



**NOTICE OF A REGULAR MEETING
THE BRENHAM CITY COUNCIL
THURSDAY, JULY 1, 2021 AT 01:00 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 - Councilmember Shannan Canales**
- 3. Service Recognitions**
 - ◆ **Casey Redman, Parks Department - 20 Years**
 - ◆ **Kelvin Raven, Police Department - 25 Years**
- 4. Special Recognitions**
 - ◆ **American Legion Officer of the Year - Detective Ashley Burns**
 - ◆ **Presentation by Leigh Linden, Deputy District Director, on Behalf of State Representative Ben Leman**
 - ◆ **Police Department Promotion - Jason Kasprowicz, Corporal**
- 5. Proclamations**
 - ◆ **National Parks and Recreation Month**
- 6. Citizens Comments**

CONSENT AGENDA

7. 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.

- 7-a. Approve the Minutes from the April 21, 2021 Special City Council Meeting, and the June 3, 2021 and the June 17, 2021 Regular City Council Meetings**

PUBLIC HEARING AND ASSOCIATED ACTION ITEM

- 8. Public Hearing, Discussion and Possibly Act Upon 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 Use District (R-1) to a Local Business/Residential Mixed-Use District (B-1) on the Following (Case No. P-21-013):**
- a. A Tract of Land Being Addressed as 1207 E. Tom Green Street, Being Further Described as Tract 69, Out of the Arrabella Harrington Survey, A-55, in Brenham, Washington County, Texas (R14381)**
 - b. A Tract of Land Being Addressed as 1401 E. Tom Green Street, Being Further Described as Tract 82, Out of the Arrabella Harrington Survey, A-55, in Brenham, Washington County, Texas (R14394)**
 - c. A Tract of Land Being Addressed as 1209 E. Tom Green Street, Being Further Described as Tract 109, Out of the Arrabella Harrington Survey, A-55, in Brenham, Washington County, Texas (R14428)**
 - d. A Tract of Land Being Addressed as 1205 E. Tom Greet Street, Being Further Described as Tract 200, Out of the Arrabella Harrington Survey, A-55, in Brenham, Washington County, Texas (R14519)**
 - e. Approximately 5.3433 Acres of Land, Being Further Described as Tract 137, Out of the Arrabella Harrington Survey, A-55, in Brenham, Washington County, Texas (R36669)**
 - f. A Tract of Land Being Addressed as 1306 Loesch Street, Being Further Described as Section 1, Block 1, Lot 1, Out of the Kenjura Subdivision in Brenham, Washington County, Texas (R64466)**
 - g. A Tract of Land Being Addressed as 1304 Loesch Street, Being Further Described as Section 1, Block 1, Lot 2, Out of the Kenjura Subdivision in Brenham, Washington County, Texas (R64467)**
 - h. A Tract of Land Being Addressed as 1302 Loesch Street, Being Further Described as Section 1, Block 1, Lot 3, Out of the Kenjura Subdivision in Brenham, Washington County, Texas (R64468)**
 - i. A Tract of Land Being Addressed as 1300 Loesch Street, Being Further Described as Section 1, Block 1, Lot 4, Out of the Kenjura Subdivision in Brenham, Washington County, Texas**

- (R64469)
- j. A Tract of Land Being Addressed as 1301 E. Tom Green Street, Being Further Described as Section 1, Block 1, Lot 5, Out of the Kenjura Subdivision in Brenham, Washington County, Texas (R64470)
 - k. A Tract of Land Being Addressed as 1200 E. Tom Greet Street, Being Further Described as Tract 189, Out of the Arrabella Harrington Survey, A-55, in Brenham, Washington County, Texas (R14510)
 - l. A Tract of Land Being Addressed as 1204 E. Tom Greet Street, Being Further Described as Tract 344, Out of the Arrabella Harrington Survey, A-55, in Brenham, Washington County, Texas (R45333)
 - m. A Tract of Land Being Addressed as 1301 Niebuhr Street, Being Further Described as Tract 178, Out of the Arrabella Harrington Survey, A-55, in Brenham, Washington County, Texas (R14502)
 - n. A Tract or Land Being Addressed as 1800 E. Tom Green Street, Being Further Described as Tract 326, Out of the Arrabella Harrington Survey, A-55, in Brenham, Washington County, Texas (R55363)
9. Public Hearing, Discussion and Possibly Act Upon an Ordinance on Its First Reading Amending the Official Zoning Map of the City of Brenham to Change the Zoning District from a Mixed Residential Use District (R-2) to a Commercial, Research and Technology Use District (B-2) on Approximately 0.99 Acres of Land Being Further Described as Part of the P & A Hope Survey, A-62, in Brenham, Washington County, Texas (Case No. P-21-011)
10. Public Hearing, Discussion and Possibly Act Upon an Ordinance on Its First Reading Amending the Planned Development District Ordinance No. O-20-028 Regarding Neighborhood Amenities and Improvements for Section II of the Lakes at Vintage Farms, Being Approximately 52.428 Acres of Land Being Located South and West of Dixie Road and Further Described as Tract 7 of the Phillip Coe Survey, A-31, in Brenham, Washington County, Texas (Case No. P-21-014)

WORK SESSION

11. Discussion and Presentation of the City of Brenham's Pavement Management Analysis Report Prepared by IMS Infrastructure Management Services

12. **Presentation and Discussion Related to a Possible Amendment to Appendix A – 'Zoning' of the Code of Ordinances of the City of Brenham, Texas to Allow an Automobile (Car) Wash as a Specific Use in the Local Business/Residential Mixed Use District (B-1)**

REGULAR SESSION

13. **Discuss and Possibly Act Upon an Ordinance on Its First Reading Amending Chapter 21, Signs, of the Code of Ordinances of the City of Brenham, Texas Regarding Major Multi-Tenant Shopping Center Sign Regulations**

14. **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 salutory 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.

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 July 01, 2021 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, June 28 2021 at 10:00 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 _____, 2021 at ____ AM PM.

PROCLAMATION

WHEREAS, Parks and recreation programs are an integral part of communities throughout this country, including Brenham, Texas; and

WHEREAS, Parks and recreation are vitally important to establishing and maintaining the quality of life in communities, ensuring the health of all citizens, and contributing to the economic and environmental well-being of a community and region. Not only do parks and recreation programs build healthy, active communities that aid in prevention of chronic disease, they also provide therapeutic recreation services for those who are mentally or physically disabled, and help boost mental and emotional health; and

WHEREAS, Parks and natural recreation areas offer an array of benefits that include: improve water quality, protect groundwater, prevent flooding, improve the quality of the air we breathe, provide vegetative buffers to development, and produce habitat for wildlife; and

WHEREAS, The City of Brenham recognizes the benefits derived from parks and recreation resources and is proud to offer residents more than 280 acres of parkland, both developed and undeveloped. These spaces are fundamental to the environmental aspect of our community and offers a place for adults and children to enjoy nature and recreate outdoors; and

WHEREAS, Locals and visitors enjoy Brenham's parks and recreation programs and facilities that are also full of historic value and tradition; and

WHEREAS, The U.S. House of Representatives has designated July as Parks and Recreation Month; and

NOW, THEREFORE, I, Milton Y. Tate Jr., Mayor of the City of Brenham, do hereby proclaim July 2021 as

Parks and Recreation Month

In Witness, Whereof, I have set my hand and affixed the Seal of Brenham.

Milton Y. Tate Jr.
Mayor

Brenham City Council Minutes

A special meeting of the Brenham City Council was held on April 21, 2021 beginning at 11:30 a.m. in the Brenham City Hall, City Council Chambers, at 200 W. Vulcan Street, Brenham, Texas.

Members present:

Mayor Milton Y. Tate, Jr.
Mayor Pro Tem Clint Kolby
Councilmember Shannan Canales
Councilmember Leah Cook
Councilmember Atwood Kenjura
Councilmember Adonna Saunders
Councilmember Albert Wright

Members absent:

None

Others present:

City Manager James Fisher, Assistant City Manager – Chief Financial Officer Carolyn Miller, Assistant City Manager – Public Services/Utilities Donald Reese, Director of Administrative Services – City Secretary Jeana Bellinger and Human Resources Director Susan Nienstedt.

Citizens present:

None.

Media Present:

None.

- 1. Call Meeting to Order**
- 2. Invocation and Pledges to the US and Texas Flags – Mayor Pro Tem Andrew Ebel**

Council convened into Executive Session at 11:31 a.m.

EXECUTIVE SESSION

3. **Section 551.071 – Texas Government Code – Consultation with Attorney – Consultation with City Attorney Regarding Settlement Offer Received by the City of Brenham from Ricky Boeker Concerning Claims Alleged Against the City, and Associated Matters**

Executive Session adjourned at 12:49 p.m.

4. **Discussion and Possible Action Regarding Settlement Offer Received by the City of Brenham from Ricky Boeker Concerning Claims Alleged Against the City, and Associated Matters**

A motion was made by Councilmember Cantey and seconded by Mayor Pro Tem Ebel to reject the settlement offer received by the City of Brenham from Ricky Boeker concerning claims alleged against the City and associated matters and authorize the Mayor to execute any necessary documentation.

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

Mayor Milton Y. Tate, Jr.	Yes
Mayor Pro Tem Andrew Ebel	Yes
Councilmember Susan Cantey	Yes
Councilmember Adonna Saunders	Yes
Councilmember Keith Herring	Yes
Councilmember Albert Wright	Yes
Councilmember Clint Kolby	Yes

The meeting was adjourned.

Milton Y. Tate, Jr.
Mayor

Jeana Bellinger, TRMC, CMC
City Secretary

Brenham City Council Minutes

A regular meeting of the Brenham City Council was held on June 3, 2021 beginning at 1:00 p.m. in the Brenham City Hall, City Council Chambers, at 200 W. Vulcan Street, Brenham, Texas.

Members present:

Mayor Milton Y. Tate, Jr.
Mayor Pro Tem Clint Kolby
Councilmember Shannan Canales
Councilmember Leah Cook
Councilmember Atwood Kenjura
Councilmember Adonna Saunders
Councilmember Albert Wright

Members absent:

None

City of Brenham employees present:

City Manager James Fisher, Assistant City Manager – Public Services/Utilities Donald Reese, Director of Administrative Services – City Secretary Jeana Bellinger, Interim Fire Chief Rhea Cooper, Police Chief Ron Parker, Public Works Director Dane Rau, Director of Public Utilities Alton Sommerfield, Development Services Director Stephanie Doland, Director of Economic Development Susan Cates, Human Resources Director Susan Nienstedt, Director of Tourism and Marketing Jennifer Eckermann, Shauna Laauwe, Stephen Draehn, Marley Mayo, Brian Scheffer, Roger Williams, Kathrine Briscoe, Monique Breaux, Crystal Locke.

Citizens present:

Keith Hankins, Melinda Faubion, Danny Hahn and Leigh Linden.

Media Present:

Alyssa Faykus, Brenham Banner Press; and Josh Blaschke, KWHI.

- 1. Call Meeting to Order**
- 2. Invocation and Pledges to the US and Texas Flags – Councilmember Albert Wright**

3. Citizens Comments

No citizen comments were heard.

CONSENT AGENDA

4. Statutory Consent Agenda

4-a. Approve the Minutes from the May 6, 2021 Regular City Council Meeting

4-b. Approve a Noise Variance in Connection with the Washington County Historical Juneteenth Association's Juneteenth Celebration to be Held in Fireman's Park from 11:00 a.m. to 4:00 p.m. on Saturday, June 19, 2021 and Authorize the Mayor to Execute Any Necessary Documentation

4-c. Approve a Noise Variance in Connection with the 2021 Downtown Concert Series (Hot Nights, Cool Tunes) to be Held from 5:00 p.m. to Midnight on July 10, 17, 24 and 31, 2021 and Authorize the Mayor to Execute Any Necessary Documentation

A motion was made by Councilmember Wright and seconded by Mayor Pro Tem Kolby to approve the Statutory Consent Agenda Item 4-a. through 4-c. as presented.

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

Mayor Milton Y. Tate, Jr.	Yes
Mayor Pro Tem Clint Kolby	Yes
Councilmember Shannan Canales	Yes
Councilmember Leah Cook	Yes
Councilmember Atwood Kenjura	Yes
Councilmember Adonna Saunders	Yes
Councilmember Albert Wright	Yes

WORK SESSION

5. Discussion and Presentation on a Mobile Food Vendor Ordinance

Development Services Director Stephanie Doland presented this item. Doland explained that due to several inquiries about the City's established Mobile Food Establishment (vendor) permitting process, a workshop discussion with Council was held on February 4th. During the workshop, staff was directed by Council to re-write the applicable Ordinances pertaining to Mobile Food Vendors (MFV) including, policies and procedures for applying for and receiving a MFV permit, the ability to park Food Trucks/Trailers in the City right-of-way and consider a Zoning Ordinance amendment to allow Food Truck Parks.

Doland advised that since the February workshop, staff has met with two local MFV and allowed the temporary use of parking overnight Downtown on N. Douglas Street (Country Sunshine) and South Park Street (Home Sweet Farm). Doland explained that these vendors are currently permitted to park Wednesday-Sunday in the City right-of-way on a trial basis while the Ordinance is being drafted. Doland stated that since the February Council meeting staff has seen an increase in the number of requests for parking food trucks or trailers in the right-of-way both in downtown and throughout the city limits.

Doland advised that a five-member Mobile Food Vendor task force was formed consisting of a Councilmember, Main Street Board representative, Planning and Zoning Commission representative, local Mobile Food Vendor owner, and a Downtown property owner to review staff's findings from additional municipalities as well as review various concerns about allowing parking of Food Trucks or Food Trailers in the right-of-way overnight. Doland stated that during the Task Force meeting, staff received direction to move forward with changes to the Zoning Ordinance by permitting Food Truck Parks in non-residential districts with prior approval of a Specific Use Permit and adherence to adopted standards. Doland advised that this work session is for staff to get direction and feedback from Council concerning the progress of the Task Force.

Doland explained that staff's recommendation, with the Task Force's support, would be to:

- Offer private property improvement grants for investment in opening a commercial kitchen on private property with the incentive being shared between the City, Property Owner and Business.
- Creating a public-private partnership for a food truck park in downtown.
- Allow MFV in right-of-way for special events and for temporary sales of services only.

Council agreed with the recommendations submitted but several questions were asked about whether or not the city could limit the number of MFV's within the downtown area. City Attorney Cary Bovey recommended the Council designate specific times and areas in downtown that MFVs could set-up and operate but that limiting the number of MFVs is not a good idea.

Tourism and Marketing Director Jennifer Eckermann addressed Council and informed them of Main Street's support of MFV's but that there are several things that should be considered before finalizing an MFV ordinance. Eckermann asked that the Task Force please consider:

- How the number of MFVs may harm the aesthetics of downtown.
- Main Street prefers parklets over MFVs being in the right-of-way due to a parklet being a "feature" in downtown and the city being able to set the requirements related to location and look of the parklet.
- Main Street would completely support a food truck park.

Citizen and downtown business owner Keith Hankins expressed his concerns about how a MFV ordinance would give MFVs an advantage over current brick and mortar restaurants and that MFVs setting up in the right-of-way will create traffic congestion and safety hazards for pedestrians.

Council advised that they liked the direction that the Task Force was heading and recommended they continue working on a MFV ordinance and bring it back to Council for consideration and first reading.

REGULAR SESSION

6. Discuss and Possibly Act Upon the Ratification of a Purchase in the Amount of \$58,176.40 for a Replacement Engine in the Fire Department's Rescue 2 Unit and Authorize the Mayor to Execute Any Necessary Documentation

Interim Fire Chief Rhea Cooper presented this item. Cooper explained that in May Rescue 2 began developing problems with its engine and after calling Cummins in Houston, they recommended it be taken to their facility for a complete diagnosis. Cooper explained that the Cummins diagnosis determined the EGR Cooler on top of the engine had come apart and damaged the engine. Cooper obtained three bids for the repairs and requested that Council approve replacing the engine which would come with a 5 year, or 100,000-mile warranty and cost \$58,176.40.

A motion was made by Councilmember Canales and seconded by Councilmember Wright to approve the ratification of a purchase in the amount of \$58,176.40 from Cummins for a replacement engine for the Fire Department's Rescue 2 Unit and authorize the Mayor to execute any necessary documentation.

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

Mayor Milton Y. Tate, Jr.	Yes
Mayor Pro Tem Clint Kolby	Yes
Councilmember Shannan Canales	Yes
Councilmember Leah Cook	Yes
Councilmember Atwood Kenjura	Yes
Councilmember Adonna Saunders	Yes
Councilmember Albert Wright	Yes

7. Discuss and Possibly Act Upon the Purchase of Self-Contained Breathing Apparatuses (SCBAs) for the City of Brenham Fire Department and Authorize the Mayor to Execute Any Necessary Documentation

Interim Fire Chief Rhea Cooper presented this item. Chief Cooper explained that the Texas Commission on Fire Protection writes standards on the care, maintenance and selection of Self-Contained Breathing Apparatuses (SCBAs) as per the National Fire Protection Association (NFPA). Chief Cooper explained that the Fire Department currently has 44 SCBAs and 93 cylinders that were all purchased in 2007.

Chief Cooper explained that due to the age of the SCBAs and the cylinders and the recommendation from NFPA, it is imperative that the City replace the SCBAs soon to ensure the safety of the firefighters that use them. Chief Cooper advised that he obtained two quotes for the equipment and the lowest quote came from Municipal Emergency Services (MES) in the amount of \$402,128.81. Chief Cooper requested that Council approve the purchase of the SCBAs from MES.

A motion was made by Councilmember Kenjura and seconded by Councilmember Wright to approve the purchase of Self-Contained Breathing Apparatuses (SCBAs) for the City of Brenham Fire Department from Municipal Emergency Services, Inc. in the amount of \$402,128.81 and authorize the Mayor to execute any necessary documentation.

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

Mayor Milton Y. Tate, Jr.	Yes
Mayor Pro Tem Clint Kolby	Yes
Councilmember Shannan Canales	Yes
Councilmember Leah Cook	Yes
Councilmember Atwood Kenjura	Yes
Councilmember Adonna Saunders	Yes
Councilmember Albert Wright	Yes

8. Discuss and Possibly Act Upon an Equipment Financing Proposal for the Purchase of Self-Contained Breathing Apparatuses (SCBAs) for the City of Brenham Fire Department and Authorize the Mayor to Execute Any Necessary Documentation

City Manager James Fisher presented this item. Fisher advised that the FY21 budget included the purchase of replacement Self Contained Breathing Apparatus (SCBA) equipment for the Fire Department through the Assistance to Firefighters Grant (AFG); however, in October 2020, the City was notified that we did not receive funding through the AFG.

Fisher stated that since the replacement of this equipment is vital to employee health and safety, the City is moving forward with the purchase and has obtained three financing proposals from local banks – all with a 7-year note with annual payments beginning in FY21. Fisher advised that of the three quotes, Brenham National Bank provided the lowest interest rate at 2.10% and recommended Council approve the financing proposal through Brenham National Bank. Fisher advised Council that if the City is awarded the AFG grant in the future, staff will request reimbursement for the purchase and any reimbursement received from the grant will be used to pay down the loan.

A motion was made by Mayor Pro Tem Kolby and seconded by Councilmember Saunders to approve an equipment financing proposal with Brenham National Bank in the amount of \$402,128.81, with a seven-year note and an interest rate of 2.10% for the purchase of Self-Contained Breathing Apparatuses (SCBAs) for the City of Brenham Fire Department and authorize the Mayor to execute any necessary documentation.

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

Mayor Milton Y. Tate, Jr.	Yes
Mayor Pro Tem Clint Kolby	Yes
Councilmember Shannan Canales	Yes
Councilmember Leah Cook	Yes
Councilmember Atwood Kenjura	Yes
Councilmember Adonna Saunders	Yes
Councilmember Albert Wright	Yes

9. Discuss and Possibly Act Upon a Professional Services Agreement Between the City of Brenham and CDM Smith, Inc. for Engineering Services Related to the Texas Commission on Environmental Quality (TCEQ) Water System Capacity Evaluation Study and Authorize the Mayor to Execute Any Necessary Documentation

Assistant City Manager – Public Services/Utilities Donald Reese presented this item. Reese explained that the while the City has experienced a large amount of growth over the past few years, it is important to keep an eye on how all the new growth will affect the City's infrastructure. Reese stated that one of the most important things to consider is if the City's water treatment plant has the capacity to keep up with the new growth.

Reese stated that currently the plant capacity currently being used is at 79% but when the current and future growth is factored in, the plant capacity could be at 91% by 2027. Due to this concern, staff reached out to CDM Smith, Inc to provide a proposal to perform a water system capacity evaluation study to verify the condition and capacity of the current water treatment facility to help staff evaluate options for managing growth of the water treatment system, including pumping and storage while supplying new connections.

Reese explained that some of the key activities that CDM will help with include population and water demand evaluation; treatment plant capacity and condition evaluation; and review of distribution system pumping and elevated and ground storage tank operation. Reese

Reese requested that Council approve an agreement with CDM in the amount of \$56,980.00 to conduct engineering services related to the TCEQ water evaluation study. Kolby asked if this expense was budgeted. Reese explained that this study was not budgeted; however, staff decided to postpone the emergency water source study and do this one instead due to the rapid increase in growth around the area.

Councilmember Saunders asked if staff received quotes from other engineering firms. Reese explained that CDM was the only firm contacted as he has worked with them in the past in his previous City and they have always done a great job.

A motion was made by Councilmember Kenjura and seconded by Councilmember Wright to approve a Professional Services Agreement between the City of Brenham and CDM Smith, Inc. in the amount of \$56,980.00 for engineering services related to the Texas Commission on Environmental Quality (TCEQ) Water System Capacity Evaluation Study and authorize the Mayor to execute any necessary documentation.

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

Mayor Milton Y. Tate, Jr.	Yes
Mayor Pro Tem Clint Kolby	Yes
Councilmember Shannan Canales	Yes
Councilmember Leah Cook	Yes
Councilmember Atwood Kenjura	Yes
Councilmember Adonna Saunders	Yes
Councilmember Albert Wright	Yes

10. Discuss and Possibly Act Upon the Renewal of City of Brenham Group Health Plan with TML Health Benefits Pool and Establishment of Funding Rates for the Plan Year Beginning October 1, 2021 through September 30, 2022 and Authorize the Mayor to Execute Any Necessary Documentation

Human Resources Director Susan Nienstedt presented this item. N explained that this item was being presented to City Council for consideration to approve the Texas Municipal League Health Benefits Pool renewal for group medical benefits for the plan year beginning October 1, 2021. N stated that the renewal will continue to provide the same high-quality medical benefits to employees and their dependents, with a 1% decrease in the premium being paid by the City.

