

**CITY OF BRENHAM  
PLANNING AND ZONING COMMISSION MINUTES  
September 25, 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 September 25, 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

Staff present:

Erik Smith, Development Services Manager  
Kim Hodde, Planning Technician

Citizens present:

Carl Detering	Katherine Wellmann
Angela Denny	Donald Lampe
Kevin Mutscher	Darren Huckert
Lynwood Ullrich	Arlen Thielemann
Vernon Wellmann	Donnie Roberts

**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.

**2. Appointment of a Chairman of the Planning and Zoning Commission**

Due to the death of Walt Schoenvogel, appointment of a Chairman for the Planning and Zoning Commission is necessary.

A motion was made by Commission Sheffield and seconded by Commissioner Alfred to appoint Nancy Low as Chairman of the Planning and Zoning Commission. There were no other nominations. The motion carried unanimously. Commissioner Low graciously accepted the appointment.

**3. Appointment of a Vice Chairman of the Planning and Zoning Commission**

A motion was made by Commissioner Kossie to appoint Deanna Alfred as Vice Chairman of the Planning and Zoning Commission.

A motion was made by Commissioner Sheffield to appoint Calvin Kossie as Vice Chairman of the Planning and Zoning Commission. Commissioner Kossie declined the nomination.

Commissioner Sheffield seconded Commissioner Kossie's nomination to appoint Deanna Alfred as Vice Chairman.

There were no other nominations. The motion to appoint Deanna Alfred as Vice Chairman carried unanimously. Commissioner Alfred graciously accepted the appointment.

**CONSENT AGENDA**

**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 the July 24, 2017 Planning and Zoning Commission Meeting**

Chairman Low asked for any corrections or additions to the minutes as presented. A motion was made by Commissioner Sheffield and seconded by Commissioner Kossie to approve the minutes from the July 24, 2017 meeting, as presented. The motion carried unanimously.

**PUBLIC HEARING**

**5. Public Hearing to consider a request for approval of a Replat of Tract 1 and Tract 2 of the Smith Ranch Subdivision, to form Tract 1A (15.297 acres) and Tract 2A (4.615 acres), in the City of Brenham's Extra Territorial Jurisdiction (E.T.J.), Washington County, Texas**

Erik Smith, Development Services Director stated that this is a request for approval of a replat of the Smith Ranch Subdivision. This property is located in the ETJ and an access variance has previously been approved. He stated that the applicant wants to square off Lot 2. He stated that staff has reviewed the plat for compliance with City ordinances and regulations.

Chairman Low opened the Public Hearing for this item and asked for any citizen comments. There were no citizen comments so Chairman Low closed the Public Hearing for this item.

The Public Hearings for Items 6, 7, and 8 were held in reverse order since the Keilers rezoning cannot be approved if the Detering rezoning is not approved as well so it makes sense to hear them in this revised order.

**8. Public Hearing to consider a request for an Amendment to the Official Zoning Map of the Code of Ordinances, to change the zoning of a portion of the 53.01 acre tract of land described as R#19805 (WCAD), Tract 25 of the John Carrington A0120, from Local Business/Residential Mixed Use District (B-1) 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 Carl A. Detering, Jr. and William C. Detering to rezone the above described property from B-1 to R-2 for future residential development. The 2020 Comprehensive Plan shows this portion of the property as Retail /Commercial but the adjacent property is Multi-family. The applicant wants to square off the "pan-handle" portion of this tract and add it to their adjacent residentially zoned property. Staff agrees with request. If this zone change request is approved, the Comprehensive Plan will be amended to reflect this change.

Chairman Low opened the Public Hearing for this item and asked for any citizen comments. There were no citizen comments. Chairman Low closed the Public Hearing for this item.

**7. Public Hearing to consider a request for an Amendment to the Official Zoning Map of the Code of Ordinances, to change the zoning of a portion of the 53.01 acre tract of land described as R#19805 (WCAD), Tract 25 of the John Carrington A0120, from a Local/Business/Residential Mixed Use District (B-1) to a Commercial, Research and Technology Use District (B-2), in Brenham, Washington County, Texas.**

Erik Smith, Development Services Director stated that this is a request from Carl A. Detering and William C. Detering to rezone the above described property from B-1 to B-2 for future commercial development. Mr. Smith stated that when a zone change request is received, staff looks at the Thoroughfare Plan and the Comprehensive Plan when evaluating the request. The 2020 Comprehensive Plan shows this property as Retail /Commercial and the thoroughfare adjacent to this property is Highway 36. Both would show that either a B-1 or B-2 zoning district is a reasonable zoning district for the property. This property is currently vacant land.

