

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 Wednesday, September 4, 2019 at 6:30 p.m. in Lake Jackson, Texas with the following agenda:

Locke Sanders
John Fey
Brenda Colegrove
Joe Rinehart
Jeff Gilbert

William Yenne, City Manager
Sal Aguirre, City Engineer
Athelstan Sanchez, Asst. City Engineer
Sherri Russell, City Attorney
Eddie Herrera, Engineering Technician
Sabrina England, PW Superintendent
John Boehm, Asst. to the City Manager

PLEDGE OF ALLEGIANCE

Joe Rinehart led the pledge of allegiance.

APPROVAL OF MINUTES – August 2019

Minutes were approved as presented.

VISITOR COMMENTS

Mr. Eppner – 233 Huckleberry

Mr. Eppner spoke about the forest preservation in town. His main concern was the tree ordinance. Mr. Eppner felt it was very comprehensive and covers everything the developer should know and do. It gives outs for the developers for some of the things that aren't practical. Mr. Eppner stated the Anchusa and Daffodil area have no older trees. The trees have all been cut down or died off. Northwood used to be a beautiful forest. There are not many older trees and what is there is in bad shape. Mr. Eppner mentioned the trees in the HEB parking lot. He counted twelve (12) trees and ½ of them are already dead or dying. Mr. Eppner would like to see some of these trees saved. He felt the ordinance should be revisited.

Mr. Eppner thanked Ms. Colegrove for giving him the opportunity to come speak before the Traffic Commission.

Mr. Eppner stated Houston planted trees in the sidewalks. The trees flourished because they were planted after the concrete settles. The trees learn to adapt to that situation, they flourish and grow. If we are going to leave trees where the concrete is, he doesn't think it allows them to live very long.

Mr. Sanders stated HEB did not have to save the trees. They had options to remove the trees, but they chose to leave them.

Ms. Russell and Mr. Yenne informed Mr. Eppner that this could not be discussed because it is not on the agenda. This would need to be on the agenda for discussion. Mr. Yenne told Mr. Eppner he could talk to him or Mr. Aguirre and they could clarify the ordinance for him, or he could choose to be on the next Planners Agenda on Oct. 1st. Mr. Eppner stated he would call Mr. Yenne to speak to him about it.

DISCUSS AND CONSIDER PRELIMINARY ADMINISTRATIVE REVIEW OF SITE PLAN OF LA QUINTA INN & SUITES LOCATED IN LOT 1 OF RESERVE C OF LAKE JACKSON TOWN CENTER PUD AT 104 WINDING WAY PRIVATE DRIVE

Engineer's Memo:

This is our maiden voyage into the newly enacted rules and regulations of HB 3167. This is engineering's administrative review report for discussion of items included in the plans that meet all the requirements in the adopted development standards in the ordinances and those incomplete items that will require further response for completeness compliance for official filing.

This plan submits a proposed development of an 84-unit hotel facility in the HEB vicinity across from the Chicken Express / Clinic Building area and next to the Yaklin Car Care Center. This is the last 2.2-acre tract of the Wellington Group property that didn't quite measure up to expectations even though its use was allowed in the PUD.

Our administrative review checklist is provided to you with all site content items indicated as complete or incomplete as a quick reference to assist you and the developer. In the following, we give you an overview of the main elements in this plan and specific incomplete ones requiring further inclusion or response.

The site plan provides a building footprint with square foot area but omits any architectural elevation rendition for informational value. The parking plan calls for 99 spaces which exceed the 84-space requirement in the ordinance chart based on sleeping room units.

The plan is supported with civil construction package of demolition, grading, utility / fire protection, paving, and drainage plans. These have been reviewed by Engineering, Public Works and Fire Marshal staff with resulting summary:

- a) Public water and sewer system are accessible to the site with only minor service extension connections required. Fire protection sprinkler system and main size as proposed met the Fire Marshal's acceptance.*
- b) The proposed pavement layout plan accommodates the parking count and 26-ft travel way widths for fire lane compliance as well as the waste collection routing. **The current placement of the dumpster enclosure will require adjustment for unimpeded equipment access.** Proposed 5-ft sidewalks with ramps comply with **minor detail clarification needed.***
- c) Site grading and drainage plan calls for pavement surface flow and catch inlet storm pipe system to offsite open channel outfall. **This particularly has been flagged as concrete lining condition for response.** The 100-yr detention requirement had been previously met by PUD masterplan leaving only parking lot design for 10-yr standard remaining and **being reviewed for compliance.***

The above along with minor issues of format and missing content have been marked up as comments to return to developer and plan consultant for response and next administrative review completeness check list for official filing at planners meeting.

Miguel Saucedo – Baker and Lawson

Mr. Saucedo stated the building is about 11,800 sq. feet. It is going to be a four (4) stories with about eighty-two (82) services rooms for guests. The parking lot is structured to meet the parking requirements.

The requirement for parking spaces is eighty-two (82) and there will be ninety-nine (99). There will be two driveways. Handicapped space requirements are also being met.

