



**NOTICE OF A REGULAR MEETING
BRENHAM PLANNING AND ZONING COMMISSION
MONDAY, NOVEMBER 15, 2021, AT 5:15 PM
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 25, 2021 Planning and Zoning Commission Meeting.

4-b. Case No. P-21-029: Replat of Lot 2A of the Market Square Brenham Subdivision, the residue of Reserve "C" – Commercial, Market Square Development, Section 1 and a called 1.071 acre tract to create Reserve "A" (37.409-acres), Lot 4 (1.206-acres), Lot 5 (1.510-acres), Lot 6 (1.289-acres), Lot 7 (1.796-acres), Common Area "A" (1.059-acres), Common Area "B" (1.437-acres), Common Area "C" (1.367-acres), Nolan Street (1.240-acres) and Ryan Street (0.580-acres) containing 48.893-acres currently addressed as 2410 S. Market Street in Brenham, Washington County, Texas.

REGULAR AGENDA

5. Public Hearing, Discussion and Possible Action on Case Number P-21-027: A request by Carl Franklin and Linda Bessmer for a specific use permit to allow an Accessory Dwelling Unit (ADU) in an R-2 Mixed Residential Use Zoning District on property addressed as 405 Martin Luther King Jr. Parkway, and described as Lot 7A of the Rippetoe's Addition in Brenham, Washington County, Texas

6. Adjourn

CERTIFICATION

I certify that a copy of the November 15, 2021 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 12, 2021 at 10:30 am.



Kim Hodde, Planning Technician

Disability Access Statement: This meeting is wheelchair accessible. The accessible entrance is located at the Vulcan Street entrance to the City Administration Building. Accessible parking spaces are located adjoining the entrance. Auxiliary aids and services are available upon request (interpreters for the deaf must be requested twenty-four (24) hours before the meeting) by calling (979) 337-7567 for assistance.

I certify that the attached notice and agenda of items to be considered by the Planning and Zoning Commission was removed by me from the City Hall bulletin board on the _____ day of _____, 2021 at _____.

Signature

Title

**CITY OF BRENHAM
PLANNING AND ZONING COMMISSION MINUTES
October 25, 2021**

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 25, 2021, 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	Calvin Kossie
Dr. Deanna Alfred, Vice Chair	Cayte Neil
Chris Cangelosi	Marcus Wamble
Artis Edwards, Jr.	

Commissioners absent:

None

Staff present:

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

Citizens / Media present:

Jeff Robertson
Alyssa Faykus, Brenham Banner Press

1. Call Meeting to Order

Chairman Behrens called the meeting to order at 5:16 pm with a quorum of seven (7) Commissioners present.

2. Public Comments

There were no public comments.

3. Reports and Announcements

Stephanie Doland informed the Planning and Zoning Commission members that Shauna Laauwe has been promoted to City Planner. Congratulations were given.

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 27, 2021, Planning and Zoning Commission Meeting.

4-b. Case No. P-21-025: Final Plat of the Vintage Farms Subdivision, Phase IV, being a replat of Reserve "F", Vintage Farms Subdivision, Phase 1, consisting of 57 residential Lots in Blocks 2-3, and 1 Common Area, being 12.019 acres out of the Phillip 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 Kossie and seconded by Commissioner Alfred to approve the Statutory Consent Agenda as presented. The motion carried unanimously.

REGULAR SESSION

- 5. **Public Hearing, Discussion and Possible Action on Case No. P-21-024: A request by Continental Homes of Texas for approval of a Replat to reconfigure Lots 15-33, Block 1, of the Liberty Village Subdivision, Phase I (3.132-acres) by creating two common areas for the purpose of a retaining wall and a four-foot-wide private HOA Easement, with Common Area #4 being 0.124-acres and Common Area #5 being 0.025-acres, and further described as part of the A. Harrington Survey, A-55, in Brenham, Washington County, Texas.**

Shauna Laauwe, City Planner, presented the staff report for Case No. P-21-024 (on file in the Development Services Department). Ms. Laauwe stated during the construction of Phase 1 of the Liberty Village Subdivision, it was determined that a retaining wall is necessary along the southern portion of Lots 15-33 of Block 1. This replat allows these lots to be reconfigured to create two common areas (#4 and #5) and a four-foot-wide private HOA Easement. This will allow construction of the retaining wall within the HOA easement and common areas so that the HOA is responsible for the costs instead of the individual property owners. Only one of these lots have been sold; therefore, Mr. Nguyen will also sign this replat.

Public Notice was posted in the Banner Press and property owners within 200-feet were mailed notices on October 14, 2021. Staff did not receive any responses in support of or against the requested replat.

Chairman Behrens opened the Public Hearing at 5:21 pm. There were no citizen comments. Chairman Behrens closed the Public Hearing at 5:21 pm.

A motion was made by Commissioner Wamble and seconded by Commissioner Alfred to approve the request by Continental Homes of Texas for approval of a Replat to reconfigure Lots 15-33, Block 1, of the Liberty Village Subdivision, Phase I (3.132-acres) by creating two common areas for the purpose of a retaining wall and a four-foot-wide private HOA Easement, as presented. The motion carried unanimously.

6. Adjourn.

A motion was made by Commissioner Alfred and seconded by Commissioner Neil to adjourn the meeting at 5:22 pm. The motion carried unanimously.

The City of Brenham appreciates the participation of our citizens, and the role of the Planning and Zoning Commissioners in this decision-making process.

Certification of Meeting Minutes:

Planning and Zoning Commission

M. Keith Behrens
Chair

November 15, 2021
Meeting Date

Attest

Kim Hodde
Staff Secretary

November 15, 2021
Meeting Date



CASE P-21-029
REPLAT: LOT 2A MARKET SQUARE BRENHAM SUBDIVISION

PLAT TITLE: Market Square Brenham Subdivision **CITY/ETJ:** City

PLAT TYPE: Replat

STAFF CONTACT: Shauna Laauwe ACIP, City Planner

OWNER/APPLICANT: Brenham Market Square LP / Hodde & Hodde Land Surveying, Inc.

ADDRESS/LOCATION: 2410 S. Market Street, located at the intersection of US Highway 290 E. Cantey Street and South Market Street.

LEGAL DESCRIPTION: Replat of Lot 2A of the Market Square Brenham Subdivision, the residue of Reserve "C" – Commercial, Market Square Development, Section 1 and a called 1.071 acre tract to create Reserve "A" (37.409-acres), Lot 4 (1.206-acres), Lot 5 (1.510-acres), Lot 6 (1.289-acres), Lot 7 (1.796-acres), Common Area "A" (1.059-acres), Common Area "B" (1.437-acres), Common Area "C" (1.367-acres), Nolan Street (1.240-acres) and Ryan Street (0.580-acres) containing 48.893-acres currently addressed as 2410 S. Market Street in Brenham, Washington County, Texas.

LOT AREA: 48.893 acres

ZONING DISTRICT/USE: B-2 Commercial Research and Technology District / Undeveloped Vacant Land

COMP PLAN FUTURE LAND USE: Corridor Mixed-Use to the north along S. Market Street/Commercial on the southern portion

REQUEST:

The subject 48.893 acres of land is owned by Brenham Market Square, LP. Paul Leventis, on behalf of Brenham Market Square, LP, desires to replat Lot 2A of the Market Square Brenham Subdivision, the residue of Reserve "C" – Commercial, Market Square Development, Section 1 and a called 1.071 acre tract to create Reserve "A" (37.409-acres), Lot 4 (1.206-acres), Lot 5 (1.510-acres), Lot 6 (1.289-acres), Lot 7 (1.796-acres), Common Area "A" (1.059-acres), Common Area "B" (1.437-acres), Common Area "C" (1.367-acres), Nolan Street (1.240-acres) and Ryan Street (0.580-acres) containing 48.893-acres of land, for further development of this property.

STAFF ANALYSIS AND RECOMMENDATION:

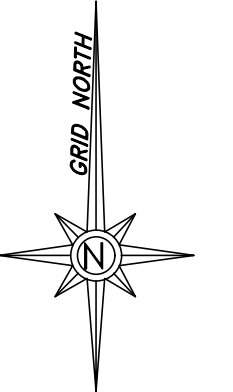
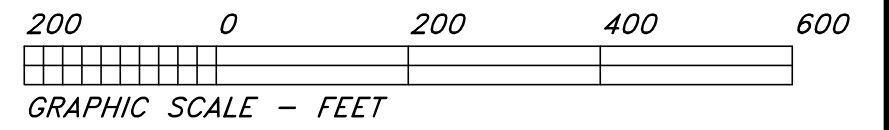
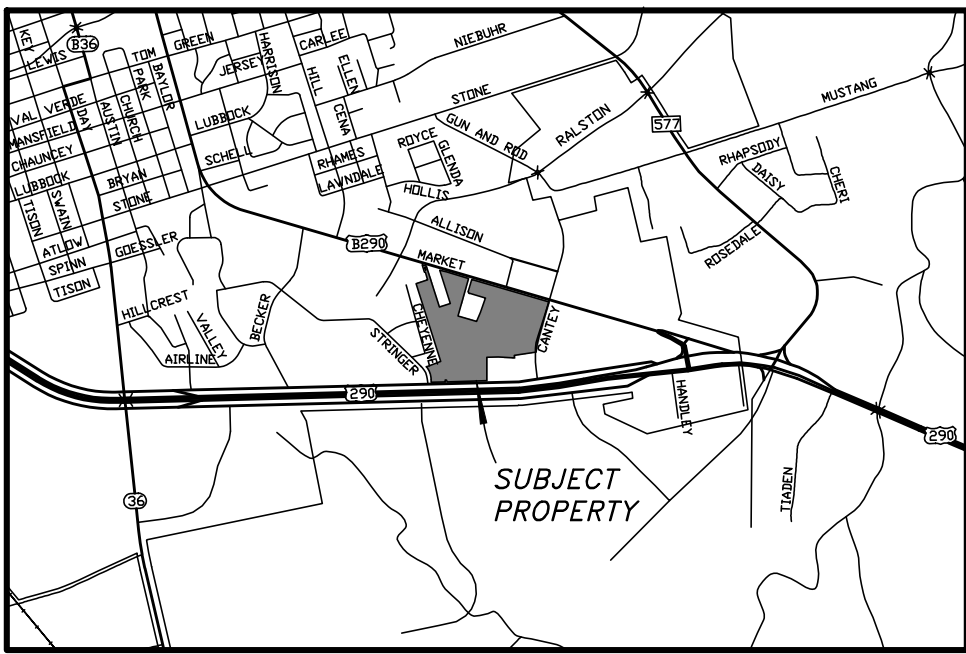
The proposed replat includes the location of previously dedicated easements and building setback lines in relation to established property lines. The plat includes the creation of two streets, Nolan Street and Ryan Street and several additional easements, to include two (2) drainage easements, three (3) public utility easements, and a joint access, utility, and drainage easement. In addition, the plat creates Common Areas "A", "B", and "C" for planned detention improvements to the proposed mixed-use development.

Development Services and Engineering have reviewed this replat for compliance with applicable City of Brenham regulations and ordinances of the City of Brenham, Texas and **recommends approval** of this plat as presented.

