



**NOTICE OF A SPECIAL MEETING
BRENHAM PLANNING AND ZONING COMMISSION
TUESDAY, AUGUST 30, 2022, AT 5:15 P.M.
NANCY CAROL ROBERTS MEMORIAL LIBRARY
CONFERENCE ROOM "B"
100 MARTIN LUTHER KING JR. PARKWAY
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 July 25, 2022 Planning and Zoning Commission Meeting.**
- 4.b. Case Number P-22-018: A request by Duncan & Roberts Properties / SSF Investments, LLC for approval of a Commercial Replat of Lot 2A of the Duncan & Roberts Subdivision to create Lot 2A-R and Lot 2B, being 9.112-acres and 5.828-acres, respectively for a total of 14.940-acres, and further described as part of the Phillip Coe Survey, A-31, in Brenham, Washington County, Texas.**

REGULAR AGENDA

- 5. Adjourn.**

CERTIFICATION

I certify that a copy of the August 30, 2022 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 August 22, 2022 at 3:30 pm.

Kim Hodde

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 _____, 2022 at _____.

Signature

Title

**CITY OF BRENHAM
PLANNING AND ZONING COMMISSION MINUTES
July 25, 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 July 25, 2022, at 5:15 pm in the Brenham Municipal Building, City Council Chambers, at 200 West Vulcan Street, Brenham, Texas.

Commissioners present:

M. Keith Behrens	Calvin Kossie
Dr. Deanna Alfred, Vice Chair	Marcus Wamble
Chris Cangelosi	

Commissioners absent:

Artis Edwards Jr.
Cayte Neil (out of town)

Staff present:

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

Citizens / Media present:

Joshua Blaschke, KWHI	Savannah Gutierrez
Cyd Dillahunty	Nancy Low
Cathy Cole	John & Lydia McCroskey
Larry Roskow	Debby Welch
Angie Wheeler	

1. Call Meeting to Order

Chairman Behrens called the meeting to order at 5:15 pm with a quorum of five (5) Commissioners present.

2. Public Comments

There were no public comments.

3. Reports and Announcements

Stephanie Doland thanked Chairman Behrens and Commissioner Edwards for their willingness to serve on the Housing Task Force.

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 May 23, 2022 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 (Item 4-a) as presented. The motion carried unanimously.

REGULAR SESSION

- 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]**

Shauna Laauwe, City Planner, presented the staff report for Case No. P-22-016 (on file in the Development Services Department). Ms. Laauwe stated that this is a city-initiated rezoning request 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 seven lots on approximately 16.76-acres of land generally bounded by E. Germania Street to the north, Huettig Street and Lee Street to the east, S. Market Street to the west and E. Tom Green Street to the south. The tracts encompass the BISD Transportation (Bus) Barn on the north side of E. Sixth Street and the BISD Pride Academy, BISD Rock Gym, the building located at 504 E. Sixth Street and a single-family residence located at 506 E. Sixth Street.

The property located at 504 E. Sixth Street is for sale. Over the past couple years, City Staff has received numerous calls for office/small commercial use for this location; however, it is zoned single-family residential and can only be developed as such. In approximately 1980, this property was developed as a Church. In 1996, a specific use permit was granted for the addition of classrooms. Over the years, there have been various non-conforming uses as this location such as office space and a dance studio. The Future Land Use Map designation for this area is shown as Corridor Mixed Use. When staff looked at the area and compared it to the Future Land Use Map, it made sense to rezone the entire area to B-1, Local Business Mixed Use, especially since the BISD has no plans to change the use of their property. The owner of 504 E. Sixth Street, Larry Roskow, is proposing office use for this property. The gravel parking lot and landscaping will have to be brought into compliance with the change of use/occupancy.

Rezoning this area will better align with the Comprehensive Plan and the Future Land Use Map and will allow the existing office and institutional uses on these seven lots to become legally conforming uses. Future development will be subject to the B-1 development and building standards, including buffer yard and landscaping requirements. The Comprehensive Plan encourages neighborhood focused businesses that include smaller footprint sites such as those found in the B-1 Zoning District that cater to serving a smaller area.

