



**NOTICE OF A REGULAR MEETING  
BRENHAM PLANNING AND ZONING COMMISSION  
MONDAY, SEPTEMBER 28, 2020 AT 5:15 P.M.  
VIA TELECONFERENCE AND/OR VIDEOCONFERENCE  
USE THE LINK <https://cityofbrenham.online/pzmeeting>  
AND / OR  
CALL (844) 653-6177 (toll free); MEETING ID: 723 414 757#**

Due to COVID-19 recommendations from the CDC and Texas Governor Greg Abbott, this Regular Meeting of the Brenham Planning and Zoning Commission will be conducted virtually via teleconference and/or videoconference. The meeting will be audible to members of the public and allow for two-way communication for those desiring to participate in the meeting.

**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 July 27, 2020 Planning and Zoning Commission Meeting.**

**4-b. Case No. P-20-031: Preliminary Plat of the River Eagle Subdivision, Block 1, Lot 1, being 39.31 acres out of the Phillip H. Coe Survey, A-31 in Brenham, Washington County, Texas.**

**4-c. Case No. P-20-032: Final Plat of the River Eagle Subdivision, Block 1, Lot 1, being 39.31 acres out of the Phillip H. Coe Survey, A-31 in Brenham, Washington County, Texas.**

**4-d. Case No. P-20-034: Preliminary Plat of the Sycamore Hill Subdivision, Block 1, Lots 1-3, being 5.219 acres out of the Phillip H. Coe Survey, A-31 in Brenham, Washington County, Texas.**

**REGULAR AGENDA**

- 5. **Public Hearing, Discussion and Possible Action on Case No. P-20-030: A request to Replat Part of Lot 3 and Lot 4, Block I of the A.M. Lewis Addition to create the T. L. Division No. 1, consisting of two tracts; Tract 1 containing 0.520-acres and Tract 2 containing 0.387-acres, and a 0.011-acre portion dedicated for public right-of-way, out of the A. Harrington Survey, A-55, in Brenham, Washington County, Texas.**
  
- 6. **Discussion and Possible Action on Case No. P-20-029: A request for a variance to Section 23-21(3)(a) and (3)(c) of Article III of the Subdivision Ordinance to allow a subdivision of land located in the City of Brenham’s Extraterritorial Jurisdiction (ETJ) to allow Tract 1 to have a lot size of .75-acre of land instead of the required 1-acre (43,560 square feet), and to allow Tract 2 to have a front lot width of twenty-five feet (25’) at the road instead of the required one hundred twenty-five feet (125’) for property located at 1093 S. Berlin Road in Washington County, Texas.**
  
- 7. **Public Hearing, Discussion and Possible Action on Case No. P-20-033: A request to amend the City of Brenham’s Code of Ordinances, Chapter 23 - Subdivisions, to require all utilities to be located underground throughout all development and to amend the assurances for completion of improvements.**
  
- 8. **Adjourn**

**CERTIFICATION**

I certify that a copy of the September 28, 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 September 24, 2020, at 2:30 pm.

*Kim Hodde*

\_\_\_\_\_  
Kim Hodde

**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  
July 27, 2020**

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

Due to COVID-19 recommendations from the CDC and Texas Governor Greg Abbot's Executive Order signed on March 16, 2020, this Regular Meeting of the Brenham Planning and Zoning Commission was conducted virtually via teleconference and/or videoconference. The meeting was audible to members of the public and allowed for two-way communication for those desiring to participate in the meeting.

A regular meeting of the Brenham Planning and Zoning Commission was held on July 27, 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 (via video/teleconference)  
Dr. Deanna Alfred, Vice Chair (via video/teleconference)  
Calvin Kossie (via video/teleconference)  
Cayte Neil (via video/teleconference)  
Lynnette Sheffield (via video/teleconference)  
Marcus Wamble (via video/teleconference)

Commissioners absent:

None

Staff present:

Stephanie Doland, Director of Development Services (on-site at City Hall)  
Shauna Laauwe, Project Planner (on-site at City Hall)  
Kim Hodde, Planning Technician (on-site at City Hall)

Citizens present:

Debbie Bender (via video/teleconference)  
Daniel Beamon (via video/teleconference)  
Nathan Winkelmann (via video/teleconference)  
Josh Blaschke, KWHI (via video/teleconference)  
Alyssa Faykus, Brenham Banner Press (via video/teleconference)

**1. Call Meeting to Order**

Chairman Behrens called the meeting to order at 5:26 pm with a quorum of six (6) Commissioners present.

**2. Public Comments**

There were no public comments.

**3. Reports and Announcements**

- Stephanie Doland informed the Commission that staff does not have an update on the P & Z Plan of Work at this time; however, it should be forthcoming soon.

## **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 June 22, 2020 Planning and Zoning Commission Meeting**
- 4-b. Case No. P-20-028: Final 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.**

Chairman Behrens called for a motion for the statutory consent agenda. A motion was made by Commissioner Sheffield and seconded by Commissioner Wamble to approve the Statutory Consent Agenda Items 4-a. and 4-b., as presented. The motion carried unanimously.

## **REGULAR SESSION**

- 5. Public Hearing, Discussion and Possible Action on Case No. P-20-027: A request by Nathan Winkelmann / Michael Benestante for an Amendment to the City of Brenham's Official Zoning Map of the Code of Ordinances to change the zoning from an Industrial Use District (I) to a Commercial, Research and Technology Use District (B-2) on the following:**
  - a. Approximately 0.849 acres of vacant land located adjacent to 1303 Prairie Lea Street and 1305 Prairie Lea Street, being further described as part of Lot No. 2 of Continental Ribbon and Carbon Company Subdivision out of the P.H. Coe Survey, A-31, in Brenham, Washington County, Texas.**
  - b. Approximately 4.236 acres of vacant land addressed as 1303 Prairie Lea Street, being further described as part of Lot No. 2 of the Continental Ribbon and Carbon Company Subdivision out of the P.H. Coe Survey, A-31, in Brenham, Washington County, Texas.**

Shauna Laauwe, Project Planner, presented the staff report for Case No. P-20-027 (on file in the Development Services Department). Ms. Laauwe stated that the subject tract considers of two properties, a 4.236-acre vacant property addressed as 1303 Prairie Lea Street and a 0.849-acre tract portion of the vacant property located to the south and adjacent to 1303 & 1305 Prairie Lea Street. The subject tracts are currently zoned as I, Industrial District. The property owners / applicants, Nathan Winkelmann and Michael Benestante, have requested that the approximate 5.08 combined acres be rezoned from I, Industrial to B-2, Commercial Research and Technology District. The Industrial Zoning District allows for almost every use, except residential; therefore, the B-2 zoning is more compatible with the existing neighboring uses. Notices were mailed to property owners within 200-feet of the

subject property on July 16, 2020 and published in the newspaper. No citizen comments were received.

Based on the evidence and findings, Staff recommends approval of the proposed rezoning of the 4.236-acre tract generally located at 1303 Prairie Lea Street and a 0.849-acre portion of the vacant property located to the south and adjacent to 1303 & 1305 Prairie Lea Street to the B-2, Commercial Research and Technology District.

Chairman Behrens opened the Public Hearing at 5:38 pm and asked for any public comments. Debbie Bender asked if this change would affect their car wash located adjacent to this property such as having to provide a buffer. Ms. Doland replied that the City of Brenham ordinance states that the requirement for the buffer yard falls on the property that develops second. All other development standards will remain as-is. Commissioner Wamble asked what constitutes a legal “buffer”. Ms. Laauwe stated that fencing or partial landscaping are both considered buffers. There were no other questions.

Chairman Behrens closed the Public Hearing at 5:41 pm.

A motion was made by Commissioner Alfred and seconded by Commissioner Sheffield to recommend approval to the Brenham City Council of the request by Nathan Winkelmann / Michael Benestante for an Amendment to the City of Brenham’s Official Zoning Map of the Code of Ordinances to change the zoning from an Industrial Use District (I) to a Commercial, Research and Technology Use District (B-2) on the properties described above, as presented. The motion carried unanimously.

**6. Adjourn.**

A motion was made by Commissioner Alfred and seconded by Commissioner Wamble to adjourn the meeting at 5:43 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>September 28, 2020</u>
Planning and Zoning Commission	Chairman	Meeting Date
_____	<u>Kim Hodde</u>	<u>September 28, 2020</u>
Attest	Staff Secretary	Meeting Date



**CASE P-20-031**  
**PRELIMINARY PLAT: RIVER EAGLE SUBDIVISION**

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<b>PLAT TITLE:</b>	River Eagle Subdivision	<b>CITY/ETJ:</b> City
<b>PLAT TYPE:</b>	Preliminary Plat	
<b>OWNER/APPLICANT:</b>	River Eagle Real Estate, LTD	
<b>ADDRESS/LOCATION:</b>	1751 US Highway 290 W	
<b>LEGAL DESCRIPTION:</b>	Proposed Lot 1, Block 1 of the River Eagle Subdivision in Brenham, Washington County, Texas	
<b>LOT AREA:</b>	39.31 acres	
<b>ZONING DISTRICT:</b>	I, Industrial	
<b>EXISTING USE:</b>	Commercial / Mike Hopkins Distributing	
<b>COMP PLAN</b>	Industrial	
<b>FUTURE LAND USE:</b>		
<b>REQUEST:</b>	A request for a Preliminary Plat of the River Eagle Subdivision creating Lot 1, Block 1, being 39.31 acres of land out of the Philip H. Coe Survey, A-31 in Brenham, Washington County, Texas.	

**BACKGROUND:**

The applicant/owner requests approval of a Preliminary Plat of the River Eagle Subdivision that creates Lot 1, Block 1, containing 39.31 acres of land. The subject 39.31-acres of land is owned by River Eagle Real Estate, LTD and is the site of the Mike Hopkins Distributing Warehouse. Mr. Hopkins desires to further develop the property with an addition to the existing warehouse. The subject site does not have a recorded plat and thus, approval of a Preliminary Plat and Final Plat is required for future development.

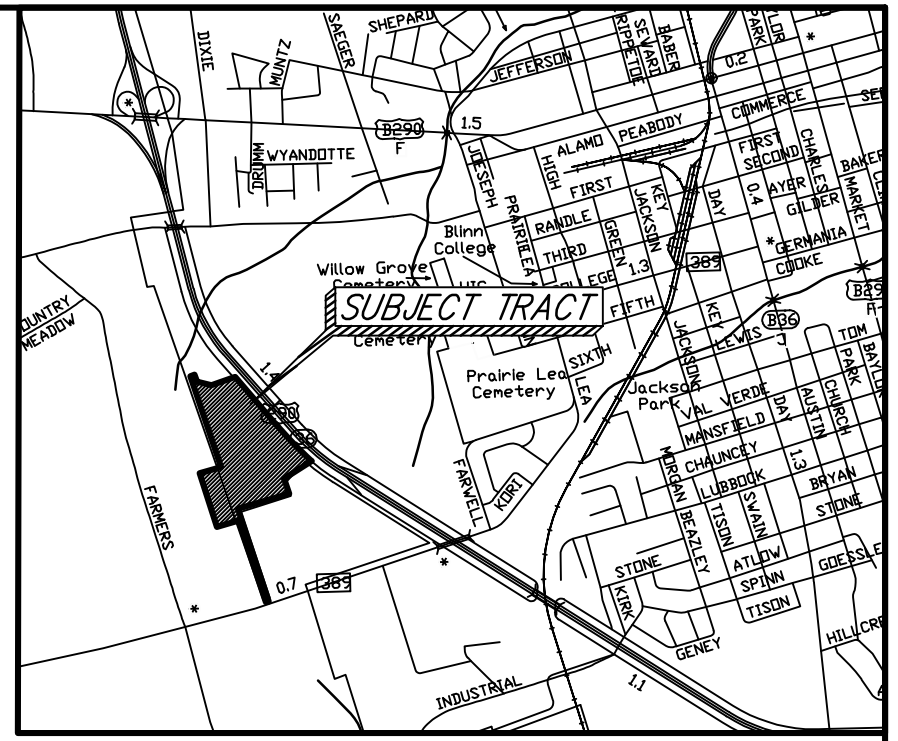
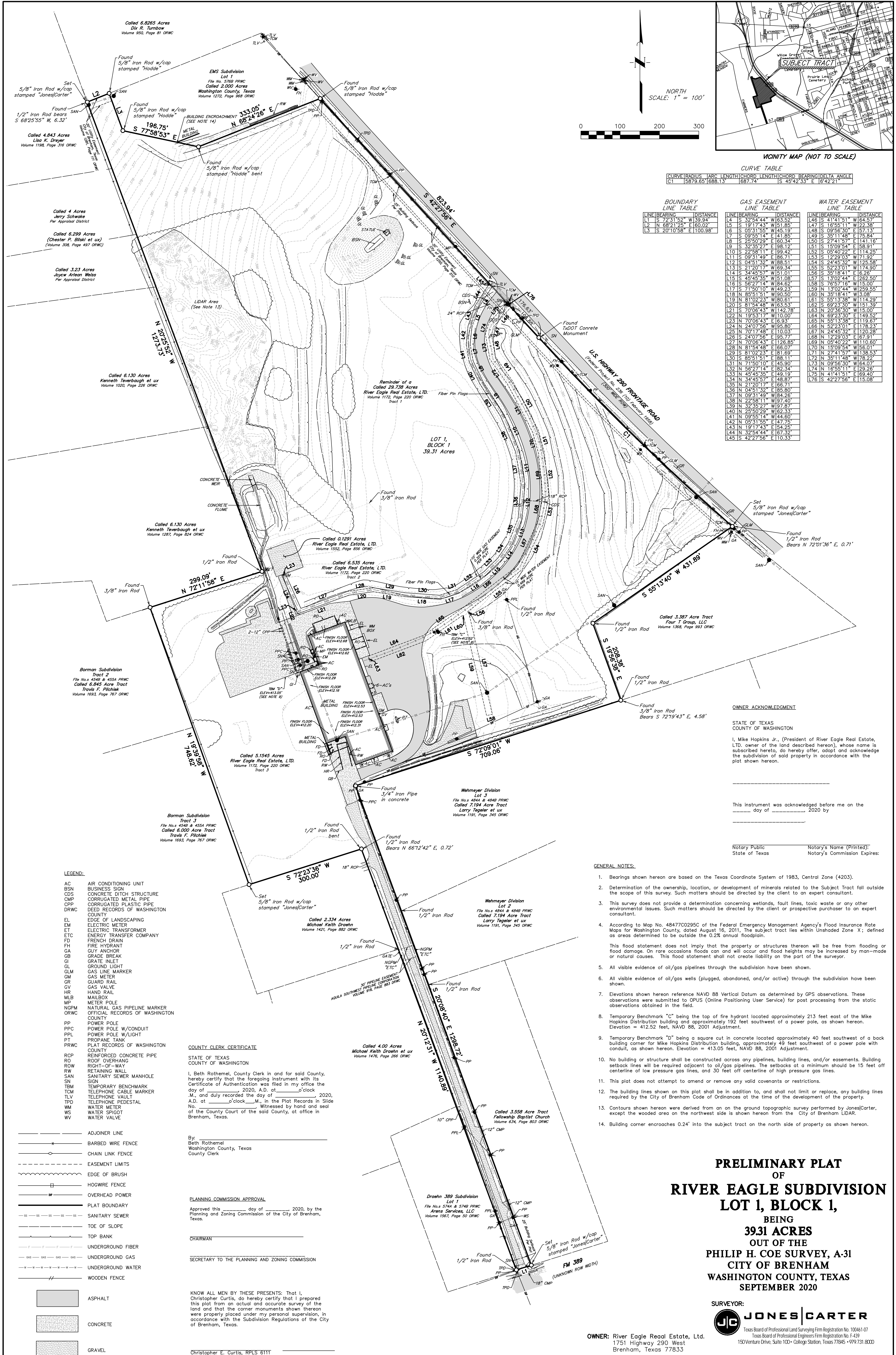
The proposed Preliminary Plat includes the dedication of two new easements for existing water and gas utilities on the subject tract. Easement locations were previously not located in line with the infrastructure and the proposed plat will correct this discrepancy.

