



**NOTICE OF A REGULAR MEETING
BRENHAM PLANNING AND ZONING COMMISSION
MONDAY, JULY 25, 2022, AT 5:15 P.M.
SECOND FLOOR CITY HALL BUILDING
COUNCIL CHAMBERS
200 W. VULCAN STREET
BRENHAM, TEXAS**

1. Call Meeting to Order

2. Public Comments

[At this time, anyone will be allowed to speak on any matter other than personnel matters or matters under litigation, for length of time not to exceed three minutes. No Board discussion or action may take place on a matter until such matter has been placed on an agenda and posted in accordance with law.]

3. Reports and Announcements

CONSENT AGENDA

4. Statutory Consent Agenda

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

4-a. Minutes from the May 23, 2022 Planning and Zoning Commission Meeting.

REGULAR AGENDA

5. Public Hearing, Discussion and Possible Action on Case Number P-22-016: A city-initiated request for an Amendment to the City of Brenham's Official Zoning Map of the Code of Ordinances to change the zoning from a Single-Family Residential Use District (R-1) and/or a Mixed Residential Use District (R-2) to a Local Business/Residential Mixed-Use District (B-1) for all or a portion of the following tracts of land as described by the Washington County Appraisal District property identification numbers in Brenham, Washington County, Texas:

- a. R23658, 1301 S. Market Street, Keys 2nd, Block E, Lot 1, 2, N PT 3, 4 (Community Ed Campus) [R-1]
- b. R23650, 507 E. Sixth Street, Keys 2nd, Block C, Lot PT 3D, 3E, 4B, All 5, 6, 7 (Transportation and Maintenance) [R-2]
- c. R23660, 504 E. Sixth Street, Keys 2nd, Block F, Lot PT 4 [R-1]
- d. R23661, 506 E. Sixth Street, Keys 2nd, Block F, Lot PT 4 [R-1]

**CITY OF BRENHAM
PLANNING AND ZONING COMMISSION MINUTES
May 23, 2022**

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 May 23, 2022, at 12:00 pm in the Brenham Municipal Building, City Council Chambers, at 200 West Vulcan Street, Brenham, Texas.

Commissioners present:

Dr. Deanna Alfred, Vice Chair
Chris Cangelosi
Artis Edwards

Calvin Kossie
Cayte Neil
Marcus Wamble

Commissioners absent:

M. Keith Behrens, Chair

Staff present:

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

Citizens / Media present:

Jason May, Brenham Banner Press
Glenwood Vierus, Jr.
Paul Batista

1. Call Meeting to Order

Vice Chairman Alfred called the meeting to order at 5:16 pm with a quorum of six (6) 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.

Vice Chairman Alfred closed the Public Hearing at 5:26 pm.

A motion was made by Commissioner Kossie and seconded by Commissioner Edwards for recommendation of approval of the request by Karen L. Graves / Gaynelle Kay Tulp, and Glenwood Vierus for an Amendment to the City of Brenham's Official Zoning Map of the Code of Ordinances to change the zoning from a Manufactured Home Residential Use District (R-3) to a Commercial, Research and Technology Use District (B-2) on approximately 1-acre of land currently addressed as 151 FM 109, as presented. The motion carried unanimously.

6. Adjourn.

A motion was made by Commissioner Wamble and seconded by Commissioner Kossie to adjourn the meeting at 5:28 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

