

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

February 21, 2022 – 6:00 p.m.

THE PLANNING FEBRUARY 21, 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	Debra Mergel, Commissioner
Eric Henao, Commissioner	Ty Camp, Commissioner
Jennifer McCrea, Commissioner	Charles A. Butler, III, Commissioner

Commissioner Courtney Standlee was not present at this meeting.

Council Liaison, Drew Wasson, was not present at this meeting.

Staff in attendance: Justin Pruitt, City Attorney; 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.

There were no Citizen's Comments.

C. Consider approval of the minutes for the meeting held on February 8, 2022.

Commissioner Camp moved to approve the minutes for the meeting held on February 8, 2022. Commissioner Butler seconded the motion. The vote follows:

Ayes: Committee Members McCrea, Camp, Butler, Mergel, and Henao
Chairman Faircloth.

Nays: None

The motion carried.

D. Discuss and take appropriate action concerning amendments to the Jersey Village Code of Ordinances at Chapter 14, Article IV, Sections 14-107(d) concerning Specific Uses in District H (Industrial District) and, if appropriate, prepare for presentation to Council on March 21, 2022, a Preliminary Report in connection with any suggested amendments.

BACKGROUND INFORMATION:

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.”

To that end, on February 8, 2022, the Commission engaged in conversation regarding amendments to the Code of Ordinance at Chapter 14, Article IV, Sections 14-107(d) concerning Specific Uses in District H (Industrial District). During the February 8, 2022, meeting, the Commission directed Staff to include definitions for the specific uses and to make the following changes:

The following businesses should be removed from being a permitted use and moved to a specific use:

- (a)(1)(i) Concrete products manufacture
- (a)(1)(m) Food processing and packaging, with the exception of slaughtering.
- (a)(1)(r) Jewelry and watch manufacturing
- (a)(1)(f) Truck Terminal
- (a)(1)(g) Wholesale or warehousing
- (a)(1)(v) Produce Market

Accordingly, the listing of specific use amendments for District H is as follows:

1. Bail Bond Business
2. Concrete products manufacture.
3. Credit Access Business (Payday Loan/Auto Title)
4. Head/Smoke Shops
5. Junk or salvage yard
6. Mini storage lots
7. Precious metal dealer (gold exchange)
8. Tattoo Shop
9. Truck terminal
10. Cell Phone and Computer Repair Businesses
11. Hookah Bars/Lounges
12. Jewelry and watch manufacturing
13. Produce Market
14. Wholesale or warehousing
15. Food processing and packaging, with the exception of slaughtering.

The main reason to put these into District H is to make it abundantly clear that these uses are allowed only in District H, as they would not be in any of the other zones. By putting these as specific use permits gives the Planning and Zoning Commission and City Council more say in these types of businesses in Jersey Village.

This item is to review the updates to the proposed ordinance and if appropriate, prepare for presentation to Council on March 21, 2022, a Preliminary Report in connection with any suggested amendments.

Chairman Faircloth called upon Evan Duvall, Building Official Representative, to give an update on the item. Mr. Duvall explained the definitions that were added to the proposed Ordinance.

The Commission engaged in discussion about the updated definitions and about adding these specific uses to District H.

With no further discussion on the matter, Commissioner Butler moved to preliminary recommend that City Council make amendments to the Jersey Village Code of Ordinances at Chapter 14, Article IV,

Sections 14-107(d) concerning Specific Uses in District H (Industrial District). Commissioner Henao seconded the motion. The vote follows:

Ayes: Committee Members McCrea, Camp, Butler, Mergel, and Henao
Chairman Faircloth

Nays: None

The motion carried.

A copy of the Preliminary Report is attached to and made a part of these minutes as Exhibit A.

E. Discuss and take appropriate action concerning the appointment of a Planning and Zoning Subcommittee to participate in meetings conducted by BBG and Staff to review existing development codes, and if necessary, update city codes to conform to the 2016 Comprehensive Plan.

BACKGROUND INFORMATION:

Chapter 7 of the 2016 Comprehensive Plan and the 2020 Comprehensive Plan Update (the Plan) focuses on Community Character. One of the goals in this Chapter of the Plan outlines the importance of promoting redevelopment of vacant or underutilized parcels by promoting the highest and best use for vacant or underutilized properties. To accomplish same, a key action is identified to ensure that property and building maintenance codes are up to date and compatible with current City values.

