

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

August 15, 2022 – 6:00 p.m.

THE PLANNING AND ZONING COMMISSION OF THE CITY OF JERSEY VILLAGE, TEXAS, CONVENEED ON AUGUST 15, 2022 AT 6:00 P.M. IN THE CIVIC CENTER, 16327 LAKEVIEW DRIVE, JERSEY VILLAGE, TEXAS.

A. The meeting was called to order in at 6:00 p.m. and the roll of appointed officers was taken.

Commissioners present were:

Rick Faircloth, Chairman
Eric Henao, Vice Chairman
Ashley Brown, Commissioner

Debra Mergel, Commissioner
Ty Camp, Commissioner

Commissioners Charles A. Butler, III and Courtney Standlee were not present at this meeting.

Staff in attendance: Austin Bless, City Manager; Robert Basford, Assistant City Manager; Evan Duvall, Building Official Representative; and Maria Thorne, Administrative Assistant.

B. CITIZENS' COMMENTS - Any person who desires to address the Planning and Zoning Commission regarding an item on the agenda will be heard at this time. In compliance with the Texas Open Meetings Act, unless the subject matter of the comment is on the agenda, the City staff and Commissioners are not allowed to discuss the subject. Each person is limited to five (5) minutes for comments to the Planning and Zoning Commission.

Susan Edwards, 16001 Jersey Drive, Jersey Village, Texas 77040 – Ms. Edwards spoke to the Commission about including kitchenettes in home remodels. She is in favor of having these added. She also had questions about the 25-foot set back. Building Official Representative, Evan Duvall explained that the setbacks are not being changed in the proposed amendments. They are only being added to a table for working easy. However, he pointed out that some neighborhoods have deed restrictions that change the setback requirements. In these instances, he explained that the most restrictive requirement applies. Ms. Edwards stated that the home next to her was torn down and is being rebuilt. The new home will have a 25-foot setback when her home has a 50-foot setback. She is concerned about the character of the neighborhood in allowing this home to be setback only 25 feet.

C. Consider approval of the minutes for the meetings held on July 11, 2022, and July 18, 2022.

Commissioner Camp moved to approve the minutes for the meetings held on July 11, 2022, and July 18, 2022. Commissioner Henao seconded the motion. The vote follows:

Ayes: Commissioners Henao, Mergel, Camp, and Brown
Chairman Faircloth

Nays: None

The motion carried.

D. Discuss and take appropriate action concerning a review of the City's Code of Ordinances in order to identify code amendments needed to ensure that the codes conform with the goals and objects established by the City's Comprehensive Plan.

BACKGROUND INFORMATION:

On May 18, 2022, City Council agreed to engage BBG to do a Zoning Ordinance update as one of the goals in the Comprehensive Plan is to “Encourage quality Community-orientated Retail and Restaurants”, “Encourage quality Community-orientated Entertainment”, to update city codes to conform to the Comprehensive Plan, and to “Review existing development codes to identify incompatibility with the vision and desired uses (higher quality restaurants, services, and entertainment), and to protect residential neighborhoods.”

Since May, BBG has been working with City Staff and a Planning and Zoning Commission Subcommittee to put together a listing of City Codes to be updated for the Commission’s consideration. On July 11, 2022, the Commission met to discuss the proposed amendments and offered their input concerning same.

Since the July 11, 2022 meeting, BBG has made the adjustments discussed. This item is to make a final review of the proposed changes in order to begin the Ordinance amendment process outlined in Section 14-84 of the Code of Ordinances as follows:

- a. Planning and zoning commission preliminary report submitted to city council.
- b. Joint public hearing with the planning and zoning commission and city council.
- c. Planning and zoning commission final report to the city council.
- d. Action.

