

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, February 2, 2021 at 6:30 p.m. in Lake Jackson, Texas with the following agenda:

Locke Sanders  
John Fey  
Matthew Bjune  
Joe Rinehart  
Jeff Gilbert  
Harry Sargent

Modesto Mundo, City Manager  
Sal Aguirre, City Engineer  
Athelstan Sanchez, Asst. City Engineer  
Sabrina England, PW Director  
Eddie Herrera, Engineering Technician  
Vinay Singhania, Council Liaison  
Gerald Roznovsky, Mayor  
Sally Villarreal, Asst. City Secretary

PLEDGE OF ALLEGIANCE

Harry Sargent led the pledge of allegiance.

SWEAR IN MEMBERS

Ms. Villarreal administered the Oath of Office to Jeff Gilbert, Harry Sargent, and Matthew Bjune.

APPOINT SECRETARY

Chairman, Locke Sanders appointed Mr. Fey to secretary.

APPROVAL OF MINUTES – December 1, 2021

December minutes were approved with the removal of Mr. Fey from the December meeting attendance.

VISITOR COMMENTS

There were no visitor comments.

DISCUSS THE VILLAS AT LAKE JACKSON APARTMENTS NATURAL LANDSCAPE BUFFER RESTORATION PLAN SUBMITTAL TIMELINE AND DETERMINATION OF FUTURE ACTION (128 W PLANTATION DRIVE)

*Engineer's Memo:*

*After our walking orders were issued at your last discussion, the notification of your decision and recording minutes of the meeting were released to the developer for impression. He responded immediately and sounded as being impressed enough to do as suggested. Since then, nothing has been submitted or delivery date offered. Eddie has contacted the representative and has not received further update. Your future action is on the table for further pursuit.*

Mr. Aguirre gave a quick update of what took place at the meeting on December 2021 up to this date. The big take away from Mr. Aguirre's update was when the PUD was formed, there was a 15' natural landscape buffer that was to remain. This buffer was removed without permission.

Bill Fisher – Sonoma Housing

Mr. Fisher stated there is a very detailed tree survey that was submitted. He said whatever has been

removed that shouldn't have been will be replaced. A lot of what was removed were vines and growth entangled with the trees. The undergrowth was also removed. The intent was not to remove trees that should not have been. Mr. Fisher said they fully understand that it must be remediated. The challenge currently is it is now winter. Mr. Fisher stated they would like to look at this in the spring and look at the buffer with foliage in there and set a plan that fills in the gaps. They stand ready, willing, and able to work through it.

Mr. Fisher stated if you look at the plan, they planned for a 15' buffer. Some of the neighbors have as much as 8' of fence in their 15' buffer. Some of the fences would need to be moved back to their property line to afford them to keep with their agreement of the 15' buffer.

Mr. Fisher stated they are open to any recommendations. They would rather wait for spring to allow trees to grow the leaves and then fill in the gaps all along the buffer. They know they are obligated to do what is in the plan. They are willing to propose in writing to have their Certificate of Occupancy withheld until their plan is complete.

Mr. Fisher said there was one homeowner at the boundary of the subdivision and Plantation Dr. who asked they remove any shrubbery at their house. Mr. Sargent stated that the resident did not have authority to overrule the Planning Commission's decision.

Mr. Bjune asked Mr. Fisher to provide drone photos of the vines that were cut out. Mr. Fisher stated he would provide a photo. Mr. Fisher said the vines needed to be removed.

Mr. Fisher said his understanding was during the first property in this development, that the power company came in and took out most of the buffer. Mr. Rinehart corrected Mr. Fisher and told him the power company only took down two trees that happened to be in his own backyard. The entire time the project was underway, Mr. Rinehart stated he never saw any construction happening. The vines were left because they are natural.

Mr. Fey was under the impression that it was not just vines that were torn out, but trees were torn out also.

Mr. Fisher said he thought they were damaged trees that came down with the vines. Mr. Fey said he would also like to see the photos of what the state was like before the removal.

Mr. Sanchez brought up images of what the area looked like before the trees were taken down.

Mr. Gilbert stated when the original portion of this project took place, there was a lot of effort put into the landscape plan and buffer. It did not matter what type of plant was there. It was a buffer that was there for the residents. Mr. Gilbert told Mr. Fisher he would avoid acting like they did the city a favor by getting rid of vines. Mr. Gilbert was thankful for their presence and willingness to work to make it better.

Mr. Fisher apologized to the commission and residents that were present for removing the buffer. Mr. Fisher took full responsibility for the removal of the buffer.

