



**NOTICE OF A SPECIAL MEETING
THE BRENHAM CITY COUNCIL
THURSDAY AUGUST 30, 2012 AT 1:00 P.M.
SECOND FLOOR CITY HALL
COUNCIL CHAMBERS
200 W. VULCAN
BRENHAM, TEXAS**

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

PUBLIC HEARING

- 4. Proposed Tax Rate of \$0.5432 per \$100 Valuation for Fiscal Year Beginning October 1, 2012 and Ending September 30, 2013 **Page 1-2****
- 5. Public Hearing Concerning an Official Zoning Map Amendment to Change the Zoning from a Mixed Residential (R-2) District to a Local Business/Residential Mixed Use (B-1) District on 7.43 Acres Being Tract 189 Out the Phillip Coe Survey and Located at the Northeast Corner of Old Mill Creek Road and Saeger Street in Brenham, Texas **Page 3****
- 6. Public Hearing Concerning an Official Zoning Map Amendment to Change the Zoning from Local Business/Residential Mixed Use (B-1) District to a Business, Research and Technology (B-2) District on 24.28 Acres, More or Less, Being Portions of Tracts 1 and 340 Out of the Phillip Coe Survey, and Located at the Northern End of Farewell Street and Generally Known as the Prairie Lea Cemetery Expansion Area **Page 4****

7. **Public Hearing Concerning an Official Zoning Map Amendment to Change the Zoning from a Residential Single Family (R-1) District to Establish a Planned Development (PD) District for Single-Family Residential Uses on Approximately 57.32 Acres and Generally Bounded by East Stone Street to the North, South Blue Bell Road to the East and Gun and Rod Road to the South as well as a Request to Change the Zoning from a Residential Single Family (R-1) District to a Local Business/Residential Mixed Use (B-1) District on Approximately 3.08 Acres Located at the Southwest Corner of East Stone Street and South Blue Bell Road with Both Parcels Being a Part of Tract 191 Out of the James Walker Survey in Brenham, Texas** **Page 5**

REGULAR AGENDA

8. **Discuss and Possibly Act Upon an Ordinance on Its First Reading Amending Appendix A – “Zoning” of the Code of Ordinances of the City of Brenham, Texas; Amending the Official Zoning Map to Change the Zoning from a Mixed Residential (R-2) District to a Local Business/Residential Mixed Use (B-1) District on 7.43 Acres Being Tract 189 Out the Phillip Coe Survey and Located at the Northeast Corner of Old Mill Creek Road and Saeger Street in Brenham, Texas** **Page 6-13**
9. **Discuss and Possibly Act Upon an Ordinance on Its First Reading Amending Appendix A – “Zoning” of the Code of Ordinances of the City of Brenham, Texas; Amending the Official Zoning Map to Change the Zoning from Local Business/Residential Mixed Use (B-1) District to a Business, Research and Technology (B-2) District on 24.28 Acres, More or Less, Being Portions of Tracts 1 and 340 Out of the Phillip Coe Survey, and Located at the Northern End of Farewell Street and Generally Known as the Prairie Lea Cemetery Expansion Area** **Page 14-22**
10. **Discuss and Possibly Act Upon an Ordinance on Its First Reading Amending Appendix A – “Zoning” of the Code of Ordinances of the City of Brenham, Texas; Amending the Official Zoning Map to Change the Zoning from a Residential Single Family (R-1) District to Establish a Planned Development (PD) District for Single-Family Residential Uses on Approximately 57.32 Acres and Generally Bounded by East Stone Street to the North, South Blue Bell Road to the East and Gun and Rod Road to the South as well as to Change the Zoning from a Residential Single Family (R-1) District to a Local Business/Residential Mixed Use (B-1) District on Approximately 3.08 Acres Located at the Southwest Corner of East Stone Street and South Blue Bell Road with Both Parcels Being a Part of Tract 191 Out of the James Walker Survey in Brenham, Texas** **Page 23-36**

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

11. Administrative/Elected Officials Report

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 Negotiations.

CERTIFICATION

I certify that a copy of the August 30, 2012 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, Brenham, Texas on August 27, 2012 at 11:15 AM.

Jeana Bellinger, TRMC
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 _____, 2012 at _____ AM PM.

Signature

Title



AGENDA ITEM 4

DATE OF MEETING: August 30, 2012	DATE SUBMITTED: August 24, 2012	
DEPT. OF ORIGIN: Finance	SUBMITTED BY: Carolyn D. Miller	
MEETING TYPE:	CLASSIFICATION:	ORDINANCE:
<input type="checkbox"/> REGULAR	<input checked="" type="checkbox"/> PUBLIC HEARING	<input type="checkbox"/> 1 ST READING
<input checked="" type="checkbox"/> SPECIAL	<input type="checkbox"/> CONSENT	<input type="checkbox"/> 2 ND READING
<input type="checkbox"/> EXECUTIVE SESSION	<input type="checkbox"/> REGULAR	<input type="checkbox"/> RESOLUTION
	<input type="checkbox"/> WORK SESSION	
AGENDA ITEM DESCRIPTION: Proposed Tax Rate of \$0.5432 per \$100 Valuation for Fiscal Year Beginning October 1, 2012 and Ending September 30, 2013		
SUMMARY STATEMENT: See attached memo from Chief Financial Officer on this item.		
STAFF ANALYSIS (For Ordinances or Regular Agenda Items):		
A. PROS:		
B. CONS:		
ALTERNATIVES (In Suggested Order of Staff Preference):		
ATTACHMENTS: (1) Memo from CFO		
FUNDING SOURCE (Where Applicable):		
RECOMMENDED ACTION: Receive citizen comments regarding proposed property tax rate.		
APPROVALS: Carolyn D. Miller		



MEMORANDUM

To: Mayor, Council and City Manager

From: Carolyn D. Miller
Chief Financial Officer *CM*

Subject: Public Hearing on Proposed 2012 Tax Rate

Date: August 24, 2012

Council Budget Workshops were held during the week of July 25, 2012 to present and finalize the proposed FY2012-13 Budget. The proposed budget is on the City's website, on file with the City Secretary, Washington County Clerk, and at the Nancy Carol Roberts Memorial Library.

A property tax rate of \$0.5432 per \$100 valuation is proposed to fund the FY2012-13 Budget. Of this rate, \$0.3420 will be for maintenance and operations (M&O). The balance of \$0.2012 is for debt service (interest and sinking or I&S). Based on the certified taxable values of \$1,029,487,756 the effective tax rate is \$0.5362 and the rollback rate is \$0.5706 per \$100 valuation for the 2012 Tax Year.

In compliance with the Property Tax Code, a governing body must hold two public hearings to receive citizen comments on a proposed property tax rate. The governing body may not adopt the tax rate at either of these hearings. At each hearing, the governing body must announce the date, time, and place of the meeting at which it will vote on the tax rate. After receiving citizen comments, the following announcement should be made:

The first reading of the Ordinance to adopt the tax rate will be during a Special Council meeting on Monday, September 17, 2012 at 1:00 p.m. The second reading of the Ordinance and adoption of the tax rate is scheduled for a Regular Council meeting on Thursday, September 20, 2012 at 1:00 p.m.

There are no other items regarding the property tax rate scheduled for this agenda.



AGENDA ITEM 5

DATE OF MEETING: August 30, 2012	DATE SUBMITTED: August 21, 2012	
DEPT. OF ORIGIN: Development Services	SUBMITTED BY: Julie Fulgham	
MEETING TYPE:	CLASSIFICATION:	ORDINANCE:
<input type="checkbox"/> REGULAR	<input checked="" type="checkbox"/> PUBLIC HEARING	<input type="checkbox"/> 1 ST READING
<input checked="" type="checkbox"/> SPECIAL	<input type="checkbox"/> CONSENT	<input type="checkbox"/> 2 ND READING
<input type="checkbox"/> EXECUTIVE SESSION	<input type="checkbox"/> REGULAR	<input type="checkbox"/> RESOLUTION
	<input type="checkbox"/> WORK SESSION	
AGENDA ITEM DESCRIPTION: Public Hearing Concerning an Official Zoning Map Amendment to Change the Zoning from a Mixed Residential (R-2) District to a Local Business/Residential Mixed Use (B-1) District on 7.43 Acres Being Tract 189 Out the Phillip Coe Survey and Located at the Northeast Corner of Old Mill Creek Road and Saeger Street in Brenham, Texas		
SUMMARY STATEMENT: This is a request by a prospective purchaser of this tract located at the northeast corner of Old Mill Creek Road and Saeger Street to rezone the property from an R-2 District to a B-1 District for the purpose of developing the site with a professional office development (specifically to include an accounting firm). This agenda item is to hear public comments regarding this request.		
STAFF ANALYSIS (For Ordinances or Regular Agenda Items):		
A. PROS:		
B. CONS:		
ALTERNATIVES (In Suggested Order of Staff Preference): N/A		
ATTACHMENTS: None		
FUNDING SOURCE (Where Applicable): N/A		
RECOMMENDED ACTION: Discussion only		
APPROVALS: Terry K. Roberts		



