



**NOTICE OF A REGULAR MEETING
BRENHAM PLANNING AND ZONING COMMISSION
MONDAY, SEPTEMBER 27, 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 August 23, 2021 Planning and Zoning Commission Meeting.

REGULAR AGENDA

- 5. Public Hearing, Discussion and Possible Action on Case No. P-21-021: A Request by James and Lynnette Hodde for approval of a Replat of Lot 6, Block G of the Spencer Addition to create Lots 6A and 6B, being 0.363-acres and 0.337-acres, respectively, for a total of 0.700-acres of land currently addressed as 400 Ross Street and further described as part of the A. Harrington Survey, A-55, in Brenham, Washington County, Texas.**
- 6. Public Hearing, Discussion and Possible Action on Case No. P-21-022: A request by KT Auto Plus for a Specific Use Permit to allow an enlargement of floor area occupied by a legally existing nonconforming use (automobile repair shop) on property addressed as 1006 N. Park Street and described as Lot S PT 19 and N PT 21 of the Wm. Schomburg Subdivision in Brenham, Washington County, Texas.**

- 7. **Public Hearing, Discussion and Possible Action on Case No. P-21-023:** A City initiated request to amend the City of Brenham's Code of Ordinances, Appendix A: Zoning, Part II, Division 1, Section 18 – Food Truck Park: to establish standards related to the development of such uses and to amend Part 2, Division 2 – Zoning District Regulations, to allow Food Truck Parks by Specific Use Permit in the B-1, B-2, B-3 and B-4 Zoning Districts.

- 8. **Adjourn**

CERTIFICATION

I certify that a copy of the September 27, 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 September 23, 2021 at 1:30 pm.



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
August 23, 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 August 23, 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
Dr. Deanna Alfred, Vice Chair
Chris Cangelosi
Artis Edwards, Jr.
Calvin Kossie
Cayte Neil
Marcus Wamble

Commissioners absent:

None

Staff present:

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

Citizens / Media present:

Eliborio Villarreal
Maria E. Villarreal
Mischa Enos
Fredericka DeBerry
Joshua Blaschke, KWHI
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 Board that the “food truck” task force will meet next week to work ordinances related to food trucks and mobile food vendors.

CONSENT AGENDA

4. Statutory Consent Agenda

The Statutory Agenda includes non-controversial and routine items that the Commission may act on with one single vote. A Commissioner may pull any item from the Consent Agenda in order that the Commission discuss and act upon it individually as part of the Regular Agenda.

4-a. Minutes from the August 9, 2021 Planning and Zoning Commission Meeting.

Chairman Behrens called for a motion for the statutory consent agenda. A motion was made by Commissioner Alfred and seconded by Commissioner Wamble 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-21-019: A request by Mischa L. Enos 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 503 W. Alamo Street, and described as Lot 36A and Lot 37A of the West Main Subdivision in Brenham, Washington County, Texas.

Shauna Laauwe, Project Planner, presented the staff report for Case No. P-21-019 (on file in the Development Services Department). Ms. Laauwe stated that the subject property is a 1.14-acre lot addressed as 503 W. Alamo Street and owned by Mischa L. Enos. This property is a double-frontage lot with frontage along W. Alamo Street to the north and Peabody Street to the south. The property is zoned R-2, Mixed Residential Use and is developed with a 4,488 square foot single-family home that was built in 1895 and a 487-square feet accessory structure commonly known as the "carriage house" that faces Peabody Street. The applicant has requested approval to convert the 20'-4" x 24'-5" existing carriage house into a detached accessory dwelling unit (ADU). The applicant does not propose to increase the size of the existing structure. The R-2 Zoning District allows ADU's with a specific use permit and additional development standards. The applicant proposes a 1-bedroom, 1-bath home single-family residence for her parents.

Staff finds that:

- The existing single-family dwelling will be primary residence of the property-owners.
- The ADU will be the same general architecture style and building material.
- The ADU exceeds the 10-foot side yard setbacks; however, it does not meet the 10-foot rear yard setback but the existing structure is considered legally non-conforming with a 7-foot rear yard.
- The applicant proposes a 20-foot by 20-foot driveway which will allow for two parking spaces which exceeds the requirement of one (1) parking space for an ADU.
- The proposed 487-foot ADU is less than ½ of the principal structure.
- The ADU is not a HUD-code manufactured home.
- This ADU is an existing structure that has been in place for many years.
- Approval of the SUP would allow compatible increased density.
- The ADU is in conformance with the Comprehensive Plan.
- The ADU is subject to all applicable R-2 development and ADU building standards.

Staff recommends approval of the requested specific use permit.

Public Notice was posted in the Banner Press and property owners within 200-feet were mailed notices on August 12, 2021. Staff received several phone calls and three letters regarding this request with concerns about parking and use as a short-term rental.

Chairman Behrens opened the Public Hearing at 5:30 pm. There were no citizen comments. Chairman Behrens closed the Public Hearing at 5:31 pm.

A motion was made by Commissioner Kossie and seconded by Commissioner Neil to recommend approval of a request by Mischa L. Enos 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 503 W. Alamo Street, as presented. The motion carried unanimously.

6. Public Hearing, Discussion and Possible Action on Case No. P-21-020: A Request by Daniel Bilski for approval of a Replat of Lots 1, 4 and 5, of the Alois Lane Subdivision, Section II to create Lots 1A, 4A and 5A, being 0.208-acres, 0.177-acres, and 2.30-acres, respectively, for a total of 2.685-acres and further described as part of the James Walker Survey, A-106, in Brenham, Washington County, Texas.

Shauna Laauwe, Project Planner, presented the staff report for Case No. P-21-0120 (on file in the Development Services Department). Ms. Laauwe stated that the subject property, identified as Lots 1, 4 and 5 of the Alois Lane Subdivision, Section II, is owned by Daniel Bilski. The existing use for the property is a combination of residential and vacant land and the zoning is R-3, Manufactured Home Residential. The owner would like to replat Lots 1, 4 and 5 into Lots 1A, 4A and 5A for further residential development. Public Notice was posted in the Banner Press and property owners within 200-feet were mailed notices on August 5. Staff did not receive any citizen comments for or against this request.

