

**CITY OF BRENHAM
PLANNING AND ZONING COMMISSION MINUTES
May 20, 2024**

The meeting minutes herein are a summarization of meeting procedures, not a verbatim transcription.

A regular meeting of the Brenham Planning and Zoning Commission was held on May 20, 2024, at 5:15 pm in the Brenham Municipal Building, City Council Chambers, at 200 West Vulcan Street, Brenham, Texas.

Commissioners present:

Deanna Alfred, Vice Chair
Chris Cangelosi
Darren Heine
Calvin Kossie
Cyndee Smith

Commissioners absent:

M. Keith Behrens, Chair
Cayte Neil

Staff present:

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

Citizens/Media present:

Sherry Harber	Larry Lazare
Bryan Best	Alfredo (last name not legible)
Nathan Touchette	Aliyah Woodberry
Ann McCulloch	Alencia Woodberry
Adam Griffin / 30 K Holdings, LLC	Arlen Thielemann
Brad Trochta	Darren Huckert
Donald Hunter	Sarah Forsythe, Brenham Banner Press
Alicia Lazare	

1. Call Meeting to Order

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

2. Public Comments

There were no public comments.

3. Reports and Announcements

Stephanie Doland stated the following:

- Thank you to all the Planning and Zoning Commissioners for taking the time to attend the Board training session last week.

- Due to some scheduling conflicts and in anticipation of the number of plats to be considered, Staff is suggesting that the June meeting be moved up a week to June 17, 2024, to allow ample time to get the plats signed and recorded at the Courthouse. All P & Z members in attendance confirmed that June 17th would work for them.
- Ms. Doland is working on a memo regarding the Impact Fee policy. Ms. Doland will email the memorandum/policy to the CIAC members within the next few weeks for review and comments.

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 March 25, 2024, Planning and Zoning Commission Meeting.

4-b. Minutes from April 22, 2024, Planning and Zoning Commission Meeting.

Vice Chair Alfred called for a motion for the statutory consent agenda. A motion was made by Commissioner Cangelosi and seconded by Commissioner Kossie to approve the Statutory Consent Agenda (Items 4-a & 4-b), as presented. The motion carried unanimously.

REGULAR SESSION

5. **Public Hearing, Discussion and Possible Action on Case No. P-24-005: A request by Adam Griffin of 30K Holdings, LLC for a Specific Use Permit to allow and Automobile (Car) Service Station (convenience store with gas pumps) in a B-1, Local Business Residential Mixed Use Zoning District on property addressed as 804 E. Blue Bell Road, and being 1.106-acres described as Arrabella Harrington Survey, Track 64, in Brenham, Washington County, Texas.**

A motion was made by Commissioner Smith and seconded by Heine to move the item from the table and into the regular session for consideration.

Shauna Laauwe, City Planner, presented the staff report for Case No. P-24-005 (on file in the Development Services Department). Ms. Laauwe stated that the subject property is a 1.106-acre lot that is located at the southeast intersection of E. Blue Bell Road and Gay Hill Street and is addressed as 804 E. Blue Bell Road. The applicant / property owner is Adam Griffin of 30K Holdings, Inc. The subject property is zoned B-1, Local Business/Residential Mixed-Use District and the adjacent property to the east is developed as Wee Care For All Childcare Center. Properties to the west, across Gay Hill Street and to the south are within an R-2 Mixed Residential District and owned by the Brenham Housing Authority. The property to the north, across Blue Bell Road, is zoned B-1 to the northwest and B-2, Commercial, Research and Technology to the north and northeast. The uses to the north are primarily developed as institutional uses to include the Brenham High School and the Washington County Fairgrounds. The subject property is currently developed with a building that was constructed in 1981 and housed the former Terminix pest control. The Terminix building has been vacant for several years. The current land use is vacant, commercial property and the future land use designation is Commercial. The applicant is requesting approval of a Specific Use Permit to allow a proposed automobile (car) service station (convenience store with gas pumps) to be located within a B-1 Zoning District. Ms. Laauwe reiterated that this specific use permit request is just for the automobile service station as the convenience store is an allowed use by right. The zoning ordinance definition is as follows:

Automobile service station: Any building, structure or land used for sale of automobile fuel or motor oil, at retail direct to the customer, including the supplying of accessories, replacement parts and repair services essential to the normal operation of automobiles, but not including body or fender work, painting, or major motor repairs. Said facility may also provide for the sale of food products as an accessory use for the convenience of customers.

