

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 February 7, 2023, at 6:30 p.m. in Lake Jackson, Texas with the following agenda:

Locke Sanders, Chair
John Fey, Vice-Chair
Jeff Gilbert, Secretary
Matthew Bjune
Harry Sargent
Kay Aplin

Modesto Mundo, City Manager
Milford John-Williams, Asst. to the City Manager
Anamaria Acuña, Asst. City Secretary
Sal Aguirre, City Engineer
Athelstan Sanchez, Asst. City Engineer
Eddie Herrera, Project Manager
Sabrina England, PW Director
David Walton, Building Official
Vinay Singhania, Council Liaison

PLEDGE OF ALLEGIANCE

Mr. Sargent led the pledge of allegiance.

APPROVAL OF MINUTES – December 6, 2022

Minutes were approved as presented.

VISITOR COMMENTS

No comments.

CONSIDER REQUEST AND ACTION FOR SPECIAL USE PERMIT FOR BILLIARD ENTERTAINMENT USE VENUE IN LOT 3, OF PARKWAY PLAZA SUBDIVISION AT 470 THIS WAY

Corey Anderson – 470 This Way

Dr. Anderson recently purchased the property. His plan for the property is to create an upscale billiards room, with a small sports bar theme. He stated his target audience is 30+ year olds to socialize. Dr. Anderson noted there was an addition to the back of the building many years ago where he plans to host events such as a dueling piano bar, comedy nights, etc.

Mr. Aguirre went over the *Engineer's Memo*:

This request is from Dr. Corey Anderson, CHA Inc. who is interested in re-opening the previous Rickochet's billiard business to a similar venue with entertainment option upgrades. The more recent billiard business, the Brazos Billiards had followed suit from the prior Rickochet's special use permit, but since ceasing operations had let the permit six-month term allowable to expire for it to be extended as a pre-existing non-conforming use as per zoning ordinance condition.

Dr. Anderson would like to present his business concept and plan for this property to entertainment use as allowed by special permit in the current B-2 Central Business zone it has. In the past, this nature of entertainment business has been allowed under the private club designation now deleted from the zoning ordinance in B-2 zoned areas such as the Shooter's billiards and Brody's in the downtown area.

Mr. Fey stated he liked Dr. Anderson's ideas and asked if he was planning on renting out the extra room. Dr. Anderson stated he would rent the extra room on occasion but would ideally be the one to host the events he previously mentioned.

Mr. Gilbert stated he liked the idea of the building being used once again. He believes the location is great for what Dr. Anderson has in mind and that it'll be a great asset to the community. Mr. Gilbert noted he would be in favor of the special use permit.

Mr. Sargent asked what the guides for the term "special use" would be. Mr. Aguirre noted this permit used to be approved in the club designation protocol, but it went away. Due to this being an entertainment business it needs the planning commission's approval if they see the special use permit as fitting. Mr. Sargent asked how the liquor license with the state of Texas would be handled. Mr. Aguirre noted that is up to the state.

Mr. Sanders asked if the 6-month window would still apply. Mr. Aguirre noted that it would apply but he missed the window. Dr. Anderson noted that the window was inactive at the time of the purchase.

Ms. Aplin stated that this would increase the options of activities to do in our area and that this location sounds as if it would be fun. Dr. Anderson commented that he agrees. He's been told many people prefer to live closer to Pearland because there is more to do and would like to give Lake Jackson residents similar opportunities.

Mr. Bjune asked what B-2 zoning allows. Mr. Aguirre stated that B-2 allows entertainment with a special use permit. Mr. Bjune stated that he doesn't want a recurrence of the last location / business with constant bar fights and vandalism. Dr. Anderson stated that he will do whatever it takes to ensure that will not happen at his location.

Mr. Bjune asked if he meets the parking requirements and if he has a shared access agreement. Mr. Aguirre stated that when he bought the property it was agreed to have the shared parking.

Mr. Gilbert reiterated that Dr. Anderson's intention is to rebrand.

On motion by Mr. Sargent seconded by Mr. Gilbert with all present members voting "aye," the request for a special use permit for a Billiard Entertainment use venue in Lot 3, of Parkway Plaza Subdivision at 470 This Way, was approved.