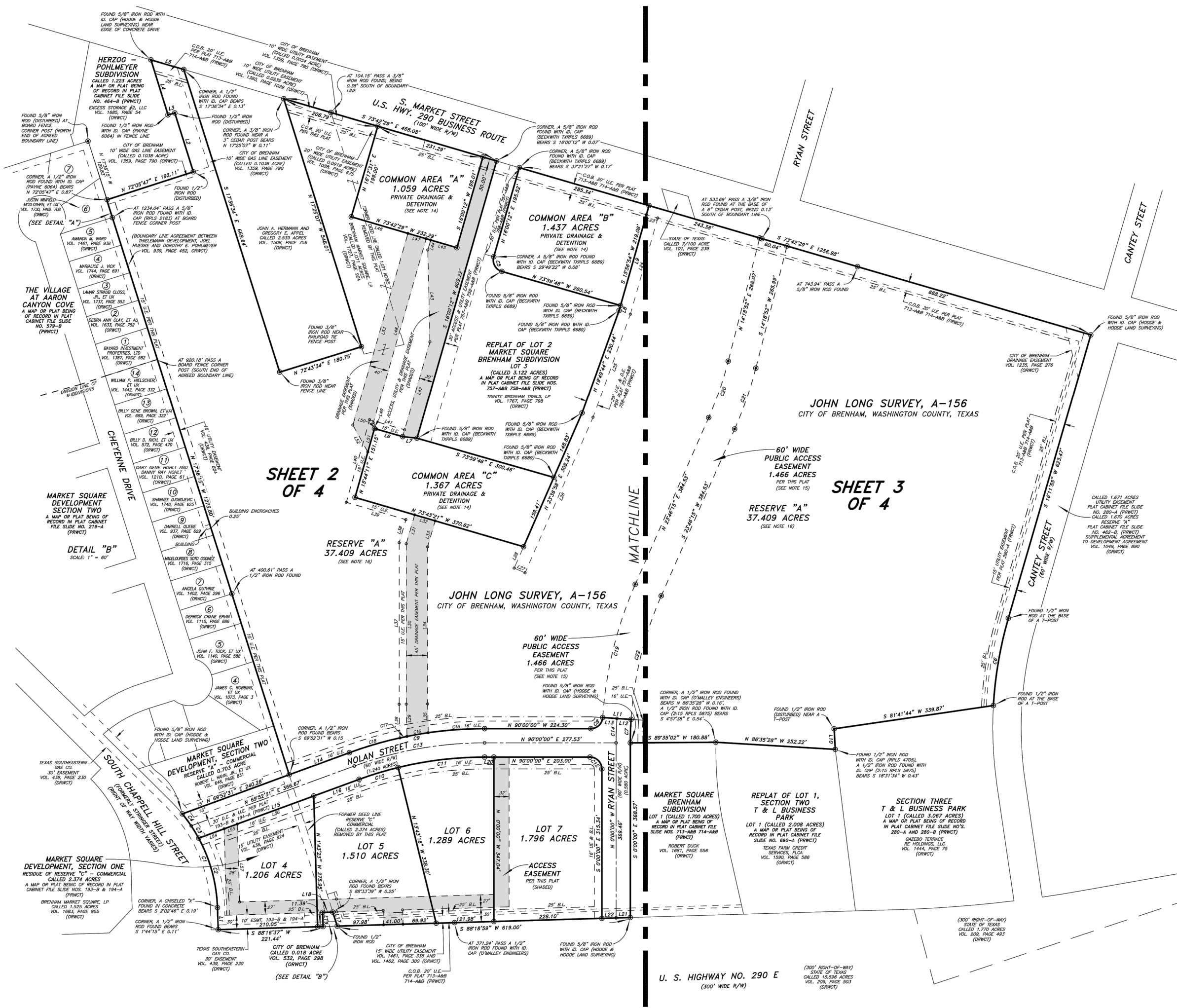
EXHIBITS:

- A. Proposed Replat

VICINITY MAP
(SCALE: 1" = 3000')



SCALE: 1" = 200'



OVERALL LAYOUT

LEGEND

- SET 5/8" IRON ROD WITH ID. CAP (HODDE & HODDE LAND SURVEYING) UNLESS OTHERWISE NOTED
- BOUNDARY LINES
- - - EASEMENT LINES
- BUILDING LINES

CURVE TABLE

NUM	DELTA	ARC	RADIUS	BEARING	DISTANCE
C1	37°39'04"	215.21'	327.50'	N 20°33'47" W	211.36'
C2	26°49'25"	153.32'	327.50'	N 15°08'57" W	151.93'
C3	5°21'02"	30.58'	327.50'	N 31°14'11" W	30.57'
C4	5°28'36"	31.30'	327.50'	N 36°39'00" W	31.29'
C5	90°00'00"	39.28'	25.00'	S 28°59'48" W	35.36'
C6	12°56'43"	187.53'	830.00'	S 9°43'34" W	187.13'
C7	3°41'18"	49.57'	770.00'	N 1°50'39" E	49.56'
C8	86°18'42"	37.66'	25.00'	S 46°50'39" W	34.20'
C9	20°07'28"	291.53'	830.00'	S 79°56'16" W	290.03'
C10	6°24'11"	86.05'	770.00'	N 73°04'37" E	86.00'
C11	13°43'18"	184.41'	770.00'	N 83°08'21" E	183.96'
C12	90°00'00"	39.27'	25.00'	S 45°00'00" E	35.36'
C13	20°07'28"	280.99'	800.00'	N 79°56'16" E	278.55'
C14	3°41'18"	51.50'	800.00'	N 1°50'39" E	51.49'
C15	8°14'58"	119.50'	830.00'	S 85°52'31" W	119.40'
C16	3°08'28"	45.50'	830.00'	S 80°10'48" W	45.50'
C17	1°03'12"	15.26'	830.00'	S 78°04'58" W	15.26'
C18	7°40'51"	117.27'	830.00'	S 73°42'57" W	117.18'
C19	20°04'58"	290.92'	830.00'	N 13°43'46" E	289.44'
C20	9°27'23"	127.08'	770.00'	N 19°02'34" E	126.94'
C21	9°27'23"	136.99'	830.00'	S 19°02'34" W	136.83'
C22	20°04'58"	269.89'	770.00'	S 13°43'46" W	268.51'

LINE TABLE

NUM	BEARING	DISTANCE	NUM	BEARING	DISTANCE
L1	N 1°44'15" W	46.55'	L30	N 0°00'00" E	338.51'
L2	N 17°32'49" W	130.06'	L31	N 16°13'05" E	63.58'
L3	S 74°47'56" W	14.92'	L32	S 73°43'21" E	45.00'
L4	N 17°12'25" W	121.35'	L33	S 16°13'05" W	57.12'
L5	S 73°42'29" E	72.12'	L34	S 0°00'00" E	331.57'
L6	S 73°59'48" E	61.97'	L35	S 1°21'26" E	60.76'
L7	S 83°36'33" E	30.43'	L36	N 1°21'26" W	70.96'
L8	N 15°56'54" E	11.00'	L37	N 0°00'00" E	340.83'
L9	N 15°56'54" E	219.08'	L38	N 16°13'05" E	50.74'
L10	S 3°08'24" E	43.41'	L39	N 17°32'49" W	130.97'
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L18	N 88°33'39" W	21.45'	L47	S 73°42'29" E	40.00'
L19	S 1°34'27" E	29.94'	L48	N 16°00'12" W	404.72'
L20	N 90°00'00" E	19.53'	L49	S 28°59'53" E	15.64'
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L28	N 23°36'58" E	49.34'	L57	S 1°44'15" E	164.69'
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REPLAT OF LOT 2A, MARKET SQUARE BRENHAM SUBDIVISION AND THE RESIDUE OF RESERVE C - COMMERCIAL, MARKET SQUARE DEVELOPMENT, SECTION 1

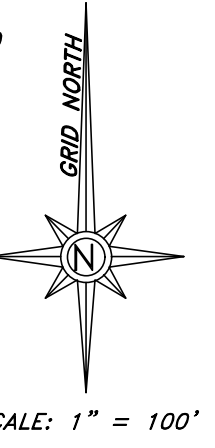
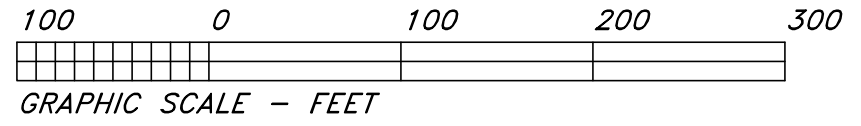
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JOHN LONG SURVEY, A-156
CITY OF BRENHAM
WASHINGTON COUNTY, TEXAS

W. O. NO. 7884 (BREHNAMEMARKETSQUARE7826.DWG/MVIEW)
REF: BRAZOSTRACELL7415.SURVEY

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

LEGEND

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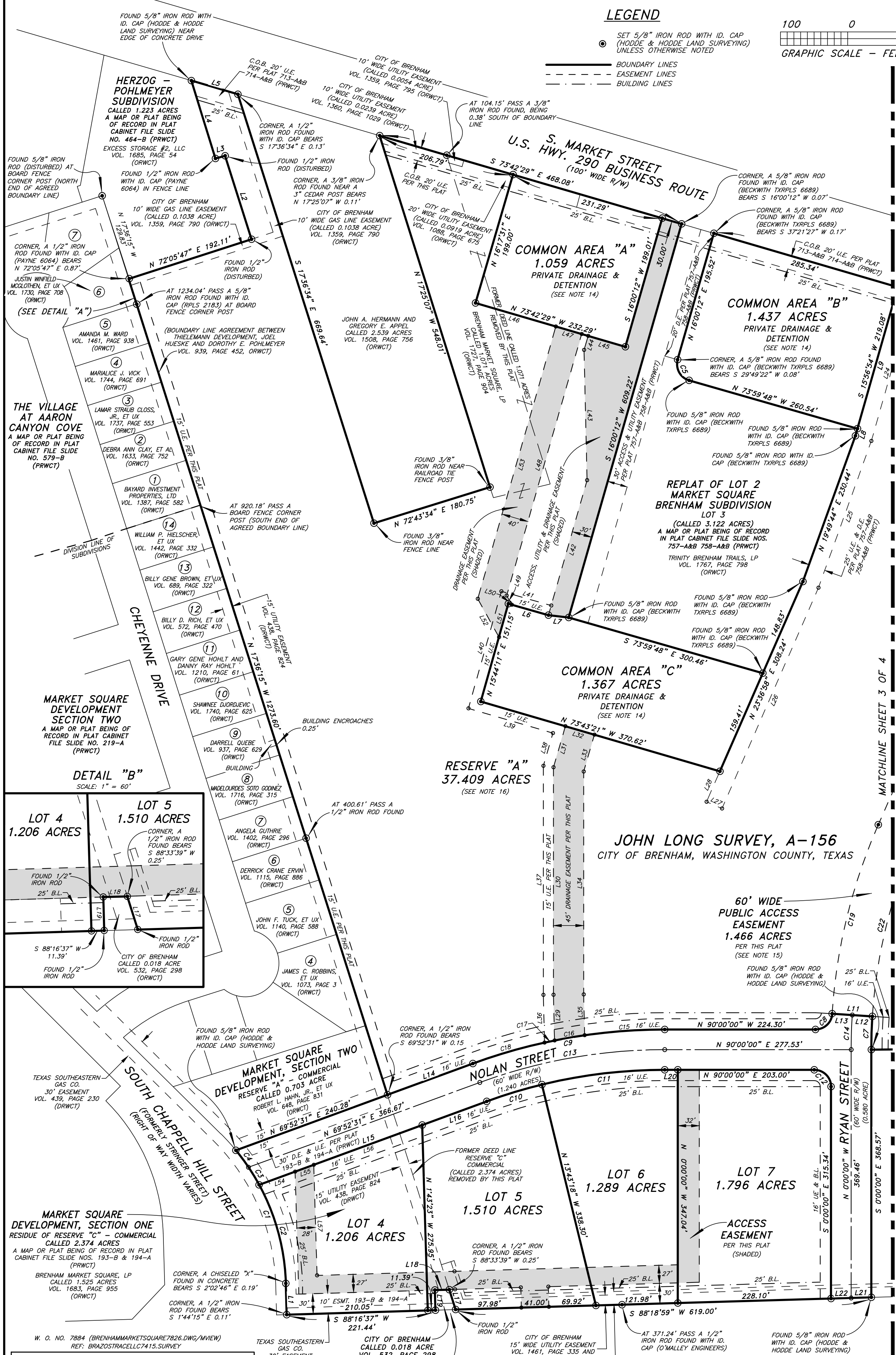
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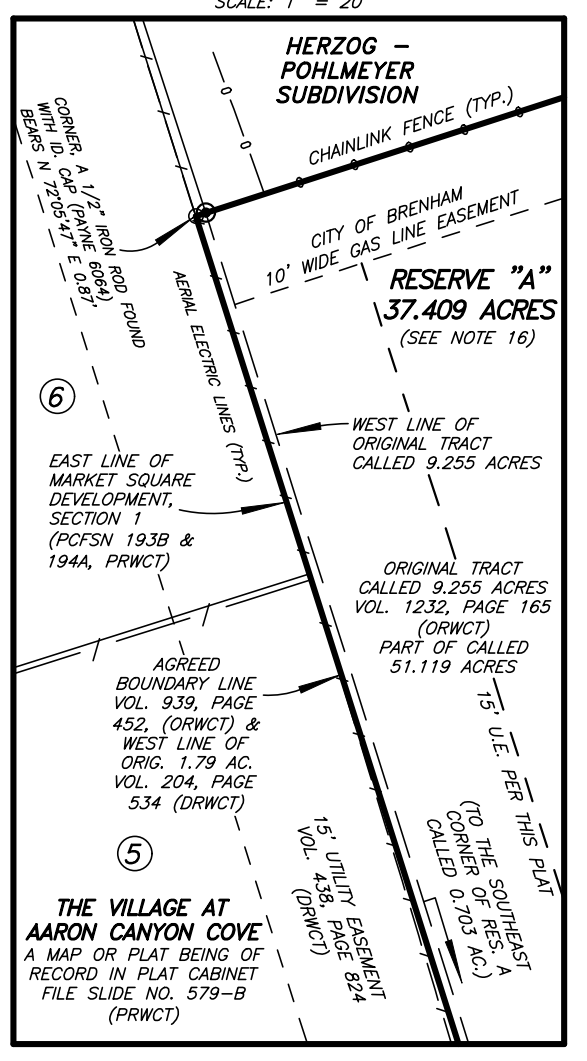
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MATCHLINE SHEET 3 OF 4



