

**CITY OF BRENHAM
PLANNING AND ZONING COMMISSION MINUTES
APRIL 7, 2025**

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

A special meeting of the Brenham Planning and Zoning Commission was held on April 7, 2025, 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
Darren Heine
Calvin Kossie
Cayte Neil
Cyndee Smith

Commissioners absent:

Chris Cangelosi

Staff present:

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

Citizens/Media present:

Sarah Forsythe, Brenham Banner

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

Stephanie Doland, Development Services Director, reported to the Commission that based on their previous recommendation, she has met with several real estate groups, including the Brenham Area Real Estate Investors and Landlords (BAREIL), Commercial Brokers Luncheon, and the South-Central Board of Realtors (SCBOR) regarding impact fees and the basics of how development would be affected.

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 February 24, 2025, Planning and Zoning Commission Meeting.**
- 4-b. Case Number LOTLINE-25-0005: A request by the Brenham Community Development Corporation (BCDC) for approval of a Replat (Commercial) of Lot 2, Southwest Industrial Park Section III to create Lot 2-A, containing 29.124-acres, and Lot 2-B, containing 19.868-acres, and dedication of 1.199-acres of Right-of-Way to the City of Brenham for the future extension of Longwood Drive, being a total of 50.191-acres currently addressed as 2602 Longwood Drive, and further described as part of the Philip 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 Kossie to approve the Statutory Consent Agenda (Items 4-a and 4-b), as presented. The motion carried unanimously.

REGULAR SESSION

- 5. Public Hearing, Discussion and Possible Action on Case Number LOTLINE-25-0004: A request by Sanvaez Properties, LLC for approval of a Replat of the middle part of Lot 26 of the Norris Addition (unrecorded) to create Lot 1 of the Sanvaez Addition containing 0.215-acres currently addressed as 1005 Nelson 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. LOTLINE-25-0004. Ms. Laauwe stated that the property owner and applicant is Sanvaez Properties, LLC, and the surveyor is Reid Ullrich/Kerr Surveying. The subject property, currently identified as the middle part of Lot 1 of the Norris Addition, which is an unrecorded plat, is approximately 0.215-acres total and is generally located on the north side of Nelson Street, west of Kerr Street. The lot is approximately 65.5' x 143' (9,386 square feet) which exceeds the minimum lot requirements of 60' x 115' (7,000 square feet). The property is currently vacant land. The property owner would like to replat the property for the future development of a single-family residence on proposed Lot 1.

A Public Hearing Notice was published in the Banner Press and notices were mailed to property owners within 200 feet of the subject properties on March 21, 2025. No written comments regarding the request were received.

The requested replat meets all city ordinances and regulations; therefore, Staff recommends approval of the replat as presented.

Chairman Behrens closed the regular session and opened the public hearing at 5:23 pm. There were no public comments.

Chairman Behrens closed the public hearing and re-opened the regular session at 5:23 pm.

A motion was made by Commissioner Kossie and seconded by Commissioner Smith to approve the request by Sanvaez Properties, LLC for approval of a Replat of the middle part of Lot 26 of the Norris Addition (unrecorded) to create Lot 1 of the Sanvaez Addition containing 0.215-acres currently addressed as 1005 Nelson Street, as presented. The motion carried unanimously.

6. Public Hearing, Discussion and Possible Action on Case Number TEXT AMEND-25-001: A City initiated request to amend the City of Brenham’s Code of Ordinances, Appendix A: Zoning to create two (2) definitions in Section 5.02, Definitions, to define Smoke Shop and Vape Shop uses, and; to amend Section 4.02, Permitted uses within the B-2, Commercial, Research, and Technology District to include the two new defined uses within the list of permitted uses:

- **Appendix A: Zoning, Part I, Division 1, Section 5.02, instating proposed definitions to Smoke Shop and Vape Shop uses, to include distance requirements; and**
- **Appendix A: Zoning, Part II, Division 2, Section 4.02, regarding the addition of Smoke Shop and Vape Shop uses to the list of permitted uses within the B-2, Commercial, Research and Technology District.**

Shauna Laauwe, City Planner, presented the staff report for Case No. TEXT AMEND-25-0001 as detailed below. Ms. Laauwe stated this is a companion item to the workshop item that was presented at the last Planning and Zoning Commission meeting and to City Council. Staff is bringing the item back before the Planning and Zoning Commission for a formal recommendation to City Council for text amendments to the City of Brenham’s Zoning Ordinance. She further stated that the City of Brenham initiated this request to amend the City of Brenham’s Code of Ordinances, Appendix A: Zoning to create two (2) definitions in Section 5.02, Definitions, to define Smoke Shop and Vape Shop uses, and; to amend Section 4.02, Permitted uses within the B-2, Commercial, Research, and Technology District to include the two new defined uses within the list of permitted uses.

