

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

June 20, 2011 – 7:00 p.m.

THE PLANNING AND ZONING COMMISSION OF THE CITY OF JERSEY VILLAGE, TEXAS, CONVENED ON JUNE 20, 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 7:01 p.m. and the roll of appointed officers was taken. Commissioners present were:

Chairman, Debra Mergel
Barbara Freeman, Commissioner
Justin Ray, Commissioner

Tom Eustace, 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
Council Member, Joyce Berube
Council Member, Rod Erskine
Council Member, Harry Beckwith III, PE
Council Member, Mark Maloy
Council Member, Jill Klein

City Manager, Mike Castro
City Secretary, Lorri Coody
City Attorney, Bobby Gervais

Staff in attendance: Mark Bitz, Fire Chief; Eric Foerster, Chief of Police; Danny Segundo, Director of Public Works; Isabel Kato, Director of Finance; Michael Brown, Director of Parks and Recreation; Courtney Rutherford, Assistant City Secretary; Deborah Capaccioli-Paul, Engineering Technician; and Christian Somers-Kuenzel, Building Official.

Before conducting the Public Hearings, Mayor Hamley made the following announcement:

Tonight’s agenda has two joint public hearings scheduled to receive public comments in connection with a two-part process needed to address applications filed by Group 1 Realty and Capital Holdings LLC concerning the property located at 18700 NW Freeway in District G.

The first joint public hearing pertains to a request for a zoning amendment to permit “auto body shops” as a specific use in District G. The 2nd public hearing is contingent upon approval and passage of this requested zoning amendment and pertains to a request for the granting of a specific use permit to allow an auto body shop to operate at 18700 NW Freeway.

Immediately following this announcement, the first joint public hearing will be conducted. Upon completing the hearing, the Planning and Zoning Commission will retire in separate session to prepare its final report which will be submitted to Council this evening.

Upon receiving the report and approving the zoning amendment, the second public hearing will be conducted. If the zoning amendment is not approved, the 2nd public hearing will not be conducted.

In completing the announcement, Mayor Hamley called the first joint public hearing as follows:

B. 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 (d) to include auto body shops.

Mayor Hamley called the item and Chairman Debra Mergel announced a quorum for the Planning and Zoning Commission. Mayor Hamley opened the Joint Public Hearing at 7:05 p.m.

Background information on this item is as follows:

The Planning and Zoning Commission met on May 10, 2011 and recommended in its preliminary report that amendments be made to the City's comprehensive zoning ordinance.

The preliminary report was submitted to the Council at its May 23, 2011 meeting, and Joint Public Hearings have been ordered for June 20, 2011.

Joint public hearings must be conducted by the City Council and the Planning and Zoning Commission in accordance with the requirements of the Code of Ordinances of the City of Jersey Village - Section 14-84.

The purpose of the hearing is to provide an opportunity for the public to give oral or written comments proposed amendments to the City's comprehensive zoning ordinance concerning the proposal to amend the City's zoning ordinance at Chapter 14, Article IV, Section 14-106(a)(19) by adding a subsection (d) to include auto body shops.

Travis Crowder, 17101 Kuykendahl, Houston, Texas (281) 537-2171 – Mr. Crowder spoke to Council about the proposed amendment. He told Council that he represents Lone Star Chevrolet and was there to tell Council that they oppose the amendment because they would prefer that another car dealership locate at the proposed facility as opposed to an auto body shop. He stated that his clients chose their location because of the number of car dealerships in the area and the fact that it was known as an "auto mall" where car buyers come to shop visiting all the car dealerships. He stated that bringing in an auto body shop in this location defeats the "auto mall" concept and thus hurts his client's business. He told Council that car dealerships bring revenue to the city by way of property tax and sales tax. He stated that the amount brought via their auto repair business is not as much as the car sales. Therefore, he pointed out that by granting this amendment, Council is making a decision to place a business that has the potential to bring less revenue for the City, rather than more revenue.

Mr. Crowder also pointed out the negatives that an auto body shop would bring, such as problems with shielding wrecked cars.

Gloria McKay, 16313 Lakeview, Jersey Village, Texas (281) 389-4268 – Ms. McKay told Council that she lives in District G and has lived in this district for quite some time. She stated that she lives behind Joe Meyers and they have an auto repair shop as part of their auto sales

business. In connection with this repair part of the business, Ms. McKay told Council that there are many issues that residents living nearby need to contend with. She told Council that in considering the changes that are before them, she is concerned about the safety issues that an auto body shop would present being located in a residential district. Some of her concerns were the chemicals, waste, noise, bright lights, and rodents.