**STAFF ANALYSIS AND RECOMMENDATION:**

Development Services and Engineering have reviewed this Preliminary Plat for compliance with applicable City of Brenham regulations and ordinances and recommends **approval** of this plat as presented.

**EXHIBITS:**

- A. Proposed Preliminary Plat



**CURVE TABLE**

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	5879.65	688.13	687.74	S 45°42'33" E	6°42'21"

**BOUNDARY LINE TABLE**

LINE	BEARING	DISTANCE
L1	S 72°31'52" W	139.94
L2	N 68°21'25" E	60.02
L3	S 20°10'58" E	100.98

**GAS EASEMENT LINE TABLE**

LINE	BEARING	DISTANCE
L4	S 32°54'44" W	63.52
L5	S 19°17'43" W	51.85
L6	S 05°31'55" W	45.19
L7	S 09°55'14" E	41.85
L8	S 25°50'29" E	60.34
L9	S 32°35'27" E	98.12
L10	S 22°38'11" E	99.42
L11	S 09°31'49" E	86.71
L12	S 04°51'32" W	88.51
L13	S 21°20'17" W	69.34
L14	S 34°45'57" W	51.01
L15	S 45°45'35" W	51.08
L16	S 56°27'14" W	84.62
L17	S 71°50'10" W	49.23
L18	S 85°51'51" W	90.50
L19	S 81°02'23" W	80.61
L20	S 81°54'48" E	63.53
L21	S 70°06'43" W	1142.78
L22	N 19°53'17" W	110.00
L23	S 70°06'43" E	6.93
L24	N 24°07'56" E	95.80
L25	N 70°11'45" E	110.03
L26	S 24°07'56" E	95.77
L27	S 70°06'43" E	126.85
L28	N 81°54'48" E	66.07
L29	S 81°02'23" E	81.69
L30	S 85°51'51" E	88.11
L31	S 71°50'10" E	45.90
L32	N 56°27'14" E	82.54
L33	N 45°45'35" E	49.19
L34	N 34°45'57" E	48.97
L35	N 21°20'17" E	65.71
L36	N 04°51'32" E	85.80
L37	N 09°31'49" W	84.26
L38	N 22°38'11" W	119.40
L39	N 32°35'27" W	119.87
L40	N 25°50'29" W	62.33
L41	N 09°55'14" W	44.60
L42	N 05°31'55" W	47.75
L43	N 19°17'43" W	54.25
L44	N 32°54'44" W	67.32
L45	S 42°27'56" E	110.33

**WATER EASEMENT LINE TABLE**

LINE	BEARING	DISTANCE
L46	S 41°41'51" W	64.57
L47	S 16°55'11" W	22.38
L48	S 09°56'30" E	57.13
L49	S 35°11'48" E	75.84
L50	S 27°41'57" E	141.16
L51	S 15°09'54" E	58.91
L52	S 05°40'22" E	114.25
L53	S 12°29'03" E	119.92
L54	S 24°45'32" W	125.58
L55	S 52°23'01" W	174.90
L56	S 35°18'41" E	16.78
L57	S 13°02'44" E	282.50
L58	S 76°57'16" W	115.00
L59	S 13°02'44" E	259.55
L60	N 35°18'41" W	5.09
L61	S 55°13'38" W	114.29
L62	S 69°23'30" W	151.39
L63	N 20°36'30" W	15.00
L64	N 69°23'30" E	149.52
L65	N 55°13'38" E	119.67
L66	N 52°23'01" E	178.23
L67	N 24°45'32" E	120.28
L68	N 12°29'03" E	67.91
L69	N 05°40'22" W	110.60
L70	N 15°09'54" W	56.01
L71	N 27°41'57" W	138.53
L72	N 35°11'48" W	78.22
L73	N 09°56'30" W	64.07
L74	N 16°55'11" W	29.28
L75	N 41°41'51" E	69.40
L76	S 42°27'56" E	115.08

**OWNER ACKNOWLEDGMENT**

STATE OF TEXAS  
COUNTY OF WASHINGTON

I, Mike Hopkins Jr., (President of River Eagle Real Estate, LTD, owner of the land described hereon), whose name is subscribed hereto, do hereby offer, adopt and acknowledge the subdivision of said property in accordance with the plat shown hereon.

This instrument was acknowledged before me on the \_\_\_\_\_ day of \_\_\_\_\_, 2020 by \_\_\_\_\_

Notary Public  
State of Texas

Notary's Name (Printed): \_\_\_\_\_  
Notary's Commission Expires: \_\_\_\_\_

- GENERAL NOTES:**
- Bearings shown hereon are based on the Texas Coordinate System of 1983, Central Zone (4203).
  - Determination of the ownership, location, or development of minerals related to the Subject Tract fall outside the scope of this survey. Such matters should be directed by the client to an expert consultant.
  - This survey does not provide a determination concerning wetlands, fault lines, toxic waste or any other environmental issues. Such matters should be directed by the client or prospective purchaser to an expert consultant.
  - According to Map No. 48477C0295C of the Federal Emergency Management Agency's Flood Insurance Rate Maps for Washington County, dated August 16, 2011, the subject tract lies within Unshaded Zone X; defined as areas determined to be outside the 0.2% annual flooding.
- This flood statement does not imply that the property or structures thereon will be free from flooding or flood damage. On rare occasions floods can and will occur and flood heights may be increased by man-made or natural causes. This flood statement shall not create liability on the part of the surveyor.
- All visible evidence of oil/gas pipelines through the subdivision have been shown.
  - All visible evidence of oil/gas wells (plugged, abandoned, and/or active) through the subdivision have been shown.
  - Elevations shown hereon reference NAVD 88 Vertical Datum as determined by GPS observations. These observations were submitted to OPUS (Online Positioning User Service) for post processing from the static observations obtained in the field.
  - Temporary Benchmark "C" being the top of fire hydrant located approximately 213 feet east of the Mike Hopkins Distribution building and approximately 192 feet southwest of a power pole, as shown hereon. Elevation = 412.52 feet, NAVD 88, 2001 Adjustment.
  - Temporary Benchmark "D" being a square cut in concrete located approximately 40 feet southwest of a back building corner for Mike Hopkins Distribution building, approximately 49 feet southwest of a power pole with conduit, as shown hereon. Elevation = 413.05 feet, NAVD 88, 2001 Adjustment.
  - 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 of centerline of low pressure gas lines, and 30 feet off centerline of high pressure gas lines.
  - This plat does not attempt to amend or remove any valid covenants or restrictions.
  - The building lines shown on this plat shall be in addition to, and shall not limit or replace, any building lines required by the City of Brenham Code of Ordinances at the time of the development of the property.
  - Contours shown hereon were derived from an on the ground topographic survey performed by JonesCarter, except the wooded area on the northwest side is shown hereon from the City of Brenham LIDAR.
  - Building corner encroaches 0.24' into the subject tract on the north side of property as shown hereon.

**PRELIMINARY PLAT  
OF  
RIVER EAGLE SUBDIVISION  
LOT 1, BLOCK 1,  
BEING  
39.31 ACRES  
OUT OF THE  
PHILIP H. COE SURVEY, A-31  
CITY OF BRENHAM  
WASHINGTON COUNTY, TEXAS  
SEPTEMBER 2020**

**SURVEYOR:**  
**JONES CARTER**  
Texas Board of Professional Land Surveying Firm Registration No. 100461-07  
Texas Board of Professional Engineers Firm Registration No. F-439  
150 Venture Drive, Suite 100 • College Station, Texas 77845 • 979.731.8000

**OWNER:** River Eagle Real Estate, Ltd.  
1751 Highway 290 West  
Brenham, Texas 77833

- LEGEND:**
- AC AIR CONDITIONING UNIT
  - BSN BUSINESS SIGN
  - CDS CONCRETE DITCH STRUCTURE
  - CMP CORRUGATED METAL PIPE
  - CPP CORRUGATED PLASTIC PIPE
  - DRWC DEED RECORDS OF WASHINGTON COUNTY
  - EL EDGE OF LANDSCAPING
  - EM ELECTRIC METER
  - ET ELECTRIC TRANSFORMER
  - ENC ENERGY TRANSFER COMPANY
  - FD FRENCH DRAIN
  - FH FIRE HYDRANT
  - GB GRADE BREAK
  - GI GRATE INLET
  - GL GROUND LIGHT
  - GLM GAS LINE MARKER
  - GM GAS METER
  - GR GUARD RAIL
  - GV GAS VALVE
  - HR HAND RAIL
  - MLB MAILBOX
  - MP METER POLE
  - NGPM NATURAL GAS PIPELINE MARKER
  - ORWC OFFICIAL RECORDS OF WASHINGTON COUNTY
  - PP POWER POLE
  - PPC POWER POLE W/CONDUIT
  - PPL POWER POLE W/LIGHT
  - PT PROPANE TANK
  - PRWC PLAT RECORDS OF WASHINGTON COUNTY
  - RCP REINFORCED CONCRETE PIPE
  - RO ROOF OVERHANG
  - ROW RIGHT-OF-WAY
  - RW RETAINING WALL
  - SAN SANITARY SEWER MANHOLE
  - SN SIGN
  - TBM TEMPORARY BENCHMARK
  - TCL TELEPHONE CABLE MARKER
  - TLV TELEPHONE VAULT
  - TPD TELEPHONE PEDESTAL
  - WM WATER METER
  - WS WATER SPIGOT
  - WV WATER VALVE
- ADJOINER LINE**
- BARBED WIRE FENCE
  - CHAIN LINK FENCE
  - EASEMENT LIMITS
  - EDGE OF BRUSH
  - HOGWIRE FENCE
  - OVERHEAD POWER
  - PLAT BOUNDARY
  - SANITARY SEWER
  - TOE OF SLOPE
  - TOP BANK
  - UNDERGROUND FIBER
  - UNDERGROUND GAS
  - UNDERGROUND WATER
  - WOODEN FENCE
- ASPHALT**
- CONCRETE**
- GRAVEL**

**COUNTY CLERK CERTIFICATE**

STATE OF TEXAS  
COUNTY OF WASHINGTON

I, Beth Rothamel, County Clerk in and for said County, hereby certify that the foregoing instrument with its Certificate of Authentication was filed in my office the day of \_\_\_\_\_, 2020, A.D. at \_\_\_\_\_ o'clock \_\_\_\_\_, M., and duly recorded the day of \_\_\_\_\_, 2020, A.D. at \_\_\_\_\_ o'clock \_\_\_\_\_, M., in the Plat Records in Side No. \_\_\_\_\_ Witnessed by hand and seal of the County Court of the said County, at office in Brenham, Texas.

By: Beth Rothamel  
Washington County, Texas  
County Clerk

**PLANNING COMMISSION APPROVAL**

Approved this \_\_\_\_\_ day of \_\_\_\_\_, 2020, by the Planning and Zoning Commission of the City of Brenham, Texas.

**CHAIRMAN**

\_\_\_\_\_  
SECRETARY TO THE PLANNING AND ZONING COMMISSION

KNOW ALL MEN BY THESE PRESENTS: That I, Christopher Curtis, do hereby certify that I prepared 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.

Christopher E. Curtis, RPLS 611T



**CASE P-20-032**  
**FINAL PLAT: RIVER EAGLE SUBDIVISION**

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**PLAT TITLE:** River Eagle Subdivision **CITY/ETJ:** City

**PLAT TYPE:** Final Plat

**OWNER/APPLICANT:** River Eagle Real Estate, LTD

**ADDRESS/LOCATION:** 1751 US Highway 290 W

**LEGAL DESCRIPTION:** Proposed Lot 1, Block 1 of the River Eagle Subdivision in Brenham, Washington County, Texas

**LOT AREA:** 39.31 acres

**ZONING DISTRICT:** I, Industrial

**EXISTING USE:** Commercial / Mike Hopkins Distributing

**COMP PLAN** Industrial  
**FUTURE LAND USE:**

**REQUEST:** A request for a Final Plat of the River Eagle Subdivision creating Lot 1, Block 1, being 39.31 acres of land out of the Philip H. Coe Survey, A-31 in Brenham, Washington County, Texas.

**BACKGROUND:**

The applicant/owner requests approval of a Final Plat of the River Eagle Subdivision that creates Lot 1, Block 1, containing 39.31 acres of land. The subject 39.31-acres of land is owned by River Eagle Real Estate, LTD and is the site of the Mike Hopkins Distributing Warehouse. Mr. Hopkins desires to further develop the property with an addition to the existing warehouse. The subject site does not have a recorded plat and thus, approval of a Preliminary Plat and Final Plat is required for future development.

The proposed Final Plat includes the dedication of two new easements for existing water and gas utilities on the subject tract. Easement locations were previously not located in line with the infrastructure and the proposed plat will correct this discrepancy.

