

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 April 5, 2022, at 6:30 p.m. in Lake Jackson, Texas with the following agenda:

Locke Sanders

Harry Sargent

Jeff Gilbert

John Fey

Vinay Singhania, Council Liaison

Meagan Borth, Asst. City Manager

Milford John-Williams, Asst. to City Manager

Sal Aguirre, City Engineer

Athelstan Sanchez, Asst. City Engineer

Eddie Herrera, Project Manager

Anamaria Acuña, Asst. City Secretary

Matthew Bjune - ABSENT

Joe Rinehart - ABSENT

PLEDGE OF ALLEGIANCE

Mr. Sargent led the pledge of allegiance.

APPROVAL OF MINUTES – March 1, 2022

Minutes were approved as presented.

VISITOR COMMENTS

There were no visitor comments.

DISCUSS FOOD TRUCK COURT GUIDELINES AND ZONING RESTRICTIONS AND CALL FOR A PUBLIC HEARING

Presented by Meagan Borth, Assistant City Manager.

Ms. Borth led the following Discussion based on what Council agreed on:

Items to Consider Requiring:

- 1. Concept Plan- a diagramed plan that includes property lines, adjacent rights-of-way, location of all food trucks, parking areas and surface material, maneuvering areas and surface material, seating areas, and any other information reasonably required by the Code Enforcement Office.*
- 2. Temporary Site Permit- a property containing an operation site (within which the food truck will park, prepare, and sell food and/or associated non-alcoholic beverages) where a food truck may be located from time to time must apply for a food truck temporary site permit from the Code Enforcement department prior to allowing a food truck to operate on their property.*
- 3. Moving Requirements- Food trucks within the court will not be required to move, though they must remain mobile, except for their annual inspection where they come to City Hall.*

Mr. Sargent had a concern about not requiring the food trucks to move daily and having grass grow high around them. Ms. Borth clarified that the parking for the food trucks must be on a raised and improved surface which would avoid Mr. Sargent's concern of overgrown grass.

- 4. Additional Inspections- Food truck courts, operation sites and food trucks may be inspected from time to time by appropriate city personnel.*

Ms. Borth shared that the food truck courts will be automatically required to have two inspections to match the requirements of other brick-and-mortar businesses.

- 5. Zones/Areas Allowed- Not within 60 feet of any residential properties. B1? B2? C1?*

Ms. Borth clarified that Council has recommended B1 and B2, and staff has suggested the C1. Mr. Aguirre shared that the use of C1 property is more expensive, and he suggested that this would give the requesters options.

Mr. Sargent asked if there are any C1 properties that are adjacent to residential areas. Mr. Aguirre responded that there are none.

Mr. Fey stated that there was mention of Plantation Drive as an option in the previous discussion and wanted to ensure that the residential areas are not within the 60 feet.

Ms. Borth shared other cities usually require about 100 feet versus the lenient option that council agreed upon (60 feet). She also shared that there are currently three different locations that are within the required distance away from residential areas.

Mr. Sanders asked if the 60 feet would start from the food trucks or from the property line. Mr. Aguirre stated that he believes that should be clarified to distinguish where it starts and ends.

- 6. Number of Trucks Allowed- No limit on the number of trucks allowed per site. However, the site must still meet all other standards and requirements.*
- 7. Required to Move- All food trucks participating in a food truck court shall remain fully mobile and operational unless a commissary is provided on site and said food trucks are authorized to utilize the on-site commissary. Food trucks shall report to their designated commissary at least once per day (every 24-hours) for food, supplies, cleaning and servicing.*

Ms. Borth clarified that if the court has a full commissary that they will not have to move daily.

- 8. Food Truck Log- Each food truck operator shall maintain a log that contains each date of servicing and the signature of the commissary operator certifying that servicing occurred at the commissary. In lieu of a log, receipts showing the type of purchases, date and time of purchases, and the location of the commissary where purchases were made may be accepted in lieu of a food truck log. The food truck log or receipts shall be made available to city personnel for inspection upon request.*
- 9. Hours of Operation- Food truck courts shall only be allowed to engage in sales operations between the hours of 5:00 am to 12:00 am.*

Ms. Borth shared that the hours of operations are similar to other surrounding brick and mortar businesses.

- 10. Noise- No amplified sound shall be permitted between 11:00 pm to 9:00 am.*

11. Signage- All signage pertaining to or advertising a food truck and/or its menu shall meet current sign ordinance standards.

