

CITY OF BRENHAM
PLANNING AND ZONING COMMISSION MINUTES
January 22, 2018

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 January 22 2018 at 5:15 pm in the Brenham Municipal Building, City Council Chambers, at 200 West Vulcan Street, Brenham, Texas.

Commissioners present:

Nancy Low, Chairman
Deanna Alfred, Vice Chairman
Keith Behrens
Leroy Jefferson
Calvin Kossie
Lynnette Sheffield
Marcus Wamble

Commissioners absent:

None

Staff present:

Lori Lakatos, City Engineer
Ryan Rapelye, City Manager
Kim Hodde, Planning Technician

Citizens present:

Councilmember Charlie Pyle	Annette Walcik
Jeff Robertson	Andy Adams
Pressley Walcik	Richard Heiges

1. Call Meeting to Order

Chairman Low called the meeting to order at 5:16 pm with a quorum of seven (7) Commissioners present.

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 December 18, 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 Alfred to approve the minutes from the December 18, 2017 meeting, as presented. The motion carried unanimously.

REGULAR MEETING

3. Public Hearing, Discussion and Possible Action on Case No. P-18-001: A request by Solution Builders, LLC (Dara Childs) for a Replat of a portion of Lot 1, Block 1 of Post Oak Grove Addition (addressed as 1303 Simon Avenue) to create Lot 1A, in the City of Brenham, Washington County, Texas

Lori Lakatos stated that this is Case No. P-18-001: A replat request titled Fairgrounds Replat for the property located at 1303 Simon Avenue and described as being a replat of a portion of Lot 1, Block 1 of Post Oak Grove Addition to Form Lot 1A, in the City of Brenham, Washington County, Texas. Property Owners within 200 feet of the project site were mailed notification of this proposal on January 5, 2018. The Notice of the Public Hearing was published in the newspaper on January 5, 2018. As of 5:00 pm today, there were no comments received for or against the proposed plat. Engineering and Development Services have reviewed this replat for compliance with the City of Brenham's regulations and ordinances and recommends approval of this replat. Ms. Lakatos stated that Richard Heiges is here on behalf of the Owner to answer any questions.

Chairman Low opened the Public Hearing and asked for any citizen comments. Ms. Lakatos stated that Richard Heiges is here on behalf of the Owner to answer any questions. There were no citizen comments.

Chairman Low closed the Public Hearing and re-opened the Regular Session.

A motion was made by Commissioner Sheffield and seconded by Commissioner Alfred to approve the Replat of a portion of Lot 1, Block 1 of Post Oak Grove Addition (addressed as 1303 Simon Avenue) to create Lot 1A, as presented. The motion carried unanimously.

4. Public Hearing, Discussion and Possible Action on Case No. P-18-002: A request by the Washington County Oak Alley, LLC to amend the Planned Development District Ordinance Number O-13-020 for the Oak Alley Subdivision in Brenham, Washington County, Texas

Commissioner Sheffield recused herself from discussion and action on this item.

Lori Lakatos stated that this is Case No. P-18-0012: A request to amend the Planned Development District Ordinance Number O-13-020 for the Oak Alley Subdivision. The Owner/Applicant is Washington County Oak Alley, LLC/Lynnette Sheffield. The current zoning is a Planned Development District. The current land use is single-family residential and undeveloped land. The future land use designation is single-family residential. The adjacent zoning districts are R-1 (residential) and the ETJ, which is un-zoned. There are residential uses to the west and south of the property, a school to the north, and un-zoned, undeveloped land within the ETJ to the east. The current zoning of the adjacent properties are R-1 to the north, south, and west and un-zoned property to the east. The request is to amend the PD to change the setback and width requirements. In November 2017, the owner submitted a plat for Phase II of the Oak Alley Subdivision. It was determined that not all of the requirements of the Planned Development District could be met. Staff advised owner that they could request an amendment to the PDD. This request is to amend the existing Planned Development ordinance to change the setback and lot width requirements as shown in the Revised Ordinance or the Master Plan Development Plan shown on the revised Exhibit "A". Ms. Lakatos noted that in the documents in the Planning and Zoning packet, it shows that the requested rear setback for the Zero Lot Line homes in Lots 3-7, Block 3 and Lots 1-5, Bloc 4 is 24'; however, the correct requested rear setback is 20'.

