

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 September 7, 2022, at 6:30 p.m. in Lake Jackson, Texas with the following agenda:

John Fey, Vice-Chair
Jeff Gilbert, Secretary
Harry Sargent
Matthew Bjune
Kay Aplin

Modesto Mundo, City Manager
Milford John-Williams, Asst. to City Manager
Sal Aguirre, City Engineer
Sabrina England, PW Director
Eddie Herrera, Project Manager
Anamaria Acuña, Asst. City Secretary

ABSENT:

Locke Sanders, Chair

Vinay Singhania, Council Liaison

PLEDGE OF ALLEGIANCE

Mr. Sargent led the pledge of allegiance.

APPROVAL OF MINUTES – August 2, 2022

Minutes were approved as presented.

VISITOR COMMENTS

No comments.

PUBLIC HEARING AND ACTION ON A REZONING OF A 3-ACRE PORTION OF A 14-ACRE LOT 2 OF PLANTATION VILLAGE, SECTION 13 OF THE FAMILY LIFE CHURCH SITE AT 220 LAKE ROAD FROM (B-3 INSTITUTIONAL) TO B-1 (NEIGHBORHOOD BUSINESS) OR B-1A (PROFESSIONAL OFFICES).

Public hearing opened at 6:33 p.m.

Chris Rees – 220 Lake Road

Mr. Rees stated that the church plans to sell the 3-acre portion to Mr. Monical, as he currently owns the office park neighboring the church. Mr. Rees summarized that by selling the 3-acre portion it will help pay off the church's mortgage (debt) and help with the future expansion plans of the church.

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

This request comes from Chris Rees representing the church. The church fellowship has been reassessing their property assets with their future growth trend and needs and determined a portion of this land to be expendable for their future development. After exploring the available zoning options and their allowable uses, they opted to make this rezoning change to a B-1 use as they had potential buyer with an interest for a professional office park similar in the one next door as previously presented to you in requesting the public hearing.

As background of this church site, it was zoned to the current B-3 going back to the 1980's with the creation of the Plantation Village development masterplan. DOW's concept had this stretch of street arterial designated for

a church row and reserved it for this future use. Several church groups took advantage of this availability during the major expansion movements in the late 1980's and 1990's. This particular tract was brought up for site development in 2000 with a masterplan that included a phased in base plan that exists now and one for future expansion as originally imagined. A 3-acre portion of this future expansion zone is now being contemplated for sale.

The official request came in as a B-1 and the public hearing was granted as a B-1. Because of the representation made before and during the meeting of their interest for a professional office use, and because the city's interest also to safeguard it, staff with the city attorney's approval also included the B-1A option in the public hearing notice sent and published.

The statutory public involvement and notification has been done and as of a week from this meeting, comments whether this zone allowed hotels were received by the City Secretary and responded to with a copy of allowable zoning uses in this zone.

Mr. Sargent asked whether the planning commission had to decide which zone. Mr. Aguirre confirmed that they do need to decide. There was discussion within the planning commission to choose B-1A as they already have a potential buyer.

On motion by Mr. Gilbert, seconded by Mr. Bjune with all present members voting "aye," the rezoning of a 3-acre portion of a 14-acre lot 2 of Plantation Village, Section 13 of the Family Life Church site at 220 Lake Road From (B-3 Institutional) to B-1A (Professional Offices), was approved.

Closed public hearing at 6:39 p.m.

DISCUSS AND CONSIDER AND TAKE ACTION ON FINAL REVIEW OF THE PLAT OF HARMONY PARK SUBDIVISION FILED ON SEPTEMBER 7, 2022.

Doug Roesler – Baker & Lawson

Mr. Aguirre mentioned that Mr. Roesler was not really involved in previous processes.

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

This is for the Harmony Park townhouse development at Garland Drive that has dragged since its final site and landscape approval back in October 2021. As the development approaches construction startup, the owner and developer Mr. Lacaze is requesting your approval of this document.

As a result of this project having taken the out of usual step of going at the rear of the development process, staff is filing this plat for final consideration given the administrative review was completed back in April of 2022. This now completes the development process that started in September 2020.

Our final review checklist with all content and format items is complete and recommendation that you consider its approval.

Mr. Sargent questioned whether each of the units would be for sale. Mr. Aguirre confirmed that they are not and will only be for lease, but they can sale later if they so decide to.

On motion by Mr. Gilbert, seconded by Mr. Bjune with all present members voting “aye,” the final review of the plat of Harmony Park Subdivision filed on September 7, 2022, was approved.

