

MINUTES OF THE SPECIAL MEETING OF THE CITY COUNCIL OF THE CITY OF JERSEY VILLAGE, TEXAS, HELD ON AUGUST 1, 2013 AT 7:00 P.M. IN THE CIVIC CENTER, 16327 LAKEVIEW, JERSEY VILLAGE, TEXAS.

A. CALL TO ORDER AND ANNOUNCE A QUORUM IS PRESENT

The meeting was called to order by Mayor Rod Erskine at 7:02 p.m. with the following present:

Mayor, Rod Erskine	City Manager, Mike Castro, PhD
Council Member, Justin Ray	City Secretary, Lorri Coody
Council Member, Harry Beckwith III, PE	City Attorney, Bobby Gervais
Council Member, Sheri Sheppard	
Council Member, Jill Klein	

Council Member, Sandra Joachim was not present at this meeting.

B. Consider Ordinance No. 2013-28, amending Chapter 14. Building and Development, Article IV, Zoning Districts, Division 3, Form Based Zoning Districts, Section 6.2 “schedule of permitted uses” by amending table 6.1 to allow “warehouse” as a permitted use, with an approved special development plan; amending table 6.1 by changing references of “specific use permit” to “special development plan”; providing a severability clause; providing for repeal; providing a penalty as provided by section 1-8 of the code; and providing an effective date.

Danny Segundo, Director of Public Works, introduced the item. He began with background information about the item. He told Council that discussions on this topic began with Heights Venture back in March of this year. He explained that the applicant was very prepared and proactive about development in District D. Their plan included the construction of warehouses which are prohibited by the District D zoning requirements. Additionally, District D zoning requirements do not offer developers any specific use options, only special development plan (SDP) options for proposals that do not meet code specifications.

Accordingly, the applicant applied for a zoning change that would allow for warehouses in District D upon the approval of a SDP and in anticipating the approval of the zoning change, they also filed an application for approval of a SDP which included construction of warehouses in the district. Both applications went through the proper stages of preliminary and final recommendations of the Planning and Zoning Commission and on June 17 City Council considered the Ordinances that would approve both the zoning change and approve the SDP. However, during that meeting, Council did not act on either Ordinance.

With no action being taken by Council, the applicant has asked for another opportunity to meet before the Council to present their plan. This item is for consideration of the zoning change. The item that follows addresses approval of the SDP.

City Manager Castro also addressed City Council in connection with this item. He gave an overview, stating with no action taken at the June 17, 2013 Council meeting, the requests of the applicant are still open. At the applicant’s prompting, City Manager Castro met with the applicant to discuss solutions for bringing the items to closure. During that meeting, suggestions were made to the applicant that changes should be made to their plan in order to address the concerns expressed by Council during the June 17, 2013 Council Meeting. City Manager Castro also provided Council with background information about District D,

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explaining that the City implemented form based codes to control development. Nonetheless, in approving the conceptual plan, Council accepted that there would be a need for some flexibility in order to get the area developed. The purpose of tonight's item is to give the applicant an opportunity to re-present their proposal while having Staff and the Chairman of the Planning and Zoning Commission present to answer any questions. That being said, the applicant was called upon to make the presentation.

Michael Kravetz, Architecture with Heights Venture, made the presentation. He told Council that the purpose of the meeting was to:

- Show how the original Ordinance District D concept remains intact;
- Show how this Jones Crossing site specific SDP conceptual approval meets the original vision of the Ordinance District D; and
- Show how the sequencing of this site will not leave the warehouse use exposed to Jones Road.

He then told Council that there have been changes in their proposal from that presented in June. These changes have been made as a result of the feedback obtained during that meeting. The initial SDP proposal sought to include warehouse development in both the Mixed Use and Highway Mixed Use District D Character Zones. The new proposal only seeks to implement warehouses in the Highway Mixed Use (purple) Character Zone.

Mr. Kravetz then walked Council through his proposal step by step. Discussion was had about the change in the proposal from that of the initial one made in June. Clarification was sought as some members of the Council pointed out that the change resulted in a "re-drawing" of the Character lines for the Mixed Use Zone and the Highway Mixed Use Zone. Staff noted that the change was less than 15% which under the present guidelines for District D would be classified as a "minor" modification and governed by Sec. 3.8 of the code.

Council then discussed if the proposed "conceptual" SDP was approved, how would the land be developed? There was concern if the warehouse square footage would be limited to what was approved in the "conceptual" SDP. Staff explained that if the "conceptual" SDP is approved and development begins that is different from what is approved than a new SDP would have to be submitted for approval. In order that the new SDP is approved it has to go through the entire process of being presented before the Planning and Zoning Commission for a preliminary report that is presented to Council. A Public Hearing is conducted and a final report is prepared by the Planning and Zoning Commission. The new SDP is only approved once Council votes and approves the Ordinance for same.

