

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, September 8, 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

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

Vinay Singhania, Council Liaison

PLEDGE OF ALLEGIANCE

Mr. Sargent led the pledge of allegiance.

APPROVAL OF MINUTES –August 11, 2021

August minutes were approved as presented.

VISITOR COMMENTS

There were no visitor comments.

PUBLIC HEARING AND ACTION ON REZONING OF A PROPOSED SINGLE-FAMILY TOWNHOUSE RENTAL CONCEPT FOR THE HARMONY PARK DEVELOPMENT FROM R-4 TO T-1 (401 GARLAND DRIVE)

Engineer's Memo:

This item may seem to you as Yogi déjà vu all over again because it actually is. This is a redo of the rezoning public hearing that you went through in April of this year when you rezoned the property from B-1 to T-1. This was a mistake that staff is wanting to atone and cleanup as per legal advice. The history of zoning changes and mapping of these have been buried in the recesses of the ordinances and board minutes archives that made past effort to organize and streamline the information but still had its glitches.

Current staff has made progress in providing easier and more ready access to this but still have some gremlins that slide by. In this case, the majority B-1 zoning of the surrounding properties wrongly influenced our first determination as a B-1 zone. Later, an unrelated research of past developments that never materialized discovered this property to have been rezoned in the past for an apartment project concept.

This request comes from the city and has been properly advertised and public notices mailed following the statutes. The council will also conduct their public hearing later in the month as required and advertised. The T-1 concept project this rezoning was designed remains the same and is still in development process.

Mr. Sanders closed the public hearing.

On motion by Mr. Sargent second by Mr. Gilbert with all present members voting "aye" the request to the rezoning of a proposed single-family townhouse rental concept for the Harmony Park Development from R-4 to T-1 (401 Garland Drive).

DISCUSS AND CONSIDER FINAL REVIEW AND ACTION ON PRELIMINARY AND FINAL SUBDIVISION PLAT OF LOT 81, AN AMENDMENT REPLAT OF LOTS 81 AND 100 OF SUGAR MILL EAST SUBDIVISION, LAKE JACKSON ETJ FILED ON SEPTEMBER 8, 2021

Engineer's Memo:

This is an ETJ property that by state law falls in the subdivision authority of the City to regulate. The nature of this replat falls within the definition of an amendment since it does not create additional lots but assembles two tracts of land into one by simply erasing the common lot line between them. The owner Charles Armstrong is requesting to combine two single original platted lots 81 & 100 in the Sugar Mill East Subdivision into one lot for his personal purposes.

The county has provided us their no objection letter as our notification practice on ETJ properties. Our administrative and final review checklist is provided to you with all content and format items as complete and recommendation that you consider its approval.

Mr. Aguirre advised that the gentleman that brought up the replating of his property has passed away, but his wife is carrying on with the process. Mr. Aguirre advised the widow that she does not have to be present for this process.

Mr. Sargent asked, "what is the purpose of replating the land?" Mr. Aguirre advised that the owner wanted to bring both of his properties into one-fold. Mr. Sargent asked, "whose name will be the replat be under? Will it be under the widow or husband?" Mr. Sargent also advised that it could possibly be simpler to replat under his wife's name, so that death certificate isn't required. Mr. Aguirre said if approved he will get with the wife and see whose name, she would want the replat of the properties to be under.

On motion by Mr. Sargent second by Mr. Fey with all present members voting "aye" the request to approve both the preliminary and final subdivision plat lot 81, an amendment replat of lots 81 and 100 of Sugar Mill East Subdivision, Lake Jackson ETJ filed on September 8, 2021.

DISCUSS AND CONSIDER REQUEST FOR A VARIANCE OF THE ORDINANCE PARKING SPACE REQUIREMENTS FOR A C-1 ZONE FOR "CALIDO GUITARS" AT 137 N DIXIE DRIVE FOR A PROPOSED GUITAR DISTRIBUTION BASED ON SPECIFIC USE BUSINESS MODEL MADE BY DAN BAUGH

Engineer's Memo:

The board may remember this as a previous agenda item where Mr. Baugh requested to rezone the property to one that would allow a family owned and run guitar distribution business at 137 N Dixie Drive due to the distinction of this business not quite falling in the realm of neighborhood business. This was resolved by the board granting the public hearings that led to the final C-1 rezoning council ordinance.