DISCUSS AND PROVIDE FEEDBACK TO LAKEWOOD MANOR PROJECT CONSTRUCTION CONFLICTS WITH PUD CONDITION.

Engineer’s Memo:

This is a request from Adam Green, developer for Bridge Tower of the Lakewood Manor project to appear before you with conflicts, and questions that have risen in the progression of the construction project. Staff can only provide you with the problem that initiated this issue which was the encroachment into the PUD 20-ft rear setback by form work for foundations of the first permitted pods and discovered before concrete placement.

This set off the alarm of other similar conditions of the overall site and their predicament which they are trying to resolve. Mr. Green will present information and options for discussion and your feedback.

Mr. Roesler summarized that Mr. Stuckey’s company originally designed the layout that had 6-ft. between the buildings. As they were going through the PUD agreement there was a rear building setback added along with many reiterations. Mr. Stuckey wanted to have 10-ft. between the buildings as they wouldn’t have to add sprinklers if they did so. Mr. Roesler stated that both he and Mr. Stuckey forgot about the 20-ft. rear building set back. Their developer caught that they were supposed to have a 20-ft. set back and revised to make sure everything complied with the PUD after meeting with staff.

Mr. Roesler noted that there were a few areas that had a couple of patios that cannot have roofs on them. Mr. Bjune stated that section 8A and 8B look larger than patios. Mr. Roesler confirmed that they are indeed patios.

Mr. Fey asked if the issue with the building was resolved. Both Mr. Roesler and Mr. Aguirre confirmed that they were. Mr. Roesler stated that they corrected the issues at the meetings with staff.

Mr. Aguirre stated that the city manager granted an encroachment for the patio slabs. Mr. Aguirre clarified that this would be no different from other residential areas as long as they do not have a roof.

Mr. Roesler shared that they will need to replat in the future.

Mr. Aguirre noted due to the sensitive issues with the PUD, the builder will be required to have a form board survey presented to the building official when pulling any permits and / or before pouring any slab. He does not think this will be an issue as their surveyor was the one that reported the issue.

Mr. Fey asked if the planning commission needed to make a motion to accept the corrections. Mr. Aguirre summarized that they do not as they have met with staff and resolved the issues.

DISCUSS AND CONSIDER ADMINISTRATIVE REVIEW OF PLAT OF NORTHWOOD SUBDIVISION, SECTION 4.

Mr. Roesler shared that this development belongs to Reg Aplin. He shared that this development is being worked on after the FEMA maps were updated. FEMA advised that the development needed to be elevated.

Mr. Roesler stated that they are building up the subdivision by approximately 2-ft. He also mentioned that they will be adding in both a plat gate and gate structure. He noted that by elevating the property and mitigating the fill with the detention pond should help with alleviating any water retention. Mr. Sanchez will be reviewing

because it deals with drainage. Mr. Aguirre stated that staff has not touched the subdivision plan review nor the drainage review. Mr. Herrera has completed a portion of the civil review.

Mr. Mundo advised that the developer has completed steps out of sequence, as they have cleared the land before the planning commission approves.

Mr. Mundo clarified that they should not have cleared the land until the planning commission approved a plat. If the developer wants to burn the debris, they must get a permit before City Council. Before taking this to council, Mr. Mundo wanted to ensure that the planning commission was informed. Although, they would have to clear the land because they needed to add more elevation, the developer was issued a citation and fined \$500.

Mr. Mundo shared that the subdivision does not have the same requirements as commercial property. The only requirement is they cannot clear the land until the plat is approved by the planning commission.

Mr. Sargent asked what the requirements were for the (FEMA) elevation. Mr. Roesler stated the natural ground elevation is about 16-in. and the new base flood elevation (BFE) is 17:1 and houses must be 2-ft. above that.

Mr. Aguirre shared some history and confirmed during the last flood, the water was close to the 18-in. elevation. They believe with the new development will create the natural front defense elevation.

Ms. Aplin stated that the rising water has been an issue leaving the subdivision. She thinks the elevation is a good move.

Mr. Roesler mentioned that the developer was going to add a 30-ft. strip of green space. Mr. Aguirre mentioned the last PID discussion with City Council and why green space / "natural buffer" all green space has been previously rejected. Mr. Mundo advised Council is not opposed to the buffer, but they have concerns of the maintenance, liability, and whose responsibility it might become if it creates an issue years later.

Mr. Sargent asked for clarification of a detention / drainage pond. Mr. Herrera explained that a retention pond holds the water, and the detention pond stays empty, but on top of the retention pond you can have a detention pond. Mr. Bjune explained that this example has 7-ft. rise that is controlled by a pipe.

