

**CITY OF BRENHAM
PLANNING AND ZONING COMMISSION MINUTES
September 23, 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 September 23, 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
Cayte Neil
Cyndee Smith

Commissioners absent:

Calvin Kossie

Staff present:

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

Citizens/Media present:

Garrett Salmans	Debbie Rothermel
Ronda Kilburn	Teresa Alexander
Beth Gilstrap	Donald Rothermel
Tina Heritage	

1. Call Meeting to Order

Chairman Behrens called the meeting to order at 5:15 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 August 26, 2024, Planning and Zoning Commission Meeting.**
- 4-b. **Case No. P-24-024: A request from Henna Allana/Mash of Bear Creek, LLC, for approval of a Preliminary Plat of the Oakridge Heights Subdivision creating Block 1, Lots 1-26 containing 3.196-acres and a common area containing 1.179-acres, for a total of 4.375-acres of land. being further described as part of the James Walker Survey, A-106 in Brenham, Washington County, Texas.**
- 4-c. **Case No. P-24-025: A request from Henna Allana/Mash of Bear Creek, LLC, for approval of a Final Plat of the Oakridge Heights Subdivision creating Block 1, Lots 1-26 containing 3.196-acres and a common area containing 1.179-acres, for a total of 4.375-acres of land. being further described as part of the James Walker Survey, A-106 in Brenham, Washington County, Texas.**
- 4-d. **Case No. P-24-035: A request from Natalie Jasinski / Raymond and Tina Heritage, for approval of a Preliminary Plat of the Jasinski Division creating Block 1, Lot 1 containing 1.00-acres and Lot 2 containing 3.989-acres, for a total of 4.989-acres, being further described as part of the Phillip Coe Survey, A-31 in Brenham, Washington County, Texas.**
- 4-e. **Case No. P-24-036: A request from Natalie Jasinski / Raymond and Tina Heritage, for approval of a Final Plat of the Jasinski Division creating Block 1, Lot 1 containing 1.00-acres and Lot 2 containing 3.989-acres, for a total of 4.989-acres, being further described as part of the Phillip 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 Neil and seconded by Commissioner Alfred to approve the Statutory Consent Agenda (Items 4-a to 4-e), as presented. The motion carried unanimously.

REGULAR SESSION

- 5. **Public Hearing, Discussion and Possible Action on Case Number P-24-033: A request by Janet Long for approval of a Replat of Lot 2 of the Pahmiyer Subdivision to create Lot 2A containing 15.319-acres and Lot 2B containing 1.126-acres for a total of 16.445-acres, being 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-24-033. Ms. Laauwe stated that the property owners and applicants are David and Janet Long (proposed Lot 2A) and Grace Lutheran Church (proposed Lot 2B) and the applicant/surveyor is Jon Hodde / Hodde & Hodde Land Surveying, Inc. The property is a 16.445-acre tract currently identified as Lot 2 of the Pahmiyer Subdivision and addressed as 1202 Shepard Street. The property is located north of Shepard Street at the west terminus of Shepard Street and is zoned R-1, Single-Family Residential Use District. The subject property consists of a single-family home and vacant land. Access to the subject property as well as Lot 1 of the Pahmiyer Subdivision is via a 15-foot access easement per the Plat recorded in Plat 710A of the Plat Records of Washington County, Texas. Proposed Lot 2B has been conveyed to Grace Lutheran Church and Ms. Long would like to subdivide the property for further development of the larger tract. This plat also dedicates a 20-foot public utility easement that adjoins the existing 10-foot utility easement. The existing Access Easement will remain in place to provide access to Lot 1 and the proposed Lot 2A and 2B.

A Public Hearing Notice was published in the Banner Press on September 5, 2024, and notices were mailed to property owners within 200-feet of the subject properties September 2024. One citizen comment was

received from Elizabeth and Christopher Gilstrap, who are against this request due to concerns about access to their property being impeded.

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 5:20 pm. Beth Gilstrap, who lives at 1300 Shepard Lane (Lot 1 of the Pahmiyer Subdivision) stated that she and her husband have concerns about this replat since the access easement is the only access to their home. She stated that there is a pending sale with Edin Inestroza for development of this tract. Ms. Gilstrap requested assurance that the access easement would remain. Staff responded that the access is and will continue to be part of the recorded plat, which is a legal document. Ms. Laauwe explained that if the tract were to be further subdivided, it would have to come back before the Planning and Zoning Commission and since it would be a residential replat, property owners within 200-feet would be notified again. There were no other comments.