Ms. Laauwe stated that the Zoning Ordinance is a living document that requires revisions from time to time to reflect new codes, make corrections, revise/add new definitions, to allow for new uses or perhaps remove uses that are no longer seen as compatible within a particular zoning district or development pattern. The City of Brenham has seen an increase in the number of permits for vape and smoke shops, with currently seven (7) such businesses that are currently an undefined use and have been simply regarded as a general retail use in all commercial zoning districts to include the B-1, Local Business/Residential Mixed-Use District and the B-3 and B-4 Downtown districts. This text amendment request is to add use definitions for smoke shops and vape shops and to designate them as permitted uses in the B-2, Commercial, Research and Technology District.

Electronic cigarettes, also known as e-cigarettes and vapes, come in a variety of shapes and sizes, with components that typically include a battery, a heating element, and a place to hold liquid. The liquid, that may contain nicotine, flavorings, and other chemicals, is heated to make an aerosol that is breathed into the lungs.¹ Though considered smokeless, bystanders may also breathe in the aerosol when the user exhales into the air.² It has also been found that since 2014, e-cigarettes have been the most used tobacco product among youth and young adults.³ In addition, the Centers of Disease Control studies show that e-cigarettes appeal to young people due to flavoring and taste, curiosity, and low perceptions of harm. Due to concerns of the growing number of vape and smoke shop businesses that have formed over the last few years, many Texas communities have adopted ordinances restricting vape shops and similar tobacco businesses based on the concerns for the health, safety and welfare of their residents. In 2023, State laws were enacted that prohibit vaping in public schools and regulated the use of vape products to individuals over the age of 21. The current 89th Texas Legislature Session has seen many bills introduced that could potentially enact minimum distances of vape and smoke shops from uses such as public schools, churches, similar uses, and residential neighborhoods.

¹ Centers for Disease Control and Prevention. (2024). About E-Cigarettes

² Ibid.

³ Centers for Disease Control and Prevention. (2023). E-Cigarette Use Among Youth and Young Adults. A Report of the Surgeon General. https://www.cdc.gov/tobacco/sgr/e-cigarettes/pdfs/2016_sgr_entire_report_508.pdf

In researching municipal vape shop regulations, city staff compared the requirements of seven cities throughout Texas. Please refer to Appendix A that summarizes the explicit standards regarding vape and tobacco shops that have been adopted in the researched cities since 2023. The regulations found are comparable to one another as each municipality amended their zoning or unified develop codes to define vape shop use, with some also defining and restricting “smoke shops” and “lounges.” The City of Sugar Land banned new vape shops, smoke shops and hookah bars outright and grandfathered existing affected shops with limits on expansions. However, most municipalities chose to place location buffers on such businesses, from between 300 to 1,000 feet from public and private schools, churches, and similar establishments, with some also restricted distances from single-family zoned property, hospitals and public parks. Lastly, about half of the municipalities researched placed limited hours of operation, with none having a closing time later than 10PM.

After reviewing the research and considering the needs and opportunities within the City of Brenham, Staff recommends that smoke shops and vape shops should be categorized as defined uses rather than general retail uses. This is accomplished by adding a definition for each use in Appendix A: Zoning Ordinance under Section 5.02 and then listing the use as either a permitted or a specific use within a zoning district. Given the health effects and studies showing the prevalence of e-cigarette use in youth, the tendency of such shops to be near one another, and recent State Laws, staff finds that smoke shop and vape shop uses should be listed as permitted uses only in the B-2, Commercial, Research, and Technology District. As permitted uses in the B-2 District, the uses would be limited to the B-2 District and the I, Industrial District, which allows all permitted commercial uses. Gas stations and convenience stores, which are only allowed by right in the B-2 District, also sell vape and smoking products. This provision would protect the Historic Downtown and residential areas as smoke shop and vape shop uses would not be allowed in the B-1, Local Business and Residential Mixed-Use District, or in the downtown districts that include the B-3, Historical Central Business District and B-4 Neighborhood Business District. Existing smoke and vape shops in the B-1, B-3, or B-4 Districts would become legally nonconforming uses. In addition, the proposed definitions also include use distance requirements that are like those imposed by the Texas Alcoholic and Beverage Commission (TABC) for alcohol and liquor sales. Lastly, it should be noted that limitations on the hours of operation are not recommended, and that lounge uses, such as cigar or hookah lounges, are not affected by these proposed regulations as they are establishments for on-premises consumption by adults that are 21 or older and not solely for the sale of e-cigarettes or tobacco products.

Proposed Amendments:

Appendix A: Zoning, Part I, Division 1, Section 5.02, instating proposed use definitions to Smoke Shop and Vape Shop uses, to include distance requirements:

- **(Section 5.02) [Definitions.]**
 - ***Smoke Shop:*** A retail outlet whose main purpose is selling tobacco products, as that term is defined by the Food and Drug Administration, and smoking equipment for off-site consumption. Smoke shops shall have a minimum distance (from property lines) of 300 feet from single-family residential use; and 1,000 feet from public or private schools, public parks, religious facility, public hospital, day care facility, and from another smoke shop or vape Shop that is in current operation.
 - ***Vape Shop:*** A retail outlet whose main purpose is selling vaping products for off-site consumption. Vaping means using a vaporizer or inhalant-type devise, also known as an electronic cigarette, that contains a power source and heating element designed to heat a substance and inhaling the vapor of the device directly through the mouth, whether or not

the vapor contains nicotine. Vape shops shall have a minimum distance (from property lines) of 300 feet from single-family residential use; and 1,000 feet from public or private schools, public parks, religious facility, public hospital, day care facility, and from another vape shop or smoke shop that is currently in operation.

