Commission

From Shauna Laauwe, AICP Project Planner

Subject P-20-026 Workshop – Planning & Zoning Commission Plan of Action

The City of Brenham's Comprehensive Plan, Historic Past, Bold Future: Plan 2040 (Plan) was adopted on September 19, 2019. The Plan was a cumulation of over a year of research and input derived from town hall meetings, public hearings, Comprehensive Plan Advisory Committee meetings and joint workshops held between the Planning and Zoning Commission, Board of Adjustment, and City Council. Since adoption, the Comprehensive Plan document has not sat idle. As a first step in implementation, it has been utilized as tool to guide budgetary items throughout all city departments, incorporated within the staff recommendations for planning and zoning items to the City Council, Planning and Zoning Commission, and Board of Adjustments, and also in negotiations with developers of Planned Development Districts to provide better design, sidewalks and open spaces.

As you may recall, the Plan identifies strategic actions to be taken to implement four broad areas: 1) Redevelopment and revitalization; 2) Mixed-use development potential; 3) Quality and durable development and 4) Bicycle/pedestrian circulation and safety. Implementation is a continuous work in progress. City staff is requesting feedback from the Planning and Zoning Commission for specific projects or regulations they would like to see worked on in the next 6-12 months. I have included a memorandum from Kendig Keast Collaborative, the consulting firm that helped draft the Plan, that pinpoints some specific areas that may need some regulatory changes to meet the goals of the Plan. Included below is a list of subjects that could be considered as action items in the remaining calendar year and/or into the next year:

- Requirement for Sidewalk construction at the time of development (residential and/or commercial).
- Clarification of Mixed-Use definition and development in the B-3, B-4, PD, DBROD Districts
- Historic Preservation Ordinance
- Bufferyard standards
- Market Street Study

Similarly, in the recent past City Staff has discussed with the Commission amendments to the Code of Ordinances based on either citizen requests or items identified as unclear or contradictory:

- Addition of RV Parks as an allowed use in certain Zoning Districts
- Revisions to the definitions and standards pertaining to public, institutional, and philanthropic uses.

In conclusion, Staff is seeking feedback and discussion regarding the proposed text amendments or plan of work from the Planning and Zoning Commission and with approval, will plan to bring the requested items back for consideration at a later meeting.

Attachment:

- 1) Kendig Keast Collaborative Memorandum

MEMORANDUM

Date: August 29, 2019

To: Stephanie Doland – Development Services Director, City of Brenham

From: Gary Mitchell, AICP – President, Kendig Keast Collaborative (KKC)
Meredith Dang, AICP – Practice Leader, Community Planning (KKC)

Subject: KKC Evaluation of City of Brenham Existing Development Regulations
Relative to the Comprehensive Plan

In this memorandum we report the results of our general review of the City’s primary development-related regulations in relation to strategic action priorities of a regulatory nature in the Comprehensive Plan, set to be considered for adoption by City Council in September. Turning now toward plan implementation, a key consideration is whether the City currently has sufficient regulatory mechanisms – or any provisions in some cases – to accomplish the desired future community conditions expressed through the Comprehensive Plan.

The relevant existing regulations are contained primarily in the zoning and subdivision ordinances (City Code Appendix A and Chapter 23, respectively). The zoning ordinance received most of our attention given the nature of the issues and the lesser significance of the platting process and subdivision standards to the plan priorities.

It should be noted that this memorandum reflects a more cursory evaluation compared to the in-depth assessment KKC performs as the first step in a comprehensive development code update or re-write project. Additionally, KKC personnel are community planners and not attorneys, so we offer these findings based on our field of experience, subject to legal review and guidance on any specific ordinance amendments the City might ultimately choose to pursue.

Key Plan Themes and Priorities

This memorandum focuses on four broad areas where the plan calls for strategic action that often involves – or may require – regulation:

1. Redevelopment and revitalization
2. Mixed-use development potential
3. Quality and durable development
4. Bicycle/pedestrian circulation and safety

The remainder of this memorandum points out, for the particular Comprehensive Plan strategic action priorities, whether the City's current development regulations:

- | | |
|--|-------------------------------------|
| Already address the matter | <input checked="" type="checkbox"/> |
| Do not address the matter at all | <input checked="" type="checkbox"/> |
| Address it only somewhat or indirectly | ≈ |

We look forward to discussing these evaluation results and considerations with you as the City prepares to move ahead with plan implementation activities.

