



**NOTICE OF A REGULAR MEETING  
BRENHAM PLANNING AND ZONING COMMISSION  
MONDAY, AUGUST 28, 2023, 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 July 24, 2023, Planning and Zoning Commission Meeting.**

**4-b. Case No. P-23-028: A request from The Vineyard Church of Brenham for approval of a Preliminary Plat of The Vineyard Church Division creating Lot 1 being 0.661 acres of land and Lot 2 being 0.408-acres of land for a total of 1.069-acres of land that is part of the James Walker Survey, A-106 in Brenham, Washington County, Texas.**

**4-c. Case No. P-23-029: A request from The Vineyard Church of Brenham for approval of a Final Plat of The Vineyard Church Division creating Lot 1 being 0.661 acres of land and Lot 2 being 0.408-acres of land for a total of 1.069-acres of land that is part of the James Walker Survey, A-106 in Brenham, Washington County, Texas.**

**4-d. Case No. P-23-030: A request by Powerfam Washes, LLC for approval of a Commercial Replat of Lots 10A and 11A of the Replat of Lots 2 through 31 of the College Heights Addition and a called 0.331-acre tract, and the Residue of Lot 48, College Heights Addition to create Lot 1 of the Powerfam Washes Subdivision, being 1.997-acres of land out of the Arabella Harrington Survey, A-55, in Brenham, Washington County, Texas.**

- 4-e. **Case No. P-23-032: A request by Yi Shi Chen and Meiling Chen for approval of a Preliminary Plat creating Lot 1, Block 1 of the Fortune Future Subdivision, and Dedicating 0.0256-acres of Right-of-Way for US Highway 290 Frontage Road, being 8.3054-acres of land out of the Moses N. Combs Survey, A-124 and the John Carrington Survey, A-120, in Brenham, Washington County, Texas.**
- 4-f. **Case No. P-23-033: A request by Yi Shi Chen and Meiling Chen for approval of a Final Plat creating Lot 1, Block 1 of the Fortune Future Subdivision, and Dedicating 0.0256-acres of Right-of-Way for US Highway 290 Frontage Road, being 8.3054-acres of land out of the Moses N. Combs Survey, A-124 and the John Carrington Survey, A-120, in Brenham, Washington County, Texas.**

#### **REGULAR AGENDA**

- 5. **Public Hearing, Discussion and Possible Action on Case No. P-23-027: A request by Silverback Real Estate, LLC/Eric Benitez, Matthew Gene Canatella, and Brenham Design and Construction, Inc./Kenneth Phillips for an Amendment to the City of Brenham's Official Zoning Map of the Code of Ordinances to change the zoning from a Commercial, Research and Technology Use District (B-2) to a Local Business Residential Mixed Use District (B-1) on the properties currently addressed as 307 Peabody Street, 309 Peabody Street, and 401 Peabody Street, and being further described as Lot 4A of the Kerr Addition, Lot 1 of the Stolz Addition, and the east part of Lots 2 & 3 of the Kerr Addition, respectively, in Brenham, Washington County, Texas.**
- 6. **Public Hearing, Discussion and Possible Action on Case No. P-23-031: A request by Powerfam Washes, LLC for a Specific Use Permit to allow an Automobile (Car) Wash in a B-1, Local Business Residential Mixed Use Zoning District on property addressed as 1604 State Highway 105, and described as Lots 10A and 11A of the Replat of Lots 2 Through 31 of College Heights Addition, and the residue of Lot 48, College Heights Addition, being a total of 1.997-acres out of the Arrabella Harrington Survey in Brenham, Washington County, Texas.**
- 7. **Adjourn**

#### **CERTIFICATION**

I certify that a copy of the August 28, 2023 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 25, 2023 at 12:30 p.m.

*Kim Hodde*

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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 \_\_\_\_\_, 2023 at \_\_\_\_\_.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Title

**CITY OF BRENHAM  
PLANNING AND ZONING COMMISSION MINUTES  
July 24, 2023**

*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 24, 2023, at 5:15 pm in the Brenham Municipal Building, City Council Chambers, at 200 West Vulcan Street, Brenham, Texas.

Commissioners present:

M. Keith Behrens, Chairman  
Chris Cangelosi  
Darren Heine  
Cayte Neil

Commissioners absent:

Deanna Alfred, Vice Chair  
Artis Edwards, Jr.  
Calvin Kossie

Staff present:

Stephanie Doland, Development Services Director  
Shauna Laauwe, City Planner

Citizens / Media present:

Joshua Blaschke – KWHI  
Donald W. Lampe  
Gregg Appel

**1. Call Meeting to Order**

Chairman Behrens called the meeting to order at 5:44 pm with a quorum of four (4) Commissioners present.

**2. Public Comments**

There were no public comments.

**3. Reports and Announcements**

Shauna Laauwe, City Planner, reminded everyone about the Small Area Plan Town Hall meeting that will be held on August 10, 2023 from 5:30-7:30 pm at the Barnhill Center Ballroom. Over 290 survey results were submitted.

**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 June 26, 2023, Planning and Zoning Commission Meeting.
- 4-b. Case No. P-23-024: A request by Gregory E. Appel and John J. Appel Rental Partnership for approval of a Preliminary Plat creating Lots 1-5 of the Timber Oaks Subdivision, Section IV, being 1.613-acres of land out of the P. H. Coe Survey, A-31, in Brenham, Washington County, Texas.
- 4-c. Case No. P-23-025: A request by Gregory E. Appel and John J. Appel Rental Partnership for approval of a Final Plat creating Lots 1-5 of the Timber Oaks Subdivision, Section IV, being 1.613-acres of land out of the P. H. Coe Survey, A-31, in Brenham, Washington County, Texas.

Chairman Behrens called for a motion for the statutory consent agenda. A motion was made by Commissioner Cangelosi and seconded by Commissioner Neil to approve the Statutory Consent Agenda (Items 4-a to 4-c), as presented. The motion carried unanimously.

## REGULAR SESSION

- 5. Public Hearing, Discussion and Possible Action on Case No. P-23-026: A City initiated request to amend the City of Brenham’s Code of Ordinances, Appendix A: Zoning including:
  - a. A revision of the definition of “Food Truck Site” found in Part 1, Division 5, Section 5.02; and
  - b. A revision of the Specific Use provisions for the R-1 (Single Family Residential) and the Permitted and Specific Use provisions of the R-2 (Mixed Residential) Zoning Districts found in Part 2, Division, 2, Sections 1 and 2 respectively; and
  - c. Deletions to Part 2, Division 1, Section 11 – Performance Standards; and
  - d. Deletion of Part IV, Division 2, Section 2 pertaining to conditions on variances.

Shauna Laauwe, City Planner, presented the staff report for Case No. P-23-026 (on file in the Development Services Department). Ms. Laauwe stated that the Zoning Ordinance is a working document that needs to be amended and updated from time-to-time. As a result of the Housing Task Force meetings and a few citizen concerns, staff has identified several amendments that are being proposed to the Zoning Ordinance. Ms. Laauwe explained each of the proposed amendments as follows:

### A. Part 1, Division 5, Section 5.02

In 2019, definitions were established for Food Truck Sites, Mobile Food Kitchens, and Food Truck Parks. Recently, staff has received multiple complaints about a couple of the food trucks being parked/stored a residences/in residential zoning districts. Recreational Vehicles (RV’s) cannot be located in the front façade of the home for longer than 72-hours. They can be parked behind the front façade indefinitely. The Food Truck owners have currently been trying to meet this RV/trailer requirements by moving the Food Truck from one side of their property to the other every 72-hours.

The proposed amendment to the Definition of Food Truck site is to add the words “**or to be stored**” to the sentence stating “*Food truck sites shall not be permitting as an accessory use on property developed with a residential use*” to clarify that not only are food trucks not permitted to be an accessory use but that they cannot be stored on property developed with a residential use.

In response to questions from Commissioners, Staff clarified that there are several self storage and open-sided storage areas in and around Brenham that could be rented for the trailer storage. Additionally, staff

responded that yes, the proposed amendment is in response to issues currently identified in Brenham by citizens who have called to complain about a food trailer.

B. Part 2, Division 2

Section 1.03 (Specific Uses) – R-1, Single Family Residential

Currently, two family dwellings (duplexes) are not defined in the Zoning Ordinance and their minimum requirements are not defined. The proposal is to add two-family (duplex) dwellings and twin homes as permitted in the R-1 Zoning District with an approved Specific Use Permit as follows:

- (6) Dwelling, two-family (duplex): Two (2) single-family attached units in accordance with the development standards outlined in the “R-2: Mixed Residential District.”
- (7) Twin Home: Single-family attached units on individual lots in accordance with the development standards as outlined in the “R-2: Mixed Residential District.”

Section 2.02 (Permitted Uses) – R-2, Mixed Residential

- (5) Update the wording from “Two family dwellings or duplexes” to “Dwelling, Two-family (duplex)” to reflect consistency with the other sections.
- (8) Add Accessory Dwelling Unit as a permitted use.
- (10) Add Twin homes as a permitted use as follows: Twin homes. Single-family attached dwelling of two units on separate adjacent lots that share a common interior wall and property line. Each twin home unit is platted on a separate lot.

Section 2.03 (Specific Uses) – R-2, Mixed Residential

- (1) Remove Accessory Dwelling Unit as a specific use since it will be a permitted use.

Section 2.05 (Area Regulations) – R-2, Mixed Residential – Single-family attached units (townhomes)

- (B) Size of Yards
  - (ii) Side Yards. Reduce the side yard setback on the street side of a corner lot from twenty (20) feet to fifteen (15) feet for consistency with the other residential development requirements.
- (D) Lot coverage. Reduce the maximum impervious coverage from eight (80) percent to sixty (60) percent for townhomes since the maximum for multi-family developments is sixty (60) percent.

In response to questions from Commissioners, staff discussed how the smaller lot size and required setbacks may require the eighty (80) percent maximum lot coverage as currently adopted. Therefore, this proposed amendment may be removed as part of a motion if the Commission so chooses. Additionally, staff informed the Commission that the setbacks were in accordance with the adopted Fire Code.

- (E) Add Utility Access requirements as follows:  
Utility Access: All utilities shall be located adjacent to a public or private paved, all-weather surface. Utility layouts shall be approved by the General Manager of Public Utilities or designee prior to approval of civil plans. Recently, a couple proposed developments have created issues as to where to locate the utilities and provide proper access; therefore, the addition of this section should help alleviate these issues.

Add the following two new sections:

(3) Dwelling, two-family (duplex): Two (2) Single-family attached units

(4) Twin homes: Single-family attached units on individual lots

❖ The following provisions will be added for these two new dwelling types in the R-2 District:

(A) Minimum site area of 6,000 square feet.

(B) Size of yards (setbacks)

- Front yard setback – 25-feet
- Side yard setback – 10-feet
- Street side yard setback – 15-feet
- Rear yard setback – 20-feet, except adjacent to a major street which will be a 25-foot rear yard setback.

(C) Size of lots – minimum 60-foot lot width and minimum 100-foot lot depth.

(D) Lot coverage – maximum sixty (60) percent lot coverage.

With the addition of the two new sections, existing Section 4 will now be Section 6 and is proposed to be revised as follows:

(6) Multifamily units (apartments):

(A) Minimum site area. Remove the first line pertaining to the minimum site area required for duplexes since these requirements defined in the new section above.

(B) Size of yards:

(i) Front yard. There shall be a front yard having a depth of not less than twenty-five (25) feet. This revision is proposed for consistency with other residential requirements.

C. Part 2, Division 1, Section 11 Performance Standards

The City of Brenham Noise Ordinance is being revised. During this revision process, it was discovered that Chapter 17 of the Code of Ordinances contain the same provisions as the Zoning Ordinance. Since most noise complaints are addressed by the Police Department and not Development Services, the proposal is to delete Section 11.02 that pertains to noise violations out of the Zoning Ordinance. Section 11.01 will be amended to clarify that noise violation information may be found in Chapter 17, Article V of the City of Brenham Code of Ordinances.

D. Part IV, Division 2, Variances – Section 2 (Conditions)

Per the Texas Local Government Code, conditions may NOT be placed on variances; therefore, the proposal is to remove this section which states that the Board may establish conditions on variances.

All affected sections and subsections will be re-numbered as needed.

A Public Hearing Notice was published in the Banner Press on July 13, 2023. Staff has not received any phone calls for or against the proposed text amendments.

Chairman Behrens closed the regular session and opened the public hearing at 6:10 pm. There were no citizen comments.

Chairman Behrens closed the public hearing and re-opened the regular session at 6:11 pm.

A motion was made by Commissioner Cangelosi and seconded by Commissioner Heine to recommend to City Council approval of the proposed text amendments, as amended by removing the revision to the maximum lot coverage in Part 2, Division 2, Section 2.05(D). The motion carried unanimously.

**6. Adjourn.**

A motion was made by Commissioner Neil and seconded by Commissioner Cangelosi to adjourn the meeting at 6:12 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:*

_____	<u>M. Keith Behrens</u>	<u>August 28, 2023</u>
Planning and Zoning Commission	Chair	Meeting Date

_____	<u>Kim Hodde</u>	<u>August 28, 2023</u>
Attest	Staff Secretary	Meeting Date





**CASE P-23-28**

**PRELIMINARY PLAT: THE VINEYARD CHURCH DIVISION**

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**PLAT TITLE:** The Vineyard Church Division **CITY/ETJ:** City

**PLAT TYPE:** Preliminary Plat

**OWNER/APPLICANT:** The Vineyard Church of Brenham

**ADDRESS/LOCATION:** 1401 and 1407 S Blue Bell Road

**LEGAL DESCRIPTION:** 1.069 acres of land in the James Walker Survey, A-106, in Brenham, Washington County, Texas

**LOT AREA:** Lot 1 being 0.661-acres and Lot 2 being 0.408-acres for a total of 1.069-acres.

**ZONING DISTRICT:** I, Industrial

**EXISTING USE:** Church / Commercial Building

**COMP PLAN** Industrial  
**FUTURE LAND USE:**

**REQUEST:** A request from The Vineyard Church of Brenham for approval of a Preliminary Plat of The Vineyard Church Division creating Lot 1 being 0.661acres of land and Lot 2 being 0.408-acres of land for a total of 1.069-acres of land that is part of the James Walker Survey, A-106 in Brenham, Washington County, Texas.

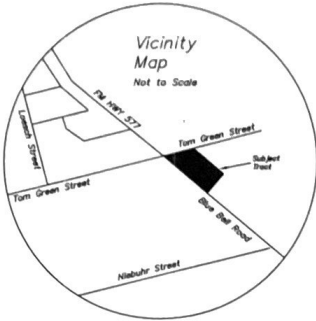
**BACKGROUND:**

The subject 1.069-acres of land is generally located east of S Blue Bell Road, south of E. Tom Green Street and addressed as 1401 and 1407 S Blue Bell Road. The property owners, The Vineyard Church of Brenham, request approval of a Preliminary Plat of The Vineyard Church Division that plats the unplatted tracts into proposed Lot 1 being a total of 0.661-acres and Lot 2 being a total of 0.408-acres. The northern lot is currently developed with a Church and the southern lot (proposed Lot 2) is currently developed as a commercial building. The subject site is not currently platted and thus, approval of a Preliminary Plat and Final Plat is required for future development. This plat dedicates two 15-foot utility easements, one along Blue Bell Road (FM 577) and one along Tom Green Street; and a 10-foot utility easement along the east boundary line.

**STAFF ANALYSIS AND RECOMMENDATION:**

Development Services and Strand Engineering have reviewed this Preliminary Plat for compliance with applicable City of Brenham regulations and ordinances and recommend **approval** of this plat as presented.

**EXHIBITS:** A. Proposed Preliminary Plat



# PRELIMINARY PLAT

## The Vineyard Church Division

Consisting of Two Lots:

Lot 1 (0.661 Ac.) & Lot 2 (0.408 Ac.)