A motion was made by Mayor Pro Tem Kolby and seconded by Councilmember Saunders to approve the renewal of City of Brenham Group Health Plan with TML Health Benefits Pool and establish funding rates for the Plan Year beginning October 1, 2021 through September 30, 2022 and authorize the Mayor to execute any necessary documentation.

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

Mayor Milton Y. Tate, Jr.	Yes
Mayor Pro Tem Clint Kolby	Yes
Councilmember Shannan Canales	Yes
Councilmember Leah Cook	Yes
Councilmember Atwood Kenjura	Yes
Councilmember Adonna Saunders	Yes
Councilmember Albert Wright	Yes

11. Discuss and Possibly Act Upon Resolution No. R-21-016 Authorizing the Execution of an Agreement with TxDOT for the Temporary Closure of State Right-Of-Way in Connection with the 2021 Downtown Summer Concert Series (Hot Nights, Cool Tunes) to be Held on July 10, 17, 24 and 31, 2021

A motion was made by Councilmember Canales and seconded by Councilmember Saunders to approve Resolution No. R-21-016 authorizing the execution of an agreement with TxDOT for the temporary closure of state right-of-way in connection with the 2021 Downtown Summer Concert Series (Hot Nights, Cool Tunes) to be held on July 10, 17, 24 and 31, 2021.

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

Mayor Milton Y. Tate, Jr.	Yes
Mayor Pro Tem Clint Kolby	Yes
Councilmember Shannan Canales	Yes
Councilmember Leah Cook	Yes
Councilmember Atwood Kenjura	Yes
Councilmember Adonna Saunders	Yes
Councilmember Albert Wright	Yes

12. Discuss and Possibly Act Upon a Recommendation from the Main Street Board for the Appointment of Traci Pyle to Position 8 on the Main Street Board for an Unexpired Term to Expire on December 31, 2021 and Authorize the Mayor to Execute Any Necessary Documentation

Tourism and Marketing Director Jennifer Eckermann presented this item. Eckermann explained that the Main Street Board recommends the appointment of Traci Pyle to fill the vacant seat left by the election of Shannan Canales to City Council. Eckermann explained that the Main Street Board made this recommendation based on Pyle's past and current service on various Main Street Committees as well as being a downtown business owner.

A motion was made by Councilmember Saunders and seconded by Councilmember Wright to approve a recommendation from the Main Street Board for the appointment of Traci Pyle to Position 8 on the Main Street Board for an unexpired term to expire on December 31, 2021 and authorize the Mayor to execute any necessary documentation.

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

Mayor Milton Y. Tate, Jr.	Yes
Mayor Pro Tem Clint Kolby	Yes
Councilmember Shannan Canales	Yes
Councilmember Leah Cook	Yes
Councilmember Atwood Kenjura	Yes
Councilmember Adonna Saunders	Yes
Councilmember Albert Wright	Yes

13. Administrative/Elected Officials Report

City Manager James Fisher reported on the following:

- Blue Bell Aquatic Center is open to the public with modified hours
- City Manager's Executive Administrative Assistant Monique Breaux started this week – stop by and welcome her.

Director of Public Works Dane Rau reported on the following:

- Six (6) softball teams will be playing in Brenham this weekend at Hohlt Park
- A large pickleball tournament will be held this weekend at Jackson Street Park.

The meeting was adjourned.

Milton Y. Tate, Jr.
Mayor

Jeana Bellinger, TRMC, CMC
City Secretary

Brenham City Council Minutes

A regular meeting of the Brenham City Council was held on June 17, 2021 beginning at 1:00 p.m. in the Brenham City Hall, City Council Chambers, at 200 W. Vulcan Street, Brenham, Texas.

Members present:

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

Members absent:

Mayor Milton Y. Tae, Jr.

City of Brenham employees present:

City Manager James Fisher, Assistant City Manager – Chief Financial Officer – Carolyn Miller, City Attorney Cary Bovey, Director of Administrative Services – City Secretary Jeana Bellinger, Interim Fire Chief Rhea Cooper, Police Chief Ron Parker, Public Works Director Dane Rau, Director of Public Utilities Alton Sommerfield, Budget Officer Debbie Gaffey and Marley Mayo.

Citizens present:

Matt Walbeck

Media Present:

Alison Bryce, Brenham Banner Press; and Josh Blaschke, KWHI.

- 1. Call Meeting to Order**
- 2. Invocation and Pledges to the US and Texas Flags – Councilmember Leah Cook**
- 3. Citizens Comments**

No citizen comments were heard.

CONSENT AGENDA

4. Statutory Consent Agenda

- 4-a. **Approve the Minutes from the May 20, 2021 Regular City Council Meeting and the May 25, 2021 Special City Council Meeting**
- 4-b. **Approve a Noise Variance in Connection with a Birthday Celebration to be Held at 800 Pleasantview Avenue from 12:00 p.m. to 11:00 p.m. on Saturday, June 19, 2021 and Authorize the Mayor to Execute Any Necessary Documentation**
- 4-c. **Approve a Noise Variance in Connection with a Pop-ip Play Day to be Held at Fireman's Park from 10:00 a.m. to 12:00 p.m. on Saturday, June 26, 2021 and Authorize the Mayor to Execute Any Necessary Documentation**

A motion was made by Councilmember Wright and seconded by Councilmember Saunders to approve the Statutory Consent Agenda Item 4-a. through 4-c. as presented.

Mayor Pro Tem Kolby called for a vote. The motion passed with Council voting as follows:

Mayor Milton Y. Tate, Jr.	Absent
Mayor Pro Tem Clint Kolby	Yes
Councilmember Shannan Canales	Yes
Councilmember Leah Cook	Yes
Councilmember Atwood Kenjura	Yes
Councilmember Adonna Saunders	Yes
Councilmember Albert Wright	Yes

REGULAR SESSION

- 5. **Discuss and Possibly Act Upon Resolution No. R-21-17 Approving an Interfund Loan Between the City of Brenham Sanitation Fund and the City of Brenham Water Fund to Repay an Advancing Line of Credit with Bank of Brenham for the Raw Water Intake Structure Repair Project and Authorize the Mayor to Execute Any Necessary Documentation**

Assistant City Manager – Chief Financial Officer Carolyn Miller presented this item. Miller explained that in July of 2020, the Council approved a \$5 million commercial promissory note with the Bank of Brenham for an Advancing Line of Credit (LOC) at an interest rate of 2.6% for one year. Miller stated that this LOC was established to provide interim financing for the Raw Water Intake Structure Repair Project at Lake Somerville while waiting for reimbursement from FEMA; however, the LOC which is maturing on July 1, 2021 and since there has been no response from FEMA to date, she seeking approval to repay the LOC with available excess cash reserves.

Miller advised Council that the current balance of the LOC is \$1,351,075.76 (plus accrued interest) and she is requesting Council approve an interfund loan between the Sanitation Fund and the Water Fund for \$1 million. Miller explained that this interfund borrowing would be repaid over 10 years with an annual interest rate of 2.0 % with the remaining \$351,075.76 (plus accrued interest) being paid Water Fund cash reserves. Miller state that at the end of April, the Sanitation Fund had excess working capital of \$1.8 million which has not been designated for other purposes. Miller state that this interfund loan will allow the City to replace short-term borrowing with longer term borrowing at a reduced interest rate.

Miller advised the Council that once the City receives FEMA reimbursement for this project, the Water Fund will repay the interfund borrowing from the Sanitation Fund.

A motion was made by Councilmember Kenjura and seconded by Councilmember Wright to approve Resolution No. R-21-17 approving an interfund loan between the City of Brenham Sanitation Fund and the City of Brenham Water Fund to repay an advancing line of credit with Bank of Brenham for the Raw Water Intake Structure Repair Project and authorize the Mayor to execute any necessary documentation.

Mayor Pro Tem Kolby called for a vote. The motion passed with Council voting as follows:

Mayor Milton Y. Tate, Jr.	Absent
Mayor Pro Tem Clint Kolby	Yes
Councilmember Shannan Canales	Yes
Councilmember Leah Cook	Yes
Councilmember Atwood Kenjura	Yes
Councilmember Adonna Saunders	Yes
Councilmember Albert Wright	Yes

6. Discuss and Possibly Act Upon the Appointment of a Council Member to Serve on the Brenham Community Projects Fund, Inc. Board of Directors and Authorize the Mayor to Execute Any Necessary Documentation

Assistant City Manager – Chief Financial Officer Carolyn Miller presented this item. Miller explained that in 2015 the City Council formed the Brenham Community Projects Fund, Inc. (the Foundation), a 501(c)3 non-profit charitable foundation, to provide funding for quality-of-life enrichment for recreation, literacy and community philanthropy and development. Miller stated that the City Council also approved the Foundation's bylaws and appointed members of the City Council to serve as Officers for the Foundation.

Miller advised that the current Officers for the Foundation are:

- President: Mayor Milton Y. Tate, Jr.
- Vice President: Mayor Pro Tem Clint Kolby
- Treasurer: Former City Councilmember Susan Cantey
- Secretary: City Manager James Fisher

Miller explained that due to the recent election of new Councilmembers, the Officer position being held by former Councilmember Susan Cantey needs to be replaced with a current Councilmember.

A motion was made by Shannan Canales and seconded by Albert Wright to appoint Councilmember Adonna Saunders to serve on the Brenham Community Projects Fund, Inc. Board of Directors and authorize the Mayor to execute any necessary documentation.

Mayor Pro Tem Kolby called for a vote. The motion passed with Council voting as follows:

Mayor Milton Y. Tate, Jr.	Absent
Mayor Pro Tem Clint Kolby	Yes
Councilmember Shannan Canales	Yes
Councilmember Leah Cook	Yes
Councilmember Atwood Kenjura	Yes
Councilmember Adonna Saunders	Yes
Councilmember Albert Wright	Yes

7. Administrative/Elected Officials Report

City Manager James Fisher reported on the following:

- Multiple Juneteenth celebrations happening in the parks this week-end.
- City offices will be closed on Monday, July 5th in observance of the July 4th Holiday
- Council Budget Workshops will be held on July 7th and July 14th at 4:00 p.m. Both meetings will be held at the Library.

The meeting was adjourned.

Clint T. Kolby
Mayor Pro Tem

Jeana Bellinger, TRMC, CMC
City Secretary



Regular City Council
AGENDA ITEM 8.

Agenda Item: Public Hearing, Discussion and Possibly Act Upon 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 Use District (R-1) to a Local Business/Residential Mixed-Use District (B-1) on the Following (Case No. P-21-013):

- a. A Tract of Land Being Addressed as 1207 E. Tom Green Street, Being Further Described as Tract 69, Out of the Arrabella Harrington Survey, A-55, in Brenham, Washington County, Texas (R14381)
- b. A Tract of Land Being Addressed as 1401 E. Tom Green Street, Being Further Described as Tract 82, Out of the Arrabella Harrington Survey, A-55, in Brenham, Washington County, Texas (R14394)
- c. A Tract of Land Being Addressed as 1209 E. Tom Green Street, Being Further Described as Tract 109, Out of the Arrabella Harrington Survey, A-55, in Brenham, Washington County, Texas (R14428)
- d. A Tract of Land Being Addressed as 1205 E. Tom Greet Street, Being Further Described as Tract 200, Out of the Arrabella Harrington Survey, A-55, in Brenham, Washington County, Texas (R14519)
- e. Approximately 5.3433 Acres of Land, Being Further Described as Tract 137, Out of the Arrabella Harrington Survey, A-55, in Brenham, Washington County, Texas (R36669)
- f. A Tract of Land Being Addressed as 1306 Loesch Street, Being Further Described as Section 1, Block 1, Lot 1, Out of the Kenjura Subdivision in Brenham, Washington County, Texas (R64466)
- g. A Tract of Land Being Addressed as 1304 Loesch Street, Being Further Described as Section 1, Block 1, Lot 2, Out of the Kenjura Subdivision in Brenham, Washington County, Texas (R64467)
- h. A Tract of Land Being Addressed as 1302 Loesch Street, Being Further Described as Section 1, Block 1, Lot 3, Out of the Kenjura Subdivision in Brenham, Washington County, Texas (R64468)
- i. A Tract of Land Being Addressed as 1300 Loesch Street, Being Further Described as Section 1, Block 1, Lot 4, Out of the Kenjura Subdivision in Brenham, Washington County,

Texas (R64469)

- j. **A Tract of Land Being Addressed as 1301 E. Tom Green Street, Being Further Described as Section 1, Block 1, Lot 5, Out of the Kenjura Subdivision in Brenham, Washington County, Texas (R64470)**
- k. **A Tract of Land Being Addressed as 1200 E. Tom Greet Street, Being Further Described as Tract 189, Out of the Arrabella Harrington Survey, A-55, in Brenham, Washington County, Texas (R14510)**
- l. **A Tract of Land Being Addressed as 1204 E. Tom Greet Street, Being Further Described as Tract 344, Out of the Arrabella Harrington Survey, A-55, in Brenham, Washington County, Texas (R45333)**
- m. **A Tract of Land Being Addressed as 1301 Niebuhr Street, Being Further Described as Tract 178, Out of the Arrabella Harrington Survey, A-55, in Brenham, Washington County, Texas (R14502)**
- n. **A Tract or Land Being Addressed as 1800 E. Tom Green Street, Being Further Described as Tract 326, Out of the Arrabella Harrington Survey, A-55, in Brenham, Washington County, Texas (R55363)**

Meeting Type: Regular Meeting-July 01, 2021

Department: Development Services

Staff Contact: Shauna Laauwe, AICP

Classification: Public Hearing

SUMMARY STATEMENT:

The subject area is comprised of fourteen (14) lots and approximately 87.24 acres of land generally bounded by E. Tom Green to the north, Woodson Lane to the west, Niebuhr Street to the south and South Blue Bell Road to the east. The subject area is currently zoned Single-Family Residential District (R-1).

Within the last several months, City Staff has received numerous calls from potential buyers of 1209 E Tom Green Street, to determine what commercial uses are permitted for the site. While this property has been zoned R-1, Single-Family Residential since zoning was implemented in the City of Brenham in 1968, the property has received six (6) Specific Use Permits (SUPs) for nonresidential uses over the last 44 years. When researching this property and the adjacent and surrounding uses, it was found that of the fourteen (14) lots that encompass the approximate 87-acre area, only four (4) were permitted uses (single-family), with one (1) use, the WC Healthy Living Association (Senior Center) located at 1301 E Tom Green, having an approved SUP as a philanthropic use, five (5) lots are vacant, with four (4) of the vacant lots being owned by the Senior Center who received an additional SUP in June 2020 for the expansion of their parking area. The other four uses within the area are state and local governmental public uses to include the VFW, Texas National Guard, Brenham ISD, and Blue Bell Aquatic Center (BBAC).

The Future Land Use Map envisions the area within the proposed rezoning area north of E. Tom Green Street as Commercial and the area south of E. Tom Green Street as Institutional. City Staff initiated the rezoning of the area from R-1 to B-1, Local Business Mixed Residential District to establish the existing specific uses and institutional uses as permitted uses and to align the zoning with the envisioned future land use plan approved as part of the Comprehensive Plan: Historic Past, Bold Future: Plan 2040 approved in September 2019. As single-family homes, philanthropic uses, schools, and governmental institutions are permitted uses in the B-1 District, the rezoning would not cause any of the existing land uses within the proposed 87-acre to become nonconforming. The proposed rezoning to B-1 along E. Tom Green Street would also be a step towards the envisioned non-residential use of the future land use plan.

The proposed zoning change would allow for the existing specific uses and institutional uses to make improvements within the B-1 specifications that include bufferyard and landscaping requirements and for neighborhood commercial uses to potentially develop on East Tom Green Street.

If the rezoning is approved, any proposed development of the properties will undergo a planning permit process to ensure that all zoning, building, and fire codes are met.

This item is on the agenda for the Monday, June 28, 2021, meeting of the Planning and Zoning Commission for a public hearing and recommendation. An update of the public hearing and Planning and Zoning Commission recommendation and subsequent drafted ordinance will be presented at the City Council meeting.

ATTACHMENTS:

- | |
|--------------------------------|
| (1) Staff Report
(2) Notice |
|--------------------------------|

RELEVANCE TO COMPREHENSIVE PLAN:

The future land use map portion of the Envision 2020 Comprehensive Plan suggests the subject property may be appropriate for nonresidential uses. The proposed request is a step towards the goals and land use policies established in the Comprehensive Plan.

RECOMMENDED ACTION:

Approve an Ordinance on its first reading amending the official Zoning Map of the City of Brenham, Texas to change the Zoning District from a Single-Family Residential Use District (R-1) to a Local Business/Residential Mixed Use District (B-1) on various tracts of land.



CASE NUMBER P-21-013
ZONE CHANGE REQUEST – R-1 to B-1

STAFF CONTACT:	Shauna Laauwe, AICP, Project Planner
APPLICANT:	City of Brenham
LEGAL DESCRIPTION:	All or a portion of various tracts of land generally bound by and/or adjacent to the southwest corner of South Blue Bell Road and East Tom Green Street to the north, west to Loesch Street and 675 feet north along Loesch Street, then 698 feet to the west, 93 feet south, 132 feet west, then 590 feet south to E Tom Green Street, then 230 feet west to Woodson Lane, then 269 feet to the south, 130 feet to the east, 1,057 feet south to Niebuhr Street, and bound to the south along Niebuhr Street east to South Blue Bell Road, then bounded to the east by South Blue Bell Road from Niebuhr Street to East Tom Green Street.
LOT AREA:	Approximately 87.24 acres
ZONING DISTRICT/USE:	R-1, Single Family Residential / Residential, Philanthropic, and Institutional uses (Exhibit B)
FUTURE LAND USE:	Commercial and Institutional uses
REQUEST:	A request to change the zoning classification from Single-Family Residential Use District (R-1) to Local Business Mixed Residential District (B-1). (Exhibit C)

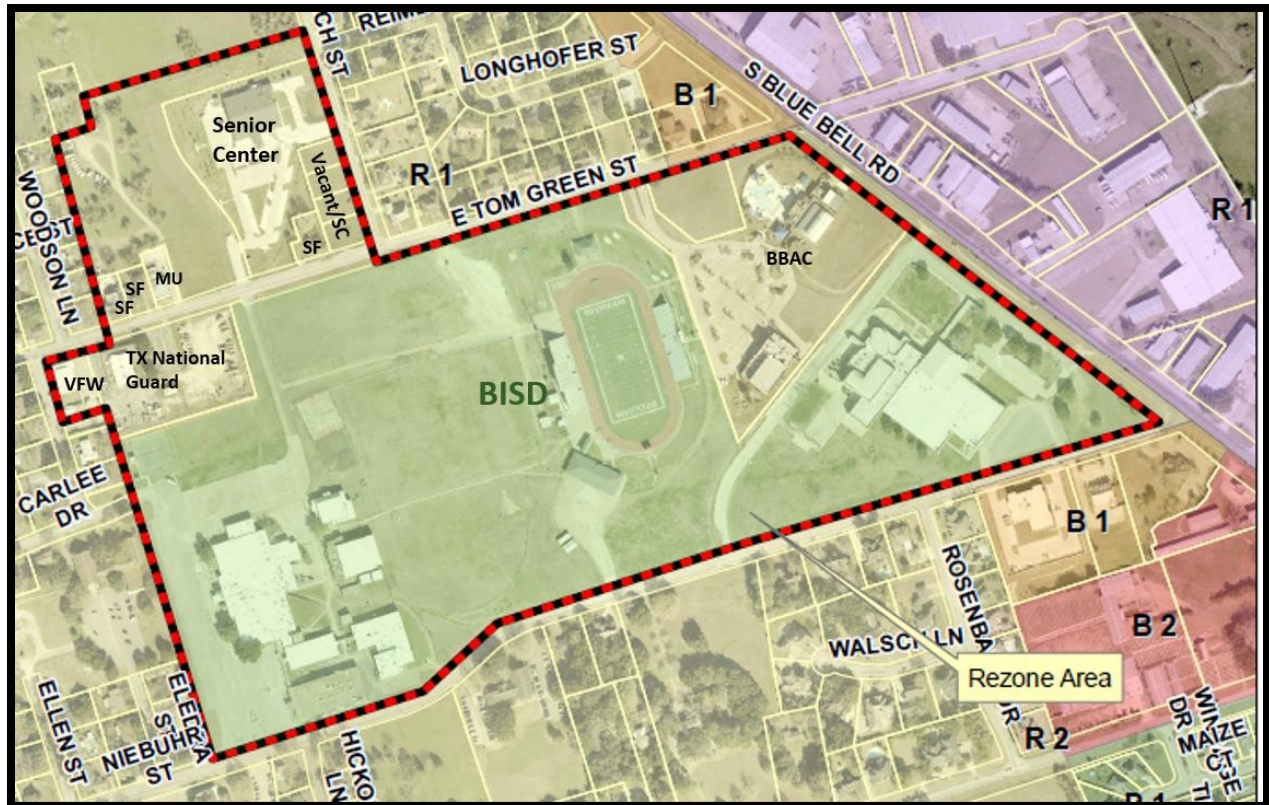
BACKGROUND:

Within the last 3 months, City Staff has received numerous calls from potential buyers of 1209 E Tom Green Street, a property undergoing a foreclosure to determine what commercial uses are permitted for the site. While this property has been zoned R-1, Single-Family Residential since zoning was implemented in the the City of Brenham in 1968, the property has had many nonresidential uses over the last 60 years. The property has been granted several specific use permits over the years to include:

- 1977- Construction and operation of the Mary Maddox dance studio
- 1988- Architectural design studio (5 year term)
- 1992- Ken Parker Construction for a construction office (3 year term)
- 1995- Ken Parker Construction renewed for additional 3 year term
- 2012- Daycare allowed as an existing non-conforming use (no SUP)
- 2015- Proposed use for a dance studio
- 2015- Residential addition and remodel. Utility hooked up for residential use. (permitted use)

While renovations to the interior of the structure were conducted in 2015, the exterior and much of the interior of the existing structure is commercial in character. When researching this property and the adjacent and surrounding uses, it was found that of the fourteen (14) lots that encompass the approximate 87-acre area (*Shown in Map 1 below*) only four (4) were permitted uses (*single-family*), with one (1) use, the WC Healthy Living Association (Senior Center), that has an approved SUP as a philanthropic use, and five (5) lots are vacant, with four (4) of the vacant lots being owned by the Senior Center who requested and received a SUP in June 2020 for the expansion of the parking area. The VFW, Texas National Guard, Brenham ISD, and Blue Bell Aquatic Center (BBAC) are governmental public uses. The property located at 1209 E. Tom Green is labeled as (MU) below as it has been a variety of residential and commercial uses.