Redevelopment and Revitalization

This focus is among the strategic action priorities in the Comprehensive Plan related to Land Use and Development (existing housing conditions, new housing development, historic preservation, and revitalization along commercial corridors), Growth Capacity (infill development and vacant lots), and Economic Opportunity (neighborhood revitalization, additional retail and industrial development). Zoning districts and customized development standards are often among an essential set of implementation tools used to advance a revitalization agenda along with capital improvements, targeted programs and initiatives, and various public/public and public/private partnership opportunities.

Existing Provisions

The City's current development regulations are focused mostly on managing new development and addressing compatibility between established and new uses.

The Planned Development District Process

- The Planned Development District (Division 2, Section 8) appears to be intended, in part, as a vehicle for revitalization activity based on the district allowing a greater measure of design flexibility than the basic zoning districts and standards would allow.
 - Sec. 8.01 states "The Planned Development District accommodates new or innovative concepts in land utilization not permitted by other standard zoning districts of the City of Brenham. Greater flexibility is given to allow special conditions or restrictions which would not otherwise allow the development to occur, however regulations should be established to ensure against the misuse of increased flexibility. The Planned Development District's purpose is to promote more efficient use of land and public services, encourage creative and innovative site design, and provide an increased level of amenities and aesthetic enhancement."
- Per Section 8.02, the minimum size currently allowed for a Planned Development District is one acre.
- Per Section 8.03, any use or combination of uses authorized by an ordinance approved by City Council is permitted in a Planned Development District if the uses and development are consistent with the principles outlined in the adopted Comprehensive Plan.

Historic Districts

- Both the B-3 Historical Central Business District and the B-4 Neighborhood Business District mention “preserving the historical/commercial character of this unique district” in their purpose statements. The R-2 Mixed Residential District also cites “the integrity of historically residential neighborhoods” in its purpose statement. None of the above districts provide special protections to historic buildings or structures or contain specific standards or procedures for historic properties.
- The code of ordinances includes several instances where special provisions are made for historic districts or buildings, such as:
 - Chapter 8 – Fire Protection and Prevention, Article IV, Substandard Buildings or Structures, Section 8-54, Special historic buildings or districts, which states: “The provisions of this chapter relating to the construction, alteration, repair, enlargement, restoration, relocation, or moving buildings or structures shall not be mandatory for existing buildings or structures identified and classified by the state or local jurisdiction as historic buildings or structures when such buildings or structures are judged by the building official to be safe and in the public interest of health, safety and welfare regarding any proposed construction, alteration, repair, enlargement, restoration, relocation or moving of buildings within fire districts.”
 - Chapter 26, Utilities, Article VII – Right-of-way Management Requirements for Network Providers, Section 26-168, Installation in historic districts or design districts, states: “A network provider must obtain advance written consent from the city council before collocating new network nodes or installing new node support poles in an area of the city that has been zoned or otherwise designated as a historic district or as a design district if the district has decorative poles. The network provider shall be required to comply with the general aesthetic requirements and all other applicable requirements described in the city's Design and Construction Standards. The city has the authority to designate new historic districts and design districts, and the authority to alter or modify existing historic districts and design districts, at a future date.”
 - Chapter 8 ½, Flood Damage Prevention, Section 8 ½-11, Variance procedures, contains the following: “(b2) Variances may be issued for the reconstruction, rehabilitation, or restoration of structures listed on the National Register of Historic Places or the state inventory of historic places, without regard to the procedures set forth in this section.”

