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 Wednesday, July 7, 2021 at 6:30 p.m. in Lake Jackson, Texas with the following agenda:

Locke Sanders Milford John-Williams, Assistant to the City Manager

Harry Sargent Sal Aguirre, City Engineer

Matthew Bjune Athelstan Sanchez, Asst. City Engineer
Jeff Gilbert Eddie Herrera, Engineering Technician
Joe Rinehart Sally Villarreal, Asst. City Secretary
David Walton, Building Official

Vinay Singhania, Council Liaison

PLEDGE OF ALLEGIANCE

Harry Sargent led the pledge of allegiance.

APPROVAL OF MINUTES – June 1, 2021

June minutes were approved as presented with attendance modifications.

VISITOR COMMENTS

There were no visitor comments.

SWEAR IN MEMBERS

Ms. Villarreal administered the oath of office to Locke Sanders and Joe Rinehart.

RE-ORGANIZE BOARD

Locke Sanders was nominated as chair.

On motion by Mr. Rinehart second by Mr. Sargent with all present members voting "aye, Mr. Sanders was voted in as chair.

Mr. Sanders appointed Mr. Bjune as secretary and Mr. Gilbert as vice-chair.

PUBLIC HEARING AND ACTION ON A REQUEST TO REZONE BLUNCK SUBDIVISION TRACT 64D & REPLATS OF LOT 2-3 (1.3056 ACRES) AT 137 N. DIXIE DRIVE FROM B-1 (NEIGHBORHOOD BUSINESS) TO C-1 (COMMERCIAL) MADE BY DAN BAUGH FOR A PROPOSED GUITAR DISTRIBUTION BUSINESS "CALIDO GUITARS"

Engineer's Memo:

Dan Baugh, owner of the property approached the board at your previous meeting with his proposal of a family owned and run guitar distribution business at 137 N Dixie Drive, in 2-undeveloped lots between the church and the convenience store on N Blunck.

Due to the nuances of this business not quite falling in the realm of neighborhood business as prescribed in the ordinance, this was brought to your attention for your determination of its compatibility within the zone and for this development to proceed as planned. The nature of this proposed business is

one that deals primarily online and which orders, stores, preps and ships the product with minimum walkin "by appointment" only sales and caused the board to consider the rezoning option. This was the most viable action available with the timeline constraints this development finds itself currently.

Mr. Baugh provided his thoughts and more detail of the business operations for your determination of how this could proceed to make this happen and are attached as a refresher. The proper notices to the public and neighborhood were issued as required and to date have not received any comments on the matter.

Locke Sanders opened the Public Hearing at 6:34 PM

Mr. Baugh went over the following presentation:

About Calido Guitars

Cálido Guitars specializes in Classical Guitars at all levels – from beginner guitars to world class concert guitars handcrafted by master luthiers.

Our Store and Customer Service

We are authorized dealers for Master Luthiers Jorgé Rafael-Nascimento of Brazil, Yulong Guo of China, Francisco Navarro of Mexico, Kenny Hill of the USA, Guitarras Estevé of Spain, for Cordoba Guitars, for Guild Guitars, for Stagg Guitars, for Ortega Guitars, for Kremona Guitars, and for James Neligan Guitars. We also provide guitars at several levels under the Cálido label.

Business Operations description:

Cálido Guitars is primarily an online business that purchases guitars from distributors in the USA or imports directly from makers both in the USA and from other countries. We also carry some accessories for guitars.

About 20% of our sales are to schools all across the USA. +70% of our sales are online from our own website and other seller websites. We also do some sales and repairs for local customers on an appointment only basis.

After receiving the guitars, we do a complete setup of the guitars prior to shipping to the customers. This involves adjustments to the guitar string height and neck relief to improve the playability of the guitars.

The facility we are building will not be open to the public except on an appointment only basis. The building includes an office, a break room for employees, a work room for setting up guitars, a room for shipping, a room for photography and videography, and air conditioned warehouse space.

Mr. Gilbert and Mr. Sargent both stated they supported the ordinance change.

