



**NOTICE OF A REGULAR MEETING
THE BRENHAM CITY COUNCIL
THURSDAY, FEBRUARY 1, 2024 AT 1:00 PM
SECOND FLOOR CITY HALL
COUNCIL CHAMBERS
200 W. VULCAN STREET
BRENHAM, TEXAS**

- 1. Call Meeting to Order**
- 2. Invocation and Pledges to the US and Texas Flags - Mayor Pro Tem Kolby**
- 3. Service Recognitions**

- **Zackary Greig - Police Department - 5 years**
- **John Snowden - Police Department - 20 years**
- **Michele Glenz - Wastewater Treatment - 35 years**

- 4. Citizen Comments**

CONSENT AGENDA

5. Statutory Consent Agenda

The Statutory Consent Agenda includes non-controversial and routine items that Council may act on with one single vote. A councilmember may pull any item from the Consent Agenda in order that the Council discuss and act upon it individually as part of the Regular Agenda.

- 5.a. Approve the Minutes from the January 18, 2024, Regular City Council Meeting**
- 5.b. Approve Resolution No. R-24-002 Authorizing the Submission of a Grant Application to the Office of the Governor (OOG), Public Safety Office, Homeland Security Grants Division, (LETPA Projects) for One (1) DJI Matrice 350 RTK Drone and Applicable Equipment**
- 5.c. Approve Resolution No. R-24-003 Authorizing the Submission of a Grant Application to the Office of the Governor (OOG), Public Safety Office, Criminal Division for the FY25 Rifle-Resistant Body Armor Grant**

Program

- 5.d. Approve Resolution No. R-24-004 Authorizing the Submission of a Grant Application to the Office of the Governor (OOG), Public Safety Office, Bullet-Resistant Shield Grant Program FY25, for Two (2) Hardwire Level 3 Ballistic Shields**
- 5.e. Approve Resolution No. R-24-005 Authorizing the Submission of a Grant Application to the Office of the Governor (OOG), Public Safety Office, Body-Worn Camera Grant Program FY25**
- 5.f. Approve the Submission of a Grant Application Through the Community Development Partnership Program (CDPP) Offered by the Lower Colorado River Authority (LCRA), in the Amount of \$25,000.00 for the Purchase of Two (2) Electronic Message Boards for the City of Brenham Street Department and Authorize the Mayor to Execute Any Necessary Documentation**

PUBLIC HEARING

- 6. Public Hearing to Consider the Recommendations of the Capital Improvements Advisory Committee (CIAC) Related to the Proposed Adoption of an Ordinance Imposing Impact Fees for Water, Wastewater and Roadways**

PUBLIC HEARING AND ASSOCIATED ACTION ITEM

- 7. Public Hearing, Discussion and Possible Action on an Ordinance on Its First Reading Amending the Official Zoning Map of the City of Brenham, to Change the Zoning District from a Single-Family Residential District (R-1) to a Planned Development District (PDD) on Approximately 28.09 Acres of Land Generally Located on Northwest Corner of W. Jefferson Street and N. Saeger Street, Being Further Described as a Portion of Tract 82 of the Phillip Coe Survey, A-31, in Brenham, Washington County, Texas (Case Number P-24-001)**

REGULAR SESSION

- 8. Discuss and Possibly Act Upon Ordinance No. O-24-002 on Its Second Reading Amending Appendix A - Zoning of the Code of Ordinances of the City of Brenham Granting a Specific Use Permit to Allow a Food Truck Park in a B-1, Local Business/Residential Mixed Use Zoning District on Property Located at the Southeast Corner of the Intersection of N. Park Street and Brookside Drive, and Being 2.6051 Acres Described as Scenic Estates, Section IV, Reserve A (1.9257 Acres) and Reserve B2 (0.6794 Acres) out of the Arabella Harrington Survey in Brenham, Washington County, Texas (Case No. P-23-043)**

9. **Discuss and Possibly Act Upon the Possible Amendment of, Modification of Scope of Work of, and/or Other Project Changes Related to Contract No. 22-085-049-D302 Between the City of Brenham and the Texas General Land Office for Community Development Block Grant Mitigation Program Infrastructure Projects Non-Research & Development Mitigation Funding Concerning the Hogg Branch Creek Flood and Drainage Facilities Improvements, and Authorize the Mayor to Execute Any Necessary Documentation**

10. Administrative/Elected Officials Report

Administrative/Elected Officials Reports: Reports from City Officials or City staff regarding items of community interest, including expression of thanks, congratulations or condolences; information regarding holiday schedules; honorary or salutary recognitions of public officials, public employees or other citizens; reminders about upcoming events organized or sponsored by the City; information regarding social, ceremonial, or community events organized or sponsored by a non-City entity that is scheduled to be attended by City officials or employees; and announcements involving imminent threats to the public health and safety of people in the City that have arisen after the posting of the agenda.

EXECUTIVE SESSION

11. **Section 551.071, Texas Government Code - Consultation with Attorney - Consultation with City Attorney Regarding Commonwealth Development, Inc. v. City of Brenham, Texas; Fair Housing Case No. 06-22-3294-8**
12. **Section 551.074, Texas Government Code - Personnel Matters - Discussion Concerning the Appointment, Employment, Evaluation, and Duties of a New City Manager, Including But Not Limited To the Review of Applicants for the City Manager Position, and Associated Issues**

ADJOURN

Executive Sessions: The City Council for the City of Brenham reserves the right to convene into executive session at any time during the course of this meeting to discuss any of the matters listed, as authorized by Texas Government Code, Chapter 551, including but not limited to §551.071 - Consultation with Attorney, §551.072 - Real Property, §551.073 - Prospective Gifts, §551.074 - Personnel Matters, §551.076 - Security Devices, §551.086 - Utility Competitive Matters, and §551.087 - Economic Development Negotiation

CERTIFICATION

I certify that a copy of the agenda of items to be considered by the City of Brenham City Council was posted to the City Hall bulletin board at 200 W. Vulcan St., Brenham, TX on Monday, January 29th at 11:00 a.m.

Jeana Bellinger, TRMC, CMC

City Secretary

Disability Access Statement: This meeting is wheelchair accessible. The accessible entrance is located at the Vulcan Street entrance to the City Administration Building. Accessible parking spaces are located adjoining the entrance. Auxiliary aids and services are available upon request (interpreters for the deaf must be requested twenty-four (24) hours before the meeting) by calling (979) 337-7567 for assistance.

I certify that the attached notice and agenda of items to be considered by the City Council was removed by me from the City Hall bulletin board on the _____ day of _____, 2024 at _____ a.m./p.m.

Signature

Title

Brenham City Council Minutes

A Regular Meeting of the Brenham City Council was held on Thursday, January 18, 2024 beginning at 1:00 PM in the Brenham City Hall, City Council Chambers, at 200 W. Vulcan Street, Brenham, Texas.

Members Present:

Mayor Atwood Kenjura
Mayor Pro Tem Clint Kolby
Councilmember Shannan Canales
Councilmember Leah Cook
Councilmember Paul LaRoche
Councilmember Adonna Saunders
Councilmember Albert Wright

Members Absent:

None

City of Brenham Staff Present:

City Manager Carolyn Miller, City Attorney Cary Bovey, General Manager of Public Utilities Debbie Gaffey, Assistant General Manager of Public Utilities Alton Sommerfield, Director of Water/Wastewater Bobby Keene, Director of Finance Stacy Hardy, Director of Public Works Dane Rau, Director of HR and Risk Management Susan Nienstedt, Asst. Police Chief Lloyd Powell, Development Services Director Stephanie Doland, Economic & Community Development Director Teresa Rosales, Interim Fire Chief Ray Cooper, Robin Hutchens, Casey Redman, Brian Smith, Kevin Schmidt, Stephen Scheffer, Steven Eilert, Curtiss Schoen, Brett Schroeder Karen Stack, Shawn Bolenbarr, Jessica Perez, Ande Bostain, Melinda Gordon, Kyle Moudry, Johnny Randermann, Eliborio Villarreal, and Gary Marburger.

Citizens/Others Present:

Amy Banik, Joan Free, Art Free, Michael Ancone, and Ryan Key.

Media Present:

Sarah Forsyth, Banner Press, and Josh Blaschke, KWHI.

1. Call Meeting to Order

2. Invocation and Pledges to the US and Texas Flags - Mayor Atwood Kenjura

3. Service Recognitions

- **Melinda Gordon - Communications & Marketing - 5 Years**
- **Kyle Moudry - Wastewater Treatment - 10 Years**
- **John Snowden - Police Department - 20 Years**
- **Eliborio Villarreal - Street Department - 20 Years**
- **Gary Marburger - Gas Department - 25 Years**
- **Johnny Randermann - Water/Wastewater Systems - 35 Years**

4. Proclamations

- **First Christian Church of Brenham 125th Anniversary**

5. Citizen Comments

Ryan Key from PlanNorth Architectural Co. addressed the Council regarding impact fees. Key advised that he has experience building both commercial and municipal buildings and designed College Station City Hall. Key advised that College Station adopted Impact Fees and, since being involved in the Municipal sector, he has noticed how commercial businesses are choosing to build in Bryan instead of College Station. Key advised Council that if they are seeking any advice or consultation, that he would offer his services.

CONSENT AGENDA

6. Statutory Consent Agenda

6.a. Approve the Minutes from the December 21, 2023, and January 4, 2024 Regular City Council Meetings

A motion was made by Councilmember Wright and seconded by Councilmember Saunders to approve the Statutory Consent Agenda Item 6.a. as presented.

Mayor Kenjura called for a vote. The motion passed with Council voting as follows:

Yes: Mayor Kenjura, Mayor Pro Tem Kolby, Councilmember Canales, Councilmember Cook, Councilmember LaRoche, Councilmember Saunders, Councilmember Wright

No: None

Absent: None

PUBLIC HEARING AND ASSOCIATED ACTION ITEM

7. Discussion and Possible Action on an Ordinance on Its First Reading Amending Appendix A - Zoning of the Code of Ordinances of the City of Brenham Granting a Specific Use Permit to Allow a Food Truck Park in a B-1, Local Business/Residential Mixed Use Zoning District on Property Located at the Southeast Corner of the Intersection of N. Park Street and Brookside Drive, and Being 2.6051 Acres Described as Scenic Estates, Section IV, Reserve A (1.9257 Acres) and Reserve B2 (0.6794 Acres) out of the Arabella Harrington Survey in Brenham, Washington County, Texas (Case No. P-23-043)

Mayor Pro Tem Kolby abstained from participation in Agenda Item No. 7 by removing himself from the City Council Chambers and filing a Conflict of Interest Affidavit.

City Planner Shuana Laauwe presented this item. Laauwe advised that Scenic Investments, a Texas partnership, property owner of the 2.6051 acres of land generally located on the southeast corner of N. Park Street and Brookside Drive, and Michael Ancone, applicant, are requesting approval of a Specific Use Permit to develop a Food Truck Park. Laauwe advised that the subject property as well as the properties to the north along N. Park Street and adjacent to the east, are zoned B-1, with the property located directly to the north, across Brookside Street, being developed as Dollar General. Laauwe advised that the property to the west, across N. Park Street, is zoned B-2, but developed as Hohlt Park. Laauwe advised that the properties to the northeast are zoned R-1 and are part of the Scenic Estates Subdivision and developed as single-family homes.

Laauwe stated that Ancone proposes to develop the 2.6051 acres as a Food Truck Park that would include pad sites for eight (8) food trucks, a restroom facility, picnic tables, walking trails, a 5,000 square foot retail space, an ice kiosk, and 48 off-street parking spaces.

Laauwe advised that staff received two letters from residents against the proposed Food Truck Park and several residents' letters in support of the Park. Councilmember Cook advised that she also received letters from residents in support.

Laauwe advised that the Planning and Zoning Commission voted unanimously to recommend approval of the SUP request as presented with the following conditions:

- The subject tract, which is currently platted as two lots, shall be re-

platted into one commercial lot with approval by the Planning and Zoning Commission.

- A screening fence or hedge of at least 6-feet in height be constructed along the east property line.
- Lighting be downcast and directed away from residential properties.
- The proposed retail structure shall not exceed 5,000 square feet in gross area.
- Landscaping be provided along N. Park Street between the parking lot and the right-of-way.
- A pedestrian traffic plan shall be provided.
- Oversize vehicle parking shall be provided for vans and small school buses.

A motion was made by Councilmember Cook and seconded by Councilmember Saunders to approve an Ordinance on its first reading amending Appendix A - Zoning of the Code of Ordinances of the City of Brenham granting a Specific Use Permit to allow a Food Truck Park in a B-1, Local Business/Residential Mixed Use Zoning District on property located at the southeast corner of the intersection of N. Park Street and Brookside Drive, and being 2.6051 acres described as Scenic Estates, Section IV, Reserve A (1.9257 acres) and Reserve B2 (0.6794 acres) out of the Arabella Harrington Survey in Brenham, Washington County, Texas (Case No. P-23-043).

Mayor Kenjura called for a vote. The motion passed with Council voting as follows:

Yes: Mayor Kenjura, Councilmember Canales, Councilmember Cook, Councilmember LaRoche, Councilmember Saunders, Councilmember Wright

No: None

Abstain: Mayor Pro Tem Kolby

Absent: None

Development Services Director Stephanie Doland requested clarification on the terms listed in Section 2 of the Ordinance; specifically the requirement that the retail structure not exceed 5,000 square feet and the 6-foot height of the screening hedge or fence.

A motion was made by Councilmember Cook and seconded by Councilmember Saunders to reconsider the vote by which the motion to approve the Ordinance described in Agenda Item No. 7 on first reading was passed.

Mayor Kenjura called for a vote. The motion passed with Council voting as

follows:

Yes: Mayor Kenjura, Councilmember Canales, Councilmember Cook, Councilmember LaRoche, Councilmember Saunders, Councilmember Wright

No: None

Abstain: Mayor Pro Tem Kolby

Absent: None

After further discussion on these two conditions, the City Council agreed that the 5,000 square foot requirement could be removed from the ordinance and the 6-foot height of the screening hedge or fence is more than adequate.

A motion was made by Councilmember Cook and seconded by Councilmember Saunders to approve an Ordinance on its first reading amending Appendix A - Zoning of the Code of Ordinances of the City of Brenham granting a Specific Use Permit to allow a Food Truck Park in a B-1, Local Business/Residential Mixed Use Zoning District on property located at the southeast corner of the intersection of N. Park Street and Brookside Drive, and being 2.6051 acres described as Scenic Estates, Section IV, Reserve A (1.9257 acres) and Reserve B2 (0.6794 acres) out of the Arabella Harrington Survey in Brenham, Washington County, Texas (Case No. P-23-043) with the removal of Special Condition No. 4 (5,000 square foot requirement of the proposed retail structure) in Section 2 of the Ordinance being presented for first reading.

Mayor Kenjura called for a vote. The motion passed with Council voting as follows:

Yes: Mayor Kenjura, Councilmember Canales, Councilmember Cook, Councilmember LaRoche, Councilmember Saunders, Councilmember Wright

No: None

Abstain: Mayor Pro Tem Kolby

Absent: None

REGULAR SESSION

- 8. Discuss and Possibly Act Upon Change Order No. 3 to the Service Agreement with Bassco Services, Inc. Related to the Design, Construction and Installation of the Fuel Farm at the Brenham Municipal Airport and Authorize the Mayor to Execute Any Necessary Documentation**

Development Service Director Stephanie Doland presented this item. Doland advised that in May 2022 Council unanimously approved a Professional Services Agreement with BASSCO Services, Inc for the rebuild of the Brenham Fuel Farm. The initial contract amount with BASSCO was for \$232,012.38 and included three phases of the project; design, construction and installation. Doland advised that in September 2022, Council approved Change Order #1 in the amount of \$43,070 for the additional required materials to achieve the desired performance of the fuel farm as well as three canopies needed over the point of sale system, Av Gas pump and Jet A pump and in March 2023 Change Order No.2 in the amount of \$20,051.24 for the purchased and installed QTPOD M4000 needed to process transactions at the Brenham fuel farm.

Doland stated that following the substantial completion of the Brenham Fuel Farm by BASSCO there was a 6-month delay in providing fuel services. Once a fuel supplier contract was secured and appropriate personnel were hired, the project resumed and BASSCO was re-mobilized to start up the fuel farm. Doland advised that the change order is primarily for additional time and services provided by BASSCO to ensure the fuel farm and fuel quality was ready for service. Doland advised that to date the amount of \$295,133.62 has been paid to BASSCO for completion of the project, the change order, once approved, will be paid through the 2022 certificates of obligation.

A motion was made by Councilmember Saunders and seconded by Councilmember Wright to approve Change Order No. 3 to the Service Agreement with Bassco Services, Inc., related to the design, construction and installation of the fuel farm at the Brenham Municipal Airport in the amount of \$13,494.00 and authorize the Mayor to execute any necessary documentation.

Mayor Kenjura called for a vote. The motion passed with Council voting as follows:

Yes: Mayor Kenjura, Mayor Pro Tem Kolby, Councilmember Canales, Councilmember Cook, Councilmember LaRoche, Councilmember Saunders, Councilmember Wright

No: None

Absent: None

9. Administrative/Elected Officials Report

City Manager Carolyn Miller reported the following:

- January 18 - TXDOT Public Hearing from 4:30pm - 7:00 pm at Brenham Elementary
- January 29 - Special Council Meeting

- February 1 - Regular Council Meeting

City Council adjourned into Executive Session at 2:13 p.m.

EXECUTIVE SESSION

- 10. Section 551.089, Texas Government Code - Deliberation Regarding Security Devices or Security Audits - Discussion Concerning the Purchase of Critical Software Infrastructure Related to Cybersecurity Threats, Risks, and Associated Issues**
- 11. Section 551.071, Texas Government Code - Consultation with Attorney - Consultation with City Attorney Regarding Aviators Plus, LLC v. City of Brenham, Texas; Cause No. 37896; 21st Judicial District Court, Washington County, Texas**
- 12. Section 551.074, Texas Government Code - Personnel Matters - Discussion Concerning the Retirement of the City Manager, Potential Roles/Duties of the Retiring City Manager in Facilitating the Transition to a New City Manager, and the Appointment, Employment, Evaluation, and Duties of a New City Manager, and Associated Issues**

Executive Session adjourned at 3:32 p.m.

RE-OPEN REGULAR SESSION

- 13. Discuss and Possibly Act Upon Approval of an Agreement with CDWG Under Sourcewell Contract No. 081419 Related to Information Technology Software, and Authorize the Mayor to Execute Any Necessary Documentation**

A motion was made by Councilmember Saunders and seconded by Mayor Pro Tem Kolby to approve an agreement with CDWG under Sourcewell Contract No. 081419, in the amount of \$73,289.13, related to Information Technology Software, and authorize the Mayor to execute any necessary documentation.

Mayor Kenjura called for a vote. The motion passed with Council voting as follows:

Yes: Mayor Kenjura, Mayor Pro Tem Kolby, Councilmember Canales, Councilmember Cook, Councilmember LaRoche, Councilmember Saunders, Councilmember Wright

No: None

Absent: None

ADJOURN

Atwood C. Kenjura
Mayor

Jeana Bellinger, TRMC, CMC
City Secretary

DRAFT



City Council Regular Meeting **AGENDA ITEM 5.b**

Agenda Item: **Approve Resolution No. R-24-002 Authorizing the Submission of a Grant Application to the Office of the Governor (OOG), Public Safety Office, Homeland Security Grants Division, (LETPA Projects) for One (1) DJI Matrice 350 RTK Drone and Applicable Equipment**

Meeting Date: February 1, 2024

Department: Police

Staff Contact: Steven Eilert, Police Sergeant

SUMMARY STATEMENT:

The Brenham Police Department is seeking approval to apply for the SHSP-L Grant for FY 2024 for the purchase of a DJI 350 RTK Drone for the total cost of \$28,041.00. The grant application will be tied into a terrorism nexus required to meet grant requirements. The purchase of the drone will allow the agency to support investments that improve the ability of this jurisdiction to: Prevent a threatened or actual act of terrorism and/or Protect its citizens, residents, visitors, and assets against the greatest threats and hazards. The department already has a smaller DJI drone at this time that is being utilized and has all the necessary software and programs in place to have the new drone, if awarded, to go into immediate implementation. Regular cost maintenance for the drone will be absorbed into the agency's regular budget. There is no matching funds required by the city.

ATTACHMENTS:

1. Resolution No. R-24-002

RECOMMENDATION:

Approve Resolution No. R-24-002 authorizing the submission of a grant application to the Office of the Governor (OOG), Public Safety Office, Homeland Security Grants Division, (LETPA Projects) for one (1) DJI Matrice 350 RTK Drone with applicable equipment.

RESOLUTION NO. R-24-002

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRENHAM, TEXAS APPROVING THE SUBMISSION OF A GRANT APPLICATION TO THE OFFICE OF THE GOVERNOR, HOMELAND SECURITY GRANTS DIVISION, FOR THE 2024 STATE HOMELAND SECURITY PROGRAM – LETPA PROJECTS (SHSP-L)

WHEREAS, Federal funds were authorized under Section 2002 of the Homeland Security Act of 2002 to state and local jurisdictions; and

WHEREAS, the 2024 State Homeland Security Program – LETPA Projects (SHSP-L) grant provides support for state and local projects to prevent terrorism and targeted violence and help local governments prepare for threats and hazards that pose the greatest risk to the security of Texas citizens; and

WHEREAS, the Office of the Governor, Public Safety Office, Homeland Security Grants Division is now taking applications for projects under this Program; and

WHEREAS, if awarded, the 2024 State Homeland Security Program – LETPA Projects (SHSP-L) will provide grant monies for the purchase of a DJI Matrice 350 RTK Drone for the Brenham Police Department;

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Brenham, Texas that:

1. That the City Council hereby finds it in the best interest of the citizens of Brenham, Texas that the 2024 State Homeland Security Program – LETPA Projects (SHSP-L) be operated in Fiscal Year 2024.
2. That the City Council agrees to provide applicable matching funds, if any, for the project as required by the Homeland Security Grant Program grant application.
3. That the City Council agrees that in the event of loss or misuse of the Office of the Governor funds, the City Council assures that the funds will be returned to the Office of the Governor in full.
4. The City Council designates the Mayor and/or the Chief of Police as the grantee's authorized official(s). The authorized official(s) is/are given the power to apply for, accept, reject, alter, or terminate the grant on behalf of the City of Brenham, Texas.

PASSED AND APPROVED on this the 1st day of February, 2024.

ATTEST:

Atwood C. Kenjura
Mayor

Jeana Bellinger, TRMC, CMC
City Secretary



City Council Regular Meeting
AGENDA ITEM 5.c

Agenda Item: Approve Resolution No. R-24-003 Authorizing the Submission of a Grant Application to the Office of the Governor (OOG), Public Safety Office, Criminal Division for the FY25 Rifle-Resistant Body Armor Grant Program

Meeting Date: February 1, 2024

Department: Police

Staff Contact: Steven Eilert, Police Sergeant

SUMMARY STATEMENT:

The agency is seeking to purchase 7 more RTC QR Carrier, MF, Dark Navy, Ultra Premium IIIA Rifle-Resistant Body Armor along with 14 Truth 308 Standard 10x12 shooter-cut rifle-resistant armor plates. With the agency hiring additional Officers and those Officers not having Rifle-Resistant Body armor, we want to seek approval to apply for the grant to obtain this equipment to increase Officer Safety. The one-time cost of the order will be \$15,908.41. There is no matching funds required by the city.

ATTACHMENTS:

1. Resolution No. R-24-003

RECOMMENDATION:

Approve Resolution R-24-003 authorizing the submission of a grant application to the Office of the Governor (OOG), Public Safety Office, Criminal Justice Division for the FY25 Rifle-Resistant Body Armor Program.

RESOLUTION NO. R-24-003

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRENHAM, TEXAS APPROVING THE SUBMISSION OF A GRANT APPLICATION TO THE OFFICE OF THE GOVERNOR CRIMINAL JUSTICE DIVISION FOR THE RIFLE-RESISTANT BODY ARMOR GRANT PROGRAM, FY2025

WHEREAS, in response to the July 2016 shooting of police officers in Dallas, Texas, Senate Bill 12 was passed during the 85th Legislature's Regular Session; and

WHEREAS, when Governor Abbott signed Senate Bill 12 into law it authorized the Criminal Justice Division of the Governor's Office to create a grant program to assist agencies in the purchase of rifle-resistant body armor; and

WHEREAS, the Office of the Governor Criminal Justice Division is now taking applications for projects under this Program to increase the safety of Texas law enforcement officers; and

WHEREAS, if awarded, the Rifle-Resistant Body Armor Program will provide grant monies for the one-time purchase of body armor for seven (7) officers within the department.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Brenham, Texas that:

1. That the City Council hereby finds it in the best interest of the citizens of Brenham, Texas that the Rifle-Resistant Body Armor Grant Program project be operated in Fiscal Year 2025.
2. That the City Council agrees to provide applicable matching funds, if any, for the project as required by the Rifle-Resistant Body Armor Grant Program grant application.
3. That the City Council agrees that in the event of loss or misuse of the Office of the Governor funds, the City Council assures that the funds will be returned to the Office of the Governor in full.
4. The City Council designates the Mayor and/or the Chief of Police as the grantee's authorized official(s). The authorized official(s) is/are given the power to apply for, accept, reject, alter, or terminate the grant on behalf of the City of Brenham, Texas.

PASSED AND APPROVED on this the 1st day of February, 2024.

ATTEST:

Atwood C. Kenjura,
Mayor

Jeana Bellinger, TRMC, CMC
City Secretary



City Council Regular Meeting
AGENDA ITEM 5.d

Agenda Item: Approve Resolution No. R-24-004 Authorizing the Submission of a Grant Application to the Office of the Governor (OOG), Public Safety Office, Bullet-Resistant Shield Grant Program FY25, for Two (2) Hardwire Level 3 Ballistic Shields

Meeting Date: February 1, 2024

Department: Police

Staff Contact: Steven Eilert, Police Sergeant

SUMMARY STATEMENT:

The Brenham Police Department is in the process of re-staffing its Emergency Response Team. In doing so, new equipment needs to be purchased to replace equipment that is at the end of life. The Emergency Response Team used department funds to purchase a rifle-rated ballistic shield in the past. The previous ballistic shield has reached the end of its manufacturer coverage and needs to be replaced. A ballistic shield provides officers with appropriate cover so that if they are to receive gunfire, they can be adequately protected. The shield vendor is a listed vendor on buy board. There is no matching funds required by the city.

ATTACHMENTS:

1. Resolution No. R-24-004

RECOMMENDATION:

Approve Resolution No. R-24-004 authorizing the submission of a grant application to the Office of the Governor (OOG), Public Safety Office, Bullet-Resistant Shield Grant Program FY25 for two (2) Hardwire Level 3 Ballistic Shields.

RESOLUTION NO. R-24-004

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRENHAM, TEXAS APPROVING THE SUBMISSION OF A GRANT APPLICATION TO THE OFFICE OF THE GOVERNOR, PUBLIC SAFETY OFFICE, CRIMINAL JUSTICE DIVISION FOR THE BULLET-RESISTANT SHIELD GRANT PROGRAM FY2025

WHEREAS, the Office of the Governor is soliciting grant applications for law enforcement agencies to equip peace officers with bullet-resistant shields; and

WHEREAS, the purpose of this program is to equip peace officers defined by Texas Code of Criminal Procedure 2.12 with National Institute of Justice (NIJ) Level III, III+, or IV bullet-resistant shields; and

WHEREAS, if awarded, the Bullet-Resistant Shield Grant will provide funds for the one-time purchase of two (2) Bullet-Resistant Shields.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Brenham, Texas that:

1. That the City Council hereby authorizes the Police Department staff to submit a grant application to the Office of the Governor Public Safety Criminal Justice Division
2. That the City Council agrees to provide applicable matching funds, if any, for the project as required by the Homeland Security Grant Program grant application.
3. That the City Council agrees that in the event of loss or misuse of the Office of the Governor funds, the City Council assures that the funds will be returned to the Office of the Governor in full.
4. The City Council designates the Mayor and/or the Chief of Police as the grantee's authorized official(s). The authorized official(s) is/are given the power to apply for, accept, reject, alter, or terminate the grant on behalf of the City of Brenham, Texas.

