

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, May 3, 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
Michael Coon, Assistant to the City Manager
Sal Aguirre, City Engineer
Athelstan Sanchez, Assistant City Engineer
Eddie Herrera, Engineering Technician

Giani Cantu, Assistant City Secretary

PLEDGE OF ALLEGIANCE

Harry Sargent led the pledge of allegiance.

VISITORS COMMENTS

No visitors commented on any items.

APPROVAL OF MINUTES

The minutes of April 5, 2016 were approved as submitted.

PUBLIC HEARING AND ACTION TO CONSIDER REZONING A COMBINATION OF A 5.066 ACRE TRACT OF LAND, BEING LOT 2 AND A 3.846 ACRE TRACT OF LAND, BEING THE REMAINDER OF LOT 3 OF THE AMENDED REPLAT OF TRACT "A" OUT OF THE OAKS OF FLAGRIDGE SUBDIVISION (ALSO KNOWN AS THE RANDALL STORE AND UNDEVELOPED TRACTS) FROM B-1 (NEIGHBORHOOD BUSINESS) TO C-1 (COMMERCIAL)

Staff review and comments:

(Previous communication)

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.

The area of rezoning consists of a 5.066 acre, Lot 2 (Randall's tract), a 3.846 acre remainder of Lot 3 of the amended replat of Tract A out of the Oaks of Flagridge Subdivision, S.F. Austin 5 Leagues Grant Abstract 19. The adjoining parcels are the Tokyo Restaurant and O'Reilly's store and are zoned B-1. The other vicinity zones are R-3 for the Oaks of Flagridge, Gateway Apartments and C-1 for Best Western hotel and storage unit sites.

Public hearing was called at 6:31 pm.

Jim Gessler, Dallas, TX, stated they have been talking to the owners for the purposes of potentially building their hotel. They are requesting to rezone to C-1 to allow more development options for the remainder of the property.

Mr. Sargent asked what the differences were between B-1 (Neighborhood Business) and C-1 (Commercial).

Mr. Aguirre stated C-1 is required to allow a hotel. According to their plans, one other potential proposed business includes a storage facility which is only allowed in C-1 zone.

Mr. Yenne reviewed the following permitted and conditional uses for B-1 and C-1 zones.

B-1 (Neighborhood Business) Zone

Permitted uses:

- Professional offices.
- Retail stores.
- Convenience stores (not open more than nineteen (19) hours per day).
- Service shops (i.e., hair salons, shoe repair, banking, dry cleaners and personal care facilities).
- Day care centers.
- Restaurants excluding those with drive-in or drive-through facilities.
- Health clubs.

Conditional uses:

- Gasoline services not including car wash services.
- Automotive repair conducted completely within an enclosed facility.
- Supervised living facilities.
- Convenience stores (twenty-four (24) hours per day).
- Vehicular drive-in or drive-through restaurants.

C-1 (Commercial) Zone

Permitted uses:

- Office and office buildings,
- studios,
- retail shops,
- service shops,
- drive-in eating places,
- groceries,
- day care center,
- auto repair shops,
- membership clubs,
- nursing homes,
- homes for orphans,
- homes for aged,
- newspaper,
- auto dealers,
- hotels,

- theatres,
- motels,
- banks and financial institutions,
- lumberyards and brickyards,
- warehouses,
- wholesale business,
- veterinary clinic,
- commercial laundries,
- beverage manufacturing,
- self-storage facilities or mini-warehouses, and
- research, development and testing laboratories

Conditional uses:

- Supervised living facility and churches;
- one (1) residential unit for a caretaker or similar personnel of self-storage facilities or mini-warehouses.

Mr. Yenne stated C-1 zoning allows a broader range of type of businesses.

Mr. Singhania asked what the concept was for the proposed storage.

Mr. Gessler stated there is no concept at this time. The request for C-1 zoning is for the hotel and simply to allow more options for potential future development.

Danielle Clark, 105 Loganberry, stated her property is across the street from the site. Ms. Clark stated she enjoys the zoning of B-1 (Neighborhood Business) in the area. Ms. Clark asked if B-2 zoning was an option as it allows hotels as well.