In connection with this goal, the City plans to utilize the expertise of BBG, the company contracted by the City to perform the City's Building Official activities. BBG, along with other key Staff members, will review City codes in order to make recommendations for updates that ensure compatibility with current City values.

It is expected that the review and update of the City's codes will be quite extensive, and discussions will be quite involved. Therefore, keeping this in mind along with the responsibility of the Planning and Zoning Commission under the Plan, which is to ensure that decisions and recommendations presented to the City Council are consistent with the Plan's policies, strategies, and recommendations, it might make work a bit more manageable if the Commission were to establish an up to three-member Subcommittee to work with BBG and Staff in making code change recommendations.

If the Commission chooses to appoint a Subcommittee, the responsibilities will be as follows:

1. Advise and make recommendations to the Planning and Zoning Commission on City code changes needed to implement the goals outlined in the City's Comprehensive Plan.
2. Attend code review meetings with Staff and BBG. Meetings maybe held in person or virtually, which ever method best accomplishes maximum attendance.
3. Any other duties requested by the Planning and Zoning Commission that are consistent with the purposes of forming the Subcommittee.

Establishing a Subcommittee will in no way change the responsibilities of the Commission as a whole. Zoning amendment changes will still need to follow the prescribed actions of the Commission to include the preparation of a preliminary report, a joint public hearing with City Council, and the preparation of a final report. It is hoped that the Subcommittee will assist the Commission as a whole in moving forward with this task.

This item is to discuss the appointment of a Subcommittee to review the City's codes.

The Commission engaged in discussion about the Subcommittee and which Commissioners should participate.

With no further discussion on the matter, Commissioner McCrea moved to appoint Commissioners Charles A. Butler III and Ty Camp to serve on the Planning and Zoning Subcommittee to participate in meetings conducted by BBG and Staff to review existing development codes, and if necessary, update city codes to conform to the 2016 Comprehensive Plan. Commissioner Henao seconded the motion. The vote follows:

Ayes: Committee Members McCrea, Camp, Butler, Mergel, and Henao
Chairman Faircloth

Nays: None

The motion carried.

Chairman Faircloth called a short recess at 6:16 p.m. to join the City Council in the Council Chamber for Item F, which is the Joint Public Hearing concerning the Specific Use Permit for the Assisted Living and Memory Care Center located at 9300 Savile, Jersey Village, Texas.

Once the Commission consisting of the following members was present in the Council Chamber, Chairman Faircloth reconvened the Planning and Zoning Meeting for the Joint Public Hearing with City Council at 7:28 p.m.

Rick Faircloth, Chairman	Debra Mergel, Commissioner
Eric Henao, Commissioner	Ty Camp, Commissioner
Jennifer McCrea, Commissioner	Charles A. Butler, III, Commissioner

The following members of the City of Jersey Village City Council were present for the Joint Public Hearing:

Mayor, Bobby Warren	City Manager, Austin Bleess
Council Member, Drew Wasson	City Secretary, Lorri Coody
Council Member, Sheri Sheppard	City Attorney, Justin Pruitt
Council Member, Michelle Mitcham	
Council Member, James Singleton	
Council Member, Gary Wubbenhorst	

F. Conduct a Joint Public Hearing with the Jersey Village City Council for the purpose of receiving oral comments from any interested person(s) concerning the proposal to amend the City's Zoning Ordinance to grant a Specific Use Permit to allow the operation of an Assisted Living and Memory Care Center on the tract of land located at lot 2, block 5 of the Northwest Station, Section 2, with a street address of 9300 Savile Lane within the City of Jersey Village in Zoning District G.

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 7:29 p.m., for the purpose of receiving oral comments from any interested person(s) concerning the proposal to amend the City's Zoning Ordinance to grant a Specific Use Permit to allow the operation of an Assisted Living and Memory

Care Center on the tract of land located at lot 2, block 5 of the Northwest Station, Section 2, with a street address of 9300 Savile Lane within the City of Jersey Village in Zoning District G.

Mayor Warren called upon those requesting to speak as follows:

Jim Fields, 16413 Saint Helier, Jersey Village, Texas (713) 206-1184 – Mr. Fields was concerned about the impact that such a facility would have on City Services. Mayor Warren stated that the Council would discuss this further during the Ordinance approval item on this agenda.