Public Notice was posted in the Banner Press and property owners within 200-feet were mailed notices on July 13, 2022. Staff received one written response in favor of the rezoning and also had phone calls inquiring about the possible uses of the property.

Development Services reviewed this request for compliance with the City of Brenham's regulations and ordinances and recommends approval of this rezoning as presented.

Chairman Behrens opened the Public Hearing at 5:27 pm. Debby Welch, who lives at 506 E. Sixth street, clarified that she is in favor of being included in the rezoning. Larry Roskow, who lives at 504 E. Sixth Street, stated that the prospective owner lives around the corner from this property and only wants what is best for neighborhood. There were no other comments.

Chairman Behrens closed the Public Hearing at 5:29 pm.

A motion was made by Commissioner Wamble and seconded by Commissioner Kossie to recommend approval of the 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 tracts identified by the Washington County Appraisal District as R23658, R23650, R23660, and R23661, as presented. The motion carried unanimously.

5. Public Hearing, Discussion and Possible Action on Case Number P-22-017: A request by Angie Wheeler for a Specific Use Permit to allow a Day Care Use in a B-1, Local Business Residential Mixed Use Zoning District on property addressed as 1200 S. Austin Street, and described as Lot 1A, Block 11 of the W.G. Wilkins Addition in Brenham, Washington County, Texas.

Shauna Laauwe, City Planner, presented the staff report for Case No. P-22-017 (on file in the Development Services Department). Ms. Laauwe stated that Ms. Angie Wheeler is in the process of purchasing the property at 1200 S. Austin Street from Reka Pennington and would like to open a children's day care at this location. This property is the former Design II location and is zoned B-1, Local Business Residential Mixed Use. The 0.62-acre tract is bounded by W. Fifth Street to the north, S. Austin Street to the east, Charles Lewis Street to the south, and S. Day Street to the west. The Future Land Use Map shows the designation for this tract at Corridor Mixed Use.

Ms. Laauwe stated that day cares are allowed only with a Specific Use Permit in most of the zoning districts due to the variety of requirements necessary. In addition to the interior renovation, the applicant proposes to remove most of the accessory structures, upgrade the parking lot and add a playground area. The existing building is 40-feet from the front property line (east), 80-feet from the rear property line (west), 89-feet from the north property line, and 10-feet from the south property line. Screening and bufferyards will be required for the west and south property line

The applicant proposes care for children Monday through Friday 6:30 am to 6:00 pm in the following age ranges / classrooms:

- Infants – 6 weeks to 12 months
- 12-18 months
- 18-24 months
- 2-3 years
- 3-4 years
- 4-5 years
- 5 years to 12 years (after school care)

The applicant proposes care for up to 105 children with 10 staff members. Based on this number, twenty-one parking spaces would be required. The applicant is proposing twenty-three parking spaces. Ms. Laauwe stated that the proposed use will redevelop this site that has sat vacant for several years and the use will be compatible with anticipated uses surrounding the property.

Public Notice was posted in the Banner Press and property owners within 200-feet were mailed notices on July 13, 2022. Staff received several phone calls and one written comment against the request and also stating that they would request a fence. The fence is a city requirement.

Development Services reviewed this request for compliance with the City of Brenham’s regulations and ordinances and recommends approval of this Specific Use Permit as presented.

Commissioner Wamble asked if the property was in the flood plain. Staff replied that it is not in the flood plain. Several Commissioners expressed concerns for congestion since the BISD has their exit driveway across the street. Ms. Laauwe stated that Ms. Wheeler has reconfigured the parking lot for traffic flow to mitigate congestion.

Chairman Behrens opened the Public Hearing at 5:44 pm. Nancy Low stated that she owns the property at 1102 S. Austin and asked if the City is going to do anything with Hog Branch to secure that area. Stephanie Doland, Development Services Director, stated that the city would look into this. John McCroskey, who lives at 1205 S. Day Street, stated that there is a large tree in the drainage way and that the City needs to clean out the drainage way from this location to Jackson Street Park since it is very overgrown. He further stated that it needs at least a 3-foot barrier. Ms. Doland stated that she would discuss this issue with Dane Rau. There were no other comments.

