



**NOTICE OF A REGULAR MEETING
BRENHAM PLANNING AND ZONING COMMISSION
MONDAY, DECEMBER 18, 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 November 27, 2023, Planning and Zoning Commission Meeting.

REGULAR AGENDA

5. Public Hearing, Discussion and Possible Action on Case No. P-23-043: A request by Michael Ancone for a Specific Use Permit to allow a food truck park in a B-1, Local Business / Residential Mixed Use Zoning District on property located at the southeast corner of the intersection of N. Park Street and Brookside Drive, and being 2.6051-acres described as Scenic Estates, Section IV, Reserve A (1.9257-acres) and Reserve B2 (0.6794-acres) out of the Arrabella Harrington Survey in Brenham, Washington County, Texas.

6. Public Hearing, Discussion and Possible Action on Case No. P-23-044: A request by Jorga Schuhknecht for approval of a Replat of Lots 8 & 9, Block 12 of the Fourth Atlow Addition to create Lot 8A containing 0.528-acres currently addressed as 395 and 407 Spinn Street, and further described as part of the M.N. Combs Survey, A-124, in Brenham, Washington County, Texas.

7. Adjourn

CERTIFICATION

I certify that a copy of the December 18, 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 December 15, 2023 at 11:45 a.m.

Kim Hodde

Kim Hodde, Planning Technician

Disability Access Statement: This meeting is wheelchair accessible. The accessible entrance is located at the Vulcan Street entrance to the City Administration Building. Accessible parking spaces are located adjoining the entrance. Auxiliary aids and services are available upon request (interpreters for the deaf must be requested twenty-four (24) hours before the meeting) by calling (979) 337-7567 for assistance.

I certify that the attached notice and agenda of items to be considered by the Planning and Zoning Commission was removed by me from the City Hall bulletin board on the _____ day of _____, 2023 at _____.

Signature

Title

**CITY OF BRENHAM
PLANNING AND ZONING COMMISSION MINUTES
November 27, 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 November 27, 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
Deanna Alfred, Vice Chair
Chris Cangelosi
Darren Heine
Calvin Kossie
Cayte Neil
Cyndee Smith

Commissioners absent:

None

Staff present:

Shauna Laauwe, City Planner
Kim Hodde, Planning Technician

Citizens / Media present:

Dorothy Morgan
Billy Sutherland
Donald W. Lampe
Ernest Hunt
Sean Hohlt
Roy Hohlt

1. Call Meeting to Order

Chairman Behrens called the meeting to order at 5:16 pm with a quorum of seven (7) Commissioners present.

2. Public Comments

There were no public comments.

3. Reports and Announcements

Shauna Laauwe, City Planner, informed the Board of the following:

- December 7, 2023 – 5:30 pm - CIAC Public Hearing, Nancy Carol Roberts Memorial Library
- December 18, 2023 – 5:15 pm – P & Z meeting
- December 19, 2023 – 1:00 – 3:00 pm – CIAC Meeting Number 3

Kim Hodde informed the Board there was an error in the wording for item number 6 that was emailed to the Board members so a revised agenda was posted and a copy is on the dais for the Commissioners.

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 October 23, 2023, Planning and Zoning Commission Meeting.

Kim Hodde stated that the following items will be corrected in the official minutes:

- Darren Heine was shown to be present; however, he was not in attendance.
- Cyndee Smith was in attendance at the meeting.

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

REGULAR SESSION

5. Public Hearing, Discussion and Possible Action on Case No. P-23-040: A request by Calvary Baptist Church for a Specific Use Permit to allow construction of an open-air pavilion behind the existing Church Building (Church Auxiliary Use) in an R-1, Single Family Residential Zoning District on property addressed as 1100 Niebuhr Street, and being 2.5443-acres described as Tract 241 of the Arrabella Harrington Survey in Brenham, Washington County, Texas.

Shauna Laauwe, City Planner, presented the staff report for Case No. P-23-040 (on file in the Development Services Department). Ms. Laauwe stated that the property owner and applicant is Calvary Baptist Church. The current land use is a Church and its auxiliary uses and the future land use designation is single-family residential. The current zoning is R-1, Single Family Residential Use District. The property is located on the south side of Niebuhr Street and is surrounded by single-family residential with the Brenham Junior High School / Washington County Appraisal District located to the northeast (across Niebuhr Street). The request is for a specific use permit to allow an open-air pavilion structure as a Church auxiliary use. A Church in an R-1 Zoning District requires approval of a specific use permit. The original SUP was granted on April 20, 2017. The existing church is approximately 16,500 square feet and there are currently 86 off-street parking spaces, which exceeds the parking requirements. The proposal is for construction of a 50'x75' (3,750 SF) open-air pavilion to be used for Vacation Bible School, Neighbors Night Out, and various Church events. Since the Church property is adjacent to residential property, and additional 20' bufferyard will be required. The proposed location exceeds the minimum requirements as follows:

- Proposed rear yard of 54' where a minimum 45' required.
- Proposed side yard of 79' where a minimum 30' is required.

A Public Hearing Notice was published in the Banner Press on November 16, 2023 and notices were mailed to property owners within 200-feet of the subject properties. Staff received one written comment from the neighbor to the south who offered no opposition to the request.

STAFF ANALYSIS

- The Comprehensive Plan and Future Land Use Map envision the subject are as single-family residential. Churches are typically compatible with residential neighborhoods.
- The proposal exceeds the setback and bufferyard spacing requirements.
- Per the bufferyard requirements, a 6' screening fence or hedge will be required along the south property line.
- Properties will be subject to applicable R-1 development and building standards, including bufferyards and landscaping.
- The request is in character with the residential uses as well as the institutional uses to the northwest across Niebuhr Street.

Development Services staff have reviewed the specific use permit request for compliance with the City of Brenham's applicable regulations and ordinances and based on these findings, recommends **approval** of the request with the condition of a 6-foot screening fence at the property line to the south abutting the residential uses.

Chairman Behrens closed the regular session and opened the public hearing at 5:28 pm. The applicant, Pastor Billy Sutherland, stated that the overhead electric was changed to underground electric. He stated that the City of Brenham upgraded the existing infrastructure when the electric underground was installed. Commissioner Neil expressed concerns over the existing drainage issues and to make sure that the drainage berms were not disturbed. A citizen commented that there is an existing retention pond on site that spills out between 1005 & 1006 Nostalgia Court and onto Cena Drive. In response to questions from Commissioner Heine, Ms. Laauwe responded as follows:

- The drainage will be reviewed at the time of plan review/permit submittal.
- The Building Official will review the wind loads for compliance at the time of plan submittal.

There were no other citizen comments.

Chairman Behrens closed the public hearing and re-opened the regular session at 5:35 pm.