She stated that while the location being discussed is up on the Highway, some areas of District G are residential, and she is concerned about those residential areas and future requests should this request be granted. Therefore, she opposes the amendment.

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

Chairman Mergel reconvened the Planning and Zoning Commission at 7:16 p.m.

C. Consider approval of the minutes for the meetings held on May 23, 2011.

Commissioner Freeman moved to approve the minutes for the meeting held on May 23, 2011. Commissioner Eustace seconded the motion. The vote follows:

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

Nays: None

The motion carried.

D. 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 at Chapter 14, Article IV, Section 14-106(a)(19) by adding a subsection (d) to include auto body shops.

Chairman Mergel called the item.

There was discussion among the Commission concerning the location of auto body shops near residential property, which was addressed by resident Gloria McKay in the joint public hearing. The Commission agreed that these concerns have recently been considered and discussed. There are currently auto body shops in all of the dealerships within the city and some of those do butt up to residential property. New auto body shops, if approved by specific use permit, would be required to follow the same guidelines approved by City of Jersey Village Ordinances as well as the specific use guidelines and the EPA regulations.

After careful consideration of the concerns brought forth in the joint public hearing Commissioner Ray moved to approve the final report as written and allow Chairman Mergel to present the final report to Council. Commissioner Eustace seconded the motion. The vote follows:

Ayes: Commissioners Faircloth, Freeman, Ray, and Eustace

Chairman Mergel

Nays: None

The motion carried. (A copy of the Final Report is attached to these minutes as Exhibit A)

Chairman Mergel recessed the Planning and Zoning Commission Meeting at 7:24 p.m., and the Commissioners returned to the City Council meeting already in progress to present the final report.

E. Conduct Joint Public Hearing with City Council concerning the proposal to amend the city's zoning ordinance to grant a specific use permit to allow the operation of an auto body shop on a tract of land located at 18700 NW Freeway, Houston, TX 77065 within the city in zoning District G.

Mayor Hamley called the item and Chairman Debra Mergel announced a quorum for the Planning and Zoning Commission. Mayor Hamley opened the Joint Public Hearing at 8:05 p.m.

Background information on the item is as follows:

The Planning and Zoning Commission met on May 10, 2011 and recommended in its preliminary report that specific use permit be granted to allow the operation of an auto body shop on a tract of land located at 18700 NW Freeway, Houston, TX 77065 within the city in zoning District G.

The preliminary report was submitted to the Council at its May 23, 2011 meeting, and Joint Public Hearings have been ordered for June 20, 2011.

Joint public hearings must be conducted by the City Council and the Planning and Zoning Commission in accordance with the requirements of the Code of Ordinances of the City of Jersey Village - Section 14-84.

The purpose of the hearing is to provide an opportunity for the public to give oral or written comments proposed amendments to the City's comprehensive zoning ordinance concerning the proposal to grant a specific use permit to allow the operation of an auto body shop on a tract of land located at 18700 NW Freeway, Houston, TX 77065 within the city in zoning District G.

With no one signing up to speak, Mayor Hamley and Chairman Mergel closed the joint public hearing at 8:06 p.m., and the Planning and Zoning Commission retired from the City Council meeting at 8:06 p.m. to conduct the rest of its posted meeting agenda and prepare the final report in connection with this joint public hearing.

Chairman Mergel reconvened the Planning and Zoning Commission at 8:08 p.m.

F. Discuss and take action regarding the preparation and presentation of the Final Report to Council on the proposal to amend the City's comprehensive zoning to grant a specific use permit to allow the operation of an auto body shop on a tract of land located at 18700 NW Freeway, Houston, TX 77065 within the city in zoning District G.

Chairman Mergel called the item.

There was discussion among the Commissioners, the City Attorney and staff regarding concerns brought up during the first joint public hearing. City Attorney, Bobby Gervais stated that Section 5 had a detailed list of conditions that addressed those concerns. The Commission also discussed, after reviewing the site plan, that there will be substantial improvements to the property which has been vacant for approximately three years.

With no further discussion Commissioner Faircloth moved to approve the final report as written and allow Chairman Mergel to present the final report to Council. Commissioner Freeman seconded the motion. The vote follows:

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

Nays: None

The motion carried. (A copy of the Final Report is attached to these minutes as Exhibit B)

Chairman Mergel recessed the Planning and Zoning Commission Meeting at 8:26 p.m., and the Commissioners returned to the City Council meeting already in progress to present the final report.

