

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 May 2, 2023, at 6:30 p.m. in Lake Jackson, Texas with the following agenda:

Locke Sanders, Chair  
Matthew Bjune  
Kay Aplin  
John Fey, Vice-Chair

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

**ABSENT:**

Jeff Gilbert, Secretary  
Harry Sargent

PLEDGE OF ALLEGIANCE

Mr. Fey led the pledge of allegiance.

APPROVAL OF MINUTES – April 4, 2023

Minutes were approved as presented.

VISITOR COMMENTS

No comments.

DISCUSS AND PROVIDE FEEDBACK TO A PROPOSED SITE PLAN AMENDMENT TO WALMART SUPERCENTER AT 121 W SH 332

Mr. Aguirre mentioned this request for site plan modification was made by Kimley Horn. He then discussed the site's history noted in the *Engineer's Memo*:

*As a relevant backdrop to the discussion issues this proposed site plan amendment brings up are the numerous plan amendments this site has gone through in their history that led to their current dilemma.*

**(1992)**

*The original store site plan came in with the overall single tract and parking needed for the store footprint and other designated future parking areas.*

**(1995)**

*The tract property was re-platted with two additional outparcels for eventual sale and development of Chick-fil-a and the fronting strip shopping center. Existing original and future reserve parking were removed but replaced elsewhere to compensate including the fenced enclosed outdoor merchandise stockyard.*

**(1999)**

*Murphy oil gas station outparcel was created in original parking lot. Existing original parking were removed and replaced elsewhere to compensate.*

**(2016)**

*Chick-fil-a site expansion requested additional parking from Walmart tract. Greenspace was removed to accommodate requested Chick-fil-a parking that created green space deficiency and an alternate landscaping plan, which was accepted.*

**(2017)**

*Walmart amended the site plan to accommodate online grocery pickup parking spaces, which resulted in the current approved parking count condition of a 13-space surplus of the required (based on the 5 / 1,000 requirement).*

*The proposed site plan request brings about additional challenges to the already taxed parking count by constructing a 5,300-sq. ft. curbside building expansion over existing parking lot field effectively removing the current surplus in addition to the expansion area requirement of 27 more.*

*Piling on to the already anemic condition is their proposed plan to redesignate 45 of the existing standard parking spaces to curbside pickup use and specifically where grocery shopper's traffic concentrate the most.*

*At a predevelopment phone meeting with the project team, staff voiced the parking difficulties they would encounter due to the existing exhausted space limitations of the site. Upon hearing of the 5 / 1,000 parking space requirement being applied, they questioned it as excessive in comparison to what they and the Walmart industry require which is 4 / 1,000. They deflected to asking whether planners could grant a variance to this at which staff offered they make a case to the board at a future meeting as allowed in Section 110-162, Parking Requirements, (d) reads:*

*The planning commission may approve an alternative parking plan that is not in strict compliance with the requirements of this section. In making the determination, the planning commission may consider whether the alternative plan will preserve existing trees, the shape and size of the property, industry parking standards, and any other information the planning commission finds helpful.*

*Staff leaves this precedent setting decision to you to assess as our opinion on the parking condition has been unfavorably influenced by our actual view of the crowded space and other disuse of available spaces.*

Mr. Aguirre summarized with all their modifications throughout the years, Walmart has lost many parking spaces. He mentioned Walmart currently has 13 surplus parking spaces.

Walmart is requesting to add a storage building to expand their curbside pickups which would require them to have 27 additional parking spaces. Because they only have 13 surplus spaces, they will fall short of the required parking spaces per the city's ordinance.

Mr. Aguirre noted they have a counter argument stating that according to Walmart's industry, the standard is 4/1,000 and should be applied for this site as well.

Originally, Kimley Horn requested to allow for a virtual meeting. Staff advised they needed to have at least one representative in person to discuss and answer the planning commission concerns and questions.

Mr. Aguirre advised that although there is a representative here, they are also present virtually.

Mallory Martin – Kimley Horn Representative (Houston Office)

Ms. Martin shared that this project is being completed by their California office. She commented on the 4.0/1,000 ratio previously mentioned and stated that Walmart has completed studies nationwide and found that is the right ratio for them.

With the revision to include this building expansion the store would be at a 4.4/1,000 ratio for the overall site. Ms. Martin noted if they were to break down the sales floor area versus the storage area of the site, the sales floor is about  $\frac{3}{4}$  or about 151,000 sq. ft. and the storage is approximately 52,000- 53,000 sq. ft.

Ms. Martin noted the building expansion will predominantly be used as storage and isn't intended for customers to occupy that space. They are anticipating having no negative effects with the parking ratio. Ms. Martin also mentioned it will have a minimal effect on the parking demand. The purpose of the curbside is to reduce the time they would be parked because of the pickup option.

Ms. Martin shared that the IT of Transportation Engineer's parking (5<sup>th</sup> Edition) observed that the typical suburban average 2.03 / 1,000 spaces on weekdays and 2.81 / 1,000 spaces on weekends is sufficient.

Mr. Fey asked if the expansion would strictly be used to meet the growth of the curbside. Ms. Martin replied that it would be. Although he understands that it is to help expand the curbside pickups, he is concerned about the parking requirements not being met.

Mr. Fey shared that he appreciated hearing the data, but they need to go by what the ordinance calls for. He asked Ms. Martin how many curbside pickup parking spaces there now and how many are being added. Ms. Martin answered there are approximately 15 spaces now and they are going up to 41.