12. Parking- One off-street vehicle parking space shall be required for each table that is provided for use by food truck customers. Food truck courts and operation sites must feature an area of sufficient size that is finished with a compacted gravel base, concrete or asphaltic surface materials on which any food trucks may park and operate. Customer parking must be finished with concrete or asphaltic surface materials.

Mr. Sargent stated that he has an issue with the parking minimum. Ms. Borth stated that if the planning commission had any recommendations, she would relay them to Council for consideration. She also discussed that this did not include parking for their employees.

The planning commission discussed that the parking ordinance does not make a distinction between employee parking and customer parking and that it should be considered coherently.

Mr. Gilbert stated that normal brick-and-mortar businesses have a set parking and suggested to have a minimum parking limit per food truck. Mr. Gilbert believes requiring two would be the best option but considering the available property for these food trucks he will be more lenient and only recommend one parking spot per food truck.

Mr. Sargent suggested that they need to be considerate of the customer parking as well and suggested requiring more parking spaces.

Mr. Gilbert and Mr. Sargent also suggested that if the food truck court will become an entertainment area, then there will need to be more parking requirements. They agreed that they are open for suggestions but believe more parking spots need to be required.

Ms. Borth stated that this concern can be revisited with their suggestions.

13. Restrooms- Permanent restrooms located within a permitted building or structure must be provided on-site within the food truck court for the use of the food truck's and the food truck court's customers, operators and employees. The minimum number and type of restrooms shall be determined based on the occupant load of the food truck court. No portable or temporary restrooms shall be allowed.

Mr. Gilbert commented that he likes the idea of a permanent restroom and not allowing portable/ temporary restrooms. He also suggested that the restroom requirements be similar to brick-and-mortar businesses which would be at minimum two restrooms. Ms. Borth shared that they will leave it vague for code enforcement to suggest the amount.

14. Utility Services- Each site at the food truck court on which a food truck will be located and operated shall be provided hookups for electricity. Each individual food truck is not permitted to operate a generator at the site unless emergency circumstances necessitate the need for the use of a generator on a temporary basis not to exceed two hours within any given six-hour period of time.

Mr. Sanders suggested not to limit the time for emergency use of generators. There was discussion between the planning commission and Ms. Borth and the overall suggestion was to notate that the generator can only be used on a temporary circumstance under an emergency but not to limit the time frame.

We would Automatically Require:

- 1. Certificate of occupancy for each food truck*
- 2. Food Truck Vendor Permit*
- 3. Health Permit after inspection*
- 4. Safety- The chief building official, fire marshal and/or the director of code services shall have the authority to require that additional safety measures be provided at a food truck court, operation site or food truck to ensure the health, safety, and welfare of the general public. These additional safety measures may include, but are not limited to, limitations governing the provision of utilities (water, wastewater, electricity, gas, etc.) to the food truck, providing fire extinguisher(s), and adding limitations to the use of deep fat fryers or flat top grills in specific instances.*
- 5. Refuse, recycling, litter and food preparation byproducts- Food truck courts shall provide containers of sufficient size and number for the disposal of refuse and recyclables resulting from the food truck court's operation and sales. The containers shall be identified as being for the disposal of refuse and/or recyclables. Greases, oils, vapors and other similar food preparation byproducts shall be kept inside the food truck at all times. Sewage, liquid wastes and food preparation byproducts shall be removed from a food truck at an approved waste servicing area in such a way that a public health hazard or nuisance is not created.*

Mr. Fey had concerns about whose responsibilities the trash receptacles would be. Ms. Borth clarified that the responsibility would fall on the property owner.

Mr. Aguirre questioned Ms. England about how they envision charging sanitation services for a food truck court. Ms. England summarized that it will possibly be charged by the number of dumpsters and by frequency of pickups per week just as they do to any commercial enterprise. Ms. England clarified that a food business usually gets picked up on a daily basis.

Mr. Sargent asked if there are any requirements for enclosing their dumpsters. Ms. England clarified that the City of Lake Jackson has made that a requirement to have enclosures for large dumpsters.

Mr. Gilbert stated that there should be requirement that each truck should require a receptacle and be held responsible for emptying into the large dumpster(s).

Mr. Sargent asked how many dumpsters would be necessary for a food truck court. Ms. England stated that she would start with the one and they can always increase depending on what the Sanitation Foreman advises.

