

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 March 7, 2023, at 6:30 p.m. in Lake Jackson, Texas with the following agenda:

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

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

ABSENT:  
John Fey, Vice-Chair

PLEDGE OF ALLEGIANCE

Mr. Sargent led the pledge of allegiance.

APPROVAL OF MINUTES – February 7, 2023

Minutes were approved as presented.

VISITOR COMMENTS

No comments.

PUBLIC HEARING AND ACTION ON A REZONING OF THE BRAZOSPORT VILLAGE SHOPPING CENTER AT 410 PLANTATION DRIVE FROM A B-1 TO C-1 FOR A STORAGE BUSINESS USE

Mr. Sanders opened the public hearing at 6:31 p.m.

Jesse Charpentier – League City, TX / Property Owner of 301 Plantation Drive

Mr. Charpentier stated he is against this rezone because he does not want a storage unit facility. He stated that storage units do not collect property taxes and that three people (that rent) from the shopping center are also against the rezone.

Darren Kelley – Potential Storage Tenant

Mr. Kelley clarified that they do pay property taxes, which goes back to the community. Self-storage is not sales taxed unless it is parking. Mr. Kelley stated the property owner of the center has gone several years trying to find a tenant for that part of the center.

Mr. Gilbert noted that because there is no tenant there isn't any collection of sales taxes or any kinds of taxes. He also noted that the value of the property hasn't increased because it hasn't been a usable building.

Rezoning could add a possible tenant which would increase the value of the building and increase the property taxes. Mr. Gilbert added that the owner has put a lot into the upkeep of the center, and he believes the storage

property will continue to do so in terms of appearance and how it's run.

Mr. Charpentier commented on the shopping center across the street. He said they have new businesses, and he doesn't believe this property owner is actively looking for tenants as half his center is empty.

Mr. Gilbert stated that he drives on Plantation Drive regularly and doesn't like to see the empty lot. He works in Angleton and notices empty store spaces in various cities. He commented that because the old Kroger's had not been occupied in a while, it had to be refurbished.

Mr. Gilbert is in favor of allowing business owners to run their business within guidelines. He appreciates the letters and feedback. He reiterated that the planning commission is only discussing the change in zoning and not deciding what certain type of business will be located. He believes rezoning will help increase the types of possibilities for other types of businesses so that the building doesn't remain vacant, but he is open for discussion. He appreciates when citizens and former citizens are this passionate.

Mr. Gilbert asked Mr. Charpentier if he'd offered to buy the property or if he'd presented the owner with a business proposal. Mr. Charpentier answered no he hasn't offered to buy it from him, but he could turn it around in 6 months and that he is not interested in speaking with the owner. He argued that he knows at least 5 other people that would be able to turn the property around.

Mr. Gilbert said he is looking to help this property owner expand on business opportunities. He understands that Mr. Charpentier is against this, but he would rather him provide any type of solutions other than disagree with a "no".

Mr. Charpentier read aloud a list of property owners on Plantation that he claims are against this rezone. Mr. Gilbert stated that none of the people on his list are present to discuss their disagreements with the rezone.

Mr. Charpentier discussed all the renovations he had to do for his business (Tire Fly) on 301 Plantation Drive.

Edna Lucio – 309 Plantation Drive

Ms. Lucio said she is a business owner renting the old tax office for her rehab facility. She stated that she is one of the people who signed Mr. Charpentier's letter.

Mr. Sargent asked how she thinks this rezone will affect her business. Ms. Lucio said that a retail place is preferred over a storage facility. She listed the other retail businesses down the street and shared that she would like for her patients to have somewhere else to go, whether it be to eat or shop.

Mr. Gilbert stated that we all love retail, but that property has been vacant for almost 8 years. He said that he is looking for actual solutions.

Mr. Gilbert thanked Ms. Lucio for attending and expressing her thoughts.

Ms. Lucio asked what businesses are allowed in a C-1 zone versus a B-1 zone. Mr. Bjune explained that the C-1 (commercial business) also includes the B-1 (neighborhood business) options noted in the chart below.

