

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

August 13, 2013 – 6:00 p.m.

THE PLANNING AND ZONING COMMISSION OF THE CITY OF JERSEY VILLAGE, TEXAS, CONVENEED ON AUGUST 13, 2013 AT 6:00 P.M. IN THE CIVIC CENTER MEETING ROOM, 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	Tom Eustace, Commissioner
Barbara Freeman, Commissioner	Joyce Berube, Commissioner
George Ohler, Commissioner	Rick Faircloth, Commissioner

Commissioner Michael O’Neal and City Attorney, Bobby Gervais were not present at this meeting. Council Liaison, Justin Ray was present at this meeting.

Staff in attendance: Mike Castro, City Manager, PhD; Lorri Coody, City Secretary; Danny Segundo, Director of Public Works; Christian Somers, the City’s Building Official; and Deborah Capaccioli-Paul, Engineering Technician.

B. Consider approval of the minutes for the meetings held July 15, 2013 and July 22, 2013.

Commissioner Freeman moved to approve the minutes for the meetings held on July 15 and July 22, 2013. Commissioner Ohler seconded the motion. The vote follows:

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

Nays: None

The motion carried.

C. Receive and discuss “ordinance drafting” information from Kendig Keast Collaborative as it relates to text amendments for the City’s current Development Code regarding the management of anticipated residential teardown and rebuilding activities.

Danny Segundo, Director of Public Works introduced the item. Background information is as follows:

In July 2012 Kendig Keast Collaborative (KKC) was hired to review the development code relating to the issue of teardowns and rebuilds within the City of Jersey Village.

The City of Jersey Village has a unique quality about it. Its parks are clean and properly cared for by its Parks Department, and it has its own Fire and Police Departments that provide outstanding service. For those who are looking for a secure place to live, Jersey Village is the ideal place for home owners and developers to look when searching for a place to rebuild. Seeing the potential of redevelopment within the city’s residential district, city

staff is looking to better manage anticipated residential teardown and rebuilding activity. With the growth of the Jersey Village and Cy-Fair areas, there is the potential that teardowns and rebuilds will come to the city eventually.

Accordingly, KKC has been given the task of reviewing the City's development code and to provide assistance with any changes that may be identified during this process. The initial steps of the review process involved KKC holding listening sessions with residents in order to gather information and feedback related to potential issues as seen by the residents. Also, KKC has met with members of the building community in Jersey Village to obtain their input into the teardown/rebuild issue.

On April 29th, KKC gave a presentation regarding what they felt were the city's concerns, such as lot coverage, change in neighborhood character, and street canyon effect. City Council and the Planning and Zoning Commission gave KKC input and discussion was partaken related to the presentation.

Mr. Segundo stated that the purpose of tonight's meeting is for KKC to present information on the key set of concerns identified on April 29th, and discuss these concerns with the Planning and Zoning Commission using our current code provisions along with a set of proposed adjustments or additions to these provisions that address the concerns.

Mr. Gary Mitchell with Kendig Keast Collaborative opened the presentation by stating that the objective of tonight's meeting is to develop code amendment language for each of the following areas of concern:

- Relative lot size;
- Relative house size and scale;
- Open space and tree preservation ;
- Garages toward front of lots/homes; and
- Effects of accessory buildings near side/rear property lines.

Mr. Mitchell discussed each concern and the potential amendment provision with the Commission as follows:

CONCERN – RELATIVE LOT SIZE

He explained that the potential combination of vacant and/or previously built lots, through replatting, could result in larger building sites relative to more typical lot sizes in the vicinity. Then, even if all other typical zoning parameters are observed, the outcome could be a residential structure of significantly greater scale relative to the size of nearby homes.

The current code provisions, along with the potential new/amended provisions for relative lot size, are as follows:

CURRENT CODE PROVISIONS	POTENTIAL NEW / AMENDED PROVISIONS
<p>Lot size. No lot in this district shall have less than 10,000 square feet of total area ...</p> <p>[Provisions for District A in Sec. 14-101(b)(4)]</p>	<p>Limit lot size based on prevailing conditions in the vicinity. Setting a specific maximum lot size for Zone A is not practical because the district encompasses many lots in the 9,000-11,000 square foot range, but also a northern area of “estate” size lots in the 1-3 acre range (see clip from official zoning map on next page, with Zone A in yellow). Therefore, the suggestion is to cap the size of lots based on existing nearby lot sizes: No lot in this district shall have a total area that exceeds by more than __ percent the total area of any other lot on the same blockface. [Add to Sec. 14-101(b)]</p>

Discussion was had that a minimum lot size is necessary. Some felt that there also may be a need to control the maximum lot size as well. Discussion was had on setting this number. City Manager Castro pointed out that some homes already have 3.1 acres so there is a need for caution in setting the maximum. The consensus of the Commission was that no lot in the district shall have a total area that exceeds by more than 25% of the total area of any other lot on the same blockface.