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

This is the last installment phase of the Northwood General plan approved in 1998. It is a 45-acre 114 lot addition to the north of the existing fully developed residential area and includes a 15-acre tract set aside for a school in the original general plan but sold back by district to the development.

The general detail of subdivision plat is an extension toward the north along the Deerwood and Arrowhead Drive main spines ending at the 20-ft Dow pipeline easement. The proposed lot types tend to the larger single family with dimensions ranging 80-ft to 90-ft in width and 135-ft to 145-ft in depth with lake lots reaching to 170-ft depths. The extension involves that of the detention / lake reserve / outfall that also serves the existing development and that of a satellite flood mitigation 10-acre reserve.

The plat includes offsite metes and bounds easement to be dedicated to the city for a required lift station system to service this phase and may include additional offsite access easement for a required hike / bike walk extension

to the dedicated parkland in the electrical tower easement.

Included in this plat schematic is a 40-ft strip of land bordering the US 288 as reserve without description of ownership, maintenance responsibility which needs discovery as in the past the developer has hinted to dedicate it as parkland for his buffering purpose and city maintenance which has been rejected in the past by planners and more recently in PID discussions.

This plat administrative review and recommendation for approval is subject to changes resulting from the civil infrastructure plan review still in process and to this review comments on platting format, content, and note detail.

On motion by Mr. Gilbert, seconded by Ms. Aplin with all present members voting “aye,” the administrative review of plat of Northwood Subdivision, Section 4 was approved.

DISCUSS, CONSIDER AND TAKE ACTION ON ADMINISTRATIVE OF REPLAT OF THE REGAL STORAGE SUBDIVISION AT 125 FM 2004.

No representatives were present.

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

This is a replat of the overall property tract owned by Joe McManus and developed by LJRS2 LLC for the Regal Storage development. The first phase of the development encompassed only a 4.00-acre tract which was part of the old Brazosport Bowling Center to construct the existing storage facility. This resubdivision of the remaining property is made necessary by the proposed expansion plan of the storage facility.

The general detail of subdivision plat is to partition the overall tract into three separate reserves to include Reserve A, a 9.3196-acre to accommodate the expanded storage development, a Reserve B, a 4.0498-acre for future development, and Reserve C, a 0.3129-acre of a previously platted easement for VDD to be granted to them fee simple.

This plat administrative review and recommendation for approval is subject to changes resulting from the civil infrastructure plan review still in process and to this review comments on platting format, content, and note detail.

Ms. Aplin wanted clarification of the number of tracts. Mr. Aguirre noted that it was two tracts but now they are configured differently.

On motion by Mr. Gilbert, seconded by Mr. Sargent with all present members voting “aye,” the administrative of replat of the Regal Storage Subdivision at 125 FM 2004 was approved.

DISCUSS, CONSIDER AND TAKE ACTION ON ADMINISTRATIVE REVIEW OF SITE PLAN AMENDMENT OF REGAL STORAGE EXPANSION PHASE 2 AT 125 FM 2004.

Mr. Aguirre reiterated that this is an administrative review due to unanswered questions about drainage and Mr. Sanchez is on vacation.

Mr. Aguirre discussed the *Engineer’s Memo*:

This is an amendment to the existing site plan of the existing Regal Storage units at FM 2004 that was approved

in December of 2014. The request now comes for an expansion of the site to accommodate additional 3-climate controlled storage buildings and 1-RV / boat and storage building.

Site Plan specifies:

The site modification calls for an addition of 5.3196-acres to the existing 4.00-acres. This prompted the previous replat item that required a tract expansion to encompass the site expansion. There remain approximate 4-acres of land yet to be developed in the event of a future expansion or different development use. The expansion adds 170 storage units to the 595 others in place an additional 32,053 sq. ft. to the current 91,070 sq. ft.

The site expands to the rear of the existing development and wraps east along a designated city flood control easement that borders the old slave ditch abandoned channel. The site is being elevated to the existing site finished floor as established by the floodplain administrator and proven worth by past flooding events. This proposed plan calls for an additional detainage basin to serve the needs of the expansion and sized both for storm flow capacity and flood mitigation requirement enacted by the new special flood zone hazard brought in the FEMA remapping.