During the whole process, Mr. Baugh presented site sketches of his proposed development based on the business model he described as one that dealt primarily online and which orders, stores, preps and ships the product with minimum walk-in "by appointment" only sales. At the time, staff and the board only focused on the zoning task and only gave superficial glance of the site plans which were not in discussion.

The site plan review has now come into focus as the building permitting and site development phase has gotten in gear. Usually this would not have come to you as an agenda item due to it being a less than a 2-acre site and handled by building and engineering staff, but the proposed custom parking count difference from ordinance request can only be granted by the board.

As currently submitted the plan proposes:

- *Business Office Area: 2,100 sq. ft.*
- *Warehouse/Shop Area: 2,280 sq. ft.*
- *Parking Proposed: 9*
- *Parking Spaces Required: 22 i.e. (5 / 1,000 sq. ft. City policy applies worst case scenario in case of business use change)*

Due to the variety of business operations the ordinance allows different assessment requirements that give some room for variances. These may take in consideration specific building area use such as warehouse / office combinations which in this case would require $(2,100 \times .0033 = 6.3) + (2,280 \times .001 = 2.3)$ for a total of 8.6 which seems to be the reasoning behind this development plan.

Others in the ordinance that could apply is the retail (large item, furniture, carpet, nonpublic wholesale) comparison that would require $(4,380 \times .002 = 8.76)$ which would justify the proposed count.

Another unique condition to this particular site is the fact that the adjacent church use, and parking area could provide any supplementary parking space that may be needed as allowed by the cross-share provision of the ordinance but would require that this access agreement be legally recorded with the properties.

Your consideration to approve the variance as requested or other count as you determine applicable is appreciated.

Mr. Aguirre explained that the board are the only ones that can agree to make an exception for the “Calido Guitars” parking. Mr. Aguirre explained that because Mr. Baugh has come forth to explain that his business has very low pedestrian traffic, he would not suggest requiring more parking spaces.

Mr. Fey and Mr. Aguirre had discussion over what the ordinance’s requirements are for Mr. Baugh’s business. Mr. Baugh stated if the board deems it necessary that he has already come to an agreement with the church adjacent to his shop to share parking spaces. Mr. Gilbert added to make sure the agreement is filed with the church and “Calido Guitars.”

On motion by Mr. Gilbert second by Mr. Rinehart with all present members voting “aye” the request for the variance of the ordinance parking space requirements for a C-1 zone for “Calido Guitars” at 137 N Dixie Drive for a proposed guitar distribution based on specific use business model made by Dan Baugh.

DISCUSS AND CONSIDER FINAL REVIEW AND ACTION ON ALTERNATE SITE PLAN AMENDMENT OF RETAIL SHOPPING CENTER RENOVATION AT 165 - 167 OYSTER CREEK DRIVE (AKA ARLANS, FOOD KING, JACK IN THE BOX) FILED ON SEPTEMBER 8, 2021

Ben Sundin (Owner of Property) – 2000 Bering Dr. Houston, TX

Mr. Aguirre reminded the board that this was accepted with conditions.

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 this date.

On administrative review, the submittal presented an alternate site plan with a parking yard that attempted to improve on the parking space count from the existing condition. To accomplish this, their tree risk assessment prompted their quest to reduce liability while increasing parking surface.

The parking space count proposed came in short by 33 spaces but increased the existing by 14 while the

loading zone count remained short by a part of a space as it currently exists. These conditions were granted conditional variances after planners offered configuration options to optimize parking. This alternate site plan amendment is based on approval of the tree removal when adhered with the planner's suggestions.

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.

FINAL SITE DETAILS:

- *Parking Spaces 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 Spaces Existing: 166*
- *Parking Spaces Proposed: 182 (9 x 18 standard spaces)*
- *Parking Loading Spaces: Jack in the Box / Required 1, Proposed 1
Retail Building / Required 2.6, Proposed 2*

Special Considerations of Plan:

Approval based on approval of tree removal and parking count variances accepted at administrative review and as alternate site plan.

On motion by Mr. Rinehart second by Mr. Fey with all present member voting "aye" the request to combine the final review and action on alternate site plan and alternate landscape plan amendment of retail shopping center renovation at 165-167 Oyster Creek Drive (aka Arlans, Food King, Jack in the Box) filed on September 8, 2021.