Property Owners within 200 feet of the project site were mailed notification of this proposal on January 11, 2018. The Notice of the Public Hearing was published in the newspaper on January 11, 2018. As of 5:00 pm today, there were no comments received for or against the proposed amendments. Staff has reviewed the request and recommends approval.

Chairman Low opened the Public Hearing and asked for any citizen comments. Jeff Robertson with McClure and Brown stated that he has been working with Ms. Sheffield on this development. He stated that typically with zero lot line developments, you have a maintenance agreement with the neighbor on the zero setback side in order to take care of any maintenance issues on that side of the house. By changing the setbacks to 7' and 3', this would eliminate the need for the maintenance agreement. Lynnette Sheffield stated that she is trying to refine this phase and avoid the mistakes from the first phase. She indicated that she has had a high level of interest in the patio homes. She further stated that she would have rear or side entrances so garages would not be visible. There were no other citizen comments.

Chairman Low closed the Public Hearing and re-opened the Regular Session.

A motion was made by Commissioner Alfred and seconded by Commissioner Wamble to make a recommendation to City Council to approve the proposed amendments to the Planned Development District Ordinance Number O-13-020 for the Oak Alley Subdivision, as presented. The motion carried unanimously.

5. Public Hearing, Discussion and Possible Action on Case No. P-18-003: A request by Presley Walcik (owner) and Washington County Athletics – Andy Adams (tenant) to amend the City of Brenham’s Code of Ordinances, Appendix A: Zoning, Part II, Division 2, Section 6.02, Permitted Uses: (Non-residential) - to add fitness facilities as a permitted use in the B-4 Neighborhood Business District

Lori Lakatos stated that this is Case No. P-18-003: A request to amend the City of Brenham’s Zoning Ordinance to add fitness facilities as a permitted use in the B-4 Neighborhood Business District. The Owner/Applicant is Pressley Walcik (owner)/Andy Adams, Washington County Athletics (tenant). In December 2017, Andy Adams requested a zoning verification letter for 107 W. First Street. It was determined that a fitness facility is not a permitted use within the B-4 Neighborhood Business District. The Notice of the Public Hearing was published in the newspaper on January 11, 2018. As of 5:00 pm today, there were no comments received for or against the proposed text amendment. Staff has reviewed the request and recommends approval based on the following reasons:

- Currently fitness facilities are permitted by right in the B-1, Local Business/Residential Mixed Use District
B-2 Commercial, Research and Technology District, and
B-3 Historical Central Business District

- The B-4 District was established to encourage a mix of commercial, office, service, residential, and governmental uses while preserving the historical/commercial character of the district. It is a transition area.
- B-1, B-2, B-3, and B-4 Districts have similar permitted uses.

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

Chairman Low closed the Public Hearing and re-opened the Regular Session. Commissioner Sheffield asked if the City Council minutes could be reviewed to see if the use was purposely or accidentally excluded from this district. Assistant City Manager, Ryan Rapeleye pulled up the minutes for everyone to view; however, the minutes didn't indicate one way or the other. Ms. Sheffield suggested this be looked into further and possibly consult the Main Street Board and determine if there was a reason why this use was excluded from the B-4 District. Councilmember Charlie Pyle clarified that the B-4 District came out of the Main Street restructuring committee. He stated that some uses were specifically not included in the B-4 district and he thought "gyms" were one of the omitted uses due to the potential amount of people and parking issues. Mr. Rapeleye stated that when he had attended cross-fit in the past, it is not like a true gym, it is a much smaller group. Andy Adams, owner of Washington County Athletics, stated that CrossFit is not like a "Gold's Gym". The class sizes are limited to no more than 12 people at a time. Councilmember Pyle stated that this is valuable information that needs to be forwarded to the Main Street Board. Mr. Adams stated that they are actually more like a small personal or small group training. Commissioner Sheffield stated that since the Main Street Board had input into the establishment of the B-4 District, she would just be more comfortable with waiting to take any action until it could be looked into further.

A motion was made by Commissioner Behrens and seconded by Commissioner Sheffield to table this item until the February 26th meeting. The motion carried unanimously.

