

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, August 11, 2021, at 6:30 p.m. in Lake Jackson, Texas with the following agenda:

Locke Sanders

Harry Sargent

Jeff Gilbert

Joe Rinehart

Matthew Bjune

Absent: John Fey

Modesto Mundo, City Manager

Milford John-Williams, Assistant to the City Manager

Anamaria Acuna, Interim Asst. City Secretary

Sal Aguirre, City Engineer

Athelstan Sanchez, Asst. City Engineer

Eddie Herrera, Engineering Technician

David Walton, Building Official

Vinay Singhania, Council Liaison

#### PLEDGE OF ALLEGIANCE

Harry Sargent led the pledge of allegiance.

#### APPROVAL OF MINUTES – July 7, 2021

July minutes were approved as presented

#### VISITOR COMMENTS

There were no visitor comments.

#### DISCUSS AND CONSIDER FINAL 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, LOTS 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 FILED ON AUGUST 11, 2021

Before addressing the issues Sal Aguirre questioned if Kevin Stuckey (potential owner of the property) could confirm if Mr. Stuckey wanted to continue to file as the final review, even though he has yet to claim some of the easements. Mr. Stuckey is in the process of claiming easements and would like to proceed to file as a final review.

Mr. Stuckey stated that he will remove some of the power easements, after they get started on the development. The power company now requires a new \$15,000 expenditure. Mr. Stuckey clarified that they would file the plat first but would start on the removal of the easements once they close on the property and own it.

#### *Engineer's Memo:*

*(PREVIOUS COMMENT AS REFRESHER)*

*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 final review has found all the issues of content and format from previous have been addressed and have passed this as complete and filed for your approval.*

No further comments made.

On motion by Mr. Gilbert second by Mr. Sargent with all present members voting “aye” the request to Replat of all of block 4 and the remainder of block 7 amending plat Area M 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, Lots 67 and 68 of Phase 3 of Oaks of Lake Jackson, and Royal Subdivision for the New Lakewood Manor Development located at Huisache Street, Fern Court and Pecan Lane filed on August 11, 2021, made by Kevin Stuckey was approved.

Mr. Rinehart asked engineering if there needed to be any forms of conditions for the replat. Mr. Aguirre confirmed that there is no need for conditions.

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: The previous administrative review submittal of the site plan left many unanswered questions that staff felt could not be recommended for approval but left the opening for a special meeting be held to advance the project to all’s satisfaction. The extra time delay seemed to have helped this along to a mutual benefit and a site plan meeting most of the PUD conditions with the critical drainage one still in the process of being worked out for the coming meetings.*

*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)  
*A staff and consultant meeting was held to address the drainage analysis expectations to narrow the design scope and effort with staff commentary as follows:*

Mr. Aguirre addressed the reason this topic was presented as an administrative review and not a final review is solely because of drainage issues. Mr. Aguirre explained that the PUD requirements have not been satisfied because engineering has not received the report from Mr. Stuckey’s drainage consultant. Once the engineering department receives the reports, Mr. Aguirre stated everything else on the PUD has been approved and meets the requirements.

Comments from Athelstan Sanchez, Assistant City Engineer

*During our last meeting on Tuesday, July 20, 2021, the engineers stated that if they were to use the downstream tail water controls stipulated to them, the hydraulic modeling would not be able to establish a true representation of the existing condition as a basis to determine if the development will have any adverse impact to downstream and upstream areas, being will be starting with all the areas already inundated. After listening to their explanations, we allowed them to use lower tail water levels to establish a well-represented existing condition as a basis to designed for no adverse impact to surrounding communities. However, held them accountable to revert to using the downstream tail waters originally given in sizing their detention(s) and storm sewer conveyances. The plan is to submit*

*the completed hydraulic analysis and drainage design to Engineering for reviewing by Friday, August 6, 2021.*

- **Max 50% Building - 50% Open Space / 40% building - 60% 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, few missing to be noted in site plan**
- **Minimum 6-ft Building to Building Clearance / 10-ft building to building clearance**
- **Homes: 135 / 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 195 at 1.5 parking space per unit**
- **5 - 20 Parking Areas 5 Space Minimum / 5 parking areas with 1 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 / 4-ft – 4-ft offset sidewalk provided, missing at Fern Ct to be included**
- **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 revised site plan stays in line with the conditions as set in the PUD ordinance. The preliminary review comments from staff have been addressed by the project engineer with minor revisions to follow.*

*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 and street fire hydrants as required and 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 an internal private concierge service.*

Mr. Aguirre restated that all PUD requirements have been met except for the drainage but can be approved if there are no concerns to the Planning Commission members.

Mr. Gilbert and Mr. Rinehart stated they do want the drainage issue to be resolved.