Building Official, Evan Duvall, introduced the item and gave his presentation concerning proposed updates to the City’s Code of Ordinance. The proposed changes will cover several major areas of the Code as follows:

1. New Residential Use Table.
2. Incorporated general regulations from Sec. 14-88. into each of the residential districts where applicable.
3. New Setback Tables within Residential Zoning District Regulations.
 - a. Typical House with Standard Setbacks
 - b. Typical House with Accessory Structures in Rear Yard
 - c. Typical House with Street-side Setbacks
4. Complete redesign of accessory structure regulations (Attached and Detached Garages).
 - a) Maximum of 50% square-footage of the main structure.
 - b) Maximum of four (4) structures.
 - c) 60% rear-yard coverage (flatwork, buildings).
 - d) one story maximum (15 feet or equal to the height of the one-story home).
5. Accessory Quarters/Guest Quarters
 - a) Maximum of 600 SF (or if on the 2nd floor or the garage, garage footprint.)
 - b) Includes Kitchen
6. Building height considering floodplain regulations
7. Building Area and Add-On Construction
8. Parking
9. Fences and Hedges
10. Remove currently unused District C-2 (Townhouse district)
11. Move Home Occupation definition to Section 14-5

The following discussions took place during the presentation.

Building Official Representative, Evan Duvall explained the changes made as a result of the discussions had during the meeting held on July 11, 2022. He also explained the process for moving forward.

There was discussion about attached and detached garages. Mr. Duvall explained that if the width of the garage is 8 feet or wider it is considered attached, otherwise it is considered detached.

There was also discussion about the 25-foot setback that was mentioned during public comments. Some members wanted to know if deed restrictions are reviewed in conjunction with the ordinances when approvals of new construction or remodels are given. Mr. Duvall stated that he does check the property survey when giving approvals.

There was discussion about the tables and the need to have street clarifications. Also, corner lots were discussed.

Mr. Duvall explained that for structures exceeding the height requirements, approval will be needed by the Board of Adjustment (BOA). BOA variances versus special exceptions were briefly discussed. It was pointed out that these matters will be discussed in greater detail at a later date.

There was discussion about restrictions for Airbnb homes.

In closing the discussion, City Attorney Pruitt pointed out that tonight's changes are development changes and not use changes. As a result, notice requirements will only need to be published in the newspaper and written notice to individual residents is not required.

E. Recess the meeting to reconvene in the Council Chamber to Join the City Council in conducting a Joint Public Hearing at 7:00 P.M.

Planning and Zoning Commission Chairman, Rick Faircloth, called a short recess at 6:31 p.m. in order to reassemble the Commission in the Council Chamber to conduct the Joint Public Hearing with City Council scheduled for 7 PM.

F. Conduct a Joint Public Hearing with the City of Jersey Village City Council for the purpose of receiving oral comments from any interested person(s) concerning the application request of Reese Brown, filed on behalf of Miramont Interests, LC, for a specific use permit to allow the operation of child day-care on the 1.43-acre tract of land located at 8630 Jones Road, Jersey Village, TX 77065 within the city limits in zoning District F.

In addition to the Planning and Zoning Commission Members, the following members of the City of Jersey Village City Council and City Staff were present for this Joint Public Hearing:

Mayor, Bobby Warren
 Council Member, Drew Wasson
 Council Member, Sheri Sheppard
 Council Member, Michelle Mitcham
 Council Member, James Singleton
 Council Member, Jennifer McCrea

City Manager, Austin Bleess
 City Secretary, Lorri Coody
 City Attorney, Justin Pruitt

Council Members, Michelle Mitcham and Jennifer McCrea, participated in the meeting via videoconference call.

Staff in attendance: Robert Basford, Assistant City Manager; Mark Bitz, Fire Chief; Kirk Riggs, Chief of Police; Isabel Kato, Finance Director; Abram Syphrett, Director of Innovation and Technology; Evan Duvall, Building Official Representative; and Maria Thorne, Administrative Assistant.

Mayor Warren called the item and Chairman Rick Faircloth announced a quorum for the Planning and Zoning Commission. Mayor Warren opened the Joint Public Hearing at 7:21 p.m., for the purpose of receiving oral comments from any interested person(s) concerning the application request of Reese Brown, filed on behalf of Miramont Interests, LC, for a specific use permit to allow the operation of child day-care on the 1.43-acre tract of land located at 8630 Jones Road, Jersey Village, TX 77065 within the city limits in zoning District F. He made note that all notice and posting requirements have been met. Mayor Warren called for public comments.