DISCUSS AND PROVIDE FEEDBACK TO A REQUEST TO REZONE THE BRAZOSPORT VILLAGE SHOPPING CENTER AT 410 PLANTATION DRIVE FROM A B-1 TO C-1 FOR A STORAGE BUSINESS USE

Glenda Jacoby (Representative for the Owner of Shopping Center) & Darren Kelley (Potential Tenant)

Mr. Kelley plans to open a storage facility. Ms. Jacoby stated the owner of the shopping center is trying to gain tenants. Ms. Jacoby believes that by changing the zoning it will expand the possibility of tenants for different uses. Mr. Kelley is planning to use the old HEB building for climate control storage.

Mr. Fey asked if the plan was the section of the old HEB building. Ms. Jacoby stated that the building has been vacant for a long time. Mr. Kelley stated there is significant demand for climate control. Ms. Jacoby explained that although the reason they are here now is for the potential storage units she believes it will expand potential businesses.

Mr. Aguirre stated that they didn't have a long conversation, but the only way to allow a storage area was to rezone to a C-1. He noted that Ms. Jacoby is present to look for feedback on the possibility of rezoning. The next step would be to call for a public hearing to rezone.

Mr. Fey noted that he liked the idea of 100% climate control. Ms. Jacoby stated the climate control will have both front and back entry.

Mr. Gilbert stated that he is open to the idea because he would rather have an empty building be used.

Mr. Sargent asked if they were only rezoning the HEB portion. He followed up by asking if the rezoning would affect the existing businesses. Mr. Aguirre stated that it would not affect the other businesses.

Ms. Aplin commented that she believes it is a good idea since the building has been vacant for so long.

On motion by Mr. Fey, seconded by Ms. Aplin with all present members voting "aye," the planning commission's feedback was to call a public hearing to discuss the rezone of the Brazosport Village Shopping Center at 410 Plantation Drive from a B-1 to a C-1 for a storage business use.

PRESENTATION FOR DISCUSSION AND PROVIDE FEEDBACK TO A REVISED PROPOSED DEVELOPMENT OF A CONVENIENCE STORE AND GAS STATION AT 480 THIS WAY IN LOT 2-B, BLOCK 2, PLANTATION VILLAGE SUBDIVISION, SECTION 4

Doug Roesler- Baker & Lawson

Mr. Roesler demonstrated the modifications to the layout including the underground detention pond, adding additional parking behind the store, angled parking, etc. Mr. Roesler stated they reduced the size of the building and gained parking spaces. Overall, they now have a total of 24 parking spaces.

Nomaan Ali – Sugarland, TX.

Mr. Ali summarized on their last visit in December they planned on making a 5,700 sq. ft. building. After learning about the required parking per square footage, they downsized to about 4,000 sq. ft. They also opted for an underground detention to add 8 additional parking spaces. He stated that although they worked on the recommendations to accommodate the required 40 parking spaces, they were only able to create 24.

Mr. Ali asked the planning commission for permission to have the parking spaces they do have. He demonstrated an example of their existing business (5,500 sq. ft.) in Houston with 27 spaces. He showed pictures of the convenience store with parking and summarized that he believes this type of business doesn't need as much parking as there is a steady stream of customers that come and go.

Mr. Aguirre went over the *Engineer's Memo*:

This is the follow up to a previous meeting review and recommendation by the planners of their proposed development. As a result of the first review, the conceptual site plan left various doubts and questions as to the suitability of the constrained lot size to be a workable one for its use.

The deficiency of parking spaces, traffic flow, fuel truck and waste collection service became points of concern for discussion. The planners feedback recommended a reconsideration for changes to the site that would ameliorate these concerns and to return for a second look of a revised concept that would show a good faith effort to accomplish this.

The specifics of the **revised** proposed site indicate the following as compared to the original:

Site	Revised	Original
<i>Convenience Store Building Size</i>	<i>4,000 sq. ft.</i>	<i>5,700 sq. ft.</i>
<i>Dispensing Station with Canopy</i>	<i>3-Islands – 12 Stalls</i>	<i>3 Islands – 12 Stalls</i>
<i>Drainage System</i>	<i>Underground Storage Detention</i>	<i>Above Ground Basin</i>
<i>Parking Count / Ordinance Required</i>	<i>24 (eff. 21*) / 40</i>	<i>10</i>

As additional information for the board's consideration, staff's review of this revised site plan found the following:

1. **Fire Marshal fire access lane width requirement negated 3 of the parking spaces proposed.*
2. *Driveway radius inadequate for fire truck apparatus turn requiring flattening.*
3. *Waste dumpster placement required relocation to waste collection option and possible drive with modifications.*

The developer's request is to obtain approval of the revised concept as proposed with variance to the parking requirements in order to proceed on through to the building official permit development of the site and building with current known conditions and others to arise during further review.