Chairman Behrens opened the Public Hearing at 5:39 pm. It was clarified that all of the subject property is vacant except for the proposed Lot 4A. There were no other comments. Chairman Behrens closed the Public Hearing at 5:41 pm.

A motion was made by Commissioner Wamble and seconded by Commissioner Cangelosi to approve the request by Daniel Bilski for approval of a Replat of Lots 1, 4 and 5, of the Alois Lane Subdivision, Section II to create Lots 1A, 4A and 5A, as presented. The motion carried unanimously.

7. Adjourn.

A motion was made by Commissioner Alfred 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:

Planning and Zoning Commission

M. Keith Behrens
Chair

September 27, 2021
Meeting Date

Attest

Kim Hodde
Staff Secretary

September 27, 2021
Meeting Date



CASE P-21-021
REPLAT: LOT 6, BLOCK G OF THE SPENCER ADDITION
TO CREATE LOTS 6A AND 6B

PLAT TITLE: Replat of Lot 6, Block G of the Spencer Addition into Lots 6A and 6B **CITY/ETJ:** City Limits

PLAT TYPE: Residential Replat

OWNER: James and Lynnette Hodde

APPLICANT/AGENT: James and Lynnette Hodde

LOT AREA /LOCATION: 0.700-acres / 400 Ross Street

PROPOSED LEGAL DESCRIPTION: Lot 6A and 6B, Block G of the Spencer Addition in Brenham, Washington County, Texas

ZONING DISTRICT: R-1, Single Family Residential District

EXISTING USE: Residential

COMP PLAN FUTURE LAND USE: Single Family Residential

REQUEST: A request by James and Lynnette Hodde for approval of a residential Replat of Lot 6, Block 6 of the Spencer Addition to create Lots 6A and 6B, being 0.363-acres and 0.337-acres, respectively, and further described as part of the A. Harrington Survey, A-55, in Brenham, Washington County, Texas.

BACKGROUND:

The subject property, identified as Lot 6, Block G of the Spencer Addition is owned by James and Lynnette Hodde. The existing use for the subject property is residential. The property owner would like to replat Lot 6 for further residential development. Lot 6A is proposed to contain 0.363-acres of land, Lot 6B is proposed to contain 0.337-acres of land, for a total of 0.700-acres of land. The dividing of the existing 0.700-acres of land will allow for the construction of a second, single-family home. Proposed Lot 6A is developed with an existing single-family home, while Lot 6B will be developed with a proposed single-family home and garage. Proposed Lot 6B currently has an existing accessory structure that served as a workshop for the principal residential structure located on proposed Lot 6A. Because an accessory structure may not be the sole use on a residential lot, the plat cannot be recorded until the building permit for the new single-family home construction has been approved.

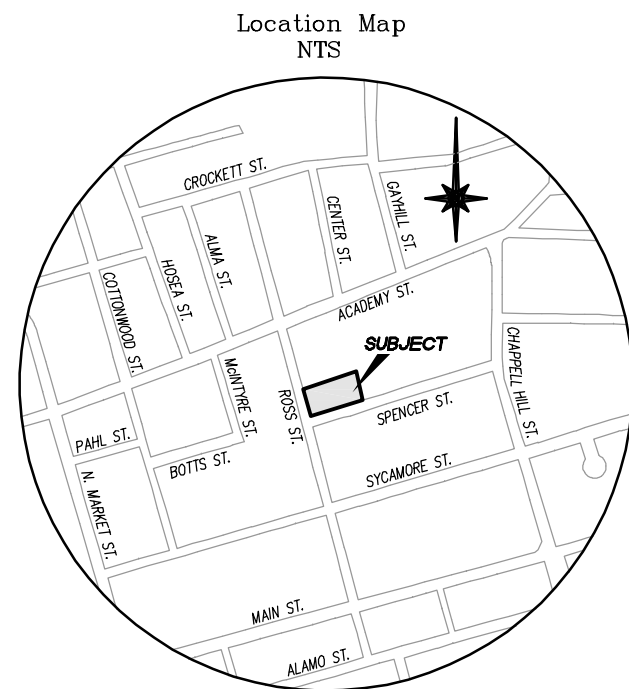
No additional public utility easements are proposed with this replat.

STAFF RECOMMENDATION:

Development Services staff and Engineering have reviewed the proposed residential Replat for compliance of the City of Brenham's regulations and ordinances and **recommends approval** of the proposed residential Replat as presented.

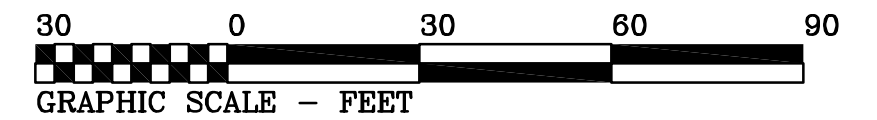
EXHIBITS:

- A. Proposed residential Replat



**REPLAT OF
PART OF LOT 6, BLOCK G OF THE SPENCER ADDITION
TO FORM LOT 6A AND LOT 6B
IN BLOCK G OF THE SPENCER ADDITION**

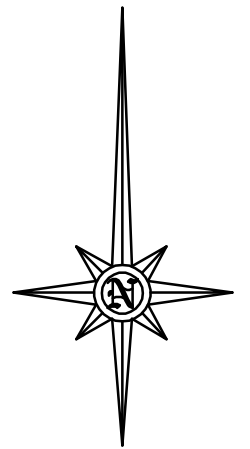
CONSISTING OF 2 LOTS
LOT 6A: 0.363 ACRE
LOT 6B: 0.337 ACRE
BEING A TOTAL OF 0.700 ACRE
A. HARRINGTON SURVEY, A-55
CITY OF BRENHAM
WASHINGTON COUNTY, TEXAS



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

LEGEND:

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



NOTES:

1. Lot 6A and Lot 6B: being a re-survey of the same land described as 0.682 acre in a deed from Fred O. Boecker and wife, Betty Jane Boecker to James A. Hodde and wife, Lynnette L. Hodde, dated April 14, 1990, recorded in Volume 624, Page 361, Official Records of Washington County, Texas.
2. All oil/gas pipelines or pipeline easements with ownership through the subdivision have been shown.
3. This plat does not attempt to amend or remove any void covenants or restrictions.
4. 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.
5. According to Flood Insurance Rate Map (F.I.R.M.), compiled by the Federal Emergency Management Agency, Map No. 48477C0295C, Washington County, Texas, effective date of August 16, 2011, the subject property does not lie within the Special Flood Hazard Area.
6. Iron rods set are fitted with plastic cap stamped "Lampe Surveying".