Containing 1.069 Acres Total

James Walker Survey, Abstract No. 106  
City of Brenham, Washington County, Texas

Scale 1" = 50'



- cm = control monument
- D.R.M.C. = Deed Records of Washington County, Texas
- O.R.M.C. = Official Records of Washington County, Texas
- PUE = public utilities easement
- BL = building setback line
- tlbx = telephone box
- foc = buried fiber optic cable warning sign
- mh = A&T manhole
- pp = power (utility) pole
- OHE = overhead electric line
- wm = water meter
- dr = drive
- p = porch

### PLANNING AND ZONING COMMISSION APPROVAL

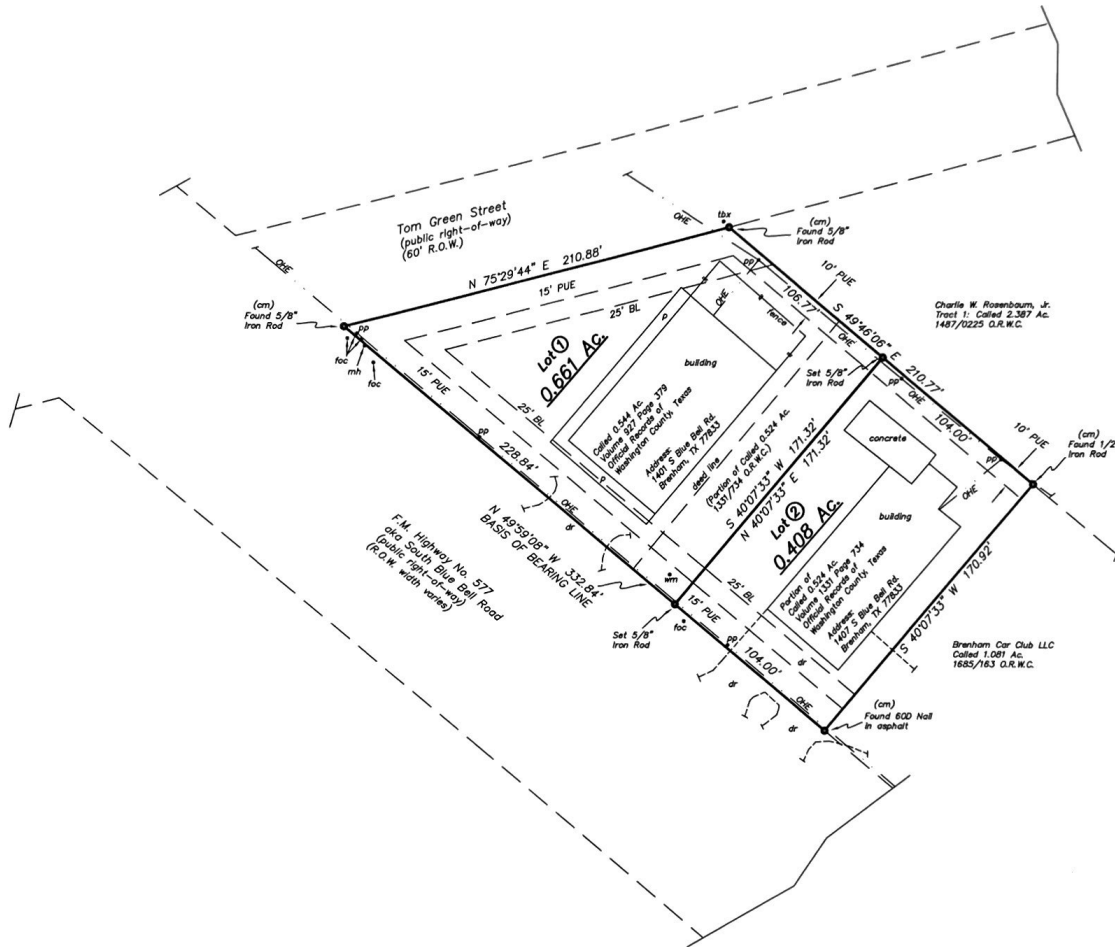
Approved this \_\_\_\_\_ day of \_\_\_\_\_, 2023, by the Planning and Zoning Commission of the City of Brenham, Texas.

Chairman

Secretary

Showing a survey of 1.069 acres of land, situated in Washington County, Texas, being out of the James Walker Survey, Abstract No. 106, in the City of Brenham, being all or a portion of a called 0.544 acre tract described in that deed dated May 7, 1999, from Charles Erwin Morris, et ux to Brenham Christian Fellowship, Inc., recorded in Volume 927, Page 379 of the Official Records of Washington County, Texas, and being all or a portion of a called 0.524 acre tract described in that deed dated January 26, 2010, from Timothy Wayne Ruster, et al to Brenham Christian Fellowship, Inc. d/b/a The Vineyard Church of Brenham, recorded in Volume 1331, Page 734, Official Records of Washington County, Texas.

NOTE:  
Bearings shown hereon are based on the record bearing for the Southwest line of the original called 0.544 acre tract, recorded in Volume 927, Page 379, Official Records of Washington County, Texas.



### OWNER'S ACKNOWLEDGEMENT

I, Joel Knox, Residing Pastor of Brenham Christian Fellowship d/b/a The Vineyard Church of Brenham, and owner 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.

Joel Knox - Residing Pastor  
Brenham Christian Fellowship d/b/a The Vineyard Church of Brenham

### COUNTY CLERK FILING ACKNOWLEDGEMENT STATEMENT

I, Beth Rothermel, Clerk of the County Court of Washington County, Texas, do hereby certify that the within instrument was filed with my office on the \_\_\_\_\_ day of \_\_\_\_\_, 2023, at \_\_\_\_\_ o'clock, \_\_\_\_\_ m., and duly recorded on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_ o'clock, \_\_\_\_\_ m., in cabinet \_\_\_\_\_ sheet \_\_\_\_\_ of the \_\_\_\_\_ records of said county.

Beth Rothermel  
Clerk of the County Court of Washington County, Texas.

By: \_\_\_\_\_

### NOTARY PUBLIC ACKNOWLEDGEMENT

THE STATE OF TEXAS  
COUNTY OF WASHINGTON

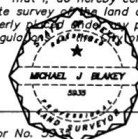
This instrument was acknowledged before me on this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

Notary Public  
State of Texas

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

KNOW ALL MEN BY THESE PRESENTS: That I, do hereby certify that I prepared this plat from an actual and accurate survey of the land and that the corner monuments shown hereon were properly placed under my personal supervision, in accordance with the Subdivision Regulations of the State of Texas.

Michael J. Blakey  
Registered Professional Land Surveyor No. 50339  
July 24, 2023



### NOTE:

- 1) This plat does not attempt to amend or remove any valid covenants or restrictions.
- 2) Subject to building setback lines and yard requirements according to zone and use as set forth by The City of Brenham Zoning Ordinance.
- 3) The subject tract/lot shown hereon does not lie within the Special Flood Hazard Area according to the FEMA Flood Insurance Rate Map for Washington County, Texas, Map Number 48477C0295C, effective date August 16, 2011.
- 4) All oil/gas pipelines or pipeline easements with ownership through subdivision have been shown.
- 5) All oil/gas wells with ownership (plugged, abandoned, and/or active) through the subdivision have been shown.
- 6) 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 (fifteen) feet off centerline of low pressure gas lines, and 30 (thirty) feet off centerline of high pressure gas lines.

### Blakey Surveying, LLC

RPLS 4052 RPLS 6935

TEXAS FIRM REGISTRATION NO. 10085000

4859 Pflueger Lane  
Brenham, Texas 77835

(979) 277-8549



**CASE P-23-29**

**FINAL PLAT: THE VINEYARD CHURCH DIVISION**

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**PLAT TITLE:** The Vineyard Church Division **CITY/ETJ:** City

**PLAT TYPE:** Final Plat

**OWNER/APPLICANT:** The Vineyard Church of Brenham

**ADDRESS/LOCATION:** 1401 and 1407 S Blue Bell Road

**LEGAL DESCRIPTION:** 1.069 acres of land in the James Walker Survey, A-106, in Brenham, Washington County, Texas

**LOT AREA:** Lot 1 being 0.661-acres and Lot 2 being 0.408-acres for a total of 1.069-acres.

**ZONING DISTRICT:** I, Industrial

**EXISTING USE:** Church / Commercial Building

**COMP PLAN** Industrial  
**FUTURE LAND USE:**

**REQUEST:** A request from The Vineyard Church of Brenham for approval of a Final Plat of The Vineyard Church Division creating Lot 1 being 0.661acres of land and Lot 2 being 0.408-acres of land for a total of 1.069-acres of land that is part of the James Walker Survey, A-106 in Brenham, Washington County, Texas.

**BACKGROUND:**

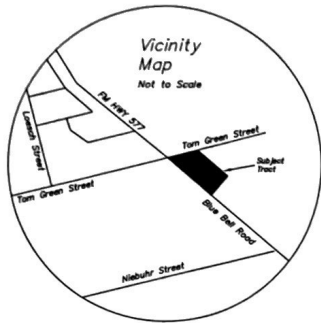
The subject 1.069-acres of land is generally located east of S Blue Bell Road, south of E. Tom Green Street and addressed as 1401 and 1407 S Blue Bell Road. The property owners, The Vineyard Church of Brenham, request approval of a Final Plat of The Vineyard Church Division that plats the unplatted tracts into proposed Lot 1 being a total of 0.661-acres and Lot 2 being a total of 0.408-acres. The northern lot is currently developed with a Church and the southern lot (proposed Lot 2) is currently developed as a commercial building. The subject site is not currently platted and thus, approval of a Preliminary Plat and Final Plat is required for future development. This plat dedicates two 15-foot utility easements, one along Blue Bell Road (FM 577) and one along Tom Green Street; and a 10-foot utility easement along the east boundary line.

**STAFF ANALYSIS AND RECOMMENDATION:**

Development Services and Strand Engineering have reviewed this Final Plat for compliance with applicable City of Brenham regulations and ordinances and recommend **approval** of this plat as presented.

**EXHIBITS:**

A. Proposed Final Plat



# FINAL PLAT

## The Vineyard Church Division

Consisting of Two Lots:  
Lot 1 (0.661 Ac.) & Lot 2 (0.408 Ac.)  
Containing 1.069 Acres Total  
James Walker Survey, Abstract No. 106  
City of Brenham, Washington County, Texas

Scale 1" = 50'



cm = control monument  
D.R.W.C. = Deed Records of Washington County, Texas  
O.R.W.C. = Official Records of Washington County, Texas  
P.U.E. = public utilities easement  
B.L. = building setback line

NOTE:  
Bearings shown hereon are based on the record bearing for the Southwest line of the original called 0.544 acre tract, recorded in Volume 927, Page 379, Official Records of Washington County, Texas.

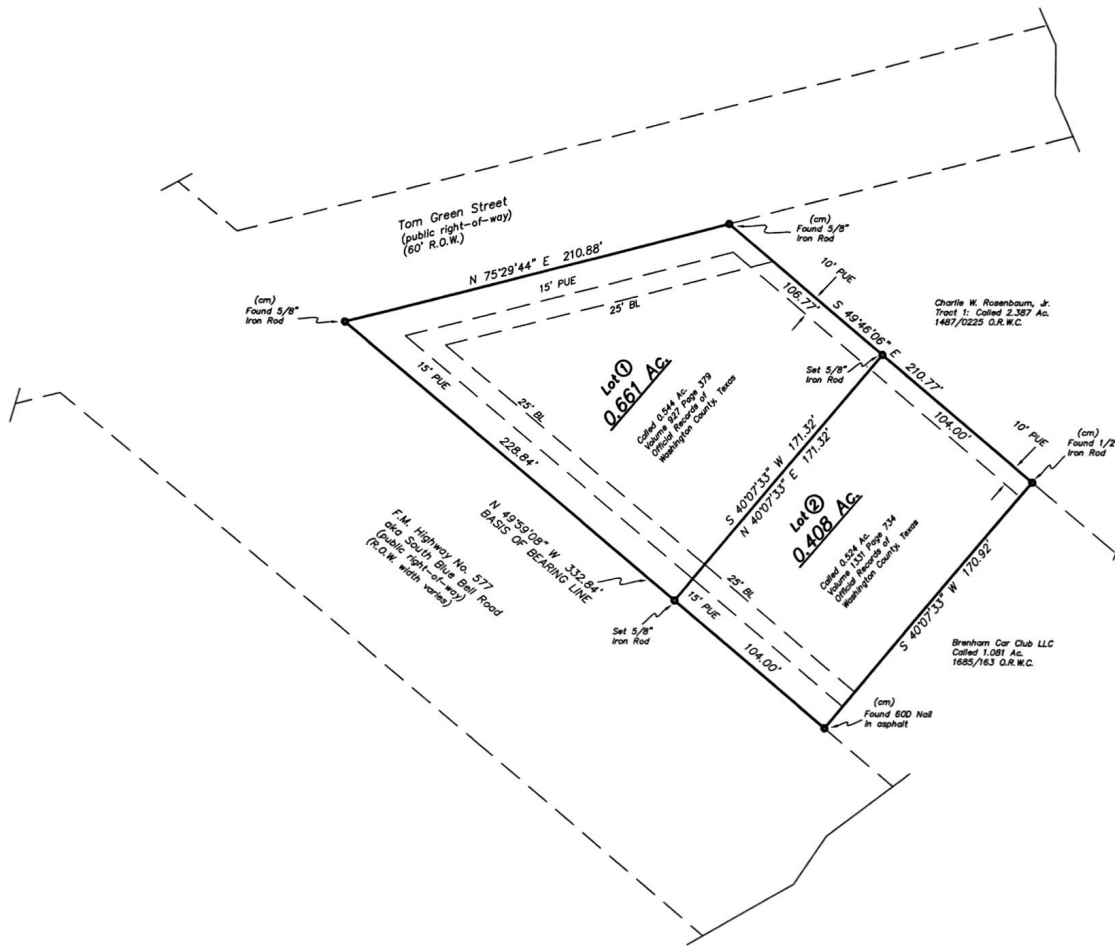
### PLANNING AND ZONING COMMISSION APPROVAL

Approved this \_\_\_\_\_ day of \_\_\_\_\_, 2023, by the Planning and Zoning Commission of the City of Brenham, Texas.

Chairman \_\_\_\_\_

Secretary \_\_\_\_\_

Showing a survey of 1.069 acres of land, situated in Washington County, Texas, being out of the James Walker Survey, Abstract No. 106, in the City of Brenham, being all or a portion of a called 0.544 acre tract described in that deed dated May 7, 1999, from Charles Erwin Morris, et ux to Brenham Christian Fellowship, Inc., recorded in Volume 927, Page 379 of the Official Records of Washington County, Texas, and being all or a portion of a called 0.524 acre tract described in that deed dated January 26, 2010, from Timothy Wayne Rueter, et al to Brenham Christian Fellowship, Inc. d/b/a The Vineyard Church of Brenham, recorded in Volume 1331, Page 734, Official Records of Washington County, Texas.



### OWNER'S ACKNOWLEDGEMENT

I, Joel Knox, Residing Pastor of Brenham Christian Fellowship d/b/a The Vineyard Church of Brenham, and owner 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.

Joel Knox - Residing Pastor  
Brenham Christian Fellowship d/b/a The Vineyard Church of Brenham

### NOTARY PUBLIC ACKNOWLEDGEMENT

THE STATE OF TEXAS  
COUNTY OF WASHINGTON

This instrument was acknowledged before me on this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

Notary Public: \_\_\_\_\_  
State of Texas

Notary's Name (Printed): \_\_\_\_\_  
Notary's Commission Expires: \_\_\_\_\_

### COUNTY CLERK FILING ACKNOWLEDGEMENT STATEMENT

I, Beth Rothermel, Clerk of the County Court of Washington County, Texas, do hereby certify that the within instrument was filed with my office on the \_\_\_\_\_ day of \_\_\_\_\_, 2023, at \_\_\_\_\_ o'clock, \_\_\_\_\_ m., and duly recorded on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_ o'clock, \_\_\_\_\_ m., in cabinet \_\_\_\_\_ sheet \_\_\_\_\_ of the \_\_\_\_\_ records of said county.

Beth Rothermel  
Clerk of the County Court of Washington County, Texas.

By: \_\_\_\_\_

KNOW ALL MEN BY THESE PRESENTS: That I, do hereby certify that I prepared this plat from an actual and accurate survey of the land and that the corner monuments shown hereon were properly placed under my personal supervision, in accordance with the Subdivision Regulation Ordinance of Brenham, Texas.

Michael J. Blakey  
Registered Professional Land Surveyor No. \_\_\_\_\_ July 24, 2023



### NOTE:

- 1) This plat does not attempt to amend or remove any valid covenants or restrictions.
- 2) Subject to building setback lines and yard requirements according to zone and use as set forth by The City of Brenham Zoning Ordinance.
- 3) The subject tract/lot shown hereon does not lie within the FEMA Flood Insurance Rate Map for Washington County, Texas, Map Number 48477C0295C, effective date August 16, 2011.
- 4) All oil/gas pipelines or pipeline easements with ownership through subdivision have been shown.
- 5) All oil/gas wells with ownership (plugged, abandoned, and/or active) through the subdivision have been shown.
- 6) 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 (fifteen) feet off centerline of low pressure gas lines, and 30 (thirty) feet off centerline of high pressure gas lines.

Blakey Surveying, LLC

RPLS 4052 RPLS 5935

TEXAS FIRM REGISTRATION NO. 10085000

4659 Pilsheim Lane  
Barton, Texas 77835

(979) 877-8549



**CASE P-23-030**

**REPLAT: OF LOTS 10A AND 11A OF THE REPLAT OF LOTS 2 THROUGH 31 OF COLLEGE HEIGHTS ADDITION, AND CALLED .0331-ACRE TRACT, AND THE RESIDUE OF LOT 48, COLLEGE HEIGHTS ADDITION TO CREATE LOT 1 OF THE POWERFAM WASHES SUBDIVISION**

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**PLAT TITLE:** Replat of Lots 10A And 11A Of The Replat Of Lots 2 Through 31 Of College Heights Addition, And Called .0331-Acre Tract, And The Residue Of Lot 48, College Heights Addition **CITY/ETJ:** City

**PLAT TYPE:** Commercial Replat

**OWNERS:** Powerfam Washes, LLC

**APPLICANT/AGENT:** Owner / Strand Associates, Inc.

**LOT AREA /LOCATION:** 1.997-acres / 1604 State Highway 105

**PROPOSED LEGAL DESCRIPTION:** Lot 1, Powerfam Washes Subdivision, in Brenham, Washington County, Texas

**ZONING DISTRICT:** B-1, Local Business/Residential Mixed Use District

**EXISTING USE:** Vacant land

**COMP PLAN** Multi-Family

**FUTURE LAND USE:**

**REQUEST:** A request by Powerfam Washes, LCC for approval of a Replat of Lots 10A And 11A Of The Replat Of Lots 2 Through 31 Of College Heights Addition, And Called .0331-Acre Tract, And The Residue Of Lot 48, College Heights Addition to create Lot 1 (1.997-acres) currently addressed as 1604 State Highway 105 and further described as part of the A. Harrington Survey, A-55, in Brenham, Washington County, Texas.