The applicant is proposing to demolish the existing structure and re-develop the site as a Zippy J's gas station (6 pumps/12 stations) and a 4,810 SF convenience store that will be operated daily with proposed hours of operation from 5:00 am to 11:00 pm or 12:00 midnight.

The request was discussed at the last Planning and Zoning Commission meeting (April 22, 2024) and was ultimately tabled over concerns of a convenience store that sells alcohol and tobacco being next to a childcare center and questions regarding whether the TABC ruling that alcohol cannot be sold within 300-feet of a school applied to the Wee Care for All Childcare Center.

It has since been determined that the TABC 300-foot rule only applies to a licensed public or private school. Wee Care for All is considered a licensed day care facility and not a school; therefore, the 300-foot rule would not apply. The Texas Local Government Code would allow a convenience store, with alcohol sales for off-premises consumption next to a childcare center.

Zippy J's, at its current location, holds a TABC license for a Wine & Beer Retailer's Off-Premises (BQ) license which is regulated by Chapter 26 of the Texas Alcoholic Beverage Code. Chapter 26 pertains to retailers that sell alcohol for off-premises consumption. Chapter 26 businesses are exempt from any distance requirements related to sales near daycare centers or childcare facilities.

The development will far exceed the setback requirements with the following proposed setbacks:

<u>SETBACKS</u>	<u>Canopy</u>	<u>C-Store</u>	
• Front yard:	78.8'	+200.0'	[25' required]
• West SY:	23.0'	43.0'	[15' required]
• East SY:	23.5'	5.0'	[0' required]
• Rear yard:	+200.0'	69.9'	[10' plus bufferyard for 30' required]
• 20' bufferyard along south property line.			
• 80% maximum lot coverage is allowed in the B-1 Zoning District. 70% lot coverage is proposed for this project.			
• The proposed landscaping is 30% and meets the landscape ordinance for site and parking.			
• <u>Required Parking:</u> 1 space/250 SF			
○ 4,810 SF / 250 = 19.24 or 19 spaces required 17 parking spaces (1 ADA) proposed along store plus 12 parking spaces at fuel pumps for a total of 29 spaces being provided.			
• The project would be required to meet all B-1 zoning, engineering, fire, and building codes.			

STAFF ANALYSIS

- The gas station and convenience store would redevelop a vacant commercial site.
- Approval of the SUP would allow the service station and convenience store to serve the surrounding residential properties to the south and west.
- The convenience store is appropriate given the zoning, existing development in the vicinity, and conformance with the Comprehensive Plan.

- The service station and store are subject to applicable B-1 development, fire code, building code, and engineering regulations.
- Screening is required between the commercial use and the adjacent residential properties.
- The applicant recently received approval from TxDOT for the existing E. Blue Bell Road driveway to remain.

No additional comments have been received since the last meeting.

Development Services staff have reviewed this Specific Use request for compliance with the City of Brenham's applicable regulations and ordinances and based on these findings, recommends **approval** of the request on the condition of obtaining a preliminary and final plat, as presented.

Vice Chair Alfred opened the public hearing at 5:30 p.m.

