



**NOTICE OF A REGULAR MEETING  
BRENHAM PLANNING AND ZONING COMMISSION  
MONDAY, NOVEMBER 23, 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 October 26, 2020 Planning and Zoning Commission Meeting.**

**REGULAR AGENDA**

**5. Public Hearing, Discussion and Possible Action on Case No. P-20-038: A request to Replat Lots 10 and 11 of the Gun and Rod Circle Subdivision to create Lot 10A, containing 1.019 acres of land, located at 2431 Gun & Rod Circle, out of the Isaac Lee Survey, A-77, in Brenham, Washington County, Texas.**

**6. Public Hearing, Discussion and Possible Action on Case No. P-20-039: A city-initiated request for an Amendment to the City of Brenham's Official Zoning Map of the Code of Ordinances to change the zoning from a Commercial, Research and Technology Use District (B-2) to a Local Business/Residential Mixed Use District (B-1) for all or a portion of the following tracts of land as described by the Washington County Appraisal District property identification numbers in Brenham, Washington County, Texas:**

- a. R23561, 401 Clinton Street, Keys 1<sup>st</sup> Addition, Block 26, Lot N Part of 5A
- b. R23562, 403 Clinton Street, Keys 1<sup>st</sup> Addition, Block 26, Lot S Part of 5A
- c. R23564, 405 Clinton Street, Keys 1<sup>st</sup> Addition, Block 26, Lot 5B
- d. R23566, 505 Clinton Street, Keys 1<sup>st</sup> Addition, Block 26, Lot 6A

- e. R23565, 507 Clinton Street, Keys 1<sup>st</sup> Addition, Block 26, Lot 6B
- f. R23563, Vacant Lot, Keys 1<sup>st</sup> Addition, Block 26, Lot E, Part of 5A
- g. R23573, 500 Seelhorst Street, Keys 1<sup>st</sup> Addition, Block 27, Lot Part 11
- h. R23570, 506 Dark Street, Keys 1<sup>st</sup> Addition, Block 27, Lot 10A
- i. R23571, Vacant Lot, Keys 1<sup>st</sup> Addition, Block 27, Lot NW Part of 10B
- j. R40943, 508 Dark Street, Keys 1<sup>st</sup> Addition, Block 27, Lot NE Part of 10B
- k. R23572, 510 Dark Street, Keys 1<sup>st</sup> Addition, Block 27, Lot S Part of 10B
- l. R23575, 502 Seelhorst Street, Keys 1<sup>st</sup> Addition, Block 27, Lot 11C
- m. R23576, 504 Seelhorst Street, Keys 1<sup>st</sup> Addition, Block 27, Lot 11D
- n. R23577, 502 Dark Street, Keys 1<sup>st</sup> Addition, Block 27, Lot E
- o. R14376, 604 Seelhorst Street, Arrabella Harrington, Tract 65, Acres 1.13
- p. R14571, 507 Dark Street, Arrabella Harrington, Tract 250, Acres 0.09
- q. R14479, 509 Dark Street, Arrabella Harrington, Tract 153
- r. R56425, 702 Seelhorst Street, Scheel Subdivision, Part of Lot 1, Acres 2.438
- s. R41882, 706 Seelhorst Street, Scheel Subdivision, Lot 2, Pt 1, Acres 0.31
- t. R14341, 708 Seelhorst Street, Arrabella Harrington, Tract 32, Acres 5.646

7. Adjourn

**CERTIFICATION**

I certify that a copy of the November 23, 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 November 19, 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  
October 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 October 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  
Artis Edwards, Jr.  
Calvin Kossie  
Cayte Neil  
Lynnette Sheffield

Commissioners absent:

Marcus Wamble (excused)

Staff present:

Stephanie Doland, Director of Development Services  
Kim Hodde, Planning Technician

Citizens present:

Jeff Robertson  
Josh Blaschke, KWHI  
Alyssa Faykus, Brenham Banner Press

**1. Call Meeting to Order**

Chairman Behrens called the meeting to order at 5:19 pm with a quorum of six (6) Commissioners present.

**2. Public Comments**

There were no public comments.

**3. Reports and Announcements**

- Recognition/appreciation dinner. A dinner will be held on November 10, 2020 at Los Cabos to recognize long-time P & Z Commission members Nancy Low, Leroy Jefferson, and Lynnette Sheffield.
- Training. Ms. Doland stated that she is working with City Attorney, Cary Bovey, to finalize potential dates for additional board training, possibly January 12, 2021, January 14, 2021, or January 21, 2021.
- P & Z Commission Member. Due to Commissioner Sheffield not seeking re-appointment, a new P & Z Commissioner is needed. Ms. Doland asked if anyone knows of a potential candidate to encourage them to apply for this vacant position.

## 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 September 28, 2020 Planning and Zoning Commission Meeting.**
- 4-b. **Case No. P-20-035: Final 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.**
- 4-c. **Case No. P-20-037: Final Plat of the Vintage Farms Subdivision, Phase III, being a replat of Reserve "A" of the Vintage Farms Subdivision, Phase I, containing 10.677 acres out of the Phillip H. Coe Survey, A-31 in Brenham, Washington County, Texas.**

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

## REGULAR SESSION

- 5. **Public Hearing, Discussion and Possible Action on Case No. P-20-036: A city-initiated request for an amendment to the City of Brenham's Official Zoning Map of the Code of Ordinances for an amendment to the Planned Development District Ordinance Number O-20-013 to correct a scrivener's error in Section IV for the Lakes at Vintage Farms, being approximately 52.428 acres of land located south and west of Dixie Road and further described as Tract 7 of the Phillip Coe Survey, A-31, in Brenham, Washington County, Texas.**

Stephanie Doland, Development Services Director, presented the staff report for Case No. P-20-036 (on file in the Development Services Department). Ms. Doland stated that this is a city-initiated request to correct an error in the existing Planned Development District Ordinance. The adopted ordinance contains six sections that outline the development standards for the proposed subdivision; however, Section IV (4) was incorrectly included in this ordinance. Staff requests approval of this rezoning request to correct a scrivener's error by removing the incorrect section (Section IV) of Ordinance No. O-20-013.