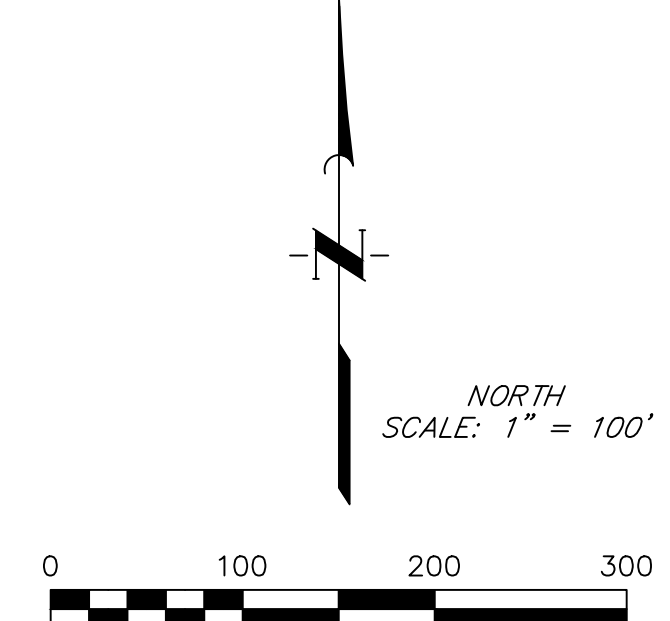
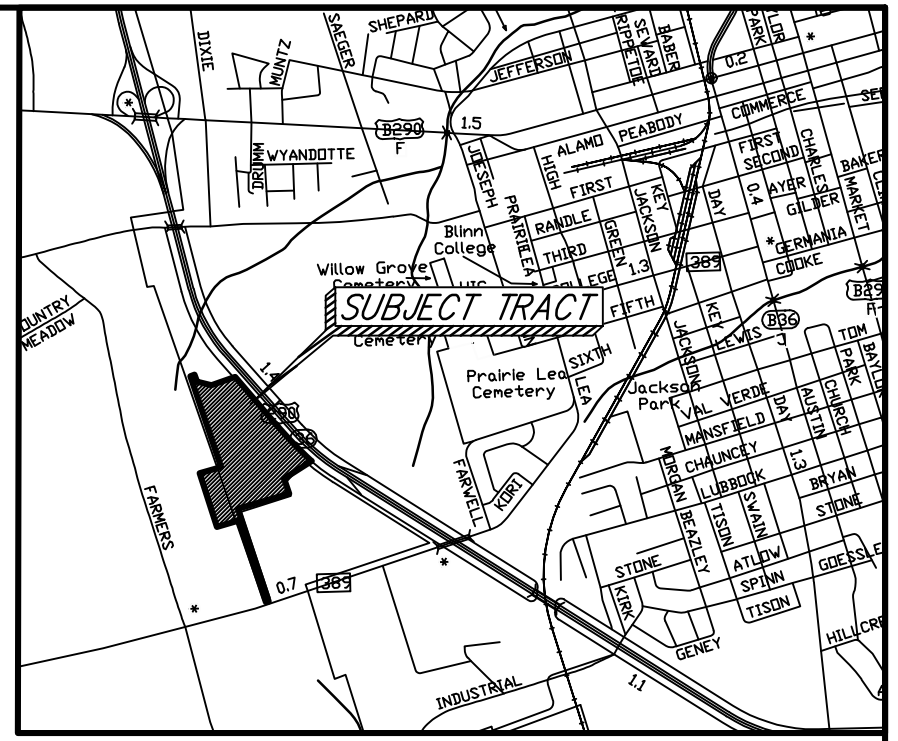
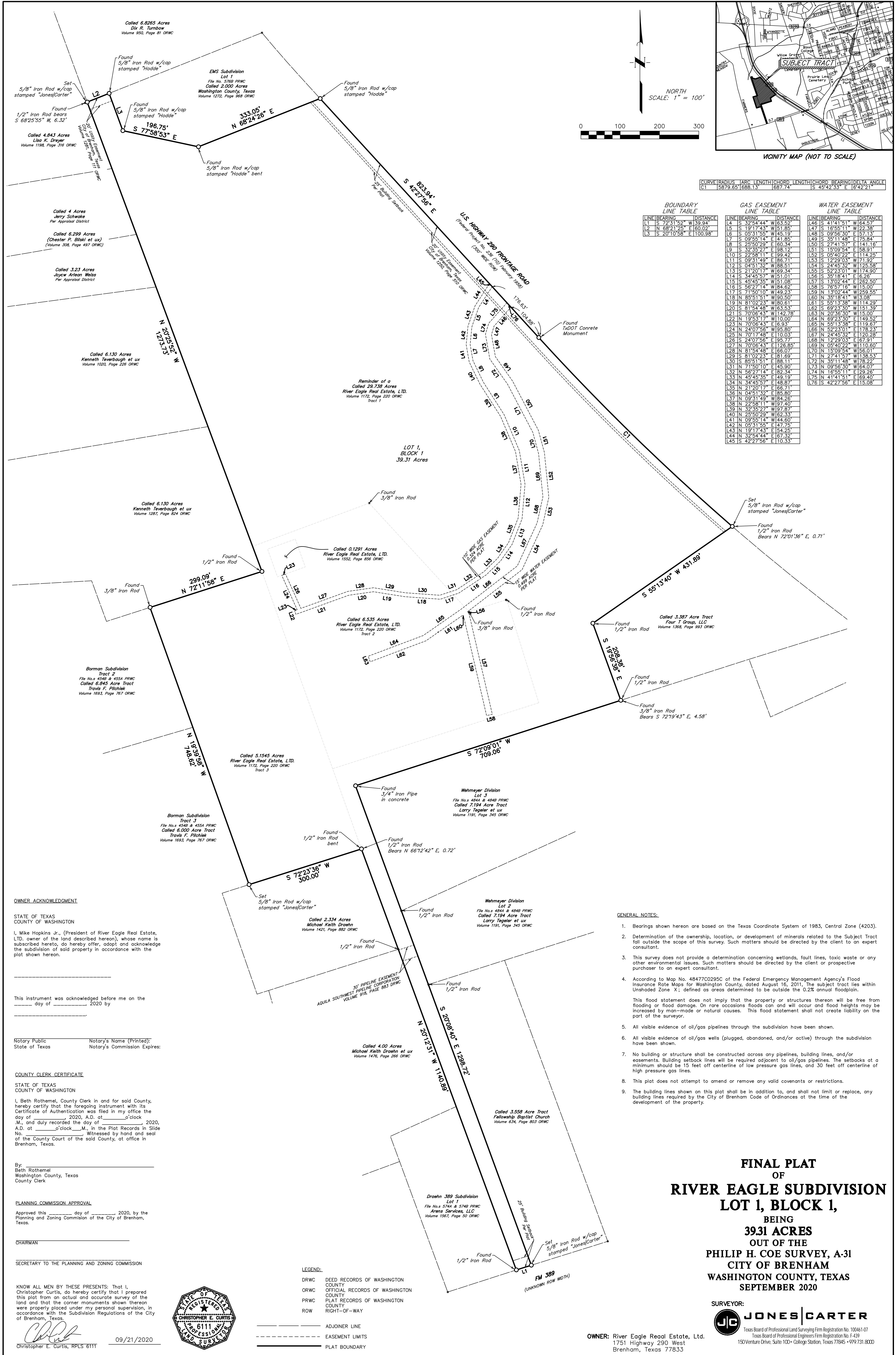
**STAFF ANALYSIS AND RECOMMENDATION:**

Development Services and Engineering have reviewed this Final Plat for compliance with applicable City of Brenham regulations and ordinances and recommends **approval** of this plat as presented.

**EXHIBITS:**

A. Proposed Final Plat





CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	5879.65	688.13	687.74	S 45°42'33" E	6°42'21"

BOUNDARY LINE TABLE		GAS EASEMENT LINE TABLE		WATER EASEMENT LINE TABLE	
LINE	BEARING	DISTANCE	LINE	BEARING	DISTANCE
L1	S 72°31'52" E	W 39.94'	L4	S 32°54'44" W	63.52'
L2	N 68°21'25" E	60.02'	L5	S 19°17'43" W	151.85'
L3	S 20°10'58" E	100.98'	L6	S 05°31'55" W	45.19'
			L7	S 09°55'14" E	41.85'
			L8	S 25°50'29" E	60.34'
			L9	S 32°35'27" E	98.12'
			L10	S 22°58'11" E	99.42'
			L11	S 09°31'49" E	86.71'
			L12	S 04°51'32" W	88.51'
			L13	S 21°20'17" W	69.34'
			L14	S 34°45'57" W	51.01'
			L15	S 45°45'35" W	51.08'
			L16	S 56°27'14" E	84.62'
			L17	S 71°50'10" W	49.23'
			L18	S 70°06'43" W	142.78'
			L19	S 81°02'23" W	80.61'
			L20	S 81°54'48" W	63.53'
			L21	S 70°06'43" W	142.78'
			L22	S 19°53'17" W	110.00'
			L23	S 70°06'43" E	61.93'
			L24	S 24°07'56" W	95.77'
			L25	S 70°17'48" E	110.03'
			L26	S 24°07'56" E	95.77'
			L27	S 70°06'43" E	126.85'
			L28	S 81°54'48" E	66.07'
			L29	S 81°02'23" E	81.69'
			L30	S 85°51'51" E	88.11'
			L31	S 71°50'10" E	45.90'
			L32	S 56°27'14" E	82.34'
			L33	S 45°45'35" E	49.19'
			L34	S 34°45'57" E	48.87'
			L35	S 21°20'17" E	66.71'
			L36	S 04°51'32" E	85.80'
			L37	S 09°31'49" E	84.26'
			L38	S 22°58'11" W	97.40'
			L39	S 32°35'27" W	97.87'
			L40	S 25°50'29" W	62.33'
			L41	S 09°55'14" W	44.60'
			L42	S 05°31'55" E	47.75'
			L43	S 19°17'43" E	54.25'
			L44	S 32°54'44" E	67.32'
			L45	S 42°27'56" E	110.33'

**OWNER ACKNOWLEDGMENT**

STATE OF TEXAS  
 COUNTY OF WASHINGTON

I, Mike Hopkins Jr., (President of River Eagle Real Estate, LTD, owner of the land described herein), whose name is subscribed hereto, do hereby offer, adopt and acknowledge the subdivision of said property in accordance with the plat shown herein.

This instrument was acknowledged before me on the \_\_\_\_\_ day of \_\_\_\_\_ 2020 by \_\_\_\_\_

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

**COUNTY CLERK CERTIFICATE**

STATE OF TEXAS  
 COUNTY OF WASHINGTON

I, Beth Rothemel, County Clerk in and for said County, hereby certify that the foregoing instrument with its Certificate of Authentication was filed in my office the day of \_\_\_\_\_ 2020, A.D. at \_\_\_\_\_ o'clock \_\_\_\_\_ M., and duly recorded the day of \_\_\_\_\_ 2020, A.D. at \_\_\_\_\_ o'clock \_\_\_\_\_ M., in the Plat Records in Slide No. \_\_\_\_\_ Witnessed by hand and seal of the County Court of the said County, at office in Brenham, Texas.

By:  
 Beth Rothemel  
 Washington County, Texas  
 County Clerk

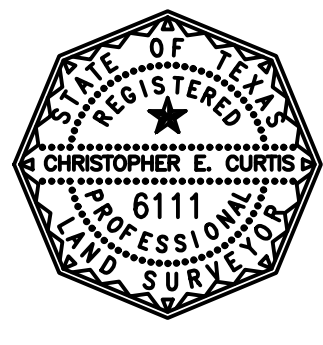
**PLANNING COMMISSION APPROVAL**

Approved this \_\_\_\_\_ day of \_\_\_\_\_ 2020, by the Planning and Zoning Commission of the City of Brenham, Texas.

CHAIRMAN  
 SECRETARY TO THE PLANNING AND ZONING COMMISSION

KNOW ALL MEN BY THESE PRESENTS: That I, Christopher Curtis, do hereby certify that I prepared 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.

*Christopher E. Curtis*  
 Christopher E. Curtis, RPLS 6111  
 09/21/2020



**LEGEND:**

DRWC	DEED RECORDS OF WASHINGTON COUNTY
ORWC	OFFICIAL RECORDS OF WASHINGTON COUNTY
PRWC	PLAT RECORDS OF WASHINGTON COUNTY
RIGHT-OF-WAY	
-----	ADJOINER LINE
-----	EASEMENT LIMITS
-----	PLAT BOUNDARY

**GENERAL NOTES:**

- Bearings shown hereon are based on the Texas Coordinate System of 1983, Central Zone (4203).
- Determination of the ownership, location, or development of minerals related to the Subject Tract fall outside the scope of this survey. Such matters should be directed by the client to an expert consultant.
- This survey does not provide a determination concerning wetlands, fault lines, toxic waste or any other environmental issues. Such matters should be directed by the client or prospective purchaser to an expert consultant.
- According to Map No. 48477C0295C of the Federal Emergency Management Agency's Flood Insurance Rate Maps for Washington County, dated August 16, 2011, the subject tract lies within Unshaded Zone X; defined as areas determined to be outside the 0.2% annual floodplain. This flood statement does not imply that the property or structures thereon will be free from flooding or flood damage. On rare occasions floods can and will occur and flood heights may be increased by man-made or natural causes. This flood statement shall not create liability on the part of the surveyor.
- All visible evidence of oil/gas pipelines through the subdivision have been shown.
- All visible evidence of oil/gas wells (plugged, abandoned, and/or active) through the subdivision have been shown.
- 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.
- This plat does not attempt to amend or remove any valid covenants or restrictions.
- The building lines shown on this plat shall be in addition to, and shall not limit or replace, any building lines required by the City of Brenham Code of Ordinances at the time of the development of the property.

**FINAL PLAT OF RIVER EAGLE SUBDIVISION LOT 1, BLOCK 1, BEING 39.31 ACRES OUT OF THE PHILIP H. COE SURVEY, A-31 CITY OF BRENHAM WASHINGTON COUNTY, TEXAS SEPTEMBER 2020**

**SURVEYOR: JONES CARTER**  
 Texas Board of Professional Land Surveying Firm Registration No. 1010461-07  
 Texas Board of Professional Engineers Firm Registration No. F-439  
 150 Venture Drive, Suite 100 • College Station, Texas 77845 • 979.731.8000

**OWNER: River Eagle Real Estate, Ltd.**  
 1751 Highway 290 West  
 Brenham, Texas 77833



**CASE P-20-034**  
**PRELIMINARY PLAT: SYCAMORE HILL SUBDIVISION**

---

<b>PLAT TITLE:</b>	Sycamore Hill Subdivision	<b>CITY/ETJ:</b> City
<b>PLAT TYPE:</b>	Preliminary Plat	
<b>OWNER/APPLICANT:</b>	MC Property Holdings, LLC / Dara Childs	
<b>ADDRESS/LOCATION:</b>	Generally located West of S. Saeger Street, south of W. Main Street and east of Wyandotte Lane and Meadow Brook Lane.	
<b>LEGAL DESCRIPTION:</b>	Proposed Lots 1-3, Block 1 of the Sycamore Hill Subdivision in Brenham, Washington County, Texas	
<b>LOT AREA:</b>	5.219 acres total acreage. Lot 1 – 2.511 acres, Lot 2 – 1.354 acres, Lot 3 – 1.354 acres	
<b>ZONING DISTRICT:</b>	R-1, Single Family Residential	
<b>EXISTING USE:</b>	Vacant land	
<b>COMP PLAN</b>	Single Family Residential	
<b>FUTURE LAND USE:</b>		
<b>REQUEST:</b>	A request for a Preliminary Plat of the Sycamore Hill Subdivision creating Lots 1-3, Block 1, being 5.219 acres of land out of the Philip H. Coe Survey, A-31 in Brenham, Washington County, Texas.	

**BACKGROUND:**

The applicant/owner requests approval of a Preliminary Plat of the Sycamore Hill Subdivision that creates Lots 1-3, Block 1, containing 5.219 total acres of land with Lot 1 being 2.511 acres, Lot 2 being 1.354 acres and Lot 3 being 1.354 acres. The subject 5.219 acres of land is owned by MC Property Holdings, LLC / Dara Childs. Mr. Childs desires to develop the property for residential use. The subject site does not have a recorded plat and thus, approval of a Preliminary Plat and Final Plat is required for future development.

Existing easements are shown on the plat for reference only. No new easements are being created.

**STAFF ANALYSIS AND RECOMMENDATION:**

Development Services and Engineering have reviewed this Preliminary Plat for compliance with applicable City of Brenham regulations and ordinances and recommends **approval** of this plat as presented.