A motion was made by Commissioner Cangelosi and seconded by Commissioner Kossie to recommend approval to City Council of the request by Calvary Baptist Church for a Specific Use Permit to allow construction of an open-air pavilion behind the existing Church Building (Church Auxiliary Use) in an R-1, Single Family Residential Zoning District on property addressed as 1100 Niebuhr Street, as presented. The motion carried unanimously.

6. Public Hearing, Discussion and Possible Action on Case No. P-23-041: A request by Ted and Rosa Dean for approval of a Replat of Lot 1 of the Dean Subdivision and 4.36-acres of Land to create Lot 1A containing 5.762-acres and Lot 3 being 0.906-acres, being a total of 6.668-acres currently addressed as 164 Lounge Road, and further described as part of the A. Harrington Survey, A-55, in Brenham, Washington County, Texas.

Shauna Laauwe, City Planner, presented the staff report for Case No. P-23-041 (on file in the Development Services Department). Ms. Laauwe stated that the property owners and applicants are Ted and Rosa Dean. The property is currently identified as Lot 1 of the Dean Subdivision and a 4.36-acre tract of unplatted, adjacent land. The current land use is single-family residential and vacant land. The future land use designation is commercial. The current zoning is B-1, Local Business Mixed Use District. The property is located on the north side of Lounge Road with Hohlt Park located to the south, SH 36 to the west and North Park Street to the east. The property is currently addressed as 164 Lounge Road. Existing Lot 1 is developed with a single-family residence and the adjacent property is vacant land. The property owners would like to replat the two existing properties into two lots with Lot 1A being 5.762-acres and

Lot 3 being 0.906-acres in order to construct an accessory structure (barn/garage) on proposed lot 1A. An accessory structure is required to be an accessory use to a principal structure/residence and cannot be located on a lot by itself; therefore, creating the need to replat. Since the property is zoned B-1, proposed Lot 3 can be developed as residential or commercial. Additional public utility easements were also added with this replat.

A Public Hearing Notice was published in the Banner Press on November 8, 2023 and notices were mailed to property owners within 200-feet of the subject properties. Staff received two written comments in support of the request.

Engineering and Development Services staff have reviewed the proposed replat for compliance with the City of Brenham's applicable regulations and ordinances and recommends **approval**.

Chairman Behrens closed the regular session and opened the public hearing at 5:38 pm. On behalf of the MHMR, Judge Dorothy Morgan stated that they offered not objection to the request. There were no other citizen comments.

Chairman Behrens closed the public hearing and re-opened the regular session at 5:41 pm.

A motion was made by Commissioner Alfred and seconded by Commissioner Heine to approve the request by Ted and Rosa Dean for approval of a Replat of Lot 1 of the Dean Subdivision and 4.36-acres of Land to create Lot 1A containing 5.762-acres and Lot 3 being 0.906-acres, being a total of 6.668-acres currently addressed as 164 Lounge Road, as presented. The motion carried unanimously.

7. Public Hearing, Discussion and Possible Action on Case No. P-23-042: A request by the Brenham Housing Authority/Fairview Terrace, LP for approval of a Replat of Lot 2 of the Fairview Terrace Subdivision to create Lot 2A, to provide required additional Public Utility Easements, being 5.490-acres currently addressed as 909 Hasskarl Drive, and further described as part of the A. Harrington Survey, A-55, in Brenham, Washington County, Texas

Shauna Laauwe, City Planner, presented the staff report for Case No. P-23-042 (on file in the Development Services Department). Ms. Laauwe stated that the property owners and applicants are the Brenham Housing Authority / Fairview Terrace, LP. The current land use is multi-family residential and vacant land. The future land use designation is multi-family residential. The current zoning is R-2, Mixed Residential Use District. The property is located south of E. Blue Bell Road and west and southwest of Hasskarl Drive and is currently addressed as 909 Hasskarl Drive. There was some uncertainty with the utility placements prior to development so a blanket easement was put into place and was set to expire once construction was completed. Therefore, this replat provides the required public utility easements for the development of this property.

A Public Hearing Notice was published in the Banner Press on November 8, 2023 and notices were mailed to property owners within 200-feet of the subject properties. Staff did not receive any written comments in support of or against the request.

Engineering and Development Services staff have reviewed the proposed replat for compliance with the City of Brenham's applicable regulations and ordinances and recommends **approval**.

Chairman Behrens closed the regular session and opened the public hearing at 5:44 pm. There we no citizen comments.

Chairman Behrens closed the public hearing and re-opened the regular session at 5:44 pm.

A motion was made by Commissioner Kossie and seconded by Commissioner Smith to approve the request by the Brenham Housing Authority/Fairview Terrace, LP for approval of a Replat of Lot 2 of the Fairview Terrace Subdivision to create Lot 2A, to provide required additional Public Utility Easements, being 5.490-acres currently addressed as 909 Hasskarl Drive, as presented. The motion carried unanimously.

8. Adjourn.

A motion was made by Commissioner Alfred and seconded by Chairman Behrens to adjourn the meeting at 5:45 pm. The motion carried unanimously.

The City of Brenham appreciates the participation of our citizens, and the role of the Planning and Zoning Commissioners in this decision-making process.

Certification of Meeting Minutes:

Planning and Zoning Commission

M. Keith Behrens
Chair

December 18, 2023
Meeting Date

Attest

Kim Hodde
Staff Secretary

December 18, 2023
Meeting Date

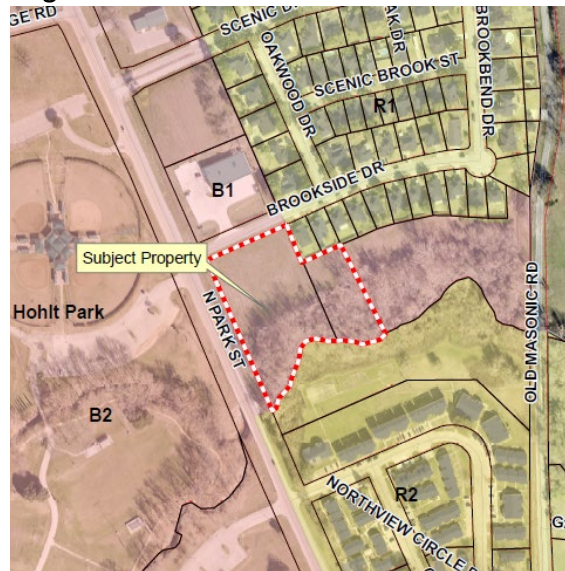
CASE NUMBER P-23-043
SPECIFIC USE PERMIT REQUEST – BROOKSIDE FOOD TRUCK PARK

STAFF CONTACT:	Shauna Laauwe AICP, City Planner
OWNER:	Michael Ancone
APPLICANTS:	Michael Ancone
ADDRESS/LOCATION:	SE Corner of Brookside Drive & N. Park Street (Exhibit A).
LEGAL DESCRIPTION:	Scenic Estates Subdivision, Sec 1, Block IV, Reserve A & B2
LOT AREA:	Approximately 2.6051 acres
ZONING DISTRICT/USE:	B-1, Local Business Mixed Residential/Vacant (Exhibit B)
FUTURE LAND USE:	Commercial and Single-Family Residential (Exhibit C)
REQUEST:	A request for a Specific Use Permit to allow a Food Truck Park use in a B-1, Local Business Mixed Residential Zoning District (Exhibit D).