Status of Regulatory Mechanisms: ≈

Potential New or Enhanced Provisions

Regulatory Relief Measures

- Providing for minimal waivers from contemporary standards in specified scenarios, subject to certain conditions or mitigation measures, with such waivers either automatic or subject to some administrative discretion by City staff (currently requires special exception). Example situations include: (1) undersized lots that pre-dated current regulations, and (2) block faces where lesser front setbacks are allowed as most existing structures already do not conform to the contemporary setback requirement.
- Providing a special exception procedure, via the Board of Adjustments, for granting flexibility in difficult compliance scenarios involving redevelopment and infill development. This would be relative to: (1) hardship-based variances, and (2) procedures to deal with nonconformities, which are usually more about controlling and ultimately eliminating undesirable situations than about promoting and encouraging desired reinvestment activities and outcomes.
- Expanding on typical nonconformity provisions to address other site development factors besides just uses, lots and structures, such as site access and circulation, on-site drainage measures, and other aspects that are known obstacles to redevelopment. It is noted that the special exception process does currently address landscaping and required off-street parking and/or loading exceptions.
- Rather than only general guidance and broad discretion for decision-making bodies, spelling out parameters for and conditions under which relaxation of standards should be allowed. That way, owners/applicants have an idea of what is possible, and other property owners and residents see that adequate precautions are in place to protect area character.
- Incorporating an “alternative standard of compliance” option, especially for the development of vacant lots or redevelopment or expansion of existing structures in neighborhoods where compliance with contemporary standards is challenging or not feasible. A variance request is the next available step if the alternative standard process also does not facilitate compliance. Alternative standards are most commonly provided for building setbacks and maximum lot coverage, and associated approval criteria might ensure:
 - No reduction in existing parking supply or some allowable percentage reduction relative to the contemporary requirement.
 - No significant change to existing drainage patterns in general or onto abutting properties or rights-of-way.
 - No interference with utility easements or future street right-of-way needs.
 - No preclusion of the ability of an adjacent parcel to build to the same alternative standard along a shared property line.

Mixed-Use Development Potential

This focus is among the strategic action priorities in the Comprehensive Plan related to Land Use and Development (development ordinance updates related to mixed-use development, mixed-use development guidelines).

Existing Provisions

Defining Mixed-Use

The City's current development regulations do not address this important form of land development in a comprehensive manner. Appendix A, Section 5.02 (Definitions) of Part 1 does not currently provide any definition for "mixed-use", "mixed-use development" or "mixed use district."

- Although mixed-use developments appear to be allowed in a variety of zoning districts, including the B-3 Historical Central Business District, B-4 Neighborhood Business District, PD Planned Development District, and the Downtown Business/Residential Overlay District, mixed-use developments do not specifically appear on the list of permitted uses in these districts.
 - Only the B-3 district lists mixed-use development as a use (albeit as a specific use occupying three acres or more).
- Some zoning districts are described as mixed-use districts but do not list mixed-use developments as a permitted use, such as the B-2 Commercial, Research, and Technology District and the B-1 Local Business/Residential Mixed Use District. Without definitions for mixed-use development or mixed-use district, this may be confusing.
 - For example, Section 3.01 of Appendix A contains the following purpose statement for the B-1 District: "The B-1 Local Business/Residential Mixed Use District is established as a medium density, mixed use district in order to provide convenient locations for neighborhood shopping and for affordable moderate density multi-family housing with easy access to transportation routes and neighborhood shopping."
 - The Downtown Business/Residential Overlay District is the most explicit in stating the desire for mixed-use development: "Mixed-use projects that encourage pedestrian activity and serve local residents and visitors are preferred."

Alternate Parking Arrangements

- Alternate parking arrangements are included in multiple zoning sections. For example, Section 5, B-3 Historical Central Business District, contains the following parking accommodations:
 - "A property owner may choose to meet its requirements for providing onsite off-street parking spaces by actually constructing onsite spaces under the terms and conditions of the zoning ordinance."
 - "In the event that a property owner determines that it is not feasible to construct onsite parking spaces as required under the terms and conditions of the zoning ordinance, the property owner may choose to pay a fee in lieu of constructing actual off-street parking spaces. The property owner will be required to provide the number of spaces called for in the zoning ordinance based upon the type of use envisioned for the property. A property owner may choose to contribute an amount established by city council for each space required that shall be deposited into a Historical Central Business

District parking escrow fund by paying these funds to the office of the city secretary for deposit into that fund. All funds placed in this account shall be used by the City of Brenham to acquire property and develop it as public parking facilities within or immediately adjacent to the Historical Central Business District of the City of Brenham. The city may also utilize money from this fund to improve existing parking facilities by resurfacing them, installing landscaping and/or street furniture or other amenities deemed appropriate by the city council.”

