

CITY OF BRENHAM
PLANNING AND ZONING COMMISSION MINUTES
July 24, 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 July 24, 2017 at 5:15 pm in the Brenham Municipal Building, City Council Chambers, at 200 West Vulcan Street, Brenham, Texas.

Commissioners present:

Nancy Low, Vice Chairman
Deanna Alfred
Keith Behrens
Calvin Kossie
Lynnette Sheffield

Commissioners absent:

Leroy Jefferson
Walt Schoenvogel, Chairman (deceased)

Staff present:

Erik Smith, Development Services Manager
Kim Hodde, Planning Technician

Citizens present:

Don & Gayle Langley
Katie Burch
Marcus Lawhon
Richard Heiges

1. Call Meeting to Order

Vice Chairman Low called the meeting to order at 5:15 pm with a quorum of five (5) Commissioners present.

Vice Chairman Low took a moment to acknowledge the death of Walt Schoenvogel, Chairman of the Planning and Zoning Commission and express our great sorrow for this loss. She stated that Walt served on the Planning and Zoning Commission for over 26 years and that his knowledge and experience will be greatly missed. On behalf of the P & Z Commission, she sent love and condolences to his wife Charlyn and their children Sally and Trey.

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 June 26, 2017 Planning and Zoning Commission Meeting

Vice Chairman Low asked for any corrections or additions to the minutes as presented. Commissioner Alfred stated that the signatory needs to be changed from Walt Schoenvogel to Nancy Low. Kim Hodde stated that she had already re-printed the official copy to reflect this change. A motion was made by Commissioner Alfred and seconded by Commissioner Kossie to approve the minutes from the June 26, 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 for approval of a Specific Use Permit to allow a church and its auxiliary uses on the property located at 2111 S. Blue Bell Road in an R-1, Single Family Residential Zoning District, and being described as Tract 309 (WCAD) of the James Walker Survey, A-106, in Brenham, Washington County, Texas

Erik Smith, Development Services Director stated that this is a request from Redeemer Church Brenham for approval of a Specific Use Permit to allow a church and its auxiliary uses on the property located at 2111 S. Blue Bell Road in an R-1, Single Family Residential Zoning District. Redeemer Church Brenham purchased the Brenham Christian Academy property and would like to continue to operate the school as it has been operating but also would like to hold church services in the gymnasium. Staff recommends approval of this request.

Mr. Smith presented the following analysis of the City of Brenham Zoning policies:

ANALYSIS OF 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.
This request should have no effect on the small town attributes that make Brenham a unique community.
- (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 for property within an R-1 District and the proposed use is for churches and related auxiliary uses, including educational or philanthropic uses. Church and Auxiliary uses are allowed by specific use permit in the zoning ordinance. The Comprehensive Plan lists this as institutional.
- (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.
This property currently is home to a church school. All city provided utilities are serving the facility.
- (4) The city's zoning should be organized and as straight forward as possible to minimize use problems and enforcement problems.
Surrounding properties are zoned R-1 and Planned Development District which is a residential Planned Development District and conflicts between existing and proposed uses should not arise because of the consistent zoning within the area. City staff has not received any complaints from neighboring property owners at the time of this staff report regarding the proposed use. We have received a couple calls of support.
- (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 notification requirements were met with this application and a copy of this staff report was provided to the property owners.
- (6) The city's zoning should insure that adequate open space is preserved as residential and commercial development and redevelopment occur.
The zoning ordinance limits the amount of impervious coverage allowed on a lot at the time of development. Staff will review all performance criteria upon the submission of plans. No plans have been submitted at this time. Staff will not approve plans if they do not meet city requirements.
- (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.
The property's use as a church and auxiliary uses to the church should not impact the future location of businesses or housing within this area as this already exists.
- (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 use is existing. To expand the use, the applicant needs to bring the use into compliance through the specific use process. If the applicant ever chooses to expand requesting a receiving a SUP will help with speeding up the process in the future.

