

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

March 11, 2013 – 7:00 p.m.

THE PLANNING AND ZONING COMMISSION OF THE CITY OF JERSEY VILLAGE, TEXAS, CONVENEED ON MARCH 11, 2013 AT 7:00 P.M. IN THE CIVIC CENTER, 16327 LAKEVIEW, JERSEY VILLAGE, TEXAS

A. The meeting was called to order at 7:00 p.m. and the roll of appointed officers was taken. Commissioners present were:

Chairman, Debra Mergel	Barbara Freeman, Commissioner
Tom Eustace, Commissioner	George Ohler, Commissioner
Joyce Berube, Commissioner	Michael O’Neal, Commissioner

Council Liaison, Justin Ray, was present at this meeting.

Commissioner, Rick Faircloth, was not present at this meeting.

Staff in attendance: Mike Castro, City Manager; Lorri Coody, City Secretary; Danny Segundo, Director of Public Works; and Christian Somers, Building Official.\

City Council Member, Harry Beckwith III was present at this meeting.

B. Consider approval of the minutes for the meeting held on February 12, 2013.

Commissioner Ohler moved to approve the minutes for the meeting held on February 12, 2013. Commissioner Freeman seconded the motion. The vote follows:

Ayes: Commissioners Eustace, Berube, Freeman, Ohler, and O’Neal
Chairman Mergel

Nays: None

The motion carried.

C. Discuss and take appropriate action concerning the application request of Brownstone Development, LP, 6517 Mapleridge, Houston, Texas 77081 (Applicant through William L. Brown) and WBC Land LLC, 111 E. Jericho Turnpike, 2nd Floor, Mineola, New York 11501 (Owner – through Eshagh Malekan – Manager) to change the minimum home size from the existing 1,400 square foot minimum (excluding garage) to 750 square foot minimum (excluding garage) in zoning district C2 (townhouse).

Danny Segundo, Director of Public Works, introduced the item. He explained that on February 26, 2013, Brownstone Development, LP filed an application for a zoning amendment. The site location involves the entire platted subdivision known as “The Enclave at Castlebridge.” Mr. Segundo explained that the former proposal for this property by KBHomes has been withdrawn and this request is now being presented for consideration.

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This item is to receive information on Brownstone Development, LP's request and discuss same.

Discussion was had by the Commission concerning the request. Confirmation was given that the area in question concerns district C2 and that all properties in district C2 are affected. C2 is currently a townhome district.

Robert Van Buren appeared on behalf of the applicant and the owner of the property. There is an appointment of agent on file for this representation. Mr. Van Buren explained that the Developer, Brownstone Development, LP, is interested in developing this property, but before getting started wants to know if the City is interested in his proposal before investing too much into the project.

Discussion was had about the proposal and the number of dwellings per lot being proposed. Mr. Van Buren circulated the current plat and pointed out the requirement that there be no more than two (2) residential units per lot. He explained that the developer is asking that the current square footage of 1,400 be reduced to 750 for financial reasons. He then explained what happened to the former proposal with KBHomes and went on to explain the current proposal. He stated that the current proposal limits the number of units for the property to 200 or less and that financing would come from traditional insurance or a bank but that it would only come for "rental" property and not for "for sale" property.

Mr. Van Buren told the Commission that the developer is in a position to develop this property as "rental" property; but because of his last "for sale" property experience, one in which he lost quite a bit of money, he cannot afford to build the property out with "for sale" townhomes.

Mr. Van Buren stated that the "rental" set-up allows a developer to build the whole project out at one time and allows the seller to sell the whole thing at once without having the risk of getting stuck with an unfinished project should problems be encountered. This is what happened with the Enclave Project. He went on to say that the developer hopes that at some later date the "rentals" can be converted into "for sale" property.

Discussion was had concerning the proposal. Some Commissioners felt that the concept being presented was actually a proposal to convert the "townhouse concept" of district C2 into an "apartment concept" by dropping the dwelling square footage from 1,400 square feet per dwelling to only 750 square feet per dwelling. There was concern that this "apartment concept" would result in people coming and going, that it would not be conducive to long-term residency, and it would result in residents that do not have a stake in the Jersey Village Community.

In response, Mr. Van Buren explained that not all of the units would be 750 square feet. He stated that there would only be some 50 units measuring 750 square feet and these would consist mostly of the end units.

The Commission engaged in discussion about zoning for district M. The Building Official, Christian Somers, explained that this district represented Multi-Family housing.