6. Public Hearing, Discussion and Possible Action on Case No. P-18-004: A request by the City of Brenham to amend the City of Brenham's Code of Ordinances, Appendix A: Zoning, Part III, Section 7. Required Signs - to amend the signage requirements

Lori Lakatos stated that this is Case No. P-18-004: A City initiated text amendment to amend the signage requirement. This is a request to amend the zoning ordinance by revising the signage requirements for rezonings and adding signage clarification for Board of Adjustment action. The Notice of the Public Hearing was published in the newspaper on January 11, 2018. As of 5:00 pm today, there were no comments received for or against the proposed text amendment. Staff recommends approval.

The current ordinance requires the applicant to post a 4'x4' sign with the applicant's name, the current zoning, the requested zoning, the dates, times and locations of the hearings before the Planning and Zoning Commission and the City Council as well as a contact number to call for more information. The sign is flimsy and hard to read with all of this information. The sign must remain posted for 15 days prior to the first public hearing. This requested change would allow the City of Brenham to post a sturdier metal sign on the site with limited information such as Rezoning Request, Variance Request, and Special Exception Request – For information Contact City of Brenham (979) 337-7220, etc. This will allow the sign to be more visible to the public and also allow the public to call the City to obtain more accurate information prior to the public meetings

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

Chairman Low closed the Public Hearing and re-opened the Regular Session.

A motion was made by Commissioner Kossie and seconded by Commissioner Sheffield to a make a recommendation to City Council to amend the City of Brenham's Code of Ordinances, Appendix A: Zoning, Part III, Section 7. Required Signs - to amend the signage requirements, as presented. The motion carried unanimously.

7. Public Hearing, Discussion and Possible Action on Case No. P-18-005: A request by the City of Brenham to amend the City of Brenham's Code of Ordinances, Appendix A: Zoning, Part V, Section 2.03, Membership and appointment and Section 3.03, Membership, appointment and terms of office in regards to the Planning and Zoning Commission and Board of Adjustment

Lori Lakatos stated that this is Case No. P-18-005: A City initiated text amendment to amend the Planning and Zoning Commission's (Commission) and Board of Adjustment's (Board) membership. This is a request to amend the zoning ordinance by revising the membership requirements to be a citizen of the City and other changes for consistency between the Commission and Board and the Texas Local Government Code. The Zoning Ordinance does not currently require that a member be a resident of the City. Any vacancy would be able to be filled by anyone living in the County. Since the Zoning Ordinance only applies to the city limits, it seems reasonable that only citizens of the City should be able to sit on the Commission or the Board. Another reason is for consistency between the Commission and Board and to meet the Texas Local Government Code. One proposed change is that a member of the P & Z Commission cannot serve on the Board of Adjustment at the same term. The reason behind this is that the Board of Adjustment is a quasi-judicial board and it has always been recommended that you don't have cross conflicts between the two boards. Another proposed change is putting in a clause for removal of board members for non-attendance of board members for reasons other than illness or excused reasons. This just makes the Commission and

Board both consistent. The remainder of the changes are to just clean up the language for the Board of the Adjustment, in accordance with the Texas Local Government Code. The Notice of the Public Hearing was published in the newspaper on January 11, 2018. As of 5:00 pm today, there were no comments received for or against the proposed text amendment. Staff recommends approval.

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

Chairman Low closed the Public Hearing and re-opened the Regular Session.

A motion was made by Commissioner Kossie and seconded by Commissioner Alfred to a make a recommendation to City Council to amend the City of Brenham’s Code of Ordinances, Appendix A: Zoning, Part V, Section 2.03, Membership and appointment and Section 3.03, Membership, appointment and terms of office in regards to the Planning and Zoning Commission and Board of Adjustment, as presented. The motion carried unanimously.

8. Administrative Report

Lori Lakatos stated that the administrative report for December was included in the packet and that she would be happy to answer any questions. Lori asked for input from the Board as to if they liked receiving the report monthly, if they wanted more information, less information, or if they did not want to receive the information at all. The consensus of the Board was that they appreciated the information and wanted to continue to receive it; however, they did not want it to be burdensome to staff so they recommended that the report be given on a quarterly basis instead of a monthly basis.

9. Adjourn

Chairman Low adjourned the Planning and Zoning Commission meeting at 6:24 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