

**MINUTES OF THE MEETING OF THE JERSEY VILLAGE
PLANNING AND ZONING COMMISSION**

March 3, 2011 – 6:00 p.m.

THE PLANNING AND ZONING COMMISSION OF THE CITY OF JERSEY VILLAGE, TEXAS, CONVENEED ON MARCH 3, 2011, AT 6:00 P.M. IN THE CIVIC CENTER MEETING ROOM, 16327 LAKEVIEW, JERSEY VILLAGE, TEXAS.

- A. The meeting was called to order at 6:02 p.m. by Chairman Debra Mergel, and the roll of appointed officers was taken. Commissioners present were:

Debra Mergel, Chairman	Harry Beckwith, III, Commissioner
Justin Ray, Commissioner	Barbara Freeman, Commissioner
Tom Eustace, Commissioner	Michael O’Neal, Commissioner

Commissioner, Rick Faircloth was not present at this meeting.

Council Liaison, Curtis Haverty, and Council Member Mark Maloy were present at this meeting.

Staff in attendance: Mike Castro, City Manager; Martha Williams, City Attorney; Lorri Coody, City Secretary; Danny Segundo, Director of Public Works; Christian Somers-Kuenzel, Building Official; and Deborah Capaccioli-Paul.

- B. Consider approval of the minutes for the meetings held on February 15, 2011.**

Chairman Mergel called the item. She pointed out that amendments are needed on page one and five to reflect her correct title as Chairman and not Vice Chairman of the Commission. With no other changes being needed to the minutes, Commissioner Freeman moved to approve the minutes for the meetings held on February 15, 2011 as amended. Commissioner Beckwith seconded the motion. The vote follows:

Ayes: Commissioners Beckwith, Freeman, Eustace, Ray, and O’Neal
Chairman Mergel

Nays: None

The motion carried.

Chairman Mergel called items F. and G. out of order as follows:

- F. Discuss and take appropriate action concerning the application request of T-Mobile West, Inc., 2 Greenway Plaza #100, Houston, TX 77046 (Applicant) and SW 1 Management Company, LLC, Danny Endeljac (Owner), 7911 Capri Circle, Houston, Texas 77095 to amend the zoning ordinance at Chapter 14, Article IV, Section 14-106(a)(19) by adding a subsection (c) to include telecommunication towers.**

Danny Segundo, Director of Public Works introduced the item. He told the Commission that T-Mobile West, Inc. filed an application for a zoning amendment on February 18, 2011. The

request is to amend the City of Jersey Village Code of Ordinances at Chapter 14, Article IV, Section 14-106(a)(19) by adding a subsection (c) to include telecommunication towers. Mr. Segundo introduced David Petrakovitz, the Agent for T-Mobile West, Inc. to address the Commission and answer any questions.

Mr. Petrakovitz explained that this request is the first of a two part request. If approved, T-Mobile will file a request for a special use permit to place the tower on Mr. Endeljac's land. With that in mind, he showed the Commission pictures of what the proposed telecommunication tower will look like. It is a 100 foot tower that looks like a flag pole. In fact, a flag can be hung on the pole.

The Commission engaged in discussion about the proposed location for the tower as well as how close the tower will be placed to other structures. Mr. Petrakovitz explained that the tower will be placed upon Mr. Endeljac's land just on the city limit boundary in District G. He stated that typically these type towers are placed at least 1 to 1 and ½ times the height away from any other structure. Staff located the area on the map for the Commission in order to identify the proposed location for this tower.

The Commission discussed the need to hang a flag on the pole. Mr. Petrakovitz explained that it can be used as a flag pole; however, given the location it is not recommended. He stated that typically flags are added when the site location is a public facility and is located away from residence. He stated that given the height of the pole, the wind will catch the flag and the flapping will cause noise that can be annoying to residents. The consensus of the Commission was that a flag would not be necessary.

The Commission also engaged in discussion concerning the possibility that this tower may interfere with the Texas Department of Safety helicopters that are located very near the proposed site. Mr. Petrakovitz explained that his company must obtain permission from the appropriate authorities to insure that there is no interference. He stated that his company has already received this authorization.

There was discussion about the most common types of complaints that T-Mobile receives in connection with these type telecommunication towers. Mr. Petrakovitz told the Commission that there are typically three. They are as follows:

- Health concerns
- Property values
- Appearance

The Commission also discussed the process for issuing a specific use permit and the setting of the requirements that would be a part of that process, and they discussed two locations of other towers in the city.