DISCUSS AND CONSIDER FINAL REVIEW AND ACTION ON ALTERNATE LANDSCAPE PLAN AMENDMENT OF RETAIL SHOPPING CENTER RENOVATION AT 165 - 167 OYSTER CREEK DRIVE (AKA ARLANS, FOOD KING, JACK IN THE BOX) FILED ON SEPTEMBER 8, 2021

Engineer's Memo:

As a result of the administrative review discussions, the landscape plan became the enabling plan of this project development. The need for parking reconfiguration initiated a request for removal of the credit tree assessed as in decline and risk. This triggered a deep dive into the center's previous and current tree condition requiring the planner's alternate plan variances and suggestions for approval.

This final landscape plan complies with all the recommendations provided in administrative review and is as follows:

Plan Summary:

- *Tree Survey: Updated existing Landscape Plan submitted as tree survey and confirmed to current conditions with tabulated id and plan locations as required.*
- *Tree Removal: Existing 54-inch oak (6 tree credit in existing plan) designated to be removed as approved (see replacement below).*
- *Tree Count Required: 42 as per existing plan have been confirmed.*
- *Trees Preserved: 36 as per existing Landscape Plan have been verified as required.*
- **Credit Tree Replacement: 3 – 6-inch DBH (live oak)/ 3-small (crepe myrtle) as approved and granted variance as from previous existing plan and current ordinance.*
- *Total Trees Proposed: 42 to meet the existing landscape plan to include 6 credit trees replacement.*
- *Landscape Space Required: 7,549 sq. ft. (7.5%) as per existing landscape plan as variances from (10%) per ordinance.*
- *Landscape Space Provided: 8,442 sq. ft. follow planners' suggestion and with 7.5% variance still in*

effect from existing plan as with variance from (10%) per ordinance.

- *Frontage Screening: To remain as per existing landscape plan (trees & shrubs) / with replacement filling - in noted bald shrub areas in update.*
- *Irrigation: To remain as per existing landscape plan (JIB irrigated only) with additional parking island irrigation following planner's determination.*

Special Considerations of Plan:

Approval based on approval of tree removal, tree replacement and parking count variances accepted at administrative review and as alternate landscape plan.

Mr. Aguirre stated that the only adjustments to the site plan were to offer an additional 16 spots with the removal of the older oak tree. Mr. Aguirre informed the board that everything else remained the same for the plan excluding the additional parking spots.

Mr. Sundin explained that the (parking) site plans were okay last meeting, but the board seem more fixated on the landscape plan, so he wanted to further elaborate. There was discussion between Sundin and Mr. Fey over the health of the tree. Mr. Sundin explained the reason for the removal was "due to the tree fading." The (dead) limbs of the oak tree were stated to fall on parked vehicles. It was also mentioned that an arborist investigated the tree and advised of the conditions before the removal. Mr. Sundin explained that he added green space and 3 oak trees, along with 3 myrtle trees to replace the older tree.

Mr. Fey questioned why the trees were chosen. Mr. Aguirre advised that the tree credit was reduced from 9 to 6 because they are replacing the oak tree with the DBH trees.

Mr. Sargent questioned what was going to come up of the empty triangle to the left in the landscape plan? Mr. Sundin explained that there isn't proper drainage, and he doesn't want anything blocking it. Mr. Sargent worried about buggies running up on the triangle and suggested adding gravel or landscape to prevent any damage. Mr. Aguirre made it clear that Mr. Sundin cannot put trees in that area because of the easement. Mr. Bjune asked if the triangle and all the other end caps have a barrier to prevent cars from cutting through them because it is not noted on the plan. Mr. Sundin answered that they do have wheel barriers on them to prevent people from driving through.

On motion by Mr. Gilbert second by Mr. Rinehart with all present member voting "aye" the request to approve the final review and action on both the alternate site plan and the alternate landscape plan amendment of retail shopping center renovation at 165-167 Oyster Creek Drive (aka Arlans, Food King, Jack in the Box) filed on September 8, 2021.

DISCUSS AND CONSIDER FINAL REVIEW AND ACTION ON SITE AND LANDSCAPE PLAN AMENDMENT OF THE EXISTING PLANTATION VILLAGE PLAZA SHOPPING CENTER SITE PLAN AT THIS WAY & SH 332 FILED ON SEPTEMBER 8, 2021

Engineer's Memo:

This is a continuing effort by Eugene Werlin in pursuing an appealing tenant for his center and the Dow Center as well as city groups. In previously chasing Le Madeline to anchor his remodeled corner spot, he has tried everything under the sun to entice them in. His last attempt this last May was to revise the site plan to incorporate a drive thru lane that has become an essential survival tool in today's epidemic environment. Although this being approved, it may not have been the magic wand to win them over. The focus has now shifted to another similar user that has shown interest in the remodeled corner spot but with a need for pickup lanes. This site and landscape amendment attempts to provide for this additional modification to the building.

