

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 January 4, 2022, at 6:30 p.m. in Lake Jackson, Texas with the following agenda:

Locke Sanders
Harry Sargent
Jeff Gilbert
Matthew Bjune
Joe Rinehart

Modesto Mundo, City Manager
Milford John-Williams, Asst. to City Manager
Sal Aguirre, City Engineer
Athelstan Sanchez, Asst. City Engineer
Eddie Herrera, Engineering Technician
Anamaria Acuña, Asst. City Secretary
Sherri Russell, City Attorney

John Fey- ABSENT
Vinay Singhania, Council Liaison- ABSENT

PLEDGE OF ALLEGIANCE

Mr. Sargent led the pledge of allegiance.

APPROVAL OF MINUTES – December 7, 2021

Minutes were approved as presented.

VISITOR COMMENTS

There were no visitor comments.

DISCUSS AND CONSIDER FINAL REVIEW AND ACTION ON REPLAT OF LOTS 14, 15 & 16, BLOCK 1 INTO ONE 1.377 ACRE TRACT TO BE KNOWN AS LOT 14A, BLOCK 1 OF THE WOODLAND ACRES SUBDIVISION LOCATED ALONG MCFADDEN ROAD (CR 680D) WITHIN THE CITY OF LAKE JACKSON'S ETJ FILED ON JANUARY 4, 2022

Mr. Sanchez went over the Engineer's Memo:

This is a simple combination of three lots into one by removing the east and west property lines of lot 15. Brazoria County has issued a Letter of No Objection to the joining of these lots into one. The submitted plot plan complies in format and content as required for final approval upon receipt of the mylar plat bearing all the required names and signatures.

On motion by Mr. Rinehart seconded by Mr. Bjune with all present members voting "aye" the final review and replat of Lots 14, 15 & 16, Block 1 into one 1.377-acre tract known as lot 14A, Block 1 of the Woodland Acres Subdivision located along McFadden Road (CR 680D) within the City of Lake Jackson's ETJ filed on January 4, 2022 was approved.

DISCUSS AND CONSIDER ADMINISTRATIVE REVIEW AND ACTION TO THE REQUEST BY REGAL STORAGE TO UNDERBRUSH FUTURE EXPANSION SITE AT 125 FM 2004 ENABLING TOPOGRAPHIC SURVEYING TO BE DONE

Mr. Sanchez read through the Engineer's Memo:

This developer plans on expanding the current self-storage facility by adding more similar building units along with RV / Boat storage areas to the south side. The area to be developed is heavily vegetated, hence needs to

be underbrush before a topographic survey can be done to better understand the terrain features and probably conduct a tree survey at the same time. By having a good understanding of the terrain features, the developer with the oversight of the City will be able to optimize placing the required detention pond along with other essential drainage infrastructure, a benefit for both the City and developer.

Mr. Sargent asked engineering to explain the limits of the property lines.

Mr. Sanchez explained the property lines and demonstrated the plan of interest for the potential RV/ Boat storage. The developer is planning to expand along the ditches. Mr. Sanchez assured the commission that expansion will not go all the way down FM 2004.

Mr. Sanders asked why this item was before the planning commission.

Mr. Aguirre explained that if there is any change to commercial property involving the removal of landscape, including underbrush, the developer's need to have the planning commission's approval.

Mr. Aguirre stated the nature of the property was similar to the property of the existing storage. Nothing is salvageable and there does not seem to be any plans of keeping the trees.

On motion by Mr. Sargent seconded by Mr. Rinehart with all present members voting "aye" the administrative review and action to the request by Regal Storage to clear the underbrush at the expansion site at 125 FM 2004 enabling topographic surveying to be done was approved.

DISCUSS AND CONSIDER REVIEW AND ACTION ON REQUEST TO GRANT A VARIANCE TO THE SIDEWALK WIDTH OR ALTERNATIVE APPROACH FOR SHOPPING CENTER DEVELOPMENT AT LAKE JACKSON TOWN CENTER, LOT G, RESERVE B AT 101 WINDING WAY

Mr. Herrera went over this portion of the Engineer's Memo:

Mr. Aruh is requesting a variance to the requirement of a 5-ft sidewalk along the rear of his Phase 1 building located at 101 Winding Way. After pouring the driveway, staff flagged the sidewalk as too narrow to comply with the 5-ft sidewalk requirement for commercial property. Since staff does not have the authority to alter or override the decisions of the Planning Commission, the issue is being brought before you to determine if you are willing to accept the current sidewalk.

