

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

Locke Sanders, Chair
Harry Sargent
Jeff Gilbert, Secretary
Matthew Bjune
Kay Aplin

Modesto Mundo, 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:

John Fey, Vice-Chair

Vinay Singhania, Council Liaison

PLEDGE OF ALLEGIANCE

Mr. Sargent led the pledge of allegiance.

SWEAR IN MEMBERS

Ms. Acuña administered the oath of office to Ms. Aplin.

APPROVAL OF MINUTES – June 7, 2022

Minutes were approved as presented.

VISITOR COMMENTS

No comments.

DISCUSS AND CONSIDER ADMINISTRATIVE AND FINAL REVIEW OF PARKWAY PLAZA SITE PLAN AMENDMENT FILED ON JULY 6, 2022.

Doug Roesler – Engineer at Baker & Lawson

Mr. Roesler explained the history of the entire property was platted together in 2004. The original plat included both a master development site and landscape plan. He explained the replat only effects Lots 1,2 and 3 but to amend the entire plan they included the entire property to update. He noted that although they are replating the lots, they still have a cross sharing parking access agreement to meet the parking requirement.

Mr. Aguirre noted that the platting of the property is dependent on both the master development site and landscape plans. He explained to the commission that they would need to approve the plans before agreeing to the replat.

Engineer's Memo:

The site plan amendment presented is primarily an update to the parking count numbers of the lot affected by the partition of Lots 2 and 3 agenda item that follows. The parking summary now indicates the required space

of the individual lots by their current use and are as follows:

	Required	Existing	Shared from Reserve	Reserve Surplus
Lot 1	51	40	11	
Lot 2	36	57	0	28
Lot 3	54	48	6	
Total:	141	145	17	11

All lots will remain served by the existing infrastructure shared through a common private agreement officially recorded and indicated in the plat and referenced in the site and landscaping plans. This includes all parking, water, sewer, drainage, and travel way access.

No civil supporting documentation other than the existing ones will be required. All site plan content and format has been adhered with the standards and no issues remain for final approval consideration

There was discussion about having to go through the similar process of having to amend the plans, if there was any other replats due to the approval of the original master plan.

On motion by Mr. Gilbert, seconded by Mr. Bjune with all members voting “aye,” the administrative and final review of Parkway Plaza site plan amendment filed on July 6, 2022 was approved.

DISCUSS AND CONSIDER ADMINISTRATIVE AND FINAL REVIEW OF PARKWAY PLAZA LANDSCAPE PLAN AMENDMENT FILED ON JULY 6, 2022.

Mr. Roesler stated that each lot has plenty of green space. Lots 2 and 3 have the required number of trees. However, Lot 1 does not meet the tree requirement. He explained that Lot 1 only has three trees, but Mr. Clark no longer owns that property.

Mr. Roesler stated that the trees on Lot 1 were mislocated during the planting process, and they are located on the right-of-way of Abner Jackson. He asked the commission if they would be lenient to consider located in the right-of-way as the requirement as he believes it is close enough to the property lines of Lot 1.

Engineer’s Memo:

The landscape plan amendment presented is also a requirement for the following partition request of Lots 2 and 3. This serves to update the areas, trees and related changes that have occurred since the previous plan and the individual effect on the proposed lot partition.

The update indicates the plan specifics as follows:

	Landscape Area Required	Landscape Area Existing	Trees Required	Trees Existing	New Trees
Lot 1	2,892	7,188	7*	3	4
Lot 2	3,817	11,910	8	8	0
Lot 3	2,710	2,968	5	12	0
Total:	9,419	22,066	20	23	4

*Per previous plan

All landscape plan content and format has been adhered with the standards and no issues remain for final approval consideration.

Mr. Gilbert stated he believes the owner of Swamp Shack (Mr. Ryder) needs to be placed on notice so that he is complying. He suggested to allow a grace period but advised Mr. Ryder needs to be made aware so he can act in accordance with the tree requirements.