Mr. Yenne stated B-2 zoning is central business district, which would be the downtown area. Therefore, C-1 is the best option for this lot.

Ms. Clark stated she wouldn't be opposed to C-1 on the lot for the hotel, but would suggest keeping the remaining portion B-1, which seems to go better with all the other businesses in the area and will allow for more restaurant and retail. C-1 zoning district allows potential businesses that she doesn't feel are beneficial to the neighborhood or herself, such as lumber yards.

Mr. Sargent asked where her property was located.

Mr. Yenne stated she owns the storage facility across the street on Loganberry.

Mr. Fey asked if the Ms. Clark's suggestion makes sense.

Mr. Singhania stated he understands Ms. Clark's concern in regards to the lumber yards as there are already 2 in the city.

Public hearing closed at 6:41 pm

On motion by Vinay Singhania second by Jeffrey Gilbert with all present members voting aye commission recommends that council approve the rezoning of a 5.066 acre tract of land, being lot 2 and a 3.846 acre tract of land, being the remainder of lot 3 of the amended replat of tract "A" out of the Oaks of Flagridge Subdivision (also known as the Randall Store and undeveloped tracts) from B-1 (Neighborhood Business) to C-1 (Commercial).

Mr. Yenne stated that City Council will hold the second public hearing on May 16th. After the public hearing, City Council will vote then to consider the rezoning on first reading. If approved on first reading, then the ordinance will come back to Council at their first meeting in June for second reading and adoption. This is just the first step.

PRELIMINARY AND FINAL REVIEW AND ACTION ON AMENDMENT RE-PLAT OF 205 TEAKWOOD, BLOCK 3, LOT 2, TIMBERCREEK SUBDIVISION, 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:

(Previous communication)

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.

This completes the process that was approved at your public hearing at the last meeting. It's a simple change of the building setback and as an amendment plat allows for preliminary and final action to be considered. All platting specifications have been satisfied and no issues remain.

Dennis Bonnen, property owner, submitted the documents and stated the building set back doesn't begin until about 15 feet from the curb so the development will be closer to around 75 to 80 feet from the curb.

On motion by Brenda Colegrove second by Vinay Singhania with all present members voting "aye" preliminary and final approval of the amendment re-plat of 205 Teakwood, Block 3, Lot 2, Timbercreek Subdivision, Section 1, Lake Jackson, Brazoria County, Texas to change the building setback of the lot from the existing 100 feet to 40 feet was granted.

PRELIMINARY AND FINAL REVIEW AND ACTION OF LAKE JACKSON TOWN CENTER PARTIAL REPLAT OF AN OUTPARCEL OF THE HEB CENTER FOR A WENDY'S STORE

Staff review and comments:

The HEB center has negotiated a lease with Wendy's on a portion of the original single tract property. The PUD property exhibit had indicated a possible future reserve tract for additional parking or for other business use but was not platted as such originally. Wendy's has now

leased the reserved tract and their plan calls for an access drive into the public street (Grapevine) which had not been entertained in the PUD plan. According to state property law any tract having access to a public right-of-way requires that they be platted and so staff requested that this be done.

Wendy's took staff's recommendation of minimizing their driveway footprint by modifying it from their proposed divided double drive to on single drive and reducing the traffic flow into this portion of the public street. There will still have access drives into the centers outer travel loop and other driveway access points. Because of the simple nature of the subdivision, staff is requesting this come to you on a preliminary and final Basis as all platting conditions for final have been met and no issues remain for approval

David River, LJA Engineering, stated the re-plat is to request access off of Grapevine turn.

Mr. Yenne stated that per the city attorney any private access onto a public street has to be re-plated.

Mr. Sargent asked if the access will line up with the potential Winding Way.

Mr. Aguirre stated they will not line up. The new Winding Way is further south.

Mr. Fey asked where the exit is in proximity to the median on Grapevine turn.

Mr. Yenne stated it is below the median.

On motion by Harry Sargent second by Jeffrey Gilbert, with all present members voting "aye" preliminary and final approval of Lake Jackson Town Center partial re-plat of an outparcel of the HEB Center for a Wendy's store was granted.