Three mail-in citizen comments were received. One was in favor of the request, one was against the request, and the third indicated being in favor of the request; however, the comments would show that they were not in favor of the request.

Staff recommends approval of this request as presented.

Chairman Behrens opened the Public Hearing at 5:25 pm. There were no citizen comments.

Chairman Behrens closed the Public Hearing at 5:25 pm.

A motion was made by Commissioner Alfred and seconded by Commissioner Sheffield to recommend approval of a city-initiated request for an amendment to the City of Brenham's Official Zoning Map of

the Code of Ordinances for an amendment to the Planned Development District Ordinance Number O-20-013 to correct a scrivener's error in Section IV for the Lakes at Vintage Farms, as presented. The motion carried unanimously.

**6. Discussion, Update and Possible Direction to Staff on the Planning and Zoning Commission's Plan of Work for 2020-2021.**

Stephanie Doland, Development Services Director, stated that during the June Planning and Zoning Commission meeting, a workshop session was held to discuss the Commission's Plan of Work for the upcoming year. Staff presented a list of projects that could be considered. Staff was directed to research and provide additional details and a timeline for completion.

- **Sidewalks Installation with New or Redevelopment**

Ms. Doland stated that recently the City of Brenham identified two street improvement projects but there is limited funding available for sidewalks; therefore, staff proposes to postpone the sidewalk requirement until a later date.

- **Adoption of the Historic Preservation Ordinance**

The Historic Preservation Project is moving forward. The first Historic Preservation Ordinance Committee was held on October 22, 2020. Commissioners Alfred and Neil are serving on this committee. The process to draft an Ordinance is anticipated to take six months to a year.

- **Market Street Study**

A new grant opportunity through the Community Development Block Grant Program was announced. Staff is working with Susan Cates, Economic Development Director, to apply for a Rural Economic Development (RED) Grant. This new grant would offer the opportunity to apply for both planning and implementation funding with an anticipated application date of the Spring of 2021. There would be one grant application with two years of funding, first year for Planning and the second year for Implementation.

- **Text Amendments, Including:**

1. RV Parks as an allowed use.
2. Revisions to the definitions and standards pertaining to public, institutional, and philanthropic uses; (Churches, Boy's & Girl's Club, Sr. Center, etc.)
3. Clarification of Mixed-Use definition and development in the B-3, B-4, PD, and DBROD Districts: B-2 zoning allows a variety of uses but doesn't define if more than one can be done on the property, e.g. commercial/retail and residential.
4. Buffer-yard standards.

It was the consensus of the Commission to keep the sidewalks on the Strategic Action Priority list of the Brenham Comprehensive Plan, *Plan 2040* but not to pursue at this immediate time. Commission Neil stated that it appears that RV Parks are a recurrent request, and it appears that the mixed-use concept is very popular so it may behoove is to look into that concept further.

Ms. Doland stated that staff would move forward with the Historic Preservation Ordinance and application for grant funding for the Market Street Study (when available). Staff will do additional research on the RV Parks as an allowed use and the mixed-use concept and guidelines then hold a workshop with the Planning and Zoning Commission to receive further direction.

**7. Adjourn.**

A motion was made by Commissioner Sheffield and seconded by Commissioner Kossie 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>November 23, 2020</u>
Planning and Zoning Commission	Chairman	Meeting Date
_____	<u>Kim Hodde</u>	<u>November 23, 2020</u>
Attest	Staff Secretary	Meeting Date



**CASE P-20-038**  
**REPLAT: LOTS 10 & 11 OF THE GUN & ROD CIRCLE SUBDIVISION**  
**TO CREATE LOT 10A**

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**PLAT TITLE:** Replat of Lots 10 & 11 of the Gun & Rod Circle Subdivision to create Lot 10A     **CITY/ETJ:** City Limits

**PLAT TYPE:** Replat

**OWNER:** William C. and Pamela A. Yester

**APPLICANT/AGENT:** Blakey Land Surveying, Mike Blakey

**LOT AREA /LOCATION:** 1.019-acres / 2431 Gun & Rod Road

**PROPOSED LEGAL DESCRIPTION:** Lot 10A of the Gun & Rod Circle 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 Lots 10 & 11 of the Gun & Rod Circle Subdivision to create Lot 10A, in Brenham, Washington County, Texas.

**BACKGROUND:**

The subject property was originally platted in October 1994 as Lot 10 and Lot 11 of the Gun & Rod Circle Subdivision, which was outside of the city limits. The subdivision was annexed into the city limits in 1996. The property owners would like to construct an accessory structure on Lot 10; however, the City of Brenham Zoning Ordinance requires that all accessory structures or uses shall be subordinate to and supportive of the principal use and structure. An accessory structure cannot be located on a lot that does not have a principal structure. Therefore, the applicant is requesting to replat the two lots into one. The subject properties are currently served by existing City water, sanitary sewer, and natural gas. The property is in the Bluebonnet Electric Service territory and the electric is served by Bluebonnet Electric. No additional easements are required with the proposed replat.

**STAFF RECOMMENDATION:**

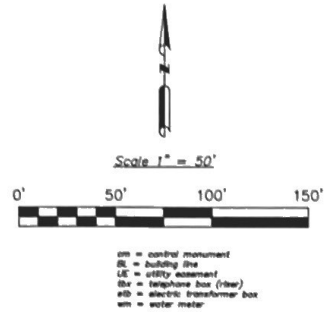
Development Services staff has reviewed the proposed Replat for compliance the City of Brenham's regulations and ordinances and **recommends approval** of the proposed Replat.

