

**CITY OF BRENHAM
PLANNING AND ZONING COMMISSION MINUTES
August 26, 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 July 22, 2024, at 5:15 pm in the Brenham Municipal Building, City Council Chambers, at 200 West Vulcan Street, Brenham, Texas.

Commissioners present:

M. Keith Behrens, Chair
Deanna Alfred, Vice Chair
Chris Cangelosi
Darren Heine
Calvin Kossie
Cyndee Smith

Commissioners absent:

Cayte Neil

Staff present:

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

Citizens/Media present:

Donald W. Lampe	Holly Carlile
Chad Bolcerek	Walt Edmunds
Jake Carlile	DeeAnna Marek
Christine & Diomedes Antolin	Sarah Forsythe, Brenham Banner Press
Jaci & Rolando Arroyo	

1. Call Meeting to Order

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

2. Public Comments

There were no public comments.

3. Reports and Announcements

There were no reports or announcements.

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 July 22, 2024, Planning and Zoning Commission Meeting.**
- 4-b. **Case No. P-24-028: A request from H2 Investments, LLC / Leland Hartstack for approval of a Preliminary Plat of the H2 Division No. 1 creating Lot 1 containing 0.950-acre and Lot 2 containing 0.365-acre for a total of 1.315 acres of land being part of the P. H. Coe Survey, A-31 in Brenham, Washington County, Texas.**
- 4-c. **Case No. P-24-029: A request from H2 Investments, LLC / Leland Hartstack for approval of a Final Plat of the H2 Division No. 1 creating Lot 1 containing 0.950-acre and Lot 2 containing 0.365-acre for a total of 1.315 acres of land being part 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 Alfred and seconded by Commissioner Kossie 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 Number P-24-026: A request by Scott Bailey for approval of a Replat of Lot 3, Block 1, of the Sycamore Hill Subdivision to create Lot 3A containing 0.677-acre and Lot 3B containing 0.677-acre for a total of 1.354-acres, and further described as part of the Phillip Coe Survey, A-31, in Brenham, Washington County, Texas.**

Shauna Laauwe, City Planner, presented the staff report for Case No. P-24-026 (on file in the Development Services Department). Ms. Laauwe stated that the property owner and applicant is Scott Bailey. The property is a 1.354-acre tract currently identified as Lot 3, Block 1, of the Sycamore Hill Subdivision. The property is located at the terminus of Hidden Creek Lane and is zoned R-1, Single-Family Residential Use District. The subject property consists of a single-family home that was constructed in 2021 located on the north side of the tract with a driveway access onto Hidden Creek Lane. Mr. Bailey would like to subdivide the property into two lots and to sell the southern lot (proposed Lot 3B) for development of a single-family home.

On May 13, 2024, the Board of Adjustment granted a variance to allow a lot width of 27.5-feet at the property line (frontage) for both proposed lots (3A and 3B). The property is proposed to be split evenly with both lots having access to Hidden Creek Lane via an elongated driveway. Per the International Fire Code (IFC) Section 503.1.1(1.1) Building and facilities, since an IFC approved firetruck would not be provided, the new single-family structure on proposed Lot 3B would be required to have an automatic sprinkler system installed. The property owner and applicant have been made aware of this provision.

A Public Hearing Notice was published in the Banner Press on August 8, 2024, and notices were mailed to property owners within 200-feet of the subject properties on August 8, 2024. Staff did not receive any written comments regarding this 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**.

Chairman Behrens closed the regular session and opened the public hearing at 5:21 pm. There were no citizen comments.

Chairman Behrens closed the public hearing and re-opened the regular session at 5:22 pm.

A motion was made by Commissioner Cangelosi and seconded by Commissioner Smith to approve the request by Scott Bailey for approval of a Replat of Lot 3, Block 1, of the Sycamore Hill Subdivision to create Lot 3A Lot 3B, as presented. The motion carried unanimously.