With no one else signing up to speak at the hearing, Mayor Warren and Chairman Faircloth closed the joint public hearing at 7:21 p.m. and the Planning and Zoning Commission retired from the City Council meeting at 7:21 p.m. to conduct its posted meeting agenda and prepare a final report in connection with this joint public hearing.

In closing the public hearing, the Planning and Zoning Commission left the Council Chamber and Chairman Faircloth reconvened the Planning and Zoning Commission Meeting, with a quorum of Members present, at 7:23 p.m. in the Civic Center Meeting Room. He returned to the regular order of items on the agenda and called the next item as follows:

G. Discuss and take appropriate action regarding the preparation and presentation of the Final Report to City Council concerning the application request of Reese Brown, filed on behalf of Miramont Interests, LC, for a specific use permit to allow the operation of child day-care on the 1.43-acre tract of land located at 8630 Jones Road, Jersey Village, TX 77065 within the city limits in zoning District F.

Evan Duvall, Building Official Representative, introduced the item. Background information is as follows:

A Joint public hearing will be conducted at the August 15, 2022 City Council and P&Z Meetings for the purpose of receiving oral comments from any interested person(s) concerning the application request of Reese Brown, filed on behalf of Miramont Interests, LC, for a specific use permit to allow the operation of child day-care on the 1.43-acre tract of land located at 8630 Jones Road, Jersey Village, TX 77065 within the city limits in zoning District F.

Once the joint public hearing is conducted, consideration must be 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, prepare and vote on your Final Report concerning this amendment.

The Commission engaged in discussion about the request. The applicant was asked questions about access to the parking lot, estimated construction time frame, and the profitability potential of the business, to which he responded accordingly.

With no further discussion on the matter, Commissioner Brown moved to recommend that City Council grant the request of Reese Brown, filed on behalf of Miramont Interests, LC, for a specific use permit to allow the operation of child day-care on the 1.43-acre tract of land located at 8630 Jones Road, Jersey Village, TX 77065 within the city limits in zoning District F. Commissioner Camp seconded the motion. The vote follows:

Ayes: Commissioners Henao, Mergel, Camp, and Brown
Chairman Faircloth

Nays: None

The motion carried.

A copy of the Commission's Final Report is attached to and made a part of these minutes as Exhibit "A."

H. Adjourn

There being no further business on the Agenda the meeting was adjourned at 7:37 p.m.

Lorri Coody, City Secretary



EXHIBIT A

Planning and Zoning Commission Minutes

August 15, 2022

**Final Report
Specific Use Permit - Child Day-Care
8630 Jones Road**



**CITY OF JERSEY VILLAGE – PLANNING & ZONING COMMISSION
FINAL REPORT
DISTRICT F – SUP CHILD DAY-CARE**

The Planning and Zoning Commission has met on July 11, 2022, and in its preliminary report recommended that City Council grant the application request of Reese Brown, filed on behalf of Miramont Interests, LC, for a specific use permit to allow the operation of child day-care on the 1.43-acre tract of land located at 8630 Jones Road, Jersey Village, TX 77065 within the city limits in zoning District F.

The preliminary report was submitted to the Jersey Village City Council at its July 18, 2022, meeting. The report was received, and the City Council ordered a Joint Public Hearing for August 15, 2022.

On August 15, 2022, the City Council and the Jersey Village Planning and Zoning Commission conducted a joint public hearing, 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 August 15, 2022, recommends that City Council grant the application request of Reese Brown, filed on behalf of Miramont Interests, LC, for a specific use permit to allow the operation of child day-care on the 1.43-acre tract of land located at 8630 Jones Road, Jersey Village, TX 77065 within the city limits in zoning District F.

The necessary amendments to the City's zoning ordinance to effect this recommendation are more specifically detailed in the attached proposed ordinance marked as Exhibit "A."

