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

September 5, 2012 - 7:00 p.m.

THE PLANNING AND ZONING COMMISSION OF THE CITY OF JERSEY VILLAGE, TEXAS, CONVENED ON SEPTEMBER 5, 2012 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
George Ohler, Commissioner
Rick Faircloth, Commissioner

Tom Eustace, Commissioner Joyce Berube, Commissioner Michael O'Neal, Commissioner

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

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

B. Consider approval of the minutes for the meetings held on January 16, 2012.

Commissioner Ohler moved to approve the minutes for the meeting held on January 16, 2012. Commissioner Eustace seconded the motion. The vote follows:

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

Chairman Mergel

Nays: None

The motion carried.

C. Discuss and take appropriate action concerning the application request of KB Home Lone Star, LP, 11320 Richmond Avenue, Houston, Texas 77082 (Applicant) and WBC Land LLC, 111 E. Jericho Turnpike, 2nd Floor, Mineola, New York 11501 (Owner – through Eshagh Malekan - Manager) to amend the zoning ordinance at Chapter 14, Article IV, Section 14-103.1(a) by adding subsection (4) to provide for specific use permits in district C2 for single family homes.

Danny Segundo, Public Works Director, introduced the item. Background information is as follows: On July 31, 2012, KB Home Lone Star, LP filed an application for a zoning amendment. The request is to amend the City of Jersey Village Code of Ordinances at Chapter 14, Article IV, Section 14-103.1(a) by adding a subsection (4) as follows:

- "(4) The following uses are permitted in district C2 with a specific use permit:
 - a. Single family homes."

Mr. Segundo pointed out the location of the property in question on the map. The Commission engaged in discussion of when annexation of this property took place. Mr. Segundo told the Commission that it was annexed into the City in 2000 and the zoning was changed to district C2 (townhomes) in 2004. The developer undertaking the townhouse project, The Enclave at Castlebridge, went bankrupt. Therefore, the project for this tract of land is currently incomplete. The utilities installed as part of the Enclave project were never accepted by the city. The streets do not conform to City standards and have never been accepted by the City as city streets. The City never issued a certificate completion for the project known as the Enclave at Castlebridge.

Mr. Richard Marek appeared on behalf of KB Homes. He presented the Commission with a handout depicting photos of the single family home project that is the subject of the application requesting to amend the code to allow for a specific use permit in zone C2 for single family homes. He explained that currently, the land in question is zoned for a 154 unit townhouse project that includes detention.

He gave background information about the market for townhomes in this area, and he explained that because the market is not supporting this type of home, his company desires to construct a project consisting of single family homes on this tract of land.

He agreed that the utilities from the former project were never accepted by the city. This includes the detention pond. He explained that the pond is holding water and is not operating as designed. As a result, KB Homes has hired Jones & Carter, a local engineering firm, to investigate the problem. A field inspection was conducted of the detention basin. It was found that the pipe that drains the detention basin connects to an existing large storm sewer on West Road. The storm sewer on West Road is holding a large amount of water, and is backing into the detention basin causing it to hold water. It appears there is a downstream condition causing the storm sewer to hold that amount of water. Mr. Marek stated that KB Homes will work with the City and Harris County Flood Control District to determine the cause and alleviate the problem.

Mr. Marek went on to explain that the project being proposed consists of 80 units. There will be 24 units built on 60 foot lots and 57 units built on 50 foot lots. Each unit will have a 5 foot side setback, or 10 feet between homes.

Discussion was had about the current zoning which is C2 and why the request is not for a zoning change as opposed to a specific use permit. Mr. Marek explained that the owner of the property does not want to have the property zoned differently should the sale of the property not conclude.