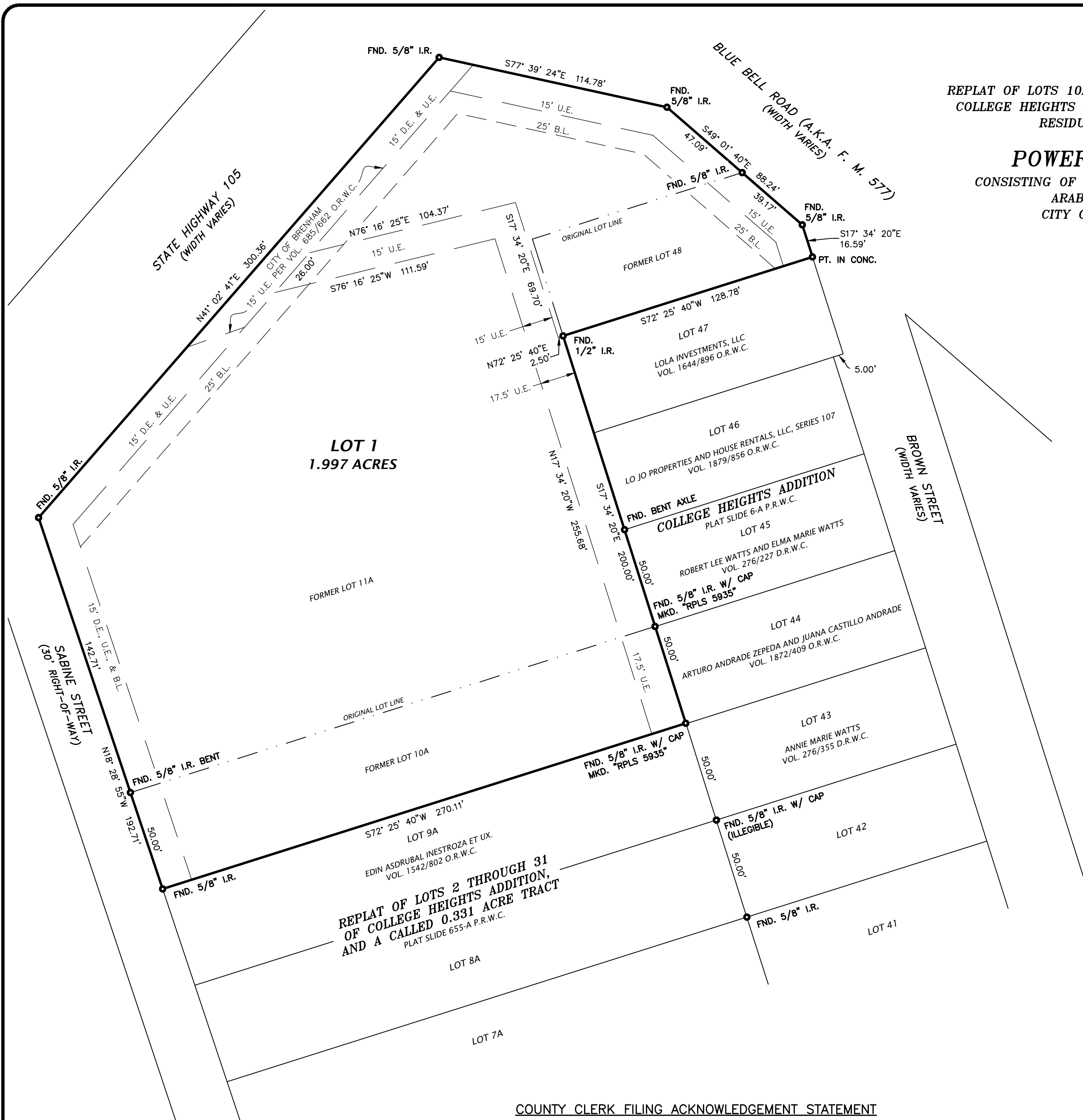
**BACKGROUND:** The subject property, currently identified as a Replat of Lot 10A and 11A, a called .0331-acre tract and the residue of Lot 48 of the College Heights Addition, is owned by Powerfam Washes, LLC. The property is a vacant tract of land currently addressed as 1604 State Highway 105. The applicant desires to combine the lots into proposed Lot 1 being a total of 1.997-acres for future commercial development. In addition to creating Lot 1, the plat dedicates a 15-foot public utility easement along Blue Bell Road, 15-foot public utility and drainage easements along State Highway 105 and Sabine Road, and a varying 15-foot to 17.5-foot interior utility easement near the east property line.

**STAFF RECOMMENDATION:**

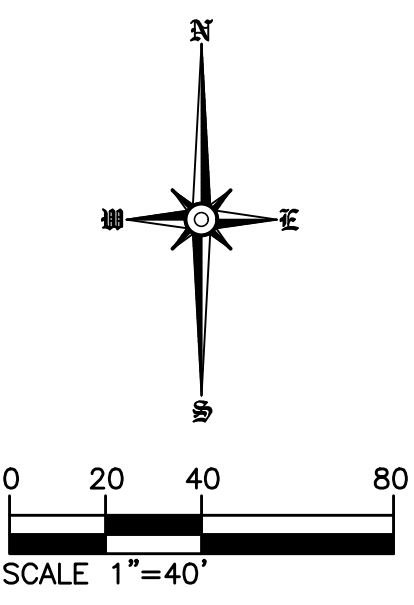
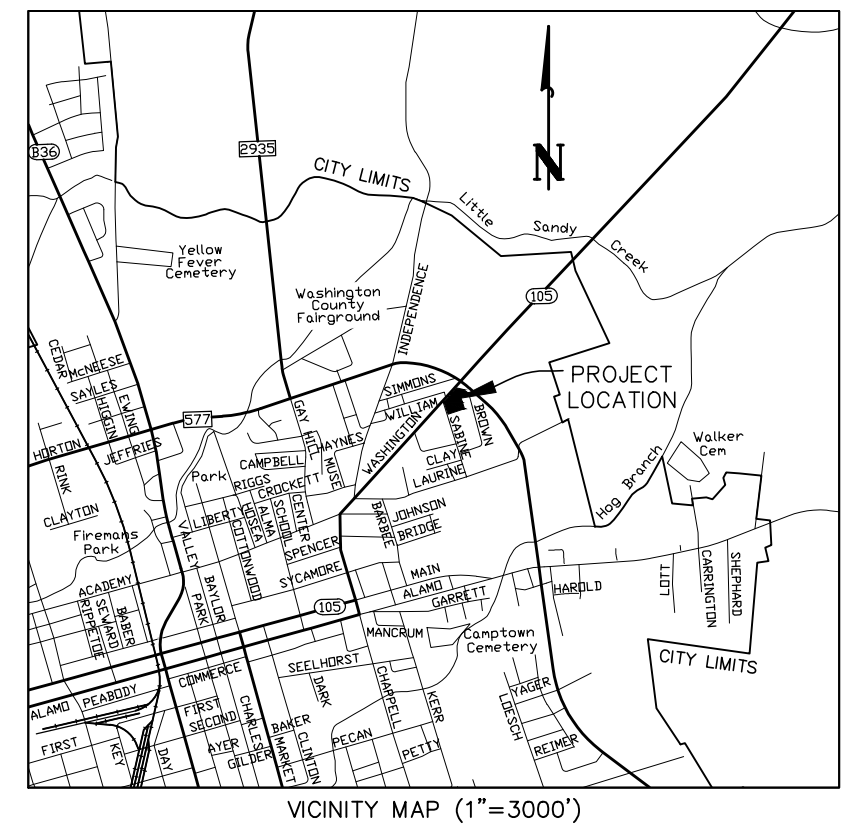
Development Services staff and Engineering have reviewed the proposed Commercial Replat for compliance with the City of Brenham's regulations and ordinances and **recommends approval** of the proposed Commercial Replat as presented.

**EXHIBITS:**

- A. Proposed Commercial Replat



**FINAL PLAT**  
 REPLAT OF LOTS 10A AND 11A OF THE REPLAT OF LOTS 2 THROUGH 31 OF  
 COLLEGE HEIGHTS ADDITION, AND A CALLED 0.331-ACRE TRACT, AND THE  
 RESIDUE OF LOT 48, COLLEGE HEIGHTS ADDITION  
 TO CREATE  
**POWERFAM WASHES SUBDIVISION**  
 CONSISTING OF LOT 1 (1.997 ACRES) FOR A TOTAL OF 1.997 ACRES  
 ARABELLA HARRINGTON SURVEY, ABSTRACT 55  
 CITY OF BRENHAM, WASHINGTON COUNTY, TEXAS



- NOTES:**
- The bearings shown hereon are based on the Texas State Plane Coordinate System, NAD83, Central Zone 4203. All distances are surface value.
  - The subject property as shown on the above plat lies within the "Zone X" area determined to be outside the 0.2% annual chance floodplain, according to the Flood Insurance Rate Maps of Washington County, Texas, Map No. 48477C0295C, effective August 16, 2011.
  - The survey of the subject property shown hereon was prepared in conjunction with the Title Report issued June 2, 2023, by Washington County Abstract Company, File No. WCTP2300504.
  - There is also dedicated for utilities and unobstructed aerial easement five (5) feet wide from a plane twenty (20) feet above the ground upward, located adjacent to the easements shown hereon.
  - 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 title report issued June 2, 2023, by Washington County Abstract Company, File No. WCTP2300504.
  - All oil/gas wells with ownership (plugged, abandoned, and/or active) through the the subdivision have been shown based on above ground evidence, Texas Railroad Commission data, and title report issued June 2, 2023, by Washington County Abstract Company, File No. WCTP2300504.
  - 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.
  - This plat does not attempt to amend or remove any valid covenants or restrictions.
  - Subject to building setback lines and yard requirements according to zone and use as set forth by the City of Brenham Zoning Ordinance.

**OWNER/DEVELOPER**  
 Powerfam Washes, LLC  
 Jim Kolkhorst, President  
 5505 Spreen Road  
 Brenham, Texas 77833

**OWNER ACKNOWLEDGEMENT**

I, Jim Kolkhorst, President of Powerfam Washes, LLC, owner 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.

\_\_\_\_\_  
 Jim Kolkhorst, President

**NOTARY PUBLIC ACKNOWLEDGEMENT**

STATE OF TEXAS  
 COUNTY OF WASHINGTON  
 This instrument was acknowledged before me on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by Jim Kolkhorst.

\_\_\_\_\_  
 Notary Public in and for the State of Texas

**COUNTY CLERK FILING ACKNOWLEDGEMENT STATEMENT**

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 \_\_\_\_\_, 20\_\_\_\_, at \_\_\_\_ o'clock \_\_\_\_M., and duly recorded on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, 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

**PLANNING AND ZONING COMMISSION APPROVAL**

Approved this \_\_\_\_ day of \_\_\_\_\_, 2023, by the Planning and Zoning Commission of the City of Brenham, Texas.

\_\_\_\_\_  
 Chairman  
 \_\_\_\_\_  
 Secretary

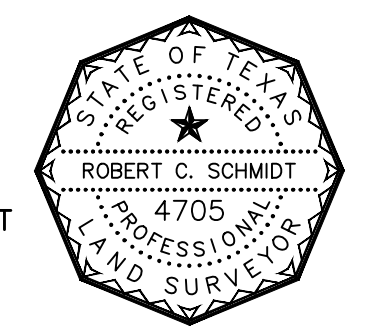
**CERTIFICATION**

STATE OF TEXAS  
 COUNTY OF WASHINGTON  
 I, Robert C. Schmidt, a Registered Professional Land Surveyor of the State of Texas, Registration No. 4705, hereby certify that it is my professional opinion that this plat of the above subdivision is true and correct in accordance with an actual survey made on the ground under my personal direction and supervision and completed on August 23, 2023

(PRELIMINARY)

Robert C. Schmidt  
 Texas RPLS No. 4705

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



**Strand Associates, Inc.**  
 1906 Niebuhr Street  
 Brenham, Texas 77833  
 (979) 836-7937  
 TBPE No. F-8405  
 TBPLS No. 10030000



**CASE P-23-32**  
**PRELIMINARY PLAT: FORTUNE FUTURE SUBDIVISION**

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**PLAT TITLE:** Fortune Future Subdivision **CITY/ETJ:** City

**PLAT TYPE:** Preliminary Plat

**OWNER/APPLICANT:** Yi Shi Chen and wife, Meiling Chen

**ADDRESS/LOCATION:** 450 US Highway 290 E

**LEGAL DESCRIPTION:** 8.3054-acres of land in the Moses Combs Survey, A-124 and the John Carrington Survey, A-120, in Brenham, Washington County, Texas

**LOT AREA:** Lot 1, Block 1, being 8.2798-acres and dedication of 0.0256-acres of right-of-way for US Highway 290 frontage road for a total of 8.3054-acres.

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

**EXISTING USE:** Vacant land

**COMP PLAN  
FUTURE LAND USE:** Commercial

**REQUEST:** A request from Yi Shi Chen and Meiling Chen for approval of a Preliminary Plat creating Lot 1, Block 1 of the Fortune Future Subdivision, and Dedicating 0.0256-acres of Right-of-Way for US Highway 290 Frontage Road, being 8.3054-acres of land out of the Moses N. Combs Survey, A-124 and the John Carrington Survey, A-120, in Brenham, Washington County, Texas.

**BACKGROUND:**

The subject 8.3054-acres of land is generally located south of US Highway 290 E, west of the existing Baker Katz Development and addressed as 450 US Highway 290 E. The property owners, Yi Shi Chen and Meiling Chen, request approval of a Preliminary Plat of the Fortune Future Subdivision that plats the property into proposed Lot 1, Block 1 being 8.2798-acres and dedication of 0.0256-acres of right-of-way for US Highway 290 frontage road for a total of 8.3054-acres. In addition, the plat dedicates a 20-foot public utility easement along US 290 E frontage road. The property is currently vacant land. The subject site is not currently platted and thus, approval of a Preliminary Plat and Final Plat is required for future development.

**STAFF ANALYSIS AND RECOMMENDATION:**

Development Services and Strand Engineering have reviewed this Preliminary Plat for compliance with applicable City of Brenham regulations and ordinances and recommend **approval** of this plat as presented.

**EXHIBITS:** Proposed Preliminary Plat



**OWNER'S DEDICATION**

I, Yi Shi Chen and wife, Meiling Chen, owners of the property subdivided in the foregoing map of FORTUNE FUTURE, do hereby make subdivision of said property according to the lines, lots, building lines and easements thereon shown and designate said subdivision as FORTUNE FUTURE located in the City of Brenham, Washington County, Texas and 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 oil easements shown hereon.

Yi Shi Chen

Meiling Chen

**NOTARY PUBLIC ACKNOWLEDGEMENT**

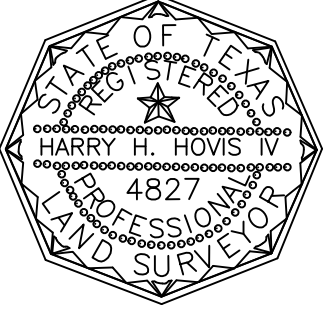
STATE OF TEXAS  
COUNTY OF WASHINGTON

This instrument was acknowledged before me on this \_\_\_\_ day of \_\_\_\_\_, 2023.

Notary Public \_\_\_\_\_  
Notary's Name (Printed)  
State of Texas \_\_\_\_\_  
Notary's Commission Expires: \_\_\_\_\_

KNOW ALL MEN BY THESE PRESENTS: That I, do hereby certify that I prepared this plat from an actual and accurate survey of the land and that the corner monuments shown hereon were properly placed under my personal supervision, in accordance with the Subdivision Regulations of the City of Brenham, Texas.

*[Signature]*  
Harry H. Hoivis IV  
Registered Professional Surveyor  
Texas Registration No. 4827



**PLANNING & ZONING COMMISSION APPROVAL**

Approved this \_\_\_\_ day of \_\_\_\_\_, 2023, by the City Planning & Zoning Commission of the City of Brenham, Texas.

Chairman \_\_\_\_\_

Secretary \_\_\_\_\_

**COUNTY CLERK FILING ACKNOWLEDGEMENT STATEMENT**

I, Beth Rothermel, Clerk of the County Court of Washington County, Texas, do hereby certify that the within instrument was filed with my office on the \_\_\_\_ day of \_\_\_\_\_, 2023, at \_\_\_\_ o'clock \_\_\_\_ M., and duly recorded on \_\_\_\_ day of \_\_\_\_\_, 2023, at \_\_\_\_ o'clock \_\_\_\_ M., in Cabinet \_\_\_\_\_, Sheet \_\_\_\_\_ of the Plat Records of said County.

Beth Rothermel  
Clerk of the County Court of Washington County, Texas.

By: \_\_\_\_\_

LOT 1  
FINAL PLAT ESTABLISHING  
HOME DEPOT SUBDIVISION-  
BRENNHAM, TEXAS  
SLIDE NO. 500A, P.R.W.C.

LOT 1  
8.2798 ACRES, 360,669 SQ.FT.  
CALLED 8.311 ACRES  
VOL. 1815, PG. 593, O.R.W.C.

RESIDUE OF  
CALLED 39.570 ACRES  
VOL. 1664, PG. 193 O.R.W.C.  
PORTION OF LOT 1  
FINAL PLAT OF THE  
BK STRINGER  
DEVELOPMENT SUBDIVISION  
SLIDE NO. 720A, P.R.W.C.

TRACT II  
CALLED 5.002 ACRES  
VOL. 1863, PG. 473 O.R.W.C.  
PORTION OF LOT 1  
FINAL PLAT OF THE  
BK STRINGER  
DEVELOPMENT SUBDIVISION  
SLIDE NO. 720A, P.R.W.C.

TRACT I  
CALLED 18.0393 ACRES  
VOL. 1863, PG. 473 O.R.W.C.  
PORTION OF LOT 1  
FINAL PLAT OF THE  
BK STRINGER  
DEVELOPMENT SUBDIVISION  
SLIDE NO. 720A, P.R.W.C.

