

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

Commissioners present:

Darren Heine
Calvin Kossie
Cayte Neil
Cyndee Smith

Commissioners absent:

M. Keith Behrens, Chairman
Deanna Alfred, Vice Chair
Chris Cangelosi

Staff present:

Stephanie Doland, Development Services Director
Shauna Laauwe, City Planner

Citizens/Media present:

Adam Griffin / 30 K Holdings, LLC (applicant)
Larry Lazare
Alicia Lazare
George Dillingham
Joshua Blaschke, KWHI
Sarah Forsythe, Brenham Banner Press

1. Call Meeting to Order

In the absence of the Chair and Vice Chair, Commissioner Calvin Kossie called the meeting to order at 5:18 pm with a quorum of four (4) Commissioners present.

2. Public Comments

There were no public comments.

3. Reports and Announcements

Stephanie Doland informed the Board of the following:

- There will be Board training held on May 13, 2024, at the Nancy Carol Roberts Memorial Library beginning at 11:00 am. Lunch will be provided.
- The May P & Z meeting will be held on May 28th, which is the Tuesday after Memorial Day. Staff anticipates that there may be multiple plats to be considered due to the recent passage of the impact fee ordinance.

- Kim Hodde is back working. She will be working remote for a while, but you should start to get emails from her soon.

REGULAR SESSION

4. 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.

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. Additional nearby B-1 uses include Hodde & Hodde Land Surveying and the Rayna Reimer Plaza. 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. The development will have the following 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’	[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.			

- Required Parking: 1 space/250 SF
 - $4,810 \text{ SF} / 250 = 19.24$ or 19 spaces required 17 parking spaces (1 ADA) proposed along store +
 - 12 parking spaces at fuel pumps = 29 spaces
- 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 C-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.
- The B-1 Zoning District allows automobile (car) service stations with prior approval of a Specific Use Permit (SUP).
- Screening is required between the commercial use and the adjacent residential properties. There are lots of trees there at this time that could be used as screening.
- This property has not been platted; therefore, a preliminary and final plat will need to be submitted, approved, and recorded.

A Public Hearing Notice was published in the Banner Press on April 11, 2024, and notices were mailed to property owners within 200-feet of the subject properties. Staff received one written comment from Wee Care For All Child Care Center opposing the proposed request.

Development Services staff have reviewed this 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 on the condition of obtaining a preliminary and final plat, as presented.

Commissioner Kossie opened the public hearing at 5:34.

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

- Their day care is considered a school since they have more than six (6) children ages 6-weeks to 12-years old.
- According to City of Brenham Ordinance O-09-007 approved 4-16-2009, it is unlawful for alcoholic beverages to be sold within 300-feet of a church, school, or hospital. It appears that this would be a violation of an ordinance already in effect.
- Mr. Lazare is concerned with the children's safety.
- Mr. Lazare is offended that a fence is required adjacent to residential zoned property but not required on the daycare/school side.
- There are enough convenience stores in the area.
- The sale of these types of products (alcohol, tobacco, vape supplies, etc.) is not needed in this neighborhood.

Commissioner Smith asked what the TABC regulations rules are with regards to selling alcohol close to a school. Commissioner Kossie stated that his research showed that there are two categories – 300-feet and 1,000 feet but he couldn't find much additional information.

Stephanie Doland stated that the Applicant reached out to the City Secretary prior to submitting the SUP request regarding the parameters associated with alcohol sales. The City Secretary, Jeana Bellinger, conferred with the City Attorney, Cary Bovey. The TABC's interpretation of separation requirements is based on a licensed, accredited school with the state. Mr. Lazare of Wee Care for All Child Care stated that the facility is an accredited school; thus, alcohol sales should not be permitted. Ms. Doland noted that the City of Brenham has additional, differing separation requirements. The City of Brenham's regulations specifically refer to "Public Schools" and the TABC refers to "Public and Private Schools".

Commissioner Smith asked if the distance is measured door-to-door or property line-to property line? Staff indicated that this question would have to be researched.

Adam Griffin stated that the next phase of approvals is based on whether or not alcohol sales are permitted. There were no other citizen comments.

Commissioner Kossie closed the public hearing and re-opened the regular session at 5:42 pm.

Commissioner Kossie made the following comments about his concerns:

- Gasoline sales/gas stations are not really addressed by the TABC.
- Commissioner Kossie stated that he has visited several communities near and adjacent to Brenham, including Fayetteville, Cy-Fair, Waller, Bryan, Jerrell, and Sealy and he couldn't find one location where you could go from the driveway of a school and go next door to a convenience store.
- Commissioner Kossie requested that someone research the number of schools that do not have a convenience store next to it (city-wide versus state-wide).
- Insurance may go up for the Wee Care For All if the convenience store goes in next door.
- Has the applicant addressed/considered safety with the increased traffic due to the patrons?
- How is the applicant addressing traffic flow? With the High School traffic and daycare traffic, additional traffic due to the gas station/convenience store is a concern.
- Smaller children do not move as fast as older children, and this is a safety concern.
- While he understands that this is a commercially zoned property, the sale of alcohol, tobacco, and gasoline is a concern being so close to the day care center and the neighborhood.

Mr. Lazare further stated that the Wee Care For All Child Care Center is a licensed and accredited school and felt that the regulations and definitions of TABC applied to their school. Ms. Doland stated that City Staff reviewed and confirmed the licensing and registration of Wee Care for All as a daycare but did not review the status of the business as a licensed and registered school.

A motion was made by Commissioner Neil and seconded by Commissioner Heine to **table** any action on 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 until research could be done regarding TABC requirements in relation to daycares and private schools and to determine if the Wee Care For All Child Care is considered a licensed and accredited school. The motion carried unanimously.

5. Adjourn.

A motion was made by Commissioner Neil and seconded by Commissioner Smith to adjourn the meeting at 5:50 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:

Deanna Alfred
Planning and Zoning Commission

Kim Hodde
Attest

Deanna Alfred
Vice Chair

Kim Hodde
Staff Secretary

May 20, 2024
Meeting Date

May 20, 2024
Meeting Date