With no one else signing up to speak at the hearing, Mayor Warren and Chairman Faircloth closed the joint public hearing at 7:31 p.m. and the Planning and Zoning Commission retired from the City Council meeting at 7:31 p.m. to continue its posted meeting agenda and prepare a final report in connection with this joint public hearing.

Chairman Faircloth reconvened the Planning and Zoning Commission Meeting at 7:32 p.m. in the Auditorium Meeting Room 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 proposal to amend the City's Zoning Ordinance to grant a Specific Use Permit to allow the operation of an Assisted Living and Memory Care Center on the tract of land located at lot 2, block 5 of the Northwest Station, Section 2, with a street address of 9300 Savile Lane within the City of Jersey Village in Zoning District G.

BACKGROUND INFORMATION:

A Joint public hearing will be conducted at the February 21, 2022 City Council and P&Z Meetings for the purpose of receiving oral comments from any interested person(s) concerning the proposal to amend the City's Zoning Ordinance to grant a Specific Use Permit to allow the operation of an Assisted Living and Memory Care Center on the tract of land located at lot 2, block 5 of the Northwest Station, Section 2, with a street address of 9300 Savile Lane within the City of Jersey Village in Zoning District G.

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 final report to include any additional conditions to the Specific Use Permit.

With no further discussion on the matter, Commissioner Butler moved to approve the final report recommending amendments the City's Zoning Ordinance to grant a Specific Use Permit to allow the operation of an Assisted Living and Memory Care Center on the tract of land located at lot 2, block 5 of the Northwest Station, Section 2, with a street address of 9300 Savile Lane within the City of Jersey Village in Zoning District G. Commissioner Mergel seconded the motion. The vote follows:

Ayes: Commissioners Camp, Mergel, and Henao
Chairman Faircloth

Nays: Commissioners McCrea and Butler

The motion carried.

A copy of the Final Report is attached to and made a part of these minutes as Exhibit B.

H. Adjourn

There being no further business on the agenda the meeting was adjourned at 7:53 p.m.

Lorri Coody, City Secretary



EXHIBIT A

Planning and Zoning Commission Minutes

February 21, 2022

Preliminary Report DISTRICT H - SPECIFIC USES



**CITY OF JERSEY VILLAGE – PLANNING & ZONING COMMISSION
PRELIMINARY REPORT
DISTRICT H - SPECIFIC USES**

The Planning and Zoning Commission has met on February 8, 2022 and on February 21, 2022, in order to review the Jersey Village Code of Ordinances as they relate to amendments to Chapter 14, Article IV, Sections 14-107(d) concerning the specific uses in District H and, if appropriate, prepare for presentation to Council on March 21, 2022, a Preliminary Report in connection with any suggested amendments.

After review and discussion, the Commissioners preliminarily proposed that the Code of Ordinances of the City of Jersey Village, Texas, be amended to reflect specific use requirements for Sections 14-107(d).

These preliminary changes to the City’s comprehensive zoning ordinance are more specifically detailed in the proposed ordinance attached as Exhibit “A.”

The next step in the process as required by Section 14-84(c)(2)(b) of the Jersey Village Code of Ordinances is for Council to call a joint public hearing with the Planning and Zoning Commission.

Respectfully submitted, this 21st day of February 2022.

s/Rick Faircloth, Chairman

ATTEST:

s/Lorri Coody, City Secretary



Exhibit A

Proposed Ordinance

ORDINANCE NO. 2022-xx

AN ORDINANCE AMENDING CHAPTER 14 OF THE CODE OF ORDINANCES OF THE CITY OF JERSEY VILLAGE, TEXAS, BY AMENDING CHAPTER 14 “BUILDING AND DEVELOPMENT”, ARTICLE I “GENERAL”, SECTION 14-5 “DEFINITIONS” BY ADDING DEFINITIONS FOR CERTAIN USES; AMENDING CHAPTER 14 “BUILDING AND DEVELOPMENT”, ARTICLE IV “ZONING DISTRICTS”, SECTION 14-107 “REGULATIONS FOR DISTRICT H (INDUSTRIAL DISTRICT)”, SUBSECTION (a)(1) “PERMITTED USES” BY REMOVING CERTAIN USES FROM ZONING DISTRICT H; AMENDING ARTICLE IV “ZONING DISTRICTS”, SECTION 14-107 “REGULATIONS FOR DISTRICT H (INDUSTRIAL DISTRICT)”, SUBSECTION (d) “SPECIFIC USE” BY ADDING SPECIFIC USES IN ZONE H; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR REPEAL; PROVIDING A PENALTY AS PROVIDED BY SECTION 1-8 OF THE CODE; AND, PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council (the “Council”) of the City of Jersey Village, Texas (the “City”), determines it in the best interest of the health, safety, and welfare of the citizens of the City’s to amend the City’s Code of Ordinances related to Zoning Regulations (the “Coder”); and