**EXHIBITS:**

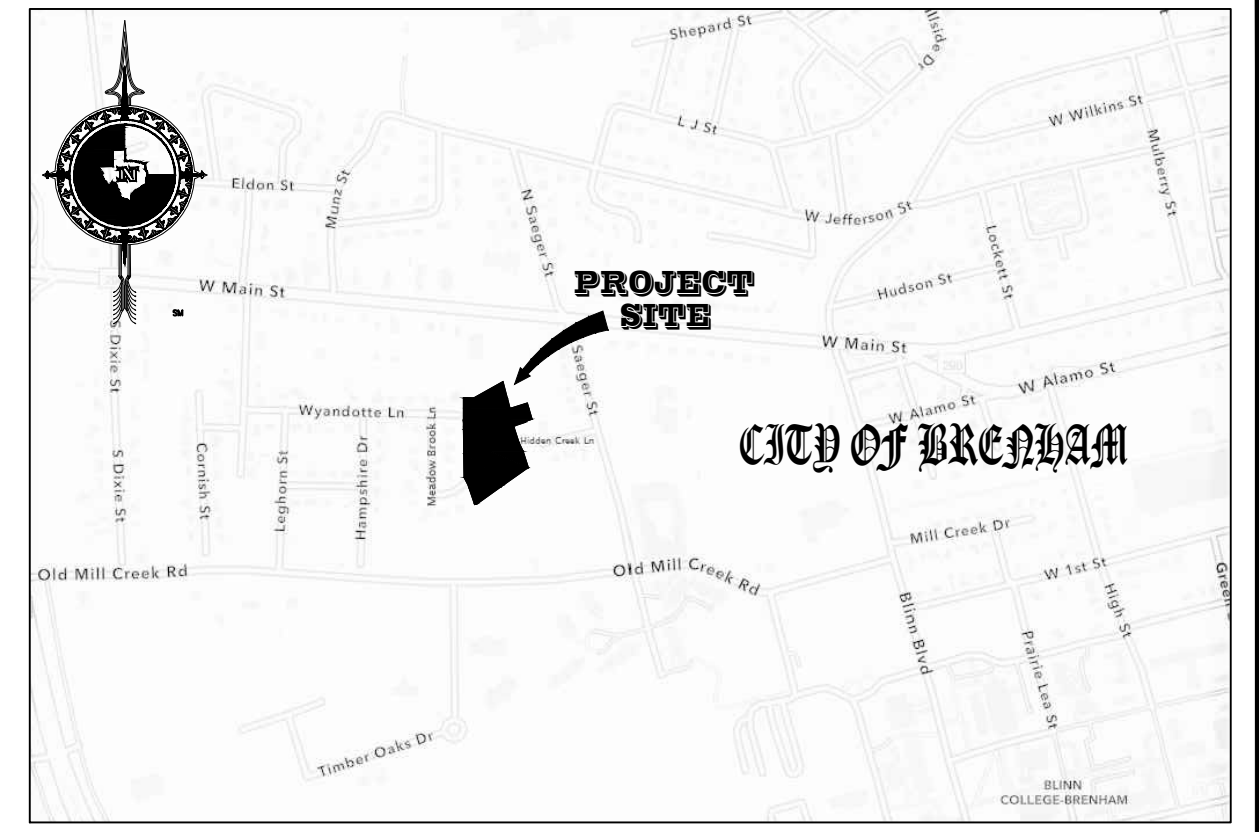
- A. Proposed Preliminary Plat

# PRELIMINARY PLAT SYCAMORE HILL SUBDIVISION

**LOT 1 ( 2.511 Acre )  
LOT 2 ( 1.354 Acre )  
LOT 3 ( 1.354 Acre )**

## BLOCK 1

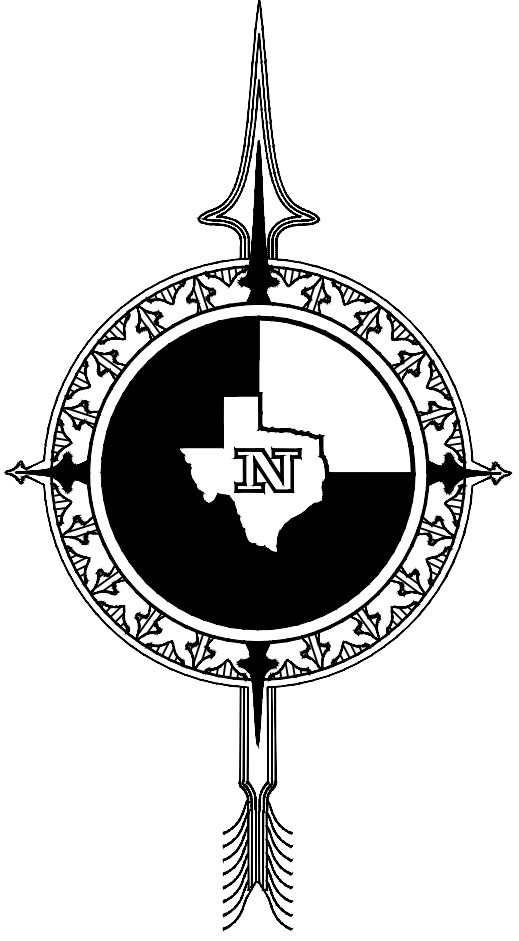
**OF THAT 5.219 ACRE TRACT AS RECORDED IN  
VOLUME 1658, PAGE 617, OF THE OFFICIAL RECORDS  
OF WASHINGTON COUNTY, TEXAS  
PHILLIP COE SURVEY, A-31  
CITY OF BRENNHAM  
WASHINGTON COUNTY, TEXAS**



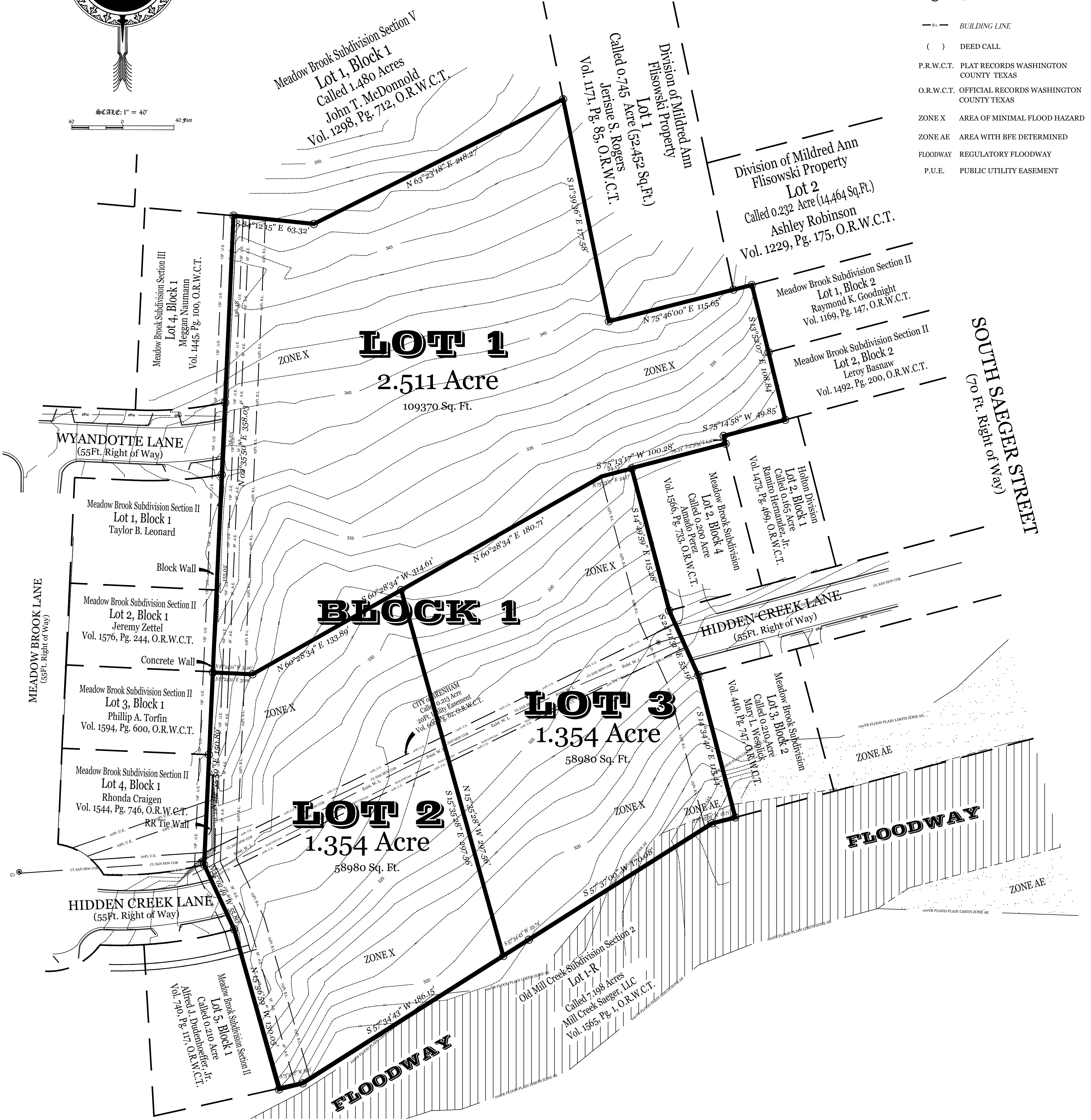
### KEY MAP

### LEGEND

- ⊙ 1" IRON BAR FOUND
- ⊙ 3/8" IRON ROD FOUND
- ⊙ 1/2" IRON ROD FOUND
- ⊙ 5/8" IRON ROD FOUND
- ⊙ 5/8" IRON ROD SET
- B.L. — BUILDING LINE
- ( ) DEED CALL
- P.R.W.C.T. PLAT RECORDS WASHINGTON COUNTY TEXAS
- O.R.W.C.T. OFFICIAL RECORDS WASHINGTON COUNTY TEXAS
- ZONE X AREA OF MINIMAL FLOOD HAZARD
- ZONE AE AREA WITH BFE DETERMINED
- FLOODWAY REGULATORY FLOODWAY
- P.U.E. PUBLIC UTILITY EASEMENT



SCALE: 1" = 40'



PLAT PREPARED BY

**A-SURVEY, INC.**  
"THE MASTERS OF MEASUREMENT"™  
19 NORTH MILLER  
BELLVILLE, TEXAS 77418  
979-865-8111  
1-800-4-A-SURVEY  
4ASURVEY.COM  
4ASURVEY@GMAIL.COM  
T.B.P.L.S. FIRM REG. LIC. No. 10076700  
PROJECT No.: 20204AR

OWNER - DEVELOPER

DARA CHILDS, JR.  
M. C. PROPERTY HOLDINGS, LLC  
1330 S. BERLIN ROAD  
BRENNHAM, TEXAS 77833  
1-281-914-9416  
DARACHILDS@YAHOO.COM

**PRELIMINARY PLAT  
SYCAMORE HILL SUBDIVISION**

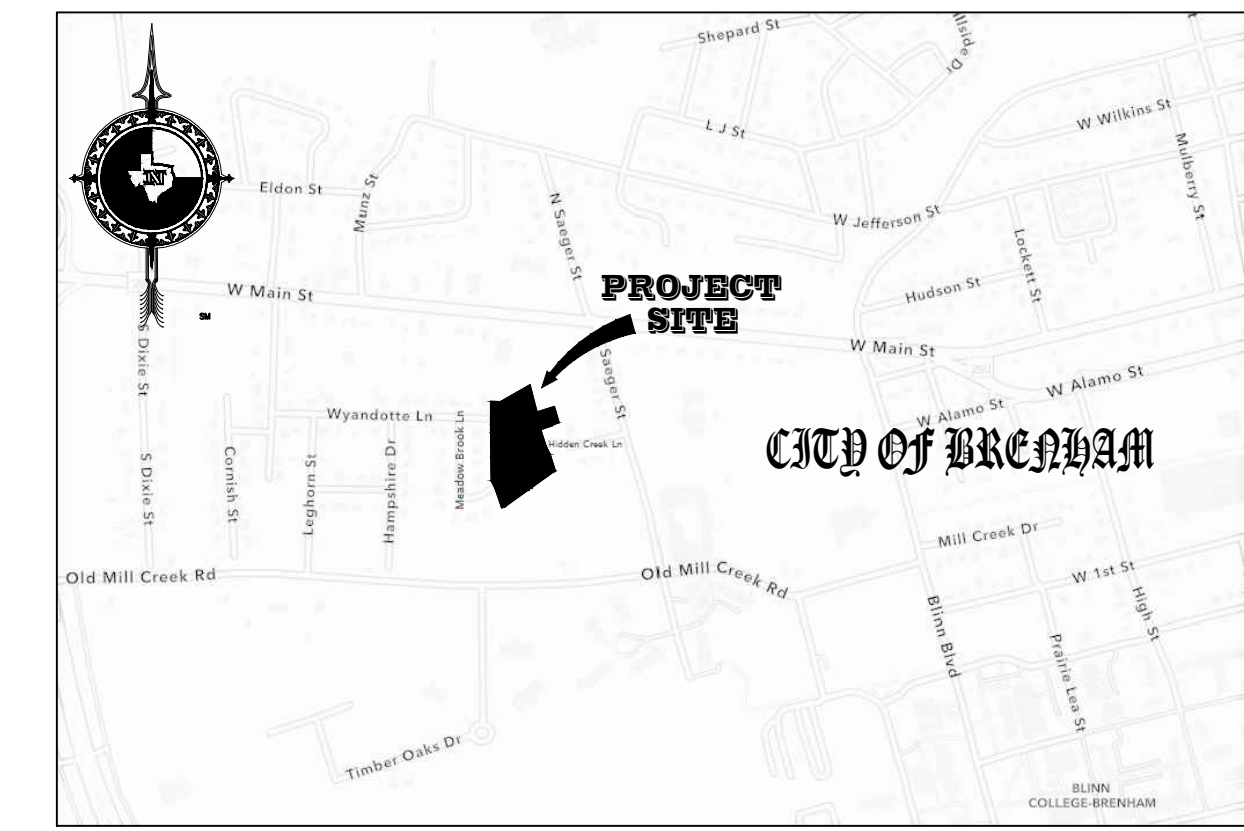
**LOT 1 ( 2.511 Acre )**

**LOT 2 ( 1.354 Acre )**

**LOT 3 ( 1.354 Acre )**

**BLOCK 1**

**OF THAT 5.219 ACRE TRACT AS RECORDED IN  
VOLUME 1658, PAGE 617, OF THE OFFICIAL RECORDS  
OF WASHINGTON COUNTY, TEXAS  
PHILLIP COE SURVEY, A-31  
CITY OF BRENHAM  
WASHINGTON COUNTY, TEXAS**



**KEY MAP**

**OWNER ACKNOWLEDGEMENT**

THE STATE OF TEXAS

COUNTY OF WASHINGTON

WE, M.C. PROPERTY HOLDINGS, LLC, THE OWNER OF THE LAND DESCRIBED HEREON, WHOSE NAMES ARE SUBSCRIBED HERETO, DO HEREBY OFFER, ADOPT AND ACKNOWLEDGE THE SUBDIVISION OF SAID PROPERTY IN ACCORDANCE WITH THE PLAT SHOWN HEREON.

\_\_\_\_\_  
DARA CHILDS, JR., M.C. PROPERTY HOLDINGS, LLC

THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME ON THE DAY OF \_\_\_\_\_, 2020, BY DARA CHILDS, JR.