DETAIL "A"

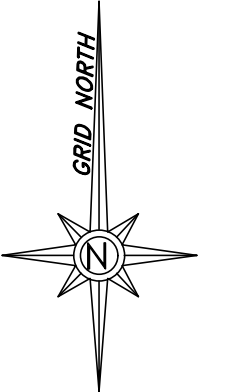
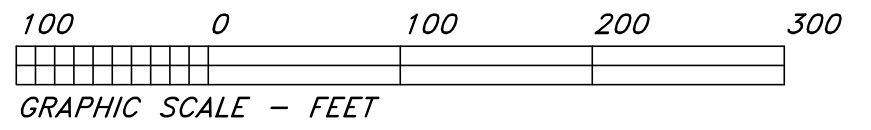


REPLAT OF LOT 2A, MARKET SQUARE BRENHAM SUBDIVISION AND THE RESIDUE OF RESERVE C - COMMERCIAL, MARKET SQUARE DEVELOPMENT, SECTION 1

FORMING RESERVE "A" (37.409 ACRES), LOT 4 (1.206 ACRES), LOT 5 (1.510 ACRES), LOT 6 (1.289 ACRES), LOT 7 (1.796 ACRES), COMMON AREA "A" (1.059 ACRES), COMMON AREA "B" (1.437 ACRES), COMMON AREA "C" (1.367 ACRES), NOLAN STREET (1.240 ACRES) & RYAN STREET (0.580 ACRE) CONTAINING 48.893 ACRES TOTAL

JOHN LONG SURVEY, A-156
CITY OF BRENHAM
WASHINGTON COUNTY, TEXAS

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



SCALE: 1" = 100'

LEGEND

- SET 5/8" IRON ROD WITH ID. CAP (HODDE & HODDE LAND SURVEYING) UNLESS OTHERWISE NOTED
- BOUNDARY LINES
- - - EASEMENT LINES
- - - BUILDING LINES

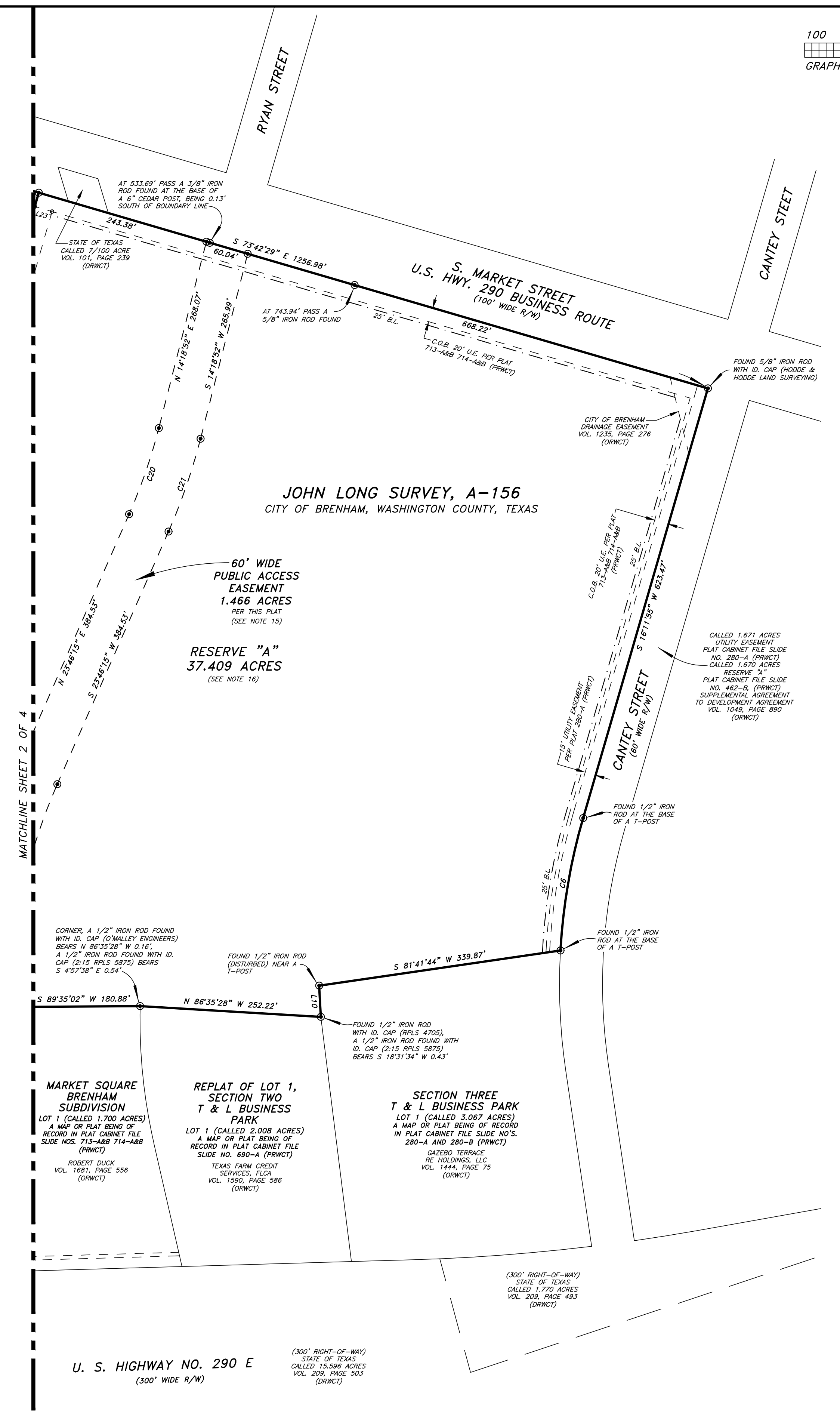
CURVE TABLE

NUM	DELTA	ARC	RADIUS	BEARING	DISTANCE
C1	37°39'04"	215.21'	327.50'	N 20°33'47" W	211.36'
C2	26°49'25"	153.32'	327.50'	N 15°08'57" W	151.93'
C3	5°21'02"	30.58'	327.50'	N 31°14'11" W	30.57'
C4	5°28'36"	31.30'	327.50'	N 36°39'00" W	31.29'
C5	90°00'00"	39.28'	25.00'	N 28°50'48" W	35.36'
C6	12°56'43"	187.53'	830.00'	S 9°43'34" W	187.13'
C7	3°41'18"	49.57'	770.00'	N 1°50'39" E	49.56'
C8	86°18'42"	37.66'	25.00'	S 46°50'39" W	34.20'
C9	20°07'28"	291.53'	830.00'	S 79°56'16" W	290.03'
C10	6°24'11"	86.05'	770.00'	N 73°04'37" E	86.00'
C11	13°43'18"	184.41'	770.00'	N 83°08'21" E	183.96'
C12	90°00'00"	39.27'	25.00'	S 45°00'00" E	35.36'
C13	20°07'28"	280.99'	800.00'	N 79°56'16" E	279.55'
C14	3°41'18"	51.50'	800.00'	N 1°50'39" E	51.49'
C15	8°14'58"	119.50'	830.00'	S 85°52'31" W	119.40'
C16	3°08'28"	45.50'	830.00'	S 80°10'48" W	45.50'
C17	1°03'12"	15.26'	830.00'	S 78°04'58" W	15.26'
C18	7°40'51"	111.27'	830.00'	S 73°42'57" W	111.18'
C19	20°04'58"	290.92'	830.00'	N 13°43'46" E	289.44'
C20	9°27'23"	127.08'	770.00'	N 19°02'34" E	126.94'
C21	9°27'23"	136.99'	830.00'	S 19°02'34" W	136.83'
C22	20°04'58"	269.89'	770.00'	S 13°43'46" W	268.51'

LINE TABLE

NUM	BEARING	DISTANCE	NUM	BEARING	DISTANCE
L1	N 1°44'15" W	46.55'	L30	N 0°00'00" E	338.51'
L2	N 17°32'49" W	130.06'	L31	N 16°13'05" E	63.58'
L3	S 74°47'56" W	14.92'	L32	S 73°43'21" E	45.00'
L4	N 17°12'25" W	121.35'	L33	S 16°13'05" W	57.12'
L5	S 73°42'29" E	72.12'	L34	S 0°00'00" E	331.57'
L6	S 73°59'48" E	61.97'	L35	S 1°21'26" E	60.76'
L7	S 83°36'33" E	30.43'	L36	N 1°21'26" W	70.96'
L8	N 15°56'54" E	11.00'	L37	N 0°00'00" E	340.83'
L9	N 15°56'54" E	219.08'	L38	N 16°13'05" E	50.74'
L10	S 3°08'24" E	43.41'	L39	N 73°43'21" W	130.97'
L11	N 86°18'43" W	60.00'	L40	N 15°44'11" E	181.08'
L12	N 86°18'43" W	30.00'	L41	S 73°59'48" E	77.04'
L13	N 86°18'43" W	30.00'	L42	N 16°00'12" E	208.97'
L14	S 69°52'31" W	135.29'	L43	N 1°20'24" W	193.89'
L15	N 69°52'31" E	258.56'	L44	N 16°17'31" E	21.68'
L16	N 69°52'31" E	102.22'	L45	S 73°42'29" E	57.69'
L17	N 17°36'15" W	31.01'	L46	S 73°42'29" E	124.53'
L18	S 88°33'39" W	21.45'	L47	S 73°42'29" E	40.00'
L19	S 1°34'27" E	29.94'	L48	S 16°00'12" W	404.72'
L20	N 90°00'00" E	19.53'	L49	S 28°59'53" E	15.64'
L21	S 88°18'59" W	30.01'	L50	N 73°59'48" W	5.27'
L22	S 88°18'59" W	30.01'	L51	S 15°44'11" W	51.54'
L23	S 73°42'29" E	25.00'	L52	N 28°59'53" W	65.10'
L24	S 15°56'54" W	210.77'	L53	N 16°00'12" E	421.49'
L25	S 19°49'44" W	232.12'	L54	N 69°52'31" E	57.16'
L26	S 23°36'58" W	358.42'	L55	N 69°52'31" E	29.50'
L27	N 66°23'02" W	25.00'	L56	N 69°52'31" E	171.90'
L28	N 23°36'58" E	49.34'	L57	S 1°44'15" E	164.69'
L29	N 1°21'26" W	67.99'			