WHEREAS, the Planning & Zoning Commission (the “Commissions”) has issued its report and has recommended amendments to the Code to add definitions for certain uses in Chapter 14 of the Code and to allow for certain uses in Zoning District H by specific use permit in section 14-107(d) of the Code; and

WHEREAS, the Commission and the Council have conducted, in the time and manner required by law, a joint public hearing on such amendments; and

WHEREAS, the Council now deems that such requested amendment to the Code is in accordance with the City’s Comprehensive Plan and is appropriate to grant; and, **NOW THEREFORE**,

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

SECTION 1. THAT the facts and matter set forth in the preamble of this Ordinance are hereby found to be true and correct.

SECTION 2. THAT Section 14-5 “Definitions” of Article IV “Zoning Districts” of Chapter 14 “Building and Development” of the Code of Ordinances, City of Jersey Village, Texas is hereby amended to read as follows (with added language being shown as underlined in bold and deleted language being shown as struck through, and with such amended language to be included in the appropriate alphabetical order within the existing portion of Section 14-5):

“Bail bond service means an establishment that makes available to the public undertakings of bail in connection with judicial proceedings.”

“Cell phone and computer repair business means a business that provides small-scale electronic repair services for items of the general public, including, but not limited to: cellphone repair; computer repair; and, other related minor repairs.”

Concrete products manufacturer means a plant for the manufacture or mixing of concrete, cement, and concrete and cement products, including any apparatus and uses incident to such manufacturing and mixing.

Credit access business (payday loan/auto title) means an establishment providing loans to individuals in exchange for personal checks as collateral.

Food processing and packaging, with the exception of slaughtering means the preparation, processing, or canning and packaging of food products.

Head/smoke shop means any premises dedicated to the display, sale, distribution, delivery, offering, furnishing, or marketing of tobacco, tobacco products, or tobacco paraphernalia; provided, however, that any grocery store, supermarket, convenience store, or similar retail use that only sells conventional cigars, cigarettes, or tobacco as an ancillary sale shall not be defined as a “smoke shop and tobacco store” and shall not be subject to the restrictions in this chapter.

Hookah bar/lounge means an establishment used primarily for the sale of shisha for consumption on the premises or for sale or rental of accessories used for smoking shisha on the premises.

Jewelry and watch manufacturing means manufacturing or assembling of jewelry or watches.

Junk or salvage yard means any location whose primary use is where waste or scrap materials are stored, bought, sold, accumulated, exchanged, packaged, disassembled, or handled, including, but not limited to, materials such as scrap metals, paper, rags, tires, and bottles.

Mini storage lot means any structure designed or built with compartments to be used for individual storage of household items or business inventory by two (2) or more clients on a lease or rental basis. In no case may storage spaces be used in a retail, wholesale, business, or service function, nor shall the storage spaces be used for workshops, hobby shops, manufacturing, or similar uses or functions.

Precious metal dealer (gold exchange) means a person licensed to engage in the business of purchasing and selling crafted precious metal.

Produce Market means a specified land area managed by a single operator who leases space/stalls for the outdoor sales of: fresh fruit and produce foods products; meat and fish items; plants and flowers; or, bakery goods, dairy products, delicatessen, and grocery items.

Retail establishment selling or offering for sale any alcoholic beverage means a store which sells or offers to sell alcoholic beverages for off-premises consumption.