AGENDA ITEM 6

DATE OF MEETING: August 30, 2012	DATE SUBMITTED: August 21, 2012	
DEPT. OF ORIGIN: Development Services	SUBMITTED BY: Julie Fulgham	
MEETING TYPE:	CLASSIFICATION:	ORDINANCE:
<input type="checkbox"/> REGULAR	<input checked="" type="checkbox"/> PUBLIC HEARING	<input type="checkbox"/> 1 ST READING
<input checked="" type="checkbox"/> SPECIAL	<input type="checkbox"/> CONSENT	<input type="checkbox"/> 2 ND READING
<input type="checkbox"/> EXECUTIVE SESSION	<input type="checkbox"/> REGULAR	<input type="checkbox"/> RESOLUTION
	<input type="checkbox"/> WORK SESSION	
AGENDA ITEM DESCRIPTION: Public Hearing Concerning an Official Zoning Map Amendment to Change the Zoning from Local Business/Residential Mixed Use (B-1) District to a Business, Research and Technology (B-2) District on 24.28 Acres, More or Less, Being Portions of Tracts 1 and 340 Out of the Phillip Coe Survey, and Located at the Northern End of Farewell Street and Generally Known as the Prairie Lea Cemetery Expansion Area		
SUMMARY STATEMENT: This agenda item is for a public hearing to hear comments regarding a request by The Brenham Cemetery Association to rezone approximately 24 acres from the Local Business/Residential Mixed Use District (B-1) to the Commercial, Research and Technology (B-2) District. In addition to property owned by The Brenham Cemetery Association, staff has included a small 0.13 acre portion of land zoned B-1 that belongs to an adjoining tract (Tract 340) owned by Black Mesa, LLC. If this request is approved, this 0.13 island of B-1 zoning would remain without the inclusion of this acreage in this request. The remainder of Black Mesa, LLC's property is already located within the B-2 District. Additionally, right-of-way for Saeger Street is currently located within this property. If the Saeger Street extension is not constructed within a 25-year time frame from the time of the dedication of the right-of-way (approximately 15 years ago), then the right-of-way shall be released to the Brenham Cemetery Association.		
STAFF ANALYSIS (For Ordinances or Regular Agenda Items):		
<p>A. PROS:</p> <p>B. CONS:</p>		
ALTERNATIVES (In Suggested Order of Staff Preference): N/A		
ATTACHMENTS: None		
FUNDING SOURCE (Where Applicable): N/A		
RECOMMENDED ACTION: Discussion only		
APPROVALS: Terry K. Roberts		



AGENDA ITEM 7

DATE OF MEETING: August 30, 2012	DATE SUBMITTED: August 24, 2012	
DEPT. OF ORIGIN: Development Services	SUBMITTED BY: Julie Fulgham	
MEETING TYPE:	CLASSIFICATION:	ORDINANCE:
<input type="checkbox"/> REGULAR	<input checked="" type="checkbox"/> PUBLIC HEARING	<input type="checkbox"/> 1 ST READING
<input checked="" type="checkbox"/> SPECIAL	<input type="checkbox"/> CONSENT	<input type="checkbox"/> 2 ND READING
<input type="checkbox"/> EXECUTIVE SESSION	<input type="checkbox"/> REGULAR	<input type="checkbox"/> RESOLUTION
	<input type="checkbox"/> WORK SESSION	
AGENDA ITEM DESCRIPTION: Public Hearing Concerning an Official Zoning Map Amendment to Change the Zoning from a Residential Single Family (R-1) District to Establish a Planned Development (PD) District for Single-Family Residential Uses on Approximately 57.32 Acres and Generally Bounded by East Stone Street to the North, South Blue Bell Road to the East and Gun and Rod Road to the South as well as a Request to Change the Zoning from a Residential Single Family (R-1) District to a Local Business/Residential Mixed Use (B-1) District on Approximately 3.08 Acres Located at the Southwest Corner of East Stone Street and South Blue Bell Road with Both Parcels Being a Part of Tract 191 Out of the James Walker Survey in Brenham, Texas		
SUMMARY STATEMENT: This agenda item is for a public hearing to hear comments regarding a request for a zone change from an R-1 District to a combination of a Planned Development District for the development of a single-family residential neighborhood and B-1 District to establish a neighborhood commercial tract to serve the surrounding area. This request varies from the standard R-1 District in the following ways: minimum lot widths have been reduced from the required 60 feet to 55 feet; minimum lot depths have increased to 125 feet from the required 115 feet; the applicants are requesting 5-foot side building setbacks; and common areas owned and maintained by a Homeowner's Association are to be dedicated with amenities such as common area landscaping and trails in the development.		
STAFF ANALYSIS (For Ordinances or Regular Agenda Items):		
A. PROS:		
B. CONS:		
ALTERNATIVES (In Suggested Order of Staff Preference):		
ATTACHMENTS: None		
FUNDING SOURCE (Where Applicable): N/A		
RECOMMENDED ACTION: Discussion only		
APPROVALS: Terry K. Roberts		



AGENDA ITEM 8

DATE OF MEETING: August 30, 2012	DATE SUBMITTED: August 21, 2012	
DEPT. OF ORIGIN: Development Services	SUBMITTED BY: Julie Fulgham	
MEETING TYPE:	CLASSIFICATION:	ORDINANCE:
<input type="checkbox"/> REGULAR	<input type="checkbox"/> PUBLIC HEARING	<input checked="" type="checkbox"/> 1 ST READING
<input checked="" type="checkbox"/> SPECIAL	<input type="checkbox"/> CONSENT	<input type="checkbox"/> 2 ND READING
<input type="checkbox"/> EXECUTIVE SESSION	<input checked="" type="checkbox"/> REGULAR	<input type="checkbox"/> RESOLUTION
	<input type="checkbox"/> WORK SESSION	
AGENDA ITEM DESCRIPTION: Discuss and Possibly Act Upon an Ordinance on Its First Reading Amending Appendix A – “Zoning” of the Code of Ordinances of the City of Brenham, Texas; Amending the Official Zoning Map to Change the Zoning from a Mixed Residential (R-2) District to a Local Business/Residential Mixed Use (B-1) District on 7.43 Acres Being Tract 189 Out the Phillip Coe Survey and Located at the Northeast Corner of Old Mill Creek Road and Saeger Street in Brenham, Texas		
SUMMARY STATEMENT: This is a request by a prospective purchaser of this tract located at the northeast corner of Old Mill Creek Road and Saeger Street to rezone the property from an R-2 District to a B-1 District for the purpose of developing the site with a professional office development (specifically to include an accounting firm). Staff recommends approving this requested zone change finding it conforms to the principles outlined in the Comprehensive Plan. The Planning and Zoning Commission unanimously concurred and voted to approve the request at their August 6 th regular meeting.		
STAFF ANALYSIS (For Ordinances or Regular Agenda Items):		
<p>A. PROS: This request will allow the tract to be developed with an office that is compatible with land development in the surrounding area.</p> <p>B. CONS: Less land in this area will be available for multi-family development.</p>		
ALTERNATIVES (In Suggested Order of Staff Preference): (1) Approve request. (2) Deny request.		
ATTACHMENTS: (1) Ordinance; (2) P&Z Board Staff Report; and (3) Draft P&Z Board Minutes from the August 6, 2012 meeting		
FUNDING SOURCE (Where Applicable): N/A		

RECOMMENDED ACTION: Approve an Ordinance on its first reading amending appendix A – “Zoning” of the Code of Ordinances of the City of Brenham, Texas; amending the Official Zoning Map to change the zoning from a Mixed Residential (R-2) District to a Local Business/Residential Mixed Use (B-1) District on 7.43 acres being Tract 189 out the Phillip Coe Survey and located at the northeast corner of Old Mill Creek Road and Saeger Street in Brenham, Texas

APPROVALS: Terry K. Roberts

ORDINANCE _____

AN ORDINANCE AMENDING APPENDIX A - "ZONING" OF THE CODE OF ORDINANCES OF THE CITY OF BRENHAM, TEXAS, AMENDING THE OFFICIAL ZONING MAP TO CHANGE PROPERTY CURRENTLY ZONED AS A MIXED RESIDENTIAL (R-2) DISTRICT TO A LOCAL BUSINESS/RESIDENTIAL MIXED USE (B-1) DISTRICT SPECIFICALLY BEING TRACT 189 OF THE PHILLIP COE SURVEY (7.43 ACRES) AND LOCATED AT THE NORTHEAST CORNER OF OLD MILL CREEK ROAD AND SAEGER STREET IN BRENHAM, TEXAS.

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, this amendment was recommended for approval by the Brenham Planning and Zoning Commission during its regular meeting on August 6., 2012;

NOW, THEREFORE, BE IT ORDAINED BY 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 is hereby amended to change property currently zoned as Mixed Residential (R-2) District to the Local Business/Residential Mixed Use (B-1) District specifically being Tract 189 of the Phillip Coe Survey (7.43 acres) and located at the northeast corner of Old Mill Creek Road and Saeger Street in Brenham, Texas.

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 30th day of August, 2012.

PASSED and APPROVED on its second reading this the 6th day of September, 2012.