Property Owner
James A. Hodde and
Lynnette L. Hodde
400 Ross Street
Brenham, Texas 77833
(979) 277-4983

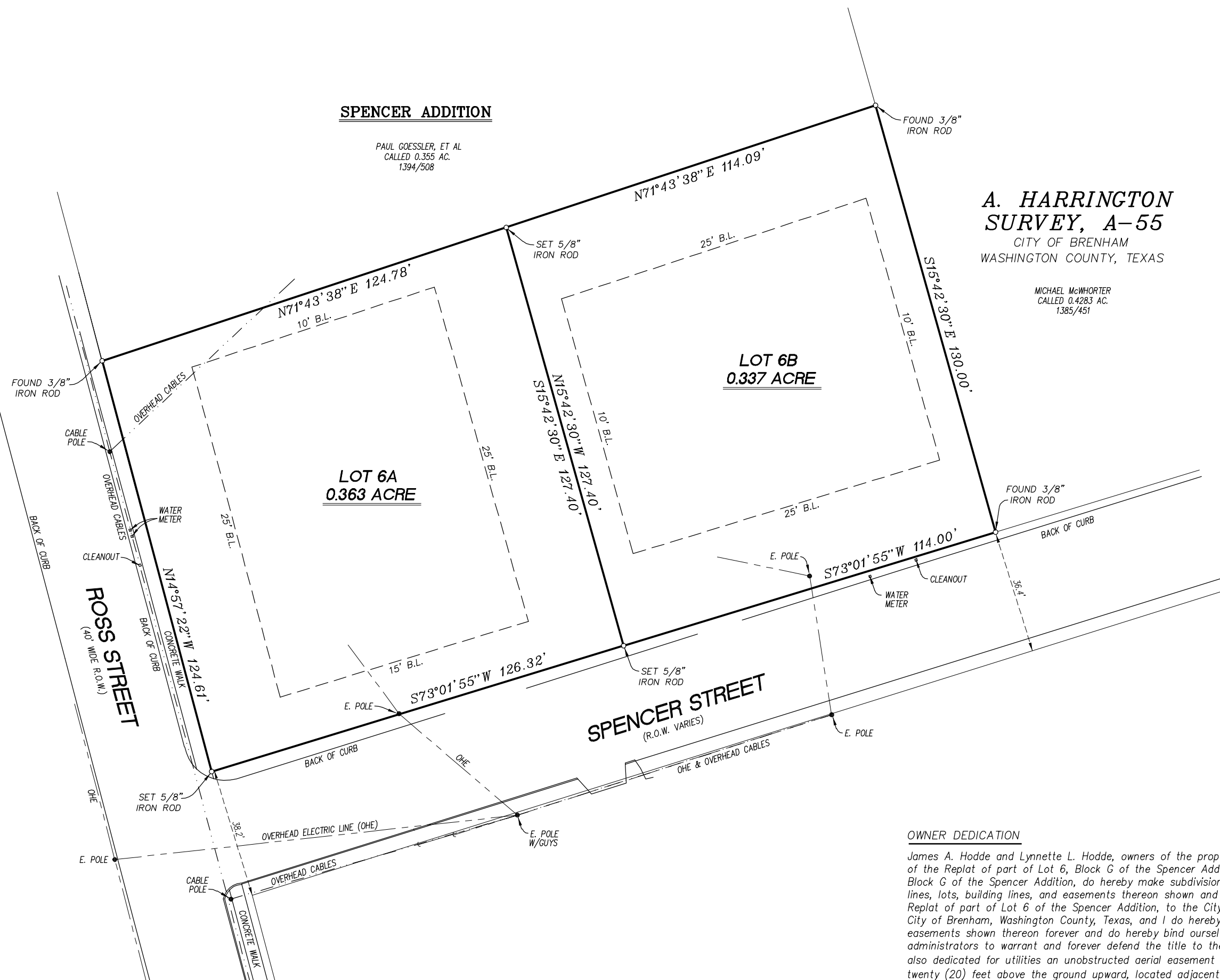
Plat Prepared by
Lampe Surveying, Inc
P.O. Box 2037
1408 West Main Street
Brenham, Texas 77834
(979) 836-6677

SPENCER ADDITION

PAUL GOESSLER, ET AL
CALLED 0.355 AC.
1394/508

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

MICHAEL McWORTER
CALLED 0.4283 AC.
1385/451



PLANNING COMMISSION APPROVAL

Approved this _____ day of _____, 2021
by the City Planning Commission of the City of Brenham, Texas.

Chairman _____

Secretary _____

COUNTY CLERK FILING ACKNOWLEDGEMENT STATEMENT

THE STATE OF TEXAS
COUNTY OF WASHINGTON

I, Beth Rothermel, Clerk of the County Court of Washington County, Texas do hereby certify that the within instrument with its Certificate of Authentication was filed for registration in my office on the _____ day of _____, 2021, A.D. at _____ o'clock _____ M., and duly recorded on the _____ day of _____, 2021, A.D. at _____ o'clock _____ M., in Plat Cabinet File No. _____.

