

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

Joe Rinehart
Harry Sargent
Matthew Bjune
Jeff Gilbert

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

PLEDGE OF ALLEGIANCE

Harry Sargent led the pledge of allegiance.

APPROVAL OF MINUTES – February 1, 2021

February minutes were approved as presented.

VISITOR COMMENTS

There were no visitor comments.

DISCUSS THE VILLAS AT LAKE JACKSON APARTMENTS NATURAL LANDSCAPE BUFFER RESTORATION PLAN REVIEW AND FEEDBACK FROM NEIGHBORHOOD (128 W PLANTATION DRIVE)

Engineers Memo:

After your last spirited discussion with the property developer head and instructions on how to proceed, the developer submitted a restoration plan that has been distributed to you and the neighborhood as agreed to by all. Staff made some preliminary comments and invited others to do the same so that these be filed in this report to you for further discussion. We also offered to facilitate the neighborhood meeting to clarify the plan if needed.

As of this date no interest in our offer has been shown, and few individual written comments have been returned which are attached for your information. A brief of staff's review comments follows:

1. *15-ft Natural Landscape Buffer Restoration*
 - a. *Plan Proposes*
 - i. *13 large trees (Live Oak / Sycamore)*
 - ii. *19 small trees (Wax Myrtles / Yaupon Holly)*
 - iii. *928 gallons (Miscellaneous shrubs - Jasmine, Hawthorne, Cotoneaster, Viburnum)*
 - iv. *Liriope grasses*
 - b. *City requires*
 - i. *Temporary above irrigation for 2 summers*
2. *15-ft – 45-ft Landscape Area Outside Buffer Restoration*
 - a. *Plan Proposes*
 - i. *9 large trees (Live Oak / White Oak / Sycamore / Shumard Oak)*
 - ii. *195 gallons (Miscellaneous shrubs - Jasmine, Viburnum)*

3. Fence Relocation

a. Plan Proposes

- i. New 8--ft fence relocation to property line ranging from 0 – 8-ft into Walnut Street backyards.

Mr. Aguirre went over the restoration notes listed above. This plan has been presented to the neighbors. There have been no concerns or objections regarding the fencing from property owners.

Bill Fisher stated an orange fence has been put up to identify the 15' buffer as was requested by the Planning Commission at the February meeting. Mr. Fisher stated he would like to get started with the updated plan.

Mr. Fisher said their first goal is to restore what was in the 15' buffer area. Then, for the area outside of the 15' buffer the goal is to add more landscaping to create a better buffer since the original buffer has been compromised. He said they would start with the current plan and let the landscaping grow. If more is needed after the initial growth, they will get more planted in the fall.

Mr. Sargent asked why the buffer was up against the fence rather than at the boundary. Mr. Aguirre said that is where the 15' natural buffer line is. Mr. Sargent thought the barriers were to protect the trees and the buffer is past the trees.

Mr. Herrera said the orange fence that is seen is not a protection fence. It is showing where the buffer should be. Nothing will go past the black silt fence that is up. Mr. Herrera went over some of the trees that are leaning on the fence. These trees will be approached individually for replacement.

Mr. Gilbert thanked Mr. Fisher for doing all the work, making progress and listening to the neighbors.

Mr. Bjune was impressed with the pattern and restoration plan that has been turned in. Mr. Bjune would like to see the leaning trees on the list of items to be replaced. He was also concerned about the 3' trees.

Mr. Rinehart said the only thing to do now is move forward and tweak the areas that need tweaking. He was very appreciative of the effort.

Mr. Herrera wanted direction and guidance on what the commission would allow. There is an area that was originally supposed to be natural buffer. Mr. Herrera wanted to make sure the commission was willing to accept the plan as it is being proposed.

Mr. Rinehart asked Mr. Herrera and Mr. Aguirre to look at the plan closely and give their opinion.

Mr. Rinehart asked Mr. Fisher to get with Mr. Herrera and Mr. Aguirre and tweak the plan so things can get started.

Mr. Fisher was appreciative for the city working with them.

PUBLIC HEARING TO REZONE 59 S BLUNCK (LOT 12, BLOCK 1 OF BLUNCK SUBDIVISION) FROM R-2 TO PURZ R-2

Engineer's Memo:

(Below is the detail provided at the last meeting)

This is a request to call a public hearing from Reg Aplin, Aplin Inc. to be able to repeat his own touted successful rental detached single-family project of the Holly Houses on Holly Street. This is a single lot that his dad owns and would like to apply the same concept in this area. The lot is 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 prior 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.