Milton Y. Tate, Jr.
Mayor

ATTEST:

Jeana Bellinger, TRMC
City Secretary



Zone Change: NW Corner of Old Mill Creek & Saeger Street

STAFF CONTACT: Julie Fulgham, Director of Development Services

OWNERS/APPLICANTS: E.A. Lord Jr. MD/304 East Horton, LP

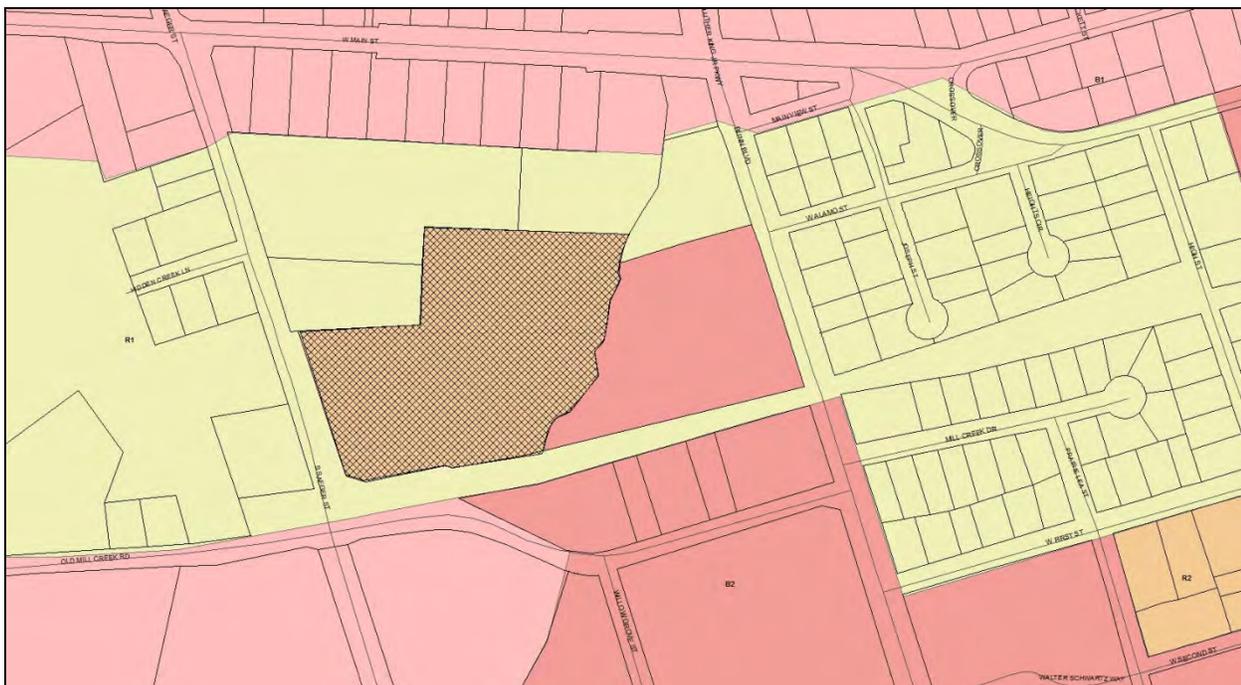
LEGAL DESCRIPTION: 7.31 acres being Tract 189 out of the Phillip Coe Survey and located at the northeast corner of Old Mill Creek Road and Saeger Street in Brenham, Texas

REQUEST: A request to change the zoning from a Mixed Residential (R-2) District to a Local Business/Residential Mixed Use (B-1)

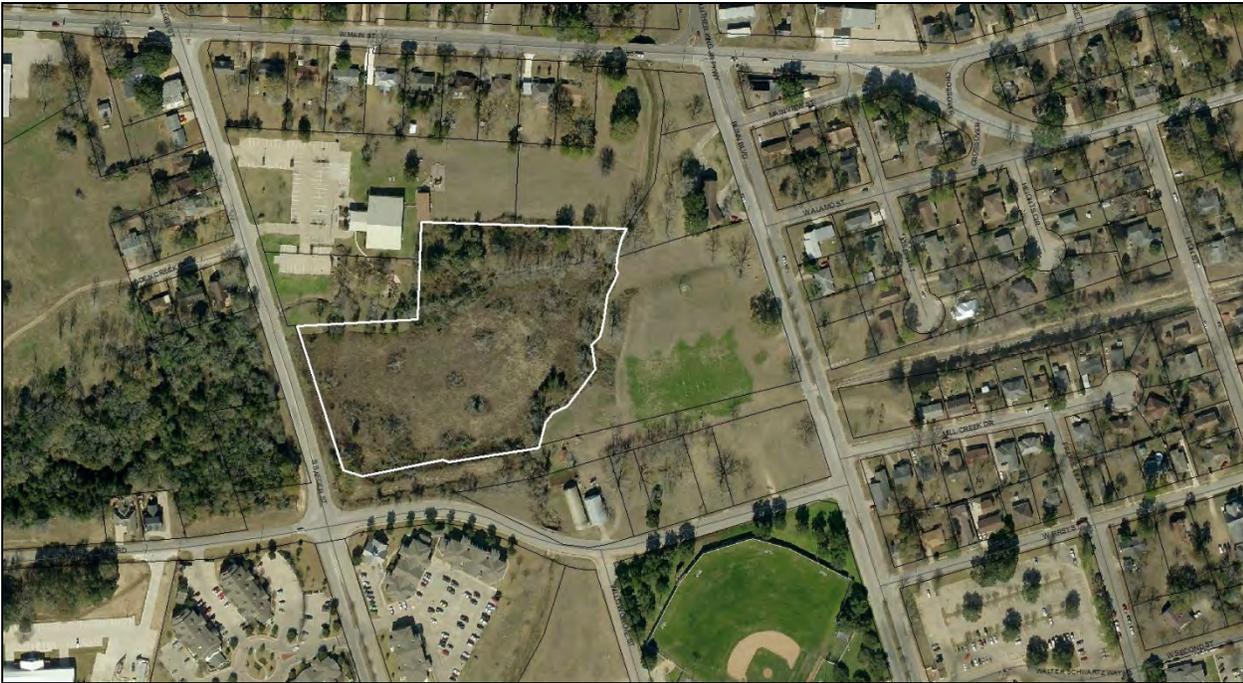
SUMMARY RECOMMENDATION:

This is a request by a prospective purchaser of this tract located at the northeast corner of Old Mill Creek Road and Saeger Street to rezone the property from an R-2 District to a B-1 District for the purpose of developing the site with a professional office development (specifically to include an accounting firm). Staff recommends approving this requested zone change finding it conforms to the principles outlined in the Comprehensive Plan.

ZONING MAP:



AERIAL:



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.**

This request should have no effect on the small town attributes that make Brenham a unique community.

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

This request is for property currently within an R-2 District which is surrounded by nonresidential uses (church) or vacant land owned by Blinn College. The request does not contradict any portion of the Comprehensive Plan. The future land use map shows a mixture of a small commercial zone, residential, and institutional uses in this vicinity.

- (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.**

This property is currently undeveloped and is located at two major thoroughfares that can accommodate higher traffic generated by nonresidential uses. There are adequate utilities surrounding the site that a development can utilize.

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

Surrounding properties are zoned within the R-1 and B-2 District, although the adjacent R-1 property is developed with a nonresidential use (a church). Conflicts between existing and proposed uses should be minimized because B-1 is a less intensive zoning district than the adjacent B-2 District and only a small portion of the vacant land within the R-1 District abuts the tract. Any development on this site must observe buffer yards as required by the performance standards within the Zoning Ordinance.

- (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.**

All notification requirements were met with this application and a copy of this staff report was provided to the property owner and applicant.

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

The zoning ordinance limits the amount of impervious coverage allowed on a lot at the time of development. All performance criteria must be met as this site develops. Additionally, Blinn College owns a majority of land in this vicinity and, as an institutional use, has a higher percentage of open space on their properties to create the campus environment.

- (7) The city's zoning should insure 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 property's development as a professional office should not impact the future location of businesses or housing within this area. Saeger Street and Old Mill Creek are classified as a major and minor collector roads and through the development of these corridors these roads will be able to carry ample traffic loads and provide connectivity and circulation in this area.

- (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.**

Residential neighborhoods nearby should be preserved by the low impact of an office development, especially as buffer yards are preserved. The high percentage of vacant land within the R-1 District in this area will retain the residential neighborhood culture in this area. This rezoning does not 'tip-the-scale' to create a commercial neighborhood.

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

This request will not place incompatible commercial uses within nearby existing neighborhoods as nonresidential and institutional uses mostly surround the property and it is located on major thoroughfares, which are undesirable locations for single-family residential uses.

- (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.**

This property is currently surrounded by non-residential uses and should have minimal impact on residential home values within the area since it does not directly adjoin any residential uses. Other uses surrounding the property are tax exempt uses.

- (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.**

Rezoning this commercial tract can serve the surrounding residential neighborhoods and the community with its location on two major roadways.

- (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.**

This property is vacant and no legally nonconforming uses are located here.

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

Locating commercial uses adjacent to major thoroughfares and where there are adequate utilities provides for the orderly growth and development throughout the City. Office uses are the least intensive commercial uses and the most appropriate to abut residential zoning districts.

EXCERPT FROM THE AUGUST 6, 2012 DRAFT P&Z COMMISSION MINUTES:

3. Public Hearing, Discussion and Possible Action Concerning the Approval of an Amendment to the Official Zoning Map of the Code of Ordinances, to change the zoning from a Mixed Residential (R-2) District to a Local Business/Residential Mixed Use (B-1) District on 7.31 acres being Tract 189 out the Phillip Coe Survey and located at the northeast corner of Old Mill Creek Road and Saeger Street in Brenham, Texas. (Commission makes recommendation; City Council has final approval)

Chairman Picone opened the public hearing. Julie Fulgham, Director of Development Services for the City of Brenham stated that this request is from a prospective purchaser of this tract located at the northeast corner of Old Mill Creek Road and Saeger Street that would like to rezone the property from an R-2 District to a B-1 District for the purpose of developing the site with a professional development (specifically to include an accounting firm). Ms. Fulgham stated that Staff recommends approval of this requested zoning change and finds that it conforms to the principles outlined in the Comprehensive Plan.

Billy Holle stated that Seidel, Schroeder and Company is looking at the tract to building a new office building. He further stated that they currently have approximately 50 employees and that they are out of space at their current location. He said that the site would be for a single user and that they didn't intend to have any tenant lease space.