6. Public Hearing, Discussion and Possible Action on Case Number P-24-027: A request by WEPROP, LLC / Walt Edmunds for approval of a Replat of Hughes Lot 3A and Lot 3C, Block 2 of the Key's First Addition, to create Hughes Lot 3AR containing 0.279-acre and Lot 3CR, Block 2 of the Key's First Addition containing 0.212-acre for a total of 0.491-acre, 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-24-027 (on file in the Development Services Department). Ms. Laauwe stated that the property owner and applicant is WEPROP, LLC / Walt Edmunds. The property is currently identified Lot 3C, Block 2 of the Keys First Addition and is zoned R-1, Single-Family Residential Use District. The subject property is approximately 8,487 square feet located at the northeast corner of the intersection of W. Third Street and S. Day Street. The property has a single-family home and an accessory structure that were constructed in 1930. The accessory structure was formerly used as an accessory dwelling (ADU) for many years. The existing accessory structure is located 1-foot from the rear setback. Mr. Edmunds has acquired a parcel of land (approximately 10' x 76.19') from the adjacent property owner to the north (the Hughes family) to give the proposed ADU a rear setback of 11-feet, which complies with the zoning, building and fire code requirements. On August 15, 2024, the Planning and Zoning Commission granted a specific use permit for approval to use the accessory structure as an accessory dwelling unit with the condition that the additional property, identified as a portion of Hughes Lot 3A, be replatted with Mr. Edmunds lot. This plat also dedicates a 20-foot public utility easement along W. Third Street with an existing 15-foot public utility easement shown along S. Day Street.

A Public Hearing Notice was published in the Banner Press on August 8, 2024, and notices were mailed to property owners within 200-feet of the subject properties on August 8, 2024. In addition to the applicant's comment of support, Staff received one written comment from Houshang Masudi 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 recommend **approval**.

Chairman Behrens closed the regular session and opened the public hearing at 5:24 pm. There were no citizen comments.

Chairman Behrens closed the public hearing and re-opened the regular session at 5:24 pm.

A motion was made by Commissioner Alfred and seconded by Commissioner Kossie to approve the request by WEPROP, LLC / Walt Edmunds for approval of a Replat of Hughes Lot 3A and Lot 3C, Block 2 of the Key's First Addition, to create Hughes Lot 3AR and Lot 3CR, Block 2 of the Key's First Addition, as presented. The motion carried unanimously.

7. Public Hearing, Discussion and Possible Action on Case Number P-24-030: A request by Jake Carlile_Arete Property Group / Ernest James Nunn, et al, for an Amendment to the City of Brenham's Official Zoning Map of the Code of Ordinances to change the zoning from a Single Family Residential Use District (R-1) to a Mixed Residential Use District (R-2) on the property

currently addressed as 1320 Burluson Street, and being further described as Tract 142 of the A. Harrington Survey, A-55, in Brenham, Washington County, Texas.

Shauna Laauwe, City Planner, presented the staff report for Case No. P-24-030 (on file in the Development Services Department). Ms. Laauwe stated that the subject property is addressed as 1320 Burluson Street. The property owner/applicant is Ernest James Nunn, et al and the applicant is Jake Carlile of Arete Property Group. The current land use is vacant land with a barn (agricultural use), and the future land use designation is Estate Residential, identified as residential lots of 1-acre or greater. The current zoning is R-1, Single-Family Residential Use District. The request is to change the zoning classification from R-1, Single-Family Residential to R-2, Mixed Residential Use District. The subject property is surrounded by various zoning districts as follows:

Industrial to the south (Sealy Mattress)

P-1, Planned Development District (Liberty Village) to the northwest

R-1, Single Family (Woodbridge SD) to west

B-1, Local Business /Residential Mixed-Use District to the south and east

R-2, Mixed Residential Use District allows for single-family and multi-family developments, including duplexes, twin homes, zero lot line homes, and townhomes. Apartments would only be allowed with an approved specific use permit.

Staff Analysis

- The R-2 Zoning District would be a more appropriate step-down in zoning from the adjacent Industrial zoning.
- The subject property and the (4) R-1 lots to the north were rezoned from Industrial to R-1 in 2014. At that time, City Council considered either R-1 or R-2 Zoning. The Woodbridge Subdivision to the west was approved in 2007.
- Burluson Street is on the Capital Improvements Project priority list, and it is estimated to be approved between 2028-2030.
- The rezoning took place prior to adoption of the Landscape and Bufferyard Ordinance that was adopted in 2019.
- The bufferyard for Light Industrial to Single-Family is 75-feet plus the standard setback. The bufferyard for Multi-family (duplex or townhomes) is 25-feet; therefore, it would be difficult to accommodate more than (1) single-family home due to the required setbacks and bufferyards.
- Whoever builds second is responsible for providing the bufferyards. If Sealy Mattress had been developed after adoption, the Industrial Use would have been responsible for the buffer.