The proper notification to the residents were made and the public notices published according to State regulations. The PURZ zoning submittal application documentation has been made and being presented to you for your review and discussion. The main issue with this application is their request to have Section 110-135 (b) of the PURZ ordinance waived from the 5-unit minimum to a 2-unit proposal.

As may be subject interpretation by others, this article does not allow PURZ applications on tracts for less than 5-units nor tentative approval given unless the public interest and one other condition are met. Since this public hearing was called without this specific caveat made known, the board may want to proceed with the hearing to allow the exchange of public opinion on this issue but withhold the approval of the application pending its compliance with the ordinance or other legal option.

For their proposed single home purpose, their zoning request is a rezoning of an existing R-4 zone to a PURZ R-2 that came as a surprise to staff as the years had lulled us to believe that this was an R-2 zone subdivision having primarily developed with R-2 single family housing.

More in depth research this time discovered that in 1975 this lot was one of 5 rezoned to R-4 as part of a larger tract for the Buccaneer Apartments development masterplan. This never fully materialized as only one phase got developed and eventually demolished not to be revived again but sold as part and included in the existing church property. The addon lots were retained by Mr. Aplin which Lot 12 is still under his control. In 2002, Mr. Aplin attempted a rezone of Lot 11 & 12 to R-3 but was rejected.

The lot 12 zone remains R-4 and is adjacent to an undeveloped R-4, and in the vicinity of B-1 zone, and a R-2 non-conforming church use. Surrounding it are existing R-2 use development.

For variations from existing zones, both R-4 and R-2 are being considered and primarily those of width and depth, building setbacks, building percentage and accessory and conditional use. They are presenting a service plan for utilities (minimal water and sanitary connections), a typical lot drainage lot grading plan to front bar ditch and the housing product elevation proposed for this. Parking is being met within the proposed attached 2-car garage in addition to available off street driveway parking as indicated in the lot development plan.

Mr. Rinehart started the Public Hearing at 6:55 p.m.

Reg Aplin – 107 Sumac was present for this item.

Mr. Aguirre went over the notes above and stated the proper notification and advertisement had been taken care of.

The PUD ordinance has certain requirements that must be met. Mr. Aguirre stated when they started to research this property, they found that this property had previously been re-zoned to an R-4. Now, Mr. Aplin wants to bring it back to a PURZ R-2. Mr. Aguirre went over the different zones in the area.

Mr. Mundo asked about the widths of the driveways and if an owner wanted to come back later and widen the driveway to what the ordinance allows, would the PURZ prevent that? Would they be able to widen it to 27' or would that need to be noted? Mr. Aguirre stated it would need to be noted as part of this PURZ what the maximum width would be.

Mr. Aguirre went over the variation table shown below:

59 S Blunck, Lake Jackson
Variation from R-2, R-4 Zoning District

	R-2 Single Family Residence	R-4 Multi-Family Residence	PURZ
1. Purpose and Description	Medium Density Individual Houses	Medium Density, Garden Apts, Group Housing, Courts	Single Entity Development Zone of Unified Design with Allowance for Greater Flexibility of Function
2. Permitted Uses	One Family Dwelling	Apartment houses, duplexes, condominiums	As Defined by PURZ
3. Max % of lot to be used	35%	50%	60%
4. Minimum Floor Area	1,200 S.F.	450 S.F.	1,200 S.F.
5. Max. Height	2 ½ Stories 35 Ft.	2 ½ Stories 35 Ft.	2 ½ Stories 35 Ft.
6. Min. Lot Area	8,400 S.F.	1 Acre min. area 20 units per acre	4,000 S.F.
7. Min. Frontage	70 Ft.	100 Ft.	39 Ft.
8. Min. Lot Depth	120 Ft.	120 Ft.	100 Ft.
9. Min. Yard Setback Front Side Rear Side Streets	25 Ft. 15 Ft. no less than 5 ft. on any one side 15 Ft. 15 Ft.	25 Ft. 25 Ft. 15 Ft.	20 Ft. 7'-10" (Min.) for both sides. Not less than 3'-11" on any one side. 6'-0" 10 Ft.
10. Permitted Accessory Uses	Garden, tool and play houses, personal rec. facilities, private garage	Garden, tool and play houses, personal rec. facilities, private garage, boarding, houses, day nurseries, nursing homes, professional offices	Private Garage other than attached
11. Accessory Building Max. Height Min. Height Side Rear Front Max. Floor Area Limitations	15 Ft. 5 Ft. of easement To front of house 200 S.F. No storage, garden, tool or playhouses shall be used as garage	15 Ft. Ft. Easement To front of house 120 S.F. No storage, garden, tool or playhouses shall be used as garage	N/A
12. Conditional Uses (Needs approval of Planning Commission)	Parks	Hospitals, Clinics, Membership Club, Homes for the Aged and Orphaned, Funeral Homes, Fraternity/Sorority Houses, Nursing Homes, Cemeteries, Supervised Living Facilities	None
13. Parking	Garage (See Section 110-162)	See Section 110-162	Garage
14. Lot Grading	Back to Front	Back to Front	Back to Front

