

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, June 1, 2021 at 6:30 p.m. in Lake Jackson, Texas with the following agenda:

Locke Sanders  
Harry Sargent  
Matthew Bjune  
Jeff Gilbert  
Jon Fey

Modesto Mundo, City Manager  
Sal Aguirre, City Engineer  
Athelstan Sanchez, Asst. City Engineer  
Sabrina England, PW Director  
Sally Villarreal, Asst. City Secretary

Vinay Singhania, Council Liaison

PLEDGE OF ALLEGIANCE

Harry Sargent led the pledge of allegiance.

APPROVAL OF MINUTES –May 4, 2021

May minutes were approved as presented.

VISITOR COMMENTS

There were no visitor comments.

Mr. Sanders mentioned the public hearing for the Vineyard Church had been removed from the agenda and if it returns, residents within 200 feet will get another notification.

DISCUSS, CONSIDER AND TAKE ACTION TO MAKE DETERMINATION OF A PROPOSED GUITAR DISTRIBUTION BUSINESS IN A B-1 ZONE (LOCATED AT 137 N DIXIE DRIVE)

*Engineer's Memo:*

*Pastor Baugh of The Lighthouse Church at 131 N Dixie Drive has submitted construction plans for a proposed family owned and run guitar distribution business at 137 N Dixie Drive currently 2-undeveloped lots between the church and the convenience store on N Blunck.*

*He has advanced the plans enough that the current material shortage caused him to procure the building systems earlier than typical and will be arriving soon at the site.*

*The plans were recently submitted to the building permits office where the question arose on the compatibility of the business in the current B-1 zone. Sometime last year, when first brought to engineering as concept of a guitar business, the issue did not come up as we believed this fell within the definition of a neighborhood business having had antecedent business equivalent in the area such as Morton's Key Center, a piano store, tuning and lesson business.*

*The nature of this proposed business has a twist in that it is a guitar distribution business that deals primarily online and which stores, preps and ships the product. There will be minimum by appointment only sales. This is the newer way of doing business created the indistinction as a neighborhood business.*

*Pastor Baugh will provide more detail of the business operations for you to better determine if this fits the zone or what other options he has to be able to make this happen.*

Mr. Baugh stated approximately 20% of their sales are to schools, 70% of their sales are online from their own website, amazon and a musical instrument website.

They do not intend to have a brick-and-mortar store, but they do want to make themselves available to customers by accepting appointments. The reason for the appointments is to watch over and take care of the equipment.

Mr. Baugh asked the commission to see them as a neighborhood business.

Mr. Baugh stated they are currently at 1602 Old Angleton Road in an upstairs room at a warehouse building. In addition to this location, they are renting 3 air-conditioned storage units to house equipment. As the business is growing, more storage and workspace is needed.

Mr. Gilbert was excited that this business is going well for Mr. Baugh, but the commission must try to figure out what zone best fits his business.

Council liaison Singhania asked how this business differed from Family Fitness that is zoned as a B-1 (neighborhood business). Ms. Russell stated Family Fitness was zoned as B-1 when the city had membership clubs, the city no longer has membership clubs.

There was discussion on what zone best fit the description of the business. Ms. Russell stated a C-1 (commercial) would be the best zone for his business. The problem with being zoned as B-1 is that it is not providing a service to the surrounding neighborhood. Ms. Russell informed Mr. Baugh that the quickest way to resolve this is to rezone to a C-1.

Mr. Baugh said if there was no interest from the commission to zone it to a B-1, he suggested setting a public hearing. Ms. Russell stated another option would be adding an online business to the zoning code by creating a new use and finding where it will go in the code. The city does not have online businesses in the current code because they did not exist.

The earliest this could be resolved is August 1<sup>st</sup> if everything went according to a C-1. Mr. Baugh has steel for the construction of the building being delivered on June 24<sup>th</sup>.

Mr. Gilbert stated the fastest way to accommodate Mr. Baugh is to rezone the business to the correct zone. The commission must remain consistent in how things are handled.

Ms. Russell stated B-1 is supposed to be for neighborhood shopping with businesses such as convenient stores, dry cleaners, etc. This guitar business does not fit into the B-1 zone. Ms. Russell felt C-1 is a better fit for this type of business.

Mr. Sargent asked if there would be a problem with the steel being delivered. There was comment that the steel should not be sitting on grass for 6-8 weeks.

On motion by Mr. Sargent second by Mr. Fey with all present members voting "aye", a public hearing will be scheduled for July 7, 2021 to rezone from a B-1 to a C-1.

Mr. Baugh expressed sincere thanks to the Engineering Dept. for all their help along the way. He also said he wants to do everything the right way.