**EXHIBITS:**

A. Proposed Replat Document



Replat of Lot 10 and Lot 11 of  
Gun & Rod Circle Subdivision,  
Creating Lot 10A (1.019 Acres)  
Being out of the Isaac Lee Survey, A-77  
City of Brenham, Washington County, Texas



Showing a survey of 1.019 acres of land, situated in Washington County, Texas, being out of the Isaac Lee Survey, A-77, in the City of Brenham, being Lot 10 and Lot 11 of the Gun & Rod Circle Subdivision (plot recorded in Plot Cabinet File No. 3288, Plot Records of Washington County, Texas), and being the same property described in that deed dated December 5, 2016, from Beverly Frew to William C. Yester and Pamela A. Yester, recorded in Volume 1564, Page 0248, Official Records of Washington County, Texas.

**PLANNING AND ZONING COMMISSION APPROVAL**

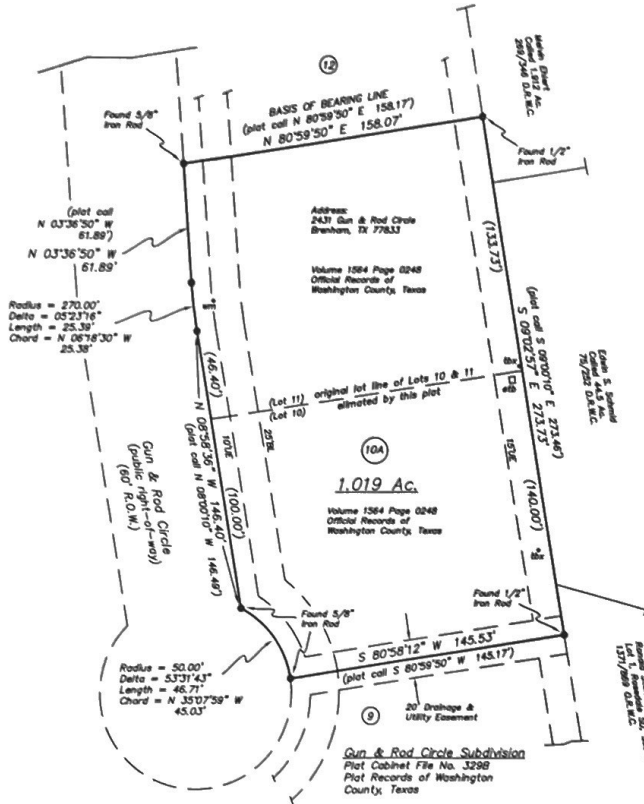
Approved this \_\_\_\_\_ day of \_\_\_\_\_, 2020, by the Planning and Zoning Commission of The City of Brenham, Texas.

Chairman \_\_\_\_\_

Secretary \_\_\_\_\_

Isaac Lee Survey  
Abstract No. 77  
Washington County, Texas

City of Brenham



**Notes:**

- 1) This plat does not attempt to amend or remove any valid covenants or restrictions.
- 2) 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.
- 3) The subject tracts/lots shown hereon do not lie within the Special Flood Hazard Area according to the FEMA Flood Insurance Rate Map for Washington County, Texas, Map Number 4847700295C, effective date August 16, 2011.
- 4) All tract/lot corners shown hereon are marked with Set 5/8" Iron Rods, unless otherwise noted.
- 5) All oil/gas pipelines or pipeline easements with ownership through subdivision have been shown.
- 6) All oil/gas wells with ownership (plugged, abandoned, and/or active) through the subdivision have been shown.
- 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 (fifteen) feet off centerline of low pressure gas lines, and 30 (thirty) feet off centerline of high pressure gas lines.

**OWNER'S ACKNOWLEDGEMENT**

I, William C. Yester, owner of the land described hereon and whose name is 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.

William C. Yester

**NOTARY PUBLIC ACKNOWLEDGEMENT**

THE STATE OF TEXAS  
COUNTY OF WASHINGTON

This instrument was acknowledged before me on this \_\_\_\_\_ day of \_\_\_\_\_, 2020 by William C. Yester

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

**OWNER'S ACKNOWLEDGEMENT**

I, Pamela A. Yester, owner of the land described hereon and whose name is 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.

Pamela A. Yester

**NOTARY PUBLIC ACKNOWLEDGEMENT**

THE STATE OF TEXAS  
COUNTY OF WASHINGTON

This instrument was acknowledged before me on this \_\_\_\_\_ day of \_\_\_\_\_, 2020 by Pamela A. Yester

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

**COUNTY CLERK FILING ACKNOWLEDGEMENT STATEMENT**

I, Beth Rothermel, Clerk of the County Court of Washington County, Texas, do hereby certify that the within instrument was filed with my office on the \_\_\_\_\_ day of \_\_\_\_\_, 2020, at \_\_\_\_\_ o'clock, \_\_\_\_\_ m., and duly recorded on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_ o'clock, \_\_\_\_\_ m., in cabinet \_\_\_\_\_ sheet \_\_\_\_\_ of the \_\_\_\_\_ records of said county.

Beth Rothermel  
Clerk of the County Court of Washington County, Texas.

By: \_\_\_\_\_

KNOW ALL MEN BY THESE PRESENTS: That I, do hereby certify that I prepared this plat from an actual and accurate survey of the land and that the corner monuments shown hereon were properly placed and under personal supervision, in accordance with the Subdivision Regulations of the City of Brenham, Texas.