July 25, 2022
Meeting Date

Attest

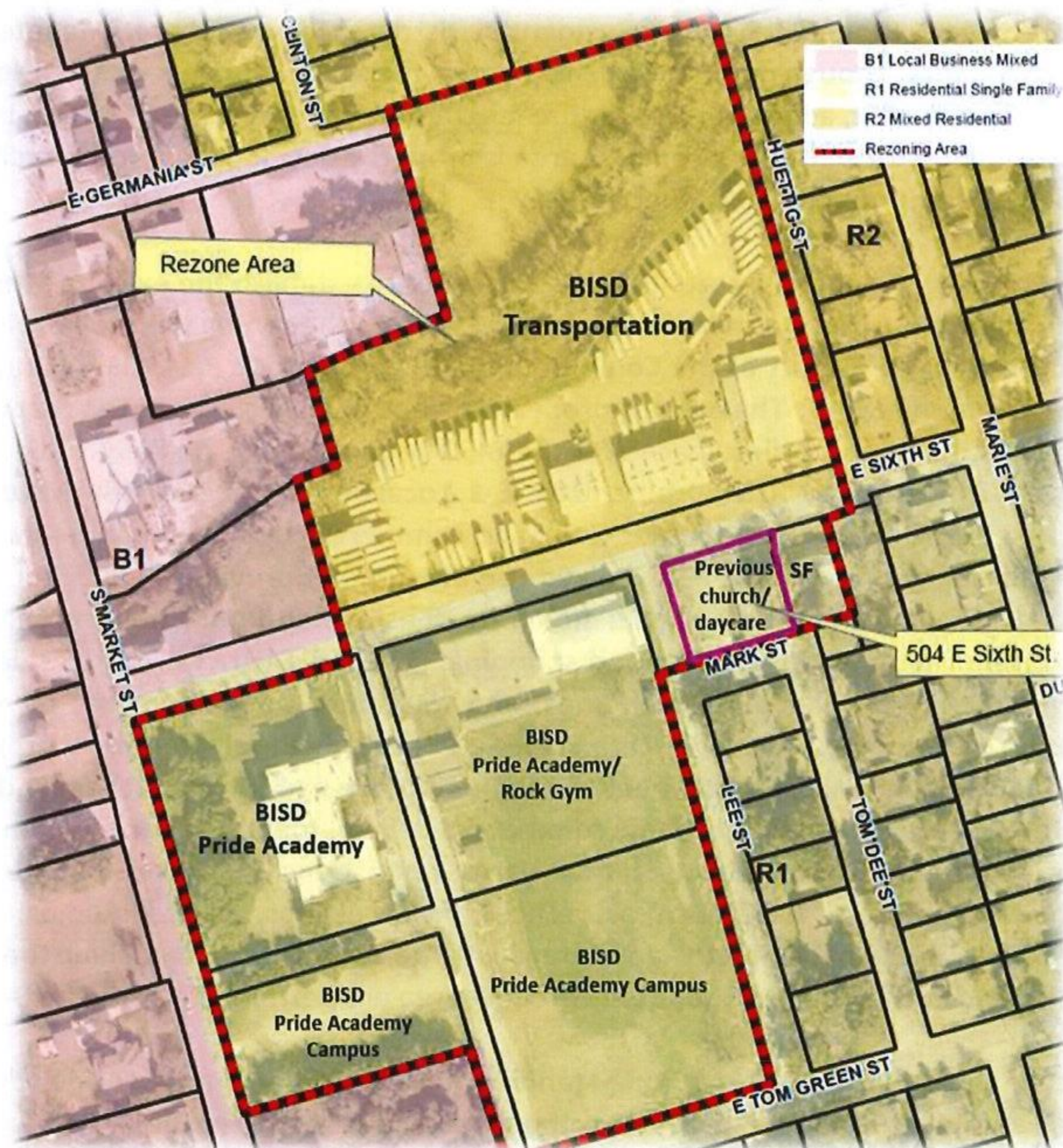
Kim Hodde
Staff Secretary

July 25, 2022
Meeting Date

pertain to schools. In the spring of 2022, a potential buyer inquired about a building permit to renovate and update the interior for a buildout of five (5) office spaces within the structure. The individual was informed that the property was within a R-1 District and offices were not a permitted use. He then asked about the possibility of rezoning the property, but such a zoning on a small lot, and not adjacent to a B-1 District would be considered a spot zoning.

As the structure located at 504 E. Sixth Street was originally built as a church with an asphalt parking area and minor renovations to convert to a dance studio and office space over the years, the exterior and much of the interior of the existing structure is commercial in character. When researching this property and the adjacent and surrounding uses, it was found that of the remaining six (6) lots that encompass the adjacent properties located in the approximate 16.766-acre rezoning area (Shown in Map 1 below) only one (1) lot, located at 506 E. Sixth Street, was a permitted single family use. The proposed rezoning area is generally bounded by E. Germania to the north, S. Market Street to the west, Huettig Street and Lee Street to the east, and E. Tom Green Street to the south. The Brenham Independent School District (BISD) encompasses the remainder five (5) lots that are considered educational uses that are legally nonconforming educational uses that predate the requirement for a specific use permit. The BISD lots include the Transportation and Maintenance (bus barn) located at 507 & 509 E. Sixth Street that is within a R-2 Mixed Residential District, and the Pride Academy alternative education facility that is zoned R-1 District and is located west of the 504 E. Sixth Street. The Pride Academy includes the main building at 1301 S. Market Street, the Rock Gym located on the southwest corner of E. Sixth Street and Lee Street, and two vacant lots (See Map 1).