Chairman Behrens closed the Public Hearing at 5:48 pm.

A motion was made by Commissioner Kossie and seconded by Commissioner Behrens to recommend approval of a request by Angie Wheeler for a Specific Use Permit to allow a Day Care Use in a B-1, Local Business Residential Mixed Use Zoning District on property addressed as 1200 S. Austin Street, as presented. The motion carried unanimously.

7. Adjourn.

A motion was made by Commissioner Alfred and seconded by Commissioner Wamble to adjourn the meeting at 5:50 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

August 30, 2022
Meeting Date

Attest

Kim Hodde
Staff Secretary

August 30, 2022
Meeting Date



CASE P-22-018
REPLAT: LOT 2A OF THE DUNCAN & ROBERTS SUBDIVISION
TO CREATE LOTS 2A-R AND 2B

PLAT TITLE: Replat of Lot 2 of the Duncan & Roberts Subdivision into Lots 2A-R and 2B **CITY/ETJ:** City Limits

PLAT TYPE: Commercial Replat

STAFF CONTACT: Shauna Laauwe AICP, City Planner

OWNER: Duncan & Roberts Properties / SSF Investments, LLC

APPLICANT/AGENT: Jon E. Hodde / Hodde & Hodde Land Surveying, Inc.

LOT AREA /LOCATION: 14.940-acres / South of the intersection of State Highway 36 and W. Blue Bell Road

PROPOSED LEGAL DESCRIPTION: Lot 2A-R and Lot 2B of the Duncan & Roberts Subdivision in Brenham, Washington County, Texas

ZONING DISTRICT: B-2, Commercial Research and Technology District

EXISTING USE: Vacant land

COMP PLAN FUTURE LAND USE: Commercial

REQUEST: A request by Duncan & Roberts Properties / SSF Investments, LLC for approval of a commercial Replat of Lot 2A of the Duncan & Roberts Subdivision to create Lots 2A-R and 2B, being 9.112-acres and 5.828-acres, respectively for a total of 14.940, and further described as part of the Phillip Coe Survey, A-31, in Brenham, Washington County, Texas.

BACKGROUND:

The subject property, identified as Lot 2A of the Duncan & Roberts Subdivision, is currently owned by Duncan & Roberts Properties / SSF Investments, LLC. The property is currently undeveloped. The property owners would like to replat the existing lot into two lots for future development. Lot 2A-R is proposed to contain 9.112-acres of land and Lot 2B is proposed to contain 5.828-acres of land. The proposed replat includes the building setback lines in relation to established property lines, an existing 20-foot public utility easement along the west side of Lot 2A-R. The replat also establishes Access Easement No. 3 (0.114-acres) on the northwest corner of Lot 2B, which aligns with Republic Street to the north across Hwy 577 and provides for a shared access for Lots 1A and 2B.

STAFF RECOMMENDATION:

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

EXHIBITS:

- A. Proposed Commercial Replat

OWNER ACKNOWLEDGMENT

WE, CHARLES W. DUNCAN, JR. AND WIFE, ANNE S. DUNCAN, DONALD GLENN ROBERTS AND WIFE, MELANIE P. ROBERTS, GARY WILLIAM ROBERTS AND WIFE, SABRINA S. ROBERTS, PIERRE N. ROBERTS, JR. AND WIFE, SARAH H. ROBERTS, THE OWNERS OF THE LAND DESCRIBED HEREON AND WHOSE NAME IS SUBSCRIBED HERETO, DO HEREBY ACKNOWLEDGE THE CHANGES TO SAID PROPERTY IN ACCORDANCE WITH THE PLAT SHOWN HEREON. THE PLATTED PROPERTY REMAINS SUBJECT TO EXISTING DEDICATIONS, COVENANTS, RESTRICTIONS AND EASEMENTS EXCEPT AS SHOWN OR STATED HEREON.

CHARLES W. DUNCAN, JR.