Michael J. Blakey  
Registered Professional Land Surveyor No. 56383 August 28, 2020



W.O. 2020-1070

**Blakey Land Surveying**

RPLS 4052 RPLS 5935

4600 Wilshire, Suite  
Porter, Texas 77586

(979) 869-3900





**CASE NUMBER P-20-039**  
**ZONE CHANGE REQUEST – B-2 to B-1**

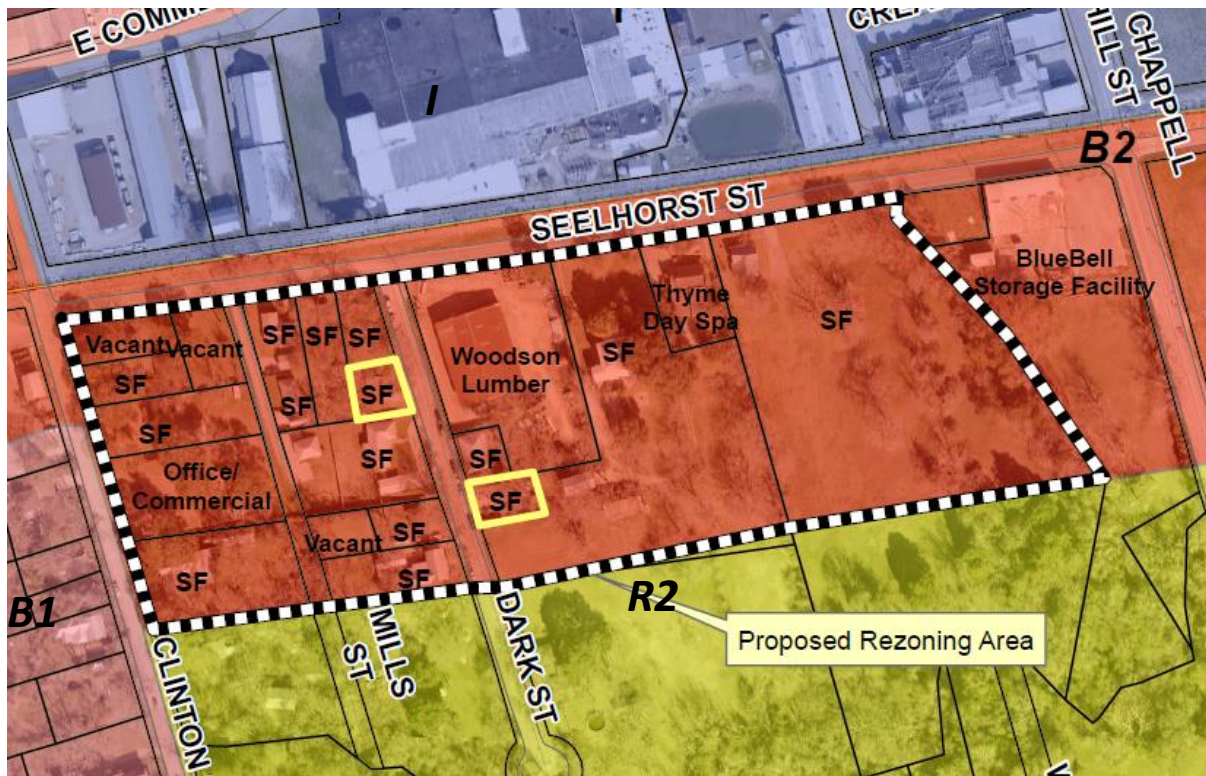
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<b>STAFF CONTACT:</b>	Shauna Laauwe, AICP, Project Planner
<b>APPLICANT:</b>	City of Brenham
<b>LEGAL DESCRIPTION:</b>	All or a portion of various tracts of land generally bounded by and/or adjacent to 439 feet of Clinton Street to the west, Seelhorst Street to the north being 1,145 feet, and S. Chappell Hill Street to the east to include portions of Dark Street, Mills Street, and Clinton Street
<b>LOT AREA:</b>	Approximately 12.11 acres
<b>ZONING DISTRICT/USE:</b>	B-2, Commercial Research and Technology / Residential and Commercial (Exhibit B)
<b>FUTURE LAND USE:</b>	Single-Family Residential
<b>REQUEST:</b>	A request to change the zoning classification from Commercial Research and Technology Use District (B-2) to Local Business Mixed Residential District (B-1). (Exhibit C)

**BACKGROUND:**

Within the last four months, City Staff has received numerous calls from property owners on Dark Street that have single-family homes that are in dire need of renovations or possible demolition and reconstruction. In the separate, but similar circumstances, the property owner of 502 Dark Street and 509 Dark Street called the Development Services Department inquiring about the process to receive a building permit for major renovations and possible demolition and subsequent rebuilding of their single-family homes. Unfortunately, the properties are located within a B-2, Commercial Research and Technology District that does not allow single-family homes as either a permitted or a specific use and therefore the homes are considered to be legally nonconforming uses/structures. The City of Brenham officially first adopted a Zoning Ordinance in 1968. On April 1, 1996, a new Comprehensive Zoning Ordinance (O-95-039) went into effect that restructured many of the previous zoning ordinance district use designations to what is generally still used today. Prior to April 1996, the B-2 District allowed R-1 and R-2 uses that included single-family and two-family homes. Thus, at the time the existing homes located at 502 and 509 Dark Street were constructed in 1975 and 1948, respectfully, they either predated the zoning ordinance or were permitted uses within the B-2 District. Within the City of Brenham Code of Ordinances, Appendix A, Part IV, Division 3, Section 4, details the limitations to continuing a nonconforming use. As legal nonconforming structures, routine repairs and alterations may be made to a building occupied by a legally existing nonconforming use, provided that no structural alterations or extensions shall be made unless the building is changed to a conforming use. Thus, the existing homes may not construct additions, or remove and rebuild due to their nonconforming status. Therefore, Development Services staff was unable to issue a building permit to the property owners for the proposed renovations and construction of a new home.