NOTARY PUBLIC  
STATE OF TEXAS

\_\_\_\_\_  
NOTARY NAME (PRINTED)  
NOTARY COMMISSION EXPIRES

**GENERAL NOTES**

1. THE SURVEYOR HAS CONDUCTED A LIMITED ABSTRACT OF THE SUBJECT PROPERTY.
2. THIS PLAT IS BASED ON A TITLE REPORT ISSUED BY STEWART TITLE GUARANTY COMPANY, UNDER G.F. NO. 180946, ISSUED JULY 28, 2020.
3. SUBJECT TO EASEMENTS, ORDINANCES, CONDITIONS, RESTRICTIONS AND ANY, AND ALL ADDITIONAL APPLICABLE INSTRUMENTS THAT MAY OR MAY NOT BE OF RECORD THAT AFFECTS OR COULD AFFECT THE SUBJECT PARCEL. NO SUB-SURFACE FEATURES WERE INVESTIGATED OR INCLUDED WITHIN THE SCOPE OF THIS SURVEY; AND THOSE CERTAIN COVENANTS, CONDITIONS, RESERVATIONS, EASEMENTS, BUILDING LINES AND RESTRICTIONS.
4. SUBJECT TO THAT CERTAIN FIFTEEN FT. (15 FT.) UTILITY EASEMENT AS SHOWN ON PLAT RECORDED IN PLAT CABINET NOS. 257B, 258A, 257B AND 422A OF THE PLAT RECORDS OF WASHINGTON COUNTY, TEXAS.
5. SUBJECT TO THAT CERTAIN FIFTEEN FT. (15 FT.) UTILITY EASEMENT, BEING SEVEN AND ONE-HALF FEET (7.5 FT.) ON EACH SIDE OF PROPERTY LINE AS SHOWN ON IN PLAT CABINET FILE NOS. 257B, 258A OF THE PLAT RECORDS OF WASHINGTON COUNTY, TEXAS.
6. SUBJECT TO AN UNOBSTRUCTED AERIAL EASEMENT FOR UTILITIES FIVE FEET (5 FT.) WIDE FROM A PLANE TWENTY FEET (20 FT.) ABOVE THE GROUND UPWARD, LOCATED ADJACENT TO ALL EASEMENTS SHOWN ON PLAT FILED IN PLAT CABINET FILE NOS. 161A, 257B AND 258A OF THE PLAT RECORDS OF WASHINGTON COUNTY, TEXAS.
7. SUBJECT TO THAT CERTAIN FIVE FOOT (5 FT.) GUY EASEMENT AS SHOWN ON PLAT RECORDED IN PLAT CABINET FILE NOS. 257B AND 258A OF THE PLAT RECORDS OF WASHINGTON COUNTY, TEXAS.
8. SUBJECT TO THAT CERTAIN EXISTING SIX FOOT (6 FT.) SANITARY SEWER LINE AS SHOWN ON PLAT RECORDED IN PLAT CABINET FILE NOS. 257B AND 258A OF THE PLAT RECORDS OF WASHINGTON COUNTY, TEXAS.
9. SUBJECT TO THAT PORTION OF THE PROPERTY AFFECTED BY THE SPECIAL FLOOD HAZARD.
10. SUBJECT TO THAT CERTAIN OVERHEAD ELECTRIC LINE, UTILITY POLE, GUY, CONTROL POINT LOCATION, HYDRANT, WATER VALVE, TELEPHONE PEDESTAL AND ANY AGREEMENT RIGHTS APPURTENANT THERETO.
11. THE BUILDING LINES SHOWN ON THIS PLAT SHALL BE IN ADDITION TO, AND SHALL NOT LIMIT OR REPLACE, ANY BUILDING LINES REQUIRED BY THE CITY OF BRENHAM CODE OF ORDINANCES AT THE TIME OF THE DEVELOPMENT OF THE PROPERTY.
12. ACCORDING TO THE FEDERAL EMERGENCY MANAGEMENT AGENCY FEDERAL INSURANCE ADMINISTRATION FOR WASHINGTON COUNTY, TEXAS. THE SUBJECT TRACT DOES LIE WITHIN THE 100 YEAR FLOOD HAZARD BOUNDARY, AND IS IN ZONE "X", ZONE "AE" AND FLOODWAY AS GRAPHICALLY DETERMINED BY FLOOD HAZARD BOUNDARY MAP NO. 48477C0295C, EFFECTIVE DATE: AUGUST 16, 2011.

**COUNTY CLERK CERTIFICATION**

THE STATE OF TEXAS

COUNTY OF WASHINGTON

I, BETH ROTHERMEL, COUNTY CLERK IN AND FOR WASHINGTON COUNTY, TEXAS, HEREBY CERTIFY THAT THE FOREGOING INSTRUMENT WITH ITS CERTIFICATE OF AUTHENTICATION WAS FILED IN MY OFFICE THE DAY OF \_\_\_\_\_, 2020, A.D. \_\_\_\_\_ AT O'CLOCK, M., AND DULY RECORDED THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 2020 A.D. IN THE PLAT RECORDS IN SLIDE NO. \_\_\_\_\_ WITNESSED BY HAND AND SEAL OF THE COUNTY COURT OF WASHINGTON COUNTY, IN BRENHAM, TEXAS.

\_\_\_\_\_  
DEPUTY

\_\_\_\_\_  
BETH ROTHERMEL  
COUNTY CLERK  
WASHINGTON COUNTY,  
TEXAS

**PLANNING AND ZONING COMMISSION**

APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2020, BY THE PLANNING AND ZONING COMMISSION OF THE CITY OF BRENHAM.

\_\_\_\_\_  
CHAIRMAN

\_\_\_\_\_  
SECRETARY

**SURVEYOR CERTIFICATION**

THE STATE OF TEXAS

COUNTY OF WASHINGTON

KNOW ALL MEN BY THESE PRESENTS: THAT I RONALD K. BRYANT, A REGISTERED PROFESSIONAL LAND SURVEYOR OF THE STATE OF TEXAS, DO HEREBY STATE THAT I PREPARED THIS PLAT FROM AN ACTUAL AND ACCURATE SURVEY OF THE LAND, AND THAT THE CORNER MONUMENTS AS SHOWN THEREON WERE PROPERLY PLACED OR LOCATED UNDER MY DIRECT SUPERVISION, IN ACCORDANCE WITH THE SUBDIVISION REGULATIONS OF THE CITY OF BRENHAM, TEXAS.

\_\_\_\_\_  
RONALD K. BRYANT  
REGISTERED PROFESSIONAL  
LAND SURVEYOR No. 4361

\_\_\_\_\_  
DATE

PLAT PREPARED BY  
**A-SURVEY, INC.**  
**"THE MASTERS OF MEASUREMENT"™**  
19 NORTH MILLER  
BELLVILLE, TEXAS 77418  
979-865-8111  
1-800-4-A-SURVEY  
4ASURVEY.COM  
4ASURVEY@GMAIL.COM  
T.B.P.L.S. FIRM REG. LIC. No. 10076700  
PROJECT No.: 20204AR

**OWNER - DEVELOPER**

DARA CHILDS, JR.  
M. C. PROPERTY HOLDINGS, LLC  
1330 S. BERLIN ROAD  
BREHMAN, TEXAS 77833  
1-281-914-9416  
DARACHILDS@YAHOO.COM



**CASE P-20-030**

**REPLAT: PART OF LOT 3 AND LOT 4, BLOCK I, OF THE A.M. LEWIS ADDITION TO  
CREATE THE T. L. DIVISION NO. 1, CONSISTING OF TRACT 1 AND TRACT 2**

---

**PLAT TITLE:** Replat of Part of Lot 3 and Lot 4, Block I of the A.M. Lewis Addition to create the T. L. Division No. 1 **CITY/ETJ:** City Limits

**PLAT TYPE:** Residential Replat

**OWNER / APPLICANT:** Tuan Vo

**LOT AREA /LOCATION:** Proposed Tract 1 - 0.520-acres (604 Matchett) / Proposed Tract 2 – 0.387-acres (901 Burleson Street)

**PROPOSED LEGAL DESCRIPTION:** Tract 1 and Tract 2 of the T.L. Division No. 1 in Brenham, Washington County, Texas

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

**EXISTING USE:** Vacant land

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

**REQUEST:** A request to replat Part of Lot 3 and Lot 4, Block I of the A.M. Lewis Addition to create the T. L. Division No. 1, consisting of two tracts in Brenham, Washington County, Texas.

**BACKGROUND:**

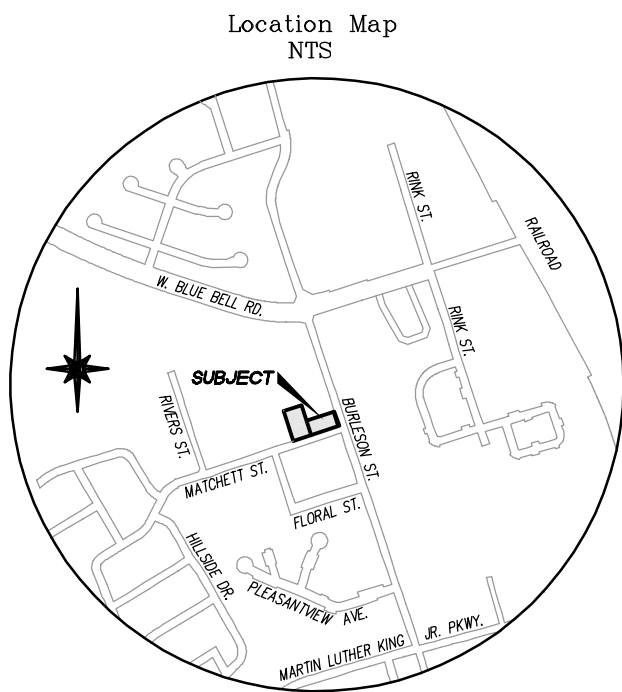
The subject property is currently a 0.907-acre “L” shaped vacant lot on the northwest corner of Burleson Street and Matchett Street with approximately 92 feet of frontage along Burleson Street and 300 feet of frontage along Matchett Street. The proposed replat would divide the lot into two lots for residential development, creating Tract 1 being 0.520-acres to be addressed off Matchett Street and Tract 2, being 0.387-acres and addressed off Burleson Street. The proposed plat also includes a 0.011-acre dedicated public right-of-way strip along the east property line of Tract 2. The public right-of-way dedication will allow for the future widening of Burleson Street as indicated on the City of Brenham’s Thoroughfare Plan.

**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.

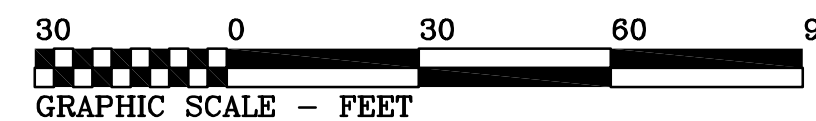
**EXHIBITS:**

- A. Proposed Replat Document

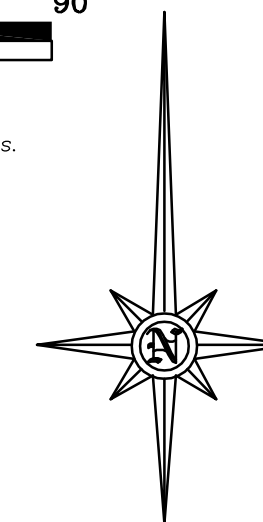


**REPLAT OF  
PART OF LOT 3 AND LOT 4,  
BLOCK I OF THE A. M. LEWIS ADDITION  
TO CREATE THE T. L. DIVISION NO. 1**

CONSISTING OF 2 TRACTS  
TRACT 1: 0.520 ACRE  
TRACT 2: 0.387 ACRE  
FOR 0.907 ACRE TOTAL  
AND 0.011 ACRE PARCEL DEDICATED  
FOR PUBLIC RIGHT OF WAY,  
A. HARRINGTON SURVEY, A-55  
CITY OF BRENHAM  
WASHINGTON COUNTY, TEXAS



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



**LEGEND:**

- U.E. = UTILITY EASEMENT
- B.L. = BUILDING LINE
- OHE = OVERHEAD ELECTRIC LINE

**NOTES:**

1. Tracts 1-2: being part of the same land described as 39,914 square feet in a deed from Michael Coleman Blue and Karin Ann Blue King, Individually and as Independent Co-Administrators of the Estate of Marion Goodman Blue, deceased to Tuan Vo, dated effective March 15, 2013, recorded in Volume 1429, Page 714, Official Records of Washington County, Texas.
2. Owner retains all of the oil, gas and other minerals on, in and under the 0.011 acre tract hereby dedicated for public right of way.
3. All oil/gas pipelines or pipeline easements with ownership through the subdivision have been shown.
4. This plat does not attempt to amend or remove any valid covenants or restrictions.
5. The building lines shown on this plat shall be in addition to, and shall not limit or replace, any building lines required by the City of Brenham Code of Ordinances at the time of the development of the property.
6. According to Flood Insurance Rate Map (F.I.R.M.), compiled by the Federal Emergency Management Agency, Map No. 48477C0295C, Washington County, Texas, effective date of August 16, 2011, the subject property does not lie within the Special Flood Hazard Area.
7. Iron rods set are fitted with plastic cap stamped "Lampe Surveying".

**PLANNING COMMISSION APPROVAL**

Approved this \_\_\_\_\_ day of \_\_\_\_\_, 2020  
by the City Planning Commission of the City of Brenham, Texas.

Chairman \_\_\_\_\_

Secretary \_\_\_\_\_

**COUNTY CLERK FILING ACKNOWLEDGEMENT STATEMENT**

THE STATE OF TEXAS  
COUNTY OF WASHINGTON

I, Beth Rothermel, Clerk of the County Court of Washington County, Texas do hereby certify that the within instrument with its Certificate of Authentication was filed for registration in my office on the \_\_\_\_\_ day of \_\_\_\_\_, 2020, A.D. at \_\_\_\_\_ o'clock \_\_\_\_\_ M., and duly recorded on the \_\_\_\_\_ day of \_\_\_\_\_, 2020, A.D. at \_\_\_\_\_ o'clock \_\_\_\_\_ M., in Plat Cabinet File No. \_\_\_\_\_.

Witnessed by hand and seal of the County Court of the said County, at office in Brenham, Texas.

By: \_\_\_\_\_ Beth Rothermel  
Deputy County Clerk  
Washington County, Texas

**0.011 ACRE DEDICATED  
FOR PUBLIC RIGHT OF WAY**

Course	Bearing	Distance
L1	N72°56'10"E	5.00'
L2	S18°18'16"E	92.95'
L3	S71°54'05"W	5.00'
L4	N18°18'16"W	93.04'

**Property Owner**  
Tuan Vo  
2227 Watts Road  
Brenham, Texas 77833  
(979) 551-0698

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

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

CRAIG BOGGAN  
CALLED 23183 SQ. FT.  
1338/836

DONNA LEA BOYCE AND CHARLES J. BEARDEN  
CALLED 7,870 AC.  
746/556

BRETT CAMPBELL  
CALLED 18003 SQ. FT.  
1050/706

**TRACT 1  
0.520 ACRE**

PORTION OF  
CALLED 39,914 SQ. FT.  
1429/714

**TRACT 2  
0.387 ACRE**

PORTION OF  
CALLED 39,914 SQ. FT.  
1429/714

A. M. LEWIS ADDITION  
BLOCK I

**MATCHETT STREET**  
(R.O.W. VARIES)

**BURLESON STREET**  
(90' R.O.W.)

**PRELIMINARY**

THIS DOCUMENT SHALL NOT BE RECORDED FOR ANY PURPOSE AND SHALL NOT BE USED OR VIEWED OR RELIED UPON AS A FINAL SURVEY DOCUMENT

**OWNER DEDICATION**

Tuan Vo, owner of the property subdivided in the foregoing map of T. L. Division No. 1, to the City of Brenham, Texas, do hereby make subdivision of said property according to the lines, lots, building lines, and easements thereon shown and designate said subdivision as T. L. Division No. 1, to the City of Brenham, Texas, located in the City of Brenham, Washington County, Texas, and I do hereby dedicate to public use, as such the easements shown thereon forever and do hereby bind ourselves, our heirs, executors, and administrators to warrant and forever defend the title to the easements so dedicated. There is also dedicated for utilities an unobstructed aerial easement five (5) feet wide from a plane twenty (20) feet above the ground upward, located adjacent to all easements shown hereon.

I hereby covenant and agree that all lots within the boundaries of this subdivision are for residential purposes unless otherwise noted.

THE STATE OF TEXAS  
COUNTY OF WASHINGTON

This instrument was acknowledged before me on the \_\_\_\_\_ day of \_\_\_\_\_, 2020 by Tuan Vo.

Notary Public  
State of Texas

Notary's Name (Printed):  
Notary's Commission  
Expires: \_\_\_\_\_

I, Donald W. Lampe, Registered Professional Land Surveyor No. 1732 of the State of Texas, do hereby certify that this plat accurately represents the results of an on the ground survey made under my direction.

Dated this the 30th day of July, 2020.

(PRELIMINARY)

Donald W. Lampe  
R.P.L.S. No. 1732  
Lampe Surveying, Inc

Tuan Vo

**LAMPE SURVEYING, INC**  
PROFESSIONAL LAND SURVEYORS

1408 WEST MAIN STREET  
P. O. BOX 2037  
BRENHAM, TEXAS 77834  
(979) 836-6677  
TEXAS LICENSED SURVEYING FIRM NO. 10040700  
W.O. 3551 3551S1.DWG 3551VO.CCG



**CASE P-20-029**

**Variance Requests: Section 23-21(3)(a) and (3)(c) of Article III of the Subdivision Ordinance - 1093 S. Berlin Road (in ETJ)**

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**OWNER/APPLICANT:** Christine Stovall/Jon E. Hodde, Hodde & Hodde Land Surveying, Inc.