Respectfully submitted, this 15th day of August 2022.

s/Rick Faircloth, Chairman

ATTEST:

s/Lorri Coody, City Secretary

Exhibit A

Proposed Ordinance

ORDINANCE NO. 2022-xx

AN ORDINANCE OF THE CITY OF JERSEY VILLAGE, TEXAS (THE “CITY”), AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY, BY GRANTING MIRAMONT INTERESTS, LC, A SPECIFIC USE PERMIT (THE “SPECIFIC USE PERMIT”) TO ALLOW THE OPERATION OF A CHILD DAY-CARE ON THE 1.43-ACRE TRACT OF LAND LOCATED AT 8630 JONES ROAD, JERSEY VILLAGE, TX 77065 WITHIN THE CITY LIMITS IN ZONING DISTRICT F; PROVIDING REQUIREMENTS AND CONDITIONS FOR THE SPECIFIC USE PERMIT; CONTAINING FINDINGS AND OTHER PROVISIONS RELATING TO THIS ORDINANCE; PROVIDING A PENALTY IN AN AMOUNT NOT TO EXCEED TWO THOUSAND DOLLARS (\$2,000) FOR VIOLATIONS HEREOF; PROVIDING FOR SEVERABILITY; AND, PROVIDING AN EFFECTIVE DATE.

WHEREAS, Olive Tree Development Houston, LLC (the “Owner”) owns a 1.43 acre tract of land (the “Property”) situated within the corporate limits of the City of Jersey Village, Texas (“the City”), with the Property being more particularly described as a 1.43-acre tract of land that is Part of Lot 2, Block 1 of the Gulf Coast Jersey Village R/P, and with a street address of 8630 Jones Road, Jersey Village, Texas, 77065; and

WHEREAS, Amer Boukai has signature authority for the Owner and has appointed Reese Brown as Agent; and

WHEREAS, Reese Brown has signature authority for Miramont Interests, LC who is interested in purchasing the Property from the Owner to operate a child day-care; and

WHEREAS, the Property presently has a zoning classification of District F pursuant to the comprehensive zoning ordinance of the City; and

WHEREAS, Reese Brown, on behalf of Miramont Interests, LC, has made an application to the City for a Specific Use Permit for the purpose of operating a child day-care at the Property as authorized by the City’s comprehensive zoning ordinance (the “Specific Use Permit”); and

WHEREAS, the Planning and Zoning Commission (the “Commission”) and the City Council (the “Council”) of the City have, in the time and manner and after the notice required by law, conducted a public hearing on such request for the Specific Use Permit; and

WHEREAS, the Council has received the final written recommendation of the Commission; and

WHEREAS, the Council wishes to approve such request and, **NOW THEREFORE;**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF JERSEY VILLAGE:

SECTION 1. THAT the facts and matters set forth in the preamble of this Ordinance are hereby found to be true and correct and are incorporated herein for all intents and purposes.

SECTION 2. THAT the Specific Use Permit for use of the Property as child day-care, subject to the terms and conditions set forth below, is hereby granted to the Owner and shall include any successor in interest of the Property.

SECTION 3. THAT the Official Zoning District Map of the City shall be revised and amended to show the Specific Use authorized hereby for the Property as provided herein, with the appropriate references thereon to the number and effective date of this Ordinance and a brief description of the nature of the Specific Use authorized.

SECTION 4. THAT the Specific Use Permit granted hereby shall be null and void after the expiration of two (2) years from the date of adoption of this Ordinance unless the Property is being used in accordance with the Specific Use Permit herein granted or unless an extension of time is approved by City Council.

SECTION 5. THAT the Specific Use authorized and permitted hereby shall be, and is, subject to the following additional limitations, restrictions, and conditions:

SECTION 6. THAT any person who shall violate any provision of this Ordinance shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined in an amount not to exceed two thousand dollars (\$2,000). Each day of violation shall constitute a separate offense.

SECTION 7. THAT in the event any clause, phrase, provision, sentence, or part of this Ordinance or the application of the same to any person or circumstance shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Ordinance as a whole or any part or provision hereof other than the part declared to be invalid or unconstitutional; and, the Council declares that it would have passed each and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, whether there be one or more parts.

SECTION 8. THAT this Ordinance, and the Specific Use Permit granted hereby, shall become effective upon Reese Brown, or designee, furnishing to the City either proof of ownership in the Property by the Owner ,or authority of the Owner to act under the Specific Use Permit.

PASSED, APPROVED, AND ADOPTED this _____ day of _____, 2022.

FOR THE CITY:

ATTEST:

Lorri Coody, City Secretary



BOBBY WARREN, MAYOR