Mr. Stuckey informed the Planning commission members that the drainage report will be submitted by tomorrow (August 13, 2021).

Mr. Stuckey also mentioned that he has met with a playground equipment distributor (Little Tykes). Mr. Stuckey has chosen what will be placed in one of the selected areas. Mr. Stuckey used the final replat map to demonstrate where the 3 playgrounds will go. Mr. Stuckey wanted to make sure that they have plenty of room before they started.

Mr. Bjune commented that playground equipment is costly and requires plenty of upkeep. Mr. Bjune suggested that Mr. Stuckey consider replacing the equipment every six years or make an investment in equipment that will last longer.

Mr. Sargent asked what the base material underneath the play area consisted of. Mr. Stuckey answered that they use a stabilized base but cover it with the rubber mulch to allow for drainage. Mr. Stuckey also informed the members that they will start the fence plans soon.

On motion by Mr. Rinehart second by Mr. Gilbert with all present members voting “aye” the administrative review and action on 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:*

*Our previous administrative landscape plan review drew staff’s concerns about the plan lacking effort in providing good accountability of the existing tree situation or the desire to preserve as intended in the spirit of the landscaping ordinance and as fully represented by the developer. This administrative review version of the plan did make a more earnest and transparent effort to show what was reasonable to offer as allowed by their development needs.*

***Staff opinion is that the plan meets the minimum requirements established in the ordinance but leaves it to the board as to it meeting its intended objectives as to quality and replacement value to the community. This plan also leaves it subject to a precarious replacement liability and dispute prone future to the owners and city enforcement staff on any loss of the credit laden preserved trees.***

*The Landscape Plan summarizes as follows:*

- *Tree Survey: Provided tree survey overlay on site with detailed tree id and description*
- *Existing Tree Count: **146***
- *Arborist Tree Health Count: **25 (Attached for your review and determinations)***
- *Tree Removal: **132***
- *Tree Requirement Count: **90***
- *Trees Preserved: **11** (96 tree credits)*
- *Trees Added: **0***
- *Landscape Space: Required **72,777** sq. ft. / Provided **475,190** sq. ft.*
- *Frontage Tree Screening: Required **1 / 30'** / Provided **0***
- *Frontage Shrub Screening: Required **Yes** / Proposed **Yes***
- *Irrigation: Required **Yes** / Proposed **Noted as auto or drip***
- *Parkland Dedication: No / Excepted by Council action requirement as waived in the PUD*

*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. Gilbert deferred because he is not aware of the conditions of the trees nor how to upkeep trees in poor conditions.

Mr. Sargent commented that he appreciated the arbor report of the health of the trees, which could help the city of Lake Jackson to prevent trees causing damage during storms but other than that he had no other comments or concerns.

Mr. Sanders questioned why Mr. Stuckey is planning on only keeping 11 trees. Mr. Stuckey informed that they are keeping more than 11 trees, but those trees are the ones that are in great condition. There are other trees that are in poor condition that can be nursed back to a healthier state. Some of the trees are to be removed because they are in the footprints of the houses. Mr. Stuckey did not plan on removing as many trees but was shocked to find how many were in such poor conditions, such as being rotted at the base. Mr. Stuckey also noted that if the tree can be saved, they would like to keep them.

Mr. Stuckey also questioned Mr. Aguirre on the protocol that would be in effect if one of the big (original) trees were to die. Mr. Stuckey wanted to know if he would receive a credit if they were to plant another tree in the dead (original) tree's place. Mr. Aguirre stated that because Mr. Stuckey already has 96 tree credits, it exposes Mr. Stuckey to potentially being liable to replace the original 11 trees per requirements the ordinance has in effect. Mr. Aguirre informed that the requirements in effect now are as follows:

- There are implications on size with as many inches you are claiming you must replace.
- Mr. Aguirre gave an example: if a 12-inch diameter tree were to die, you could replace it with (2) 6-inch diameter trees.

Mr. Sargent asked if we could do something similar to "as built" but make it "as landscaped". Mr. Sargent also asked if we could have Mr. Stuckey come back in about 2 years to give an update. Mr. Aguirre stated that the Planning Commission could make it a requirement if they wanted to, adding that all they would do is to condition the agreement.

Mr. Aguirre stated that he understands that Mr. Stuckey will be adding more trees and landscape because the land is bare. Mr. Stuckey added that he did not want to dodge responsibility in adding trees but just wanted to be made aware of the protocols in place. Mr. Stuckey also noted that once the houses get added they will be adding more trees.

There was discussion between Mr. Bjune and Mr. Aguirre about the trees that Mr. Stuckey was claiming. Mr. Bjune addressed that he noticed 4 were trees being claimed but not on the arborist report. Mr. Aguirre corrected Mr. Bjune and had him look at the correct map. Mr. Aguirre also addressed where the property line would be and how Mr. Stuckey could only claim what was on his side of the line. Confusion was cleared on the trees being claimed and where they are located for Mr. Bjune. Mr. Aguirre also noted that all trees Mr. Stuckey was claiming were also on the arborist report provided.