- (9) The city's zoning should protect existing and future residential neighborhoods from encroachment by incompatible uses.

This use currently exists.

- (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.

This use currently exists.

- (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.

Churches are generally compatible with neighborhoods, provided the scale is similar to surrounding properties or on a large tract of land to help balance the scale. In this instance this church already exists and the parcel of land is nearly 45 acres.

- (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.

This property is currently a church. If the Planning and Zoning recommends approval and that request is agreed upon with the City Council, this would be a legal use for that land. This can be a specific use permit that never expires or the Board or Council could recommend a time or event that would cancel the special use permit.

- (13) The city's zoning should provide for orderly growth and development throughout the city.

Staff does not believe this to be unorderly growth as special use permits are allowed with Board and Council approvals.

Mr. Smith stated that when he spoke with the applicant, he told them that since the school is already in place it could continue as is; however, if they ever wanted to expand in the future then a specific use permit would be necessary since an SUP was never granted for this use. The applicant chose to go ahead and apply for the SUP and bring the property into compliance. Staff doesn't recommend any additional conditions for this request.

Vice Chairman Low opened the Public Hearing for this item and asked for any citizen comments. Gayle Langley, who lives at 2303 Parker Court, stated that she supported the request and feels that it is a good use for this property. Commissioner Sheffield stated that she is also a neighbor to the property and that she has been very happy with Brenham Christian Academy and looks forward to continuing that relationship.

There were no other citizen comments. Vice Chairman Low closed the Public Hearing for this item.

4. Public Hearing to consider a request for an Amendment to the Official Zoning Map of the Code of Ordinances for approval of a Specific Use Permit to allow an auto detail shop on the property located at 1414 W. Main Street in a B-1, Local Business Residential Mixed Use Zoning District, and being described as Tract 231 (WCAD) of the Phillip Coe Survey, A-31, in Brenham, Washington County, Texas

Erik Smith, Development Services Director stated that this is a request from On Site Restoration, Inc. dba On Site Clean Car Ordinances for approval of a Specific Use Permit to allow an auto detail shop on the property located at 1414 W. Main Street in a B-1, Local Business Residential Mixed Use Zoning District. He stated that this an allowed use in a B-1 District with an SUP. He stated that staff looks at a couple items to make sure that they are compliant before making a recommendation. One thing is the Comprehensive Plan. This area is dedicated as a commercial, retail district and this use is a commercial, retail type business. Another thing that we look at is whether it is located on a thoroughfare or residential area. This is located along a thoroughfare. We also look at the general area and see if there are any similar uses or if this will take away from the character of the neighborhood. Two properties down is Robert's Service Station which is relatively similar in nature to this use so we couldn't see that this use would change the character of the neighborhood. The last thing that we look at is if there are any conditions that need to put on the request to further enhance the surrounding neighborhood. Staff recommends conditional approval of this request. Staff recommends that a visual barrier in accordance with the landscape and buffer requirements stated in the local code of ordinances be maintained to the rear of the property to provide a visual barrier between the residential and commercial property.

Mr. Smith presented the following analysis of the City of Brenham Zoning policies:

ANALYSIS OF 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.
This request should have no effect on the small town attributes that make Brenham a unique community.
- (2) The city's zoning should be guided by the future land use plan and other applicable guidelines found in the Comprehensive Plan.
The Comprehensive Plan lists this property as Commercial/Retail.
- (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.
All city provided utilities are available to serve the facility.
- (4) The city's zoning should be organized and as straight forward as possible to minimize use problems and enforcement problems.
Surrounding properties are zoned within the R-1 District and B-1 District. City staff has not received any complaints from neighboring property owners at the time of this staff report regarding the proposed use.
- (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 notification requirements were met with this application and a copy of this staff report was provided to the property owners.
- (6) The city's zoning should insure that adequate open space is preserved as residential and commercial development and redevelopment occur.
The zoning ordinance limits the amount of impervious coverage allowed on a lot at the time of development. Staff will review all performance criteria upon the submission of plans. No plans have been submitted at this time. Staff will not approve plans if they do not meet city requirements.
- (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.
The property's use as an auto detail shop is not completely out of line with some of the existing neighborhood properties. Robert's Service Station is two properties away. There are neighboring residential properties that may be affected by this use.
- (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.
Staff has not received any concerns or calls from neighboring property owners at the time of drafting of this staff report. All goods and materials for this business will be required to be stored inside. Storage of materials outside is not allowed in B-1 without an additional specific use permit. This has not been requested.
- (9) The city's zoning should protect existing and future residential neighborhoods from encroachment by incompatible uses.
This is allowed by specific use permit. This is something Planning and Zoning can recommend and Council can approve/deny with any conditions they see fit.
- (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.
This is allowed by specific use permit. This is something Planning and Zoning can recommend and Council can approve/deny with any conditions they see fit.
- (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.
Commercial zoning is in place for this district and the proposed use is considered commercial. The zoning and thoroughfare plan both indicate a commercial use is appropriate for this property.

- (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.
This property is not a nonconforming use at this time. A specific use permit is required to allow this property owner to open the proposed business.
- (13) The city's zoning should provide for orderly growth and development throughout the city.
Staff does not believe this to be unorderly growth as special use permits are allowed with Board and Council approvals. Staff recommends that a visual barrier in accordance with landscape and buffer requirements stated in the local code of ordinances be added to the rear of the property to provide a visual barrier between the residential and commercial property.

Vice Chairman Low opened the Public Hearing and asked for any citizen comments.

Mr. Smith stated that outdoor storage of materials is not allowed in this district so everything will have to be brought in at time and stored inside. He stated that the vegetative barrier at the rear also needs to be maintained and/or remain in place. The applicant confirmed that the vegetative barrier behind the property will remain as it is and that they have no plans at this time for expansion of the property. Mr. Smith stated that one letter of support was received for this request.

There were no other citizen comments. Vice Chairman Low closed the Public Hearing and reconvened the regular session.

REGULAR MEETING

- 5. Discuss and Possibly act upon a request for an Amendment to the Official Zoning Map of the Code of Ordinances for approval of a Specific Use Permit to allow a church and its auxiliary uses on the property located at 2111 S. Blue Bell Road in an R-1, Single Family Residential Zoning District, and being described as Tract 309 (WCAD) of the James Walker Survey, A-106, in Brenham, Washington County, Texas**

Erik Smith, Development Services Director stated that this is action item for the public hearing that was held regarding a request for approval of an Amendment to the Official Zoning Map of the Code of Ordinances for approval of a Specific Use Permit to allow a church and its auxiliary uses on the property located at 2111 S. Blue Bell Road in an R-1, Single Family Residential Zoning District. Staff recommends approval of this request.

A motion was made by Commissioner Alfred and seconded by Commissioner Kossie to approve a recommendation to City Council for approval of an Amendment to the Official Zoning Map of the Code of Ordinances for approval of a Specific Use Permit to allow a church and its auxiliary uses on the property located at 2111 S. Blue Bell Road in an R-1, Single Family Residential Zoning District, as presented. The motion carried unanimously.

- 6. Discus and Possibly Act upon a request for an Amendment to the Official Zoning Map of the Code of Ordinances for approval of a Specific Use Permit to allow an auto detail shop on the property located at 1414 W. Main Street in a B-1, Local Business Residential Mixed Use Zoning District, and being described as Tract 231 (WCAD) of the Phillip Coe Survey, A-31, in Brenham, Washington County, Texas**

Erik Smith, Development Services Director stated that this is action item for the public hearing that was held regarding a request for approval of an Amendment to the Official Zoning Map of the Code of Ordinances for approval of a Specific Use Permit to allow an auto detail shop on the property located at 1414 W. Main Street in a B-1, Local Business Residential Mixed Use Zoning District. Staff recommends conditional approval of this request. Staff recommends that a visual barrier in accordance with the landscape and buffer requirements stated in the local code of ordinances be added/maintained to the rear of the property to provide a visual barrier between the residential and commercial property.