DONALD GLENN ROBERTS

ANNE S. DUNCAN

MELANIE P. ROBERTS

NOTARY PUBLIC ACKNOWLEDGMENT

THE STATE OF TEXAS

COUNTY OF _____

THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME ON THE _____

DAY OF _____, 2022, BY _____

NOTARY PUBLIC, STATE OF TEXAS

(SEAL)

ESTATE OF GARY WILLIAM ROBERTS, DECEASED

SABRINA S. ROBERTS

NOTARY PUBLIC ACKNOWLEDGMENT

THE STATE OF TEXAS

COUNTY OF _____

THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME ON THE _____

DAY OF _____, 2022, BY _____

NOTARY PUBLIC, STATE OF TEXAS

(SEAL)

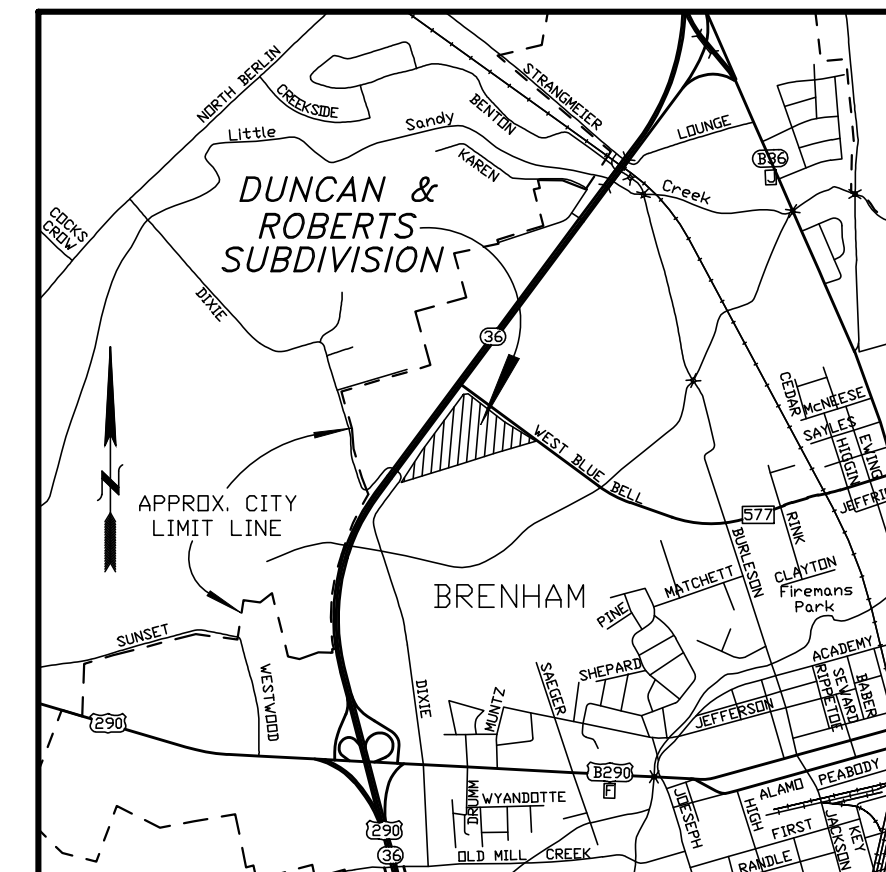
PLANNING AND ZONING COMMISSION APPROVAL

APPROVED THIS _____ DAY OF _____, 2022 BY
THE PLANNING AND ZONING COMMISSION OF THE CITY OF BRENHAM, TEXAS.