Mr. Marek explained the additional site improvements included in the project as follows:

- a) Replace existing wrought iron fencing along West Road and Castlebridge Drive with a brick wall as it currently exists between the detention pond and the adjacent commercial lot;
- b) Construct gated entries on both West Road and Castlebridge Drive;
- c) Landscape both entries and add additional monument features;
- d) Either replace or relocate the existing overhead electric power lines and power poles within the development to be either located around the perimeter of the development or replaced with underground power facilities; and

e) Construct a "park setting" with improvements that could include trails, benches, and a gazebo.

Mr. Marek briefly explained the needed variances for the project as follows:

- a. Two models as opposed to one;
- b. 20% open space as opposed to 30%;
- c. Sidewalks adjacent to the curb; and
- d. Masonry will be 75% of the first floor

Mr. Marek explained that the size of the homes for this project range from 1800 to 3600 square feet, will be one and two story homes, and consist of 12 different plan choices. He stated that pricing will be good and within market demand.

The Commission engaged in discussion about the KB proposal before them. There were questions concerning the amount of space available and if that dictates the number of homes to be constructed. Mr. Marek explained yes, and added if the lot is 50 feet, as a practice he would like to put a 40 foot slab on it in order to maximize its use.

The Commission discussed off-site parking and how the project will address same. Mr. Marek explained that the streets have already been built. They will not be torn up, so the project is based upon using the existing streets for this purpose.

The Commission wondered about what is meant by "gated." Mr. Marek explained that the streets in this community will be privately owned and run by the development's Home Owner's Association (HOA). There was concern about the width of the streets which was stated to be some 28 feet, and whether emergency vehicles could navigate this size street. There was also concern about parking and that the same issues that are had on Village Green may very well be encountered once this neighborhood is complete. By way of resolving the issue, discussion was had that implementing a requirement for parking on one side of the street only may work as is the case for other streets in Jersey Village. However, it was wondered since these will be private streets, how such a requirement would be enforced. The City Attorney explained that enforcement would be by a condition of the specific use permit.

Mr. Marek explained a Home Owner's Association (HOA) will be created and it will be professionally managed by an independent HOA management firm. The HOA's duties will be to enforce the deed restrictions, maintain the community improvements, and collect the HOA fees assessed. The fees assessed will provide for street maintenance, deed restriction enforcement, and maintenance of all other community features. The Commission engaged in discussion about the Home Owner's Association. There were questions about existing HOA's in the City. There was also discussion about emergency entrance into gated communities.

The Commission again discussed the issue of parking on the streets. The concern was the width and the ability of emergency vehicles to get to those in need. The current ordinance states that for any street that is at least 24 feet but less than 28 feet, parking will only be permitted on one side of the street. The Commission seemed to be in favor of such a requirement for this development. Mr. Marek stated that he had never seen such a restriction. However, the

Commission went on to conclude that since these streets are 28 feet wide, they may fall outside that requirement.

The Commission then discussed how a specific use permit (SUP) would work. Would there be one permit or one for each home built. The City Attorney stated that a SUP for this instance is not the norm. Typically one would see a SUP for a townhome in a single family district, but not for single family home development in a townhome district. He stated that a SUP is typically issued for a single owner and a single property. In this case you will have multiple owners with multiple properties.

The problem of enforcing the SUP was discussed by the Commission. There would be people in homes and if there was non-compliance, it would be difficult to revoke the conditions of the SUP. Other solutions were discussed for the project, such as Planned Unit Developments (PUD's), but it was determined that the City's current code does not provide for these type developments.

The City Attorney explained that the decision before the Commission for this item is to decide if it is good for the City to have a SUP for single family homes in district C2. In answering this, the Commission discussed what would be the best use of the land in question. They discussed both the pros and cons of having single family homes in district C2. During their discussions, it was determined that the entire project plat represents district C2.

For an understanding of the variance process, the City Attorney explained that variances from the City's Code are presented to and determined by the Board of Adjustment. In the SUP instance, the City Attorney cautioned that the variance process is circumvented and as a result the standard becomes self- imposed.

The Commission then discussed the issue of why rezoning was not appropriate. Mr. Marek reminded the Commission that the current owner does not want to rezone in case the current land sale does not close.