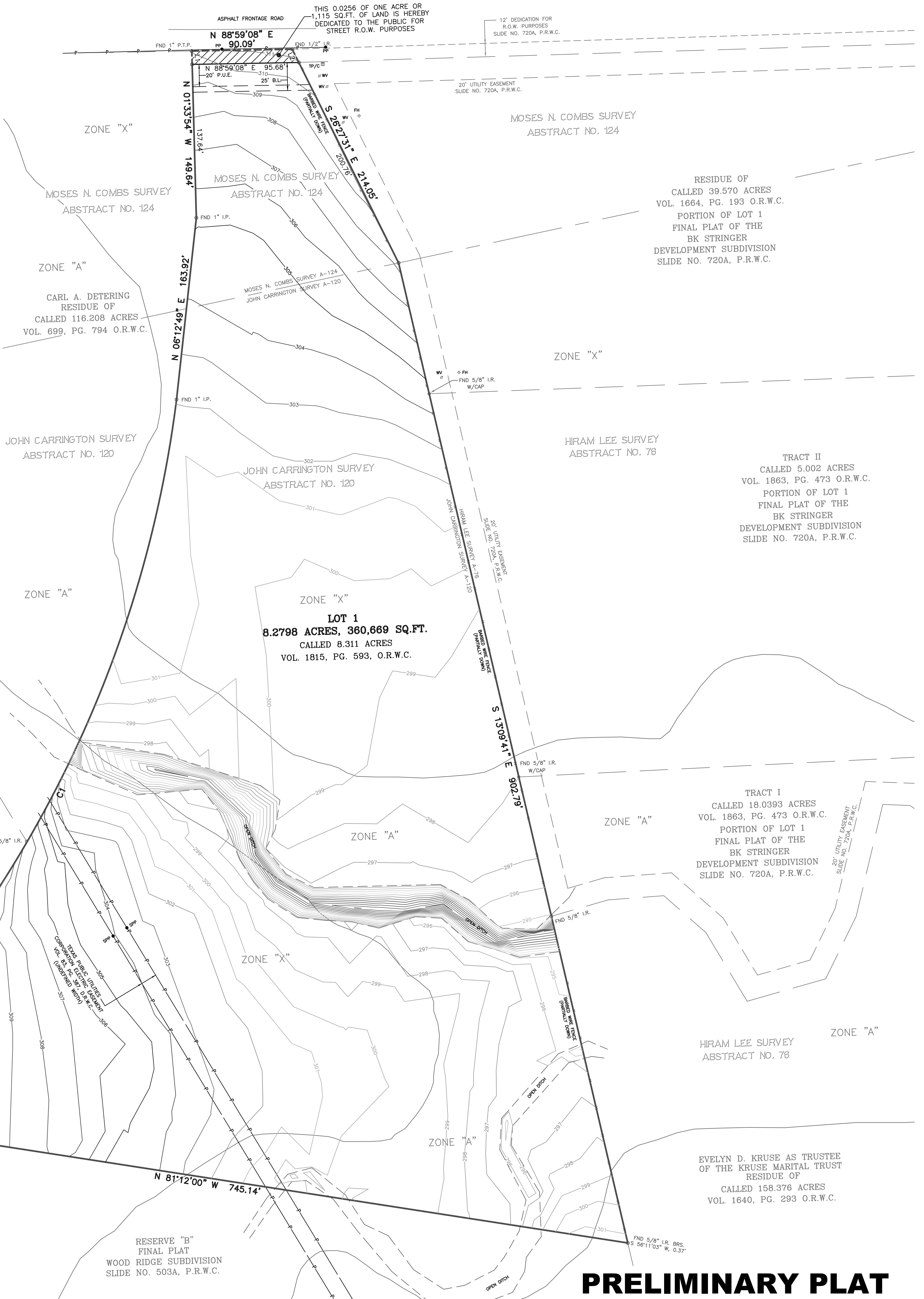
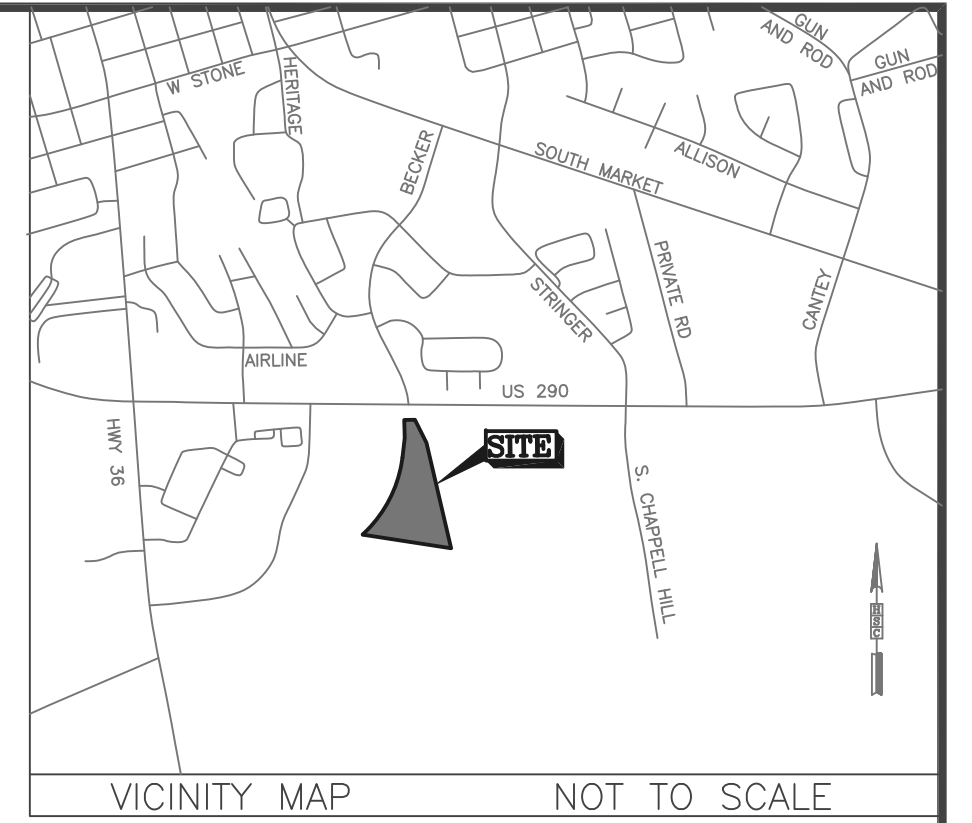
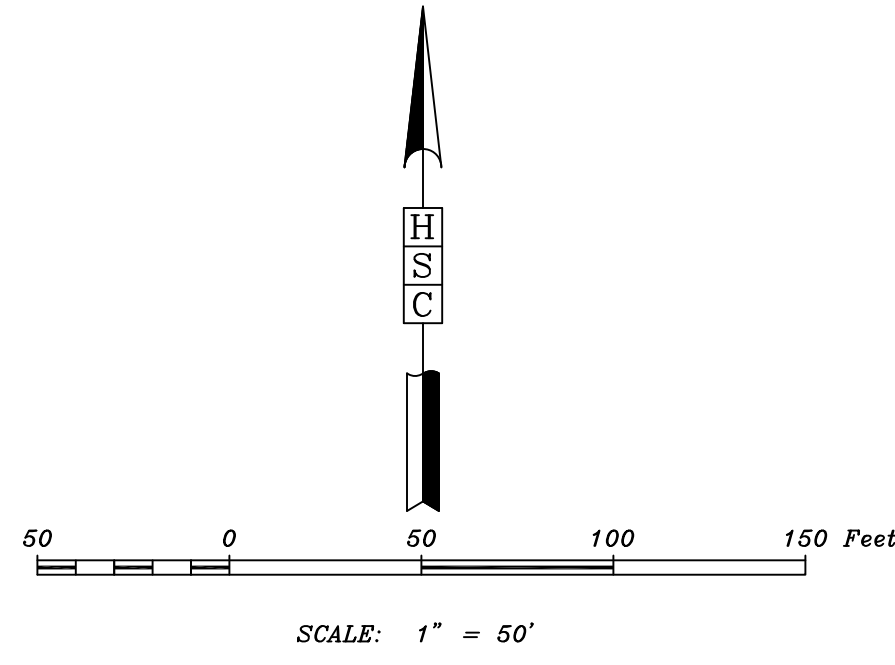
HIRAM LEE SURVEY  
ABSTRACT NO. 78

EVELYN D. KRUSE AS TRUSTEE  
OF THE KRUSE MARITAL TRUST  
RESIDUE OF  
CALLED 158.376 ACRES  
VOL. 1640, PG. 293 O.R.W.C.

**NOTES**

- Bearing orientation based on Texas State Plane Coordinate Grid System of 1983 (Central Zone No. 4203) Combined Scale Factor: 0.999993684
- This plat does not attempt to amend or remove any valid covenants or restrictions.
- Subject to building setback lines and yard requirements according to the zone and use as set forth by the City of Brenham Zoning Ordinance.
- Based on graphical plotting, a portion of the subject tract/lot lies within Zone "A", a "100 year flood hazard area" as designated on The National Flood Insurance Program - Flood Insurance Rate Map issued by the Federal Emergency Management Agency under Map Number 48477C0295 C, Community Panel Number 480648 0295 C for City of Brenham, Washington County, Texas, dated August 16, 2011.
- All oil/gas pipelines or pipeline easements with ownership through the subdivision have been shown.
- 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 (fifteen) feet off centerline of low pressure gas lines and 30 (thirty) feet off centerline of high pressure gas lines.

**U.S. HIGHWAY 290 FRONTAGE ROAD (R.O.W. VARIES)**



- LEGEND:**
- B.L. = BUILDING LINE
  - BRS. = BEARS
  - FH = FIRE HYDRANT
  - FND. = FOUND
  - H.C.C.F. = HARRIS COUNTY CLERK'S FILE
  - I.R. = IRON ROD
  - I.P. = IRON PIPE
  - NO. = NUMBER
  - O.R.W.C. = OFFICIAL RECORDS WASHINGTON COUNTY
  - PG. = PAGE
  - PP. = POWER POLE
  - P.R.W.C. = PLAT RECORDS WASHINGTON COUNTY
  - P.T.P. = PINCHED TOP PIPE
  - P.U.E. = PUBLIC UTILITY EASEMENT
  - R.O.W. = RIGHT-OF-WAY
  - SPP. = STEEL POWER POLE
  - SQ.FT. = SQUARE FEET
  - TP/C. = TELEPHONE PEDESTAL ON CONCRETE
  - U.E. = UTILITY EASEMENT
  - U.S. = UNITED STATES
  - WV. = WATER VALVE
  - W/CAP. = WITH CAP

LINE TABLE		
LINE	BEARING	DISTANCE
L1	N 01°33'54" W	12.00'
L2	S 26°27'31" E	13.29'

CURVE TABLE					
CURVE	RADIUS	DELTA ANGLE	ARC LENGTH	CHORD BEARING	CHORD LENGTH
C1	1050.51'	40°15'51"	738.24'	N 27°18'13" E	723.14'

**PRELIMINARY PLAT OF FORTUNE FUTURE**

FORMING LOT 1 (8.2798 ACRES), BLOCK 1 & DEDICATING 0.0256 ACRES OF RIGHT OF WAY FOR US HWY 290 FRONTAGE ROAD CONTAINING 8.3054 ACRES TOTAL MOSES N. COMBS SURVEY, A-124 & JOHN CARRINGTONS SURVEY A-120, CITY OF BRENNHAM, WASHINGTON COUNTY, TEXAS

1 LOT, 1 BLOCK  
OWNER:  
YI SHI CHEN AND WIFE, MEILING CHEN  
2402 BROOKE COVE  
BRENNHAM, TEXAS 77833

PREPARED BY:  
**HOVIS SURVEYING COMPANY**  
Land Surveys - Computer Mapping  
Acreage - Residential - Industrial - Commercial  
5000 Cabbage - Spring, Texas 77379  
(281) 320-9591 hoivis@hoivissurveying.com  
Texas Firm Registration No. 10030400

DATE: AUGUST 22, 2023 SCALE: 1" = 50' JOB NO. 23-008-00



**CASE P-23-33**  
**FINAL PLAT: FORTUNE FUTURE SUBDIVISION**

---

**PLAT TITLE:** Fortune Future Subdivision **CITY/ETJ:** City

**PLAT TYPE:** Final Plat

**OWNER/APPLICANT:** Yi Shi Chen and wife, Meiling Chen

**ADDRESS/LOCATION:** 450 US Highway 290 E

**LEGAL DESCRIPTION:** 8.3054-acres of land in the Moses Combs Survey, A-124 and the John Carrington Survey, A-120, in Brenham, Washington County, Texas

**LOT AREA:** Lot 1, Block 1, being 8.2798-acres and dedication of 0.0256-acres of right-of-way for US Highway 290 frontage road for a total of 8.3054-acres.

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

**EXISTING USE:** Vacant land

**COMP PLAN  
FUTURE LAND USE:** Commercial

**REQUEST:** A request from Yi Shi Chen and Meiling Chen for approval of a Final Plat creating Lot 1, Block 1 of the Fortune Future Subdivision, and Dedicating 0.0256-acres of Right-of-Way for US Highway 290 Frontage Road, being 8.3054-acres of land out of the Moses N. Combs Survey, A-124 and the John Carrington Survey, A-120, in Brenham, Washington County, Texas.

**BACKGROUND:**

The subject 8.3054-acres of land is generally located south of US Highway 290 E, west of the existing Baker Katz Development and addressed as 450 US Highway 290 E. The property owners, Yi Shi Chen and Meiling Chen, request approval of a Final Plat of the Fortune Future Subdivision that plats the property into proposed Lot 1, Block 1 being 8.2798-acres and dedication of 0.0256-acres of right-of-way for US Highway 290 frontage road for a total of 8.3054-acres. In addition, the plat dedicates a 20-foot public utility easement along US 290 E frontage road. The property is currently vacant land. The subject site is not currently platted and thus, approval of a Preliminary Plat and Final Plat is required for future development.

**STAFF ANALYSIS AND RECOMMENDATION:**

Development Services and Strand Engineering have reviewed this Final Plat for compliance with applicable City of Brenham regulations and ordinances and recommend **approval** of this plat as presented.

**EXHIBITS:** Proposed Final Plat

**OWNER'S DEDICATION**

I, Yi Shi Chen and wife, Meiling Chen, owners of the property subdivided in the foregoing map of FORTUNE FUTURE, do hereby make subdivision of said property according to the lines, lots, building lines and easements thereon shown and designate said subdivision as FORTUNE FUTURE located in the City of Brenham, Washington County, Texas and 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 oil easements shown hereon.

Yi Shi Chen

Meiling Chen

**NOTARY PUBLIC ACKNOWLEDGEMENT**

STATE OF TEXAS  
COUNTY OF WASHINGTON  
This instrument was acknowledged before me on this \_\_\_\_ day of \_\_\_\_\_, 2023.

Notary Public  
State of Texas  
Notary's Name (Printed)  
Notary's Commission Expires:

KNOW ALL MEN BY THESE PRESENTS: That I, do hereby certify that I prepared this plat from an actual and accurate survey of the land and that the corner monuments shown hereon were properly placed under my personal supervision, in accordance with the Subdivision Regulations of the City of Brenham, Texas.

HARRY H. HOVIS IV  
Registered Professional Surveyor  
Texas Registration No. 4827



**PLANNING & ZONING COMMISSION APPROVAL**

Approved this \_\_\_\_ day of \_\_\_\_\_, 2023, by the City Planning & Zoning Commission of the City of Brenham, Texas.

Chairman

Secretary

**COUNTY CLERK FILING ACKNOWLEDGEMENT STATEMENT**

I, Beth Rothermel, Clerk of the County Court of Washington County, Texas, do hereby certify that the within instrument was filed with my office on the \_\_\_\_ day of \_\_\_\_\_, 2023, at \_\_\_\_ o'clock \_\_\_\_ M., and duly recorded on \_\_\_\_ day of \_\_\_\_\_, 2023, at \_\_\_\_ o'clock \_\_\_\_ M., in Cabinet \_\_\_\_\_, Sheet \_\_\_\_\_ of the Plat Records of said County.