**ADDRESS/LOCATION:** 1093 S. Berlin Road, Brenham, Texas 77833 (Exhibit "A")

**LEGAL DESCRIPTION:** Tract 93 of the Isaac Jameison Survey, A-67, in Washington County, Texas

**LOT AREA:** Approximately 8.156 acres

**ZONING DISTRICT/  
USE:** Not applicable / Single-family residences with accessory structures (Exhibit "B")

**COMP PLAN  
FUTURE LAND USE:** Rural

**REQUEST:** A request for a variance to Section 23-21(3)(a) and (3)(c) of Article III of the Subdivision Ordinance to allow a subdivision of land in the City of Brenham's Extraterritorial Jurisdiction (ETJ) to allow **Tract 1** to have a lot size of .75-acre of land instead of the required 1-acre (43,560 square feet), and to allow **Tract 2** to have a width of twenty-five feet (25') at the road instead of the required one hundred twenty-five (125') feet. (Exhibit "C")

**SUMMARY:**

Christine Stovall, the owner/applicant, owns the subject property located within the City of Brenham's extraterritorial jurisdiction (ETJ). The applicant wishes to subdivide the approximate 8.156-acre property into two tracts of land, a .75-acre lot, and a 7.41-acre lot, respectfully. However, the proposed division (Exhibit "C") is not in compliance with the City's subdivision ordinance, specifically Chapter 23-21(3)(a) and (3)(c) Article III, which states:

Sec. 23-21. - Lots.

All lots shown on any plat will be for residential purposes unless otherwise noted.

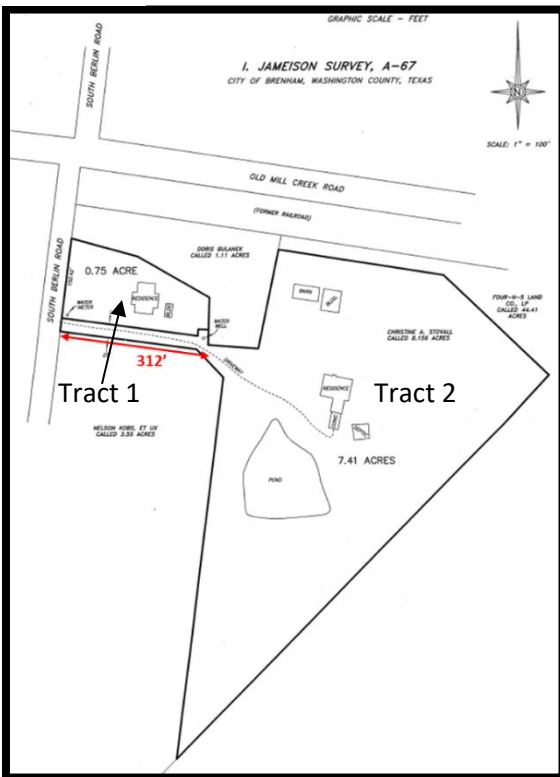
- (3) *Rural lots.* Notwithstanding provisions for urban lots as provided in subsection (1), rural lot subdivisions may be approved in the extraterritorial jurisdiction for residential development that is to be served by individual water wells, by an individual sewage disposal system or by county roads, provided said development conforms to applicable state law, and other applicable codes and ordinances of the City of Brenham and Washington County. Standards that apply to rural residential lots are as follows:

- a. Minimum width: One hundred twenty-five (125) feet. Radial lots to have minimum width of one hundred (100) feet with a minimum width of one hundred twenty-five (125) feet at the building line.
- c. Minimum area: 43,560 square feet.

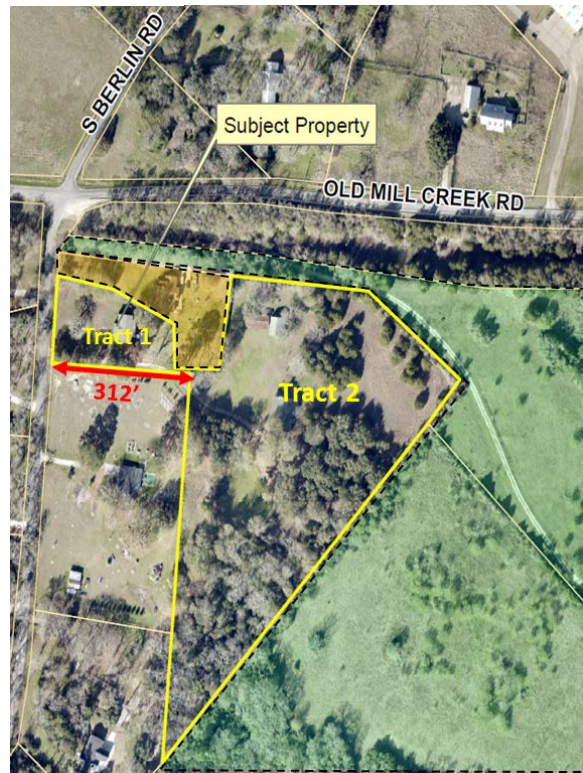
The applicant is specifically asking for these variances to allow for a subsequent subdivision of the 8.16-acre property into two tracts, Tract 1 being 0.75-acres and Tract 2 being 7.41-acres, to accommodate the existing residences and structures. Please refer to the Site Map and Aerial Map below for reference. For Tract 2, the applicant is proposing a twenty-five-foot (25') frontage and building line width at South Berlin Road that would give the residue tract direct and immediate road frontage in lieu of an easement for access. The 25-foot in width portion of land is proposed along the south property line of Tract 1 and then runs east approximately 312 feet until reaching the larger portion of the 7.41-acre Tract 2. Thus, the first variance request is for a 100-foot reduction in the minimum required lot width of 125 feet at the building line.

Furthermore, the accommodation of the requested 25'x 312' frontage access strip for Tract 2 results in Tract 1 being reduced to 0.75-acres, less than the minimum rural lot size requirement of 43,560 square feet (1.0 acres). Thus, the applicant is also requesting a second variance to allow for a 0.25-acre reduction in the minimum required rural lot size.

**Site Map**



**Aerial Map**



The Planning and Zoning Commission is charged with making recommendations to City Council on variances to the Subdivision Ordinance as described in the following section of the Subdivision Ordinance:

Sec. 23-34. Variances

*Where in its judgment, the public convenience and welfare will be substantially served and the appropriate use of the neighboring property will not be substantially injured, the city council may upon recommendation by the planning commission, in specific cases, at a*



*regular meeting of the city council and subject to appropriate conditions and safeguards, authorize, by ordinance, a variance to the subdivision regulations in order to permit reasonable development and improvement of property where the literal enforcement of these regulations would result in an unnecessary hardship. A variance may only be granted by ordinance upon finding that such variance is in accord with the comprehensive plan of the City of Brenham and that the probable effect of such variance will not create adverse impacts in the vicinity. No written public notice shall be required prior to the granting of the variances provided for in this section, except as required by the Texas Open Meetings Law.*

#### **STAFF ANALYSIS AND RECOMMENDATION:**

As outlined in Section 23-21 above, the Subdivision Ordinance requires rural platted lots in the City and ETJ to meet certain standards as follows:

- a. Minimum width: One hundred twenty-five (125) feet. Radial lots to have minimum width of one hundred (100) feet with a minimum width of one hundred twenty-five (125) feet at the building line.
- c. Minimum area: 43,560 square feet.

Staff finds that the variance requests for a reduction in lot width at the building line and a reduction in the minimum lot size to be reasonable. The only road access available for the existing residence located on proposed Tract 2 is via a gravel driveway to South Berlin Road along the south boundary of proposed Tract 1. Allowing for the frontage width to be 25 feet at South Berlin Road will enable proposed Tract 2 to have direct access to South Berlin Road by deed rather than a travel easement. Travel easements grant permission for access on adjacent property and while may be shown on a plat, rely on good faith from owner to owner and may be less reliable over time. Staff also finds that a lot size of 0.75-acres is a minimal and reasonable reduction in the required 1.0-acre lot requirement which results from lessening a hardship on an adjacent property. Lastly, the Washington County Engineer performed an environmental and developmental review of the variance requests and has no objections. Following consideration and approval of the proposed variances by the Planning and Zoning Commission and City Council, the applicant will be required to formally plat the property into the proposed lot configuration.

For the reasons explained above, staff supports the proposed variance and **recommends approval.**

#### **EXHIBITS:**

- A. Aerial Map
- B. Cover Letter to the Commission
- C. Draft of Proposed Preliminary Division of the Tract
- D. Washington County Letter of Support

EXHIBIT "A"  
AERIAL MAP



**Subdivision Variance Request - ETJ**  
**1903 S Berlin Road**

1 inch = 229 feet



**EXHIBIT "B"**  
**COVER LETTER TO THE COMMISSION**



**HODDE & HODDE**  
**LAND SURVEYING, INC.**  
*Professional Land Surveying & Engineering*  
613 E. Blue Bell Road  
Brenham, Texas 77833-2411

OFFICE PHONE: (979) 836-5681  
FAX: (979) 836-5683  
www.hoddesurveying.com  
TBPE&LS SURVEY FIRM REG NO. 10018800  
TBPE&LS ENGINEERING FIRM REG NO. F-18046

August 20, 2020

City of Brenham  
Attn: Planning and Zoning Commission  
200 West Vulcan Street  
Brenham, TX 77833

RE: VARIANCE REQUEST

Dear Members,

The purpose of this letter is to formally request the approval of a Variance for 1093 S. Berlin Road. Section 23-21(3)(a)(c) of the Code of Ordinances requires that rural lots have a minimum width of 125 feet and a minimum area of 43,560 square feet. Our proposed division is to survey 0.75 acre out of the Christine Stovall property called 8.156 acres (R61852), which would have 150 feet of road frontage and leave 25 feet of road frontage for the residue tract which will contain approximately 7.41 acres. The purpose of the variance is for the residue tract to have road frontage in fee instead of an easement for access. This results in the 0.75 acre tract being less than the 1 acre minimum. Both proposed tracts are being served by a community water system. I am requesting that the Members approve a variance from the Subdivision Ordinance that would allow me to perform the division as requested. I appreciate your time for consideration of approving the variance for this property as requested.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "John E. Hodde".

John E. Hodde, RPLS No. 5197  
Hodde & Hodde Land Surveying, Inc.

**EXHIBIT "C"**  
**DRAFT OF PROPOSED PRELIMINARY DIVISION**



**(PRELIMINARY)**

JON E. HODDE, RPLS NO. 5197  
 DATE: AUGUST 19, 2020

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

**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

**EXHIBIT "D"**  
**WASHINGTON COUNTY ENGINEERING & DEVELOPMENT LETTER OF SUPPORT**



**WASHINGTON COUNTY  
ENGINEERING AND DEVELOPMENT**  
J. Ross McCall, P.E., County Engineer  
3650 SH 36, Brenham, Texas 77833  
Phone: (979)277-6275 Fax: (979)277-6276  
Email: [wcrbOffices@wacounty.com](mailto:wcrbOffices@wacounty.com)

September 21, 2020

City of Brenham Planning and Zoning Commission  
c/o Ms. Stephanie Doland  
Development Services Director

*via Email: [Sdoland@cityofbrenham.org](mailto:Sdoland@cityofbrenham.org)*

Re: Stovall Plat Variance Request, 8.156 Acres (R61852)  
S. Berlin Road at Old Mill Creek Road (Pct. 4), I. Jameison Survey, A-67

Ms. Doland,

We are in receipt of a subdivision plat variance request for the referenced property. The majority of the property being divided lies within the City's ETJ, and as a result, will require City approval. The remainder of the property lies within the County's jurisdiction and has frontage on a county maintained road. In addition, Washington County has responsibility to ensure compliance with OSSF septic requirements.

To expedite the review process, we discussed having the County submit a no objection letter to the City and acknowledge that the City would process this variance request. We have performed an environmental and developmental review of the variance request and offer no objection. For your further handling, please see attached submittal.

Please let me know if any changes are made following the City's review, so that we have an opportunity to ensure compliance with county regulations. If you have any additional questions, please let me know.

Thank you,

J. Ross McCall, P.E.  
Washington County Engineer

cc: Mr. Jon Hodde, RPLS, Hodde & Hodde Surveying, Inc.  
Commissioner Joy Fuchs, Precinct 4  
Mr. Mark Marzahn, Environmental Health Director



## CASE NUMBER P-20-033 TEXT AMENDMENTS

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### **REQUEST:**

This is a request by the City of Brenham to amend the City of Brenham's Code of Ordinances, Chapter 23 – Subdivisions, regarding the requirement for underground utilities and amending the Assurances for Completion of Improvements.

### **BACKGROUND:**

Due to the increase in both commercial and residential development, staff has identified two sections of the Subdivision Ordinance to be outdated and in need of revisions.

Firstly, staff proposes to consider amending the Subdivision Ordinance to require all development, both commercial and residential, to place all utilities within the development underground. Currently the Subdivision Ordinance only requires underground utilities within residential developments to be underground and staff requests consideration from Council to require the same to apply for commercial developments.

Secondly, staff proposes a re-write to the fiscal security provisions section of the Subdivision Ordinance which details the required processes for a private developer to construct public infrastructure within a subdivision. Following the private developer's construction of public infrastructure, the city accepts the infrastructure in perpetuity. The existing language concerning infrastructure acceptance via a fiscal security is outdated and lacking in clarity. Staff proposes to amend this section to eliminate confusion about the required processes as well as clarify the fiscal security options available.

On September 17, 2020 a workshop presentation was provided to City Council to consider possible amendments to the Subdivision Ordinance. During the workshop presentation at Council, staff was directed to hold a public hearing at an upcoming Planning and Zoning Commission meeting to receive public input on the proposed amendments.

### **PROPOSED AMENDMENT:**

For a complete list of changes, please see attached redlined Ordinance exhibit.

### **ANALYSIS:**

Staff recommends the need from time to time to amend regulations to help facilitate high quality and orderly development. For this reason, staff finds amending the Brenham Code of Ordinances to require all utilities within a development to be located underground is in keeping with the goals outlined in the Brenham Comprehensive Plan *Historic Past, Bold Future: Plan 2040*. Similarly staff finds updating the provisions for infrastructure acceptance will clarify City policies and practices already in place and help eliminate any confusion at the time of infrastructure permitting, construction, or acceptance.

**PUBLIC COMMENTS:**

The Notice of Public Hearing was published in the paper on September 24, 2020. Any public comments will be provided in the Planning & Zoning Commission and City Council packets or during the public hearing.

**STAFF RECOMMENDATION:**

Staff recommends **approval** of the proposed text amendments.

ORDINANCE NO. O-20-00\_

AN ORDINANCE OF THE CITY OF BRENHAM, TEXAS, AMENDING CHAPTER 23 – “SUBDIVISIONS” OF THE CODE OF ORDINANCES, CITY OF BRENHAM, TEXAS BY AMENDING SECTION 23-30 – “REQUIRED IMPROVEMENTS” TO REQUIRE ALL UTILITIES TO BE LOCATED UNDERGROUND THROUGHOUT ALL DEVELOPMENT; AMENDING SECTION 23-31 “COSTS-PAYMENT FOR INSTALLATION OF IMPROVEMENTS BY SUBDIVIDER” TO CLARIFY RESPONSIBILITIES OF DEVELOPERS IN THE INSTALLATION AND CONSTRUCTION OF PUBLIC INFRASTRUCTURE; AMENDING SECTION 23-10 TO REMOVE SUBSECTION (B)(4); PROVIDING FOR A SAVINGS CLAUSE; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEALER; PROVIDING FOR PROPER NOTICE OF MEETINGS; AND PROVIDING FOR AN EFFECTIVE DATE.