DISCUSS AND CONSIDER REQUEST TO ALLOW BATTING CAGES AS A CONDITIONAL USE IN A B-1 (NEIGHBORHOOD BUSINESS) ZONE LOCATED AT 606 WILLOW DRIVE

Staff review and comments:

As a result of the recent amendment to the B-1 zoning ordinance passed by council, the business use definition was expanded to include recreational business as conditional use when specifically granted by the planning and zoning board.

Mikey Williams is now making the first request under this condition for his proposed recreational sport instruction business (Baseball batting cage practice). For your information, he has provided preliminary site location and building cage construction detail of his proposed facility.

The amendment to the ordinance opened the door for such generic use when approved by planners as being like minded with the recreational definition. The amendment did not clarify conditions of the 60 feet to residential zone rule of these so this still remains to be considered in your deliberations. The business property boundary lies 50 feet from the residential line so

conditions apply; so with this in mind the site plan indicates the batting cage placement being considered with this separation of 60 feet or more. In granting its conditional use the board may wish to exercise any conditional restrictions that apply or others as necessary.

Mr. Yenne stated council adopted the change in zoning yesterday.

Mickey Williams, 808 Magnolia, was present for discussion.

Mr. Aguirre asked Mr. Williams to present somewhat of a site plan for a better picture of what he's proposing. Even though the zoning was approved, the 60 foot setback issue was not considered. There is only a 50 foot strip of land between the site and the residential area. However, with the way he is positioning the batting cages, it will be 60 feet away from the residential area.

Mr. Williams stated the facility will be metal structure with metal siding outside on the residential side and sheet rock inside the metal wall to help absorb sound.

Mr. Aguirre asked Mr. Williams what times they will operate.

Mr. Williams stated it is hard to set times because of the seasons and timings.

Mr. Aguirre asked if there will be any lighting.

Mr. Williams stated there will be no lighting outside, just on the inside.

Mr. Sargent asked if he anticipated operating beyond 10 pm.

Mr. Williams stated no.

On motion by Harry Sargent second by Brenda Colegrove with all present members voting "aye" approval of the conditional use was granted with the exceptions of observing the 60 foot setback from the proposed building to the adjacent residential property line, no exterior lighting, sound absorbing walls required and no operations after 10 pm.

PRELIMINARY REVIEW AND ACTION ON SITE PLAN AMENDMENT OF THE RESIDENCE OF LAKE JACKSON APARTMENTS (LOCATED AT 101 EUCALYPTUS ST)

Staff review and comments:

As a result of the Apartment craze and competition to lure the customers to come or stay, the owners are willing to pour money to add and expand to their amenities or facility improvements. This is in keeping with the other recent site modification before you such as the Oaks of Flagridge. This request is a one that adds two small buildings to their community amenities center, a 2,700 sq. ft. exercise building and a 1,300 sq. ft. gazebo along with walk connections.

The net impact on the site other than covering over an existing open area does not significantly impact the drainage pattern or capacity of the existing system. This change also does not affect the parking requirements of the site nor the utility demands of the existing system. The only issue

to be brought up is the need to make revisions to the site plan document to keep with our format and content requirements.

Mr. Aguirre, speaking for Doug Roessler, stated the plans are for additional amenities for their residents: an exercise building and a gazebo. They are also proposing to remodel the existing club house and pool. This plan also accounts for removal of trees, which will need to be accounted for in the landscape plan.

Commission decided to defer preliminary until the next meeting for preliminary and final approval.

PRELIMINARY REVIEW AND ACTION OF LANDSCAPE PLAN AMENDMENT OF THE RESIDENCE OF LAKE JACKSON APARTMENTS (LOCATED AT 101 EUCALYPTUS ST)

Staff review and comments:

Likewise the net impact on the site is the covering over an interior small grassed area and in its course the removal of 3 trees. This change has little impact of the overall open area condition of the site by removing approximately 5,000 sq. ft. of current 150,000 sq. ft. condition. The demise of 3 trees is being mitigated with the replacement of them with 3 but this submittal is unclear as what caliper replacement will be required since no size or type of removed tree only replaced by 3 minimal plantings. This along with issue to make revisions on the landscape plan document to keep with our format and content requirements.