Mr. Sargent stated the fault of the fence that is on the 15' property line was probably the fault of the fence builder.

Ms. Russell stated the buffer is from the property line not the fence line.

Mr. Fisher would like to make it right and come up with a landscape plan that everyone would like to consider. Mr. Fisher suggested circulating plans to the community first and getting the neighbor's input. At that time, they will come to the city and the commission for approval. Mr. Fisher stated they want to

be a good neighbor and really want to make it right.

Mr. Sargent suggested planting Live Oaks so they will have leaves during this time of the year.

Mr. Sargent asked if he would be working with a landscape architect. Mr. Fisher stated he would, and he would also like to work with some of the neighbors that are being affected.

Mr. Fisher asked if Mr. Rinehart would like to be on a citizen committee to review the plan and make suggestions. Mr. Rinehart said he would since he lives in the neighborhood.

Mr. Rinehart stated a great deal of work went into developing the PUD and buffer zone. He is looking forward to a significant program and solution.

Mr. Fisher stated the solution will be better and will last long term.

Mr. Bjune had some questions about the vegetation that is being proposed. The proposals are for smaller 3' trees. The younger undergrowth trees will be a challenge. Mr. Bjune stated it is not an easy task to redevelop natural vines and undergrowth. Mr. Bjune strongly encouraged a strong plan.

Mr. Sargent also suggested Yaupon trees as they are faster growing.

Mr. Mundo asked Mr. Aguirre what his advice was to the Planning Commission. What is the plan going forward?

Mr. Aguirre stated he spoke to someone who works for the city who has knowledge on this subject. He did not suggest Crepe Myrtles but rather have trees that invite birds to make their natural forestation. Also, advocating brushy grass. It will be appropriate to have another meeting to discuss this further.

Mr. Rinehart would like to have Mr. Bjune included in the group with citizens to review the plan that Mr. Fisher proposes.

Mr. Sargent asked if the landscape plan would have to be approved again. Mr. Aguirre said it would eventually have to be approved.

Council liaison Singhania stated the intent was for the buffer to hide the construction. This brings urgency to this situation. Mr. Fisher asked for 30 days to come up with a plan.

Mayor Roznovsky appreciated the understanding between the city and developer. Mayor Roznovsky stated that in other communities an orange barricade fence is put up so that everyone knows not to go beyond a certain point. If this is something that the city does not require, perhaps we should start looking into that. As far as the tree that was taken, it could have been barricaded to prevent this from happening. We must learn from this experience.

Stacy Williams – 629 Walnut Street

Mr. Williams stated when he purchased his house 5 years ago his house did not have a fence, but he has since put one in. When the first portion of this project took place, an 8' fence put in 2' - 3' off his property and fence that was already there. He then tore his fence out and now there are trees laying on the fence with busted boards.

Mr. Williams was very frustrated because he thought the construction was to stop until a resolution was agreed upon. Since the last meeting, a 39" tree was removed from his backyard area. Mr. Williams can now see the Buc-ees lights and has no privacy.

Mr. Sargent stated the Commission did not have the authority to stop the construction.

Mr. Sanders asked Mr. Fisher if they would have a plan in 30 days.

Mr. Fisher stated they would look at the current landscape plan and update it this week. They will circulate it to the neighbors next week for them to look at. They will either have a Zoom meeting or come and have a meeting to address any concerns and accept comments. The plan will be recirculated back to the neighborhood the following week. Hopefully this will be a 2–3 week process at the most. Hopefully at that time, we will have a plan that will work.

Mr. Fisher said they would get the orange mesh put up. Mayor Roznovsky stated he would like to see all the existing trees barricaded so no further damage is done.

Mr. Aguirre stated that the 39” tree that was taken out was not in the buffer zone, but it was in the protected zone.

Mr. Fisher again stated the proposed timeline for the new landscape plan as follows:

- They would take the rest of week to update the current landscape plan based on comments from this meeting being held tonight.
- Next week it will be circulated to the neighbors for their consideration.
- Neighbors input will be taken, and plan updated for recirculation with neighbors.
- If at this time there is something that is agreed upon, staff will be included for comments.
- Once a plan is agreed upon by neighbors and staff, it will be brought back to the Planning Commission.

Mr. Sargent said he did not hear mention of the barriers or professional. Mr. Fisher stated it is on the record that the barriers and professional would be included.

Eddie Herrera stated the plan that was submitted was turned in late not giving their department enough time to review it thoroughly. It was presented to Mr. Carleton, the Parks Superintendent. He suggested laying down brushy grass to invite pollinators such as bees and butterflies which will then attract birds then you can see the Hackberry and Ash trees come along which are aggressive in growth.