Map 1



Generally bounded by approximately 1,145 feet of Seelhorst Street to the north, 439 feet of Clinton Street to the west and South Chappell Hill Street to the east, and portions of Dark Street, Mills Street, and Clinton Street, the subject area is currently zoned B-2 (See Map 1 above). However, fifteen (15) of the twenty (20) lots have existing legally nonconforming single-family residential uses (shown as SF on Map 1) and two (2) lots are vacant. The only three existing conforming uses include Woodson Lumber, Thyme Day Spa, and an office building on Clinton Street. Surrounding zoning districts include R-2, Mixed Residential to the south, with B-1 to the west of Clinton Street and an I, Industrial District to the north across Seelhorst Street. The Future Land Use Map envisions this area as Single-Family Residential. In order to allow the existing nonconforming homes to be renovated and brought up to current building code, Staff has prepared a City initiated rezoning of the area from B-2 to B-1, Local Business Mixed Residential District. While, the proposed rezoning to B-1 would cause Woodson Lumber to become a legally nonconforming use, the rezoning would be a step towards the envisioned single-family residential use. The downzoning would bring the existing residential uses into conformance and allow neighborhood commercial use to include the existing office and day spa.

#### ANALYSIS OF CITY OF BRENHAM ZONING POLICIES:

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

- (1) The city's zoning should recognize and seek to preserve the small-town attributes that make Brenham a special place for its citizens to live, work and play. Please refer to Map 1 for a visual of the current zoning described herein.

The subject rezoning area is surrounded by a mixture of industrial, commercial, and residential uses. The proposed area encompasses approximately 12.11 acres and 20 separate lots that are generally bounded by Seelhorst Street to the north, Clinton Street to the west and South Chappell Hill Street to the east, and comprised of portions of Dark Street, Mills Street, and Clinton Street. The adjacent properties to the north, across Seelhorst Street, are zoned I, Industrial District and developed as Stanpac, Blue Bell Creameries, Woodson Lumber, and a welding business. To the west, across Clinton Street is zoned B-2, Commercial Research and Technology and B-1, Local Business Mixed Residential and developed as the former recycling center, offices, and residential. The properties to the south of the proposed area are zoned R-2, Mixed Residential and are developed as mostly single-family uses with some multi-family residential uses. To the east, on the southwest and southeast corners of Seelhorst and South Chappell Hill Street, are two large lots zoned B-2 and owned by Blue Bell Creameries, with the southwest corner developed as a storage facility and the southeast corner being undeveloped vacant land. Further east is zoned R-2 and developed as a mixture of residential uses.

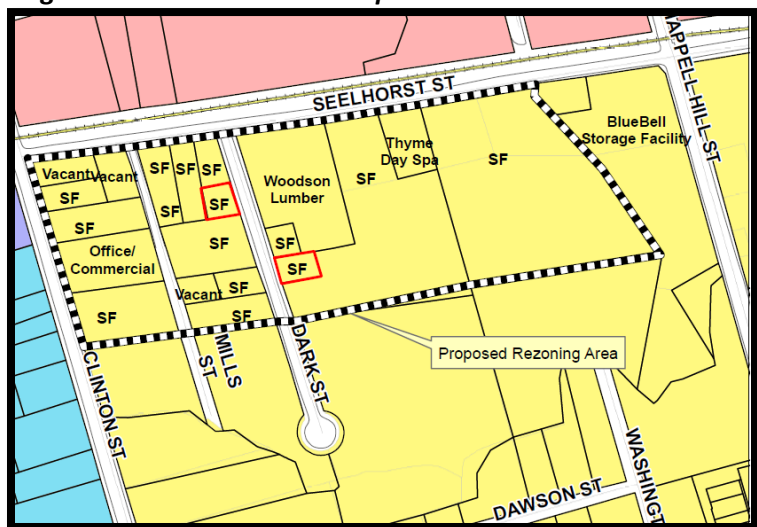
The City is currently pursuing the rezoning to reestablish the existing residential homes as conforming, permitted uses. When the existing 15 single-family homes in the designated area were constructed, they either predated the City’s zoning ordinance established in 1968 or were built between 1968 and 1996. In 1996, the zoning ordinance was restructured to not allow residential as a permitted use in the B-2 district. The current B-2 zoning designation does not allow for the legally nonconforming (grandfathered) homes to be remodeled more than routine repairs, expanded, or torn down and reconstructed. The designated area does include an office building at 505 Clinton Street and Thyme Day Spa at 706 Seelhorst that are permitted uses in both the B-2 and B-1 districts. Woodson Lumber, located at 604 Seelhorst, would become a legally grandfathered nonconforming use.

As evidenced, the subject property is located within an area of a mixture of land uses, and is a long-standing residential area and approval of the proposed rezoning request would allow residents to improve and further develop their residential homes, while also allowing all but one of the existing commercial uses to continue as a permitted uses.

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

As shown in Figure 2, the future land use map portion of the Historic Past, Bold Future: Plan 2040 Comprehensive Plan suggests the subject property may be appropriate as part of a future expanded residential uses. Furthermore, the future land use map shows the area east of Clinton Street to South Blue Bell Street as an appropriate area for single-family residential. The requested B-1 zoning district allows for a mixture of land uses, including single-family, two-family, and multifamily residential, and neighborhood commercial uses. These permitted

Figure 2- Future Land Use Map



uses would include the existing residential uses, the office building, and the Thyme Day Spa. The Future Land Use Map, shown in Figure 2 includes the subject site (bound by the checkered line) and surrounding area. The yellow area that includes the subject area and area to the south represents envisioned single-family uses, the pinkish color represents envisioned commercial uses, the blue area is corridor mixed use, and the purple area represents envisioned downtown area.

If the requested zone change were approved, the property owners of the existing residential uses would be permitted to expand or construct new residential structures. The Comprehensive Plan contains a section dedicated to guiding principles to include goals for land use and development. The third goal listed states "Older housing stock is revitalized, ensuring safe housing conditions for all residents." The proposed rezoning would bring the existing grandfathered residential structures back in conformance as permitted uses, which meets this goal.