PASSED AND APPROVED on this the 1st day of February, 2024.

Atwood C. Kenjura
Mayor

ATTEST:

Jeana Bellinger, TRMC, CMC
City Secretary



City Council Regular Meeting
AGENDA ITEM 5.e

Agenda Item: Approve Resolution No. R-24-005 Authorizing the Submission of a Grant Application to the Office of the Governor (OOG), Public Safety Office, Body-Worn Camera Grant Program FY25

Meeting Date: February 1, 2024

Department: Police

Staff Contact: Steven Eilert, Police Sergeant

SUMMARY STATEMENT:

The Brenham Police Department is seeking approval to apply for a grant to obtain new body cameras. This grant will require the city to meet a 25% match in funding. The current vendor is no longer supporting the current body cameras that the agency has. The current vendor is Safety Vision, and they will no longer be handling in-car and body cameras for first responders and are moving to commercial vehicles. Due to this occurring, the agency needs to start the process of switching to a new vendor that can supply the equipment that the agency will need. This switch will be a multi-year process translating into a later procurement of other necessary equipment.

ATTACHMENTS:

1. Resolution No. R-24-005
2. Body Camera - Information

RECOMMENDATION:

Approve Resolution No. R-24-005 authorizing the submission of a grant application to the Office of the Governor (OOG), Public Safety Office, Body-Worn Camera Grant Program FY25 for forty (40) V700 Body Worn Cameras.

RESOLUTION NO. R-24-005

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRENHAM, TEXAS APPROVING THE SUBMISSION OF A GRANT APPLICATION TO THE OFFICE OF THE GOVERNOR, PUBLIC SAFETY OFFICE, FOR THE BODY-WORN CAMERA GRANT PROGRAM, FY2025

WHEREAS, the Office of the Governor is soliciting grant applications for law enforcement agencies to equip peace officers with body-worn cameras; and

WHEREAS, State funds were authorized under the Texas General Appropriations Act, Article 1, Rider 35 for this program to equip peace officers defined by Texas Code of Criminal Procedure 2.12; and

WHEREAS, the Office of the Governor, Public Safety Office, is now taking applications for projects under this Program; and

WHEREAS, if awarded, the Body-Worn Camera Grant Program, FY 2025 it will provide grant monies for the purchase of forty (40) V700 Body Worn Cameras.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Brenham, Texas that:

1. That the City Council hereby finds it in the best interest of the citizens of Brenham, Texas that the Body-Worn Camera Grant Program, FY2025 project be operated in Fiscal Year 2024.
2. That the City Council agrees to provide applicable matching funds, if any, for the project as required by the Office of the Governor, Public Safety Office.
3. That the City Council agrees that in the event of loss or misuse of the Office of the Governor funds, the City Council assures that the funds will be returned to the Office of the Governor in full.
4. The City Council designates the Mayor and/or the Chief of Police as the grantee's authorized official(s). The authorized official(s) is/are given the power to apply for, accept, reject, alter, or terminate the grant on behalf of the City of Brenham, Texas.

PASSED AND APPROVED on this the 1st day of February, 2024.

ATTEST:

Atwood C. Kenjura
Mayor

Jeana Bellinger, TRMC, CMC
City Secretary



BRENHAM POLICE DEPARTMENT



PHONE: (979) 337-7337

1800

Longwood Drive

FAX: (979) 337-7342

BRENHAM, TX, 77834-0682

To whom it may concern:

The Brenham Police Department is currently operating Body Cameras purchased through Safety Vision. The agency found out that the company will no longer be supporting first responder capabilities, and they will be focusing on their commercial and mass transit applications. In doing so, the agency will need to replace their Body Camera.

The Brenham Police Department has been looking into different companies that supply Body Camera products. The agency is looking for the most fiscally responsible, best quality, and effective product that will be best suited for the agency.

In doing so, one product appeared to meet all categories, and the agency wishes to begin the procurement process to begin outfitting Officers with the new equipment. With this new purchase there will be a new annual cost that will be budgeted for annually. The product being provided by the company is a sole source item.

The grant funding the department is seeking will cover Body Cameras will be partially funded and matching funds will be required. The amounts are based off the current quote. A finalized quote is still in the process of being completed. The proposed total cost of replacing 40 body-worn cameras is \$75,485.00. The City's 25% grant match would be \$18,871.25 and will be subject to Council approval in the FY 24-25 budget. The annual service fee for licensing with unlimited cloud storage will be an annual cost of \$27,800.00 for a 5 year term.

FY25	FY26	FY27	FY28	FY29
\$18,871.25	\$27,800.00	\$27,800.00	\$27,800.00	\$27,800.00

"NO MAN IS ABOVE THE LAW AND NO MAN IS BELOW IT; NOR DO WE ASK ANY MAN'S PERMISSION WHEN WE REQUIRE HIM TO OBEY IT." THEODORE ROOSEVELT



City Council Regular Meeting **AGENDA ITEM 5.f**

Agenda Item: **Approve the Submission of a Grant Application Through the Community Development Partnership Program (CDPP) Offered by the Lower Colorado River Authority (LCRA), in the Amount of \$25,000.00 for the Purchase of Two (2) Electronic Message Boards for the City of Brenham Street Department and Authorize the Mayor to Execute Any Necessary Documentation**

Meeting Date: February 1, 2024

Department: Public Works

Staff Contact: Tammy Jaster, Aquatic & Recreation Supervisor

SUMMARY STATEMENT:

The Lower Colorado River Authority (LCRA) offers a competitive Community Development Partnership Program (CDPP) Grant (up to \$50,000) to communities in their service area. The grant provides funding for capital improvement projects and must meet a need in one of the following areas: education, transportation, public safety, recreation, health care, training, community planning or employment. Grants of \$5,000 or more require a minimum 20 percent match of the total project cost.

The City of Brenham Street Department is looking at purchasing 2 Electronic Message Boards for usage with the Street Department, Fire Department, Police Department as well as usage during special events in the Downtown area and around our City. Electronic Message Boards assist in faster and more effective communication to our visitors and our citizens. Electronic Message Boards get noticed effortlessly and are able to reach a widened target group quickly.

With the growth of our community, Electronic Message Boards can be used to get emergency notices out to drivers, alert of new stop signs, speed limit changes, and detours. Electronic Message Boards will also be useful in disaster situations for traffic flow, detours, and any emergency notices. The Fire Department and Police Department will be able to access and use the Electronic Message Boards for emergencies as well as for special events in and around the city. With downtown Brenham hosting 15+ parades and special events annually and with the construction of new streets, buildings, roads, with the continued growth of Brenham, the Electronic Message Boards will be available to be used by many departments in a variety of situations. Allowing city personnel to implement protective signage for street closures, disasters, and a variety of other usages to protect our visitors and citizens.

The total project cost estimate is around \$36,000. We will be asking for a \$25,000 grant and the City will provide the remaining amount which will be considered our match.

We would like to ask Council to support this grant submission for this project. We have had this earmarked as a need for our growing community and now the LCRA Grant process has opened.

ATTACHMENTS:

1. Electronic Message Board Specs

RECOMMENDATION:

Approve the submission of a grant application through the Community Development Partnership Program (CDPP) offered by the Lower Colorado River Authority (LCRA), in the amount of \$25,000.00, for the purchase of two (2) electronic message boards for the City of Brenham Street Department and authorize the Mayor to execute any necessary documentation.



CMS-T331

PORTABLE CHANGEABLE MESSAGE SIGN CHARACTER MATRIX

3 Lines x 8 Characters

CATALOG NO: AMS30065209



GENERAL SPECIFICATIONS

The CMS-T331 from American Signal Company represents the latest advances in changeable message signs utilizing all-LED technology. The ability to furnish timely, pertinent, and dynamic traffic information to the motorist via alphanumeric text and/or graphic displays provides the engineer with a measure of traffic control, incident management, and congestion mitigation unmatched by other informational systems.

The CMS-T331 is a full size, three line, programmable changeable message sign utilizing all-LED display technology, is trailer mounted, provides for solar charging of the primary power supply batteries, and optionally may be remotely operable and/or interfaced with radar for use in traffic calming applications. The sign is capable of displaying one, two, or three line alphanumeric messages with each line comprised of eight individual display panels. Additionally, the CMS-T331 is available with a full color screen and QWERTY keyboard and can be integrated with other ITS field equipment.

FEATURES

- Character Matrix
- 3 Lines x 8 Discrete Characters
- Minimum 30 day battery run time
- 18" High Characters
- Up to 8 Characters per line
- 2 Font sizes: 4x7 , 5x7
- NTCIP Compliant
- +1,000' Legibility
- 4,800' Viewability

OPTIONS

- Cellular (CDMA / IXRTT , GSM / GPRS)
- WiFi
- Landline or Ethernet (TCP / IP) Options
- GPS
- Radar Overspeed Detection
- Queue Detection
- VoiceStar™ Highway Advisory Radio
- AIMSTAR™ Adjustable Solar Assembly
- Radar Data Logging & Graphing
- CCTV
- Expanded solar / battery bank

MESSAGING AND LEGIBILITY

The CMS-T331 has the memory capacity to retain 200 pre-programmed messages, 200 user-generated messages, and 250 message sequences (up to 10 pages / sequence). The brightness, or intensity, of the LED portion of the display is regulated automatically via a photosensitive circuit that adjusts the LED intensity in response to ambient illumination, thus assuring superior visibility and legibility under all lighting conditions.



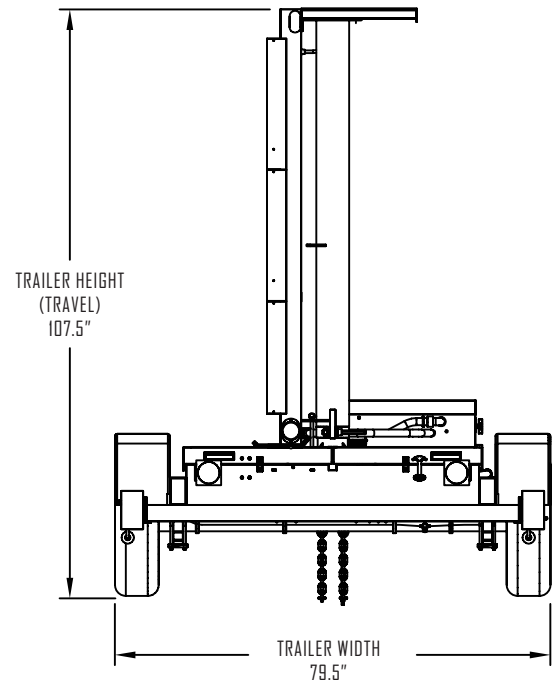
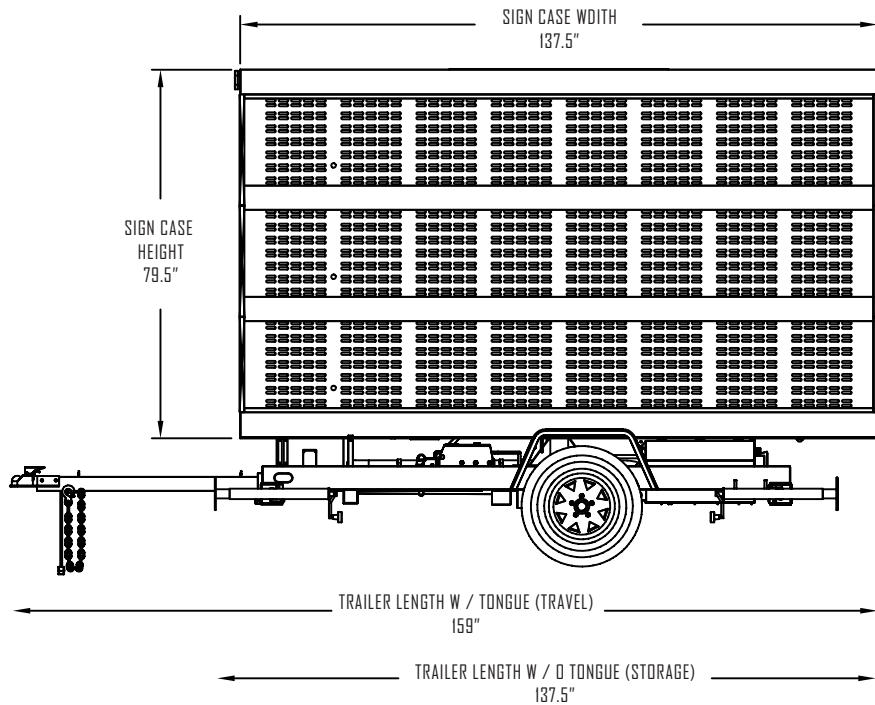
2755 Bankers Industrial Dr. Atlanta, Ga 30360
VOICE: 770.448.6650 FAX: 770.448.8970
info@amsig.com / www.amsig.com



CMS-T331

PORTABLE CHANGEABLE MESSAGE SIGN

CATALOG NO: AMS30065209



PHYSICAL / MECHANICAL

• Height (raised)	163.5" / 4.1m
• Height (storage)	107.5" / 2.7m
• Length (tongue)	159" / 4.0m
• Length (w/o tongue)	137.5" / 3.5m
• Width	79.5" / 2.0m
• Sign Case Width	137.5" / 3.5m
• Sign Case Height	79.5" / 2.0m

ELECTRICAL / DISPLAY

• Matrix Type	Discrete Character Matrix
• LEDs Per Pixel	4
• Angularity	30 Degrees
• Speed-Variable Timing	.10 sec increments
• Matrix Size	21 Rows x 40 Columns
• LED Color	590 nm ITE Amber / Yellow
• Character Size	18"

SOLR™ PRIMARY POWER OPTION

• Battery Life	30 Day standard, expanded battery bank optional
• Land Power	On-board charger

CONTROL / OPERATION

• Pre-Programmed Messages	200
• User-Defined Messages	200
• Message Sequences	250
• Control Panel Display	Backlit LCD

CHARACTER FONTS

Pixel Matrix	Normal Height	Characters Per Line	Lines Sign Face
4 x 7	18"	8	3
5 x 7	18"	8	3

GS-07F-0399L





City Council Regular Meeting **AGENDA ITEM 6**

Agenda Item: **Public Hearing to Consider the Recommendations of the Capital Improvements Advisory Committee (CIAC) Related to the Proposed Adoption of an Ordinance Imposing Impact Fees for Water, Wastewater and Roadways**

Meeting Date: February 1, 2024

Department: Development Services

Staff Contact: Daniel McCracken, Utility Compliance Manager
 Stephanie Doland, Director of Development Services

SUMMARY STATEMENT:

During their regular Council meeting on May 4, 2023 the Brenham City Council approved a Professional Services Agreement with Strand Associates to perform a Impact Fee Study in accordance with Chapter 395 and 049 of the Texas Local Government Code.

Impact fees for water, wastewater and roadways are currently being evaluated to help finance infrastructure improvements needed in response to growth and new development. Impact fees reduce the economic burden on existing citizens by sharing development costs associated with new development. Following the Council's approval of the Capital Improvements and Land Use Assumptions on December 7th, 2023, a Public Hearing on the imposition of Impact Fees on new development was set for February 1st, 2024.

This Public Hearing is to fulfill the requirements laid out in Chapter 395 and 049 of the Texas Local Government Code and its purpose is to present the findings of the Capital Improvements Advisory Committee including the maximum assessable amounts which can be imposed on new development and the Committees recommended Impact Fee for water, wastewater, and roadway capital improvements. The Public Hearing will include presentations from City Staff and Strand Associates and no action will be taken.

Enclosed please find a Memorandum (and Exhibit) which serves as the Written Comments of the Capital Improvements Advisory Committee and provides a more detailed outline of the Committee's work and the Impact Fee adoption process.

Additional meetings to consider Impact Fees are scheduled for Council consideration on February 15, 2024 and March 7, 2024.

ATTACHMENTS:

1. Memorandum of CIAC Written Comments (1-24-2024)

2. Exhibit A to Memorandum (Resolution No. R-23-044)

RECOMMENDATION:

No recommended action - Public Hearing only.



MEMORANDUM

To: Mayor Atwood Kenjura and Brenham City Council

From: Capital Improvements Advisory Committee
Stephanie Doland, Director of Development Services

CC: Carolyn Miller, City Manager
Debbie Gaffey, General Manager of Public Utilities
Dane Rau, Public Works Director
Timothy McRoberts, Strategic Budget Officer
Daniel McCracken, Utility Compliance Manager

Subject: Written Comments, Capital Improvements Advisory Committee

Date: January 24, 2024

During their regular Council meeting on May 4, 2023 the Brenham City Council approved a Professional Services Agreement with Strand Associates to perform an Impact Fee Study in accordance with Chapter 395 of the Texas Local Government Code. Impact fees for water, wastewater and roadways have since been evaluated to help finance infrastructure improvements needed in response to growth and new development. Impact fees reduce the economic burden on existing rate payers by imposing a fee with new development for capital improvements necessitated and attributable to the new development.

As per Local Government Code Chapter 395, the formation of a Capital Improvements Advisory Committee (CIAC) is required to review, advise, and recommend adoption of assessing impact fees following the results of the study. The CIAC was appointed by Council on July 13, 2023 and is comprised of the seven (7) member Planning and Zoning Commission as well as a Council representative – Dr. Paul LaRoche, III, a representative of the extraterritorial jurisdiction (ETJ) – Blake Brannon, and two real estate representatives – Lindi Braddock and Randy Hodde.

Following the appointment of the Committee, City Staff, Strand Associates and the CIAC began the steps outlined in Chapter 395 of the Texas Local Government Code to fully review and consider necessary infrastructure improvements for a twenty-year period. To summarize, the work of the CIAC was spread across five workshop-like meetings which included consideration of the following:

- Review of the City of Brenham Comprehensive Plan and associated Future Land Use Map.

- Review of population projections as outlined in the Comprehensive Plan and Water Study.
- Prepared Land Use Assumptions in conjunction with 10-year development projections and population growth models.
- Reviewed planned development projects in conjunction with anticipated infrastructure needs for water, wastewater and roadway facilities.
- Developed a Capital Improvement Plan for Water amounting to three (3) Water Treatment Projects, two (2) Water Storage Projects, 11 Water Main Projects and one (1) Water Impact Fee Study with a total cost (in 2023 dollars) of \$65,490,1000 and a 10 year escalated cost (inflation adjustment) of \$45,131,575.
- Developed a Capital Improvement Plan for Wastewater amounting to one (1) Wastewater Treatment project, 16 Wastewater Pumping Projects, six (6) Wastewater Collection Projects and one (1) Wastewater Impact Fee Study with a total cost (in 2023 dollars) of \$34,264,000 and a 10 year escalated cost (inflation adjustment) of \$24,590,935.
- Developed a Capital Improvement Plan for Roadways which includes 18 Roadway Capacity Increase projects and one (1) Intersection Capacity Increase project with a total cost (in 2023 dollars) of \$78,099,000 and a 10 year escalated cost (inflation adjustment) of \$90,380,835.

In accordance with the procedures outlined by Texas Local Government Code Chapter 395 and to present the work of the CIAC, a Public Hearing at a Special City Council meeting was held on December 7, 2023. During the meeting, Strand Associates presented the aforementioned Land Use Assumptions and the Capital Improvement Plans for water, wastewater and roadways. Following the Public Hearing portion of the meeting, the City Council accepted the recommendation of the CIAC and adopted via Resolution (R-23-044) the Land Use Assumptions and Capital Improvement Plans attached hereto as Exhibit A.

Following the Public Hearing and adoption of the Land Use Assumptions and Capital Improvement Plans, the CIAC met again to review the final calculations prepared by Strand Associates and consider the Maximum Assessable Impact Fees as included below (Table 1).

On January 23, 2024 the CIAC met to deliberate and determine a recommendation to City Council concerning the rate of Impact Fees to be assessed on water, wastewater and roadways. The committee received feedback during a Developer Workshop hosted on January 10, 2024 and additional Citizen Comments during the final CIAC meeting. Over the more than four (4) hours the CIAC met, the Committee carefully deliberated the findings of the Impact Fee Study and feedback received from the community. Following presentations by City Staff and Strand Associates, the **CIAC recommended to Council the assessment of the following:**

- **Impact Fees for Water at ninety percent (90%) the Maximum Assessable Rate;**
- **Impact Fees for Wastewater at twenty percent (20%) the Maximum Assessable Rate;**
- **To accept the results of the Roadway Impact Fee Study and adopt an Impact Fee of \$0 for Roadways.**

The motion to adopt the above-stated Impact Fee percentages received a passing vote of 5-2 with Committee Members Dr. Paul LaRoche, III and Ms. Cayte Neil in opposition in general due to a desire for an increased percentage in the water and roadway impact fees.

Included below is a summary of the findings and deliberations of the Committee:

- The City of Brenham, specifically in the past five (5) years, has seen an increase in the number of annual single-family home permits and construction in general.
- Due to increased development in all areas of the Community without the shared cost of necessary improvements to infrastructure between the development community and existing City of Brenham rate payers, the City is required to “catch-up” in terms of funding projects such as the expansion of the water treatment plant.
- The Committee further discussed that Impact Fees to the Water Utility were a top priority due to the requirement to expand the Water Treatment plant within the next five (5) years and remain in good standing with TCEQ without adopting a moratorium on development. For these reasons, the Committee determined that the rate associated with the Water Impact Fee should be set at the largest amount when compared to wastewater and roadways.
- If Impact Fees were previously implemented prior to the addition of the 600+ single-family homes that have been permitted over the course of the previous five-years, the Impact Fee study would have resulted in a lesser Maximum Assessable Impact Fee and more balanced approach to cost sharing between developers and existing rate payers.
- Even with the addition of Impact Fees, rate payers are expected to experience an increase in the water utility rate, the percentage of which will depend on the amount of Impact Fees collected.
- As further detailed in the work of the Housing Task Force and the 2021 ResIntel Housing Study, the need for additional housing options throughout Brenham remains a top priority of the community. Therefore, the Committee was cognizant of the balance between setting an Impact Fee that would assist in the costs associated with the Capital Improvement Plans identified, while remaining competitive against area cities to not stifle or slow growth within Brenham.
- Additionally, the committee considered the need for development to contribute revenue to pay off debt on the multi-year bond issuance already underway to fund the water infrastructure improvements outlined in the adopted Capital Improvement List.
- Following a ‘City Finance 101’ discussion and understanding that sales tax revenue and ad valorem tax do not contribute to the Utility Funds, the Committee understood that while the Water Impact Fee was the prevailing priority, the need to begin to contribute to the Wastewater fund is essential to avoid a situation similar to the water system in the next five to ten years.
- Again, the CIAC weighed the cost of adopting an Impact Fee that would increase revenues to fund necessary improvements against the added cost to developers in an economy with increasing interest rates and significant inflation. Therefore, the Committee determined that Roadway Impact Fees, while a priority, would be reconsidered in future years. In conjunction with deliberations on the Roadway Impact Fee, the CIAC urged City Staff to re-evaluate additional funding sources and development standards associated with the construction and expansion of roadways adopted on the Thoroughfare Plan.
- Finally, the Committee reviewed the proposed Impact Fees adopted by area cities and to remain competitive desired a total Impact Fee amount that would remain in the bottom third of neighboring communities.

In conclusion, the CIAC accepted all findings of the Impact Fee Study and determined that the Maximum Assessable Rate for water, wastewater and roadways was a significant expense. The Committee was united in the determination to prioritize assessing Impact Fees on water and

wastewater to spread the cost of required infrastructure improvements between existing City of Brenham rate payers and future development. The CIAC carefully considered the roadway Impact Fee and ultimately determined that adopting too costly of an Impact Fee may deter growth in both residential and commercial development. Texas Local Government Code 395 requires the CIAC to meet on an annual basis and the Committee determined that additional consideration of adopting a roadway impact fee would be re-evaluated at that time.

Next Steps:

- Thursday February 1, 2024: Public Hearing Considering the Adoption of Impact Fees
- Thursday February 15, 2024: First Reading of an Ordinance Considering the Adoption of Impact Fees
- Thursday March 7, 2024: Second and Final Reading of an Ordinance Considering the Adoption of Impact Fees

Exhibits:

- Resolution (R-23-044)

	Water	Wastewater	Roadway
10-Year Escalated CIP Costs:	\$ 45,131,575	\$ 24,590,935	\$ 90,380,835
Financing Cost (+):	\$ 8,874,838	\$ 7,312,484	\$ 27,486,907
Existing Fund Balance (-):	-	-	-
Interest Earnings (-):	(2,121, 935)	\$ (1,687,373)	\$ (5,761,522)
Pre-Credit Recoverable Costs:	\$ 51,884,478	\$ 30,216,047	\$ 112,106,220
Pre-Credit Recoverable Costs:	\$ 51,884,478	\$ 30,216,047	\$ 112,106,220
50% Credit:	\$ (25,942,239)	\$ (15,108,023)	\$ (56,053,110)
Maximum Recoverable Costs:	\$ 25,942,239	\$ 15,108,023	\$ 56,053,110
Service Units	\$ 4,870	\$ 4,870	\$ 52,435
Maximum Assessable Impact Fee per Service Unit:	\$ 5,327	\$ 3,102	\$ 1,069
CIAC Recommended Impact Fee per Service Unit:	\$ 4,794	\$ 620	-

Exhibit A:

RESOLUTION NO. R-23-044

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRENHAM, TEXAS ADOPTING LAND USE ASSUMPTIONS AND WATER, WASTEWATER, AND ROADWAY CAPITAL IMPROVEMENT PLANS FOR THEIR RESPECTIVE DESIGNATED SERVICE AREAS IN ACCORDANCE WITH TEXAS LOCAL GOVERNMENT CODE SECTION 395.045

WHEREAS, the City is considering imposing impact fees to new development in order to generate revenue for the funding of capital improvements necessitated by and attributed to the new development; and

WHEREAS, Chapter 395 of the Texas Local Government Code requires a study to be performed by a qualified engineer before a municipality may adopt impact fees; and

WHEREAS, on May 4, 2023, the City Council authorized the preparation of an Impact Fee Study (“Study”) by a qualified engineer; and

WHEREAS, the Study was developed regarding land use assumptions and implementation of water, wastewater, and roadway impact fees for the City of Brenham in accordance with Chapter 395 of the Texas Local Government Code; and

WHEREAS, on October 19, 2023, the City Council adopted a resolution to set the public hearing on land use assumption and capital improvement plan for December 7, 2023; and

WHEREAS, a public hearing was held on December 7, 2023 to consider the land use assumptions and capital improvement plans for the designated service areas under which an impact fee may be imposed;

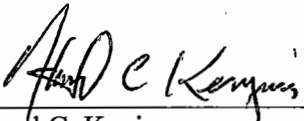
WHEREAS, the City Council finds that impact fees are a proper method of generating revenue to fund the water, wastewater, and roadway capital improvement plans set forth in Exhibit A, attached hereto and incorporated herein for all pertinent purposes.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Brenham, Texas that:

1. That City Council hereby adopts the land use assumptions and water, wastewater, and roadway capital improvement plans set forth in Exhibit A, attached hereto and incorporated herein for all pertinent purposes.
2. The Mayor is hereby authorized to execute any necessary documentation necessary to implement this Resolution.