City Manager, Mike Castro then addressed the Commission. He first stated that currently, district A (single family home district) has a 1,750 minimum square foot requirement and district C2 (townhouse district) has a 1,400 minimum square foot requirement. He asked the Commission to consider that there seems to be no guarantees in place to insure that the City does not end up with 1,400 square foot homes should the SUP route be followed.

City Manager Castro also brought up the request of KB Homes for a 20 foot front setback. He pointed out that granting such a request would be different from that of other city streets. He stated the result will be that the setback starts where the street easement ends, causing long pickup trucks parked in driveways to block sidewalks. Discussion was had by the Commission on this topic. By way of finding a solution, the back setback line was discussed. The Commission wondered if the front setback could be set at 25 feet and the difference could be adjusted off the back setback line. Mr. Marek mentioned that there is a utility easement that runs across the back of the property. He was not sure this would be doable.

City Manager Castro pointed out some irregularities with the project sketch, such as the green spaces need to connect and a few other problem areas. Mr. Marek stated that those would be corrected once the actual project site plan was complete.

City Manager Castro then explained that should we proceed with the issuance of a SUP and the underlying district remains C2, and keeping in mind the history of this parcel with the prior failed project, the concern becomes the effects of another failed project as the potential exists to have several constructed single family homes mixed in with townhomes. He also pointed out that there may be other problems encountered should the HOA dissolve. In that instance, the City would assume all responsibility, and the streets would not be standard and there may be unresolved drainage issues.

The Commission discussed this issue with great detail and concern. They also discussed other possibilities and instances that could cause unexpected expenditures for the City.

The project timeline was discussed. Mr. Marek explained that KB Homes hopes to build four to five homes per month and project a timeline of 18 months to 2 years.

Discussion was had that all requirements of district A should be considered as conditions for the SUP.

With no further discussion on the matter, Commissioner Ohler moved to table the item until further input is received and discussion had to address the many issues mentioned during this meeting. The motion was seconded by Commissioner Faircloth. The vote follows:

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

Nays: None

The motion carried.

The Commission agreed to meet on October 10, 2012 at 7:00 p.m.

D. Discuss and take appropriate action regarding the preparation and presentation of the Preliminary Report to Council on September 17, 2012, as it relates to request of KB Home Lone Star, LP, 11320 Richmond Avenue, Houston, Texas 77082 (Applicant) and WBC Land LLC, 111 E. Jericho Turnpike, 2nd Floor, Mineola, New York 11501 (Owner – through Eshagh Malekan - Manager) to amend the zoning ordinance at Chapter 14, Article IV, Section 14-103.1(a) by adding subsection (4) to provide for specific use permits in district C2 for single family homes.

This item was not considered by the Commission.

E. Discuss and take appropriate action concerning the application request of Fairview Equity Holdings, LLC, 21 Waterway Ave., Suite 300, Woodlands, TX 77380 (Applicant/Owner) and Brian Nawara, 12810 Century Drive, Stafford, TX 77477, (Preparer/Surveyor) for a Preliminary Plat Review and Approval for the Fairview

Industrial Park Development comprised of a 14.9953 acre tract of land located in the City's extra-territorial jurisdiction (ETJ).

F. Discuss and take appropriate action regarding the preparation of preliminary plat recommendations for the Fairview Industrial Park Development, which is comprised of a 14.9953 acre tract of land located in the City's extra-territorial jurisdiction (ETJ), and make decisions regarding the presentation of same to Council on September 17, 2012.

Items E and F were considered together. Danny Segundo, Public Works Director, presented the items. Background information is as follows:

The City has received a preliminary plat for consideration by the Planning and Zoning Commission.