### Comparison of Zones (B1-C1)

B-1 (Neighborhood Business)	C-1 (Commercial)
▶ Office/office Buildings	▶ Includes B-1 Businesses
▶ Medical	▶ Home Improvement Centers
▶ Studios	▶ Newspapers
▶ Retail	▶ Auto Dealers
▶ Service	▶ Hotel/Motel
▶ Drive-In	▶ Theatres
▶ Groceries	▶ Banks
▶ Day Care	▶ Warehouses
▶ Auto Repair	▶ Wholesale Businesses
▶ Membership Clubs	▶ Veterinary Clinic
▶ Residential Care	▶ Laundromats
	▶ Self- Storage Facilities
	▶ Recreational Business
	▶ Tattoo Studios

Ms. Lucio stated she understands the hardships of not being able to find a tenant. She said that the owner's response time on upgrading his property has become difficult for his tenants.

Mr. Bjune commented that the property owner could be hemorrhaging money for half the building being empty so maybe he cannot provide updates.

Ms. Lucio asked what they can do to help campaign for future business at the location.

Mr. Gilbert clarified that for 8 years, offices have not moved into that space and neither did she or any of the neighborhood business notated in the list. The planning commission is only discussing the rezoning, not approving a certain type of business.

There was discussion of rezones being required to have a public hearing, public notification, signage, etc.

Mr. Bjune and Mr. Gilbert added there are about six businesses in that plaza that do not collect sales tax if anyone is worried about taxing.

Mr. Charpentier asked what the property owner was doing as he doesn't believe he's tried to contact anyone to rent the space. He also added he doesn't like the zoning signs because of the QR code.

Mr. Bjune mentioned he's noticed more people have attended the public hearings for rezoning since using the zoning sign with the QR code.

Mr. Charpentier said they are not listening, because 8 people who signed his letter are complaining. Mr. Bjune apologized that he feels that way.

Ms. Aplin stated that she understands owning vacant property, so she agrees with Mr. Gilbert's previous statements. If the storage unit works out, it would be the only air-conditioned self-storage in Lake Jackson, and she sees that as a plus. She clarified their position is strictly about rezoning and she thinks it will be beneficial to

add more business opportunities.

Mr. Sanders closed the public hearing at 6:56 p.m.

On motion by Mr. Sargent, seconded by Ms. Aplin with all present members voting “aye,” the request to rezone the Brazosport Village Shopping Center at 410 Plantation Drive from a B-1 (neighborhood business) to a C-1 (commercial business) use was approved and will be recommended to council.

Mr. Sanders thanked everyone for their feedback.

FINAL REVIEW AND ACTION OF PLAT OF THE SHIVAM SUBDIVISION, A 5.511 ACRE LOT, AND PART OF A RESIDUAL OF A CALLED 4167.6 ACRE TRACT IN THE S.F. AUSTIN 5 LEAGUE GRANT ABSTRACT 19 LOCATED AT 230 W SH 332, THE INTERSECTION OF SH 332 AND FM 2004 FILED ON MARCH 7, 2023

Mr. Aguirre said the surveyor was not able to make it and went over the *Engineer’s Memo* below:

*This is the required step in the redevelopment of the previous MHMR mental handicapped center site. Recently it was sold to the owner group of the Texaco Station across and the old Beutel 1-acre tract catty-corner from it.*

*The subdivision is for a 5.5+ acre triangle lot lying between the rights-of-way of SH 332 and FM 2004 and the freshwater canal levee. The property is one that has been cleared of buildings and is largely vegetated with trees. The proposed redevelopment of the lot has not been officially revealed but hints have been given as to becoming another convenience gas station with an accessory store.*

*The platting requirements for final filing approval have been met with no issues remaining. Your consideration of administrative approval is recommended.*

Mr. Aguirre noted if the planning commission approves this plat that it will have to go back to Velasco Drainage District (VDD) to officially be completed. The VDD were not able to meet their quorum. The second option is the planning commission can refuse to sign until next month to have their signatures.