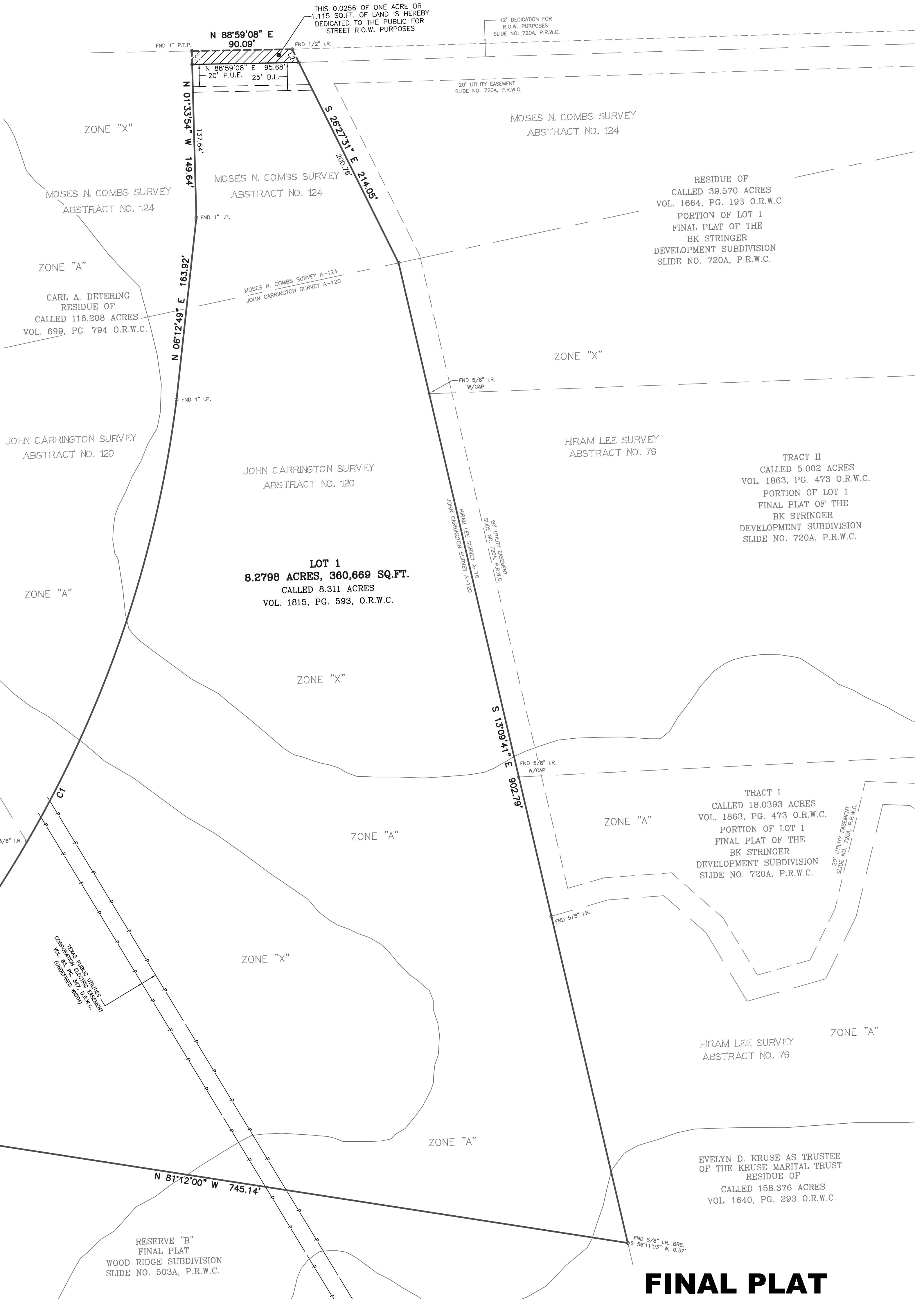
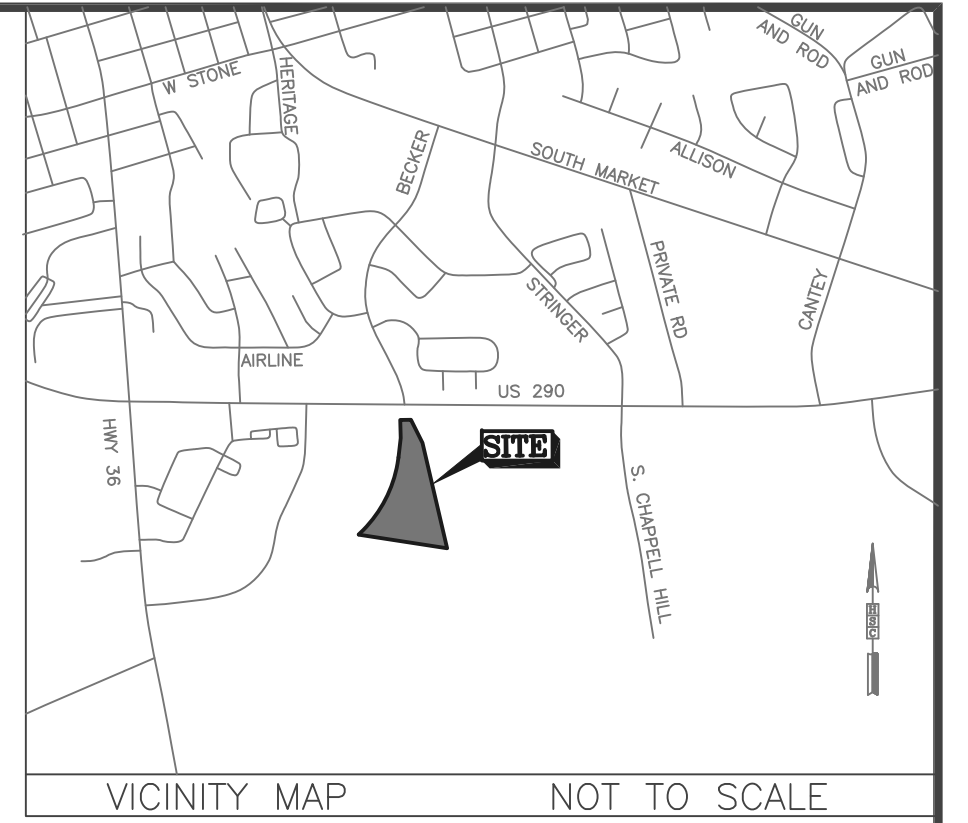
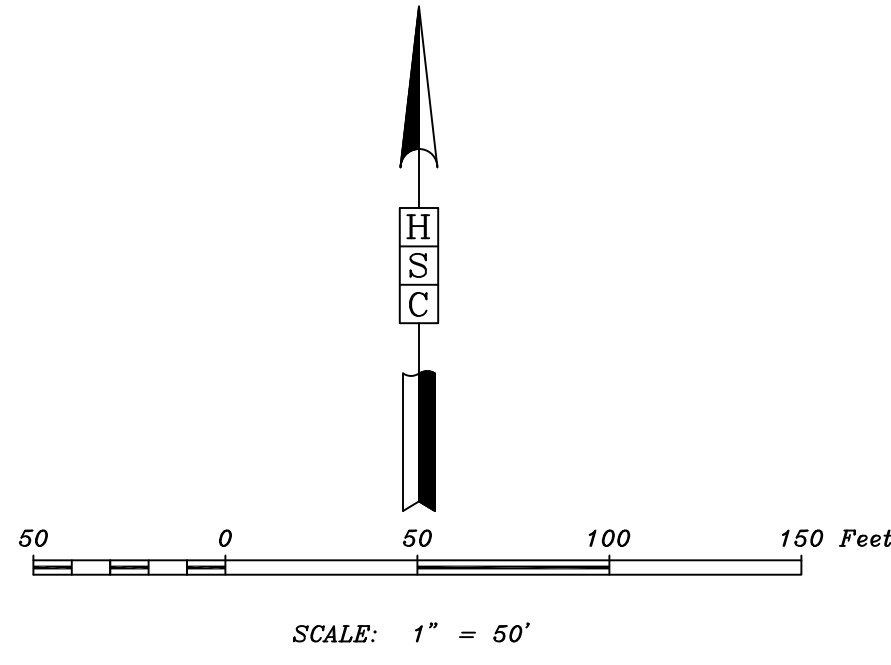
Beth Rothermel  
Clerk of the County Court of Washington County, Texas.

By: \_\_\_\_\_

LOT 1  
FINAL PLAT ESTABLISHING  
HOME DEPOT SUBDIVISION -  
BRENHAM, TEXAS  
SLIDE NO. 500A, P.R.W.C.

- NOTES**
- Bearing orientation based on Texas State Plane Coordinate Grid System of 1983 (Central Zone No. 4203) Combined Scale Factor: 0.999993684
  - This plat does not attempt to amend or remove any valid covenants or restrictions.
  - Subject to building setback lines and yard requirements according to the zone and use as set forth by the City of Brenham Zoning Ordinance.
  - Based on graphical plotting, a portion of the subject tract/lot lies within Zone "A", a "100 year flood hazard area" as designated on The National Flood Insurance Program - Flood Insurance Rate Map issued by the Federal Emergency Management Agency under Map Number 48477C0295 C, Community Panel Number 480648 0295 C for City of Brenham, Washington County, Texas, dated August 16, 2011.
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**U.S. HIGHWAY 290 FRONTAGE ROAD (R.O.W. VARIES)**



**LOT 1**  
**8.2798 ACRES, 360,669 SQ.FT.**  
CALLED 8.311 ACRES  
VOL. 1815, PG. 593, O.R.W.C.

RESIDUE OF  
CALLED 39.570 ACRES  
VOL. 1664, PG. 193 O.R.W.C.  
PORTION OF LOT 1  
FINAL PLAT OF THE  
BK STRINGER  
DEVELOPMENT SUBDIVISION  
SLIDE NO. 720A, P.R.W.C.

TRACT II  
CALLED 5.002 ACRES  
VOL. 1863, PG. 473 O.R.W.C.  
PORTION OF LOT 1  
FINAL PLAT OF THE  
BK STRINGER  
DEVELOPMENT SUBDIVISION  
SLIDE NO. 720A, P.R.W.C.

TRACT I  
CALLED 18.0393 ACRES  
VOL. 1863, PG. 473 O.R.W.C.  
PORTION OF LOT 1  
FINAL PLAT OF THE  
BK STRINGER  
DEVELOPMENT SUBDIVISION  
SLIDE NO. 720A, P.R.W.C.

EVELYN D. KRUSE AS TRUSTEE  
OF THE KRUSE MARITAL TRUST  
RESIDUE OF  
CALLED 158.376 ACRES  
VOL. 1640, PG. 293 O.R.W.C.

- LEGEND:**
- B.L. = BUILDING LINE
  - BR.S. = BEARS
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  - FND. = FOUND
  - H.C.C.F. = HARRIS COUNTY CLERK'S FILE
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  - SQ.FT. = SQUARE FEET
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  - U.E. = UTILITY EASEMENT
  - U.S. = UNITED STATES
  - WV = WATER VALVE
  - W/CAP = WITH CAP

LINE TABLE		
LINE	BEARING	DISTANCE
L1	N 01°33'54" W	12.00'
L2	S 26°27'31" E	13.29'

CURVE TABLE					
CURVE	RADIUS	DELTA ANGLE	ARC LENGTH	CHORD BEARING	CHORD LENGTH
C1	1050.51'	40°15'51"	738.24'	N 27°18'13" E	723.14'

**FINAL PLAT OF FORTUNE FUTURE**

FORMING LOT 1 (8.2798 ACRES), BLOCK 1 & DEDICATING 0.0256 ACRES OF RIGHT OF WAY FOR US HWY 290 FRONTAGE ROAD CONTAINING 8.3054 ACRES TOTAL MOSES N. COMBS SURVEY, A-124 & JOHN CARRINGTONS SURVEY A-120, CITY OF BRENHAM, WASHINGTON COUNTY, TEXAS

1 LOT, 1 BLOCK  
OWNER:  
YI SHI CHEN AND WIFE, MEILING CHEN  
2402 BROOKE COVE  
BRENHAM, TEXAS 77833

PREPARED BY:  
**HOVIS SURVEYING COMPANY**  
Land Surveys - Computer Mapping  
Acreage - Residential - Industrial - Commercial  
5000 Cabbage - Spring, Texas 77379  
(281) 320-9591 hovis@hovissurveying.com  
Texas Firm Registration No. 10030400

DATE: AUGUST 22, 2023 SCALE: 1" = 50' JOB NO. 23-008-00

**CASE NUMBER P-23-027**  
**ZONE CHANGE REQUEST – 307, 309 & 401 PEABODY STREET**

<b>STAFF CONTACT:</b>	Shauna Laauwe, AICP, City Planner
<b>OWNERS/APPLICANTS:</b>	Silverback Real Estate, LLC/Eric Benitez, Matthew Gene Canatella, and Brenham Design and Construction, Inc./Kenneth Phillips
<b>ADDRESS/LOCATION:</b>	307, 309 & 401 Peabody Street (Exhibit A)
<b>LEGAL DESCRIPTION:</b>	307 Peabody Street- Kerr, Lot 4A 309 Peabody Street- Stoltz Addition, Lot 1 401 Peabody Street- Kerr, East part of Lots 2 & 3
<b>LOT AREA:</b>	Approximately 0.7544-acres
<b>ZONING DISTRICT/USE:</b>	B-2, Commercial Research and Technology District/ Commercial, Office & Residential (Exhibit B)
<b>FUTURE LAND USE:</b>	Mixed Use Downtown Adjacent
<b>REQUEST:</b>	A request to change the zoning classification from Commercial Research and Technology District (B-2) to a Local Business/Residential Mixed-Use District (B-1) (Exhibit C)

**BACKGROUND:**

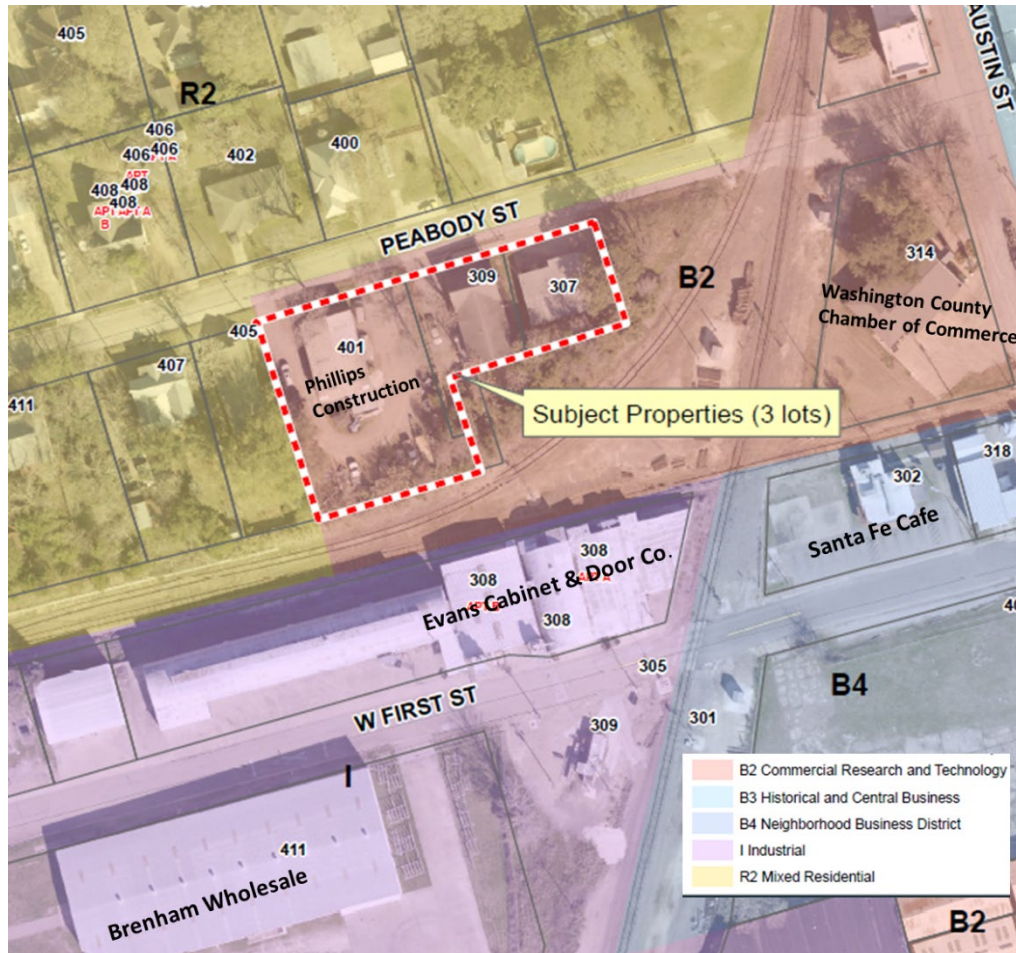
The subject property consists of three lots addressed as 307, 309 and 401 Peabody Street, located on the south side of Peabody Street and east of S. Austin Street. As shown in Figure 1, the three lots total approximately 0.7544-acres and are currently zoned B-2, Commercial Research and Technology District. The property addressed as 307 Peabody Street, on the east end nearest the railroad tracts is currently developed as an office building, 309 Peabody is developed as a single-family home, while 401 Peabody Street is developed as a cabinet and paint business. The single-family use at 309 Peabody is currently a non-conforming use as single-family residential is not permitted in the B-2 District. As detailed in Figure 2, the surrounding area consists of four (4) different zoning classifications, and thus the

**Figure 1**



subject properties are adjacent and nearby several types of uses. The three subject lots and the adjacent railroad right-of-way to the west and the area along the east side of S. Austin Street are zoned B-2 and developed as Santa Fe Depot and the Washington County Chamber of Commerce. Adjacent property to the west and to the north of Peabody Street is zoned R-2, Mixed Residential District and generally developed as single-family homes. To the south, across the railroad tracks and along W. First Street is zoned I, Industrial District and developed as Evans Cabinet & Door Company and Brenham Wholesale Grocery. Lastly, neighboring properties to the southeast are zoned B4, Neighborhood Business District and developed as Santa Fe Café and Pro-Clean Auto Detail Shop.

**Figure 2**



When the new property owner of 307 Peabody contacted the City to set up a new utility account for a residence, he was denied due to single-family residences not being permitted in the B-2 District. He then approached City Development Services Staff, stating that while the existing structure appeared as an office building on the exterior, it had been converted to a single-family residence. The adjacent property located at 309 Peabody Street is also a single-family residence originally built as a commercial business in 1919, with the business being converted to a single-family home approximately 25 years ago. The subject property located at 401 Peabody is a legally conforming and developed as Phillips Construction, a paint and cabinet business. Given that the subject properties are directly south and east of a R-2 District that is developed primarily of single-family homes, rezoning the three properties to B-1, Local Business Mixed Residential District could be an more suitable transition from the commercial and industrial uses to the east and south and would also allow the existing residential and commercial uses to continue. Thus, the property owners of 307, 309, and 401 Peabody Street are requesting to zone the 0.7544-acres from B-2, Commercial Research and Technology District to B-1, Local Business/Mixed Residential District.