PASSED AND APPROVED on this the 7th day of December, 2023.





Atwood C. Kenjura
Mayor

ATTEST:



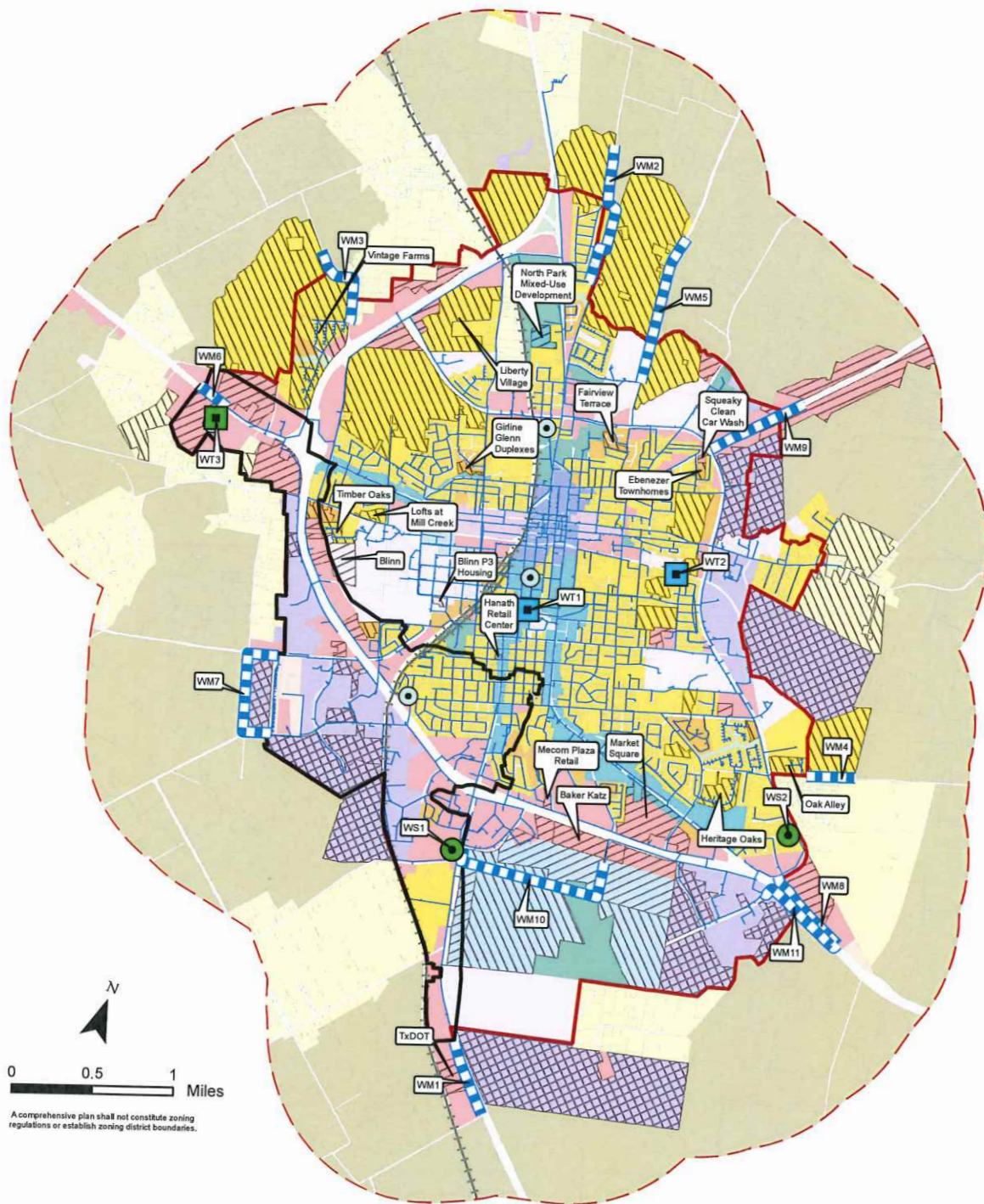
Jeara Bellinger, TRMC, CMC
City Secretary

CITY OF BRENHAM, TEXAS
IMPACT FEE CAPITAL IMPROVEMENT PLANS
WATER CAPITAL IMPROVEMENT PLAN PROJECTS

ID	PROJECT NAME	COST
WT1	Surface Water Treatment Plant Improvements	\$ 24,300,000.00
WT2	Loesch Street Water Plant	\$ 11,700,000.00
WT3	Westside Water Plant	\$ 12,700,000.00
WS1	Highway 36 South Elevated Storage Tank	\$ 3,036,000.00
WS2	Gun and Rod Road Elevated Storage Tank	\$ 3,036,000.00
WM1	Highway 36 South Water Main Extension	\$ 741,250.00
WM2	Old Masonic Road Water Main Replacement and Extension	\$ 1,289,900.00
WM3	Dixie Road Water Main Extension	\$ 805,000.00
WM4	Mustang Road Water Main Extension	\$ 378,900.00
WM5	Farm-to-Market (FM) 2935 Water Main Extension	\$ 1,366,450.00
WM6	Highway 290 West Water Main Replacement	\$ 496,700.00
WM7	FM 332 Water Main Extension	\$ 1,287,800.00
WM8	Highway 290 East-Phase 1 Water Main Extension	\$ 847,250.00
WM9	Highway 105 Water Main Replacement and Extension	\$ 1,006,200.00
WM10	Small Area Plan Water Main Extension	\$ 1,576,250.00
WM11	Highway 290 East-Phase 2 Water Main Extension	\$ 857,400.00
Study	Water Impact Fee Study	\$ 65,000.00
WATER CAPITAL IMPROVEMENT PLAN PROJECTS - TOTAL COST:		\$ 65,490,100.00

Assumptions:

1. Costs are listed in 2023 dollars.



Brenham, TX Water Impact Fee Service Area

Legend

Future Land Use Plan

- Rural
- Open Space
- Park
- Estate Residential
- Single Family Residential
- Manufactured Homes
- Multi-Family Residential

- Mixed Use Blinn Adjacent
- Mixed Use Downtown Adjacent
- Corridor Mixed Use
- Planned Development
- Downtown
- Local Public Facilities
- Commercial
- Industrial

- City Limits
- Extraterritorial Jurisdiction Boundary
- Railroad
- Future Commercial
- Future Industrial
- Future Residential
- Pressure Zone Boundary

Existing Infrastructure

- Water Main
- Elevated Storage Tank
- Water Treatment Plant

Proposed Improvements

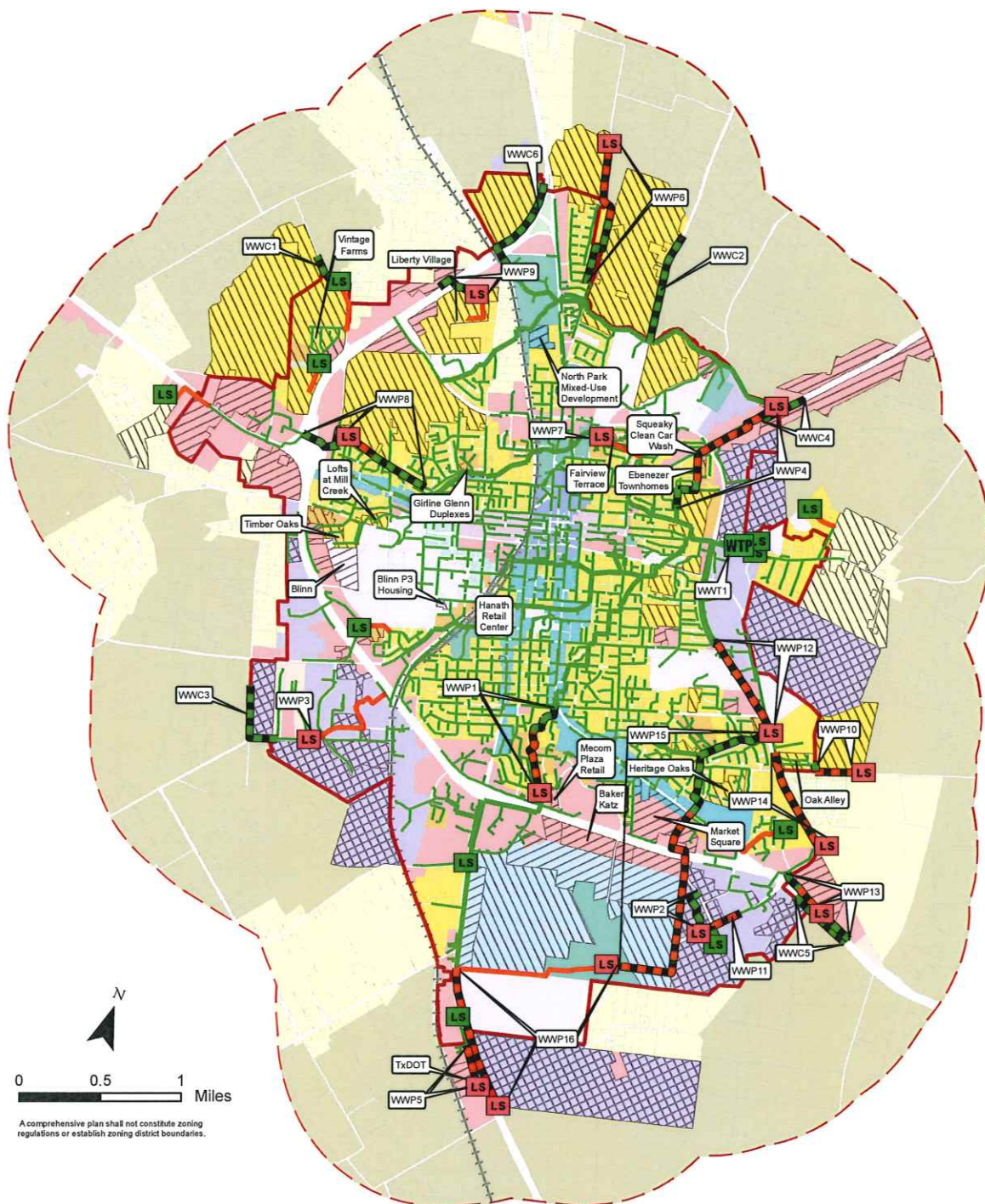
- Water Main
- Elevated Storage Tank
- Water Treatment Plant

CITY OF BRENHAM, TEXAS
IMPACT FEE CAPITAL IMPROVEMENT PLANS
WASTEWATER CAPITAL IMPROVEMENT PLAN PROJECTS

ID	PROJECT NAME	COST
WWT1	Wastewater Treatment Plant Expansion Study	\$ 150,000.00
WWP1	Stone Hollow Lift Station, Force Main, and Gravity Sewer Replacement	\$ 2,115,000.00
WWP2	Business Center Lift Station-Phase 1, Force Main, and Gravity Sewer Replacement	\$ 1,413,000.00
WWP3	Industrial Boulevard Lift Station, Force Main, and Gravity Sewer Replacement	\$ 1,762,000.00
WWP4	Highway 105 Lift Station, Force Main, and Gravity Sewer Replacement	\$ 5,126,000.00
WWP5	TxDOT Lift Station and Force Main	\$ 942,000.00
WWP6	Old Masonic Road Lift Station, Force Main, and Gravity Sewer	\$ 1,707,000.00
WWP7	Henderson Park Lift Station (Pump Replacement), Force Main, and Gravity Sewer Replacement	\$ 456,000.00
WWP8	Munz Lift Station, Force Main, and Gravity Sewer Replacement	\$ 5,104,000.00
WWP9	Liberty Village Lift Station (Pump Replacement) and Gravity Sewer Replacement	\$ 764,000.00
WWP10	Mustang Road Lift Station, Force Main, and Gravity Sewer	\$ 1,122,000.00
WWP11	Business Center Lift Station-Phase 2 Force Main Replacement	\$ 611,000.00
WWP12	Ralston Creek Lift Station (Pump Replacement) and Force Main Replacement	\$ 1,504,000.00
WWP13	Highway 290 East Lift Station-Phase 1, Force Main, and Gravity Sewer	\$ 1,008,000.00
WWP14	K of C Hall Lift Station and Force Main	\$ 1,806,000.00
WWP15	Baker Katz Lift Station, Force Main, and Gravity Sewer Replacement	\$ 3,525,000.00
WWP16	Highway 36 South No. 2 Lift Station and Force Main	\$ 2,074,000.00
WWC1	Dixie Road Gravity Sewer Extension	\$ 223,000.00
WWC2	Farm-to-Market (FM) 2935 Gravity Sewer Extension	\$ 697,000.00
WWC3	FM 332 Gravity Sewer Extension	\$ 509,000.00
WWC4	Highway 105 Gravity Sewer Extension	\$ 515,000.00
WWC5	Highway 290 East Gravity Sewer Extension-Phase 2	\$ 249,000.00
WWC6	Highway 36 North Gravity Sewer Extension	\$ 772,000.00
Study	Wastewater Impact Fee Study	\$ 110,000.00
WASTEWATER CAPITAL IMPROVEMENT PLAN PROJECTS - TOTAL COST:		\$ 34,264,000.00

Assumptions:

1. Costs are listed in 2023 dollars.



Brenham, TX Wastewater Impact Fee Service Area

Legend

Future Land Use Plan

- Rural
- Open Space
- Park
- Estate Residential
- Single Family Residential
- Manufactured Homes
- Multi-Family Residential

- Mixed Use Blinn Adjacent
- Mixed Use Downtown Adjacent
- Corridor Mixed Use
- Planned Development
- Downtown
- Local Public Facilities
- Commercial
- Industrial

- City Limits
- Extraterritorial Jurisdiction Boundary
- Railroad
- Future Commercial
- Future Industrial
- Future Residential

Existing Infrastructure

- Gravity Sewer >12"
- Gravity Sewer <12"
- Force Main
- WTP Wastewater Treatment Plant
- Lift Station

Proposed Improvements

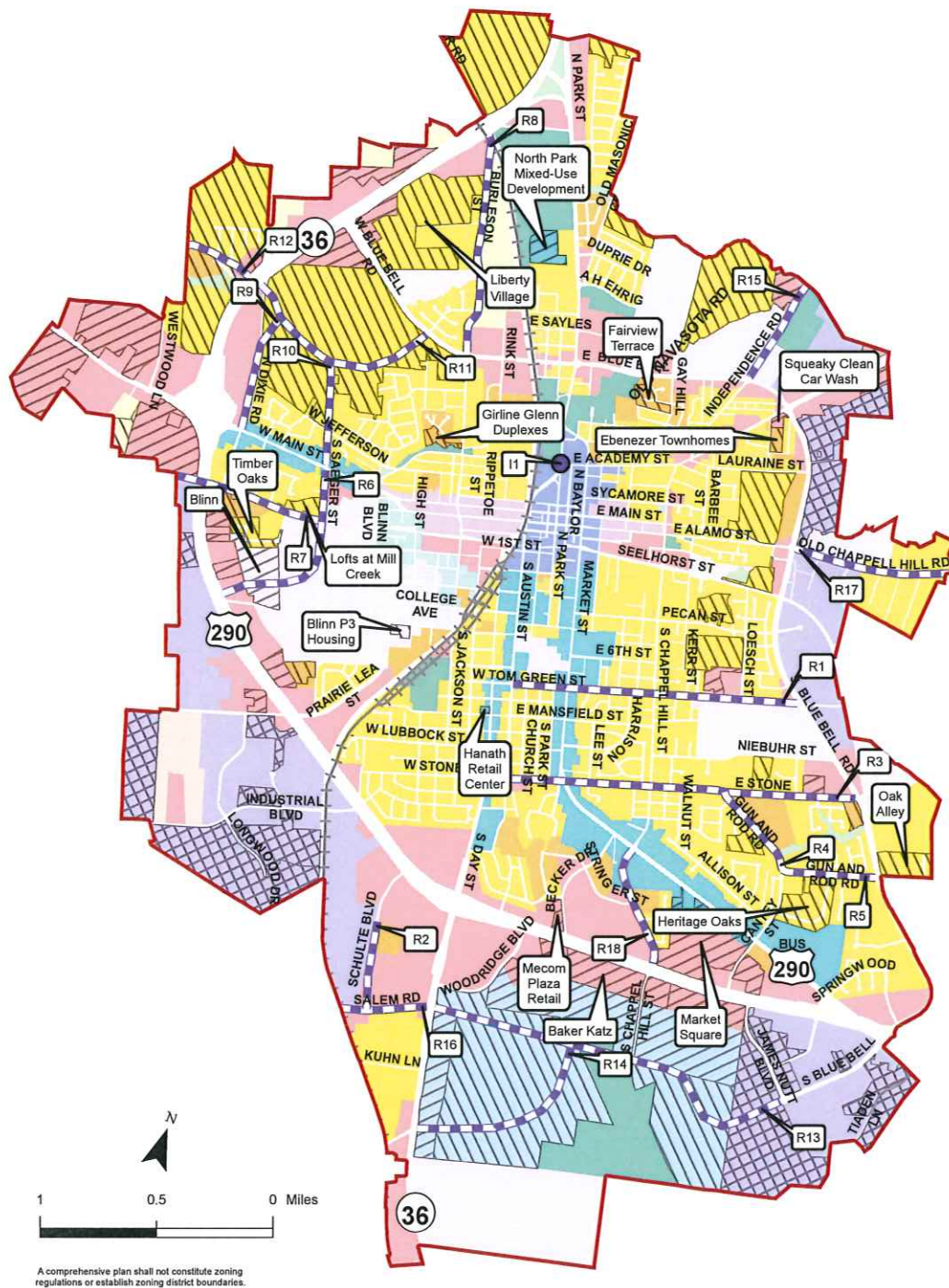
- Gravity Sewer
- Force Main
- Lift Station

CITY OF BRENHAM, TEXAS
IMPACT FEE CAPITAL IMPROVEMENT PLANS
ROADWAY CAPITAL IMPROVEMENT PLAN PROJECTS

ID	PROJECT NAME	COST
R1	Tom Green Street	\$ 6,581,000.00
R2	Schulte Boulevard Extension	\$ 2,483,000.00
R3	East Stone Street	\$ 6,580,000.00
R4	West Gun and Rod Road	\$ 2,618,000.00
R5	East Gun and Rod Road	\$ 2,591,000.00
R6	South Saeger Street	\$ 5,230,000.00
R7	Old Mill Creek Road	\$ 4,181,000.00
R8	Burleson Street	\$ 5,464,000.00
R9	North Dixie Street	\$ 4,181,000.00
R10	North Saeger Street	\$ 2,896,000.00
R11	Dixie Road Extension	\$ 3,680,000.00
R12	North Dixie Street	\$ 2,125,000.00
R13	South Blue Bell Road Extension	\$ 17,733,000.00
R14	Small Area Plan Collector	\$ 5,572,000.00
R15	Independence Road	\$ 2,869,000.00
R16	Salem Road	\$ 1,320,000.00
R17	Old Chappell Hill Road	\$ 724,000.00
R18	South Chappell Hill Street	\$ 1,100,000.00
I1	Academy-Austin Intersection	\$ 96,000.00
Study	Roadway Impact Fee Study	\$ 75,000.00
ROADWAY CAPITAL IMPROVEMENT PLAN PROJECTS - TOTAL COST:		\$ 78,099,000.00

Assumptions:

1. Costs are listed in 2023 dollars.



Brenham, TX Roadway Impact Fee Service Area

Legend

Future Land Use Plan

- Rural
- Open Space
- Park
- Estate Residential
- Single Family Residential
- Manufactured Homes
- Multi-Family Residential

- Mixed Use Blinn Adjacent
- Mixed Use Downtown Adjacent
- Corridor Mixed Use
- Planned Development
- Downtown
- Local Public Facilities
- Commercial
- Industrial

City Limits

- Railroad
- Future Commercial
- Future Industrial
- Future Residential
- Roadway CIP Projects
- Intersection CIP Projects



City Council Regular Meeting **AGENDA ITEM 7**

Agenda Item: **Public Hearing, Discussion and Possible Action on an Ordinance on Its First Reading Amending the Official Zoning Map of the City of Brenham, to Change the Zoning District from a Single-Family Residential District (R-1) to a Planned Development District (PDD) on Approximately 28.09 Acres of Land Generally Located on Northwest Corner of W. Jefferson Street and N. Saeger Street, Being Further Described as a Portion of Tract 82 of the Phillip Coe Survey, A-31, in Brenham, Washington County, Texas (Case Number P-24-001)**

Meeting Date: February 1, 2024

Department: Development Services

Staff Contact: Shauna Laauwe, City Planner

SUMMARY STATEMENT:

The subject property is an approximate 28.09-acre tract of vacant land generally located on the northwest corner of W. Jefferson Street and N. Saeger Street, being addressed as 1402 W. Jefferson Street and further described as a portion of Tract 82 of the Phillip Coe Survey, A-31, in Brenham, Washington County, Texas. The property is currently zoned Single-Family Residential District (R-1). The property owner, Clayton and Kelli Collier and the applicant, Daniel Beamon of Beamon Engineering, are requesting the 28.09-acres be rezoned to Planned Development District for the development of a single-family home subdivision. As detailed in the attached staff report, the owners and applicant are requesting the rezoning to a PD district to establish alternative standards to the City's typical zoning and subdivision development standards. The proposed PD, to be named Wilkins Valley PD, would establish the underlying base zoning district as Residential (R-1) for the construction of single-family dwellings. The applicants are proposing development standards for the Wilkins Valley PD that include reductions in some City standards such as lot size, lot width and side yard setbacks, in exchange for amenities that intend to improve the quality of life within the new subdivision for instance, sidewalks, park amenities, and trails. The complete PD proposal and exhibits are enclosed within the Staff Report and Exhibit D. The proposed rezoning request is in accordance with the future land use map adopted in Historic Past, Bold Future: Plan 2040, the City of Brenham Comprehensive Plan which suggests that Single-Family Residential uses are appropriate at this location. In addition, several of the quality of neighborhood design objectives outlined in Plan 2040 are reflected in the proposed Wilkins Valley PD to include, among others; walkability via sidewalks and an interconnecting trail, landscaping for an appealing streetscape, and setting-aside open-

space to encourage leisure and healthful living.

The Planning and Zoning Commission held a public hearing on the rezoning request on January 22, 2024. A resident of the Meadowlark Subdivision to the south and Mr. & Mrs. Gilstrap of 1300 Shepard Street made comments against the request. Increased traffic and property values were the main concerns of the residents. Members of Grace Lutheran Church were also in attendance with concerns about increased traffic and questions regarding the N. Saeger Street alignment. After discussion, the Planning and Zoning Commission voted unanimously in favor of the request with additional recommendations of an additional common area with trees being required along the lots abutting W. Jefferson Street and working with Grace Lutheran Church and the City to acquire right-of-way to align the N. Saeger extension with the existing roadway to the south.

ATTACHMENTS:

- | |
|--|
| <ol style="list-style-type: none">1. Staff Report on Wilkins Valley Zone Change2. Wilkins Valley Information Packet3. Wilkins Valley Ordinance for 1st Reading |
|--|

RECOMMENDATION:

Approve an Ordinance on its first reading amending the Official Zoning Map of the City of Brenham on its first reading amending the Official Zoning Map of the City of Brenham, to change the Zoning District from a Single-Family Residential District (R-1) to a Planned Development District (PDD) on approximately 28.09 acres of land generally located on Northwest Corner of W. Jefferson Street and N. Saeger Street, being further described as a portion of Tract 82 of the Phillip Coe Survey, A-31, in Brenham, Washington County, Texas (Case Number P-24-001).



CASE NUMBER P-24-001

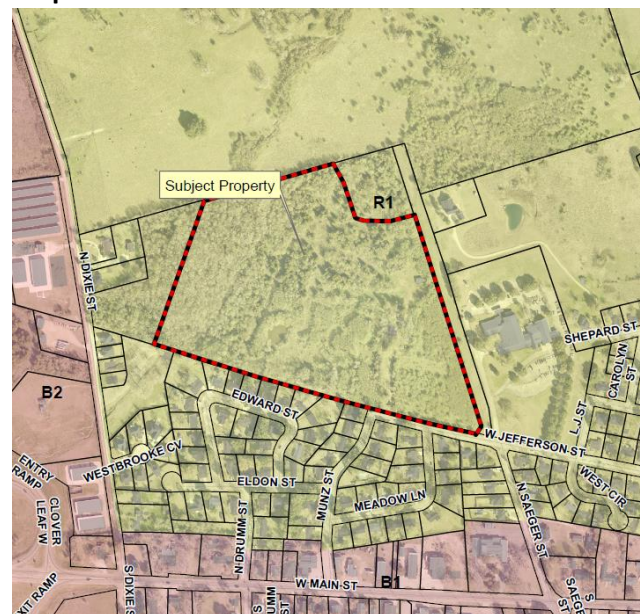
ZONE CHANGE REQUEST – Establishing a Planned Development District on 27.74 acres of land north of W. Jefferson Street and west of Saeger Street right-of-way

STAFF CONTACT:	Shauna Laauwe, AICP, City Planner
OWNERS:	Clayton and Kelli Collier
APPLICANT:	Daniel Beamon, Beamon Engineering
ADDRESS/LOCATION:	South and west of Dixie Road (Exhibit A).
LEGAL DESCRIPTION:	Tract 82 of the Phillip Coe Survey, A-31
LOT AREA:	Approximately 27.74 acres of land
ZONING DISTRICT/USE:	R-1, Single-Family Residential District / Vacant land (Exhibit B)
FUTURE LAND USE:	Single-Family Residential
REQUEST:	A request to assign a zoning classification of Planned Development District (PD) for the development of a single-family home subdivision (Exhibit C).

BACKGROUND:

The subject property is addressed as 1402 W. Jefferson and is generally bound by the unimproved Right-of Way for Saeger Street to the east, W. Jefferson Street to the south, and a tributary of Little Sandy Creek to the west. The property is currently vacant land and is within a R-1, Single-Family Residential District. The applicant, Daniel Beamon of Beamon Engineering, on behalf of the property owners Clayton and Kelli Collier, is requesting the subject 27.74 acres of the 35.31 acre track be rezoned to Planned Development District for the development of a single-family home subdivision. The subject tract is north of the Meadowpark Subdivision, Sections I and II, adjacent and west of the undeveloped right-of-way (ROW) of N. Saeger Street, west of Grace Lutheran Church, and east of N. Dixie Street. Beamon Engineering, likely in conjunction with DR Horton, intends to develop 116 single-family residential lots to include public streets, water, sewer, drainage facilities and a portion of the N. Saeger Street extension for a subdivision to be named Wilkins Valley.

Map 1



The applicants are requesting zoning of the property to PD district to establish alternative standards to the City's typical zoning and subdivision development standards. The proposed PD establishes the underlying base zoning district as the Residential (R-1) district for the construction of single-family dwellings. Please see Figure 1 below for a conceptual site plan and the proposed development standards. The complete PD proposal and exhibits are enclosed (Exhibit D).