**WHEREAS**, the Code of Ordinances, City of Brenham, Texas (“Code of Ordinances”), Chapter 23, Subdivisions, provides for standards and regulations regarding subdivisions within the corporate boundaries and extraterritorial jurisdiction of the City of Brenham; and

**WHEREAS**, the City Council recognizes the need from time to time to amend these regulations to help facilitate high quality and orderly development and the protection of the public health and general welfare of the community; and

**WHEREAS**, the City Council deems it appropriate to approve and adopt the amendments herein below to Chapter 23 – “Subdivisions” of the Code of Ordinances.

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BRENHAM, TEXAS THAT CHAPTER 23 – “SUBDIVISIONS” OF THE CODE OF ORDINANCES OF THE CITY OF BRENHAM, TEXAS BE AMENDED IN THE FOLLOWING MANNER:**

**SECTION 1.**

That Chapter 23 – “Subdivisions” of the Code of Ordinances of the City of Brenham, Texas Section 23-30 – Required Improvements, is hereby amended to read as follows:

**Section 23-30. – Required Improvements.**

(4) *City utilities.* ~~Generally, the~~Each developer shall provide city utilities within the subdivision that conform to construction standards of the city for water, sanitary sewerage, gas and electric systems as provided in the current design standards.

(5) *Private utilities.* ~~Generally a~~All private, franchised utilities, including, but not limited to, electric lines, telephone cables, television cables and natural gas mains, shall be located underground throughout



any new ~~residential~~ development; except that overhead electric lines may be utilized in the perimeter easements of a subdivision development, where primary electric lines and/or feeders are necessary to provide services to the development and adjacent areas. Such underground utilities shall be buried in dedicated utility easements or in street rights-of-way, as appropriate and approved by the city engineer. The placement and separation of the various utilities within an easement or street right-of-way shall be determined by the city engineer in accordance with city design standards and any other specifications as approved by the city engineer.

## **SECTION 2.**

That Chapter 23 – “Subdivisions” of the Code of Ordinances of the City of Brenham, Texas Section 23-31 – Costs-payment for installation of improvements by subdivider, is hereby amended to read as follows:

Sec. 23-31. – Assurances for Completion of Improvements.

The subdivider shall have the responsibility for construction costs for street and utility improvements within a subdivision and for off-site utility extensions as set out in a separate policy manual as currently adopted by the city council. As further provided in said manual, the city will bear the difference in the cost of the facility or improvement required to serve the developer's land and that required by the city to be installed.

- (1) Purpose. The provisions of this Chapter, as set forth in this section, are designed and intended to insure that, for all subdivisions of land within the jurisdiction of the City, all improvements as required herein are installed in a timely manner in order that:
  - (a) The City can provide for the orderly and economical extension of public facilities and services;
  - (b) All purchasers of property within the subdivision shall have a usable, buildable parcel of land; and
  - (c) All required improvements are constructed in accordance with the City’s applicable rules, regulations, standards, and specifications.
- (2) Policy. Upon approval of a final plat by the Planning and Zoning Commission, and prior to it being signed by the chairperson of the Planning and Zoning Commission, and before said final plat shall be allowed to be recorded in the plat records of Washington County, Texas the applicant requesting final plat approval shall, within the time period for which the final plat has been conditionally approved by the City:
  - (a) Construct all improvements as required by this Chapter, and provide a surety instrument guaranteeing their maintenance as required herein; or
  - (b) Provide a surety instrument guaranteeing construction of all improvements required by this Chapter, and as provided for herein.

- (c) In all instances, the original copy of the final plat, without benefit of required signatures of City officials, shall be held in escrow by the City and shall not be released for any purpose until such time as the conditions of this section are complied with.
  - (d) Upon the requirements of this section being satisfied, the final plat shall be considered fully approved, except as otherwise provided for in this Chapter, and the original copy of the final plat shall be signed by the appropriate persons and City staff shall record said final plat in the plat records of Washington County, Texas.
- (3) Completion of improvements.
- (a) Prior to the signing of the approved final plat by the chairperson of the Planning and Zoning Commission, the applicant shall complete all improvements required by this Chapter in accordance with the approved construction plans and subject to the approval of the Development Services Director or designee and acceptance by the City Council, except as otherwise provided for in this Chapter.
  - (b) Alternative to completing improvements. The Development Services Director or designee may waive the requirement that the applicant complete all improvements required by this Chapter prior to the signing of the approved final plat, contingent upon securing from the applicant a guarantee, as provided for by this Section, for completion of all required improvements, including the City's cost for collecting the guaranteed funds and administering the completion of improvements, in the event the applicant defaults. Such guarantee shall take one (1) of the following forms:
    - (1) Performance bond. The applicant shall post a performance bond with the City, as set forth herein, in an amount equal to one hundred ten percent (110%) of the estimated construction costs for all remaining required improvements, using the standard City form.
    - (2) Escrow account. The applicant shall deposit cash, or other instrument readily convertible into cash at face value, either with the City, or in escrow with a bank, savings and loan or other financial institution acceptable to the City. The use of any instrument other than cash shall be subject to the approval of the City. The amount of the deposit shall equal one hundred ten percent (110%) of the estimated construction costs for all remaining required improvements. In the case of any escrow account, the applicant shall provide the City with an agreement between the financial institution and the applicant, the form and substance of which is subject to approval of the City, guaranteeing the following:

- (A) That the funds of said escrow account shall be held in trust until released by the City and may not be used or pledged by the applicant as security in any other matter during that period; and
  - (B) That in the case of a failure on the part of the applicant to complete said improvements, the financial institution shall immediately make the funds in said account available to the City for use in the completion of those improvements.
- (3) Letter of credit. The applicant shall provide a letter of credit from a bank, savings and loan or other financial institution acceptable to the City. This letter shall be submitted to the City and shall certify the following:
- a. That the creditor does guarantee funds equal to one hundred ten percent (110%) of the estimated construction costs for all remaining required improvements;
  - b. That, in the case of failure on the part of the applicant to complete all remaining required improvements within the required time period, the creditor shall pay to the City immediately upon written request of the City, and without further action, such funds as are necessary to fully pay for the completion of those improvements, up to the limit of credit stated in the letter; and
  - c. That this letter of credit may not be withdrawn, or reduced in amount, until approved by the City according to provisions of this Section.
- (4) Cost estimates. A licensed professional engineer licensed to practice in the State of Texas shall furnish estimates of the costs of all required improvements to the Development Services Director or designee for approval, who shall review the estimates to determine the adequacy of the guarantee instrument for ensuring the construction of all remaining required improvements.
- (5) Surety acceptance. The bank, financial institution, insurer, person or entity providing any letter of credit, bond or holding any escrow account pursuant to this Chapter shall meet or exceed the minimum requirements established by this Chapter and all other applicable ordinances, laws and regulations, and shall be subject to the approval of the City.
- (6) Sufficiency. Such surety shall comply with all statutory requirements, and all associated documents and instruments shall be subject to the approval of the

City Attorney as to form, sufficiency, and manner of execution. All such surety instruments shall be both a payment and performance guarantee.

- (c) Time limit for completing improvements. The period within which required improvements must be completed shall be incorporated in the surety instrument and shall not in any event, without prior written approval of the City, exceed one (1) year from date of final plat approval.
  - (1) The Development Services Director or designee may, upon application of the applicant and upon proof of hardship, extend the completion date set forth in such bond or other instrument for a maximum period of one (1) additional year. An application for extension shall be accompanied by an updated estimate of construction costs prepared by a professional engineer licensed to engage in the practice of engineering in the State of Texas. A surety instrument for guaranteeing completion of remaining required improvements must be filed in an amount equal to one hundred ten percent (110%) of the updated estimate of construction costs as approved by the Development Services Director or designee.
- (d) Assurances for completion shall be posted or improvements shall be completed within two (2) years of final plat approval, unless otherwise approved by the City. In those cases where a surety instrument has been required and posted, and improvements have not been completed within the terms of said surety instrument, the City may declare the applicant and/or surety to be in default and require that all of the required improvements be installed.
- (e) Inspection and acceptance of improvements. The Development Services and Public Utility Departments shall inspect all required improvements, to ensure compliance with City requirements and the approved construction plans.
  - (1) The applicant shall provide a certificate of compliance from the state department of licensing and regulation for all pedestrian improvements within the subdivision.
  - (2) When all required improvements have been satisfactorily completed, the applicant shall request a final inspection.
  - (3) The Development Services Department shall have ten (10) working days to complete this inspection upon notification by the applicant that all required improvements have been completed and are ready for inspection by the City.

- (4) Within ten (10) working days after the date of inspection the Development Services Department shall issue an inspection report including issuance of a punch list to the applicant denoting remaining items to be completed.
- (5) Provided that all improvements have been satisfactorily completed the City Council shall accept in writing, the improvements having been satisfactorily completed. The City shall not accept dedications of required improvements or release or reduce a performance bond or other assurance until such time it is determined that:
  - i. All improvements have been satisfactorily completed.
  - ii. One (1) set of as-built plans measuring twenty-two by thirty-four inches (22" x 34") has been submitted to and approved by the Development Services Director or designee, along with a statement prepared by a professional engineer licensed to engage in the practice of engineering in the State of Texas that all improvements have been installed and constructed in accordance with the submitted as-built plans and the City's applicable rules, regulations, standards, and specifications.
  - iii. Copies of all inspection reports, shop drawings and certified test results of construction materials have been submitted to and approved by the Development Services Director or designee.
  - iv. Two (2) copies of the approved maintenance bond meeting the requirements of this Chapter have been provided to the City.
  - v. Electronic copy containing computed generated Auto CAD drawings of all public improvements shown on the construction plans, and all lot lines shown on the plat, have been submitted to the Development Services Department to update City maps.
  - vi. An affidavit of all bills paid and a release of liens have been provided to the City.
  - vii. An inventory of infrastructure including infrastructure type, location (latitude and longitude coordinates), length, size and dollar value has been provided, using the standard City form.
  - viii. Any and all other requirements identified in the final plat process have been satisfied.

(f) Reduction or release of improvement surety instrument.

- (1) The principal amount of a surety instrument may be reduced with the approval of the Development Services Director or designee, and the City Manager or designee, upon actual construction of required improvements by a ratio that the improvement bears to the total public improvements required for the subdivision, as determined by the Development Services Director or designee.
- (2) Before the City may reduce said surety instrument, the applicant shall provide a new surety instrument in an amount equal to one hundred ten percent (110%) of the estimated cost of the remaining required improvements, and such new surety instrument shall comply with this Chapter and all other applicable ordinances, laws and regulations.
- (3) The substitution of a new surety instrument shall in no way change or modify the terms and conditions of the performance surety instrument or the obligation of the applicant as specified in the performance surety instrument.
- (4) In no event shall a surety instrument be reduced below ten percent (10%) of the principal amount of the original estimated total costs of improvements for which surety was given, prior to completion and acceptance of all required improvements.
- (5) The City shall not release a surety instrument unless and until all of the requirements and conditions of this Chapter have been fulfilled.

(g) Maintenance bond required.

- (1) Before the release of any surety instrument guaranteeing the construction of all required subdivision improvements, or the signing of the final plat where subdivision improvements were made prior to the filing of the final plat for recordation, the applicant shall furnish the Development Services Department with a maintenance bond or other acceptable surety to assure the quality of materials, workmanship, and maintenance of all required improvements including but not limited to the City's costs for collecting the guaranteed funds and administering the correction and/or replacement of covered improvements.
- (2) The maintenance bond or other surety instrument:
  - i. Shall be satisfactory to the City Attorney as to form, sufficiency, and manner of execution.

- ii. Shall clearly state both the applicant as the principal and the City as the obligee.
  - iii. Shall cover all improvements and facilities requested for City acceptance, including but not necessarily limited to water, wastewater, gas, electric, street and drainage improvements.
  - iv. Shall be in an amount equal to ten percent (10%) of the cost of improvements for one (1) calendar year from the date of City Council acceptance of operation and maintenance of the subdivision. A statement of construction value or final pay estimate shall be provided to the Development Services Department to support said warranty and maintenance bond amounts.
  - v. Shall require the surety to notify the City at least thirty (30) days prior to the expiration of the one (1) year maintenance period.
- (3) In an instance where a maintenance bond or other surety instrument has been posted and a defect or failure of any required improvement occurs within the period of coverage, the City may declare the principal on said bond or surety instrument to be in default of its repair and/or maintenance obligations. Surety shall, within thirty (30) days following written notice of default and request for performance from obligee:
- i. Notify obligee in writing of its election to correct all defects and workmanship in the subdivision improvements and shall commence and complete construction, re-construction, replacement, repair or maintenance of the subdivision improvements; or
  - ii. Notify obligee in writing that surety elects not to complete, re-construct, replace, repair, or maintain the subdivision improvements.
  - iii. If the surety fails to give such written notice, then it will be deemed to have elected not to complete, re-construct, replace, repair, or maintain the subdivision improvements. In either event, surety shall be obligated to pay obligee for all loss, cost and expense which the obligee incurs to correct all defects and workmanship in the subdivision improvements. In the event that surety elects to proceed under 3(i) above, the contractor selected by surety to perform such work shall be approved by obligee, which approval shall not be unreasonably withheld.
- (4) Whenever a defect or failure of any required improvement occurs within the period of coverage, the City shall require that a new maintenance bond or

surety instrument be posted for a period of one (1) full calendar year sufficient to cover the corrected defect or failure.

### SECTION 3.

That Chapter 23 – “Subdivisions” of the Code of Ordinances of the City of Brenham, Texas Section 23-10 – Final Plat Application, is hereby amended by deleting subsection 23-10(b)(4):

#### Section 23-10. – Final Plat Application.

...

##### ~~(b)(4) *Guarantee of performance:*~~

- ~~a. If the subdivider elects to construct the required improvements prior to recording of the plat, after such plat has been approved, all such construction shall be inspected while in progress by the city and must be approved upon completion by the city engineer. A certificate by the city engineer that the construction conforms to the plans and specifications and the standards contained in or referred to herein must be presented to the city council prior to acceptance of the subdivision.~~
- ~~b. If the subdivider decides or elects to file security in lieu of completing construction prior to recording of the final plat, he may utilize one of the following methods of posting security. If the subdivider elects to file security, the plat shall not be recorded unless the subdivider has done one of the following:~~
  - ~~1. *Performance bond* has filed with the commission a bond executed by a surety company holding a license to do business in the State of Texas, and acceptable to the City of Brenham on a form approved by the city, in an amount of the improvements as estimated by the city engineer. The performance bond shall be approved as to form and legality by the city attorney; or~~
  - ~~2. *Trust agreement* has placed on deposit in a bank or trust company in the name of the city, and approved by the city, in a trust account, a sum of money equal to the estimated cost of all improvements required by this chapter, the cost and the time of completion as estimated by the city engineer, selection of the trustee shall be subject to approval by the city and the trust agreement shall be executed on the form provided by the city and approved as to form and legality by the city attorney. Periodic withdrawals may be made from the trust account for a progress payment of installation costs. The amount of withdrawals shall be based upon progress work estimates approved by the city engineer. All such withdrawals shall be approved by the trustee; or~~
  - ~~3. *Unconditional guarantee from local bank or local savings and local association or other financial institution as approved by the City of Brenham* has filed with the commission, a letter, in a form approved by the city, signed by a principal officer of a local bank, local savings and loan association, or other financial institution, acceptable to the city, agreeing to~~



~~pay to the City of Brenham, on demand, a stipulated sum of money to apply to the estimated cost of installation of all improvements for which the subdivider is responsible under this chapter. The guaranteed payment sum shall be the estimated costs and scheduling as prepared by the subdivider's engineer and approved by the city engineer. The letter shall state the name of the subdivision and shall list the improvements that the subdivider is required to provide.~~

- ~~e. If one of the three (3) types of security is filed by the subdivider under paragraph (b)(4)b. of this section, the city engineer shall inspect the construction of improvements while in progress and shall inspect such improvements upon completion of construction. After final inspection, he shall notify the subdivider and the city attorney in writing as to its acceptance or rejection. He shall reject such construction only if it fails to comply with the standards and specifications contained or referred to herein. If he rejects such construction, the city attorney shall, on direction of the city council, proceed to enforce the guarantees provided in this chapter.~~
- ~~d. When good cause exists, the city engineer may extend the period of time for completion under paragraph (b)(4)b. of this section. No such extension shall be granted unless security as provided in said paragraph (b)(4)b. has been provided by the subdivider covering the extended period of time.~~
- ~~e. Neither the subdivider nor the contractor shall make a connection to or tap into the city water distribution system, electric system, or sanitary sewer system. The subdivider shall furnish all necessary materials to make the final tap or connection.~~
- ~~f. The subdivider shall require his construction contractors, with whom he contracts for furnishing materials and for installation of the improvements required under this chapter, and shall himself be required to furnish to the city a written guarantee that all workmanship and materials shall be free of defects for a period of one year from the date of acceptance by the city engineer.~~

#### **SECTION 4. SAVINGS CLAUSE.**

All provisions of any ordinance in conflict with this Ordinance are hereby repealed to the extent they are in conflict; but such repeal shall not abate any pending prosecution for violation of occurring prior to the repeal of the ordinance. Any remaining portions of said ordinances shall remain in full force and effect.

