

CITY OF BRENHAM
PLANNING AND ZONING COMMISSION MINUTES
June 26, 2017

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 June 26, 2017 at 5:15 pm in the Brenham Municipal Building, City Council Chambers, at 200 West Vulcan Street, Brenham, Texas.

Commissioners present:

Deanna Alfred
Keith Behrens
Calvin Kossie
Lynnette Sheffield

Commissioners absent:

Walt Schoenvogel, Chairman
Nancy Low, Vice Chairman
Leroy Jefferson

Staff present:

Erik Smith, Development Services Manager
Kim Hodde, Planning Technician

Citizens present:

Carey Council
Rebecca Council

1. Call Meeting to Order

Erik Smith called the meeting to order at 5:28 pm with a quorum of four (4) Commissioners present.

Since the Chairman and Vice Chairman were both not in attendance at the meeting, a motion was made by Commissioner Alfred and seconded by Commissioner Kossie to appoint Commissioner Sheffield as Acting Chairman for this Planning and Zoning Commission meeting. The motion carried unanimously.

CONSENT AGENDA

2. 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.

2-a. Minutes from the May 22, 2017 Planning and Zoning Commission Meeting

Acting Chairman Sheffield asked for any corrections or additions to the minutes as presented. A motion was made by Commissioner Alfred and seconded by Commissioner Kossie to approve the minutes from the May 22, 2017 meeting, as presented. The motion carried unanimously.

PUBLIC HEARING

3. Public Hearing to consider a request for an Amendment to the Official Zoning Map of the Code of Ordinances, to change the zoning of the tract of land described as R#42930 (WCAD), Part of Lot 47A of the West Main Subdivision, 0.168 acres, (Peabody Street), from a Commercial, Research and Technology Use District (B-2) to a Mixed Residential Use District (R-2), in Brenham, Washington County, Texas.

Erik Smith, Development Services Director stated that this is a request from Jared Johnson to rezone the tract of land described above from a B-2 District (which is a commercial district) to an R-2 District (which is mixed family residential) for the purpose of combining this lot with his adjoining residential lot located at 305 W. Alamo Street. If the rezoning is ultimately approved by city Council, the applicant would like to replat the properties making them one large lot and build an accessory structure in the back yard. B-2 does not allow residential at all. Staff recommends approval of this request. Mr. Smith presented the following analysis of the City of Brenham Zoning policies:

The purpose of zoning policies is to provide guidelines for considering future amendments to the zoning ordinance (Part 1, Section 4 of Appendix A – “Zoning” of the Brenham Code of Ordinances). They are as follows:

- (1) The city's zoning should recognize and seek to preserve the small town attributes that make Brenham a special place for its citizens to live, work and play.**
The property in question is currently undeveloped land zoned as B-2 Commercial, Research, and Technology District. The neighboring properties adjacent to this parcel are all R-2 Mixed Residential which is the requested change in use by the applicant.
- (2) The city's zoning should be guided by the future land use plan and other applicable guidelines found in the Comprehensive Plan.**
This request is in line with the Comprehensive Plan.
- (3) The city's zoning should be designed to facilitate the more efficient use of existing and future city services and utility systems in accordance with the Comprehensive Plan.**
The utility systems in place can support this zoning.
- (4) The city's zoning should be organized and as straight forward as possible to minimize use problems and enforcement problems.**
Staff believes, as supported by the Comprehensive Plan, the requested zoning is the best use for the property. The railroad tracts act as a buffer from commercial to nearby residential. The requested R-2 zoning actually helps conform this parcel to the neighborhood.
- (5) The city's zoning process should be fair and equitable, giving all citizens adequate information and opportunity to be heard prior to adoption of zoning amendments.**
All city notification requirements have been met.
- (6) The city's zoning should insure that adequate open space is preserved as residential and commercial development and redevelopment occur.**
The applicant will replat this property in the future and utilize this parcel as the backyard of their residence. They would then be able to place accessory structures in this area.
- (7) The city's zoning should insure Brenham's attractiveness for the future location of business and housing by preserving an attractive and safe community environment in order to enhance the quality of life for all of its residents.**
Staff believes the requested district is more in line with the existing neighborhood than the established district.
- (8) The city's zoning ordinance should preserve neighborhood culture by retaining and promoting land uses consistent with the community's plan for the development and/or redevelopment of its neighborhoods.**
This request should preserve neighborhood culture. The existing zoning district would allow for much more intrusive uses than the proposed district.
- (9) The city's zoning should protect existing and future residential neighborhoods from encroachment by incompatible uses.**
The request to change to R-2 will help protect the established neighborhood. Uses allowed in B-2 are not compatible with the existing neighborhood.
- (10) The city's zoning should assist in stabilizing property values by limiting or prohibiting the development of incompatible land uses or uses of land or structures which negatively impact adjoining properties.**
The existing district is much more incompatible with the neighborhood and could have a destabilizing effect on the neighboring properties. The applicant's request would help stabilize potential negative impacts of some of the allowed uses in the B-2 District.
- (11) The city's zoning should make adequate provisions for a range of commercial uses in existing and future locations that are best suited to serve neighborhood, community and regional markets.**
This request does not take away from adequate commercial or residential uses.
- (12) The city's zoning should give reasonable accommodation to legally existing incompatible uses, but it should be fashioned in such a way that over time, problem areas will experience orderly change through redevelopment that gradually replaces the nonconforming uses.**
The applicants request will prevent incompatible uses from being next to one another.
- (13) The city's zoning should provide for orderly growth and development throughout the city.**
This request provides for orderly growth. The requested zone change will create a further residential district next to existing residential.