A motion was made by Commissioner Kossie and seconded by Commissioner Behrens to approve a recommendation to City Council for approval of an Amendment to the Official Zoning Map of the Code of Ordinances for approval of a Specific Use Permit to allow an auto detail shop on the property located at 1414 W. Main Street in a B-1, Local Business Residential Mixed Use Zoning District, as presented with staff's recommendation. The motion carried unanimously.

- 7. Discuss and possibly act upon a request for approval of a Preliminary Plat to form the R & S Subdivision, consisting of 1 commercial lot, being a subdivision of 1.126 acres of land located at 1804 S. Blue Bell Road, situated in the James Walker Survey, A-106, in the City of Brenham, Washington County, Texas**

Erik Smith, Development Services Director stated that this is a preliminary plat to form the R & S Subdivision, consisting of 1 commercial lot, being a subdivision of 1.126 acres of land located at 1804 S. Blue Bell Road, situated in the James Walker Survey, Abstract 106, in Brenham, Washington County, Texas. He stated that the preliminary plat shows the contours and improvements. He further stated that this property was not previously platted so this plats all of the tracts into one lot.

Staff has reviewed this plat and finds that it meets the applicable ordinances and recommends approval of the preliminary plat as presented.

A motion was made by Commissioner Alfred and seconded by Commissioner Sheffield to approve the Preliminary Plat to form R & S Subdivision, as presented. The motion carried unanimously.

8. Discuss and possibly act upon a request for approval of a Final Plat to form the R & S Subdivision, consisting of 1 commercial lot, being a subdivision of 1.126 acres of land located at 1804 S. Blue Bell Road, situated in the James Walker Survey, A-106, in the City of Brenham, Washington County, Texas

Erik Smith, Development Services Director stated that this is a final plat to form the R & S Subdivision, consisting of 1 commercial lot, being a subdivision of 1.126 acres of land located at 1804 S. Blue Bell Road, situated in the James Walker Survey, Abstract 106, in Brenham, Washington County, Texas. He noted that the contours and improvements have been removed.

Staff has reviewed this plat and finds that it meets the applicable ordinances and recommends approval of the final plat as presented.

A motion was made by Commissioner Kossie and seconded by Commissioner Behrens to approve the Final Plat to form R & S Subdivision, as presented. The motion carried unanimously.

9. Administrative Report

Erik Smith presented the Administrative report for June 2017, including building permit/inspection/code enforcement information. He stated that permit activity is very steady.

Mr. Smith stated that legislation was recently passed that becomes effective 9-1-17 that will allow cell phone nodes to be put in and on utility poles. The City of Brenham will have ten (10) days to review it and if not reviewed in that time period, it will automatically be approved. For the actual utility poles that they can put up, the City will have thirty (30) days to review it. The City cannot stop them from placing them in City right of way, including sidewalks. These nodes will enhance our service but they are not attractive and be up to 55’ tall per the legislation. Staff is meeting this week to try to put something together to present to City Council as a workshop but the turnaround time for municipalities to get any rules into place regarding this issue is so small. The City does have some discretion in various areas such as Historical Districts, places with design standard criteria [elemental construction, architectural controls. “controlled type developments”), areas with right-of-way of 50’ or less. The City will be working with TXDOT to amend the mutual maintenance agreement as well. He stated that he is still reading through the information but if you are interested you can google “cell nodes and sidewalks in Houston”. Currently, we have been just denied the requests as we receive them due to it being in City right of way.

10. Adjourn

Vice Chairman Low adjourned the Planning and Zoning Commission meeting at 5:45 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:

Planning and Zoning Commission

Acting Chairman

Meeting Date

Attest

Kim Hodde
Staff Secretary

Meeting Date