WILCOX VALLEY SUBDIVISION

10/1/2023

1 OF 1

Legend:

- Lot
- Block
- Easement
- Water
- Road
- Utility
- Other

- A. No house elevations shall be repeated more than every third lot. Each home must have a different front elevation from the house across the street.
- B. Minimum house square area shall be 1,225 Square Feet.
- C. Each lot shall be landscaped and irrigated, at minimum with a fully sodded yard, one (1) 2" caliper hardwood shade tree located in the front yard and measured at 6" above the tree base.
- D. Each single-family dwelling shall include, at a minimum, a two-car private garage.
- E. Public sidewalks shall be constructed on one side of the public right-of-way within the development and shall be constructed of sufficient thickness to ensure long-term durability and shall have a minimum width of 5-feet. Sidewalk segments shall be installed concurrently throughout the development.
- F. Common Areas will serve as parks to be maintained by the Homeowner's Association (HOA). The following amenities will be provided and maintained by the HOA:

- Minimum 400 SF pavilion
 - 3 picnic tables
 - 3 benches
 - 900 SF concrete basketball or pickleball court
 - 1 tether ball pole
 - 3-hole frisbee golf
- G. A minimum of 700 linear feet concrete sidewalk along the tributary and around the Common Areas shall be constructed and will connect to the public sidewalk system proposed throughout the subdivision.
- H. Main entry monumentation shall be provided at the entrance on Saeger Street.
- I. Prior to the first Certificate of Occupancy being issued, fifteen (15) 4" caliper trees shall be planted in the Common Area along Saeger Street.

Subdivision of Land:

- a. 45-foot minimum lot width.
- b. 120-foot minimum lot depth.
- c. Minimum lot size of 5,400 square feet.
- d. Average lot area shall be 6,600 square feet.
- e. 25-foot minimum front yard setback.
- f. 5-foot minimum side yard setback.
- g. 25-foot minimum rear yard setback.
- h. Minimum right-of-way width of 55-feet with a required 31-foot wide pavement, measured from back of curb to back of curb.
- i. Utility easement dedicated by plat for the maintenance of existing and proposed gravity sewer line connected to existing City of Brenham lift station.
- j. Additional Right-of-Way for Saeger Street will be dedicated for the construction of Saeger Street. Saeger Street will be constructed by the developer and will be 31-feet measured from back of curb to back of curb. The City of Brenham will participate in the future construction cost to increase the width of Saeger Street from 31-feet wide to 41-feet in width.
- k. Cooperation with adjacent property owners for the realignment of Saeger Street at the intersection at W Jefferson and N Saeger Street.

RELATION TO THE BRENHAM COMPREHENSIVE PLAN, PLAN 2040: HISTORIC PAST, BOLD FUTURE

Plan 2040 was adopted as the City of Brenham Comprehensive Plan on September 19, 2019 and serves as the City's guiding document in determining zoning and land uses decisions. Adopted with the Comprehensive Plan is the Future Land Use Plan and the establishment of use-specific land use policies, general city-wide land use policies, and standards which produce a quality neighborhood design. Staff finds the following excerpt from Plan 2040 (page 37-38) is relevant for consideration of this request:

Typical features of a quality neighborhood design include:

- Some focal point, whether a park or central green, school, community center, place of worship, or small-scale commercial activity, that enlivens the neighborhood and provides a gathering place.

- Equal importance of pedestrian and vehicular circulation. Street design accommodates, but also calms, necessary automobile traffic. Sidewalks along or away from streets, and/or a network of off-street trails, provide for pedestrian and bicycle circulation (especially for school children) and promote interconnectivity of adjacent neighborhoods.
- A variety of compatible dwelling types to address a range of needs among potential residents (based on age, income level, household size, etc.).
- An effective street layout that provides multiple paths to external destinations (and critical access for emergency vehicles) while also discouraging non-local or cut-through traffic.
- Appealing streetscapes, whether achieved through street trees or other design elements, which “soften” an otherwise intensive atmosphere and draw residents to enjoy common areas of their neighborhood. This should include landscape designs consistent with local climate and vegetation.
- Compatibility of fringe or adjacent uses, or measures to buffer the neighborhood from incompatible development.
- Evident definition of the neighborhood “unit” through recognizable identity and edges, without going so far (through walls and other physical barriers) as to establish “fortress” neighborhoods.
- Set-aside of conservation areas, greenbelts or other open space as an amenity, to encourage leisure and healthful living, and to contribute to neighborhood buffering and definition.
- Use of local streets for parking to reduce the lot area that must be devoted to driveways and garages, and for the traffic calming benefits of on-street parking.

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.

The subject property is addressed as 1402 W. Jefferson and is generally located on the northeast corner of W. Jefferson Street and N. Saeger Street and bound by the unimproved Right-of Way (ROW) for Saeger Street to the east, W. Jefferson Street to the south, and a tributary of Little Sandy Creek to the west. The property is currently vacant land and is within a R-1, Single-Family Residential District. All adjacent and surrounding properties are located within an R-1 district. The area to the south, across W. Jefferson Street, is developed as the Meadowpark Subdivision. While immediately to the east, across the undeveloped N. Saeger ROW, is Grace Lutheran Church and further east is an undeveloped 16-acre tract of vacant land. Adjacent properties to the west and north are also undeveloped vacant land zoned for single-family homes. The applicant intends to potentially work with DR Horton to develop the 27+ acres of land with 116 single-family home lots to be known as the Wilkins Valley Subdivision.

The proposed subdivision plan deviates from the City of Brenham standard zoning by including a mixture of lot sizes including 25% of the subdivision at 7,000 square feet or greater (City standard) and the remainder at 5,400 square feet or greater, with an overall average lot size of 6,604 square feet. The applicant also proposes reduced side building setbacks of 5-feet (10-foot standard) and a lot width of 45-feet (60-foot standard). The minimum dwelling size is 1,225 square feet with no masonry requirements.

In exchange for the deviations to the City of Brenham subdivision standards, the applicant proposes to construct Saeger Street and additional amenities are proposed throughout the subdivision.

Amenities include 5-foot public sidewalks on one side of the public right-of-way within the development to be installed concurrently throughout the subdivision. Additionally, the plan also calls for a minimum of 700 linear feet of concrete walking trails along the tributary and around the common areas that will connect to the proposed public sidewalk system. The proposal also includes that the 0.80-acres of common areas will serve as parks to be maintained by the Homeowners Association. The common areas will consist of several amenities to include a minimum 400 SF pavilion, three (3) picnic tables, three (3) benches, 900 SF of concrete to be utilized as either a basketball or pickleball court, a tether ball pole, and a 3-hole frisbee golf course.

The City of Brenham Subdivision and Zoning Ordinances seek to establish standards which provide for the orderly, safe, and healthful development of the community and protect the morals and general welfare of residents and citizens while protecting small town character as reflected in the Comprehensive Plan. Staff finds that the proposed PD meets the intent of the development standards by providing neighborhood design characteristics and elements which make a subdivision attractive and valuable for the long-term.

- (2) The city's zoning should be guided by the future land use plan and other applicable guidelines found in the Comprehensive Plan.

The future land use map portion of Plan 2040: Historic Past, Bold Future, suggests the subject property may be appropriate for single-family residential uses. If the requested zone change were approved, the subject property would allow for development in keeping with the Future Land Use Plan and polices by allowing a single-family home subdivision with neighborhood attributes to include passive and active parks, sidewalks, and a walking trail interconnecting the neighborhood.

The 2019 Thoroughfare Plan is a component of the Comprehensive Plan. The proposed PD includes dedicating additional ROW for N. Saeger Street and developing the existing dedicated ROW that is identified on the 2019 Thoroughfare Plan as a collector street. The roadway would be developed at 31-feet in width (back of curb to back of curb) to serve as access to the three proposed local streets within the neighborhood. As a collector street on the Thoroughfare Plan, N. Saeger Street is called to be at least 41-feet in width. Thus, the widening of an additional 10-feet to meet collector street standards would be placed on the City of Brenham's CIP list at the time when surrounding development meets the needs for a full collector street section to serve the surrounding area and community.

Staff finds that the proposed request is aligned with the goals and land use policies established in the Comprehensive Plan.

- (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.

The subject property has access to City of Brenham water and sanitary sewer along N. Saeger Street unimproved right-of-way, as well as water, sewer, and gas along W. Jefferson Street. The applicant plans to extend services located at the property throughout the development. The 27+ acres are within the City of Brenham service area and the applicant has conducted the required hydraulic and sewer studies to ensure availability. Staff finds that utilities in the area can be extended to serve the subject property and the proposed development.

- (4) The city's zoning should be organized and as straight forward as possible to minimize use problems and enforcement problems.

The proposed zone change, if approved, will be reflected on the City of Brenham zoning map available for citizen viewing on the City of Brenham homepage.

- (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.

Property owners within 200 feet of the project site were mailed notifications of this request on January 11, 2024. The Notice of Public Hearing was published in the Brenham Banner on January 11, 2024. Any public comments submitted to staff will be provided in the Planning & Zoning Commission and City Council packets or during the public hearing.

- (6) The city's zoning should ensure that adequate open space is preserved as residential and commercial development and redevelopment occur.

If approved, the subject property will be required to adhere to site development standards established in the proposed PD, all applicable ordinances adopted by the City of Brenham and not specified in the PD document. Furthermore, adherence to adopted building codes, maximum impervious coverage requirements, and drainage standards for property zoned R-1 shall apply to the subject tract. The Wilkins Valley Subdivision includes development of both passive and active park space within the common areas and interconnecting sidewalks to account for the reduction in the side yard setback and mixture of lot sizes in the development, specifically those which fall below the adopted minimum lot size of 7,000 square feet. Staff finds that the public green space requirements will ensure that adequate open spaces are maintained throughout the proposed subdivision.

- (7) The city's zoning should ensure 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.

Staff believes that the requested zoning and associated land uses are appropriate in this location given adjacent zoning designations, existing development in the vicinity, and conformance with the City's adopted future land use map.

- (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.

The applicant proposes a variety of subdivision standards that contribute to quality neighborhood culture and promote land development consistent with adopted development standards and the adopted Comprehensive Plan. For example, the City of Brenham subdivision ordinance does not currently require the development of sidewalks or parks within a single-family home subdivision. However, the applicant proposes to provide 5-foot wide sidewalks on one side of the street as well as 700-feet of interconnecting sidewalks giving future residents walkability to the proposed common area amenities and homes throughout the subdivision. While smaller than normal lot sizes are proposed, the amenities meet the intent of the ordinance in terms of preserving open spaces within the development and promoting walkability.

Additionally, the applicant proposes landscaping on each platted lot and throughout the development. Each lot within the subdivision shall be landscaped and irrigated, at minimum, with a fully sodded yard and one 2-inch caliper canopy tree to contribute to an aesthetic street scape. In addition, prior to the first Certificate of Occupancy being issued, fifteen (15) 4-inch caliper trees

shall be planted in the common area located along Saeger Street. In summary, staff finds that the proposed PD, if approved will allow for the development of a single-family neighborhood in accordance with the adopted development standards and Plan 2040 in terms of promoting land uses consistent with the community's plan.

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

The subject property is adjacent to vacant land to the north and west that are currently zoned R-1 Single-Family Residential. The existing neighborhood to the south and further east are developed as single-family homes. The proposed PD consists of a smaller lot and more dense development and is "tucked away" and adjacent to institutional use. Given this, Staff is unable to determine any incompatible uses or development with the proposed PD.

- (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.

Staff is unable to determine any destabilizing effects on the neighboring properties should this rezoning request be approved.

- (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.

If approved, the proposed rezoning will allow for the development of a single-family home subdivision. All adjacent properties to the subject development are currently within an R-1 district or developed as single-family housing, therefore the subject tract is not located in an area where commercial development is likely to prosper. Established commercial corridors that are currently available for Commercial development is located to the west along N Dixie Street and to the south along W Main Street.

- (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.

The property is currently undeveloped, vacant land. Staff is not aware of any hindrances on the property created by legally existing incompatible uses. The proposed rezoning will allow for compatible, legally conforming development.

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

Staff finds that the proposed rezoning change will allow for the orderly growth and development in the general vicinity and throughout the city. Furthermore, the proposed rezoning is in accordance with the City's adopted Future Land Use Map and Comprehensive Plan.

PLANNED DEVELOPMENT DISTRICT GENERAL GUIDELINES:

In addition to the zoning policies above, Planned Development Districts must also meet the following guidelines:

- (1) A Planned Development District shall conform to applicable regulations and standards established by this ordinance.

The zoning regulations that The Wilkins Valley Subdivision PD deviates from do not undermine the density requirements or intent of the single-family residential zoning district. Furthermore, modifications to lot size and setbacks are accommodated by quality neighborhood design standards as specified in the Comprehensive Plan, Plan 2040.

- (2) A Planned Development District should be compatible with existing or permitted uses on abutting sites, in terms of use, building height, bulk and scale, setbacks and open spaces, landscaping, drainage, or access and circulation features.

This proposed single-family residential development is compatible with the surrounding single-family and institutional land uses. The proposed PD includes the underlying R-1 zoning district standards and does not deviate from building height, drainage, access, or impervious coverage requirements. The minimum lot size proposed is 5,400 square feet with 10 of the 116 lots at this minimum threshold. Approximately 25% of the development meets or exceeds the standard 7,000 square feet lot size, with an overall average lot size for the PD development being 6,604 square feet. As mentioned above, the smaller than standard lot sizes, reduced setbacks, and lot widths proposed are mitigated by the common area parks, landscaping, and sidewalks and trails proposed within the development.

- (3) A Planned Development District shall not create unfavorable effects or impacts on other existing or permitted uses on abutting sites that cannot be mitigated by the provisions of the planned development.

Given the proposed Planned Development Standards, Staff finds that the additional housing options may help provide additional affordable housing to the community.

- (4) A Planned Development District shall not adversely affect the safety and convenience of vehicular and pedestrian circulation in the vicinity, including traffic reasonably expected to be generated by the proposed development and other uses reasonably anticipated in the area considering existing zoning and land uses in the area.

This property is adjacent to the undeveloped ROW for N Saeger Street, shown as a future collector street on the 2019 Thoroughfare Plan. The proposed PD includes dedicating additional ROW for N. Saeger Street and developing approximately a 1,200-foot portion of N. Saeger Street. The roadway would be developed at 31-feet in width (back of curb to back of curb) to serve as access to the three (3) proposed local streets within the neighborhood. As a collector street on the Thoroughfare Plan, N. Saeger Street is called to be at least 41-feet in width. Thus, the widening of an additional 10-feet to meet collector street standards would be placed on the City of Brenham's CIP list at the time when surrounding development meets the needs for a full collector street section to serve the surrounding area and community.

A feature of quality neighborhood design listed in Plan 2040 includes placing equal importance on vehicular and pedestrian traffic. The proposed subdivision layout includes sidewalks and trails to specifically connect homes to the regional trail system and parks.

Staff finds the proposed PD accounts for the safety and convince of vehicular and pedestrian traffic generated within the development.

- (5) A Planned Development District must reasonably protect persons and property from erosion, flood or water damage, fire, noise, glare, and similar hazards or impacts.

A complete drainage plan and analysis will be required at the time of platting and a Homeowners Association will be created with bylaws and governing documents pertaining to the maintenance of the proposed detention areas.

- (6) A Planned Development District shall not adversely affect traffic control or adjacent properties by inappropriate location, lighting, or types of signs.

Staff is unable to determine any adverse impacts caused by inappropriate lighting or types of signs. As with all developments, an increase in traffic is expected around the subject property.

- (7) A Planned Development District must protect the public health, safety, or welfare, and shall not be materially injurious to properties or improvements in the vicinity.

This request should not have any adverse impact on the public health, safety or welfare of adjacent property or property in the general vicinity. Furthermore, the proposed amenities within the subdivision will enhance the public health and welfare of the Wilkins Valley homeowners and City of Brenham residents in general.

STAFF RECOMMENDATION:

Staff recommends approval of the proposed zoning to a Planned Development District (PD) for the subject 27.74-acre tract known as the Wilkins Valley Subdivision Planned Development.

EXHIBITS:

- A. Aerial Map
- B. Zoning Map
- C. Future Land Use Map
- D. Proposed Planned Development District Exhibit

EXHIBIT "A"
AERIAL MAP



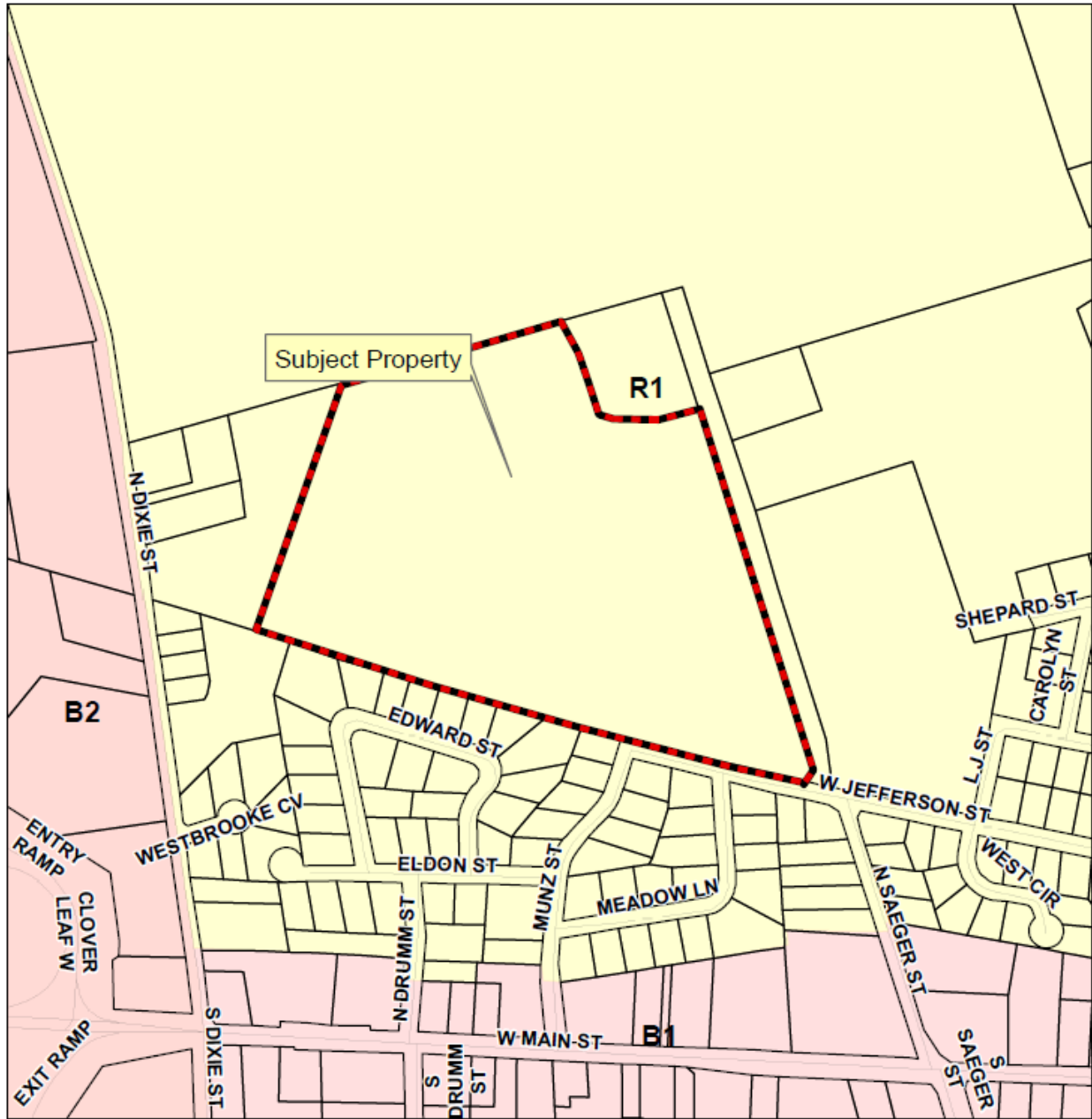
Location Map
Rezoning from R-1 to PDD
27.74 Acres



1 inch = 375 feet



EXHIBIT "B"
ZONING MAP



Zoning Map
Rezoning from R-1 to PDD
27.74 Acres

Legend

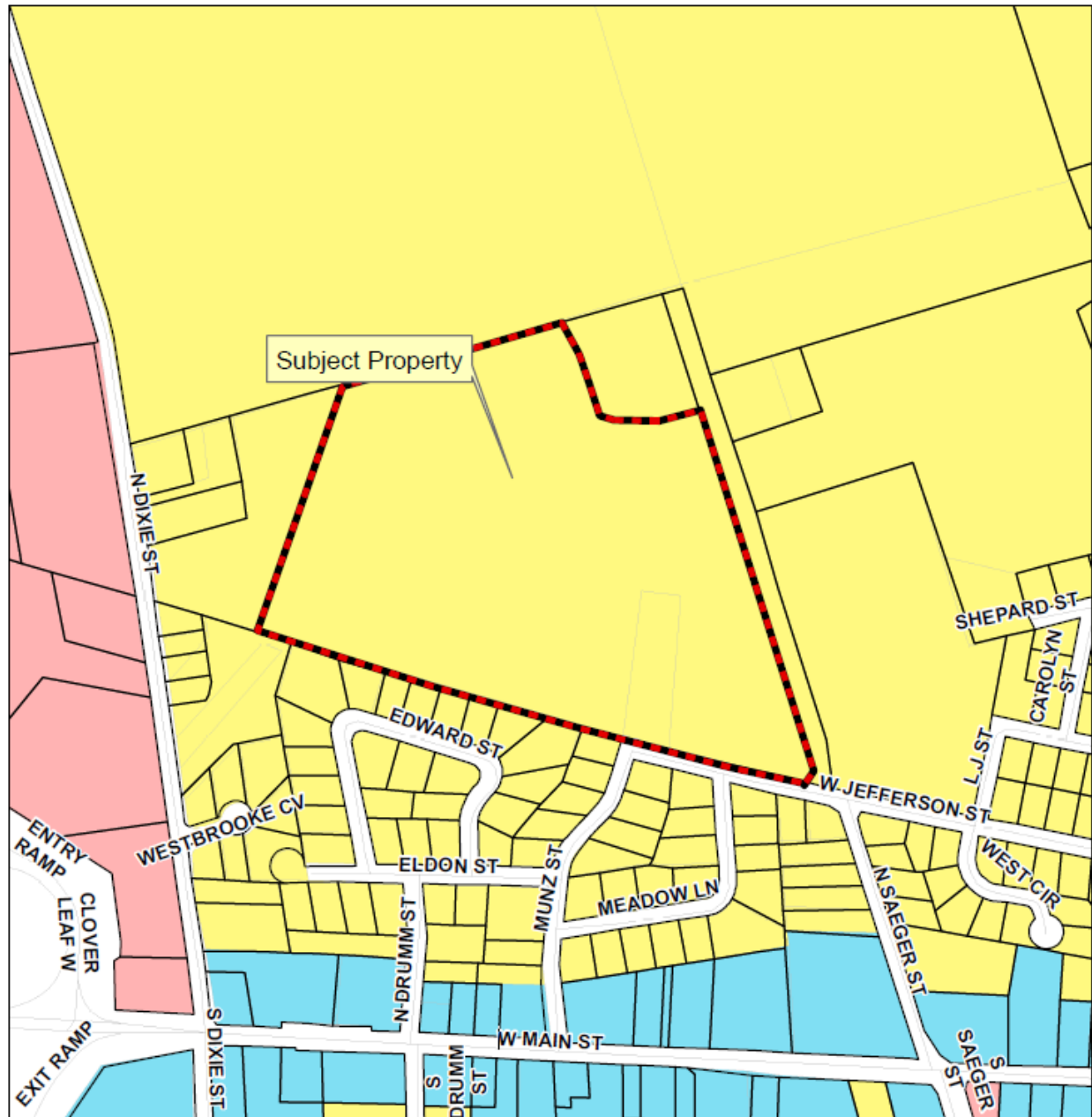
- B1 Local Business Mixed
- B2 Commercial Research and Technology
- R1 Residential Single Family



1 inch = 375 feet



EXHIBIT "C"
FUTURE LAND USE MAP



Future Land Use Map
Rezoning from R-1 to PDD
27.74 Acres

Future Land Use Plan

FLU_FINAL

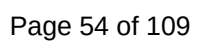
- Single Family Residential
- Corridor Mixed Use
- Commercial



1 inch = 375 feet



PROPOSED PLANNED DEVELOPMENT DISTRICT EXHIBIT



Wilkins Valley

Where the American Dream Becomes a Reality in Brenham



John B. Wilkins, James A. Wilkins, and W.G. Wilkins were among some of Brenham's earliest documented settlers and merchants. Members of the Wilkins family aided in the development and growth of Brenham through contributions like a general store and other mercantile businesses. In April 1883, James Wilkins became Mayor of Brenham, where he served for 22 years in that capacity. Today, Brenham is a thriving community filled with people who invest in its success by working hard, nurturing their families, serving their neighbors, and becoming involved in local life.

Many people aspire to own a home in the United States, as it is often seen as a symbol of success, stability and freedom. Providing accessible options for home ownership can attract hardworking people to a community by providing a sense of security, pride and belonging, as well as an opportunity to build wealth and equity over time. For these reasons, owning a home is considered by many to be the American dream.

The Wilkins Valley community is an opportunity for more people to realize the American dream in Brenham, drawing productive community members who will live, work, shop and play in the community we all love.

Introduction

After conducting extensive research and carefully considering the most beneficial use of this property for the community, all avenues pointed toward compact home sites that are affordable for working class people with a starter or mid-level job. After evaluating discussions with several home builders, **D.R. Horton** emerged as the clear partner for this project with their years of experience in creating the perfect sized home and lot that our research shows is greatly needed in Brenham. D.R. Horton is the largest home builder in America, owns mountains of research to help guide choices along the way, and has a long-standing history of building successful projects and quality homes that stand up well to the test of time and benefit the communities in which they are built.

Our research encompassed multiple sources, including:

- CDS ResIntel Housing Study
- D.R. Horton
- City Zoning

Residential development is the clear avenue for this project because the City has zoned the property R-1, a zoning designation most commonly used to describe single-family residential zoning. Once that was determined, we evaluated what type of residences would best meet the needs of the City and potential homebuyers:

- Custom residential was quickly ruled out because geographically it feels out of place with the existing neighborhoods. Also, the land elevations and shape are not conducive to custom homes.
- Medium mid-level housing was ruled out for many of the same reasons. With inflation, rising cost and high interest rates these would be slow movers and tough to sell.
- Through evaluations conducted with D.R. Horton, it was determined more compact housing fits the area better, is conducive to the local topography, and meets needs of potential homebuyers.
- Being off of the beaten path and tucked away in a secluded area with natural landscape barriers will provide a quaint and somewhat hidden neighborhood.



Wilkins Valley Goals

Attract homebuyers by providing homes at a price point that is attainable for a majority of our City's population



Be the choice for older homebuyers who are looking to scale back on home and yard maintenance



Increase opportunities for people to take part in home ownership



Attract residents who will invest in the community



Decrease the number of people who leave from Brenham due to lack of affordable housing options



Our research clearly shows that the development of Wilkins Valley will meet these goals in a way that is appropriate for our community members and beneficial to our City. Based on the findings of the CDS ResIntel Housing Study, Wilkins Valley meets Brenham residents where they are and has the best chance of keeping potential homebuyers from leaving Brenham, costing the City precious tax revenue.

Plan Development Outline

Plan Development Allowance Requests

- Minimum 45'x120 lot size (5,400 sf)
- Minimum 40' wide lots around cul de sacs and knuckles, measured at the front setback line
- Minimum 5' side setback

Plan Development Contributions:

- 5' concrete sidewalk on one side of local residential streets
- 5' crushed granite or concrete trail through common area along existing creek to connect concrete sidewalks along the street.
- Install 3 new picnic tables
- Common Area at Street 1 and Saeger Street for Wilkins Valley entrance monument
- ROW dedication at Saeger Street and West Jefferson intersection for perpendicular street alignment
- Design and construction of 24' wide BOC to BOC Saeger Street for approximately 1,020 feet.
- Provide flood storage for property and Saeger Street
- Provide pickleball court, benches, basketball goals, tether ball, 3-hole frisbee golf.
- Provide shade structure and parking area for amenity area.