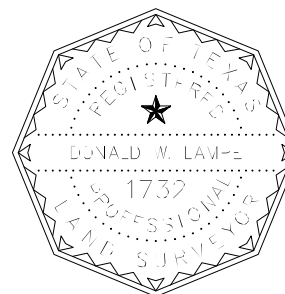
Witnessed by hand and seal of the County Court of the said County, at office in Brenham, Texas.

By: _____ Deputy Beth Rothermel
County Clerk
Washington County, Texas

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

Dated this the 18th day of August, 2021.

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



OWNER DEDICATION

James A. Hodde and Lynnette L. Hodde, owners of the property subdivided in the foregoing map of the Replat of part of Lot 6, Block G of the Spencer Addition to form Lot 6A and Lot 6B in Block G of the Spencer Addition, do hereby make subdivision of said property according to the lines, lots, building lines, and easements thereon shown and designate said subdivision as the Replat of part of Lot 6 of the Spencer Addition, to the City of Brenham, Texas, located in the City of Brenham, Washington County, Texas, and I do hereby dedicate to public use, as such the easements shown thereon forever and do hereby bind ourselves, our heirs, executors, and administrators to warrant and forever defend the title to the easements so dedicated. There is also dedicated for utilities an unobstructed aerial easement five (5) feet wide from a plane twenty (20) feet above the ground upward, located adjacent to all easements shown hereon.

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

James A. Hodde _____ Lynnette L. Hodde _____

THE STATE OF TEXAS
COUNTY OF WASHINGTON

This instrument was acknowledged before me on the _____ day of _____, 2021 by James A. Hodde and Lynnette L. Hodde.

Notary Public
State of Texas

Notary's Name (Printed): _____
Notary's Commission Expires: _____

LAMPE SURVEYING, INC
PROFESSIONAL LAND SURVEYORS

1408 WEST MAIN STREET
P. O. BOX 2037
BRENHAM, TEXAS 77834
(979) 836-6677
TEXAS LICENSED SURVEYING FIRM NO. 10040700
WD 3728 3728S1.DWG 3728H00E.CGC



CASE NUMBER P-21-021
SPECIFIC USE PERMIT REQUEST – EXTENSION OR ENLARGEMENT OF FLOOR
AREA OCCUPIED BY A LEGALLY EXISTING NON-CONFORMING USE

STAFF CONTACT:	Shauna Laauwe AICP, Project Planner
APPLICANT/OWNER:	KT Auto Plus
ADDRESS/LOCATION:	1006 N. Park Street
LEGAL DESCRIPTION:	Lot S PT 19 and N PT 21 of the Wm. Schomburg Subdivision
LOT AREA:	Approximately 0.263 acres (11,456 sq.ft.)
ZONING DISTRICT/USE:	B-1, Local Business / Residential Mixed District (Exhibit B)
FUTURE LAND USE:	Commercial (Exhibit C)
REQUEST:	A request for a Specific Use Permit to allow an enlargement of floor area occupied by a legally existing nonconforming use (automobile repair shop) (Exhibit D).

BACKGROUND:

The subject property is a 0.263-acre tract that is addressed as 1006 N Park Street, and generally located on N. Park Street south of its intersection with Blue Bell Road. As seen in Figure 1, the subject property is on the east side of N. Park Street, south of E. Blue Bell Road and north of Emile Street and Jefferies Street. The property is zoned B-1, Local Business / Residential Mixed-Use District and is developed as KT Auto Plus with a 2,423 square foot automobile repair shop and service garage. Automobile repair shop and service garage uses are not listed as either a permitted use or as a specific use in the B-1 District, thus the existing use is classified as a nonconforming use. KT Auto Plus was established in 2006, with the previous use from 1980-2006 also being an automobile repair shop as a muffler repair business. In 2006, KT Auto

Figure 1



- (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 0.263-acre tract of land is generally located on the east side of N. Park Street and one lot south of the Blue Bell Road and N. Park Street intersection. The subject property, and all adjacent and surrounding properties are located within a B-1, Local Business/Residential Mixed-Use District that is established as a medium density, mixed use district with diverse uses to provide convenient locations for neighborhood shopping and for moderate density multifamily housing with easy access to transportation routes and neighborhood shopping. Both adjacent properties are owned by the applicant, with the adjacent property to the north developed as the Kenjura Tile Training Center and the adjacent property to the south as the Kenjura Tile retail store. Surrounding properties to the west, across North Park Street are zoned B-1, but are primarily single-family residential uses. Further to the north, across Blue Bell Road are developed as commercial uses with Burger King on the northwest corner and Andrea's Taco Shop on the northeast corner.

The SUP process allows staff to identify additional land uses, which may be appropriate in special circumstances. With the proposed expansion, the existing nonconforming use as an automobile repair shop will remain the same. The subject property has been developed and utilized as an automobile repair shop since at least 1980. While the expansion would perpetuate the nonconforming use, the surrounding uses are commercial in nature and the existing repair shop is not out of character with the area.

Staff recommends approval of the SUP request as the proposed expansion will be compatible with existing development in the general vicinity 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 Commercial. The commercial designation is for properties envisioned to provide commercial retail, office and service uses, primarily along portions of major roadway corridors within the community for high visibility and accessibility, but also in other locations to accommodate neighborhood-focused businesses. The subject property and lots in the vicinity, primarily on the east side of North Park Street and at the highly visible intersection of Blue Bell Road and North Park Street to the north, are commercial uses that meet the criteria of the commercial designation as described in the Comprehensive Plan. 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 N. Park Street and Schomburg Street. The proposed expanded use will not require additional extension of city utilities.