Map 1



Starting at the southwest corner of South Blue Bell Road and East Tom Green Street, the 87-acre area (*shown within the checkered outline in Map 1*) is generally bounded by E. Tom Green to the north, Woodson Lane to the west, Niebuhr Street to the south and South Blue Bell Road to the east. The subject area is currently zoned R-1 (*See Map 1 above*). The only four (4) existing permitted uses include three (3) single family homes along E. Tom Green Street and the current vacant mixed-use property at 1209 E. Tom Green. The Senior Center received a SUP for a philanthropic use in 2012 and the adjacent four vacant lots to the center received a SUP in June 2020 to allow an expansion of the parking area for the philanthropic use. The Veteran's of Foreign Wars and the Texas National Guard is under one address as 1204 E. Tom Green and is considered under governmental jurisdiction. The Brenham Independent School District (BISD) property that encompasses approximately 60-acres of the 87-acres area and includes the Brenham High School football stadium, Brenham Junior High and Brenham Middle School are public school property and are nonconforming or grandfathered uses. Surrounding zoning districts include R-1, to the north, west and south, with B-1, Local Business Mixed Residential located to the northeast on the corner northwest corner of S. Blue Bell Road and E. Tom Green Street and also to the south on the southwest

corner of S. Blue Bell Road and Niebuhr Street. Across S. Blue Bell Road to the east is zoned I, Industrial and includes the Blue Bell Creamery and other industrial developments. The Future Land Use Map envisions the area within the proposed rezoning area north of E. Tom Green Street as Commercial and the area south of E. Tom Green Street as Institutional. In order to bring the portion north of E. Tom Green Street more in line with the future land use plan and predominate existing uses, in addition to the intense public uses south of E. Tom Green Street and north of Niebuhr Street, Staff has prepared a City initiated rezoning of the area from R-1 to B-1, Local Business Mixed Residential District. As single-family homes, philanthropic uses, schools, and governmental institutions are permitted uses in the B-1 District, the rezoning would not cause any of the existing land uses within the proposed 87-acre to become nonconforming. The proposed rezoning to B-1 along E. Tom Green Street would also be a step towards the envisioned non-residential use of the future land use plan.

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. *Please refer to Map 1 for a visual of the current zoning described herein.*

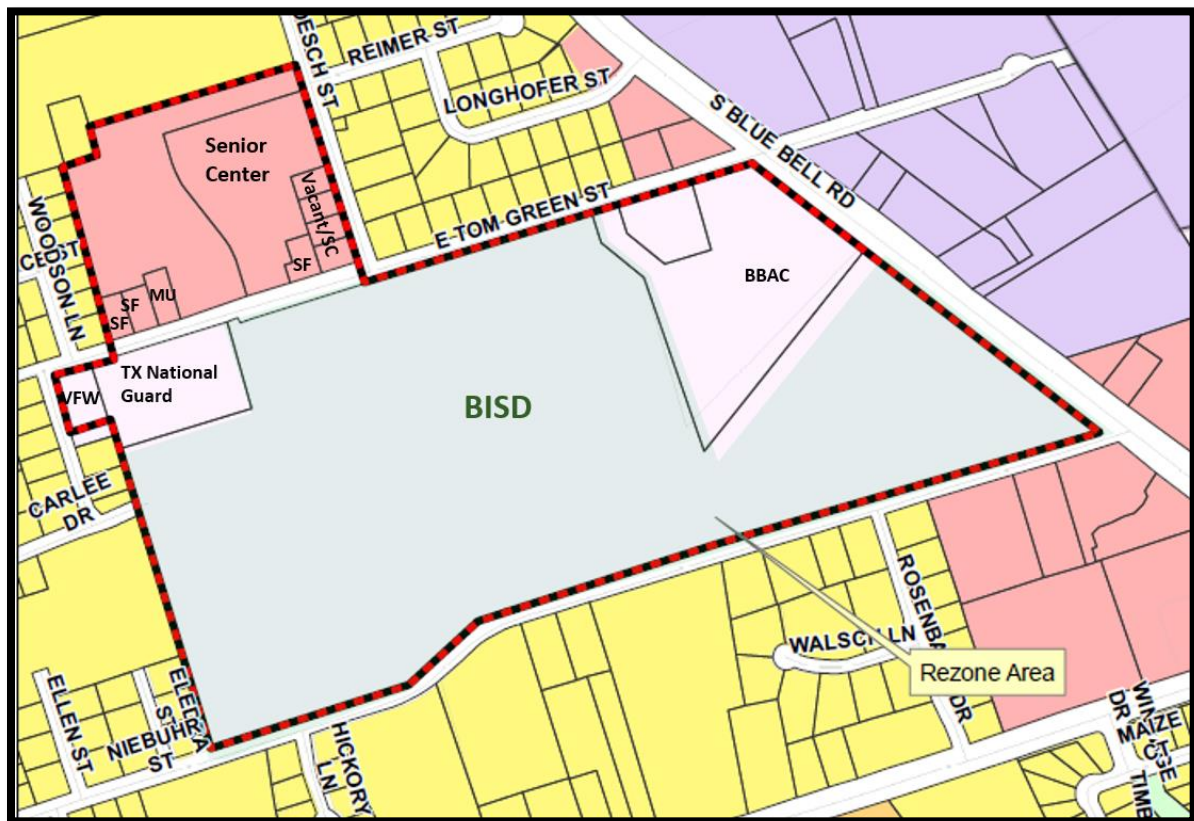
The subject rezoning area is surrounded by single-family residential with a mixture of commercial and industrial uses within the vicinity. The proposed area encompasses approximately 87 acres and 14 separate lots. All adjacent properties are zoned R-1, Single-Family Residential. Nearby, across from the Blue Bell Aquatic Center, on the northwest corner of S Blue Bell Road and E Tom Green, is zoned B-1, Local Business Mixed Residential District and developed as the Texas Farm Bureau. Near the southeast corner of the proposed rezoning area, on the southwest corner of Niebuhr Street and S Blue Bell Road, is a B-1 District that is developed as an orthodontist office at 1910 Niebuhr Street and Strand Associates at 1906 Niebuhr Street. To the east, across S Blue Bell Road is a large I, Industrial District that is developed as Blue Bell Creamery, with other uses that include mini storage facilities and automobile service businesses.

The City is currently pursuing the rezoning to B-1 in order to establish the existing specific uses and institutional uses as permitted uses and to align the zoning with the envisioned future land use plan approved as part of the Comprehensive Plan: Historic Past, Bold Future: Plan 2040 approved in September 2019. The existing Senior Center, Texas National Guard, VFW, and BISD properties are unlikely to be converted to single-family residential uses in the future, and the property at 1209 E Tom Green has been granted four (4) different specific use permits for uses that are not allowed as either permitted or specific use by today's R-1 zoning designation. The purpose of the B-1, Local Business/Residential Mixed Use District 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. The B-1 District allows residential uses to include single-family, two-family, townhomes, multifamily developments on two acres or more. The large vacant lot that has access via Loesch Street and E. Tom Green is approximately 5.34-acres and the B-1 District would allow for the tract to be neighborhood commercial, single family and two family residential, as well as multi-family residential. In addition, the B-1 district allows neighborhood commercial uses such as, offices, florist shops, dance studios, retail, restaurants, and outpatient clinics. All the existing uses, to include the three single-family residential lots, located within the proposed rezoning area are permitted within the B-1 District.

As evidenced, the subject area is a long-standing mixture of land uses to include residential, commercial, and institutional. Approval of the proposed rezoning request would allow for the existing specific uses and institutional uses to make improvements within the B-1 specifications that include bufferyard and landscaping requirements and for neighborhood commercial uses to potentially develop on East Tom Green Street.

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

Figure 2- Future Land Use Map



As shown in Figure 2, the future land use map portion of the Historic Past, Bold Future: Plan 2040 Comprehensive Plan suggests the subject property may be appropriate for commercial uses and the existing institutional uses. In the future land use map, the pink/reddish areas represent commercial, the yellow represents single-family residential, and the purple represents areas appropriate for industrial uses. The proposed B-1 zoning district allows for a mixture of land uses, including single-family, two-family, and multifamily residential, and neighborhood commercial uses. Except for the commercial area along E Tom Green Street shown on the map, the existing zoning map and developed uses are in conformance with the envisioned future land use map.

The proposed B-1 zoning is in line with the Future Land Use Map vision of commercial uses, in addition to representing a step between the surrounding residential and the more intense commercial and industrial uses along S. Blue Bell Road. The Comprehensive Plan encourages neighborhood-focused businesses that include smaller footprint sites, such as those found in the B-1 District, that cater to serving a smaller area. Such neighborhood-focused businesses would be an asset to both the surrounding residential and institutional uses. Staff finds that the proposed

request meets the Future Land Use Plan and is a step towards 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 proposed rezoning area mostly consists of developed land with existing utility services located along the rights-of-way of E. Tom Green Street, Niebuhr Street, and S. Blue Bell Road. It is likely that no new infrastructure would be required for new 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 June 17, 2021. The Notice of Public Hearing was published in the *Brenham Banner* on June 15, 2021. 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 properties will be required to adhere to minimum building setbacks and maximum impervious coverage requirements for property zoned B-1. The B-1 zoning district establishes a maximum impervious coverage limit of 80% and minimum building setbacks. Furthermore, development of new nonresidential uses adjacent to an existing residential use will require additional buffer yard requirements along the property lines of the residential use. Staff finds that the adopted zoning ordinance and building codes will ensure that adequate open spaces are preserved on the subject lots.

- (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.

The requested zoning and associated land uses are appropriate for this location given adjacent zoning designations, existing development within and in the vicinity, as well as 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.

Rezoning the subject area to B-1 will allow the existing specific uses and institutional uses that comprise 10 of the 14 lots to be legally conforming uses. The adjacent properties to the subject area are zoned R-1, with nearby B-1 properties on the northwest corner of S. Blue Bell Road and E. Tom Green and on the southwest corner of S. Blue Bell Road and Niebuhr Street. To the east, across S. Blue Bell Road is zoned I, Industrial District with a mixture of commercial and industrial uses. The

proposed B-1 District is an appropriate step up from the surrounding residential uses to the nearby commercial and industrial uses as the B-1 District allows both residential uses and neighborhood commercial.

Rezoning the property from a residential use to a mixed commercial and residential use would allow the existing residential properties to benefit from buffer yard and screening requirements that are established to preserve existing neighborhoods and ensure adjacent commercial property develops in a manner compatible to nearby land uses. Any new commercial development next to an existing residential use, would be required to have a 20-foot buffer yard in addition to the standard setbacks. In addition, twenty percent (20%) of the buffer yard is required to be landscaped and a screening hedge or fence is mandated. Staff finds that the proposed zoning would preserve the existing neighborhood culture and is consistent with the community's plan for the development and/or redevelopment of its neighborhoods.

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

Staff finds that rezoning the properties will protect and not adversely affect adjacent existing and future residential neighborhoods due to the City's adopted development standards including requirements related to buffer yards, screening, setbacks, drainage, and landscaping.

- (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 that negatively impact adjoining properties.

Staff is unable to determine any destabilizing effects on the neighboring properties should this rezoning request be approved. The proposed B-1 zoning for the subject properties is aligned with the surrounding areas to the north, south, west, and east and provides an adequate step-up in zoning from the single-family uses to the commercial and industrial uses to the east across S. Blue Bell Road.

- (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 properties are within an area predominately made up of single-family homes and nearby commercial and industrial uses to the east along the S. Blue Bell Road corridor. Property zoned for commercial and industrial uses are generally located to the east, across S. Blue Bell Road, with some light commercial uses located on the northwest corner of E. Tom Green Street and S. Blue Bell Road and the southwest corner of Niebuhr Street and S. Blue Bell Road. Staff finds that the proposed zoning change, if approved, will allow for orderly commercial development along E. Tom Green that will serve the properties in the general vicinity and the community. Similarly, there are additional properties in the vicinity that could be utilized for residential use.

- (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 proposed properties to be rezoned are primarily institutional uses and staff is unaware of any lots that the B-1 rezoning would result in being considered legally nonconforming (grandfathered) uses. Existing nonconforming light commercial uses would become conforming permitted uses with the proposed rezoning.

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

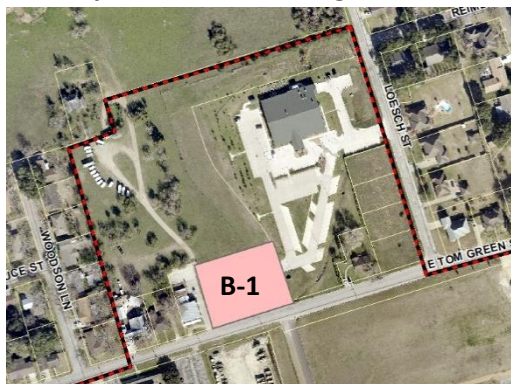
Staff finds that the proposed rezoning change will allow for the orderly growth and development in the general vicinity and throughout the city. Furthermore, the proposed rezoning is in accordance with the City's adopted Future Land Use Map and Comprehensive Plan.

STAFF RECOMMENDATION:

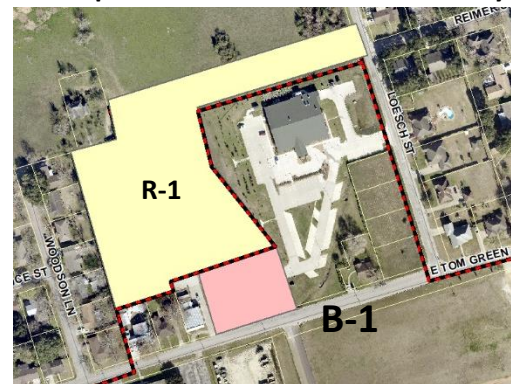
Based on the evidence and findings above, Staff recommends **approving** the proposed rezoning of the approximate 87-acre area generally bounded by E. Tom Green to the north, Woodson Lane to the west, Niebuhr Street to the south and South Blue Bell Road to the east, to the Local Business Mixed Residential zoning use district (B-1).

As of the date of this report, Staff has received two letters of concern and phone calls from property owners along Loesch Street regarding the 5.34-acre vacant lot that has access via Loesch Street and E. Tom Green. Concerns stated were that with the proposed rezoning the tract could be developed with multifamily residential (greater than 2 acres) or other larger and more intense neighborhood commercial use. Given these concerns, Staff would also support an alternative of rezoning only a portion of the lot, such as the approximately 455-feet of width that abuts E. Tom Green Street by 150 feet of depth as shown in the two map figures below.

Alt.Map: Portion of existing lot



Alt.Map: Alternative B-1 north boundary



EXHIBITS:

- A. Aerial Map
- B. Zoning Map
- C. Future Land Use Map
- D. Site photos
- E. Citizen Comments

EXHIBIT "A"
AERIAL MAP



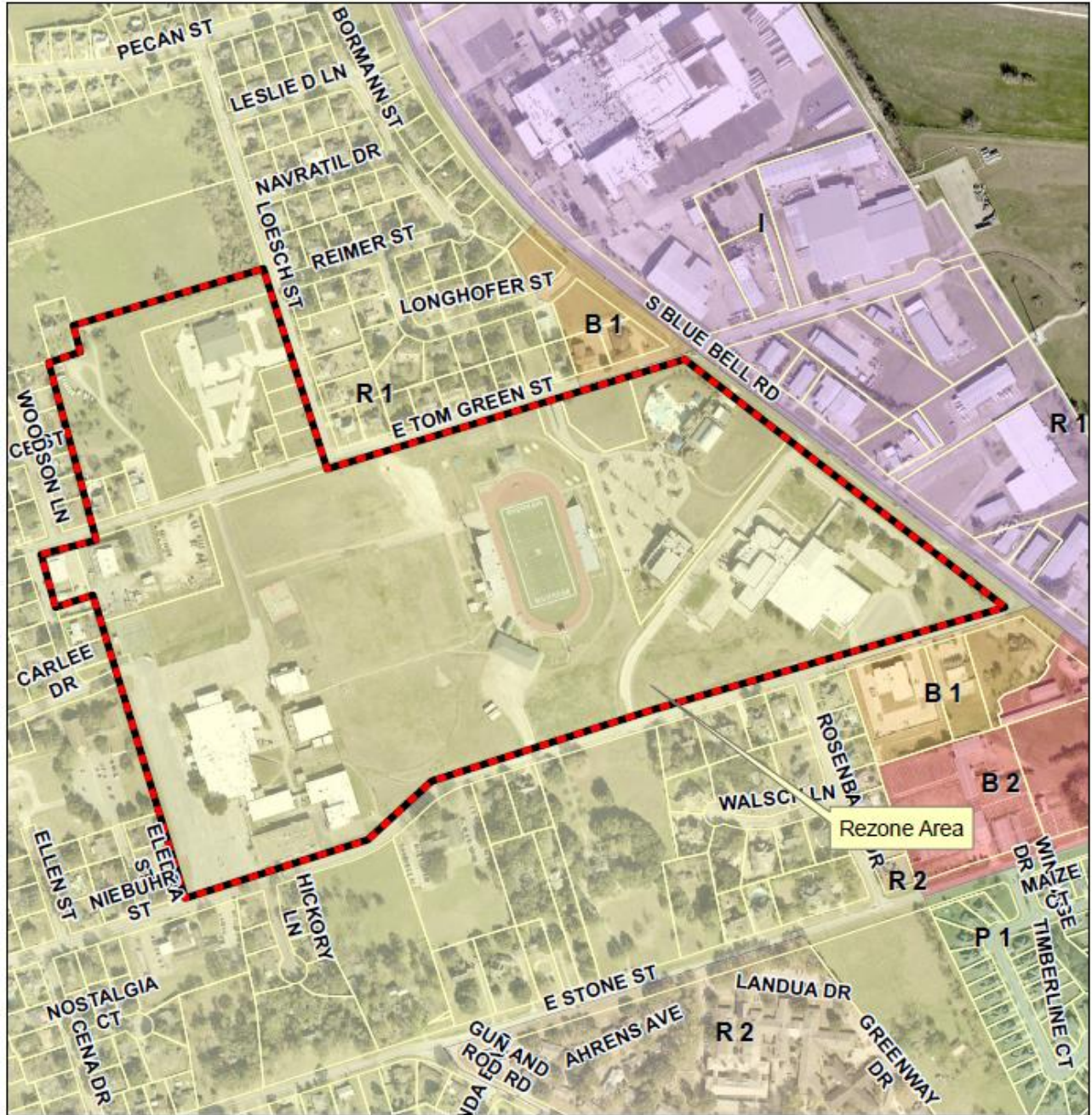
East Tom Green Rezone Area
R-1 to B-1



1 inch = 458 feet



EXHIBIT "B"
ZONING MAP



**East Tom Green Rezone Area
R-1 to B-1**

Legend

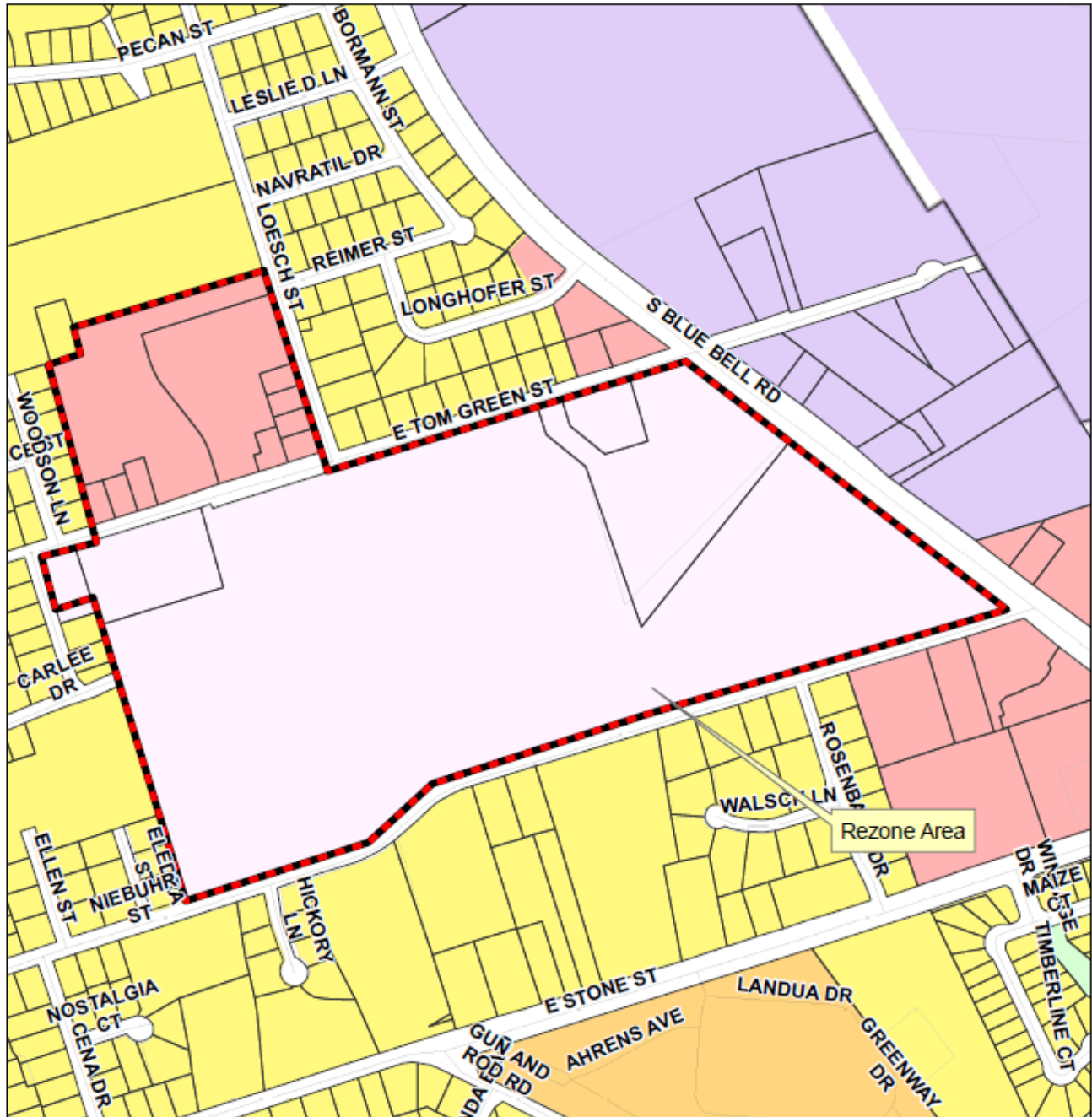
- B1 Local Business Mixed
- B2 Commercial Research and Technology
- I Industrial
- P1 Planned Development
- R1 Residential Single Family
- R2 Mixed Residential



1 inch = 476 feet



EXHIBIT "C"
FUTURE LAND USE MAP



**Future Land Use Map
East Tom Green Rezone Area
R-1 to B-1**

- Future Land Use Plan
FLU_FINAL
- Rural
 - Open Space
 - Single Family Residential
 - Multi-Family Residential
 - Local Public Facilities
 - Commercial
 - Industrial



1 inch = 458 feet



EXHIBIT "D"
SITE PHOTOS



E Tom Green looking east (1209 E Tom Green & residential)



E Tom Green looking west (1209 E Tom Green & armory)



E Tom Green looking east to Blue Bell Rd.
TX National Guard & Brenham High Stadium



E Tom Green & Woodson Ln (VFW)



Niebuhr Rd – B1 Commercial & School



S Blue Bell Road & E Tom Green – BBAC

NOTICE - AGENDA ITEM NO. 8

The Ordinance related to Agenda Item No. 8 will be considered by the Planning and Zoning Commission at their regular meeting on Monday, June 28, 2021 at 5:15 p.m.