Mr. Fey noted if the point of a curbside pickup taking less time as she previously mentioned, then there shouldn't be a need for 41 designated curbside spaces. He commented that not everybody uses the curbside pickup. Mr.

Fey also mentioned there are customers that park heavily on that side of the parking lot. He is worried that by expanding the curbside there will be a heavy overflow.

Ms. Aplin stated that she would prefer they stick to our current parking ratio (5/ 1,000). She is open to discussing further to see what the expansion would be.

Mr. Bjune asked if Walmart has already fallen below 5/1,000. Mr. Aguirre noted that in 2017, Walmart only had 13 surplus spaces. He noted their proposed changes will set them at a 4.67/ 1,000. Mr. Bjune commented that by Walmart going from 16 pre-existing parking spaces and increasing to 45 would remove more parking from that side of the lot. He stated he isn't in favor of the proposed site plan as is and doesn't think the studies are specific to this location.

Ms. Martin suggested performing a site-specific study for the city.

Mr. Bjune suggested moving the curbside pickup stalls. His concern is Walmart is removing too many spaces from the front lot.

Mr. Sanders summarized the commission's suggestions and concerns by stating they believe there is room to shift things around. Ms. Martin agreed there may be room to shift slightly but their employees' safety is a concern. Mr. Sanders agreed to Ms. Martin's site-specific study and asked if she could make some modifications.

Mr. Aguirre noted once they decide on the layout, they must submit a comprehensive and up-to-date site plan. He noted what was submitted does not constitute a site plan amendment. The plan will need to be more detailed. He also advised if they are contemplating changing green areas, they be mindful that they are already under their landscaping requirements and cannot afford to lose more green area.

Ms. Martin noted that they will be adding more green space. She mentioned the plans submitted were focused primarily on where the revisions would be but will be sure to include the requirements Mr. Aguirre suggested.

Ms. Martin thanked the commission for their feedback and time.

DISCUSS THE PLANNING AND ZONING COMMISSION OPINION ON ALLOWING THE HANDLING OF AGENDA ITEMS THROUGH VIRTUAL MEETINGS AND CONDITIONS TO GRANT THEM

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

The previous agenda item memo triggered this item to be included.

*The development team found themselves working from the west coast and wished to be granted a virtual meeting to engage in. Knowing the board's resistance to act on item request without "in-person involvement," and due to the nature of the issues involved, staff advised them to have some representation from their Houston office. This may not have been possible, so staff, with the Chairman's suggestion wished to place this item to*

*gauge the other members' opinion on this and similar issues that may arise in the future. Staff feels that if should be a set of criteria to be applied to grant such and not set the precedent for everyone's convenience to do this remotely.*

Mr. Sanders noted there may be technical issues and opened the discussion to the commissioners.

Mr. Fey shared although virtual meetings may be the way of the future, he is not really in favor of allowing this to be an option. He prefers to keep the in-person contact requirement. He noted if a developer is truly interested in developing in the City of Lake Jackson, they should be present.

Mr. Sanders mentioned if the commission were to make any type of agreement to allow virtual meetings that it be conditional. Mr. Bjune suggested that the approval be case-by-case.

The commission agreed if they were to allow for virtual meetings and the proper communication is not met then the requestor will be required to come in person.

Mr. Aguirre noted they are open to allowing virtual meetings but impose conditional case-by-case approvals.

Mr. Sanders stated he would like it to be a two-step process. (1) The planning commission decides whether to approve or not; (2) if there are any technical/ communication issues the planning commission will request them to meet in person.

DISCUSS UPDATE OF CHAPTER 90 SUBDIVISIONS OF THE LAKE JACKSON CODE OF ORDINANCES WHICH INCLUDES ADOPTION OF A REVISED DEVELOPMENT MANUAL, AN INCREASE OF THE TIME SITE PLANS AND PLATS MUST BE SUBMITTED BEFORE BEING FILED WITH THE PLANNING COMMISSION, A TABLE OF FEES, AND A CHANGE TO THE CALCULATION OF MONEY THAT MAY BE SUBMITTED IN LIEU OF DEDICATED PARK LAND.

Ms. Russell was not present to discuss. Mr. Sanders deferred this item to the upcoming June agenda.

#### SIGNATURE OF DOCUMENTS

- none

#### ITEMS OF COMMUNITY INTEREST

- Mr. Fey shared he will not be renewing his term to serve on the planning commission. He thanked his fellow commissioners for their time.
- Mr. Bjune asked for an update on The Villas apartments.
  - Ms. England noted they did receive what was requested and they've continued to work on the apartments.
- Mr. Herrera noted downtown is currently working on irrigation and sidewalks. He believes completion will be at the end of June.
- Mr. Singhania thanked Mr. Fey for his many years of service on the commission.
- Mr. Mundo stated Mr. Carroll requested Council to allow the relocation of the asphalt parking lot on Circle Way and shifting it over closer to HEB.

- The council agreed that it would be considered as no net loss of green space and there was mention of a possible public benefit. The hurdle is finding proper drainage for that location.
- Mr. Aguirre stated HEB mentioned updating their parking lots and will be coming forth to the planning commission.
- Ms. England confirmed Taco Bueno is now closed.
- Mr. Aguirre noted there will be a bid opening for the Azalea Street Extension on May 10<sup>th</sup>.

SET NEXT MEETING DATE

The next regular scheduled meeting is set for Tuesday, June 6, 2023.

ADJOURN

There being no further business the meeting was adjourned at 7:15 p.m.

These minutes read and approved this 6th day of June 2023.

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Locke Sanders, Chairman

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Jeff Gilbert, Secretary