Mr. Sanders asked if the La Quinta gave them a site plan and asked them to put it on the property or was the site plan adjusted to fit the property. Mr. Saucedo said they were given a plan with a standard building to use. The building and some of the tree islands were moved to accommodate the existing trees that are on the property. The site was modified to fit their needs. Some things were moved around due to obstructions, specifically a drive way.

Mr. Fey asked if the dumpsters would require some adjustments for equipment access. Mr. Aguirre stated the whole dumpster would need to be in line with the travel path. If there are cars parked on either side of the dumpster, the collection vehicle would still need to have access. The dumpster will be brought level with the parking stall. This is one of the conditions that was found and flagged for this site plan.

Mr. Fey questioned the entrance. He asked if there was a covering. Mr. Aguirre stated it is a canopy. Mr. Aguirre also stated this is the typical hotel rendition.

Mr. Aguirre stated they were given a footprint of the building and then did the parking yard according to whatever they felt would accommodate everything. Basically, a cookie cutter was given, and they work with everything that is needed.

Mr. Sanders asked for clarification on the last sentence in the second paragraph of the Engineer's Memo.

Mr. Aguirre stated the original PUD was going to be a multi-use situation. This was the PUD argument that sat for a long time. This was the first portion that was bought by this group. It has eventually ended up the way it is now with the Chicken Express, Lube Shop and now this is the last portion of the 10-acre tract.

There was a general discussion about how the plan changed. What was originally planned to come into the PUD changed and now different businesses are there. This still meets all the PUD requirements, but it wasn't the original concept.

Ms. Colegrove questioned the sidewalks. Mr. Saucedo stated there is no sidewalk in the northern perimeter of the property.

Mr. Aguirre stated what was provided to us and the site plan did not call the specific sidewalk. The sidewalk needed to be defined without any question. Mr. Aguirre also mentioned that we are more sensitive to the commercial sidewalk issue. The ordinance says 6' sidewalks for commercial, but seldom has Planner's stuck by that. Do we change the ordinance to say 5' is sufficient in the future or do we keep on making exceptions?

Mr. Herrera stated the PUD explicitly says that they are to extend Winding Way and connect it to Grapevine and provide a 5' sidewalk on the street. This puts them in compliance.

Mr. Sanders asked what was expected at this time from Planner's.

Ms. Russell stated there is no vote. This is a preliminary plan and it's just here for opinions, feedback and comments. This has not been filed yet.

Mr. Aguirre stated he will require as a condition to concrete line a portion of the existing outfall ditch.

DISCUSS AND CONSIDER PRELIMINARY ADMINISTRATIVE REVIEW OF LANDSCAPE PLAN OF LA QUINTA INN & SUITES LOCATED IN LOT 1 OF RESERVE C OF LAKE JACKSON TOWN CENTER PUD AT 104 WINDING WAY PRIVATE DRIVE

Engineer's Memo:

Similarly, we give you an overview of the main elements in this plan and specific incomplete ones requiring further inclusion or response.

*This landscape plan provides a tree survey that accounts for the existing tree and location conditions. Of the 41 existing trees, the plan calls for the removal of 30 (1 live oak / 13 pecan / 4 cedars / 12 elm- ash-tallow). **Of special interest in the above account, is that most of these are the value trees and of larger diameter that are being taken down, specifically a called 70 in live oak.** The 11 trees to remain (5 ash / 4 elm / 2 pecan) are the bulk of trees meeting the ordinance requirement of 13. **The plan miscalculated the required count and has been flagged to include two additional trees for compliance.***

The proposed landscape plan planting and content is basic only including the required open grass areas and island layout to accommodate the trees to remain. The main elements in the plan are the following:

- 1) The proposed plan 26% open area satisfies the required 12.5% in the ordinance.*
- 2) The layout of remaining tree islands and relation to post construction impacts raises questions of the survivability of these short-lived species that will create replacement problems in the near future.*
- 3) The shrub screening (**missing type**) requirement along Winding Way is being met along with that of the remaining perimeter not required.*
- 4) An automated irrigation system is implied by water meter indication **but missing specific notes of its installation.***

The overall assessment of this plan is that it meets minimum ordinance criteria and leaves us without basis for conditional disapproval or the planner's participation decision. This underscores the new regulations seizing of control of local governance and weakening of our process.

The above along with minor issues of format and missing content have been marked up as comments to return to developer and plan consultant for response and next administrative re-view completeness checklist for official filing at planners meeting.

Mr. Saucedo stated the property has about 38 trees and the parking lot has been rearranged to save 11 of those trees. A perimeter bush was included.

Mr. Aguirre stated at the end of this plan, they are in compliance and meet all the requirements. The site has forty-one (41) trees and because of the needs for parking, thirty (30) of those trees have been removed. There are five (5) ash, four (4) elm and two (2) pecan trees left. The requirement is to have thirteen (13) trees so there is a condition to add two (2) more trees. The shrubs were not described and will need to be described to match the list. These will be bordering the area fronting the public. The remaining screening is their call. There is no requirement for screening.