Larry Lazare, owner, and operator of the Wee Care For All Childcare Center located at 900 E. Blue Bell Road, stated that he is strongly against approval of this request. Mr. Lazare made the following comments and concerns:

- Even though the use is allowed, it doesn't mean that it is morally right to allow it.
- There are five (5) other convenience stores or gas stations on the street.
- There is no requirement for a fence or other barrier between the convenience store/gas station and the childcare center.
- The sale of these types of products (alcohol, tobacco, vape supplies, etc.) causes people to "hang-out" or just stay around the store. Some of these people may not be allowed to be close to children.
- The EHP (Environmental Health Perspectives) has provided a report on the effects of fossil fuels on the health of children. This includes gas, diesel, and particles that are released into the air. The daycare has children from 6-weeks to 12-years of age that play outside. The report shows that exposure to fossil fuels can cause health problems and slow a child's development.
- Mr. Lazare suggested that the applicant build an activity center or something to help the community, instead of the convenience store.
- Mr. Lazare stated that he has a petition with 340 signatures against a convenience store/gas station being located by a childcare center; however, staff have not seen the petition.

Brad Trochta, co-owner of the current Zippy J's store addressed several of the concerns as follows:

- The owners of Zippy J's run a top-notch facility and they pride themselves on the cleanliness and maintenance of their property.
- They pay their employees well to keep them. They have 50% of the original employees. The existing Zippy J's store has been open for approximately 4 years.
- Loitering is not allowed. If anyone is loitering, they have politely been asked to leave or the Brenham Police Department has been contacted.
- Less than 5% of their sales are from alcohol and less than 10% of the sales are from tobacco and cigarette sales.
- Zippy J's has lots of food service (equivalent to a small subway store).
- Mr. Trochta reiterated that a convenience store without fuel sales would be allowed by right and a specific use permit would not be required.
- In response to the fossil fuel comments, Mr. Trochta stated that all patrons are required to turn their vehicles off when fueling or using the store. No vehicle idling is allowed.
- Mr. Trochta does not feel that this project would be an adverse use or have a negative impact on the surrounding area. The development would be an improvement of a vacant building.

Aliyah Woodberry who lives at 1013 Davy Street and is the Director of the Wee Care for All Childcare facility stated that she is also a parent and an educator. Ms. Woodberry made the following comments:

- The American Academy of Pediatrics has shown that exposure to advertisement of tobacco products can encourage tobacco use at an early age. The kids at the daycare are impressionable, young, black, and brown children that mostly come from low-income families.
- Zippy J's keeps the property clean right now, but will this be maintained?
- Underground fuel can cause issues with the water and ground due to leaks.

Adam Griffin, applicant, and co-owner of the existing Zippy J's store made the following comments:

- Advertisement of alcohol or tobacco products will NOT be done as this was outlawed years ago.
- Zippy J's also does not "price-advertise".
- Fuel tank monitoring is controlled by the State (Texas Commission on Environmental Quality-TCEQ) to ensure that the public is kept safe.
- In 2019, it was discovered that Terminix had chemicals that leached into the ground. The current owner of the property spent \$60,000 - \$70,000 on remediation within the past 12 months.
- Everyone was invited to take a tour of the existing Zippy J's convenience store to verify the cleanliness of the property.
- Zippy J's provides healthy food options as well.
- They have over 20 stores in East Texas. They continually reinvest in them to keep the property maintained and looking nice.
- In response to Commissioner Kossie's question as to whether a traffic study had been done, Mr. Griffin replied that they looked at numbers, but an official traffic study has not been done.

Ms. Laauwe clarified that the City of Brenham does not require a traffic impact analysis. She further stated that the Planning and Zoning Commission is only charged with making a recommendation to the City Council regarding the request. The SUP request is scheduled to be considered by the City Council at their June 6th meeting.

Vice Chair Alfred closed the public hearing and re-opened the regular session at 5:50 pm.