THIS EXHIBIT HAS BEEN PREPARED BY
DANIEL BEAMON, P.E., #108876. THIS
EXHIBIT SHALL BE USED FOR
REFERENCE ONLY AND SHALL NOT BE
USED FOR BIDDING OR CONSTRUCTION.

16172 BENCH LANE
BRYAN, TEXAS 77807
PH. (817) 971-3407
TBE FROM NO. F-21588

WILKINS VALLEY SUBDIVISION
BRENHAM, TEXAS

DRAWN BY: DFB
APPROVED BY: DFB
DATE: NOV. 9, 2023
JOB NUMBER: TBD
SCALE: 1"=150'
SHEET NO: 2 OF 2

Block 1	
Lot Number	Area (SF)
Lot 1	11206.7
Lot 2	6858.0
Lot 3	6409.1
Lot 4	6125.4
Lot 5	6075.0
Lot 6	6075.0
Lot 7	6075.0
Lot 8	6075.0
Lot 9	6075.0
Lot 10	6075.0
Lot 11	6592.6
Lot 12	6084.4
Lot 13	6084.4
Lot 14	6079.8
Lot 15	6075.0
Lot 16	6075.0
Lot 17	6075.0
Lot 18	6075.0
Lot 19	6075.0
Lot 20	6075.0
Lot 21	6075.0
Lot 22	6075.0
Lot 23	6075.0
Lot 24	6075.0
Lot 25	6075.0
Lot 26	6075.0
Lot 27	8267.4
Lot 28	12303.4
Lot 29	9693.0
Lot 30	8371.4

Block 2	
Lot Number	Area (SF)
Lot 1	12024.2
Lot 2	6587.1
Lot 3	5821.4
Lot 4	5590.0
Lot 5	5609.3
Lot 6	5674.3
Lot 7	5739.3
Lot 8	5804.4
Lot 9	5869.4
Lot 10	5934.4
Lot 11	6205.6
Lot 12	5966.7
Lot 13	5918.9
Lot 14	5871.1
Lot 15	5823.3
Lot 16	5775.5
Lot 17	5727.7
Lot 18	6922.1
Lot 19	7040.8
Lot 20	5626.6
Lot 21	5626.6
Lot 22	5626.6
Lot 23	5626.6
Lot 24	5626.6
Lot 25	5626.6
Lot 26	5363.1
Lot 27	5627.9
Lot 28	5627.9
Lot 29	5627.9
Lot 30	5630.3
Lot 31	5746.5
Lot 32	7949.6
Lot 33	7771.4
Lot 34	11794.9
Common Area	760.0

Block 3	
Lot Number	Area (SF)
Lot 1	6036.6
Lot 2	7661.0
Lot 3	6644.2
Lot 4	5400.0
Lot 5	5400.0
Lot 6	6373.3
Lot 7	5482.5
Lot 8	7724.8
Lot 9	9951.9
Lot 10	7688.9
Lot 11	6576.1
Lot 12	6206.1
Lot 13	5668.7
Lot 14	5400.0
Lot 15	5400.0
Lot 16	5400.0
Lot 17	5400.0
Lot 18	5400.0
Lot 19	5400.0
Lot 20	5400.0
Lot 21	5573.0
Lot 22	5918.3
Lot 23	7461.9
Lot 24	10724.4

Block 4	
Lot Number	Area (SF)
Lot 1	10921.7
Lot 2	7937.4
Lot 3	7145.5
Lot 4	6388.5
Lot 5	5962.3
Lot 6	5400.0
Lot 7	5400.7
Lot 8	6155.2
Lot 9	6447.8
Lot 10	6631.9
Lot 11	7172.3
Lot 12	8153.5
Lot 13	7054.7
Lot 14	6172.7
Lot 15	7478.1
Lot 16	9496.5
Lot 17	9193.7
Lot 18	9121.9
Lot 19	11135.3
Lot 20	7879.5
Lot 21	7541.6
Lot 22	7040.0
Lot 23	6705.2
Lot 24	5920.0
Lot 25	5415.9
Lot 26	6383.6
Lot 27	6622.0
Lot 28	7904.2

Wilkins Valley Subdivision Information	
Total Property Area =	35.31 acres
Area encumbered by Floodplain =	7.14 acres
ROW dedicated for Saeger Street =	0.382 acres
Property on West Side of Creek Outside Floodplain =	3.40 acres
Future Development =	1.75 acres
Amenity Area Outside Floodplain =	0.80 acres
Minimum Lot Area =	5400 SF
Average Lot Area =	6,701 SF
Minimum Lot Width =	45 FT
Front Setback =	25 FT
Side Setback =	5 FT
Rear Setback =	25 FT
Side Street Setback =	15 FT
Minimum Right of Way Width =	55 FT

Lot Inventory		
31 lots	25%	7,000+ SF
72 lots	60%	6,000+ SF
103 lots	88%	5,500+ SF
13 lots	11%	<5,500 SF

Our goals and vision for this development are reinforced by the *Brenham CDS ResIntel Housing Study* conducted in 2021

“CDS recommends that the City consider allowing builders to build on small lots from 25’ to 45’ on a byright basis to help facilitate building new homes in the most in demand price ranges on smaller lots that can help offset the rising costs of land, materials and labor to get housing in Brenham that local middle income workers can afford.”

Brenham CDS ResIntel Housing Study, Page 101

Brenham, Texas ResIntel

As new entry level homes in the community are built in \$250,000-\$300,000 and up this should provide comps that will show lower priced homes have been sold for a somewhat overvalued premium that was elevated due to a lack of new supply.

Based on LEHD data shown earlier there were 9,636 Brenham employees who work in the City but live outside. As examples:

- Brenham Independent School District, Baylor, Scott, White, Blue Bell, QuestSpecialty, and Blinn College, and apartment property managers all stated they had workers living outside of the City.
- Workers from these employers had incomes from all ranges from \$22,000 to \$100,000+ and all said that market rate apartment and single-family rental homes were in greatest demand and lowest supply for these workers.

The high end move up market has been satisfied by several of Brenham’s local custom home developers and builders. Homes in the \$400,000 and greater price ranges are being paid for in all cash by retirees, passive income households, business owners, out of towners and re-locating remote workers.

The main focus for new housing production should be lowest possible priced single-family homes for entry level, first time home buyer and middle income workers as well as market rate apartment rental and single-family rental units for middle income and higher paid workers seeking to rent before buying or as a new hire.

Proactive guidelines for support for the construction of new housing on the part of the City and possibly County could provide financial or other types of support to encourage builders to get new product on the ground in Brenham, while lowering lot development costs and therefore lowering risk.

The City could consider programs to ensure the lowest priced homes are bought by local worker households by creating housing partnerships, marketing and buying programs between local employers, home builders and the real estate and banking community. Also, the City and County may consider a down payment assistance and/or soft-second mortgage program for locally employed buyers to help ensure their ability to own a home affordable to their income in Brenham as long as required application and approval process are not overly onerous, lengthy and risky.

Other considerations could include partial development reimbursement for street, curb, gutter, sewer and other infrastructure and utility costs related to new housing development and construction.

Lowering minimum regulations for street width and lot size as well as relaxing single-family zoning regulations and restrictions to allow greater flexibility and ease of housing production are low to no cost ways the City could make new market rate housing less costly for developers and builders.

Developers, builders and many consumers want smaller lot homes due to their inherent lower cost and sale price and lower utility and maintenance costs. Stylecraft has agreed with the City to build a townhome pod in their development through a planned development agreement. This is due to very high customer interest and demand for compact single-family homes in Brenham.

Allowing for the legalization and ease of smaller lot housing types will lower costs and prices for new housing in Brenham while also allowing more residents per acre to accommodate population and job growth without requiring maximum amounts of land. It should be noted that land costs have risen

“Allowing for the legalization and ease of smaller lot housing types will lower costs and prices for new housing in Brenham while also allowing more residents per acre to accommodate population and job growth without requiring maximum amounts of land. It should be noted that land costs have risen sharply and has slowed the process of planning future new home development in Brenham beyond currently owned lot inventories.

CDS believes the construction of 50 to 75 or more new entry level single-family homes each of the next several years priced between \$180,000 to \$260,000 would be quickly absorbed.”

Brenham CDS ResIntel Housing Study, Page 106-107

Wilkins Valley: Where the American Dream Becomes a Reality in Brenham

Brenham, Texas ResIntel

According to 2018 data Brenham experiences significant worker household leakage with 76% (9,636) of the 12,689 employed in the City living outside of the City.

An estimated 55% (5,131) of residents in the City commute outside for employment.

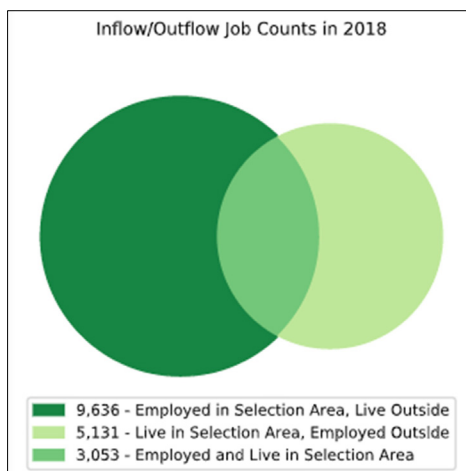
Table 28: Brenham LEHD Inflow/Outflow Job Counts, 2018

Inflow/Outflow Job Counts (All Jobs)	Count	%
Employed in the Selection Area	12,689	100%
Employed in the Selection Area but Living Outside	9,636	76%
Employed and Living in the Selection Area	3,053	24%
Living in the Selection Area	8,184	100%
Living in the Selection Area but Employed Outside	5,131	55%
Living and Employed in the Selection Area	3,053	45%

Source: US Census Bureau, Center for Economic Studies, Longitudinal Employer-Household Dynamics (LEHD), OnTheMap

This shows an opportunity for Brenham to improve its share of existing and future locally employed workers housed within the City.

Figure 29: Brenham 2018 Jobs



According to 2018 data Brenham experiences significant worker household leakage with 76% (9,636) of the 12,689 employed in the City living outside of the City.

Brenham, Texas ResIntel

The table below shows the breakdown of distance travelled from home to their workplace in Brenham.

Almost half of those working in Brenham, 5,856 (46%), live 25 or more miles from their place of work in Brenham. Many experts and research agrees that the number one demand for housing is local employment. Therefore, employed persons working in Brenham yet living outside of the City present a prime opportunity to capture them as new households in Brenham. In addition, accommodating more local workers to live in the City will help decrease the leakage of their earned income, purchasing power and potential property and sales tax base to other communities, while also helping existing and new businesses retain and hire workers.

Approximately, 33% live greater than 50 miles from Brenham. It should be noted that this portion of the workforce resides well beyond Brenham's retail and services trade area, resulting in severe leakage. Additionally, those most willing to commute long distances are likely those with specialized jobs, credentials, skills, and higher earnings potential.

Table 30: Distance – To Brenham for Work, Employed in Brenham, 2018

Distance Home to Work	Count	%
Total All Jobs	12,689	100%
Less than 10 miles	4,924	39%
10 to 24 miles	1,909	15%
25 to 50 miles	1,637	13%
Greater than 50 miles	4,219	33%

Source: US Census Bureau, Center for Economic Studies, Longitudinal Employer-Household Dynamics (LEHD), OnTheMap

Table 31 below shows the top locations where Brenham workers live. In interview with local employers Houston (Cypress), Bryan/College Station, and Bellville were some of the most common places employers said their Brenham workers lived.

Table 31: Jobs Counts by County Where Workers Live - All Jobs 2018

	Count	Share
Total, All Places	12,689	100%
Brenham, TX	3,053	24%
Washington County, TX	2,669	21%
Harris County, TX	1,209	10%
Austin County, TX	671	5%
Brazos County, TX	466	4%
Montgomery County, TX	289	2%
Travis County, TX	282	2%
Waller County, TX	280	2%
Burleson County, TX	270	2%
Fort Bend County, TX	232	2%
Fayette County, TX	222	2%
All Other Locations	3,046	24%

Source: US Census Bureau, Center for Economic Studies, Longitudinal Employer-Household Dynamics (LEHD), OnTheMap

CDS

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This shows an opportunity for Brenham to improve its share of existing and future locally employed workers housed within the City.

CDS

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The table below contains the 2021 estimate of the age of the existing housing stock in Brenham and Washington County.

An estimated 6,886 housing units are located in Brenham, representing about a 41% share of the 16,616 housing units in the County. This places Brenham as the prime housing location for the County.

Table 33: Age of Existing Housing Stock, 2021

	Brenham		Washington County	
	Count	%	Count	%
Total Housing Units	6,886	100%	16,616	100%
Built 2014 or Later	478	7%	1,435	9%
Built 2010 to 2013	218	3%	619	4%
Built 2000 to 2009	916	13%	2,787	17%
Built 1990 to 1999	1,035	15%	2,444	15%
Built 1980 to 1989	1,012	15%	2,543	15%
Built 1970 to 1979	1,231	18%	2,427	15%
Built 1960 to 1969	703	10%	1,413	9%
Built 1950 to 1959	449	7%	862	5%
Built 1940 to 1949	364	5%	781	5%
Built 1939 or Earlier	480	7%	1,305	8%
Dominant Year Structure Built	1970 to 1979		2000 to 2009	

Sources: PCensus 2021

- Both Study Areas feature existing home stocks predominately built from 1970 to 1999.
- Existing older homes that can be maintained and revitalized will create a positive impact to providing adequate housing to the community.
- Approximately 77% of Brenham housing units were built before 2000.

“Lot sizes of 25’-35’ would allow builders greater flexibility to create new homes at lower prices than other wise achievable on a 50’ or 55’ lot.”

Brenham CDS ResIntel Housing Study, Page 96

Wilkins Valley: Where the American Dream Becomes a Reality in Brenham

D.R. Horton has a proven track record of building quality homes in subdivisions with a 5' setback.

D.R. Horton:

- Pecan Lakes 5' Side Yard – Navasota, TX
- Pleasant Hill 5' Side Yard – Bryan, TX
- Southern Pointe 5' Side Yard – College Station, TX
- Midtown 5' Side Yard – College Station, TX

Other subdivisions with similar lots size and or similar side yard setbacks:

- Blackrock – Navasota, TX
- Bluebonnet Village – Bellville, TX
- The Village – Conroe, TX
- Lexington Heights – Willis, TX
- The Landing – New Caney, TX
- Oakwood Trails – Tomball, TX
- The Grand Prairie – Hockley, TX
- Pecan Lakes – Navasota, TX
- Riverwood Village – Sealy, TX
- The Ridge at Mason Woods
- Artavia – Conroe, TX
- Parkland Row – Bridgeland
- Audubond – Magnolia, TX
- Woodforest – Magnolia, TX
- The Woodland Hills – Montgomery, TX

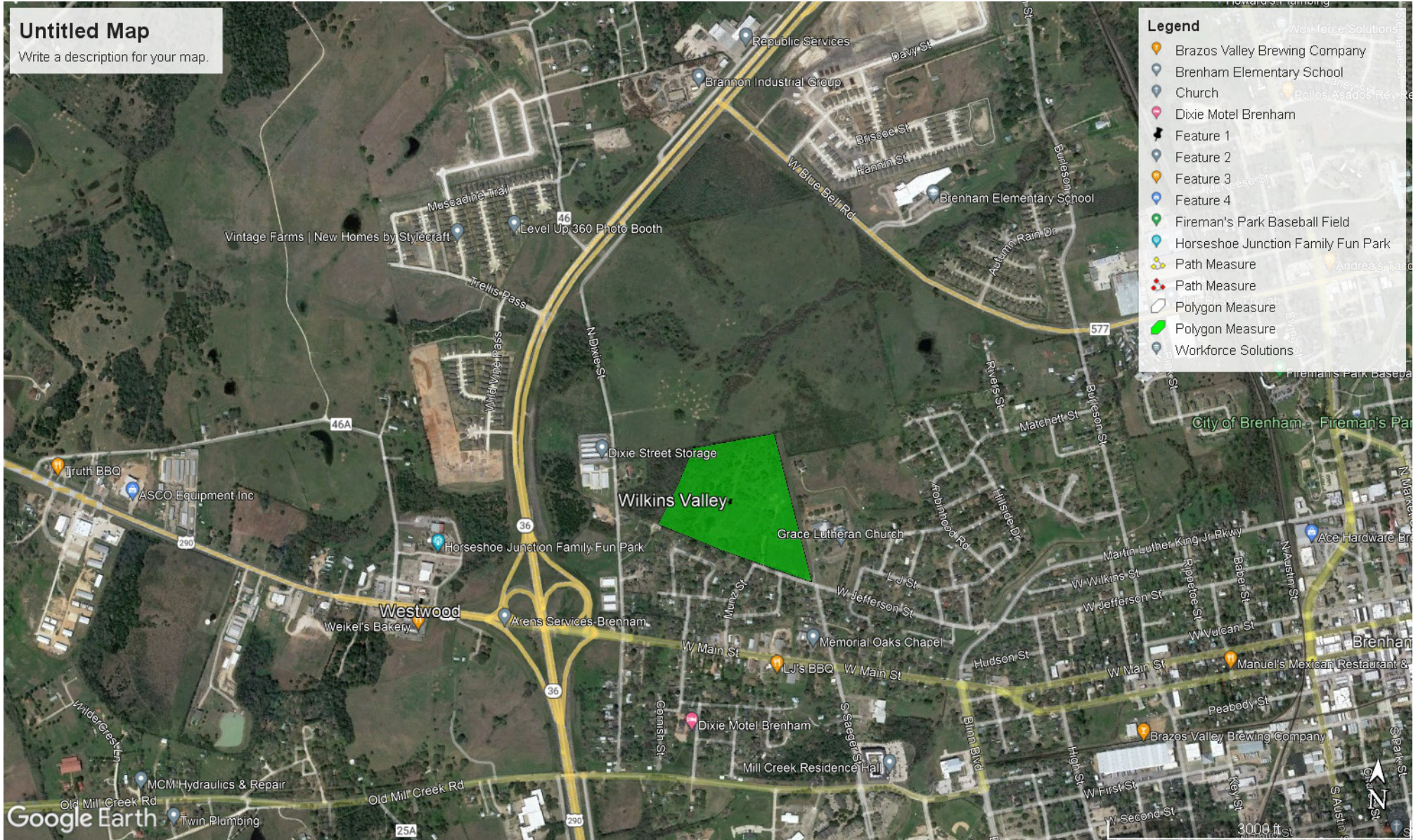
Representative photos of the proposed spacing and sizes of lots and houses

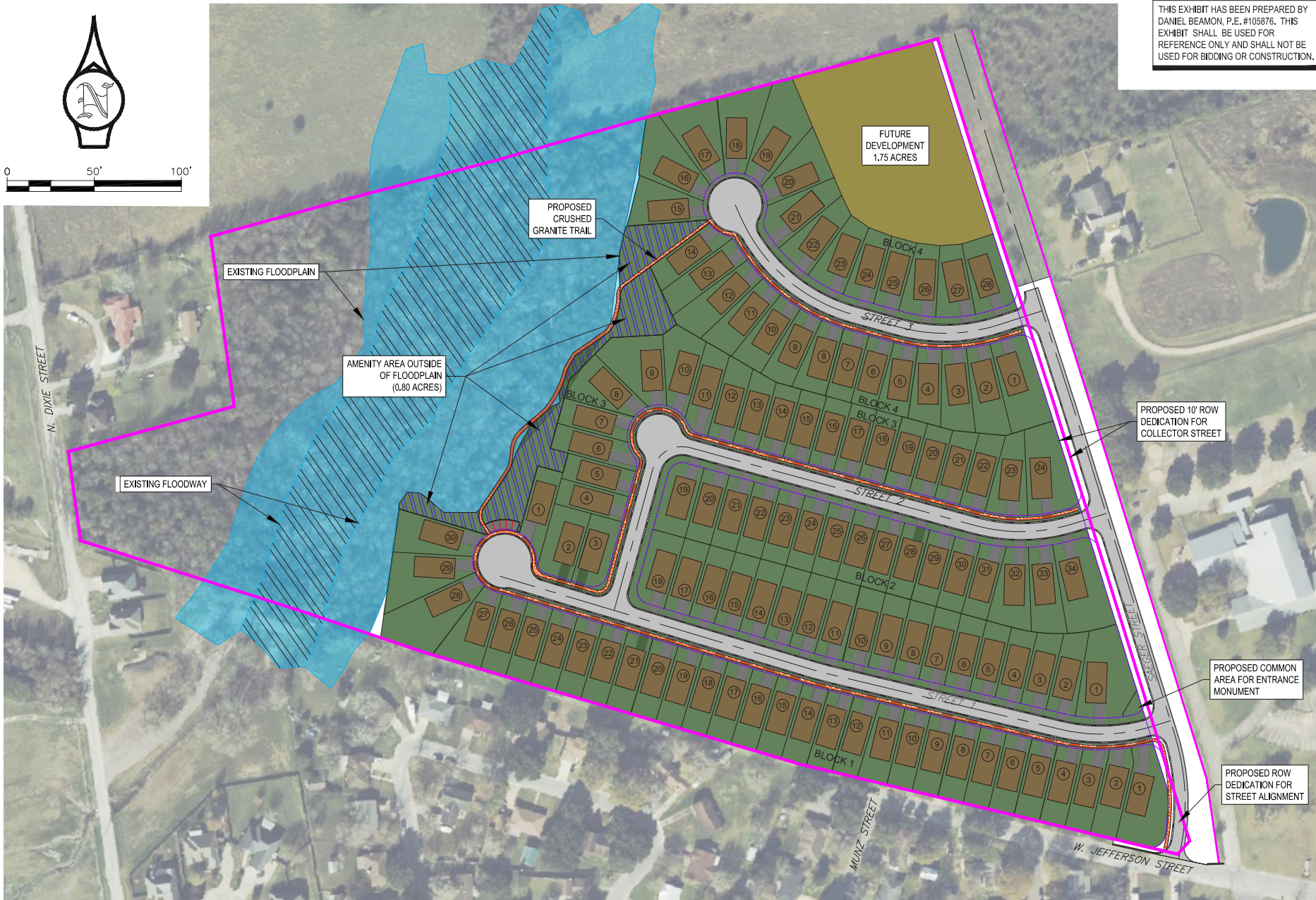
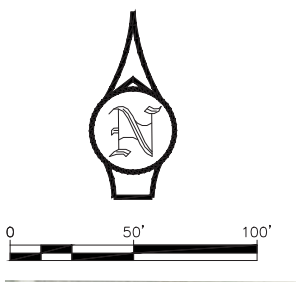


Representative photos of the proposed spacing and sizes of lots and houses



Representative photos of the proposed spacing and sizes of lots and houses
This does not represent style or construction materials.





THIS EXHIBIT HAS BEEN PREPARED BY DANIEL BEAMON, P.E. #105876. THIS EXHIBIT SHALL BE USED FOR REFERENCE ONLY AND SHALL NOT BE USED FOR BIDDING OR CONSTRUCTION.

18172 BENCH LANE
BRYAN, TEXAS 77807
PH. (979) 571-2407
TBPE FRM NO. F-21588



WILKINS VALLEY SUBDIVISION
BRENNHAM, TEXAS

DRAWN BY:	DPB
APPROVED BY:	DPB
DATE:	NOV. 9, 2023
JOB NUMBER:	TBD
SCALE:	1"=150'
SHEET NO.:	1 OF 2

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF BRENHAM, TEXAS, AMENDING APPENDIX A - "ZONING" OF THE CODE OF ORDINANCES, AND THE OFFICIAL ZONING MAP OF THE CITY OF BRENHAM, BY CHANGING THE ZONING DISTRICT CLASSIFICATION FROM SINGLE-FAMILY RESIDENTIAL DISTRICT (R-1) TO PLANNED DEVELOPMENT DISTRICT (PD) ON AN APPROXIMATELY 28.09 ACRE TRACT OF LAND BEING A PORTION OF TRACT 82 OF THE PHILLIP COE SURVEY, A-31, LOCATED GENERALLY ON THE NORTHWEST CORNER OF W. JEFFERSON STREET AND N. SAEGER STREET AND ADDRESSED AS 1402 W. JEFFERSON STREET, IN BRENHAM, WASHINGTON COUNTY, TEXAS.

WHEREAS, the owners of the 28.09 acres of land generally located on northwest corner of W. Jefferson Street and N. Saeger Street, being further described as a portion of Tract 82 of the Phillip Coe Survey, A-31, in Brenham, Washington County, Texas (the "Property"), have requested that the Property be rezoned; and

WHEREAS, the owners have presented an application to the City for a PD District to allow the construction of a single-family residential development (Planning Area Exhibit A); and

WHEREAS, at least fifteen (15) days after publication in the official newspaper of the City of the time and place of the public hearing and at least ten (10) days written notice of that hearing to the owners of the land within two hundred feet (200') of the Property in the manner required by law, the Planning & Zoning Commission held a public hearing on the proposal to rezone the Property to a Planned Development District; and

WHEREAS, the Planning & Zoning Commission recommended unanimously on January 22, 2024, that City Council grant such proposal to rezone the Property to a Planned Development District; and

WHEREAS, the City Council deems it appropriate to grant such a proposed change in the zoning district classification of the Property as described and shown in Exhibit B;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BRENHAM, TEXAS THAT APPENDIX A – "ZONING" OF THE CODE OF ORDINANCES OF THE CITY OF BRENHAM, TEXAS, AND THE OFFICIAL ZONING MAP BE AMENDED AS FOLLOWS:

SECTION I.

PURPOSE AND INTENT. The Wilkins Valley Planned Development District (“Wilkins Valley PD”) is intended to guide land use and physical development of the subject property. This development plan is enacted as a means to provide the City and the Developer with alternative standards set forth by the City for their mutual benefit. This Wilkins Valley PD is intended to improve property utilization by facilitating the highest and best uses, strengthening the area economy, and promoting the general welfare of the surrounding community. The Wilkins Valley PD reflects the goals of the City’s adopted Comprehensive Plan - Historic Past, Bold Future: Plan 2040 which establishes recommendations for developing quality neighborhood design. To this end, the Wilkins Valley Subdivision shall include public amenities such as, but not limited to, sidewalks, an interconnecting pedestrian concrete trail, landscaping, and parkland. The outlined amenities exceed City of Brenham subdivision standards and are intended to provide a valuable product for the Brenham community. The Wilkins Valley PD shall allow only single-family residential uses on approximately 28.09 acres of land out of a portion of Tract 82 of the Phillip Coe Survey, A-31, being generally on the northwest corner of the intersection of W. Jefferson Street and N. Saeger Street (Planning Area Exhibit A).

SECTION II.

DEFINITIONS. Terms that are not expressly defined herein below shall have the meanings set forth in the City of Brenham Code of Ordinances. Terms not defined in either this Wilkins Valley PD or the City of Brenham Code of Ordinances shall have their ordinary dictionary meanings, based on the latest edition of Merriam-Webster’s Unabridged Dictionary.

- A. Wilkins Valley Residential Association, Inc. (“Residential Association”) – shall mean the residential homeowners’ association formed for the purpose of the enforcement and administering of the provisions of the Declaration of Covenants, Conditions and Restrictions for the Wilkins Valley Subdivision (Residential Property), including, but not limited to, maintenance of Common Areas, Landscaping and Sidewalk Trails, to be recorded in the Official Records of Washington County, Texas.
- B. Wilkins Valley Subdivision Declaration of Covenants, Conditions and Restrictions – shall mean the Declaration of Covenants, Conditions and Restrictions promulgated by the board of directors of the Residential Association and recorded in the Official Records of Washington County, Texas, as may be amended and/or supplemented from time to time.
- C. Front elevation – shall mean the front exterior appearance (façade) of a home.