Mr. Rinehart brought up the possibility of traffic cutting through the parking lot from the school. Mr. Baugh said that possibility was considered and will be managed by having a fence and gate. This will eliminate cut through traffic from Blunck Street as well.

Mr. Bjune asked if the replat of the property would open the possibility of selling one of the lots to someone else. Mr. Baugh stated the two lots would be replatted into one.

Mr. Sanders closed the public hearing at 6:44 PM

On motion by Mr. Sargent second by Mr. Gilbert with all present members voting "aye" the request to rezone Blunck Subdivision Tract 64D & Replats of lots 2-3 (1.3056 acres) at 137 N. Dixie Drive from B-1 (neighborhood business) to C-1 (commercial) made by Dan Baugh was approved.

PUBLIC HEARING AND ACTION TO REZONE A 4-ACRE TRACT AT 111 FM 2004 ADJACENT AND WRAPPING BUCEES CONVENIENCE STORE FROM B-1 (NEIGHBORHOOD BUSINESS) TO T-1 (SINGLE FAMILY RESIDENCE, TOWNHOUSE) FOR THE ALDEN WOODS TOWNHOUSE DEVELOPMENT CONCEPT

Engineer's Memo:

Mr. Burdick's development group are now launching on a similar townhouse development project for the subject 4-acre property above as the previous "Harmony Park" they are embarked in. 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.

The proper notices to the public and neighborhood were issued as required and to date have not received any comments on the matter other than the adjacent property owner expressing interest for a property contact with these developers.

Public hearing opened at 6:46 PM

Mark Burdick was present for this item. He understands there may be challenges with this property, but at this time the request is only to rezone.

Mr. Aguirre went over his notes listed above.

Mr. Burdick stated they are proposing 34 units with a mix of 3-5 plexes. All units will have driveways and will have sod grass with landscaping features. The development will have more of a residential home feel rather than an apartment.

Derek Lacaze stated the 34 luxury style units will be available to purchase. The units will be 3 bedrooms, 2.5 baths with 10' ceilings, 8' doors and custom cabinetry.

Mr. Sargent asked if replatting would be required. Mr. Aguirre stated when the time comes for the actual development of the property it would need to be replatted. The site and landscape plan would be reviewed just as any other property. This meeting is only to consider the rezone.

Mr. Bjune asked if rezoning would create any complications with drainage. Mr. Aguirre stated there would not be any problems with drainage for future developments. All the drainage would be controlled within the property.

Mr. Sanchez brought up the drainage situations from Bess Brannen Elementary School. The flooding and drainage issues for the residents in that area have subsided since the new school was built.

Public Hearing was closed at 7:02 PM

On motion by Mr. Rinehart second by Mr. Bjune with all present members voting "aye" the request to rezone a 4-acre tract at 111 FM 2004 adjacent and wrapping Bucees convenience store from B-1 (neighborhood business) to T-1 (single family residence, townhouse) for The Alden Woods Townhouse development concept was approved.

DISCUSS AND CONSIDER ADMINISTRATIVE REVIEW AND ACTION ON REPLAT OF ALL OF BLOCK 4 AND THE REMAINDER OF BLOCK 7 AMENDING PLAT OF AREA M SAVE AND EXCEPT PHASE 1, 2A & 3 OAKS OF LAKE JACKSON, AND FERN COURT SUBDIVISION, REPLAT TO INCLUDE LOT 29, BLOCK 1 AND LOT 1 BLOCK 5 OF AREA L, LOT 67 AND 68 OF PHASE 3 OAKS OF LAKE JACKSON, AND ROYAL SUBDIVISION FOR THE NEW LAKEWOOD MANOR DEVELOPMENT LOCATED AT HUISACHE STREET, FERN COURT AND PECAN LANE Engineer's Memo:

In order to initiate the site development process, the city development standard requires that the property be officially platted into an assembled lot or tract. This replat assembles all the prior platted pieces into four lots that fulfills the requirement for further site development.

Staffs initial review has found minor issues and revisions to content and format and have passed this along to the engineer to address for filing next time.

Doug Roesler with Baker & Lawson was present for this item.