PRESENT AND DISCUSS PROPOSED PAVEMENT ADDITION TO AN EXISTING BUSINESS SITE AT 219 PLANTATION DRIVE AT THE CORNER OF PLANTATION DRIVE AND GARLAND DRIVE (OLD TRIANGLE GLASS SHOP)

*Engineer's Memo:*

*This comes from a permit request to the building official to add an 836 sq. ft. concrete pad fence enclosed for extra storage shop yard. Normally this would not be an issue where surplus open area is available and remaining open areas still complies with the landscape ordinance requirements of square footage and visual location. Also, any site modification triggers the landscaping compliance requirement. The specific conditions of this site are such that it predates zoning site and landscaping review requirements and as such these old sites remain grandfathered until a modification is enacted.*

*The existing site is for the most part covered by building and pavement. The open area (grassed) lies primarily along the frontage of Garland Drive is approximately 1,682 sq. ft. with no trees, screening shrubs or irrigation. The proposed plan is to pave over the larger part of the open area (836 sq. ft.) and fencing it for use as a storage yard area. Effectively this taking would reduce the open area to the bare minimum requirement of 768 sq. ft. of which only 142 sq. ft. would be street visible. The remaining would be behind the fence and the building. There are no proposed trees, screening, or irrigation planned with this request.*

*Your assessment of this plan will consider available actions to take such as approving granting variance to all of landscape requirements of area, trees, screening and irrigation or provide acceptable alternatives to it or deny permit approval to the plan. For past and future determinations of such similar condition that prevail in this business corridor, staff has been diligent in following the ordinance in previous site modifications but has become more frequently challenged with the changing character of the businesses in this strip.*

Mark Lackey – 219 Plantation Drive (business)

Mr. Lackey asked for approval to pour a cement pad and fence in an area being used for a lay down yard to be hidden from the public view. It is mainly for safety and appearance.

Mr. Bjune asked if the proposed concrete pad would be touching the Trophy Shop nextdoor. Mr. Lackey said it would not be touching.

On motion by Mr. Gilbert second by Mr. Fey with all present members voting “aye” the proposed pavement addition to an existing business site at 219 Plantation Drive at the corner of Plantation Drive and Garland Drive (Old Triangle Glass Shop) and grant the landscape variance was approved.

PRESENTATION AND REQUEST FOR REZONING GUIDANCE OF A PROPOSED HIGH DENSITY DETACHED SINGLE FAMILY HOME CONCEPT FOR THE NEW LAKEWOOD MANOR DEVELOPMENT AT HUISACHE STREET

*Engineer's Memo:*

*Lux Nova Homes, a residential developer headed by Kevin Stuckey and Jim Harrison, are in their due diligence period of their negotiation with the owners of the property. Mr. Stuckey had previously met with our predevelopment staff representing a different group with a standard single-family housing development that did not take hold and that was abandoned. He has now resuscitated another development with a unique rental single-family home concept that seems to be a successful business model in today's lifestyle environment and region.*

*They are wanting to present this development concept plan to get your feedback, and guidance to successfully pursue its implementation. The concept is somewhat unique to our standard housing development that we have problems fitting them into our current zoning classifications which would be a first hurdle to overcome.*

*The 18+ acre tract is currently zoned for various uses such as R-3 (Duplex) the original Lakewood Manor, PURZ R-3 (Oaks of Lake Jackson) and R2-A (Royal Subdivision) a subsequent more recent rezoning of a portion of the Lakewood Manor.*

*Their development plan proposes to replat the property into lots with 2 and 3 rental detached single-family homes per lot (140 total units). There would be common areas for recreational and drainage purposes and a maintenance association serving the development. None of our residential zones apply to this condition so the challenge to customize one will need to be created and the primary reason for this discovery presentation.*

*Secondary to this, will have to have discussions of the infrastructure existing in this area. In the past Huisache Street and sidewalk pavement conditions were items of concern, that were allowed to remain under the Royal Subdivision (37 unit) concept review and approval process. During this same, an agreement was reached that water system was to be replaced with sanitary to remain. This has been corrected to a required replacement of the sanitary with the water remaining. The proposed plan with significantly more units will need to be assessed under the heavier service demand of more users.*

Doug Roesler – Baker & Lawson

Mr. Roesler stated they were present to ask for guidance on proper zoning. He was not sure what the proper zoning would be for the proposed development. This developer will own the homes and lease/rent them. The roads will have some minor water and sewer upgrades and drainage analysis if the project moves forward.