SECTION III.

LAND USE AND PHYSICAL DEVELOPMENT. Unless stated otherwise herein, the physical development in this PD district shall comply with all development standards, codes, regulations and limitations of the City of Brenham Code of Ordinances that apply to a Residential (R-1) zoning district, and subject to additions, modifications or exceptions described herein below:

- A. No front elevations shall be repeated more than every third lot. Each home must have a different front elevation from the home across the street.
- B. Minimum square footage of each home shall be 1,225 square feet, exclusive of garages, porches, patios, and areas of the home that are not air-conditioned.
- C. Each single-family dwelling shall include, at a minimum, a two-car private, enclosed garage.
- D. Public sidewalks shall be constructed on one side of the public right-of-way within the development and shall be constructed in accordance with the City of Brenham Public Infrastructure Design Manual. Sidewalk segments shall be installed concurrently throughout the development.
- E. Common Areas, as shown on Planning Area Exhibit A, shall serve as public access passive parks to be maintained by the Residential Association. The following amenities shall be provided and maintained by the Residential Association:
 - a. Minimum 400 square foot covered pavilion
 - b. Three (3) picnic tables
 - c. Three (3) benches
 - d. 900 square feet concrete basketball or pickleball court
 - e. One (1) tether ball pole
 - f. Three (3) hole disc golf course
- F. A minimum of 700 linear feet of concrete sidewalk in accordance with the City of Brenham Infrastructure Design Manual along the floodplain and around the common area shall be constructed to connect to the public sidewalk system proposed throughout the subdivision.
- G. A curvilinear concrete sidewalk in accordance with the City of Brenham Infrastructure Design Manual shall be constructed adjacent to Saeger Street.
- H. A main entry monument sign and landscaping shall be provided at the entrance on N. Saeger Street.
- I. Prior to the first Certificate of Occupancy being issued, fifteen (15) 4-inch caliper canopy trees shall be planted in the Common Area along N. Saeger Street.
- J. Prior to the first Certificate of Occupancy being issued, fifteen (15) 4-inch caliper canopy trees shall be planted in a designated Common Area adjacent to W. Jefferson Street. Credit for preservation of existing trees is permitted for canopy trees preserved which are greater than 4-inches in diameter.

SECTION IV.

SUBDIVISION OF LAND. The subdivision of land within the Wilkins Valley PD shall be in accordance with subdivision standards for properties in a Residential (R-1) zoning district with the following exceptions or additions to ordinary standards:

- A. The minimum lot width shall be forty-five (45) feet.
- B. The average lot depth shall not be less than 120 feet.
- C. The minimum lot area shall not be less than 5,400 square feet.
- D. The average lot area shall not be less than 6,600 square feet.
- E. Front yards shall have a minimum depth of twenty-five (25) feet as per current City Ordinance.
- F. Side yards shall have a minimum width of five (5) feet unless adjacent to a side street in which case the minimum side yard shall be fifteen (15) feet.
- G. Rear yards shall have a minimum depth of twenty-five (25) feet as per current City Ordinance.
- H. The minimum right-of-way width shall be fifty-five (55) feet of dedicated right-of-way with 31-foot-wide pavement, measured from back-of-curb to back-of-curb as per current City Ordinance.
- I. A utility easement shall be dedicated by plat for the maintenance of existing and proposed gravity sewer line connected to the existing City of Brenham lift station.
- J. An additional ten (10) feet of property shall be dedicated as Right-of-Way along the west side of the existing unimproved portion of Saeger Street Right-of-Way at the time the subject tract is platted. Saeger Street shall be constructed by the developer to City of Brenham standards and shall be thirty-one (31) feet of concrete measured from back of curb to back of curb.
- K. Shall cooperate with Grace Lutheran Church and the City of Brenham for an improved street alignment at the intersection of N. Saeger Street and W. Jefferson Street.

SECTION V.

This Ordinance shall take effect as provided by the Charter of the City of Brenham, Texas.

SECTION VI.

This Ordinance shall in no manner amend, change, supplement or revise any portion of any ordinance of the City, save and except the change in zoning classification for the Property provided herein subject to the regulations, restrictions, terms and conditions of the Planned Development District provided for herein.

PASSED and APPROVED on its first reading this the 1st day of February 2024.

PASSED and APPROVED on its second reading this the 15th day of February 2024.

Atwood C. Kenjura
Mayor

ATTEST:

Jeana Bellinger, TRMC, CMC
City Secretary

PLANNING AREA EXHIBIT A

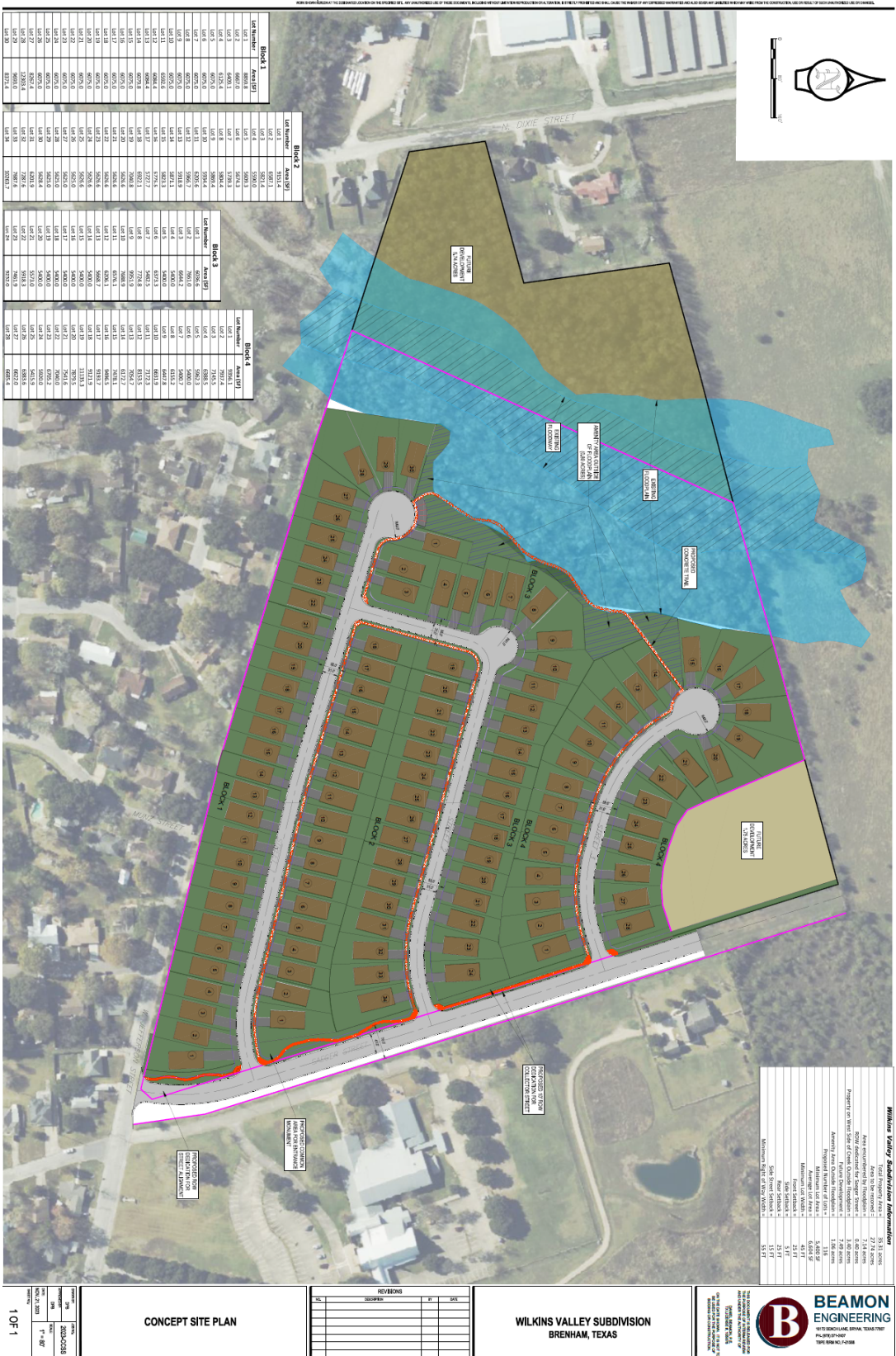


EXHIBIT B



FIELD NOTES DESCRIPTION
OF A
28.09 ACRE TRACT
PHILIP COE LEAGUE SURVEY, ABSTRACT 31
BRENHAM, WASHINGTON COUNTY, TEXAS

A FIELD NOTES DESCRIPTION OF 28.09 ACRES IN THE PHILIP COE LEAGUE SURVEY, ABSTRACT 31, IN BRENHAM, WASHINGTON COUNTY, TEXAS, BEING A PORTION OF A CALLED 35.31 ACRE TRACT OF LAND DESCRIBED IN A DEED TO CLAYTON M. COLLIER AND WIFE, KELLI J. COLLIER RECORDED IN VOLUME 1601, PAGE 386 OF THE OFFICIAL PUBLIC RECORDS OF WASHINGTON COUNTY, TEXAS (OPRWCT); SAID 28.09 ACRES BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a point on the southwest line of a called 2.025 acre tract of land described in a deed to the City of Brenham recorded in Volume 1122, Page 281 (OPRWCT) said point being on the northeast line of said Collier tract; for reference a 1/2 inch iron rod found with orange plastic cap stamped 'HODDE & HODDE' found bears N 18° 24' 05" W a distance of 86.56 feet, from which a 1/2 inch iron rod with orange plastic cap stamped 'HODDE & HODDE' found in the south line of a called 140.41 acre tract of land described in a deed to Gregory Ko recorded in Volume 1879, Page 636 (OPRWCT), at the northeast corner of said Collier tract and the northwest corner of said 2.025 acre tract bears N 17° 49' 45" W a distance of 262.42 feet;

THENCE, with the common line of said Collier tract and said City tract for the following three (3) courses and distances:

- 1) **S 18° 24' 05" E**, a distance of **325.70 feet** to a 1/2 inch iron rod with yellow plastic cap stamped 'MCCLURE BROWNE' found;
- 2) **S 17° 43' 33" E**, a distance of **773.22 feet** to a 5/8 inch iron rod with orange plastic cap stamped 'HODDE & HODDE' found for an angle point;
- 3) **S 41° 38' 57" W**, a distance of **30.54 feet** to a 5/8 inch iron rod with orange plastic cap stamped 'HODDE & HODDE' found on the northeast line of W. Jefferson Street at the southwest corner of said City Tract and the southeast corner hereof;

THENCE, with the southwest line of said Collier tract, along the northeast side of W. Jefferson Street and Section No. 1 of Woodson's Meadow Park filed in Slide 74A of the Plat Records of Washington County, Texas (PRWCT), **N 77° 05' 24" W**, for a distance of **674.95 feet** to a 1/2 inch iron rod with yellow plastic cap stamped 'MCCLURE BROWNE' found at the northwest corner of Lot 22 of said Section No. 1 and the northeast corner of Lot 4 of Section 2, Meadow Park filed in Slide 114A (PRWCT);

THENCE, continuing with the southwest line of said Collier tract, same being the northeast line of Section 2, the following two (2) courses and distances:

- 1) **N 73° 53' 12" W**, a distance of **674.76 feet** to a 1/2 inch iron rod with yellow plastic cap stamped 'MCCLURE BROWNE' found at an angle point in said line; and
- 2) **N 71° 57' 45" W**, a distance of **199.14 feet** to a point in an erosion control area at the northwest corner of Lot 11 of said Section 2 and the northeast corner of Lot 3C of Little Sandy Subdivision filed in Slide 725B (PRWCT)

THENCE, with the southwest line of said Collier tract and the northeast line of said Lot 3C, **N 72° 46' 52" W**, a distance of **74.81 feet** to a point for corner;

THENCE, through said Collier tract, **N 26° 15' 11" E**, a distance of **847.11 feet** to a 1/2 inch iron rod with yellow plastic cap stamped 'MCCLURE BROWNE' found marking an angle point in south line of said Ko 140.41 acre tract (1879/636 OPRWCT) and the north line of said Collier tract;

THENCE, with the common line of said Collier tract and said Ko tract for the following two (2) courses and distances:

- 1) **N 73° 30' 34" E**, a distance of **322.09 feet** to a 1/2 inch iron rod with yellow plastic cap stamped 'MCCLURE BROWNE' found;
- 2) **N 74° 27' 40" E**, a distance of **218.86 feet** to a point for corner in said common line;

THENCE, through said Collier tract for the following seven (7) courses and distances:

- 1) **S 23° 01' 26" E** a distance of **256.62 feet** to an angle point;
- 2) **S 55° 20' 46" E** a distance of **37.45 feet** to an angle point;
- 3) **S 70° 14' 28" E** a distance of **42.23 feet** to an angle point;
- 4) **S 75° 14' 53" E** a distance of **45.00 feet** to an angle point;
- 5) **S 84° 09' 20" E** a distance of **39.46 feet** to an angle point;
- 6) **N 85° 34' 57" E** a distance of **37.75 feet** to an angle point;

- 7) N 71° 36' 48" E a distance of 66.67 feet to the POINT OF BEGINNING hereof and containing 28.09 acres of land, more or less.

Surveyed on the ground January 2024 under my supervision. See plat prepared January 2024 for other information. The bearing basis for this survey is based on the Texas State Plane Coordinate System of 1983 (NAD83), Central Zone, Grid North as established from GPS observation using the Leica Smartnet NAD83 (NA2011) Epoch 2010 Multi-year CORS Solution 2 (MYCS2). Distances described herein are surface distances. To obtain grid distances (not grid areas) divide by a combined scale factor of 1.000025160521 (calculated using GEOID12B). Reference drawing: 24-055-5 Standard Land Survey.


1/24/24

Michael Konetski

Registered Professional Land Surveyor No. 6531

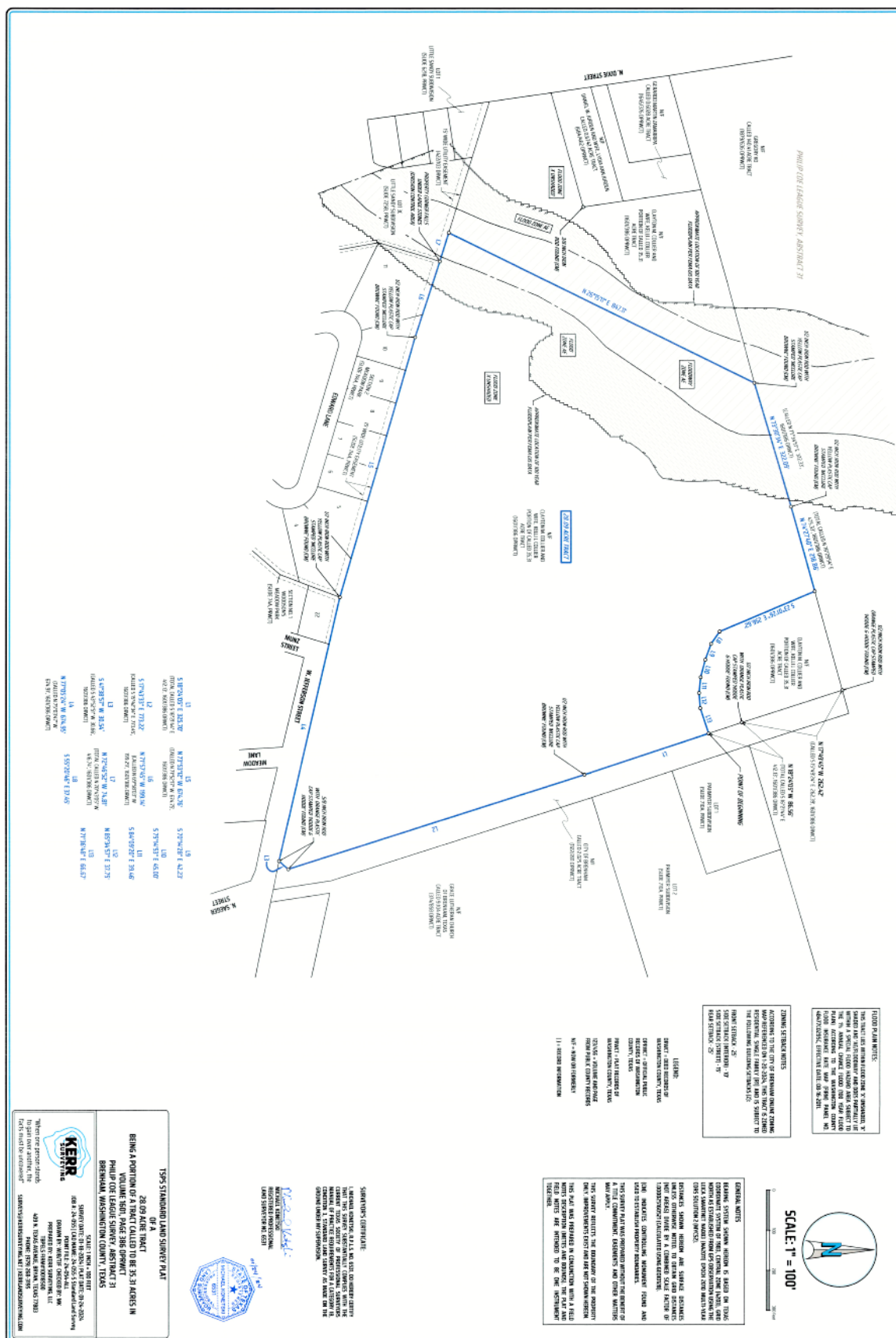


KERR SURVEYING

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City Council Regular Meeting **AGENDA ITEM 8**

Agenda Item: Discuss and Possibly Act Upon Ordinance No. O-24-002 on Its Second Reading Amending Appendix A - Zoning of the Code of Ordinances of the City of Brenham Granting a Specific Use Permit to Allow a Food Truck Park in a B-1, Local Business/Residential Mixed Use Zoning District on Property Located at the Southeast Corner of the Intersection of N. Park Street and Brookside Drive, and Being 2.6051 Acres Described as Scenic Estates, Section IV, Reserve A (1.9257 Acres) and Reserve B2 (0.6794 Acres) out of the Arabella Harrington Survey in Brenham, Washington County, Texas (Case No. P-23-043)

Meeting Date: February 1, 2024

Department: Development Services

Staff Contact: Shauna Laauwe, City Planner
Stephanie Doland, Director of Development Services

SUMMARY STATEMENT:

Scenic Investments, a Texas partnership, property owner of the 2.6051 acres of land generally located on the southeast corner of N. Park Street and Brookside Drive, and Michael Ancone, applicant, are requesting approval of a Specific Use Permit to develop a Food Truck Park. The subject property as well as the properties to the north along N. Park Street and adjacent to the east, are zoned B-1, with the property located directly to the north, across Brookside Street, being developed as Dollar General. To the west, across N. Park Street, is zoned B-2, but developed as the City of Brenham's Hohlt Park. Properties adjacent to the northeast are zoned R-1 and are part of the Scenic Estates Subdivision and developed as single-family homes.

Mr. Ancone proposes to develop the subject lots as a Food Truck Park that would include pad sites for eight (8) food trucks, a restroom facility, picnic tables, walking trails, a 5,000 square foot retail space, an ice kiosk, and 48 off-street parking spaces. (See Attached Site Plan Exhibit C). On November 4, 2021, the City Council adopted Ordinance Number O-21-030 to allow a food truck park by Specific Use Permit in the B-1, B-2, B-3, and B-4 zoning districts. Section 18.01 of the Zoning Regulations lists fourteen (14) additional development standards for Food Truck Parks. As noted in detail in the attached Staff Report, the proposed Food Truck Park met or exceeded each of the additional development standards.

As shown in Figure 2 of the Staff Report, a 100-year floodplain area covers a significant

portion of the subject property, the adjacent property within the B-1 district to the east, and a portion of the R-2 vacant property to the south. Properties within the 100-year floodplain have additional building and drainage requirements to include building 2-feet above the base flood elevation and any detention accommodating both a 100-year event in addition to the proposed development. The floodplain constrains the developability of the subject property. However, the proposed food truck park layout, to include the retail space shall meet the development and floodplain standards.

The purpose of the SUP process is to identify those uses which might be appropriate within a zoning district but, due to either their location, function, or operation, could have a potentially harmful impact on adjacent properties or the surrounding area; and to provide for a procedure whereby such uses might be permitted by further restricting or conditioning them to mitigate or eliminate such adverse impacts. Staff finds that no adverse impacts to adjacent properties or surrounding area are anticipated due to the proposed compatible commercial use, site plan, and compliance of the additional development standards. The future land use map portion of the Envision 2020 Comprehensive Plan suggests the subject property may be appropriate for commercial uses. The proposed Food Truck Park, with adequate bufferyards and attention to noise and light levels, may be suitable as a neighborhood commercial use that aligns with the goals and land use policies established in the Comprehensive Plan.

On Thursday, January 18, 2023, after conducting a Public Hearing, the City Council **voted 6-0, with Councilmember Kolby abstaining, to recommend approval** of the SUP request as presented **with the following conditions:**

- The subject tract, which is currently platted as two lots, shall be re-platted into one commercial lot with approval by the Planning and Zoning Commission
- A screening fence or hedge of at least 6-feet in height be constructed along the east property line
- Lighting be downcast and directed away from residential properties
- Landscaping be provided along N. Park Street between the parking lot and the right-of-way
- A pedestrian traffic plan shall be provided
- Oversize vehicle parking shall be provided for vans and small school buses

ATTACHMENTS:

1. SR - P-23-043 Specific Use Permit_Brookside Food Truck Park
2. Food Truck Site Plan
3. O-24-002 - SUP - Food Truck Park

RECOMMENDATION:

Approve an Ordinance No. O-24-002 on its second reading amending Appendix A - Zoning of the Code of Ordinances of the City of Brenham granting a Specific Use Permit

to allow a Food Truck Park in a B-1, Local Business/Residential Mixed Use Zoning District on property located at the Southeast Corner of the Intersection of N. Park Street and Brookside Drive, and being 2.6051 acres described as Scenic Estates, Section IV, Reserve A (1.9257 Acres) and Reserve B2 (0.6794 Acres) out of the Arabella Harrington Survey in Brenham, Washington County, Texas (Case No. P-23-043).

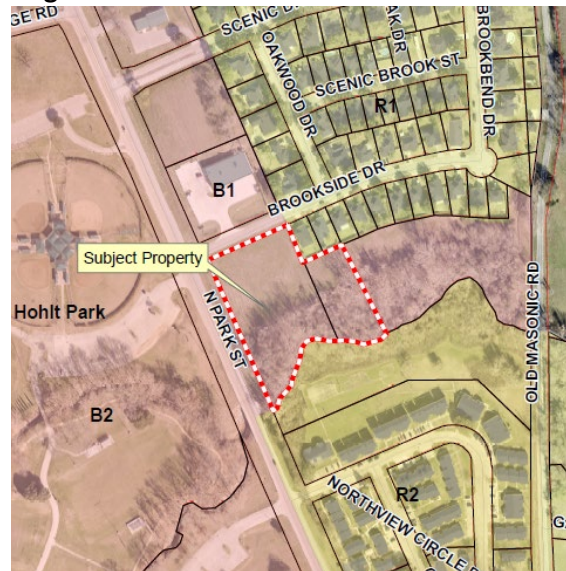
CASE NUMBER P-23-043
SPECIFIC USE PERMIT REQUEST – BROOKSIDE FOOD TRUCK PARK

STAFF CONTACT:	Shauna Laauwe AICP, City Planner
OWNER:	Michael Ancone
APPLICANTS:	Michael Ancone
ADDRESS/LOCATION:	SE Corner of Brookside Drive & N. Park Street (Exhibit A).
LEGAL DESCRIPTION:	Scenic Estates Subdivision, Sec 1, Block IV, Reserve A & B2
LOT AREA:	Approximately 2.6051 acres
ZONING DISTRICT/USE:	B-1, Local Business Mixed Residential/Vacant (Exhibit B)
FUTURE LAND USE:	Commercial and Single-Family Residential (Exhibit C)
REQUEST:	A request for a Specific Use Permit to allow a Food Truck Park use in a B-1, Local Business Mixed Residential Zoning District (Exhibit D).

BACKGROUND:

The subject property is a 2.6051-acre tract of vacant land that is located on the southeast corner of the Brookside Drive and North Park Street intersection, and to the east of Hohlt Park. The property consists of two vacant lots, a 1.925-acre lot on the corner of Brookside Drive and N. Park Street and the abutting lot to the east containing 0.6794-acres. As shown in Figure 1, the subject tracts as well as the properties to the north, along N. Park Street and adjacent to the east, are within a B-1 District, Local Commercial Mixed Residential District. Properties to the northeast are part of the Scenic Estates Subdivision and zoned R-1, Single-Family Residential District and developed as single-family units. Adjacent properties to the south are within an R-2, Mixed Residential District and are a Brenham Housing Authority duplex development.

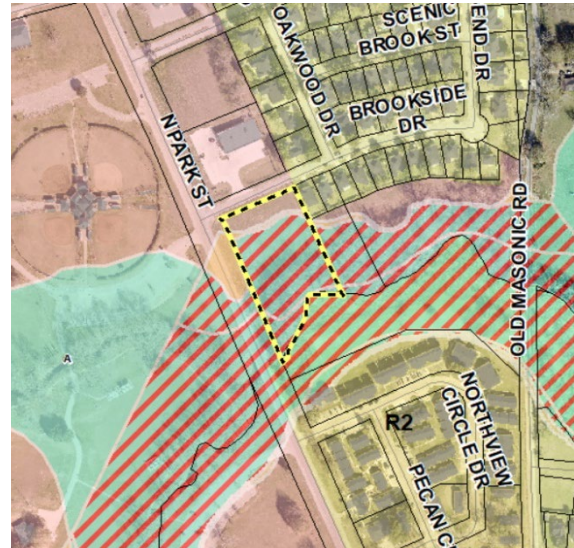
Figure 1



As shown in Figure 2, a 100-year floodplain area (section with red diagonal stripes) covers a significant portion of the subject lots, the adjacent property within the B-1 district to the east, and a portion of the R-2 vacant property to the south. Properties within the 100-year floodplain have additional stringent

building and drainage requirements to include building 2-feet above the base flood elevation and any detention accommodating both a 100-year event in addition to the proposed development. The base flood elevation for the subject property is 261-feet.

