

CITY OF BRENHAM
PLANNING AND ZONING COMMISSION AND MAIN STREET BOARD
MINUTES
June 28, 2021

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

A special joint meeting with the Planning and Zoning Commission and Main Street Board was held on June 28, 2021, at 3:30 pm at The Barnhill Center in the Bullock Ballroom, at 111 West Main Street, Brenham, Texas.

Planning & Zoning Commission present:

M. Keith Behrens
Dr. Deanna Alfred
Chris Cangelosi
Artis Edwards, Jr.
Calvin Kossie
Cayte Neil
Marcus L. Wamble

Main Street Board present:

Margie Young
Melinda Faubion
Lowell Ogle
Elizabeth Price
Traci Pyle
Tom Whitehead
Connie Wilder

Main Street Board Members absent:

John Hermann
Jon Hill
Tiffany Morisak
Doug Peck

City Council members present:

Shannan Canales
Clint Kolby

Others present:

City Manager James Fisher, Development Services Director Stephanie Doland, Director of Tourism and Marketing Jennifer Eckermann, Main Street Coordinator Kathrin Briscoe, Project Planner Shauna Laauwe, and Tourism and Marketing Coordinator Nancy Joiner.

Citizens present:

Jo Ann Wolf, Stacy Marhofer, Beverly Frew, Kevin Boggus, Bob Grabarschick, Robin Cook, Mark Thornhill, Fred Kugel, Tommy Traylor, Chris Bullock, and Brad Tegeler.

Media Present:

Alyssa Faykus, Brenham Banner Press; and Josh Blaschke, KWHI

1. Call Meeting to Order

Chairman M. Keith Behrens called the Planning and Zoning Commission to order at 3:39 pm with a quorum of seven (7) Commissioners present.

Chairman Margie Routt Young called the Main Street Board to order at 3:39 pm with a quorum of seven (7) Board Members present.

2. Public Comments

There were no public comments.

3. Reports and Announcements

There were no Reports and Announcements.

REGULAR AGENDA

4. Public Hearing, Discussion and Possible Action on the Adoption of Chapter 13 – Historic Preservation of the Code of Ordinances, City of Brenham, Texas.

Director of Tourism and Marketing Jennifer Eckermann gave a presentation on this item. Why adopt a Preservation Ordinance – it protects places and things of value to the whole community. Change and new development are both desirable and inevitable. It is how that change occurs that either enhances our historical foundation or detracts from the historic fabric. The Historic Downtown District is tied to our authentic and unique community identity and positively impacts economic development. The timeline for this began in 2019 at a public meeting for the City's Comprehensive Plan. It maintains Brenham's cherished small-town feel and focuses on elements that differentiate Brenham, such as its historic Downtown. A local citizen asked if we had a Historic Preservation Ordinance, and they created videos, interviewed other cities that had adopted one and how it worked for their City. She shared these videos with the Planning & Zoning Commission in August, and City Staff was encouraged to pursue an ordinance.

In 2020, there was a Public Meeting held on February 5. Council appointed a committee to develop an ordinance, and the first meeting was held in October. The HPO Committee had monthly meetings and produced six newsletters between November and June 2021 to keep the public informed and allow feedback during this process. They began with 181 emails and, in June 2021, went to 261 with an open rate between 57% up to 66.5%. Public feedback received was discussed and considered at each meeting, along with homework being received about each item and went section by section before each meeting. Two postcards were mailed to all downtown property owners encouraging them to check out the website and subscribe to the newsletter. Priority was placed on public input throughout the process, along with general information. A concerted effort to make

the Ordinance user-friendly, addressing areas that were of concern to property owners, and recognize and designate Local Landmarks.

The guidelines and standards adopted by this Ordinance are intended for the exterior of the building and viewed from the public right of way. They are not intended to apply to the design, constructions, and aesthetics of the interiors of buildings and structures.

The Historic Preservation Board Membership and Terms of the Ordinance calls for most members to be Historic District property owners, including four (4) of the seven (7) board members. Members may serve two terms and then off a year. The Historic Preservation Officer/Office would be Main Street staff would serve as the Historic Preservation Officer. There are multiple training opportunities, and staff is currently in those training sessions.