Retail shops and retail trade means a shop or establishment for the sale of goods or merchandise from a fixed location, such as a department store, boutique, or kiosk, in small or individual lots for direct consumption by the purchaser. “Retail shops or retail trade” specifically excludes: a pawnshop **pawnshops, head/smoke shops, and hooka bars/lounges.**

Tattoo Shop means an establishment whose principal business activity, either in terms of operation or as held out to the public, is the practice of placing of designs, letters, figures, symbols, or other marks upon or under the skin of any person, using ink or other substances that result in the permanent coloration of the skin by means of the use of needles or other instruments designed to contact or puncture the skin. This use does not include permanent make-up associated with an accessory use in an established salon.

Truck terminal means any premises used by a motor freight company as a carrier of goods, which is the origin or destination point of goods being transported, for the purpose of storing, transferring, loading, and unloading goods.

Wholesale or warehousing business means an establishment or place of business primarily engaged in selling and/or distributing merchandise to retailers; to industrial, commercial, institutional, or professional business users, or to other wholesalers; or acting as agents or brokers and buying merchandise for, or selling merchandise to, such individuals or companies. This is not considered a general commercial use.”

SECTION 3. THAT Subsection 14-107(a)(1) “Permitted Uses” of Section 14-107 “Regulations for District H (Industrial District)” of Article IV “Zoning Districts” of Chapter 14 “Building and Development” of the Code of Ordinances, City of Jersey Village, Texas is hereby amended to read as follows (with added language being shown underlined in bold and deleted language being shown as struck through):

“(1) Permitted uses:

- a. Apparel manufacturing.
- b. Automobile and truck repair and rebuilding shop.
- c. Bakery.
- d. Building contractor and related activities.
- e. Building materials, sales and storage.
- f. Cabinet making.
- g. Carwash.
- h. Cold storage plant.
- ~~i. Concrete products manufacture.~~
- ~~j. i. Dry cleaning and laundry plant.~~
- ~~k. j. Electrical equipment assembly.~~
- ~~l. k. Farm implement machinery sales and storage.~~
- ~~m. Food processing and packaging, with the exception of slaughtering.~~
- ~~n. l. Furniture manufacturing.~~
- ~~o. m. Grocery store.~~

- ~~p.~~ **n.** Heating, plumbing and air conditioning, sales and repair.
- ~~q.~~ **o.** Instrument and meter manufacturing.
- ~~r.~~ ~~Jewelry and watch manufacturing.~~
- ~~s.~~ **p.** Mixing plants for concrete or paving materials.
- ~~t.~~ **q.** Optical goods manufacturing.
- ~~u.~~ **r.** Printing and publishing.
- ~~v.~~ ~~Produce market.~~
- ~~w.~~ **s.** Professional offices.
- ~~x.~~ **t.** Railroad and related facilities.
- ~~y.~~ **u.** Retail sales.
- ~~z.~~ **v.** Restaurant.
- ~~aa.~~ **w.** Service station.
- ~~bb.~~ **x.** Sheet metal processing.
- ~~cc.~~ **y.** Signs: Advertising, business, occupancy, and temporary.
- ~~dd.~~ **z.** Telecommunications towers.
- ~~ee.~~ **aa.** Temporary building which is incidental to the construction of buildings permitted in the district and which shall be removed when work is complete.
- ~~ff.~~ ~~Truck terminal.~~
- ~~gg.~~ ~~Wholesale or warehousing.~~
- ~~hh.~~ **bb.** Woodworking shop.”

SECTION 4. THAT Subsection 14-107(d) “Specific Use” of Section 14-107 “Regulations for District H (Industrial District)” of Article IV “Zoning Districts” of Chapter 14 “Building and Development” of the Code of Ordinances, City of Jersey Village, Texas is hereby amended to read as follows (with added language being shown underlined in bold and deleted language being shown as struck through):

“(d) Specific use. The following uses are permitted in district H with a specific use permit:

- (1) Bail bond service;**
- (2) Cell phone and computer repair business;**
- (3) Concrete products manufacture;**
- (4) Credit access business;**
- (5) Food processing and packaging, with the exception of slaughtering;**
- (6) Head/smoke shops;**

- (7) Hookah bars/lounge;**
- (8) Jewelry and watch manufacturing;**
- (9) Junk or salvage yard;**
- (10) Mini storage lots;**
- (11) Precious metal dealer;**
- (12) Produce Market;**
- (13) Retail establishment selling or offering for sale any alcoholic beverage;**
- (14) Tattoo Shop;**
- (15) Truck terminal; and,**
- (16) Wholesale or warehousing.”**

SECTION 5. THAT in the event any section, paragraph, subdivision, 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 City Council of the City of Jersey Village, 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, or whether there be one or more parts.