DISCUSS AND CONSIDER ADMINISTRATIVE REVIEW AND ACTION ON SITE AND LANDSCAPE PLAN OF SHOPPING CENTER DEVELOPMENT AT LAKE JACKSON TOWN CENTER, LOT G, RESERVE B AT 101 WINDING WAY

*Engineer's Memo:*

*This project has been in mothballs since May 2019 when it came before for re-plat. This took a slow development train which brought the site / landscaping plan to us previously for preliminary review for comments which were then processed and prepared for future presentation to planners as required by PUD conditions. This did not happen as planned as the COVID-19 impact set the brakes to commercial development business plans.*

*This site development plan now has been modified to the changing business environment where the original site plan has been reduced in building and parking field footprint size and by lot use scope.*

*The Proposed Site Plan summarizes as follows:*

- *Building Space: 6,800 sq. ft.*
- *Parking Spaces: Provided – 45, Required 39*
- *Lot Developed Area: 37,900 sq. ft. of 58,900 sq. ft. total*

*The proposed Landscape Plan summarizes as follows:*

- *Landscape Space: Provided - 4,786 sq. ft., Required 3,104 sq. ft.*
- *Trees: Provided – 25, Required 5*
- *Screening: Trees – 1 / 30' Shrubs Yes*
- *Tree Preservation: None, only tree on the site has died and will be removed.*

*Special considerations of site:*

1. *Location of proposed drive-thru and dumpster location.*

*Utility plans have no issues, and the drainage plan under current review expects no concerns or issues that cannot be resolved to the city's standard. This is an administrative review, and all comments will be returned to the development team to address for final filing at your next meeting.*

*Due to the site only being required to be reviewed by planners as a PUD condition and not by the less than 2-acre rule, we request that you approve staff to accept the revised final plans to come for building permitting issuance and for your official blessing and signature at your next meeting.*

Mr. Herrera went over the notes above. This is coming to Planning Commission because this is in the HEB PUD ordinance.

There is no mention of what retailer will be occupying the building.

Mr. Aguirre said this is the administrative review phase. Mr. Aguirre asked for consideration for final approval to start the building permitting process. The building official has already looked over the permit.

All requirements have been met. Mr. Sanchez also said there were no issues with the drainage or current utilities in place.

On motion by Mr. Sargent second by Mr. Bjune with all present members voting "aye" the administrative review and action on site and landscape plan of shopping center development at Lake Jackson Town Center, Lot G, Reserve B at 101 Winding Way was approved with the leeway to provide approval of their revised plans without coming back to the commission.

DISCUSS AND CONSIDER ADMINISTRATIVE REVIEW AND ACTION ON THE SITE PLAN FOR HARMONY PARK TOWNHOUSE DEVELOPMENT AT 401 GARLAND DRIVE

*Engineer's Memo:*

*The plan before you has already had a head start in the development process through a series of unofficial development and review sessions with staff development team.*

*The proposed Site Plan summarizes as follows:*

- *Building:* 25 units – 3 BDRM Single-Family Townhouses (30-ft height)
- *Parking Spaces:* Provided - 79 open + 25 – 1 car garage, Required 75
- *Lot Developed Area:* Approximately 2.5-acres
- *Fencing:* Decorative fence on Garland Drive, rear unit wood fence enclosure
- *Dumpster:* 1- all units central location (City standard design)
- *Drainage:* Storm pipe / detention pond (2) with pump discharge control/ dry dog park combined use
- *Fire Protection:* 26-ft fire lanes with City system standard fire hydrant coverage

*Special considerations of site:*

*The primary issue of this site as raised during predevelopment discussions and at the public hearing was its location within a flood prone area and the challenges associated with city's development drainage standards. This compliance is currently being reviewed by our staff hydrologist and being discussed in ongoing meetings. This being an administrative review and all comments and findings resulting from these will be returned to the development team to address for final filing at your next or future meeting depending on the outcome.*

Mr. Aguirre went over the memo above.

Mr. Sanchez stated the drainage at this location is more complex than usual. He is reviewing and getting deeper into the plans to see if there are potential problems. Everything seems to be heading in the right direction.

There is one entrance/exit and that is all that is required for this property according to the Fire Marshal.

Mr. Herrera stated this is the first submittal and not the final. There will be a few changes to this existing plan.

Mr. Bjune asked if this was a self-contained drainage parking lot. Mr. Herrera said it is and everything goes to the back southeast corner and northeast corner. There are two detention ponds.

Mr. Fey asked if the dog park was expected to remain dry. Mr. Herrera said there is a pump system that should keep it dry.

Mr. Sanchez said the property is being looked as a 10-year storm.

On motion by Mr. Sargent second by Mr. Fey with all present voting "aye" the administrative review on the site plan for Harmony Park Townhouse Development at 401 Garland Drive was approved.