A Public Hearing Notice was published in the Banner Press on August 15, 2024, and notices were mailed to property owners within 200-feet of the subject properties on August 13, 2024. Staff received one phone call and two written comments from Jaci and Rolando Arroyo, and Paul Capeheart against the request with concerns about motorist safety due to foliage and excessive speed, increased traffic on Burluson Road, home values, and what economic demographic is targeted with this development.

Development Services staff have reviewed this Zone Change request for compliance with the City of Brenham's applicable regulations and ordinances and based on these findings, recommends **approval** of the request as presented.

Chairman Behrens closed the regular session and opened the public hearing at 5:41 pm. Christine Antolin stated that she and her husband Diomedes have lived at 1303 Burluson Street since 2019 and the area

has changed significantly since Liberty Village was developed. She stated that Burleson Street is narrow and traffic has increased making this area risk prone. She further stated that they are concerned about increased noise from multi-family homes, and whether their property values will be negatively impacted. Ms. Antolin further stated that she and her husband are against low -cost housing going in at this location.

Rolando Arroyo, who lives at 1301 Burleson Street, stated that he doesn't want the 6-acres to be used to cram a lot of families in since each family will have approximately 3-4 vehicles and Burleson Street is already heavily travelled. Mr. Arroyo also stated that there is a blind spot for motorists, especially when the Johnson grass gets high. He also stated that Burleson Street doesn't allow for on-street parking.

Chad Bolcerek stated that he and Jake Carlile are partners in Arete Property Group. He stated that he understands all of the concerns that were mentioned. He stated that he and Jake were born and raised in Brenham and have a vested interest in the community. He further stated that they are not even considering low-cost housing for this project. He stated that they are proposing a townhome development to meet the need of housing that younger people can afford and to accommodate people who do not want to have to maintain a large yard. In response to the stated concerns, Mr. Bolcerek and Mr. Carlile clarified the following:

- The proposed development will create a step-down in zoning between the existing industrial zoning and the single-family residential zoning.
- The homes will be nice, affordable housing but not low-income housing.
- The property values in the area will likely increase not decrease.
- The townhome development will have alley access with garages in the rear.
- The development will have a Homeowners Association (HOA) established.
- The development will provide some kinds of amenities such as a duck pond, pickleball court or some kind of amenity.
- They have proposed 3-points of ingress/egress (two on Burleson Street and one on Rink Street) so this should alleviate the need for everyone to access via Burleson Street.
- The estimated price-point for the homes is \$250,000.
- Detention and common areas will be provided.
- The adjacent 6-acres is for sale and they may try to acquire for future development.
- No multifamily will be developed, only single-family residential townhomes.
- They are still working on a site layout but likely will be proposing 1,200 – 1,500 square foot, 3/2 and 2/2 homes with a single or double car garage.

Commissioner Cyndee Smith stated that she has seen their work and they have a good product. She also likes locating the garages in the rear of the homes.

In response to questions from Jayci Arroyo, Mr. Carlile stated that the project would likely start mid-2025 and take approximately 18-24 months to complete. He further stated that once this project is developed, the site will be an improvement from its current state. There were no other citizen comments.

Chairman Behrens closed the public hearing and re-opened the regular session at 6:07 pm.

A motion was made by Chairman Behrens and seconded by Commissioner Cangelosi to recommend approval to City Council of the request by Jake Carlile_Arete Property Group / Ernest James Nunn, et al, to change the zoning from a Single-Family Residential Use District (R-1) to a Mixed Residential Use District (R-2) on the property currently addressed as 1320 Burleson Street, as presented. The motion carried unanimously.

The City Council will consider this request at their meeting on September 5, 2024.