On July 5, 2012 City Staff met with Brain Nawara and other representatives with Texas Engineering and Mapping Company (TEAM). The TEAM representatives discussed a proposed preliminary plat of Fairview Industrial Park located in the city's extra-territorial jurisdiction (ETJ). The proposed development would be 14.9953 acres, and consist of six office buildings, with the capability of future expansion. As a result of this meeting, Fairview Equity Holdings, LLC, and Brian Nawara filed application for review and approval of the preliminary plat.

Since filing the application on August 23, 2012, staff has reviewed same and reports to the Commission that, at a minimum, the Preliminary Plat:

- a. Should include any and all revisions/recommendations made by Harris County, Texas; and
- b. Must provide a signature line for the Director of Public Works and the Developer must submit one mylar (four mil) reproducible of the plat to the city upon approval.

The Commission engaged in discussion about the plat and the proposed project. There were questions concerning the location of the property for there was concern that it was located in the area known as Jersey Village Crossing. Mr. Segundo pointed out the location on the city map, indicating it is just outside the west boundary of Jersey Village Crossing in the City's ETJ on Fairview Street.

There were questions about the type of project proposed. Mr. Segundo explained that it is to be a warehouse development, and Engineering Technician, Ms. Capaccioli-Paul showed a drawing that depicted the proposed development as having a private drive with six (6) buildings. The conditional approval that staff is recommending was explained.

The Commission discussed drainage, which is to be located in the back of the property in the form of a detention pond and staff pointed out that the property is not supported by city utilities; and therefore, will have a septic system and wells for water. The Commission also discussed flooding issues both now and in the future as a result of this development. There did not appear to be any concerns.

With no further discussion on the matter, Commissioner Faircloth moved that the Commission recommend that Council conditionally approve the preliminary plat with the following modifications:

- a. Preliminary Plat must include any and all revisions/recommendations made by Harris County, Texas; and
- b. Preliminary Plat must provide a signature line for the Director of Public Works and Developer must submit one mylar (four mil) reproducible of the plat to the city upon approval.

Commissioner Eustace seconded the motion. The vote follows:

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

Nays: None

The motion carried.

Upon passage of this motion, the Preliminary Plat Recommendation Report was signed for presentation to Council at its September 17, 2012 meeting. A copy of the Preliminary Plat Recommendation Report is attached to and made a part of these minutes as Exhibit A.

G. Adjourn

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

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

Chairman Mergel

Nays: None

The motion carried. The meeting adjourned at 8:15 p.m.

Lorri Coody, City Secretary



CITY OF JERSEY VILLAGE – PLANNING & ZONING COMMISSION PRELIMINARY PLAT RECOMMENDATION

Fairview Industrial Park Development

The Planning and Zoning Commission has met in order to review the application request of Fairview Equity Holdings, LLC, 21 Waterway Ave., Suite 300, Woodlands, TX 77380 (Applicant/Owner) and Brian Nawara, 12810 Century Drive, Stafford, TX 77477, (Preparer/Surveyor) for a Preliminary Plat Review and Approval for the Fairview Industrial Park Development comprised of a 14.9953 acre tract of land located in the City's extra-territorial jurisdiction (ETJ).

After review and discussion, the Commissioners recommend that the City Council of the City of

Jersey Village take the following action in connection with the preliminary plat submitted by Fairview Equity Holdings, LLC and Brian Nawara for the Fairview Industrial Park Development:
_____ Approve the preliminary plat, which is attached hereto as Exhibit "A", for a period of one year, and order the developer to submit one mylar (four mil) reproducible of the plat to the city.
__x__ Conditionally approve the preliminary plat, which is attached hereto as Exhibit "A", with the following modifications:

a. Preliminary Plat must include any and all revisions/recommendations made by Harris County, Texas; and
b. Preliminary Plat must provide a signature line for the Director of Public Works and Developer must submit one mylar (four mil) reproducible of the plat to the city upon approval; and

Respectfully submitted, this 5th day of September 2012.

s/Debra Mergel, Chairman

ATTEST:

s/Lorri Coody, City Secretary

Disapprove the plat.