- (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 September 16, 2021. The Notice of Public Hearing was published in the Brenham Banner on September 16, 2021. As of the date of this staff report, Staff has not received any calls or written comments regarding the proposed expansion of the nonconforming use. 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 B-1 District to include off-street parking requirements, minimum building setbacks and maximum impervious coverage requirements. The applicant has submitted a site and floorplan (Exhibit E) that depicts the proposed expansion to the rear and south of the existing building and the interior layout. The proposed building expansion to the south will place the proposed southern wall at approximately two (2) feet from the property line. While the zoning regulations for the B-1 District does not require side yard setbacks, due to the proximity to the property line, the fire code will require that the southern wall be fire-rated and for the structure to have an automatic fire sprinkler system. Although the applicant proposes to expand the existing building footprint by 3,680 square feet, only 1,337 square feet of the expansion will consist of new impervious area that is not currently covered by pavement. The proposed expansion will increase the impervious cover (structures and pavement) of the 11,456 square foot subject property from 7,705 to 9,042 square feet for an impervious coverage from an existing 67.25% to a proposed 78.9%. The maximum allowed impervious lot coverage in the B-1 District is 80%, thus little to no future expansions will be allowable on this site. 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. With the expansion, the site will be required to provide landscaping that will enhance the attractiveness of the site. The proposed use is in line with the Future Land Use Plan and the development requirements for the B-1 zoning district.

- (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 B-1 District, is a mixed-use district that allows for a variety of neighborhood shopping uses and residential uses to include single family and two-family dwellings, and multifamily dwellings on sites of more than two acres. Both adjacent properties are owned by the applicant, with the adjacent property to the north

developed as the Kenjura Tile Training Center and the adjacent property to the south as the Kenjura Tile retail store. Surrounding properties to the west, across North Park Street are zoned B-1, but are primarily single-family residential uses. Further to the north, across Blue Bell Road are developed as commercial uses with Burger King on the northwest corner and Andrea's Taco Shop on the northeast corner. The long-standing automobile repair shop and garage use is not out of character with the surrounding predominately commercial uses to the north and east and nearby residential uses to the west. Staff finds that the expansion of the automobile repair shop and garage use 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 expansion of the automobile repair shop and garage use will not adversely affect health, safety, morals, or general welfare of properties in the general vicinity or the community in general. Most of the expansion will be to the rear of the existing building and not in view from the public right-of-way.

- (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 is compatible with anticipated uses surrounding this property. The SUP would allow for the expansion of the existing building that has been utilized as an automobile repair shop for over 40 years. Much of the expansion will be to the rear of the existing building and not visible from the public right-of-way. The adjoining properties are also owned by the applicant/owner and are developed as commercial uses. The existing structure and proposed expansion will be required to meet all zoning, building code and fire code requirements. The existing nonconforming automobile repair shop use and proposed expansion is in character with the adjoining commercial properties.

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

If approved, the proposed SUP will allow for the expansion of KT Auto Plus, an existing legally nonconforming automobile service shop and garage use. All adjacent properties are Commercial properties, in addition to commercial uses to the north, across Blue Bell Road. The surrounding properties to the west, across North Park Street are zoned B-1, but are predominately single-family uses that are envisioned to be neighborhood commercial uses in the Future Land Use Plan. Vacant commercial properties are located within the surrounding neighborhood, on the southwest corner of N. Park Street and Blue Bell Road and along Blue Bell Road to the west and east. 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 an automobile service station and mechanic shop within a B-1, Local Business/Residential Mixed-Use 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 manner that is consistent with the Future Land Use Plan.

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

The adjacent properties and surrounding area to the north, south, and east are characteristically commercial. 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 an extension or enlargement of floor area occupied by a legally existing nonconforming use (automobile repair shop) on property addressed as 1006 N. Park Street and described as Lot S PT 19 and N PT 21 of the Wm. Schomburg Subdivision in Brenham, Washington County, Texas.

EXHIBITS:

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

EXHIBIT "A"
AERIAL MAP



Special Use Permit Request
1006 N Park Street



1 inch = 100 feet



Legend


 Property Boundary

EXHIBIT "B"
ZONING MAP



Special Use Permit Request
1006 N Park Street

Legend

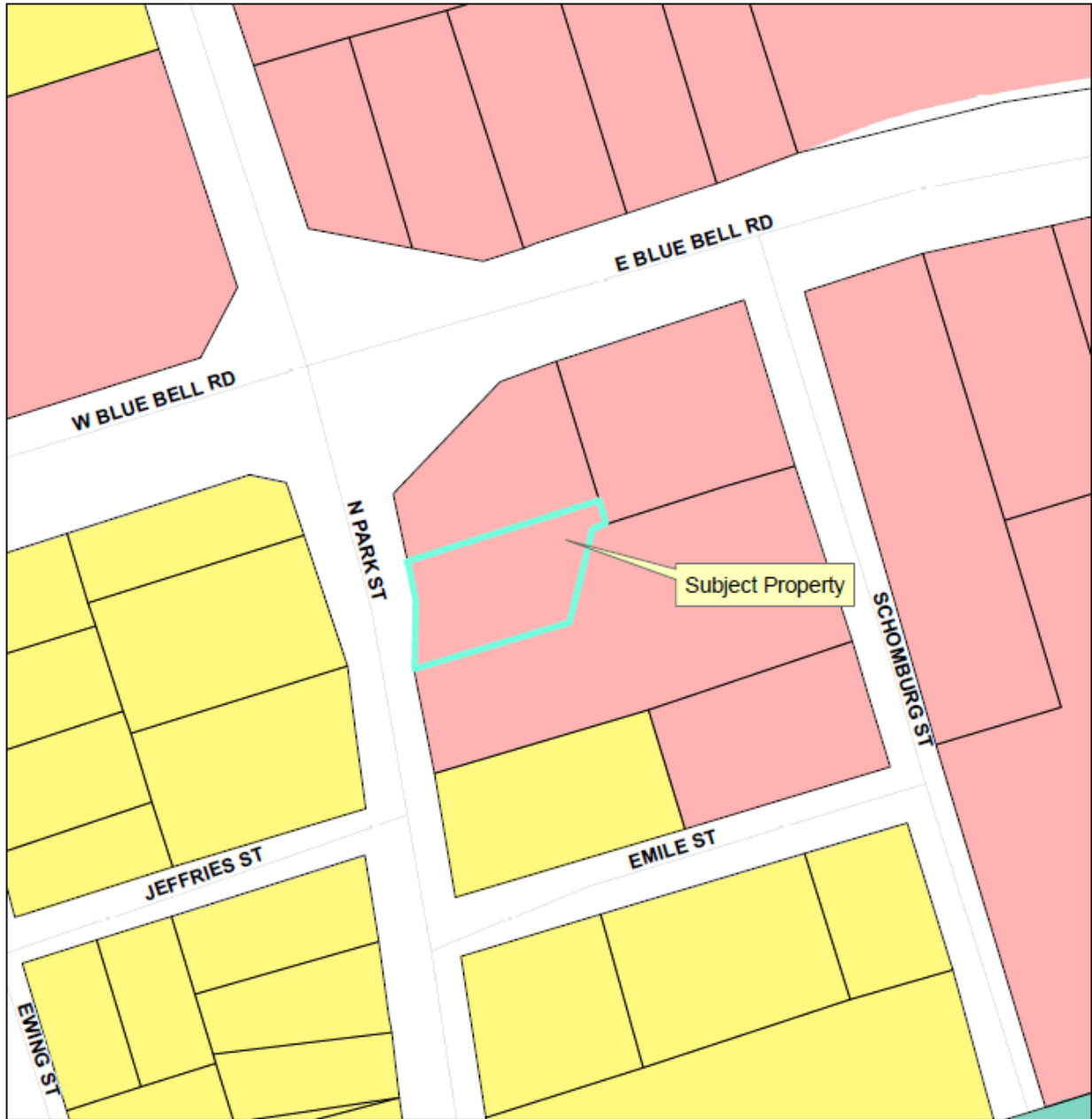
-  B1 Local Business Mixed
-  R2 Mixed Residential
-  Property Boundary



