

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

April 18, 2011 – 7:00 p.m.

THE PLANNING AND ZONING COMMISSION OF THE CITY OF JERSEY VILLAGE, TEXAS, CONVENEED ON APRIL 18, 2011, AT 7:00 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:

Debra Mergel, Chairman	Justin Ray, Commissioner
Barbara Freeman, Commissioner	Tom Eustace, Commissioner
Harry Beckwith, III, Commissioner	Rick Faircloth, Commissioner

Commissioner Michael O'Neal was not present at this meeting.

The following City of Jersey Village City Council members and staff were present for the Joint Public Hearing portion of this agenda:

Mayor, Russell Hamley	City Manager, Mike Castro
Mayor Pro tem, Joyce Berube	City Secretary, Lorri Coody
Council Member, Rod Erskine	Martha Williams, City Attorney
Council Member, Curtis Haverty	Mark Bitz, Fire Chief
Council Member Mark Maloy	Eric Foerster, Chief of Police
Council Member Jill Klein	Isabel Kato, Director of Finance
	Danny Segundo, Director of Public Works
	Michael Brown, Director of Parks

Additional Staff in attendance: Courtney Rutherford, Assistant City Secretary; Deborah Capaccioli-Paul, Engineering Technician; and Christian Somers-Kuenzel, Building Official.

After taking the roll of appointed officers, Mayor Hamley called the meeting's agenda beginning with the following item:

B. Conduct Joint Public Hearing with City Council on amendments to the City's comprehensive zoning ordinance concerning the creation of a new District D – Jersey Village Crossing district, which primarily represents the property located south of the U.S. Highway 290 right-of-way and within the corporate city limits of the City of Jersey Village; and establishing the Form Based Code Requirements for this District.

Mayor Hamley called the item and Chairman Mergel announced a quorum for the Planning and Zoning Commission. City Manager, Mike Castro called attention to the letter that had been received from Mason, Coplen, & Banks, P.C., Attorneys at Law, written on behalf of Jones Road Project, Ltd., one of the property owners having an interest in the outcome of the creation of a new District D and the establishment of form based code requirements for that district. One of the complaints outlined in the letter addresses proper notice of the Joint Public Hearing to be conducted this evening.

Mr. Castro explained that due to possible error in the notice requirements, City Council and the Planning and Zoning Commission should take no action on the item to conduct a joint public hearing. However, it is necessary that Council call for a new joint public hearing on May 23, 2011 at 7:00 p.m. The proper motion to do this is as follows:

MOTION: To call a Joint Public Hearing with the City Council and the Planning and Zoning Commission at 7:00 p.m., Monday, May 23, 2011, at the Civic Center Auditorium, 16327 Lakeview, Jersey Village, Texas, for the purpose of receiving written and oral comments related to the creation of a new District D – Jersey Village Crossing district, which primarily represents the property located south of the U.S. Highway 290 right-of-way and within the corporate city limits of the City of Jersey Village; and establishing the Form Based Code Requirements for this district.

Since the Joint Public Hearing was not conducted, it will not be necessary for the Planning and Zoning Commission to consider the creation of District D and Form Based Code Requirements Final Report item on their separate agenda. Nor will it be necessary for City Council to consider the receipt of the P&Z' Final Report on this topic (Item H4) or the approval of the Ordinance (Item H5).

With no discussion on this matter, Council Member Haverty moved to call a Joint Public Hearing with the City Council and the Planning and Zoning Commission at 7:00 p.m., Monday, May 23, 2011, at the Civic Center Auditorium, 16327 Lakeview, Jersey Village, Texas, for the purpose of receiving written and oral comments related to the creation of a new District D – Jersey Village Crossing district, which primarily represents the property located south of the U.S. Highway 290 right-of-way and within the corporate city limits of the City of Jersey Village; and establishing the Form Based Code Requirements for this district. Council Member Erskine seconded the motion. The vote follows:

Ayes: Council Members Berube, Erskine, Haverty, Maloy, and Klein

Nays: None

The motion carried.

C. Conduct Joint Public Hearing with City Council on the proposal to amend the City's zoning ordinance at Chapter 14, Article IV, Section 14-106(a)(19) by adding a subsection (c) to include telecommunication towers.

Mayor Hamley and Chairman Mergel opened the joint public hearing at 7:08 p.m.

Chairman Mergel provided background information on the item as follows:

On February 18, 2011, T-Mobile West, Inc. filed an application for a zoning amendment. The request is to amend the City of Jersey Village Code of Ordinances at Chapter 14, Article IV, Section 14-106(a)(19) by adding a subsection (c) to include telecommunication towers.

Mr. David Petrakovitz appeared before the Planning and Zoning Commission on March 3, 2011 on behalf of T-Mobile West, Inc. in order to present the request. He explained to the Commission that the request is the first of a two part request. If approved, T-Mobile will file a request for a special use permit to place the tower on Mr. Endeljac's land located at 7911 Capri Circle, Houston, Texas 77095. With that in mind, he showed the Commission pictures

of what the proposed telecommunication tower will look like. It is a 100 foot tower that looks like a flag pole. In fact, a flag can be hung on the pole.

The Commission discussed the following aspects concerning the ultimate placement of this tower:

1. The exact location and height for the tower;
2. Flag requirements, since there was no desire that there be a flag due to noise;
3. The most common complaints received by T-Mobile for these type towers; and
4. The possibility of interference with DPS helicopters.

The Planning and Zoning Commission submitted its preliminary report to Council at its March 21, 2011 meeting. The Commission is ready to conduct the Joint Public Hearing.