The proposed B-1 zoning does not completely match the Future Land Use Map envision of single-family, but does represent a step towards to the envisioned direction by replacing the existing B-2 commercial district to a district that allows both residential and neighborhood type business uses. Staff finds that the proposed request meets the Future Land Use Plan and is a step towards the goals and land use policies established in the Comprehensive Plan.

- (3) The city's zoning should be designed to facilitate the more efficient use of existing and future city services and utility systems in accordance with the Comprehensive Plan.

The proposed rezoning area mostly consists of developed land with existing utility services located along the rights-of-way of Seelhorst, Clinton, Mills, Dark, and S. Chappell Hill Streets. No new infrastructure would be required for new development.

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

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

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

Property owners within 200 feet of the project site were mailed notifications of this request on November 12, 2020. The Notice of Public Hearing was published in the *Brenham Banner* on November 12, 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 properties will be required to adhere to minimum building setbacks and maximum impervious coverage requirements for property zoned B-1. The B-1 zoning district establishes a maximum impervious coverage limit of 80% and minimum building setbacks. Furthermore, development of new nonresidential uses adjacent to an existing residential use will require additional buffer yard requirements along the property lines of the residential use. Staff finds that the adopted zoning ordinance and building codes will ensure that adequate open spaces are preserved on the subject lots.

- (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 of its residents.

**The requested zoning and associated land uses are appropriate for this location given adjacent zoning designations, existing development within and in the vicinity, as well as conformance with the City's adopted future land use map.**

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

**Rezoning the subject area to B-1 will allow the existing legally nonconforming residential uses that comprise 15 of the 20 lots and have existed since prior to 1996 to be permitted uses. The B-1 zoning would allow the many residential structures that are currently in disrepair to be renovated or torn down and completely rebuilt. The abutting properties to the south are mixed residential uses, with single family and multifamily residences.**

**Rezoning the property from a commercial use to a mixed commercial and residential use would allow the existing residential properties to make large-scale improvements and it would encourage redevelopment of the long-existing neighborhood. Buffer yard and screening requirements are established to preserve existing neighborhoods and ensure adjacent property develops in a manner compatible to nearby land uses. Any new commercial development next to an existing residential use, would be required to have a 20-foot buffer yard in addition to the standard setbacks. In addition, twenty percent (20%) of the buffer yard is required to be landscaped and a screening hedge or fence is mandated. Staff finds that the proposed zoning would preserve the existing neighborhood culture and is consistent with the community's plan for the development and/or redevelopment of its neighborhoods.**

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

**Staff finds that rezoning the properties will protect and not adversely affect adjacent existing and future residential neighborhoods due to the City's adopted development standards including requirements related to buffer yards, screening, setbacks, drainage, and landscaping.**

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

**Staff is unable to determine any destabilizing effects on the neighboring properties should this rezoning request be approved. The proposed B-1 zoning for the subject properties is aligned with the surrounding areas to the south, west and east and provides an adequate stepdown in zoning from the Industrial district to the north, across Seelhorst Street.**

- (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.

**The subject properties are within an area predominately made up of single-family homes and small-scale commercial uses. Property zoned for commercial and industrial uses are generally located to the north, across Seelhorst Street, to the west across Clinton Street and a large corner lot on the southeast corner of Seelhorst Street and S Chappell Hill Street. Staff finds that the proposed zoning change, if approved, will allow for orderly commercial development that will serve the properties**

**in the general vicinity and the community. Similarly, there are additional properties in the vicinity that could be utilized for residential use.**

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

**While the proposed properties to be rezoned are primarily residential, staff is aware that the B-1 rezoning would create at least one legally nonconforming (grandfathered) use. If approved, the existing Woodson Lumberyard use would not a permitted use, however Section 4.01(1) does make an exception for nonconforming uses in the B-1 District: *“Expansions, extensions and enlargements of floor area may be made to structures occupied by nonconforming uses in the B-1 District, provided that a specific use permit is first obtained from the planning and zoning commission.”* Thus, the lumberyard storage use would be allowed to continue as a grandfathered structure and use and could apply for a specific use permit if future expansion is warranted. Staff has reached out to Woodson Lumber for comments and concerns, but at the time of the staff report had not received any comments. However, City Staff will give reasonable accommodation to Woodson Lumber or future tenants. Excluding the existing Woodson Lumber use, the rezoning request would allow the subject properties to continue to develop with a mixture of land uses and if approved, will allow for compatible, legally conforming development.**