1 inch = 100 feet



EXHIBIT "C"
FUTURE LAND USE MAP



Special Use Permit Request
1006 N Park Street

- Future Land Use Plan
FLU_FINAL
- Park
 - Single Family Residential
 - Commercial
 - Property Boundary



1 inch = 100 feet



EXHIBIT "D"
SUP APPLICATION COVER LETTER



PlanNorth Architectural Co.
P.O. Box 2468
Brenham, Texas 77833

City of Brenham
Attn: Stephanie Doland, Development Services
200 West Vulcan
Brenham, Texas 77833

Re: Specific Use Permit Application for KT Auto Business Expansion, 1006 North Park Street, Brenham Texas

Dear Mrs. Doland,

Please accept this letter in reference to the KT Auto property located at 1006 North Park Street in Brenham, and owned by Rick Kenjura. Mr. Kenjura has retained our office to act on his behalf in reference to his upcoming building improvement projects at the above address.

KT Auto is seeking a Specific Use Permit for the purpose of a minor building expansion to his existing business. Mr. Kenjura wishes to expand the floor area of the existing auto repair shop in efforts to support his growing business. The existing zoning designation is B-1, and we have been advised by your team that the team will need to seek this SUP in order to proceed with the project. Mr. Kenjura is under contract for Architectural and Engineering drawings to complete a set of drawings for construction which meet current building codes, and needs a SUP in order to secure a building permit for this project.

Please contact my office should you have any questions or concerns regarding this project.

Sincerely,

A handwritten signature in black ink, appearing to read "Katie Burch", is written over a horizontal line.

Katie Burch, AIA
Principal Architect, PlanNorth Architectural Co.
979-251-4145
katie@plannorth.com



EXHIBIT "F"
SITE PHOTOS



South area of the existing building to be expanded for an 18-wheeler service bay



Rear of the existing site



View to the North: Intersection of N. Park Street & Blue Bell Road



Kenjura Tile Training Center adjacent to the North



**Single-Family Residential to the West, across N. Park Street
Zoned B-1, Local Business/Residential Mixed-Use District**



CASE NUMBER P-21-023
TEXT AMENDMENT – Mobile Kitchens and Food Truck Park Standards

REQUEST:

A City initiated request to amend the City of Brenham’s Code of Ordinances, Appendix A: Zoning, Part II, Division 1, Section 18 – Food Truck Park: to establish standards related to the development of such uses and to amend Part 2, Division 2 – Zoning District Regulations, to allow Food Truck Parks by Specific Use Permit in the B-1, B-2, B-3 and B-4 Zoning Districts.

BACKGROUND:

During the February 24th, 2021 Council Meeting staff presented a workshop item concerning Mobile Kitchens and the locations permitted within the City for Mobile Kitchens to operate. During the Council meeting staff received direction to re-evaluate the application procedures and cost to operate a Mobile Kitchen in relation to Fixed Food Establishments; draft and propose for adoption a formal Ordinance concerning the operation of Mobile Kitchens; and to review policies concerning Mobile Kitchens desiring to locate in the public right-of-way. Following the workshop meeting a Food Truck Task force was formed consisting of Councilmember Clint Kolby, Planning and Zoning Commission Chair Keith Behrens, Main Street Board member Lowell Ogle, Owner of Country Sunshine (mobile kitchen) Cullen Holle and Downtown property owner Melinda Faubion.

The Task Force met on April 9, 2021 and considered revisions to Chapter 9 – Food and Food Establishments, Chapter 16 – Occupational Licenses and Business Regulations, and Appendix A – Zoning. Additionally, the work group reviewed surrounding Cities policies for Mobile Kitchens locating in the public right-of-way. After much deliberation the group was unable to reach a consensus on policies for Mobile Kitchens to locate in the right-of-way. Staff presented a variety of concerns with long-term parking in the right-of-way and was in support of Mobile Kitchens locating in the street for special events and for a limited period of time.