On motion by Mr. Rinehart second by Mr. Bjune with all present members voting "aye" the request to replat all of block 4 and the remainder of block 7 amending plat of Area M save and except phase 1, 2a & 3 Oaks of Lake Jackson, and Fern Court subdivision, replat to include lot 29, block 1 and lot 1 block 5 of area L, lot 67 and 68 of phase 3 Oaks of Lake Jackson, and Royal Subdivision for the New Lakewood Manor development located at Huisache Street, Fern Court and Pecan Lane was approved.

DISCUSS AND CONSIDER ADMINISTRATIVE REVIEW AND ACTION ON SITE PLAN OF THE RESIDENCES AT LAKEWOOD MANOR DEVELOPMENT LOCATED AT HUISACHE STREET, FERN COURT AND PECAN LANE

Engineer's Memo:

After a lengthy development concept interaction with city council, planning board, and administrative staff starting in January, the PUD overlay idea was determined the best fit zoning mechanism to apply to this particular concept and site considering the desired high density single family product.

The process resulted in a PUD ordinance with detailed specific conditions for development that has reached the actual project planning phase with this site plan administrative review.

Below is a refresher background about this Planned Unit Development set of conditions:

SITE DETAILS (**PUD** Approved/ Plan Proposed)

- Engineered designed detention drainage / Interior swale surface drainage to detention basin with pipe inlet and outfall control to existing channel. Preliminary site specific drainage design with a required holistic hydraulic modeling final design. (in process)
- Max 50% Building 50% Open Space / 41% building 59% open space
- Park Areas / Open areas with no specific recreational space indicated
- *Minimum Living Area 1,600 sq. ft.* / 1,817 1,934 sq. ft. (see building plans)
- *Maximum Height 35 feet / 27 35 feet (see building plans)*
- Setback Conditions / included in plat, to be noted in site plan

- *Minimum 6-ft Building to Building Clearance* / 10-ft building to building clearance
- *Homes:* 135/129 130
- Site Area: 20.64-Acres / same
- Accessory Use in Common Area Allowed / None indicated
- 2 Space Garage / 2 Space Garage
- Additional 1.5 Parking Space Per Unit / Additional 211 @ 1.6 parking space per unit
- 5 20 Parking Areas 5 Space Minimum / 5 parking areas with 2 at 4 spaces, to be revised
- 6-ft Fencing to Residential Area / None indicated at this time, to be revised
- 1 Monument Sign/None indicated
- New 4-ft Sidewalks 4-ft Offset at Street Fronts / None indicated at this time, to be revised
- Shared Common 26-ft driveway unsprinkled / Shared common 26-ft driveway unsprinkled
- Unlimited Exterior Finish Material / fiber cement siding (see building plans)
- Roofing Material Composite Shingle / composite shingle

The proposed site plan adheres closely to the conditions as set in the PUD ordinance and the review comments from staff have been noted and will be addressed by the project engineer. The Fire Marshal's fire lane access lane lengths and radius have been worked out to his satisfaction. The civil package supporting this site has been provided and includes the replacement of the water main as required with private distribution line extension to water meter pods. The sanitary services are provided by private collection lines and connected to existing system to remain at limited crossings and connections to manholes. The waste collection service has been discussed with public works and is being presented in this plan as a private compaction station system with internal private collection pickup.

The critical drainage for the site is currently proposed as a surface drainage detention system designed under site specific drainage criteria and impact. The ultimate system design is being analyzed and will be determined under our staff specialist requirements of watershed modeling conditions for surrounding neighborhood impact mitigation and whose comments follow:

Comments from Athelstan Sanchez, Assistant City Engineer:

After some hesitation by the developer, the engineers had the go ahead to adhere to the City's requirement to perform a Hydraulic and Hodologic (H&H) modeling to properly size and design the Detention Pond(s) along with the closed and open surface drainage systems mentioned above, to ensure no adverse impact to the communities downstream and upstream of this development. In an effort as to not slow down the progress of this development, the engineers were allowed to design and submit an initial layout of this drainage system ahead of what the final would be like after the modeling is completed.