Again, as before, the current pavement surfaces along the affected building side have been retrofitted to accommodate for this pickup lane, an 8-ft strip that can accommodate about 4 standard cars with no cue in space which may not be a requirement for pickup lanes. This will require that the existing sidewalk / ramp of the building be removed as well as restriping of the adjacent parking field to maintain the necessary travel lane width.

This amendment to the site plan does not change the existing parking spaces conditions which remain as previously approved. Very minor loss of green island space has been affected by this retrofit so it's being included in this action as an amended landscape plan as plan update reflecting the site revision.

This site amendment is being noted with an alternate plan to keep the current site conditions if the drive thru requirements are not warranted as was in the previous plan. No, utility or drainage modification is involved in this site amendment.

Mr. Werlin explained that one of his (future) tenant requested the approval for a pickup window and made it clear that it will not be a drive thru. He is aware of the requirements and wanted to see if he could have approval. Mr. Aguirre stated he did not know how to go about a pickup window since that is not covered in the ordinance and questioned the board if there needed to be any modifications added.

Mr. Rinehart asked, "will this be a drive-up or walk-up window?" Mr. Werlin stated that this window will be a drive-up window and explained that the customer will have to call the order in ahead of time and this window will only be used to pick up their order. Mr. Werlin stated because of this pandemic (Covid-19) his tenant wanted to have alternative options for their customers.

Mr. Bjune stated that a pick-up window and pick-up lane are two completely different things and stated that a drive-up pick-up window is very similar to a drive thru. He wanted to clarify that to Mr. Werlin and make sure he was aware of it for liability and legal purposes. Mr. Werlin stated that it is very different because there will be no menu board.

Mr. Fey asked if the pickup window lane will be affected by the flow of traffic. Mr. Bjune stated that he would agree with the idea of placing a pickup window but isn't sure if a pickup lane would work due to it possibly blocking traffic and other parking spots. Mr. Fey questioned how many cars fit in that area, to which Mr. Werlin responded a total of 4 cars. Mr. Gilbert suggested that there should be employees outside to direct vehicles based on if their orders are ready or not. Mr. Gilbert stated he is unaware if the tenant would be a local or experienced tenant nor if they have experience in dealing with a pickup window.

There was discussion of the possible tenant (McAlister's Deli) if there is no pickup window then they will not be interested. The board discussed that it would be up to the tenant to train their management for pick up window to get the orders out in an organized fashion. Mr. Sargent stated that he doesn't think the city should get involved, stating, "if it's a possible solution for a business, then we should allow them."

On motion by Mr. Sargent second by Mr. Rinehart and Mr. Gilbert, with all but Mr. Fey voting to approve. The motion received a majority, so the request to approve the final review and action on site and landscape plan amendment of the existing Plantation Village Plaza shopping center site plan at This Way & SH 332 filed on September 8, 2021, passed.

SIGNATURE OF DOCUMENTS

- 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

- Replat Amendment of Lots 81 & 100 Sugar Mill East Subdivision
- Plantation Village Plaza Shopping Center Amended Site Plan
- Plantation Village Plaza Shopping Center Amended Landscape Plan
- 165-167 Oyster Creek Drive Shopping Center Amended Site Plan
- 165-167 Oyster Creek Drive Shopping Center Amended Landscape Plan

ITEMS OF COMMUNITY INTEREST

- Mr. Fey wanted to share that the Lake Jackson Museum will be celebrating the 70th anniversary of Dairy Bar on September 18th from 9:00 a.m. to 5:00 p.m.
- Mr. Bjune asked for an update from TxDOT on the right-hand turning lane (on Plantation Dr.) Mr. Mundo stated that they haven't reached out to TxDOT yet but will be doing so soon.
- Mr. Rinehart mentioned there will be a 9/11 ceremony held behind the Civic Center at 9 am.
- Mr. Singhania asked when the fire hydrant (that got knocked over by a vehicle) will be fixed. Mr. Mundo stated the city is still searching for a fire hydrant because they cannot find any manufactures to produce one. The city is also reaching out to other neighboring cities to see if they have any in stock.

SET NEXT MEETING DATE – Tuesday, October 5, 2021

ADJOURN

There being no further business the meeting was adjourned at 7:27 p.m. These minutes read and approved this ____ day of _____ 2021.

Locke Sanders, Chairman

Matt Bjune, Secretary