On June 3, 2021 an additional workshop presentation was given to Council to discuss staff findings and review the progress of the Task Force. Following the workshop meeting staff received direction to move forward with the following amendments:

- Chapter 9 – Food and Food Establishments to adopt the latest version of the Texas Food Establishment Rules, to further clarify local policies and procedures for commercial kitchens, and to establish the criteria for approval of a food establishment permit and inspection.
- Chapter 16 – Occupational Licenses and Business Regulations to add clarification definitions and amend the background check requirements for vendors operating in the City limits
- Appendix A – Zoning to allow Mobile Kitchens as an accessory use in the B-1, B-2, B-3 and B-4 Zoning Districts and to allow Food Truck Parks as a permitted use with prior approval of a Specific Use Permit in the B-1, B-2, B-3 and B-4 Zoning Districts.

Lastly, Council directed Staff to move forward with a license agreement with the two businesses currently operating Mobile Kitchens in the right-of-way namely, Country Sunshine and Home Sweet Farm. Following the February 4th Council meeting the two Mobile Kitchens were permitted to locate in the street from Wednesday – Sunday on a trial basis. With a formal license agreement, the Mobile Kitchens would be permitted to locate in their existing capacity for an additional three years with a renewal period at that time.

On September 2, 2021 the final Task Force meeting was held to review the draft ordinance amendments and discuss any further revisions to the policies and standards pertaining to Mobile Kitchens, Fixed Food Establishments, permit and inspection procedures and fees, background check requirements and definitions for itinerant vendors, and to review standards pertaining to food truck parks as an allowed primary use on a non-residential property. The Task Force provided staff with revisions, suggestions, and edits to the Ordinance. During the meeting City staff also presented the preliminary concept plans for a food truck park located in Historic Downtown Brenham between South Baylor Street and South Market Street. The proposed "South Saint Charles Station" includes a linear park concept for approximately six mobile kitchens to be located along the railroad. In addition to designated Mobile Kitchen parking, the plans include a public green space and patio, an improved public parking lot adjacent to South Saint Charles Street and public restrooms.

City Staff has worked diligently to draft and propose appropriate updates to the various ordinances and policies pertaining to all food establishments and specifically to clarify the requirements for Mobile Kitchens. The project began with a request to evaluate fees and procedural requirements for Mobile Food Trucks and evolved into ordinance amendments to multiple chapters of the Brenham Code of Ordinances.

The Planning and Zoning Commission is charged with providing City Council a recommendation to amendments to Appendix A – Zoning. Included below are the proposed amendments which if approved would continue the allowance of Mobile Kitchens on non-residential property as an accessory use, as well as allow with prior approval of a Specific Use Permit the use of a Food Truck Park on non-residential property.

PROPOSED AMENDMENTS:

Section 1 – Definitions:

- Food truck park means a parcel of land where two or more mobile kitchens congregate to offer food or beverages for sale to the public as the principal use of the land.
- Food truck site means a developed property where a mobile kitchen operates as an accessory use to the primary active business located on the same site.
- Mobile food establishment means a vehicle-mounted food establishment designed to be readily moveable that is equipped with food preparation equipment and includes vehicles in which food is prepared on site. Mobile food establishments include mobile kitchens, mobile ice-cream/frozen dessert vehicle and non-motorized food vending carts. Mobile food establishments do not include restaurant delivery and catering vehicles.
- Mobile food trailer means a mobile kitchen that serves food or beverages from an enclosed, self-contained, non-motorized vehicle that is normally pulled behind a motorized vehicle.
- Mobile food truck means a mobile kitchen that serves food or beverages from an enclosed, self-contained, motorized vehicle.
- Mobile ice cream/frozen dessert vehicle means a motorized vehicle that normally contains a commercial freezer in which all products for sale are prepackaged and frozen.
- Mobile kitchen means a motorized vehicle or tow-behind trailer equipped with kitchen facilities such as plumbing, hot water supply, mechanical refrigeration, cooking equipment, and dry goods storage used for the preparation and sale or service of food and beverages. Customer service is provided at a counter or window in the vehicle. Mobile kitchens may include, but are not limited to, mobile food trucks and mobile food trailers. Mobile kitchens shall not include individual non-motorized vending carts or mobile ice cream/frozen dessert vehicles.

Section 2 – Appendix A, Part 2, Division 1, Section 18 – Food Truck Park

Food truck park shall mean a parcel of land where two or more mobile kitchens congregate to offer food or beverages for sale to the public as the principal use of the land. Food truck parks shall be permitted as a specific use within the appropriate Business Districts as outlined in Division 2 of this Ordinance and in accordance with the following:

1. All mobile food establishments located in a Food Truck Park shall be in accordance with Chapter 9 – Food and Food Establishments of the Brenham Code of Ordinances.
2. All mobile food establishments located in a Food Truck Park shall meet the requirements outlined for solicitors, peddlers, and itinerant vendors and shall be in accordance with Chapter 16 – Occupational Licenses and Business Regulations.
3. Food Truck Park Site Development Standards
 - a. A site plan shall be approved in accordance with Appendix A – Zoning, Part II, Division 1, Section 6 – Specific Uses, and the requirements outlined herein.
 - b. A designated seating area shall be provided for patrons.
 - c. Accessible restroom facilities shall be provided within a permanent structure. Temporary or portable toilet facilities are not permitted.
 - d. A minimum of two (2) parking spaces shall be provided for each Food Truck Site provided within the Food Truck Park.
 - e. Mobile food establishments shall not park in required parking stalls, rather they shall be located on a designated paved surface.
 - f. There shall be at least fifteen (15) feet of unobstructed clearance between all individual mobile food establishments parked side-by-side and all permanent or accessory structures and five (5) feet of unobstructed clearance between all individual mobile food establishments parked end-to-end.
 - g. A dumpster with a minimum capacity of two (2) cubic yards, a concrete pad at least six (6) inches thick and solid screening fence shall be provided.
 - h. Communal grease disposal station shall be provided on-site within a completely screened enclosure.
 - i. Landscaping and bufferyard requirements shall be met in accordance with Appendix A – Zoning, Part II, Division 1, Section 12 – Landscaping and Buffering.
 - j. No mobile food vendor nor any associated seating areas or restroom facilities shall be located in the required landscape buffer yard.
 - k. Mobile food establishments conducting business at a food truck park shall have current vehicular registration and shall be in a suitable operating condition for transit.
 - l. All activity must occur on private property, outside of the public right-of-way.
 - m. Vehicular drive-thru service of food and/or beverages shall be prohibited.
 - n. Electrical service shall be provided to the mobile kitchen by a permitted electrical connection. The use of on-board generators shall be prohibited.
 - o. The municipality may without warning, notice, or hearing, revoke any permit to operate a mobile kitchen if the holder of the permit, person in charge, or the operation of the food establishment does not comply with the requirements of the Brenham Code of Ordinances or if the operation of the food establishment otherwise constitutes an immediate hazard to public health.