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The Commission then asked Mr. Van Buren about the largest units being proposed for this project. He explained that the largest would be 1,400 square feet and would be built with a garage. They would be built as a townhouse and not as an apartment. There was discussion about the placement of the buildings on the lots. Mr. Van Buren explained that there will be four (4) units per building with a ten (10') foot easement between each building. Each lot will have one (1) building unless it is an end lot, and in that case, these lots will have two (2) buildings, each containing four (4) units of 750 square feet. Mr. Van Buren confirmed that every dwelling will have at least a one (1) car garage. Some dwellings will have two (2) car garages. The garages will be front loading.

The marketing strategy was discussed. Mr. Van Buren explained that the property will be marketed as townhomes in a private gated community that will be rented, not sold. He mentioned that the development will include a home owner's association.

The Commission was concerned about involvement on the project from other governmental agencies. Mr. Van Buren confirmed that the only governmental involvement in the project would be the City of Jersey Village. He went on to say that in order for the townhomes to be a "nice" product, the rental price would have to be 15% greater than the going rate for other rentals in the area. City Manager Castro commented that Section 8 housing cannot be prevented.

There were questions about how the home owner's association would work considering this would be "rental" property and there would only be one owner. Mr. Van Buren stated that the one owner would pay the fee. The reasoning behind the association is to preserve the option to convert the "rental" property to "for sale" property at a later date.

The Commission then discussed the current code requirements for district C2. There is a requirement that there only be 14 dwelling units per acre of land as well as a certain amount of green space. According to the applicant's proposal, it would seem that in addition to the square footage requirement that these requirements would also have to be adjusted in order to accommodate the proposed project. As such, there was some concern among Commission members that the intent of C2 was being changed.

Discussion was had on the rental fee for the units once built. The applicant explained that the rental fee would be \$125 per square foot compared to \$110 per square foot for new apartments in the area.

Discussion was had about the definition of "flat" and how the City defines "townhouse." City Building Official, Christian Somers read the definition of townhouse from the code of ordinances as follows: "townhouse means structure which is one of a series of dwelling units designed and used for only single-family occupancy, ground to sky, with no entrances or exits to or from the adjoining structures, if any."

There was discussion if zone C2 will accept multi-family housing. Staff stated that it does. The Commission wondered how this type of housing would impact the City. Chief of Police, Eric Foerster was asked to address the concern. He told the Commission that all of the apartment complexes in the city are gated communities, but that does not stop crime. He stated that the criminal is waiting outside the gate until it opens and then he/she enters the complex.

He explained that this particular area of the city is a corridor for criminal activity. There already is increased foot traffic in this area, making it unfavorable for family-living and for long-term residents that will contribute and give back to the community. Given that the proposed location is in close proximity to other apartment complexes, the City will experience an increase in calls for service by both its police and EMS departments.

With no further discussion on the matter, Commissioner Ohler moved to recommend that Council deny the applicant's request to change the minimum home size from the existing 1,400 square foot minimum (excluding garage) to 750 square foot minimum (excluding garage) in zoning district C2 (townhouse). Commissioner Freeman seconded the motion. The vote follows:

Ayes: Commissioners Eustace, Berube, Freeman, Ohler, and O'Neal
Chairman Mergel

Nays: None

The motion carried.

D. Discuss and take appropriate action regarding the preparation and presentation of the Preliminary Report to Council on March 18, 2013, as it relates to request of Brownstone Development, LP, 6517 Mapleridge, Houston, Texas 77081 (Applicant through William L. Brown) and WBC Land LLC, 111 E. Jericho Turnpike, 2nd Floor, Mineola, New York 11501 (Owner – through Eshagh Malekan – Manager) to change the minimum home size from the existing 1,400 square foot minimum (excluding garage) to 750 square foot minimum (excluding garage) in zoning district C2 (townhouse).

There being no further discussion on this matter, Chairman Mergel called for a motion on the item. Commissioner Berube moved that the Commission's Preliminary Report recommend that the City Council of the City of Jersey Village deny the request of Brownstone Development, LP and WBC Land LLC to change the minimum home size from the existing 1,400 square foot minimum (excluding garage) to 750 square foot minimum (excluding garage) in zoning district C2 (townhouse), and that Chairman Mergel present the recommendation to the Council at its March 18, 2013 meeting. Commissioner Ohler seconded the motion. The vote follows:

Ayes: Commissioners Eustace, Berube, Freeman, Ohler, and O'Neal
Chairman Mergel

Nays: None

The motion carried.