Based upon the recommendation from the Planning and Zoning Commission, the Ordinance will be finalized and presented to the City Council for consideration at their regular meeting on Thursday, July 1, 2021 at 1:00 p.m.

The Ordinance to be considered by the City Council will be incorporated into an amended agenda packet and posted to the City's website on Tuesday, June 29, 2021 by 5:00 p.m. A copy of the Ordinance may also be obtained by contacting the City Secretary:

Jeana Bellinger, TRMC, CMC
Phone: 979-337-7567
E-mail: jbelling@cityofbrenham.org



Regular City Council
AGENDA ITEM 9.

Agenda Item: Public Hearing, Discussion and Possibly Act Upon an Ordinance on Its First Reading Amending the Official Zoning Map of the City of Brenham to Change the Zoning District from a Mixed Residential Use District (R-2) to a Commercial, Research and Technology Use District (B-2) on Approximately 0.99 Acres of Land Being Further Described as Part of the P & A Hope Survey, A-62, in Brenham, Washington County, Texas (Case No. P-21-011)

Meeting Type: Regular Meeting-July 01, 2021

Department: Development Services

Staff Contact: Shauna Laauwe, AICP

Classification: Public Hearing

SUMMARY STATEMENT:

The subject property is an existing 0.9903-acre vacant property addressed as 1408 N. Park Street and generally located on the east side of N. Park Street, south of AH Ehrig Drive and adjacent to the Hasskarl Tennis Court Center to the north and east. The surrounding area is a mixture of uses to include commercial businesses, residential, and park land. The subject property and the adjacent Hasskarl Park complex are currently zoned R-2, Mixed Residential Use District. The applicant is requesting to rezone the property to be consistent with the abutting property to the south that is zoned B-2, Commercial Research and Technology Use District and to facilitate future development. The applicant wishes to possibly combine the subject property with the vacant B-2 property to the south, which he also currently owns. Allowing the proposed rezoning request would allow the approximately one-acre tract of land to potentially be part of an overall 2.2-acre commercial development.

The future land use map portion of the Historic Past, Bold Future: Plan 2040 Comprehensive Plan suggests the subject property may be appropriate for commercial uses.

The proposed zoning change would allow for the construction of a mixture of land uses, including multiple-family, retail, office, and commercial uses on the approximate 1-acre vacant subject tract, or in combination with the abutting vacant lot to the south. The surrounding property to the west, across N. Park Street is zoned B-1 District that allows a mixture of residential uses as well as neighborhood-focused businesses. The requested zoning and associated land uses are appropriate for this location given adjacent zoning designations, existing development in the vicinity, and conformance with the City's adopted future land use map.

If the rezoning is approved, any proposed development of the properties will undergo a planning permit process to ensure that all zoning, building, and fire codes are met.

This item is on the agenda for the Monday, June 28, 2021, meeting of the Planning and Zoning Commission for a public hearing and recommendation. An update of the public hearing and Planning and Zoning Commission recommendation will be given at the City Council meeting.

ATTACHMENTS:

- | |
|---|
| (1) Staff Report
(2) Ordinance for First Reading |
|---|

RELEVANCE TO COMPREHENSIVE PLAN:

The future land use map portion of the Envision 2020 Comprehensive Plan suggests the subject property may be appropriate for nonresidential uses. The Plan recommends that the City consider permitting commercial retail, office and service uses along highly traveled roadways such as N. Park Street that serves as TX Highway Business 36 and a minor arterial.
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RECOMMENDED ACTION:

Approve an Ordinance on its first reading amending the Official Zoning Map of the City of Brenham to Change the Zoning District from a Mixed Residential Use District (R-2) to a Commercial, Research and Technology Use District (B-2) on approximately 0.99 acres of land (1408 N. Park Street) being further described as Part of the P & A Hope Survey, A-62, in Brenham, Washington County, Texas (Case No. P-21-011)



CASE NUMBER P-21-011
ZONE CHANGE REQUEST – 1408 N. Park Street

STAFF CONTACT:	Shauna Laauwe, AICP, Project Planner
OWNERS:	WBT Investments, LLC
APPLICANTS:	Brion Webb
ADDRESS/LOCATION:	1408 N. Park Street (Exhibit A)
LEGAL DESCRIPTION:	0.9903 acres of land in the P. & A. Hope Survey, A-62
LOT AREA:	Approximately 0.9903 acres
ZONING DISTRICT/USE:	Mixed Residential Use District (R-2) / Vacant Land (Exhibit B)
FUTURE LAND USE:	Commercial
REQUEST:	A request to change the zoning classification from a Mixed Residential Use District (R-2) to a Commercial Research and Technology Use District (B-2) (Exhibit C)

BACKGROUND:

The subject property is owned by WBT Investments and Brion Webb is a partner and the applicant. The subject property is currently zoned R-2, Mixed Residential Use Zoning District and consists of a 0.9903-acre vacant tract located at 1408 N. Park Street. The applicant is requesting to rezone the property to be consistent with the abutting property to the south. Mr. Webb is requesting that the property be rezoned to B-2, Commercial Research and Technology Use District, to match the existing zoning to the south and to facilitate future development. The property is currently zoned as R-2, Mixed Residential Use District.

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. *Please refer to Map 1 on the following page for a visual of the current zoning described herein.*

The subject property is an existing vacant property addressed as 1408 N. Park Street and generally located on the east side of N. Park Street, south of AH Ehrig Drive and adjacent to the Hasskarl Tennis Court Park area to the north and east. The surrounding area is a mixture of uses to include commercial businesses, residential, and park land. The subject property and the adjacent Hasskarl Park complex are currently zoned R-2, Mixed Residential Use District. The adjacent properties to

the south and southeast, bound by E Sayles Street, are zoned B-2, Commercial, Research and Technology District, with the abutting property directly to the south being vacant and the lot to the southeast developed as the Teen Challenge complex (former St. Jude Hospital). To the west, across N. Park Street, is zoned B-1, Local Business/Residential Mixed-Use District. The property directly to the east, across N. Park Street is developed as Lauren Concrete and is a nonconforming use. Except for vacant used car lot located on the northwest corner of Sayles Street and N. Park Street, all the other nearby B-1 properties appear to be single-family residences.

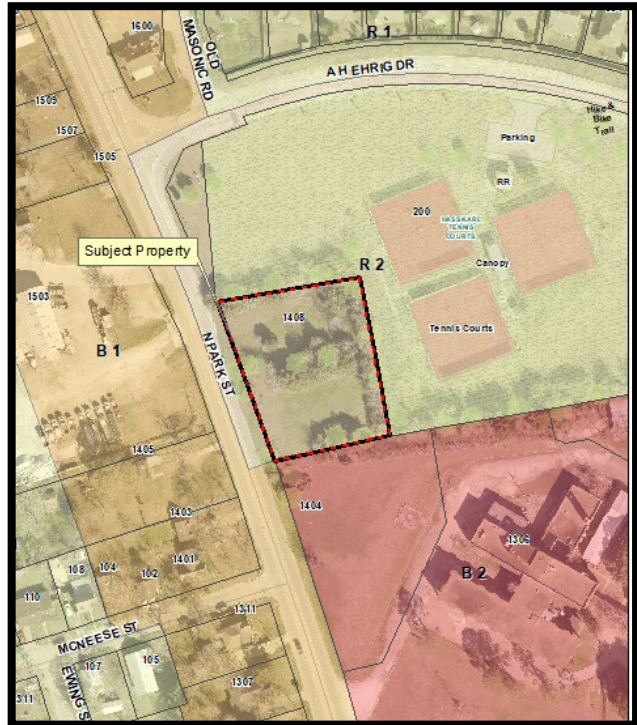
Interestingly, it was recently discovered that since 1996, the adjacent B-2 District to the south that is bounded by E Sayles Street has been erroneously marked as a B-1, Local Business/Residential Mixed Use District on the zoning map.

The applicant wishes to possibly combine the subject property with the vacant B-2 property to the south, which he also currently owns. Allowing the proposed rezoning request would allow the approximately one-acre tract of land to potentially be part of an overall 2.2-acre commercial development.

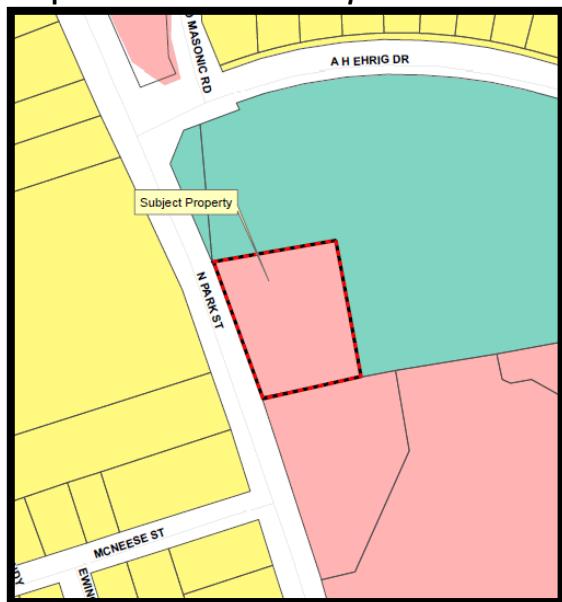
- (2) The city's zoning should be guided by the future land use plan and other applicable guidelines found in the Comprehensive Plan.

As shown in Map 2, the future land use map portion of the Historic Past, Bold Future: Plan 2040 Comprehensive Plan suggests the subject property may be appropriate for commercial uses. The future land use map helps depict what the Comprehensive Plan envisions as future uses in the City. In the map, the pinkish/red area represents commercial, the yellow represents single-family uses, and the green represents parks/public use. The Comprehensive Plan includes land use policies to help guide land use decisions. Specifically, the Plan recommends that the City consider permitting commercial retail, office and service uses along highly traveled roadways such as N. Park Street that serves as TX Highway Business 36 and a minor arterial. If the requested zone change were approved, the subject property would allow for the development of commercial retail, office, service use and small multifamily development uses. Staff finds that the proposed request is aligned with the goals and land use polices established in the Comprehensive Plan.

Map 1



Map 2- Future Land Use Map



- (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 is currently undeveloped with existing utility services located along the right-of-way of N. Park Street and an additional 8" water line runs along the southern property line. Staff does not anticipate that new infrastructure would be required for new 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 June 17, 2021. The Notice of Public Hearing was published in the *Brenham Banner* on June 15, 2021. 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 property will be required to adhere to minimum building setbacks and maximum impervious coverage requirements for property zoned B-2, Commercial Research and Technology. Staff finds that the requirements will ensure that adequate open spaces 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 of its residents.

Staff finds that the requested zoning and associated land uses are appropriate for 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.

Rezoning the subject property to B-2 will allow the subject property to develop in accordance with property in the immediate vicinity. The subject approximate one-acre tract of land may be combined at a future date with the adjacent 1.22-acre tract to the south that is under plan review for a future automated car wash. The future use may include retail, office uses or an expansion of the future car wash. The surrounding property to the west across N Park Street is zoned B-1 but is largely made up of single-family residential uses and few neighborhood retail uses. The adjacent property to the south and east is zoned B-2 and is developed as an outreach center for teens. Staff finds that the proposed zoning would preserve the existing neighborhood culture and is consistent with the community's plan for the development and/or redevelopment of its neighborhoods.

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

Staff finds that rezoning the property will protect and not adversely affect adjacent existing and future residential neighborhoods due to the City's adopted development standards including requirements related to buffer yards, screening, setbacks, drainage, and landscaping.

- (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 that negatively impact adjoining properties.

Staff is unable to determine any destabilizing effects on the neighboring properties should this rezoning request be approved. The proposed B-2 zoning for the subject property is aligned with the adjacent properties surrounding this tract.

- (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 construction of a mixture of land uses, including multiple-family, retail, office, and commercial uses on the approximate 1-acre vacant subject tract. The surrounding property to the west, across N. Park Street is zoned B-1 District that allows a mixture of residential uses as well as neighborhood-focused businesses. Staff finds that the proposed zoning change would make adequate provisions for a range of commercial uses in existing and future locations to serve the area neighborhood and community markets.

- (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 applicants request will allow the subject property to develop with a mixture of land uses and if approved, will allow for compatible, legally conforming development. The property is currently undeveloped; thus, the rezoning would not result in any existing uses to become nonconforming.

- (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.

STAFF RECOMMENDATION:

Based on the evidence and findings above, Staff recommends **approving** the proposed rezoning of the 0.9903-acre tract generally located at 1408 N. Park Street to the Commercial Research and Technology zoning use district (B-2) for the subject tract.

EXHIBITS:

- A. Aerial Map
- B. Zoning Map
- C. Future Land Use Map
- D. Cover Letter
- E. Site photos

EXHIBIT "A"
AERIAL MAP



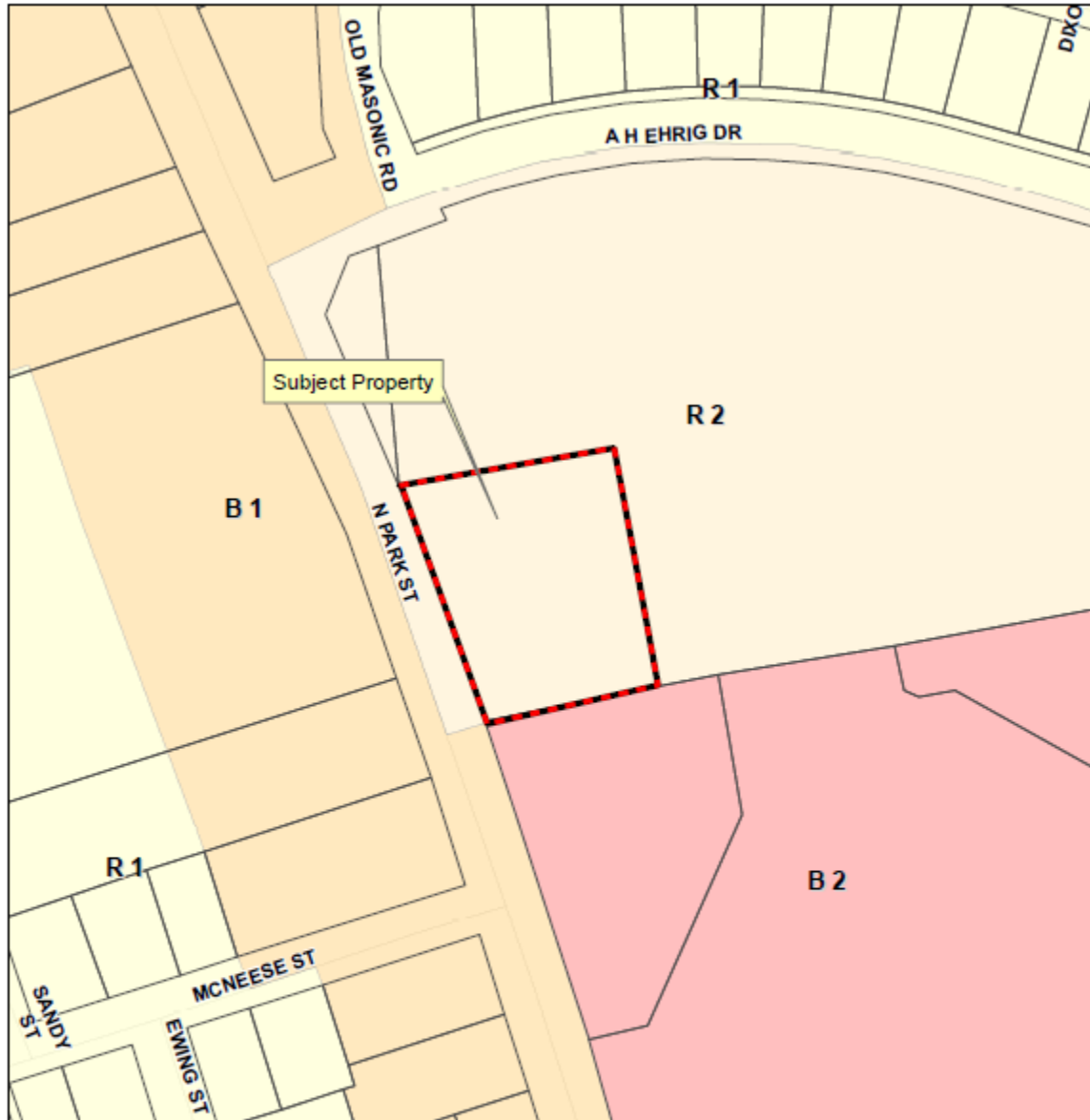
**Proposed Rezoning
1408 North Park Street
R-2 to B-2**



1 inch = 127 feet



EXHIBIT "B"
ZONING MAP



**Proposed Rezoning
1408 North Park Street
R-2 to B-2**

Zoning Description

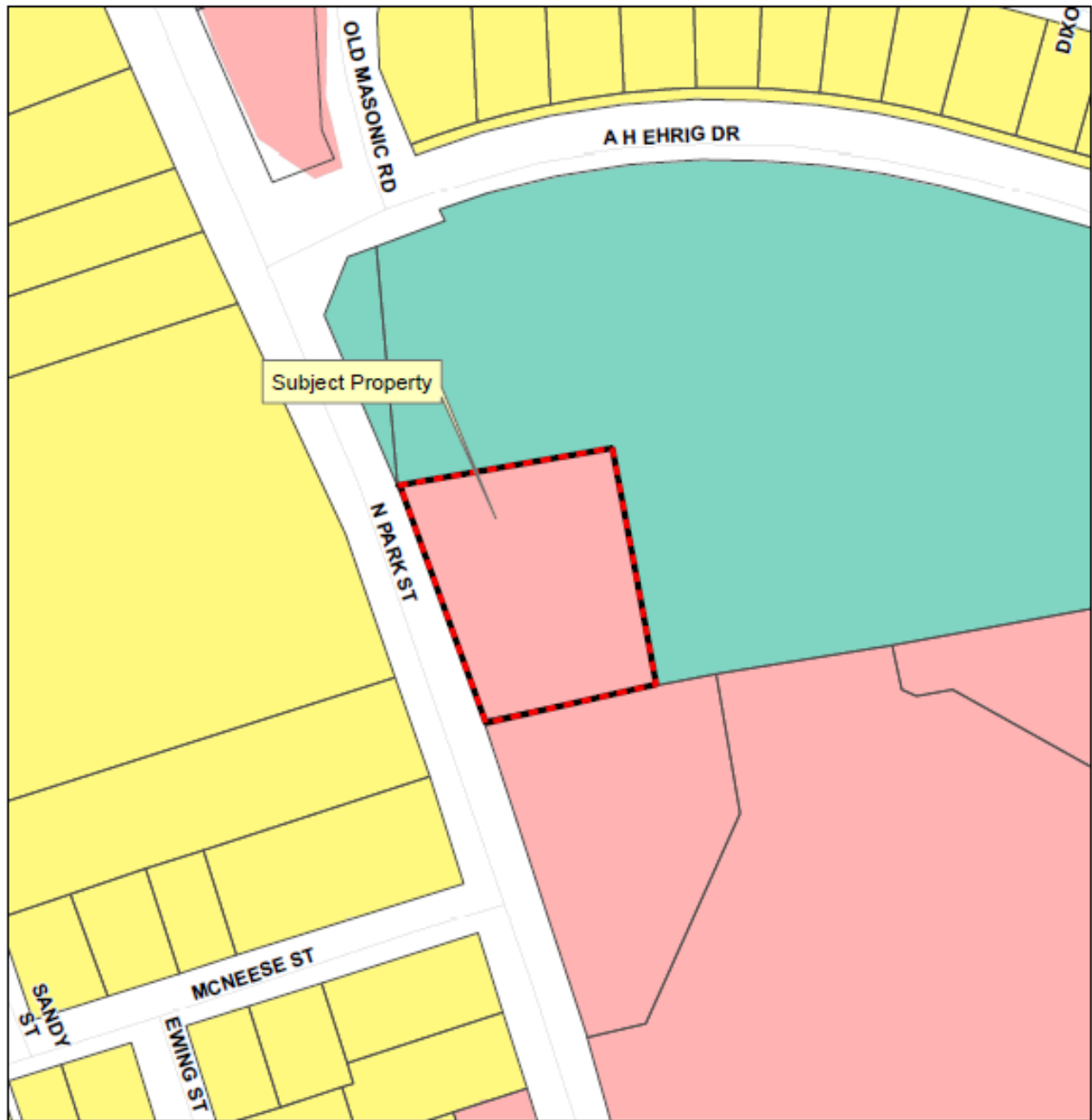
-  B1 Local Business Mixed
-  B2 Commercial Research and Technology
-  R1 Residential Single Family
-  R2 Mixed Residential



1 inch = 127 feet



EXHIBIT "C"
FUTURE LAND USE MAP



Future Land Use Plan
FLU_FINAL

- Park
- Single Family Residential
- Commercial

Future Land Use Map
1408 North Park Street
R-2 to B-2



1 inch = 127 feet



EXHIBIT "D"
ZONE CHANGE COVER LETTER

EXHIBIT "B"

1408 N. PARK ST., BRENHAM, TEXAS

PROPOSED ZONING CONSIDERATION FROM RESIDENTIAL TO ~~B1~~



The proposed property described on Exhibit "A" at the above address is currently zoned residential. This property is currently located between the Brenham High School North Park St. entrance and 1404 N. Park St. which is zoned B2. It would more beneficial for this property to be zoned ~~B1~~ ^{B2} as to be consistent with the properties on both sides of it. It will also add revenue to the City of Brenham for business growth. This would also give us the opportunity to expand our business in the future. Therefore, we request that this property be zoned ~~B1~~ ^{B2}.