With that said, this review was more of a superficial one with occasionally delving into the technical weeds. The only major issue that will need to be resolved, is the need for very likely more than the one large detention pond presented and conceptually shown since inception of this development. The City's 50-and 110-foot drainage easements divide this four lots development into two lots on the south and two on the north. Hence the need for detention ponds to restrict flow into the City's ditch to only that which occurs prior to development as opposed to the direct discharges the engineers proposing no excess runoffs due to development.

They do propose an interceptor / diversion storm sewer seemly intended to capture the excess runoffs and funneling such into the one large detention pond. To be accepted, the engineers will need to present hydraulic analysis to clearly demonstrate that excess runoffs will be captured in the detention pond and cause no backwater effects that would not adversely impact communities up and downstream.

Mr. Aguirre went over the Site Details, PUD approval vs. proposed plan listed above.

Mr. Sargent asked if there were any sidewalks on Fern Ct. at this time. Mr. Aguirre stated not at this time, but they will be required.

Mr. Sanchez went over his comments listed above. At this time, Mr. Sanchez is concerned with only one detention pond being shown. The drainage still needs to be reviewed.

There was discussion regarding the direction of drainage and where it leads to. Mr. Roesler stated a drainage study will be completed. The results should be ready for the next meeting in August.

Mr. Rinehart stated he would like to see a recreation area of some sort for children rather than a big open space.

Mr. Stuckey stated he has had conversations with Sabrina England and Kirk Calhoun and they have approved of the trash collection.

Mr. Aguirre stated each pod will have their own water meters. Mr. Stuckey said each tenant will receive their own water bill.

On motion by Mr. Rinehart second by Mr. Bjune with all present members voting "aye" site plan of the Residences at Lakewood Manor development located at Huisache Street, Fern Court and Pecan Lane was approved.

DISCUSS AND CONSIDER ADMINISTRATIVE REVIEW AND ACTION ON LANDSCAPE PLAN OF THE RESIDENCES AT LAKEWOOD MANOR DEVELOPMENT LOCATED AT HUISACHE STREET, FERN COURT AND PECAN LANE

Engineer's Memo:

The landscape plan conditions as set by the approved PUD did not go through the scrutiny of detail as the site regulation as it accepted full compliance with Section 90-63 Tree and Landscaping ordinance save and except the requirement for parkland dedication as waived in the PUD.

The Landscape Plan summarizes as follows:

Tree Survey: Provided tree survey overlay on site but with tree id missing
 Tree Removal: Indicated in overlay on site but with number, type, and caliper

missing, estimated at 80

Tree Count: Required – 90 /Proposed - 174 credit trees see following bullet
 Trees Preserved: 21 (174 tree credits) claimed and id / 10 verified as preservable

(credit to be determined) when id

Landscape Space: Required 9,358 sq. ft. / Provided 26,671 sq. ft.
 Frontage Screening: Required Trees – 1 / 30' & Shrubs Yes / Missing

■ *Irrigation:* Yes / Noted to be installed

Special Considerations of Plan:

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 for future meeting depending on the outcome.

Mr. Aguirre went over the Landscape summary listed above.

Mr. Roesler briefly discussed trees and plantings.

Mr. Stuckey stated he walked the property with an arborist and they marked and flagged trees that will not survive. He said many trees are rotting from the bottom and are hollow. He stated they will try to save as many trees as possible and would not clear cut the property.

Mr. Sargent asked that the arborist consider the elevation change.

Mr. Roesler asked what the screening requirement is. Mr. Aguirre stated a tree/shrub is required every 30 feet of the street and property where parking is on the frontage. The screening is all related to parking.

Mr. Sanders stated the commission does not want to see large bushes or trees blocking the view exiting the property onto the street. It is a safety hazard.

Mr. Roesler stated they have a preliminary drainage plan. Until that is complete, things will move around including landscaping.

There was discussion about getting together for another meeting before August to discuss and clarify the landscaping and drainage concerns.