The commissioners had discussion over the tree requirements and agreed that Mr. Ryder needs to be given a notice. Mr. Roesler stated he can ask Mr. Clark to provide a written notice as he was the original property owner.

Mr. Sargent stated he believes the city should be the one sending Mr. Ryder the notice.

Mr. Aguirre mentioned staff is willing to send to Mr. Ryder but believes both Mr. Clark and Mr. Ryder should be given the same notice.

On motion by Mr. Gilbert, seconded by Ms. Aplin with all members voting “aye,” it was agreed to approve the administrative and final review of Parkway Plaza amendment filed on July 6, 2022, so long as the owners of Lot 1 and 2 are notified of the problem with the existing landscape and the Abner Jackson right-of-way.

DISCUSS THE CLEAR CUTTING ON THE HUISACHE PROPERTY (LAKEWOOD MANOR DEVELOPMENT) – SUSAN BUELL

Ms. Buell had the following questions:

What is the ordinance regarding developers and landscaping? How is that monitored or enforced?

How can we prevent the clear cutting in Lake Jackson?

Ms. Buell stated that Lake Jackson was founded on the premises of conserving trees and lately she has noticed a lot of clear cutting on local properties.

Mr. Aguirre addressed the specific development of Lakewood Manor and the process they went through. He stated the ordinance varies in landscaping requirements by their property zones. He explained that residential zones do not require tree surveying. However, many residential areas may have to remove all the trees to raise the entire lot due to potential flood zones.

Commercial zones however do have requirements for tree surveys. The surveys help explain what needs to be kept and how many trees need to be replaced.

In the case of the Lakewood Manor, Mr. Aguirre explained that it was in a commercial zone and the developer requested a conditional PUD. They were required to have a tree survey and the planning commission even requested an arborist report.

Mr. Aguirre summarized that after construction is completed the developers will have to present a current landscape plan to show whether they followed their original plans. If they do not match the original plans submitted, they will have to submit an amended landscape plan to the planning commission. The commission has the ultimate decision to approve or decide what options the developers have.

Mr. Sargent noted trees were to be marked if they are supposed to stay so that the builders know. Mr. Aguirre

mentioned that the Lakewood Manor project did have trees that were marked, and he did notice that some of the tagged trees were still taken down.

Mr. Bjune shared his concerns about the removal of the larger trees that had so much history. After the arborist report, the planning commission was advised that most of the older trees had a large liability. He noted that the liability was due to lack of care for the trees as they were not in good health.

Ms. Buell commented that there were about 40 trees and now there are about three trees that are still standing.

Mr. Aguirre noted before anything is approved for the developers, the trees must be replenished to the satisfaction of the city ordinance and the planning commission.

Mr. Bjune explained for each tree taken down, they are to be replaced with a certain required diameter and quantity. Mr. Bjune also mentioned that the planning commission set a contingency that the landscape plan be re-evaluated to check the status of the trees.

Ms. Buell asked if the majority of those 40 trees were that bad in health. Mr. Sargent stated that some trees were lost due to elevation and creation of the detention pond. He also mentioned that the builder also had removed certain trees for development of the buildings.

Ms. Buell shared another example of clear cutting by discussing the property/ development behind Buc-ee's and followed up by asking how it is monitored before it happens.

The planning commission explained they had a set plan for that property as well and that they did not follow so they currently cannot obtain their certificate of occupancy until they replenish the trees properly.

Mr. Aguirre answered Ms. Buell's question on the monitoring process and explained the process. He shared once the developer has the permit to cut down trees, the trees are to be marked. Staff also discusses with the field superintendent but advised that staff does not stay there during the process because they don't have the personnel to do so.

Mr. Aguirre stated that staff does request for site and landscape plans to be updated when there are any modifications, additions or replats. The planning commission will ask to replace any trees that have been lost if any.

Mr. Aguirre and the planning commission stated that Ms. Buell will receive the following:

- A copy of the ordinance
- The arborist report used for the Lakewood Manor project
- Landscape plan
- Tree requirements

Mr. Gilbert shared that the Lakewood Manor project is a build site and not a finished project. He advised that they laid down a lot of requirements and requests to which the developer confirmed that they would do whatever possible to abide.