BACKGROUND:

The subject property is a 2.6051-acre tract of vacant land that is located on the southeast corner of the Brookside Drive and North Park Street intersection, and to the east of Hohlt Park. The property consists of two vacant lots, a 1.925-acre lot on the corner of Brookside Drive and N. Park Street and the abutting lot to the east containing 0.6794-acres. As shown in Figure 1, the subject tracts as well as the properties to the north, along N. Park Street and adjacent to the east, are within a B-1 District, Local Commercial Mixed Residential District. Properties to the northeast are part of the Scenic Estates Subdivision and zoned R-1, Single-Family Residential District and developed as single-family units. Adjacent properties to the south are within an R-2, Mixed Residential District and are a Brenham Housing Authority duplex development.

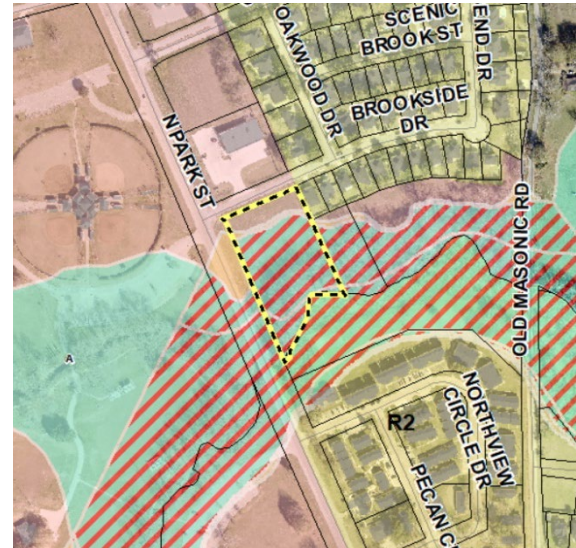
Figure 1



As shown in Figure 2, a 100-year floodplain area (section with red diagonal stripes) covers a significant portion of the subject lots, the adjacent property within the B-1 district to the east, and a portion of the R-2 vacant property to the south. Properties within the 100-year floodplain have additional stringent

building and drainage requirements to include building 2-feet above the base flood elevation and any detention accommodating both a 100-year event in addition to the proposed development. The base flood elevation for the subject property is 261-feet.

Figure 2



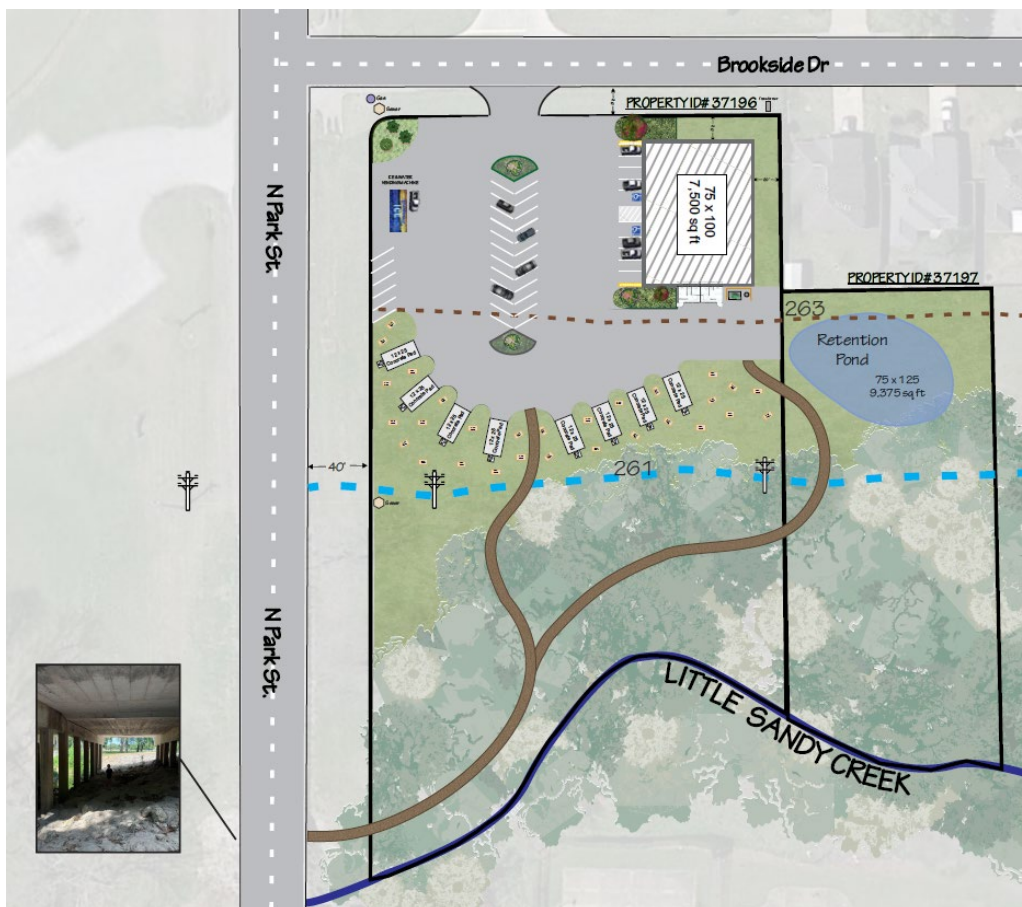
The applicant, Michael Ancone, proposes to develop the 2.6051-acres as a Food Truck Park as shown on the site plan in Figure 3. On November 4, 2021, the City Council adopted Ordinance Number O-21-030 to allow a food truck park by Specific Use Permit in the B-1, B-2, B-3, and B-4 zoning districts. The ordinance stipulates fourteen (14) site development standards in order for a food truck park to be considered for a Specific Use Permit. These development standards are listed in the Zoning District Regulations under Division 1, Section 18.02, with the proposed site development answers in red:

- (1) A designated seating area shall be provided for patrons. – Picnic tables provided.
- (2) Accessible restroom facilities shall be provided within a permanent structure. Temporary or portable toilet facilities are not permitted. – Restroom facility provided.
- (3) A minimum of two (2) parking spaces shall be provided for each food truck site provided within the food truck park. – 39 off-street parking spaces provided. 16 required for proposed 8 food truck sites.
- (4) Mobile kitchens shall not park in required parking stalls, rather they shall be located on a designated paved surface. – Designated paved parking pads for food trucks shown on site plan.
- (5) There shall be at least fifteen (15) feet of unobstructed clearance between all individual mobile kitchens parked side-by-side and all permanent or accessory structures and five (5) feet of unobstructed clearance between all individual mobile kitchens parked end-to-end. – Spacing provided on site plan. If approved, plan review will ensure proper spacing.
- (6) A dumpster with a minimum capacity of two (2) cubic yards, a concrete pad at least six (6) inches thick and solid screening fence shall be provided. – Dumpster site shown.
- (7) Communal grease disposal station shall be provided on-site within a completely screened enclosure. – Grease disposal station shown on site plan.
- (8) Landscaping and bufferyard requirements shall be met in accordance with Appendix A – Zoning, Part II, Division 1, Section 12 – Landscaping and Buffering. – A 20-foot bufferyard to adjacent residential properties to the east is required and shown on the site plan. The site needs additional landscaping between the parking spaces and food trucks and along the N. Park frontage road. This review for compliance is part of the building permit process.

- (9) No mobile kitchen nor any associated seating areas or restroom facilities shall be located in the required landscape buffer yard. -Restroom facilities and picnic tables are not shown in the landscape buffer yard.
- (10) Mobile kitchens conducting business at a food truck park shall have current vehicular registration and shall be in a suitable operating condition for transit. – Would be monitored.
- (11) All activity must occur on private property, outside of the public right-of-way. – Activities shown outside of the public right-of-way. Would be monitored.
- (12) Vehicular drive-thru service of food and/or beverages shall be prohibited. – No drive-thru service is shown.
- (13) Electrical service shall be provided to the mobile kitchen by a permitted electrical connection. The use of on-board generators shall be prohibited.
- (14) The municipality may without warning, notice, or hearing, revoke any permit to operate a mobile kitchen if the holder of the permit, person in charge, or the operation of the food establishment does not comply with the requirements of the Brenham Code of Ordinances or if the operation of the food establishment otherwise constitutes an immediate hazard to public health.

As shown in Figure 3, the applicant proposes to develop the subject lots as a Food Truck Park that would include pad sites for eight (8) food trucks, a restroom facility, picnic tables, trails, a 75-foot by 100-foot (7500 SF) retail space, and an ice kiosk location. The retail, restrooms, and ice kiosk structures, as well as the proposed 39 parking spaces, would be located above the required 263-foot elevation (brown dashed line). The food truck pad sites and picnic tables would be out of the floodplain but at an elevation less

Figure 3



than 263-feet. Since food trucks are mobile, they are not required to be located a minimum of 2-feet above the base flood elevation, however the proposed picnic tables would need to be anchored down. The retail building is shown on the northeast corner of the site with a 20-foot bufferyard setback to the east and a 20-foot front yard setback along Brookside Drive. A 25-foot front yard setback would be required for the building. The site plan shows 39 off-street parking spaces. With 8 proposed food trucks, 16 parking spaces are required, however that would only leave 23 parking spaces for the retail building that at 7,500 square feet would require 30 spaces. In order to comply with the parking standards, a revision to the site plan to add an additional 7 parking spaces, or to reduce the retail building to no more than 5,750 square feet is necessary. The applicant has stated that the retail building would be a Phase 2 part of the project and may not come to fruition but wanted to add it to the use permit for consideration. The restroom facilities, dumpster and grease disposal station are located adjacent and to the south of the proposed retail building. The site also depicts a walking trail from two points leading to N. Park Street. An existing underground pass (shown in Figure 3) is located at this point that leads to Hohlt Park to the west. Mr. Ancone has contacted TXDOT for permission to privately make this an accessible passageway for people to safely have access to and from the park. The site plan also shows a retention pond to be placed on the east side of the lot. All drainage and detention would be reviewed during the commercial building permit process by Strand Associates for compliance. Lastly, the site consists of two reserve lots of the Scenic Estates Subdivision. Before any development permits are issued, a replat that combines the two lots into one must be approved by the Planning and Zoning Commission.

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 approximate 2.6-acre tract of land is located on the southeast corner of the Brookside Drive and North Park Street intersection, and to the east of Hohlt Park. The property consists of two vacant lots, a 1.925-acre lot on the corner of Brookside Drive and N. Park Street and the abutting lot to the east containing 0.6794-acres. The subject lots as well as the properties to the north along N. Park Street and adjacent to the east, are within a B-1, Local Commercial Mixed Residential District. The B-1 property located directly to the north, across Brookside Street, is developed as a Dollar General. As stated in the Zoning Ordinance, B-1 zoning district’s purpose is “to establish a medium density, mixed use district in order to provide convenient locations for neighborhood shopping and for affordable moderate density multifamily housing with easy access to transportation routes and neighborhood shopping.” To the west, across N. Park Street is zoned B-2, Commercial Research and Technology District and is developed as Hohlt Park, which hosts baseball tournaments and other events. Properties adjacent to the northeast are part of the Scenic Estates Subdivision and zoned R-1, Single-Family Residential District and developed as single-family units. Adjacent properties to the south are within an R-2, Mixed Residential District and are a Brenham Housing Authority duplex development.

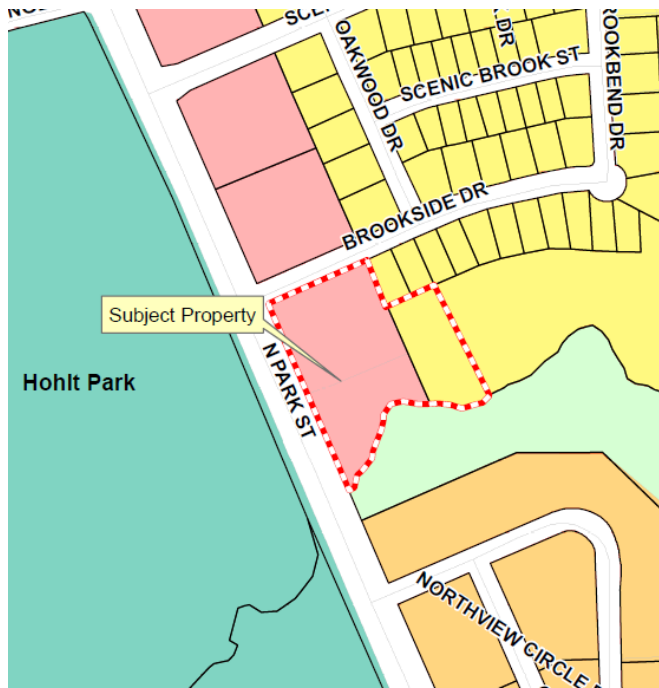
The applicant is proposing to develop the subject property with a food truck park to provide a singular location for up to 8 food trucks and to provide eating options for Brenham residents and those that frequent Hohlt Park. The proposed food truck site consists of pad sites for 8-food trucks,