Commissioner Kossie made the following comments:

- Mr. Kossie thanked staff for reviewing his questions as they were asked at the previous meeting. He further stated that very few of the questions (as reflected in the minutes) have been answered as of today. Questions pertained to the number of schools in the State of Texas that were within such short (similar) proximity to alcohol and tobacco sales.
- The Brenham Housing Authority is under construction right now so there aren't a lot of people living in the new development currently.
- The Brenham Pregnancy Center may be affected as well.

Commissioner Heine and Commissioner Cangelosi expressed concerns about the existing traffic in the area plus additional traffic with this development. Commissioner Heine further stated that the City of Brenham needs to up the standards/requirements for daycares and include them in the 300' requirement. It needs to be clarified whether the 300' requirement is from property line to property line or door to door.

In response to questions from Commissioners, the following items were stated or clarified:

- Whether there are 5 children at the daycare of 150 children doesn't affect the requirements. The TABC requires it to be a licensed public or private school.
- Chapter 25 of the TABC relates to Wine & Malt Beverage Retailers Permits (i.e. Specs)
- Chapter 28 relates to Mixed Beverage Permits (i.e. restaurant or bar)
- Chapter 32 relates to Private Club Permits

- Chapter 69 relates to Retailer's On-Premises Permits (bar or restaurant i.e. Chili's or Tootsies)

Commissioner Kossie stated that according to his research, you can only leave a school property and drive onto a convenience store in only 2.2% of the schools in Texas.

Commissioner Smith asked if conditions could be added to Specific Use Permits. Ms. Laauwe replied that conditions could be added. Ms. Smith also reiterated that the harmful chemicals from Terminix were in the ground from at least 2019 but the neighboring properties were unaware. She suggested adding a condition that a screening barrier be required on the property line between the convenience store and the daycare center.

Stephanie Doland stated that the site circulation has been evaluated by the project engineer and TxDOT. The site has been approved based on the preliminary site plan. The building is set back as far as possible on the property. Commissioner Smith stated that TxDOT approval is tough to get so if they approved it, she must trust their judgment.

A motion was made by Commissioner Heine and seconded by Commissioner Kossie for a recommendation to City Council for **denial** of the request by Adam Griffin of 30K Holdings, LLC for a Specific Use Permit to allow and Automobile (Car) Service Station (convenience store with gas pumps) in a B-1 Zoning District on property addressed as 804 E. Blue Bell Road, as presented. The motion failed by a vote of 2-in favor and 3-against a recommendation for denial of the request.

A second motion was made by Commissioner Smith and seconded by Commissioner Cangelosi for a recommendation to City Council for **approval** of the request by Adam Griffin of 30K Holdings, LLC for a Specific Use Permit to allow and Automobile (Car) Service Station (convenience store with gas pumps) in a B-1 Zoning District on property addressed as 804 E. Blue Bell Road, with the following condition: Addition of a 10-foot screening fence at the east property line between the convenience store and the Wee Care for All Child Care Center. The motion was approved by a vote of 3-in favor and 2-against a recommendation for approval of the request.

There was discussion that four (4) consenting votes were needed for approval. Commissioner Heine asked if the item could be considered by City Council without a recommendation from the Planning and Zoning Commission. Ms. Doland and City Secretary, Jeana Bellinger, left the room to consult with the City Attorney regarding these questions.

A motion was made by Commissioner Kossie and seconded by Commissioner Heine to **table the item until the end of the meeting** so that additional information can be obtained from the City Attorney. The motion carried unanimously.

[See additional information and consideration for this item after Item 9 in these minutes].