REPLAT OF LOT 2A, MARKET SQUARE BRENHAM SUBDIVISION AND THE RESIDUE OF RESERVE C - COMMERCIAL, MARKET SQUARE DEVELOPMENT, SECTION 1
 FORMING RESERVE "A" (37.409 ACRES), LOT 4 (1.206 ACRES), LOT 5 (1.510 ACRES), LOT 6 (1.289 ACRES), LOT 7 (1.796 ACRES), COMMON AREA "A" (1.059 ACRES), COMMON AREA "B" (1.437 ACRES), COMMON AREA "C" (1.367 ACRES), NOLAN STREET (1.240 ACRES) & RYAN STREET (0.580 ACRE) CONTAINING 48.893 ACRES TOTAL
 JOHN LONG SURVEY, A-156
 CITY OF BRENHAM
 WASHINGTON COUNTY, TEXAS



W. O. NO. 7884 (BREHAMPARKSQUARE7826.DWG/MVIEW)
 REF: BRAZOSTRACELL71415.SURVEY

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

NOTES:

- 1. THE BEARINGS SHOWN HEREON ARE RELATIVE TO THE TEXAS STATE PLANE GRID SYSTEM, NAD-83 {2011}, CENTRAL ZONE 4203. CONVERGENCE ANGLE AT N: 10037905.626' - E: 3544925.146' IS 2'-02"-04.23", COMBINED SCALE FACTOR IS 0.99998033, U.S. SURVEY FEET, UTILIZING TXDOT CONTROL MONUMENTS FOR U.S. HWY. 290. DISTANCES SHOWN HEREON ARE GROUND DISTANCES.
2. NO PART OF THE SUBJECT PROPERTY LIES WITHIN THE SPECIAL FLOOD HAZARD AREA ACCORDING TO THE FLOOD INSURANCE RATE MAP (FIRM) AS COMPILED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY, NATIONAL FLOOD INSURANCE PROGRAM, MAP NUMBERS 48477C0295C AND 48477C0315C, EFFECTIVE DATE AUGUST 16, 2011, CITY OF BRENHAM, WASHINGTON COUNTY, TEXAS.
3. THIS SURVEY WAS PERFORMED IN CONJUNCTION WITH AGGIELAND TITLE COMPANY EXAMINER'S REPORT OF NO. 50775AD, PREPARATION DATE OCTOBER 8, 2021, EFFECTIVE DATE OCTOBER 3, 2021 AT 7:00.
4. SUBJECT TO COVENANTS, CONDITIONS, RESTRICTIONS, RESERVATIONS, EASEMENTS AND BUILDING LINES APPLICABLE TO MARKET SQUARE DEVELOPMENT, SECTION ONE, AS RECORDED IN PLAT CABINET FILE SLIDE NOS. 193-B & 194-A, IN THE PLAT RECORDS OF WASHINGTON COUNTY, TEXAS, T&L BUSINESS PARK, AS RECORDED IN PLAT CABINET FILE SLIDE NO. 462-B, IN THE PLAT RECORDS OF WASHINGTON COUNTY, TEXAS, POHLMAYER SUBDIVISION, AS RECORDED IN PLAT CABINET FILE SLIDE NO. 463-A, IN THE PLAT RECORDS OF WASHINGTON COUNTY, TEXAS, MARKET SQUARE BRENHAM SUBDIVISION, AS RECORDED IN PLAT CABINET FILE SLIDE NOS. 713-A, 713-B, 714-A & 714-B, IN THE PLAT RECORDS OF WASHINGTON COUNTY, TEXAS AND REPLAT OF LOT 2, MARKET SQUARE BRENHAM SUBDIVISION, AS RECORDED IN PLAT CABINET FILE SLIDE NOS. 757-A, 757-B, 758-A & 758-B, IN THE PLAT RECORDS OF WASHINGTON COUNTY, TEXAS.
5. SUBJECT TO DECLARATION OF COVENANTS, CONDITIONS, RESTRICTIONS, AND ACCESS RIGHTS OF MARKET SQUARE BRENHAM, AS RECORDED IN VOLUME 1681, PAGE 469, IN THE OFFICIAL RECORDS OF WASHINGTON COUNTY, TEXAS.
6. SUBJECT TO RIGHT OF WAY GRANT DATED FEBRUARY 23, 1954, EXECUTED BY WILL KOLWES, SR. TO TEXAS SOUTHEASTERN GAS COMPANY RECORDED IN VOLUME 197, PAGE 455, DEED RECORDS OF WASHINGTON COUNTY, TEXAS. {NOT PLOTTABLE}.
7. SUBJECT TO RIGHT OF WAY DEED DATED FEBRUARY 11, 1929, EXECUTED BY WILL KOLWES TO M&M PIPE LINE COMPANY RECORDED IN VOLUME 95, PAGE 6, DEED RECORDS OF WASHINGTON COUNTY, TEXAS. {NOT DETERMINABLE FROM DESCRIPTION PROVIDED}.
8. THERE IS ALSO DEDICATED FOR UTILITIES AN UNOBSTRUCTED AERIAL EASEMENT FIVE (5) FEET WIDE FROM A PLANE TWENTY (20) FEET ABOVE THE GROUND UPWARD, LOCATED ADJACENT TO THE EASEMENTS SHOWN HEREON.
9. ALL OIL/GAS PIPELINES OR PIPELINE EASEMENTS WITH OWNERSHIP THROUGH THE SUBDIVISION HAVE BEEN SHOWN BASED ON ABOVE GROUND EVIDENCE, TEXAS RAILROAD COMMISSION DATA AND A TITLE REPORTS DATED EFFECTIVE APRIL 26, 2019 AND JANUARY 17, 2020.
10. ALL OIL/GAS WELLS WITH OWNERSHIP (PLUGGED, ABANDONED, AND/OR ACTIVE) THROUGH THE SUBDIVISION HAVE BEEN SHOWN BASED ON ABOVE GROUND EVIDENCE, TEXAS RAILROAD COMMISSION DATA AND A TITLE REPORTS DATED EFFECTIVE APRIL 26, 2019 AND JANUARY 17, 2020.
11. 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.
12. THIS PLAT DOES NOT ATTEMPT TO AMEND OR REMOVE ANY VALID COVENANTS OR RESTRICTIONS.
13. 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.
14. COMMON AREA "A" (1.059 ACRES), COMMON AREA "B" (1.437 ACRES) AND COMMON AREA "C" (1.367 ACRES) SHALL BE MAINTAINED BY THE PROPERTY OWNERS.
15. THE 60 FEET WIDE PUBLIC ACCESS EASEMENT (1.466 ACRES) WILL BE DEDICATED TO THE CITY OF BRENHAM AS A PUBLIC STREET AT A FUTURE DATE.
16. BEFORE DEVELOPMENT OF RESERVE "A" (37.409 ACRES), A PLAT OF THE TRACT SHALL BE SUBMITTED TO THE CITY FOR REVIEW AND APPROVAL ACCORDING TO THE DEVELOPMENT CODE OF THE CITY OF BRENHAM.
17. (DRWCT) DENOTES DEED RECORDS OF WASHINGTON COUNTY, TEXAS.
(ORWCT) DENOTES OFFICIAL RECORDS OF WASHINGTON COUNTY, TEXAS.
(PRWCT) DENOTES PLAT RECORDS OF WASHINGTON COUNTY, TEXAS.
(PCFSN) DENOTES PLAT CABINET FILE SLIDE NO.
B.L. DENOTES BUILDING LINE
U.E. DENOTES UTILITY EASEMENT
D.E. DENOTES DRAINAGE EASEMENT
C.O.B. DENOTES CITY OF BRENHAM

SURVEY MAP

SHOWING A SURVEY AND REPLAT FORMING RESERVE "A" (37.409 ACRES), LOT 4 (1.206 ACRES), LOT 5 (1.510 ACRES), LOT 6 (1.289 ACRES), LOT 7 (1.796 ACRES), COMMON AREA "A" (1.059 ACRES), COMMON AREA "B" (1.437 ACRES), COMMON AREA "C" (1.367 ACRES), NOLAN STREET (1.240 ACRES) AND RYAN STREET (0.580 ACRE), LYING AND BEING SITUATED IN THE CITY OF BRENHAM, WASHINGTON COUNTY, TEXAS, PART OF THE JOHN LONG SURVEY, A-156, SAID RESERVE "A" (37.409 ACRES) AND COMMON AREA "A" (1.059 ACRES) BEING PART OF LOT 2A (CALLED 46.297 ACRES) OF THE REPLAT OF LOT 2, MARKET SQUARE BRENHAM SUBDIVISION, A MAP OR PLAT OF SAID SUBDIVISION BEING OF RECORD IN PLAT CABINET FILE SLIDE NOS. 757-A, 757-B, 758-A & 758-B, IN THE PLAT RECORDS OF WASHINGTON COUNTY, TEXAS AND BEING PART OF THE SAME LAND DESCRIBED AS 1.071 ACRES IN DEED FROM RUSSELL SCHRADER AND SPOUSE, BROOKE SCHRADER TO BRENHAM MARKET SQUARE, LP, DATED JUNE 25, 2020, AS RECORDED IN VOLUME 1727, PAGE 904, IN THE OFFICIAL RECORDS OF WASHINGTON COUNTY, TEXAS, SAID LOT 6 (1.289 ACRES), LOT 7 (1.796 ACRES), COMMON AREA "B" (1.437 ACRES), COMMON AREA "C" (1.367 ACRES) AND RYAN STREET (0.580 ACRE) BEING PART OF SAID LOT 2A (CALLED 46.297 ACRES), SAID LOT 4 (1.206 ACRES), LOT 5 (1.510 ACRES) AND NOLAN STREET (1.240 ACRES) BEING PART OF SAID LOT 2A (CALLED 46.297 ACRES) AND BEING PART OF THE RESIDUE OF RESERVE C - COMMERCIAL (CALLED 2.374 ACRES) OF MARKET SQUARE DEVELOPMENT, SECTION ONE, A MAP OR PLAT OF SAID SUBDIVISION BEING OF RECORD IN PLAT CABINET FILE SLIDE NOS. 193-B & 194-A, IN THE PLAT RECORDS OF WASHINGTON COUNTY, TEXAS, SAID LOT 2A (CALLED 46.297 ACRES) BEING PART OF THE SAME LAND DESCRIBED AS 51.119 ACRES IN THE DEED FROM THE FIRST BAPTIST CHURCH OF BRENHAM, TEXAS TO BRENHAM MARKET SQUARE, LP, DATED AUGUST 27, 2018, AS RECORDED IN VOLUME 1644, PAGE 324, IN THE OFFICIAL RECORDS OF WASHINGTON COUNTY, TEXAS AND BEING CORRECTED IN INSTRUMENT DATED AUGUST 31, 2018, AS RECORDED IN VOLUME 1645, PAGE 90, IN THE OFFICIAL RECORDS OF WASHINGTON COUNTY, TEXAS, AND SAID RESIDUE OF RESERVE C - COMMERCIAL (CALLED 2.374 ACRES) BEING THE SAME LAND DESCRIBED AS 1.525 ACRES IN THE DEED FROM NEWMAN PROPERTIES, L.L.C. TO BRENHAM MARKET SQUARE, LP, DATED JUNE 28, 2019, AS RECORDED IN VOLUME 1683, PAGE 955, IN THE OFFICIAL RECORDS OF WASHINGTON COUNTY, TEXAS.