Daniel Gibbons who lives at 1107 West Main Street stated that there is currently lots of wildlife in the wooded areas. He inquired as to whether the wildlife would be affected, how the stream/flood plain area would be handles, how tall the building will be and if they will strip the land of all vegetation and wildlife.

Mr. Holle replied that approximately 4.6 acres out of the 7.3 acres are not in the floodplain and that area is where the approximately 16,000-20,000 single story office building would be constructed. He further stated that they are also addressing detention requirements. Mr. Holle stated that clearing the creek had not been discussed.

Ms. Fulgham clarified that the portion of the property that is adjacent to residential uses must have a 20' buffer yard and that the building will be located closer to the intersection of Saeger and Old Mill Creek Road.

Commissioner Sheffield stated that she feels this use is a much better use that some uses that could go there.

Commissioner Calvin Kossie made a motion to approve the zoning change request and Commissioner Nancy Low seconded the motion. The motion carried unanimously.



AGENDA ITEM 9

DATE OF MEETING: August 30, 2012		DATE SUBMITTED: August 21, 2012	
DEPT. OF ORIGIN: Development Services		SUBMITTED BY: Julie Fulgham	
MEETING TYPE:	CLASSIFICATION:	ORDINANCE:	
<input type="checkbox"/> REGULAR	<input type="checkbox"/> PUBLIC HEARING	<input checked="" type="checkbox"/> 1 ST READING	
<input checked="" type="checkbox"/> SPECIAL	<input type="checkbox"/> CONSENT	<input type="checkbox"/> 2 ND READING	
<input type="checkbox"/> EXECUTIVE SESSION	<input checked="" type="checkbox"/> REGULAR	<input type="checkbox"/> RESOLUTION	
	<input type="checkbox"/> WORK SESSION		
AGENDA ITEM DESCRIPTION: Discuss and Possibly Act Upon an Ordinance on Its First Reading Amending Appendix A – “Zoning” of the Code of Ordinances of the City of Brenham, Texas; Amending the Official Zoning Map to Change the Zoning from Local Business/Residential Mixed Use (B-1) District to a Business, Research and Technology (B-2) District on 24.28 Acres, More or Less, Being Portions of Tracts 1 and 340 Out of the Phillip Coe Survey, and Located at the Northern End of Farewell Street and Generally Known as the Prairie Lea Cemetery Expansion Area			
SUMMARY STATEMENT: This is a request by The Brenham Cemetery Association to rezone approximately 24 acres from the Local Business/Residential Mixed Use District (B-1) to the Commercial, Research and Technology (B-2) District. In addition to property owned by The Brenham Cemetery Association, staff has included a small 0.13 acre portion of land zoned B-1 that belongs to an adjoining tract (Tract 340) owned by Black Mesa, LLC. If this request is approved, this 0.13 island of B-1 zoning would remain without the inclusion of this acreage in this request. Black Mesa, LLC has been notified and has yet to contact the City to voice objections or support for this rezoning. The remainder of Black Mesa, LLC’s property is already located within the B-2 District. Additionally, right-of-way for Saeger Street is currently located within this property. If the Saeger Street extension is not constructed within a 25-year time frame from the time of the dedication of the right-of-way (approximately 15 years ago), then the right-of-way shall be released to the Brenham Cemetery Association.			
Staff recommends approving the change to B-2 on the approximately 24 acre property slated for the cemetery expansion <i>except the approximate 1.3 acre portion that comprises the undeveloped section of the Saeger Street right-of-way</i> ; and approve the City initiated rezoning of the 0.13 acre portion of the 4.474 acre tract being Tract 340 out of the Phillip Coe Survey owned by Black Mesa, LLC. The Planning and Zoning Commission staff report is attached and provides an in depth analysis of this request.			
The Planning and Zoning Commission unanimously concurred and voted to approve the request at their August 6th regular meeting.			

STAFF ANALYSIS (For Ordinances or Regular Agenda Items):

- A. PROS:** This zone change will allow the property to develop as a cemetery and protect the Saeger Street transportation corridor.
- B. CONS:** If Saeger Street is not constructed within 10 years, the Cemetery Association must make a second rezoning request to develop the transportation corridor as a cemetery.

ALTERNATIVES (In Suggested Order of Staff Preference): (1) Approve request. (2) Deny request.

ATTACHMENTS: (1) Ordinance; (2) P&Z Board Staff Report; and (3) Draft P&Z Board Minutes from the August 6, 2012 meeting

FUNDING SOURCE (Where Applicable): N/A

RECOMMENDED ACTION: Approve an Ordinance on its first reading amending Appendix A – “Zoning” of the Code of Ordinances of the City of Brenham, Texas; amending the Official Zoning Map to change the zoning from Local Business/Residential Mixed use (B-1) District to Business, Research, and Technology (B-2) District on 24.28 acres, more or less, slated for the cemetery expansion except the approximate 1.3 acre portion that comprises the undeveloped section of the Saegar Street right-of-way; and approve the City initiated re-zoning of the 0.13 acre portion of the 4.474 acre tract being Tract 340 out of the Phillip Coe Survey owned by Black Mesa, LLC and located at the northern end of Farewell Street and generally known as the Prairie Lea Cemetery Expansion Area in Brenham, Texas

APPROVALS: Terry K. Roberts

ORDINANCE _____

AN ORDINANCE AMENDING APPENDIX A - "ZONING" OF THE CODE OF ORDINANCES OF THE CITY OF BRENHAM, TEXAS, AMENDING THE OFFICIAL ZONING MAP TO CHANGE PROPERTY CURRENTLY ZONED AS A LOCAL BUSINESS/RESIDENTIAL MIXED USE (B-1) DISTRICT TO A BUSINESS, RESEARCH, AND TECHNOLOGY (B-2) DISTRICT, SPECIFICALLY BEING PORTIONS OF TRACTS 1 AND 340 OUT OF THE PHILLIP COE SURVEY AND LOCATED AT THE NORTHERN END OF FAREWELL STREET AND GENERALLY KNOWN AS THE PRAIRIE LEA CEMETARY EXPANSION AREA IN BRENHAM, TEXAS.

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, this amendment was recommended for approval by the Brenham Planning and Zoning Commission during its regular meeting on August 6, 2012;

NOW, THEREFORE, BE IT ORDAINED BY 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 is hereby amended to change property currently zoned as Local Business/Residential Mixed use (B-1) District to Business, Research, and Technology (B-2) District on 24.28 acres, more or less, being portions of Tracts 1 and 340 out of the Phillip Coe Survey and located at the northern end of Farewell Street and generally known as the Prairie Lea Cemetery Expansion Area in Brenham, Texas

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 30th day of August, 2012.

PASSED and APPROVED on its second reading this the 6th day of September, 2012.

Milton Y. Tate, Jr.
Mayor

ATTEST:

Jeana Bellinger, TRMC
City Secretary



Zone Change: Prairie Lea Cemetery

STAFF CONTACT: Julie Fulgham, Director of Development Services

OWNERS/APPLICANTS: The Brenham Cemetery Association (Wayne Giese, President)

LEGAL DESCRIPTION: 24.28 acres, more or less, being portions of Tracts 1 and 340 out of the Phillip Coe Survey, and located at the northern end of Farewell Street and generally known as the Prairie Lea Cemetery expansion area

REQUEST: A request to change the zoning from Local Business/Residential Mixed Use (B-1) District to a Business, Research and Technology (B-2) District

SUMMARY RECOMMENDATION:

This is a request by The Brenham Cemetery Association to rezone approximately 24 acres from the Local Business/Residential Mixed Use District (B-1) to the Commercial, Research and Technology (B-2) District. In addition to property owned by The Brenham Cemetery Association, staff has included a small 0.13 acre portion of land zoned B-1 that belongs to an adjoining tract (Tract 340) owned by Black Mesa, LLC. If this request is approved, this 0.13 island of B-1 zoning would remain without the inclusion of this acreage in this request. Black Mesa, LLC has been notified and has yet to contact the City to voice objections or support for this rezoning. The remainder of Black Mesa, LLC's property is already located within the B-2 District (please see Exhibit A).

Additionally, right-of-way for Saeger Street is currently located within this property. If the Saeger Street extension is not constructed within a 25-year time frame from the time of the dedication of the right-of-way (approximately 15 years ago), then the right-of-way shall be released to the Brenham Cemetery Association. Therefore, to protect the future Saeger Street transportation corridor, **staff recommends the following:**

- 1. Approve the change to B-2 on the approximately 24 acre property slated for the cemetery expansion except the approximate 1.3 acre portion that comprises the undeveloped section of the Saeger Street right-of-way; and**
- 2. Approve the City initiated rezoning of the 0.13 acre portion of the 4.474 acre tract being Tract 340 out of the Phillip Coe Survey owned by Black Mesa, LLC.**