EXHIBIT "E"
SITE PHOTOS



N. Park Street looking south.



N. Park Street looking north from Teen Challenge driveway.
Picture shows both vacant lots.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL 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 MIXED RESIDENTIAL DISTRICT (R-2) TO A COMMERCIAL, RESEARCH AND TECHNOLOGY DISTRICT (B-2) ON A 0.9903 ACRE TRACT OF LAND AS FURTHER DESCRIBED IN THIS ORDINANCE.

WHEREAS, the owner(s) of the 0.9903 acres of land generally located on the east side of N. Park Street, south of AH Ehrig Drive. and adjacent to the Hasskarl Tennis Court Center area to the north and east and addressed as 1408 N. Park Street, and being further described as P.&A. Hope Survey, A-62, in Brenham, Washington County, Texas, (the "Property"), have requested that the Property be rezoned; 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 Ordinance authorizes the City Council to grant zoning changes by adopting ordinances amending Appendix A for each individual permanent zoning change; 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 and Zoning Commission held a public hearing on the requested rezoning; and

WHEREAS, this amendment was recommended for approval by the City of Brenham Planning and Zoning Commission in its final report during its regular meeting on June 28, 2021; 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 rezoning and the City Council considered the final report of the Planning & Zoning Commission; and

WHEREAS, the City Council deems it appropriate to grant such proposed change in the zoning district classification of the Property;

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 IN THE FOLLOWING MANNER:

SECTION 1. That Appendix A - "Zoning" of the Code of Ordinances of the City of Brenham, Texas, and the Official Zoning Map of the City of Brenham are hereby amended by changing the zoning district classification from a Mixed Residential District (R-2) to a Commercial, Research and Technology District (B-2) on approximately 0.9903 acres of land addressed as 1408 N. Park Street, and further described as P.&A. Hope Survey, A-62, in Brenham, Washington County, Texas, said area of land being further described and depicted on Exhibit "A" attached hereto and incorporated herein for all pertinent purposes.

SECTION 2. 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 _____ day of July 2021.

PASSED and APPROVED on its second reading this the _____ day of July 2021.

Milton Y. Tate, Jr.
Mayor

ATTEST:

Jeana Bellinger, TRMC, CMC
City Secretary

Exhibit "A"



**Proposed Rezoning
1408 North Park Street
R-2 to B-2**



1 inch = 127 feet





Regular City Council
AGENDA ITEM 10.

Agenda Item: Public Hearing, Discussion and Possibly Act Upon an Ordinance on Its First Reading Amending the Planned Development District Ordinance No. O-20-028 Regarding Neighborhood Amenities and Improvements for Section II of the Lakes at Vintage Farms, Being Approximately 52.428 Acres of Land Being Located South and West of Dixie Road and Further Described as Tract 7 of the Phillip Coe Survey, A-31, in Brenham, Washington County, Texas (Case No. P-21-014)

Meeting Type: Regular Meeting-July 01, 2021

Department: Development Services

Staff Contact: Stephanie Doland

Classification: Public Hearing

SUMMARY STATEMENT:

The subject property is located generally south and west of Dixie Road and north of Muscadine Trail. The property is currently vacant land and was annexed into the City of Brenham city limits on May 21, 2020 and assigned the zoning distinction of Planned Development District. The subject tract is north of the existing Vintage Farms Subdivision which is currently under construction by Stylecraft Builders. The subject 52+ acres of land is also planned for additional Single-Family homes by Stylecraft Builders and the infrastructure for Phase 5 of the development is also currently under construction.

Stephen Grove, with Stylecraft Builders has submitted an application requesting to amend the existing PD zoning on the above described tract of land. The existing PD includes the amenity of a four acre retention pond (wet pond) to serve as an amenity pond for the Vintage Farms Subdivision. However, following the passage of the currently adopted PD it has been brought to Stylecraft's attention that a surface water permit shall be obtained from TCEQ to continue the use of the retention pond for "commercial use." The pond configuration was approved by the Texas Water Commission in 1985 and the pond was constructed under the agricultural use status. With the proposed change in use classification from agricultural to a residential subdivision development TCEQ no longer allows the pond to remain in the existing configuration without prior approval of a surface water permit. The surface water permit process and review timeline are between two and four years before a determination will be made. Stylecraft cannot risk denial of the TCEQ permit after the subdivision has been constructed, and as such are requesting to pursue a PD amendment and develop a deeper dry detention pond in place of the existing retention pond structure. Additionally, Stylecraft is proposing to build both active and passive park amenities in its place.

With the proposed PD amendment, the subject 52-acre tract of land will now include 13 acres of greenspace to include a deeper dry detention pond to hold storm water runoff and drainage capacity associated with the development of streets, sidewalks, public infrastructure, and all residential homes. Within the 13-acre dedicated greenspace Stylecraft proposes to include covered playground equipment, a pavilion, dog park, park benches, and walking trails all to be maintained by the HOA. For a complete list of revisions to the existing PD please refer to the enclosed Staff Report and exhibits which includes a redline version of the proposed PD amendments.

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 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 Liberty Village PD to include, among others; a central park, pedestrian and vehicular circulation, variety of compatible dwelling types for a range of needs, access to schools, appealing streetscapes, and setting-aside open-space to encourage leisure and healthful living.

Public comments concerning this proposed rezoning were received prior to the Planning and Zoning Commission meeting and are included in the enclosed Staff Report. The Planning and Zoning Commission will make a recommendation to Council concerning this PD Amendment during their meeting on Monday, June 29th, 2021. An update on the Commission recommendation will be provided prior to Council's action on the proposed Planned Development Amendment.

ATTACHMENTS:

- (1) Staff Report to the Planning and Zoning Commission
- (2) Ordinance for First Reading

RELEVANCE TO COMPREHENSIVE PLAN:

The proposed rezoning request would be in keeping with the 2040 Comprehensive Plan that encourages a quality neighborhood design with many of the “time-honored elements of what makes a neighborhood appealing and sustainable for the long term.”

RECOMMENDED ACTION:

Approve an Ordinance on its first reading amending the Planned Development District Ordinance No. O-20-028 regarding Neighborhood Amenities and Improvements for Section II of the Lakes at Vintage Farms, being approximately 52.428 acres of land being located south and west of Dixie Road and further described as Tract 7 of the Phillip Coe Survey, A-31, in Brenham, Washington County, Texas (Case No. P-21-014)



CASE NUMBER P-21-014

**ZONE CHANGE REQUEST – Amendment to the Planned Development District
Ordinance No. O-20-058 on 52.428 acres of land south and west of Dixie Road**

STAFF CONTACT: Stephanie Doland, Director of Development Services

OWNERS: Ranier & Son Development Company (**Stylecraft Builders**)

APPLICANT: Owner

ADDRESS/LOCATION: South and west of Dixie Road (Exhibit B).

LEGAL DESCRIPTION: Tract 7 of the Phillip Coe Survey, A-31

LOT AREA: Approximately 52.428 acres of land

ZONING DISTRICT/USE: Planned Development District / Vacant undeveloped land (Exhibit C)

FUTURE LAND USE: Single-Family Residential

REQUEST: A request to amend the Planned Development District Ordinance No. O-20-028 on 52.428 acres of land south and west of Dixie Road (Exhibit A).

BACKGROUND:

The subject property is located generally south and west of Dixie Road and north of Muscadine Trail. The property is currently vacant land and was annexed into the City of Brenham city limits on May 21, 2020 and assigned the zoning distinction of Planned Development District. The subject tract is north of the existing Vintage Farms Subdivision which is currently under construction by Stylecraft Builders. The subject 52+ acres of land is also planned for additional Single-Family homes by Stylecraft Builders and the infrastructure for Phase 5 of the development is also currently under construction.

Stephen Grove, with Stylecraft Builders has submitted an application requesting to amended the existing PD zoning on the above described tract of land. The existing PD includes the amenity of a four acre retention pond (wet pond) to serve as an amenity pond for the Vintage Farms Subdivision. However, following the passage of the currently adopted PD it has been brought to Stylecraft's attention that a surface water permit shall be obtained from TCEQ to continue the use of the retention pond for "commercial use." The pond configuration was approved by the Texas Water Commission in 1985 and the pond was constructed under the agricultural use status. With the proposed change in use classification from agricultural to a residential subdivision development TCEQ no longer allows the pond to remain in the existing configuration without prior approval of a surface water permit. The surface water permit process and review timeline are between two and four years before a determination will be made. Stylecraft cannot risk denial of the TCEQ permit after the subdivision has been constructed, and as such are requesting to pursue a PD amendment and develop a deeper dry detention pond in place of the existing retention pond structure. Additionally, Stylecraft is proposing to build both active and passive park amenities in its place.

With the proposed PD amendment, the subject 52-acre tract of land will now include 13 acres of greenspace to include a deeper dry detention pond to hold storm water runoff and drainage capacity associated with the development of streets, sidewalks, public infrastructure, and all residential homes. Within the 13-acre dedicated greenspace Stylecraft proposes to include covered playground equipment, a pavilion, dog park, park benches, and walking trails all to be maintained by the HOA. For a complete list of revisions to the existing PD please refer to Attachment A which includes a redline version of the proposed PD amendments.

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 currently located generally west of the intersection of State Highway 36 N and Dixie Road. Property located to the south is zoned Planned Development District and is

currently being developed with a Mixed-Use development, primarily the single-family residential subdivision known as Vintage Farms. Property to the east and across Dixie Road is developed and zoned with a mixture of uses, including rural residential along Dixie and industrial along SH 36 N. Stylecraft Builders intends to develop these 50+ acres of land with additional phases of single-family homes. The additional phases of Vintage Farms is proposed to be traditional single-family homes, whereas The Cove at Vintage Farms is planned to be developed with patio homes.

The proposed development plan deviates from the City of Brenham standard zoning by including a mixture of lot sizes including 35% of the subdivision at 7,000 square feet or greater (City standard) and the remainder at 6,600 square feet or greater. Current standards for the existing Vintage Farms Subdivision allow for all lots to be 6,600 square feet or greater. In this portion of the subdivision Stylecraft proposes reduced side building setbacks of 7.5-feet (15-foot standard) and a rear setback of 20-feet (25-foot standard). Stylecraft also proposes to include 60% masonry on all front facades.

The Cove portion of the proposed development plan is planned to be developed with a single cul-de-sac for construction of patio homes. Patio homes are sometimes referred to zero-lot line or garden style homes and are typically located on 4,000 square foot (smaller) lots and have a reduced setback. Stylecraft proposes the patio homes within this portion of the development be located on lots that are between 4,400 and 5,700 square feet. Homes within this portion of the development are planned to include 20% masonry on all front facades.

In exchange for the deviations to the City of Brenham subdivision standards, Stylecraft proposes amenities including a minimum of 2,800 linear feet of eight-foot wide concrete walking trails, sidewalks along both sides of the street and a 13-acre greenspace/public park to contain a covered playground, pavilion, dog park and detention pond to serve the 52-acre development.

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 policies by allowing a single-family home subdivision with a mixture of housing types at this location.

Furthermore, the proposed PD includes amenities and subdivision design characteristics that exceed the City's standard subdivision and zoning standards as recommended in Plan 2040. Plan 2040 includes an excerpt which highlights what neighborhood attributes contribute to a sustainable and attractive subdivision. The applicants are proposing to meet a majority of these guidelines by providing features such as, traffic calming measures, street scaping, a covered playground, pavilion, designated dog park, a regional walking trail and a design with equal importance to pedestrian and vehicular traffic. 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, gas and sanitary sewer along Dixie Road as well as access to additional services within the existing Vintage Farms Subdivision. Stylecraft is currently working on extending services along Dixie Road to serve the development. The 52+ acres are within the Bluebonnet electric service area and the applicant has been in contact with this provider for extension of services.

- (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 June 17, 2021. The Notice of Public Hearing was published in the Brenham Banner on June 15, 2021. 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 and R-2 shall apply to the subject tract. The Vintage Farms Subdivision plan includes development of a 13-acre park with multi-use trails, a covered playground, pavilion, and dog park to account for a 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 a 13-acre park, and regional concrete trails. While smaller than normal lot sizes are proposed, the aforementioned amenities meet the intent of the ordinance in terms of preserving open spaces within the development.

Additionally, the applicant proposes landscaping on each platted lot and throughout the development. Each lot within the subdivision shall be fully sodded and have either one canopy tree or two ornamental trees to contribute to an aesthetic street scape. Similar to Vintage Farms, Stylecraft plans to include a wooden fence with masonry columns along Dixie Street and landscaping throughout the development in common areas and along rights-of-way. The City's development standards do not require the aforementioned fence or landscaping standards for residential development and staff finds that these offerings (and the additional proposed standards) will ensure the long-term viability of the subdivision. In summary, staff finds that the proposed PD, 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, Dixie Road and Vintage Farms Subdivision. 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. The subject property is adjacent to a local street and therefore not located in an area where commercial development is likely to develop. The nearest land currently available for Commercial development is located southeast of the subject tract immediately adjacent to SH 36 N and planned for Commercial Development with the original Vintage Farms PD.

- (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 under construction for the development of additional single-family homes. 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 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 land uses, including Dixie Street, rural residential and industrial uses. The proposed PD includes the underlying R-1 and R-2 zoning district standards and does not deviate from building height, drainage, access, or impervious coverage requirements. As mentioned above, the smaller than standard lot sizes and reduced setbacks proposed are mitigated by the 13-acre park and trail system 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.

There are no foreseen unfavorable effects or impacts on the area.

- (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 existing Vintage Farms Subdivision and the attached conceptual plan shows connection between the two phases of construction. The existing subdivision currently has two access points to SH 36 N, one direct access and one access point through Vintage Farms Way (Trellis Pass). Trellis Pass at the connection between Phases 1 and 5 will include two four-way stops within a 300' block face. The four-way stops will slow traffic and will mitigate against cut-through traffic. State Highway 36 is a freeway that is capable of handling large volumes of traffic and will serve as the primary route for traffic into and out of the subdivision. In addition to connection to the existing subdivision, Stylecraft intends to construct a primary entrance along Dixie Road across from Confederate Lane.

A feature of quality neighborhood design listed in Plan 2040 includes placing equal importance on vehicular and pedestrian traffic. The proposed subdivision layout includes mindful block lengths and pedestrian crosswalks in an effort to increase pedestrian safety within the subdivision, specifically to connect homes to the regional trail system and park amenities. Staff finds the proposed PD accounts for the safety and convenience 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.

Stylecraft has provided the City of Brenham with a complete drainage analysis and report for the proposed 52-acre tract of land. The stormwater modeling conducted for the development was reviewed by the City's engineering consultant, Strand Associates. The stormwater modeling and proposed drainage plans were conducted by a licensed Professional Engineer and further are reviewed by a licensed Professional Engineer. City staff in conjunction with Strand Associates has evaluated the proposed drainage and detention plans to include stormwater runoff calculations, designs and best practices. Should the proposed PD amendment be approved, Stylecraft's project engineers shall resubmit civil engineer plans for any changes to the proposed detention and drainage plans including the removal of the existing wet retention pond for the redesign and reconfiguration as a dry detention pond. Upon submittal, City Staff combined with Strand Associates will once again review the proposed plans for adherence with adopted stormwater and detention requirements.

- (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 new single-family development, an increase in traffic is expected around the subject property. The developer has provided the City with a Traffic Impact Analysis showing the vehicle trips generated with the proposed expansion. Furthermore, the proposed street design throughout the subdivision is designed with traffic calming measures such as, road alignment and curvature, four-way stops and enhanced pedestrian crosswalks. While increased traffic around and through the development is expected, staff finds the street design and connections account for the expected increase such that adverse impacts are mitigated. Additional consideration for the eventual widening of Dixie Road is needed and as such the proposed PD amendment includes additional right-of-way dedication by Stylecraft for the widening and improvement of Dixie Rd adjacent to 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 Vintage Farms homeowners and City of Brenham residents in general.

Staff recommends approval of the proposed amendment to the Planned Development District (PD) zoning designation on the 52.428-acre tract known as the Lakes of Vintage Farms Planned Development.

EXHIBITS:

- A. Existing Redlined Planned Development District and Exhibits
- B. Aerial Map
- C. Zoning Map
- D. Future Land Use Map
- E. Site Photos
- F. Citizen Comments

EXHIBIT "A"

Existing Redlined Planned Development District and Exhibits

SECTION I.

PURPOSE AND INTENT. ~~The Lakes at Vintage Farms~~ This Planned Development District (~~"The Lakes PD"~~) which will contain Vintage Farms Phases 5 – 8 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 of Brenham and the Developer with alternative standards set forth by the City for their mutual benefit. ~~The Lakes PD~~ This PD is intended to add this approximately 52.428 acre tract of land to the existing Vintage Farms Subdivision ("Vintage Farms") development by incorporating the existing design and feel of Vintage Farms while providing new elements which will ~~differentiate The Lakes at Vintage Farms as unique~~ enhance the overall livability and enjoyment. Additionally, ~~The Lakes PD~~ this PD looks to improve property utilization by facilitating the highest and best uses, provide quality cost-efficient housing, strengthen the area economy, and enhance the general welfare of the surrounding community. ~~The Lakes PD~~ It 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 Lakes~~ this addition at to Vintage Farms shall include public amenities such as, but not limited to, sidewalks, landscaping, and parkland which exceed City of Brenham subdivision standards and are intended to provide a valuable product for the Brenham community. ~~The Lakes PD~~ It With this Ordinance shall allow only single-family residential uses as described herein shall be permitted on the approximately 52.428 acres of land out of the Phillip Coe Survey, being generally west of Dixie Road and State Highway 36 (Concept Plan - Exhibit A).

SECTION II.

LAND USE AND PHYSICAL DEVELOPMENT.

~~The Lakes at Vintage Farms by Stylecraft Builders will~~ This addition to the community will ~~be~~ shall be managed and maintained by the ~~existing~~ expanded Vintage Farms Homeowners Association ("HOA") to include all single-family residents of Vintage Farms Subdivision. ~~but shall be subject to a separate Declaration of Covenants, Conditions and Restrictions from the current Declaration pertaining to Vintage Farms.~~ Nothing herein shall modify or amend the existing ordinances or Declaration applicable to Vintage Farms.

- A. No floor plan shall be repeated on the lot directly across the street, diagonally across the street, or within two (2) lots on either side of the subject lot.
- B. Minimum square footage of each home shall be 1,200 square feet exclusive of garages, porches, patios, and areas of the home that are not conditioned space (heat/AC). This square footage minimum matches the existing restrictions in Vintage Farms.
- C. Each single-family dwelling shall include, at a minimum, a two-car private, enclosed garage.
- D. Each home in Planning Area 1 (Exhibit A) shall have a minimum of 60% masonry on its front face exclusive of windows, doors, eaves, gables, trim work, walls above roof lines, and entryways/porches/patios.

- E. Each home in Planning Area 2 (Exhibit A) shall have a minimum of 20% masonry on its front face exclusive of windows, doors, eaves, gables, trim work, walls above roof lines, and entryways/porches/patios.
- F. The required minimum right-of-way shall be a 55-foot wide publicly dedicated right-of-way with 30-foot wide pavement, measured back-of-curb to back-of-curb.
- G. A minimum of 4,500 linear feet of five foot (5') wide concrete sidewalks and concrete trails shall be constructed within the residential area, and a minimum of 2,800 linear feet of eight foot (8') wide concrete sidewalks shall be constructed in the greenspace/common areas. The Developer shall provide:
 - a. Minimum of 4,500 linear feet of five foot (5') wide concrete sidewalks on one side of the streets, which shall correspond with the same look and feel of the design and layout of Vintage Farms.
 - b. Minimum of 2,800 linear feet of eight foot (8') wide concrete trails within the greenspace ~~around the lakes~~ and common areas throughout the development to be consistent with the trail system of Vintage Farms. The final location of the trail system may differ from what is shown on Exhibit A because the exact location and design shall be determined by the ~~topography and~~ topography and location of preserved trees, if any are able to remain.
 - c. Pedestrian connectivity to the existing phase of Vintage Farms sidewalks and trails, as shown on Exhibit A.
 - d. Five (5) pedestrian access points connecting the greenspace trails to the neighborhood sidewalk system.
- H. Landscape/Fencing
 - a. Perimeter fencing shall be installed along Dixie Road, and shall be stained, capped, and trimmed wooden privacy fence with steel posts to match the existing perimeter fence in Vintage Farms, Phase 1. This fencing will be maintained by the HOA.
 - b. Ten (10) masonry columns shall be installed in the perimeter fencing installed along Dixie Road, and shall be maintained by the HOA.
 - c. Each lot shall be landscaped and irrigated, at a minimum, with fully sodded in ~~the front~~ yard.
 - d. Single-family residential lots shall have at least one (1) two-inch (2") or larger caliper (measured six inches (6") above the tree base) canopy or shade tree or two (2) non-canopy ornamental trees, as well as a minimum of five (5) one-gallon shrubs, planted in the front yard of the residence prior to the Certificate of Occupancy being issued by the City.
 - e. Community Trees - Prior to the first Certificate of Occupancy being issued by the City for each phase of the development, community trees shall be planted throughout the development at a ratio of at least one-half (1/2) of the total number of lots in each phase as reflected on the final plat. Required trees shall be planted in common areas, greenspace, along trails and sidewalks and other areas viewable to the public. Fifty percent (50%) of the required trees shall be canopy trees measuring at least six feet (6') tall and two inches (2") in caliper when measured six inches (6") from the ground.
 - f. Preservation of trees – In accordance with Appendix A - Zoning, Part II, Division 1, Section 12.05 (3) of the City of Brenham Code of Ordinances, developer shall receive credit for each existing tree that is preserved towards

the number of community trees that are required by Section II (h)(e) herein above.