The Planned Urban Development Ordinance requires a sidewalk down the private section of Winding Way, but it does not address the dimensions of the sidewalk. However, the ordinance does state that the requirements of the underlying zone B-2 prevail in any circumstance not directly spoken for. This is why staff has required the same size sidewalk as all other new commercial property. The current ordinance requires a 6-ft wide sidewalk in front of all commercial developments. The Planning Commission has historically allowed the developers to install a 5-ft wide sidewalk rather than the 6-ft. Staff has continued to require the 5-ft sidewalk on all new commercial developments.

Mr. Aruh has provided his reasoning for not needing the sidewalk by email, and staff has instructed him to bring the item before Planners for approval as staff cannot grant variances to the site plan. I have visited the site and taken photographs of the conditions. This information is provided in your packet.

The current approved site plan does not request this variance, so an amended alternate site plan with this information will be required if Planners wish to grant the variance. Staff can stipulate that the amended alternate site plan be submitted and approved before a certificate of occupancy can be issued if the Commission accepts the current condition. Otherwise, it will be the developer's responsibility to remove and

augment the current sidewalk to meet the standard 5-ft sidewalk requirement.

To add to Eddie's above comments, perhaps consideration can be given to require contractor to shift the sidewalk to the west keeping the 5-ft width and adjusting the layout of the adjoining pavement reducing the green space island behind the dumpster. If the only recourse is for the sidewalk to remain near the building, consideration can be given for the contractor to at least relocate the ladder to another side of the building.

Mr. Herrera explained that this sidewalk will be used for the public. This will be part of the continuous sidewalk that goes down from Circle Way and connects to Grape Vine. The other side is also required to have a continuous sidewalk, so far Yaklin is the only section that has their portion completed. The sidewalk will be a requirement for whoever builds on the property.

Mr. Sanders asked what the width of the sidewalk is now. Mr. Herrera answered that it is 39-in. from where the curb starts.

Mr. Rinehart asked Mr. Herrera if he could list all the obstructions. Mr. Herrera shared the following obstructions: a roof access ladder, electrical boxes, electrical gutter, and small roof drains. The largest obstruction is the ladder, which he recommends moving.

Mr. Bjune asked if the obstructions were not there, would it meet the 5-ft. requirement. Mr. Herrera replied if the obstructions were removed, it would still not meet the requirements.

Mr. Sanders asked to review and emphasize the contractors note on the plans. "Contractor to ensure a minimum of 5-ft. clearance between building equipment and edge of sidewalk." Mr. Sanders shared that note is between the owner and contractor and believes the contractor should make it right.

Ray Duerer (CDA Architect) – 20445 State HWY 249 #200 Houston, TX. 77070

Mr. Duerer shared the sidewalk is ADA approved with a minimum of 3-ft. He shared the proposed idea of striping off the 5-ft. alternative service area. Mr. Herrera shared that the alternative would not work because the slope is at 4% which is too aggressive and not wheelchair friendly. He explained the slope should be at 2%.

Mr. Sanders asked Mr. Herrera to advise how Mr. Duerer would be able to get to the 5-ft. sidewalk requirement. Mr. Herrera advised the only way to get the requirement is to expand the sidewalk but then it would narrow the driveway.

Mr. Sargent asked why Mr. Herrera was considering this a driveway. There was discussion that it is technically an unloading zone.

Mr. Duerer and Mr. Bjune had discussion over why the owner does not want to rip out new concrete due to their being a potential tenant and they would like to get this completed in a timely manner.

Mr. Duerer explained that the ADA walkway would be adjacent to the building, and they would create the 5-ft. walk area elsewhere to comply with Lake Jackson's ordinance.

Mr. Sanders asked Mr. Duerer why he is coming here instead of pursuing the contractor to correct their error. Mr. Duerer stated the reasons would be to save time and money.

Mr. Sanchez added that he agrees with Mr. Herrera and believes that they should shift the sidewalk down to gain the 5-ft into the driveway. He also thinks the placement of the ladder is a safety issue, which has been

approved but he would like to relocate the roof access ladder.

Mr. Sanders asked if there is any lighting near the obstacles. Mr. Duerer replied that there is lighting by the door, and they are going to add additional lighting soon.

Mr. Gilbert shared that this could have easily been prevented if the contractor paid attention to the note on the plan. Although he understands that was not the case, he wants to help come up with a solution or variance because he acknowledges the cost and time that will affect the owner.