8. **Public Hearing, Discussion and Possible Action on Case Number P-24-031: A City Initiated request for Text Amendments to the City of Brenham’s Code of Ordinances:**

- **Appendix A: Zoning, Part II, Division 1, Section 10.02(1) regarding the placement of detached accessory structures for corner lots; and**
- **Appendix A: Zoning, Part II, Division 1, Section 10.02(4)(A) regarding the requirement for the property owner’s primary residence to be in either the single-family dwelling or the ADU; and**
- **Chapter 23: Subdivisions, Article III, Section 23-17 to allow alleys in townhome developments to facilitate the design of garages and parking to the rear of the lots.**

Shauna Laauwe, City Planner, presented the staff report for Case No. P-24-031 (on file in the Development Services Department). Ms. Laauwe stated that during the past year several items/issues/requests regarding Appendix A: Zoning, Part II, Division 1, Section 10: Accessory uses and structures, and Chapter 23: Subdivision, Article III, Section 23-17 related to alleyways, have been identified that staff feels needs to be revised.

Section 10.02(1) – Accessory Structure Setbacks currently reads as follows:

- “All detached accessory structures in any residential district shall be located behind the closest point of the primary structure to the front property line and shall have a side and rear yard setback of not less than five (5) feet.”

There have been some issues with corner lots such that the accessory structure is then located in front of the adjacent property’s primary structure. Therefore, staff proposes the section be revised to add the italicized sentence below:

- “All detached accessory structures in any residential district shall be located behind the closest point of the primary structure to the front property line. ***For corner lots, accessory structures shall also be located behind the closest point of the adjacent primary structure’s front property line.*** Accessory structures shall have a side and rear yard setback of not less than five (5) feet.”

Section 10.02(4)(a) – Accessory Dwelling Unit Standards currently reads as follows:

- “Should the primary use be a single-family dwelling, the property owner’s primary residence shall be the single-family dwelling or ADU.”

ADU’s are allowed by right in the R-2 and B-1 Zoning District and with an approved Specific Use Permit in the R-1 Zoning District with additional development standards (Section 10.02(4)(a-f). Staff has had multiple requests to use both the primary residence and the ADU as rental properties. Staff is proposing to keep the requirement as is for the R-1, Single Family Residential Zoning District but to remove the requirement for the R-2 and B-1 Zoning Districts. Therefore, the revised section 10.02(4)(a) would read as follows:

- “Should the primary use be a single-family dwelling ***in a R-1 District***, the property owner’s primary residence shall be the single-family dwelling or ADU.”

Chapter 23, Subdivisions, Section 23-17 Alleys currently reads as follows:

- “Alleys are prohibited in new subdivisions.”

According to Chapter 23 of the Code of Ordinances, alleys are prohibited in new subdivisions. Staff has found that allowing alleyways in townhome developments help to facilitate the design of the garages and parking to the rear of the lot. This also helps with utility placements and aesthetics. Therefore, the revised Section 23-17 Alleys would read as follows:

- “Alleys are ***encouraged in townhome developments to facilitate the design of garages and parking to the rear of lots.***”

Development Services staff recommends **approval** of these text amendments, as presented.

Commissioner Heine asked if the City has considered lessening the setback requirements to encourage the alleys since it would make for a nicer place to be and give them more rear yards. Mr. Heine suggested looking at the Mueller Development in Austin. Stephanie Doland responded that this might require an additional zoning district (R-4?) to accommodate reduced setbacks, smaller lot sizes, reduced right-of-way width, and alley access or a Planned Development District for these types of developments since they are specific to a certain tract and development.

Chairman Behrens closed the regular session and opened the public hearing at 6:25 pm. There were no citizen comments.

Chairman Behrens closed the public hearing and re-opened the regular session at 6:25 pm.

A motion was made by Commissioner Kossie and seconded by Commissioner Heine to recommend approval to City Council of the City Initiated request for Text Amendments to the City of Brenham’s Code of Ordinances, Appendix A: Zoning, Part II, Division 1, Section 10.02(1), Zoning, Part II, Division 1, Section 10.02(4)(A), and Chapter 23: Subdivision, Article III, Section 23-17, as presented. The motion carried unanimously.

The City Council will consider this request at their meeting on September 19, 2024.

9. Adjourn.

A motion was made by Commissioner Smith and seconded by Commissioner Cangelosi to adjourn the meeting at 6:25 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

Kim Hodde
Attest

M. Keith Behrens
Chair

Kim Hodde
Staff Secretary

September 23, 2024
Meeting Date

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