There was concern from some Council Members that what is being presented this evening is basically the same as that presented on June 17, 2013 that was not approved. Council engaged in further discussion about the proposal. Items discussed were as follows:

1. Noise
2. The layout

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3. Warehouse building placement
4. The SDP process and the process for changes to an approved SDP
5. Possibility that warehouse construction will alter the type of construction ultimately realized in the core
6. Incentives for development
7. Truck traffic
8. Proposal does not meet vision of City's conceptual plan for District D.

Mayor Erskine called upon Debra Mergel, Chairman of the Planning and Zoning Commission (P&Z) for input. Chairman Mergel gave an overview of the P&Z's activities as they relate to this topic. She told Council that the P&Z had many of the same concerns voiced this evening. She summarized the concerns as follows:

1. The vision of the City's conceptual plan may not be met
2. Truck traffic and noise
3. Railroad access to the warehouses
4. The negative affect that warehouses might have upon the City as a whole.

With no further discussion on the matter, Mayor Erskine called for a motion on the Ordinance. Council Member Beckwith moved to approve an amended version of Ordinance No. 2013-28, amending Chapter 14. Building and Development, Article IV, Zoning Districts, Division 3, Form Based Zoning Districts, Section 6.2 "schedule of permitted uses" by amending table 6.1 to allow "warehouse" as a permitted use IN THE HIGHWAY MIXED USE ZONE ONLY, with an approved special development plan; amending table 6.1 by changing references of "specific use permit" to "special development plan"; providing a severability clause; providing for repeal; providing a penalty as provided by section 1-8 of the code; and providing an effective date. The motion was seconded by Council Member Sheppard. The vote follows:

Ayes: Council Members Beckwith and Sheppard

Nays: Council Members Klein and Ray

Having a "tie vote," in accordance with Article II, Section 2.05 of the City's Charter, the Mayor's vote follows:

Aye: Mayor Erskine

The motion carried.

ORDINANCE NO. 2013-28

AN ORDINANCE AMENDING CHAPTER 14 OF THE CODE OF ORDINANCES OF THE CITY OF JERSEY VILLAGE, TEXAS, THE JERSEY VILLAGE DEVELOPMENT CODE, BY AMENDING CHAPTER 14. *BUILDING AND DEVELOPMENT*, ARTICLE IV. *ZONING DISTRICTS*, DIVISION 3. *FORM BASED ZONING DISTRICTS*, SECTION 6.2 "SCHEDULE OF PERMITTED USES" BY AMENDING TABLE 6.1 TO ALLOW

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“WAREHOUSE” AS A PERMITTED USE, WITH AN APPROVED SPECIAL DEVELOPMENT PLAN; AMENDING TABLE 6.1 BY CHANGING REFERENCES OF “SPECIFIC USE PERMIT” TO “SPECIAL DEVELOPMENT PLAN”; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR REPEAL; PROVIDING A PENALTY AS PROVIDED BY SECTION 1-8 OF THE CODE; AND PROVIDING AN EFFECTIVE DATE.

- C. Consider Ordinance No. 2013-29, approving a Special Development Plan to allow development in District D as provided by Chapter 14. *Building and Development, Article IV. Zoning Districts, Division 3. Form Based Zoning Districts*; permitting “warehouse” as a permitted use for the area shown in the Special Development Plan; allowing minor modifications to the development standards of District D; providing a severability clause; providing for repeal; providing a penalty as provided by Section 1-8 of the Code; and providing an effective date.**

Having approved the previous item, Council continued discussions concerning the requested SDP. The proposal has been amended from that presented in June in that the applicant is only seeking to construct warehouses in the Highway Mixed Use Zone of District D and that this is basically a conceptual plan so that the owners of the property can market the concept to developers. Discussion was had that should Council approve the presented “conceptual” SDP and developers want to vary from the approved SDP then any changes have to be approved by going back through the whole process with a new SDP application. However, Staff pointed out that should the developer wish to build according to the “conceptual” plan SDP that no further approval is needed.

Some Members of Council felt that additional input from the P&Z is warranted before a decision is made to approve the amended SDP. Consensus was that a Joint Work Session could be had with the P&Z on August 19, 2013 at 6:00 p.m.

Accordingly, Council Member Beckwith moved that this item be referred to a Joint Work Session with the Planning and Zoning Commission on August 19, 2013 at 6:00 p.m. The motion was seconded by Council Member Sheppard. The vote follows:

Ayes: Council Members Beckwith, Sheppard, Ray, and Klein

Nays: None

The motion carried.

D. ADJOURN

There being no further business on the Agenda the meeting was adjourned at 8:55 p.m.

Lorri Coody, City Secretary