With no other discussion on the matter, Commissioner Ray moved to approve the request of T-Mobile West, Inc., and SW 1 Management Company, LLC, Danny Endeljac (Owner) for an amendment to the zoning ordinance at Chapter 14, Article IV, Section 14-106(a)(19) by adding a subsection (c) to include telecommunication towers. Commissioner Eustace seconded the motion. The vote follows:

Ayes: Commissioners Beckwith, Freeman, Eustace, Ray, and O’Neal
Chairman Mergel

Nays: None

The motion carried.

G. Discuss and take appropriate action regarding the preparation and presentation of the Preliminary Report to Council on March 21, 2011, as it relates to request of T-Mobile West, Inc. (Applicant) and SW 1 Management Company, LLC, Danny Endeljac (Owner) to amend the zoning ordinance at Chapter 14, Article IV, Section 14-106(a)(19) by adding a subsection (c) to include telecommunication towers.

Commissioner O’Neal moved that the proposed preliminary report submitted in the meeting packet [and made a part of these minutes as Exhibit A] be presented to Council on March 21, 2011. Commissioner Eustace seconded the motion. The vote follows:

Ayes: Commissioners Beckwith, Freeman, Eustace, Ray, and O’Neal
Chairman Mergel

Nays: None

The motion carried.

Before calling the next item, Chairman Mergel informed the Commission that she would not be available to present the report on March 21, 2011 due to a prior commitment. Discussion was had and the consensus of the Commission was that Commissioner Harry Beckwith will present the report to Council on March 21, 2011.

Chairman Mergel then resumed the initial order for the agenda as follows:

C. Discuss the proposed amendments/recommendations by Kimley-Horn and Associates pertaining to the implementation of Form Based Codes Requirements for the property located south of the U.S. Highway 290 right-of-way and within the corporate city limits of the City of Jersey Village.

Commissioner Ray moved for discussion on the item. Commissioner Freeman seconded the motion. The vote follows:

Ayes: Commissioners Beckwith, Freeman, Eustace, Ray, and O’Neal
Chairman Mergel

Nays: None

The motion carried.

City Attorney, Martha Williams opened the discussion by presenting items within the existing city code of ordinances that require amendment in order to implement Form Based Code (FBC) and additional items for amendment within the FBC document. These items are as follows:

1. Section 14-81 – Establishment of districts: Should be amended to include a new district to represent the Jersey Village Crossing District. It is suggested that this District be added as subsection (14) as District D – Jersey Village Crossing District.

In connection with this suggested change, the Commission reviewed the existing Districts of the City outlined in Section 14-81.

2. All references to “this code” in the FBC document should be replaced with other terminology because the Jersey Village Crossing FBC will be a “sub-part” of the whole Code of Ordinances. Therefore, referring to the FBC as “this code” is confusing.
3. Section 3.2 of the FBC document will be replaced with the following: “Except as specifically listed herein, all other signage and sign standards must comply with Chapter 14, Article X of the City of Jersey Village Code of Ordinances, as amended.”
4. Clarification was had on the difference between a variance and a minor modification as it applies to the FBC process. Kimley-Horn Consultant, Joe Willhite explained that variances are anything in excess of the minor modifications which is currently set at 15% and are reflected in the chart on page 5 of the FBC document. He explained that flexibility is needed to accommodate the progress of development from one builder to the next, and as such, these variations are not considered variances. The minor modifications should not be applied to the use of materials. The list of minor modifications allowed is found in the table on page 5.
5. Section 3.7 of the FBC document details Special Development Plans. Mr. Willhite explained that this procedure is used to process requests for variance and conditional use requests. The process is best explained in the Appendix D flow chart.

There was a lengthy discussion about Appendix D procedure, especially as it applies to plat boundary changes. This discussion ended with Mr. Willhite assuring the Commission that this process is less cumbersome than what is currently in place for existing Districts within the City.

6. Section 14.85 of the Code of Ordinances currently states that all territory annexed into the City shall be temporarily designated in District A – single-family dwelling district, until permanently zoned by the city. An amendment to this section is needed to except that territory that is annexed into the newly created District D, as such property should be annexed into and zoned as District D – Jersey Village Crossing District in order to comply with the conceptual plan approved by Council for the Jersey Village Crossing area.
7. Section 14.88 Regulations that apply to all districts – was reviewed. The following list indicates the required action:

