

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 3, 2022**, at 6:30 p.m. in Lake Jackson, Texas with the following agenda:

Locke Sanders

Harry Sargent

Jeff Gilbert

John Fey

Matthew Bjune

Joe Rinehart

Modesto Mundo, City Manager

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

Absent – Vinay Singhanian, Council Liaison

Present – Mayor Roznovsky

PLEDGE OF ALLEGIANCE

Mr. Sargent led the pledge of allegiance.

APPROVAL OF MINUTES – April 4, 2022

Minutes were approved as presented.

VISITOR COMMENTS

David Walton –110 Papaya Street

Mr. Walton congratulated the Brazoswood High School's Water Polo teams as they made it to the state championships. Mr. Walton also thanked Mr. Robert Brown for being such a great coach.

Susan Buell –

Thanked the commission for their service and time.

Ms. Buell stated that she was disappointed about the clear cutting on the Huisache property. She attended the meetings when the developers' informed council that they would save as many trees as possible. Ms. Buell stated the developer did not save the tree as they previously stated.

She asked the questions below and requested to be added to the next agenda.

- Who in the city (what department) monitors what the developers are doing?
- What is the ordinance for replenishing trees and who reinforces?

Mr. Sanders requested Ms. Buell's request to be added to the next agenda.

PUBLIC HEARING TO DISCUSS FOOD TRUCK COURT GUIDELINES AND ZONING RESTRICTIONS

Presented by Modesto Mundo, City Manager.

Mr. Sanders called the public hearing to discuss food truck court guidelines and zoning restrictions at 6:34 p.m.

Mr. Mundo summarized that staff has researched and created draft guidelines for both (single) food trucks and food truck courts as they have received several inquiries from the public.

Mr. Mundo stated that staff needs guidance with (1) addressing which zones to allow food truck courts and (2) parking guideline requirements from the planning commission.

Mayor Roznovsky stated that an example council agreed on was the food truck court located in Tomball. He commented that there are two different types of food courts.

The first example of a food court concept would be like the Lake Jackson mall which allows the restaurants to set up and they all share the same tables and amenities. The Tomball location's property owner allows other vendors to sell only food, but the property owner sells drinks and provides the amenities. Tomball determined the amount of parking requirements based on the number of tables.

The second type of food courts are similar to other cities that lease parking lots and only allow food trucks to allow a drive thru type business style.

Mayor Roznovsky stated that that he would rather have the type of a food court similar to the first concept style because there is seating and dining.

He commented that allowing food truck courts would give a chance for new businesses to start off as food trucks and then decide later if they want to be a brick-and-mortar type of restaurant.

Mayor Roznovsky said depending on what style or concept council decides they will need guidance for parking and possibly landscaping from the planning commission.

Mr. Fey shared that he also would favor a food truck court that has a park like atmosphere with seating options. He suggested to base parking by the number of seating available.

Mr. Gilbert thanked the mayor for attending the meeting. He summarized that all the commissioners came to agreement about allowing food truck courts in zones B-1 (Neighborhood business), B-2 (Central business), and C-1 (Commercial) at their last meeting.

Mr. Gilbert agreed that the Tomball food truck court was a great example and would like some similarities but not all. He would like the setting of the food truck court to be event friendly. His concern for parking is dependent on how the developer decides to set up. He suggested to have a minimum of one (1) spot per employee and one (1) for the customer. Making it a total requirement of 2 parking spots per food truck.

Mr. Gilbert believes there should be enough parking for possible events and doesn't see an easy solution for the abstract parking situation. The abstract being that the commissioners are unaware of where, when, or how the developer chooses to set the food truck court.

Mr. Mundo shared the few that have inquired about potential food truck court concepts suggested a Downtown corner along which would be exempt from requiring spots.

The landscaping owner of Margie's also submitted a drawing of a concept, which included a community setting with 12 spots for food trucks but there was no improvement for parking. The owner did not mention adding additional parking as he assumed that the customers would be allowed to park near neighboring businesses on the weekends. Mr. Mundo advised that they could not allow using the neighboring property as extra parking unless there was an agreement with the surrounding businesses.

Mr. Gilbert suggested to leave the parking requirements to the engineers, landscaping and/ or architects so that the requirements wouldn't be so strict.

Mr. Sargent believes the city needs guidance with both food truck court options to allow one with infrastructure and one without. The location downtown would be an example of without. He also shared that Portland, Oregon has many examples of food truck courts with infrastructures.

