

MINUTES OF THE MEETING OF THE JERSEY VILLAGE PLANNING AND ZONING COMMISSION HELD ON JUNE 2, 2021 AT 6:00 P.M. PURSUANT TO SECTION 418.016 OF THE TEXAS GOVERNMENT CODE

Pursuant to Section 418.016 of the Texas Government Code, on March 16, 2020, the Governor of the State of Texas granted the Office of the Attorney General's request for the temporary suspension of certain provisions of the Texas Open Meetings Act to allow for telephonic or videoconference meetings of governmental bodies that are accessible to the public in an effort to reduce in-person meetings that assemble large groups of people, as a precautionary measure to contain the spread of novel coronavirus COVID-19.

Accordingly, the public was not allowed to be physically present at this meeting of the City of Jersey Village, Texas, Planning and Zoning Commission but the meeting was available to members of the public and allowed for two-way communications for those desiring to participate via telephone with the following toll-free number: **346-248-7799 along with Webinar ID: 873 9223 4214.**

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	Debra Mergel, Commissioner
Barbara Freeman, Commissioner	Courtney Standlee, Commissioner
Jennifer McCrea, Commissioner	Ty Camp, Commissioner

Commissioner Joseph Paul was not present when the meeting was called to order, but joined the meeting in progress at 6:03 p.m.

Council Liaison, Drew Wasson was present at this meeting.

Staff in attendance: Lorri Coody, Board Secretary; Justin Pruitt, City Attorney and Andy Chang, IT Department.

Public Works Director, Harry Ward was not present at this meeting.

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.

There were no Citizens' Comments.

C. Consider approval of the minutes for the meeting held on April 28, 2021.

Commissioner Freeman moved to approve the minutes for the meeting held on April 28, 2021. Commissioner McCrea seconded the motion. The vote follows:

Ayes: Commissioners McCrea, Standlee, Mergel, and Freeman
Chairman Faircloth

Nays: None

Abstain: Commissioner Camp

The motion carried.

Commissioner Joseph Paul joined the meeting in progress at 6:03 p.m.

- D. Discuss and take appropriate action concerning the request of Phillip Carameros, on behalf of Gordon NW Village LP, to amend the Jersey Village Code of Ordinances at Chapter 14, Article IV, Section 14-105(a)(21) by adding a new Subsection (e) to include “massage establishment” as a specific use regulation in District F; and to amend Section 14-5 by adding definitions for “massage establishment” and “massage therapy” and, if appropriate, prepare for presentation to Council on June 21, 2021 a Preliminary Report in connection with the request.**

Lorri Coody, City Secretary, introduced the item. Background information is as follows:

On April 15, 2021, Phillip Carameros on behalf of Gordon NW Village, LP filed a request to amend the Jersey Village Code of Ordinances, Chapter 14, Article IV, Section 14-105(a)(21) by adding a new Subsection (e) to include “massage establishment” as a specific use regulation in District F.

On April 28, 2021 the Commission reviewed the request of NW Village, LP for the requested amendments along with Staff’s recommendations for the addition of definitions for “Massage establishment” and “Massage Therapy” to Section 14-5 of the Code of Ordinances.

During the April 28 meeting the Commission asked Staff to come back with a proposed Ordinance that would limit approval of these type businesses to include only major massage chains.

Accordingly, the definition section of the proposed Ordinance has been updated so that the definition for “Massage establishment” now reads:

*“Massage establishment means a structure in which massage therapy is advertised for, provided, supported, or allowed. **A massage establishment shall adhere to nationally recognized standards of operation for its business activity, and nationally recognized standards for its practice of massage therapy.** A massage establishment shall in no way advertise for, provide, support, or allow any activity that is contemplated under Chapter 18, Article II of this Code.”*

This item is to discuss the proposed amendments. Should the Commission agree that “massage establishment” should be added to zoning district F as a specific use and that provisions should be made for additional definitions in Section 14-5 for “massage establishment” and “massage therapy;” a preliminary report with a proposed ordinance is provided for making the recommendation to City Council.