I. Greenspace

- a. Developer shall reserve a minimum of fifteen (135) acres of greenspace and common area for neighborhood use, ~~including four (4) acres of lakes~~, all of which shall be maintained by the HOA.
- ~~a.b.~~ Developer shall provide a covered playground equipment facilities with at least five (5) play elements, park benches, and associated landscaping all of which shall be maintained by the HOA.
- c. Developer shall provide at minimum a 400 square foot pavilion and two picnic tables in the greenspace/park area with the location and size to be determined based on topography, ~~location of preserved trees~~, and final design of trail system. Pavilion and associated landscaping shall be maintained by the HOA
- d. Developer shall provide a minimum 4,000 square foot, fenced dog park which shall include at least one of each of the following: play elements, a park bench, a trash can, and associated landscaping all of which shall be maintained by the HOA. Placement of the dog park shall be the maximum distance away from adjacent residential property lines as feasible to provide an adequate buffer between the dog park and residential dwelling unit.
- ~~b.e.~~ Developer shall install signage ~~around the lakes in the greenspace~~ with posted rules and warnings regarding usage and safety. Signage shall establish park hours of operation. This signage shall be maintained and updated by the HOA.

J. Right-of-Way Dedication

- a. At the time of a road widening project conducted by the City of Brenham, the developer shall dedicate additional right-of-way for Dixie Road widening and general road improvements in accordance with the City's adopted Major Thoroughfare Plan.

SECTION III.

SUBDIVISION OF LAND. The development of land within ~~The Lakes at Vintage Farms~~ this the subject 52-acre tract includes two different single-family dwelling products. Dwellings located in Planning Area 1 (Exhibit A) shall comply with the development standards applicable to properties in a Single-Family Residential (R-1) zoning district, and dwellings located in Planning Area 2 (Exhibit A) shall comply with the development standards applicable to properties in a Mixed Residential (R-2) zoning district, except as follows:

- A. Planning Area 1 - ~~The Lakes at Vintage Farms~~ Vintage Farms Phases 5-7 – Single-Family Residential Detached Homes
 - a. 100% of the lots shall be a minimum of 6,600 square feet
 - b. 35% of the lots shall be a minimum of 7,000 square feet
 - c. Minimum lot width shall be 55 feet except for radial lots which shall be a minimum 50 feet measured at the front setback.
 - d. Minimum lot depth shall be 120 feet (determined by the average of the two side lot lines) except for radial lots which shall have an average minimum lot depth of 110 feet.
 - e. Front yards shall be setback a minimum of 25 feet as per current City development requirements.
 - f. Side yards shall be setback a minimum of 7.5 feet unless adjacent to a side street in which case the minimum shall be 15 feet.

- g. Rear yards shall be setback a minimum of 20 feet
- B. Planning Area 2 - The Cove at Vintage Farms – Patio Homes
 - a. 100% of the lots shall be a minimum of 4,400 square feet
 - b. 30% of the lots shall be a minimum of 5,700 square feet
 - c. Minimum lot width shall be 40 feet
 - d. Minimum lot depth shall be 120 feet (determined by the average of the two side lot lines). Three lots shall be permitted to have a minimum lot depth of 100 feet, as established in current City development requirements.
 - e. Front yards shall be setback a minimum of 20 feet
 - f. Side yards shall be setback a minimum of 5 feet unless adjacent to a side street in which case the minimum shall be 15 feet. Distances between adjacent patio homes shall not be less than 10 feet. Lots adjacent to common areas shall maintain the 5-foot side setback.
 - g. Rear yards shall be setback a minimum of 15 feet

AERIAL MAP



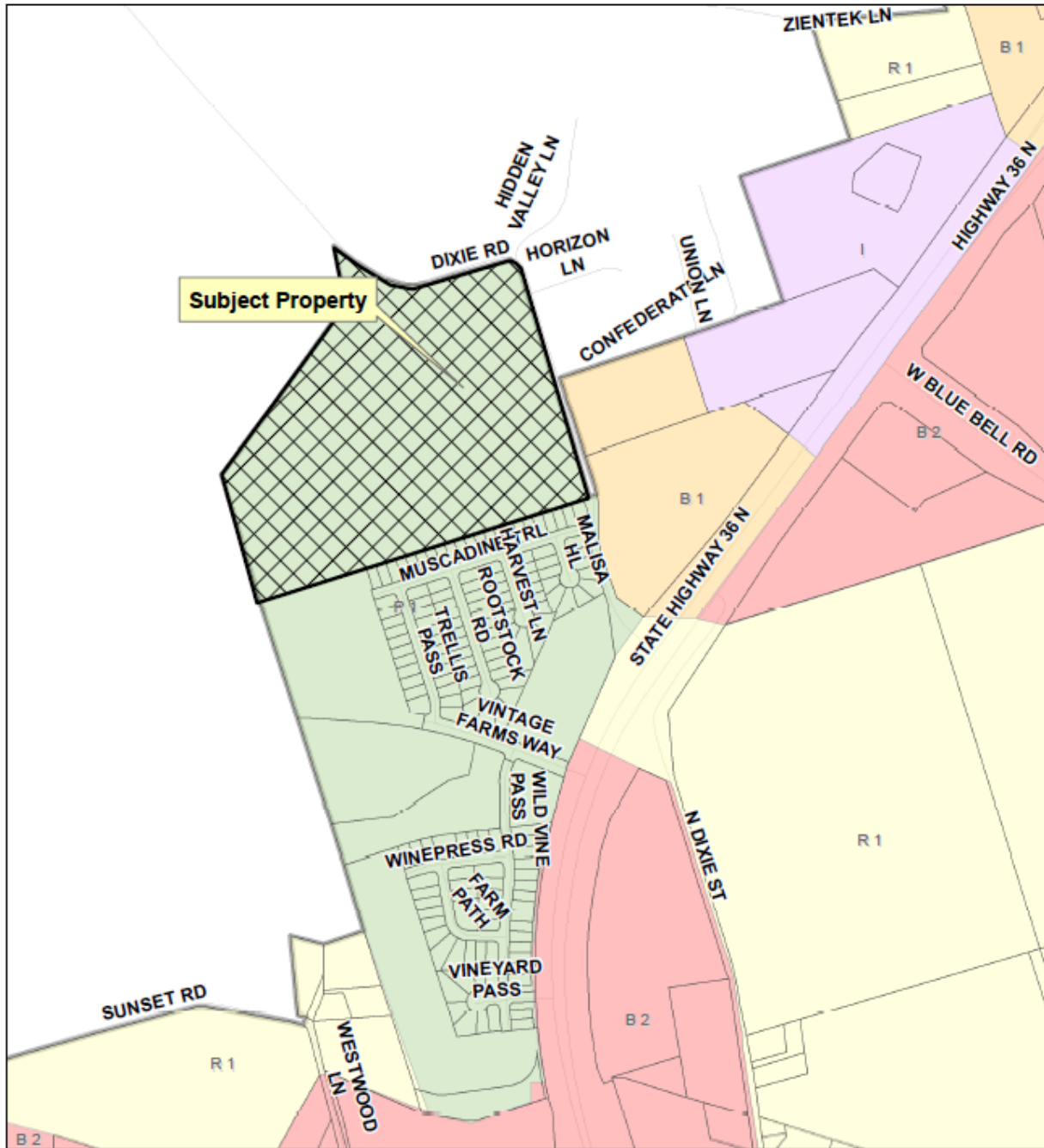
Aerial Map The Lakes at Vintage Farms



-  City Parcels
-  City Roads
-  City Limits



EXHIBIT "C" ZONING MAP



The Lakes at Vintage Farms

- | | | |
|---------------------------------------|--|----------------------------------|
| City Parcels | B4 Neighborhood Business District | R1 Residential Single Family |
| B1 Local Business Mixed | Downtown Business/Residential Overlay District | R2 Mixed Residential |
| B2 Commercial Research and Technology | I Industrial | R3 Manufactured Home Residential |
| B3 Historical and Central Business | P1 Planned Development | City Roads |
| | | City Limits |



1 inch = 722 feet



EXHIBIT "D"
FUTURE LAND USE MAP



Legend

City Limits	Multi-Family Residential
Future Land Use Plan	Mixed Use Blinn Adjacent
FLU_FINAL	Mixed Use Downtown Adjacent
Rural	Corridor Mixed Use
Open Space	Planned Development
Park	Downtown
Estate Residential	Local Public Facilities
Single Family Residential	Commercial
Manufactured Homes	Industrial

Future Land Use Map



1 inch = 568 feet



EXHIBIT "E"



View from Dixie Road – Vintage Farms Subdivision in Background



Subject Property facing west from Dixie Road

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-21-014

P.O. Box 1059

Brenham, Texas 77834-1059

Name:

(please print)

Address:

James & Gloria Peterson

2032 Muscadine Trail

Brenham, TX 77833

Signature:

Date:

Gloria Peterson

James Peterson, E.D.

I am FOR the requested REZONING REQUEST as explained on the attached public notice for P&Z Case P-21-014. (Please state reasons below)

I am AGAINST the requested REZONING REQUEST as explained on the attached public notice for P&Z Case P-21-014. (Please state reasons below)

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

Monday, June 28, 2021, 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, July 1, 2021, 1:00 PM

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

200 West Vulcan Street, Brenham, Texas 77833

COMMENTS/REASONS:

See attached envelope for
list of concerns.

You may also submit comments via email to khodde@cityofbrenham.org. Please reference the case number in the subject line.
For questions regarding this proposal, please call the Development Services Department at (979) 337-7220.

**PERSONAL CONCERNS AND RECOMMENDATIONS—FOR VINTAGE FARMS
SUBDIVISION—BRENHAM, TX**

**RESIDENTS: DR. AND MRS. JAMES PETERSON
2032 MUSCADINE TRAIL**

DATE: JUNE 22, 2021

SPEEDING

It has become a critical concern! MUSCADINE is a straight path to reach Dixie Rd. once a vehicle has turned onto it from Trellis Pass. Our street has become a race track for some. Incredible speeds are reached in that short distance (3 lots—165'); young drivers and motorcyclists are the largest culprits. Those with dual exhausts find a strange satisfaction in the noise they can create! This route is being used as a shortcut by residents beyond the Dixie Rd. area.

CONGESTION

It has become a serious issue all times of day and night, particularly from about 7:00 A.M. to 7:00 P.M. Our home is the third lot (address 2032) after turning from Trellis Pass; therefore, we are serving as a funnel to the problem. There is a STOP sign on Trellis Pass, but it is basically ignored. Drivers make a safety decision immediately in the growing maze. The house 1 lot down (2034) normally has 1-2 vehicles parked in the street (often times 1 is immobile). Across from us is the large cluster mailbox where people park to get their mail; due to the danger we have noticed some are parking in front our home to cross the street to the boxes. They must feel it is safer. "Will I squeeze through the now-forced 1-lane street with traffic in both lanes?" It is now a board game!

To add to the quagmire is the construction of the The Cove and Phase 5 behind us. Vehicles which are connected to these developments are consistently using us as a thoroughfare. And it has just begun!!!

ENTRANCES AND EXITS FROM DIXIE RD. FOR PHASES 5—8

The residential entrance to Phase 5 will be from Dixie across from Confederate Rd. The other one will be in Phase 8 which is likely to be some time in the far future. Therefore; construction vehicles and materials for Phase 5 might have the entrance and exit designed in the future to use the Confederate Rd. intersection. But, when?

If we lived in any of the additions, we certainly wouldn't use Dixie Rd. due to its physical condition and safety. Our choices would be the main road into Vintage Farms, Trellis Pass or MUSCADINE TRAIL! If I we lived in The Cove, we would use the same routes. Who is responsible for all the damage that is occurring to our streets?

PEDESTRIAN CROSSWALKS

As common sense tells us, all intersections should be painted with designated paths directly on the streets.

STREET SIGNS

Street signs should be installed along the curbs indicating the population's need for safety: young children playing; school bus stops; 40% of the residents are retired and have special needs (wheelchairs, canes, vision and hearing impaired, and other handicapping conditions). Cluster mailboxes certainly are an issue!

STOP SIGNS

STOP signs should be installed at all corners (3 or 4)! And, enforced!!!

DOG PARK

A resident of our Phase 1 was told that Phase 5 was going to have a "dog park" near the entrance at Trellis Pass and MUSCADINE. This would cause concerns for several reasons: traffic congestion for those wanting to utilize the facility, odors and health issues.

We are sure other concerns will be created as this area is developing rather quickly!

James Peterson, Ed.D.

Gloria Peterson

Kim Hodde

From: James Kowis <james.kowis@gmail.com>
Sent: Thursday, June 24, 2021 8:59 AM
To: Kim Hodde
Cc: Stephanie Doland
Subject: Case Numbers P-21-012 and P-21-014; Ranier and Son Development

We live at 2028 Muscadine Trail in Vintage Farms, Phase I and our lot abuts Phase V of the Vintage Farms Planned Development District which is currently under construction.

We are not opposed to the development; however, we have several comments/questions/concerns related to the matters before you that we think need to be addressed.

First: Through Traffic

Our greatest concern is that many people who are north bound on Dixie Road use Vintage Farms as a cut-through (northbound on Highway 36, left on Vintage Farms Way, right on Trellis Pass, right on Muscadine Trail then left on Dixie Road) to avoid the stop light at Blue Bell Road (FM 577) and Highway 36. The streets in our neighborhood were not built as arterial streets. We have enough traffic on Muscadine from neighborhood residents who want to go north on Highway 36 due to the awkward and dangerous nature of making a U-turn at Highways 290 and 36. This will only get worse with the proposed construction to redo that interchange.

The volume of drivers cutting through the neighborhood is astounding. We have observed 10-20 vehicles an hour. During morning and evening rush hours even more. We have observed, almost daily, these cut-thru motorists driving very aggressively through the neighborhood. We have observed these drivers passing other drivers on Muscadine on several occasions with a road rage attitude toward the drivers that they passed. The only stop sign in Phase I is the one at Trellis Pass and Muscadine Trail, however, we have observed many drivers do not stop. This reckless attitude in a residential neighborhood is our concern, especially since our neighborhood has many young children and toddlers who live along this route and routinely play outside in or along the streets. This route also has the school bus stops, mail kiosks and a lady in a wheelchair lives on Muscadine.

Our overall concern is that these drivers want to avoid the red light at Highway 36 and Blue Bell Road and are using a residential neighborhood as a quicker way to get home. We expect that this will continue as a problem in Phase V-VIII of the Vintage Farms development.

Can the developer or the City put up "NO THRU TRAFFIC" signs in Phase I and Phase V and can it be enforced such that this type of traffic issue can be dealt with? Could additional stop signs be put up at the major intersections in the neighborhoods (Phase I and Phase V) to slow the through traffic down? Lastly, can the police come out on a routine basis and set up and catch some of these aggressive drivers? Is a gated community even possible?

Second: Construction Traffic

We saw in the notice of public hearing that Phase V will have an entrance on Dixie Road. Is there any way that construction vehicles could start using that entrance rather than the streets in Phase I of Vintage Farms now

that Phase I is almost completely built out? We are starting to see the wear and tear on the main streets in Phase I.

Third: Park Area

In the proposed concept plan submitted, there is reference to a dog park being developed in a later phase of the development. We are opposed to a dog park being located in the neighborhood. Traffic, parking, and noise are our major concerns with a dog park being built. Will the proposed park and walking trails be limited to residents or will they be open to the public?

Fourth: Crosswalks

We have noticed on our walks in the existing neighborhood that some crosswalks are marked in Phase II of the development, but other crosswalks in Phases I and II are not marked. Shouldn't all crosswalks be appropriately marked?

Fifth: Drainage

Is the proposed detention pond appropriately sized for the increased rate and volume of flow due to the increased non-pervious cover being added by the new homes in the new phases of the development and the silt loading due to construction? During the most recent rains, water from this drainage area overflowed Dixie Road below the detention pond. What is or will be done to alleviate that hazard?

In the original proposed development plans, there were two lakes shown. Why was the upstream lake removed, and the downstream lake now shown as a detention pond? Will the detention pond retain or store any water after a rainfall event, or will it completely be completely drained?

Please confirm that there will be no drainage from the lots along the south side of Lake Ridge Drive onto the lots along the north side of Muscadine Trail? If so, what is the remedy if such drainage does come onto the Muscadine Trail lots?

Thank you for your consideration of our concerns,

James and Dabney Kowis
2028 Muscadine Trail
512-656-3416
512-217-0532

Email: james.kowis@gmail.com

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF BRENHAM, TEXAS, AMENDING APPENDIX A - "ZONING" OF THE CODE OF ORDINANCES BY AMENDING PLANNED DEVELOPMENT DISTRICT ORDINANCE NO. O-20-028 REGARDING NEIGHBORHOOD AMENITIES AND IMPROVEMENTS FOR SECTION II OF THE LAKES AT VINTAGE FARMS, BEING APPROXIMATELY 52.428 ACRES OF LAND LOCATED SOUTH AND WEST OF DIXIE ROAD, BEING FURTHER DESCRIBED AS TRACT 7 OF THE PHILLIP COE SURVEY, A-31, IN BRENHAM, WASHINGTON COUNTY, TEXAS PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the 52.428 acres of land generally located south and west of Dixie Road, being further described as Tract 7 of the Phillip Coe Survey, A-31, in Brenham, Washington County, Texas, (the "Property"), was annexed into the City of Brenham and assigned the zoning classification of Planned Development District; and

WHEREAS, at least ten (10) 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 amend Planned Development District Ordinance No. O-20-028; and

WHEREAS, the Planning & Zoning Commission recommended on June 29, 2021 that City Council grant such request to amend Planned Development District Ordinance No. O-20-028; and

WHEREAS, the City Council deems it appropriate to amend Planned Development District Ordinance No. O-20-028;

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, BE AMENDED AS FOLLOWS:

That Appendix A - "Zoning" of the Code of Ordinances of the City of Brenham, Texas, is hereby amended by amending Planned Development (PD) District Ordinance No. O-20-028 regarding neighborhood amenities and improvements for Section II of The Lakes at Vintage Farms, said District being approximately 52.428 acres of land generally located south and west of Dixie Road, being further described as Tract 7 of the Phillip Coe Survey, A-31, in Brenham, Washington County, Texas, said area of land being further described and depicted in Exhibits "A" and "B" attached hereto and incorporated herein for all purposes.

SECTION I.

PURPOSE AND INTENT. This Planned Development District PD which will contain Vintage Farms Phases 5 – 8 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 of Brenham and the Developer with alternative standards set forth by the City for their mutual benefit. This PD is intended to add this approximately 52.428acre tract of land to the existing Vintage Farms Subdivision (“Vintage Farms”) development by incorporating the existing design and feel of Vintage Farms while providing new elements which will enhance the development’s overall livability and enjoyment. Additionally, this PD looks to improve property utilization by facilitating the highest and best uses, provide quality cost-efficient housing, strengthen the area economy, and enhance the general welfare of the surrounding community. It 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, this addition to Vintage Farms shall include public amenities such as, but not limited to, sidewalks, landscaping, and parkland which exceed City of Brenham subdivision standards and are intended to provide a valuable product for the Brenham community. Only single-family residential uses as described herein shall be permitted on the approximately 52.428 acres of land out of the Phillip Coe Survey, being generally west of Dixie Road and State Highway 36 (Concept Plan - Exhibit A).

SECTION II.

LAND USE AND PHYSICAL DEVELOPMENT.

This addition to the community shall be managed and maintained by the expanded Vintage Farms Homeowners Association (“HOA”) to include all single-family residents of Vintage Farms Subdivision and shall be made subject to the same Declaration of Covenants, Conditions and Restrictions applicable to and governing Vintage Farms. Nothing herein shall modify or amend the existing ordinances or Declaration applicable to Vintage Farms.

- A. No floor plan shall be repeated on the lot directly across the street, diagonally across the street, or within two (2) lots on either side of the subject lot.
- B. Minimum square footage of each home shall be 1,200 square feet exclusive of garages, porches, patios and areas of the home that are not conditioned space (heat/AC). This square footage minimum matches the existing restrictions in Vintage Farms.
- C. Each single-family dwelling shall include, at a minimum, a two-car private, enclosed garage.
- D. Each home in Planning Area 1 (Exhibit A) shall have a minimum of 60% masonry on its front face exclusive of windows, doors, eaves, gables, trim work, walls above roof lines, and entryways/porches/patios.
- E. Each home in Planning Area 2 (Exhibit A) shall have a minimum of 20% masonry on its front face exclusive of windows, doors, eaves, gables, trim work, walls above roof lines, and entryways/porches/patios.