CONCERN – RELATIVE HOUSE SIZE AND SCALE

Mr. Mitchell stated that this overriding concern is at the heart of the residential teardown/rebuild phenomenon. Under the existing zoning regulations, where existing homes were built at a scale less than the allowable three-dimensional “building envelope,” such homes could be expanded upward or outward. Likewise, entirely new construction could be built at a scale that is noticeably larger than the traditional residential building pattern in the neighborhood.

The current code provisions, along with the potential new/amended provisions for relative house size and scale, are as follows:

CURRENT CODE PROVISIONS	POTENTIAL NEW / AMENDED PROVISIONS
<p>Lot size. No lot shall be less than 70 feet at the front building line. [Provisions for District A in Sec. 14-101(b)(4)]</p>	<p>Limit lot dimensions based on prevailing conditions in the vicinity.</p> <p>No lot in this district shall have more than 25% the width of any other lot on the same blockface.</p>

There was limited discussion on this provision. The consensus of the Commission was that no lot in this district shall have more than 25% the width of any other lot on the same blockface.

The current code provisions, along with the potential new/amended provisions for lot standards, are as follows:

CURRENT CODE PROVISIONS					POTENTIAL NEW / AMENDED PROVISIONS									
Lot Standards: Currently the setbacks are the same regardless of lot size.					<p>Consider variable setback standards tied to lot size. The minimum front, side and rear setbacks in Zone A apply across the board despite the wide range of lot sizes. An alternative is to increase the minimum setbacks at one or more threshold lot sizes. Otherwise, the largest lots are afforded a huge “building envelope” based just on uniform setback requirements. Another variation is for the setbacks to be determined as a percentage of the lot width and depth, meaning that setbacks automatically increase with increasing lot sizes and dimensions.</p>									
<table border="1"> <thead> <tr> <th>Lot Type</th> <th>Min Front Setback (in feet)</th> <th>Min Side Setback (in feet)</th> <th>Min Side Street Setback (in feet)⁽⁴⁾</th> <th>Min Rear Setback (in feet)</th> </tr> </thead> <tbody> <tr> <td>Urban residential</td> <td>25</td> <td>7.5</td> <td>10/25</td> <td>25</td> </tr> </tbody> </table>	Lot Type	Min Front Setback (in feet)	Min Side Setback (in feet)	Min Side Street Setback (in feet) ⁽⁴⁾		Min Rear Setback (in feet)	Urban residential	25	7.5	10/25	25			
Lot Type	Min Front Setback (in feet)	Min Side Setback (in feet)	Min Side Street Setback (in feet) ⁽⁴⁾	Min Rear Setback (in feet)										
Urban residential	25	7.5	10/25	25										

Mr. Mitchell explained that the drawback to using the percentage mechanism is that the fronts of homes on street may not be nicely aligned. Consensus was that the Commission preferred incremental increases, which led to how the increases would be calculated and applied. Mr. Mitchell suggested that perhaps the change should be made when the larger and smaller homes abut. After much discussion, the Commission did not arrive at an incremental number.

Additional consideration was given to limiting add-on construction as follows:

CURRENT CODE PROVISIONS					POTENTIAL NEW / AMENDED PROVISIONS									
Lot Standards: Currently the setbacks are the same regardless of lot size.					<p>Consider limiting add-on construction only to the side or rear of existing dwellings. Allow home expansions or complete rebuilds to extend to the current setback allowances given some market desire for larger floor areas relative to earlier construction or allow add-on construction only to the side and/or rear of existing homes. Another variation is to require that add-on construction occur to the rear if the addition will have a greater height than the front façade of the existing home.</p>									
<table border="1"> <thead> <tr> <th>Lot Type</th> <th>Min Front Setback (in feet)</th> <th>Min Side Setback (in feet)</th> <th>Min Side Street Setback (in feet)⁽⁴⁾</th> <th>Min Rear Setback (in feet)</th> </tr> </thead> <tbody> <tr> <td>Urban residential</td> <td>25</td> <td>7.5</td> <td>10/25</td> <td>25</td> </tr> </tbody> </table>	Lot Type	Min Front Setback (in feet)	Min Side Setback (in feet)	Min Side Street Setback (in feet) ⁽⁴⁾		Min Rear Setback (in feet)	Urban residential	25	7.5	10/25	25			
Lot Type	Min Front Setback (in feet)	Min Side Setback (in feet)	Min Side Street Setback (in feet) ⁽⁴⁾	Min Rear Setback (in feet)										
Urban residential	25	7.5	10/25	25										

Minutes of the Meeting JVP&Z – August 13, 2013

While the various options posed by Mr. Mitchell were discussed in detail by the Commission, no decisions were made concerning the limitation of add-on construction to side or rear of existing dwellings.

