

STATE OF TEXAS
COUNTY OF BRAZORIA
CITY OF LAKE JACKSON

BE IT KNOWN that the Planning Commission of the City of Lake Jackson met in Regular Session on Tuesday, April 5, 2016 at 6:30 p.m. in the Council Chambers at the Lake Jackson City Hall, 25 Oak Drive, Lake Jackson, Texas with the following agenda:

Locke Sanders, Chair
Vinay Singhania, Secretary
Harry Sargent
Brenda Colegrove, Vice Chair
John Fey
Jeffrey Gilbert

William P. Yenne, City Manager

Sal Aguirre, City Engineer
Athelstan Sanchez, Assistant City Engineer
Eddie Herrera, Engineering Technician
Giani Cantu, Assistant City Secretary

Mayor Joe Rinehart

PLEDGE OF ALLEGIANCE

Harry Sargent led the pledge of allegiance.

VISITORS COMMENTS

No visitors commented on any items.

APPROVAL OF MINUTES

The minutes of March 1, 2016 were approved as submitted.

PUBLIC HEARING AND ACTION TO CONSIDER A RE-PLAT OF 205 TEAKWOOD, ALSO KNOWN AS BLOCK 3, LOT 2, TIMBERCREEK SECTION 1, LAKE JACKSON, BRAZORIA COUNTY, TEXAS, TO CHANGE THE BUILDING SETBACK OF THE LOT FROM THE EXISTING 100 FEET TO 40 FEET

Staff review and comments:

The request comes from Dennis Bonnen, owner of the property, in the interest removing the existing building setback of 100 feet as currently recorded in the plat of the Timbercreek Subdivision Section 1 to one with a 40 feet front setback. His immediate purpose is to increase the buildable area of the smaller lot and loosen the constriction it creates to his construction plans in its current condition.

The city's policy in such matters is to abide by the approved plat conditions if stricter than the zoning ordinance conditions. The existing R-1 zone minimum front setback is 30' in this section. The only means available for the change is through the replatting process if sanctioned to continue as determined by the planner's board in a public hearing.

The public hearing was called to order at 6:31 pm.

Mr. Dennis Bonnen gave a brief presentation explaining his request to re-plat 205 Teakwood to move the building setback to 40 feet from 100 feet. Mr. Bonnen noted that some other properties in the subdivision were at 70 feet. Mr. Bonnen also mentioned that his lot is the shape of a

square, rather than a typical rectangular lot. This made building his home with the platted 100 foot setback extremely challenging. Mr. Bonnen explained that he talked his neighbors and most were supportive, with the exception of the property owner at 208 Teakwood. Mr. Bonnen also pointed out that the gentleman from 208 Teakwood was informed about the public hearing, but was not present. Mr. Bonnen then showed several pictures, most of which illustrated the view from the proposed 40 foot setback.

Included in Mr. Bonnen's presentation was a picture of the house at 110 Cherrywood, which he pointed out is located only 10 feet from the shared property line. Mr. Bonnen stated that given the current setback of 100 feet if he were to build a house on 205 Teakwood then there would probably only about 20 feet of separation between his home and the house behind his property at 110 Cherrywood.

Mr. Bob Nielson, the President of the HOA, addressed the commission stating that the HOA does not have a problem with Mr. Bonnen's request.

Mr. Don Dyer, a resident of the Timbercreek Subdivision, asked if any additional trees would be lost by allowing a house to be built at the 40 feet setback. Mr. Bonnen responded that regardless of where the house is situated that some trees will need to be removed.

Mr. Burt Moritz, a resident of the Timbercreek Subdivision, asked if the Planning Commission had the authority to approve the change in the setback or if it was simply a matter for the HOA. Mr. Yenne clarified that because the setback was recorded on the plat that the Planning Commission has to approve any changes, in addition to any permission that is required from the HOA.

Mr. Greg Flaniken, a resident of the Timbercreek Subdivision, stated that his house on Cherrywood Ct. is on one of the lots that was allowed to have the setback at 60 feet. He was supportive of Mr. Bonnen's request.

Mr. Gilbert stated that he had gone to the site in question and in his opinion granting the setback at 40 feet would not negatively impact the aesthetics of the neighborhood.

The public hearing was closed at 6:50 pm.

On motion by Vinay Singhania second by Jeffrey Gilbert, with all present members voting "aye", the commission approved the re-plat and granted the building setback at 205 Teakwood of 40 feet.