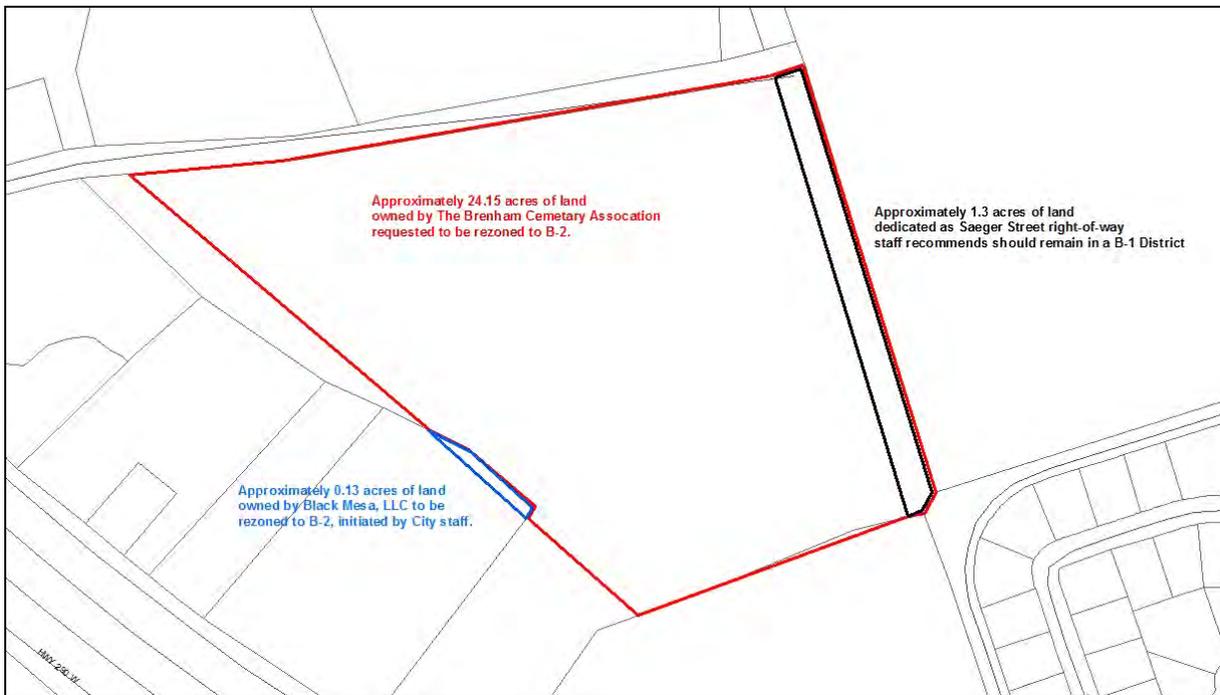
ZONING MAP:



AERIAL:



EXHIBIT A:



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.**

This request should have no effect on the small town attributes that make Brenham a unique community.

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

This request is for property within a B-1 District and the proposed use is for a cemetery. The request does not contradict any portion of the Comprehensive Plan. The thoroughfare plan within the Comprehensive Plan shows Saeger Street bisecting this property. Therefore staff recommends rezoning only the portion of land not encumbered with right-of-way to the B-2 District to protect the future Saeger Street transportation corridor from development that would hinder the future extension of Saeger Street.

- (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.**

This property is currently undeveloped. A future extension of Saeger Street will bisect the property and provide traffic circulation to and through the property.

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

Surrounding properties are zoned within the B-2 District and conflicts between existing and proposed uses should not arise because of the consistent zoning within the area.

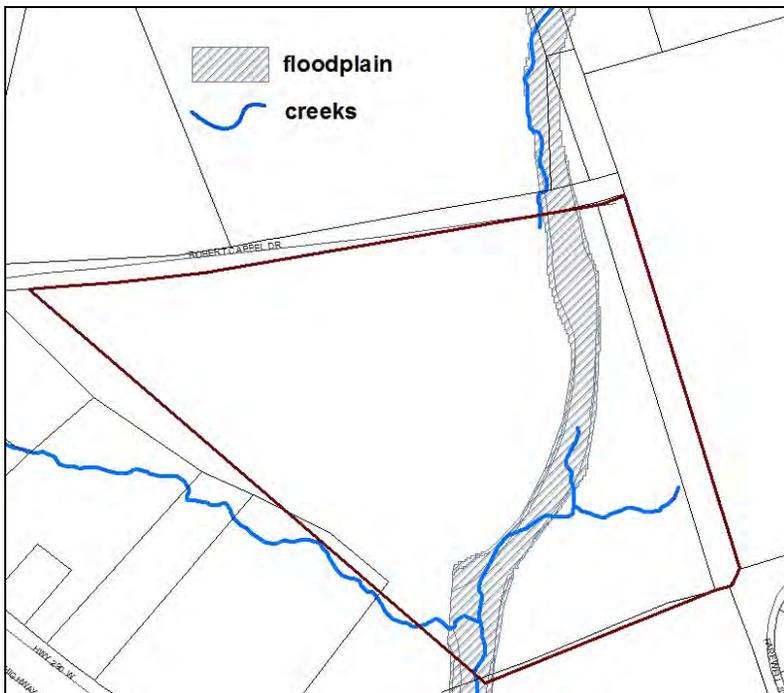
- (5) The city's zoning process should be fair and equitable, giving all citizens adequate information and opportunity to be heard prior to adoption of zoning amendments.**

All notification requirements were met with this application and a copy of this staff report was provided to the property owners. Notices were sent to Black Mesa, LLC regarding the city initiated zone change pertaining to this matter via certified, return receipt mail and regular mail.

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

The zoning ordinance limits the amount of impervious coverage allowed on a lot at the time of development. All performance criteria must be met as this site develops. Cemeteries typically have a high amount of open space and are historically the first City 'parks' because of such open space. Additionally, FEMA designated flood way is located on this property (see Exhibit B) and development of the floodway (including the placement of graves and headstones) is prohibited, resulting in additional open space.

EXHIBIT B:



- (7) The city's zoning should insure 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 property's development as a cemetery should not impact the future location of businesses or housing within this area. The extension of Saeger Street through this property will enhance the traffic circulation within this area by providing more connectivity and lessening traffic on nearby streets; providing for a more attractive and safe environment within this vicinity.

- (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.**

Residential neighborhoods nearby should be preserved by the low impact (in terms of traffic, noise, or undesired activity nearby residential uses) of a cemetery development.

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

This request would not grant encroachment of commercial zoning into nearby existing neighborhoods.

- (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.**

This property is currently surrounded by B-2 zoning districts and the continuation of B-2 zoning on this tract (minus the Saeger Street right-of-way) should not negatively impact adjoining properties, which are zoned B-2.

- (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.**

This property is located between two large B-2 Districts, a portion being the developed section of the Prairie Lea Cemetery. With the nearby properties frontage on Highway 290, B-2 zoning is compatible with the development of a regional retail area in this vicinity, even if the property was not proposed to be developed as the Prairie Lea Cemetery expansion area.

- (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.**

This property is vacant and no legally existing uses are located here.

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

This land is adjacent to an existing cemetery and is undeveloped. Expansion of the cemetery should provide for orderly growth so long as Saeger Street continues to bisect the tract and provides further connectivity between the northwest and southwest portions of town.

EXCERPT FROM THE AUGUST 6, 2012 DRAFT P&Z COMMISSION MINUTES:

4. Public Hearing, Discussion and Possible Action Concerning the Approval of an Amendment to the Official Zoning Map of the Code of Ordinances to change the zoning from Local Business/Residential Mixed Use (B-1) District to a Business, Research and Technology (B-2) District on 24.28 acres, more or less, being portions of Tracts 1 and 340 out of the Phillip Coe Survey, and located at the northern end of Farewell Street and generally known as the Prairie Lea Cemetery expansion area. (Commission makes recommendation; City Council has final approval)

Chairman Picone opened the public hearing. Julie Fulgham, Director of Development Services for the City of Brenham stated that this request is from the Brenham Cemetery Association to rezone approximately 24 acres from the B-1 District to the B-2 District. Additionally, the right-of-way for Saeger Street is currently located within this property. If the Saeger Street extension is not constructed within a 25-year time frame from the time of the dedication of the right-of-way (approximately 15 years ago), then the right-of-way shall be released to the Brenham Cemetery Association. Ms. Fulgham stated that in addition to the property owned by the Brenham Cemetery Association, a small 0.13 acre portion of land zoned B-1 that belongs to an adjoining tract (Tract 34) owned by Black Mesa, LLC has been included in this rezone request since the remainder of Black Mesa, LLC's property is already zoned as B-2 and this would provide continuity of the zoning district. In an effort to protect the future Saeger Street transportation corridor, Staff recommends the following:

1. Approve the change to B-2 on the approximately 24 acre property slated for the cemetery expansion, *except for the approximate 1.3 acre portion that comprises the undeveloped section of the Saeger Street right-of-way*; and
2. Approve the City initiated rezoning of the 0.13 acre portion of the 4.474 acre tract being Tract 340 out of the Phillip Coe Survey owned by Black Mesa, LLC.

Ms. Fulgham stated that this zoning change is needed since the Cemetery Association wants to expand the cemetery into this area but cemeteries are only allowed in the B-2 District.

Clarence Gerke spoke on behalf of the Brenham Cemetery Association and stated that Prairie Lea Cemetery is running out of space quickly so the rezone is essential to be able to use this property for burials. He thanked the Commission for consideration of this request.

Chairman Picone asked about the land in between these tracts. Doug Baker, Director of Public Works, replied that there is no property in between these tracts. The land is contiguous to the existing developed cemetery. He stated that the zoning of the right-of-way easement area could be changed if the easement expires and the road is not constructed. Mr. Gerke responded that it was just as easy to zone it all B-2 at one time and not have to come back if the easement expires.

Commissioner Jefferson made a motion to approve the zone changes per staff's recommendation to exclude the Saeger Street r-o-w easement and Commissioner Kossie seconded the motion. The motion carried unanimously.