picnic tables for seating, a restroom facility, a future 7,500 square foot retail or office location and 39 off-street parking spaces. The site is adjacent to the single-family developed Scenic Estates to the east. As such, a bufferyard of 20-feet in addition to the required setbacks is required. The bufferyard requires 20% of the area along the property line to be greenspace and a 6-foot screening fence or hedge at the property line. The site plan shows that the food truck pad sites will be placed nearest N. Park Street with the closest pad site being approximately 60-feet from the adjacent residential property. In addition, any lighting will be required to be downcast, and the noise ordinance would be in effect. Staff finds that with the bufferyard requirements, downcast lighting, and the location of the food truck pad sites, the proposed use as a Food Truck Park are aligned with the zoning ordinance and 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, as shown in Figure 4, may be appropriate for commercial uses. The B-1 District is a district that allows both residential and commercial uses. Residential uses permitted by right include single-family, duplex, and multifamily developments on sites of 2 acres or more. Commercial uses permitted by right include entertainment facilities, automobile part sales, bakeries, banks, churches, hotels, florist, retail stores, restaurants, and shopping centers less than 3 acres. Uses that are permitted to seek Specific Use Permit approval to include car washes, automobile service stations, private schools, and food truck parks. A specific use permit allows the use with the recommendation of the Planning and Zoning Commission and approval by the City Council.

Figure 4



The B-1 District is utilized for neighborhood commercial uses and to buffer residential uses from more intense commercial use. The subject property is along a major collector, N. Park Street and between Hohlt Park to the west and Scenic Estates Subdivision to the east. Due to a 100-year floodplain covering most of the subject property, the amount of land usable on this site to accommodate most commercial uses is limited. The proposed Food Truck Park, 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 policies 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 Brookside Drive and N. Park Street and will not require any extension of utility services.

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

The proposed SUP, if approved, will be reflected on the City of Brenham zoning map available for citizen viewing on the City of Brenham homepage.

- (5) The city's zoning process should be fair and equitable, giving all citizens adequate information and the opportunity to be heard prior to adoption of zoning amendments.

Property owners within 200 feet of the property were mailed notifications of this request on December 7, 2023. The Notice of Public Hearing was published in the Brenham Banner on December 7, 2023. At the time of this staff report, two written comments against the request have been received from Mr. & Mrs. Kweyn Emshoff and Rebecca Wisnieske & Tanner Skeenken (Exhibit F). Any additional 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 food truck site will be required to meet the development standards set forth in Section 18 of the Zoning Ordinance and will be required to adhere to minimum building setbacks, maximum impervious coverage requirements, landscaping, and buffer yard requirements. The applicant has submitted a site plan (Exhibit D) which depicts the proposed location of the food truck pad sites, parking, picnic seating, restroom facilities, dumpsters, and a retail structure. 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 has received two comments thus far from residents of the Scenic Estates neighborhood with concerns regarding increased traffic at the intersection of Brookside Drive and N. Park Street. Brookside Street is one of three access points into the Scenic Estates Subdivision with Scenic Drive to the north providing another access point to N. Park Street and Hickory Hollow Lane providing access to Old Masonic Road to the east. To help mitigate additional traffic to the food truck park that may arise from events at Hohlt Park, the applicant has proposed to improve the area under the creek bridge to provide pedestrian access to Hohlt Park. Given that the site is limited in use because of the 100-year floodplain, the adjacent zoning designations, existing development in the vicinity, and being consistent with the City's adopted Comprehensive Plan, the proposed food truck use may be appropriate at this location. If approved, the Food Truck Park would be required to adhere to FEMA drainage and building requirements for proximity to the floodplain, bufferyard and landscaping requirements, the building and fire code, and the applicable zoning regulations including those specified for food truck parks.

- (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 surrounding area of the subject property is a mixture of zoning districts and a variety of uses. The subject property and the properties to the north, along the N. Park Street right-of-way, are

located within a B-1 District, properties to the northeast are within an R-1 District, to the south is a R-2 District and to the west is within a B-2 District. The B-1 properties are developed as a Dollar General across Brookside Drive and further north at the intersection of Scenic Drive and N. Park Street is developed as Center Stage Dance Studio. The R-1 District to the northeast is developed as Scenic Estates, a single-family neighborhood and the R-2 District to the south is developed as a duplex development by the Brenham Housing Authority. The B-2 tract to the west is approximately 70-acres and is developed as Hohlt Park. The subject property is an approximate 2.6-acre tract with a substantial 100-year floodplain area that results in most of the south portion of the site to be undevelopable. The movability of food trucks appears to suggest that a food truck park is a good use of the subject property. The concerns for noise, traffic and proximity to the adjacent neighborhood do need consideration. With adequate bufferyards and attention to noise and light levels, the proposed food truck use may be suitable and compatible with 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 a food truck park may provide for an orderly and positive development of the community. Due to adjacent residential uses to the northeast, the proposed commercial use is required to provide an additional 20-feet of bufferyard from the east property line. 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 retention pond to the south of the closest residential properties. In addition, no food truck pad sites are shown within 60-feet of residential property. Staff does recommend reducing the proposed retail site to 5,000 square feet or less to ensure off-street parking availability is above the minimum standards. The proposed building setbacks, off-street parking, and landscaping will help mitigate negative effects that the food truck park 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 finds that there are potential traffic concerns for the location, however the proposed site plan shows sufficient off-street parking and the proposed pedestrian link to Hohlt Park would alleviate many of these concerns. The proposed development would be in accordance with the land use policies of Brenham's Comprehensive Plan. With the proposed site plan providing ample setbacks and the retention pond to be near the residential properties, the location, current development codes, and bufferyard standards in place, Staff finds that any destabilizing effects on the neighboring properties would be mitigated 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.

The subject site and surrounding area are characterized as mixed use with single-family residential neighborhoods, commercial and public use. Along N. Park Street is a variety of commercial uses to include retail, dance studios, office uses, and car repair businesses. Vacant commercial properties are located along N. Park Street. 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 a Food Truck Park use as provided in the application site plan, and written documents in a B-1, Local Business Mixed Residential Zoning District for the subject 2.6051-acre tract of land that is located on the southeast intersection of North Park Street and Brookside Drive, with the following conditions:

1. A screening fence or hedge of at least 6-feet in height shall be built along the east property line.
2. Lights are downcast and directed away from residential properties to the north and east.
3. Additional landscaping to be provided within the bufferyard area and along N. Park Street.
4. Limit the proposed retail building on-site to no more than 5,000 square feet in gross area.
5. The two lots that make up the site are replatted into one lot.