DISCUSS AND CONSIDER ADMINISTRATIVE REVIEW AND ACTION ON ALTERNATE SITE PLAN AMENDMENT OF RETAIL SHOPPING CENTER RENOVATION AT 165-167 OYSTER CREEK DRIVE (AKA ARLAN'S, FOOD KING AND JACK IN THE BOX)

Engineer's Memo:

The renovation of this general retail center consists primarily of remodeling and repurposing of the interior shell for a multi-tenant retail shops. No building footprint change is associated with this only some canopy remodeling and cosmetics. The number of tenants and names have not been disclosed as of yet.

Because of this new marketing plan, the need to increase parking spaces became pressing and the reason for this site parking reconfiguration. In their quest for additional space, they saw the opportunity to do away with a significant tree they perceive is a safety risk and liability to the owners.

SITE DETAILS:

Parking Space Required: 173 based on 5 / 1,000 sq. ft. (general retail category)

42 based on 15/1,000 sq. ft. (fast food category)

215 total

Parking Space Existing: 166

Parking Space Proposed: 182 (9x18 standard spaces)

Parking Loading Space: Jack in the Box / Required 1, Proposed 1

Retail Building / Required 2.6, Proposed 2

Special Considerations of Plan:

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.

This site plan amendment is premised on approval of the tree removal. The parking space count proposed is short by 33 spaces but improves from the existing by 14 and the loading zone count also short by a part of a space. These conditions for variances should be given consideration for approval of this alternate site plan. No, utility or drainage modification is involved in this site amendment but pavement markings for fire lane and drive-thru stacking spaces are noted for revision.

Mr. Sundin was present for this item.

Mr. Sundin stated they are reworking the parking lot to add an additional 16 parking spaces to the existing site. The existing site is approximately 50 cars short of what is required.

Mr. Aguirre went over the notes listed above.

Council Liaison Singhania brought up the slanted vs. straight parking and the difficulty with the straight parking when backing out. There is a lot of traffic in the neighboring businesses parking area.

Shared parking is allowed if there is an agreement within the property owners. It is unknown to staff if there is an agreement. Mr. Sundin stated his client has not mentioned a shared parking agreement.

Mr. Aguirre stated the existing tree survey needs to be verified with the actual condition and trees. The tree removal lists an existing 54" Oak tree. Mr. Aguirre said if the 54" tree comes down, there will need be at least 6 trees planted in return. That is not what is listed on their plan. The commission will need to investigate this and come to an agreement.

Mr. Sanders asked if there was ever a parking problem at this location. Mr. Aguirre said he did not recall a problem, but traffic has increased in that area.

Mr. Gilbert stated this area is packed during any given weekday. People drive in and drive out because of lack of parking. It will be a great spot for a retailer, but parking will be an issue.

Mr. Rinehart was concerned about the old tree in the parking lot and surprised it is still there. If there is not irrigation for trees in the islands, they will not survive.

Mr. Aguirre informed the commission they would have to grant variances to approve because they are not meeting the ordinance requirements for parking or landscaping.

Mr. Aguirre stated this is just a preliminary review. The commission needs to decide if they will allow variances for the parking requirements, the removal of the 54" tree and it's replacements.

Mr. Rinehart asked what problems would be eliminated if there is a shared parking agreement. Mr. Aguirre said the tree would not have to be removed and they would be using the next-door parking area to compensate their parking shortage.

Cross parking from First National Bank was discussed.

Mr. Sundin said he would investigate and find out if there is a shared parking agreement.

Mr. Sanders stated the commission is willing to give up a few parking spots if the tree count can be fixed.

Mr. Gilbert wanted to see this work for the city and the client. Mr. Gilbert acknowledged there will not be an easy solution.

On motion by Mr. Rinehart second by Mr. Bjune with all present members voting "aye" the administrative review and action on alternate site plan amendment of retail shopping center renovation at 165-167 Oyster Creek Drive (aka Arlan's, Food King and Jack in the Box) with 182 parking spaces was approved.