AGENDA ITEM 10

DATE OF MEETING: August 30, 2012		DATE SUBMITTED: August 24, 2012	
DEPT. OF ORIGIN: Development Services		SUBMITTED BY: Julie Fulgham	
MEETING TYPE:	CLASSIFICATION:	ORDINANCE:	
<input type="checkbox"/> REGULAR	<input type="checkbox"/> PUBLIC HEARING	<input checked="" type="checkbox"/> 1 ST READING	
<input checked="" type="checkbox"/> SPECIAL	<input type="checkbox"/> CONSENT	<input type="checkbox"/> 2 ND READING	
<input type="checkbox"/> EXECUTIVE SESSION	<input checked="" type="checkbox"/> REGULAR	<input type="checkbox"/> RESOLUTION	
	<input type="checkbox"/> WORK SESSION		
AGENDA ITEM DESCRIPTION: Discuss and Possibly Act Upon an Ordinance on Its First Reading Amending Appendix A – “Zoning” of the Code of Ordinances of the City of Brenham, Texas; Amending the Official Zoning Map to Change the Zoning from a Residential Single Family (R-1) District to Establish a Planned Development (PD) District for Single-Family Residential Uses on Approximately 57.32 Acres and Generally Bounded by East Stone Street to the North, South Blue Bell Road to the East and Gun and Rod Road to the South as well as to Change the Zoning from a Residential Single Family (R-1) District to a Local Business/Residential Mixed Use (B-1) District on Approximately 3.08 Acres Located at the Southwest Corner of East Stone Street and South Blue Bell Road with Both Parcels Being a Part of Tract 191 Out of the James Walker Survey in Brenham, Texas			
SUMMARY STATEMENT: This is a request for a zone change from an R-1 District to a combination of a Planned Development District for the development of a single-family residential neighborhood and B-1 District to establish a neighborhood commercial tract to serve the surrounding area. This request varies from the standard R-1 District in the following ways: minimum lot widths have been reduced from the required 60 feet to 55 feet; however minimum lot depths have increased to 125 feet from the required 115 feet; the applicants are requesting 5-foot side building setbacks; and common areas owned and maintained by a Homeowner’s Association are to be dedicated with amenities such as common area landscaping and trails in the development.			
Staff recommends approving a Planned Development District for single family residential uses on this property finding the deviations are minimal and meet the intent of the single-family residential zoning classification in terms of density. However staff does not recommend approving the Planned Development District as requested. Staff recommends approval of all aspects of the request except for the deviation from the side building setbacks. Generally, on single family residential lots in Brenham, a 10-foot minimum side building setback is required. The Fire Marshal’s office has reviewed this request and does not support a reduction in setbacks to 5 feet. The smallest reduction the Fire Marshall’s office supports is a reduction to 7.5 feet. Any reduction in typical minimum setback standards less than 7.5 feet will reduce the separation of residential structures to less than 15 feet which reduces the amount of space emergency personnel have to fight fires between structures. Additionally, staff believes a reduction in side setbacks to 5 feet is out of character with similar residential neighborhoods in Brenham.			

Therefore, staff recommended to the Planning and Zoning Commission approval of the Planned Development District with minimum lot widths of 55 feet, minimum lot depths of 125 feet, side setback lines reduced to 7.5 feet (measured from the slab with no more than the standard 2 foot overhang), the creation of a Homeowners Association to provide maintenance of the common areas, common area dedication with a minimum 1,500 linear feet of all-weather trail developed within the Ralston Creek greenbelt, and R-1 zoning district standards apply to the property when not otherwise specified. Additionally staff recommended approving B-1 zoning on the 3.07 tract to serve as a neighborhood commercial district. The Planning and Zoning Commission unanimously concurred and voted to approve the request at their August 6th regular meeting.

STAFF ANALYSIS (For Ordinances or Regular Agenda Items):

- A. PROS:** This zone change will allow the property to develop with a single-family residential development that is unique to Brenham.
- B. CONS:** Planned Development Districts have never been adopted before within the City of Brenham and the effects of the long term administration of them are unknown.

ALTERNATIVES (In Suggested Order of Staff Preference): (1) Approve request. (2) Modify request. (3) Deny request.

ATTACHMENTS: (1) Ordinance, with Exhibit A; (2) P&Z Board Staff Report; and (3) Draft P&Z Board Minutes from the August 6, 2012 meeting

FUNDING SOURCE (Where Applicable): N/A

RECOMMENDED ACTION: Approve an Ordinance on its first reading amending Appendix A – “Zoning” of the Code of Ordinances of the City of Brenham, Texas; amending the Official Zoning Map to change the zoning from a Residential Single Family (R-1) District to Establish a Planned Development (PD) District for single-family residential uses on approximately 57.32 acres and generally bounded by East Stone Street to the north, South Blue Bell Road to the east and Gun and Rod Road to the south, with minimum lot widths of 55 feet, minimum lot depths of 125 feet, side setback lines reduced to 7.5 feet, the creation of a Homeowners Association to maintain the common areas, dedication and construction of a minimum 1,500 linear feet all-weather trail, and R-1 zoning district standards applied to the property not otherwise specified as well as to change the zoning from a Residential Single Family (R-1) District to a Local Business/Residential Mixed Use (B-1) District on approximately 3.07 acres located at the southwest corner of East Stone Street and South Blue Bell Road with both parcels being a part of Tract 191 out of the James Walker Survey in Brenham, Texas

APPROVALS: Terry K. Roberts

ORDINANCE NO. _____

AN ORDINANCE AMENDING APPENDIX A - "ZONING" OF THE CODE OF ORDINANCES OF THE CITY OF BRENHAM, TEXAS, AMENDING THE OFFICIAL ZONING MAP TO CHANGE PROPERTY CURRENTLY ZONED AS A RESIDENTIAL SINGLE FAMILY (R-1) DISTRICT TO A COMBINATION OF A PLANNED DEVELOPMENT (PD) DISTRICT AND LOCAL BUSINESS/RESIDENTIAL MIXED USE (B-1) DISTRICT, SPECIFICALLY BEING APPROXIMATELY 60.4 ACRES ON LAND GENERALLY BOUNDED BY EAST STONE STREET TO THE NORTH, SOUTH BLUE BELL ROAD TO THE EAST, AND GUN AND ROD ROAD TO THE SOUTH BEING ALL OR PORTIONS OF TRACT 191 OUT OF THE JAMES WALKER SURVEY IN BRENHAM, TEXAS.

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, this amendment was recommended for approval by the Brenham Planning and Zoning Commission during its regular meeting on August 6, 2012;

NOW, THEREFORE, BE IT ORDAINED BY 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 is hereby amended to change property currently zoned as Residential Single Family (R-1) District to establish a Planned Development (PD) District for single-family residential uses on approximately 57.32 acres and generally bounded by East Stone Street to the north, South Blue Bell Road to the east and Gun and Rod Road to the south as well as request to change the zoning from a Residential Single Family (R-1) District to a Local Business/Residential Mixed Use (B-1) District on Approximately 3.08 acres located at the southwest corner of East Stone Street and South Blue Bell Road with both requests being a part of tract 191 out of the James Walker Survey in Brenham, Texas in accordance with the master development plan shown on Exhibit A and specifically including the following regulations:

1. Subdivision of land should conform to the master development plan shown in Exhibit A, including road layout and common area dedication;
2. Minimum lot widths are 55 feet;

3. Minimum lot depths are 125 feet;
4. Minimum side setbacks are 7.5 feet and measured from the slab with no more than a 2-foot overhang;
5. Ralston Creek green space and perimeter landscaping are to be dedicated common areas owned and maintained by a homeowners association as shown on the master development plan;
6. A minimum of 1,500 linear feet of all-weather trail shall be constructed in the Ralston Creek green space as depicted on the master development plan;
7. A homeowners association shall be established with their governing documents approved by the City to ensure adequate maintenance of the common areas as shown on the master development plan;
8. Unless otherwise listed above the property located within the Planned Development District shall conform to the regulations found in the Single-Family Residential zoning district of the zoning ordinance and subdivision ordinance;
9. The property shown on the master development plan as commercial shall be zoned B-1 and all applicable regulations and ordinances of the B-1 zoning district shall apply; and
10. All adopted building codes shall apply.

SECTION 2. This Ordinance shall take effect as provided by the Charter of the City of Brenham, Texas.

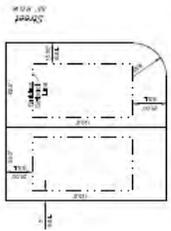
PASSED and APPROVED on its first reading this the 30th day of August, 2012.

PASSED and APPROVED on its second reading this the 6th day of September, 2012.

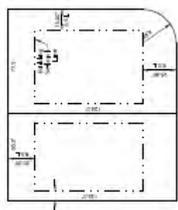
Milton Y. Tate, Jr.
Mayor

ATTEST:

Jeana Bellinger, TRMC
City Secretary



TYPICAL LOTS IN YELLOW SHADED AREA



TYPICAL LOTS IN BLUE SHADED AREA

1. Review all zoning regulations.
2. Review all zoning regulations.
3. Review all zoning regulations.
4. Review all zoning regulations.
5. Review all zoning regulations.
6. Review all zoning regulations.
7. Review all zoning regulations.
8. Review all zoning regulations.
9. Review all zoning regulations.
10. Review all zoning regulations.

