

**CITY OF BRENHAM
PLANNING AND ZONING COMMISSION MINUTES
September 28, 2020**

The meeting minutes herein are a summarization of meeting procedures, not a verbatim transcription.

Due to COVID-19 recommendations from the CDC and Texas Governor Greg Abbott's Executive Order, this Regular Meeting of the Brenham Planning and Zoning Commission was conducted virtually via teleconference and/or videoconference. The meeting was audible to members of the public and allowed for two-way communication for those desiring to participate in the meeting.

A regular meeting of the Brenham Planning and Zoning Commission was held on July 27, 2020 at 5:15 pm in the Brenham Municipal Building, City Council Chambers, at 200 West Vulcan Street, Brenham, Texas.

Commissioners present:

M. Keith Behrens, Chair (via video/teleconference)
Dr. Deanna Alfred, Vice Chair (via video/teleconference)
Artis Edwards, Jr. (via video/teleconference)
Calvin Kossie (via video/teleconference)
Cayte Neil (via video/teleconference)
Lynnette Sheffield (via video/teleconference)
Marcus Wamble (via video/teleconference)

Commissioners absent:

None

Staff present:

Stephanie Doland, Director of Development Services (on-site at City Hall)
Shauna Laauwe, Project Planner (on-site at City Hall)
Kim Hodde, Planning Technician (on-site at City Hall)
Alton Sommerfield, Public Utilities Director (on-site at City Hall)

Citizens present:

Jennifer Dawson (via video/teleconference)
Darren Huckert (via video/teleconference)
Jenny Vo (via video/teleconference)
Elizabeth Kolby (via video/teleconference)
Tuan Vo (via video/conference)
Rozanne Shelton (via video/teleconference)
Gabbi Berry / Josh Blaschke, KWHI (via video/teleconference)
Alyssa Faykus, Brenham Banner Press (via video/teleconference)

1. Call Meeting to Order

Chairman Behrens called the meeting to order at 5:30 pm with a quorum of seven (7) Commissioners present.

2. Public Comments

Jennifer Dawson stated that she was interested in the Dark Street / Mills Street rezoning. Stephanie Doland stated that the rezoning is not on this agenda but would be considered at a future meeting.

3. Reports and Announcements

- Board appointments / re-appointments. The following board members have terms that will be expiring in December 2020: Calvin Kossie, Marcus Wamble, Artis Edwards, Jr. (who is serving Leroy Jefferson's unexpired term) and Lynnette Sheffield. Kim Hodde asked everyone who is interested in being re-appointed to please get their re-appointment request form turned in ASAP since they are due by October 1, 2020. Ms. Hodde further stated that Lynnette Sheffield will not be seeking re-appointment.
- Meeting format. Ms. Doland asked if the Board wanted to continue with online meetings or hold in-person meetings. The board's opinion was unanimous to go back to in-person meetings.
- Historic Preservation Committee / Ordinance. At the October 1st City Council meeting, Council will be appointing members to serve on the City of Brenham's Historic Preservation Ordinance Committee (Commissioners Alfred and Neil from the Planning and Zoning Commission).
- Recognition dinner for outgoing board members. Staff will be scheduling a dinner to honor / recognize several P & Z board members who have served many years and are no longer serving on the Board or will be ending their term in December – Nancy Low, Leroy Jefferson, and Lynette Sheffield.
- Plan of Work / training. Stephanie Doland informed the Commission that staff does not have an update on the Commission's Plan of Work at this time; however, she will provide an update at the next meeting. Also, the City Attorney is willing to provide additional, in-person Board training. Staff will get some possible dates and consult with Board members.