The drainage hydraulics and design are under review resulting in these findings:

During the initial administrative review, it was discovered that the engineer was not mitigating for the loss of floodplain storage which triggered a face-to-face meeting to clearly discussed the requirements, being this property is now officially in the special flood hazard area (Zone AE). This second round of review is bearing out much better results but have found mitigation for loss of floodplain storage is undersized. Hence one of the reasons why it's not being presented for final filing. Had already recommended for them to forego sizing detention storage to mitigate for excess run for Phase III future development but now will highly recommend to also not design to mitigate for loss of floodplain storage for Phase III for concerns that it might likely be oversized for a development that could very well be less demanding. However, the engineer will still be required to design the detention outfall pipe (orifice) for ultimate total build-out.

Utilities for this expansion are private extensions as needed to connect the sanitary sewer of the ac vents and the waterline feed for the new fire hydrant projection reaches. Engineering and the Fire Marshal have provided minor comments to address that need further information left out of the plan related to fire lane.

The parking count is to remain the same as approved in the original unless the board determines otherwise. The site plan as presented is limited to the confines of Phase 2 and has been flagged for revision into an integrated site plan amendment that incorporates both Phase 1 and Phase 2.

Staff does not anticipate major issues and recommends site plan administrative review approval.

Mr. Fey asked if the detention pond is undersized in volume?

Mr. Aguirre clarified that Mr. Sanchez had comments stating that it was too small. Mr. Herrera shared that the pond can be deepened / modified, and the final review will be at the next meeting.

Ms. Aplin motioned to approve the administrative review of site plan amendment of Regal Storage Expansion Phase 2 at 125 FM 2004, seconded by Mr. Gilbert with Mr. Sargent, Ms. Aplin and Mr. Gilbert voting "aye," and Mr. Bjune voting "no," the motion was approved.

DISCUSS, CONSIDER AND TAKE ACTION ON ADMINISTRATIVE REVIEW OF ALTERNATE LANDSCAPE PLAN OF REGAL STORAGE EXPANSION PHASE 2 AT 125 FM 2004.

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

This is an addition to the existing alternate landscaping plan of the existing Regal Storage units at FM 2004 that was approved in December 2014.

Landscape Plan specifics:

The plan modification calls for an addition of 5.3196-acres to the existing 4.00-acres. This will require an amendment of the existing plan to encompass the landscape requirements of open area and tree count caused by the area land expansion. There remain an approximate 4-acres of land yet to be developed in the event of a future expansion which are not part of this plan.

The plan expands to the rear of the existing development and wraps east along a designated city flood control easement that borders the old slave ditch abandoned channel. The land is being elevated similar to the existing site and finished floor to comply with flood protection requirement set by the city in this flood hazard area. This has effectively negated our tree survey requirement as in the past and directed the need for the site to create architectural landscape areas with island on the pavement access of the site to the buildings and along the exposed fence perimeter to the west and rear to the site to meet the required area and tree count. The detention basin will also serve and included as an open area count in the plan.

The landscape plan as presented is limited to the confines of Phase 2 and has been flagged for revision into an integrated alternate plan amendment that incorporates both Phase 1 and Phase 2. The plan as submitted complies with the requirements of Phase 2 as to tree count and area but will have to be reevaluated as an overall plan once the Phase 1 are assessed with updated conditions and combined into the single amended plan. In keeping with the alternate designation approved for Phase 1 plan for hose bib irrigation system, this amendment will carry forward with the same condition and be designated as such.

Staff has provided various comments to address and do not anticipate major issues to compliance and recommends alternate landscape plan administrative review approval.

Mr. Aguirre clarified that the reason it is considered as an alternate is because the original was an alternate. He noted that it is defined as an alternate because it does not have automatic irrigation.

On motion by Mr. Bjune, seconded by Mr. Gilbert with all present members voting "aye," the administrative review of alternate landscape plan of Regal Storage Expansion Phase 2 at 125 FM 2004 was approved.

SIGNATURE OF DOCUMENTS

- Final Plat of Harmony Park Subdivision

ITEMS OF COMMUNITY INTEREST

- Mr. Bjune asked staff if they could remind him about the outcome of the triangle section in parking lot near Jack in the Box.
 - Mr. Herrera stated that it would just be the white lines as it was agreed nothing would survive.
- Ms. Aplin shared that Family Fitness turned 28 years old on Monday, September 5th.

SET NEXT MEETING DATE

Regular scheduled meeting set for Tuesday, October 4, 2022.

Mr. Bjune advised that he will not be able to attend the upcoming meeting.

ADJOURN

There being no further business the meeting was adjourned at 7:30 p.m.

These minutes read and approved this 4th day of October 2022.

Locke Sanders, Chairman

Jeff Gilbert, Secretary