- F. The required minimum right-of-way shall be a 55-foot wide publicly dedicated right-of-way with 30-foot-wide pavement, measured back-of-curb to back-of-curb.
- G. A minimum of 4,500 linear feet of five foot (5') wide concrete sidewalks and concrete trails shall be constructed within the residential area, and a minimum of 2,800 linear feet of eight foot (8') wide concrete sidewalks shall be constructed in the greenspace/common areas. The Developer shall provide:
 - a. Minimum of 4,500 linear feet of five foot (5') wide concrete sidewalks on one side of the streets, which shall correspond with the same look and feel of the design and layout of Vintage Farms.
 - b. Minimum of 2,800 linear feet of eight foot (8') wide concrete trails within the greenspace and common areas throughout the development to be consistent with the trail system of Vintage Farms. The final location of the trail system may differ from what is shown on Exhibit A because the exact location and design shall be determined by the topography and location of preserved trees, if any are able to remain.
 - c. Pedestrian connectivity to the existing phase of Vintage Farms sidewalks and trails, as shown on Exhibit A.
 - d. Five (5) pedestrian access points connecting the greenspace trails to the neighborhood sidewalk system.
- H. Landscape/Fencing
 - a. Perimeter fencing shall be installed along Dixie Road, and shall be stained, capped and trimmed wooden privacy fence with steel posts to match the existing perimeter fence in Vintage Farms, Phase 1. This fencing will be maintained by the HOA.
 - b. Ten (10) masonry columns shall be installed in the perimeter fencing installed along Dixie Road, and shall be maintained by the HOA.
 - c. Each lot shall be landscaped and irrigated, at a minimum, with fully sodded yard.
 - d. Single-family residential lots shall have at least one (1) two-inch (2") or larger caliper (measured six inches (6") above the tree base) canopy or shade tree or two (2) non-canopy ornamental trees, as well as a minimum of five (5) one-gallon shrubs, planted in the front yard of the residence prior to the Certificate of Occupancy being issued by the City.
 - e. Community Trees - Prior to the first Certificate of Occupancy being issued by the City for each phase of the development, community trees shall be planted throughout the development at a ratio of at least one-half (1/2) of the total number of lots in each phase as reflected on the final plat. Required trees shall be planted in common areas, greenspace, along trails and sidewalks and other areas viewable to the public. Fifty percent (50%) of the required trees shall be canopy trees measuring at least six feet (6') tall and two inches (2") in caliper when measured six inches (6") from the ground.
 - f. Preservation of trees – In accordance with Appendix A - Zoning, Part II, Division 1, Section 12.05 (3) of the City of Brenham Code of Ordinances, developer shall receive credit for each existing tree that is preserved towards the number of community trees that are required by Section II (h)(e) herein above.

I. Greenspace

- a. Developer shall reserve a minimum of thirteen (13) acres of greenspace and common area for neighborhood use, all of which shall be maintained by the HOA.
- b. Developer shall provide covered playground equipment facilities with at least five (5) play elements, park benches, and associated landscaping all of which shall be maintained by the HOA.
- c. Developer shall provide at minimum a 400 square foot pavilion and two (2) picnic tables in the greenspace/park area with the location and size to be determined based on topography, and final design of trail system. Pavilion and associated landscaping shall be maintained by the HOA
- d. Developer shall provide a minimum 4,000 square foot, fenced dog park which shall include at least one (1) of each of the following: play elements, a park bench, a trash can and associated landscaping all of which shall be maintained by the HOA. Placement of the dog park shall be the maximum distance away from adjacent residential property lines as feasible to provide an adequate buffer between the dog park and residential dwelling units.
- e. Developer shall install signage in the greenspace with posted rules and warnings regarding usage and safety. Signage shall establish park hours of operation. This signage shall be maintained and updated by the HOA.

J. Right-of-Way Dedication

- a. At the time of a road widening project conducted by the City of Brenham, the developer shall dedicate additional right-of-way for Dixie Road widening and general road improvements in accordance with the City's adopted Major Thoroughfare Plan.

SECTION III.

SUBDIVISION OF LAND. The development of land within this PD includes two (2) different single-family dwelling products. Dwellings located in Planning Area 1 (Exhibit A) shall comply with the development standards applicable to properties in a Single-Family Residential (R-1) zoning district, and dwellings located in Planning Area 2 (Exhibit A) shall comply with the development standards applicable to properties in a Mixed Residential (R-2) zoning district, except as follows:

A. Planning Area 1 - Vintage Farms Phases 5-7 – Single-Family Residential Detached Homes

- a. 100% of the lots shall be a minimum of 6,600 square feet
- b. 35% of the lots shall be a minimum of 7,000 square feet
- c. Minimum lot width shall be 55 feet except for radial lots which shall be a minimum 50 feet measured at the front setback.
- d. Minimum lot depth shall be 120 feet (determined by the average of the two side lot lines) except for radial lots which shall have an average minimum lot depth of 110 feet.
- e. Front yards shall be setback a minimum of 25 feet as per current City development requirements.

- f. Side yards shall be setback a minimum of 7.5 feet unless adjacent to a side street in which case the minimum shall be 15 feet.
 - g. Rear yards shall be setback a minimum of 20 feet
- B. Planning Area 2 - The Cove at Vintage Farms – Patio Homes
- a. 100% of the lots shall be a minimum of 4,400 square feet
 - b. 30% of the lots shall be a minimum of 5,700 square feet
 - c. Minimum lot width shall be 40 feet
 - d. Minimum lot depth shall be 120 feet (determined by the average of the two side lot lines). Three lots shall be permitted to have a minimum lot depth of 100 feet, as established in current City development requirements.
 - e. Front yards shall be setback a minimum of 20 feet
 - f. Side yards shall be setback a minimum of 5 feet unless adjacent to a side street in which case the minimum shall be 15 feet. Distances between adjacent patio homes shall not be less than 10 feet. Lots adjacent to common areas shall maintain the 5 foot side setback.
 - g. Rear yards shall be setback a minimum of 15 feet

SECTION IV.

All provisions of any ordinance, resolution or other action of the City in conflict with this Ordinance are hereby repealed to the extent they are in conflict. Any remaining portions of said ordinances, resolutions or other actions shall remain in full force and effect.

SECTION V.

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.

SECTION VI.

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 ____ day of _____, 2021.

PASSED and APPROVED on its first reading this the ____ day of _____, 2021.

ATTEST:

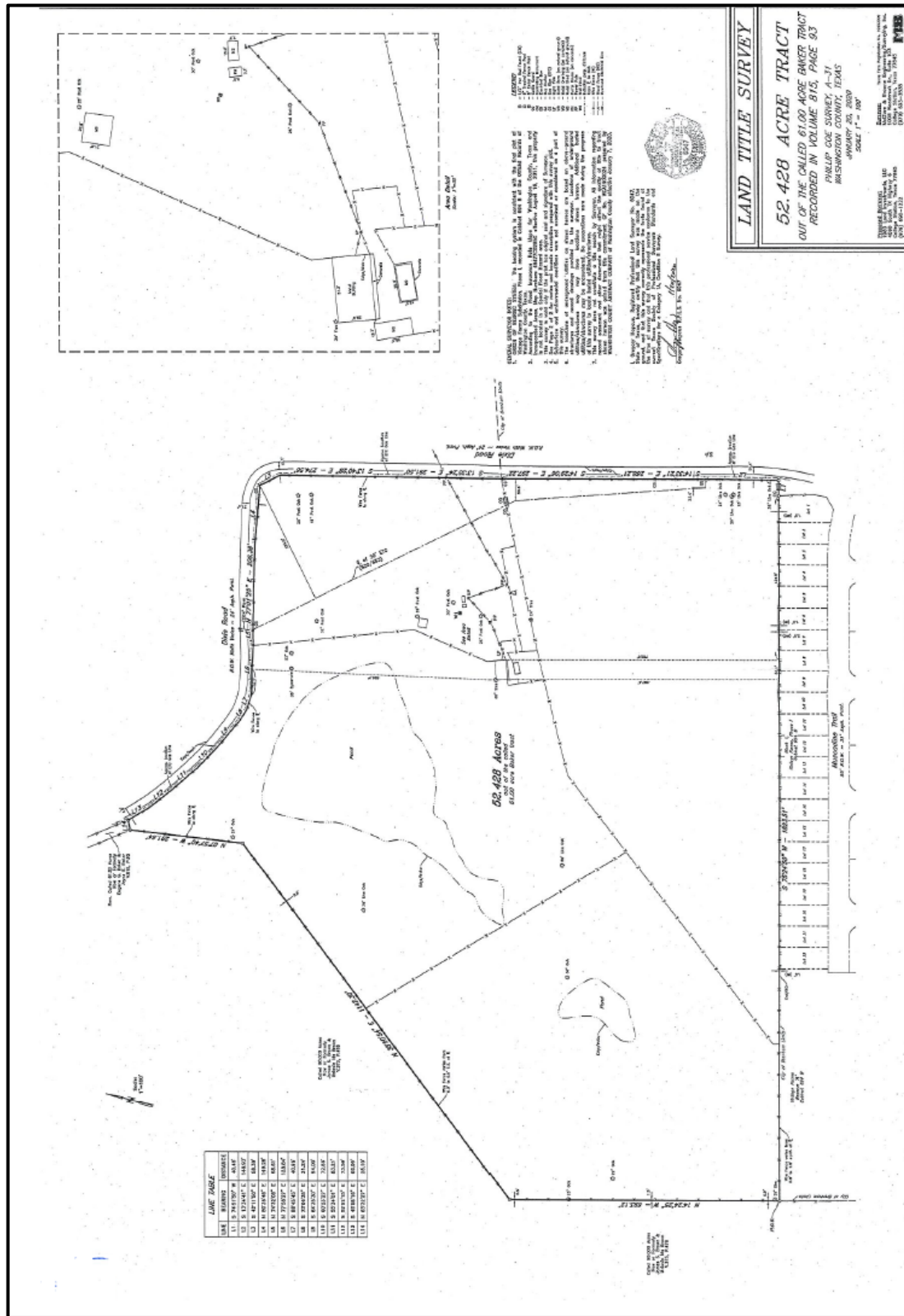
Milton Y. Tate, Jr.
Mayor

Jeana Bellinger, TRMC, CMC
City Secretary

6



EXHIBIT B





Regular City Council
AGENDA ITEM 11.

Agenda Item: Discussion and Presentation of the City of Brenham's Pavement Management Analysis Report Prepared by IMS Infrastructure Management Services

Meeting Type: Regular Meeting-July 01, 2021

Department: Public Utilities

Staff Contact: Donald Reese

Classification: Work Session

SUMMARY STATEMENT:

On October 1, 2021, Council approved a Professional Services Agreement with Infrastructure Management Services (IMS) to perform a pavement analysis in the amount of \$77,828.00.

Prior to this analysis, the City typically collected street condition data by conducting “windshield observations”. This means that all streets are individually driven, and conditions were judged by viewing the top surface only of the street with no method of collecting data on the subsurface.

In comparison, IMS uses a Laser Crack Measurement System. This system completes a 3D millimeter-level scanning of the pavement surfaces and collects data on pavement distresses and structural strength as well as pavement elevation (range and intensity) and identifies cracking, rutting, roughness, potholes, and bleeding. In addition, IMS performed sub-surface deflection testing to assess the sub-grade condition of the roadways.

Once all the field work was complete, IMS staff worked with City staff to define various parameters needed to complete the Easy Street Analysis (EAS) Spreadsheet, which will be used as the City’s guide in determining street improvement projects in the future as well as a budgeting tool. The EAS provides for a detailed rehabilitation strategy, complete with estimated budgets for maintain and improving the City’s streets over the next five years.

As a summary, the City of Brenham has an overall street rating of 59 with 50 to 60 being considered Fair. Additionally, the City has a backlog of 14% or 13.16 miles. A backlog is defined as any street that falls in the Poor or Very Poor Category or is anything with a street rating below 40. A copy of the Executive Summary from the Pavement Analysis Report has been included for additional detail. Please keep in mind that the Budget Scenario section is an estimate that was created several months ago and may change based on actual approved budget year to year.

ATTACHMENTS:

(1) Executive Summary

RELEVANCE TO COMPREHENSIVE PLAN:

Not Applicable.

RECOMMENDED ACTION:

Discussion item only - no action requested.

1.0 EXECUTIVE SUMMARY & RECOMMENDATIONS

PROJECT SUMMARY

In 2020 IMS Infrastructure Management Services, LLC (IMS) was contracted by the City of Brenham to conduct a pavement condition assessment and analysis update on approximately 94 centerline miles of City maintained roadways.

IMS mobilized their Laser Road Surface Tester (RST) to conduct an objective assessment using industry standard pavement distress protocols such as those found in ASTM D6433-11. The data was then loaded into the ESA software for analysis.

SUMMARY OF ANALYSIS

The Brenham network has an average PCI of 59 and a backlog of 14%, with a relatively even distribution of conditions. With the City's current budget of \$2.7M, the network conditions will elevate the average PCI to 63 and backlog will increase over time, reaching 25% by the end of the 5-year budget horizon.

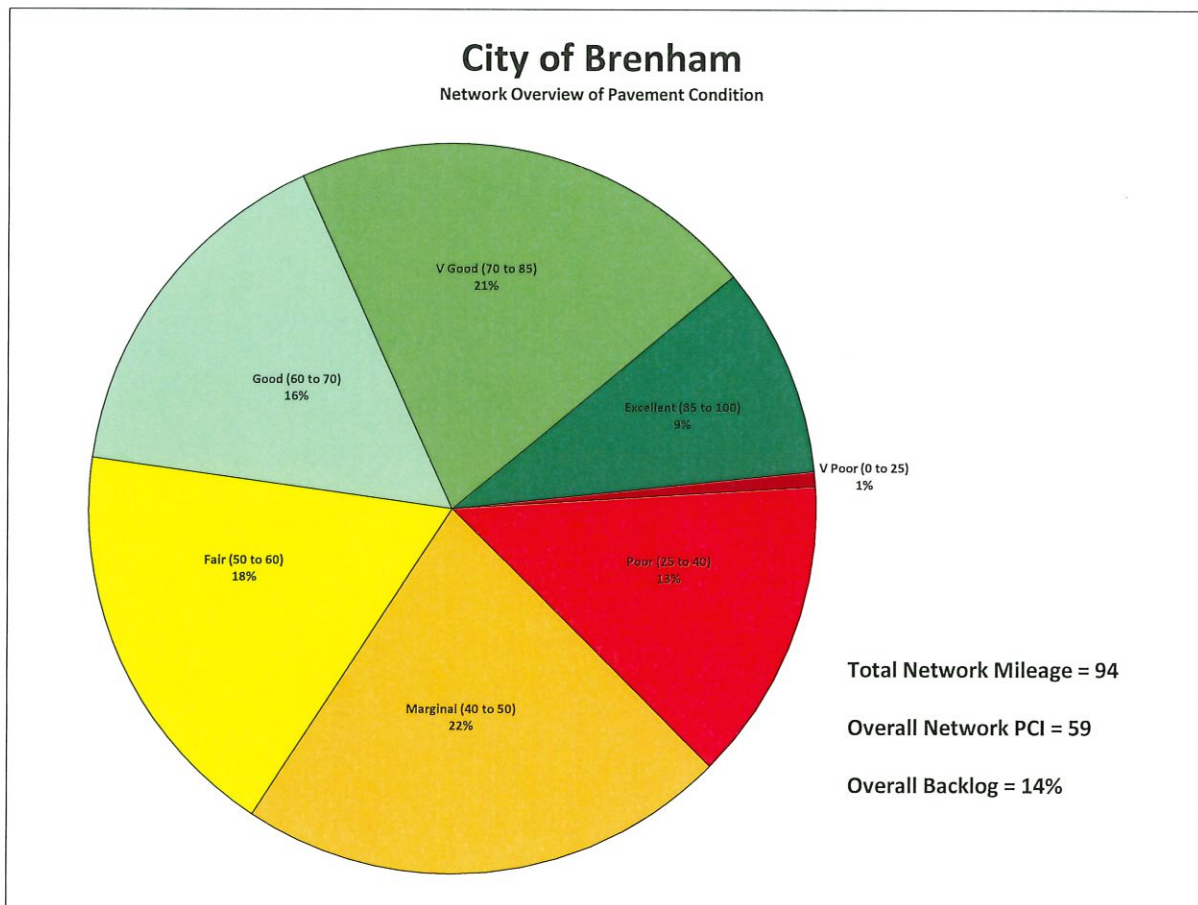


Figure 1- Brenham Condition Distribution

As seen in Figure 1, Brenham's overall network PCI is a 59, with a backlog of 14%.

SUMMARY METRICS OF HEALTH

Pavement Condition Index (PCI) – The PCI score is a ranking assessment on the overall health of a pavement segment on a scale of 0 to 100. The network average PCI is a good global indicator of a network's overall health.

Percent of Excellent Roads – Roads with a condition category of Excellent are those that score between a PCI of 85 to 100.

Backlog –Backlog is the Very Poor and Poor roads (between a PCI of 0 and 40) that represent a portion of the network in need of extensive rehabilitation such as full and partial reconstruction. Using sound pavement management and finance principles, a very healthy network will have a backlog of 10% or less.

Brenham met zero out of three of the metrics for evaluating the quality of its roadway network.

- Brenham's network average pavement condition score fails to meet the national average currently seen by IMS of 60 to 65, with the City's average scoring a **59**.
- The number of streets rated Excellent is below the minimum recommended target of 15% at **9%**.
- The backlog amount is above the average value of 12% at **14%**.

BUDGET SCENARIOS

The PCI control budget for Brenham is \$2M per year dedicated to pavement preservation and rehabilitation. This will slightly increase the PCI to 60% while growing the backlog to 25% over 5 years. The Current Budget for the City of Brenham is 2.7M and that will achieve a network average PCI of 63 with a backlog of 25% by the end of the 5-year budget horizon.

EXECUTIVE SUMMARY CONCLUSION

The Brenham network has an average PCI of 59 and a backlog of 14%, with relatively even split of conditions. With the City's current budget, the network conditions will increase the average PCI to 63 and backlog will increase over time. It is worth noting that the City does have a large amount of streets approaching the end of their lifespan where overlays can be effective, representing a percentage of the network at the steepest part of their deterioration curves. These roads fall within the Marginal category and represent the streets that are likely to deteriorate into backlog within the next 5-10 years.



Regular City Council
AGENDA ITEM 12.

Agenda Item: Presentation and Discussion Related to a Possible Amendment to Appendix A – 'Zoning' of the Code of Ordinances of the City of Brenham, Texas to Allow an Automobile (Car) Wash as a Specific Use in the Local Business/Residential Mixed Use District (B-1)

Meeting Type: Regular Meeting-July 01, 2021

Department: Development Services

Staff Contact: Stephanie Doland

Classification: Work Session

SUMMARY STATEMENT:

See attached memo from Stephanie Doland, Director of Development Services.

ATTACHMENTS:

(1) Memorandum Consideration of a Car Wash in the B-1 District

RELEVANCE TO COMPREHENSIVE PLAN:

RECOMMENDED ACTION:

No action requested - discussion item only.



CASE NUMBER P-21-015
AUTOMOBILE (CAR) WASH IN B-1 ZONING DISTRICT

On Friday, May 25th, Development Services staff met with Grant Lischka, PE for a pre-development meeting regarding a proposed automatic car wash to be located at 1413 W. Main Street. The subject property is 0.61-acres and currently zoned B-1, Local Business/Mixed Residential District. The B-1 District does not allow car washes as either a permitted use or specific use. In 1996, Ordinance O-96-018 (see below excerpt) was adopted that included amended definitions for an Automobile (car wash) and an Automobile Detail Shop.

- **Automobile (car) wash:** A building or portion thereof containing facilities for coin operated, self-service washing of automobiles. This may include the production line methods with chain conveyor, bower, steam cleaning device, or other mechanical devices.
- **Automobile Detail Shop:** A facility which provides for the cleaning, polishing, and waxing of automobiles.

Ordinance O-96-018 also supplemented Automobile detail shops as a permitted use (Section 3.02) in the B-1 District, but stayed silent on automatic car washes. Automobile (car) washes are listed as a permitted use in the B-2, Commercial Research and Technology District (Section 4.02(3)(b)).

Staff advised Grant that the proposed car wash was not a permitted use for the subject property. Staff also advised Grant that a rezoning could not be supported as it would be considered a spot zoning and that the Future Land Use Plan shows West Main Street as a Mixed-Use Corridor that is in line with the existing B-1 zoning.

On Thursday, June 3rd, Staff met with Todd Felder and Tyson Felder, the new property owners of 1413 W Main. City Staff reiterated the zoning issues and why a rezoning could not be supported by staff. The B-1 District allows residential uses and the subject property has an adjacent residential use to the west and an adjacent R-1 zoning designation to the south. Staff expressed concern that the noise and other variables of a car wash were not compatible with adjacent and nearby residential uses. Staff advised that the only way that a car wash would be considered for the site would be if a text amendment were approved to allow automatic car washes as a specific use in the B-1 District. Staff further advised that, even with a text amendment, a Specific Use Permit would not be guaranteed for the subject property. Should the zoning ordinance be amended and a specific use permit applied for the subject property, staff would ask the applicant to address noise levels, bufferyard requirements, and all applicable site development factors for consideration by the Planning and Zoning Commission and for final approval by City Council.

Car wash technology, to include noise levels, has likely greatly improved since 1996. Mr. Felder has provided product specification for a dryer application that is located within a covered structure thus reducing the noise level of the dryer equipment. For reference, the product specifications are attached and the last page includes decibel readings that place the dryer equipment comparable to street traffic

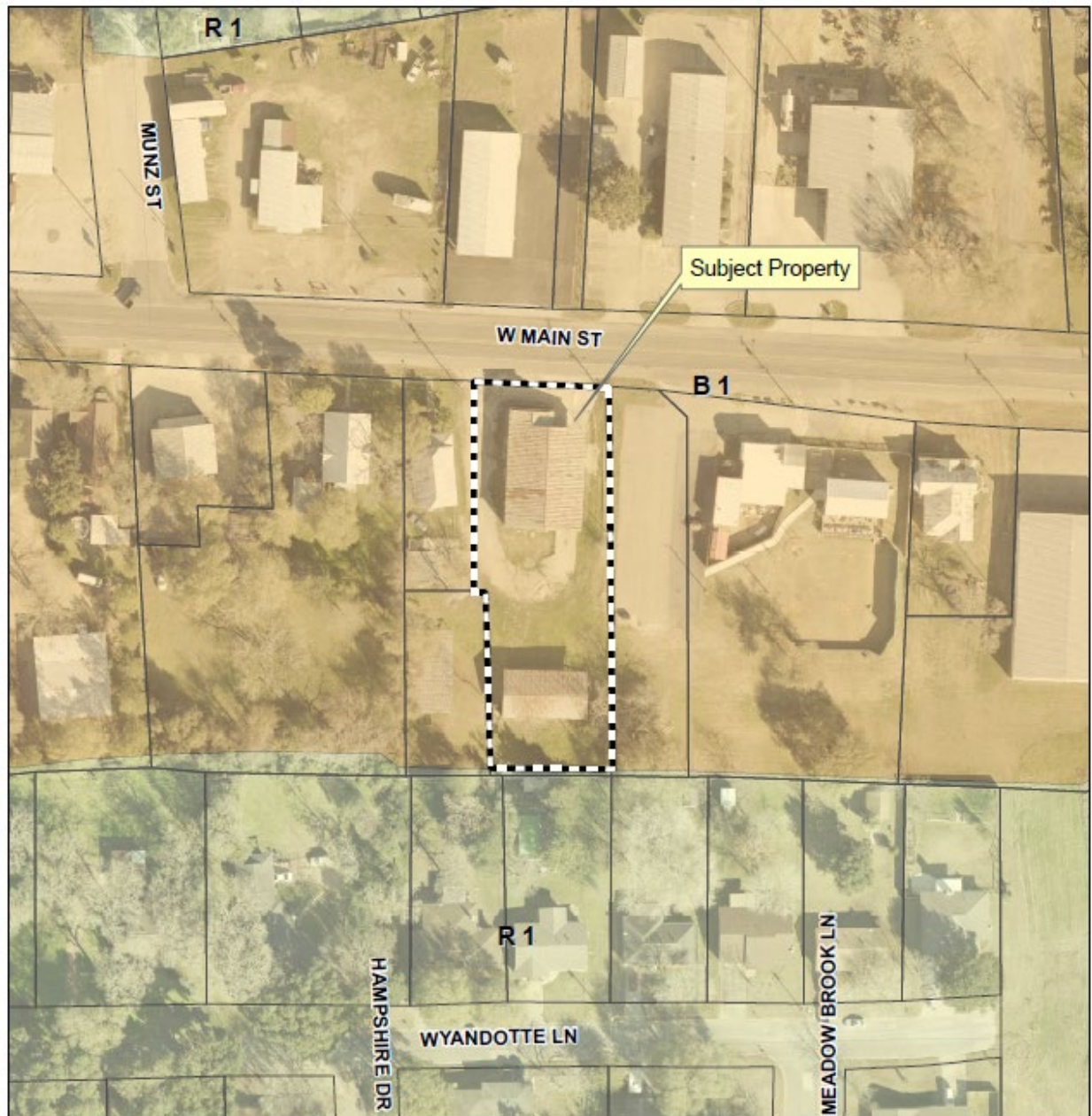
and a vacuum cleaner. Mr. Felder further stated that the car wash, if approved, could be set to restrict the usage of the dryer equipment to daylight hours.