Mr. Roesler stated that the street has two lanes adequately fitting the firetruck that the fire marshal is concerned about, but they can also increase the radius.

Mr. Bjune noted they have enforced the regulations with everyone, and he does not want to redefine the requirements based off one new business.

Mr. Ali stated the store would be different from Buc-ees. He commented that they're a normal gas station and are not a destination store. He reiterated the stream of customers are in and out and he doesn't think their parking will ever be full.

Mr. Bjune commented that each new building must fit the requirements in place and pre-existing gas stations are different.

Mr. Gilbert thanked Mr. Ali for the effort he has applied because he noted that the planning commission was hard on him and gave him recommendations at the previous meeting.

Mr. Gilbert said he is unaware of any other gas station other than Buc-ees that has had to go through the new requirements. He has noticed the pre-existing stations such as the Valero's, Buzzy Bee, Exxon and others and he has personally not seen the parking spaces full or inadequate.

Mr. Ali noted that he googled images of the Valero's, and his convenience store/ gas station would still have more parking spaces than the pre-existing gas stations.

Mr. Gilbert stated that the planning commission has always tried to enforce the rules and requirements in place. He commented that he isn't sure what type of business the lot would be that wouldn't have similar parking

problems. Before saying no, he drove around looking for other examples and he couldn't find one. Mr. Aguirre noted that he believes only one new gas station came under the new regulations.

Mr. Sargent commented that the parking spots wouldn't affect the city if he didn't have enough parking spots. He continued by stating that although they have a guide with the ordinance, he (Mr. Ali) pays the price if he's wrong with less customers.

Mr. Mundo stated he has noticed several gas stations that have less parking. The examples he gave were Falcon Express and Diamond Shamrock.

Mr. Gilbert noted that something to consider is looking into revising the parking ordinance for this type of (gas station) business. Mr. Gilbert asked which 3 parking spots the fire marshal wants to use. Mr. Roesler stated where they are located on the map (top numbers 22-24). Mr. Gilbert stated he appreciated their efforts, and that parking is something to reconsider for future gas stations.

Ms. Aplin commented that she thinks he will bring a friendly shopping store. She does question the layout as he mentioned there will only be front doors towards the pump. Mr. Ali asked if it was a requirement. They agreed that it wasn't a requirement. Mr. Bjune noted that the back entrance would take up wall and fridge space.

On motion by Mr. Sargent, seconded by Mr. Gilbert with Mr. Bjune abstaining from the vote and all other present members voting "aye," the consensus feedback was to approve the deviation of parking requirements to 21 parking spaces and to make the required changes as required by the fire marshal.

Mr. Aguirre noted that because the track is less than the 2-acre limitation, it will go directly to the building official for his approval.

ADMINISTRATIVE REVIEW AND ACTION OF PLAT OF THE SHIVAM SUBDIVISION, A 5.511 ACRE LOT AND PART OF RESIDUAL OF A CALLED 4167.6 ACRE TRACT IN THE S.F. AUSTIN 5 LEAGUE GRANT ABSTRACT 19 LOCATED AT 230 W SH 332, THE INTERSECTION OF SH 332 AND FM 2004

Mr. Aguirre noted that the surveyor is not present.

Mr. Aguirre went over the *Engineer's Memo*:

This is the first step in the redevelopment of the MHMR mental handicapped center that stood for a long time servicing the county in partnership with Dow Chemical. In more recent years parts of the building had been occupied by a real estate office. Recently it was sold to a commercial strip developer and resold again to the group owner of the Texaco Station across and the old Beutel 1-acre tract catty-corner from it.

The subdivision is for a 5.5+ ac triangle lot lying between the rights-of-way of SH 332 and FM 2004 and the freshwater canal levee. The property is one that has been cleared of buildings and is largely vegetated with trees. The proposed redevelopment of the lot has not been officially revealed but hints have been given as to becoming another convenience gas station with an accessory store.

The platting requirements for administrative approval are met with minor revisions to come for a final filing approval. Your consideration of administrative approval is recommended.

Mr. Sargent asked what zoning the subdivision was.

Mr. Aguirre mentioned it might be C-1 (Commercial) and that there are no issues with the plat itself.

Mr. Sanders asked if the highway would affect the plat. Mr. Aguirre noted that originally the tract was spoken for by TxDOT and they currently are unaware where they stand at the moment.