The current code provisions, along with the potential new/amended provisions for height, are as follows:

CURRENT CODE PROVISIONS	POTENTIAL NEW / AMENDED PROVISIONS
<p>Height: Single-family residences shall not exceed 2½ stories in height, except for Blocks 26, 38, 41, 42 and 47, which shall not exceed 1½ stories. [Provisions for maximum building height for District A in Sec. 14-101(b)(1)a]</p>	<p>Consider linking limits on building height to other lot conditions. Most development regulations set an ultimate allowable building height. Some also qualify when this maximum height can be attained, as a trade-off to address other residential protection objectives. For example, the maximum allowable height might be tied to the lot width and/or depth; the distance of the front façade from the street center line and/or back of curb; the type of roof; the associated building setbacks (i.e., increased setback required for greater height); or the height setback plane.</p>

Mr. Mitchell explained the various methods that can be used to set this limit. He stated that the City of Galveston uses the distance from the center of the street to the front of the building method for the height requirement. He also explained the height setback plane which basically allows the home owner to build up, but the top part of the home must be angled back from the bottom part of the home in order to provide openness. For example, anything over 21 feet in height has to be angled 45 degrees away from the front of the home.

Consensus of the Commission was to increase the setback and not have requirements on the upper half of the building.

Additional consideration was given to maximum building height in terms of stories as follows:

CURRENT CODE PROVISIONS	POTENTIAL NEW / AMENDED PROVISIONS
<p>Height: Single-family residences shall not exceed 2½ stories in height, except for Blocks 26, 38, 41, 42 and 47, which shall not exceed 1½ stories. [Provisions for maximum building height for District A in Sec. 14-101(b)(1)a]</p> <p><i>Story</i> means that part of a building between the surface of a floor and the ceiling immediately above. <i>Story, half</i> means that which covers a floor area of not more than 50 percent of the floor area and the ceiling immediately above.</p>	<p>Consider regulating maximum building height in terms of feet versus “stories.” Regulating building height based on stories yields no certain and predictable outcome as the height of stories can vary widely depending on architectural design. The Development Code includes definitions for “story” and “story, half,” but these definitions also do not specify the minimum or maximum height for a story in feet.</p>

Discussion was had concerning the use of story to define building height. The consensus of the Commission was to use “feet” to determine/set building height. The Commission felt that the definition written for the code on this item will be important and felt that perhaps 35 feet would be a good number to describe 2½ stories in height.

CONCERN – OPEN SPACE AND TREE PRESERVATION

Mr. Mitchell told the Commission that adequate yard depth, landscaping, and trees along all street frontages is essential to maintain suburban character, and especially to mitigate the height and bulk of large homes where there is less comfort with other types of regulatory controls on “big houses.”

The current code provisions, along with the potential new/amended provisions for open areas are as follows:

CURRENT CODE PROVISIONS	POTENTIAL NEW / AMENDED PROVISIONS
<p>Open areas. Residential lots shall have a minimum of 50 percent of the required front yard and required side yards adjacent to a side street devoted to landscaping. District A in Sec. 14-101(b)(5)a]</p>	<p>Consider more prescriptive landscaping requirements for screening purposes. The landscaping provisions do not specify particular locations that landscaping should be installed within the street yards of a lot. For example, some residents suggested that shrubs or other vegetation should be planted to screen the foundations of homes that are elevated in accordance with floodplain regulations. As another example, some development regulations specify that required trees be clustered at certain intervals along a large or wide façade to break up and mitigate its visible mass.</p>
<p>Residential lots. (1) Lots shall have landscaped areas which in the aggregate include not less than 50% of the area contained within the building setbacks. (2) A minimum of two trees are required within the front or side street setback areas. [Provisions for minimum residential landscaping and trees in Sec. 14-309(a)(1)-(2)]</p>	<p>Consider increasing landscaping requirements for larger structures. Dwellings with greater bulk or height could require a higher level of lot landscaping, triggered by exceeding certain floor area thresholds and/or one story in height. A two tree minimum for these lots, without location requirements, sets the bar low for residential landscaping requirements.</p>
<p>Landscaped area. That area within the boundaries of a lot devoted to, and consists of, plant material, including grass, trees, shrubs, flowers, vines and other groundcover, native plant materials, planters, brick, stone, natural forms, water forms, aggregate and other landscape features; provided, however, that the use of brick, stone, aggregate or other inorganic materials shall not predominate over the use of organic plant material. [Sec. 14-307]</p>	