City staff is seeking feedback and direction from the Commission concerning the proposed amendment to the City of Brenham Zoning Ordinance to allow an automobile car wash as a specific use permit in the B-1 district.

Attachments:

1. Zoning Map of Subject Property
2. Product Specifications Premier Dryer Equipment

Zoning Map Excerpt of the Subject Property



1413 W. Main Street

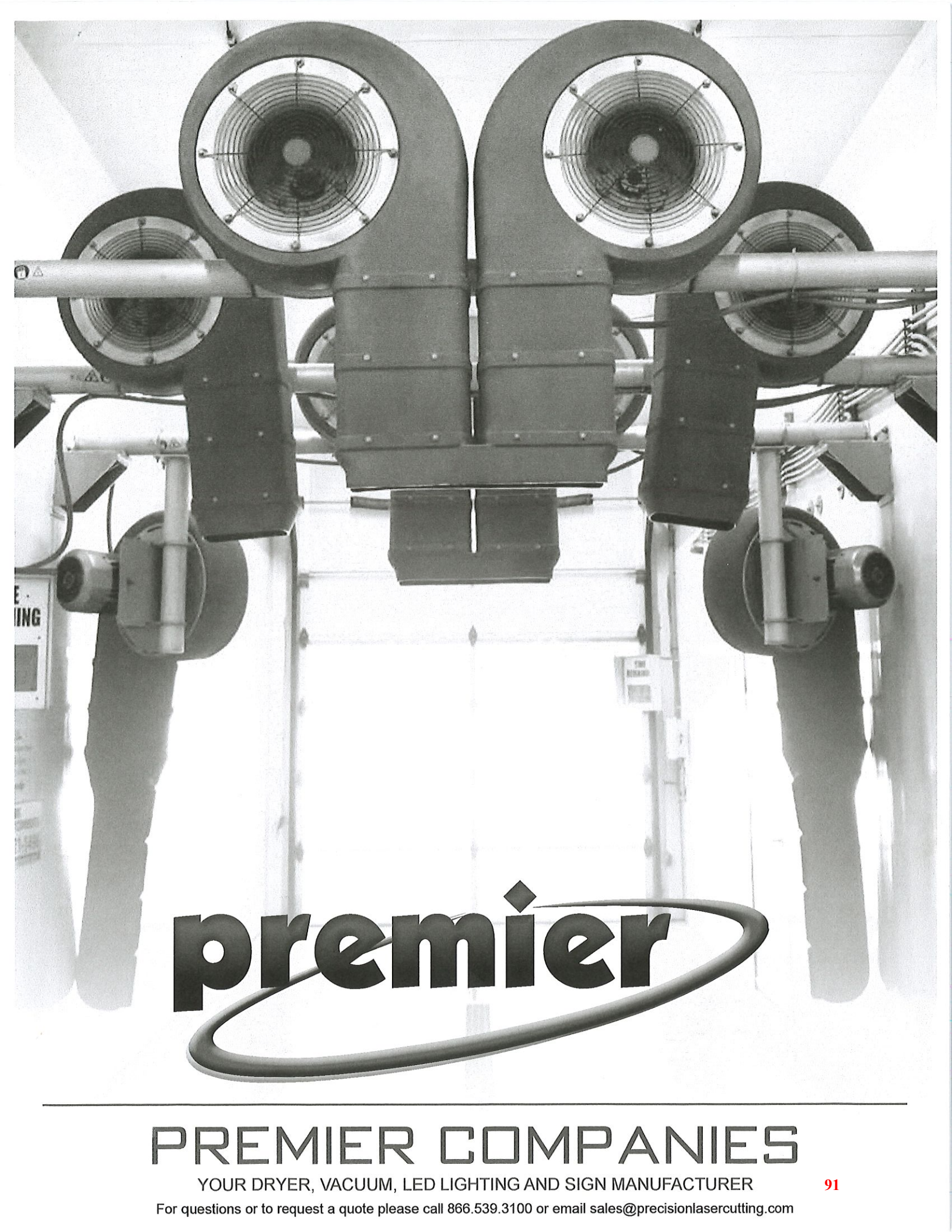
Zoning Districts

- B1 Local Business Mixed
- R1 Residential Single Family



1 inch = 95 feet





premier

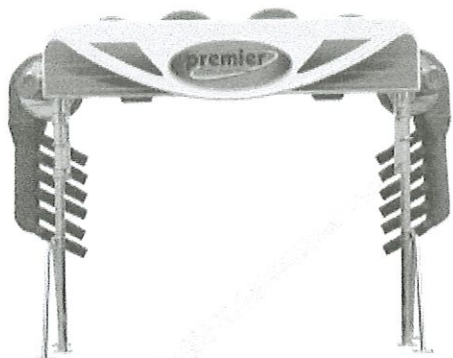
PREMIER COMPANIES

YOUR DRYER, VACUUM, LED LIGHTING AND SIGN MANUFACTURER

For questions or to request a quote please call 866.539.3100 or email sales@precisionlascutting.com

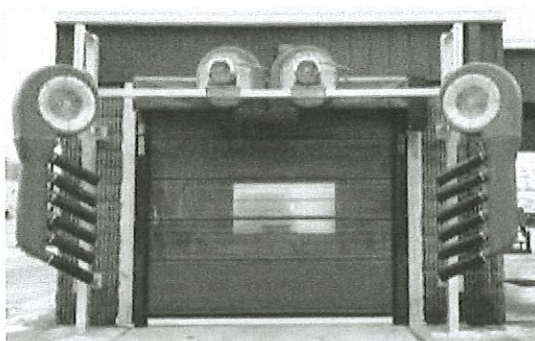
PREMIER DRYER APPLICATION OPTIONS

STANDARD ARCH



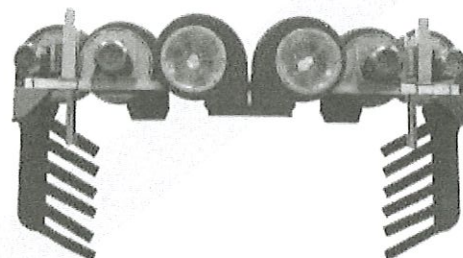
Pictured: Standard Arch, 6 Producer, E-trunks w/ bkts, Dual Nozzle with Fiberglass Cover on Front

EXTERIOR WALL MOUNT



Pictured: EWMWL, 4 Producer, E-trunks w/ bkts, Dual Nozzle

INTERIOR WALL MOUNT



Pictured: IWM, 6 Producer, E-trunks w/ bkts, Dual Nozzle

PRODUCER ROTATION DESCRIPTION



Left Hand Producer



Right Hand Producer

OPTIONS

- 5HP, 7.5HP, 10HP or 15HP Motors
- Aluminum & Stainless Steel Applications Available
- Fiberglass Cover with Custom Graphics Available
- Powder Coating Available
- UL Listed VFD & Standard Starter Panels Available
- LED Lighting Available
- Custom Applications Available

Producer Color Options:
Black, Blue, Red, Yellow, Granite Gray & Green

NOZZLE OPTIONS



Dual Nozzle



Round Discharge Nozzle



Dual Straight Nozzle



Standard Discharge Nozzle



Elephant Trunk Nozzle



Airknife Nozzle



8" Nozzle Extension

PREMIER COMPANIES

YOUR DRYER, VACUUM, LED LIGHTING AND SIGN MANUFACTURER

For questions or to request a quote please call 866.539.3100 or email sales@precisionlasercutting.com

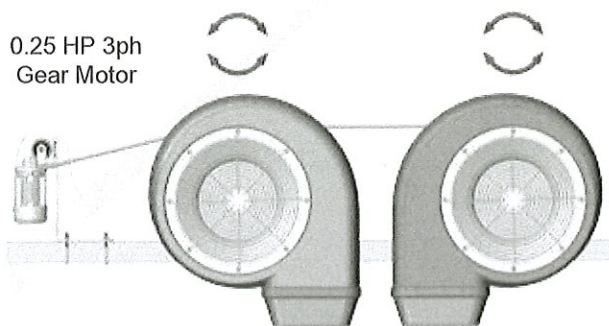
OSCILLATING OPTIONS

PRODUCERS

Motor Driven

DUAL OSCILLATOR

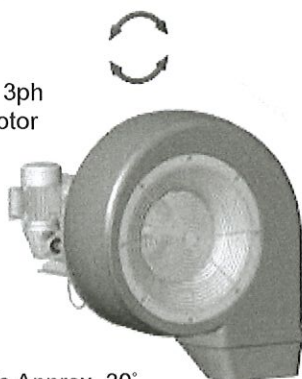
0.25 HP 3ph
Gear Motor



Approx. 30° Swing

SINGLE OSCILLATOR

0.16 HP 3ph
Gear Motor



May Be Set To Approx. 30°,
20°, or 15° Swing

NOZZLES

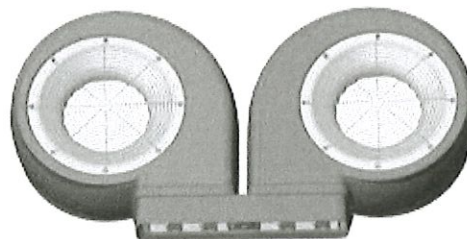
Air Driven

SINGLE OSCILLATING NOZZLE



2X Oscillating Blades
Approx. 50° Swing

DUAL OSCILLATING NOZZLE



4X Oscillating Blades
Approx. 50° Swing



FLIP NOZZLE

Air Outlet Direction Flips
Forward to Reverse as
Vehicle Passes

PREMIER COMPANIES

YOUR DRYER, VACUUM, LED LIGHTING AND SIGN MANUFACTURER

For questions or to request a quote please call 866.539.3100 or email sales@precisionlasercutting.com

PRODUCER SPECS

7.5 HP PRODUCER	10 HP PRODUCER	15 HP PRODUCER
208 V Fla - 18.6 amps	208 V Fla - 24.9 amps	208 V Fla - 36.2 amps
230 V Fla - 17.0 amps	230 V Fla - 22.5 amps	230 V Fla - 32.8 amps
460 V Fla - 8.5 amps	460 V Fla - 11.2 amps	460 V Fla - 16.4 amps
SF amps 1.3	SF amps 1.25/40	SF amps 1.25/40
CFM'S - 3525	CFM'S - 4200	CFM'S - 4500
Rpm 3525/ 60 Hz	Rpm 3490/ 60 Hz	Rpm 3500/ 60 Hz
Air Velocity - 120 mph	Air Velocity - 135 mph	Air Velocity - 142 mph
TEFC Motors/3Phase	TEFC Motors/3Phase	TEFC Motors/3Phase
Frame Size - 215 Tc	Frame Size - 215 Tc	Frame Size - 215 Tc
Total Weight - 220 lbs	Total Weight - 230 lbs	Total Weight - 230 lbs
Efficiency Level - (Minimum) 88.5% guaranteed efficiency Nema NCM efficiency (Normal) 90.2%	Efficiency Level - (Minimum) 88.5% guaranteed efficiency Nema NCM efficiency (Normal) 90.2%	Efficiency Level - (Minimum) 88.5% guaranteed efficiency Nema NCM efficiency (Normal) 90.2%

DECIBEL READINGS / LEVELS

DISTANCE FROM BAY	30HP EXIT DOOR CLOSED	30HP EXIT DOOR OPEN	60HP EXIT DOOR OPEN
10 ft	76	89	95
20 ft	72	87	89
30 ft	70	82	84
40 ft	66	78	79
50 ft	66	78	79
60 ft	64	75	76

*Decibel levels may drop 4 to 5 dB's or more with full cover surrounds or silencer cones.
Reading may vary, readings were concluded with Premier Plastic Housings.*

COMMON SOUNDS AND THEIR ESTIMATED DECIBEL LEVELS

Threshold of Hearing - 0 dB
Rustling Leaves - 10 dB
Busy Street Traffic - 70 dB
Vacuum Cleaner - 80 dB

Large Orchestra - 98 dB
Military Jet Take Off - 140 dB
Threshold of Pain - 140 dB
Perforation of Eardrum - 160 dB

PREMIER COMPANIES

YOUR DRYER, VACUUM, LED LIGHTING AND SIGN MANUFACTURER

For questions or to request a quote please call 866.539.3100 or email sales@precisionlasercutting.com



Regular City Council
AGENDA ITEM 13.

Agenda Item: Discuss and Possibly Act Upon an Ordinance on Its First Reading Amending Chapter 21, Signs, of the Code of Ordinances of the City of Brenham, Texas Regarding Major Multi-Tenant Shopping Center Sign Regulations

Meeting Type: Regular Meeting-July 01, 2021

Department: Development Services

Staff Contact: Shauna Laauwe, AICP

Classification: Regular

SUMMARY STATEMENT:

The current sign ordinance does not address sign standards or the need for a master sign plan for major multi-tenant shopping centers and mixed-use developments that have more than five (5) retail tenants/businesses that collectively occupy a minimum of 100,000 square feet of retail use gross floor area. A master sign plan would ensure a unified presentation of signage throughout major shopping centers or mixed-use developments, give flexibility to provide for unique environments, and allow for the approval of signs, locations, sizes, designs and design elements that will make subsequent applications for sign permits under an approved Master Sign Plan more efficient. The text amendment also gives specifications for landmark signs that identify the development, minimum separation of ground signs, and the provisions for a master sign plan permit application.

The master sign plan provisions would pertain to major multi-tenant shopping centers located within a Commercial Research and Technology District (B-2) or a Planned Development District (PDD). Approval of the master sign plan would be by the Director of Development Services or designee.

The proposed text amendment will resolve a gap in the sign ordinance of how to regulate but provide flexibility to large developments that have several tenants and potential pad sites that require signage. The provisions will accommodate an orderly and unified presentation of signage in a master sign plan that would benefit the developer, consumer, and community. (Section 21-18).

ATTACHMENTS:

(1) Ordinance for First Reading

RELEVANCE TO COMPREHENSIVE PLAN:

N/A

RECOMMENDED ACTION:

Approve an Ordinance on its first reading amending Chapter 21, Signs, of the Code of Ordinances of the City of Brenham, Texas regarding Major Multi-Tenant Shopping Center Sign Regulations

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF BRENHAM, TEXAS, AMENDING CHAPTER 21, SIGNS, OF THE CODE OF ORDINANCES OF THE CITY OF BRENHAM, TEXAS PROVIDING FOR THE DEFINITION OF LANDMARK SIGN IN SECTION 21-4; PROVIDING FOR THE ADDITION OF SECTION 21-18 REGARDING MAJOR MULTI-TENANT SHOPPING CENTER MASTER SIGN PLAN REGULATIONS; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Brenham is authorized to adopt sign standards and regulations pursuant to Chapter 216 of the Texas Local Government Code; and

WHEREAS, the City of Brenham has requested that Chapter 21 – “Signs” of the Code of Ordinances be amended; and

WHEREAS, in order to enhance, promote and protect the health, safety and general welfare of the citizens of Brenham, Texas the City Council must from time to time amend and/or adopt new regulations; and

WHEREAS, the City Council finds the following regulations to be reasonable and beneficial to the general health, safety and welfare of the citizens of Brenham; and

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

SECTION 1.

Chapter 21 – Signs, Section 21 - 4 – Definitions, of the Code of Ordinances of the City of Brenham, Texas, is hereby amended to include the addition of the following definition:

Sec. 21-4. Definitions

Landmark Sign: A ground sign that provides an effective area for multi-tenant advertisement which identifies a Major Multi-Tenant Shopping Center and displays the name of a business, profession, service, product, or activity conducted, sold, or offered within the Major Multi-Tenant Shopping Center.

SECTION 2.

Chapter 21 - Signs, Section 21-18 – Reserved of the Code of Ordinances of the City of Brenham, Texas, is hereby amended to read as follows:

Sec. 21-18. – Major Multi-Tenant Shopping Center Master Sign Plan

- A. Purpose. Major Multi-Tenant Shopping Center Master Sign Plans are authorized under this section 21-18 to allow, within parcels to which this section is applicable, the following:
 - a. The unified presentation of signage throughout major shopping centers or mixed-use developments;
 - b. The flexibility to provide for unique environments; and
 - c. Approval of signs, locations, sizes, designs and design elements that will make subsequent applications for sign permits under an approved Master Sign Plan more efficient.
- B. Applicability. A Master Sign Plan for a Major Multi-Tenant Shopping Center located within a Commercial Research and Technology District (B-2), or a Planned Development District (PDD), shall be approved in writing by the Development Services Director or designee provided that the minimum requirements of this section 21-18 are met:
 - 1. A Major Multi-Tenant Shopping Center, for the purposes of this chapter, shall include a mixed-use development or retail shopping center that contains more than five (5) retail tenants/businesses that collectively occupy a minimum of 100,000 square feet of retail use gross floor area.
 - 2. Landmark Sign. The purpose of a landmark sign is to provide an effective area for multi-tenant advertisement and such signs shall only be permitted within a Major Multi-Tenant Shopping Center development. All landmark signs shall be included within the Master Sign Plan permit application and comply with the following specifications:
 - a. Landmark signs shall not be a pole sign. The entire base of each landmark sign shall be affixed directly to the ground or supported by a base whose width measures at least seventy-five percent (75%) of the width of the sign that is placed or anchored in the ground.
 - b. Maximum Height. Thirty-five feet (35’).
 - c. Maximum Effective Area of Signage: 450 square feet.
 - d. Architectural Features: Landmark signs shall be architecturally compatible to the principal building(s) on the property or overall architectural theme of a development.
 - e. Minimum separation of 100 feet between ground signs.

C. Master Sign Plan Permit Application.

1. Major Multi-Tenant Shopping Center Master Sign Plan: A Master Sign Plan permit application shall be submitted to the Director of Development Services or designee for review and consideration no later than 9 months of the projected opening date of the development.
2. The owner of a platted lot of real property on which a development is currently located or is proposed may submit a Master Sign Plan permit application to the Director of Development Services or designee.
3. The Master Sign Plan shall include one (1) digital copy and two (2) paper copies of the site layout of the Major Multi-Tenant Shopping Center development and a narrative describing the development.
4. Master Sign Plan Requirements. The Master Sign Plan shall depict the proposed signage for the entire development. A Master Sign Plan shall include all tenants/businesses and out parcels within the development. The Master Sign Plan shall also include the following:
 - a. Identification of the development as a Major Multi-Tenant Shopping Center with total square footage of retail use gross floor area in the development.
 - b. A depiction of all proposed signs including landmark signs, out-parcel monument signs, directional signs and all other signage.
 - c. Size, location, and number of all signs, including area, letter height, and sign structure height;
 - d. Materials, styles (letter colors, background colors, text, fonts, etc.) and colors for all signs subject to the Master Sign Plan, including context of where signs are to be placed on each façade;
 - e. Proposed illumination (external, internal, etc.), including illumination levels, placement of illumination devices, and direction of lighting;
 - f. A design theme with illustrative examples of each sign type and the proposed general locations of each sign type;
 - g. Any proposed landscaping at the base or complementing proposed signage; and
 - h. Written narrative. The application shall include a narrative that articulates the design and quality components that exceed the requirements of the existing rules, including but not limited to the use of brick or natural stone; uniformity of sign size, style, and color across the development; use of landscaping around a sign base; use of channel lettering; use of directional signs; greater spacing between signs along street frontages; off-premises directional signage; or use of entry signs. In addition, the narrative shall establish an integrated architectural vocabulary and cohesive theme for the applicable development.

SECTION 3.

All provisions of any ordinance, resolution or other action of the City in conflict with this Ordinance are hereby repealed to the extent they are in conflict. Any remaining portions of said ordinances, resolutions or other actions shall remain in full force and effect.

SECTION 4.

Should any section, subsection, sentence or clause or phrase of this Ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, it is expressly provided that any and all remaining portions of this Ordinance shall remain in full force and effect. The City Council hereby declares that it would have passed this Ordinance, and each section, subsection, sentences, clauses and phrases remaining should any provision be declared unconstitutional or invalid.

SECTION 5.

This Ordinance shall become effective upon adoption and publication as required by law.

PASSED and **APPROVED** on its first reading this the ____ day of _____, 2021.

PASSED and **APPROVED** on its second reading this the ____ day of _____, 2021.

Milton Y. Tate, Jr.
Mayor

ATTEST:

Jeana Bellinger, TRMC, CMC
City Secretary