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

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

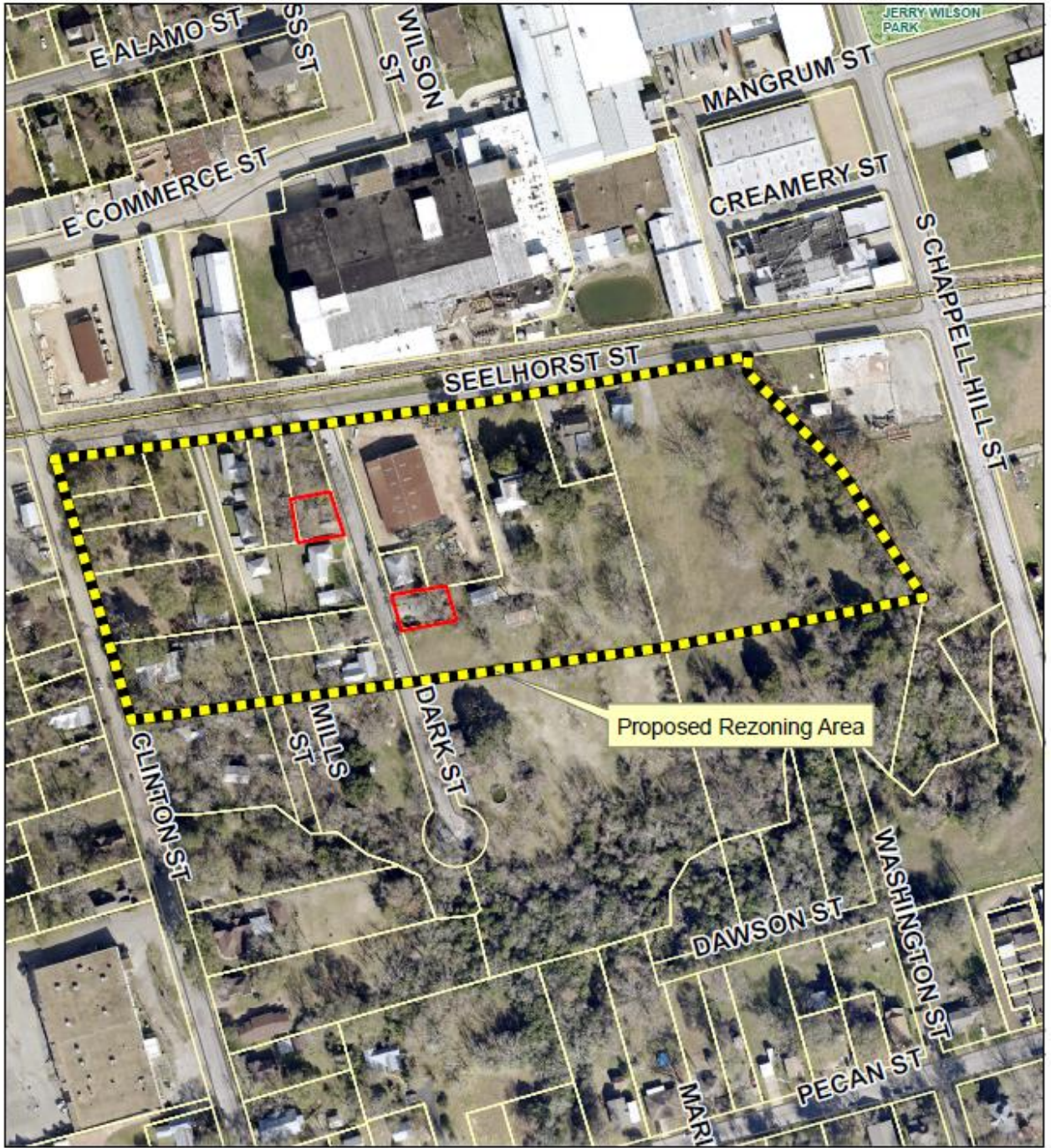
**STAFF RECOMMENDATION:**

Based on the evidence and findings above, Staff recommends **approving** the proposed rezoning of the approximate 12.11-acre area generally bounded by Seelhorst Street to the north, Clinton Street to the west and South Chappell Hill Street to the east, and portions of Dark Street, Mills Street, and Clinton Street to the Local Business Mixed Residential zoning use district (B-1).