Mr. Mitchell explained the current provisions and the potential amendments for the open space and tree preservation concerns. He basically stated that he has two major concerns (1) that the current law only provides for replacement trees in the front yards and not in the back or side yards. He also stated that the current definition for landscaping is problematic in that up to 50% of the landscaping can be non-vegetation.

The Commission engaged in discussion about the current law and that proposed. Discussion was had about the loss of trees during Hurricane Ike and what has taken place since the hurricane to replace those trees. The consensus was that in terms of trees, the City should, at a minimum, work toward keeping what we currently have and not lose any more trees.

The current code provisions, along with the potential new/amended provisions for front yard are as follows:

CURRENT CODE PROVISIONS	POTENTIAL NEW / AMENDED PROVISIONS
<p>Yard, front means the space enclosed by the front lot line, the side lot lines and a line parallel to the front lot line and even with the main building or any projections thereof, other than steps, planter box or enclosed porches. [Definitions in Sec. 14-5]</p>	<p>Consider potential limits on enclosed porches that may project into the front yard area. The Development Code definition of “yard, front” (in Section 14-5) indicates that any frontward projections from the main building may not be within the front yard area, as the yard depth is measured from any such projection. However, steps, planter boxes and enclosed porches are excluded and apparently may be located within the front yard area. In some development regulations the potential dimensions and height of projecting enclosed porches are limited, and this could be a consideration in Jersey Village as well, especially given the apparent open-ended projection allowance into the front yard.</p>

There was limited discussion on this topic. Staff reported that this area of the code needs additional wording to close “gaps.” Driveways were considered next as follows:

CURRENT CODE PROVISIONS	POTENTIAL NEW / AMENDED PROVISIONS
<p>Location and construction of low volume (residential) driveways. The developer shall locate low volume driveways entirely within the frontage of a lot and not less than one foot from any side property line as extended perpendicularly to intersect with the curb line; and the developer shall construct driveways to conform to the criteria shown in figure 14-14. [Includes criteria for a 12-foot minimum and 30-foot maximum driveway width.] [Provisions for residential driveway design in Sec. 14-282(1)a and d]</p>	<p>Clarify whether lots may have both a straight driveway and a circular driveway. Some newer homes in Zone A have both a driveway near the side property line to access a rear garage, plus a circular driveway along the street frontage to accommodate additional vehicle parking. The resulting appearance is of extensive impervious surface relative to front (and side) yard green space.</p> <p>Clarify permissible materials for use in driveway construction, and for edge treatments. Permeable pavers, flagstone or similar materials are sometimes placed along the edges of driveways. These are permitted materials in a front yard “landscaped area” under the definition in Section 14-307, provided that a majority of the landscaped area involves organic plant material.</p>

Both clarifying whether lots may have both a straight driveway and a circular driveway as well as clarifying permissible materials for use in driveway construction and for edge treatments was discussed. No conclusion was reached on these topics.

CONCERN – GARAGE TOWARD FRONT OF LOTS/HOMES

Mr. Mitchell explained the concern stating that the predominant established building pattern in Zone A is that most garages are toward the rear of the lot, and some Jersey Village residents and officials have expressed concern with potential proliferation of garages that are incorporated into the main structure and located at the front building line. An “attached” garage like this could be in line with the front façade of the dwelling, or the garage might protrude even closer to the street than the home’s main entry. This would not be in line with the character established.

The current code provisions, along with the potential new/amended provisions for location on lot are as follows:

CURRENT CODE PROVISIONS	POTENTIAL NEW / AMENDED PROVISIONS
<p>Location on lot. The setbacks established in section 14-88(b) may be modified as follows: Except as provided by subsections b, c and d hereof, detached private garages and other freestanding structures shall not be located on any lot closer than 70 feet to the front lot line, three feet to a side lot line, 10 feet to a rear lot line, 10 feet to a side street line or 10 feet to the single-family dwelling. [Provisions for location and setback of detached garages in District A in Sec. 14-101(b)(3)a]</p>	<p>Consider requiring some minimum setback of attached garages from the front building line. The Zone A provisions for garages could be supplemented with an additional requirement that attached/internalized garages must be set back some minimum distance from the front-most point on the dwelling relative to the front lot line.</p> <p>Consider limiting the extent of garage within a dwelling front façade. An alternate approach, in case of concerns about limiting front-oriented garages, is to limit the percentage of the front façade of a dwelling that may be allocated to garage doors.</p>

Discussion was had about some areas in Jersey Village where there may need to be exceptions wherein the drives are shorter, such as in the Enclave subdivision. Mr. Mitchell explained the solution to the concern. The consensus of the Commission was that the garages must be set back from the front building line.

