

**CITY OF BRENHAM
PLANNING AND ZONING COMMISSION MINUTES
October 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 October 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
Leroy Jefferson
Calvin Kossie
Lynnette Sheffield
Marcus Wamble

Commissioners absent:

Keith Behrens

Staff present:

Lowell Ogle, Assistant City Manager - Public Utilities
Lori Lakatos, City Engineer/Director of Development Services
Stephanie Doland, Assistant Director of Development Services
Kim Hodde, Planning Technician

Citizens present:

Doug French, Stylecraft Builders

1. Call Meeting to Order

Chairman Low called the meeting to order at 5:15 pm with a quorum of six(6) Commissioners present.

2. Public Comments

There were no public comments.

3. Reports and Announcements

Lori Sanguedolce (Lakatos) introduced Stephanie Doland, the new Assistant Director of Development Services, to the Board. Chairman Low welcomed Ms. Doland and congratulated Ms. Sanguedolce on her recent wedding.

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 23, 2018 Planning and Zoning Commission Meeting

Chairman Low 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 July 23, 2018 meeting, as presented. The motion carried unanimously.

REGULAR MEETING

5. Discussion and Possible Action on Case No. P-18-021: A request for a Variance from Section 23-22(1), Subdivision Ordinance of the Code of Ordinances to allow a 20-foot rear yard setback where a 25-foot rear setback is required adjacent to a collector or an arterial street at 810 Brown Street, specifically described as Part of Lots 50-53, College Heights Addition, in the City of Brenham, Washington County,

Stephanie Doland presented the staff report for Case No. P-18-021 (on file in the Development Services Department). This variance request is coming before the Planning and Zoning Commission since this is a variance to the Subdivision Ordinance. She stated that this property has been vacant for at least 10 years and the applicant is proposing to put a single-family residence on this triangular shaped lot. This lot has changed dimensions over time due to the expansion of FM 577/Blue Bell Road. Staff recommends approval of a 5-foot rear variance. Ms. Doland stated that the Board of Adjustment upheld staff's recommendation and unanimously voted approval of a 5-foot rear variance.

Commissioner Sheffield stated that is it amazing to have this property put back on the tax rolls.

A motion was made by Commissioner Sheffield and seconded by Commissioner Wamble to make a recommendation to City Council for approval of a variance from Section 23-22(1) of the Code of Ordinances to allow a 20-foot rear setback where a 25-foot rear setback is required adjacent to a collector or arterial street at 810 Brown Street, as presented. The motion carried unanimously.

6. Public Hearing, Discussion and Possible Action on Case No. P-18-022: A request for approval of a Replat of Lot 44, Block 4 of Ralston Creek Estates, Phase 2 to create Lot 44-R, addressed as 1801 Basin Trail, in the City of Brenham, Washington County, Texas

Stephanie Doland presented the staff report for Case No. P-18-022 (on file in the Development Services Department) and stated that this replat is to remove the floodplain encroachment from the lot and put it into homeowner's association area. Engineering and Development Services have reviewed the proposed replat for compliance with the City of Brenham's applicable regulations and ordinances and recommend approval of the proposed replat.

Chairman Low opened the Public Hearing at 5:24 pm and asked for any comments. There were no public comments.

Chairman Low closed the Public Hearing at 5:25 pm and re-opened the Regular Session.

A motion was made by Commissioner Sheffield and seconded by Commissioner Kossie to approve the Replat of Lot 44, Block 4 of Ralston Creek Estates, Phase 2 to create Lot 44-R, addressed as 1801 Basin Trail, as presented. The motion carried unanimously.

7. Public Hearing, Discussion and Possible Action on Case No. P-18-024: A request to Amend the Planned Development District Ordinance Number O-17-005 for the Vintage Farms Subdivision in Brenham, Washington County, Texas

Stephanie Doland presented the staff report for Case No. P-18-024 (on file in the Development Services Department) and stated that this is a request to remove from the Planned Development Ordinance the restriction that air conditioner units shall not be located within the side and rear building setbacks. Ms. Doland presented the following staff analysis:

- Unable to determine the reason why this language was placed in the existing PD
- International Residential Code (IRC-2012) is silent on condensor locations
- HVAC specifications: 12 to 18 inches from dwelling, other sides 2-foot clearance
- No other adopted PD's address AC condensor unit location
- Historical interpretations of side & rear yard setback definitions has not included AC condensor units as a projection that cannot be located in the side yard
- Unable to determine a compelling reason for why regulation of AC condensor units into the building setback will be a public benefit
- Setbacks are established to reduce the risk of conflagration between structures, to ensure that first responders can access all sides of structures, and to preserve light and open space throughout the City.

Chairman Low opened the Public Hearing at 5:33 pm and asked for any comments. Doug French stated that Erik Smith, who is no longer with the City of Brenham, and Matt Childers, who is now in Colorado, were the two people who were working on the original Planned Development Ordinance. He apologized for not catching this issue during review of the original submission. He stated that none of their other PD's has this language so he is unsure as to how or why it was put into this one.

In response to questions from Commissioners, Ms. Doland stated:

- Staff has not talked with the Fire Department but will do so.
- The proposed amendment request pertains to this subdivision only, any subsequent similar requests will be considered individually.
- This requirement has not been included in any of the other Planned Developments approved by the City of Brenham.

Commissioner Wamble expressed that the Fire Marshal should have a recommendation for this request. Chairman Low asked if this request is not approved, where the AC units would be placed. Doug French stated that if this request is not approved, then the units would have to be put in the front yard. Mr. French stated that he liked the idea that was suggested requiring all of the units to be located on the same side. Mr. French proposed to amend his request such that language allowing the eaves to encroach would remain and the following language concerning AC units would be added to the PD ordinance:

“Air compressor units may encroach not more than four and one-half feet beyond the building lines into the required rear and side yards. In addition, when two homes are built adjacent to one another only one of the homes may utilize the adjacent side yard for their air compressor unit. The other adjacent home must utilize the opposite side yard or rear yard to house their air compressor unit.”

Chairman Low closed the Public Hearing at 5:46 pm and re-opened the Regular Session.

A motion was made by Commissioner Wamble for approval of the request pending approval or recommendation by the Fire Marshal. Commissioner Alfred asked for clarification on Mr. Wambles’s motion – if it was for the original request or for the amended wording presented by Mr. French. Commissioner Wamble asked if the item could be tabled pending a recommendation from the Fire Marshal or if the item needed to be approved tonight. Lori Sanguedolce stated that either process could be done; however, if the item is tabled and considered at the November 26, 2018 Planning and Zoning Commission meeting, then the earliest that it could receive Council approval would be January 2019.

Chairman Low re-opened the Public Hearing at 5:54 pm. Mr. French stated that Stylecraft was very amenable to working with Council when the original Planned Development was established and they would definitely work with the P&Z Commission and City Council to get this issue resolved. There were no other comments.

Chairman Low closed the Public Hearing at 5:56 pm and re-opened the Regular Session.

An amended motion was made by Commissioner Wamble and seconded by Commissioner Kossie to make a recommendation to City Council for approval of an amendment to the Planned Development District Ordinance Number O-17-005 for the Vintage Farms Subdivision based on Mr. French’s proposed language (as stated above) and pending approval of the City Fire Marshal. The motion carried unanimously.

8. Adjourn

A motion was made by Commissioner Wamble and seconded by Commissioner Kossie to adjourn the Planning and Zoning Commission meeting at 5:57 p.m. The motion carried unanimously.

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

Nancy Low
Chairman

November 26, 2018
Meeting Date

Attest

Kim Hodde
Staff Secretary

November 26, 2018
Meeting Date