On motion by Mr. Gilbert, seconded by Mr. Bjune with all present members voting “aye,” the final review and action of plat of the Shivam Subdivision, a 5.511-acre lot, and part of a residual of a called 4,167.6-acre tract in the S.F. Austin 5 league grant abstract 19 located at 230 W SH 332, the intersection of SH 332 and FM 2004 filed on March 7, 2023, was approved.

PRELIMINARY AND FINAL REVIEW AND ACTION OF REPLAT OF RESERVE “B” IN THE JACKSON SQUARE SUBDIVISION, SECTION 4, TRACT 10 REMAINDER, AKA SHIPLEY DONUTS TRACT AT 210 W SH 332 FILED ON MARCH 7, 2023

Mr. Aguirre said this plat is from the same surveyor that was not able to be here. Mr. Aguirre went over the *Engineer’s Memo*:

*This Reserve “B” lot was created back in 2005 by the Target property owner and part of the original Jackson Square Subdivision tract. The partition was made for the sale to the now developed Shipley Donut Shop.*

*The site development of this shop followed in 2006 and a site plan and landscape plan was prepared and submitted to the board. The site plan was prepared with a planned future partition in mind and was stated as such in the plan. The plat now presented separates the Reserve “B” into two lots, a remainder Reserve B for the*

*existing shop and reserve C for the undeveloped lot. The lot line between these stays true to the approved site plan limits indicated.*

*The platting requirements for final filing approval have been met with no issues remaining.*

*Your consideration of administrative approval is recommended.*

Mr. Aguirre mentioned the planning commission can again either refuse to sign until next month for official signatures from VDD or they can approve and sign now.

Mr. Sargent asked how they would access any other development. Mr. Aguirre stated they all have a cross-sharing agreement.

On motion by Mr. Gilbert, seconded by Ms. Aplin with all present members voting “aye,” the preliminary and final review and action of replat of reserve “B” in the Jackson Square Subdivision, Section 4, Tract 10 remainder, aka Shipley Donuts Tract at 210 W SH 332 filed on March 7, 2023, was approved.

PRESENTATION FOR FEEDBACK ON A PROPOSED SITE DEVELOPMENT IN THE LAKE JACKSON TOWN CENTER, LOTS L AND M, RESERVE B AT CENTER WAY BEHIND HEB

Brent Bowles – IAD Architects / representing (Jesse & Stephanie Carroll)

Mr. Bowles said he has two requests. The first request is clarity on the parking ordinance (Section 110-162) if the developers are seeking a mixed-use development.

Mr. Bowles asked whether the parking requirements will be more restrictive as the concept they have is retail on the first floor and business offices on the second floor.

Mr. Sargent asked for clarification and whether this property follows the downtown ordinance. Mr. Aguirre said that area is under a PUD (B-2) central business district with conditions.

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

*Brent Bowles, IAD, is representing a developer with mixed use concept in this PUD B-2 (Central Business) zoning district Lot B. The concept is one of a row two story buildings for bottom floor retail use and upper-level office use. The mixed use is one that is prescribed in the PUD ordinance as it meets the criteria of no less than two of the uses allowed, i.e., office, residential, and retail.*

*The original version came as a one lot development with parking fields contained within the lot. During the initial parking space requirement discussion with staff, IAD was cautioned that our review policy required that a worst case scenario be applied to the use in case of potential future changes in its use. The issue revolved around the retail use requirement of 5 spaces per 1,000 sq. ft. versus the office one of 3 spaces per 1,000 sq. ft. IAD wished to appear before the board in order to get feedback on applying the requirement strictly as per the proposed use.*

*After further discussion with their client, IAD has submitted 2 other options of the same concept involving the original Lot L and also including Lot M with additional offsite parking lots in the city parkway over the HEB little league practice fields. IAD will make his presentation and reasoning behind these concepts for your response.*

*Staff’s opinion on parking requirements is not unyielding to applying it strictly as its mixed use proposes. We do*

*have an issue with the offsite field parking as it impacts recreational youth fields as well as an HEB community donation but more importantly it will impact the detainage capacity of the approved designed system by changing the pervious condition of the areas.*

Mr. Bowles stated they are concerned about adding too much parking, and requested if they can be defined as mixed use. They don't want to create a development and state they are going to allow only business offices. Mr. Bowles stated that the worst case scenario would be if the retail dominates and wants the second floor thus creating a greater parking demand. He asked if that can be controlled / policed during the building permit process.