DISCUSS AND CONSIDER ADMINISTRATIVE REVIEW AND ACTION ON ALTERNATE LANDSCAPE PLAN AMENDMENT OF RETAIL SHOPPING CENTER RENOVATION AT 165-167 OYSTER CREEK DRIVE (AKA ARLAN'S, FOOD KING AND JACK IN THE BOX)

Engineer's Memo:

The renovation of the center needs for parking reconfiguration initiated a request for removal of the credit tree in conjunction with their assessment of it being in decline and a safety risk. This triggered this proposed landscape plan amendment to a 2000 previous amended plan as part of the Jack in the Box addition to the retail center. At the time, approval to the existing was given even though it did not meet the ordinance requirements then but the reasoning for variances granted are long lost. We are honoring the existing plan conditions with requiring only updates and adjustments that the proposed changes affect these.

The Landscape Plan summarizes as follows: **Proposed** / Action Required

- <u>Tree Survey</u>: **Exist Landscape Plan submitted as tree survey** / A verification update of the existing landscape plan is required with tabulated id tree detail and plan location id
- <u>*Tree Removal</u>: Existing 54-inch Oak (6 tree credit in existing plan) requested
- <u>Tree Count Required</u>: 42 as per Existing plan
- <u>Trees Preserved</u>: **36 as per Existing Landscape Plan** / number to be verified and updated
- * <u>Credit Tree Replacement</u>: 3-3-inch DBH / Requires 6-6-inch DBH as credited in existing landscape plan as varianced from 9-6-inch per ordinance
- <u>Total Trees Proposed</u>: 39 / Requires 42 to meet the existing landscape plan to include 6 6-inch
- **Landscape Space: 8,135 sq. ft.** / Requires 7,549 sq. ft. (7.5%) as per existing landscape plan as varianced from 10,065 sq. ft. (10%) per ordinance
- Frontage Screening: To remain as per EXISTING LANDSCAPE Plan (Trees & shrubs)

 Existing plan meets requirement will require filling in bald shrub

 areas to be noted
- <u>Irrigation</u>: **To remain as per EXISTING LANDSCAPE Plan (JIB irrigated only)**/ As determined by board

Special Considerations of Plan:

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.

Of particular interest for staff are your response to the two *asterisk bullets issues proposed. For your consideration, the required arborist report is attached as justification to the tree removal one.

Mr. Aguirre stated there is not an irrigation system in this parking lot.

Mr. Aguirre said the options to accept removal of tree with a replacement with 3-3" as proposed or 3-6" with 3 additional small trees that must be irrigated in smaller open areas in the front area.

On motion by Mr. Bjune second by Mr. Sargent with all present members voting "aye" the commission agreed to accept 3-6" trees along with 3 additional smaller trees with irrigation in the front area post removal of the 54" pre-existing tree.

DISCUSS AND CONSIDER 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 FILED ON JULY 7, 2021

Engineer's Memo:

This is official presentation of both documents that were approved on administrative review with permission to staff for release for construction permit purposes once all comments were properly addressed and included in final documents.

This has been provided to staff's satisfaction and no issues remain for your approval of these.

On motion by Mr. Rinehart second by Mr. Gilbert with all present members voting "aye" the site and landscape plan of the shopping center development at Lake Jackson Town Center, Lot G, Reserve B at 101 Winding Way filed on July, 7, 2021 was approved.

SIGNATURE OF DOCUMENTS

■ Lake Jackson Town Center, Lot G, Reserve B Site & Landscape Plans (101 Winding Way)

ITEMS OF COMMUNITY INTEREST

Mr. Gilbert mentioned an e-mail he received from someone regarding the Best Western Plus.

Mr. Sanders asked for understanding for each other's opinions within the commission.

Mr. Rinehart asked about the apartment development behind Bucees. Mr. Herrera stated the project has been put on hold. Mr. Walton explained the permitting process and abandoned permits.

Mr. Aguirre mentioned the bid opening for the downtown area.

SET NEXT MEETING DATE – Tuesday, August 3, 2021

ADJOURN

There being no further business the meeting was adjourned at 9:21p.m.

These minutes read and approved this 3 day of August 2021.

	Locke Sanders, Chairman	
Matt Bjune, Secretary		