Mr. Mundo asked Mr. Stuckey why his landscape map is not showing the trees he has mentioned on adding. Mr. Stuckey stated the reason the additional trees are not listed on the landscape map is because he is not certain where they will plant the trees at the moment.

Mr. Stuckey questioned if he would gain additional tree credits if they do add more trees to the landscape. Mr. Bjune answered that he would not be able to take credits for a tree if one of the original trees were to fall and that he would still be held responsible for taking the protocols and requirements mentioned prior by Mr. Aguirre.

Council Liaison Singhanian suggested that the Planning Commission establish a tree protection zone.

Mr. Aguirre mentioned that the screening for parking was not provided on the final plan, which is usually a requirement. Mr. Sanders stated it would be fine without the visuals as long as it does not become a safety concern and Mr. Bjune agreed.

On motion by Mr. Sargent second by Mr. Bjune with all present members voting "aye" the administrative review and action on landscape plan of the Residences at Lakewood Manor development located at Huisache Street, Fern Court and Pecan Lane with the provision of implementing an "as planted" and an "as built" tree update in 3 years to the engineering department was approved.

#### SIGNATURE OF DOCUMENTS

- *No documents to sign until the plat is submitted*

#### ITEMS OF COMMUNITY INTEREST

Mr. Rinehart questioned why commercial vehicles can be parked in residential areas. Mr. Sanders stated that it could be the resident's work vehicles because he only sees them at night and parked during the weekends. Mr. Singhanian stated that he's unaware if there is an ordinance prohibiting company vehicles parking in residential areas. Mr. Mundo will research to see what ordinances if any are in place regarding the issue.

Mr. Bjune mentioned many vehicles cutting off traffic to get on the ramp near Plantation Court to avoid the light on Plantation Drive. Mr. Singhanian suggested we add a right-hand turn lane. Mr. Mundo mentioned that the state approved the City of Lake Jackson to add a no right turn lane, but the City would have to pay for the costs. The state was very resistant to do add the right-hand turn lane because of the number of utilities in the area. Mr. Mundo mentioned that there is a new state representative Maria Aponte (at TX Dot) so the city can try again, but it would still be a 3-to-5-year project.

Mr. Rinehart added if Chief Kibodeaux could monitor the feeder roads because of the amount of speeding. Council Liaison Singhanian added that he has noticed the police monitoring, but we could mention it again.

Mr. Mundo mentioned updates on Downtown, in which Council has awarded a bid to Main Lane Industries, LTD. Construction which is predicted to start sometime in September.

Council Liaison Singhanian mentioned that Marco's pizza will be near the HEB plaza. Mr. Aguirre asked what The Neighbor's facility will be transformed into. David Walton mentioned that "The Neighbor's" building will be revamped into a plastic surgery facility.

Mr. Sargent has noticed that there are lots of abandoned houses that are boarded up near the old part of town. Mr. Mundo stated that there are several houses that the city has looked into for the Danger Structure Determination Board (DSDB) and advised Mr. Sargent to give the addresses to note if the houses are already under inspection. Mr. Walton explained how the City processes abandoned properties. Mr. Walton mentioned the proper maintenance code states that you can board a home and abandon the lot. Mr. Walton stated that the city does not have the budget to take all the abandoned houses at once. So, the DSDB has categorized to better finance which house gets inspected and identified for demolition based off which houses are truly dangerous versus eye sores. The DSDB

has a new program that they plan on implementing to receive volunteering compliance from the houses and/ or lots that are deemed abandoned.

Mr. Rinehart questioned when will school lights be tested and suggested that the city does it on a Monday August 16<sup>th</sup>. Mr. Mundo answered that the city already has it on the schedule, and they will commence a full live test the following Monday (August 16th).

Mr. Herrera informed the members that HEB will be at next month's meeting with their new site and landscape changes. The engineering department has asked them to have an amended site plan including all the updated parking, fire lanes and drainage changes. The engineering department wanted to ensure that anytime there are changes to the footprints of the site there will be requirements to amend and come forth to give an updated plan. HEB has added additional parking and minor expansions to their building and Mr. Walton approved the add-ons as long as they presented engineering with the updated plans.

SET NEXT MEETING DATE – Wednesday, September 8, 2021.

ADJOURN

There being no further business the meeting was adjourned at 7:24 p.m.

These minutes read and approved this \_\_\_\_\_ day of \_\_\_\_\_ 2021.

\_\_\_\_\_  
Locke Sanders, Chairman

\_\_\_\_\_  
Matt Bjune, Secretary