Mr. Aguirre noted that the location also has a water line and is dedicating it as an easement. Mr. Sanders asked if the replat affects the VDD easement. Mr. Aguirre noted that it wouldn't, and they are also going to VDD for their approval.

On motion by Mr. Gilbert, seconded by Mr. Fey with all present members voting "aye," the administrative review and action of the plat of the Shivam Subdivision, a 5.511-acre lot and part of the residual of a called 4167.6-acre tract in the S.F. Austin 5 League Grant Abstract 19 located at 230 W SH 332, the intersection of SH 332 and FM 2004, was approved.

FINAL REVIEW AND ACTION OF PLAT OF THE NORTHWOOD SUBDIVISION, SECTION 4, FILED ON FEBRUARY 7, 2023

Mr. Roesler was present to demonstrate the Northwood drawing. He noted that they are creating a hike and bike trail and are in the process of recording an easement, but it will be added to the final plat. He also noted that there will be a fill mitigation which will also be added to the plat. Once these two items are added they will bring the final plat for signatures.

Mr. Aguirre read over *the Engineer's Memo:*

This is a 45-acre, 114 lot addition to the north of the existing fully developed residential area. The general detail of subdivision plat is an extension toward the north along the Deerwood and Arrowhead Drive main spines ending at the 20-ft Dow pipeline easement. The proposed lot type tends toward the larger R-2 Single Family with dimensions ranging 80-ft to 90-ft in width and 135-ft to 145-ft in depth with lake lots up to 170-ft depths. The extension involves the detention lake reserve and outfall that also is supplemented with an offsite satellite flood mitigation 10-acre reserve.

The plat includes offsite metes and bounds easement to be dedicated to the city for a required lift station system to service this phase and also includes an additional off-site metes and bounds access easement for a required hike / bike walk extension to the dedicated parkland in the electrical tower easement. This subdivision's parkland requirements have already been met within this dedicated park.

Included in this plat is a 40-ft strip of land bordering the US 288 as reserve described for landscape and noted for ownership and maintenance by the homeowner's association to remove any doubt of city's rejection as parkland as in past action and more recently in PID discussions.

This plat final review and filing recommendation for approval will result in releasing the developer to resume burning activities and a continuing on the civil infrastructure plan review and the PID agreement completion both still in process.

Our final review checks off on all platting format, content and note detail as being complete and is filed and recommended for your consideration for final approval.

Ms. Aplin stated she thinks their fourth phase will be wonderful additions with the large lots.

On motion by Mr. Gilbert, seconded by Ms. Aplin with all present members voting “aye,” the final review of the plat of Northwood Subdivision, Section 4, filed on February 7, 2023, subject to delayed signatures, was approved.

SIGNATURE OF DOCUMENTS

- No documents

ITEMS OF COMMUNITY INTEREST

- Mr. Bjune questioned how “no votes” are noted in the minutes. He addressed that he abstained from the convenience store voting.
 - Mr. Sargent stated if you are abstaining then you need to state that you are abstaining.
 - Mr. Mundo advised that if he wants to ensure that it is documented correctly in the minutes then it needs to be noted out loud for Ms. Acuña.
- Mr. Singhania noted when discussing the parking requirements for the gas station maybe reconsider the quantity of spaces be reduced.
- Mr. Mundo stated at last night’s meeting, the council accepted a land donation from the old (current) location of TDECU and addition to parkland.
- Mr. Mundo shared that Cavender’s has told staff they want to open in late spring, but they haven’t submitted any plans.
- Mr. Sargent asked whether Chick-fil-A was updating their drive thru lanes.
 - Mr. Walton stated they are only revamping their dining area and eliminating the children’s playground. He stated that they will remain operable during this update.
- Mr. Gilbert was advised that Kelsey-Seybold Clinic wants to expand. He asked if they had reached out to staff.
 - Mr. Aguirre stated that there was a call concerning a halfway clinic facility and they were interested in the Luby’s area. Mr. Walton stated Luby’s will stay open for another 5-6 months.
- Mr. Bjune noted the Villa apartments have been under construction for almost 3 years.
 - Mr. Walton stated that they have reached out to the Project Manager about inspections, pace of work and the conditions of the materials on site, but they are working with a local inspection firm.

SET NEXT MEETING DATE

Regular scheduled meeting is set for Tuesday, March 7, 2023.

Mr. Fey noted he will be out of town.

ADJOURN

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

These minutes read and approved this 7th day of March 2023.

Locke Sanders, Chairman

Jeff Gilbert, Secretary