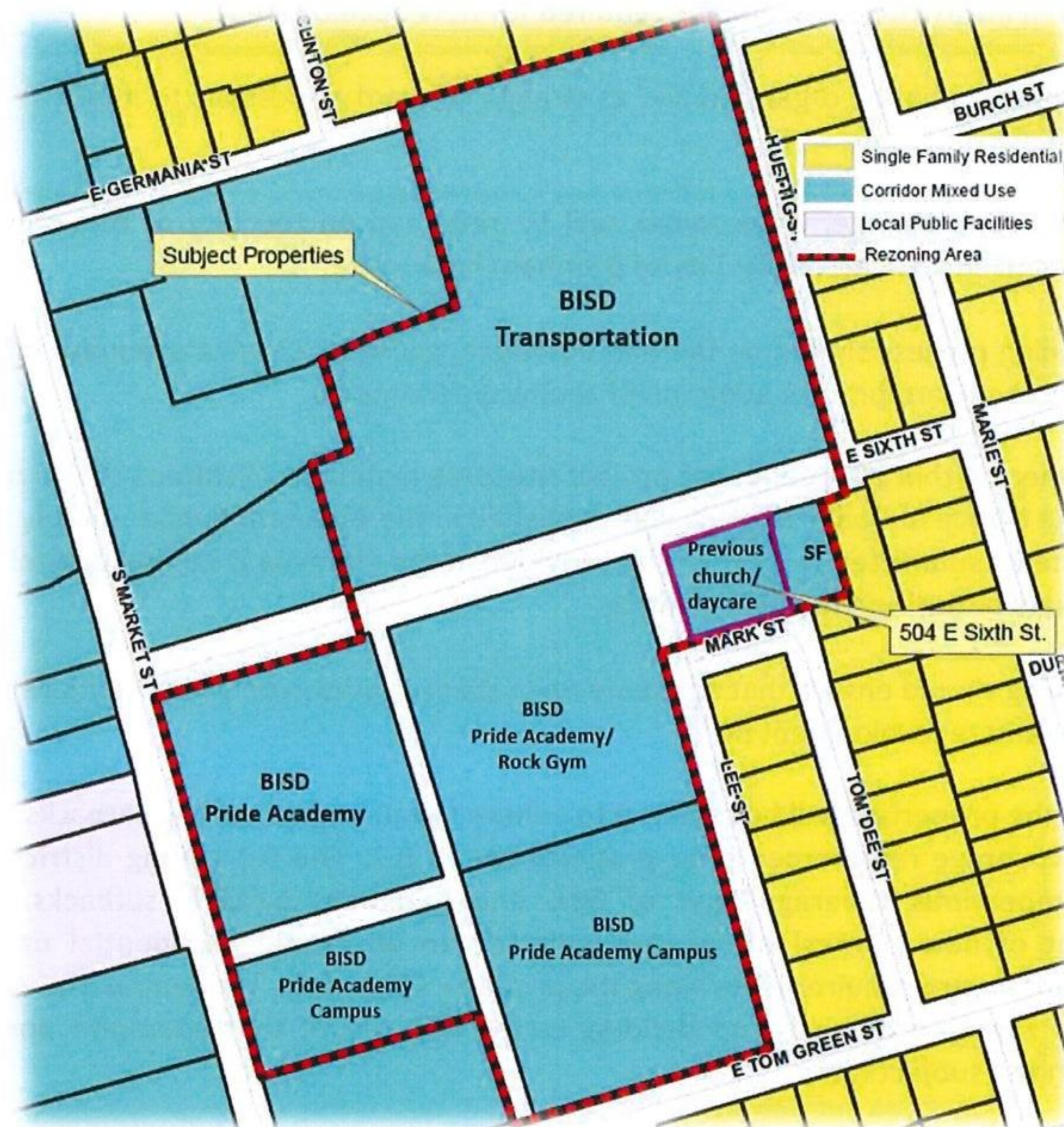
Map 1



existing residential uses and institutional uses to make improvements within the B-1 specifications that include bufferyard and landscaping requirements and for neighborhood commercial uses to potentially develop near the S. Market Street corridor.

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

Map 2- Future Land Use Map



As shown in Map 2, the future land use map portion of the Historic Past, Bold Future: Plan 2040 Comprehensive Plan suggests the subject property may be appropriate for commercial uses and the existing institutional/educational uses. In the future land use map, the blue area represents corridor mixed uses that is for properties envisioned to be commercial retail, office and service uses along and near a high-profile roadway corridor, in this instance, S. Market Street. The yellow represents single-family residential, and the pink represents areas appropriate for local public facility uses. The proposed B-1 zoning district allows for a mixture of land uses, including single-family, two-family, and multifamily residential, and neighborhood commercial uses. The proposed rezoning to B-1 and the existing developed uses are in conformance with the envisioned future land use map.

The proposed B-1 zoning is in line with the Future Land Use Map vision of commercial uses, in addition to being adjacent to the existing B-1 District to the west along S. Market Street. The Comprehensive Plan encourages neighborhood-focused businesses that include smaller footprint sites, such as those found in the B-1 District, that cater to serving a smaller area. Such

up from the surrounding residential uses to the nearby commercial uses as the B-1 District allows both residential uses and neighborhood commercial.

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

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

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

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

Staff is unable to determine any destabilizing effects on the neighboring properties should this rezoning request be approved. The proposed B-1 zoning for the subject properties is aligned with the surrounding areas to the west and provides an adequate step-up in zoning from the single-family and mixed residential uses to the adjacent neighborhood commercial uses along S. Market Street.

