

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

July 11, 2022 – 6:00 p.m.

THE PLANNING AND ZONING COMMISSION MET ON JULY 11, 2022, AT 6:00 P.M. IN THE CIVIC CENTER MEETING ROOM, 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
Eric Henao, Commissioner
Ashley Brown, Commissioner

Charles A. Butler, III, Commissioner
Ty Camp, Commissioner

Council Liaison, Drew Wasson, was present at this meeting.

Staff in attendance: Austin Bless, City Manager; Lorri Coody, City Secretary; Justin Pruitt, City Attorney; Evan Duvall, Building Official Representative; and Robert Basford, Assistant City Manager.

Commissioners Courtney Standlee and Debra Mergel were 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 Citizen's Comments.

C. Consider approval of the minutes for the meeting held on June 15, 2022.

Commissioner Camp moved to approve the minutes for the meeting held on June 15, 2022. Commissioner Brown seconded the motion. The vote follows:

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

Nays: None

The motion carried.

D. Discuss and take appropriate action concerning the application request of Reese Brown, filed on behalf of Miramont Interests, LC, for a specific use permit to allow the operation of child day-care on the 1.43-acre tract of land located at 8630 Jones Road, Jersey Village, TX 77065 within the city limits in zoning District F and, if appropriate, prepare for presentation to Council on July 18, 2022, a Preliminary Report in connection with any recommendations.

Building Representative Evan Duvall introduced the item. He told the Commission that on June 16, 2022 Reese Brown, on behalf of Miramont Interest, LC, filed a request for a specific use permit to allow for the operation of a child day-care facility at 8630 Jones Road.

He stated that he has reviewed the application. In doing so, he made recommendations for signage, setbacks and landscaping to be added to the proposed site plan. Accordingly, the applicant included

these recommended items in their application and plan. Mr. Duvall told the Commission that Staff does not have any objections to this request and added that this type of business is permitted in this District with a Specific Use Permit.

The Commission engaged in discussion about the request. The applicant addressed the Commission. He explained that his company has developed these type day cares all over Houston. They want to purchase the land but cannot close on the deal until they are assured that they can build a day-care.

There were questions about the size of the facility for the lot. Chief Bitz was asked about access in terms of firefighting instances. The Chief stated that he has discussed same with the applicant. He also told the Commission that there will be annual inspections and their State License also will be reviewed annually.

Mr. Duvall told the Commission that the plans presented in the application are fairly detailed. However, the actual plan review is the next step once the Specific Use Permit process is complete. Therefore, tonight's action is to receive the Commission's preliminary report recommending that the day-care can be located on this lot with a specific use permit.

The Commission engaged in discussion about the load that this facility will put on the fire services. Chief Bitz stated that it will not be an issue.

The entrances to the proposed facility were discussed in terms of traffic. The Applicant told the Commission that there is only one entrance. It was noted that the facility has the capability for 187 children. The Applicant went on to explain that the City's Code requires only 27 parking spaces, but they will have 35 spaces. In terms of entering and exiting the day-care, the Applicant told the Commission that all of the businesses along this retail development (CVS, the car wash, and the new day-care) will be connected. The plan for the connectivity was discussed. A map showing how the configuration will work was reviewed. The plan connects Jersey Meadow, Jones Road and the Car Wash.

Fencing was discussed. The applicant stated it will be a six-foot solid white vinyl fence. Therefore, the children will not be able to reach through and no one from the outside will be able to see through the fence.

Every single classroom has a fire escape. There was discussion about the noise from the car wash. The applicant was not concerned about the noise. The security of the children was discussed. The applicant stated that all doors are operated by a key fob. There are cameras and a fire safety system.

The traffic flow was discussed further. The business hours will be 6 am to 6 pm.

Ownership of the property was discussed. After construction is complete there will only be one property owner. The location of the bollards was discussed. The retention pond was discussed. Mr. Duvall explained that the retention system in place was initially master planned for the development. Nonetheless, it will be checked during the plan review.