The Historic Preservation Board determines the Design Guidelines used by Main Street in determining grant eligibility and is adopted as part of this Ordinance. Should design guidelines be needed for the designation of Local Landmarks or any additional Historic Districts, they would be adopted by the Historic Preservation Board.

Time would be needed for Board approval of a Certificate of Appropriateness (COA). No approval is required for ordinary repairs and maintenance, which is in Section 7 (a), and included Administrative COA for Insignificant Alternations in Section 7 (d). Board COA is needed for Significant Alternations, which alter the design, architectural elements, or character of a Structure. Ordinary repairs and maintenance include but is not limited to: painting an already painted surface the same color, repair of architectural features using the same materials, a new roof, if not seen from the public right-of-way, cleaning a structure with low to mid pressure power washing, and replacement of mechanical equipment. Insignificant alternations include, but are not limited to, changes to paint colors on already painted surfaces, replacement/removal of non-historic features with ones keeping with the era of the building, and minor modifications to all existing Certificate of Appropriateness, that after modification, still meets the intent of the original approval. Significant Alterations include but are not limited to work requiring a building permit, unless otherwise specified, work that represents new construction and is added as material to an existing feature of a building, changes that alter the design, architectural elements, or character of a building, and moving or demolition of a Landmark or building in a Historic District visible from the public right-of-way.

From 2017 today, an estimated 55 building permits pulled within the Downtown Brenham Historic District are as follow: 29 were interior remodels, 11 were for insignificant alterations (window/door replacements, shell repairs, awning replacement, handicap ramp), five permits for signage (which they would have received a sign grant from Main Street), five ordinary repairs and maintenance (3-re-roof, sidewalk construction, new flagpole), five significant alterations (2 demolitions of Polar Ice

Building, one major reno, two additions). There will not be any need for the HPO Board to meet every month because of the five that were significant alterations during this time period; the Board would only meet on a needed basis. Slides were shown of building in Downtown of Significant Alteration examples.

Time will be needed for Board approval of a Certificate of Appropriateness, in addition to time required for receiving a building permit. Both permits can be submitted and considered at the same time. These two applications can be considered concurrently. New Construction consideration of the exterior elevations will be considered for an Administrative COA, but the Board's review can be requested on the application. The desire is for new construction to complement the surrounding historic fabric, not to match. Additions made over time would not be allowed under the Ordinance. Quality additions that do not harm historical character would be allowed.

A COA is not needed for signage but must follow City's sign ordinance. Signage grants from Main Street still require approvals.

A Tax Incentive section was added. The increase in appraised value caused by eligible improvements will not be added for the following number of years and expenditures: three (3) years \$5,000-\$25,000, five (5) years \$25,000-\$50,000, and seven (7) years \$50,000.

Preservation is essential to many towns in Texas, some that are smaller than we are.

Other concerns or issues that the Committee was unable to address were a general distrust and the desire for the same 60% property owner approval for designation of the downtown district, as is included for new districts.

Downtown property owners wanted to know why Downtown is different? Public/Private partnership success and since 2000 public infrastructure investment is over \$5,035,678 in Downtown. Slides were shown of Alamo Alley, Toubin Park, Belle's Alley, and the improved public parking lots. Also, public wayfinding signage to get people Downtown. Maintenance of these is being maintained by the City Staff, which is ongoing.

Jennifer Eckermann also went over changes that were made to the packet. Section 7 - Certificate of Appropriateness: all new construction to be reviewed by the Board has been removed if requested by the applicant, on page eleven (11) of the Ordinance. Tax Incentives - property tax abatement discussions, and the city attorney is still looking into that with it being a part of the TIRZ.