#### **SECTION 5. SEVERABILITY.**

Should any section, subsection, sentence, clause or phrase of this Ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, it is expressly provided that any and all remaining portions of this Ordinance shall remain in full force and effect. City hereby declares that it would have passed this Ordinance, and each section, subsection, sentences, clauses and phrases be declared unconstitutional or invalid.

**SECTION 6. REPEALER.**

Any other ordinances or parts of ordinances in conflict with this Ordinance are hereby expressly repealed.

**SECTION 7. PROPER NOTICE AND MEETINGS.**

It is hereby officially found and determined that the meetings at which this Ordinance was passed were open to the public as required and that public notice of the time, place and purpose of said meetings were given as required by the Open Meetings Act, Chapter 551 of the Texas Government Code.

**SECTION 8. EFFECTIVE DATE.**

This Ordinance shall take effect as provided by the Charter of the City of Brenham, Texas.

**PASSED** and **APPROVED** on its first reading this the 1<sup>st</sup> day of October 2020.

**PASSED** and **APPROVED** on its second reading this the 15<sup>th</sup> day of October 2020.

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Milton Y. Tate, Jr.  
Mayor

ATTEST:

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Jeana Bellinger, TRMC, CMC  
City Secretary



# PLANNING & ZONING COMMISSION MEETING

September 28, 2020



## UTILITIES LOCATED UNDERGROUND

### CURRENT ORDINANCE

- Private utilities within a **residential** subdivision shall be underground:
  - Electric lines
  - Telephone cables

### PROPOSED ORDINANCE

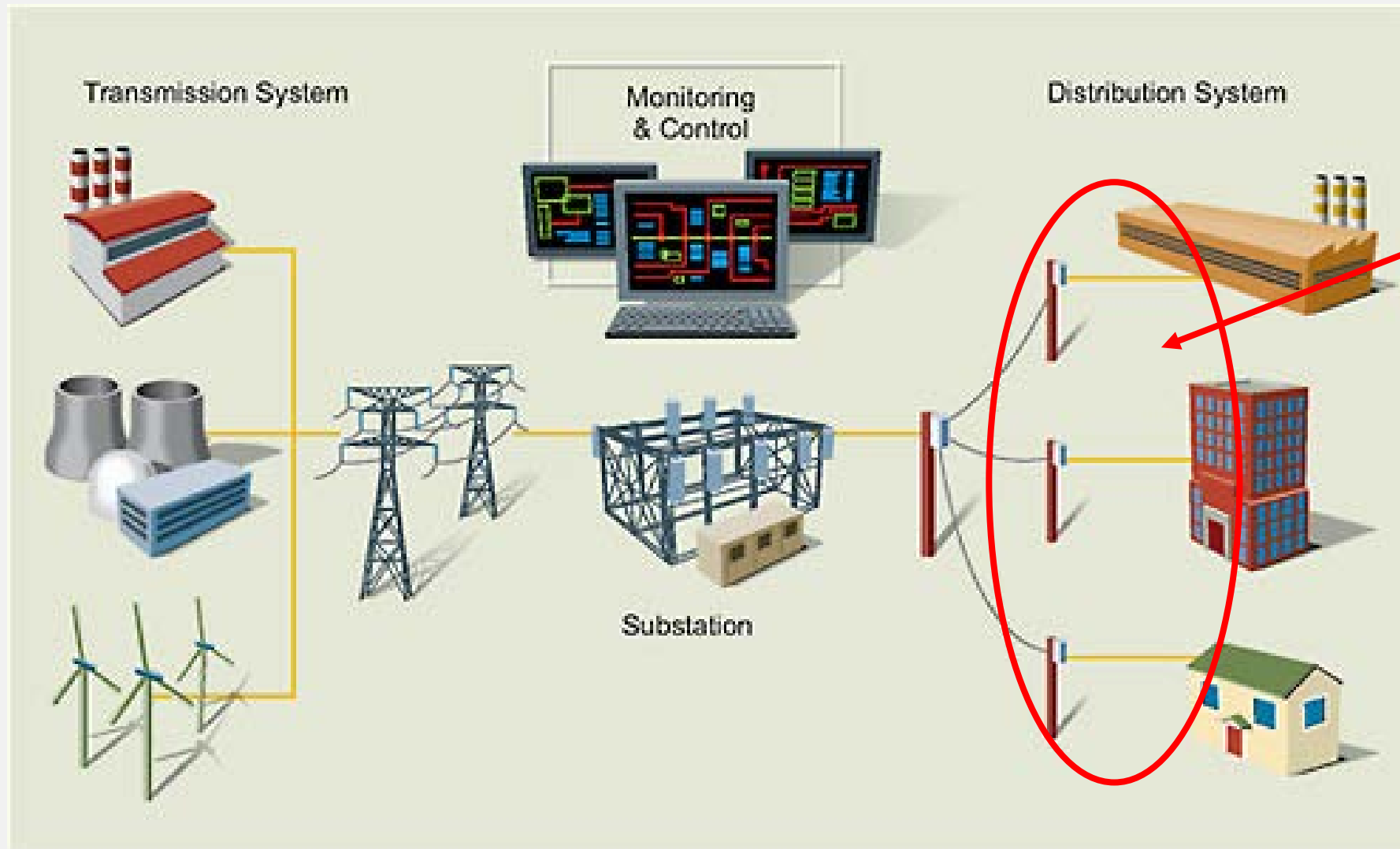
- Private utilities within a **development\*** shall be underground:
  - Electric lines
  - Telephone cables

\*Includes residential, commercial, industrial



All private, franchised utilities, including, but not limited to, electric lines, telephone cables, television cables and natural gas mains, shall be located underground throughout any new development; ***except that overhead electric lines may be utilized in the perimeter easements of a development***, where primary electric lines and/or feeders are necessary to provide services to the development and adjacent areas.

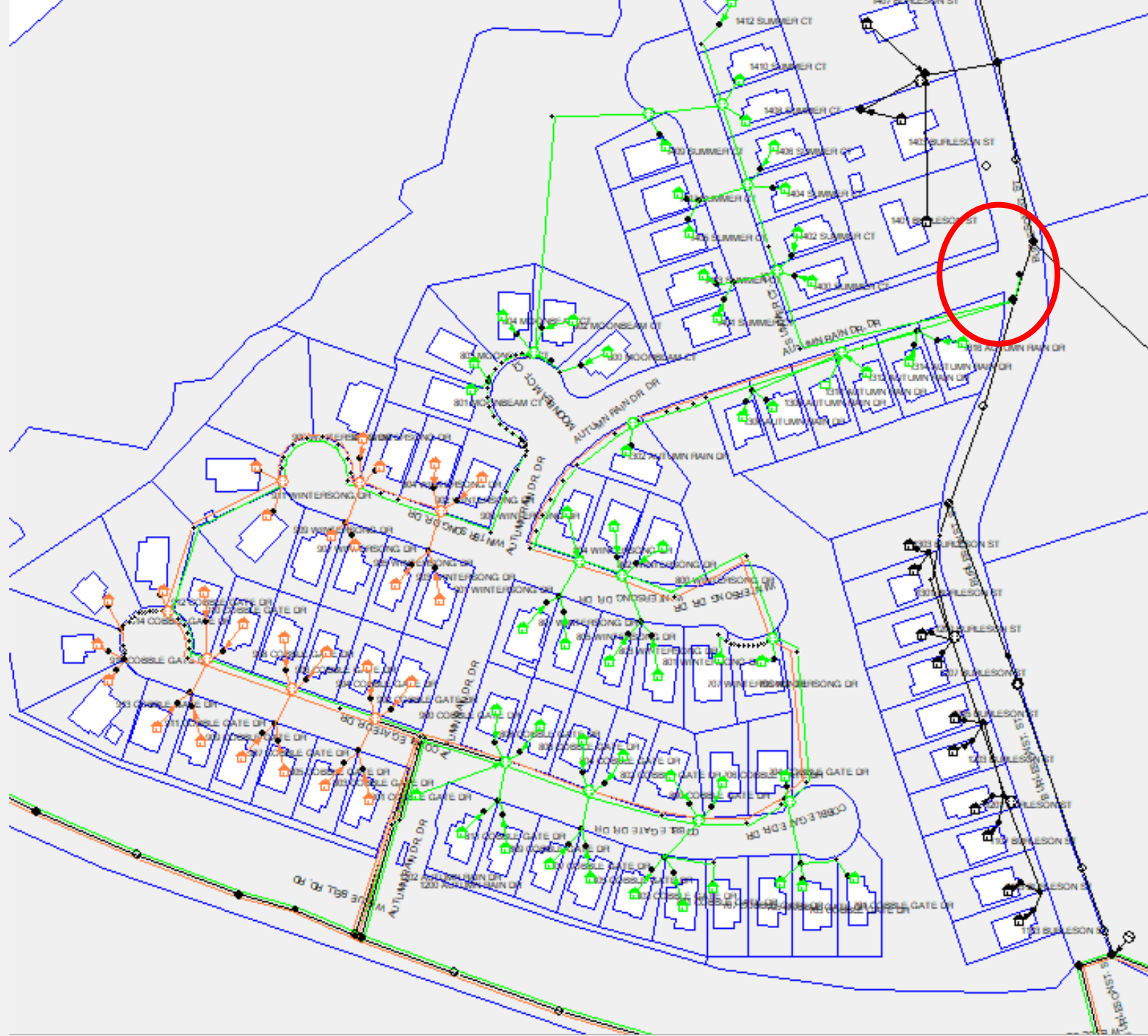
UTILITIES  
LOCATED  
UNDERGROUND



Area of  
consideration

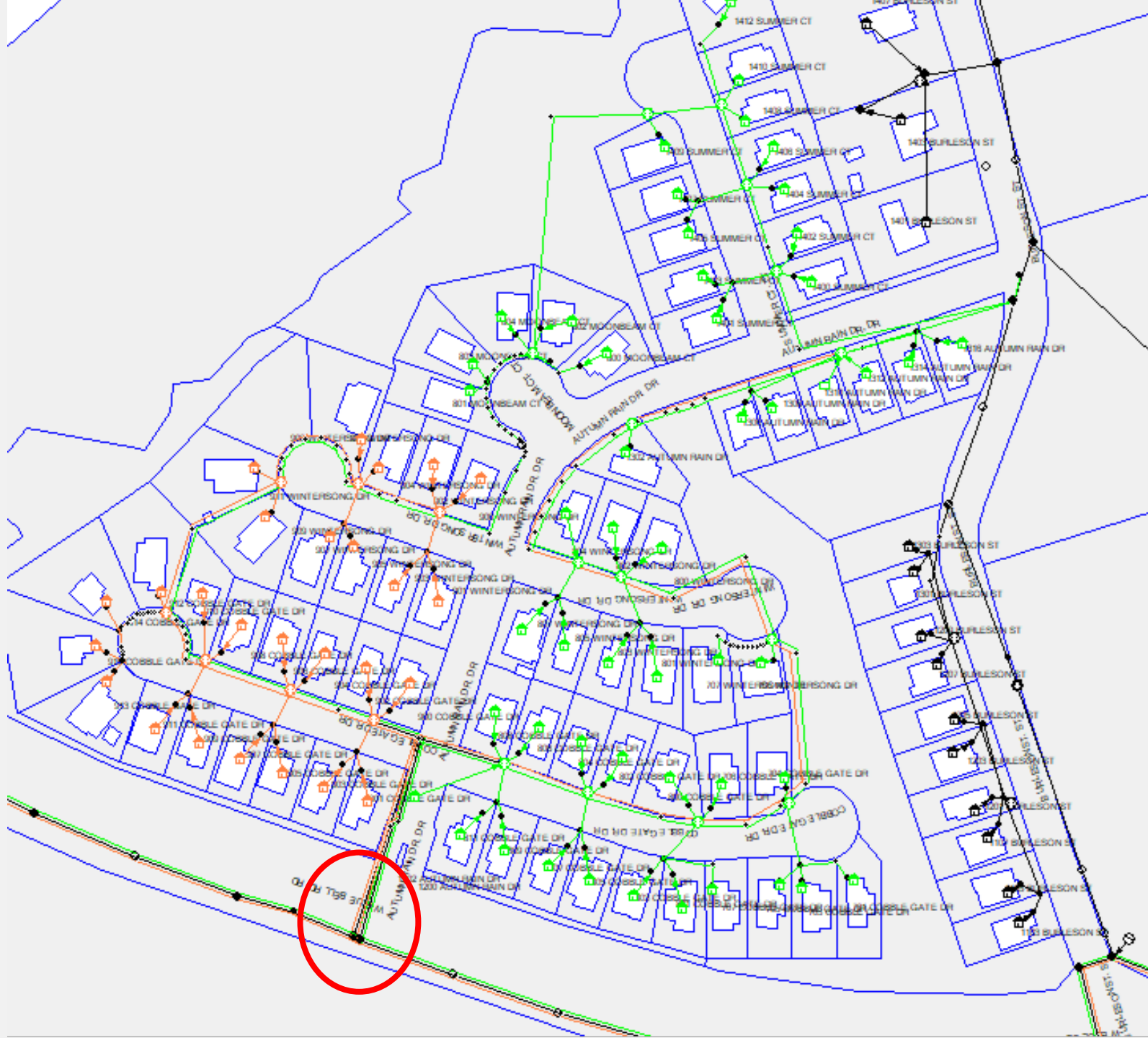


LOCAL EXAMPLE  
WOODBIDGE





LOCAL EXAMPLE  
WOODBIDGE







# LOCAL EXAMPLE BLINN COLLEGE





# CONSTRUCTION OF PUBLIC INFRASTRUCTURE

## EXISTING ORDINANCE

- Currently listed as “Guarantee of performance”
- Listed in the Final Plat sub-section of the Subdivision Ordinance (23-10(b)(4))
- Unclear or silent about
  - Posting a security
  - Completion deadline
  - Infrastructure acceptance process
  - Guarantee of workmanship (maintenance bond)



# CONSTRUCTION OF PUBLIC INFRASTRUCTURE

## PROPOSED ORDINANCE

- Listed as Assurances for Completion of Improvements
- Listed as its own Section 23-31
- Clarifies
  - Security options: Performance Bond, Escrow Account, Letter of Credit
  - Completion deadline: One (1) year from date of plat approval
  - Infrastructure acceptance process clarified.
  - Maintenance bond procedure established.



**Questions  
Comments  
Feedback**