The Commission engaged in discussion about this request and the enforcement for these types of businesses. City Attorney Pruitt explained that the definition for this type business was amended to include “nationally recognized standards.” This change will give control over each individual use request that comes before the Commission and will enable the Commissioner to establish further conditions.

There was discussion about there being a similar type business on Senate. City Secretary Coody explained that the City Manager and the Public Works Department are looking into this business. There was further discussion about this business on Senate. The request for this item is just for District F.

Commissioner Mergel stated that the terms “massage therapy” and “massage establishment” are defined and detailed in Chapter 455 of the Occupation Code. She suggests that we use these definitions for “massage therapy” and “massage establishment.” City Attorney Pruitt stated that he is not familiar with

the language, but feel after review, that these definitions could be used. He cautioned that should we adopt the State language he is not sure how it will affect the nationally recognized establishments that the Commission wants to encourage. He also stated that we can include references to the Occupation Code definitions in our definition as opposed to delineating them verbatim.

The applicant was called upon concerning the State definitions. He stated that they would like to be able to get a nationally recognized massage establishment. If the State definitions do not prohibit these nationally recognized massage establishments, it would be acceptable.

City Attorney Pruitt suggested that we can keep what we have and add language that states it must require applicable state licensing requirements.

There was discussion about granting this request for a text change to the Code of Ordinances. The problems associated with these types of establishments were discussed. Some Commissioners were concerned about human trafficking, stating that it has been found that human trafficking is directly connected to massage establishments. With this in mind, there was concern about granting this request.

Other concerns were discussed, including the opening of the door for further establishments of this nature in the City.

There was discussion about the change in the language to require “nationally recognized standards.” Some wondered if the Commission can say “yes” to a “Massage Envy” but “no” to an establishment that is not nationally recognized. City Attorney Pruitt stated “yes” and then explained how a Specific Use Permit (SUP) works and how the Commission can add conditions to each SUP as these requests come before the Commission. Nationally recognized standards were discussed by the Commission.

Spot zoning was discussed. City Attorney Pruitt explained spot zoning and contract zoning. He stated that neither of these apply to our definitions as currently written. The Commission discussed the zoning change. Some were not supportive of this change and wondered why the Commission is discussing this now when in the past it has been the position of the Commission to disallow these type establishments.

There was discussion about the language. Some felt that the language in the State Occupational Code should be reviewed before the Commission makes a decision. Others felt that the language of “nationally recognized standards” is too general. The language was discussed further. Some felt that the language should have been changed to reflect a “nationally recognized business” and not “nationally recognized standards.”

City Attorney Pruitt explained his reasoning in updating the definition. He stated that the definition can be changed to include the State Occupational Code. He also explained that it is not discriminatory to set specific conditions for each SUP permit request brought before the Commission.

City Attorney Pruitt explained that the current business on Senate, since it is not presently allowed in the Code, is an illegal use. The Code should be enforced. He also went on to explain if this change is implemented it would not make an illegal business legal.

The applicant readdressed the Commission, stating that they want a nationally recognized business like Massage Envy.

Enforcement was discussed. Some felt that being we have an illegal business operating on Senate; this does not speak well toward the City’s ability to enforce standards.

The prior discussions about the proposed language was discussed. Most felt that additional review of acceptable language for this Code change is needed. The Commission wants to see the language of the Texas Occupational Code.

Commissioner Camp moved to table this item in order for Staff to bring back definitions based upon the Texas Occupational Code along with several examples. Commissioner Paul seconded the motion. The vote follows:

Ayes: Commissioners Paul, Standlee, Mergel, Camp and Freeman
Chairman Faircloth

Nays: Commissioner McCrea

The motion carried.

- E. Discuss and take appropriate action concerning the application request of Phillip Carameros, filed on behalf of Gordon NW Village, LP, for a specific use permit to allow the operation of a massage establishment on the property located at 17464 NW FWY, Houston, Texas 77040 within the city limits in zoning District F;” and, if appropriate, prepare for presentation to Council on June 21, 2021 a Preliminary Report in connection with the request.**

This item was not called and no discussion was had by the Commission.

F. Adjourn

There being no further business on the Agenda the meeting was adjourned at 7:05 p.m.



Lorri Coody, City Secretary