Mr. Sargent's concerns would be grease traps and requiring moving the food trucks into a hard connection. He believes moving the food trucks often would complicate the health / sanitation aspects.

Mr. Mundo stated that council is looking at health guidelines and permanent infrastructures. He shared those similar questions and concerns are being handled to abide the health guidelines.

Mr. Sargent commented that he doesn't think parking will be an issue except for five months out of the year. He questioned if during extreme weathers (both extremely hot or cold) would it appeal to a crowd for dining and seating. However, he has noticed the area frequents restaurants on a daily. He suggested to require six parking spaces per unit as a starting point. His reason is because there are no bases in the ordinance since it is currently based on square footage. He also suggested to make it a requirement for the developer to meet with the planning commission.

Mr. Rinehart expressed a few questions and concerns as he has not been able to attend the past meetings. His first question was whether the food truck court owner will determine the number of tables that they will provide or will it be the food truck owners responsibility. He suggested a universal number of parking spaces instead of basing it off the number of tables.

Mr. Mundo shared the two examples that were brought to staff both had the similar concepts of community seating areas. Both plans also had addressed that the landlord would provide a pad with an electrical hook up and a facility that includes a restroom.

Mr. Rinehart commented that there are already some freestanding food trucks but there are some that do have seating available. He advised that food trucks themselves also need to have guidelines. Mr. Mundo mentioned staff is already distinguishing the differences.

Mr. Rinehart's concern is that there needs to be available restrooms for the customers along with access to hot water. Mr. Gilbert confirmed that there will be a restroom requirement. Staff confirmed that there is a minimum of two restrooms. Mr. Mundo also assured Mr. Rinehart that the food trucks will be abiding by the health guidelines so there will be a requirement of hot water.

Mr. Bjune suggested requiring two to three parking spaces per food truck. He complemented the Tomball example the mayor shared. He likes the example because that location also has a

restaurant, and he thinks it's great because the restrooms are taken care of daily and frequently. There are other facilities that will only take care of the restroom once during the day and will leave them unattended throughout the day.

Mr. Bjune stated that requiring a higher number of parking spot will be hard if it is the downtown location. Mr. Mundo commented that if there ever was a food truck in the downtown location, the city cannot make restrictions as they have a special circumstance agreement.

Mr. Bjune also suggested limiting the number of food trucks. Mr. Modesto agreed.

Mr. Roznovsky shared that Tomball requires a minimum of 10-ft. between each trailer which could also help limit the number of trucks allowed in an area. The food trucks must also move at a minimum of every six months. Mr. Bjune agreed with that concept.

Mr. Sanders called for a motion.

Mr. Gilbert recommended zones B-1, B-2, and C-1.

Mayor Roznovsky asked if the planning commission will support conditional use. Mr. Sanchez suggested to treat the food truck court as a P.U.D. There was discussion between the planning commission stating that having a P.U.D could complicate things and so could the conditional use.

Mr. Mundo shared how conditional uses are defined based on the zoning chart demonstrated. Mr. Mundo commented that he would be hesitant against the P.U.D.

Mr. Gilbert suggested having a base with a minimum of three parking spaces per food truck with the minimum of 10-ft. spaces between each truck. Mr. Mundo shared that they could also consider adding a parking variance.

Mr. Sargent asked for the zoning for Plantation Drive. Mr. Aguirre mentioned that it was primarily zoned as B-1.

Discussion continued over parking space requirements.

On motion by Mr. Gilbert seconded by Mr. Bjune with all other present members voting "aye," the planning commission recommended city council to consider the following:

- (1) allowing food truck courts in zones B-1 (Neighborhood business), B-2 (Central business), and C-1 (Commercial);
- (2) require a minimum of three parking spaces per food truck hook up (regardless of a food truck being present or not);
- (3) that all applicants meet with the planning commission for a consideration of a variance.

Mr. Sanders closed the public hearing to discuss food truck court guidelines and zoning restrictions at 7:15 p.m.

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

Presented by Modesto Mundo, City Manager.

Mr. Sanders called the public hearing to discuss setback requirements for residential properties that back up to

a park, storm drain or waterway at 7:15 p.m.

Mr. Mundo shared this original request was brought forth by a citizen. The request sparked a conversation with council and staff investigated changing the setback for an accessory structure but limit it to when it backs up to a park, storm drain or waterway.