No further discussion was held on this item.

DISCUSS AND CONSIDER PROPOSED CHANGES TO PARKING ORDINANCE BASED ON THE SUBCOMMITTEE REVIEW

The commission reviewed the recommendations.

Sec. 110-2. Definitions.

Stacking lane means an area on a site with direct forward access to a service window or station of a drive-through facility or passenger drop-off/pickup.

Escape lane means a lane that allows occupants of the stacking lane to safely exit the stacking lane.

Sec. 110-162. Parking requirements.

(1) Off-street parking facilities must conform to the Table of Parking Requirements when:

- (a) A building is erected;
- (b) The building's number of dwelling units, dimensions, or seating capacity is increased;
- (c) The building is moved; or
- (d) The type of use changes.

(2) Exceptions to the Table of Parking Requirements are:

- (a) Downtown buildings (Area J);
- (b) A site with two or more businesses that will share parking. Shared parking must comply with subsection 7.
- (c) The Planning Commission may waive off-street parking requirements where there is reasonable justification.

(3) Off-street parking for uses not specified in the Table of Parking Requirements shall be determined by the Planning Commission.

- (4) The Parks and Recreation Board is responsible for designating the number of parking spaces needed for parks.
- (5) All parking spaces must be a minimum of nine (9) feet by eighteen (18) feet.
- (6) For businesses with drive-throughs or passenger drop-off/pickup, a stacking lane shall be at least eight feet (8') wide and shall not constitute space for any other circulation aisle, parking space, or maneuvering area. An escape lane, of at least eight (8) feet in width and with markings, must be adjacent to the stacking lane to allow vehicles to exit the stacking lane. The escape lane may be part of the circulation aisle.
- (7) All parking spaces required in this section shall be located on the same lot with the building or use served, except as follows:
- Where an increase in number of spaces is required by a change or enlargement of use or where such spaces are provided collectively or used jointly by two (2) or more buildings or establishments, the required spaces may be located no more than three hundred (300) feet from an institutional building served and no more than five hundred (500) feet from any other nonresidential building served.
 - The Planning Commission may allow a business, commercial or institutional use to share parking spaces with another use to meet the required number of parking spaces. The developer must present a site plan and calculations to show that sharing the parking will not cause a shortage of parking spaces or congestion.
 - All shared parking arrangements must be acknowledged in a written agreement executed by all involved parties and approved by the city attorney. The agreement shall be filed with the application for a building permit.
- (8) Any head-in parking or parking on public right-of-way where street width is less than forty-eight (48) feet is prohibited.
- (9) No off-street parking shall be allowed in city parkway, including downtown (Area J).
- (10) The provisions of this section shall not apply to the facilities or parking spaces approved by the city prior to March 1, 1981.

Table of Parking Requirements

| Type of Use | Number of spaces required |
|--|---|
| Institutional | |
| Assembly with no fixed seating | 10 spaces:1000 sq. ft. |
| Church or other assembly with fixed seating | 1 space:3 seats |
| Library | 3 spaces:1000 sq. ft. |
| Day care, child care, nursery school, kindergarten, playgroups, Day habilitation or workshops for disabled | 1 space:5 students + a stacking lane with 1 space per 5 students if located on primary arterial |
| School - Elementary, Middle, Junior High | 1 space:6 students + stacking lane with 1 space per 5 students + bus lanes |
| College educational facilities | 1 space: the peak number of students and staff expected at the busiest time of the day |
| Retail / Services | |
| Assembly with no fixed seating | 3 stacking per bay + office/retail |
| Convenience Store with gas pumps | 10 spaces:1000 sq. ft. + stacking lane with 1.5 spaces per pump |
| Mini-warehouses/storage | Based on office/residence |
| Offices -- Medical/dentist | 5 spaces:1000 sq. ft |
| Offices (except medical or dental) | 3 spaces:1000 sq. ft. |