Mr. Smith commented that the proposed zoning is more suitable with the comprehensive plan. There were no citizen comments. Acting Chairman Sheffield closed the Public Hearing and reconvened the regular session.

REGULAR MEETING

4. **Discuss and possibly act upon a request for an Amendment to the Official Zoning Map of the Code of Ordinances, to change the zoning of the tract of land described as R#42930 (WCAD), Part of Lot 47A of the West Main Subdivision, 0.168 acres, (Peabody Street), from a Commercial, Research and Technology Use District (B-2) to a Mixed Residential Use District (R-2), in Brenham, Washington County, Texas. (Commission makes recommendation; City Council has Discussion and Possible Action)**

Erik Smith, Development Services Director stated that this is a request from Jared Johnson to rezone the tract of land described above from a B-2 District to an R-2 District for the purpose of combining this lot with his adjoining, residential lot located at 305 W. Alamo Street. Staff recommends approval of this request. This is the request that the Public Hearing was just held for.

A motion was made by Commissioner Alfred and seconded by Commissioner Behrens to approve the request for an Amendment to the Official Zoning Map of the Code of Ordinances, to change the zoning of the tract of land described as R#42930 (WCAD), Part of Lot 47A of the West Main Subdivision, 0.168 acres, (Peabody Street), from a Commercial, Research and Technology Use District (B-2) to a Mixed Residential Use District (R-2), as presented. The motion carried unanimously.

5. **Discuss and possibly act upon a request for approval of a Preliminary Plat to form The Crosswinds Estates Subdivision, Phase III, being a subdivision of 10.96 acres of land containing 4 lots and 1.15 acres in a 60 foot wide right-of-way dedication, located adjacent to Council Lane, situated in the A. Harrington Survey, A-55, in Brenham, Washington County, Texas (ETJ)**

Erik Smith, Development Services Director stated that this is a preliminary plat of 10.96 acres consisting of 4 new lots and 1.15 acres in a 60 foot wide right-of-way dedication, located adjacent to Council Lane, in Brenham, Washington County, Texas. Due to this plat being located within the City's ETJ no building lines are required for this plat. The Crosswinds Estates Final Plat is recorded in Plat Cabinet File No. 665B and a replat for the Crosswinds Estates, Phase II is recorded in Plat Cabinet 672A of the Plat Records of Washington County, Texas. A Staff has reviewed this plat for Phase III and finds that it meets the applicable ordinances and recommends approval of the preliminary plat as presented.

Carey Council, owner and developer told the Planning and Zoning Commission that this is the final time for this coming before the Commission for this subdivision. He took 5 acres out of the subdivision for his residence and put in a road from Highway 36 into the subdivision.

