

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, October 5, 2021, at 6:30 p.m. in Lake Jackson, Texas with the following agenda:

Locke Sanders

Harry Sargent

Jeff Gilbert

Joe Rinehart

John Fey

Matthew Bjune

Sal Aguirre, City Engineer

Athelstan Sanchez, Asst. City Engineer

Eddie Herrera, Engineering Technician

Anamaria Acuña, Interim Asst. City Secretary

Vinay Singhania, Council Liaison

PLEDGE OF ALLEGIANCE

Mr. Sargent led the pledge of allegiance.

APPROVAL OF MINUTES – September 8, 2021

September minutes were approved as presented.

VISITOR COMMENTS

Doug Roesler from Baker and Lawson Engineers, representing Kevin Stuckey for Lakewood Manor requested to meet sooner than November 2, 2021. Mr. Roesler shared they have submitted their design drawings and along with their hydraulics study, which was requested by the City of Lake Jackson. Mr. Roesler requested the Planner's Commission to have a special meeting possibly on October 19, 2021, at 6:30 p.m. All board members agreed to the date and stated they would be available to meet then to discuss the Lakewood Manor property.

DISCUSS AND CONSIDER FINAL REVIEW AND ACTION ON THE SITE PLAN FOR HARMONY PARK TOWNHOUSE DEVELOPMENT AT 401 GARLAND DRIVE FILED ON OCTOBER 5, 2021

Engineer's Memo:

The plan before you has been wrung through staffs review wringer since it came to you in July for administrative review. The reason for the prolonged scrutiny can be attributed by the known drainage challenges in the area and of this singular site, the remaining open area that has been effectively serving as a flooding relief area. The competing points of argument from the developer interest and those of the city's safeguarding of the downstream properties made this a hydrology and hydraulic design epic battle between the city's Flood Plain Administrator and the consultant.

The results follow with Mr. Sanchez's commentary.

(Athelstan Sanchez, Assistant City Engineer Comments)

Both developer and engineer were hesitant to comply with the requirement to mitigate for the lost in floodplain / flooded area storage that would occur by displacement due to this development. As a result, there were several back & forth communications about the fact that this requirement was not made known at the get go and hence, unethical & unwarranted to impose so late in the game going into this final filing.

They succumbed to the fact that though the property does not reside in a special flood hazard area, but

instead a zone X, the area is known to flood by even during the more frequent storm events and more importantly that 30% of said property shown to be a collection point for overflow from the local ditch. Happy to report that the plans presented for your approval, shows the two ponds that are adequately sized to mitigate for excess runoff from a 10-year rainfall storm event and the lost in a 100-year flood plain / flooded area storage that would occur due to this development.

The site infrastructure review also had its chance in the to and fro relating to the utility and fire protection services aspects of the site. These were resolved to the satisfaction of civil and the Fire Marshal.

The proposed Site Plan summarizes as follows:

- *Building: 25 units – 3 Bedroom 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 for access)*
- *Drainage: Storm pipe underground system / detention-mitigation pond (2) with pump discharge control*
- *Fire Protection: 26-ft fire lanes with City system standard fire hydrant coverage*
- *General Infrastructure: All drainage, water, sanitary and pavement systems are privately owned and maintained*

Special considerations of site plan approval:

- *This is being filed as a complete site plan in compliance with our development standards of parking, drainage, and utility service infrastructure requirements and format.*

The site involves two individual tracts that require they be brought into one by replat. This will be submitted in a future agenda. Your approved site plan will not be issued construction permits pending completion of the replat issue.

Property owner: Derek Lacaze – Montgomery, TX

Mr. Lacaze explained his concept of rental townhomes, all of which are 1,300 square feet. There will be a total of 25 units. He went over the site plan summary stated above. Mr. Lacaze added that the houses will be built on site and that they are going to be elevated with stone and brick-mix. He added that it could help the resident that doesn't want to hassle with the maintenance of a single-family home.

Mr. Sanders requested to see the location of the property to be presented on Google Maps to see the surrounding properties. Mr. Aguirre advised that the property backs into a childcare center and is in line with the nursing home. There was discussion of other surrounding areas.

Mr. Bjune requested to see where the detention ponds would be located on the flood map Mr. Sanchez demonstrated.

Mr. Sargent requested to zoom into the site plans to see one unit and to give an example of what they entail. Mr. Lacaze explained that the garages and front entrances are in the front of the driveway. The kitchen, dining and living room are all located downstairs, whereas all bedrooms and restrooms are located upstairs. There was discussion between Mr. Sargent and Mr. Lacaze about guest parking, which includes three spots per unit available (including the garage). Mr. Sargent questioned if there will be an onsite office, but Mr.