Mr. Rinehart asked Mr. Aplin if these homes would be for sale or for rent. Mr. Aplin said they would be for rent. Mr. Rinehart also asked if the driveways would allow for two cars. Mr. Aguirre stated going all the way down and including up to the roadway there would be room for four cars in addition to the two cars in the garage.

Mr. Aplin asked if the proposed plans would have to be approved or just the lots? Mr. Aguirre stated if he wanted to go for the PURZ the plans would have to be approved, however, the configuration could change. Mr. Aplin wanted to propose a larger garage.

Mr. Aguirre stated the current PURZ ordinance is only for 5 or more units. The ordinance would have to be amended and approved by City Council via Public Hearing to reduce the number of required units. Mr. Aplin has been made aware of this.

Mr. Aplin said he would like to acquire more of the lots in the area.

Mr. Gilbert felt this would be good use for the property. He did not have strong opinions for the PURZ and would have no problem recommending to Council to amend the PURZ ordinance to consist of a minimum of two units from a minimum of five.

Mr. Sargent asked if these lots were surveyed before the 1960's. He thought there was a clause for 40' lots. Mr. Aguirre said that was only for garages. If the subdivision was put in before a certain date, then they could have a carport instead of a garage.

Mr. Bjune recommended to move forward. His only concern was the 3'11" side setbacks. Mr. Aplin said he also did not like the 3'11" side setback.

Mr. Rinehart ended the Public Hearing at 7:19 p.m.

Mr. Sargent asked what the zero-lot line ordinance was. Mr. Aguirre said the cases we have for the PURZ zero lot line have the houses next door at 6' offset from the zero lot lines. In this case it probably meets the criteria if you assume you would have regular R-2's on the other side.

Mr. Rinehart stated the Planning Commission is making a recommendation for Council to amend the PURZ ordinance from a minimum requirement of five lots to a minimum requirement of two lots.

Mr. Sanchez wanted to make sure that the commission kept in mind the drainage.

Athelstan Sanchez Drainage Comments:

Being the PURZ ordinance only generally addresses drainage requirements, highly recommend that Planner's make it known upfront that detention facility will be required to detain, at a bare minimum for a 10-year storm event, an equivalent excess storm water runoff that would occur from the called for increase of "maximum percentage of lot to be used," from what the existing or base zoning is or will be detaining for the larger difference in runoff.

No public comments have been received on this request as of this report.

PRESENTATION AND REQUEST FOR REZONING OF A PROPOSED HIGH DENSITY DETACHED SINGLE-FAMILY HOME CONCEPT FOR THE NEW LAKEWOOD MANOR DEVELOPMENT FROM R-2A, R-3, PURZ R-3 TO R-2A, R-3, PURZ R-3 WITH PUD OVERLAY ZONE AND A CALL FOR PUBLIC HEARING (LOCATED AT HUISACHE STREET)

Engineer's Memo:

This item came for initial concept presentation and planners' feedback to determine further development and zoning compliance issues. At the previous meeting the board gave their opinions and concerns of the possible positive and negative to the community and neighborhood of this development product. After the discussions held, staff began reviewing the available zoning tools that could alleviate most concerns of all involved including those of the developer.

Staff zeroed in on the current PUD ordinance as the most reasonable to provide the city with some assurance that the product will be delivered as presented and on time to everyone's comfort zone as the ordinance conditions intend. This zone also provides the planners / city with relaxation of some requirements that create undue initial capital risks to the developer. In particular, the critical drainage analysis requirement became a negotiable item after the original plan removed the need of existing drainage easements off the table. The PUD zoning ordinance plan application documentation requirements are now being met with the documentation submittal now being presented.