EXHIBITS:

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

EXHIBIT "A"
AERIAL MAP



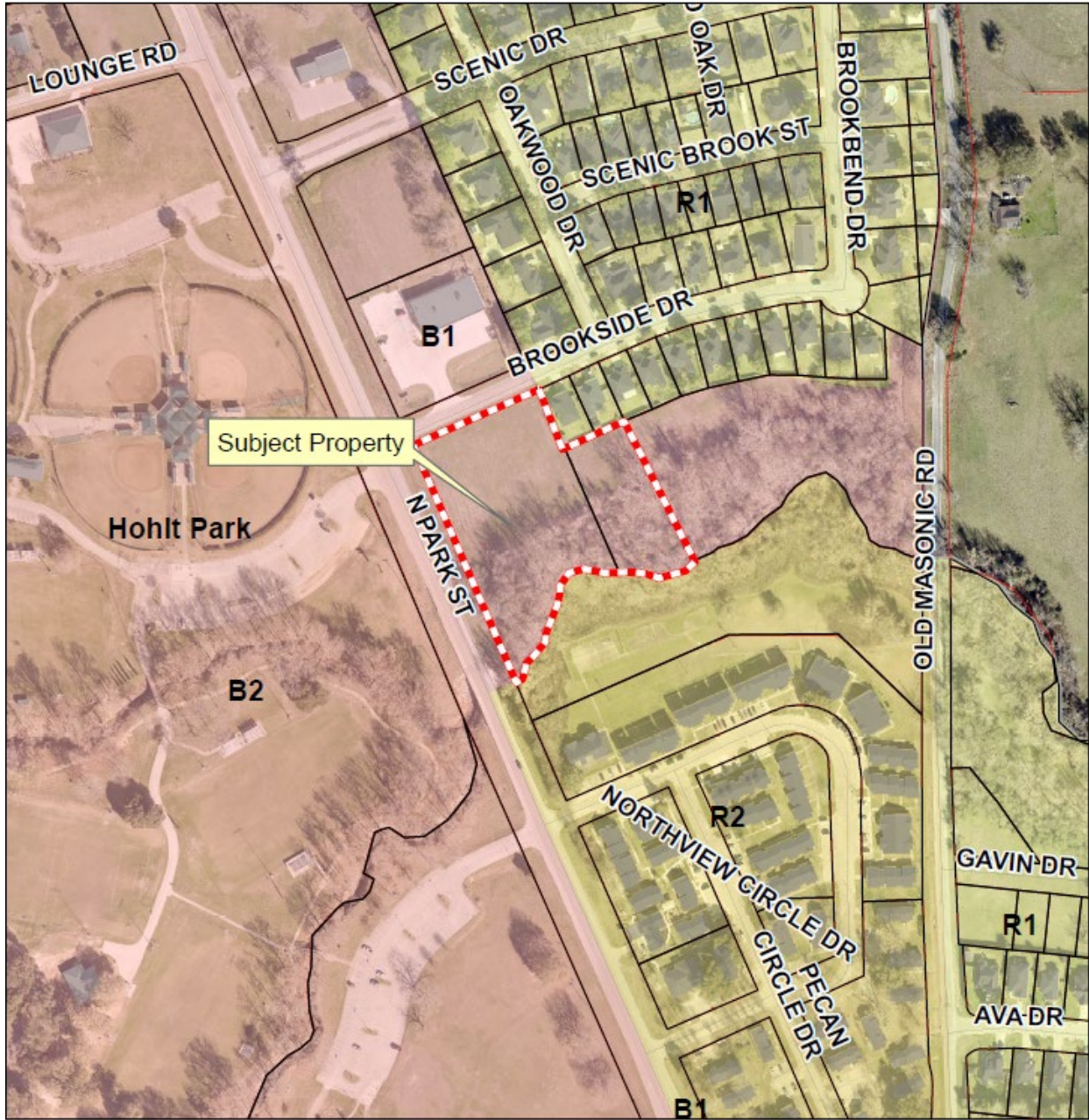
Zoning Map
Specific Use Permit
Food Truck Park
SE Corner of N. Park St & Brookside Dr.



1 inch = 250 feet



EXHIBIT "B"
ZONING MAP



Zoning Map
Specific Use Permit
Food Truck Park

SE Corner of N. Park St & Brookside Dr.

Legend

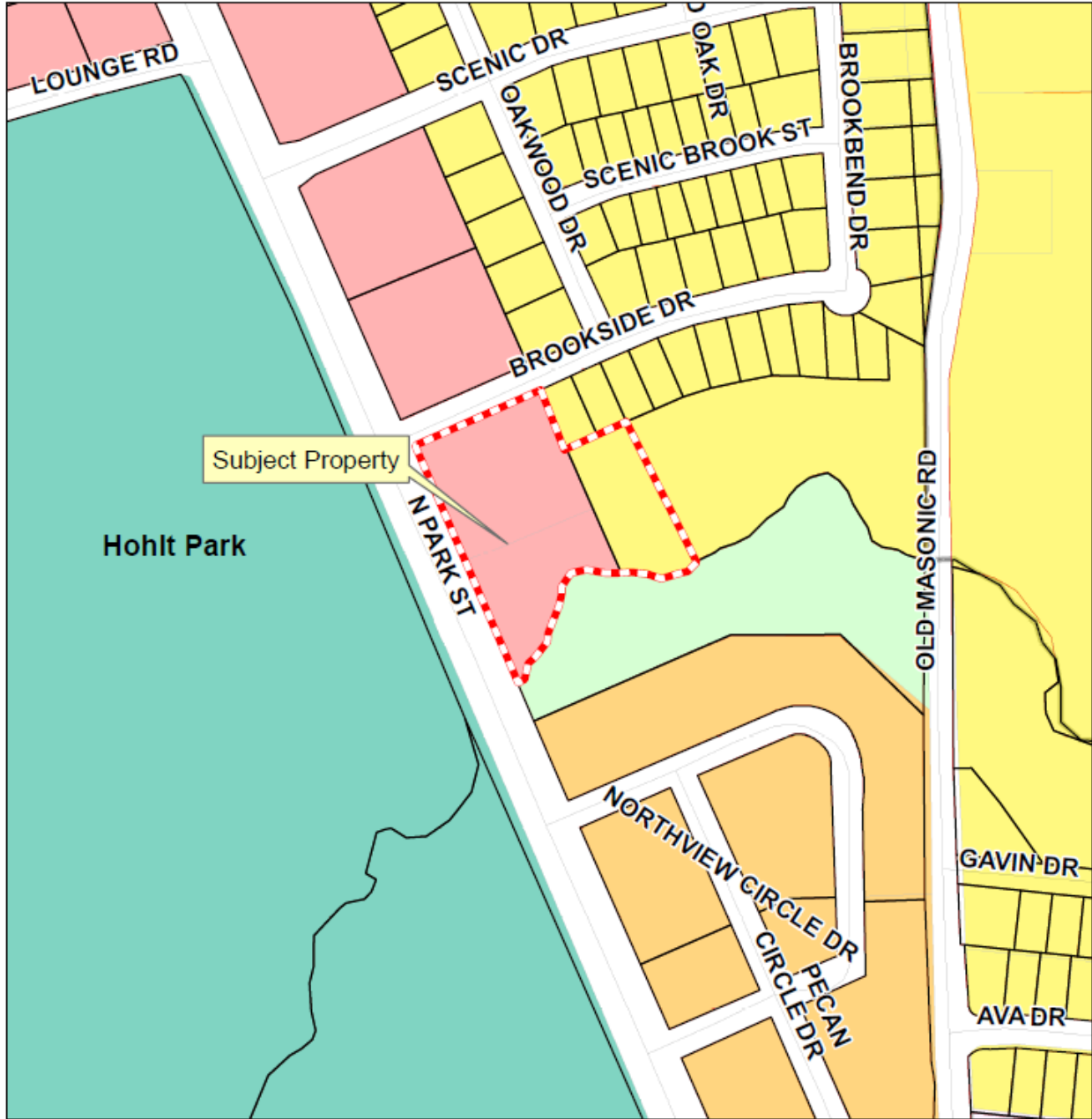
- B1 Local Business Mixed
- B2 Commercial Research and Technology
- R1 Residential Single Family
- R2 Mixed Residential