REZONING EXHIBIT
Ralston Creek Es

60.39 AC

BREWHAM, WASHINGTON COUNTY,
 PENNSYLVANIA

DATE: 11/11/2011

PROJECT: Ralston Creek Es

SCALE: 1" = 100'

PREPARED BY: [Name]

CHECKED BY: [Name]

DATE: 11/11/2011

REZONING EXHIBIT
 SCALE: 1" = 100'



Zone Change: Ralston Creek Estates

STAFF CONTACT: Julie Fulgham, Director of Development Services

OWNERS/APPLICANTS: BCS Development Company

LEGAL DESCRIPTION: 60.4 acres and generally bounded by East Stone Street to the north, South Blue Bell Road to the east and Gun and Rod Road to the south

REQUEST: A request to change the zoning from a Single Family Residential (R-1) District to a combination of a Planned Development District and a Local Business/Residential Mixed Use (B-1) District

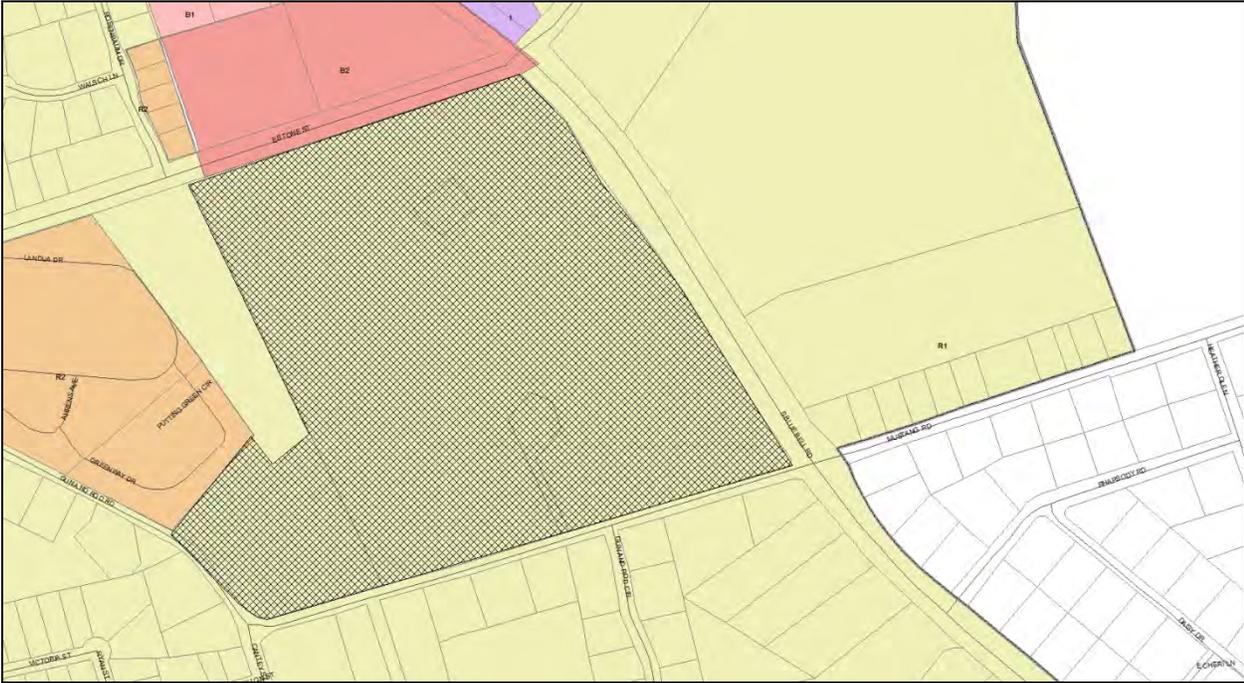
SUMMARY RECOMMENDATION:

This is a request for a zone change from an R-1 District to a combination of a Planned Development District for the development of a single-family residential neighborhood and B-1 District to establish a neighborhood commercial tract to serve the surrounding area. This request varies from the standard R-1 District in the following ways:

1. Minimum lot widths have been reduced from the required 60 feet to 55 feet; however minimum lot depths have increased to 125 feet from the required 115 feet;
2. The applicants are requesting 5-foot side building setbacks; and
3. Common areas owned and maintained by a Homeowner's Association are to be dedicated with amenities such as common area landscaping and trails in the development.

Staff recommends approving a Planned Development District for single family residential uses on this property finding the deviations are minimal and meet the intent of the single-family residential zoning classification in terms of density. However staff does not recommend approving the Planned Development District as requested. Staff recommends the Planning and Zoning Commission approve all aspects of the request except for the deviation from the side building setbacks. Generally, on single family residential lots in Brenham, a 10-foot minimum side building setback is required. The Fire Marshal's office has reviewed this request and does not support a reduction in setbacks to 5 feet. The smallest reduction the Fire Marshall's office supports is a reduction to 7.5 feet. Any reduction in typical minimum setback standards less than 7.5 feet will reduce the separation of residential structures to less than 15 feet which reduces the amount of space emergency personnel have to fight fires between structures. Additionally, staff believes a reduction in side setbacks to 5 feet is out of character with similar residential neighborhoods in Brenham. **Therefore, staff recommends approving the Planned Development District, as requested, with the following deviations or conditions: side setback lines can only be reduced to 7.5 feet (measured from the slab with no more than the standard 2 foot overhang), a Homeowners Association is mandatory to provide maintenance of the common areas, and R-1 zoning district standards apply to the property when not otherwise specified. Additionally staff recommends approving B-1 zoning on the 3.07 tract to serve as a neighborhood commercial district.**

ZONING MAP:



AERIAL:



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.**

This request should have no effect on the small town attributes that make Brenham a unique community.

- (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 shows residential uses in this area and states commercial zoning districts should be located on major thoroughfares. The proposed B-1 District abuts Blue Bell Road, an arterial road.

- (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.**

This property is currently undeveloped and is located between three significant thoroughfares that can accommodate traffic generated by an additional 174 single family residential lots. There are also adequate utilities surrounding the site that a development can utilize and extend to serve the new lots within this development.

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

Surrounding properties are zoned within the R-1 District similar to this proposed development. The approximately 3 acre tract is at the corner of Blue Bell Road and Stone Street, major thoroughfares that can accommodate traffic generated by nonresidential uses. Performance standards related to buffer yards, screening fences, and off-street parking will be required when the tract in the proposed B-1 District develops.

- (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.**

All notification requirements were met with this application and a copy of this staff report was provided to the property owner and applicant.

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

The zoning ordinance limits the amount of impervious coverage allowed on a lot at the time of development. All performance criteria must be met as this site develops. Additionally, open space will be deeded to a Homeowners Association to maintain and provides a neighborhood green space.

- (7) The city's zoning should insure 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 property's development as a residential neighborhood is a continuation of existing development patterns in the area. The proposed commercial tract is intended to provide neighborhood services and become an amenity to the area.

- (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.**

Residential neighborhoods nearby should be preserved and the percentage of vacant land within this area will be reduced and therefore stabilize residential neighborhoods already existing in the area.

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

This request will not place incompatible large scale commercial uses within nearby existing neighborhoods as only 3 acres are intended for commercial development.

- (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.**

As mentioned above, additional single family residential development in this area will stabilize the existing residential uses by limiting the amount of vacant land available for potential unsuitable or incompatible development.

- (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.**

Rezoning this commercial tract will serve the surrounding residential neighborhoods and conflict between uses should be minimized with its location at the intersection of two major roadways.

- (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.**

This property is largely vacant and no legally nonconforming uses are located here.

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

This request conforms to the land use plan adopted in the Comprehensive Plan for this area.

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 this PDD deviates from does not undermine the density requirements or intent of the single family residential zoning district.

- (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 is largely a request for a master planned single family residential development and is compatible with the surrounding residential neighborhoods in terms of scale and density, with only 174 lots that each meet the minimum lot size established in the R-1 District.

- (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.**

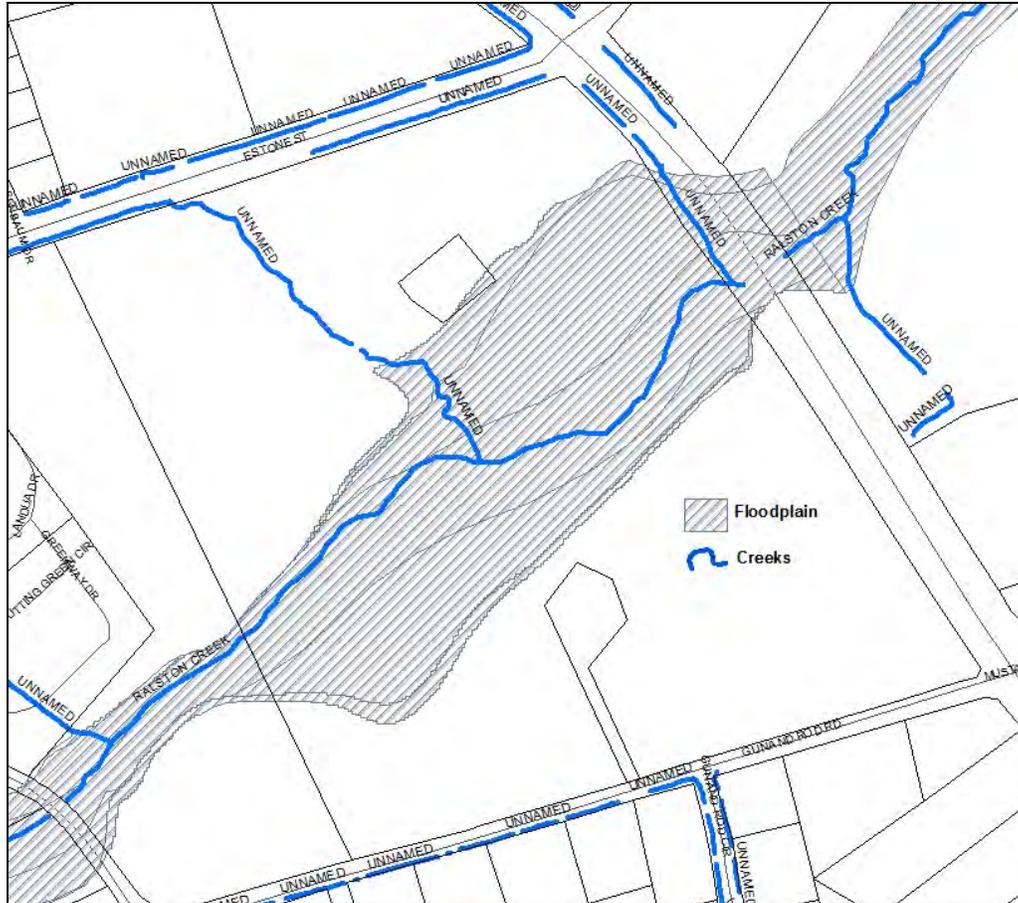
There are no foreseen unfavorable effects or impacts on the area. The proposed B-1 District must be developed with all applicable performance standards regulated by the Zoning Ordinance.