PUBLIC HEARING AND ACTION TO CONSIDER AMENDING THE B-1 NEIGHBORHOOD BUSINESS TO ALLOW A CONDITIONAL USE OF BATTING CAGES OR SIMILAR RECREATIONAL BUSINESS

Staff review and comments:

The main concern is the supplementary rules related to business zones within 60 feet of a residence.

Excerpt from the Planning Commission minutes dated March 1, 2016 are attached as reference to prior discussions on the subject.

The public hearing was called to order at 6:52 pm.

Mr. Mike Williams stated that he would like to build some batting cages at 606 Willow Drive for the private lessons he offers. However, batting cages are not currently permitted in the City's B-1 Zone. He is requesting that a conditional use be added to B-1 Neighborhood Business to allow batting cages and similar recreational uses.

Mr. Williams and the realtor, Shayne McGehee, both stated that efforts had been made to reach the owners of both the neighboring houses to the property Mr. Williams would like to improve. One of the owners is local and has no problems with the addition of a batting cage next door. The owner of the other rental home is a corporation out of California and neither Mr. Williams nor Mr. McGehee have received any communications back from said corporation.

Mr. Singhania asked what hours the proposed facility would be open. Mr. Williams said that it would be open Monday to Friday from about 2:15 pm to 8:15 pm and as of now, and it would not be open on weekends. If he were to open Saturdays he would have similar hours, but maybe open a little earlier.

Mr. Sargent asked if there is adequate parking at the proposed site for the batting cages. Mr. Williams replied that there are three parking spots and he doesn't anticipate their ever being more than two cars at his location because he only offers private one-on-one instruction.

Ms. Colegrove asked if Mr. Williams was planning on adding any additional staff. Mr. Williams said that at the moment he will be the only trainer. However, if business does well he would consider adding additional trainers. Ms. Colegrove followed up and asked if a whole team would ever come to the facility for batting practice. Mr. Williams responded that is not his business model. He only does private lessons and would not be open for large group sessions.

The public hearing closed at 7:00 pm.

On motion by Harry Sargent second by Vinay Singhania, with all present members voting "aye" the commission makes the recommendation to city council for approval of including batting cages and similar recreational uses at conditional uses in B-1 Zones.

PUBLIC HEARING AND ACTION TO CONSIDER AMENDING THE R-2 SINGLE FAMILY RESIDENCE TO ALLOW MINIMUM OF NINE HUNDRED (900) SQUARE FEET LIVING AREA FOR HOUSES FOR LOTS PLATTED PRIOR TO JULY 3, 1961 THAT HAVE LESS THAN SEVENTY (70) FEET OF FRONTAGE

Staff review and comments:

Excerpt from the Council minutes dated March 7, 2016 are attached as reference to prior discussions on the subject.

The public hearing was called to order at 7:00 pm.

Mr. Yenne stated that there is a resident that currently qualifies for aide from a program with Brazoria County to demolish her existing home and then to build a new home on the same lot. However, under the County program the resident only qualifies for a home that is 900 square feet and the current City ordinances require that a home on her lot be at least 1,100 square feet. Mr. Yenne stated that there are several older homes in the neighborhood that are even smaller than 900 square feet. He also mentioned that Council has already discussed the issue and they recommended changing the Zoning Ordinance to set the minimum living area for houses at 900 square feet for houses located on lots that were platted prior to July 3, 1961 that have less than seventy feet of frontage.

Mayor Rinehart addressed the group mentioning that on those smaller lots it is not very feasible to build larger homes and that he supports the changes.

The public hearing closed at 7:08 pm.

On motion by Harry Sargent second by Jeffrey Gilbert, with all present members voting “aye” the commission makes the recommendation to City Council to approve amending the R-2 single family residence zone to allow a minimum of nine hundred (900) square feet living area for houses for lots platted prior to July 3, 1961 that have less than seventy (70) feet of frontage.

PRELIMINARY REVIEW AND ACTION ON SIGNAGE PLAN FOR A PROPOSED INSURANCE BUSINESS USE AT 102 BIRCH, A B-1A ZONE WITHIN SIXTY (60) FEET OF A RESIDENTIAL ZONE

Staff review and comments:

This site is doing an encore of a recent visit by another insurance business that did not go through as hoped.

This different insurance company is doing due diligence in acquiring this property to set up shop and are kicking the tires to make it work for them. Signage, being an important issue for them, they approached the city with a plan to install wall signs and monument sign as per the stipulations of their franchise trademark.