Upon passage of this motion, the Preliminary Report was signed for presentation to Council on March 18, 2013. A copy of the Preliminary Report is attached to and made a part of these minutes as Exhibit "A."

E. Discuss with possible action a request from Council to review city requirements relating to digital billboards.

City Manager, Mike Castro, introduced the item. He explained that this item originated as a discussion only item at the January 21, 2013 Council Meeting. During that meeting, Council received a presentation from Clear Channel Outdoor concerning digital billboards, and after considerable discussion, Council Member Beckwith suggested it be placed on the February 18, 2013 Council agenda for action.

On February 18, 2013 Council discussed the item in depth and voted to refer the item to the Planning and Zoning Commission. The Council discussed that public hearings should be part of the process. The specifics of the motion that passed were as follows:

- Develop a definition for digital billboards appropriate to Jersey Village;
- Develop the minimal requirements for replacing static billboards with digital billboards;
- Develop spacing requirements that are at least as restrictive as those of TxDOT.

Mr. Castro told the Commission that in preparing for tonight's meeting, staff has reviewed the material from last year's request, discussed the issue with other communities; including the City of Houston; and has identified several issues that require further research. He also told the Commission that although we have guidance from Council, it is important to note the following:

- Last year there was a formal request to amend the sign ordinance. There is no such request this year.
- The Commission has it within its purview, as a statutory bond, to review the matter in total.
- The Commission is not obligated to recommend that the City allow digital billboards.

Mr. Castro told the Commission that Clear Channel Outdoor has submitted both a proposal and suggested ordinance changes concerning digital billboards. While it is appreciated, Staff believes these steps to be premature. Staff encourages the Commission to exercise its statutory discretion and make a fully considered recommendation to Council.

Public Works Director, Danny Segundo will give a short presentation summarizing the research that staff has done regarding digital billboards. City Secretary, Lorri Coody, will follow with a discussion on the TxDOT Certified City Program as it pertains to outdoor advertising.

Our City Attorney had a conflict and could not be present for tonight's meeting.

With the closing of the opening statements by City Manager Castro, Director of Public Works, Danny Segundo began summarizing the research conducted by staff on digital billboards. He gave background information, explaining that the City does not have a definition for digital billboards. He stated that currently, these type signs are considered "spectacular signs" since they contain advertising that changes more often than every 5 minutes. "Spectacular Signs" are prohibited by City Ordinance (Section-14-243).

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Mr. Segundo explained that a little more than a year ago, the City received a request from Clear Channel to amend its Ordinance to allow for digital signs. At that time, the signs were called “LED Signs,” “Spectacular Signs,” and “Digital Billboards” and the Commission discussed:

- Allowing the signs with a specific use permit (SUP);
- Safety issues; and
- The potential that these signs have for causing accidents.

The Commission also reviewed several reports, both positive and negative; and after much discussion, decided that changing the Ordinances to allow for digital signs was NOT in the best interest of the City of Jersey Village.

Next, Mr. Segundo outlined the various information gathered for the Commission concerning digital billboards. It is as follows:

1. Documentation concerning safety issues;
2. Lighting Standards;
3. Excerpts from City Council Meetings;
4. Excerpts from prior Planning and Zoning Meetings;
5. A list of Pros and Cons pertaining to digital billboards;
6. A summary of discussions had with other Cities;
7. A map locating billboards in the City of Jersey Village;
8. TxDOT Certified City Program;
9. City Sign Ordinance; and
10. Definition for Spectacular Signs.

City Secretary, Lorri Coody, addressed the Commission next. She presented information about the TxDOT Certified City Program. She began by calling attention to the handout - Texas Administrative Code – Title 43 – Chapter 21 - included in the meeting packet. She told the Commission that this Chapter of the Administrative Code outlines the program specifics. She also confirmed that Jersey Village is NOT TxDOT Certified.

Next, Ms. Coody gave background about how she learned about the program. She told the Commission that she contacted Wendy Knox, an attorney with TxDOT who explained the basics of the program which are as follows:

TxDOT Certified Means –

- a) Having authority to regulate signs according to local ordinances.
- b) Setting City sign regulations.
- c) Setting City sign permitting fees.
- d) Setting standards for lighting, size, and spacing that are consistent with Federal Highway Beautification Act. (FHBA)
 1. Standards can be more restrictive but not less restrictive than FHBA.
 2. Caution – Make sure ordinance is detailed – If a requirement is not covered the FHBA requirements apply. (Height example)
- e) Having annual reporting requirements.
- f) Becoming TxDOT Certified is approximately a 60 day process.