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 27, 2020 Planning and Zoning Commission Meeting.**
- 4-b. **Case No. P-20-031: Preliminary Plat of the River Eagle Subdivision, Block 1, Lot 1, being 39.31 acres out of the Phillip H. Coe Survey, A-31 in Brenham, Washington County, Texas.**
- 4-c. **Case No. P-20-032: Final Plat of the River Eagle Subdivision, Block 1, Lot 1, being 39.31 acres out of the Phillip H. Coe Survey, A-31 in Brenham, Washington County, Texas.**
- 4-d. **Case No. P-20-034: Preliminary Plat of the Sycamore Hill Subdivision, Block 1, Lots 1-3, being 5.219 acres out of the Phillip H. Coe Survey, A-31 in Brenham, Washington County, Texas.**

Chairman Behrens called for a motion for the statutory consent agenda. A motion was made by Commissioner Alfred and seconded by Commissioner Wamble to approve the Statutory Consent Agenda Items 4-a, 4-b, 4-c, and 4-d, as presented. The motion carried unanimously.

REGULAR SESSION

- 5. Public Hearing, Discussion and Possible Action on Case No. P-20-030: A request to Replat Part of Lot 3 and Lot 4, Block 1 of the A.M. Lewis Addition to create the T.L. Division No. 1, consisting of two tracts; Tract 1 containing 0.520-acres and Tract 2 containing 0.387-acres, and a 0.011-acre portion dedicated for public right of way, out of the A. Harrington Survey, A-55, in Brenham, Washington County, Texas.**

Kim Hodde, Planning Technician, presented the staff report for Case No. P-20-030 (on file in the Development Services Department). Ms. Hodde stated that the subject property is currently a 0.907-acre "L" shaped vacant lot on the northwest corner of Burleson Street and Matchett Street. The property owner / applicant would like to divide the tract into two lots for residential development. The proposed replat includes a 0.011-acre dedicated public right-of-way strip along the east property line of Tract 2 for the future widening of Burleson Street as indicated in the City of Brenham's Thoroughfare Plan. Notices were mailed to property owners within 200-feet of the subject property on September 10, 2020 and published in the newspaper. No citizen comments were received.

Chairman Behrens opened the Public Hearing at 5:40 pm. There were no citizen comments.

Chairman Behrens closed the Public Hearing at 5:41 pm.

A motion was made by Commissioner Wamble and seconded by Commissioner Alfred to approve a request to Replat Part of Lot 3 and Lot 4, Block 1 of the A.M. Lewis Addition to create the T.L. Division No. 1, as presented. The motion carried unanimously.

- 6. Discussion and Possible Action on Case No. P-20-029: A request for a variance to Section 23-21(3)(a) and (3)(c) of Article III of the Subdivision Ordinance to allow a subdivision of land located in the City of Brenham's Extraterritorial Jurisdiction (ETJ) to allow Tract 1 to have a lot size of .75-acre of land instead of the required 1-acre (43,560 square feet), and to allow Tract 2 to have a front lot width of twenty-five feet (25') at the road instead of the required one hundred twenty-five feet (125') for property located at 1093 S. Berlin Road in Washington County, Texas.**

Shauna Laauwe, Project Planner, presented the staff report for Case No. P-20-029 (on file in the Development Services Department). Ms. Laauwe stated that the subject property is located at 1093 S. Berlin Road and contains approximately 8.156-acres with two existing residential structures. The property owner, Christine Stovall, desires to subdivide the 8.156-acre property into two tracts of land, Tract 1 being a .75-acre tract and Tract 2 being a 7.41-acre tract; however, the proposed division is not in compliance with the City's subdivision ordinance, specifically Chapter 23-21(3)(a) and (3)(c). The owner requests a variance to allow Tract 1 to have a lot size of .75-acre instead of the required 1-acre (43,560 square feet), and a variance to allow Tract 2 to have a width of twenty-five feet (25') at the road instead of the required one-hundred twenty-five feet (125') to accommodate the existing residences and structures.

Staff's analysis and findings are as follows:

- The only road access for the existing residence on Tract 2 is via a gravel driveway to S. Berlin Road along the south boundary of the Tract 1.

- Allowing a 25' width at S. Berlin Road will enable the proposed Tract 2 to have direct access by deed rather than a travel (access) easement.
- A lot size of 0.75-acres is a minimum and reasonable reduction that results from lessening a hardship on an adjacent property.
- The Washington County Engineer has reviewed the variance requests and has no objections.
- The applicant will be required to formally plat the property into the proposed lot configuration if the variance request is approved.