The B-1A proximity to a residential area brings about restrictions and conditions that need to be given special considerations. The zoning ordinance immediately negated their idea of a monument sign and thus only left the wall sign aesthetics as issue for discussion. The ordinance requires that this be given consideration as to its conforming to the adjacent residential use regarding, color, lighting and other subjective visual qualities. The business developers would like your assessment of their plan and other feedback that they may consider.

Al Vergie stated he is planning on purchasing the property. However, they will only purchase if the proposed signage they are requesting is approved.

wall sign # 1

MAR 08 -
City of Lake Jackson
Public Works

wall sign #2

wall sign #1

ELEVATION ① INCLUDE WALL AREA SF

SCOPE of WORK		PROJECT INFORMATION		All conceptual renderings are the property of KM Signs® . Any reproduction, exhibition or use of this drawing is strictly prohibited. All rights reserved.
Type	channel letters	Project Name	AI United Insurance	
Installation type	channel letters on wireway using 6" long, 3/8" non-ferrous bolts	Location	102 Birch St. Lake Jackson, Tx 77566	Address 9600 Westpark Dr. Houston, Tx 77063
Quantity	one	Drawn by	Ken Nguyen e-mail: kmsign2@yahoo.com	Contact Tel: 713-784-2855 Fax: 713-784-0445

120 volt electrical service. Client provides all primary electrical services to the sign unless otherwise specified.

UL Installation Requirements. This sign is to be installed in accordance with the requirements of article 600 of the National Electrical Code and/or other applicable local codes. This includes proper grounding & bonding of the sign.

wall sign # 2

RECEIVED
MAR 08 2016
City of Lake Jackson
Public Works

ELEVATION ① INCLUDE WALL AREA SF

THRU-SEC DETAILS

SCOPE of WORK		PROJECT INFORMATION		All conceptual renderings are the property of KM Signs® . Any reproduction, exhibition or use of this drawing is strictly prohibited. All rights reserved.
Type	channel letters	Project Name	AI United Insurance	
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Mr. Yenne gave the business and exception history on the property. The issue is in regards to the colors of the proposed signs.

Discussion was held on the color of the proposed signage.

Joe Rinehart, 613 Walnut, stated he understands the commission view on the color. However, the business owner cannot control his corporate logo. He doesn't want a sign to force a business out of town, even if he is not a fan of the neon colors on the sign.

Further discussion was held on the locations of the signage on the building, size of the signage, and color of the proposed signs.

Mr. Singhanian asked if the owner would consider not having a lit sign on the Birch side of the building.

Mr. Velgrie stated they are not opposed to that.

Further discussion was held on the color, location, size and lighting of the proposed signs and how they will affect the properties surrounding.

Pat Taylor, listing agent of the property, 202 Pecan Lane, stated the coloring of the house is almost the same yellow and the blue is the Brazos Buccaneer blue and asked the board to keep that in mind.

Mr. Velgrie asked if the board would allow a dark brown (in place of blue) and beige (in place of yellow) on the Birch side.

Mr. Yenne stated brown and beige and reduce the size will meet the conditions of the ordinance.

On motion by Brenda Colegrove second by Jeffrey Gilbert with all present members voting "aye" the commission approves the signage plan for a proposed insurance business use at 102 Birch, a B-1A zone within sixty (60) feet of a residential zone with the exception that the sign on the Birch side must be neutral colors: brown and beige, and on the Oyster Creek Drive side the proposed internally lit sign in corporate colors is acceptable.

CALL FOR A PUBLIC HEARING TO REZONE A COMBINATION OF A 5.066 ACRE TRACT OF LAND, BEING LOT 2 AND A 3.846 ACRE TRACT OF LAND, BEING THE REMAINDER LOT 3 OF THE AMENDED REPLAT OF TRACT "A" OUT OF THE OAKS OF FLAGRIDGE SUBDIVISION

Staff review and comments:

Jim Gissler, a developer is either in the process or has acquired the property for new and redevelopment of it. Preliminary talks with him lead us to believe he is wanting to build a hotel in the undeveloped portion of the property and repurposing of the existing Randall's facility to a yet undecided commercial use. The hotel use requires that this be rezoned to the C-1 use.

On motion by Vinay Singhania second by Brenda Colegrove with all present members voting “aye” the commission called the public hearing to rezone a combination of a 5.066 acre tract of land, being lot 2 and a 3.846 acre tract of land, being the remainder lot 3 of the amended replat of tract “A” out of the Oaks of Flagridge Subdivision.