- (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 surrounded by three major transportation corridors that can and should accommodate additional traffic generated by this 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.**

There is floodplain and floodway located on this property and the subdivision of this property in this configuration will account for this development obstacle. Drainage information will be required at the time of platting and a Homeowners Association will be created with bylaws and governing documents pertaining to the maintenance of the drainage area that is located on this property.



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

The only traffic control anticipated is signs and will meet all applicable City standards.

- (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 an impact on the public health, safety or welfare and should only enhance the area.

EXCERPT FROM THE AUGUST 6, 2012 DRAFT P&Z COMMISSION MINUTES:

5. Public Hearing, Discussion and Possible Action Concerning the Approval of an Amendment to the Official Zoning Map of the Code of Ordinances to change the zoning from a Residential Single Family (R-1) District to establish a Planned Development (PD) District for single-family residential uses on approximately 57.32 acres and generally bounded by East Stone Street to the north, South Blue Bell Road to the east and Gun and Rod Road to the south as well as a request to change the zoning from a Residential Single Family (R-1) District to a Local Business/Residential Mixed Use (B-1) District on approximately 3.08 acres located at the southwest corner of East Stone Street and South Blue Bell Road with both requests being a part of Tract 191 out of the James Walker Survey in Brenham, Texas. (Commission makes recommendation; City Council has final approval)

Commissioner Sheffield recused herself from this discussion and possible action due to her being a nearby property owner and having a business interest with Stylecraft Builders.

Chairman Picone opened the public hearing. Julie Fulgham, Director of Development Services for the City of Brenham stated that this request is for a zone change from an R-1 District to a combination of a Planned Development District for the development of a single-family residential neighborhood and B-1 District to establish a neighborhood commercial tract to serve the surrounding area. The request varies from the standard R-1 District in the following ways:

1. Minimum lot widths have been reduced from the required 60 feet to 55 feet; however, minimum lot depths have increased to 125 from the required 115 feet;
2. The applicants are requesting 5-foot building setbacks; and
3. Common areas owned and maintained by a Homeowner's Association are to be dedicated with amenities such as common area landscaping and trails in the development.

Ms. Fulgham stated that Staff recommends approving a Planned Development District for single-family residential uses on this property finding that the deviations are minimal and meet the intent of the single-family residential zoning classification in terms of density. However, Staff does not recommend approval of the Planned Development District exactly as requested. Staff recommends that the Planning and Zoning Commission approve all aspects of the request except for the deviation from the side building setbacks. Generally, on single family residential lots in Brenham, a 10-foot minimum side building setback is required. The Fire Marshal's office reviewed this request and does not support a reduction in setbacks to 5 feet. The smallest reduction that the Fire Marshal's office will support is 7.5 feet since this will reduce the separation of residential structures to 15 feet and anything less will also reduce the amount of space emergency personnel have to fight fires between the structures. Therefore, Staff recommends approving the Planned Development District, as requested, with the following deviations or conditions: side setback lines can only be reduced to 7.5 feet (measured from the slab with no more than the standard 2 foot overhang), a Homeowner's Association is mandatory to provide maintenance of the common areas, and R-1 zoning district standards apply to the property when not otherwise specified. Additionally, Staff recommends approve the B-1 zoning on the 3.07 acre tract to serve as a neighborhood commercial district.

Chairman Picone questioned whether the Fire Marshal was ok with the cul-de-sac lengths. Ms. Fulgham replied that the Fire Marshal is comfortable with the 30 lot requirement and thus, comfortable with the cul-de-sacs as presented. Ms. Fulgham further stated if this "Master Plan" is approved, then the final plat would need to "match" the Master Plan.

Randy French from Stylecraft Builders made a short presentation on the types of homes that would be built in this development. He stated that it has been an honor to build in Brenham for the last 5 years. He explained that the blue areas on the map would be for the "Elite" homes that sell for approximately \$250,000 - \$350,000 and the yellow areas on the map would be for the "Standard" homes that sell for approximately \$140,000-\$200,000. These are similar to the homes that were constructed in the Woodbridge Subdivision located near the Brenham Elementary School. He further stated that the theory behind PD's is that there are trade-offs that make the development more feasible. He stated that most of the larger cities, such as the Woodlands, Bryan, College Station, Houston, Austin, and Dallas all allow a 5 foot side setback with a Planned Development. He further stated that the blue areas are 70 foot lots and the yellow areas are 55 foot lots. He also stated that this development could be done under the current zoning as a grid instead of the Planned Development with all the niceties.

David Wunderlich stated that he noticed that the entrances are mainly on Gun & Rod Road but nothing has been done to improve or widen the street since it was annexed by the City. He asked if the road was going to be widened. He also stated that Cantey Street has been a speed zone since it was built and that the blind spot at the hill was also an issue.

Joel Scherenthaler who lives at 2320 Gun & Rod Circle stated that there has already been a large increase in traffic on Gun & Rod Road which makes pedestrian traffic a safety issue if shoulders or something are not added.

Randy French replied that they can add a greenbelt area to Gun & Rod Road but that the pedestrian traffic on Gun & Rod Road is more of a City issue.

Rosalyn Bradford who lives at 2351 Gun & Rod Circle stated that she is concerned about the traffic issue as well since she has almost hit runners, bikers, etc. There needs to be a sidewalk or something constructed. Her main concern is traffic but she would also like reassurance as to how things will look and who will handle the wear and tear on the street during development. A question was raised as to how many homes will be under construction at one time. Randy French replied that most homes are sold and custom built but there would not be more than 5-7 homes in production without buyers. He also stated that this development would probably take about 5-7 years to be completed.

Wende Ragonis who lives at 2390 Gun & Rod Circle stated that she has small children and that traffic is a concern of hers as well. She stated that the "hill" is an issue that was supposed to be addressed by the City after annexation. She further stated that the two entry points on Gun & Rod Rd are going to be hazardous for pedestrians. She asked if there was going to be an additional light on Blue Bell Road since the traffic at that intersection is already horrible. She stated that she appreciated the fact that Stylecraft Builders is willing to work with the homeowners. She also said that it is the City's duty to make the road safe per items 7 and 9 of the City of Brenham Zoning Policies that state:

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.*
13. *The City's zoning should provide for orderly growth and development throughout the City.*

Ms. Ragonis stated that without proper lighting, shoulders or sidewalks, the City isn't ensuring a safe community environment or ensuring orderly growth.

Gregg Appel asked if a Planned Development District is established, does this mean that you can do away with the building codes by asking for an amendment. Julie Fulgham replied that the amendment would be for an amendment to the subdivision or zoning ordinance not the building codes. Mr. Appel also stated that he didn't hear an answer to the cul-de-sac length issue that was raised. Chairman Picone stated that this was also a concern of his. Ms. Fulgham stated that all had met the 600 rule and one was under 800; however, the 30-home rule for compliance with the Fire Code had been met with this configuration. Chairman Picone asked what is going to happen if the ones that the P&Z had previously denied want to come back and ask for this waiver. Ms. Fulgham responded that if it is a master planned development and they want to provide the amenities and meet the other criteria that are required then they can certainly apply for a Planned Development District.

Susan Scherenthaler commented that she is concerned with the additional water usage since there are areas in the City of Brenham that currently have poor water flow and she would like to have assurance that if 180 homes are added that there will be adequate water pressure. Ms. Fulgham replied that a fire flow analysis would be required to make sure that there is adequate fire pressure and that it should definitely be adequate for residential uses. Ms. Scherenthaler also voiced concern over the commercial site since it is a very busy area already. She asked what types of uses could be put on that site. Ms. Fulgham replied that the B-1 Zone is typically for retail and office uses only. No outdoor storage is allowed. They must also have a buffer zone and screening between the commercial use and any residential uses. She stated that some examples of what kinds of commercial development would be allowed are a daycare, donut shop, convenience store or anything that would be considered an accessory to the neighborhood.

Jim Ellison stated that since Gun & Rod Road is in the City now, the Developer should work with the City regarding any improvements that need to be made.

Ms. Fulgham stated that each week the Plan Review Committee meets and discusses the plans that have been submitted for review. The Plan Review Committee consists of representatives from the Development Services Department, Public Utilities Department and the Fire Marshal. Each application/submittal is thoroughly reviewed by all departments and then the comments are put into the plan review document that is given to the Applicant. A question was raised as to whether the EMS had been contacted regarding their opinion since they would also be servicing this area. Ms. Fulgham replied that typically only the Fire Department had been consulted since their vehicles tend to be the largest.

Commissioner Low made a motion to approve this zoning request as presented by Ms. Fulgham with the exception of adding a greenbelt along Gun and Rod Road and Commissioner Kossie seconded the motion. The motion carried unanimously.