Mr. Sargent suggested the ordinance require an aesthetically pleasing boundary.

Council Liaison Singhania advised that food truck courts should be differentiated from just food trucks. He advised that although these are parallel to each other he thinks that we should allow the developers to come up with a site plan and advise what would be the most ideal.

Ms. Borth noted that staff will revisit doing an enclosure for trash and noting the responsibility of waste cans and dumpsters.

- 6. Parking- The minimum number of required customer parking spaces may be reduced by the planning and zoning commission as part of the site plan approval process should the commission find that the full provision of required parking may not be necessary.*

7. *Exceptions- These regulations shall not apply to food trucks that operate:*

- *At a special event that is properly licensed pursuant to a special event permit issued by the city, provided that the food truck is identified in the special event permit application as a participating concessionaire or caterer; or*
- *As a vendor at a properly permitted farmers' market for which the food truck has rented space from the farmers' market and/or its organizer(s); or*
- *On public property including, but not limited to a public park, public library, recreation or aquatics center, or performing art center at the request of and with the express written permission of the property owner.*

Mr. Sargent stated that he did not think the exceptions helped define what makes a food truck court. There was discussion between staff and the planning commission to clarify the definition of a food truck court versus a food truck.

The conclusion was that the city attorney would define the food truck court and Mr. Herrera would help clarify Mr. Sargent's concerns of clarifying that a food truck court is a specific and permanent location. Mr. Herrera assured Mr. Sargent that he will discuss with staff and ensure that the definition will be cleaned up accordingly to the planning commission's suggestions.

Mr. Sanders called for recommendations on zones.

Mr. Gilbert agrees with the B1 and B2 zones and doesn't think adding C1 would harm. All present members voted and agreed to include B1, B2 and C1 for food truck courts.

All present members voted and agreed to have a public hearing for Food Truck Court Guidelines on May 3, 2022 (their next planning commission meeting).

Mr. Sander's thanked Ms. Borth for her presentation.

DISCUSS SETBACK REQUIREMENTS FOR RESIDENTIAL PROPERTIES THAT BACK UP TO A PARK, STORM DRAIN OR WATERWAY AND CALL FOR A PUBLIC HEARING

Presented by Meagan Borth, Asst. City Manager.

Ms. Borth summarized that although this was previously discussed with the planning commission, this was brought back to Council again. Council's recommendations were to move the required setback from 15 ft. to 8 ft. for residential areas that back up to a park, waterway, or storm drain and requested a public hearing from the planning commission.

The commission questioned whether the rear, or side was changing from 15 ft. to 8 ft.

Staff recommended public hearing and the clarified that "back up," implies the rear.

Ms. Borth clarified that the citizen chose to go back to Council. She explained that it was City Council that suggested the 15 ft. be changed to 8 ft. and not staff.

Mr. Aguirre explained the minimum for an R2 setback and how the developers allowed the 5 ft. minimum on one

side as long as the side total amounted to 15 ft.

Mr. Sanders asked if this needed to be discussed further for suggestions from the planning commission or if staff and council only require them to call for a public hearing.

Ms. Borth clarified that the planning commission is only required to call for a public hearing if they agree with the change that council proposed.

Mr. Fey explained that at their last planning commission meeting all members were in union and suggested the requester to go to the ZBA.

Mr. Gilbert shared that he feels more comfortable with this request Council has suggested as they are providing more specifications for this item. He also clarified that the planning commission asked Council for more guidance, and they delivered. He also shared that the citizen had the right to go back to Council.

On motion by Mr. Gilbert seconded by Mr. Sargent with Mr. Fey abstaining from the vote and all other present members voting “aye,” the motion to call for a public hearing for setback requirements for residential properties that back up to a park, storm drain, or waterway was approved and set to be held on May 3, 2022.

DISCUSS AND CONSIDER PRELIMINARY AND FINAL REVIEW AND ACTION ON PLAT OF HARMONY PARK SUBDIVISION FILED ON APRIL 5, 2022

Mr. Aguirre explained the Engineer’s Memo below:

As a result of this project having taken the atypical step of going last in the development process, staff is filing this plat for preliminary and final consideration given the simple nature of the subdivision that completes the development process that started in September 2020.

This is for the Harmony Park townhouse development at Garland Drive that has dragged since the final site and landscape plan approval back in October 2021. As the development approaches construction startup, the owner Mr. Derek Lacaze thru Mark Burdick, Engineer is requesting your approval of this document.