G. Adjourn

After Chairman Mergel presented the final report to City Council each Planning and Zoning Commissioner left the meeting.

The meeting adjourned at 8:49 p.m.

Courtney Rutherford, Assistant City Secretary



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

The Planning and Zoning Commission has previously met on May 10, 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 (d) to include auto body shops.

The preliminary report was submitted to the Jersey Village City Council at its May 23, 2011 meeting. The report was reviewed and the City Council ordered a Joint Public Hearing for June 20, 2011.


On June 20, 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 June 20, 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 (d) to include auto body shops.


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

Respectfully submitted, this 20th day of June 2011.

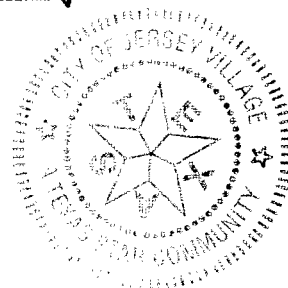


Debra Mergel, Chairman

ATTEST:



Courtney Rutherford, Assistant City Secretary



ORDINANCE NO. 2011-XX

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF JERSEY VILLAGE, TEXAS, CHAPTER 14, BUILDING AND DEVELOPMENT, BY ADDING A NEW DEFINITION OF “AUTO BODY SHOP” TO SECTION 14-5; AMENDING SECTION 14-106(A)(19) BY ADDING A NEW SUBSECTION (D) TO INCLUDE AUTO BODY SHOPS AS A PERMITTED USE IN DISTRICT G (WITH A SPECIFIC USE PERMIT); PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR REPEAL; PROVIDING A PENALTY IN AN AMOUNT NOT TO EXCEED TWO THOUSAND DOLLARS FOR VIOLATIONS HEREOF; 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 definition to Section 14-5 of Chapter 14:

“Auto body shop means any shop or garage, other than a private garage, where bodywork and painting are performed.”

Section 2. The Code of Ordinances of the City of Jersey Village, Texas, is hereby amended by adding a new subsection (d) 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.
 - d. Auto body shops.”

Section 3. 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 4. 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 5. Penalty. Any person who shall willfully, intentionally, or with criminal negligence 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 \$2,000. Each day of violation shall constitute a separate offense.

Section 6. **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



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

The Planning and Zoning Commission has previously met on May 10, 2011 and in its preliminary report recommended amendments to the City’s zoning ordinance to grant a specific use permit to allow the operation of an auto body shop on a tract of land located at 18700 NW Freeway, Houston, TX 77065 within the city in zoning District G.

The preliminary report was submitted to the Jersey Village City Council at its May 23, 2011 meeting. The report was reviewed and the City Council ordered a Joint Public Hearing for June 20, 2011.

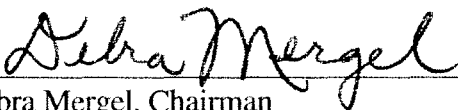
On June 20, 2011, the City Council and the Jersey Village Planning and Zoning Commission conducted a joint public meeting, which gave the public an opportunity to make comments concerning the proposed amendment.

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 June 20, 2011 at 7:00 p.m., the Planning and Zoning Commission recommends that:

The City’s comprehensive zoning ordinance be amended to grant a specific use permit to allow the operation of an auto body shop on a tract of land located at 18700 NW Freeway, Houston, TX 77065 within the city in zoning District G.

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

Respectfully submitted, this 20th day of June 2011.

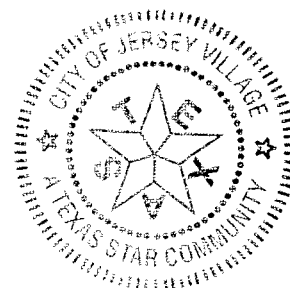


Debra Mergel, Chairman

ATTEST:



Courtney Rutherford, Assistant City Secretary



ORDINANCE NO. 2011-XX

AN ORDINANCE OF THE CITY OF JERSEY VILLAGE, TEXAS, AMENDING CHAPTER 14, ARTICLE IV, OF THE CODE OF ORDINANCES, CITY OF JERSEY VILLAGE, SAID ORDINANCE BEING CITY OF JERSEY VILLAGE ORDINANCE NO. 77-14, AS AMENDED, ORIGINALLY ADOPTED THE 6TH DAY OF SEPTEMBER 1977, AND BEING THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY, BY GRANTING TO GROUP 1 REALTY, INC., A SPECIFIC USE PERMIT TO ALLOW THE OPERATION OF AN AUTO BODY SHOP ON A TRACT OF LAND LOCATED AT 18700 NW FREEWAY, HOUSTON, TX 77065, WITHIN THE CITY IN ZONING DISTRICT G; PROVIDING REQUIREMENTS AND CONDITIONS FOR THIS SPECIFIC USE PERMIT; CONTAINING FINDINGS AND OTHER PROVISIONS RELATING TO THE SUBJECT; PROVIDING A PENALTY IN AN AMOUNT NOT TO EXCEED TWO THOUSAND DOLLARS FOR VIOLATIONS HEREOF; PROVIDING FOR AMENDMENT OF THE OFFICIAL ZONING MAP; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Group 1 Realty, Inc. has made an application for a Specific Use Permit for a 5.038 acre tract of land ("the Property") situated within the corporate limits of the City of Jersey Village, Texas ("the City"), said tract being more particularly described in Exhibit "A" attached hereto and made a part hereof for all purposes; and

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

WHEREAS, Group 1 Realty, Inc. has made application to the City for a Specific Use Permit to use said Property for the purpose of operating an auto body shop, including customary ancillary uses ("the Specific Use"), as authorized by the City's comprehensive zoning ordinance; and

WHEREAS, the Planning and Zoning Commission and the City 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 a Specific Use Permit described above; and

WHEREAS, the City Council has received the final written recommendation of the Planning and Zoning Commission; and

WHEREAS, the City Council finds the application complies with section 14-84.1 of the City Code and deems it appropriate to approve such request; **NOW THEREFORE**,

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

Section 1. The facts and matters set forth in the preamble of this Ordinance are hereby found to be true and correct.

Section 2. A Specific Use Permit for use of the Property as an auto body shop, including customary accessory uses, subject to the terms and conditions set forth below, is hereby granted to

Group 1 Realty, Inc. The Specific Use Permit shall run with the land and include any successor in interest.

Section 3. The Official Zoning District Map of the City, as referenced by section 14-82 of The City Code, shall be revised and amended to show the Specific Use authorized hereby for the Property as provided in Section 2 hereof, 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. 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. The Specific Use authorized and permitted hereby shall be, and is, subject to the following additional limitations, restrictions, and conditions:

- A. The approval of this Specific Use Permit is expressly conditioned upon the Specific Use being located, constructed, and conducted upon the Property in conformity with the Site Plan attached hereto as Exhibit "B" (the "Site Plan") and made a part hereof for all purposes, and the description of activities as represented to the City of Jersey Village in the application for this Specific Use Permit;
- B. Wrecked, junked, and inoperable vehicles, and parts thereof, must be screened from the adjacent property at all times;
- C. An eight-foot (8') fence shall be constructed on the Property at the locations identified on the Site Plan to screen wrecked, junked, and inoperable vehicles from adjacent property;
- D. The fencing constructed pursuant to this Specific Use Permit shall be chain linked - vinyl privacy fencing, with 95% privacy screening capability;
- E. Shrubs of a variety that will substantially obscure the view of wrecked, junked, and inoperable cars within a period of 5 years of the granting of this Specific Use Permit must be planted along the outside of the front of the eight-foot (8') screening fence line;
- F. The fence and shrubs must be maintained at all times in such a way as to insure the screening of wrecked, junked, and inoperable vehicles from adjacent property;
- G. The Property Owner and its agents, operators, tenants, successors and assigns shall comply with all applicable local, state, and federal laws; and
- H. No screening will be permitted within 200 feet of the front property line along US 290.

Section 6. Any person who shall willfully, intentionally, or with criminal negligence 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 \$2,000. Each day of violation shall constitute a separate offense.

Section 7. 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 City Council of the City of Jersey Village, Texas, 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. This Ordinance, and the Specific Use Permit granted hereby, shall become effective only upon Group 1 Realty, Inc.'s furnishing the City a copy of an owner's policy of title insurance showing title of the Property in Group 1 Realty, Inc.'s name.

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

Russell Hamley, Mayor

ATTEST:

Lorri Coody, City Secretary

ADAMS AND REESE LLP



Attorneys at Law

Baton Rouge
Birmingham

Houston

Jackson
Memphis
Mobile
Nashville
New Orleans
Washington, DC

May 4, 2011

Richard A. Crow

Direct (713) 308-0115
E-Fax (713) 308-4045
richard.crow@arlaw.com

City of Jersey Village Administration Building
16327 Lakeview Drive
Jersey Village, Texas 77040
Attn: Lorri Coody or Monica Villarreal

Re: City of Jersey Village Zoning Application submitted by Group 1 Realty, Inc.

