

**CITY OF BRENHAM
PLANNING AND ZONING COMMISSION MINUTES
September 27, 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 September 27, 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:

Carolyn D. Miller, Interim City Manager
Stephanie Doland, Development Services Director
Shauna Laauwe, Project Planner
Kim Hodde, Planning Technician

Citizens / Media present:

Leah Cook	Katie Burch
Shannan Canales	Boris Davis
Clayton Matcek	James and Lynnette Hodde
Keith Hankins	Joshua Blaschke, KWHI
Mark Renn	Alyssa Faykus, Brenham Banner Press
Katie McCracken	

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

There were no reports or announcements.

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 23, 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 Kossie 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-21-021: 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.

Shauna Laauwe, Project Planner, presented the staff report for Case No. P-21-021 (on file in the Development Services Department). Ms. Laauwe stated that the subject property is a 0.700-acre tract identified as Lot 6 of the Spencer Subdivision, is owned by James and Lynnette Hodde. The tract is currently developed with a single family home and an existing accessory structure. The owners / applicants desire to divide the lot into two lots with the proposed Lot 6A (0.363-acres) being the front lot having the existing home and lot 6B (0.337-acres) having the existing accessory structure. The applicant plans to sell lot 6A and build a new residence on Lot 6B. Since an accessory structure cannot be the primary use on a residential lot, the replat will not be recorded until building plans for the new single-family residence for Lot 6B have been received and approved.

Public Notice was posted in the Banner Press and property owners within 200-feet were mailed notices on September 8, 2021. Staff received two letters in support of this request and one letter against the request; however, no reason was provided.

Chairman Behrens opened the Public Hearing at 5:20 pm. There were no citizen comments. Chairman Behrens closed the Public Hearing at 5:20 pm.

A motion was made by Commissioner Alfred and seconded by Commissioner Kossie to approve the 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, as presented. The motion carried unanimously.

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.

Shauna Laauwe, Project Planner, presented the staff report for Case No. P-21-0122 (on file in the Development Services Department). Ms. Laauwe stated that the subject property located at 1006 N. Park Street is owned by K.T Auto Plus and is considered an existing legally non-conforming use since the property has been an automotive use back as far as 1980 when the property was a muffler shop. The current zoning is B-1 and the future land use map shows this area as commercial use. The properties to the west across N. Park Street are zoned residential, the properties to the north and south are the KT

Training Center and Kenjura Tile, which are both owned by the applicant. The request is for a specific use permit to allow an enlargement of floor area occupied by a legally existing non-conforming use. The applicant proposes to expand the existing 2,423 square foot structure by 3,280 square feet. This expansion will be for four new service bays (one being an 18-wheeler bay) and a new parts and storage area. Most of the expansion area is existing impervious cover; therefore, only 1,337 square foot will be new impervious cover. This will increase the total impervious cover for this lot to 78.9%, where a maximum of 80% is allowed. The existing site is required to have ten parking spaces and currently has thirteen. With the expansion, twenty-two parking spaces will be required. Since there are only thirteen parking spaces available and the adjoining properties are owned by the same owners, a shared parking agreement will be utilized.

Staff finds that:

- The Future Land Use Map envisions the subject property and the adjacent properties to the north, south and east as commercial
- Approval of this SUP would allow an existing long-standing use to remain.
- This use is in character with the surrounding commercial uses and the Blue Bell Road corridor.
- The majority of the expansion is not visible from N. Park Street.
- The subject property is subject to applicable B-1 development standards, building codes and fire codes, including a fire wall and a sprinkler system.

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 September 16, 2021. Staff received three letters in support of the proposed request.

Chairman Behrens opened the Public Hearing at 5:31 pm. The architect for the project, Katie Burch, stated that the owner desires to improve the overall appearance of the complex with Phase 1 being renovation of the vacant convenience store into the KT Training Center and this being Phase 2. She stated that the exterior of this building is proposed to be similar to the training center building located next to this property. In response to a Commissioner's question about access, it was confirmed that there would be front and rear access. There were no other comments. Chairman Behrens closed the Public Hearing at 5:33 pm.

A motion was made by Commissioner Kossie and seconded by Commissioner Cangelosi to recommend approval of the 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, as presented. The motion carried unanimously.

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.

Stephanie Doland, Development Services Director, presented the staff report for Case No. P-21-0123 (on file in the Development Services Department). Ms. Doland provided the following background information for this request:

- February 24, 2021 – City Council workshop presentation concerning mobile kitchens. Council directed staff to re-evaluate the application procedures and cost to operate a mobile kitchen

versus a fixed food establishment; draft and propose a formal ordinance concerning the operation of mobile kitchens; and to review policies concerning mobile kitchens locating in the right-of-way.

- April 9, 2021 – the Task Force met and considered revisions to Chapter 9 – Food and Food Establishments, Chapter 16 – Occupational Licenses and Business Regulations, and Appendix A – Zoning.
- June 3 – City Council workshop presentation to discuss staff findings and review the progress of the Task Force. Council directed staff 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.