Our administrative and final review checklist is provided to you with all content and format items as complete and recommendation that you consider its approval.

Mark Burdick – 941 Pintail Lane Prosper, TX.

Mr. Burdick explained that he is the engineer for this project. He is usually part of the preliminary part of the project. Mr. Burdick explained that there was confusion on part of the ordinance where it stated that the engineer could provide the final plat. He does not mean to overstep any boundaries as that was his interpretation of an administrative approval.

Mr. Lacaze and Mr. Burdick issued their preliminary after discussion with the city’s engineering department.

Mr. Burdick stated that due to the required detention the developer is considering requesting a variance for the lot sizes for this plat to possibly sale them in the future.

Mr. Burdick requested a variance for final plat. The hardship is that a portion of the property is being used for the detention where square footage was lost. He explained that in other parts of the city detentions are not required.

Mr. Sanchez clarified that the detention only helps reduce this flood zoned property by less than a foot.

Mr. Aguirre summarized that originally this was presented to the planning commission as rental townhouses and now they are inquiring to sale as individual properties due to loss of square footage of the plat. He advised that by selling the property as individuals, it will not meet the townhouse minimum.

Mr. Burdick stated that the average lot size is 1,800 sq. ft. and the minimum for a townhome would be 2,000 sq. ft. He clarified that some meet the minimum size already, but they would need a variance for the ones that do not.

Mr. Aguirre stated that in order to sale each as an individual lot the property would also have to be re-platted. He explained they would be required to go through a rezoning P.U.D. ordinance to get a variance. A public hearing will also be required through the planning commission and City Council. He clarified that this would be a setback time wise, but it can be done.

Mr. Burdick asked if they could sell the ones that meet the minimum and rent out the ones that do not. Mr. Aguirre stated that could also be done but it would be a complicated ordinance. Mr. Aguirre explained that this would have to be re-platted as two different subdivisions leaving one as a T-1 and changing the other into an R-4.

Mr. Sargent asked if this was the first time they are requesting this concept. Mr. Burdick confirmed that it was.

Mr. Lacaze (developer) confirmed that they will not go this route and that they wanted to explore their options for flexibility. He commented that it is easier to sell individual houses versus selling as commercial property.

Mr. Aguirre recommended the developer proceed to replat as is (with the odd lot sizes) then go through the process of rezoning.

Mr. Lacaze confirmed that they will proceed as is.

Mr. Aguirre recommended that they discuss their future intentions of the property with the planning commission to confirm that they are willing to rezone.

Mr. Sargent asked if they could start the building process with the dimensions now. Mr. Aguirre confirmed that they can.

Mr. Sargent asked if the T-1 has a 2,000 sq. ft. requirement, how it can be zoned as a T-1 and still have lots be made smaller. Mr. Aguirre clarified that it is because they are renting not selling so technically there are no individual lots.

Mr. Aguirre stated to start their building process the property must be rented and not sold. If they want to sell, they must come back to rezone the smaller lots as P.U.R.Z. T-1.

The developer stated that is off the table right now. Mr. Gilbert stated that although this is not what they are focusing on now he is willing to look at that option in the future.

Mr. Aguirre clarified that this will be administrative approval and at the next meeting they will file for final.

Mr. Burdick shared that they would get in touch with Velasco Drainage District (VDD) to discuss the detention reserve and clarified that it may be until June when they come back for their final approval.

On motion by Mr. Gilbert seconded by Mr. Fey with all present members voting “aye,” the administrative preliminary review and action on amendment to site and landscape plans of the 101 Winding Way shopping center development at the Lake Jackson Town Center filed on April 5, 2022.

DISCUSS AND CONSIDER PRELIMINARY AND FINAL REVIEW AND ACTION ON AMENDMENT TO SITE AND LANDSCAPE PLANS OF THE 101 WINDING WAY SHOPPING CENTER DEVELOPMENT AT THE LAKE JACKSON TOWN CENTER FILED ON APRIL 5, 2022

Mr. Herrera reviewed the Engineer’s Memo below:

This is a request for a modification to the approved site and landscape plans on the ongoing construction of the 2-unit shopping center across the Yaklin Auto Care and next to the once proposed Neighbors clinic.

The 2-phased development were approved with a dedicated dumpster enclosure apiece. They are now wanting to remove the need for one for their purposes. The original one on the larger building would remain as proposed with a 2-space dumpster unit but the one for the smaller building more recently approved would be deleted with this amendment.