Dear Ms. Coody and/or Villarreal:

Enclosed please find duplicate applications in connection with the referenced matter. Please contact Richard Crow if you have any questions regarding the applications or need additional information.

Very truly yours,

Cheri Olivo

Assistant to Richard A. Crow

CK# 8798
\$1300.00/xx

Bank of America
ACH R/T 083100277

8798

63-4/630 FL
28000

GPI, LTD.
800 GESSNER STE 500
HOUSTON, TX 77024

05/02/11

PAY TO THE ORDER OF City of Jersey Village

\$ *****1,300.00

**** ONE THOUSAND THREE HUNDRED AND 0/100 DOLLARS

DOLLARS

City of Jersey Village

MEMO



AUTHORIZED SIGNATURE

MP

⑈008798⑈ ⑆063000047⑆ 002290423864⑈

GPI, LTD.

05/02/11

8798

City of Jersey Village

Date	Reference	Memo
05/02/11	050211	

Balance Due

Payment

1,300.00

CITY OF JERSEY VILLAGE
ZONING APPLICATION

Requested Action

ZONING CHANGE ()

SPECIAL EXCEPTION (✓)

NON CONFORMING USE PERMIT ()

APPLICANT / OWNER INFORMATION

Applicant: Group 1 Realty, Inc.
Address: 800 Gessner, Suite 500

Telephone: (713) 647-5768
City/State/Zip: Houston, Texas 77024

APPLICANT'S STATUS: Check One OWNER () TENANT () PROSPECTIVE BUYER (✓)

Property Owner must sign that application or submit a notarized letter of authorization.

Owner: Capital Automotive Holdings, LLC
Address: 8270 Greensboro, Suite 950
Representative: Chris Allen Ⓢ
Address: 800 Gessner, Suite 500

Telephone: (713) 289-3075
City/State/Zip: McLean, Virginia 22102
Telephone: (713) 647-5768
City/State/Zip: Houston, Texas 77024

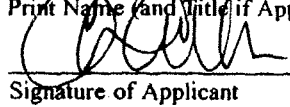
OWNERSHIP: Check One INDIVIDUAL () TRUST () PARTNERSHIP () CORPORATION (✓)

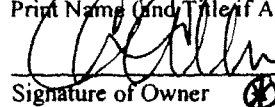
Limited Liability Company

If ownership is a trust, partnership, or corporation, name the partners or principals and their addresses and positions on a separate attachment.

Chris Allen, Director of Development
Print Name (and Title if Applicable)

Chris Allen, Agent Ⓢ
Print Name (and Title if Applicable)


Signature of Applicant


Signature of Owner Ⓢ *See appointment of*

ZONING REQUEST INFORMATION *agent attached hereto.*

SITE LOCATION: 18700 NW Freeway, Houston, Texas 77065

LOT(S) NO(S): _____ BLOCK NO: _____ SIZE OF REQUEST: _____

(See attached legal description and survey.)

EXISTING ZONING: Zone G with a motor vehicle sales overlay.

PROPOSED ZONING: _____

DESCRIPTION OF REQUEST: Contingent upon approval of Applicant's request to amend Chapter 14, Article IV, Section 14-106(a)(19) of the City's zoning ordinance, Applicant seeks approval of a special exception to allow site to be used as a "motor vehicle body shop."
(Please attach detailed map(s) showing proposed changes)

DOCUMENTATION
(Please provide the following)

- TRAFFIC IMPACT STUDY (if applicable)
- SITE MAP
- PROPER SIGNATURES
- CORRECT LOT & BLOCK

- INDEX LOCATION MAP
- PROPER FILING FEE
- SURVEY MAPS (Metes & Bounds)

FILING FEE - \$650.00

ACCEPTED BY: _____

DATE ACCEPTED: _____

Form Reference #

Being a tract or parcel containing 5.038 acres (219,452 square feet) of land situated in the Charles Clarkson Survey, Abstract Number 190; being all of Restricted Reserve "B", of A REPLAT OF A PORTION OF BLOCK 2, UNRESTRICTED RESERVE "B", NORTHWEST STATION, SECTION ONE, a subdivision of record in Volume 340, Page 112, Harris County Map Records; and being all of a called 5.0379 acre tract conveyed to Momentum Properties, LTD. as described in Deed recorded under Harris County Clerk's File (H.C.C.F.) Number P042788; said 5.038 acre tract being more particularly described by metes and bounds as follows (bearings are oriented to said record plat):