1 inch = 250 feet



**EXHIBIT "C"
FUTURE LAND USE MAP**



- Future Land Use Plan
FLU_FINAL**
- Open Space
 - Park
 - Single Family Residential
 - Multi-Family Residential
 - Local Public Facilities
 - Commercial

**Zoning Map
Specific Use Permit
Food Truck Park
SE Corner of N. Park St & Brookside Dr.**



1 inch = 250 feet



EXHIBIT "D"
COVER LETTER

Specific Use Permit Request

November 20, 2023

Dear Planning and Zoning Commission,

We are seeking a specific use permit for a food truck park. The location would be directly across from Hohlt park. Currently, there are very few eatery options available in the surrounding area and no food truck or food court options. Food trucks allow for a wide variety of options in one location. This would add convenience for people at the park and/or families attending sporting events. The goal is to make this very accessible via walking path or drive-in. We plan to incorporate picnic tables under the shade trees for everyone to enjoy their meal. Please see the site plan for layout details.

-Michael & Michelle Ancone

mgancone@gmail.com

979-277-4826

EXHIBIT "E"
PROPOSED SITE PLAN

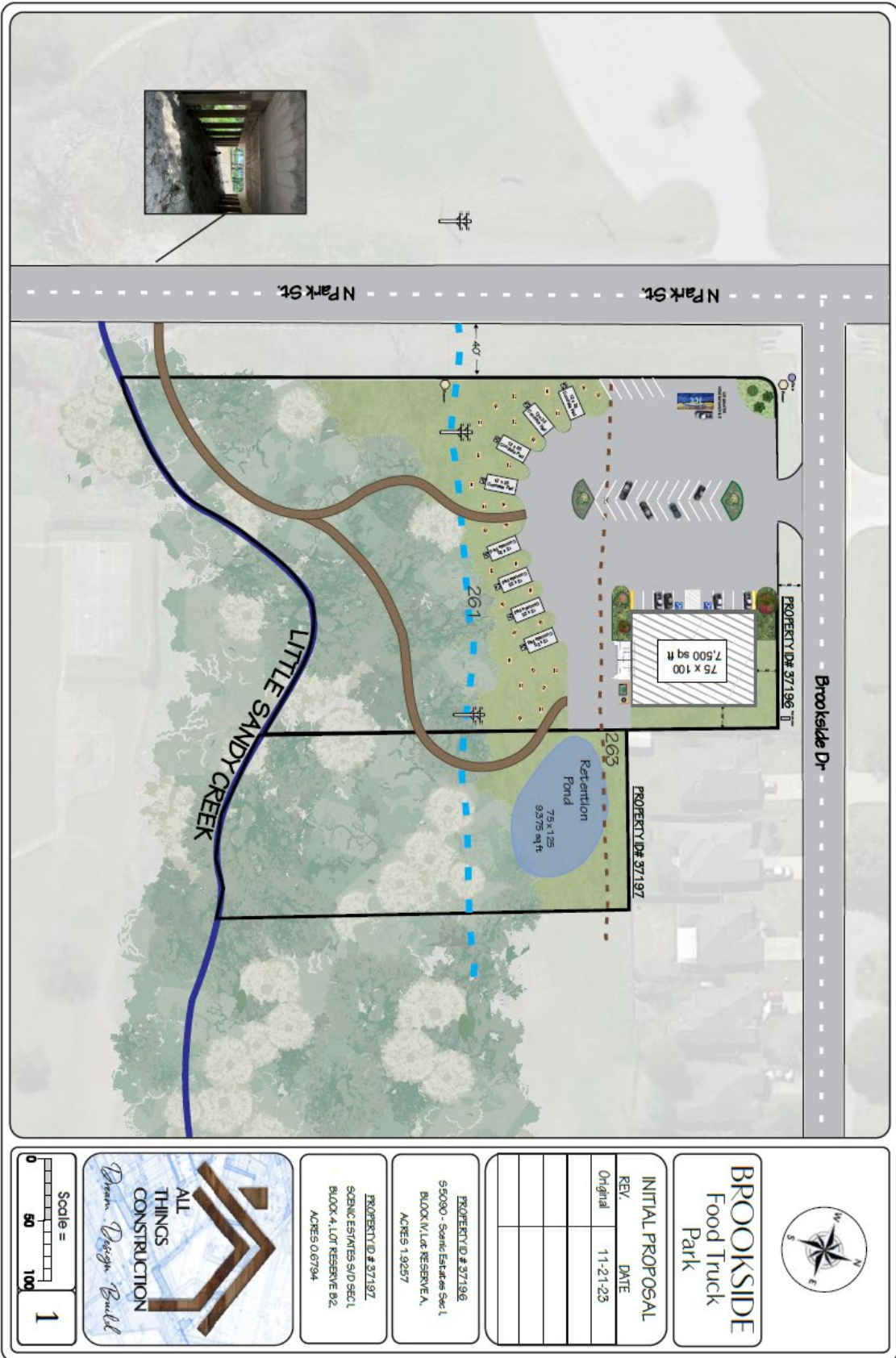


EXHIBIT "F"
PUBLIC COMMENTS RECEIVED

From: [Emshoff,Randi L](#)
To: [Kim.Hodde](#)
Subject: CASE P:23-043
Date: Wednesday, December 13, 2023 12:05:08 PM

12/13/2023

ATTN: Planning & Zoning Commission
City of Brenham
City Council Members
Development Services Department

My husband and I, Kweyn and Randi Emshoff are **AGAINST** the requested SPECIFIC USE PERMIT REQUEST for public notice for case **P&Z Case P-23-043**; Applicant/Owner- **Michael Ancone**.