Staff does not have a pressing issue with this request as it is a single site and complies with requirements of one and will only inconvenience their tenants if the need for additional waste storage is required in the future. This dumpster location had been questioned by a board member in their previous review of the site plan.

The landscape plan amendment simply accompanies this submittal to reflect the dumpster change and the restoration of pavement in its place. This did not affect the open area of the existing one.

Mr. Herrera summarized that everything will be the same as the developers realized that they did not need the second dumpster.

On motion by Mr. Fey seconded by Mr. Gilbert with all present members voting “aye,” the preliminary and final review and action on amendment to site and landscape plans of the 101 Winding Way shopping center development at the Lake Jackson Town Center filed on April 5, 2022 was approved.

DISCUSS AND CONSIDER PRELIMINARY AND FINAL REVIEW AND ACTION ON AMENDMENT TO SITE AND LANDSCAPE PLANS OF THE HEB TOWN CENTER FOR MODIFICATIONS TO THE CURBSIDE FACILITIES REMODELING AND EXPANSION PROJECT FILED ON APRIL 5, 2022

Mr. Herrera reviewed the Engineer’s Memo below:

Continuing with the laggard theme of the previous items, this submittal for site and landscape plan amendments were made necessary by the projects getting ahead of the process for pressing reasons and justified by politics. In this specific case, the demanding growth of curbside service by covid and lifestyle changes placed accelerated schedules for this type of project.

Staff acceded to allowing construction permits ahead of the usual development process to accommodate a good community partner in achieving this. Twice in the past we had previously deferred this process in lesser

modifications of building footprints such as the pharmacy and cart barn expansions but with the caveat that any additional ones had to bring amending updates to both documents. Now as the current development approaches final construction, the impending certificate of occupancy requirement spurred this to completion.

This site amendment now reflects the modifications to the curbside building expansion and the previous lesser ones. It also includes the expansion of parking fields that net additional space count to the overall site. The infrastructure impacted by these changes has been reviewed as to drainage by staff which has no issue on their proposed plan. The open space being replaced was originally planned as a future expansion area with no impact to the original landscape plan area or tree count.

The landscape plan amendment simply accompanies this submittal to reflect the building and parking changes and the now remaining open area conditions which are also updated in the landscape tabulation detail.

Our administrative and final review checklist is provided to you with all content and format items as complete and recommendation that you consider its approval.

Mr. Sargent asked if the modifications changed the parking layout. Mr. Herrera explained the updates are for curbside only and this was a previous stipulation that they are fulfilling.

On motion by Mr. Gilbert seconded by Mr. Sargent with all present members voting “aye,” the final review and action on amendment to site and landscape plans of the HEB Town Center for modifications to the curbside facilities remodeling and expansion project filed on April 5, 2022, was approved.

SIGNATURE OF DOCUMENTS

- Plat of Harmony Park Subdivision
- Amended Site Plan 101 Winding Way Shopping Center Development
- Amended Landscape Plan 101 Winding Way Shopping Center Development
- Amended Site Plan HEB Town Center
- Amended Landscape Plan HEB Town Center

ITEMS OF COMMUNITY INTEREST

- Mr. Fey updated the commission on Mr. Rinehart’s health.
- Mr. Sanders asked what the handicap parking situation would be in the downtown location
 - Mr. Aguirre shared that this has been discussed many times before and the design was previously approved.
 - Ms. Borth spoke to the manager, and they are in contact with Kimley Horn. After updates they will reach out to the businesses again.
 - The barbershop was not there during the last poll with business owners.
- Mr. Sanders asked for updates on funeral arrangements for Mr. Rodgers.
 - Staff will send when we receive updates
- Update on the Plantation Villa Apartments per Mr. Rinehart’s request.
 - Mr. Herrera confirmed that they are moving on to the building portion.
- Delays on the downtown projects are due to weather.
- Residence at Lakewood updates.

- Mr. Herrera shared that the Christian Brothers should have their grand opening by the end of the month.
- The monument by the police department is making progress.
- Animal control facility architectural stage is going well and moving forward.

SET NEXT MEETING DATE

Tuesday, May 3, 2022, at 6:30 p.m.

ADJOURN

There being no further business the meeting was adjourned at 8:19 p.m.

These minutes read and approved this 3rd day of May 2022.

Locke Sanders, Chairman

Matt Bjune, Secretary