A motion was made by Commissioner Alfred and seconded by Commissioner Kossie to approve the Preliminary Plat to form The Crosswinds Estates Subdivision, Phase III, as presented. The motion carried unanimously.

6. **Discuss and possibly act upon a request for approval of a Final Plat to form The Crosswinds Estates Subdivision, Phase III, being a subdivision of 10.96 acres of land containing 4 lots and 1.15 acres in a 60 foot wide right-of-way dedication, located adjacent to Council Lane, situated in the A. Harrington Survey, A-55, in Brenham, Washington County, Texas (ETJ)**

Erik Smith, Development Services Director stated that this is a final plat of 10.96 acres consisting of 4 new lots and 1.15 acres in a 60 foot wide right-of-way dedication, located adjacent to Council Lane, in Brenham, Washington County, Texas. Due to this plat being located within the City's ETJ no building lines are required for this plat. The Crosswinds Estates Final Plat is recorded in Plat Cabinet File No. 665B and a replat for the Crosswinds Estates, Phase II is recorded in Plat Cabinet 672A of the Plat Records of Washington County, Texas. A Staff has reviewed this plat for Phase III and finds that it meets the applicable ordinances and recommends approval of the final plat as presented.

A motion was made by Commissioner Alfred and seconded by Commissioner Kossie to approve the Final Plat to form The Crosswinds Estates Subdivision, Phase III, as presented. The motion carried unanimously.

7. **Discuss and possibly act upon Appointment of a Deputy Secretary for the Planning and Zoning Commission**

Erik Smith, Development Services Director, explained that Commissioner Lynnette Sheffield was appointed to serve as Secretary to the Planning and Zoning Commission at the May 22, 2017 meeting. Commissioner Sheffield is the developer of the Oak Alley Subdivision and had a replat come before the Planning and Zoning Commission for consideration (from which she recused herself). Plats and replats have to be signed by the Planning and Zoning Commission Chairman and Secretary prior to being recorded at the Courthouse. Staff consulted with the City Attorney regarding whether Commissioner Sheffield could sign the replat as Secretary of the P & Z Commission since she didn't have anything to do with the vote on it. The City Attorney's interpretation of the law was that since a member of the Planning and Zoning Commission is considered a "local public official", Section 171.004 of the Texas Local Government Code provides in part that if a local public official has a

substantial business interest in a business entity or real property, then he or she shall file an affidavit of conflict of interest and abstain from participation in the matter. He interpreted this to be broader than to mean just abstaining from voting, but also to include signing the plat.

Since Commissioner Sheffield is in the real estate field and also a developer, there may be times in the future when she will have a conflict and will not be able to act as Secretary or there may be times when she may not be available. Staff consulted with the City Attorney and he advised that Section 2.06 of the City of Brenham Zoning Ordinance allows the Planning and Zoning Commission to appoint *a Secretary and such other officers as are deemed necessary from the membership*. A Deputy Secretary would constitute such other officers as are deemed necessary.

Staff recommends appointment of a Deputy Secretary to the P & Z Commission to alleviate any future issues.

A motion was made by Commissioner Alfred and seconded by Commissioner Behrens to appoint Commissioner Kossie as Deputy Secretary for the Planning and Zoning Commission. The motion carried unanimously.

8. Administrative Report

Erik Smith presented the Administrative report for May 2017, including building permit/inspection/code enforcement information. He stated that we have six (6) potential residential subdivisions in the works – with Stylecraft being one of them – so we are busy and anticipating very steady growth. Different types of developments with different price ranges.

Commissioner Alfred asked what the Brenham EDF Training facility is. Mr. Smith replied that it is the training facility next to the Hodde Tech Center. It is an expansion of the Tech Center. Blinn College is the driving force for a lot of the workforce training programs. It has been very beneficial for the community and a huge success story.

Mr. Smith told the Commissioners that City Council approved the B-4 District Ordinance on its 1st reading with no parking requirements. Commissioner Alfred asked how that works. He replied that currently when we get plans for new commercial development or remodeling, we would ask them to show their parking plan but now in this district we won't ask them to show their parking. City Council felt that the economic development would increase the tax base in that area and that would help fund the parking.