Public Comments:

4:09 pm open public meeting

Connie Wilder, the owner of The Pomegranate, has a few questions. First, on page 6 of the Ordinance, can a property owner opt-out of a historic district – no, it cannot. Second, the zigzag lines are the existing downtown zoning districts – the zigzag lines are the prior

zoning districts that follow the property lines. Second, page 16 – tax incentives – is it going to be like ARM? A tax break for so many years – after the incentive period, do you have a sudden increase to property tax (like 5% cap increases per year until it goes back to the regular). Susan Cates mentioned you only get the abatement on the increased value, and it starts with a step down 90% the first year, 80% the following year, and so on.

Brad Tegeler, property owner Downtown – thanked the Committee for working on this Ordinance. Concerns – historic preservation officer – hired by the city manager, and he would add in that the HPO board can also have a say in the HP officer's employment. Taxing – the owners of the property are giving up some of their rights of property owners. Need to give another carrot to offer property owners who give up this right – Discussing school district and ag exemptions – historical evaluation tax break – Brad favors having property owners vote themselves into it. 60% slide reference.

Tommy Traylor, property owner Downtown – I have skin in the game, although I am not planning any renovations that would fall under your view. I think these ordinances are quite restrictive, and we need more flexibility, and less bureaucracy – how many of you own property downtown show of hands – 4-5 hands raise – good, the rest of you do not belong here. These decisions should be made by property owners downtown. The enhancements I have made were good, and I'm not too fond of the idea of having to go to a board that mostly does not own property downtown. The Ordinance also stifles creativity. Replacing doors in the building and maybe haven't been approved, look at those doors across from Green Grain Building, and it gave the property owner the right to be creative with their property, and it might not have been approved HPO was in existence. Across from the Ant Street Inn – old Grimm Radiator building, now a law office, looks different from the machine shop – take a look at that, do you want to stifle that creativity? The time required for a building permit should take 1-2 weeks, and the timeline now looks like it could take a month to 5 weeks. File 13 the whole thing – or go back to the drawing board and take out some out that makes it more acceptable to the property owners.

Shannon Canales, owner of Las Americas and Council Member – the Board will be four (4) out of seven (7) will be property owners – how will they be able to apply. Where does Texas Arts and Music Festival fall into the HPO – [murals] wants to protect the festival.

The public hearing closed at 4:28 pm

Jennifer Eckermann's response to comments – we have had conversations, and we have dealt with a lot of the questions that Tommy has had, and Section 7 would address Shannon's question, and the city council would make appointments. Keith Behrens asked about Murals and how they would affect the HPO ordinances; Jennifer Eckermann replied with section 7 (d) 7 – page 12. Murals are included as an insignificant alteration.

Connie Wilder asked how does the mural verbiage with the mural of a jaguar with diamond eyes jive with the purpose of the cultural and historical verbiage of the Ordinance – it seems like it doesn't jive with the purpose of the character.

Jennifer Eckermann's response is painted on a building; the HPO is concerned with keeping buildings historical long term.

Elizabeth Price responded about the Old Radiator Building, and we are not trying to keep it stuck in the 1880s. It is The Radiator Shop would pass because it is re-adapt and reuse.

Traci Pyle said, look at our slogan, Cool. Authentic. Texas. It has the past and the present in it.

Connie Wilder repeats her concerns about the verbiage for the long term on Murals – if there is someone who does come after you, you have it down correctly. The wording needs to be covered under tighten language.

Stephanie Doland – the sign ordinance covers mural – the language is clear. She reads portions of the mural section– the example she gives, 30% commercial copy-permitted – advertising Home Depot downtown wouldn't be possible because it is an off-premise sign.

Cayte Neil - PZ board and property owner. – Tax credits – What can this look like on a state level? 25% eligible rehabilitation costs for the State of Texas if you are in a Historic District. Non-contributing or an adjacent property, then you can't apply for this credit. If this passes, tax credits would be allowed by all property owners in the district, is how I read it.

Jennifer Eckermann answers – On the State level for tax incentive credit is not entirely true. Only contributing buildings within the Historic District are eligible for the City.

Elizabeth Price – Main Street Board responds I can talk about national landmarks that would allow any property to apply – already have that. That doesn't mean that every building would receive the credit. One part of the application is what is there to preserve, and the second part is what are you doing? That determines what kind of credit you will receive.