Chairman Low opened the Public Hearing for this item and asked for any citizen comments. There were no citizen comments. Chairman Low closed the Public Hearing for this item.

**6. 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 4.743 acre tract of land described as R#19919 (WCAD), Tract 121 of the John Carrington A0120, addressed as 3201 State Highway 36 S, from a Local/Business/Residential Mixed Use District (B-1) to a Commercial, Research and Technology Use District (B-2), in Brenham, Washington County, Texas.**

Erik Smith, Development Services Director stated that this is a request from Keilers Properties, Inc. to rezone the above described property from B-1 to B-2 for operating a tire shop. Mr. Smith stated that the applicant purchased this property and wants to put in a tire sales and distribution center (Cy-Fair Tires); however, permits cannot be issued unless the zoning is compliant. The applicant has worked with the Deterings to get the zone change completed. The 2020 Comprehensive Plan shows this property as Retail /Commercial and the thoroughfare adjacent to this property is Highway 36. Both would show

that either a B-1 or B-2 zoning district is a reasonable zoning district for the property. Mr. Smith stated that the business use needs to be considered; however, all the business uses for B-2 zoning need to be considered. He stated that one phone call had been received regarding outdoor storage. He stated that the Health and Safety Code and the Fire Codes would have to be met as well as screening would be required if they do outdoor storage.

Chairman Low opened the Public Hearing for this item and asked for any citizen comments. Kevin Mutscher, agent for Mr. Keilers, stated that Mr. Keilers intends to comply with all of Brenham's ordinances and regulations. He stated that this building has been used as a Schlitz distributor, Roberts-Horne Realty as well as other uses. Donnie Roberts stated that this building was built by his parents in the 1980's with approximately 10,000 square feet of warehouse space plus office space. He stated that when the City annexed the property, the beer distributorship technically was not in compliance; however, the Roberts family didn't know that it wasn't compliant. Had Mr. Roberts known, he would have requested the property be rezoned to B-2 back then. After the realty office, the building was home to Green Grain and from 2007-2016, Valmont Subsidiaries leased the building until Pierre Roberts sold the property to Mr. Keilers. He stated that they didn't know that it was not compliant and that this would be an injustice to Mr. Keilers not to allow him to operate his business at this location. Mr. Roberts further stated that if his father had known about the non-compliance issue, he would have requested the zone change prior to the sale of the property since this property was built for and operated as a distribution center and it should be grandfathered. Chairman Low stated that the grandfathering is only an issue when the property changes use. Mr. Roberts stated that that the building cannot be used for its highest and best use if this rezone request is not approved.

There were no other citizen comments. Chairman Low closed the Public Hearing for this item and reconvened the Regular Agenda.

**REGULAR MEETING**

- 9. Discuss and possibly act upon a request for approval of a Replat of Tract 1 and Tract 2 of the Smith Ranch Subdivision, to form Tract 1A (15.297 acres) and Tract 2A (4.615 acres), in the City of Brenham's Extra Territorial Jurisdiction (E.T.J.), 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 a Replat of the Smith Rach Subdivision. Staff recommends approval of this request.

A motion was made by Commissioner Kossie and seconded by Commissioner Alfred to approve the replat of Lot 1 and Lot 2 of the Smith Ranch Subdivision to form Lot 1A and Lot 2At, as presented. The motion carried unanimously.

Items 10,11, and 12 were heard in reverse order since the Keilers rezoning cannot be approved if the Detering rezoning is not approved as well.

- 12. 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 a portion of the 53.01 acre tract of land described as R#19805 (WCAD), Tract 25 of the John Carrington A0120, Local/Business/Residential Mixed Use District (B-1) 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 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 rezoning of a portion of the above described tract of land from B-1 to R-2 (Detering).

A motion was made by Commissioner Behrens 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 to change the zoning of a portion of the tract of land described above from B-1 to R-2, as presented. The motion carried unanimously.

- 11. 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 a portion of the 53.01 acre tract of land described as R#19805 (WCAD), Tract 25 of the John Carrington A0120, from a Local/Business/Residential Mixed Use District (B-1) to a Commercial, Research and Technology Use District (B-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 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 rezoning of a portion of the above described tract of land from B-1 to B-2 (Detering).