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

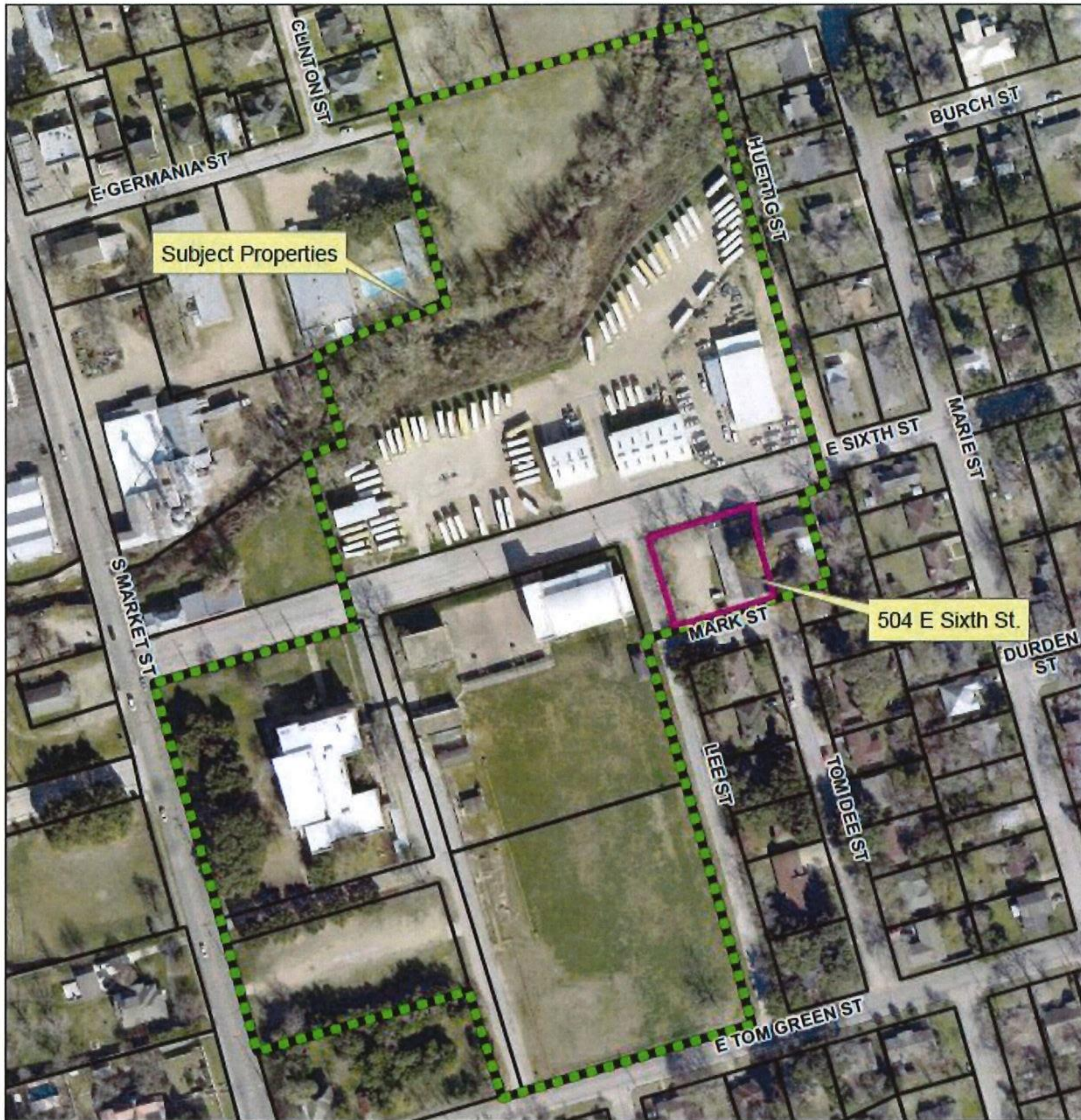
The subject properties are within an area predominately made up of single-family homes to the east and south and nearby neighborhood commercial uses to the west along the S. Market Street corridor. Staff finds that the proposed zoning change, if approved, will allow for orderly commercial development along a portion of E. Sixth Street that will serve the properties in the general vicinity and the community. Similarly, there are additional properties in the vicinity that could be utilized for residential use.

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

The proposed properties to be rezoned are primarily institutional uses and staff is unaware of any lots that the B-1 rezoning would result in being considered legally nonconforming (grandfathered) uses. Existing nonconforming neighborhood commercial uses would become conforming permitted uses with the proposed rezoning.