CERTIFICATION

THE STATE OF TEXAS
COUNTY OF WASHINGTON

I, JON E. HODDE, REGISTERED PROFESSIONAL LAND SURVEYOR, NO. 5197 OF THE STATE OF TEXAS, DO HEREBY CERTIFY THAT THIS MAP SHOWING A SURVEY AND REPLAT OF 48.893 ACRES OF LAND IS TRUE AND CORRECT IN ACCORDANCE WITH AN ACTUAL SURVEY MADE ON THE GROUND UNDER MY PERSONAL DIRECTION AND SUPERVISION.

DATED THIS THE 11TH DAY OF NOVEMBER, 2021, A.D.

(PRELIMINARY)

JON E. HODDE, RPLS NO. 5197
DATE: NOVEMBER 11, 2021

THE PURPOSE OF THIS DOCUMENT IS FOR PRELIMINARY REVIEW ONLY.

PRELIMINARY, THIS DOCUMENT SHALL NOT BE RECORDED FOR ANY PURPOSE.

(PRELIMINARY)

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

OWNER ACKNOWLEDGMENT

WE, BRENHAM MARKET SQUARE, LP, THE OWNERS OF THE LAND DESCRIBED HEREON AND WHOSE NAMES ARE SUBSCRIBED HERETO, DO HEREBY ACKNOWLEDGE THE CHANGES TO SAID PROPERTY IN ACCORDANCE WITH THE PLAT SHOWN HEREON. THE PLATTED PROPERTY REMAINS SUBJECT TO EXISTING DEDICATIONS, COVENANTS, RESTRICTIONS AND EASEMENTS EXCEPT AS SHOWN OR STATED HEREON.

BY: _____
(SIGNATURE)

(PRINTED NAME & TITLE)

NOTARY PUBLIC ACKNOWLEDGMENT

THE STATE OF TEXAS
COUNTY OF _____
THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME ON THE ____ DAY OF _____, 2021, BY _____

NOTARY PUBLIC, STATE OF TEXAS
(SEAL)

LIENHOLDERS' ACKNOWLEDGMENT AND SUBORDINATION STATEMENT

WE, EXTRACO BANKS, N.A., THE OWNERS AND HOLDERS OF A LIEN AGAINST THE PROPERTY DESCRIBED HEREON, DO HEREBY IN ALL THING SUBORDINATE TO SAID PLAT OF WASHINGTON COUNTY, TEXAS, SAID LIEN AND WE HEREBY CONFIRM THAT WE ARE THE PRESENT OWNER OF SAID LIEN AND HAVE NOT ASSIGNED THE SAME NOR ANY PART THEREOF.

BY: _____
(SIGNATURE)

(PRINTED NAME & TITLE)

NOTARY PUBLIC ACKNOWLEDGMENT

THE STATE OF TEXAS
COUNTY OF _____
THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME ON THE ____ DAY OF _____, 2021, BY _____

NOTARY PUBLIC, STATE OF TEXAS
(SEAL)

PLANNING AND ZONING COMMISSION APPROVAL

APPROVED THIS _____ DAY OF _____, 2021 BY THE PLANNING AND ZONING COMMISSION OF THE CITY OF BRENHAM, TEXAS.

CHAIRMAN

SECRETARY

COUNTY CLERK FILING ACKNOWLEDGMENT STATEMENT

THE STATE OF TEXAS §
COUNTY OF WASHINGTON §

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

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

CLERK OF THE COUNTY COURT
WASHINGTON COUNTY, TEXAS

W. O. NO. 7884 (BREHMARKETSQUARE7826.DWG/MVIEW)
REF: BRAZOSTRACELLC7415.SURVEY

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

REPLAT OF LOT 2A, MARKET SQUARE BRENHAM SUBDIVISION AND THE RESIDUE OF RESERVE C - COMMERCIAL, MARKET SQUARE DEVELOPMENT, SECTION 1 FORMING RESERVE "A" (37.409 ACRES), LOT 4 (1.206 ACRES), LOT 5 (1.510 ACRES), LOT 6 (1.289 ACRES), LOT 7 (1.796 ACRES), COMMON AREA "A" (1.059 ACRES), COMMON AREA "B" (1.437 ACRES), COMMON AREA "C" (1.367 ACRES), NOLAN STREET (1.240 ACRES) & RYAN STREET (0.580 ACRE) - CONTAINING 48.893 ACRES TOTAL
JOHN LONG SURVEY, A-156
CITY OF BRENHAM
WASHINGTON COUNTY, TEXAS

OWNER/DEVELOPER
BREHMARKET SQUARE, LP
1722 BROADMOOR DRIVE, SUITE 212
BRYAN, TEXAS 77802
PHN. 979-774-2900



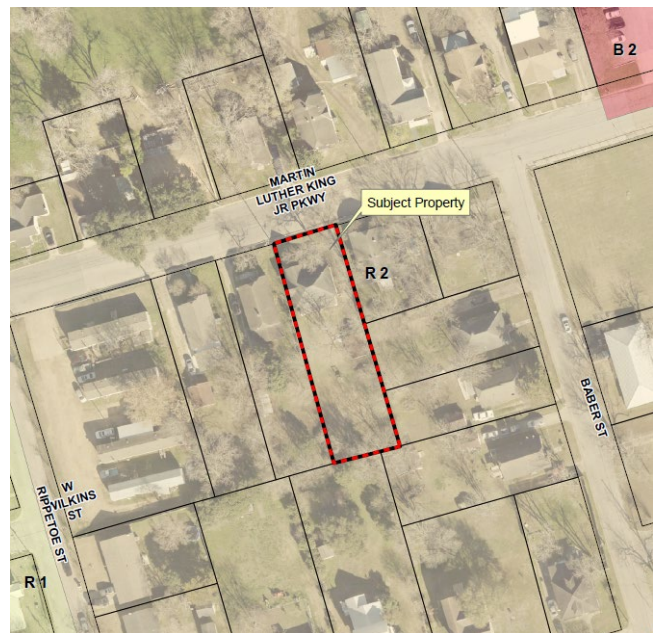
CASE NUMBER P-21-019
SPECIFIC USE PERMIT REQUEST – ACCESSORY DWELLING UNIT

STAFF CONTACT: Shauna Laauwe AICP, City Planner
APPLICANT/OWNER: Carl Franklin and Linda Bessmer
ADDRESS/LOCATION: 405 Martin Luther King, Jr. Parkway
LEGAL DESCRIPTION: Lot 7A Rippetoe’s Addition
LOT AREA: 12,561 square feet, approximately 0.288-acres
ZONING DISTRICT/USE: R-2 Mixed Residential District (Exhibit B)
FUTURE LAND USE: Single-Family Residential (Exhibit C)
REQUEST: A request for a Specific Use Permit to allow a proposed Accessory Dwelling Unit (ADU) in a R-2 Mixed Residential Zoning District (Exhibit D).

BACKGROUND:

The subject property is a 12,561 square foot (0.288-acre) lot that is addressed as 405 Martin Luther King, Jr. Parkway, and generally located on the south side Martin Luther King, Jr. Parkway and two lots west of Baber Street and three lots east of Rippetoe Street. As shown in Figure 1, the property is a long rectangular shaped lot that is approximately 202 feet long and 60 feet in width. The property is zoned R-2, Mixed Residential Use District and is developed with a 1,270 square foot single-family home, with a previous garage structure being recently removed. The applicants propose to construct a new 24’x24’ (576 square feet) 2-story, 20-foot in height, garage with an upstairs accessory dwelling unit (ADU). As detailed in Figure 2 and Exhibit E, the proposed garage/ADU structure will be located to the rear of the property, 77.62 feet from the principal house, and setback 141.82 feet from the front property line, 29 feet from the west side property line, 6.6 feet from the east property line, and 36 feet from the rear property line. A recently constructed 24’x24’ concrete parking area would serve the ADU. The applicants state that they plan to utilize the first floor of the garage to

Figure 1



park their vehicles and typical storage and rent the garage apartment (ADU) for extra income, or to accommodate visiting friends and family when the unit is not leased. They also state that they desire to age in place in their current residence and the ADU could be used in the future to house a caretaker.

As shown in the site plan in Figure 3 and proposed interior layout in Figure 4, the proposed ADU would consist of a 576 SF studio apartment that would consist of a 22'6" x 12'6" main living space, a bathroom, and a full kitchen (Exhibit G). As shown in Figure 2 and Figure 3, the proposed ADU includes a 24-foot by 24-foot paved parking pad on the north side of the structure with access via an existing paved driveway to Martin Luther King, Jr Parkway. In addition to the two required off-street spaces for the principal structure that would be provided on the first floor of the garage, the existing 24'x24' parking pad would accommodate an additional two (2) off-street parking spaces. ADUs are required to have at least one parking space located to the side or rear of the primary structure. The proposed parking meets the regulations and provides ample parking area for the residents and guests of both the principal structure and accessory dwelling unit.

Figure 2

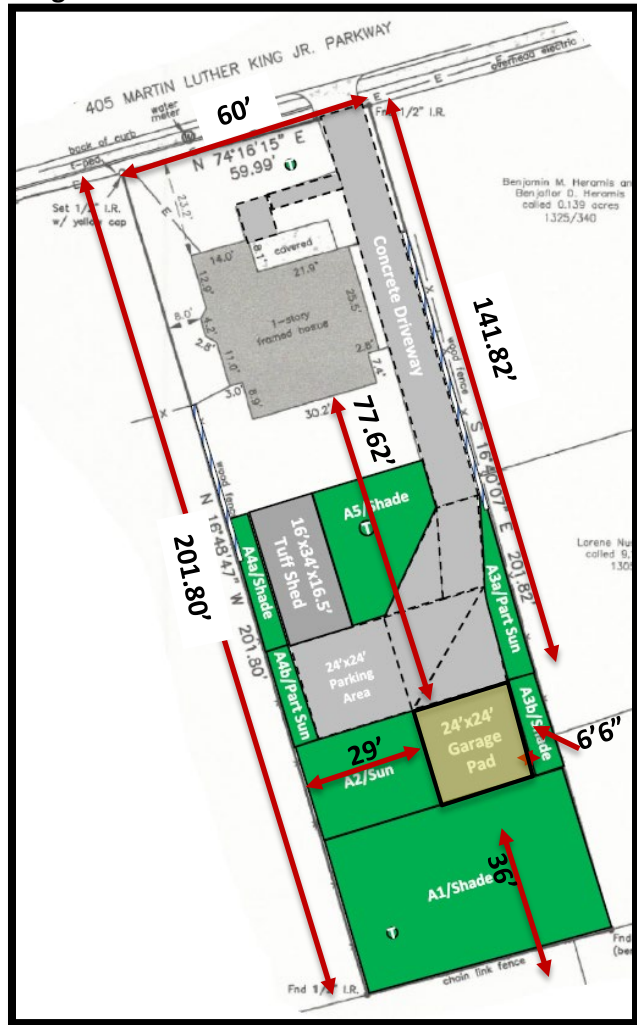
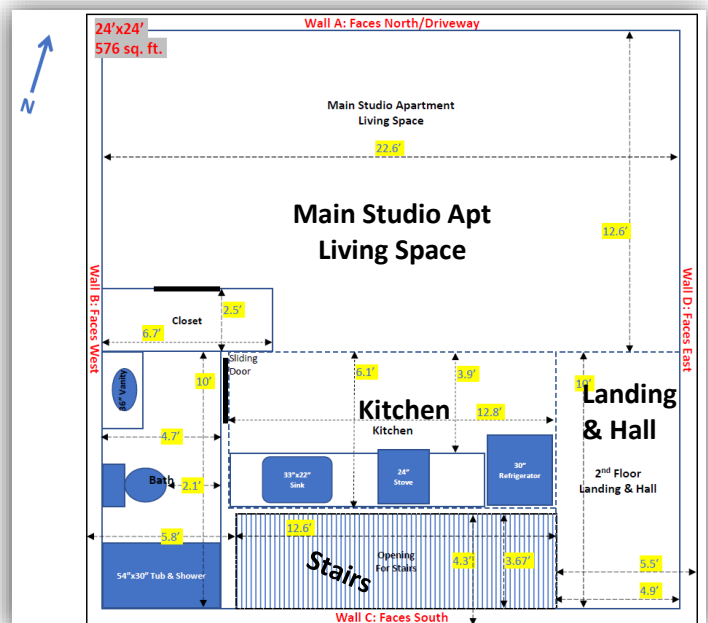
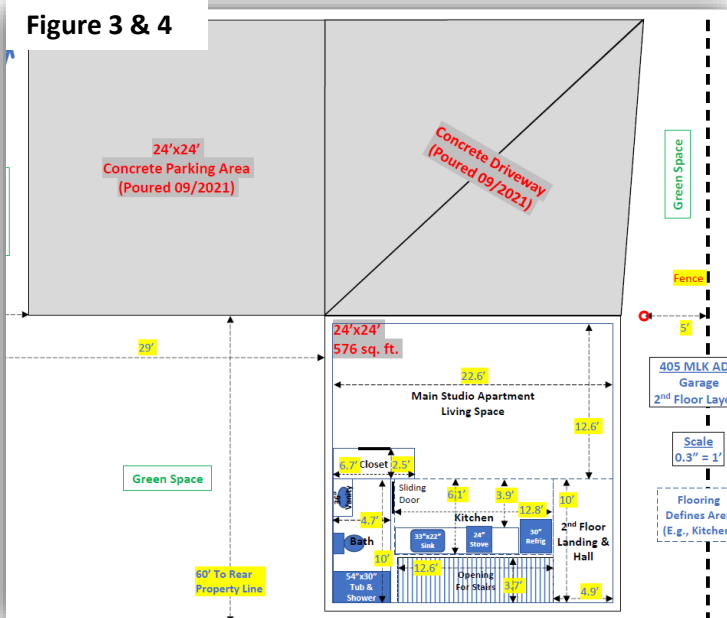