BEGINNING at ¾ inch iron pipe found in the southeasterly right-of-way (R.O.W.) line of West Road (width varies) and marking the southwest corner of a called 13.082 acre tract conveyed to Rewal Corporation II as described in Deed recorded under H.C.C.F. Number L0616077; said iron rod also marking the north

corner of the aforesaid Restricted Reserve of said REPLAT and the herein described tract;

THENCE, along the southwesterly lines of said 13.082 acre tract and the northeasterly lines of the herein described tract, the following courses and distance:

South 50 Deg. 29' 45" East, departing said R.O.W. line, a distance of 282.50 feet to a 5/8 inch iron rod with plastic cap stamped "Terra Surveying" set for corner;

South 39 Deg. 30' 15" West, a distance of 44.50 feet to a 1-inch iron pipe found for corner;

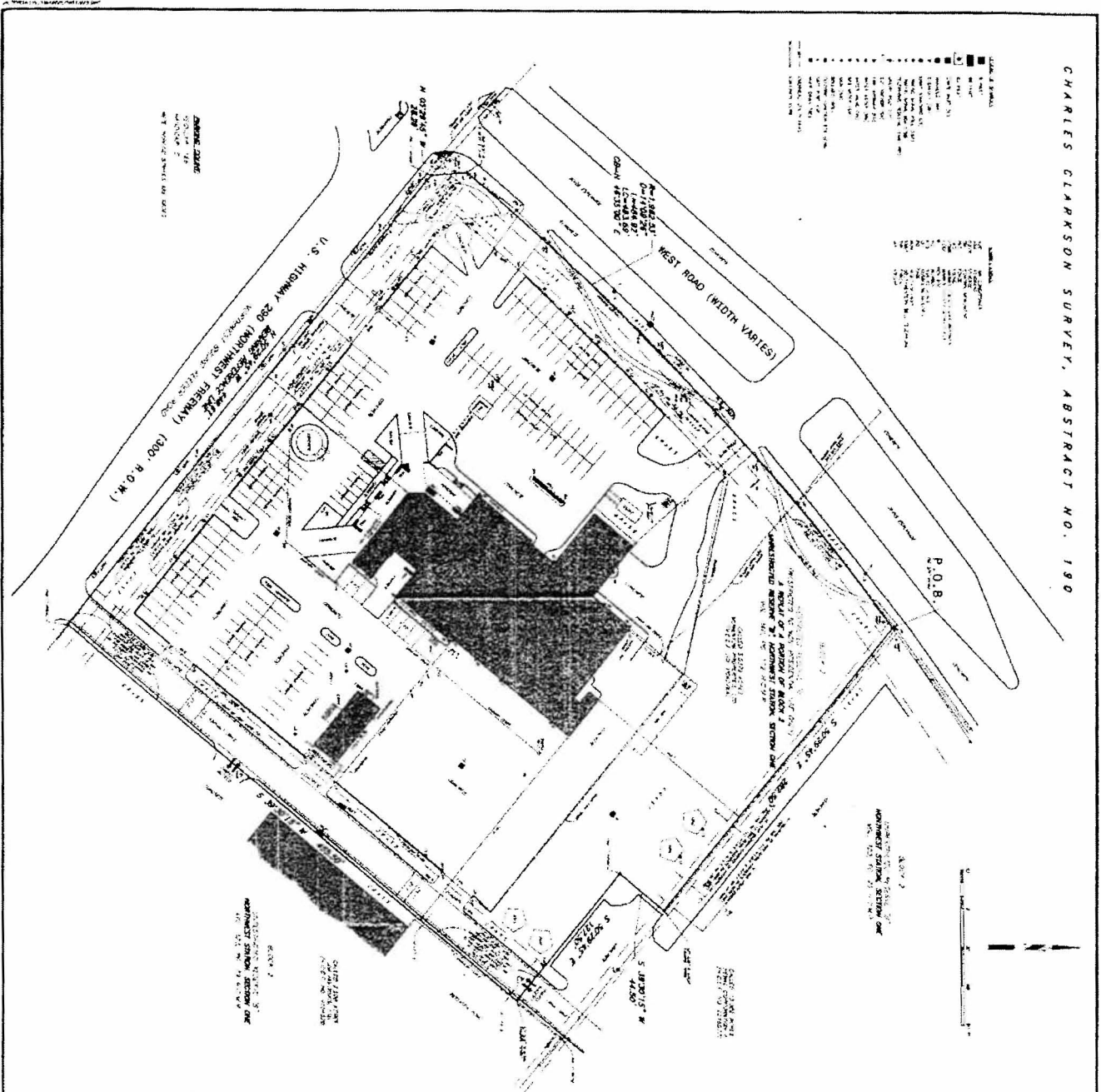
South 50 Deg. 29' 45" East, a distance of 127.50 feet to a 5/8 inch iron rod with plastic cap stamped "Terra Surveying" set in the northwesterly line of a called 2.500 acre tract conveyed to JJM Holdings, LTD. as described in Deed recorded under H.C.C.F. Number U104520 and marking the most easterly corner of the herein described tract;