Mayor Roznovsky stated that council intended to address the accessory building and not the main building and he wanted to make sure that it was clarified.

Mr. Sargent stated that the last time this request was brought to the planning commission the number was 8-ft. as opposed to the now proposed 5-ft. Mr. Mundo shared that staff suggested changing to 5-ft. but only if it backs up to a park or drainage ditch. Staff and council both suggested that allowing to build within 5-ft. of any type of waterway may become problematic. Mr. Mundo clarified that if there is any type of easement that will have to be respected.

Mr. Sargent questioned if the planning commission needed to specify what zones this amendment is referring to; and asked whether it would be an R-1 (Single-family residence), and/ or R-2 (Single-family residence). Mr. Mundo specified that it would be any property that would back up to a park or drainage ditch.

Mr. Sanchez asked if there was a concern or limitation to the size of the accessory building. Mr. Mundo shared that for this instance council is proposing the accessory building is limited by 35% of the build out.

Mr. Walton was called to address if there was a limitation for the size of the accessory building other than the build out of the lot. He explained that depending on the zone the accessory structure buildings can be limited by how much lot coverage is available but also by how many square feet of pre-existing building area. He confirmed that they can limit the size of the accessory structure.

Mr. Sargent asked if there was a definition to what an accessory building can be used for, specifically to not allow a second living area. Mr. Walton shared that R-4 (multi-family residence) is the only zone that allows separate residence. There was discussion of what classified second living area.

Mr. Fey commented that he agrees with the limitations of property near parks and trenches.

Mr. Gilbert also agreed with the limitations that exclude the ponds and creeks. He shared that he does not have an issue with amending to a 5-ft. set back, so long as it does not encroach on any type of easement or utility. He also commented that he would like to limit the size of the structure's base and or how much build out percentage.

Mr. Sargent shared that he has some concerns regarding elevation when backing up to a park. Mr. Walton explained that slab height requirements are not the same for an accessory building versus the main building. In any case the engineering department is always willing to discuss and make recommendations based off potential flooding areas.

Mr. Sanchez explained that residential have more restrictions than non-residential properties. He shared that he has always given options to let the builders make choices for those properties in hopes that they will prevent flood damage.

Mr. Sanders asked Mr. Mundo about addressing the possibility of selling parkland. Mr. Mundo shared that staff

will be reluctant to sell parkland and it is only considered based off council's recommendations. Mayor Roznovsky shared that the potential buyers of the parkland would be made aware of any close building to the fence line and can only happen when abutted to a park.

On motion by Mr. Rinehart seconded by Mr. Fey with all other present members voting "aye," the planning commission recommended to city council that the setback for an accessory structure that exceeds 200-sq. ft. in this instance be established at the utility easement, if one exists, or 5-ft.

Mr. Sanders closed the public hearing to discuss setback requirements for residential properties that back up to a park, storm drain or waterway at 8:38 p.m.

ITEMS OF COMMUNITY INTEREST

- Mr. Fey mentioned Dairy Bar's anniversary was on April 9th, and he was pleased with the turnout.
- The Alden B. Dow office building is close to completion and opening.
- Mr. Gilbert expressed his gratitude for current and past council members. He also reminded everyone to vote.
- Mr. Sargent commended the local hospital for a past visit.
- Mr. Rinehart shared that he would like to keep a positive legacy of Lake Jackson.
- Mr. Rinehart is cancer free and thanked everyone for all the continued prayers and support.
- Mr. Walton congratulated the Brazoswood Water Polo teams for making it to State.
- The planning commission thanked the public works department.
- Mr. Mundo shared that staff has received plans from Harbor Freight.
- Mr. Aguirre stated that Downtown is challenging but they have a good contractor.
- Mr. Rinehart shared that the final walkthrough for Brazoswood High School will be on May 14, 2022, at 9:00 a.m. – 2:00 p.m. and that the new school year will start off in the new building.

SIGNATURE OF DOCUMENTS

- Amended Site & Landscape Plans HEB Town Center (Curbside)

SET NEXT MEETING DATE

Tuesday, June 7, 2022, at 6:30 p.m.

ADJOURN

There being no further business the meeting was adjourned at 7:57 p.m.

These minutes read and approved this 7th day of June 2022.

Locke Sanders, Chairman

Matt Bjune, Secretary