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


EXHIBIT "A"
AERIAL MAP



**Proposed City Initiated Rezoning
R-1 & R-2 to B-1**



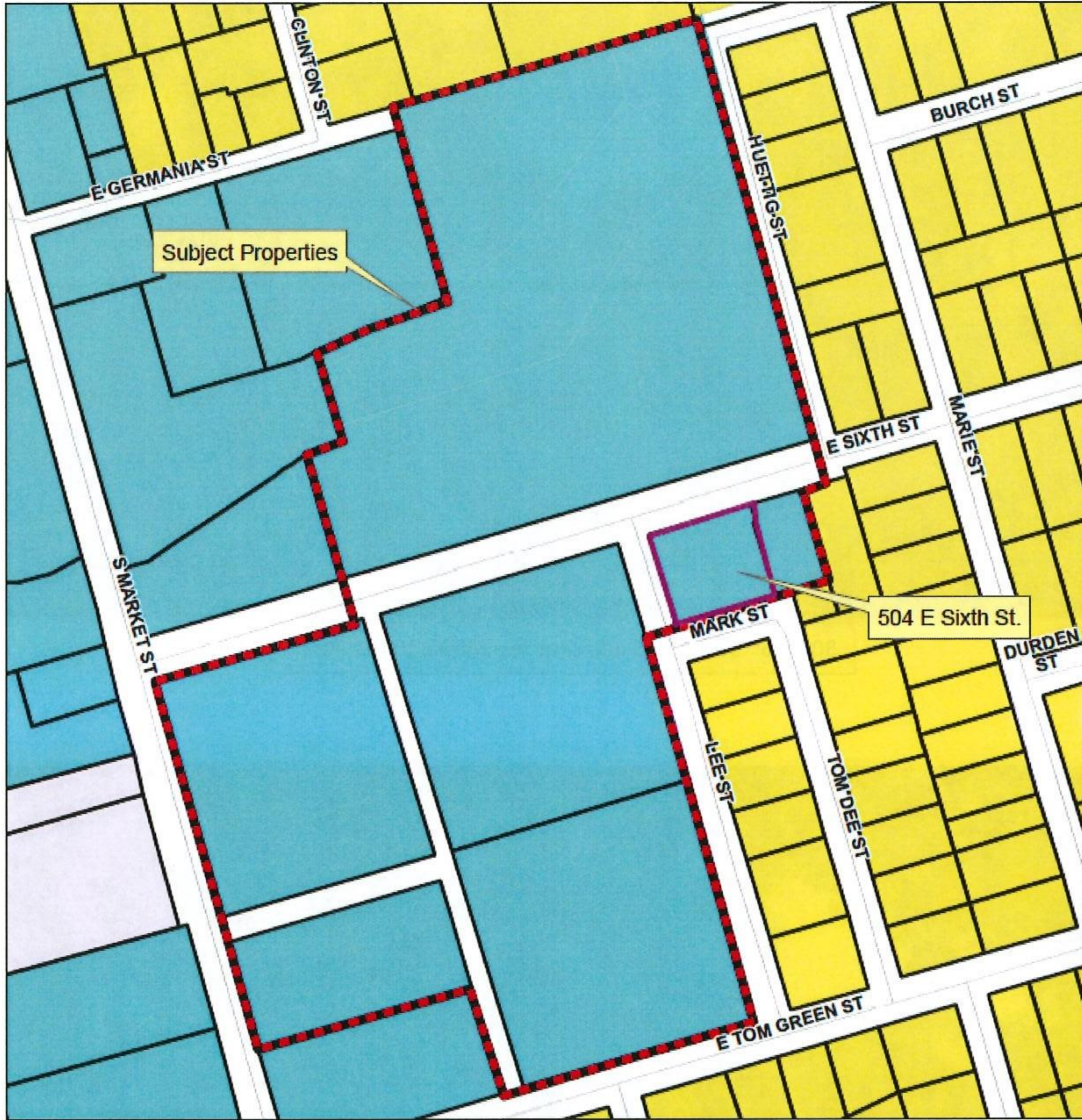
Legend

 Rezoning Area



1 inch = 175 feet

EXHIBIT "C"
 FUTURE LAND USE MAP



Proposed City Initiated Rezoning
 R-1 & R-2 to B-1

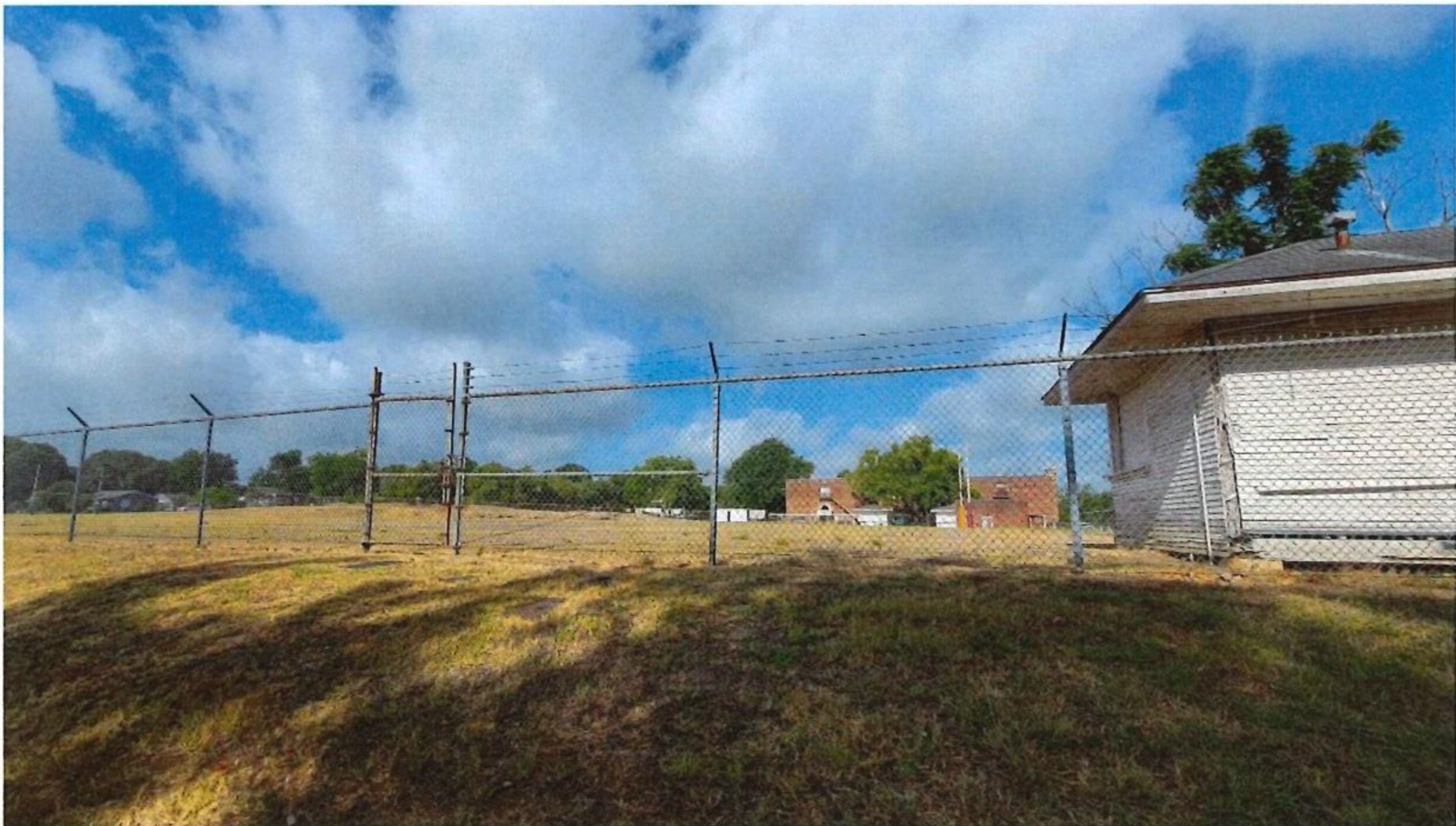
- Future Land Use Plan
 FLU_FINAL
- Single Family Residential
 - Corridor Mixed Use
 - Local Public Facilities
 - Rezoning Area



1 inch = 175 feet



BISD Transportation Depot & Rock Gym



Pride Academy football field & Structures



CASE NUMBER P-22-017
SPECIFIC USE PERMIT REQUEST – 1200 S. Austin Street

STAFF CONTACT: Shauna Laauwe AICP, City Planner
OWNER: Reka Kristina Pennington
APPLICANTS: Angie Wheeler (proposed owner)
ADDRESS/LOCATION: 1200 S. Austin Street (Exhibit A).
LEGAL DESCRIPTION: W.G. Wilkins Addition, Lot 1A, Block 11
LOT AREA: Approximately 0.62 acres
ZONING DISTRICT/USE: B-1 Local Business/Residential Mixed Use (Exhibit B)
FUTURE LAND USE: Corridor Mixed Use (Exhibit C)
REQUEST: A request for a Specific Use Permit to allow a proposed a day care use in a B-1 Local Business/Residential Mixed Use Zoning District (Exhibit D).