Appendix A: Zoning, Part II, Division 2, Section 4.02, addition of Smoke Shop and Vape Shop uses to the list of permitted uses within the B-2, Commercial, Research and Technology District.

- Sec. 4. B-2 Commercial, Research and Technology District

(Sec. 4.01) Purpose. The B-2 District is established as a mixed-use district to preserve and to protect appropriate locations for existing light industry. It is also designed to include new high-tech commercial uses such as technical laboratories, computer centers, engineering/ operations and research facilities that will benefit from direct access and/or close proximity to highway routes, while providing safe and convenient locations for multifamily uses through the strict enforcement of performance standards.

(Sec. 4.02) Permitted uses:

(25) **Smoke Shop.**

(26) Upholstering shops which may involve furniture manufacturing.

(27) **Vape Shop.**

(28) Veterinarian or animal hospital.

(29) Wholesale establishments and warehouses.

(30) Uses similar to the abovementioned permitted uses, provided activities conducted observe applicable performance standards as provided in Part II, Division 2 of this ordinance.

(31) Accessory buildings and uses customarily incident to any of the above uses, provided that such uses observe applicable performance standards as provided in Part II, Division 2 of this ordinance.

As cited in the city's adopted Zoning Ordinance, site development standards are established for the purpose of promoting and protecting the health, safety, morals and general welfare of the residents, citizens, and inhabitants of the City of Brenham and for the protection and preservation of the small-town character of Brenham. This includes Brenham's historical places, places of cultural importance and places that reflect the predominant community values as reflected in the City's Comprehensive Plan.

The City of Brenham's Comprehensive Plan titled Historic Past, Bold Future: Plan 2040 was adopted in September 2019 and serves as the City's guiding document in determining zoning and land uses decisions. Adopted with the Comprehensive Plan is the Future Land Use Plan and the establishment of use-specific land use policies, general city-wide land use policies, standards which produce a quality neighborhood, and guiding principles. Staff finds that Guiding Principle # 1 from Plan 2040 (page 12) is relevant to this text amendment request: "Brenham will emphasize QUALITY as it grows, ensuring growth is managed in a way that adds value to the city, while also strengthening existing neighborhoods and commercial areas." The Comprehensive Plan also highlights the importance of maintaining the historic downtown district and a goal to improve commercial corridors. Staff finds that the proposed text amendments to define Smoke Shops and Vape Shops and to designate the uses as permitted uses in the B-2 District will build upon Downtown's success, maintain Brenham's "small town feel," support a healthy active community, and preserve the corridor appearance. These proposed text amendments are in line with the vision of the Comprehensive Plan.

A notice of Public Hearing for the proposed Text Amendments was published in the Brenham Banner on March 23, 2025. Any public comments submitted to staff will be provided prior to the Planning and Zoning Commission meeting and the City Council meeting prior to their decision on the matter.

Staff recommends approval to amend Appendix A: Zoning, Part 1, Division 1, Section 5.02, instating proposed definitions to Smoke Shop and Vape Shop uses, to include distance requirements; and Appendix A: Zoning, Part II, Division 2, Section 4.02, regarding the addition of Smoke Shop and Vape Shop uses to the list of permitting uses within the B-2, Commercial, Research and Technology District.

Chairman Heine asked if the distance measurements would be from door-to-door or property line-to-property line. Ms. Laauwe clarified it would be 300-foot or 1,000-feet on all sides of the property. Several Commissioners stated that they were not really in favor of the grandfathering clause where if a non-conforming use closed, it could re-open if it was not closed longer than twelve (12) months. Commissioners asked if this time frame could be removed or lessened? Staff stated that this could be researched to see how it is handled in similar cities. There were no further questions by the Commissioners.

Chairman Behrens closed the regular session and opened the public hearing at 5:45 pm. There were no public comments.

Chairman Behrens closed the public hearing and re-opened the regular session at 5:45 pm.

A motion was made by Commissioner Heine and seconded by Commissioner Kossie for a recommendation to City Council for approval of a City initiated request to amend the City of Brenham’s Code of Ordinances, Appendix A: Zoning to create two (2) definitions in Section 5.02, Definitions, to define Smoke Shop and Vape Shop uses, and; to amend Section 4.02, Permitted uses within the B-2, Commercial, Research, and Technology District to include the two new defined uses within the list of permitted uses, as presented. The Board also requested that Staff evaluate the non-conforming use standards of the Zoning ordinance in relation to the proposed amendments and the Ordinance in general. The motion carried unanimously.

7. Adjourn.

A motion was made by Commissioner Alfred and seconded by Commissioner Kossie to adjourn the meeting at 5:55 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 23, 2025
Meeting Date

Kim Hodde
Attest

Kim Hodde
Staff Secretary

June 23, 2025
Meeting Date