The masonry fence on the back of the lot was discussed. Mr. Duvall explained that all landscaping will need to meet the City's landscaping requirements and will be checked during the plan review.

With no further discussion on the matter, Commissioner Camp moved to preliminary recommend that City Council grant the request of Reese Brown, filed on behalf of Miramont Interests, LC, for a specific

use permit to allow the operation of child day-care on the 1.43-acre tract of land located at 8630 Jones Road, Jersey Village, TX 77065 within the city limits in zoning District F. Commissioner Butler seconded the motion. The vote follows:

Ayes: Committee Members Camp, Henao, Butler and Brown
Chairman Faircloth

Nays: None

The motion carried.

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

E. Discuss and take appropriate action concerning a review of the City's Code of Ordinances in order to identify code amendments needed to ensure that the codes conform with the goals and objects established by the City's Comprehensive Plan.

BACKGROUND INFORMATION:

On May 18, 2022, City Council agreed to engage BBG to do a Zoning Ordinance update as 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."

Since May, BBG has been working with City Staff and a Planning and Zoning Commission Subcommittee to put together a listing of City Codes to be updated for the Commission's consideration.

Accordingly, this item is to review and discuss the information put together by the Consultants, Staff, and the Planning and Zoning Commission Subcommittee in order to confirm which updates should appear on a future Planning and Zoning Commission agenda to begin the Ordinance amendment process outlined in Section 14-84 of the Code of Ordinances as follows:

- a. Planning and zoning commission preliminary report submitted to city council.
- b. Joint public hearing with the planning and zoning commission and city council.
- c. Planning and zoning commission final report to the city council.
- d. Action.

Building Official, Evan Duvall, introduced the item and gave his presentation concerning proposed updates to the City's Code of Ordinance. The proposed changes will cover several major areas of the Code as follows:

1. New Residential Use Table.
2. New Setback Tables within Residential Zoning District Regulations.
 - a. Typical House with Standard Setbacks
 - b. Typical House with Accessory Structures in Rear Yard
 - c. Typical House with Street-side Setbacks
3. Complete redesign of accessory structure regulations.

Additional Structures – Freestanding structures in addition to single-family dwelling:

- a) Maximum of 50% square-footage of the main structure.
- b) Maximum of three (3) structures.
- c) 60% rear-yard coverage (flatwork, buildings).
- d) one story maximum (15 feet or equal to the height of the one-story home).

Attached and detached garages

- a) Detached garages are permitted to have a maximum height of two (2) stories or the height of the home, whichever is less.
- b) Detached private garages shall not exceed four-car capacity or 1,000 square feet of ground floor area.
- c) Detached private garages and other freestanding structures exceeding one story in height shall not have second story openings facing the nearest side or rear lot line, except as may be required to comply with standards for emergency access and egress.
- d) An attached or detached private garage which loads from a side street shall not be located closer than 20 feet to the side street line.

Location on Lot

- a) 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.
 - b) A carport shall not be located closer than three feet to a side lot line, ten feet to a rear lot line or ten feet to a side street line; provided that a carport which load from a side street shall not be located closer than 20 feet to the side street line.
4. Accessory Quarters/Guest Quarters
- a) It is located on the same building site as a principal building containing a dwelling used for single-family (detached) use; Maximum of 600 SF (or if on the 2nd floor of the garage, garage footprint).
 - b) Can an Accessory Quarters have a kitchenette?
5. Building height considering floodplain regulations – District A.
- a) Single-family residences shall not exceed 2 ½ stories in height, except for Blocks 26, 38, 41, 42, and 47, which shall not exceed 1 ½ stories.
 - 1. The maximum height of a 2 ½ story home shall be thirty-five (35) feet from the finished floor.
 - 2. The maximum height of a 1 ½ story home shall be twenty-five (25) feet from the finished floor.
 - b) Calculating the maximum height of a single-family property.
 - 1. The maximum height of a finished floor for a single-family dwelling, structures, or accessory structures are determined by the following locations:
 - a. Floodway: A maximum finished floor of three feet (36 inches) above the 100-year floodplain
 - b. AE (100-year floodplain): A maximum finished floor of two feet above the 100-year floodplain
 - c. X-Shaded (500-year floodplain): A maximum finished floor of one foot above the 500-year floodplain elevation.
 - d. X-Unshaded: A maximum finished floor of two feet above the crown of the street or sidewalk, whichever is greater.
6. Fences and Hedges
- a) No fence in district A shall be permitted in the front yard, extending past the building setback line. For side street fencing, where one or more lots have frontage on the street, wrought iron style fencing may be installed to within two feet of the public sidewalk and shall not encroach beyond the side lot line.
 - b) Fences in district A may not be erected and hedges may not be planted directly on a property line without the express agreement of the property owners on both sides of the property line.