City Council also directed staff to move forward with a license agreement for the two businesses currently operating mobile kitchens in the right-of-way (Country Sunshine and Home Sweet Farms).

- September 2, 2021 – the final Task Force meeting was held to review the draft ordinance amendments and any further revisions pertaining to the policies and standards relating to mobile kitchens, fixed food establishments, permit and inspection procedures and standards for food truck parks.

The Planning and Zoning Commission is charged with providing City Council a recommendation to the amendments to Appendix A – Zoning which would allow mobile kitchens on non-residential property as an accessory use, as well as allow the use of a food truck park on non-residential property with prior approval of a Specific Use Permit.

Ms. Doland presented and reviewed the proposed amendments that included:

- Section 1 – Definitions of the various components.
- Section 2 – Appendix A, Part 2, Division 1, Section 18 – Food Truck Parks
 - Adherence to Chapter 9 – Food and Food Establishments of the Brenham Code of Ordinances for all mobile food establishments located in a food truck park.
 - Adherence to the requirements outlined for solicitors, peddlers, and itinerant vendors in Chapter 16 – Occupational Licenses and Business Regulations for all mobile food establishments located in a food truck park.
 - Food truck park site development standards
- Section 3 – Appendix A, Part 2, Division 2 – Zoning District Regulations to allow mobile kitchens as an accessory use by-right and to allow a food truck park with prior approval of a Specific Use Permit in the B-1, B-2, B-3 and B-4 zoning districts.

There are currently six (6) active vendors who sell various foods at various locations in Brenham. Currently, the mobile food establishment permits are reviewed by the City's Health Inspector and are valid for increments of 45-days. There is a \$50.00 application fee for each renewal period and approval of the permit application, which is based on compliance with the Texas Food Establishment Rules of the Texas Board of Health. Mobile Food vendors may locate on private property with the property owner's permission as long as there is no obstruction to traffic, the unit is readily movable with no tables or chairs placed around the unit, 2-yard minimum dumpster provided, and restroom access is available within 500-feet. The interest in mobile kitchens in the City of Brenham is increasing and the use of a food truck park has been requested by multiple entities.

The proposed amendments require Food Truck Parks to adhere to the landscaping and bufferyard requirements as well as additional food truck park standards. The proposed ordinance requires consideration and approval by City Council.

Public Notice was posted in the Banner Press on September 16, 2021. Staff did not receive any citizen comments for or against this request. 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 as B-1, B-2, B-3, or B-4 with prior approval of a Specific Use Permit and subject to the outlined standards.

In response to Commissioner comments, Ms. Doland stated that:

- The dumpster locations have to meet the maneuverability for pickup and the site plans would be submitted to the Planning and Zoning Commission along with the Specific Use Permit request.
- Fees would be considered by City Council at a later date.
- Instead of a 45-day permit renewal, a 1-year permit fee could be requested.
- Food truck parks are not compatible with residential and industrial uses.

Chairman Behrens opened the Public Hearing at 5:55 pm. Keith Hankins, who lives at 1506 S Market Street and is the owner of Ant Steet Inn, made the following comments:

- Need to have a level playing field for the brick-and-mortar stores and the mobile kitchens.
- Food trucks have a competitive advantage with a lower cost for operation and the ability to be mobile and go where is the “grass is greener”.
- Brick-and-mortar stores are committed to the community and provide personal property tax and real estate tax revenue.
- If food truck parks are subsidized with tax money, the brick-and-mortar buildings should be supported as well.
- Give due consideration to the long-term impacts for the existing brick-and-mortar businesses.

Mark Renn, owner of Pioneer Smokehouse stated that he was in favor of the food truck parks but his concern is the fees. He had to turn his mobile kitchen into a permanent kitchen and incurred various expenses in doing so. Mr. Renn suggested that the fees associated with the public bathrooms and grease disposal areas in the food truck parks be passed on to the mobile kitchens.

Chairman Behrens stated that the Task Force held many discussions and took all of these concerns into account. Since the use will be granted by Specific Use Permit, they will all be considered on a case-by-case basis. There were no other comments. Chairman Behrens closed the Public Hearing at 6:08 pm.

A motion was made by Chairman Behrens and seconded by Commissioner Kossie to recommend approval of 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, as presented. The motion carried unanimously.

8. Adjourn.

A motion was made by Commissioner Edwards and seconded by Commissioner Kossie to adjourn the meeting at 6:10 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.

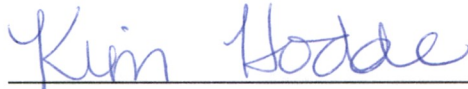
Certification of Meeting Minutes:



Planning and Zoning Commission

M. Keith Behrens
Chair

October 25, 2021
Meeting Date



Attest

Kim Hodde
Staff Secretary

October 25, 2021
Meeting Date