- Additionally, the B-4 Neighborhood Business District, Section 6.07, provides that “Mixed use buildings with residential living space located on the second and/or third floor will not require compliance with residential on-site parking requirements.”

Status of Regulatory Mechanisms: ≈

Potential New or Enhanced Provisions

- Providing a base zoning district for mixed-use development in alignment with Comprehensive Plan map designations (i.e., Corridor Mixed Use, Mixed-Use Blinn Adjacent, Mixed-Use Downtown Adjacent, Planned Development), or establishing mixed-use as a clear development option in other existing districts, to address directly the entire package of necessary ingredients for mixed-use developments, such as:
 - Allowable uses and use mix.
 - Residential density and nonresidential intensity.
 - Development form (e.g., reduced or zero front setback of buildings plus their permitted bulk, height and site coverage).
 - Adequate buffering and protections for nearby lower-intensity residential areas.
 - A minimum building height requirement rather than only maximum limits.
 - Maximum building setback requirements (i.e., “build-to lines”) rather than only minimum setback standards. (We note that special building requirements for townhouses, zero-lot line building lines, and cluster housing are provided in Chapter 23 Subdivisions, Article III, Section 23-24.)
 - Limitations on auto-oriented and drive-in/drive-through uses.
 - A more direct path to vertical mixed-use projects (varied uses within the same multi-level structure).
 - Street and sidewalk design for a distinctly pedestrian orientation (i.e. wider sidewalks, limited driveway crossings of sidewalks, etc.).
 - Street-level façade design, lighting and landscaping standards.
- Multiple ways of accommodating parking besides typical surface parking areas, including potential for shared and/or off-site parking arrangements and potential credits for nearby on-street parking, building upon the parking accommodations in the B-3 and B-4 zoning districts.

- Standards for parking structures in case this option becomes viable at some future point and is pursued by private applicants or through a public/private partnership.
- Providing a more direct path for residential options as part of mixed-use development in or near Downtown and along corridors as this is another key prerequisite for achieving a vibrant revitalization. This includes spelling out specific parameters and standards that must be met for more intensive residential types such as townhomes and multi-family dwellings (whether ownership or rental) so that mixed-use developments with these elements may be permitted by right, as much as possible.

Our philosophy, in general, is to move development codes beyond a purely prescriptive model. More effective codes include incentives to encourage – and make more economically feasible – design and development practices that reward applicants with prompt approvals and yield desired outcomes for the community. This can be done by incorporating automatic and incremental development intensity bonuses for projects that meet certain criteria. Such bonuses could involve, where appropriate, measured increases in allowable residential density (units per acre), nonresidential floor area (square feet), building height and/or lot coverage.

In theory, the Planned Development (PD) process provides for an even higher level of official and public scrutiny of significant and intricate development and/or redevelopment projects than normal development review procedures. Vetting of PDs effectively combines both a zone change and a site plan review exercise. However, if the PD path is the only available mechanism for gaining approval of mixed-use projects and other well-planned developments that vary from typical standards, then a community may miss out on these opportunities. Processes for reviewing and approving PDs that are too cumbersome, lengthy and unpredictable can make mixed-use and other unconventional projects financially impractical for prospective investors and development applicants.

Quality and Durable Development

This focus is among the strategic action priorities in the Comprehensive Plan related to Land Use and Development (incentivize housing development and update development regulations) and Economic Opportunity (development regulation updates to ensure quality development).

Existing Provisions

Along with typical use and compatibility standards, Brenham has in its development regulations some of the common array of tools for promoting quality development. These include standards for fencing (Appendix A, Part II, Division 1, Section 13), landscaping and buffering (Appendix A, Part II, Division 1, Section 12), performance standards such as for noise, vibrations and open storage (Appendix A, Part II, Division 1, Section 11), and signs (Chapter 21). The sign ordinance was recently updated. Additionally, the zoning and subdivision regulations include some instances where building design quality is considered, including:

- Site plan review (in the instances in which a site plan/development plan is required, including the Planned Development District Process).
- Specific Use Permits.

- Subdivision regulation design standards.
- Maximum limits on building and other site coverage (e.g., driveways, parking areas, etc.) in some zoning districts.