We moved to Brookside Drive in Scenic Estates in 2009 and we have loved the quality of life we have built in Scenic Estates. The idea of a Food Truck Park is absolutely unappealing on every level. We live daily in a wonderful neighborhood and its precious to us, however we do NOT want or need added chaos to traffic that is already an issue for Scenic Estates.

We are constantly dealing with the morning & afternoon Brenham High School traffic, events at Hohlt Park, and a busy Dollar General Store.

On any given weekend there is a Soccer OR Softball Tournament of some sort at Hohlt Park and while we welcome the use of this beautiful park and its facilities, the traffic is rough getting in and out of Scenic Estates. It is simply not safe and it takes a lot of patience to deal with every day.

A Food Truck Park would add more fuel to the fire, thru traffic on Brookside Drive would only increase, again, safety is a concern. Nobody who lives in their beloved neighborhood would want this.

We personally do not want this for obvious privacy reasons alone.

Please, please, please do not allow for this permit to be approved or accepted. Surely there is another place for a Food Truck Park that would not interfere with this already congested area.

I truly Thank You for your consideration and pray the right decision will be made.

Kweyn and Rand Emshoff
306 Brookside Dr
Brenham, TX 77833

Randi Emshoff
Senior Branch Office Administrator

City of Brenham
Development Services Department



PUBLIC COMMENT FORM

All submitted forms will become a part of the public record.

Please return to:
City of Brenham
Attn: Development Services Dept., Case P-23-043
P.O. Box 1059
Brenham, Texas 77834-1059

Name: Rebecca Wisnieszke & Tanner Steenken
(please print)
Address: 204 Brookside Dr
Brenham, TX 77833
Signature: Rebecca Wisnieszke & Tanner Steenken
Date: 12/11/2023

I am FOR the requested SPECIFIC USE PERMIT REQUEST as explained on the attached public notice for P&Z Case P-23-043 (Please state reasons below)

I am AGAINST the requested SPECIFIC USE PERMIT REQUEST as explained on the attached public notice for P&Z Case P-23-043 (Please state reasons below)

Date, Location, & Time of Planning and Zoning Commission meeting:
Monday, December 18, 2023, 5:15 PM
City Council Chambers, 2nd Floor, City of Brenham City Hall
200 West Vulcan Street, Brenham, Texas 77833

Date, Location, & Time of City Council meeting:
Thursday, January 4, 2024, 1:00 PM
City Council Chambers, 2nd Floor, City of Brenham City Hall
200 West Vulcan Street, Brenham, Texas 77833

COMMENTS/REASONS:
May affect property value, privacy, & excessive noise, traffic in and out
of the subdivision

**EXHIBIT "G"
SITE PHOTOS**



From Dollar General parking lot



NE part of lot. Adjacent residential



Subject Property from N. Park Street



Potential pedestrian passage to Hohlt Park



South portion of property. Looking north.



Scenic Estates adjacent to the east.



Hohlt Park to the west.



CASE P-23-044

REPLAT: LOT 8 & 9, BLOCK 12 OF THE FOURTH ATLOW ADDITION

PLAT TITLE:	Replat of Lot 8 & 9, Block 12 of the Fourth Atlow Addition to Create Lot 8A.	CITY/ETJ: City Limits
PLAT TYPE:	Residential Replat	
OWNERS:	Jorga Schuhknecht	
APPLICANT/AGENT:	Owners / Blakey Surveying, LLC	
LOT AREA /LOCATION:	0.528-Acres / 395 and 407 Spinn Street	
PROPOSED LEGAL DESCRIPTION:	Lot 8A, Block 12 of the Fourth Atlow Addition in Brenham, Washington County, Texas	
ZONING DISTRICT:	R-1, Single-Family Residential	
EXISTING USE:	Vacant land	
COMP PLAN	Single-Family Residential	
FUTURE LAND USE:		

REQUEST: A request by Jorga Schuhknecht for approval of a residential Replat of Lots 8 & 9, Block Twelve of the Fourth Atlow Addition to create Lot 8A containing 0.528-acres currently addressed as 395 and 407 Spinn Street, and further described as part of the M.N. Combs Survey, A-124, in Brenham, Washington County, Texas.

BACKGROUND:
The subject property, currently identified as Lot 8 & 9 of the 4th Atlow Addition, is owned by Jorga Schuhknecht. The subject property is approximately 0.528-acres total and generally located north of Tison Street and on the west side of Spinn Street. The property is currently vacant land. The property owner would like to replat the two existing lots into one lot, Lot 8A, for future single-family residential development. The plat dedicates a 15-foot public utility easement along Spinn Street.

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

- EXHIBITS:**
- A. Proposed residential Replat

From: [Ken Weiss](#)
To: [Kim Hodde](#)
Subject: Comments on Case P-23-044
Date: Thursday, December 14, 2023 3:57:22 PM

Hi Kim,

We received a letter in regard to Replatting the two lots across the street from us. We're not for it or against it at this time but did want to offer the comment that there is a very high volume of water that comes through that lot when it rains very hard. All the water from the subdivision above comes through it and then on to the storm drain at the corner of Spinn and in the cul-de-sac. This is directly across from us. Over the years there have been some significant water backups there as the storm drain is not large enough to handle the volume. This has resulted in the house at 400 Spinn Street being flooded at times.

The city has done improvements to the drainage over the years but we are concerned about a retaining wall that has been erected on the property adjacent to 503 Spinn. It looks as though that wall will simply back up the water flow onto 503 Spinn and even possibly cause spillover across the street onto our property. We're not sure that the property owners have put enough thought or planning into correctly handling the situation.

We just want to make sure that adequate planning is being done to prevent worsening of the flooding that can occur at times. The lot proposed for 407 Spinn is very low in the center - much lower than street level - and it seems there needs to be some real planning about how to handle that situation so a house can be built there and not impact the neighbors with water runoff.

Thanks!

Peace,
Ken Weiss