Mr. Sargent asked for clarification because he was under the assumption that they could not have retail on both levels. Mr. Aguirre stated the planning commission themselves would have to consider the worst-case scenario and be the ones to set the parking requirements, which would be 5 spaces per 1,000 sq. ft.

Mr. Aguirre said they have made exceptions to parking requirements in the past and later the location became something else that it was not intended to be. He cautioned the developers to be mindful as this location may be used for several generations of businesses.

Mr. Sargent asked if the developers must ensure that there are some offices and some retail? Mr. Bowles stated that will be a policing item.

Mr. Gilbert's recommendation is the first floor be retail and the second floor be office spaces. If the type of tenant on the second floor should change to retail, they would be satisfied with less parking. Mr. Gilbert stated regardless of the market demanding that there be more retail it is a requirement that they have two different types of uses. Mr. Gilbert shared that he likes the idea they are trying to propose.

Mr. Sargent asked about delivery trucks, trash placement and emergency vehicles. Mr. Bowles stated that they are not that far ahead as they are primarily focused on parking as this is purely conceptual.

Mr. Gilbert commented that HEB controls so much of what type of business is allowed.

Mr. Sanders stated their worst case is his option A (with 94 spaces) for the most restrictive. Mr. Bowles said with a blended rate the requirement would only be 77 spaces.

Mr. Gilbert stated the most restrictive rate would not be valid as the requirements would be two different uses. Mr. Bowles said the market dictates retail and they are only required to have one office space which would belong to the Carroll's.

Jesse & Stephanie Carroll

Mr. Carroll noted they have experience in business since 1996. Ms. Carroll shared that they have various businesses. They have experience in interior remodels, ground up and construction.

Ms. Carroll stated they are from Lake Jackson and would like to see the city grow and would like to be part of development in the future. She said there is always a need for doctors' offices and that they have already been in contact with future businesses.

Mr. Sargent asked how the people would access the top floor. Ms. Carroll stated according to their concept they will have an elevator and there will be stairs in case of an emergency.

Mr. Carroll stated their first request would be to approve the blended rate parking to maximize space.

Mr. Sargent asked if they would consider adding a third story. Mr. Carroll responded that everything is conceptual at this point, but they are focused on allocating the parking spaces.

Mr. Carroll stated that their second request would be to consider the parkway for additional parking. Mr. Sargent stated the parkway would be a stretch with the little league parking.

Mr. Aguirre noted there was discussion of different uses that can go into this location and reviewed the parking ordinance requirements for each specifically on dental / doctors' offices.