Section 3 – Appendix A, Part 2, Division 2 – Zoning District Regulations

To amend the Zoning Ordinance to allow the use of a Mobile Kitchen as an accessory use by-right and to allow a Food Truck Park with prior approval of a Specific Use Permit in the following Zoning districts:

- B-1 – Local Business Mixed District
- B-2 – Commercial, Research and Technology District
- B-3 – Historical Central Business District
- B-4 Neighborhood Business District

ANALYSIS:

As cited in the city's adopted Zoning Ordinance, site development standards are established for the purpose of promoting and protecting the health, safety, morals and general welfare of the residents, citizens and inhabitants of the City of Brenham and for the protection and preservation of the small-town character of Brenham, including historical places, places of cultural importance and places that reflect the predominant community values as reflected in the city's Comprehensive Plan. However, staff finds that from time-to-time it is necessary to update the Zoning Ordinance and existing site development standards to accommodate development and modernize development requirements.

Plan 2040, the City's Comprehensive Plan includes the goal of "strengthening Brenham's tourism industry" and includes multiple Strategic Action Priorities to invest in infrastructure that promotes entertainment and tourism activities (Pg. 8). Additionally, the plan encourages public-private partnerships and coordination to promote small businesses and provide additional funding opportunities for small business development (Pg. 61). Brenham's strong emphasis on tourism, thriving businesses community, and year-over-year community growth fosters an environment for small-business ventures to succeed. Mobile Kitchens offer a unique start-up opportunity to allow small businesses owners to test the market for diverse food options and establish a following prior to investing in the traditional brick and mortar business venture.

Currently the City has six (6) active vendors who frequent the City of Brenham for sale of various foods at various locations. Each of the active vendors have procured the necessary vendor permits to operate within the City of Brenham and follow applicable codes and regulations. There have been additional food vendors inquiring about the permit process and specific requirements of the application. The following requirements are currently reviewed by the City's Health Inspector in consideration of each Mobile Food Establishment Application:

- Permit is valid in increments of 45-days; and
- Application fee of \$50.00 for each renewal period; and
- Approval of the permit application is based on compliance with the Texas Food Establishment Rules of the Texas Board of Health.

The Mobile Food Establishment procedure allows a food vendor to locate on private property with the property owner's permission so long as there is no obstruction to traffic (vehicle or pedestrian) flow, parking is available for patrons, patrons have access (within 500') to a restroom, and vendor is readily movable (no tables and chairs placed around the unit). So long as the food vendor has adhered to the requirements, renewal of an additional 45-day permit at the previously occupied location has been approved by the City.

With the additional interest in Mobile Kitchens throughout Brenham, the use of a Food Truck Park has been requested by multiple entities and stated as desirable by existing Mobile Kitchens operating in Brenham. As such, Staff finds the need to amend the Zoning Ordinance to allow the development of a Food Truck Park in appropriate zoning districts. All Mobile Kitchens locating in a Food Truck Park shall be required to follow the same permitting and inspection procedures outlined above and as required by Mobile Kitchens locating on commercial property as an accessory use. If this text amendment were approved, parties interested in developing a Food Truck Park could do so by following the Specific Use Permit approval process. Because Food Trucks are generally an automobile related use and with this amendment could be located in zoning districts where residential uses are permitted (such as the B-1, Local Business Mixed District and the B-4, Neighborhood Business District) a Specific Use Permit procedure will avoid adverse impacts to neighboring properties if an incompatible use is proposed.

The City's adopted Zoning Ordinance includes landscaping and bufferyard requirements as a method to separate different land uses, to minimize potential nuisances, and to mitigate against unsightly buildings or parking areas. The proposed amendment to allow Food Truck parks in the City of Brenham includes the requirement for said uses to adhere to adopted landscaping and bufferyard requirements to help to provide for the orderly, attractive, and healthful development of property and promote general welfare of the community.

In addition to requiring Food Truck Parks to adhere to standard bufferyard and landscaping requirements additional standards are proposed and will be review upon submittal of a Specific Use Permit application for development. Staff evaluated prevailing standards for Food Truck Parks in surrounding communities and presented standards to the Task Force that would result in orderly and healthful development. As outlined above, Food Truck Parks are required to submit a site plan for consideration by the Planning and Zoning Commission and City Council. The site plan shall show adherence to the minimum standards, including providing designated seating area for patrons, public handicap accessible restrooms, two parking spaces per Mobile Kitchen, standard separation requirements, on-site solid waste, and gray-water disposal, etc.

Staff finds that continuing to allow the use of Mobile Kitchens as an accessory use on non-residential property and the proposed text amendment to allow Food Truck Parks to develop as a primary use in the Business Districts meet the goals established in the City's adopted Zoning Ordinance and Comprehensive Plan and will allow for orderly, attractive, and healthful development of the growing community.

PUBLIC COMMENTS:

The Notice of Public Hearing for the proposed Text Amendment was published in the Brenham Banner on September 16, 2021. Any public comments submitted to staff will be provided prior to the Planning and Zoning Commission and City Council prior to their decision on the matter.

STAFF RECOMMENDATION:

Staff recommends **approval** of an ordinance to amend Appendix A – Zoning of the Brenham Code of Ordinances to allow the use of a Food Truck Park as the primary use on property zoned B-1, B-2, B-3 or B-4 with prior approval of a Specific Use Permit and subject to the standards outlined herein.