BACKGROUND:

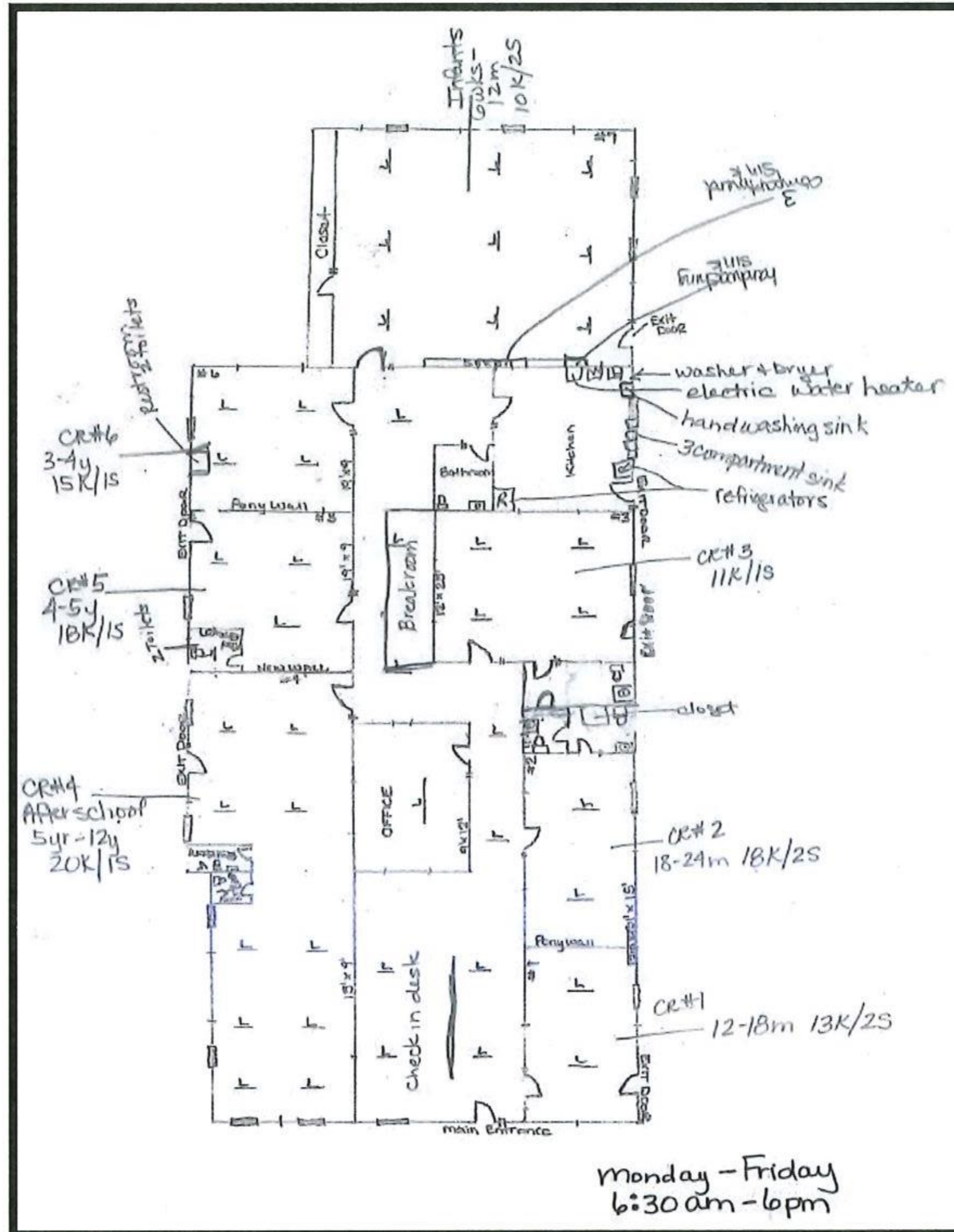
The subject property is an approximate 0.62-acre rectangular shaped tract that is 138-feet in width by 207-feet in depth. The property is addressed as 1200 S. Austin and is generally located on the west side of S. Austin Street, south of W. Fifth Street and north of Charles Lewis Street (see Map 1). The subject property is currently zoned B-1, Local Business/Residential Mixed-Use District and is the former site of Design II, a restaurant/catering kitchen. The applicant, Ms. Angie Wheeler, is proposing to renovate the existing 7,500 square foot structure and redevelop the site as a day care facility for infants (6-weeks old) to school age children for after school care. Licensed kindergartens/nursery schools are allowed only as a Specific Use in the B-1 District, thus the applicant is requesting a Specific Use Permit for the proposed daycare.

As shown in Map 1, the subject property and surrounding properties to the east, north and south

Map 1



Figure 2 (Floorplan)



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 0.62-acre tract of land is addressed as 1200 S. Austin Street and generally located on the west side of S. Austin Street, south of W. Fifth Street and north of Charles Lewis Street. The subject property and the surrounding properties along S. Austin Street to the east, north, and south are

The subject property has existing utilities available along South Austin Street and will not require any extension of utility services.