(Below is the detail provided at the last meeting with revisions based on plan modifications made)

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 R-2A (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 (140 135 total units), (485 Bedrooms), (461 parking spaces). 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 be 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 development, 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. The original plan for development use of existing drainage easements has been removed and no longer a critical requirement for area wide drainage analysis. The development will require its internal drainage analysis and mitigation plan at its site plan review process.

Mr. Stuckey with LuxNova Homes was present for this item.

Mr. Stuckey stated he would like to pursue a PUD for this site.

Mr. Stuckey stated they are adding a detention pond and have cut back from 140 units to 136 units from his original presentation in February.

Mr. Aguirre stated if the Commission agrees the PUD is the option that should be followed, then a Public Hearing will need to be set to move forward.

If a PURZ is the option – the developer is required to come in with a complete set of engineering plans. This costs the developer money while running the risk of being denied.

The PUD process allows for the plan to be submitted and not have to go through the expense of the drainage plan ahead of time.

Mr. Mundo stated this is an opportunity for the Commission to give Mr. Stuckey any guidance on what is liked or disliked about his plan. Either that or wait until the Public Hearing is held.

Mr. Rinehart asked Mr. Stuckey if the PUD is something he would like to pursue. Mr. Stuckey said yes.

Mr. Gilbert would like to see this proposal move forward.

Mr. Sargent asked Mr. Stuckey if he had any more thoughts about the Fern Ct. congestion. Mr. Stuckey said they took 2 units off Fern Ct. to make it less dense.

Mr. Bjune asked what the PUD zoning would do for the sale of the development if they were to decide to sell later down the line.

Mr. Aguirre said the PUD does not do anything for the sale. What it does is establish a timeline. If the timeline is not followed, the zone can be pulled off.

Mr. Stuckey said if they sell a unit, they sell all 135 units. It is all or none.

Mr. Mundo's explained that the PUD was developed to mostly allow mixed use, but it does not say it has to be mixed. What the PUD allows that the PURZ does not is change and flexibility.

On motion by Mr. Bjune second by Mr. Gilbert with all present members voting "aye" there was agreement to call for a public hearing.

PRESENTATION AND REQUEST TO CALL A PUBLIC HEARING FOR REZONING OF A PROPOSED HIGH DENSITY SINGLE-FAMILY TOWNHOUSE RENTAL CONCEPT FOR THE HARMONY PARK DEVELOPMENT FROM B-1 TO T-1 (401 GARLAND DRIVE)

Engineer's Memo:

This development is another example of the housing business model du jour in the current market. Similar with the detached single-family rental concept of Lakewood, this is the single-family townhouse rental version. The location of this development is an undeveloped 2+ acre tract zoned B-1 and once owned by the county with plans for their annex facility. The idea was abandoned due to size and drainage limitations and sold. The surrounding zoning is compatible with their proposed use as there are adjoining B-1 nursing home, B-1 childcare, B-1, PURZ condominium and R-4 apartments.

If granted public hearing, the proper public notifications and publications will begin and a future development platting and site / landscape review process to follow if approved for rezoning.

Mark Burdick – 941 Pin Tail Lane went over his background.

Derek Lacaze was also present.

Mr. Burdick went over the following information regarding the potential rezoning of 401 Garland Dr.

Mr. Burdick stated that Mr. Lacaze has contacted a licensed architect who designs the floor plans.

Mr. Burdick went over the site plan that is being proposed and stated the site would be adding asphalt paving.

Mr. Sargent asked if the elevation must be raised. Mr. Sanchez said it would need to be because the land is already low.

Mr. Rinehart did not have a problem with this going to Council.

On motion by Mr. Sargent second by Mr. Gilbert with all present members voting "aye" the request to call public hearing for rezoning of a proposed high density single-family townhouse rental concept for the Harmony Park Development from B-1 to T-1 (401 Garland) was approved.

SIGNATURE OF DOCUMENTS

There were no documents to sign.

ITEMS OF COMMUNITY INTEREST

Mr. Rinehart stated the speeding on the feeder road on SH332 is getting out of control. Mr. Mundo said he would pass this information on to the Chief at PD.

Mr. Singhania stated when coming out of Chicken Express on Winding Way, the view coming out to the right is obscured because of the dumpster.

Mr. Walton brought up the discussion regarding the sale of the planned development on Huisache. Mr. Gilbert suggested to Mr. Walton to present his thoughts to Council before the Public Hearing.

SET NEXT MEETING DATE - April 6, 2021

ADJOURN

There being no further business the meeting was adjourned at 7:58 p.m.

These minutes read and approved this _____ day of _____, 2021.

Locke Sanders, Chairman

John Fey, Secretary