Mr. Rinehart asked if they will be responsible for flagging the additional two (2) trees. Mr. Aguirre said, yes.

Ms. Colegrove questioned some of the trees and their survival. This creates a challenge that many of the existing trees are not likely to survive because of all the concrete.

Mr. Sanders asked if there will be any grade changes. Mr. Aguirre replied that there would be some changes. Mr. Saucedo replied on the south it would be about eleven and a half ft. (11 ½) feet and upward to thirteen ft. (13). The average pavement elevation is twelve and a half ft. (12 ½).

Ms. Colegrove questioned the sidewalk that is so close to the tree. Would it be an option to modify?

Mr. Sanders said this was the reason he asked the question if they were just given a plan to put on the property or were modifications made to the plan so it would work. If you take out a few parking spots, a tree can be saved. Mr. Sanders felt there was not enough effort put in to save some of the trees. Although the tree requirements are being met, Mr. Sanders was very unhappy with the efforts.

Mr. Fey mentioned there are seventeen (17) extra parking spots to play with. There seems like there is something that could be done to save some of the trees.

Mr. Sanders asked Mr. Saucedo to investigate the plan further and see if there is a way to save some trees. Mr. Saucedo went over some possible options while looking at the plan.

Mr. Rinehart mentioned to Mr. Saucedo that his patience and understanding was appreciated.

REVIEW ORDINANCE THAT AMENDS CHAPTER 90 SUBDIVISIONS TO COMPLY WITH H.B. 3167, WHICH INCREASES THE PROCEDURES THE CITY MUST FOLLOW TO APPROVE OR DISAPPROVE PLATS AND SITE PLANS

Ms. Russell stated the difficulty in getting the final done by September 3rd. Ms. Russell took the notes that have been collected and made the ordinance as compliant as possible. The heading of the ordinance was written to state if anything is written in conflict with the house bill that it be repealed as a safety measure.

Ms. Russell went through the editing and additions to the ordinance. She went over her definition of “filed”. After the checklist is complete and presented it will be filed at a planner’s meeting. Ms. Russell got the general plan from the City of Houston because the state’s definition of plat included something called a general plan. Apparently, the state really liked Houston’s site plan ordinance. This is what it’s called when doing something in multiple sections. The preliminary site plan is incomplete. She was trying to emphasize that a site plan cannot be filed while preliminary, therefore the thirty days does not start running. The site plan came from the state also. Ms. Russell mentioned preliminary site plans is what took place at today’s meeting. It cannot be filed. Under section 90-34, the word “filed” was replaced with “submitted”. Ms. Russell removed some of the language that stated city council approves because it should be planner’s approves. Ms. Russell also stated the Development Manual was added. When the engineering department determines that everything is completed, then that is when the site plan can be filed. Anything smaller than two acres, the engineering department can handle unless someone determines it needs to come before planner’s. The thirty days starts when it’s officially filed. The planning commission has fifteen (15) days from when it’s filed to approve or disapprove with conditions. At this point Ms. Russell is thinking of adding language to suggest it can’t just keep on going and going. This would be added as a just in case issue. This is a stop gap measure and Ms. Russell will be working on the real ordinance.

City Council passed the ordinance on September 3, 2019. Mr. Yenne stated it is important to keep the same pattern, but just to modify as needed. Mr. Yenne said he liked the way the Planning Commission has always worked with the developers. The goal is to keep it as simple as possible while complying with state law.

Mr. Yenne and Ms. Russell asked the planning commission to speak up with any suggestions.

Mr. Fey asked Sherri if she was going to re-write the entire ordinance. Ms. Russell stated she was thinking about making plats separate from site plans to clarify things. At this point, Ms. Russell is not certain how much

of it is going to be re-written. Mr. Fey was hoping re-writing the entire ordinance was not the case. Mr. Fey also said he thought the definitions Ms. Russell used really helped clarify some of their questions. Mr. Fey was pleased to see the way the city is approaching the change.

Mr. Gilbert thanked Ms. Russell for taking all the notes and input from the workshop with council and having something to put in place while it's fine tuned.

Mr. Rinehart stated it was a good thing that engineering has a checklist in place to show the developer what is needed.

Ms. Russell stated staff will take a look at the final draft.

ITEMS OF COMMUNITY INTEREST

Mr. Gilbert expressed his frustration with the HEB land and said none of it is being developed in the way it was originally envisioned. Mr. Gilbert didn't feel the city needed another hotel. In a few years when the construction slows down these hotels will not be occupied as much, and we'll be left with another building in a prime spot. Mr. Gilbert stated he felt we are losing the ability to guide the developers, not control them, but guide them. Mr. Yenne stated the Vernor Group was up against some deed restrictions. The Vernor group has been encouraged to talk to HEB to see if they will release some of those restrictions.

There was a little discussion on other developments.

SET NEXT MEETING DATE – Tuesday, October 1, 2019

ADJOURN

There being no further business the meeting was adjourned at 7:35 p.m.

These minutes read and approved this _____ day of _____, 2019.

Locke Sanders, Chairman

Brenda Colegrove, Secretary