Lacaze informed him that all his properties have off-site offices, and everything gets handled remotely. He expressed those off-site offices have run smoothly for him. Mr. Lacaze added that there will be a minimum to the lease, of a one-year contract. Mr. Lacaze and Mr. Sargent discussed the other amenities included for the town houses which include community dumpsters.

Mr. Fey questioned Mr. Lacaze why there was mention of two detention ponds but there was only one shown on the site plans. Mr. Lacaze stated that the second pond (bottom of the property) served as an overflow after anything over a ten-year event.

Mr. Bjune asked where and how the overflow of the water was going to be pumped. There was discussion of the specifics on how the drainage needed to be built by Mr. Sanchez. Mr. Aguirre mentioned that this site plan was approved as an administrative review in July, but they have been working on it since because they didn't realize how much of a challenge this drainage issue would become. Mr. Sanchez has had several meetings to get everything agreed on with their overall suggestions (made in the memo above regarding the hydrology and hydraulic design).

Mr. Sanchez showed a flood map of the property, explaining why there was a possible contingency with the location. He advised that approximately 30% of the property was holding still water from upstream of a neighboring ditch and storing water on the land. The developer was previously advised that this area was marked as an X zone, which means locally it is not considered to be a flood zone. However, when Mr. Sanchez was made aware that there was still water collected from the upstream. He couldn't ignore the information and requested the property to be properly marked as a flood zone. The developer stated that he wanted to use brick, but before allowing him to do so he advised that brick on wet land would shift without the proper displacement of the water on the property.

Eventually after numerous research the developer complied, with Mr. Sanchez's conditions. Mr. Sanchez stated that after a 100-year flooding mark, the potential parking lot areas (originally planned) would possibly retain about 6-inches of water. After complying with the hydraulic design and pumps Mr. Sanchez suggested, he thinks that the developers' properties are now approvable. The biggest issue that caused such a delay was that this information was not made aware from the start.

The issue of the standing water was brought to Mr. Sanchez's attention as he recently received data, from research of the previous year. Mr. Sanchez is continuing to do research on similar properties due to the magnitude of the standing water caused by the frequent storms. The engineering department advised that they would investigate how they will scrutinize similar properties with the same approach.

Mr. Sanchez stated, "unfortunately, the developer picked a spot that has standing water which is why they were advised to add two detention ponds to comply with engineering regulations." They also asked for the concrete (for the parking areas) to be elevated about a foot and a half for the same reason. Mr. Sanchez added, due to the contingency of the water, the developers were credited for the development of the two detention ponds. Mr. Aguirre summarized that the city is limited to available properties and the developer did everything to meet the conditions set forth to start building on the land.

Mr. Aguirre also shared that the same scrutiny from the city's engineering department was done for the Lakewood Manor's development, which will be presented in the next meeting. They had similar problems of still water on their land and the only difference was that their developer hired an engineer to do research for the surrounding properties to see what the overall impact would be.

Mr. Sargent asked if there was any consideration of the privacy fences to ensure that a dike was not formed with heavy rain falls on the Harmony Park Townhouse property. Mr. Sanchez stated that the fences were

considered as a possible factor for water retention, and they were approved to make sure they did not hold water.

Mr. Rinehart shared that since 2003 he's had various phone calls from residents complaining about the area flooding specifically during storms. Mr. Sanchez agreed that the area is one of the worst flooding properties in the city. Mr. Rinehart's main concern is how it could affect both the upstream and downstream of the surrounding properties. Mr. Rinehart stated that he doesn't see how the requirements will help mitigate the flooding contingency. Mr. Bjune added to the discussion asking, if we were to allow this development to be built and there is a noted increase in water over previous hydro studies, who will take the liability? Mr. Bjune stated that the pre-existing residents will notice.

Mr. Sanchez stated that it is not mitigating any of the pre-existing properties, but it is mainly mitigating the downstream area. He added that it will not worsen the conditions. Mr. Bjune added that the water will not all be displaced in the detention ponds. Mr. Herrera added that the high points were created to drain into the detention ponds and not into the streets as the board members were concerned about. The overall discussion was that the objective of the design made by the engineering department was not to have any flow that would be greater than that what is currently occurring.

There was discussion of the detention ponds and how they are to be created. They will be concaved and not just flat. There is drainage between the two ponds, so they will not be lowered by evaporation only.