THENCE, South 39 Deg. 30' 15" West, along the northwesterly line of said 2.500 acre tract, a distance of 455.50 feet to a 1-inch iron pipe found in the northeasterly R.O.W. line of U.S. Highway 290 (Northwest Freeway) (300 feet wide) and marking the southwest corner of said 2.500 acre tract and the south corner of the herein described tract;

THENCE, North 50 Deg. 29' 45" West, along the northeasterly R.O.W. line of said U.S. Highway 290, a distance of 449.81 feet to a 1-inch iron pipe found marking the southerly end of a R.O.W. cut-back line and the most southerly west corner of the herein described tract;

THENCE, North 05 Deg. 29' 45" West, along said cut-back line, a distance of 28.28 feet to the southeasterly R.O.W. line of the aforesaid West Road and making the most northerly west corner of the herein described tract and a point of curvature of a non-tangent curve to the right, from which a found 5/8 inch iron rod bears South 22 Deg. 24' East, 0.48 feet;

THENCE, Northeasterly, an arc distance of 484.92 feet along the southeasterly R.O.W. line of said West Road and said curve to the right, having a central angle of 14 Deg. 09' 26", a radius of 1,982.53 feet and a chord which bears North 46 Deg. 35' 00" East, 483.69 feet to the POINT OF BEGINNING and containing 5.038 acres (219,452 square feet) of land. This description is based on the ALTA/ACSM Land Title Survey) and plat prepared by Terra Surveying Company, Inc., dated May 13, 2002.



SECTION 1
 SECTION 2
 SECTION 3
 SECTION 4
 SECTION 5
 SECTION 6
 SECTION 7
 SECTION 8
 SECTION 9
 SECTION 10
 SECTION 11
 SECTION 12
 SECTION 13
 SECTION 14
 SECTION 15
 SECTION 16
 SECTION 17
 SECTION 18
 SECTION 19
 SECTION 20

TERRA

3000 ACRES OR MORE

SECTION 1
 SECTION 2
 SECTION 3
 SECTION 4
 SECTION 5
 SECTION 6
 SECTION 7
 SECTION 8
 SECTION 9
 SECTION 10
 SECTION 11
 SECTION 12
 SECTION 13
 SECTION 14
 SECTION 15
 SECTION 16
 SECTION 17
 SECTION 18
 SECTION 19
 SECTION 20

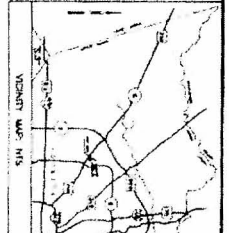


Exhibit B


OWNER'S APPOINTMENT OF AGENT

Capital Automotive Holdings, L.L.C., a Delaware limited liability company ("Owner"), as owner of a certain a tract of land situated within the City of Jersey Village, Texas (the "City") being commonly known as 18700 Northwest Freeway (the "Property"), hereby appoints Chris Allen, Director of Development for Group 1 Realty, Inc., a Delaware corporation, as Owner's agent and representative in connection with applications for a zoning amendment and a specific use permit (collectively, the "Applications") to be filed with respect to the Property and considered by the City's Planning and Zoning Commission.

Owner acknowledges that in making this appointment, it grants Agent the authority to (i) file the Applications; and (ii) speak on behalf of Owner for purposes of proceedings before the City's Planning and Zoning Commission and City Council in connection with the requests being sought in the Applications.

Signed this 2nd day of May, 2011.

Capital Automotive Holdings, L.L.C.,
a Delaware limited liability company
By: Capital Automotive Real Estate
Services, Inc., a Delaware corporation,
its Manager

By: 
Name: JAY M. FERRIERO
Executive Vice President and
Chief Operating Officer
Title: _____

[Owner's Acknowledgement Follows]

Owner's Acknowledgment to Appointment of Agent

THE STATE OF Virginia §

COUNTY OF Fairfax §

BEFORE ME, the undersigned authority, this 2 day of May, 2011 personally appeared Jay M. Ferriero, Executive Vice President and Chief Operating Officer of Capital Automotive Real Estate Services, Inc., the sole Manager of Capital Automotive Holdings, L.L.C., a Delaware limited liability company, known to me to be the person whose name is subscribed to the foregoing instrument and who acknowledged to me that he/she executed the same for the purposes therein expressed on behalf of said company.