Type of Use	Number of Spaces Required
<i>Retail/Services</i>	
Convenience store with gas pumps	10 spaces: 1,000 sq. ft. + stacking lane with 1.5 spaces per pump
Mini-warehouses/storage	5 spaces
Offices - Medical/dentist	5 spaces: 1,000 sq. ft.
Offices (except medical or dental)	3 spaces: 1,000 sq. ft.
Retail - General (includes grocery and personal services)	5 spaces: 1,000 sq. ft.
Retail - Large item (e.g., furniture, appliance, carpet, non-public wholesale)	2 spaces: 1,000 sq. ft.
Retail or service with drive-thru (e.g., pharmacy, drycleaners, bank)	3 spaces: 1,000 sq. ft. + stacking lane with 3 spaces for drive-thru lanes
Shopping centers	6 spaces: 1,000 sq. ft.
Warehouse	1 space: 1,000 sq. ft.
All automotive services (e.g., gas, car wash, oil changes)	4 [spaces]: 1,000 sq. ft. including service bays; excluding spaces for detailing
<i>Restaurant</i>	
Restaurant, high turnover & fast food	15 spaces: 1,000 sq. feet (including patio & play area) + a stacking lane with 5 spaces before the first stopping space + 3 spaces between penultimate stopping place and service window
Restaurants, general	20 spaces: 1,000 sq. ft.
Mobile food service vendor court	3 spaces for each mobile food service vendor
<i>Residential/Lodging</i>	
Apartment/condominium	1 space: bedroom or 2 spaces: dwelling unit, whichever is highest
Hotel/motel	1 space: sleeping room + spaces for accessory uses
Mobile home park	1 space: mobile home
Nursing home	0.5 space: bed
Senior assisted living	1.5 spaces: dwelling unit
Senior independent living	1 space: dwelling unit
Single family detached	2-[spaces] garage: dwelling unit
Townhouse	2-[spaces] garage: dwelling unit
Duplex	2 covered spaces: dwelling unit

Mr. Sargent asked when the hotel is completed if they will allow cross sharing. Mr. Aguirre commented that they would allow an agreement, but they will not be credited for cross-shared parking spots.

Ms. Russell advised that if they do an alternate parking plan then they will have to bring in the parking plan every time.

Mr. Gilbert suggested they do hybrid parking. The only concern is if they have added a restaurant, they will have trouble with finding parking for the staff and customers, as those are typically in higher demand for parking.

Mr. Bowles said they wanted overall feedback on how open-minded the planning commission is with parking without being too restrictive.

Mr. Gilbert stated that the commission is willing to work with businesses that want to improve the city. Mr. Bjune noted that they still want to ensure there is enough parking.

Ms. Carroll noted they are aware that others have presented other conceptual designs and ideas. Mr. Gilbert mentioned they not only have to have the approval of the planning commission, but they will also need the approval of HEB or Council.

Mr. Sanders noted they need to remove the idea of additional parking on the parkway. Mr. Carroll asked if that could be reconsidered in the future.

Mr. Mundo said parking on the parkway can only be decided by city council.

Mr. Sargent asked if there are any detention problems for the location. Mr. Aguirre shared that any additional development would have detention problems. Mr. Sargent stated that detention problems go along with parking issues and it's something they should consider when pouring concrete.

Mr. Sargent suggested they work with the hotel on the detention pond if necessary. Mr. Aguirre stated that would not be an option as the hotel and the hotel's parking lot were previously considered and anything outside of that will need detention.

Mr. Sanders summarized that they are willing to work with the developers and they are open to the blended rate.

Mr. Carroll thanked the planning commission for their feedback.

#### SIGNATURE OF DOCUMENTS

- Final Shivam Subdivision Plat
- Final Replat of Reserve B, Jackson Square Subdivision, Section 4, Tract 10 Remainder

#### ITEMS OF COMMUNITY INTEREST



- Mr. Mundo shared that Oyster Creek Drive at Sycamore will be under construction for panel replacements.
  - The replacements will begin on March 20<sup>th</sup> and will take approximately 3 weeks and will only have one lane open.
- Mr. Mundo shared that the city has not received any plans from Cavender's so he does not think they will be open during the spring as they are claiming.
- Mr. Bjune asked for an update on the (Villa) apartments behind Buc-ee's. Mr. Mundo advised that the material is under review with staff.
- Mr. Bjune noticed that the Huisache project has damaged the condition of the street.
- Mr. Herrera shared that the downtown project is almost done.
- Mr. Aguirre stated that Mr. Sanchez is retiring, so they are looking for assistant city engineer.

SET NEXT MEETING DATE

The next regular scheduled meeting is set for Tuesday, April 4, 2023.

ADJOURN

There being no further business the meeting was adjourned at 7:47 p.m.

These minutes read and approved this 4th day of April 2023.

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Locke Sanders, Chairman

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Jeff Gilbert, Secretary