CONCERN – EFFECT OF ACCESSORY BUILDINGS NEAR SIDE/REAR PROPERTY LINES

Mr. Mitchell explained that in some communities the height and bulk of accessory buildings, including garages with second-story space, is a greater concern than the main residential structure where suburban lot sizes are relatively generous and setbacks and height limits

control overall house size. While two-story garages are not widespread in Zone A, residents did express concern about some of the examples that do exist close to side or rear property lines, if this were to be a future trend through either teardown/rebuild activity, or from add-on construction to existing garages.

CURRENT CODE PROVISIONS	POTENTIAL NEW / AMENDED PROVISIONS
<p>Location on lot. The setbacks established in section 14-88(b) may be modified as follows: Except as provided by subsections b, c and d hereof, detached private garages and other freestanding structures shall not be located on any lot closer than 70 feet to the front lot line, three feet to a side lot line, ten feet to a rear lot line, ten feet to a side street line or ten feet to the single-family dwelling. Detached private garages and other freestanding structures exceeding one story in height shall not have second story openings facing the nearest side lot line. [Provisions for location and setback of detached garages in District A in Sec. 14-101(b)(3)a]</p> <p><i>Height.</i></p> <p>a. Detached private garages and freestanding structures other than those freestanding structures listed in subsection (b)(1)c of this section, shall not exceed in height the roof peak of the residence. [Provisions for maximum height of detached garages in District A in Sec. 14-101(b)(1)b]</p> <p><i>Building area.</i></p> <p>b. Detached private garages shall not exceed four-car capacity or 1,000 square feet of ground floor area.</p> <p>c. On residential lots the total ground floor area of all freestanding structures within a required rear yard shall not exceed 25 percent of the area of the rear yard. [Provisions for maximum scale and rear yard coverage of detached garages in District A in Sec. 14-101(b)(2) b and c]</p>	<p>Consider increasing the minimum side setback for detached garages. The current provision for only three feet of setback from a side lot line might be increased when the accessory structure exceeds a certain height. An alternative, as mentioned previously under Relative House Size and Scale, is a “height-setback plane.” Then only the upper portion of a taller structure must be stepped back without requiring that the entire structure be moved farther from the property line.</p> <p>Consider extending the limit on second-story openings to the rear. The current prohibition against second-story openings facing the nearest side lot line could be extended to where openings could only face toward the interior of the lot and not outward (i.e., no second-story openings toward rear lot line either). Or, perhaps requiring frosted glass for any window openings.</p> <p>Consider requiring installation of appropriate tree species to screen taller accessory structures. For accessory structures that exceed one story, and especially above the height of a typical screening fence along a side or rear property line, require installation of trees between the accessory structure and lot line such as the tall and narrow Italian or Mediterranean Cypress (<i>cupressus sempervirens stricta</i>), also known as Pencil Pine or Funeral Cypress. Although utility placement or easements in such locations could prevent this practice.</p> <p>Consider incenting one-story garages. In some development regulations, one-story detached garages and/or accessory structures are encouraged by trading off a somewhat higher maximum footprint or yard coverage allowance to avoid taller structures.</p>

Minutes of the Meeting JVP&Z – August 13, 2013

The Commission discussed the above sections of the current law and compared them to the suggested changes. It was the consensus of the Commission that incenting one-story garages is the best option for addressing this concern.

In summary, the consensus of the Commission was that in making this review, the most dramatic change suggested is that of limiting the size of lot combinations. The rest of the changes are moderate.

Mr. Mitchell reminded the Commission that the discussions had this evening would be presented to City Council in a Joint Work Session with the Planning and Zoning Commission on September 16, 2013 at 5:30 p.m.

D. Adjourn

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

Ayes: Commissioners Eustace, Berube, Freeman, Ohler, Faircloth
Chairman Mergel

Nays: None

The motion carried and the Commission adjourned at 7:45 p.m.

Lorri Coody, City Secretary