Mr. Sanchez mentioned that the City of Clute received a federal grant to do a hydro study based of the surrounding property and will fix what is on their side of the street. He received an indirect assurance that Clute will design something based off their findings. He was surprised that Clute did not voice their opinion when they invited them for meetings.

Mr. Rinehart mentioned, that over a ten-year span there has been multiple occasions that water goes where it's not supposed to, so he's having trouble being reassured. Mr. Sanchez stated that this area does flood but the water does recede rather quickly.

Mr. Bjune questioned the other board members if they should wait on allowing construction in that specific area until the study with Clute is complete to allow any building on this property. Mr. Aguirre stated that they wouldn't know when Clute would finish or how long their research will take. Mr. Bjune stated that he wasn't in a rush to increase Lake Jackson's population. Mr. Sanchez added that even if we were to wait for Clute to finish their project it will not address the property specifically but only their portion of the street located within their city limits.

Mr. Sanders asked with all that is being done, the overall assumption is that this development does not negatively impact surrounding properties. He asked if there is any potential that the requirements will help. Mr. Sanchez stated that the requirements will only make the development neutral. The requirements are to ensure that the property will not have flooding.

Mr. Sargent asked what the pumping system was designed to regulate. Mr. Aguirre answered that the pumps were designed for the detention ponds, and they limit what the pond can hold. There was discussion of what was the meaning of stating that the pumps are designed for 100-year flooding events. The city designs from 10-year events, but this is not a minimalist approach.

Mr. Bjune questioned what recourses the city may have in place to ensure that the building requirements are done properly? Mr. Aguirre stated that the board members can add a condition of an as-built finished plan as a requirement to this permit. The as built plans will then go to the engineering department as a

confirmation that they have done what was asked.

On motion by Mr. Sargent, second by Mr. Gilbert with all voting “aye” the request to approve the final review and action on the site plan for Harmony Park Townhouse development at 401 Garland Drive filed on October 5, 2021 with the condition of requiring an as built finished plan.

DISCUSS AND CONSIDER FINAL REVIEW AND ACTION ON THE LANDSCAPE PLAN FOR HARMONY PARK TOWNHOUSE DEVELOPMENT AT 401 GARLAND DRIVE FILED ON OCTOBER 5, 2021

Engineer’s Memo:

This final plan has not undergone the close inspection of the previous plan as the developer have had no objections to the requirement of the ordinance and have complied to all and in excess of some of the ordinance regulations.

The Landscape Plan summarizes as follows:

- *Tree Survey: None as all considered unlikely to survive construction.
Proposed best practice replacement plan*
- *Tree Removal: 3 - 24-inch – 36-inch Cedar Elm 6-4, 11-6
2 – 48-inch Live Oak 16-6*
- *Trees: Required - 14 open area, 6 screen, replace 6-4, 11-6 (37 total)
Provided - (59), 12 small, 17 – 6 DBH, 30 - 4 DBH*
- *Landscape Space: Provided - 26,671 sq. ft., Required 9,358 sq. ft.*
- *Screening: Trees - 1 / 30-ft Shrubs Yes*
- *Irrigation: Yes*

Special Considerations of Plan Approval:

This is being filed as a complete landscape plan in compliance with our development standards of tree removal / replacement, number of trees, open landscape areas, parking tree and shrub screening and irrigation. No other issues remain.

Mr. Aguirre explained that due to the still water on the property all the trees need to be replaced. He added that there is no way that the trees there can be saved. Mr. Aguirre stated that the developer provided a plan that is beneficial to the city because they will be replacing every tree that has a minimum of four inches diameter. The ordinance requires to replace at least 37 but they are going beyond the requirements and will be adding 59 trees.

Mr. Bjune mentioned that are trees located in the area where the second detention pond is supposed to be placed and questioned if they will be moved. Mr. Lacaze mentioned that the trees were placed there before the knowledge of the entire drainage issue was mentioned. Mr. Lacaze added the tree count shouldn’t change because the trees will be moved elsewhere on the property.

Mr. Rinehart asked if the developer has an irrigation system in place for the trees. Mr. Lacaze stated that there will be sprinkler systems installed. Mr. Bjune added that the southern magnolias should be removed because they will not thrive. He reviewed the list of the trees on the schedule and stated that none of the tree types noted will be the happiest, especially if heavy water persists to hit the area. The oak is the only tree he stated would probably be the happiest, but they will need to be rooted already. Mr. Lacaze stated that if there were certain trees that the board members suggest or would like to see on the property, that he would be more than happy to comply. Mr. Sargent suggested to investigate the type of trees that are best suited for high water intake due to his property issues previously discussed. Mr. Sargent also suggested

to call a county agent to see if they have officials that can recommend the types of soil or trees as opposed to calling various landscapers

Mr. Rinehart motioned, Mr. Fey second with all voting “aye” the request to approve the final review and action on the landscape plan for Harmony Park townhouse development at 401 Garland Drive filed on October 5, 2021, as written with the trees being moved from where the southeast detention area and to find the trees changed to recommended trees with this wet environment.