PRELIMINARY AND FINAL REVIEW AND ACTION ON AMENDED LANDSCAPE PLAN TO URBAN CREST APARTMENTS AT 221 WEST STATE HIGHWAY 332

Staff review and comments:

This item typically would have been handled by staff due to the simple nature of the request which was to change the type of shrub screening from the approved plan. This would not be an issue, except for the fact that their choice of shrub substitute are poles apart from the approved ones aside of it being not on the approved city plant list.

Their request calls for the replacement of the previous multiple species of the perimeter shrubs (i.e., knock out rose, dwarf wax myrtle, Texas sage, pineapple guava, and Indian hawthorne) to a single species “golden goddess bamboo” not in the plant list. When in doubt, just punt.

Dennis Frazone, Superintendent, reported they are requesting the replacement of the previous multiple species of the perimeter shrubs to a single species “golden goddess bamboo”. Mr. Frazone presented pictures of the proposed bamboo used in another development in San Antonio to the commission.

On motion by Vinay Singhania second by Jeffrey Gilbert with 5 members voting “aye” and Brenda Colegrove voting “nay”, preliminary and final approval on amended alternate landscape plan to Urban Crest Apartments at 221 West State Highway 332 was granted to allow dwarf golden goddess bamboo.

PRELIMINARY REVIEW AND ACTION ON PLAT OF VIGHNESHWER II SUBDIVISION AN OUTPARCEL OF BRAZOS MALL (aka FUTURE STAYBRIDGE HOTEL SUITES)

Staff review and comments:

This plat was made necessary by the sale of a portion of the Brazos Mall property not previously platted.

The piece in consideration is part of the old Carmike theatre that’s been lying dormant and abandoned for many years. The Vighneshwer, LLC. is a hotel group that owns the Candlewood Suites and plans on expanding their product in the area with the addition of an extended stay Staybridge Suite facility.

The acquired property consists of the old theatre site along with a remaining 1+ acre land between it and FM 2004. The plat creates 2 lots with the larger one to serve the hotel facility and a smaller 0.8 acre lot for a yet undetermined commercial use. All preliminary platting conditions have been satisfied and no issues remain for this approval.

John Mercer, representing Nathan Patel, submitted the preliminary plat.

On motion by Jeffrey Gilbert second by Harry Sargent with all present members voting “aye” preliminary approval on plat of Vighneshwer II Subdivision an outparcel of Brazos Mall (aka future Staybridge Hotel Suites)

REPORT OF PARKING ORDINANCE REVIEW FROM SUB-COMMITTEE

Harry Sargent reported that the subcommittee has met with Sherri Russell, City Attorney and they should have a proposal at the next meeting.

Key changes include addressing stacking lanes, language regarding recommended parking based on parking surveys, eliminating the section regarding street parking downtown, and addressing off set parking downtown.

ITEMS OF COMMUNITY INTEREST

John Fey asked if there were any updates on the TXDOT Hwy 332 expansion project. Mr. Yenne reported it will be about five years and there is an updated drawing in the office that the commission is welcome to come look at.

Jeffrey Gilbert asked if there were any new updates with the HEB land development. Mr. Yenne stated the Collum Group is scheduled to close on the 10.8 acres of the property on the 18th and close on the remainder of the acres 90 days later. City council will consider second reading on the amended PUD agreement. In the development, we can expect to see is a chicken place, a 24 hour ER and retail center. There is also a proposed Wendy's.

Mayor Rinehart reported the city wide clean out will be Saturday from 8:30 to 11:30. Residents can dispose of paper, batteries, oil and other items. The Spring Concert series is scheduled to start May 7th. However, Keep Lake Jackson Beautiful has sponsored a concert by Vocal Trash on the 15^h. Aldi has submitted plans to come into the old Office Max building. The new apartments have not affected the value of the homes on Walnut and residents in the Walnut area have been able to sell their homes above appraised values and asking prices, rather quickly. Walnut will also be seeing speed cushions in the near future due to the speed issues in the area. Staff will be meeting with the mall to discuss a mall remodel.

SET NEXT MEETING DATE

The next meeting was set for May 3, 2016.

ADJOURN

There being no further business the meeting adjourned at 8:05 p.m.

These minutes read and approved this _____ day of _____, 2016.

Vinay Singhania, Secretary

Locke Sanders, Chairman