**EXHIBITS:**

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

EXHIBIT "A"  
AERIAL MAP

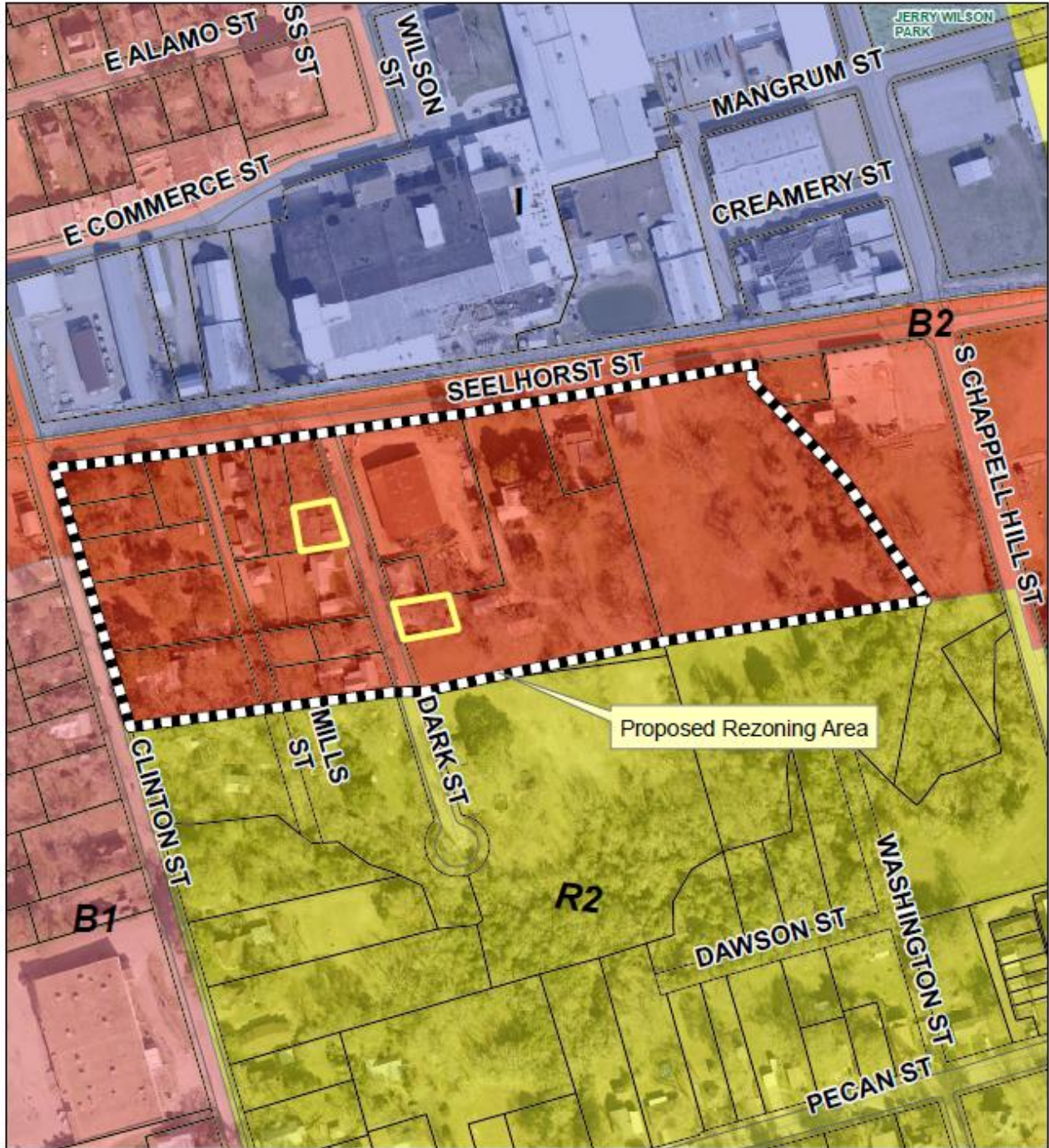


City Initiated B-2 to B-1 Rezoning  
Aerial Map

1 inch = 219 feet



EXHIBIT "B"  
ZONING MAP



**City Initiated B-2 to B-1 Rezoning**  
**Current Zoning**

1 inch = 219 feet

**Zoning**

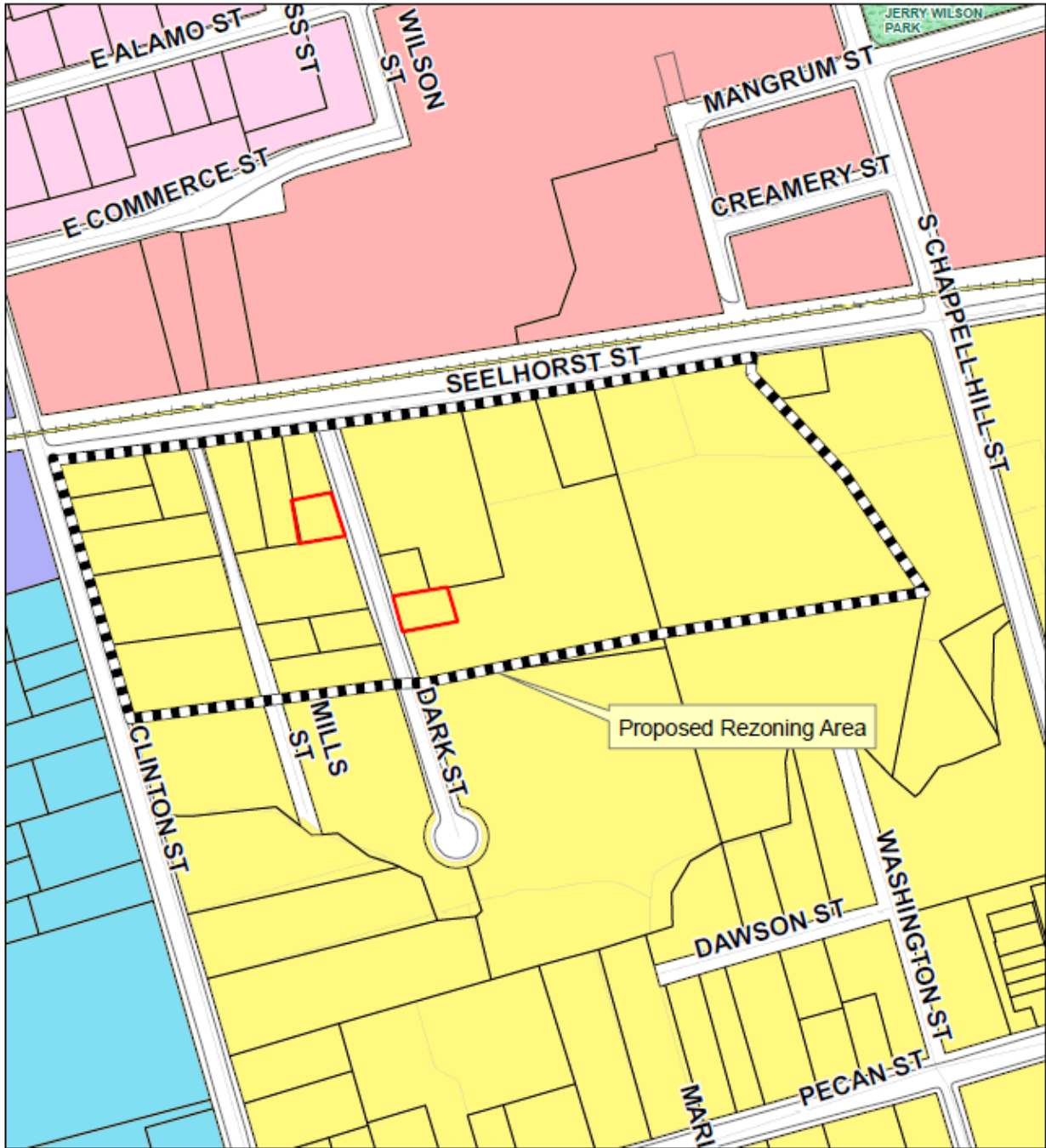
**DESCRIPTION**

- B1 Local Business Mixed
- B2 Commercial Research and Technology
- I Industrial
- R2 Mixed Residential





**EXHIBIT "C"**  
**FUTURE LAND USE MAP**



**Future Land Use Plan**  
FLU\_FINAL

- Park
- Single Family Residential
- Mixed Use Downtown Adjacent
- Corridor Mixed Use
- Downtown
- Commercial

**City Initiated B-2 to B-1 Rezoning**  
**Future Land Use Map**

1 inch = 219 feet



EXHIBIT "D"  
SITE PHOTOS



## Commercial Properties