Mr. Sanders opened for discussion to revise the conditions.

After discussion with the engineer department over how it would be best to get the updated plans from the developer it was suggested by Mr. Sargent to include the as build in 2 year all development after the second phase is complete.

Mr. Rinehart motioned, Mr. Fey second with all voting “aye” the request to amend the approval to include the landscape survey onto the site’s as-built agreement.

UPDATE ON REZONING SIGN REQUIREMENTS FOR PROPERTIES BEING PROPOSED FOR REZONING

Presentation by Vinay Singhania, Council Liaison

Mr. Singhania shared with the board members that in yesterday’s council meeting they agreed to make a sign requirement become part of the requirement for the future property owner. Mr. Singhania stated that council receives lots of feedback from residents stating they never received their notice in the mail, and they were not aware of the rezoning process, so the sign proposal was suggested. He demonstrated an example of what the sign that included. The board members tested the QR code, and he stated the phone number will be noted to give more information on the properties rezoning. He shared that Ms. Russell is currently working on the ordinance to include the sign and adding the technicalities to ensure the requestor put up the sign as well as taking it down.

There was discussion from the board, and suggestions were made to add include the City of Lake Jackson to make it seem more official. There was positive feedback from the board overall.

SIGNATURE OF DOCUMENTS

- Harmony Park Site & Landscape Plans
 - Mr. Aguirre stated that the plans needed to be amended and would be available to sign at the next meeting

ITEMS OF COMMUNITY INTEREST

- Mr. Fey noticed that the are surveying near his neighborhood
- Mr. Fey asked if there was a plan for the debris removal
 - Mr. Aguirre shared that the contractor has completed 60% of the debris pickup completed
 - The contractors have gathered some debris all to one location- reasons why there are stacks on some streets
 - An estimate of 50,000 yards that needed to be cleaned up; and about 37,000 yards are cleared
 - Contractor is only picking up debris – no broken fences.
 - Rules include not bagging debris/ don’t mix debris with other material – contractor will not pick up
- Dairy bar was cancelled due to the hurricane
 - No damage to the collections of the museum
 - Only damage to the building and carpeting

- Possibly rescheduled to the spring
- Mr. Gilbert mentioned the Emergency Room that was never occupied
 - Discussion of it not being open or used
 - Mr. Bjune noted they are keeping the outside of the facility clean
 - Neighbor's will be a cosmetic surgery clinic
- Mr. Sanders questioned the process of fallen trees/ damage caused by city trees
 - There is a fallen tree near the 200 block of Wedgewood blocking drainage
 - Mr. Aguirre stated that the property owned by the city will be taken care of last
 - Mr. Herrera explained that the Parks Departments is responsible for pick up of any city owned fallen trees
- Mr. Rinehart mentioned that national night out is tonight (October 5, 2021)
- Mr. Rinehart shared that the Farmer's Market will be on Saturday, October 9, 2021 near the Civic Center
- Mr. Bjune asked for an update from TxDot on the right-hand turn lane (on Plantation Dr.)
 - Mr. Rinehart shared that he's not sure if TxDot will be for the turning lane because they did not want to install since the beginning due to the utilities being so close
 - Mr. Aguirre stated that they did not get a reply from them yet, but they will continue to ask for updates
 - Mr. Bjune shared that there was an accident near this location
- Mr. Aguirre shared updates coming to Lake Jackson
 - Rick Clarks will be adding to his property near the Old Rickochets
 - Possible addition may include office buildings / or shopping center
 - Second unit across from the Yaklin mechanic shop
 - Already started on their first unit
 - will meet with the board soon due to the PUD requirements

SET NEXT MEETING DATE

-Special meeting requested for October 19, 2021 at 6:30 p.m.

-Regular meeting will be on Tuesday, November 2, 2021 at 6:30 p.m.

ADJOURN

There being no further business the meeting was adjourned at 7:48 p.m. These minutes read and approved this ____ day of _____ 2021.

Locke Sanders, Chairman

Matt Bjune, Secretary