

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

October 24, 2022 – 6:00 p.m.

THE PLANNING AND ZONING COMMISSION MET ON OCTOBER 24, 2022, AT 6:00 P.M. IN THE CIVIC CENTER AUDITORIUM, 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

Ashley Brown, Commissioner

Eric Henao, Commissioner

David L. Lock, Commissioner

Courtney Standlee, Commissioner

Debra Mergel, Commissioner and Charles A. Butler, III, Commissioner, were not present at this meeting.

Council Liaison Drew Wasson was present at this meeting.

Staff in attendance: Austin Bleess, City Manager and Lorri Coody, City Secretary

Joe Newton from BBG Consulting was 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 October 17, 2022.

Commissioner Henao moved to approve the minutes for the meeting held on October 17, 2022. Commissioner Lock seconded the motion. The vote follows:

Ayes: Commissioners Members Henao, Brown, Lock, and Standlee
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 "Building and Development", Article I "General", Section 14-5 "Definitions" by amending definitions for certain uses; and, if appropriate, prepare for presentation to Council a Preliminary Report in connection with any recommendations.

Austin Bleess, City Manager, introduced the item. Background information is as follows:

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, it is necessary to make amendments to certain definitions in Chapter 14, Article I, Section 14-5.

The presented changes simply remove the word “primary” or “primarily”. This change keeps with the intent of what the goal was when originally drafted, which is to allow or not allow, as the case may be, certain businesses in certain areas of the city in order to assist in achieving the goals laid out in the Comprehensive Plan.

This item is to review those proposed definition changes and prepare a preliminary report for submittal to City Council.

The Commission engaged in discussion about the proposed changes. There were questions about the word “primarily” and what that word means in terms of having it in the definition of removing it from the definition. City Manager Bleess explained the difference. The Commission discussed the definition changes. Some Commissioners wanted to know why this change is being presented at this time and what events caused this change to be proposed. City Manager Bleess explained that at a recent City meeting, the use of the word “primarily” in these definitions presented an issue of clarity that needs to be resolved.

Some Commissioners felt that the word “primarily” should not be removed for the definition of “restaurant.” Some felt that removing the word “primarily” from this definition could cause issues. The example of Day Care Operations bringing in food from home was discussed. This led to discussions about existing businesses and how the change will affect them. For example, what if a Star Bucks wants to sell junk. Consultant Newton explained that our Code provides for an “accessory use of a building” which means a subordinate use that is incident to the main use.

Commissioner Brown moved to remove the definition of “restaurant” from the proposed preliminary report. Commissioner Lock seconded the motion. The vote follows:

Ayes: Commissioners Brown and Lock, and Standlee

Nays: Commissioners Standlee and Henao
Chairman Faircloth

The motion failed.

With no further discussion on the matter, Commissioner Henao moved to approve the preliminary report, as proposed, recommending amendments to the Jersey Village Code of Ordinances at Chapter 14 “Building and Development”, Article I “General”, Section 14-5 “Definitions” by amending definitions for certain uses. Commissioner Standlee seconded the motion. The vote follows:

Ayes: Commissioners Members Henao and Standlee
Chairman Faircloth.

Nays: Commissioners Brown and Lock

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. Adjourn

There being no further business on the agenda the meeting was adjourned at 6:16 p.m.



Lorri Coody, City Secretary

EXHIBIT A

Planning and Zoning Commission Minutes

October 24, 2022

Preliminary Report

Chapter 14, Section 14-5 - Definitions



**CITY OF JERSEY VILLAGE – PLANNING & ZONING COMMISSION
PRELIMINARY REPORT
SECTION 14-5 DEFINITION AMENDMENTS**

The Planning and Zoning Commission has met on October 24, 2022, in order to review amendments to the Jersey Village Code of Ordinances at Chapter 14 “Building and Development”, Article I “General”, Section 14-5 “Definitions” by amending definitions for certain uses; and, if appropriate, prepare for presentation to Council a Preliminary Report in connection with any recommendations.

After review and discussion, the Commissioners preliminarily proposed that the Code of Ordinances of the City of Jersey Village, Texas, be amended to reflect amendments to Chapter 14, Article IV, Sections 14-5 definitions concerning certain uses.

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 24th day of October 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 AMENDING DEFINITIONS FOR CERTAIN USES; 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 “Code”); and

WHEREAS, the City’s Planning & Zoning Commission (the “Commission”) has issued its report and has recommended amendments to the Code to modify definitions for certain uses in Chapter 14 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 Chapter 14 “Building and Development”, Article I “General”, Section 14-5 “Definitions,” of the Code of Ordinances of the 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):

“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.”

“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.”

“Restaurant means an eating establishment whose ~~primary~~ function is the sale, dispensing or service of food, refreshments and beverages to customers, and which may sell alcoholic beverages as an accompaniment to meals served therein. All food must be prepared and cooked in a commercial kitchen on the premises. This may include such eating establishments as dining rooms, drive-in restaurants, fast food restaurants, cafes, cafeterias, and carryout restaurants, but specifically excludes bars, taverns, saloons, cabarets, or other similar establishments which derive 75 percent or more of the establishment’s gross revenue from the on-premises sale of alcoholic beverages.”

SECTION 3. 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 4. 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 5. 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 6. THAT this Ordinance shall be in full force and effect from and after its passage.

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

Bobby Warren, Mayor

ATTEST:

Lorri Coody, City Secretary