Status of Regulatory Mechanisms: ≈

Potential New or Enhanced Provisions

- Provisions to consider on the development regulation side include:
 - A maximum cap on off-street parking rather than just the typical focus on minimum required parking to limit excessive areas of surface parking, as well as potential allowance for pervious surface treatments in appropriate portions of parking areas.
 - Enhanced landscaping standards, including requirements for street tree planting along both residential and nonresidential streets, where appropriate. Currently tree requirements are only spelled out as part of surface permit procedures for oil and gas production (Chapter 18), manufactured home park screening (Chapter 14), and in the newly adopted parking lot minimum landscaping requirements for nonresidential and multi-family uses.
 - Parkland dedication and/or fee-in-lieu requirements for developments.
 - Low Impact Development (LID) practices for site and infrastructure design and stormwater management, either as a general guideline (encouraged but not mandatory) or as a required design method in some or all appropriate instances.
- For older, intact neighborhoods that have maintained their physical integrity – or are at risk of losing it – applying standards that:
 - Ensure no significant change in the development type or pattern.
 - Reinforce existing physical conditions (e.g., prevailing lot sizes, building setbacks, dwelling sizes and styles, building heights and roof pitch, driveway location and design, garage placement relative to the street and principal structure if detached, sidewalk location and design, etc.).
 - Involve neighborhood-specific criteria to govern periodic infill and/or redevelopment activity, ensure its compatibility with the area’s current context, or possibly allow and manage subtle changes to the existing neighborhood character.
 - Preserve the existing housing stock but provide flexibility so owners can improve and expand their homes in a manner that is consistent with existing neighborhood character – and without needing to seek variances.
 - Help manage the transition of older homes for adaptive re-use as live-work units.

Bicycle/Pedestrian Circulation and Safety

This focus is among the strategic action priorities in the Comprehensive Plan related to Transportation (increase safe pedestrian and bicyclist transportation, sidewalk improvement program, complete streets, access management) and Parks and Recreation (park accessibility, trails and pedestrian connections, bicycle facilities.) The Comprehensive Plan notes that the design and construction standards will/should be updated to reflect changes in the street classification system in the forthcoming 2019 Thoroughfare Plan. Some of the below recommendations may be addressed through the Thoroughfare Plan update.

Existing Provisions

- Chapter 22, Streets and Sidewalks, contains general sidewalk construction information (along with parade and motorcade regulations).
- Chapter 23, Subdivision Regulations, spells out design standards for streets, easements, sidewalks, lots, blocks and bufferyards. This includes some access management provisions (such as driveway spacing, intersection alignment, etc.)
- Chapter 25, Traffic, contains speed limits, truck and hazardous materials routes, and parking information.
- Design and Construction Standards.

Status of Regulatory Mechanisms: ☒

- Pedestrian and bicyclist circulation and safety generally do not appear in the regulations.
- The code of ordinances has no explicit provisions to specify linear dedications as a means for accommodating trail segments or off-street bikeways.
- The code has no explicit provisions for accommodation of bicycle and pedestrian circulation on and between nonresidential sites or within residential developments.
- Minimum sidewalk widths and standards for bicycle accommodations are not included. The instances in which sidewalks shall be constructed are also not clearly established.

Other Potential New or Enhanced Provisions

Subdivision Design

Chapter 23 includes typical design and numerical standards for blocks, street lengths, etc. Additional provisions for consideration include:

- Requiring multiple access points to subdivisions.
- Discouraging or limiting the extent of cul-de-sacs and dead-end streets.
- Placing appropriate limits on the size and dimensions of blocks, and on the length of streets, including streets that connect adjacent subdivisions.
- Incorporating a street connectivity index for evaluation of proposed street layouts.

- Requiring mid-block and end-of-street bicycle/pedestrian connections where block lengths exceed a certain threshold and where cul-de-sacs or other dead-streets are prevalent and destinations such as schools, parks/trails, community facilities and shopping areas are nearby. (We recognize that provisions such as this, which potentially add to the cost of residential development and the ultimate price point for homebuyers, may be of less interest in Brenham given its housing supply challenges. On the other hand, such amenities could be incentivized through a density bonus approach as mentioned elsewhere in this memorandum.)