A motion was made by Commissioner Kossie and seconded by Commissioner Alfred to approve a recommendation to City Council for approval of an Amendment to the Official Zoning Map of the Code of Ordinances for approval to change the zoning of a portion of the tract of land described above from B-1 to B-2, as presented. The motion carried unanimously.

- 10. 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 4.743 acre tract of land described as R#19919 (WCAD), Tract 121 of the John Carrington A0120, addressed as 3201 State Highway 36 S, from a Local/Business/Residential Mixed Use District (B-1) to a Commercial, Research and Technology Use District (B-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 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 rezoning of the above described tract of land from B-1 to B-2 (Keilers).

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 to change the zoning of the tract of land described above from B-1 to B-2, as presented. The motion carried unanimously.

- 13. Discuss and Possibly act upon a request concerning a Recommendation to City Council on a Variance Request by Thielemann Development Company, LP from Section 23-22(1), Subdivision Ordinance of the Code of Ordinances for the property located at the SE Corner of Cantey Street and Gun and Rod Road and further described as R#16692 (WCAD), 23.822 acres out of the Isaac Lee Survey, A-77, in the City of Brenham, Washington County, Texas for the following proposed lots:**

- a. Block I, Lot 1**
- b. Block I, Lot 20**
- c. Block II, Lot 1**

Erik Smith, Development Services Director stated that this is a request for a variance to Section 23-22(1) of the Subdivision Ordinance that requires a twenty-five (25) foot side setback for lot sides that abut a collector or arterial street. Cantey Street and Gun & Rod Road are both considered minor collector streets according to the City of Brenham's adopted Thoroughfare Plan; therefore, all the corner lots that would normally be required to have a 15-foot side yard setback are required to have a 25-foot side yard setback. The Applicant is requesting a variance to reduce the requirement for the above-described lots from a 25-foot side yard setback to a 15-foot side yard setback for these three lots. Mr. Smith stated that the residential plat cannot be completed until a decision is made on the setbacks. The City Engineer doesn't have any issues with the existing right of way for future expansion.

Commissioner Sheffield asked if the development will be fenced. Arlen Thielemann stated that it will be fenced. Chairman Low asked if there were any plans to widen Gun & Rod Road since there is already a lot of traffic on that road. Erik Smith stated that he is not sure of the funding for street projects.

Darren Huckert stated that the reason for this request is that the 2 lots in the existing subdivision across Cantey Street was platted in 2003 with 15' setbacks. He stated that they were just trying to match those lots as well as match the zoning ordinance requirements. He said the Subdivision Ordinance requires a 25' setback and the Zoning Ordinance only requires a 15' setback so they are requesting the lower setback for this development. He further stated that there will be no garage or access from the side for these properties so it will be a true side yard.

Angela Denny, who lives at 1810 Gun & Rod Road inquired about the drainage ditch in front of her house not being sufficient. Mr. Smith told Ms. Denny that since this is not related to the request on the agenda, he will discuss the issue with her privately.

A motion was made by Commissioner Sheffield and seconded by Commissioner Alfred to approve the variance requests for Block I, Lot 1, Block I, Lot 20, and Block II, Lot 1 and allow for a 15-foot side yard setback, as presented. The motion carried unanimously.

Chairman Low stated that she was concerned with the drainage and runoff issues in this area. Mr. Smith stated that the City Engineer deals with these issues and he hasn't had a conversation with her about it. However, the City of Brenham currently has about \$750,000 of flood repair projects that FEMA will not cover. The priority is getting the damaged areas repaired and corrected. Mr. Huckert stated that urban planning is designed for the 100-year flood and the Health and Safety Code is looked at for the 500-year flood. He stated that Lori Lakatos, City Engineer, will address the drainage issues with regards to platting of this area and he can ask her to address the Planning and Zoning Commission regarding the drainage in this area.

**14. Administrative Report**

Erik Smith presented the Administrative report for August 2017, including building permit/inspection/code enforcement information. He stated that permit activity is up and the department is very busy. He informed the Board that David Doelitsch, who is currently the Health Inspector/Code Enforcement Official, has received his certification as a Building Inspector. He will help relieve some of the burden off the Building Official. He will focus mainly on residential inspections.

**15. Adjourn**

Chairman Low adjourned the Planning and Zoning Commission meeting at 6:06 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>Nancy Low</u>	_____
Planning and Zoning Commission	Chairman	Meeting Date
_____	<u>Kim Hodde</u>	_____
Attest	Staff Secretary	Meeting Date