6. Public Hearing, Discussion and Possible Action on Case No. P-24-006: A request by Habitat for Humanity/Nathan Touchette for approval of a Replat of the residue of Lot 11 of the Randle's 2nd Addition to create Lot N PT 11-A containing 4,333 square feet and Lot N PT 11-B containing 4,333 square feet, currently addressed as 708 Cottonwood 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-24-006 (on file in the Development Services Department). Ms. Laauwe stated that the property owner is Habitat for Humanity and applicant is Nathan Touchette. The property is currently identified as Lot N PT 11-A and Lot N PT 11-B (residue of Lot 11) of the Randle's 2nd Addition (which is an unrecorded plat) and is zoned R-1, Single Family

Residential Use District. The subject property is an approximate 8,666 square foot vacant lot addressed as 908 Cottonwood Street and is a through street with frontage along both Cottonwood Street and Hosea Street, with Riggs Street to the north and Liberty Street to the south. The property owner would like to replat this one lot into two lots for future single-family residential development. Subdivision of this lot into two lots would not meet the zoning regulations for lots in an R-1, Single-Family Residential district; therefore, the proposed lots were granted the following variances:

- to allow lot areas of 4,222 square feet and 4,268 square feet where a minimum lot size of 7,000 square feet is required for residential lots; and
- to allow a lot width of 45-feet where a minimum lot width of 60-feet is required for residential lots; and
- to allow an average lot depth of 93-feet and 95-feet, where a minimum average lot depth of 115-feet is required for residential lots.

This plat also dedicates a 10-foot public utility easement along Cottonwood Street and Hosea Street. Habitat for Humanity has a house floorplan that will fit within the required setbacks.

A Public Hearing Notice was published in the Banner Press on May 5, 2024, and notices were mailed to property owners within 200-feet of the subject properties on May 3, 2024. Staff did not receive any written citizen comments in support of or in opposition to 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 recommend **approval**.

Vice Chair Alfred closed the regular session and opened the public hearing at 6:20 pm. There were no other citizen comments.

Vice Chair Alfred closed the public hearing and re-opened the regular session at 6:21 pm.

A motion was made by Commissioner Heine and seconded by Commissioner Kossie to **approve** the request by Habitat for Humanity/Nathan Touchette for approval of a Replat of the residue of Lot 11 of the Randle's 2nd Addition to create Lot N PT 11-A containing 4,333 square feet and Lot N PT 11-B containing 4,333 square feet, currently addressed as 708 Cottonwood Drive, in Brenham, as presented. The motion carried unanimously.

7. Public Hearing, Discussion and Possible Action on Case No. P-24-007: A request by Mischa L. Enos for approval of a Replat of Lots 36A and 37A of the West Main Addition to create Lot 36A-1 containing 0.6196-acres and Lot 37A-1 containing 0.5169-acres for a total of 1.136-acres, currently addressed as 503 W. Alamo Street, 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-24-007 (on file in the Development Services Department). Ms. Laauwe stated that the property owner and applicant is Mischa L. Enos. The property is currently identified as Lot 36A Lot 37A of the West Main Addition and is zoned R-2, Mixed Residential Use District. The subject property is approximately 1.136-acres that is addressed as 503 W. Alamo Street and is a through street with frontage along W. Alamo Street to the north and Peabody Street to the south. The lot is located approximately 106 feet to the west of Seward Street and 338 feet east of S. Jackson Street. The property is currently developed with a single-family residence, a carriage house (accessory dwelling unit), and a pool. Since this is a very large lot, the property owner would like to replat this one lot into two lots to sell the northern portion (proposed lot 36A-1) of the property (with the existing single-family residence). The existing carriage house (ADU) and pool would be located on the southern

lot (proposed lot 37A-1). The property owner has architectural plans to expand the carriage house into a single-family residence. The proposed lots meet the 115 feet lot depth requirement and far exceeds the 60-foot lot width requirement. This plat also dedicates a 15-foot public utility easement along W. Alamo Street and Peabody Street.

A Public Hearing Notice was published in the Banner Press on May 5, 2024, and notices were mailed to property owners within 200-feet of the subject properties on May 3, 2024. Staff received four (4) written citizen comments in support of the replat request, as follows:

- Suzanne Callaway, 501 Peabody Street
- Cheryl Dutil, 501 W. Main Street
- Sean Phillips, 410 W. Alamo Street
- Lorie A. Woodward, W. Alamo Street

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

Vice Chair Alfred closed the regular session and opened the public hearing at 6:23 pm. There were no citizen comments.