The variance requests are scheduled to be considered by City Council at their meeting on October 1, 2020. Staff recommends approval of the variance requests.

A motion was made by Commissioner Wamble and seconded by Commissioner Neil to recommend approval of a request for a variance to Section 23-21(3)(a) and (3)(c) of Article III of the Subdivision Ordinance to allow a subdivision of land located in the City of Brenham's Extraterritorial Jurisdiction (ETJ) to allow Tract 1 to have a lot size of .75-acre of land instead of the required 1-acre (43,560 square feet), and to allow Tract 2 to have a front lot width of twenty-five feet (25') at the road instead of the required one hundred twenty-five feet (125') for property located at 1093 S. Berlin Road in Washington County, Texas, as presented. The motion carried with a vote of 6-1. Commissioner Sheffield voted in opposition due to a concern about setting a precedence.

7. Public Hearing, Discussion and Possible Action on Case No. P-20-033: A request to amend the City of Brenham's Code of Ordinances, Chapter 23 - Subdivisions, to require all utilities to be located underground throughout all development and to amend the assurances for completion of improvements.

Stephanie Doland, Development Services Director, presented the staff report for Case No. P-20-033 (on file in the Development Services Department). Ms. Doland stated that due to the increase in both commercial and residential development, staff has identified two sections of the Subdivision Ordinance that are outdated and in need of revisions: (1) requirement for underground utilities, and (2) assurances for completion of improvements.

Currently the Subdivision Ordinance only requires underground utilities within residential developments. Staff recommends revision of this requirement to include commercial developments as well as residential developments. This amendment will not do away with overhead electric lines entirely since overhead electric lines may be used to bring power to a development but then underground would be required within the development. Ms. Doland gave examples such as Woodbridge Subdivision along FM 577 and Blinn College along High Street.

The fiscal security provisions section of the Subdivision Ordinance details the required processes for a private developer to construct public infrastructure within a subdivision. After a private developer's construction of public infrastructure, the city accepts the infrastructure. The existing language in the ordinance concerning infrastructure acceptance via a fiscal security (identified as Guarantee of performance) is listed as a sub-section of the Final Plat section (23-10(b)(4) and is unclear or silent on several items such as:

- Posting a security
- Completion deadline
- Infrastructure acceptance process
- Guarantee of workmanship (maintenance bond)

Staff proposes to amend this section to eliminate confusion about the required processes and fiscal security options available by having a section identified as Assurances for Completion of Improvements (proposed as Section 23-31) and will further define the following:

- Security options: Performance Bond, Escrow Account, Letter of Credit
- Completion deadline: One (1) year from date of plat approval
- Infrastructure acceptance process clarified.
- Maintenance bond procedure established.

Notice of the public hearing was published in the newspaper on September 24, 2020. No citizen comments were received.

In response to Commissioner questions, Ms. Doland clarified:

- If approved, the proposed policy will apply to City of Brenham utilities as well as Bluebonnet Electric utilities within the City of Brenham.
- The proposed changes to underground utilities will not be retroactive with existing lines and service. As new development occurs, then the new policy would apply.
- The requirements for utilities to be placed underground would be applied when property is platted into a Subdivision for development or re-platted for further development.

Chairman Behrens opened the Public Hearing at 6:16 pm and asked for any public comments. There were no citizen comments. Commissioner Neil commended staff for an organized, well-written document.

Chairman Behrens closed the Public Hearing at 6:16 pm.

A motion was made by Commissioner Sheffield and seconded by Commissioner Alfred to recommend approval of a request to amend the City of Brenham’s Code of Ordinances, Chapter 23 – Subdivisions, to require all utilities to be located underground throughout all development and to amend the assurances for completion of improvements, as presented. The motion carried unanimously.

8. Adjourn.

A motion was made by Commissioner Alfred and seconded by Commissioner Neil to adjourn the meeting at 6:18 pm. 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:

M. Keith Behrens
Planning and Zoning Commission

M. Keith Behrens
Chairman

October 26, 2020
Meeting Date

Kim Hodde
Attest

Kim Hodde
Staff Secretary

October 26, 2020
Meeting Date