Kevin Stuckey - LuxNova Homes

Mr. Stuckey went over his background and experience. He went over some of the communities they have built. Mr. Stuckey went over the importance of the amenities that would be offered such as playground area and walking paths. These types of amenities bring the community together and they get to know each other.

Mr. Stuckey went over slides that displayed floorplans. All the appliances are included except the refrigerator. The architecture is a modern farmhouse design with very clean lines. Each house has a front porch and yard space. These are detached homes; they are not attached to each other.

Mr. Stuckey stated their commitment is to redevelop the property properly. They are very aware of the mature trees and healthy trees and the value of replacing trees.

Mr. Stuckey stated the basic building block is a 4 pack or 6 pack. The garage doors are 44' apart. This is 20' more than a typical apartment. Mr. Stuckey went over the site detail and rezoning guidance information below:

Site Detail	Rezoning Guidance Requested
<ul style="list-style-type: none"><li>• Drainage &amp; Detention Engineered by Baker &amp; Lawson</li><li>• 78.80% Open Space</li><li>• 2 Playground/Park areas</li><li>• 8/10 of a mile walk to HEB &amp;/or Downtown</li><li>• 7/10 of a mile walk to Lake Jackson Intermediate</li><li>• 6/10 of a mile walk to Brannen Elementary</li></ul>	<ul style="list-style-type: none"><li>• Total Homes: 140</li><li>• Site Area: 18.42 Acres (Exclusive of Streets)</li><li>• 7.60 Homes / Acre</li><li>• Total of 501 Bedrooms</li><li>• Total Parking Spaces: 469<ul style="list-style-type: none"><li>➤ Garage Spaces: 270 (2/home)</li><li>➤ Uncovered Parking Spaces: 199</li></ul></li><li>• 3 Zoning Classifications on the Site Currently:<ul style="list-style-type: none"><li>➤ R-2A, R-3 and R-4</li></ul></li></ul>

Mr. Stuckey said they are working with Baker & Lawson on the drainage of the property. He mentioned a detention pond and replacing the culverts under Huisache with larger culverts to drain the properties properly.

Mr. Stuckey asked for guidance on what zone they should pursue for their plan.

Mr. Fey asked how many parking spaces are in the 6-pack. Mr. Stuckey said there are 12 in garage parking spaces and 13 surface parking spaces. There is also street parking and parking in playground areas. More can be added, but they tried to leave the yards open as best as they could. Mr. Fey was concerned about crowding during gatherings.

Mr. Stuckey stated their typical lease stay is approximately 2.5 years. Eighty-five percent of their customer base are millennials with the other 15% being empty nesters. These people do not want to live in apartments.

Mr. Fey asked what the HOA does. Mr. Stuckey said they mow the grass and change the air filters. They want to be sure their property is being taken care of.

Mr. Fey asked what the minimum distance is between the houses. Mr. Stuckey said the distance is 6' between the houses, 20' to the back, 25' to the front and 15' at the end of the street.

Mr. Aguirre asked Mr. Stuckey if he was intending on platting with separate lots or one big piece. Mr. Stuckey said it would probably be 5 pieces.

Mr. Gilbert stated they do not have an HOA since they are not homeowners. This sounds more like an apartment board for very nice townhomes. Mr. Gilbert asked what the purpose of the "HOA" or organization was. Mr. Stuckey said it is for the community. They have found that when people are involved, they become interested. They have a say on what goes on, but they do not control it.

Mr. Gilbert asked Mr. Stuckey what zone would work better for him. Mr. Stuckey stated their choice would be to propose it as a multi-family development, but they would not be in compliance with the traditional apartment parking.

Mr. Gilbert likes the plan and his proposal. Mr. Stuckey said they generally own their properties for about 10 years. They can sell it but still manage it.

Mr. Gilberts concern is taking a multi-family well designed program and not having it run properly and then it deteriorates.

Mr. Mundo stated a multi-family inspection program would apply. The unit is inspected along with the building. This program is to make sure it does not fall below minimum standards. Mr. Mundo wanted the commission to think about the possibilities of the rezoning.

Mr. Rinehart suggested Mr. Stuckey go over the PUD's with city staff.

Mr. Mundo asked Mr. Stuckey how some of his developments are zoned. Mr. Stuckey said some are zoned for single family and in Pearland they are zoned townhomes.

Mr. Sargent asked about playgrounds and access to trash. Mr. Stuckey pointed out two playgrounds on the development. What they have done in other communities is a pushcart for their trash.