- (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 July 14, 2022. The Notice of Public Hearing was published in the Brenham Banner on July 14, 2022. 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.

The existing structure meets minimum building setbacks for the front, north side yard, and the rear yard, that includes the additional 20-foot bufferyard to the west, however the existing structure has only a 10-foot south side and is nonconforming to the south bufferyard requirement (total 30-foot setback). The adjacent south property is within the B-1 District, and if it develops as a commercial use in the future, the subject property would no longer be considered nonconforming. No additions are proposed to the existing structure, thus a variance is not required.

The site will also be required to adhere to maximum impervious coverage requirements, landscaping, and buffer yard requirements. The applicant has submitted a preliminary site plan (Exhibit F) which depicts the location of the existing structure, use of the bufferyard area as a playground and open space, associated parking lot with circulation and pickup/drop off cueing, and landscape plan. 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 development is in line with the Future Land Use Plan, while also providing adequate parking, landscaping, and screening.

- (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 properties to the east, north and south along S. Austin Street are located within a B-1 District, with properties to the east being R-1. Given that the B-1 District allows a variety of commercial and residential uses, and the adjacent single-family residential to the west, the proposed daycare use is consistent with the neighborhood culture and

(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 B-1, Local Business/Residential Mixed-Use District subject property is currently developed with dilapidated commercial and accessory structures and has an existing nonconforming driveway and parking area. 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.

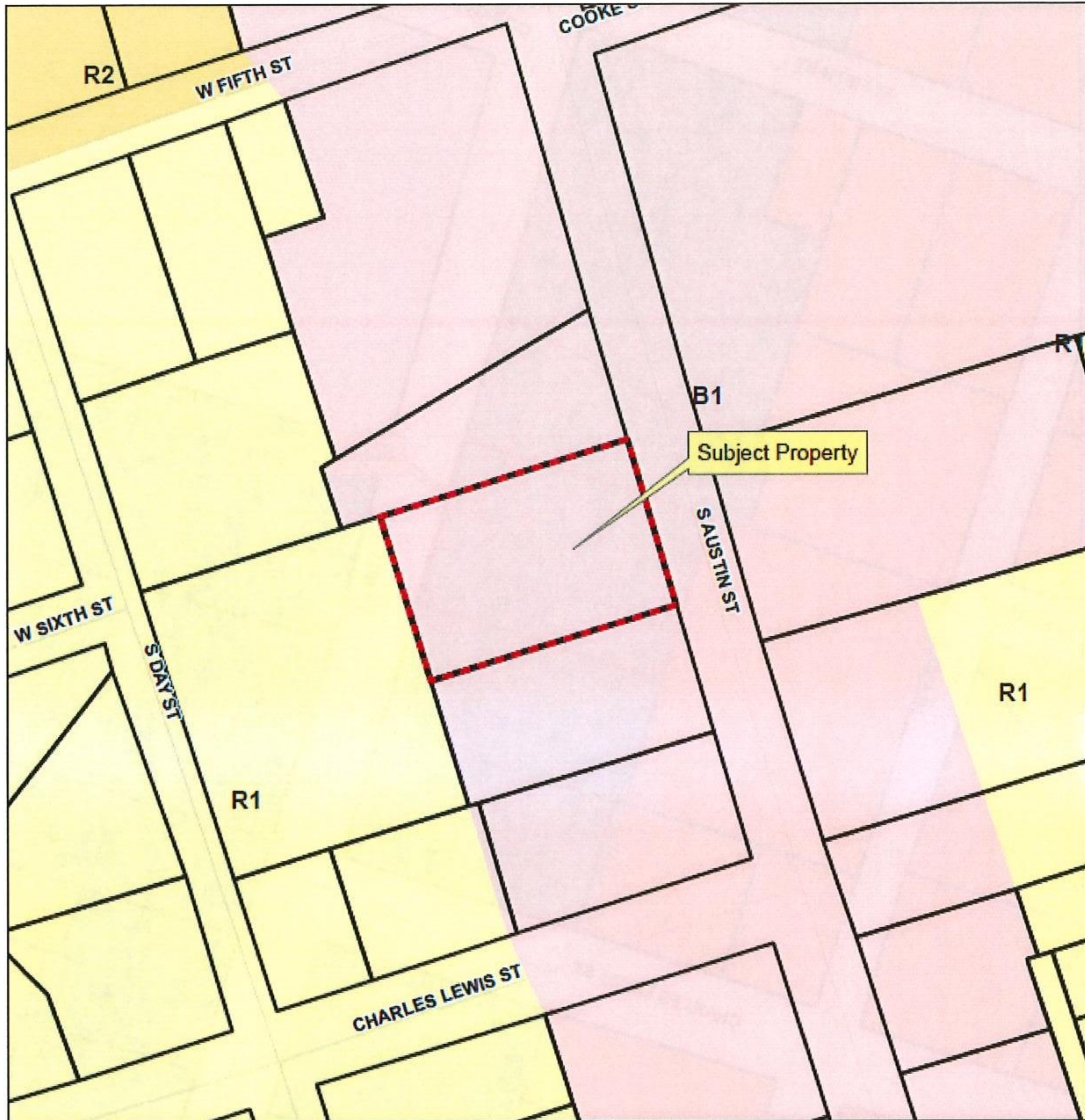
STAFF RECOMMENDATION:

Staff recommends **approval** of a Specific Use Permit to allow a day care use as provided in the application site plan, general landscape plan, and written documents in a B-1 Local Business/Residential Mixed-Use Zoning District for the subject 0.62-acre tract of land that is located at 1200 S. Austin Street and legally described as W.G. Wilkins Addition, Tract 1A, Lot 11.