- c) Fences in district A shall not exceed eight feet in height, **shall not be barbed wire**, and shall be of a permanent type, such as chain-link, redwood, cedar, wrought iron, brick or other approved material of equal quality.
- d) Approved Fence Materials
 - 1. Chain-link
 - 2. Redwood
 - 3. Cedar
 - 4. Wrought Iron
 - 5. Brick
 - 6. Other material of equal quality
- 7. Lot Sizing – Combining?
 - a) No lot in this district for a single-family detached dwelling shall have a total area that exceed by more than 20 percent the total area of any other lot for a single-family detached dwelling on the same blockface.
 - b) 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.
- 8. Nonresidential Buildings – District A
 - a) Nonresidential structures shall not exceed 35 feet in height.
 - b) Nonresidential building shall contain not less than 1,000 square feet of ground floor area.
 - c) The setbacks established in section 14-88(b) may be modified as follows:
 - 1. A nonresidential building shall not be located closer than 25 feet to the front lot line, 25 feet to a side lot line, or 25 feet to a rear lot line.
 - d) Nonresidential structures shall comply with Section 14-283. – Table 14-11 – Off-street parking standards.
- 9. Remove currently unused District C-2 (Townhouse district)

The following discussions took place during the presentation.

There was discussion about corner lots and parking of vehicles over the sidewalks. Some members wanted to know if there are any proposed changes for this type of issue. Mr. Duvall explained that there are provisions for a side street, side loaded garage with a 20 ft setback from the property line.

The information in the residential use table and the setback table has not changed from current ordinances. These tables merely consolidate existing Code requirements, making them easier to use.

These new tables will be handouts and not necessarily included in the Code, but that may change based upon the desires of the Commission. The Commission suggested that the diagram in the presentation alongside of the setback table should be included made apart of the setback table.

Grandfathering was discussed.

For accessory structures, there was discussion about the maximum square footage of freestanding structures being set at 50% of the square footage of the main structure. This change was discussed in detail specifically as it pertains to different sized lots. Some lots in Jersey Village have very large back yards with a smaller home on the lot. Accordingly, the number of accessory structures was discussed. The proposal is to limit these structures to three (3), but it is still part of the 50% requirement. Some members felt that the limit should be set at four (4) structures.

The need to have a definition for an attached and detached garage was discussed. Modifications to garages were discussed. For example, should kitchens be allowed. Also, how large can the addition be and can it be a two-story addition.

There was discussion about having kitchens in the additions. Some members were in favor of the kitchens. The proposal to have a kitchen was discussed in detail. There was a concern that the second dwelling could be turned into an Airbnb. Also, the character of the neighborhood was discussed. Some were concerned with clutter, resulting from building two story garages.

City Attorney Pruitt explained a recent case had before the Board of Adjustment concerning a modification to add a second story to an existing garage. He stated that what changes the addition from an accessory structure to a live able structure is if there is a kitchen. Also, he stated that there was a question about the way square footage is calculated for additions given that our current code limits the addition to 1,000 square feet of ground area.

Height regulations in connection with the flood plain were discussed. Mr. Duvall explained that the measurements start from the finished floor. Setting a maximum of four feet over the flood requirements was discussed.