Mayor Hamley called those individuals signing up to speak on the matters as follows:

Gloria McKan, 16313 Lakeview, Jersey Village, TX (281) 389-4268 – Ms. McKan told Council her experience with Planning and Zoning and District G. She talked about how there has always been a very close relationship between business and residential in District G, but the zoning has been such that it has prevented issues. She came to Jersey Village because it has zoning. She told Council that if they are to permit towers in District G, that they only be permitted in certain areas of the District.

With no one else signing up to speak, Mayor Hamley and Chairman Mergel closed the public hearing at 7:12 p.m., and the Planning and Zoning Commission retired from the City Council meeting to conduct its posted meeting agenda at 7:12 p.m.

Chairman Mergel opened the Planning and Zoning Commission's posted meeting agenda at 7:17 p.m. with the following Commissioners present:

Debra Mergel, Chairman	Justin Ray, Commissioner
Barbara Freeman, Commissioner	Tom Eustace, Commissioner
Harry Beckwith, III, Commissioner	Rick Faircloth, Commissioner

Commissioner Michael O'Neal was not present at this meeting.

D. Consider approval of the minutes from the meeting held on March 21, 2011

Commissioner Beckwith moved to approve the minutes for the meeting held on March 21, 2011. Commissioner Freeman seconded the motion. The vote follows:

Ayes: Commissioners Beckwith, Freeman, Ray, Faircloth, and Eustace
Debra Mergel, Chairman

Nays: None

The motion carried.

E. Discuss and take appropriate action regarding the preparation and presentation of the Final Report to Council on the proposal to amend the City's comprehensive zoning ordinance concerning the creation of a new District D – Jersey Village Crossing district, which primarily represents the property located south of the U.S. Highway 290 right-of-

way and within the corporate city limits of the City of Jersey Village; and establishing the Form Based Code Requirements for this district.

Item Not Considered – (See Item B in these minutes for further explanation)

F. Discuss and take appropriate action regarding the preparation and presentation of the Final Report to Council on the proposal to amend the City’s zoning ordinance at Chapter 14, Article IV, Section 14-106(a)(19) by adding a subsection (c) to include telecommunication towers.

Chairman Mergel introduced the item. She told the Commission that this item is about adding Telecommunication Towers as a specific use in zoning District G. Discussion was had concerning the location of the closest residential areas to the proposed tower site. There was also discussion about what the tower would look like. The Commission explained that approval will not automatically allow telecommunication towers to be installed; it will allow for a zoning amendment that provides for a specific use permit which must first be approved by the Planning and Zoning and then by City Council.

Commissioner Freeman moved to approve the final report as written and present to City Council. Commissioner Eustace seconded the motion. The vote follows:

Ayes: Commissioners Beckwith, Freeman, Ray, Faircloth, and Eustace
Debra Mergel, Chairman

Nays: None

The motion carried.

A true and correct copy of the Final Report as submitted to Council is attached to and included in these minutes as Exhibit “A.”

G. Adjourn

With no further items to discuss the Chairman Mergel adjourned the meeting at 7:31 p.m.

Courtney Rutherford, Assistant City Secretary



**CITY OF JERSEY VILLAGE – PLANNING & ZONING COMMISSION
FINAL REPORT
AMENDMENTS TO INCLUDE TELECOMMUNICATION TOWERS
AS A SPECIFIC USE IN ZONING DISTRICT G**

The Planning and Zoning Commission has previously met on March 3, 2011 and in its preliminary report recommended amendments to the City’s zoning ordinance at Chapter 14, Article IV, Section 14-106(a)(19) by adding a subsection (c) to include telecommunication towers.

The preliminary report was submitted to the Jersey Village City Council at its March 21, 2011 meeting. The report was reviewed and the City Council ordered a Joint Public Hearing for April 18, 2011.

On April 18, 2011, the City Council and the Jersey Village Planning and Zoning Commission conducted a joint public meeting, 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 April 18, 2011 at 7:00 p.m., the Planning and Zoning Commission recommends that:

The City’s comprehensive zoning ordinance be amended at Chapter 14, Article IV, Section 14-106(a)(19) by adding a subsection (c) to include telecommunication towers.

The amendments to the City’s zoning ordinance are more specifically detailed in the attached proposed ordinance marked as Exhibit “A.”

Respectfully submitted, this 18th day of April 2011.



Debra Mergel, Chairman

ATTEST:



Courtney Rutherford, Assistant City Secretary



ORDINANCE NO. 2011-xx

AN ORDINANCE AMENDING CHAPTER 14 OF THE CODE OF ORDINANCES OF THE CITY OF JERSEY VILLAGE, TEXAS, BY AMENDING CHAPTER 14, ARTICLE IV, SECTION 14-106(a)(19) BY ADDING A SUBSECTION (C) TO INCLUDE TELECOMMUNICATION TOWERS; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR REPEAL; PROVIDING A PENALTY AS PROVIDED BY SECTION 1-8 OF THE CODE; AND PROVIDING AN EFFECTIVE DATE.

* * * * *

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF JERSEY VILLAGE, TEXAS THAT:

Section 1. The Code of Ordinances of the City of Jersey Village, Texas, is hereby amended by adding a new subsection (c) to Section 14-106(a)(19), so that Section 14-106(a)(19) shall read as follows:

- “(19) The following uses are permitted in district G with a specific use permit:
- a. Telephone switching facilities.
 - b. Multifamily housing for senior citizens.
 - c. Telecommunication Towers.”

Section 2. Severability. 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 3. Repeal. All other ordinances or parts of ordinances in conflict or inconsistent herewith are, to the extent of such conflict or inconsistency, hereby repealed.

Section 4. Penalty. 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 5. Effective Date. This ordinance shall be in full force and effect from and after its passage.

PASSED, APPROVED, AND ADOPTED this _____ day of _____, 2011.

Russell Hamley, Mayor

ATTEST:

Lorri Coody, City Secretary