## **ANALYSIS OF CITY OF BRENHAM ZONING POLICIES:**

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

- (1) The city's zoning should recognize and seek to preserve the small-town attributes that make Brenham a special place for its citizens to live, work and play. *Please refer to Figure 2 on the previous page for a visual of the current zoning described herein.*

**The subject tracts consist of three adjacent separate lots that total 0.7544-acres and are addressed as 307 Peabody Street, 309 Peabody Street, and 401 Peabody Street. The properties are generally located on the south side and east end of Peabody Street and west of the railroad right-of-way and S. Austin Street. The subject tracts and the adjacent and surrounding properties to the east are currently zoned B-2, Commercial, Research and Technology District. The subject tracts located at 307 Peabody and 309 Peabody are currently developed as nonconforming single-family uses, while the 401 Peabody tract is developed as Phillips Construction. The adjacent property to the east is BNSF railroad right-of-way and train tracks, while further east at the intersection of Peabody Street and S. Austin Street is developed with the Santa Fe Depot on the north corner and the Washington County Chamber of Commerce on the south corner. The adjacent properties to the west of 401 Peabody Street and properties to the north, across Peabody Street, are zoned R-2 and generally developed as single-family homes. Nearby properties to the south, across the railroad tracks, are zoned Industrial and developed as Evans Cabinet and Door Company and Brenham Wholesale Grocery.**

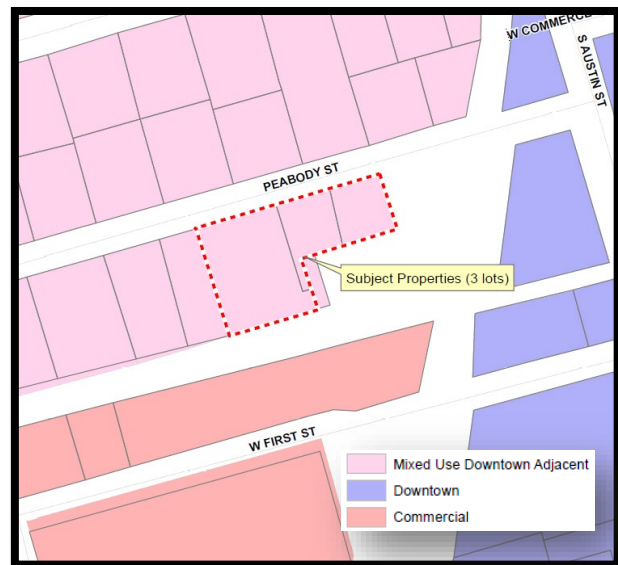
**The proposed B-1 District is frequently utilized as a transition between higher retail and commercial uses and traditional single-family homes, while also providing convenient locations for neighborhood shopping and for affordable moderate density housing with easy access to transportation routes. Allowing the proposed rezoning request would allow the properties to establish either residential or neighborhood commercial uses. Two of the properties that are currently residential uses would be brought into compliance with the Zoning Ordinance and would be allowed to pull permits for any future additions or renovations in accordance with building and fire codes. No changes to the current uses are proposed presently, the request is to bring the two residential uses into conformity and remove the higher intensity B2 commercial uses from the West Main subdivision that is primarily developed as single-family residential. The rezoning from B-2 to B-1 will facilitate uses that are more compatible with the residential uses to the north and west. Bufferyards that require screening and additional landscaping would be required of commercial uses adjacent to residential.**

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

**As shown in Figure 3, the future land use map portion of the Historic Past, Bold Future: Plan 2040 Comprehensive Plan suggests the subject tract may be appropriate for Mixed Use Downtown Adjacent. The Comprehensive Plan also includes land use policies to help guide land use decisions. Specifically, the Plan finds that Mixed Use Downtown Adjacent is appropriate for areas in and around the urban downtown core that accommodates a mix of uses. This mixed-use area typically provides a transition to other nearby neighborhoods and roadway corridors that are more uniform as areas primarily for single-family detached residential uses and commercial uses, respectively. These areas are often supportive of the downtown core by accommodating complementary uses**

such as business offices, restaurants and cultural venues and varied residential options and retaining a high degree of walkability. If the requested zone change for the 0.7544-acres is approved, the zoning regulations would allow for the development of the permitted uses found in the B-1 district. Permitted B-1 uses have a great variety and include residential uses permitted in the R-2, Mixed Residential district, and neighborhood commercial uses such as offices, retail, florist shops, personal service uses, restaurants, bakeries, and automobile part sales. The requested rezoning from B-2 to B-1 would bring the area more aligned to Future Land Use Plan as the permitted B-1 uses are consistent to what is envisioned for a Mixed Use Downtown Adjacent area.

Figure 3



- (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 properties have been used and developed as either residential or commercial uses since as early as 1919. The subject properties have access to utilities immediately adjacent to the site as water, sewer and gas lines are readily available along Peabody Street.**

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

**The proposed zone change, 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 August 17, 2023. The Notice of Public Hearing was published in the *Brenham Banner* on August 17, 2023. As of the date of this staff report, no written public comments have been received. Any comments submitted to staff will be provided in the Planning & Zoning Commission and City Council 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 properties will be required to adhere to minimum building setbacks and maximum impervious coverage requirements for property zoned B-1. The B-1 zoning district establishes a maximum impervious coverage limit of 80% and minimum building setbacks. Furthermore, development of new nonresidential uses adjacent to an existing residential use will require additional buffer yard requirements along the property lines of the residential use. Staff finds that the adopted zoning ordinance and building codes will ensure that adequate open spaces are preserved on the subject lots should the property owners desire to further develop the 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 of its residents.

**The requested zoning and associated land uses are appropriate for this location given adjacent zoning designations, existing development within the general vicinity, as well as conformance with the City's adopted future land use map.**

- (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.

**Rezoning the subject area to B-1 will allow the existing residential uses to be legally conforming permitted uses. The existing commercial business, Phillips Construction would become a legal nonconforming use (grandfathered). The existing commercial site is built out and any additions to the existing structure are unlikely. Most of the commercial work done at 401 Peabody is conforming to the B-1 district, but the current manufacturing of cabinets and occasional painting outdoors is a more intense B-2 commercial use. The business has been in operation for over 50 years and no complaints are on file from neighboring properties. The adjacent properties to the subject area are zoned R-2 to the north and west and B-2 to the east. The proposed B-1 District is an appropriate step down from the nearby commercial uses to the residential uses as the B-1 District allows both residential uses and neighborhood commercial. 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-down in zoning from the B-2 commercial to the west near and along S. Austin Street to the single-family and mixed residential uses along Peabody Street and the West Main Subdivision to the north.**

- (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 rezoning will allow the existing single-family uses to become conforming permitted uses and the continuation of the existing construction business as a nonconforming use. The B-1 district allows both residential and neighborhood commercial uses. The proposed rezoning**



to B-1 would allow for commercial uses that are more suited for the surrounding single-family residential uses to the north and west. No changes to the existing uses are currently proposed. Vacant, B-4, Neighborhood Business District commercial property is in the general vicinity of the subject tracts to the southeast on the southwest corner of S. Austin Street and W. First Street. Staff believes that the proposed zoning change, 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.

**Two of the subject tracts are existing legally nonconforming uses that are consistent with the single-family homes directly to the north across Peabody Street and to the west. The requested rezoning to B-1 would bring these two properties into conformance with the zoning regulations and would allow them to be expanded or updated with a building permit. The Phillips Construction business located at 401 Peabody would become a nonconforming use as it does have some open storage and manufacturing aspects that are not permitted in the B-2 District. Phillips Construction has been at the location for over 35 years and would be allowed to continue as a grandfathered use. The requested zoning would allow the existing single-family homes to expand and renovate in a manner that meets zoning, building and fire codes.**

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

**Staff finds that the proposed rezoning change will allow for the orderly growth and development in the general vicinity and throughout the city. Furthermore, the proposed rezoning is in accordance with the City's adopted Future Land Use Map and Comprehensive Plan.**

**EXHIBITS:**

- A. Aerial Map
- B. Zoning Map
- C. Future Land Use Map
- D. Cover Letter
- E. Site photos

**EXHIBIT "A"**  
**AERIAL MAP**

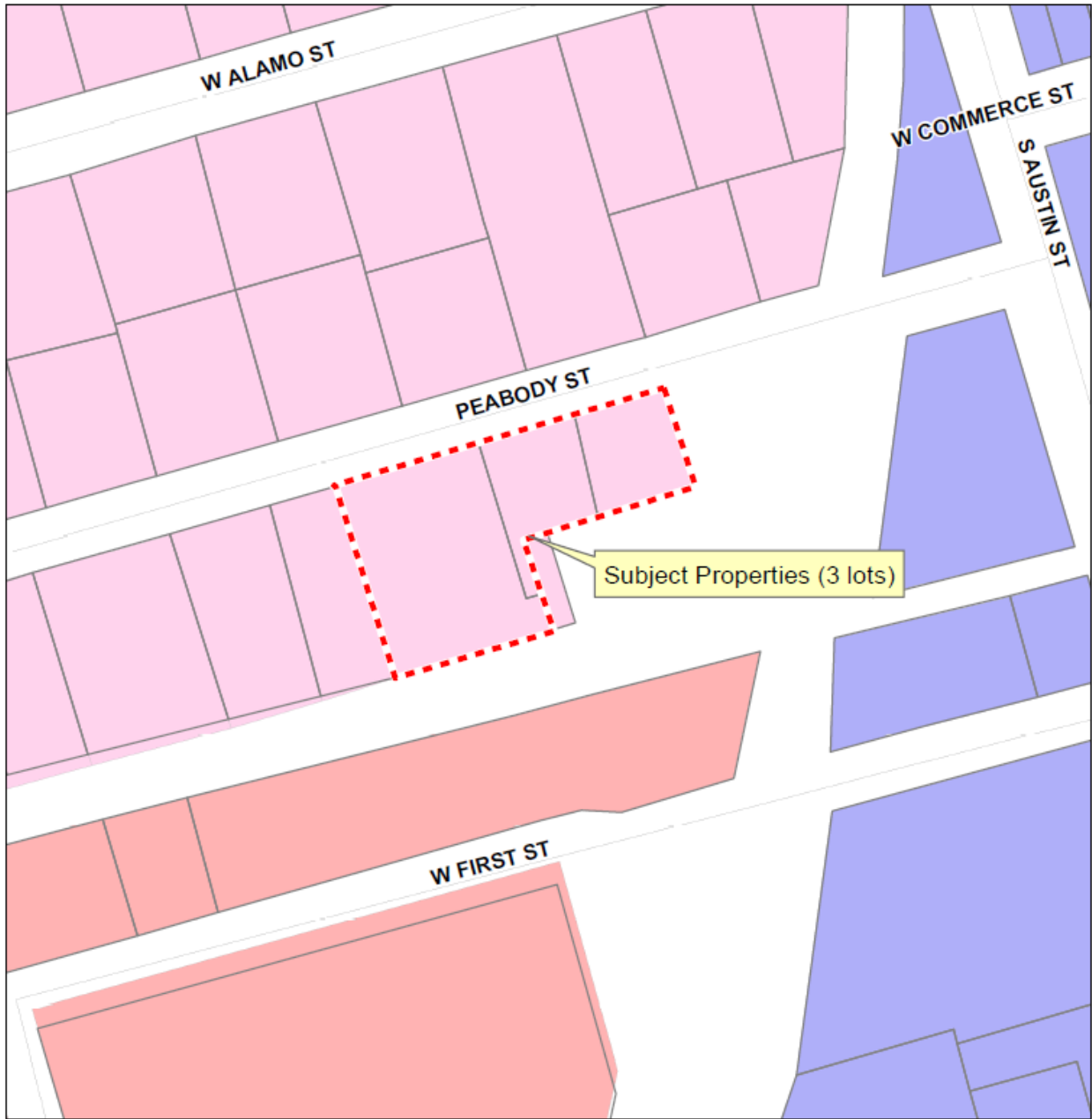


**Location Map**  
**Rezoning B2 to B1**  
**307, 309, & 401 Peabody Street**





EXHIBIT "C"  
FUTURE LAND USE MAP



Future Land Use Map  
Rezoning B2 to B1

307, 309, & 401 Peabody Street

Future Land Use Plan  
FLU\_FINAL

- Mixed Use Downtown Adjacent
- Downtown
- Commercial



1 inch = 104 feet



EXHIBIT "D"  
ZONE CHANGE COVER LETTER

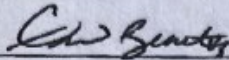
6/28/2023

Planning & Zoning Committee,

I hope this letter finds you well. I am writing in reference to 307 Peabody Street. I would like to change the zoning from B2 to B1. Neighboring properties, 309 & 401 Peabody would need to change as well to avoid a spot zoning request. The properties at 307 and 309 Peabody are currently nonconforming single-family homes, whereas 401 Peabody is an office/storage building for a painting company.

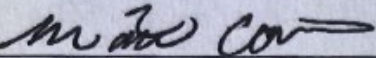
A rezoning to B-1 would allow all of the existing uses to be conforming with the current zoning regulations and compatible with the single-family and duplex uses located directly to the north across Peabody Street and to the west of 401 Peabody Street. Changing the zoning would help make this property more attractive for potential renters and businesses moving forward.

Thank you for your consideration with this matter.

X 

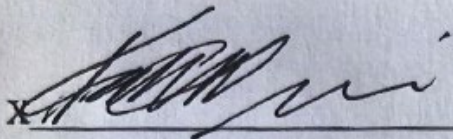
Eric Benitez

Property Owner, 307 Peabody Street

X 

Mathew Canatella

Property Owner, 309 Peabody Street

X 

Kenneth Phillips

Property Owner, 401 Peabody Street

**EXHIBIT "E"**  
**SITE PHOTOS**



**307 Peabody & 309 Peabody Street**  
**Existing Nonconforming residential units**



**401 Peabody – Phillips Construction**



**Looking east down Peabody towards S. Austin Street  
Subject properties on the right / residential to the left**



**Looking west down Peabody Street  
Single-family residential units**

**CASE NUMBER P-23-031**  
**SPECIFIC USE PERMIT REQUEST – 1604 STATE HIGHWAY 105**

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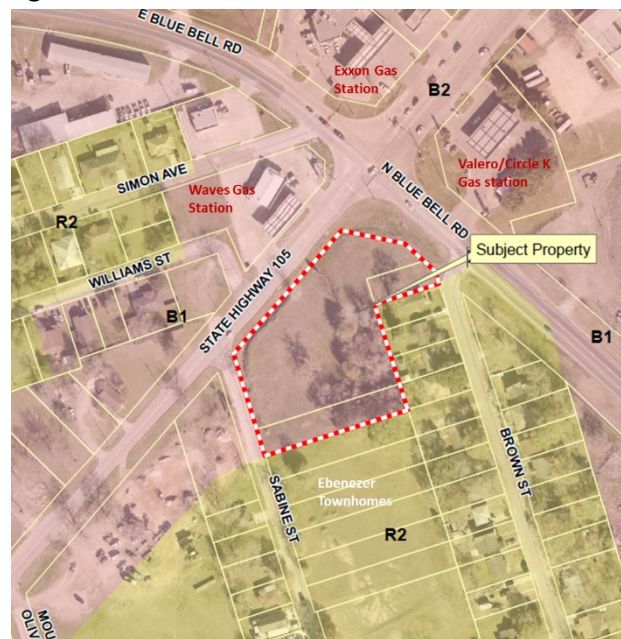
<b>STAFF CONTACT:</b>	Shauna Laauwe AICP, City Planner
<b>OWNER:</b>	Powerfam Washes, LLC.
<b>APPLICANTS:</b>	Powerfam Washes, LLC.
<b>ADDRESS/LOCATION:</b>	1604 State Highway 105 (Exhibit A).
<b>LEGAL DESCRIPTION:</b>	Lots 10A and 11A of the Replat of Lots 2 through 31 of College Heights Addition, and the residue of Lot 48, College Heights Addition.
<b>LOT AREA:</b>	Approximately 2-acres (1.997-acres)
<b>ZONING DISTRICT/USE:</b>	B-1 Local Business/Residential Mixed Use (Exhibit B)
<b>FUTURE LAND USE:</b>	Multifamily Residential (Exhibit C)
<b>REQUEST:</b>	A request for a Specific Use Permit to allow a proposed automatic automobile (car) wash use in a B-1 Local Business/Residential Mixed Use Zoning District (Exhibit D).

**BACKGROUND:**

The subject property is an approximate 2-acre vacant tract of land that is located at the southeast intersection of State Highway (SH) 105 and North Blue Bell Road and on the east side of the Sabine Street and SH 105 intersection. The property is an irregular shaped lot that has three frontages, Sabine Street to the west, State Highway 105 to the north, and North Blue Bell Road to the northeast. The subject tract is zoned B-1, Local Business/Residential Mixed-Use District. The applicant is proposing to develop the property with an automatic car wash that will be operated daily from 7am-7pm and be attended by employees during business hours.