Section 14-88(a)(1) – Include in FBC document

Section 14-88(a)(2) – Include in FBC document and modify to meet ADA

Section 14-88(a)(3) – Include in FBC document

Section 14-88(a)(4) – Include in FBC document
Section 14-88(a)(5) – Include in FBC document
Section 14-88(a)(6)(a) – Amend to include District D – Include in FBC document
Section 14-88(a)(6)(b) – Amend to include District D – Include in FBC document
Section 14-88(a)(7) – Include in FBC document
Section 14-88(a)(8) – Include in FBC document
Section 14-88(a)(9) – Include in FBC document
Section 14-88(a)(10) – Exclude in FBC document
Section 14-88(a)(11) – Include in FBC document
Section 14-88(a)(12) – Include in FBC document
Section 14-88(a)(13) – Include in FBC document
Section 14-88(a)(14) – Include in FBC document
Section 14-88(a)(15) – Include in FBC document
Section 14-88(a)(17) – Include in FBC document
Section 14-88(a)(18) – Exclude in FBC document
Section 14-88(a)(19) – Exclude in FBC document
Section 14-88(a)(20) – Exclude in FBC document
Section 14-88(a)(21) – Exclude in FBC document
Section 14-88(a)(22) – Include in FBC document
Section 14-88(a)(23) – Exclude in FBC document
Section 14-88(a)(24) – Exclude in FBC document
Section 14-88(a)(25) – Exclude in FBC document
Section 14-88(a)(26) – Exclude in FBC document
Section 14-88(a)(27) – Exclude in FBC document

City Attorney Williams explained that several housekeeping measures must take place in order to get the FBC documents ready for the Commission's approval and ultimate inclusion into the Preliminary Report. Discussion was had about this process and how the Preliminary Report can be prepared. Also, the Commission reached a consensus that the new District should be called District D – Jersey Village Crossing District.

Discussion was then had on the following items contained in the FBC document:

1. Section 9.7.1 concerning lighting.
2. Section 9.7.2 should be amended by adding “unless provisions of 9.7.1 cannot be met” to the end of this section.
3. Section 1 makes many references to “transit station.” The consensus of the Commission is to have the FBC document reflect that the Jersey Village Crossing District is a destination place rather than a transit station. Accordingly, this section should be “wordsmithed” to communicate same.
4. Section 5.3 Bike Lanes
5. The need to replace the term “TOD” with “District D” throughout the document.
6. Section 6.2 concerning auto related services. The table associated with this section should be updated to reflect that “auto related product displays” shall be inside store fronts.
7. Section 5.2.1 – remove the reference to “transit station on page 12 .”

In wrapping up the discussion on this item, Mr. Willhite explained the turning radius requirements for fire trucks. He explained that the trucks will have specific routes that will be taken during emergency situations in order to access to structures. The elements of the Fire Code are not exempt from the FBC document. Therefore, construction of streets must be approved by the City Engineer.

D. Consider with possible action removing from the table the action regarding the preparation and presentation of the Preliminary Report to Council regarding the implementation of Form Based Codes Requirements for the property located south of the U.S. Highway 290 right-of-way and within the corporate city limits of the City of Jersey Village.

Commissioner O’Neal moved to remove from the table the action regarding the preparation and presentation of the Preliminary Report to Council regarding the implementation of Form Based Codes Requirements for the property located south of the U.S. Highway 290 right-of-way and within the corporate city limits of the City of Jersey Village. Commissioner Beckwith seconded the motion. The vote follows:

Ayes: Commissioners Beckwith, Freeman, Eustace, Ray, and O’Neal
Chairman Mergel

Nays: None

The motion carried.

E. Discuss and take appropriate action regarding the preparation and presentation of the Preliminary Report to Council on March 21, 2011, as it relates to the implementation of Form Based Codes Requirements for the property located south of the U.S. Highway 290 right-of-way and within the corporate city limits of the City of Jersey Village.

Discussion was had that the Preliminary Report should include a proposed ordinance that contains the following:

1. The FBC requirements for the newly created District D – with revisions as discussed
2. The necessary revisions to the existing code of ordinances needed in order to implement the FBC in the newly created District D

It was agreed that another meeting is necessary in order to review the changes/amendments before a Preliminary Report can be approved. Accordingly, the Commission agreed to meet on March 14, 2011 at 6:30 p.m.

H. Adjourn

With no additional business to conduct Commissioner Beckwith moved to adjourn the meeting. Commissioner Freeman seconded the motion. The vote follows:

Ayes: Commissioners Beckwith, Freeman, Eustace, Ray, and O’Neal
Chairman Mergel

Nays: None

The motion carried. The meeting adjourned at 7:48 p.m.

Lorri Coody, City Secretary