SECTION 6. THAT all other ordinances or parts of ordinances in conflict or inconsistent herewith are, to the extent of such conflict or inconsistency, hereby repealed.

SECTION 7. THAT any person who shall violate any provision of this Ordinance shall be guilty of a misdemeanor and subject to a fine as provided in Section 1-8.

SECTION 8. THAT this Ordinance shall be in full force and effect from and after its passage.

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

FOR THE CITY:

BOBBY WARREN, MAYOR

ATTEST:

Lorri Coody, City Secretary

EXHIBIT B

Planning and Zoning Commission Minutes

February 21, 2022

Final Report Specific Use Permit - Assisted Living and Memory Care Center



**CITY OF JERSEY VILLAGE – PLANNING & ZONING COMMISSION
FINAL REPORT – SPECIFIC USE PERMIT
ASSISTED LIVING AND MEMORY CARE CENTER
DISTRICT G**

The Planning and Zoning Commission has previously met on January 10, 2022 and in its preliminary report recommended that Council grant a Specific Use Permit to allow the operation of an Assisted Living and Memory Care Center on the tract of land located at lot 2, block 5 of the Northwest Station, Section 2, with a street address of 9300 Savile Lane within the City of Jersey Village in Zoning District G.

The preliminary report was submitted to the Jersey Village City Council at its January 17, 2022 meeting. The report was received, and the City Council ordered a Joint Public Hearing for February 21, 2022.

On February 21, 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 February 21, 2022, recommends that Jersey Village Lifestyle Ltd. be allowed to operate as a specific use an Assisted Living and Memory Care Center on the tract of land located at Lot 2, Block 5 of the Northwest Station, Section 2, with a street address of 9300 Savile Lane within the City of Jersey Village in zoning District G.

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 21st day of February 2022.

S/Rick Fairecloth, 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 JERSEY VILLAGE LIFESTYLE, LTD., A SPECIFIC USE PERMIT (THE “SPECIFIC USE PERMIT”) TO ALLOW THE OPERATION OF AN ASSISTED LIVING AND MEMORY CARE CENTER ON A TRACT OF LAND LOCATED WITHIN THE CITY LIMITS AT 9300 SAVILE LANE, JERSEY VILLAGE, TEXAS, 77040, AND IN “ZONING DISTRICT G”; 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, Jersey Village Lifestyle, Ltd. (the “Owner”) owns a 2.8831 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 Lot 2, Block 5 of the Northwest Station, Section 2, and with a street address of 9300 Savile Lane, Jersey Village, Texas, 77040; and

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

WHEREAS, the Owner has made an application to the City for a Specific Use Permit for Multifamily Housing for Senior Citizens for the purpose of operating an Assisted Living and Memory Care Center 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 an Assisted Living and Memory Care Center, 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:

- a) Landscaping must include one (1) tree every thirty feet (30') for the rear buffer-yard adjacent to Zone "C". Each tree will be a minimum of three (3) caliper inches at the time of planting.
- b) All outdoor lighting must be compliant with Dark Skies standards – shielded and 3k or lower color temperature.
- c) A cedar or masonry fence that is eight feet (8') tall must be erected along the entire rear property line adjacent to Zone "C".
- d) The Owner must obtain a "Type B" License for the proposed use from the appropriate State of Texas licensing authority (the "License") before this use contemplated under this Specific Use Permit is allowed to begin on the Property.
- e) The Owner must provide annual evidence to the City Council that the License has been reviewed by the appropriate State of Texas licensing authority and that the License remains in effect for all intents and purposes in order for this Specific Use Permit to continue to be effective. If the Owner fails to provide sufficient evidence to the City Council that the License has been reviewed by the appropriate State of Texas licensing authority and remains in effect, then this Specific Use Permit shall immediately be revoked, and the use authorized under this Specific Use Permit shall cease.

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 Jersey Village Lifestyle, Ltd. furnishing to the City a copy of an owner's policy of title insurance showing title in the Property in Jersey Village Lifestyle, Ltd.'s name.

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

BOBBY WARREN, MAYOR

ATTEST:

Lorri Coody, City Secretary