Chairman Behrens closed the public hearing and re-opened the regular session at 5:27 pm.

A motion was made by Commissioner Smith and seconded by Commissioner Alfred to approve the request by Janet Long for approval of a Replat of Lot 2 of the Pahmiyer Subdivision to create Lot 2A and Lot 2B, as presented. The motion carried unanimously.

6. Public Hearing, Discussion and Possible Action on Case Number P-24-034: A request by Garrett Salmans and Ronda Kilburn regarding a recommendation to City Council for a variance request from Section 23-22(5)(a) [street frontage] of the Subdivision Ordinance of the Code of Ordinances for the property addressed as 1733 Burleson Street, and being further described 6.641-acres out of the A. Harrington Survey, A-55, in Brenham, Washington County, Texas.

Kim Hodde noted that the address listed on the agenda was inadvertently listed as 1320 instead of 1733 Burleson Street.

Shauna Laauwe, City Planner, presented the staff report for Case No. P-24-034. Ms. Laauwe stated that the property owners and applicants are Garrett Salmans and Rhonda Kilburn. The subject property, a 6.641-acre vacant tract located on the west east side of Burleson Street south of LeGrand Street and north of Autumn Rain, is addressed as 1733 Burleson Street and zoned R-1, Single-Family Residential. The subject property, as well as the two adjacent lots to the west addressed as 1727 Burleson Street and 1729 Burleson Street, do not have immediate and direct access to a public right-of-way (Burleson Street) or a private road but rather have access to Burleson Street through an existing recorded access easement. The applicant has recently purchased the property and wants to develop the 6.641-acre tract with a single-family home. The subject property is not platted, and the City of Brenham requires that any new development, including single-family residential homes, be constructed on a recorded, platted lot. Plats are required to meet the City's subdivision and zoning requirements. Since the subject property and the adjacent two lots only have access from an access easement, the plat would not meet the subdivision requirements found in Chapter 23-22(5)(a) Article III what states that *each lot shall be provided with adequate access to an existing or proposed public street by frontage on such street.*" Therefore, the applicant is requesting a variance to remove the requirement to have property frontage on a public right-of-way.

STAFF ANALYSIS

- The current access easement was recorded in 2007 and this property was not annexed into the City limits until 2009.

- Since this is not a corner lot, the existing structure at 1725 Burleson Street impedes the possibility of widening the access to meet the standard 55-foot right-of-way and 32-foot pavement widths required for City Streets.
- With Liberty Village Subdivision located to the north and west of the subject property, there are no areas that could be dedicated for right-of-way.
- The property owners along the private access easement are responsible for the maintenance.
- The adjacent properties (1727 & 1729 Burleson Street) that have access via the access easement are developed with single-family residences that were constructed prior to 2009 when this property was annexed into the city limits thus, they are considered legally non-conforming.
- The nonconformance was not created by the applicant.
- It would be a hardship to require a dedication of right-of-way and to construct road improvements to City Subdivision standards.
- Granting of the variance would allow the property owners/applicants to proceed with the platting process and development of the property with a single-family home.
- If the property were to be rezoned or subdivided into additional residential lots in the future, a dedication of right-of-way would be feasible.
- Burleson Street is on the Capital Improvement Project priority list and is estimated to be approved between 2028-2030.

Based on these findings, Staff recommends **approval** of the variance request to allow a subdivision of land with an access easement when public road frontage is required.

Chairman Behrens closed the regular session and opened the public hearing at 5:37 pm. The applicant, Garrett Salmans stated that they just want to build their house and enjoy their property. There were no other comments.

Chairman Behrens closed the public hearing and re-opened the regular session at 5:39 pm.

A motion was made by Commissioner Cangelosi and seconded by Commissioner Smith to recommend approval to City Council of request by Garrett Salmans and Ronda Kilburn for a variance request from Section 23-22(5)(a) [street frontage] of the Subdivision Ordinance of the Code of Ordinances for the property addressed as 1733 Burleson Street, as presented. The motion carried unanimously.

7. Adjourn.

A motion was made by Commissioner Alfred and seconded by Commissioner Neil to adjourn the meeting at 5:40 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

October 28, 2024
 Meeting Date

Kim Hodde
 Attest

Kim Hodde
 Staff Secretary

October 28, 2024
 Meeting Date