Mr. Gilbert stated that nobody can make this right as he believes there are no consequences to the contractor, nor a financial penalty for them. He suggested that the solution provided by Mr. Herrera by extending the sidewalk into the driveway would mean they would lose the space for parking.

Mr. Aguirre explained a possible solution to add an additional 1.5-ft. He shared that it would not affect much, excluding the cost. He stated that it would only affect the 9-10 feet width of a parking space (which is typical in size). Mr. Aguirre suggested that it would not compromise the parking, which could even be 8-ft. wide for a vehicle and by doing so would add the needed length to the sidewalk.

Mr. Aguirre discussed the concerns Mr. Sargent had over the curbs, sidewalks and not having enough space. Mr. Aguirre explained that there will be enough space in the area and extending the sidewalk would not interfere with entering the parking spot whether it is backing into it or entering it. Mr. Aguirre stated that the driver had the enter que space to move freely.

Mr. Duerer explained that the side swipe was intended for the driver to have que space.

Mr. Sargent asked how much queuing space is required. Mr. Herrera stated that this queuing line does not fall into the fast-food queuing lane because there is not ordering board. Mr. Sanders advised that this was not the issue for discussion.

Mr. Aguirre explained that he does not see the problem with tacking on the additional concrete to have the required 5-ft. sidewalk and believes that there is no need for the variance.

Mr. Sanders recommended adding 16 inches to the sidewalk.

Mr. Bjune asked if the ladder can be raised. Mr. Duerer replied that it is not going to be possible because OSHA requires a ladder not to be higher than 12-in. from the ground

Mr. Rinehart and Mr. Bjune both shared that they agree with adding 16 inches to the sidewalk.

Mr. Sargent asked if it would be an option to do a triangular add on.

Mr. Aguirre recommended adding the additional 16 inches but as straight rectangular add on.

Mr. Sanders asked for an explanation on how they will extend the sidewalk by adding to it. Mr. Duerer advised that they drill into the pre-existing concrete and tie into it.

Mr. Herrera assured the commission if there is any issue with the add-on that he will flag it and have them correct the issue.

Mr. Bjune moved to deny the variance and to apply a 16 in. smooth alternative approach to the sidewalk

issued at 101 Winding Way, Lot G for the Lake Jackson Town Center Development, seconded by Mr. Rinehart this was taken for discussion and amended by Mr. Gilbert.

Mr. Gilbert motioned to deny the request to grant a variance for the sidewalk with an alternative approach for shopping center development at Lake Jackson Town Center, Lot G, Reserve B at 101 Winding Way seconded by Mr. Rinehart with all present members voting "aye" the motion was approved.

DISCUSS POTENTIAL REQUEST FROM THE DEVELOPER OF THE WOODSHORE MARKET PLACE SUBDIVISION AND WOODSHORE DEVELOPMENT IN CLUTE FOR CURB CUT / FULL DRIVEWAY ACCESS AND MEDIAN BREAK / TURNING BAYS ALONG OYSTER CREEK DRIVE BETWEEN THE WOODSHORE SUBDIVISION MAIN ENTRANCE AND DISCOUNT TIRE

Mr. Sanchez stated that this item is missing information and is not ready for discussion.

Mr. Sanders advised that this topic was struck off the agenda, as requested by Mr. Sanchez.

SIGNATURE OF DOCUMENTS

- Replat of Lots 14, 15 & 16, Block 1 into One Tract Known as Woodland Acres Subdivision (Lake Jackson ETJ)

ITEMS OF COMMUNITY INTEREST

- Mr. Sargent share that there is no hurricane tie down straps on the new builds for Habitat on Winding Way and Yaupon
 - Mr. Walton stated that he will check in with Engineering to ensure the contractors are building according to their designs
 - Mr. Walton noted that they do have their own inspections and Engineering is liable for their designs
- Mr. Sanders asked when the Primary Election is and what all it consists of
 - Mr. Rinehart advised that the Primary Election is to elect State and County offices, and it will be held in March 2022
- Mr. Rinehart wanted to share with the Police Department that construction traffic is coming out of the gate by the Sea Center
 - Getting dangerous between the hours of 4:00 p.m. – 5:30 p.m.

SET NEXT MEETING DATE

Tuesday, February 1, 2022, at 6:30 p.m.

ADJOURN

There being no further business the meeting was adjourned at 7:16 p.m.

These minutes read and approved this _____ day of _____ 2022.

Locke Sanders, Chairman

Matt Bjune, Secretary