Mr. Sargent also commented on the parking being high density. In one of the areas there are no garages and people park in the streets. Mr. Sargent suggested providing another access in and out of the development.

Mr. Sanders said the city streets are in bad shape, would that be looked at by the city? Mr. Mundo said it is not on the city's street plan at this time. New homes would be there, and it could possibly be a long time before it falls into the street program.

Mr. Stuckey made it clear that public city streets are not something they would be doing.

Mr. Sanders inquired about the sewer and water. Mr. Aguirre stated the sewer and water are not an issue. There was discussion regarding the drainage, and it was mentioned that it would be a very detailed study.

Mr. Sanders asked Mr. Stuckey how flexible their plan is when working around the trees. Mr. Stuckey stated they would like to have an arborist walk the plan with them and take their input on what the best plan is. If a tree can be kept, they would like to do so. They understand the city would like to preserve as many trees as possible.

Mr. Rinehart liked the idea that was being proposed. However, as a former mayor and lifelong resident there will be work required on both sides for this to work. Mr. Rinehart would like to keep the vision open and work together to see this development happen.

Mr. Stuckey complimented the Engineering Department for their guidance and looked forward to working with the city.

Mr. Bjune stated his biggest concern was the density and what comes along with it. The number of homes and what it would cause with utilities and drainage.

Mr. Mundo stated his only concern is making sure you get what you want when rezoning a piece of property. What if the developer backs out? Mr. Mundo also mentioned the trash pick-up and how that would be picked up. This is kind of like an apartment, but it is not. Residents would be required to drop it off at the street. Mr. Gilbert informed Mr. Stuckey that the city does not use the big trash bins that are rolled to the curb. Mr. Stuckey said the trash collection would not be a problem.

Mr. Stuckey said when a tenant does not comply with their lease, they are asked to correct it once, after that they are asked to leave. This helps keep the property in order and clean.

Mr. Stuckey asked if reducing the speed would be a possibility on Huisache. Mr. Bjune stated it would require the city to reduce the speed on all the streets. There was discussion about possible speed humps.

Mr. Mundo stated even though speed humps may be a good idea, they would need to go through the proper channels and the Traffic Commission. Traffic studies would be required, and criteria met before they will be considered.

There was discussion on the zoning options and the risks involved with different ones.

Mr. Mundo will be talking to the City Attorney regarding the zoning options.

DISCUSS AND CALL A PUBLIC HEARING TO REZONE 61 S BLUNCK (LOT 11, BLOCK 1 OF BLUNCK SUBDIVISION) FROM R-2 TO PURZ R-2

*Engineer's Memo:*

*This is a request from Reg Aplin, Aplin Inc. to be able to repeat on his touted successful rental detached single-family project of the Holly Houses on Holly Street. This is a lot that his dad owns and would like to apply the same concept in this area. The lot is an 80-ft x 100-ft that he would subdivide into 2 – 40-ft x 100-ft and build the same product which he did on a 35-ft wide lot although with less depth than before. If approved, a public hearing will be set at your next meeting with proper public advertisement and notifications made.*

Mr. Rinehart suggested calling the Public Hearing and having Mr. Aplin come back to discuss his request at the public hearing.

Reg Aplin – 107 Sumac

Mr. Aplin mentioned his project on Holly Street with the lots. He said he is thinking of doing the same concept on Blunck. There would be two 1400-1500 sq. ft. homes built on the lot.

On motion by Mr. Sargent second by Mr. Gilbert with all members voting “aye” a public hearing will be called to rezone 61 S. Blunck (Lot 11, Block 1 of Blunck Subdivision) from R-2 to PURZ R-2.

SIGNATURE OF DOCUMENTS

Plantation Village Plaza Shopping Center Alternate Landscape Plan  
Plantation Village Plaza Shopping Center Amended Site Plan

ITEMS OF COMMUNITY INTEREST

Mr. Sargent asked about the traffic pattern at Ney. Mr. Mundo said there is not a resolution at this time. Mr. Rinehart said he would talk to Mr. Massey and see if anything can be done.

Mr. Mundo informed the Planning Commission he would be bringing the Bond issue information to them at the next meeting. Mayor Roznovsky gave the Planning Commission details of the changes.

SET NEXT MEETING DATE – March 2, 2021

ADJOURN

There being no further business the meeting was adjourned at 9:20 p.m.

These minutes read and approved this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

\_\_\_\_\_  
Locke Sanders, Chairman

\_\_\_\_\_  
John Fey, Secretary