Cayte Neil asked, If your eligibility would be option D – does it help the case that it is in the district? Elizabeth Price responds it does help the case. Yes. The potential for this Ordinance is more significant because buildings outside of this Ordinance (out of downtown historic district) are the first step. I would encourage you to think about it as the big picture concept, and it is not about just what color you want to paint your building.

Deanna Alfred - Planning & Zoning said I am not a property owner Downtown, and we have worked hard to choose the right words and allowed for flexibility. This isn't just the

City coming up with this, I am not saying it is perfect, but there was a lot of discussion and work that went into trying to make it good.

Lowell Ogle - Main Street Board said I know from the first revision that it is less restrictive now than what we have—asked for clarification about time for Certificate of Appropriateness and a building permit timeline trying to streamline it where they can both happen simultaneously. Covered in the slide. Jennifer Eckermann and Stephanie Doland answered this question with yes, they can get them together.

Keith Behrens - Planning & Zoning asked about new buildings and what period of time they may have to evaluate. Does it need to conform to a particular era? Jennifer Eckermann and Stephanie Doland gave answers as to no, it does not but should complement Downtown.

Connie Wilder – page 2 (g) balances the rights of the public with the property owner. Explain that to me? Jennifer Eckermann— there is a lot of public ownership downtown, such as infrastructure.

Connie Wilder, what are the rights of the public in regard to private property owners. My only responsibility to the public is to keep my building safe.

Elizabeth Price said what we are asking property owners to maintain and preserve the architectural culture. We are trying to prevent a building from being razed and a chain box store coming in. The public isn't just the public but the neighbor property owners.

Stephanie Doland mentioned many Downtowns are a public right of way – from the sidewalks to the parking lots to the streets.

Lowell Ogle said I drive around the state, and downtowns are trying to get what we have or figure out how to get back to their roots. I think that is what we are doing here is how to get this. 20-30 years down the road, we don't know, but we are trying to protect and look to the future what we have now.

Margie Young said, We also don't know who will be in your building in 20-30 years from now. It may not be a Tommy Traylor who will take such pride and make that kind of investment. I live near Downtown, and that home is my own, but it will live longer than me, so I am a caretaker – I am a member of the public who loves Downtown and cares about it. The Committee has done a great job.

Keith Behrens – I like what Brad said about the HPO officer needing to be in control by the City Manager and have board approval/control. As a Board, we can only make recommendations.

Tom Whitehead said they could go directly to the Historic Preservation Board and bypass the Historic Preservation Officer.

Jennifer Eckermann said that someone from Main Street could sit on the interviewing process to make sure the right person is appointed.

Keith Behrens said, are we ready to make a recommendation for this to go before City Council?

A motion was made by Cayte Neil and seconded by Deanna Alfred of the Planning & Zoning Commission to recommend the Adoption of Chapter 13 - Historic Preservation of the Code of Ordinance to the City Council for approval.

Keith Behrens called for a vote. The motion passed with Planning & Zoning voting as follows:

M. Keith Behrens	Yes
Dr. Deanna Alfred	Yes
Chris Cangelosi	Yes
Artis Edwards, Jr.	Yes
Calvin Kossie	Yes
Cayte Neil	Yes
Marcus L. Wamble	Yes

A motion was made by Tom Whitehead and seconded by Melinda Faubion of the Main Street Board to recommend the Historic Preservation Ordinance to the City Council for approval.

Margie Routt Young called for a vote. The motion passed with the Main Street Board voting as follows:

Margie Routt Young	Yes
Tiffany Morisak	Absent
Melinda Faubion	Yes
John Hermann	Absent
Jon Hill	Absent
Lowell Ogle	Yes
Doug Peck	Absent
Elizabeth Price	Yes
Traci Pyle	Yes
Tom Whitehead	Yes
Connie Wilder	Abstained

The motion has passed, and the meeting was adjourned at 5:00 pm.

Main Street Board Chairman

Margie Routt Young
Chairman

Date

Attest

Nancy Joiner
City Staff

Date