Ms. Coody explained how the process of applying for a digital sign permit works in a City that is NOT TxDOT Certified. The process is as follows:

1. Applicant applies for State Permit.
2. If location is in a municipality, application must include “site specific approval” letter from City.
3. State only allows signs in Commercial/Industrial areas.
4. Since Jersey Village currently has a prohibition on billboard signs, applicants cannot get this “site specific approval.”

Ms. Coody explained how special billboard conditions such as a 3 sq. ft. for every 1 sq. ft. installed swapping condition would work in a City that is not TxDOT Certified. Items for the Commission to consider in this instance are as follows:

- Under the State Permitting Process – Swapping is not a factor on the issuance of a permit.
- A city would be able to enforce such a requirement during the construction/building phase.
- Once the State issues a permit for the sign, the applicant must then get approval to build/construct.
- A condition of the building permit could be to remove 3 sq. ft. for every 1 sq. ft. installed.

Ms. Coody closed her presentation stating that a City that is not TxDOT Certified cannot charge a sign permit fee. Other fees can be set and established, but since the City does not issue the permit, it is not actually called a permit fee.

The Commission engaged in discussion. In connection with the TxDOT Certified City Program, they wondered if these regulations applied to signs in the Railroad Right-of-Way and asked for staff to look into this.

The Commission discussed that the main question that needs to be answered is: Do we want digital signs in Jersey Village? Council Liaison Ray told the Commission that this is an opportunity for the Commission to review the City’s perception, to review what we have and what we don’t have as it relates to signs and decide what needs to be done, if anything. The consensus was that the Commission should review the City’s sign ordinances to see how digital billboards apply.

Since changes in this area of the City Code will be a considerable amount of work, discussion was had concerning the advantages/benefits that the City would receive as a result of any ordinance changes. One advantage would be to reduce the number of traditional billboard signs if swapping conditions were implemented.

The Commission discussed:

1. Where billboards are located currently in Harris County;
2. If digital billboards are permitted in Jersey Village, how will this affect the grandfathering clause that is currently in effect;

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3. The pole structure of existing billboards and how these steel poles will be encased with a brick façade if digital billboards are permitted;
4. All the reasons the Commission sited during the last review for not allowing digital billboards;
5. One of the major reasons billboards were not allowed during the last review was due to the US 290 expansion project and the unknowns that the project will produce in terms of locating digital signage;
6. What US 290 will look like once the current expansion project is complete;
7. US 290 Right-of Way limits;
8. Importance of not cluttering the “TOD” area;
9. Ability of City Council to order the City Manager to write a “site specific approval” letter under our current Ordinances; and
10. Ability of City Council to order staff to make an ordinance change.

After much discussion on this topic, the Commission decided that more information was needed. Specifically, the Commission wanted to see more information on the pros and cons of the topic, what other cities are doing, and presentations from Clear Channel Outdoor and Scenic America.

F. Adjourn

With no additional business to conduct Commissioner O’Neal moved to adjourn the meeting. Commissioner Ohler seconded the motion. The vote follows:

Ayes: Commissioners Eustace, Berube, Freeman, Ohler, and O’Neal
Chairman Mergel

Nays: None

The motion carried. The meeting adjourned at 9:03 p.m.

Lorri Coody, City Secretary



**CITY OF JERSEY VILLAGE – PLANNING & ZONING COMMISSION
PRELIMINARY REPORT ZONING AMENDMENT REQUEST
FOR MINIMUM HOME SIZE – DISTRICT C2**

The Planning and Zoning Commission has met in order to review the request of Brownstone Development, LP, 6517 Mapleridge, Houston, Texas 77081 (Applicant through William L. Brown) and WBC Land LLC, 111 E. Jericho Turnpike, 2nd Floor, Mineola, New York 11501 (Owner – through Eshagh Malekan – Manager) to change the minimum home size from the existing 1,400 square foot minimum (excluding garage) to 750 square foot minimum (excluding garage) in zoning district C2 (townhouse).

After review and discussion, the Commissioners preliminarily recommend that Council deny the applicant's request to change the minimum home size from the existing 1,400 square foot minimum (excluding garage) to 750 square foot minimum (excluding garage) in zoning district C2 (townhouse).

The next step in the process as required by Section 14-84(c)(2)(b) of the Jersey Village Code of Ordinances is for Council to call a joint public hearing with the Planning and Zoning Commission.

Respectfully submitted, this 11th day of March 2013.

s/Debra Mergel, Chairman

ATTEST:

s/Lorri Coody, City Secretary