Ms. Buell asked what trees would be replacing the historical trees.

Mr. Aguirre added that they will also provide Ms. Buell with a list of pre-approved trees.

Ms. Aplin explained to Ms. Buell whenever she was in the process of building Family Fitness on the 3.5 acres, they had to take down 16 trees that weren't in the best condition. Ms. Aplin advised that they had to replant 32 trees with the required circumference. She explained that the trees replanted were pre-approved and were replaced by oak and pecan trees.

Mr. Aguirre asked Ms. Buell if she would want the documents emailed to her or printed. She confirmed that she would like them emailed.

Ms. Buell thanked the planning commission.

DISCUSS AND CONSIDER ADMINISTRATIVE AND FINAL REVIEW OF FINAL REPLAT OF PARKWAY PLAZA SUBDIVISION, LOTS 2 & 3, BLOCK 2 INTO AMENDED LOTS 2 & 3 FILED ON JULY 6, 2022.

Engineer's Memo:

This is a resubdivision of an existing commercial subdivision that was last partitioned on September 9, 2004 into 3 lots under one site and landscape plan. The request now comes to further reconfigure Lots 2 and 3 into different lots that assembles part of Lot 3 which includes Rick Clark's office back into the fold of existing offices in Lot 2 and separates the remaining part of Lot 3 into the new Lot 3 to allow the sale of the separate property that contains Brazos Billiards (old Rickochets).

Because the current subdivision is subject to one overall site supporting the parking requirement of the whole, this had to be amended to reflect the changes caused by and to the proposed partitions. These amendments have now been presented for action in the previous agenda items and approved for further processing of this replat amendment.

Subdivision specifics:

The proposed replat consists of the rearrangement of the boundary lines between Lots 2 and 3 and do not create additional lots which fall under the amendment definition for platting. Both of the realigned lots still maintain a public right-of-way access which satisfies the platting standards with no special consideration required.

All platting requirements and format have been satisfied according to city standards and no issues remain for final approval consideration.

Mr. Aguirre stated that this is considered as an amendment because they are requesting to move lot lines.

On motion by Mr. Gilbert, seconded by Mr. Sargent with all members voting "aye," administrative and final review of final replat amendment of Parkway Plaza Subdivision, Lots 2 & 3, Block 2 into amended Lots 2 & 3 filed on July 6, 2022, was approved.

DISCUSS AND CONSIDER REQUEST FROM DHK DEVELOPMENT TO ALLOW FOR AN ADDITIONAL 30-FT CURB CUT AT OYSTER CREEK DRIVE FOR A RIGHT IN, RIGHT OUT COMMERCIAL DRIVE INTO A 4.3 + ACRE COMMERCIAL PARCEL BETWEEN THE ADJOINING KROGERS COMMERCIAL SHOPPING CENTER AND THE WOODSHORE COMMUNITY DRIVE.

Mr. Konopka – President at DHK Developer, noted that the development is entirely on Clute property, but the requested access is located in Lake Jackson.

He introduced the Mayor of Clute - Calvin Shiflet and Clute's City Manager, CJ Snipes. Mr. Konopka explained they are present to help answer questions with the discussion and request for approval of a 30-FT wide access easement that will serve the 4.3-acre tract.

Mr. Konopka explained that the 4.3-acre lot will be divided into three businesses. He explained that each of those businesses will utilize the requested access easement.

Mr. Konopka is offering to plant 50 trees along Oyster Creek Drive and Dixie or fund Lake Jackson to plant the trees elsewhere.

Mr. Gilbert thanked the Clute members for attending. He personally believes this can be approved but ultimately, it's in the control of our neighboring city, Clute. He appreciated Mr. Konopka's offer of enhancing the community, however it will not affect his willingness to approve the curb cut.

Mr. Sargent asked if it would be a cut through the middle section. He believes the curb cut could cause problems with those turning right into Lake Jackson having potential U-turns. Ms. Aplin agreed that U-turns can become problematic.