EXHIBITS:

- A. Aerial Map
- B. Zoning Map
- C. Future Land Use Map
- D. Cover Letter
- E. Proposed Site Plan
- F. Proposed Floor Plan
- G. Site photos

EXHIBIT "B"
ZONING MAP



Specific Use Permit
Licensed nursery school (Daycare)
1200 S Austin Street

Legend

-  B1 Local Business Mixed
-  R1 Residential Single Family
-  R2 Mixed Residential



1 inch = 104 feet

EXHIBIT "D"
SUP COVER LETTER BY APPLICANT

To whom it may concern,

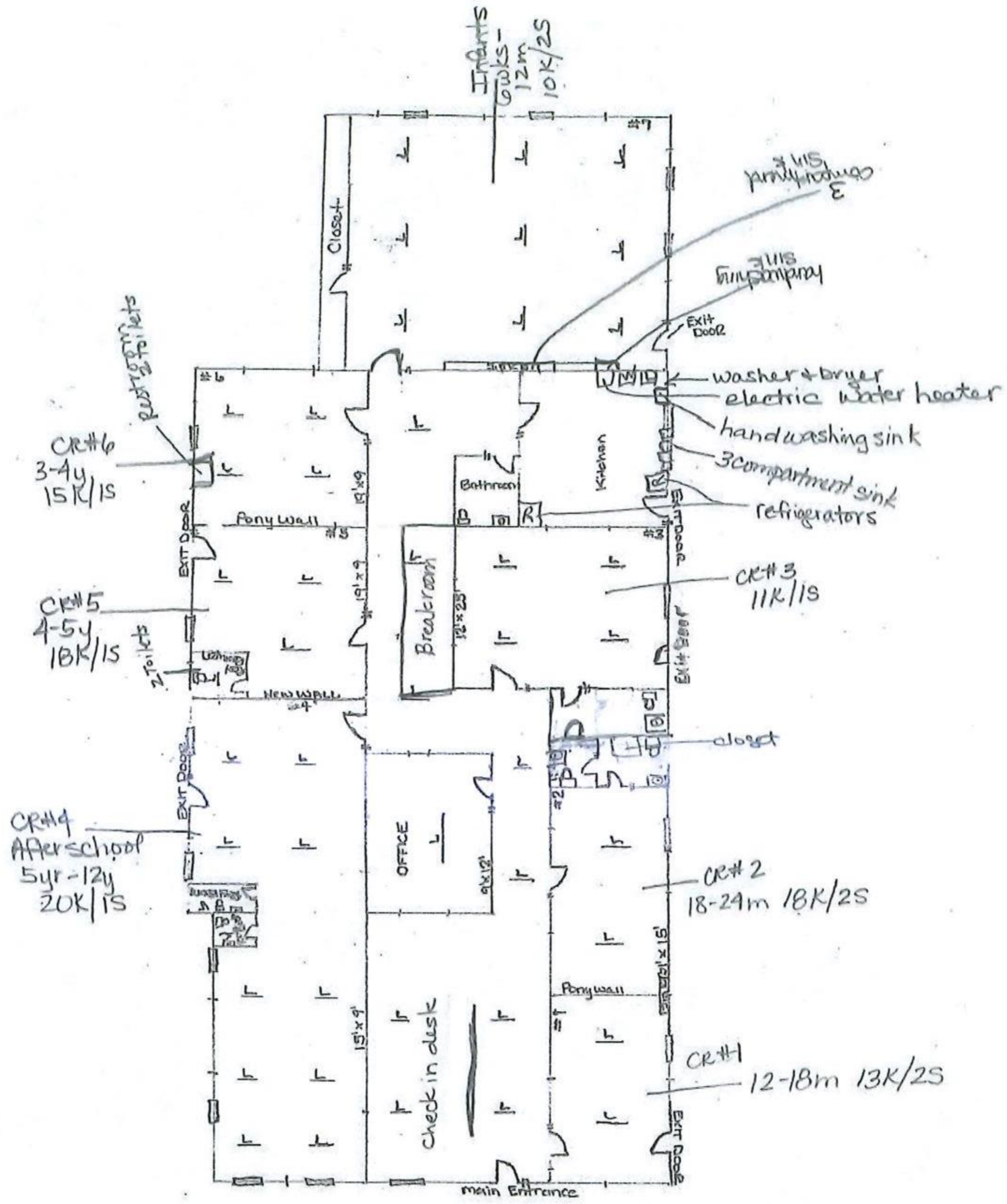
I have had it in my heart for sometime now to help our community with the lack of childcare facilities for our growing community. I would like to turn the property at 1200 S. Austin (formerly Design II) into a daycare facility. We would cater to infants (6 weeks) to after school students age children. Most of the daycare facilities in Brenham have waiting lists and our community keeps on growing. I am hoping to accommodate about 105 children to have a place to learn in a safe environment. Due to the extensive construction that will occur at the property, my daycare will be very updated and safe meeting all the new regulations. Please consider this location for Brenham's newest childcare facility.

Sincerely,

A handwritten signature in cursive script that reads "Angie Wheeler".

Angie Wheeler

EXHIBIT "F"
FLOOR PLAN



Monday - Friday
6:30 am - 6pm



South property line vegetation



Adjacent Residential to South