CHAIRMAN

SECRETARY

VICINITY MAP
(NOT TO SCALE)



NOTES:

1. THE BEARINGS SHOWN HEREON ARE RELATIVE TO THE TEXAS STATE PLANE GRID SYSTEM, NAD-83, CENTRAL ZONE 4203, DISTANCES SHOWN ARE GROUND DISTANCES. CONVERGENCE ANGLE AT N: 10,050,474.023 - E: 3,541,046.622 IS 2'-01"-44.10", COMBINED SCALE FACTOR IS 0.99997562. DISTANCES SHOWN HEREON ARE U.S. SURVEY FEET.
2. NO PART OF THE SUBJECT PROPERTY LIES WITHIN THE SPECIAL FLOOD HAZARD AREA. THE SUBJECT PROPERTY LIES WITHIN AN AREA OF MINIMAL FLOOD HAZARD AREA (ZONE X) ACCORDING TO THE FLOOD INSURANCE RATE MAP (FIRM) AS COMPILED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY, NATIONAL FLOOD INSURANCE PROGRAM, MAP NUMBER 48477C0295C, EFFECTIVE DATE AUGUST 16, 2011, WASHINGTON COUNTY, TEXAS.
3. THIS SURVEY WAS PERFORMED IN CONJUNCTION WITH BOTTS TITLE COMPANY (FIRST AMERICAN TITLE GUARANTY COMPANY) TITLE COMMITMENT GF NO. WA-22-205, EFFECTIVE DATE MAY 19, 2022, 8:00 AM, ISSUED JUNE 1, 2022, AM.
4. SUBJECT TO COVENANTS, CONDITIONS, RESTRICTIONS, RESERVATIONS, EASEMENTS AND BUILDING LINES APPLICABLE TO THE MINOR PLAT OF DUNCAN & ROBERTS SUBDIVISION, AS RECORDED IN PLAT CABINET FILE SLIDE NUMBERS 656A & 656B, IN THE PLAT RECORDS OF WASHINGTON COUNTY, TEXAS AND THE REPLAT OF LOT 1 AND LOT 2 DUNCAN & ROBERTS SUBDIVISION, AS RECORDED IN PLAT CABINET FILE SLIDE NUMBERS 728A & 728B, IN THE PLAT RECORDS OF WASHINGTON COUNTY, TEXAS.
5. 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.
6. 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 COMMITMENT DATED EFFECTIVE MAY 19, 2022.
7. 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 COMMITMENT DATED EFFECTIVE MAY 19, 2022.
8. 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.
9. THIS PLAT DOES NOT ATTEMPT TO AMEND OR REMOVE ANY VALID COVENANTS OR RESTRICTIONS.
10. SUBJECT TO BUILDING SETBACK LINES AND YARD REQUIREMENTS ACCORDING TO ZONE AND USE AS SET FORTH IN THE CITY OF BRENHAM ZONING ORDINANCE.
11. ACCESS EASEMENT NO. 1 AS SHOWN HEREON AND ON PLATS RECORDED IN PLAT CABINET FILE SLIDE NUMBERS 656A & 656B AND 728A & 728B, IN THE PLAT RECORDS OF WASHINGTON COUNTY, TEXAS MAY BE USED BY LOT 1A AND LOT 2A-R, ACCESS EASEMENT NO. 2 SHOWN HEREON AND ON PLATS RECORDED IN PLAT CABINET FILE SLIDE NUMBERS 656A & 656B AND 728A & 728B, IN THE PLAT RECORDS OF WASHINGTON COUNTY, TEXAS MAY BE USED BY LOT 1A AND LOT 2B AND ACCESS EASEMENT NO. 3 SHOWN HEREON MAY BE USED BY LOT 1A AND LOT 2B.
12. (ORWCT) DENOTES OFFICIAL RECORDS OF WASHINGTON COUNTY, TEXAS.
(PRWCT) DENOTES PLAT RECORDS OF WASHINGTON COUNTY, TEXAS.
B.L. DENOTES BUILDING LINES

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. 8014 (PANK08014SPC.DWG/MVIEW) REF:JONESENG6965SPC.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 OF DUNCAN & ROBERTS SUBDIVISION
CREATING LOT 2B (5.828 ACRES) AND LOT 2A-R (9.112 ACRES)
BEING OUT OF THE PHILLIP COE SURVEY, A-31
CITY OF BRENHAM, WASHINGTON COUNTY, TEXAS
CONSISTING OF 2 COMMERCIAL LOTS (14.940 ACRES TOTAL)**

**SHEET 2
OF 2**