He stated that a Tax Increment Refinance Zone (TIRZ) is not the preferred option but it is an option for funding the parking. A board would oversee functions of the TIRZ. You have to be careful with option with regards to properties that are being developed versus properties being re-developed.

Mr. Smith stated that he felt this is going to be an issue at some point in the future. He urged the Commissioners to Google the McKinney parking bond issue for an example. He stated that the parking fund wording that was presented for the B-4 ordinance is the exact same wording that is and has been in the B-3 District ordinance since its adoption but it just has never been utilized.

He stated that there are other options for the parking such as:

1. City funded: City buys the land and builds the parking utilizing City labor when the need is there.
2. TIRZ (Tax Increment Reinvestment Zone). The Property is taxed at the value today. The TIRZ boundary is created. A TIRZ board is created. The board has recommending powers. When property values go up, the additional money goes into a fund to help that district so they are indirectly paying for their own parking. This fund can be used for parking, facades, streets, drainage, and a lot of potential projects. You just have to be specific with the wording for program for the TIRZ. He stated that this would be his secondary preferred option. It is a very time consuming process. You would have to be careful with the development versus re-development since the objective is to re-development this area.
3. 380 Agreement. Mr. Smith stated that he is personally real familiar with 380 agreements but the City Attorney proposed the 380 Agreement as an option.

Commissioner Sheffield stated that years ago the during the work on the Envision 2020 there was talk about multi-level parking. Mr. Smith reiterated that multi-level parking is very expensive and hard to pass at a bond election. The parking fund concept was to plan for future parking needs. All city-owned properties have been looked at for possible parking sites. You don't want to put your parking in the middle of your downtown. You want the people to park and walk to your downtown area.

Erik stated that the City Engineer, Lori Lakatos, took some new design requirements to City Council so now all new subdivisions will be required to have concrete streets. He said he knew that concrete has increased in price about 30%. Commissioners Sheffield stated that we need moderately priced housing and this requirement is going to hurt the buyers. Erik Smith stated that this will keep the maintenance costs for the City down, though, and that is who has to ultimately accept the roads. Commissioner Sheffield stated that for a buyer it is hard to find a decent house in a decent neighborhood - frame

or brick - that is under \$150,000.00. Erik stated that even though the masonry ordinance was well underway prior to the City Engineer's concrete requirement, he is reluctant and nervous about proceeding with the masonry ordinance/requirement immediately and putting too much on the developers at one time.

Commissioner Sheffield stated that Governor Abbott called a special session and two of the items on it were (1) streamlining the permitting process and (2) preventing municipalities from changing any ordinances or design or construction during the construction process. She stated she hasn't seen that much here in Brenham but she has seen it in other places. Mr. Smith stated that we don't change the rules very quickly. He further stated that it isn't fair to the developer. Kim Hodde stated that typically once a project has been started, you stick to whatever it was when the project was started. Mr. Smith stated that with regard to streamlining the permitting process, each community is different and the processes need to fit the community and the needs. You don't want to have long delays and regulations but the streamlining process needs to apply to the cities such similar to Austin and Houston, etc. and have nothing to do with Brenham and communities like ours. Acting Chairman Sheffield stated that she knows that we only have one Building Official/Inspector but he is way behind. She stated that she has had one permit for Oak Alley at the City for about six (6) weeks waiting to get plans approved. Mr. Smith stated that if Ms. Sheffield is not getting her plans back in ten (10) business days for her to let him know. But our issue is not a streamlining process issue - it is a manpower issue. He stated that Allen Jacobs does all of the inspections and he does all of the plan reviews. Commissioner Sheffield stated that she doesn't know how he does it. Mr. Smith stated that obviously he doesn't work 40 hours. He said that David Doelitsch, the Code Enforcement Officer is training to be a building inspector; however, then the Code Enforcement position will need to be filled, etc. Erik stated that he is in the budget process right now and is trying to get additional help.

9. Adjourn

Acting Chairman Sheffield adjourned the Planning and Zoning Commission meeting at 6:05 p.m.

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:

_____	<u>Walt Schoenvogel</u>	_____
Planning and Zoning Commission	Chairman	Meeting Date
_____	<u>Kim Hodde</u>	_____
Attest	Staff Secretary	Meeting Date