Figure 3 & 4



Furthermore, the proposed ADU exceeds the minimum required 10-foot west side yard setback by 19 feet and the minimum required 10-foot rear yard setback by 26 feet. The proposed garage meets the minimum 5-foot side yard setback, however the zoning standards for ADUs require that detached accessory dwelling units, such as garage apartments, have the same required side-yard setback as the principal structure. Due to drainage problems and the slope of the lot, the most efficient location of the proposed garage and accessory structure is approximately 6 feet 6 inches from the east side-yard property line, less than the minimum required ten (10) feet. Therefore, the applicant will need to either prepare the site to place the proposed structure approximately 3.5-feet to the west to meet the setback requirements or seek a Variance from the Board of Adjustments.

The R-2 District allows accessory dwelling units (ADUs) with prior approval of a Specific Use Permit (SUP). Thus, the applicants are seeking a SUP to allow for the construction of a 576 square foot garage apartment to be utilized as an accessory dwelling unit on a 0.288-acre tract of land in a R-2, Mixed Residential Use District.

ANALYSIS OF CITY OF BRENHAM ZONING POLICIES:

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

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

The approximate 0.288-acre tract of land is generally located on the south side of Martin Luther King, Jr. Parkway and approximately 145 feet to the west of Baber Street and 245 feet east of Rippetoe Street. The subject property, and all surrounding properties are located within a R-2, Mixed Residential District that allows for a mix of residential uses to include single family and two-family dwellings, in addition to multifamily dwellings on sites of less than two acres. The subject property and adjacent properties are developed as single-family homes. Further to the west, across Rippetoe Street is a R1, Single-Family Residential District that is developed as single-family homes. To the east and northeast, near Austin Street, is a B2, Commercial Research and Technology District, that is developed as a variety of commercial development to include Ace Hardware, Brookshire Brothers grocery store and fuel pumps, Shipley's Donuts and general office uses.

The applicants are requesting a SUP to allow the construction of a 24'x24' (576 sq. ft) and 20-foot in height, two-story detached accessory garage with an Accessory Dwelling Unit (ADU) to be located on the second floor. The allowance and standards for ADUs were adopted within in the Zoning Regulations with Ordinance No. O-19-012 that was approved on March 7, 2019. The adopted regulations allow any homeowner living on a single-family zoned property may build an ADU with prior approval of a Specific Use Permit and a building permit. Any homeowner or business owner located in a B-1 zoning district may build an ADU with a building permit. Section 10.02(4) of the Zoning Regulations lists additional development standards that pertain to ADUs:

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

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

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

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

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

The proposed ADU has a rear yard setback of 36-feet, a west yard setback of 29 feet and an east side yard setback of approximately 6 feet 6 inches, less than the required minimum of ten (10) feet. The applicant will need to either place the proposed structure at a 10-foot setback or request a variance from the Board of Adjustments.

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

The site has driveway access via Martin Luther King, Jr. Parkway. The applicant proposes to utilize an existing paved 24'x24' parking area adjacent and west of the proposed ADU. The proposed parking area would provide for two (2) 9'x19' off-street parking spaces.

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

The principal structure is 1,270 square feet in area and the proposed ADU is 576 square feet, less than ½ of the habitable area of the principal structure.

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

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

The SUP process allows staff to identify additional land uses, which may be appropriate in special circumstances. The proposed structure is to be utilized as both a garage for the principal structure on the ground floor and as a studio apartment/ADU on the second floor. The applicant site plan indicates that the structure will have a proposed setback of over 140 feet from the property line along Martin Luther King, Jr. Parkway, and given that the ADU will occupy the second floor, will likely appear to be solely a garage from onlookers and neighbors. The proposed structure will not be out of character with the surrounding neighborhood. While the proposed structure is only shown to have a 6'6" east side yard setback and will need to be moved a minimum of 3'6" to the west or be granted a variance, the abutting and impacted properties to the east front onto Baber Street. Thus, the proposed structure would have less visual impact as it would be closest to their rear property lines. Lastly, the applicant proposes to provide for two (2) off-street parking spaces solely for the ADU as opposed to the minimum required one parking space.

Staff recommends approval of the SUP request as the proposed ADU will be compatible with small-town attributes that make Brenham a special place for its citizens to live as it complies with the development standards for accessory dwelling units and staff is unable to identify any adverse impacts to the surrounding neighborhood.

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

The future land use map portion of the Historic Past, Bold Future 2040 Comprehensive Plan suggests the subject property and surrounding area as single-family residential. The subject property and

surrounding area are currently developed as single-family uses with a legally nonconforming manufactured home park located to the west on the southeast corner of Martin Luther King, Jr. Parkway and Rippetoe Street. The requested SUP would not deter from the envisioned use. Staff finds that the proposed request aligns with the goals and land use polices established in the Comprehensive Plan.

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

The subject property has existing utilities available along Martin Luther King, Jr Parkway. ADUs are an opportunity to increase density in a compatible manner within a residential area as they do not require additional infrastructure to be built to accommodate the new dwelling unit.

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

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

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

Property owners within 200 feet of the project site were mailed notifications of this request on November 4, 2021. The Notice of Public Hearing was published in the Brenham Banner on November 4, 2021. As of November 12, 2021, Staff has not received any calls regarding the proposed ADU.

Any public comments submitted to staff will be provided in the Planning & Zoning Commission and City Council packets or during the public hearing.

- (6) The city's zoning should ensure that adequate open space is preserved as residential and commercial development and redevelopment occur.

If approved, the property will be required to adhere to the regulations of the R-2 District to include, the accessory dwelling unit development standards, minimum building setbacks and maximum impervious coverage requirements. The applicant has submitted a site plan (Exhibit E) which depicts the proposed location of the ADU and access. The applicant has also provided a proposed elevation and building floorplan (Exhibit F). The R-2 District allows for greater density of residential units with a mix of residential uses to include single family and two-family dwellings, and multifamily dwellings on sites of less than two acres. As the subject property is 12,561 square feet and is equivalent or larger than the surrounding residential properties, only a minimal increase in density will occur. In addition, the applicant has a submitted an extensive backyard landscape plan (Exhibit H) to help mitigate the additional impervious coverage from the provided parking area. Staff finds that the site development requirements will ensure that adequate open space is preserved on the subject property.

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

Staff finds that the requested land use is appropriate in this location given adjacent zoning designations, existing development in the vicinity, and conformance with the City's adopted Comprehensive Plan. The proposed use is in line with the Future Land Use Plan and, with the condition for the proposed structure to be placed at a 10-foot east side yard setback or seek a variance, the development requirements for Accessory Dwelling Units.

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

The subject property and the surrounding vicinity are located within a R-2 District, that allows for a mix of residential uses to include single family and two-family dwellings, and multifamily dwellings on sites of less than two acres. The Future Land Use Map, as part of the Comprehensive Plan adopted in September 2019, envisions the subject property and surrounding area as single-family residential. The subject property and adjacent properties are developed as single-family homes. Further to the west, across Rippetoe Street is a R1, Single-Family Residential District that is developed as single-family homes. To the east and northeast, near Austin Street, is a B2, Commercial Research and Technology District, that is developed as a variety of commercial development to include Ace Hardware, Brookshire Brothers grocery store and fuel pumps, Shipley's Donuts and general office uses. The ADU use would not be out of character with the surrounding vicinity of predominately single-family homes and commercial uses further to the east. Staff finds that the proposed ADU is compatible to nearby land uses and consistent with the land use policies established in the Comprehensive Plan.

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

Staff finds that approval of the proposed SUP to allow for further development of the property with an ADU will promote the orderly and healthful development of the community. This request, to allow a proposed 576 square foot accessory structure to be located on the second story area of a two-car garage accessory dwelling, will not adversely affect health, safety, morals, or general welfare of properties in the general vicinity or the community in general.

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

Staff believes that the proposed development will have a positive effect on the surrounding area and will be compatible with anticipated uses surrounding this property. The proposed ADU would be located on the second floor of the garage that is to be located to the rear of the property. Several other homes in the area have detached garages located to the rear of the property, thus the accessory dwelling use located within the garage structure would be in character with the surrounding neighborhood and likely go unnoticed by neighbors and onlookers. The applicant proposes to either rent out the ADU for additional income or use as a guest house. The proposed structure meets the development standards set forth in the zoning ordinance and is in character with both the principal structure and nearby residential properties.

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

If approved, the proposed SUP will allow for a 576 square foot, one bedroom, one bath ADU to be located on the second floor of an accessory garage that would provide supplemental income or utilized as a guest house for the property owners. Commercial property is located within a B-2, Commercial Research and Technology District and developed as a variety of commercial uses to include Ace Hardware, Brookshire Brothers grocery store and fuel pumps, Shipley's Donuts and general office uses. Vacant commercial properties are located within the surrounding neighborhood, to the east near the N. Austin Street intersection and along N. Park Street. commercial and industrial developments the vicinity to the west and southwest. Staff finds that the proposed SUP, if approved, will not negatively affect vacant land classified for commercial uses.

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

The property is currently developed as a single-family home within a R-2, Mixed Residential District. Staff is not aware of any hindrances on the property created by legally existing incompatible uses. The applicant's request will allow the subject property to develop in a compatible, legally conforming manner.