Figure 2



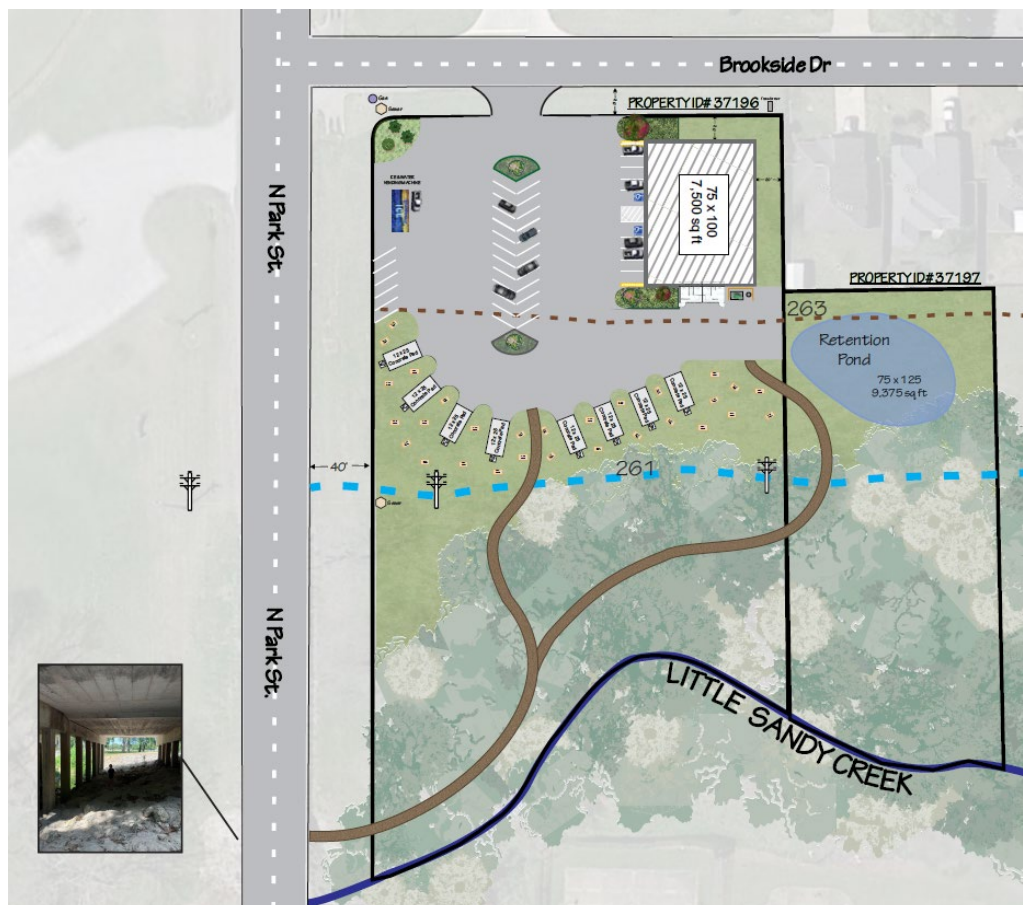
The applicant, Michael Ancone, proposes to develop the 2.6051-acres as a Food Truck Park as shown on the site plan in Figure 3. On November 4, 2021, the City Council adopted Ordinance Number O-21-030 to allow a food truck park by Specific Use Permit in the B-1, B-2, B-3, and B-4 zoning districts. The ordinance stipulates fourteen (14) site development standards in order for a food truck park to be considered for a Specific Use Permit. These development standards are listed in the Zoning District Regulations under Division 1, Section 18.02, with the proposed site development answers in red:

- (1) A designated seating area shall be provided for patrons. – Picnic tables provided.
- (2) Accessible restroom facilities shall be provided within a permanent structure. Temporary or portable toilet facilities are not permitted. – Restroom facility provided.
- (3) A minimum of two (2) parking spaces shall be provided for each food truck site provided within the food truck park. – 39 off-street parking spaces provided. 16 required for proposed 8 food truck sites.
- (4) Mobile kitchens shall not park in required parking stalls, rather they shall be located on a designated paved surface. – Designated paved parking pads for food trucks shown on site plan.
- (5) There shall be at least fifteen (15) feet of unobstructed clearance between all individual mobile kitchens parked side-by-side and all permanent or accessory structures and five (5) feet of unobstructed clearance between all individual mobile kitchens parked end-to-end. – Spacing provided on site plan. If approved, plan review will ensure proper spacing.
- (6) A dumpster with a minimum capacity of two (2) cubic yards, a concrete pad at least six (6) inches thick and solid screening fence shall be provided. – Dumpster site shown.
- (7) Communal grease disposal station shall be provided on-site within a completely screened enclosure. – Grease disposal station shown on site plan.
- (8) Landscaping and bufferyard requirements shall be met in accordance with Appendix A – Zoning, Part II, Division 1, Section 12 – Landscaping and Buffering. – A 20-foot bufferyard to adjacent residential properties to the east is required and shown on the site plan. The site needs additional landscaping between the parking spaces and food trucks and along the N. Park frontage road. This review for compliance is part of the building permit process.

- (9) No mobile kitchen nor any associated seating areas or restroom facilities shall be located in the required landscape buffer yard. -Restroom facilities and picnic tables are not shown in the landscape buffer yard.
- (10) Mobile kitchens conducting business at a food truck park shall have current vehicular registration and shall be in a suitable operating condition for transit. – Would be monitored.
- (11) All activity must occur on private property, outside of the public right-of-way. – Activities shown outside of the public right-of-way. Would be monitored.
- (12) Vehicular drive-thru service of food and/or beverages shall be prohibited. – No drive-thru service is shown.
- (13) Electrical service shall be provided to the mobile kitchen by a permitted electrical connection. The use of on-board generators shall be prohibited.
- (14) The municipality may without warning, notice, or hearing, revoke any permit to operate a mobile kitchen if the holder of the permit, person in charge, or the operation of the food establishment does not comply with the requirements of the Brenham Code of Ordinances or if the operation of the food establishment otherwise constitutes an immediate hazard to public health.

As shown in Figure 3, the applicant proposes to develop the subject lots as a Food Truck Park that would include pad sites for eight (8) food trucks, a restroom facility, picnic tables, trails, a 75-foot by 100-foot (7500 SF) retail space, and an ice kiosk location. The retail, restrooms, and ice kiosk structures, as well as the proposed 39 parking spaces, would be located above the required 263-foot elevation (brown dashed line). The food truck pad sites and picnic tables would be out of the floodplain but at an elevation less

Figure 3



than 263-feet. Since food trucks are mobile, they are not required to be located a minimum of 2-feet above the base flood elevation, however the proposed picnic tables would need to be anchored down. The retail building is shown on the northeast corner of the site with a 20-foot bufferyard setback to the east and a 20-foot front yard setback along Brookside Drive. A 25-foot front yard setback would be required for the building. The site plan shows 39 off-street parking spaces. With 8 proposed food trucks, 16 parking spaces are required, however that would only leave 23 parking spaces for the retail building that at 7,500 square feet would require 30 spaces. In order to comply with the parking standards, a revision to the site plan to add an additional 7 parking spaces, or to reduce the retail building to no more than 5,750 square feet is necessary. The applicant has stated that the retail building would be a Phase 2 part of the project and may not come to fruition but wanted to add it to the use permit for consideration. The restroom facilities, dumpster and grease disposal station are located adjacent and to the south of the proposed retail building. The site also depicts a walking trail from two points leading to N. Park Street. An existing underground pass (shown in Figure 3) is located at this point that leads to Hohlt Park to the west. Mr. Ancone has contacted TXDOT for permission to privately make this an accessible passageway for people to safely have access to and from the park. The site plan also shows a retention pond to be placed on the east side of the lot. All drainage and detention would be reviewed during the commercial building permit process by Strand Associates for compliance. Lastly, the site consists of two reserve lots of the Scenic Estates Subdivision. Before any development permits are issued, a replat that combines the two lots into one must be approved by the Planning and Zoning Commission.

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.

The approximate 2.6-acre tract of land is located on the southeast corner of the Brookside Drive and North Park Street intersection, and to the east of Hohlt Park. The property consists of two vacant lots, a 1.925-acre lot on the corner of Brookside Drive and N. Park Street and the abutting lot to the east containing 0.6794-acres. The subject lots as well as the properties to the north along N. Park Street and adjacent to the east, are within a B-1, Local Commercial Mixed Residential District. The B-1 property located directly to the north, across Brookside Street, is developed as a Dollar General. As stated in the Zoning Ordinance, B-1 zoning district's purpose is “to establish a medium density, mixed use district in order to provide convenient locations for neighborhood shopping and for affordable moderate density multifamily housing with easy access to transportation routes and neighborhood shopping.” To the west, across N. Park Street is zoned B-2, Commercial Research and Technology District and is developed as Hohlt Park, which hosts baseball tournaments and other events. Properties adjacent to the northeast are part of the Scenic Estates Subdivision and zoned R-1, Single-Family Residential District and developed as single-family units. Adjacent properties to the south are within an R-2, Mixed Residential District and are a Brenham Housing Authority duplex development.

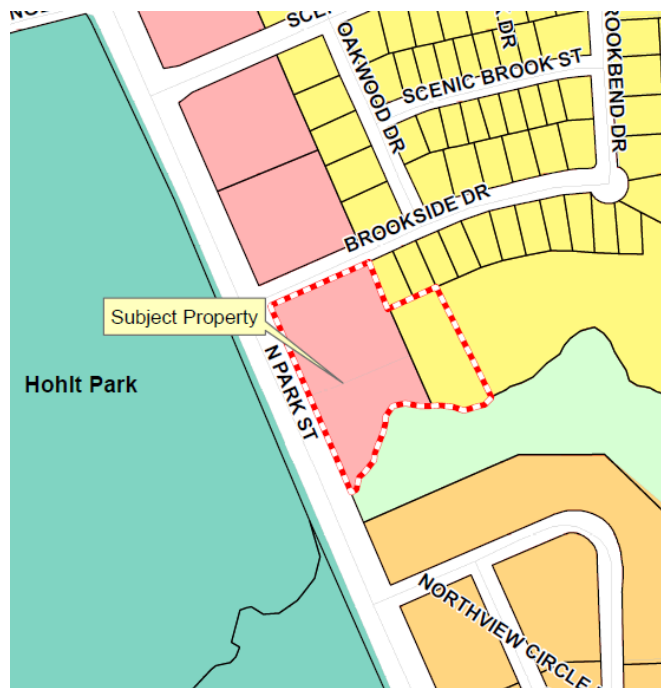
The applicant is proposing to develop the subject property with a food truck park to provide a singular location for up to 8 food trucks and to provide eating options for Brenham residents and those that frequent Hohlt Park. The proposed food truck site consists of pad sites for 8-food trucks,

picnic tables for seating, a restroom facility, a future 7,500 square foot retail or office location and 39 off-street parking spaces. The site is adjacent to the single-family developed Scenic Estates to the east. As such, a bufferyard of 20-feet in addition to the required setbacks is required. The bufferyard requires 20% of the area along the property line to be greenspace and a 6-foot screening fence or hedge at the property line. The site plan shows that the food truck pad sites will be placed nearest N. Park Street with the closest pad site being approximately 60-feet from the adjacent residential property. In addition, any lighting will be required to be downcast, and the noise ordinance would be in effect. Staff finds that with the bufferyard requirements, downcast lighting, and the location of the food truck pad sites, the proposed use as a Food Truck Park are aligned with the zoning ordinance and will not adversely affect the small-town attributes that make Brenham a special place for its citizens to live, work and play.

- (2) The city's zoning should be guided by the future land use plan and other applicable guidelines found in the Comprehensive Plan.

The future land use map portion of the Envision 2020 Comprehensive Plan suggests the subject property, as shown in Figure 4, may be appropriate for commercial uses. The B-1 District is a district that allows both residential and commercial uses. Residential uses permitted by right include single-family, duplex, and multifamily developments on sites of 2 acres or more. Commercial uses permitted by right include entertainment facilities, automobile part sales, bakeries, banks, churches, hotels, florist, retail stores, restaurants, and shopping centers less than 3 acres. Uses that are permitted to seek Specific Use Permit approval to include car washes, automobile service stations, private schools, and food truck parks. A specific use permit allows the use with the recommendation of the Planning and Zoning Commission and approval by the City Council. The B-1 District is utilized for neighborhood commercial uses and to buffer residential uses from more intense commercial use. The subject property is along a major collector, N. Park Street and between Hohlt Park to the west and Scenic Estates Subdivision to the east. Due to a 100-year floodplain covering most of the subject property, the amount of land usable on this site to accommodate most commercial uses is limited. The proposed Food Truck Park, with adequate bufferyards and attention to noise and light levels, may be suitable as a neighborhood commercial use that aligns with the goals and land use policies established in the Comprehensive Plan.

Figure 4



- (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.

The subject property has existing utilities available along Brookside Drive and N. Park Street and will not require any extension of utility services.

- (4) The city's zoning should be organized and as straight forward as possible to minimize use problems and enforcement problems.

The proposed SUP, if approved, will be reflected on the City of Brenham zoning map available for citizen viewing on the City of Brenham homepage.

- (5) The city's zoning process should be fair and equitable, giving all citizens adequate information and the opportunity to be heard prior to adoption of zoning amendments.

Property owners within 200 feet of the property were mailed notifications of this request on December 7, 2023. The Notice of Public Hearing was published in the Brenham Banner on December 7, 2023. At the time of this staff report, two written comments against the request have been received from Mr. & Mrs. Kweyn Emshoff and Rebecca Wisnieske & Tanner Skeenken (Exhibit F). Any additional public comments submitted to staff will be provided in the Planning & Zoning Commission and City Council packets or during the public hearing.

- (6) The city's zoning should ensure that adequate open space is preserved as residential and commercial development and redevelopment occur.

If approved, the food truck site will be required to meet the development standards set forth in Section 18 of the Zoning Ordinance and will be required to adhere to minimum building setbacks, maximum impervious coverage requirements, landscaping, and buffer yard requirements. The applicant has submitted a site plan (Exhibit D) which depicts the proposed location of the food truck pad sites, parking, picnic seating, restroom facilities, dumpsters, and a retail structure. Staff finds that the site development requirements will ensure that adequate open space is preserved on the subject property.

- (7) The city's zoning should ensure 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 residents.

Staff has received two comments thus far from residents of the Scenic Estates neighborhood with concerns regarding increased traffic at the intersection of Brookside Drive and N. Park Street. Brookside Street is one of three access points into the Scenic Estates Subdivision with Scenic Drive to the north providing another access point to N. Park Street and Hickory Hollow Lane providing access to Old Masonic Road to the east. To help mitigate additional traffic to the food truck park that may arise from events at Hohlt Park, the applicant has proposed to improve the area under the creek bridge to provide pedestrian access to Hohlt Park. Given that the site is limited in use because of the 100-year floodplain, the adjacent zoning designations, existing development in the vicinity, and being consistent with the City's adopted Comprehensive Plan, the proposed food truck use may be appropriate at this location. If approved, the Food Truck Park would be required to adhere to FEMA drainage and building requirements for proximity to the floodplain, bufferyard and landscaping requirements, the building and fire code, and the applicable zoning regulations including those specified for food truck parks.

- (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.

The surrounding area of the subject property is a mixture of zoning districts and a variety of uses. The subject property and the properties to the north, along the N. Park Street right-of-way, are

located within a B-1 District, properties to the northeast are within an R-1 District, to the south is a R-2 District and to the west is within a B-2 District. The B-1 properties are developed as a Dollar General across Brookside Drive and further north at the intersection of Scenic Drive and N. Park Street is developed as Center Stage Dance Studio. The R-1 District to the northeast is developed as Scenic Estates, a single-family neighborhood and the R-2 District to the south is developed as a duplex development by the Brenham Housing Authority. The B-2 tract to the west is approximately 70-acres and is developed as Hohlt Park. The subject property is an approximate 2.6-acre tract with a substantial 100-year floodplain area that results in most of the south portion of the site to be undevelopable. The movability of food trucks appears to suggest that a food truck park is a good use of the subject property. The concerns for noise, traffic and proximity to the adjacent neighborhood do need consideration. With adequate bufferyards and attention to noise and light levels, the proposed food truck use may be suitable and compatible with nearby land uses and consistent with the land policies established in the Comprehensive Plan.

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

Staff finds that approval of the proposed SUP and development of the property as a food truck park may provide for an orderly and positive development of the community. Due to adjacent residential uses to the northeast, the proposed commercial use is required to provide an additional 20-feet of bufferyard from the east property line. This bufferyard provision requires that screening of either a 6-foot fence or 6-foot in height dense shrubbery be provided along the shared property lines of residential uses. In addition, 20-percent of the bufferyard shall be landscaped. The applicant has exceeded the required bufferyard and setback requirements by locating the proposed retention pond to the south of the closest residential properties. In addition, no food truck pad sites are shown within 60-feet of residential property. Staff does recommend reducing the proposed retail site to 5,000 square feet or less to ensure off-street parking availability is above the minimum standards. The proposed building setbacks, off-street parking, and landscaping will help mitigate negative effects that the food truck park may cause. All building, fire, and zoning requirements will be reviewed during the building permit process.

- (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.

Staff finds that there are potential traffic concerns for the location, however the proposed site plan shows sufficient off-street parking and the proposed pedestrian link to Hohlt Park would alleviate many of these concerns. The proposed development would be in accordance with the land use policies of Brenham's Comprehensive Plan. With the proposed site plan providing ample setbacks and the retention pond to be near the residential properties, the location, current development codes, and bufferyard standards in place, Staff finds that any destabilizing effects on the neighboring properties would be mitigated should this specific use permit request be approved.

- (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.

The subject site and surrounding area are characterized as mixed use with single-family residential neighborhoods, commercial and public use. Along N. Park Street is a variety of commercial uses to include retail, dance studios, office uses, and car repair businesses. Vacant commercial properties are located along N. Park Street. Staff believes that the proposed SUP, if approved, will not negatively affect vacant land classified for commercial uses.

- (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.

The B-1, Local Business/Residential Mixed-Use District subject property is currently undeveloped vacant land. The applicant's request will allow the subject property to develop in a compatible, legally conforming manner.

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

Staff finds approval of the proposed SUP will allow for the orderly growth and development in the general vicinity and throughout the city.

STAFF RECOMMENDATION:

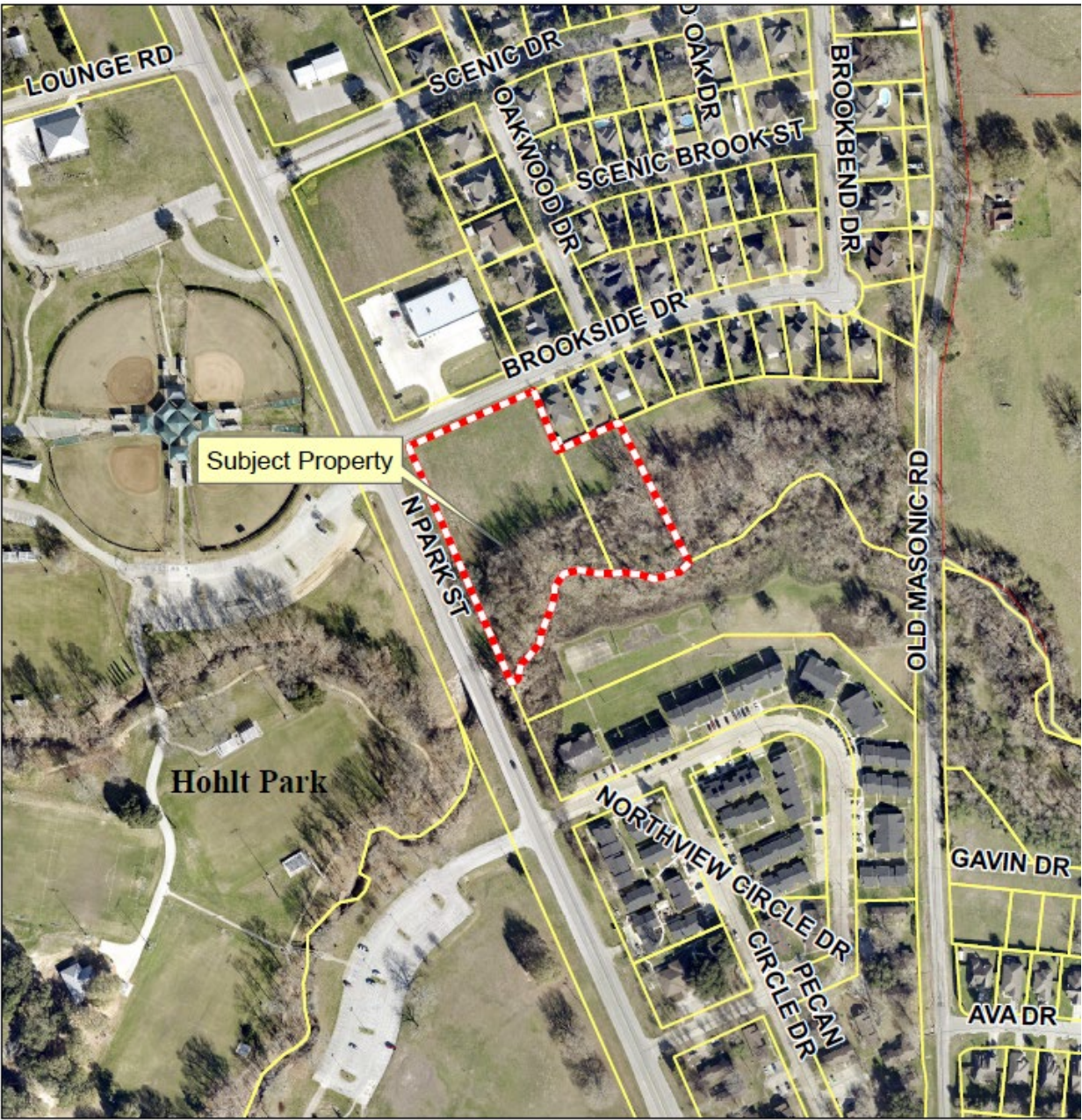
Staff recommends **approval** of a Specific Use Permit to allow a Food Truck Park use as provided in the application site plan, and written documents in a B-1, Local Business Mixed Residential Zoning District for the subject 2.6051-acre tract of land that is located on the southeast intersection of North Park Street and Brookside Drive, with the following conditions:

1. A screening fence or hedge of at least 6-feet in height shall be built along the east property line.
2. Lights are downcast and directed away from residential properties to the north and east.
3. Additional landscaping to be provided within the bufferyard area and along N. Park Street.
4. Limit the proposed retail building on-site to no more than 5,000 square feet in gross area.
5. The two lots that make up the site are replatted into one lot.

EXHIBITS:

- A. Aerial Map
- B. Zoning Map
- C. Future Land Use Map
- D. Cover Letter
- E. Proposed Site Plan
- F. Public Comments
- G. Site photos

EXHIBIT "A"
AERIAL MAP



**Zoning Map
Specific Use Permit
Food Truck Park
SE Corner of N. Park St & Brookside Dr.**



1 inch = 250 feet



EXHIBIT "B"
ZONING MAP



**Zoning Map
Specific Use Permit
Food Truck Park**

SE Corner of N. Park St & Brookside Dr.

Legend

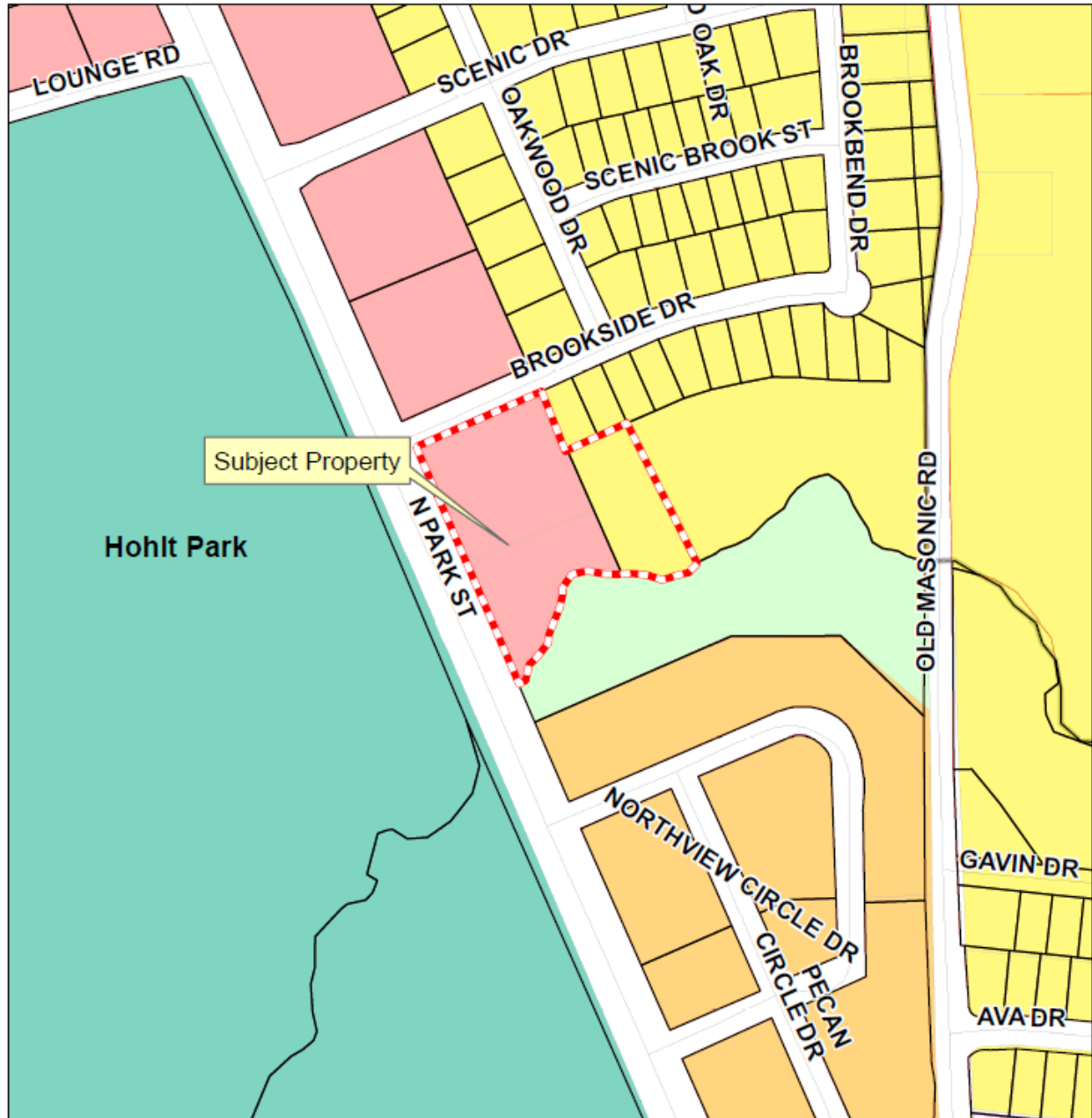
- B1 Local Business Mixed
- B2 Commercial Research and Technology
- R1 Residential Single Family
- R2 Mixed Residential



1 inch = 250 feet



EXHIBIT "C"
FUTURE LAND USE MAP



Future Land Use Plan

FLU_FINAL

- Open Space
- Park
- Single Family Residential
- Multi-Family Residential
- Local Public Facilities
- Commercial

Zoning Map
Specific Use Permit
Food Truck Park

SE Corner of N. Park St & Brookside Dr.



1 inch = 250 feet



EXHIBIT "D"
COVER LETTER

Specific Use Permit Request

November 20, 2023

Dear Planning and Zoning Commission,

We are seeking a specific use permit for a food truck park. The location would be directly across from Hohlt park. Currently, there are very few eatery options available in the surrounding area and no food truck or food court options. Food trucks allow for a wide variety of options in one location. This would add convenience for people at the park and/or families attending sporting events. The goal is to make this very accessible via walking path or drive-in. We plan to incorporate picnic tables under the shade trees for everyone to enjoy their meal. Please see the site plan for layout details.