The 35-foot height regulation was discussed. Mr. Duvall explained that 35 ft is the typical height of a two-story home. There was discussion about the need to keep the 35 ft requirement. Perhaps a maximum height should be set as opposed to calculations based upon where you are located in the flood plain. Some seem to think setting a maximum might be easier to work with and easier to understand. However, after discussion, it was agreed that there is something to be said about keeping the calculation of height connected to FEMA regulations.

The proposed changes for fences and hedges were discussed. Security fences were discussed.

Lot sizing and combining was discussed. Some were okay with changing this and others did not support the change. It was pointed out by Mr. Duvall that currently this option would go before the Board of Adjustment. The Commission discussed whether to leave the Code as is and have applicants make their request to the Board of Adjustment or to consider changing the Code. For now, it was decided not to change combining lot regulations.

Eliminating District C2 was discussed. This District is not located on the current zoning map. After discussion, it was decided not to eliminate this District.

The timeline was discussed.

Kitchenettes were discussed again. Most wanted a kitchenette for accessory structures.

Parking requirements were discussed.

Commissioner Charles Butler left the meeting at 8:04 p.m.

F. Adjourn

There being no further business on the agenda the meeting was adjourned at 8:10 p.m.

Lorri Coody, City Secretary



EXHIBIT A

Planning and Zoning Commission Minutes

July 11, 2022

Preliminary Report

8630 Jones Road - Child Day-Care



**CITY OF JERSEY VILLAGE – PLANNING & ZONING COMMISSION
PRELIMINARY REPORT
TO ALLOW THE OPERATION OF A CHILD DAY-CARE AS A
SPECIFIC USE IN ZONING DISTRICT F**

The Planning and Zoning Commission has met in order to review the application of Reese Brown, filed on behalf of Miramont Interests, LC, for a specific use permit to allow the operation of child day-care on the 1.43acre tract of land located at 8630 Jones Road, Jersey Village, TX 77065 within the city limits in zoning District F.

After review and discussion, the Commissioners preliminarily proposed that Miramont Interests, LC be allowed to operate, as a specific use, a child day-care on the 1.43acre tract of land located at 8630 Jones Road, Jersey Village, TX 77065 within the city limits in zoning District F.

This preliminary proposal is 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 11th day of July 2022.

s/Rick Faircloth, 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 MIRAMONT INTERESTS, LC, A SPECIFIC USE PERMIT (THE “SPECIFIC USE PERMIT”) TO ALLOW THE OPERATION OF A CHILD DAY-CARE ON THE 1.43-ACRE TRACT OF LAND LOCATED AT 8630 JONES ROAD, JERSEY VILLAGE, TX 77065 WITHIN THE CITY LIMITS IN ZONING DISTRICT F; 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, Olive Tree Development Houston, LLC (the “Owner”) owns a 1.43- 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 a 1.43-acre tract of land that is Part of Lot 2, Block 1 of the Gulf Coast Jersey Village R/P, and with a street address of 8630 Jones Road, Jersey Village, Texas, 77065; and

WHEREAS, Amer Boukai has signature authority for Olive Tree Development Houston, LLC and has appointed Reese Brown as Agent; and

WHEREAS, Reese Brown has signature authority for Miramont Interests, LC who is interested in purchasing the 1.43-acre tract of land from Olive Tree Development Houston, LLC to operate a child day-care; and

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

WHEREAS, Reese Brown, on behalf of Miramont Interests, LC, has made an application to the City for a Specific Use Permit for the purpose of operating a child day-care 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 child day-care, 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:

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.

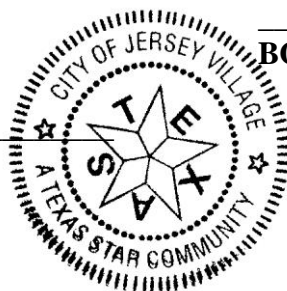
SECTION 7. THAT in the event any clause, phrase, provision, sentence, or part of this Ordinance or the application of the same to any person or circumstance shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate 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.

ATTEST:

Lorri Coody, City Secretary



BOBBY WARREN, MAYOR