DISCUSS AND CONSIDER ADMINISTRATIVE REVIEW AND ACTION ON THE LANDSCAPE PLAN FOR HARMONY PARK TOWNHOUSE DEVELOPMENT AT 401 GARLAND DRIVE

*Engineer's Memo:*

*Similarly, the proposed plan has been assisted forward by the preliminary meetings held but needs some clarification in its present form.*

*The Landscape Plan summarizes as follows:*

- *Tree Survey:* *Missing or trees to be removed / retained not indicated*
- *Tree Removal:* *3 – 24" – 36" Cedar Elm , 2 – 48" Live Oak*
- *Trees Preserved:* *1 – 48" Live Oak (12 tree credits)*
- *Landscape Space:* *Provided – 26,671 sq. ft., Required 9,358 sq. ft.*
- *Trees:* *Provided – 53, Required 14*
- *Screening:* *Trees – 1/30' Shrubs Yes*
- *Irrigation:* *Yes*

*Special Considerations of Plan:*

- 1. Tree survey and determination of trees to be removed.*
- 2. Tree provision excess may be a misunderstanding of ordinance requirements that will be resolved. This being an administrative review and all comments and findings resulting from these will be returned to the development team to address for final filing at your next or future meeting depending on the outcome.*

Mr. Burdick went over the existing trees that will be replaced. Mr. Burdick said some of the trees on the property in his opinion are receiving too much water. These trees would not survive the development. The goal is to replace the unhealthy trees with healthy trees from the approved list. There is one 48" tree listed on Engineer's Memo that will possibly be saved.

Mr. Aguirre stated a tree survey may be needed to determine what is good or needs to be replaced.

Mr. Aguirre stated he has mentioned to Mr. Burdick that most of those trees may not be able to be saved, but the Commission would like to see a tree count.

On motion by Mr. Sargent second by Mr. Bjune with all present members voting "aye" the administrative review on the landscape plan for Harmony Park Townhouse Development at 401 Garland Drive was approved with anticipating the existing tree lot.

DISCUSS AND TAKE ACTION ON A REQUEST FOR A CALL FOR PUBLIC HEARING TO REZONE A 4-ACRE TRACT AT 111 FM 2004 ADJACENT AND WRAPPING BUCEES CONVENIENCE STORE FROM B-1 TO T-1 FOR THE ALDEN WOODS TOWNHOUSE DEVELOPMENT CONCEPT

*Mr. Burdick's development group are now embarked on a similar townhouse development project as the previous Harmony Park for the subject 4-acre property above. They wish to make a presentation of this project concept and get your approval to proceed with their request to rezone from the existing B-1 zone to the T-1 zone needed for development of their plan.*

*As background to this property, this tract was acquired many years ago by the Sloan Lumber Company for a lumber yard business they were hoping to establish. This plan died in the vine through the various housing and business cycles that have affected these types of plans in addition to the flooding challenges of the site's location. The property has changed hands a couple of times since then, and now has found its way to these developers.*

*In relation to this tract, you may still remember the costly and unsuccessful Palladium Apartment project rezoning process in the adjacent property between this and the storage units.*

Mark Burdick

Mr. Burdick went over his plans for the property development. There is 100 ft. public drainage easement at the rear of this property.

Townhomes would be 1550 – 1700 sq. feet with 2 parking spaces.

Derek Lacaze asked if it would be possible to get a variance to sell these as individual homes rather than renting them. This would help provide affordable housing to this area.

There was discussion regarding the required lot size to fit in a T-1 zone.

Mr. Aguirre said they could sell them under a T-1. It would still need to be platted and planned as a PURZ T-1. Mr. Aguirre said part of the PURZ allows some leeway and to name variations.

On motion by Mr. Gilbert second by Mr. Bjune with all present members voting “aye” the request to hold a public hearing to rezone a 4-acre tract at 111 FM 2004 adjacent and wrapping Bucees convenience store from B-1 to PURZ T-1 for the Alden Woods Townhouse Development concept was approved.

#### SIGNATURE OF DOCUMENTS

- *The Reserve at Lake Jackson Apartments As-Built Landscape Plan*
- *Plantation Village Plaza Shopping Center Amended Site & Landscape Plans*

#### ITEMS OF COMMUNITY INTEREST

Mr. Sanchez stated the area behind Bucees is now officially in the floodplain.

SET NEXT MEETING DATE - Wednesday, July 7, 2021

#### ADJOURN

There being no further business the meeting was adjourned at 8:10 p.m.

These minutes read and approved this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

\_\_\_\_\_  
Locke Sanders, Chairman

\_\_\_\_\_  
John Fey, Secretary