Bicycle/Pedestrian Accommodation on Nonresidential Sites

- Emphasizing provision of a safe and efficient vehicular and bicycle/pedestrian circulation system in the planning and layout of large developments, including Planned Developments.
- Adding more explicit site design guidance regarding accommodation of non-vehicular movement at all stages, from first accessing a nonresidential site at its edges (whether from an adjacent street, sidewalk, trail or property), then traversing off-street parking areas safely, and providing direct and convenient access to building entrances, including through safety features such as highly visible crosswalks.
- Requiring that landscaping islands and other features within off-street parking areas be used to define and buffer pedestrian pathways to/from building entrances.
- Requiring (or incentivizing) dedicated bicycle parking areas near building entrances, with associated location criteria.
- Requiring (or incentivizing) designated bicycle/pedestrian pathways to adjacent developments, and to site edges that are adjacent to residential neighborhoods or near a public trail or bikeway.
- Providing for periodic openings within required vegetative screening for site or parking area perimeters to avoid cutting off bicycle/pedestrian access and circulation.

Ordinance Amendment Strategy

This final memorandum section addresses the potential approach the City might take to amending and upgrading its development regulations based on the direction of the Comprehensive Plan. In deciding what course of action to pursue, it essentially boils down to whether the City has the time, resources, energy and will to undertake a comprehensive revision of its primary development regulations or whether a more phased, piecemeal approach is more realistic and acceptable. Among the key considerations for making this decision:

- In-house staff time and capabilities for this effort.
- Potential budget for any consultant support deemed necessary, especially to take advantage of their knowledge of development code trends and best practices in other communities. (Additionally, some cities intentionally engage a consultant to serve as a buffer between City staff and involved and affected stakeholders throughout the process.)

- The preparedness of elected officials, City management and other community leaders to initiate a process that can be contentious at times but can yield significant long-term benefits for the entire community.

A piecemeal approach is usually unavoidable if staff time and City resources are the key factors. The initiative to update the City's sign regulations is a recent example of this approach in Brenham. The benefit of this approach is that it enables the City and others to focus on particular ordinance elements and issues where there is clear consensus for change. Then interim successes and "victories" may be accomplished by making ordinance improvements a step at a time. The downside is that many important amendments will have implications across the entire zoning ordinance or multiple City ordinances, so needed changes cannot be isolated to just one or a few sections.

In general, it is the risk of taking a "band-aiding" approach rather than tackling fundamental policy and regulatory strategy issues through an across-the-board, holistic ordinance review and amendment effort. Many cities in Texas and across the country have migrated toward Unified Development Ordinances or Codes (UDO, UDC) in recent years to achieve a better coordinated set of development-related regulations, standards and procedures. Even in a broader effort, though, some ordinance elements may end up staying pretty much as is, especially if the focus in some areas is mainly re-organization and re-formatting to improve "user friendliness."

It is usually best to pursue wholesale ordinance upgrades right after a long-range planning effort such as the Comprehensive Plan when the momentum is there and various players have the issues and reasons fresh on their mind from the planning discussions. One caution, however, is that a regulation re-write process, by definition, can open up many development-related issues all at once, including some potential "sacred cows." It is essential to tackle these issues for the sake of progress, but there needs to be a commitment to see the process through.

One option is to compile, vet and proceed with adoption of the most straightforward and urgent amendments while pursuing the more comprehensive evaluation and amendment process on a longer timeline. Potential reasons to wait on certain aspects may involve the intricacy of a topic (i.e., additional time needed for education and reassurance), the level of controversy and/or degree of support it might generate, or administrative considerations for the City (staffing, cost).

Finally, whichever amendment strategy is pursued, early and ongoing communication with residents, businesses, property owners, developers, builders, real estate and land planning professionals, and others is crucial to a successful ordinance evaluation and amendment process. In addition to bringing the regulations in line with the new Comprehensive Plan, this would also be the time to confirm adequate provisions for compliance with newer state statutes or federal requirements and to remove redundancies, conflicts, dated terms or language, or unenforced provisions as part of a general ordinance clean-up. Additionally, an amendment effort provides an opportunity to incorporate more visuals to illustrate various concepts and standards more extensively within the regulations.