

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

March 16, 2015 – 7:00 p.m.

THE PLANNING AND ZONING COMMISSION OF THE CITY OF JERSEY VILLAGE, TEXAS, CONVENEED ON MARCH 16, 2015 AT 7:00 P.M. IN THE CIVIC CENTER MEETINGROOM, 16327 LAKEVIEW DRIVE, JERSEY VILLAGE, TEXAS.

A. The meeting was called to order at 7:02 p.m. and the roll of appointed officers was taken. Commissioners present were:

Chairman, Debra Mergel
George Ohler, Commissioner
Joyce Berube, Commissioner

Barbara Freeman, Commissioner
Ratan K. Jha, Commissioner

City Attorney, Mary Ann Powell, was also present.

Commissioners Rick Faircloth and Michael O’Neal were not present at this meeting.

Staff in attendance: Courtney Rutherford, Assistant City Secretary; and Christian Somers, Building Official.

B. Consider approval of the minutes for the meeting held on February 16, 2015.

Commissioner Berube moved to approve the minutes for the meeting held on February 16, 2015. Commissioner Ohler seconded the motion. The vote follows:

Ayes: Commissioners Berube, Freeman, Ohler, and Jha
Chairman Mergel

Nays: None

The motion carried.

C. Discuss and take appropriate action regarding the preparation and presentation of the Final Report as it relates to the request of Gordon NW Village LP to amend the Jersey Village Code of Ordinances, Chapter 14, Article IV, Section 14-105(a) by adding a new Subsection (24) to include “health club” as a use regulation in District F; and to amend Section 14-5 by adding a definition for “health club.”

Christian Somers, Building Official, introduced the item. Background information is as follows:

A Joint public hearing was conducted at the February 16, 2015 Council and P&Z Meetings, giving opportunity for public comment on the request of Gordon NW Village LP to amend the Jersey Village Code of Ordinances, Chapter 14, Article IV, Section 14-105(a) by adding a new Subsection (24) to include “health club” as a use regulation in District F; and to amend Section 14-5 by adding a definition for “health club.”

Following the public hearing, consideration was given to: (1) the directives of Council; (2) the discussions had concerning these issues at prior P&Z meetings; and (3) the comments made by the public during the public hearing.

After due consideration, the Commission voted to table the final Report, and asked that staff prepare a more detailed definition of “health club” and/or exclusions.

In preparing for this agenda item, the City Attorney has put together three (3) options for the Commission to consider as follows:

Option 1. Amend the definition to read as follows:

“Health Club means an indoor facility providing for individual or group exercise and recreational activities, including for personal training, martial arts training, physical fitness training, weight and aerobic training, yoga, Pilates, racquetball/squash and similar court activity, spinning/cycling, circuit training, boxing, basketball, and swimming; and may include incidental uses related to such activities such as shower facilities, changing areas, spas, gymnasiums, food service, and pro shops oriented to customers during their use of the facility as a health club.”

The City Attorney does not recommend prohibiting a specific activity such as pole dancing because if challenged in court the City may encounter issues with U.S. Constitutional freedoms of expression. While there were no specific court cases in our jurisdiction, others have dealt with this issue and have determined that pole dancing in and of itself cannot be a prohibited activity. However, should pole dancing at the health club fall within the definition of sexual oriented business, then the City may prosecute such matter under existing ordinances.

Option 2. Require a Specific Use Permit (SUP) for a Health Club.

Option 3. Do a combination---i.e. Allow Health Clubs in industrial areas by right and require an SUP for other commercial districts.

Should the Commission choose to proceed with Option 1, a final report has been prepared for the Commission’s consideration and presentation to City Council.

Should the Commission choose to proceed with Option 2 or Option 3, the Commission’s final report should deny the request of the applicant and recommend that the applicant present a new application requesting that “health club” be added to the Code of Ordinances as a specific use.

The Commission engaged in discussion regarding the revised definition of “health club.” Still there was concern that the definition is too broad. There was also concern regarding the location of health clubs, even though the applicant is in the strip center, this change will affect the entire district. The Commission discussed the idea of allowing for health clubs with a Special Use Permit (SUP). The Commission agreed that an SUP will allow for more control and stricter guidelines.

With no further discussion, Commissioner Freeman moved to approve the final report recommending that Council **deny** the request of Gordon NW Village LP to amend the Jersey Village Code of Ordinances, Chapter 14, Article IV, Section 14-105(a) by adding a new

Subsection (24) to include “health club” as a use regulation in District F; and to amend Section 14-5 by adding a definition for “health club;” and that the applicant present a new application for the Commission’s consideration, requesting that “health club” be added to the Code of Ordinances as a specific use, requiring a specific use permit. Commissioner Berube seconded the motion. The vote follows:

Ayes: Commissioners Berube, Freeman, Ohler, and Jha
Chairman Mergel

Nays: None

The motion carried.

Upon passage of this motion, the Final Report was signed for presentation to Council. A copy of the Final Report is attached to and made a part of these minutes as Exhibit “A.”

D. Adjourn

With no additional business to conduct the Commission adjourned at 7:32 p.m. to allow Chairman Mergel to present to City Council.

Courtney Rutherford, Assistant City Secretary



**CITY OF JERSEY VILLAGE
PLANNING & ZONING COMMISSION FINAL REPORT
CONCERNING AMENDMENTS TO INCLUDE HEALTH CLUB AS A USE
REGULATION IN ZONING DISTRICT F**

The Planning and Zoning Commission previously met on January 13, 2015 and in its preliminary report recommended that Council grant the request of Gordon NW Village LP to amend the Jersey Village Code of Ordinances, Chapter 14, Article IV, Section 14-105(a) by adding a new Subsection (24) to include “health club” as a use regulation in District F; and to amend Section 14-5 by adding a definition for “health club.”

The preliminary report was submitted to the Jersey Village City Council at its January 19, 2015 meeting. The report was reviewed and the City Council ordered a Joint Public Hearing for February 16, 2015.

On February 16, 2015, the City Council and the Jersey Village Planning and Zoning Commission conducted a joint public meeting, which gave the public an opportunity to make comments concerning the proposed amendment.

The Planning and Zoning Commission after duly considering all the information before it including that gathered at the Joint Public Hearing with City Council on February 16, 2015 at 7:00 p.m., voted to table the final Report, and asked that staff prepare a more detailed definition of “health club” and/or exclusions.

On March 16, 2015, the Commission considered several options for amending the City’s Code of Ordinances in connection with “Health Clubs,” and recommends that Council **deny** the request of Gordon NW Village LP to amend the Jersey Village Code of Ordinances, Chapter 14, Article IV, Section 14-105(a) by adding a new Subsection (24) to include “health club” as a use regulation in District F; and to amend Section 14-5 by adding a definition for “health club.” The Commission further recommends that the applicant present a new application for the Commission’s consideration, requesting that “health club” be added to the Code of Ordinances as a specific use, requiring a specific use permit.

Respectfully submitted, this 16th day of March 2015.

ATTEST:



Courtney Rutherford, Assistant City Secretary



Debra Mergel, Chairman