As shown in Figure 1, the subject site, and surrounding properties to the west, north, northeast, and southeast are zoned B-1, Local Business/Residential Mixed-Use District. Each of the other

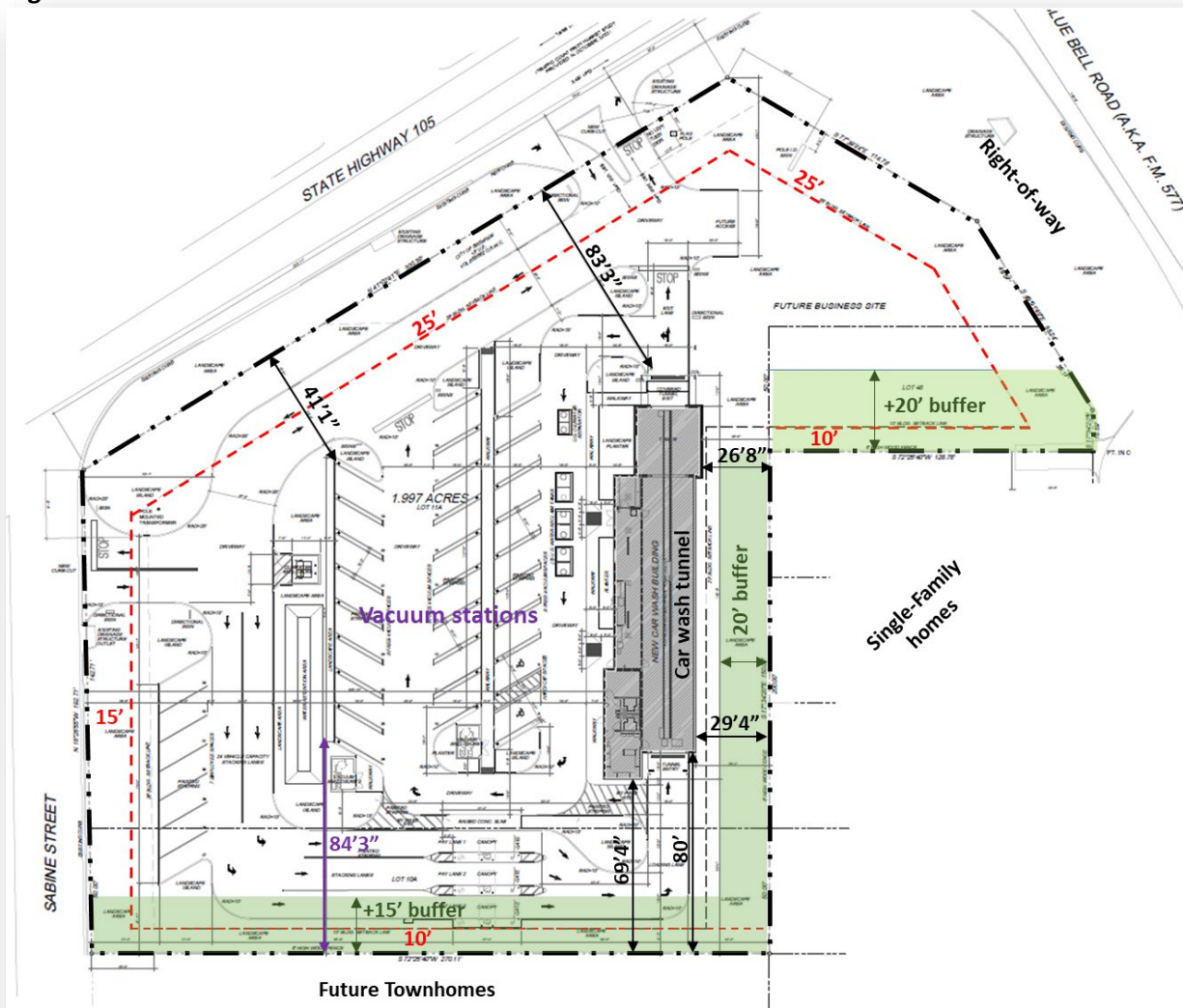
**Figure 1**





three corners of the SH 105 and N. Blue Bell Road intersection are developed as gas stations with convenience stores. Additional nearby B-1 uses include single-family homes to the north along Williams Street and Brenham Dirt Yard to the southwest across Sabine Street. The adjacent properties to the south and east are currently zoned R-2, Mixed Residential District. The adjacent property to the south is currently under development for thirty (30) townhome units, while the adjacent properties to the east are developed as single-family residential homes that are addressed off Brown Street. As such, the proposed commercial use will have an additional 20-foot bufferyard along the east property that is adjacent to the existing single-family homes and a 15-foot bufferyard along the south property line that is adjacent to the townhome development. This bufferyard area is shaded in green in Figure 2 below. The bufferyards are in addition to the minimum required 10-foot rear setback along the south property lines, as commercial uses in the B-1 do not have a side yard setback, the total setback for the east side property line is the 20-foot bufferyard alone. The submitted site plan (Exhibit E) shows the required bufferyard fencing with a 6-foot wood fence along the south and east property lines and the submitted landscape plan (Exhibit F) shows conformance with the required 20-percent landscaping within the bufferyard.

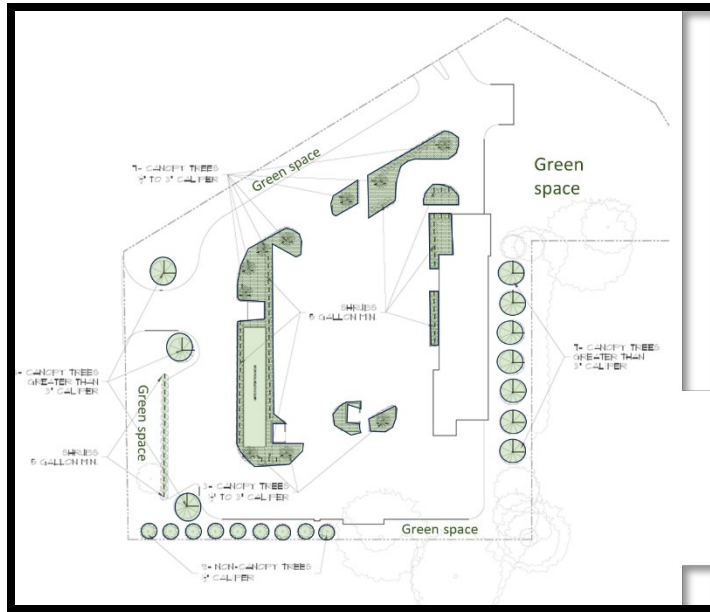
**Figure 2**



The applicant has provided a site plan and landscape layout for the proposed automated car wash. As shown in Figure 2 and Exhibit E, the irregular shaped property has a 25-foot front yard setback along SH

105, a side street setback of 15-feet along Sabine Street, and a 25-foot required setback along the arterial roadway, N. Blue Bell Road. The site plan details a proposed single-car automatic car wash tunnel in dark gray near the southeast corner of the site, with two-lane car cueing near the west and south property lines, and vacuum station parking spaces generally centralized. The on-site structure is 4,624 square feet and consists of the main wash tunnel area that is 3,073 square feet and a 1,551 square foot office space. The wash tunnel is 80-feet from the south property line that is adjacent to the townhome development currently under construction and 29'-4" from the east property line that is adjacent to the rear yards of the single-family homes along Brown Street. The office structure is approximately 69-feet from the south property line. The site plan details three pay lanes along the south portion of the site that will converge into one-lane for the wash tunnel. The applicant states that the pay lanes will be manned by employees during business hours or have an automatic arm that would raise when a member sticker on the windshield is read.

**Figure 3 – Landscape Plan**



To mitigate the noise from the vacuums to the adjacent residential properties, the vacuum area is centralized to the site with the closest vacuum being approximately 86-feet from the south property line and approximately 110-feet from the east property line. The parking requirement for a car wash is 1 space per 250 square feet of structural area, thus the site would require 19 off-street parking spaces. The site provides 7 off-street parking spaces for employee parking along the west property line (Sabine Street) and 26 vacuum station parking spaces for customers, for a total of 33 parking spaces. The site also provides two-lanes for cueing that may accommodate a minimum of 20 vehicles. Given the employee parking, vacuum parking, and cueing and car wash operation, the site may accommodate up to 54 vehicles at one time.

A text amendment to allow automobile (car) washes in the B-1 District as a Specific Use with prior approval of a Specific Use Permit was passed by ordinance on September 2, 2021. The applicant seeks a SUP to allow for the development of a proposed attended automated automobile (car) wash on approximately 2-acres of land in a B-1, Local Business/Residential Mixed-Use District as presented in the application documents and as described in the staff report.

**ANALYSIS OF CITY OF BRENHAM ZONING POLICIES:**

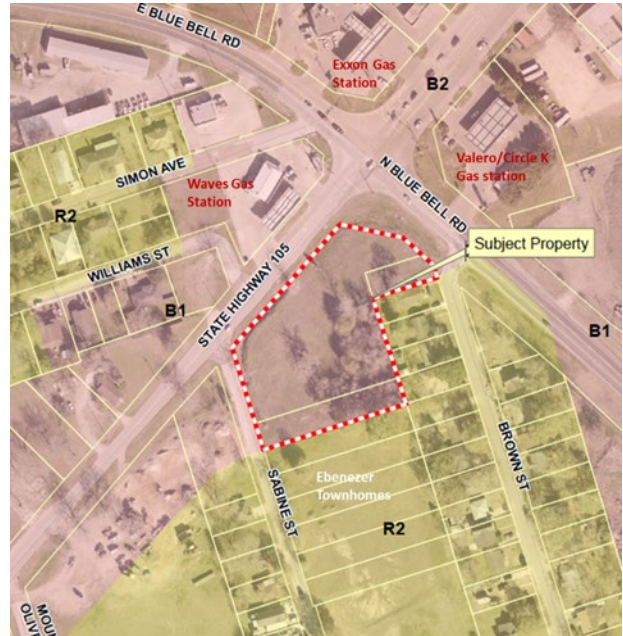
The purpose of zoning policies is to provide guidelines for considering future amendments to the zoning ordinance (Part 1, Section 4 of Appendix A – “Zoning” of the Brenham Code of Ordinances). They are as follows:

- (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 1.99-acre tract of land is located at the southeast intersection of State Highway (SH) 105 and North Blue Bell Road and on the east side of the Sabine Street and SH 105 intersection. The property is an irregular shaped lot that has three frontages, Sabine Street to the west, State Highway 105 to the north, and North Blue Bell Road to the northeast. The subject tract is zoned B-1, Local Business/Residential Mixed-Use District. As shown in Figure 4, the subject site, and surrounding properties to the west, north, northeast, and southeast are zoned B-1, Local Business/Residential Mixed-Use District. The other three corners of the SH 105 and N. Blue Bell Road intersection are developed as gas stations with convenience stores. Additional nearby B-1 uses include single-family homes to the north along Williams Street and the Brenham Dirt Yard to the southwest across Sabine Street. The adjacent properties to the south and east are currently zoned R-2, Mixed Residential District. The adjacent property to the south is currently under development for thirty (30) townhome units, while the adjacent properties to the east are developed as single-family residential homes that are addressed off Brown Street.

Figure 4



The applicant proposes to develop the approximate 2-acre tract into an attended automated car wash that would be open 7 days a week from 7am-7pm. The proposed car wash would be a single tunnel wash, with the business having on-site employees that facilitate payment, provide prewash scrubbing, and maintaining the vacuum area. The car wash tunnel is situated near the east property line with the exit and dryers facing towards SH 105. The car wash tunnel is proposed to be setback 29-feet 4-inches from the east property line and 80-feet from the south property line. These setbacks exceed the south bufferyard plus setback requirement of 25-feet to the south rear property line and 20-feet to the east side property line. In addition, the proposed site plan (Figure 2) shows 26 vacuums that are a minimum of 84-feet from the south property line and 110-feet from the east property line. The applicant has situated the car wash structure and vacuum cleaners to be at the furthest point possible from adjacent residential uses. The wash tunnel dryers are located on the north side of the structure and facing away from adjacent residential uses. The dryers will be located approximately 76-feet from the nearest east shared property line with residential uses along Brown Street and 221-feet from the south property line and the residential uses to the south. With bufferyard requirements and a proposed 6-foot screening fence and landscaping along the east and south property lines as shown in Figure 3, staff anticipates that the noise levels for the vacuums will be at an allowable level at the 84-foot proposed setback from adjacent residential uses to the east and south, respectively.

To minimize potential light pollution to the nearby residential uses, the applicant proposes to utilize directional (hooded) and/or shaded lighting fixtures along the west and south sides of the subject property.

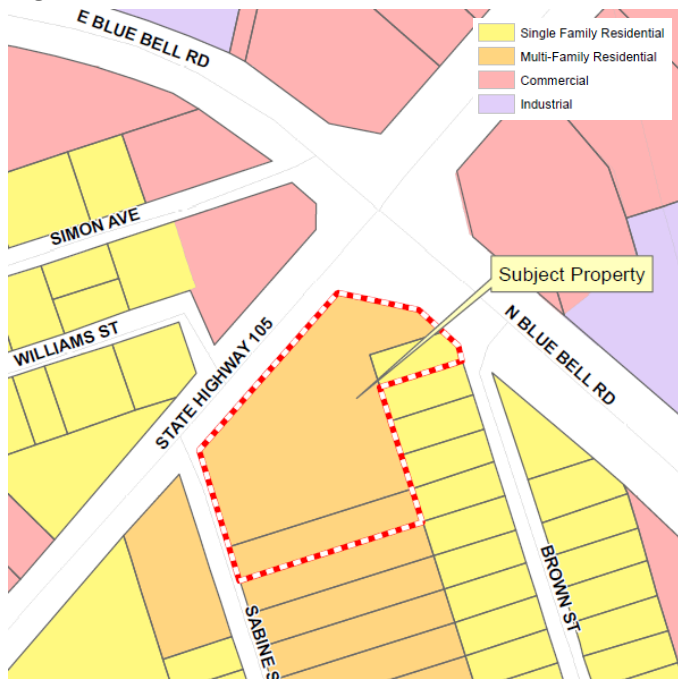
Staff finds that the applicant has proposed appropriate measures to ensure that the proposed car

wash use will not adversely affect the small-town attributes that make Brenham a special place for its citizens to live, work and play.

- (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 Envision 2020 Comprehensive Plan suggests the subject property may be appropriate for multi-family residential uses. The B-1 District is a district that provides for diverse uses and convenient locations for lite commercial uses suitable for neighborhood shopping and for residential uses to include moderate density multifamily housing. While the subject property and adjacent properties to the west, and surrounding properties around the SH 105 and N. Blue Bell Road intersection are currently zoned B-1, Local Business/Residential Mixed-Use District, the adjacent properties to the south, east and southeast are zoned R-2, Mixed Residential District. The Future Land Use Map, shown in Figure 5, does

Figure 5



show the subject property to be for multi-family use. However, given that the subject property is on a hard corner of SH 105 and N. Blue Bell Road, and that each of the other intersections are zoned commercial and developed with service (gas) stations, a car wash use on this vacant site would not be out of character with the surrounding uses. Car washes, with adequate bufferyards and attention to noise and light levels, may be suitable as a neighborhood commercial use that 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 State Highway 105 and Sabine Street and will not require any extension of utility services. The property currently contains a sewer line that is located in the middle of the property and is planned to be relocated with the construction project.

- (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 August 18, 2023. The Notice of Public Hearing was published in the Brenham Banner on August 19, 2023. 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 minimum building setbacks, maximum impervious coverage requirements, landscaping, and buffer yard requirements. The applicant has submitted a preliminary site plan (Exhibit F) which depicts the proposed location of the car wash structure, associated circulation and customer cueing, vacuum locations, 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 is consistent with the City's adopted Comprehensive Plan. The proposed development is reasonably in line with the Future Land Use Plan, while also providing adequate landscaping and screening, noise mitigating measures, and utilization of hooded lights to reduce the impact to nearby residential uses.**

- (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 north, west and northeast are located within a B-1 District, with properties to the south and southeast currently zoned R-2. Given that the B-1 District allows a variety of commercial and residential uses, and the R-2 to the southeast is developed as single-family residential, while a townhome development is currently under construction to the south, the area has a mixture of uses. Except for the subject property, the corner properties of the intersection of SH 105 and N. Blue Bell Road are developed as gas stations with an associated convenience store. The property directly to the west, across Sabine Street, is developed as a dirt yard. Surrounding B-1 properties to the northwest are developed as single-family homes, while B-1 properties to the north and northeast are developed as the Waves, Exxon and Valero gas stations, Donut Hole donuts, Truck-N-Treat ag supply, and Plumb Level Plumbing. The proposed automated car wash will provide a generally compatible development of the vacant 2-acre property. The car wash use is compatible to nearby land uses and consistent with the land 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 and development of the property as an automated car wash with attendants may provide for an orderly and positive development of the community. Due to adjacent residential uses to the south and east, the proposed commercial use is required to provide an additional 15-feet of bufferyard from the south property line and 20-feet of bufferyard to the east to the minimum setbacks for the B-1 District. This bufferyard provision requires that screening of either a 6-foot fence or 6-foot in height dense shrubbery be provided along the shared property lines of residential uses. In addition, 20-percent of the bufferyard shall be landscaped. The applicant has exceeded the required bufferyard and setback requirements by locating the**

proposed car wash structure 80-feet from the south rear property line and 29-feet from the east property line. The proposed vacuum cleaner stalls will be located at an 84-foot rear yard setback from the south property line. Other measures to mitigate any adverse effects of noise to adjacent residential uses include putting the drying blowers within the car wash bays and the exit facing north away from nearby residential uses. The provided landscape plan adheres to the requirements with a 6-foot screening fence along the south and east property lines and additional shrubbery and trees within the bufferyard areas. The proposed building setbacks, vacuum location, off-street parking, and landscaping will help mitigate any negative effects that the car wash may cause. All building, fire, and zoning requirements will be reviewed during the building permit process.

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

Staff believes that the proposed development will have a positive effect on the surrounding area, will be compatible with anticipated uses near the subject property, and will be in accordance with the land use policies of Brenham's Comprehensive Plan. The subject property has been a vacant and often overgrown field for many years at a main intersection in the community. The proposed car wash use will develop the site to be compatible with existing and anticipated uses surrounding the property. With the proposed site design layout, development codes, and bufferyard standards in place, Staff is unable to determine any destabilizing effects on the neighboring properties should this specific use permit request be approved.