Vice Chair Alfred closed the public hearing and re-opened the regular session at 6:24 pm.

A motion was made by Commissioner Smith and seconded by Commissioner Cangelosi to approve the request by Mischa L. Enos for approval of a Replat of Lots 36A and 37A of the West Main Addition to create Lot 36A-1 containing 0.6196-acres and Lot 37A-1 containing 0.5169-acres for a total of 1.136-acres, currently addressed as 503 W. Alamo Street, in Brenham, as presented. The motion carried unanimously.

8. Public Hearing, Discussion and Possible Action on Case No. P-24-008: A request by Presley Good (Garza EMC) / Arlen Thielemann for approval of a Replat of the unrestricted Reserve "B" of the Heritage Oaks Subdivision, Section 1 to create Heritage Oaks Subdivision, Section 2, containing 5.69-acres total and consisting of 15 Lots and 1 Block, and further described as part of the Isaac Lee Survey, A-77, in Brenham, Washington County, Texas.

Shauna Laauwe, City Planner, presented the staff report for Case No. P-24-008 (on file in the Development Services Department). Ms. Laauwe stated that the property owner is Arlen Thielemann and applicant is Presley Good (Garza EMC). The property is currently identified as Reserve "B" of the Heritage Oaks Subdivision, Section 1 and is zone R-1, Single Family Residential Use District. The subject property is an approximately 5.69-acre vacant lot that is generally located east of Cantey Street and north of Oak Hollow Lane. The property owner would like to replat the unrestricted reserve property into 15 lots for future single-family residential development. The plat dedicates a 55-foot right-of-way each for two proposed streets, Oak View Lane, and Pecan Crossing Court. In addition, this plat also dedicates a 10-foot public utility easement along Pecan Crossing Court and along the lot lines of Lot 1, as well as 20-foot public utility easements bordering the lot lines of Lot 11. The plat further dedicates a 20-foot drainage easement between proposed Lots 10 and 11. It was noted that the detention pond to the west is not part of this plat. It was platted as a regional detention pond as part of Heritage Oaks, Section 1.

A Public Hearing Notice was published in the Banner Press on May 5, 2024, and notices were mailed to property owners within 200-feet of the subject properties on May 3, 2024. Staff received one (1) written citizen comment in support of the replat request and two (2) written citizen comments in opposition to the replat request, as follows:

- Otto and Peggy Acker, 243 Oak Hollow Lane, in support of the replat request.
- Marilynnette Cox, recently relocated from Florida, against the replat request citing insufficient information regarding drainage concerns.
- Dianne Lovell, 6352 Wiedeville Church Road, against the replat request citing insufficient information regarding drainage concerns.

Engineering and Development Services staff have reviewed the proposed replat for compliance with the City of Brenham’s applicable regulations and ordinances and recommend **approval**. It was noted that although a public hearing is required, if the replat meets all regulations and ordinances, the Planning and Zoning Commission does not have the authority to deny the replat request.

In response to questions from the Planning and Zoning Commissioners, the following was stated or clarified:

- The minimum home size requirements will be established as part of the Homeowners Association documents, but they have not been finalized at this time. The home sizes will likely be 1,850 – 2,200 square feet.
- The existing flow drains to the east and west.
- Lots 3 and 11 have drainage easements to help funnel drainage to the pond.
- The City of Brenham reviews civil plans and plats in tandem. The City is charged with making sure that the Public Infrastructure and Design Manual requirements are met, including drainage and detention.
- The deed restrictions for Section 1 prohibit on-street parking overnight and this will be included in the deed restrictions for Section 2.

Vice Chair Alfred closed the regular session and opened the public hearing at 6:26 pm. There were no citizen comments.