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

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

STAFF RECOMMENDATION:

Staff recommends **approval** of a Specific Use Permit to allow for an accessory dwelling unit to be located on the second floor of a detached garage, as provided in the application site plan, in a R-2 Mixed Residential Use Zoning District for the subject 0.288-acre tract of land that is located at 405 Martin Luther King, Jr. Parkway and legally described as Lot 7A, Rippitoe's Addition **with the following condition**:

1. The detached garage/ADU structure shall be located at a minimum 10-foot side yard setback along the east property line or receive a Variance for a 3'6" side yard encroachment by the Board of Adjustments.

EXHIBITS:

- A. Aerial Map
- B. Zoning Map
- C. Future Land Use Map
- D. Cover Letter to the Commission
- E. Site Plan
- F. Proposed Building Elevations
- G. Site Plan/Proposed Floor Plan
- H. Landscape Plan
- I. Site photos

EXHIBIT "A"
AERIAL MAP



Aerial Map
Specific Use Permit
405 Martin Luther King Pkwy



1 inch = 71 feet



EXHIBIT "B"
ZONING MAP



Zoning Map
Specific Use Permit
405 Martin Luther King Pkwy



1 inch = 71 feet



Legend




-  B2 Commercial Research and Technology
-  R1 Residential Single Family
-  R2 Mixed Residential

EXHIBIT "C"
FUTURE LAND USE MAP




**Future Land Use Map
Specific Use Permit
405 Martin Luther King Pkwy**

Legend

Future Land Use Plan

FLU_FINAL

 Single Family Residential



1 inch = 71 feet



EXHIBIT "D"
SUP APPLICATION COVER LETTER

October 7, 2021

Planning and Zoning Commission
P.O. Box 1059
200 W. Vulcan Street
Brenham, TX 77834

To Whom It May Concern:

We, Carl Franklin & Linda Bessmer, are asking permission to build a 24'x24' garage with an upstairs ADU at 405 Martin Luther King Jr. Parkway in Brenham. Our house has an area of 1,270 sq. ft. and the lot is zoned R-2. The new structure will replace an unsafe 16.2'x19.8', single-story garage with loft. The old garage has been torn down already. (See the survey attached for the location of the house and old garage.) The new garage will be located further back on the property, leaving a side yard of 6.4' and back yard of 36'. A separate 24'x24' concrete parking area was added in September 2021 when we extended the driveway toward the rear of the property. See the drawings of the new layout attached.

The reasons for this request are as follows. We would like to park our cars inside the garage to prevent tree sap, weather, and sun damage. Also, we plan on retiring in the next couple of years and would welcome the opportunity to rent the garage apartment for extra income. Alternatively, the separate living space would allow us to accommodate a full-time caregiver in case one or both of us need that kind of assistance in the future. (We would like to live at 405 MLK as long as possible rather than move into an assisted living facility.) If the ADU doesn't work out as a rental unit, we'd like to use the living space to welcome visiting friends and family. The extra space will give our guests more privacy and comfort than possible in the existing house.

Here are some other reasons the Planning and Zoning Commission may want to consider. We have owned the property since 2018 and have made several upgrades such as a new roof with architectural shingles and an accessory building. Our investments have helped stabilize the area, which is a mix of renters and homeowners. The addition of the garage apartment will increase the property's valuation and generate more tax dollars to support the City of Brenham, the Brenham Independent School District, Blinn College, and Washington County. It will also provide work for local contractors. For example, the garage pad, parking area, and driveway extension were poured by Legacy Concrete Works, LLC.

If you have any questions, please contact us at 281.770.4238 or franklin.carl@gmail.com.

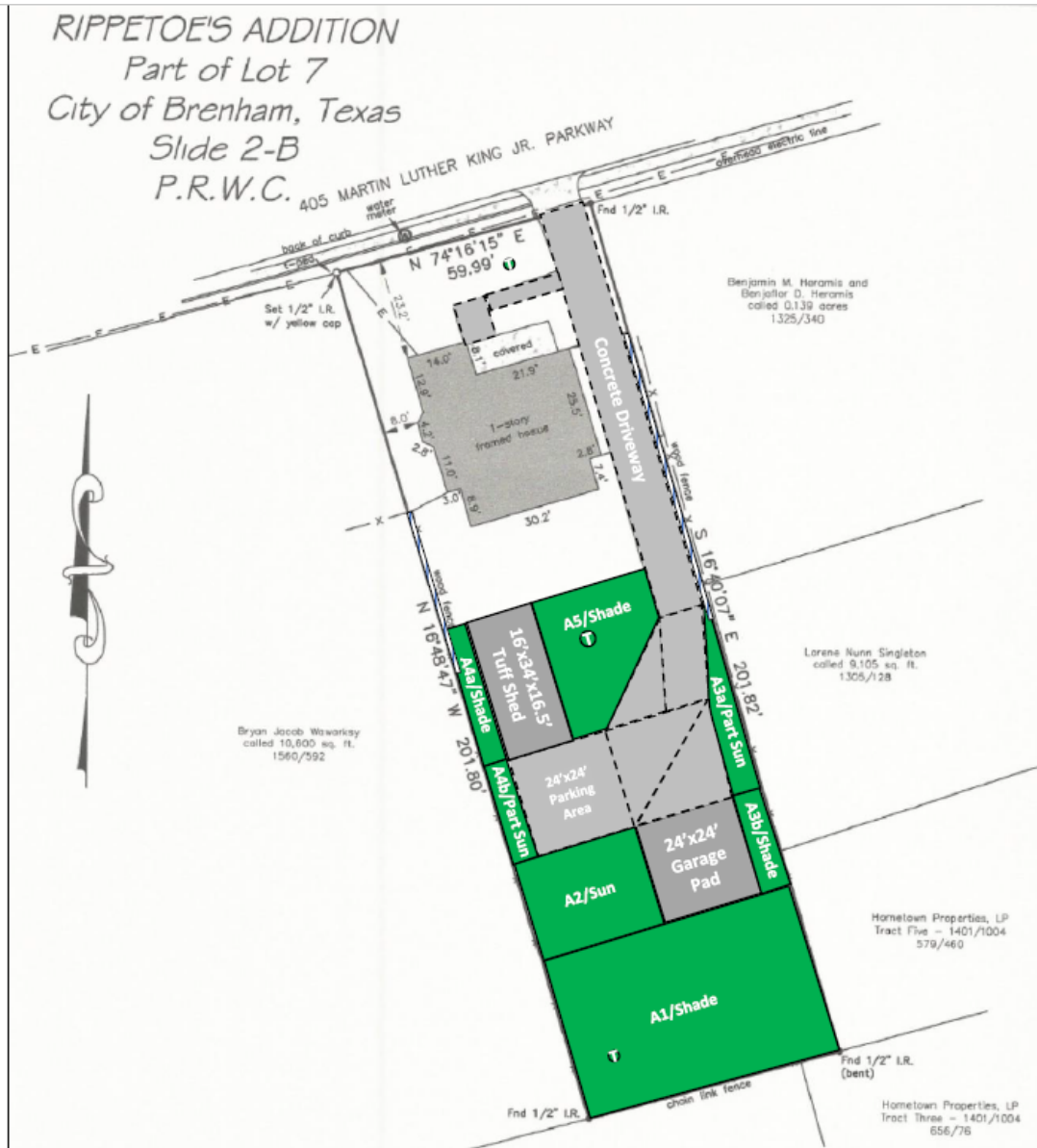
Thank you for your consideration.

Regards,



Carl Franklin, Ph.D. & Linda Bessmer

EXHIBIT "E"
PROPOSED SITE PLAN



Current Layout
Carl Franklin &
Linda Bessmer
405 MLK
Brenham, TX

281.770.4238

Legend

- Concrete Pad
- Driveway
- 🌳 Tree
- ▭ Wooden Fence

Areas A1-A5
Are for Landscape
Planning Purposes

PowerPoint Scale
0.0277" = 1'