-Michael & Michelle Ancone

mgancone@gmail.com

979-277-4826

EXHIBIT "E"
PROPOSED SITE PLAN

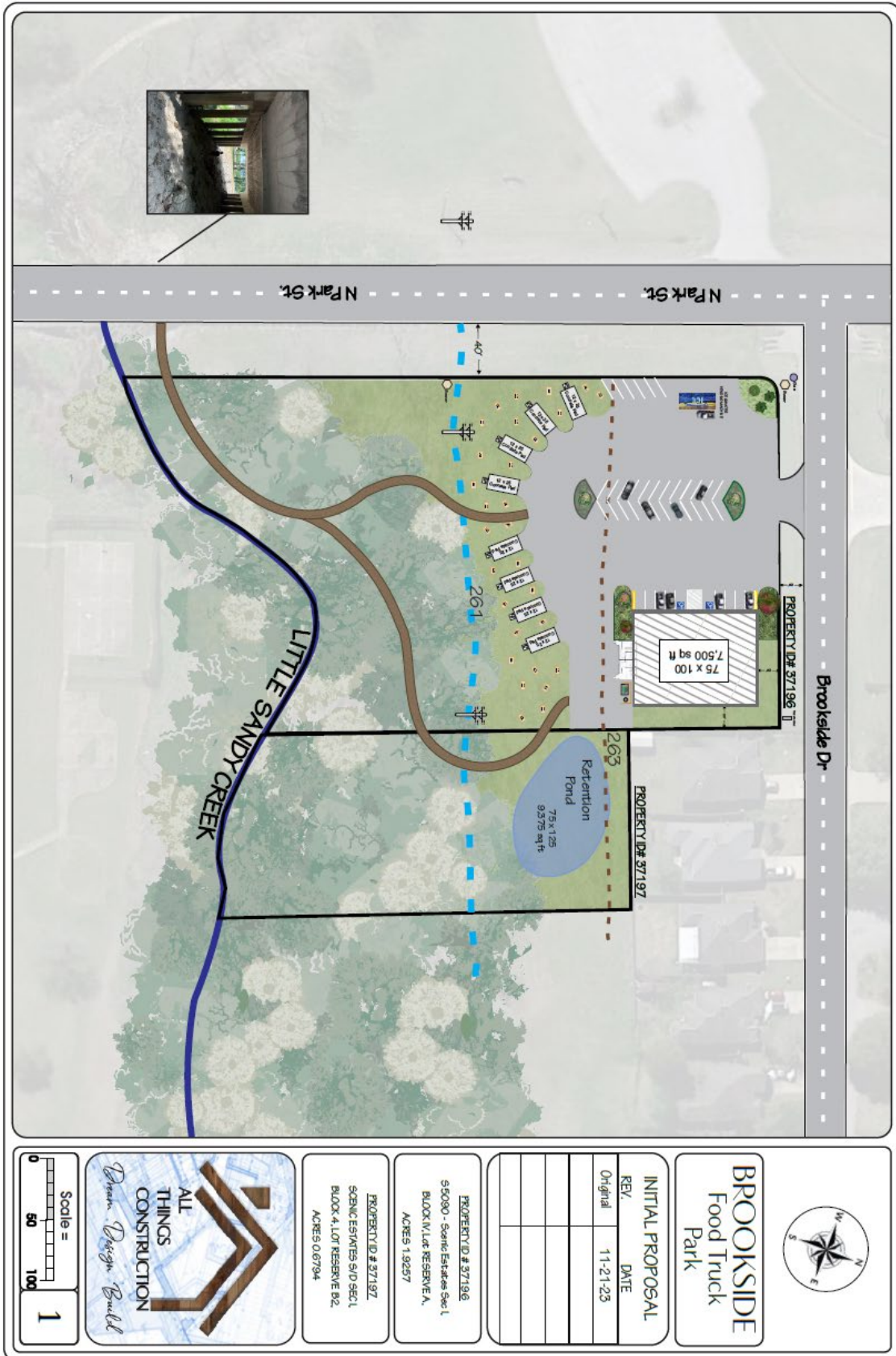


EXHIBIT "F"
PUBLIC COMMENTS RECEIVED

From: [Emshoff, Randi L](#)
To: [Kim Hodde](#)
Subject: CASE P:23-043
Date: Wednesday, December 13, 2023 12:05:08 PM

12/13/2023

ATTN: Planning & Zoning Commission
City of Brenham
City Council Members
Development Services Department

My husband and I, Kweyn and Randi Emshoff are **AGAINST** the requested SPECIFIC USE PERMIT REQUEST for public notice for case **P&Z Case P-23-043**; Applicant/Owner- **Michael Ancone**.

We moved to Brookside Drive in Scenic Estates in 2009 and we have loved the quality of life we have built in Scenic Estates. The idea of a Food Truck Park is absolutely unappealing on every level. We live daily in a wonderful neighborhood and its precious to us, however we do NOT want or need added chaos to traffic that is already an issue for Scenic Estates.

We are constantly dealing with the morning & afternoon Brenham High School traffic, events at Hohlt Park, and a busy Dollar General Store.

On any given weekend there is a Soccer OR Softball Tournament of some sort at Hohlt Park and while we welcome the use of this beautiful park and its facilities, the traffic is rough getting in and out of Scenic Estates. It is simply not safe and it takes a lot of patience to deal with every day.

A Food Truck Park would add more fuel to the fire, thru traffic on Brookside Drive would only increase, again, safety is a concern. Nobody who lives in their beloved neighborhood would want this.

We personally do not want this for obvious privacy reasons alone.

Please, please, please do not allow for this permit to be approved or accepted. Surely there is another place for a Food Truck Park that would not interfere with this already congested area.

I truly Thank You for your consideration and pray the right decision will be made.

Kweyn and Rand Emshoff
306 Brookside Dr
Brenham, TX 77833

Randi Emshoff
Senior Branch Office Administrator

City of Brenham
Development Services Department



PUBLIC COMMENT FORM

All submitted forms will become a part of the public record.

Please return to:

City of Brenham

Attn: Development Services Dept., Case P-23-043

P.O. Box 1059

Brenham, Texas 77834-1059

Name:

(please print)

Address:

Rebecca Wisnieszke & Tanner Steenken

204 Brookside Dr

Brenham, TX 77833

Signature:

Date:

Rebecca Wisnieszke & Tanner Steenken

12/11/2023

I am FOR the requested SPECIFIC USE PERMIT REQUEST as explained on the attached public notice for P&Z Case P-23-043 (Please state reasons below)



I am AGAINST the requested SPECIFIC USE PERMIT REQUEST as explained on the attached public notice for P&Z Case P-23-043 (Please state reasons below)

Date, Location, & Time of Planning and Zoning Commission meeting:

Monday, December 18, 2023, 5:15 PM

City Council Chambers, 2nd Floor, City of Brenham City Hall

200 West Vulcan Street, Brenham, Texas 77833

Date, Location, & Time of City Council meeting:

Thursday, January 4, 2024, 1:00 PM

City Council Chambers, 2nd Floor, City of Brenham City Hall

200 West Vulcan Street, Brenham, Texas 77833

COMMENTS/REASONS:

May affect property value, privacy, & excessive noise, traffic in and out of the subdivision

EXHIBIT "G"
SITE PHOTOS



From Dollar General parking lot



NE part of lot. Adjacent residential



Subject Property from N. Park Street



Potential pedestrian passage to Hohlt Park



South portion of property. Looking north.



Scenic Estates adjacent to the east.



Hohlt Park to the west.

ORDINANCE NO. O-24-002

AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF BRENHAM GRANTING A SPECIFIC USE PERMIT TO ALLOW A FOOD TRUCK PARK USE IN A B-1 LOCAL BUSINESS/MIXED RESIDENTIAL ZONING DISTRICT ON APPROXIMATELY 2.6051 ACRES OF LAND LOCATED AT THE SOUTHEAST CORNER OF THE INTERSECTION OF N. PARK STREET AND BROOKSIDE DRIVE, BEING FURTHER DESCRIBED AS SCENIC ESTATES, SECTION IV, RESERVE A (1.9257 ACRES) AND RESERVE B2 (0.6794 ACRES) OUT OF THE ARRABELLA HARRINGTON SURVEY, IN BRENHAM, WASHINGTON COUNTY, TEXAS.

WHEREAS, Scenic Investments, a Texas partnership, property owner of the 2.6051 acres of land generally located on the southeast corner of the intersection of N. Park Street and Brookside Drive, being further described as Scenic Estates, Section IV, Reserve A (1.9257 acres) and Reserve B2 (0.6794 acres) out of the Arrabella Harrington Survey, in Brenham, Washington County, Texas (the “Property”), said 2.6051 acres of land being shown on Exhibit “A” attached hereto and incorporated herein for all purposes, and Michael Ancone, applicant, have requested that the Property be issued a Specific Use Permit for a Food Truck Park; and

WHEREAS, the City of Brenham has adopted Appendix A – “Zoning” of the City of Brenham Code of Ordinances, as amended, which divides the City of Brenham into various zoning districts; and

WHEREAS, Appendix A – “Zoning” of the City of Brenham Code of Ordinances authorizes the City Council to grant specific use permits for specific uses within the various zoning districts; and

WHEREAS, at least ten (10) days after publication in the official newspaper of the City of the time and place of a public hearing and at least ten (10) days after written notice of that hearing was mailed to the owners of land within two hundred feet of the Property in the manner required by law, the Planning & Zoning Commission held a public hearing on the requested Specific Use Permit; and

WHEREAS, this amendment was recommended unanimously for approval by the Brenham Planning and Zoning Commission during its regular meeting on December 18, 2023, with six (6) conditions: 1) that the Property, which is currently platted as two lots, shall be replatted into one (1) commercial lot with approval by the Planning and Zoning Commission; 2) a screening fence or hedge of at least 6-feet in height be constructed along the east property line; 3) lighting be downcast and directed away from residential properties; 4) landscaping be provided along N. Park Street between the parking lot and the right-of-way; 5) a pedestrian traffic plan shall be provided; and 6) oversize vehicle parking shall be provided for vans and small school buses; and

WHEREAS, subject to the six (6) aforementioned conditions, the City Council desires to approve this Ordinance granting the specific use permit, as described herein below; and

WHEREAS, at least fifteen (15) days after publication in the official newspaper of the City of the time and place of a public hearing for the requested rezoning, the City Council held the public hearing for the requested Specific Use Permit and the City Council considered the final report of the Planning & Zoning Commission;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BRENHAM, TEXAS, THAT:

SECTION 1. The Official Zoning Map of the City of Brenham is hereby amended to show that a Specific Use Permit is granted to Scenic Investments, a Texas partnership and Michael Ancone for a Food Truck Park, more particularly described in Exhibit “B,” in a B-1 Local Business Mixed Residential zoning district on approximately 2.6051 acres of land located on the southeast corner of N. Park Street and Brookside Drive, being further described as Scenic Estates, Section IV, Reserve A (1.9257 acres) and Reserve B2 (0.6794 acres) out of the Arrabella Harrington Survey, in Brenham, Washington County, Texas in Brenham, Washington County, said 2.6051 acres of land being shown on Exhibit “A” attached hereto and incorporated herein for all purposes.

SECTION 2. The development of the Property shall be in accordance with the following special conditions on the subject 2.6051 acre tract: 1) the Property, which is currently platted as two lots, shall be replatted into one (1) commercial lot with approval by the Planning and Zoning Commission; and 2) a screening fence or hedge of at least 6-feet in height be constructed along the east property line; 3) lighting be downcast and directed away from residential properties; 4) landscaping shall be provided along N. Park Street between the parking lot and the right-of-way; 5) a pedestrian traffic plan be provided; and 6) oversize vehicle parking shall be provided for vans and small school buses.

SECTION 3. Upon holding a properly notified public hearing, the City Council may amend, change, or rescind the Specific Use Permit granted by this Ordinance if:

- a. There is a violation and conviction of any of the provisions of this Ordinance, or any ordinance of the City of Brenham, that occurs on the Property;
- b. The premises, or Property, used pursuant to the Specific Use Permit granted by this Ordinance are enlarged, modified, structurally altered, or otherwise significantly changed unless a separate Specific Use Permit is granted for such enlargement, modification, structural alteration, or change;
- c. As otherwise permitted by law and/or Brenham’s Zoning Ordinance, as it exists or may be amended.

SECTION 4. This Ordinance shall take effect as provided by the Charter of the City of Brenham, Texas.

PASSED and APPROVED on its first reading this the 18th day of January 2024.

PASSED and APPROVED on its second reading this the 1st day of February 2024.

Atwood C. Kenjura
Mayor

ATTEST:

Jeana Bellinger, TRMC, CMC
City Secretary

EXHIBIT "A"



**Zoning Map
Specific Use Permit
Food Truck Park**

SE Corner of N. Park St & Brookside Dr.

Legend

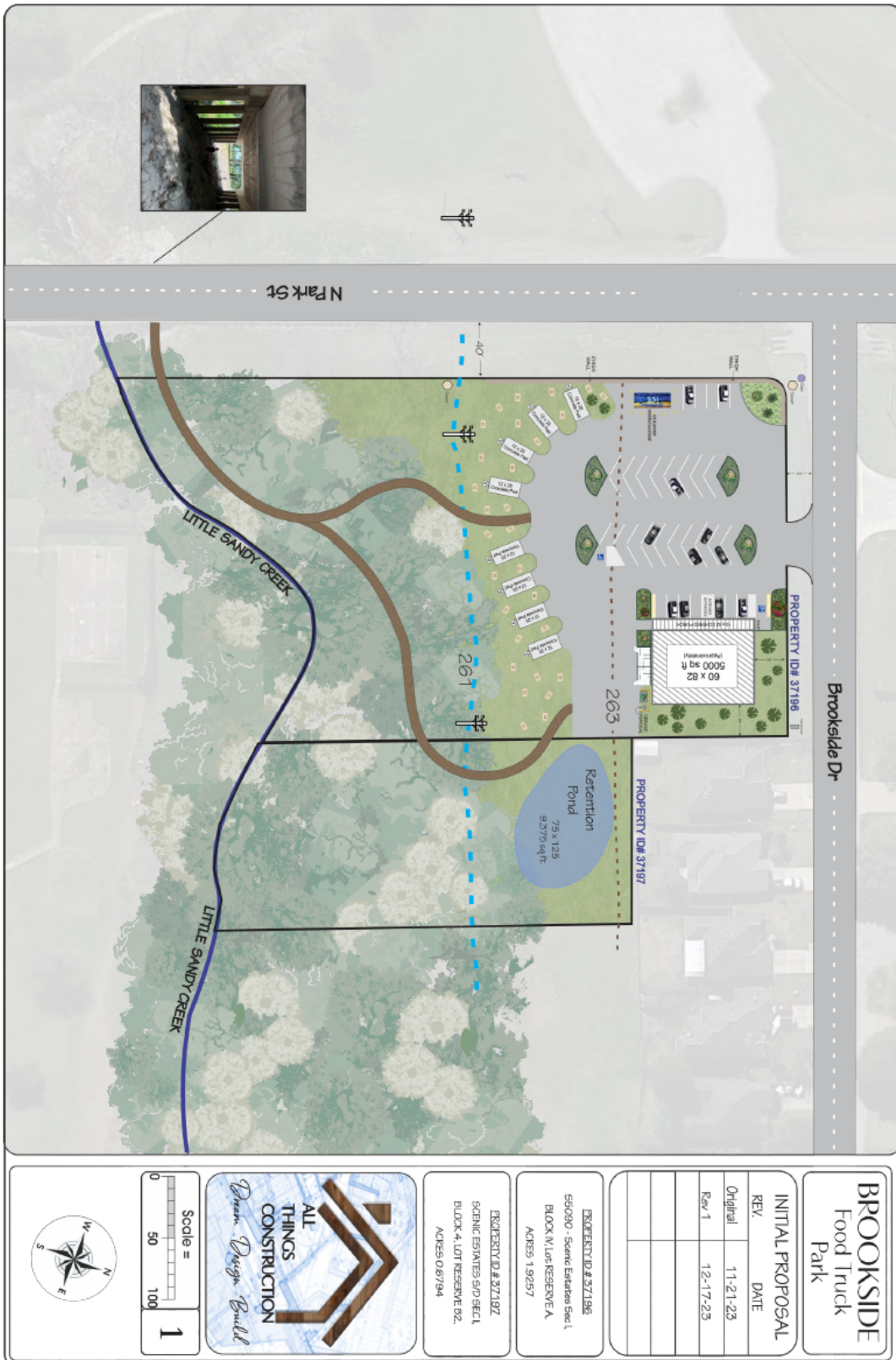
- B1 Local Business Mixed
- B2 Commercial Research and Technology
- R1 Residential Single Family
- R2 Mixed Residential



1 inch = 250 feet



EXHIBIT "B" Site Plan





City Council Regular Meeting **AGENDA ITEM 9**

Agenda Item: Discuss and Possibly Act Upon the Possible Amendment of, Modification of Scope of Work of, and/or Other Project Changes Related to Contract No. 22-085-049-D302 Between the City of Brenham and the Texas General Land Office for Community Development Block Grant Mitigation Program Infrastructure Projects Non-Research & Development Mitigation Funding Concerning the Hogg Branch Creek Flood and Drainage Facilities Improvements, and Authorize the Mayor to Execute Any Necessary Documentation

Meeting Date: February 1, 2024

Department: Public Works

Staff Contact: Dane Rau, Director of Public Works

SUMMARY STATEMENT:

In 2020 the City of Brenham applied for two grants which stemmed from state disasters associated with the 2016 Floods and Hurricane Harvey. At the time it was decided that we would apply for both grants. The Hurricane Harvey CDBG-MIT Grant was first priority and focused on 10 projects throughout the City that needed attention as it related to drainage upgrades. That grant was \$5,001,643 in which the City would provide 1% matching funds. The 2016 Flood grant was not a high priority and was not listed on our Capital Improvemnet Plan but due to high pressure being received, our previous administration wanted to apply for this grant and focus on this particular project. As it turns out both grants were received and the 2016 Grant was valued at \$3,400,000.

This project is very complex and has not been received well from the 42 property owners along Hogg Branch channel which stretches from Market St to E. Alamo St. Currently the City of Brenham holds no drainage easements along this section and during the flood events no significant flooding issues were noted pertaining to dwellings or loss of life. I believe that this project was chosen due to the nature of this channel and with the hopes of aesthetically changing the look of it along with taming this area, so the private property owners didn't have to maintain the erosion as it encroached their infrastructure. Along this channel I only am aware of three instances where the erosion affected infrastructure in the past.

I want to share some information that I believe puts the City in a situation where this will not be a positive project now and in the future for the many taxpayers of Brenham.

1. **Significant Loss of Vegetation-** If we move forward with this project with the scope of work and adding sloped paving throughout the channel there will be significant loss of trees and vegetation. This is something that many of the property owners do not want to see. We have heard that this provides a buffer between them and their neighbors and even helps with a sound barrier and provides seclusion that they are not comfortable with if vegetation is lost.
2. **City Takes on Maintenance for Duration-** Currently this channel is all privately owned with property lines splitting the channel or property owners owning across the channel. When improvements are done and a permanent easement is gained, this will now be the City's responsibility long-term to pay for maintenance of the manmade infrastructure when it needs replacing, falls into channel, or undermines. This may not occur within the first few years, but this will require significant funds to maintain in years to come. Currently all the City reacts to in this channel is blockages from large trees and making sure that water has a free path to travel.
3. **Project Costs-**When this project was applied for in 2020 the grant budget was \$3,400,000. Due to time and inflation, we are not able to take care of the entire channel as previously planned. Current numbers for the entire project including construction, easement acquisition and appraisals now are around the \$5,460,000 million dollar mark. We can, however, look at certain sections of this channel where we have willing property owners to bring this scope down, but this will not make the project whole and will be sporadic at best. The additional funds would have to come from City funds to complete the entire project.
4. **Acquisition of Easements-** Since these improvements are not along the right of way or no easements are currently in place the grant specifications make the City obtain permanent easements from each property owner. This can be done by asking the property owner to donate the easement, offering fair market value to the property owner, or going through eminent domain. In the grant only \$123,000 is dedicated to acquisition if needed. Right now if no one donates the easement total acquisition is valued at \$519,400. We feel some will donate but since the city has to offer fair market value most will not. We would also have to get appraisals and go through the title company on any acquisition related to permanent easements which would add to that number. This additional expense would come from City Funds.
5. **Property Owner Opposition-**During the initial process we visited with the 42 property owners and most allowed the right of entry but were not in favor of repurposing the creek channel and didn't have drastic issues with the channel running through their property. As stated, before some are totally opposed and don't want any improvements made. There are several that are in favor because they have lost infrastructure, and this would put the burden on the City and not the property owner in the future.
6. **Timeline-** This grant has an initial timeline of being completed by July 2025. There is a one-time extension of 2 yrs. but that would have to be requested. We feel that focusing on the Hurricane Harvey Grant, (10 projects) will benefit the entire City rather than focusing on this channel where a minimal number of

citizens and businesses have private property. Timeline is a concern.

7. **No Significant Issues Prior-** Although this channel is heavily vegetated and deep in some areas there have been no major issues with flooding structures, loss of life, or significant complaints. As mentioned earlier throughout this channel it is private property and if the City made improvements not only would those property owners lose significant buffer areas, but it would also open this channel up with man made sloped paving that even though designed properly could cause issues downstream and in the long run this would be the City of Brenham's responsibility financially.

Currently the City of Brenham has worked with Public Management, Strand Engineering, Terracon Consultants, and the General Land Office who all manage these grants. With the work that has been done and required as part of the grant prior to construction activities starting the project has already expensed \$375,781 for these services.

This is a hard decision but when weighing the above items and the benefit to all citizens and taxpayers City Staff does not feel comfortable with these parameters and how it will affect the city budget, the project, and future obligations. We feel that it would be in the best interest to defer the grant and reimburse the General Land Office for what was expensed to date. We also would not be responsible for the 1% match which was approximately \$34,000. We could focus on the Harvey Grant which has 10 projects remaining and will benefit many residents and only one permanent easement will have to be gained.

If agreed upon, we will work with our budget team and look for funds in the Drainage Fund to reimburse what has already been expensed and focus on the most needed drainage items in our town. There is a slight chance that the General Land Office would allow us to pay for some of the services without a reimbursement, but we will have to work through that process.

We have spoken with Public Management and Strand, and both understand the situation and are willing to assist the City with whatever decision is made. Public Management has had this happen with other clients, so it is not uncommon to defer and pay back funds when considering the future of our obligations. Especially, when most property owners do not prefer the project, we think this is the right decision.

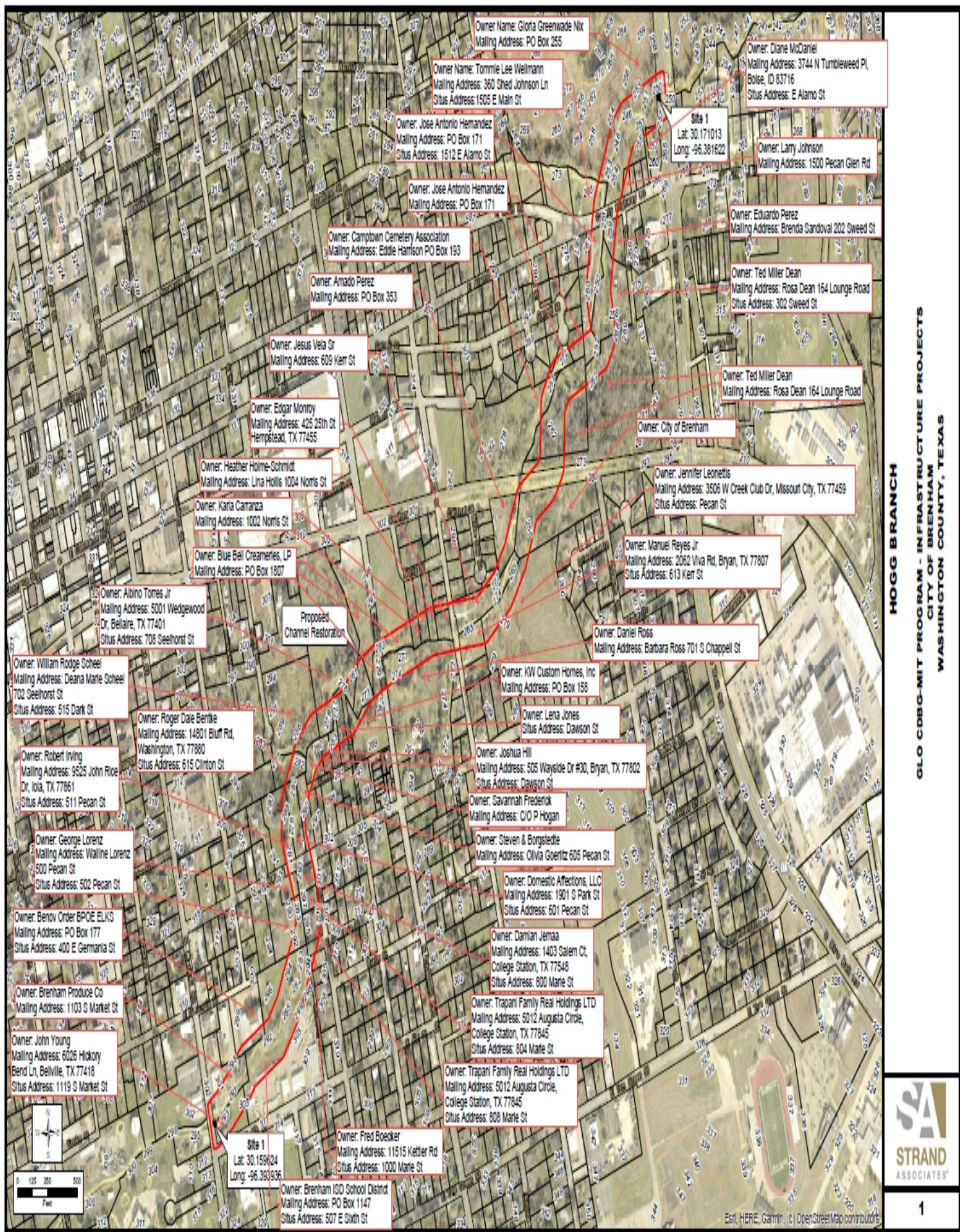
ATTACHMENTS:

1. Hogg Branch Project Map

RECOMMENDATION:

Approve the amendment of, modification of scope of work of, and/or other project changes related to Contract No. 22-085-049-D302 between the City of Brenham and the Texas General Land Office for Community Development Block Grant Mitigation Program

Infrastructure Projects Non-Research & Development Mitigation Funding concerning the Hogg Branch Creek Flood and Drainage Facilities Improvements and authorize the Mayor to execute any necessary documentation.



HOGG BRANCH
GLO CDBG-MIT PROGRAM - INFRASTRUCTURE PROJECTS
CITY OF BRENHAM
WASHINGTON COUNTY, TEXAS





City Council Regular Meeting
AGENDA ITEM 11

Agenda Item: Section 551.071, Texas Government Code - Consultation with Attorney - Consultation with City Attorney Regarding Commonwealth Development, Inc. v. City of Brenham, Texas; Fair Housing Case No. 06-22-3294-8

Meeting Date: February 1, 2024

Department: Administration

Staff Contact: Carolyn Miller, City Manager

SUMMARY STATEMENT:

To be discussed in Executive Session.

ATTACHMENTS:

None

RECOMMENDATION:

No action will be taken.



City Council Regular Meeting
AGENDA ITEM 12

Agenda Item: **Section 551.074, Texas Government Code - Personnel Matters - Discussion Concerning the Appointment, Employment, Evaluation, and Duties of a New City Manager, Including But Not Limited To the Review of Applicants for the City Manager Position, and Associated Issues**

Meeting Date: February 1, 2024

Department: Administration

Staff Contact: Carolyn Miller, City Manager

SUMMARY STATEMENT:

To be discussed in Executive Session.

ATTACHMENTS:

None

RECOMMENDATION:

No action will be taken - Executive Session discussion only.