Mr. Bjune commented that he is also supportive of Mr. Konopka's willingness to work together for a better community. Mr. Konopka shared in addition to planting the trees on or near the right of way, he insists on a 40-FT green setback that will continue all the way.

Mr. Sargent asked if the traffic commission needs to be part of the approval process.

Mr. Mundo explained that the planning commission and city council approved the original request of all accesses on both Oyster Creek Drive and Dixie Drive. This request is an additional curb cut to the master plan. After tonight's meeting Mr. Mundo will submit this request to Council for approval, as it is cutting through the parkway. Mr. Mundo shared that council may want to submit to the traffic commission to discuss any potential hazards of U-turns.

Mr. Aguirre noted that there are complaints from nearby residential streets that their neighborhoods are being used for U-turns or cut throughs. There was discussion from the planning commission that requested curb cut may create U-turns at that location instead. Mr. Bjune commented that the Woodshore cut across will be used as a U-turn and it could cause accidents.

Mr. Sargent asked why there was no connection to Kroger. Mr. Mundo shared that the original master plan noted there would be a connection and there was no curb cut. He shared that at one point there was a thought that a cross access agreement would be made.

Mr. Konopka explained that the original 4-acre tract was originally part of the property that was going to be purchased by Kroger's but later they opted not to. Mr. Konopka decided then that he would focus on the residential portion at the time and revisit the commercial property.

The commission discussed the routes commercial trucks must take to exit. Mr. Sanders questioned why there was no access road in between The Woodshore Market place and Kroger. Mr. Konopka stated that they did not opt for a cross access road at the beginning and now they do not want to.

Mr. Snipes shared that the City of Clute has facilitated discussions with DHK and Center Court in attempts to create a shared cross access. He believes with time there will be a cross access agreement in the future.

Mr. Bjune asked engineering if the 30-FT is wide enough for a right-of-way. Mr. Aguirre confirmed that it is.

Engineer's Memo:

Doug Konopka, of DHK and developer of the Woodshore Subdivision community and of Woodshore Marketplace (Kroger's Center) has submitted a request for an additional curb cut to Oyster Creek Drive for a right in, right out commercial drive into a remaining commercial 4.3 + acre parcel. He will be making his presentation of his proposed request and offer. Please refer to the attached exhibits for details on his proposal.

As a refresher on this previous issue, previous planners board and city council had established limits on the number of driveways into Oyster Creek Drive based on reviews and discussions from the original masterplan and traffic impact analysis presentation. This additional one was not anticipated then as all commercial parcels were to have an internal ring road system to the approved signalized access roads. An internal disagreement between different parcel owners seems to have created this need and request.

On motion by Mr. Gilbert, seconded by Ms. Aplin with all members voting "aye," the request from DHK Development to allow for an additional 30-FT curb cut at Oyster Creek Drive for a right in, right out commercial drive into a 4.3 + acre commercial parcel between the adjoining Kroger's commercial shopping center and The Woodshore Community drive was approved.

Mayor Shiflet commended the improved relationships between the City of Clute and Lake Jackson. Mr. Gilbert thanked the developers and the cities for working together.

SIGNATURE OF DOCUMENTS

- Parkway Plaza Subdivision Replat Amendment
- Parkway Plaza Site & Landscape Plans Amendment

ITEMS OF COMMUNITY INTEREST

- Mr. Sanders asked for an opening date for Harbor Freight. Mr. Walton shared that they do not have any recent updates nor an identified opening day.
- Mr. Walton gave an update on new business in Lake Jackson.
- Mr. Sargent mentioned that he noticed a small fence around a portion of La Madeline, and he thought it was supposed to be a designated sidewalk. Mr. Aguirre stated they will investigate.

SET NEXT MEETING DATE

Regular scheduled meeting set for Tuesday, August 2, 2022.

ADJOURN

There being no further business the meeting was adjourned at 7:41 p.m.

These minutes read and approved this 2nd day of August 2022.

Locke Sanders, Chairman

Jeff Gilbert, Secretary