Staff calculated the impervious lot coverage to be approximately 35.7%

EXHIBIT "F"
Elevations

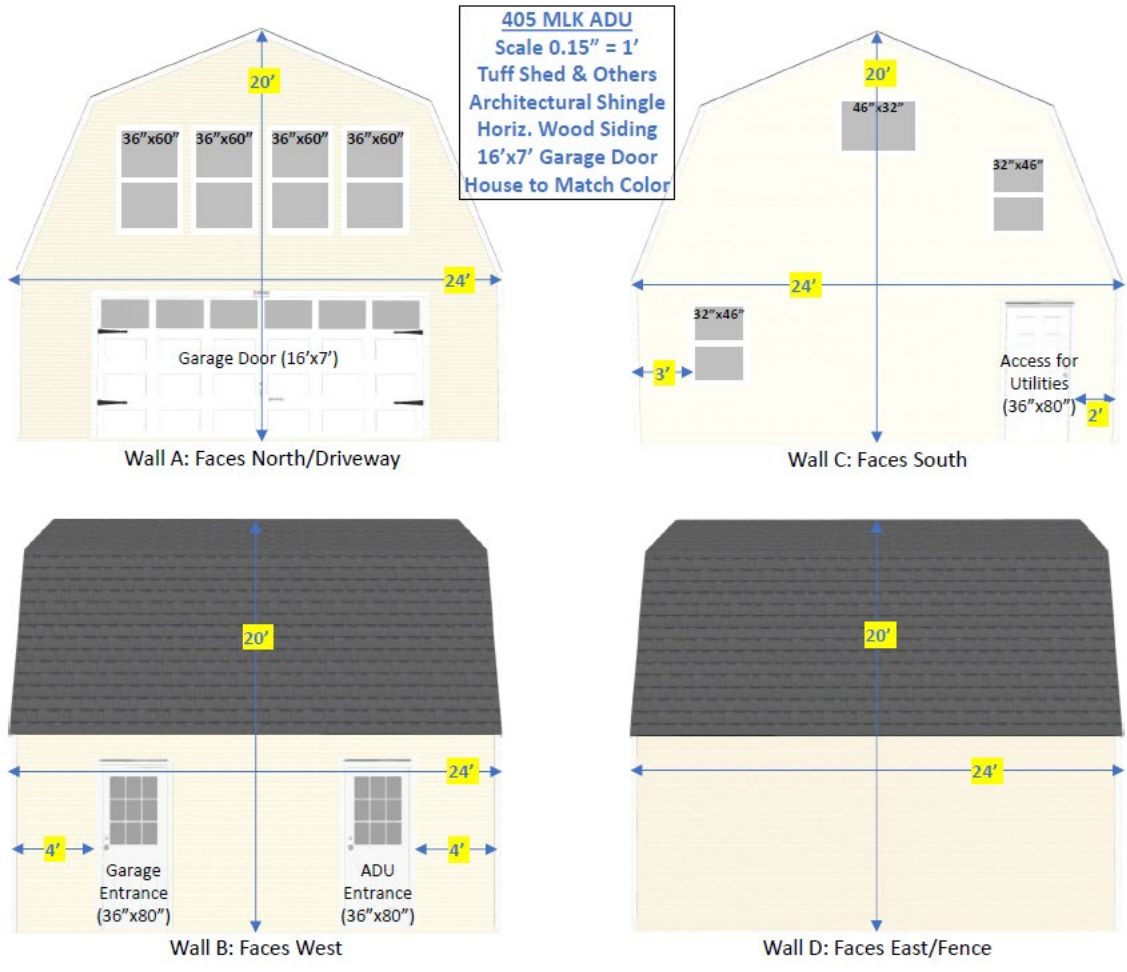


EXHIBIT "G"
Site plan/Floor plan

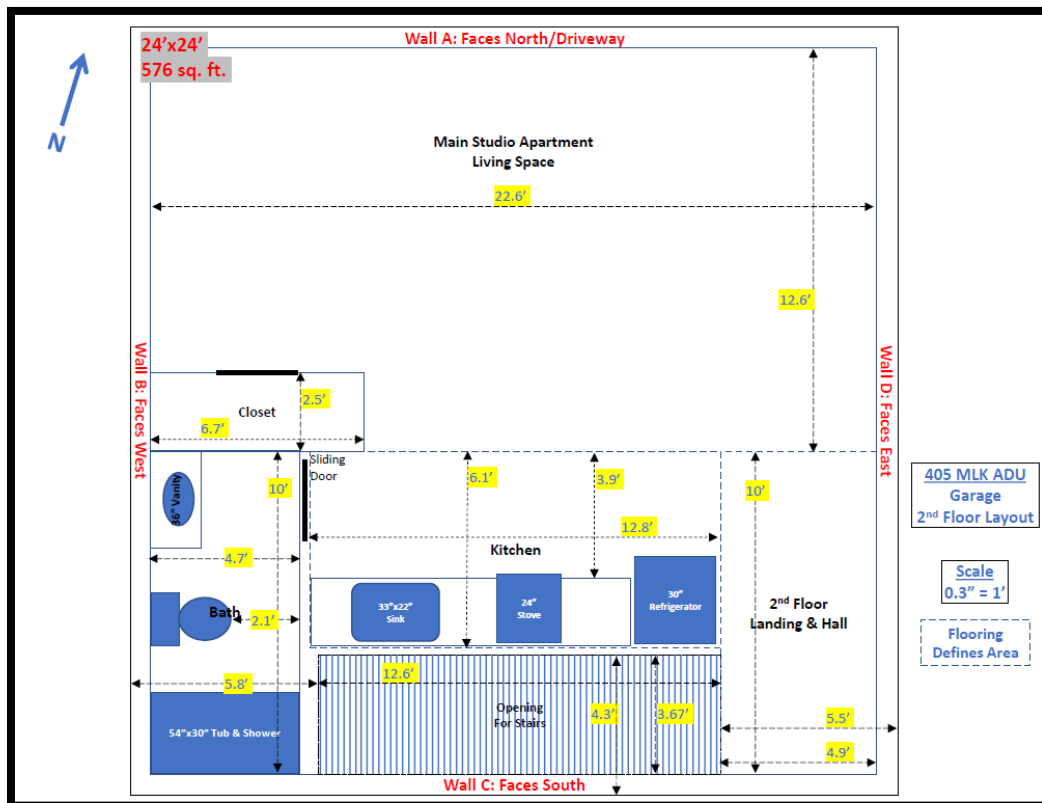
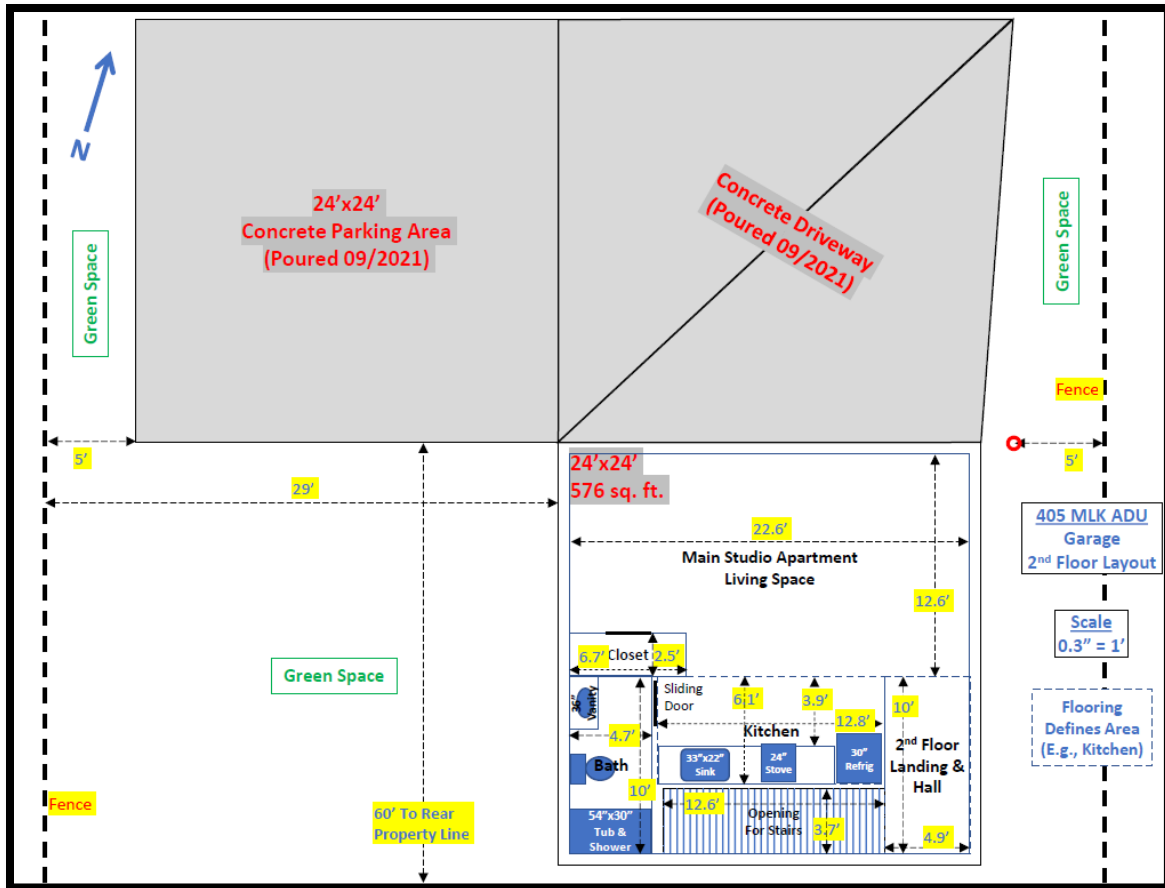
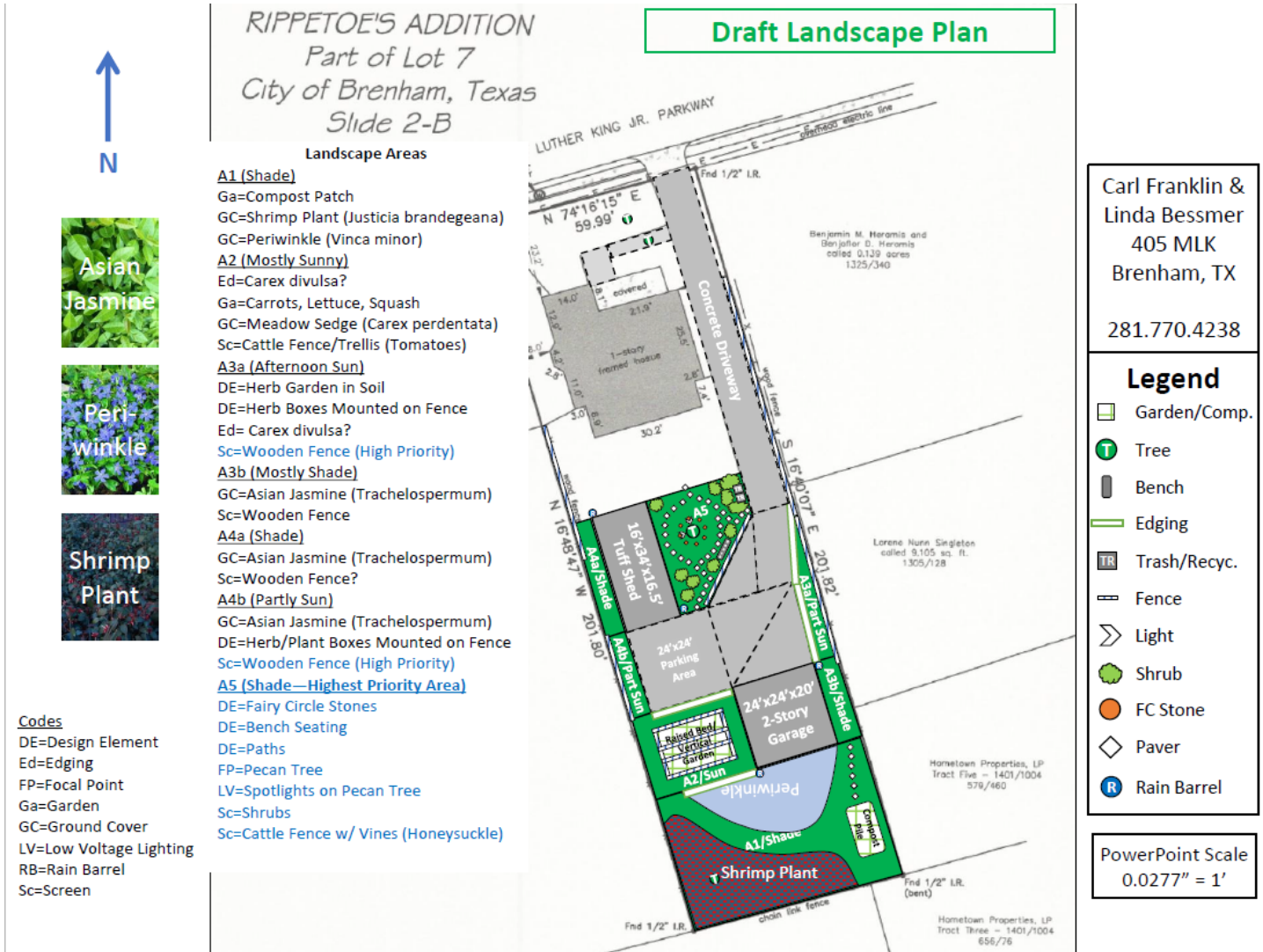
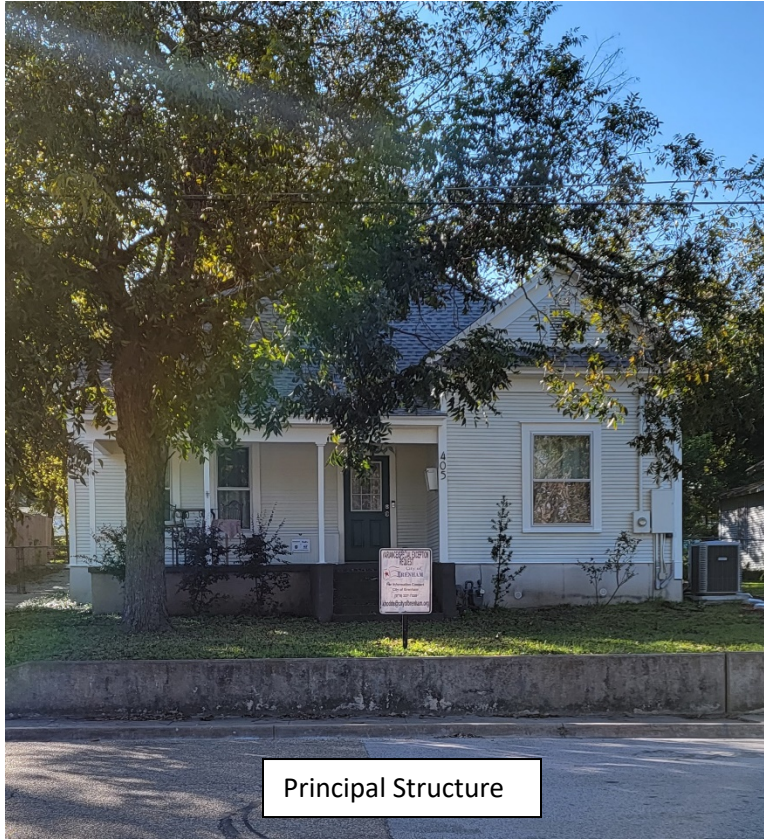


EXHIBIT "H"
Landscaping Plan



Staff calculated the impervious lot coverage to be approximately 35.7%

EXHIBIT "1"
Site Photos



Principal Structure



East property line / subject area



Rear yard where ADU would be located



West property line / similar accessory structure in the rear yard