| | |
|---|--|
| Retail - general (includes grocery and personal services) | 5 spaces:1000 sq. ft. |
| Retail -- Large Item (furniture, appliance, carpet, non-public wholesale) | 2 spaces:1000 sq. ft. |
| Retail or service with drive-thru (e.g. pharmacy, drycleaners, bank) | 3 spaces:1000 sq. ft + stacking lane with 3 spaces for drive-thru lanes |
| Shopping centers | 6 spaces :1000 sq. ft. (re-assess if use mix changes) |
| Warehouse | 1 space:1000 sq. feet + staff |
| Recreation& Entertainment | |
| Arcade or game room | 5 spaces:1000 sq. ft. |
| Billiard hall | 6 spaces: billiard table |
| Bowling alley | 5 spaces: bowling lane |
| Recreation hall with no fixed seating | 1space for every 3 people that can be accommodated at one time |
| Health/fitness club or studio | 8 space:1000 sq. ft. |
| Sports venue with fixed seating, Theater | 1 space:3 seats |
| Game courts (Racquetball, tennis, etc.) | 4 spaces: court |
| Recreational businesses | 1 space for every 4 persons normally accommodated in the establishment at one time |
| Restaurant | |
| Restaurant, high turnover & fast food | 15 spaces:1000 sq. feet (including patio & play area) + a stacking lane with 5 spaces before the 1st stopping space + 3 spaces between penultimate stopping place and service window |
| Restaurants, general | 20 spaces:1000 sq. ft. |
| Residential/Lodging | |
| Apartment | 1 space: Bedroom or 2 spaces: dwelling unit, whichever is highest |
| Hotel/motel/mobile home park | 1 space: sleeping room + staff + accessory use |
| Mobile home park | 1 space: mobile home |
| Nursing Home | 0.5 space: bed |
| Senior Assisted living | 1.5 spaces: dwelling unit |
| Senior Independent living | 1 space: dwelling unit |
| Single Family Detached | 2 spaces: dwelling unit |
| Condo/Duplex/Townhouse | 2 spaces: dwelling unit |

Mr. Sargent asked if they should require stripping on a stacking lane.

Sherril Russell, City Attorney, stated that seems like a lot of detail to include in the ordinance. Details could be considered in the site plan approvals. The committee did an excellent job. The table is very easy to read.

The following recommendations were amended:

- Assembly with no fixed seating under retail/services will be deleted.
- Mini-Warehouses/storage under retail/services will be 5 spaces
- Escape lanes were included in the definition of stacking lanes. All must have them.

Discussion was held on other changes to the table.

This will be brought back at the next meeting with the proposed changes for consideration at the next meeting in public hearing to change the parking ordinance.

ITEMS OF COMMUNITY INTEREST

John Fey asked what happened to the insurance sign. Mr. Aguirre reported they went away. Staff did not get a response from the business owner.

Locke Sanders stated his appraisal district appraisal has gone over 10%. Mr. Yenne stated the taxed appraisal is capped at 10%. They are required by law to get every appraisal as close to market value as possible.

Locke Sanders asked for update on the widening of SH 332 project by TXDOT. Mr. Yenne stated staff will be sending the comments but we probably won't see anything else for another year or so. TXDOT is in design phase.

Vinay Singhania reported the community advisory panel has Michelle from TXDOT as a speaker. She stated this project is not even funded at this time.

Vinay Singhania stated on the Plantation Court proposed stop sign, his recommendation is to block off Plantation Court onto the feeder and make it right turn only.

Brenda Colegrove stated she has noticed more traffic driving through Dunbar Park to avoid the lights at FM 2004.

Mr. Yenne reported Taco Cabana is looking at property next to Pizza Hut. Collum has closed on the 10 acres of HEB property. The Marriott's construction hold up is a gas line. Stay Bridge Suites will probably be built prior to the Marriot. Staff has heard nothing from La Quinta. There has been interest shown on the Randall's property. Aldi's permit has been issued but not picked up.

SET NEXT MEETING DATE

The next meeting was set for June 7, 2016.

ADJOURN

There being no further business the meeting adjourned at 7:45 p.m.

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

Vinay Singhania, Secretary

Locke Sanders, Chairman