- (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 development of a commercial site that has been vacant for several years. The vicinity of the SH 105 and N. Blue Bell corridor near the subject property has a variety of neighborhood commercial uses to include gas stations, restaurants, office uses, agriculture equipment businesses. A few vacant commercial properties are located nearby along SH 105 and to the east along N. Blue Bell Road. Staff believes 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 B-1, Local Business/Residential Mixed-Use District subject property is currently undeveloped vacant land. 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:**

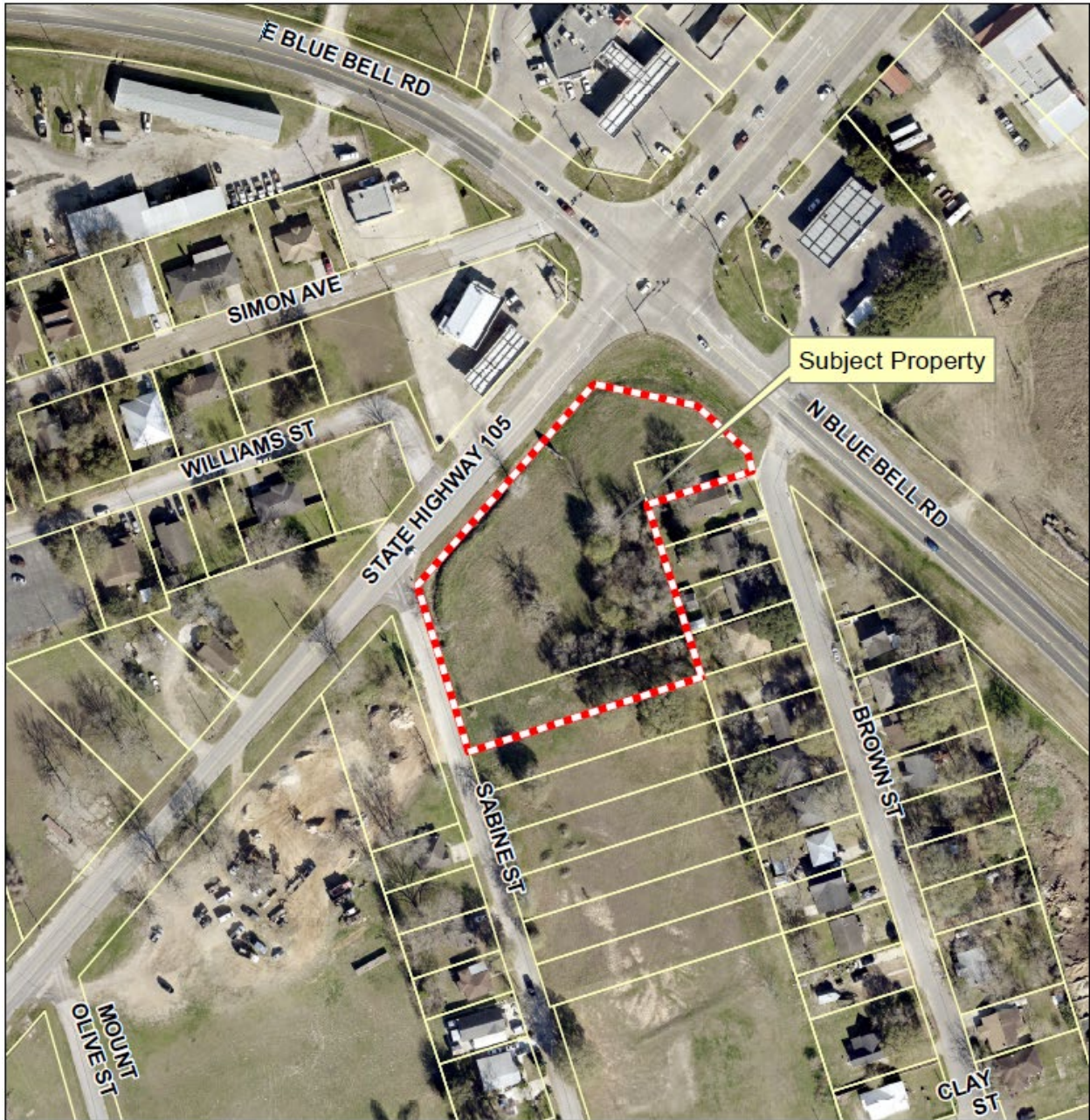
Staff recommends **approval** of a Specific Use Permit to allow an automobile (car) wash use as provided in the application site plan, general landscape plan, and written documents in a B-1 Local

Business/Residential Mixed-Use Zoning District for the subject 1.99-acre tract of land that is located at 1604 State Highway 105 and legally described as Lots 10A and 11A of the Replat of Lots 2 through 31 of College Heights Addition, and the residue of Lot 48, College Heights Addition.

**EXHIBITS:**

- A. Aerial Map
- B. Zoning Map
- C. Future Land Use Map
- D. Proposed Site Plan
- E. Proposed Building Elevations
- F. Landscape Plan
- G. Site photos

EXHIBIT "A"  
AERIAL MAP



**Location Map**  
**Specific Use Permit - Car Wash**  
**1604 SH 105**

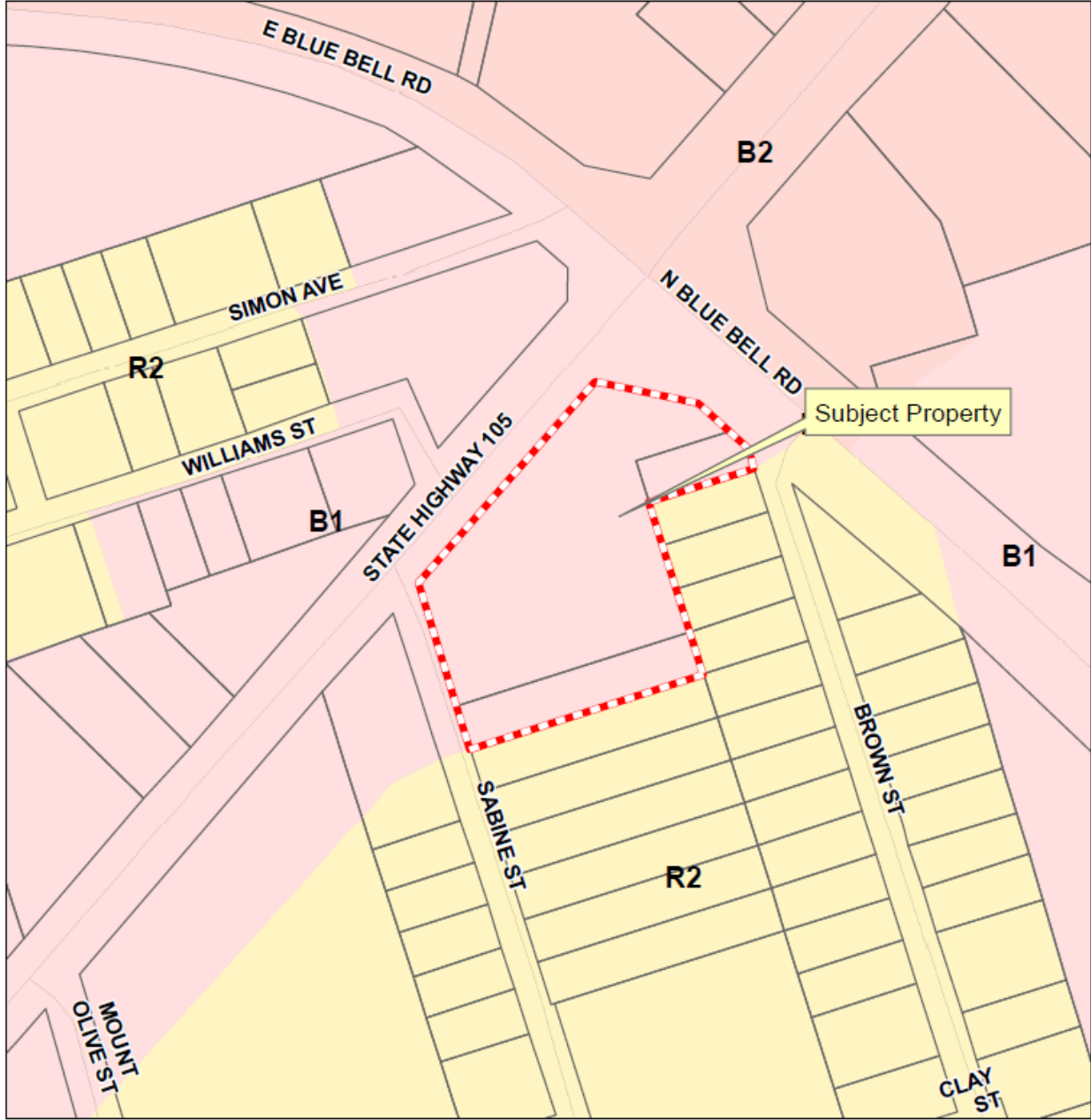


1 inch = 146 feet





EXHIBIT "B"  
ZONING MAP



**Zoning Map**  
**Specific Use Permit - Car Wash**  
**1604 SH 105**



1 inch = 146 feet

**Legend**




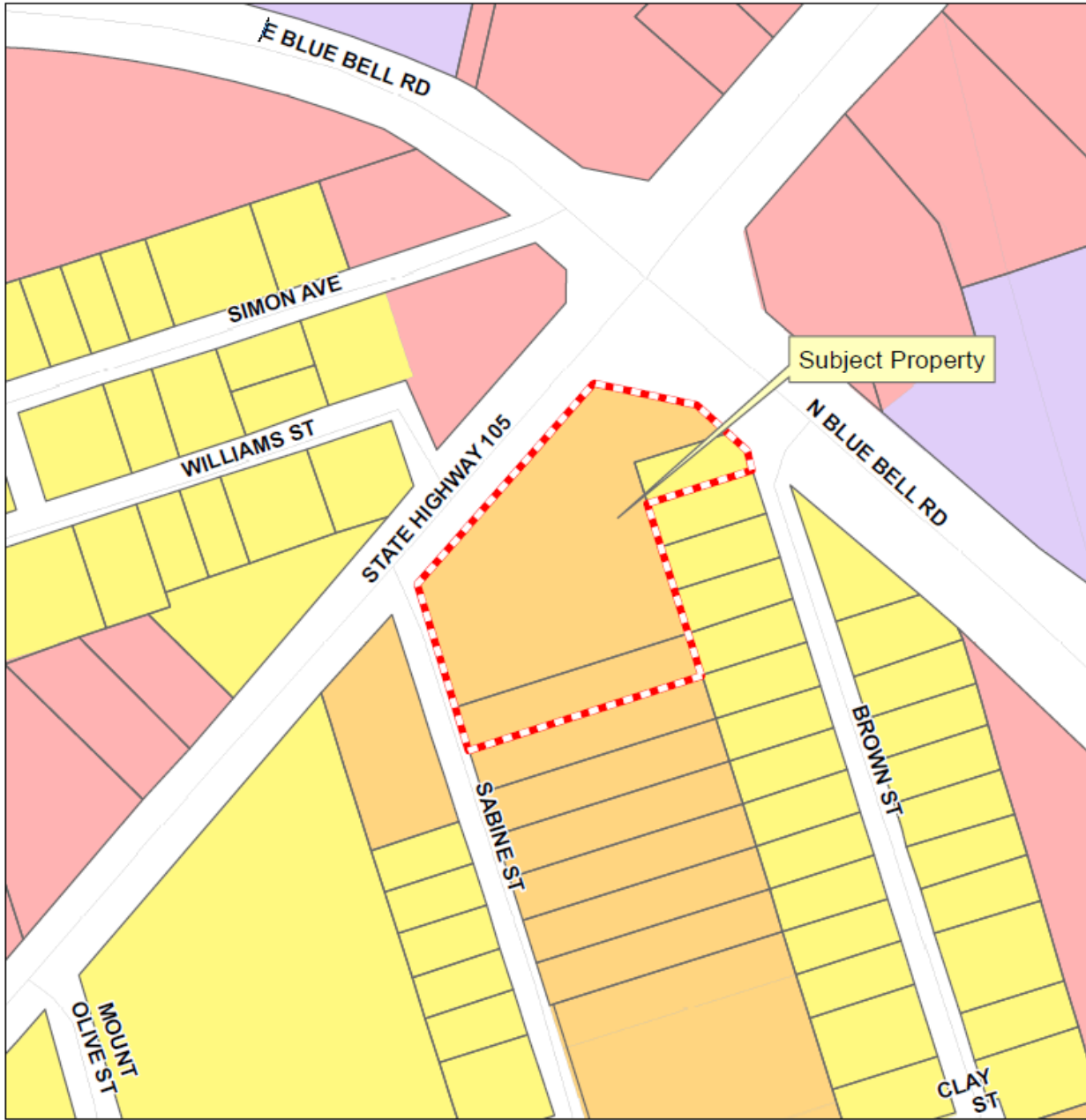
-  B1 Local Business Mixed
-  B2 Commercial Research and Technology
-  R2 Mixed Residential



EXHIBIT "C"  
Future Land Use Map



Future Land Use Plan Map  
Specific Use Permit - Car Wash  
1604 SH 105

Future Land Use Plan  
FLU\_FINAL

- Single Family Residential
- Multi-Family Residential
- Commercial
- Industrial



1 inch = 146 feet







EXHIBIT "E"  
SITE ELEVATIONS

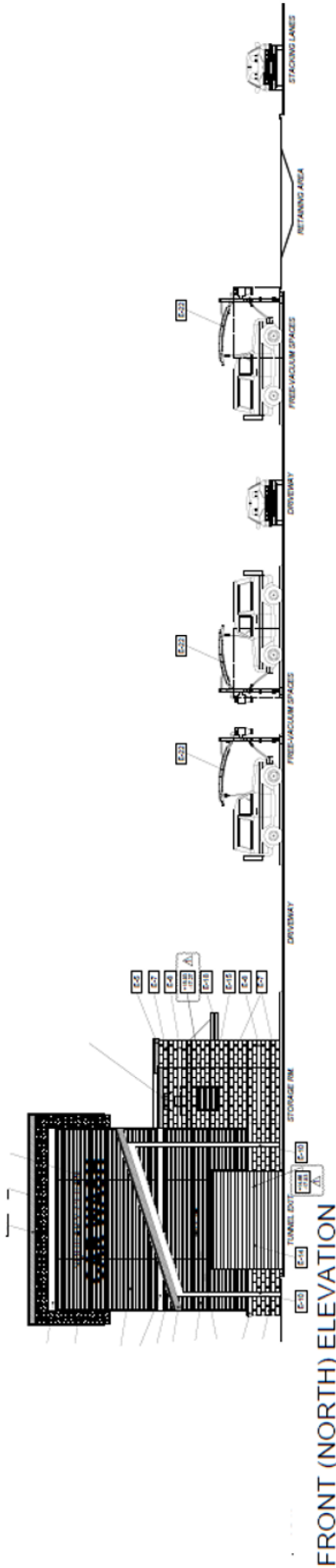
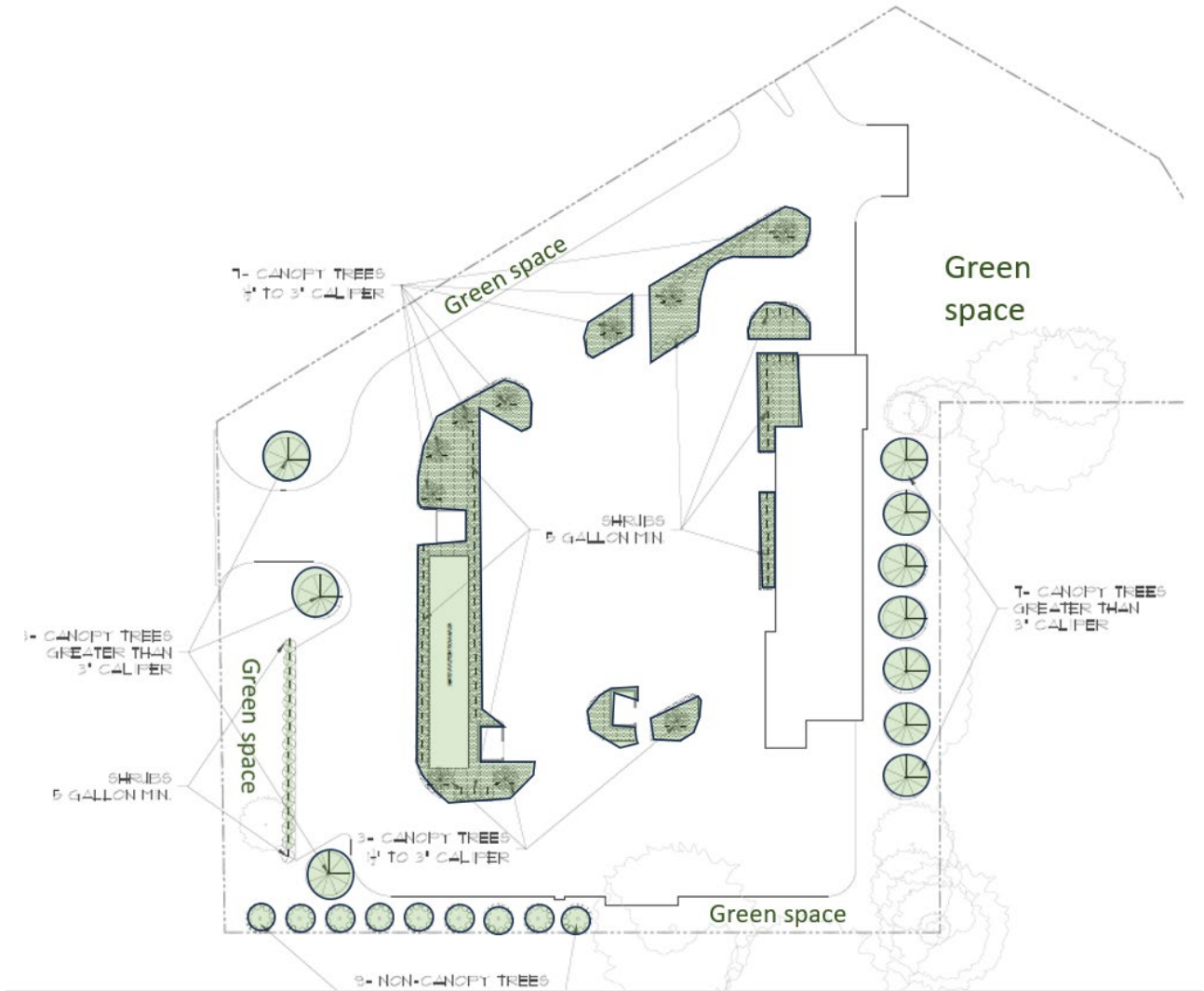


EXHIBIT "F"  
LANDSCAPE PLAN



**EXHIBIT "G"**  
**SITE PHOTOS**



**Subject Site- Southeast Corner of SH 105 & Blue Bell Rd intersection**



**Subject Site looking east towards the Blue Bell intersection. Can see the gas stations on each of the other intersection corners.**



**Site with residential to the east/southeast. The nearest home has been purchased by the property owner and will be removed.**



**Ebenezer Townhome Development grading work. Adjacent to the south of the subject property. Photo taken on Sabine Street.**