Vice Chair Alfred closed the public hearing and re-opened the regular session at 6:27 pm.

A motion was made by Commissioner Kossie and seconded by Commissioner Heine to **approve** the request by Presley Good (Garza EMC) / Arlen Thielemann for approval of a Replat of the unrestricted Reserve “B” of the Heritage Oaks Subdivision, Section 1 to create Heritage Oaks Subdivision, Section 2, containing 5.69-acres total and consisting of 15 Lots and 1 Block, in Brenham, as presented. The motion carried unanimously.

9. Public Hearing, Discussion and Possible Action on Case No. P-24-009: A request by Jon Hodde, Hodde & Hodde Land Surveying, Inc. / Michael Ancone for approval of a Replat of Reserve “A”, Block IV, Scenic Estates Subdivision, Section 1 and Reserve “B2”, Block IV of the Replat of the Original Subdivision Plat, Reserve B, Block IV, Scenic Estates Subdivision, Section 1 to create Lot 1-R, containing 2.609-acres, 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-24-009 (on file in the Development Services Department). Ms. Laauwe stated that the property owner / Ancona LLC and the applicant is Jon Hodde / Hodde & Hodde Land Surveying, Inc. The property is currently identified as Reserve “A”, Block IV, Scenic Estates Subdivision, Section 1, and Reserve “B2”, Block IV of the Replat of the Original Subdivision Plat, Reserve “B”, Block IV, Scenic Estates, Section 1 and is approximately 2.609-acres of vacant land generally located on the east side of N. Park Street at the southeast corner of Brookside Drive. Dollar General is located to the north and Hohlt Park is to the west. The property is zoned B-1, Local Business Mixed Residential Use District. The property owner would like to replat the two existing lots into one lot (Lot 1-R) for development of a Food Truck Park with related parking and a commercial use building.

A specific use permit (SUP) to allow a Food Truck Park in a B-1 zoning district was approved earlier this year.

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

Vice Chair Alfred asked if there was anyone who wanted to comment regarding this request. There were no citizen comments.

A motion was made by Commissioner Cangelosi and seconded by Commissioner Smith to **approve** the request by Jon Hodde, Hodde & Hodde Land Surveying, Inc. / Michael Ancone for approval of a Replat of Reserve “A”, Block IV, Scenic Estates Subdivision, Section 1 and Reserve “B2”, Block IV of the Replat of the Original Subdivision Plat, Reserve B, Block IV, Scenic Estates Subdivision, Section 1 to create Lot 1-R, containing 2.609-acres, in Brenham, as presented. The motion carried unanimously.

At this point, the Planning and Zoning Commission took a recess at 6:35 pm until clarification could be obtained from the City Attorney regarding item number 5. The Board reconvened the regular session at 6:40 pm.

5. A motion was made by Commissioner Cangelosi and seconded by Commissioner Heine to remove this item (item number 5) from the table. The motion carried unanimously.

Ms. Doland stated that after talking with Luke Cochran, attorney for the City of Brenham, it was confirmed that the requirement for four (4) consenting votes only applies to the Zoning Board of Adjustment not the Planning and Zoning Commission. The earlier motion to **recommend approval** of the request with the additional screening condition that had a 3-2 vote is valid since three (3) consenting votes are a majority of the members in attendance. No further action is required by the Planning and Zoning Commission. Staff will prepare a memo for City Council that includes the motions, concerns of the public and the Board deliberations. The City Council will hold a public hearing then consider the request. Council may accept the recommendation of the Planning and Zoning Commission, or they may amend the recommendation.

10. Adjourn.

A motion was made by Commissioner Smith and seconded by Commissioner Kossie to adjourn the meeting at 6:44 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:

M. Keith Behrens
Planning and Zoning Commission

M. Keith Behrens
Chair

June 17, 2024
Meeting Date

Kim Hodde
Attest

Kim Hodde
Staff Secretary

June 17, 2024
Meeting Date