GIVEN UNDER my hand and seal of office this 2 day of May, 2011.



Yolanda Hidalgo
Notary Public in and for the State of Virginia

Comm. exp. -7-31-14 #314608

EXHIBIT B
OF THE PROPOSED ORDINANCE

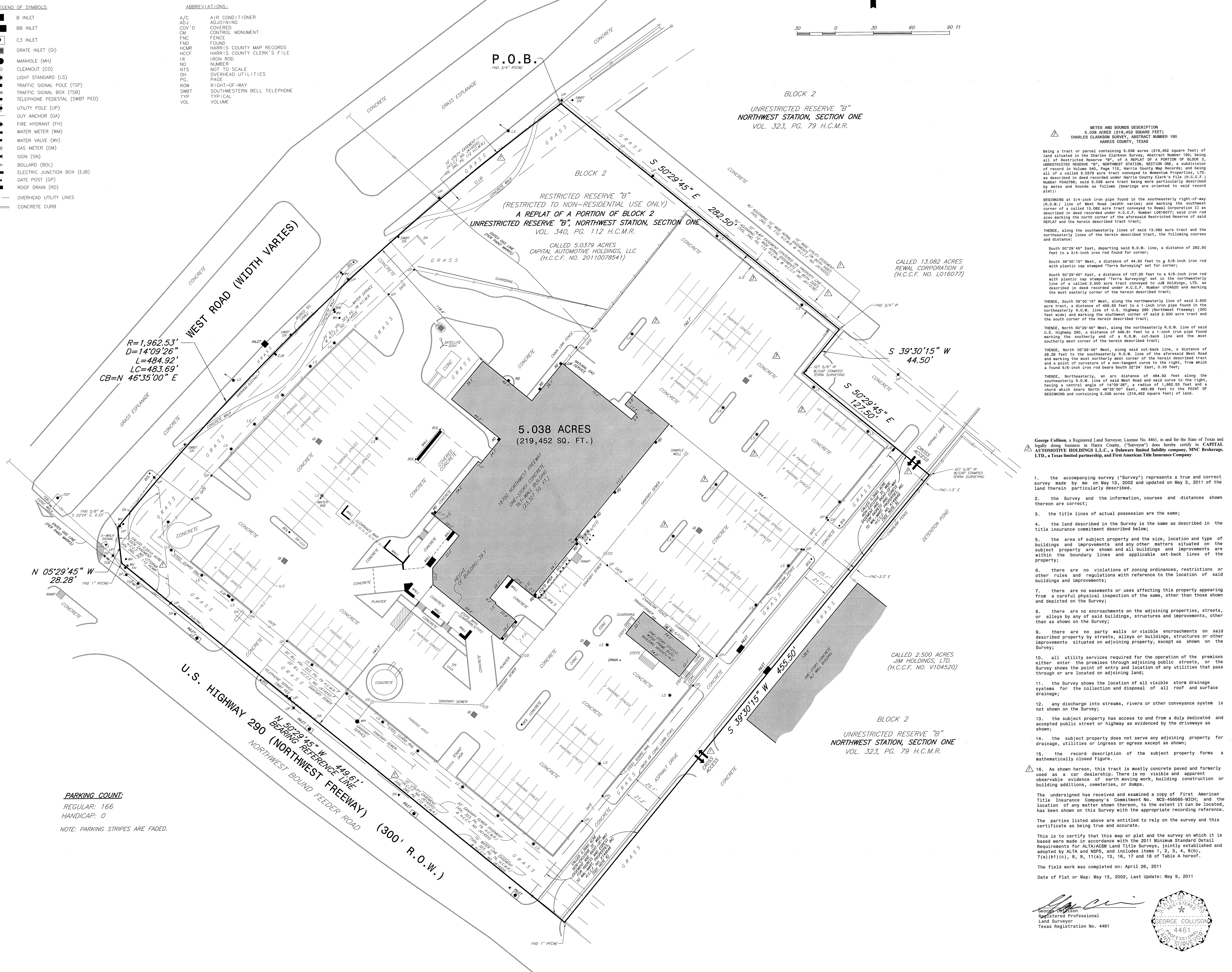
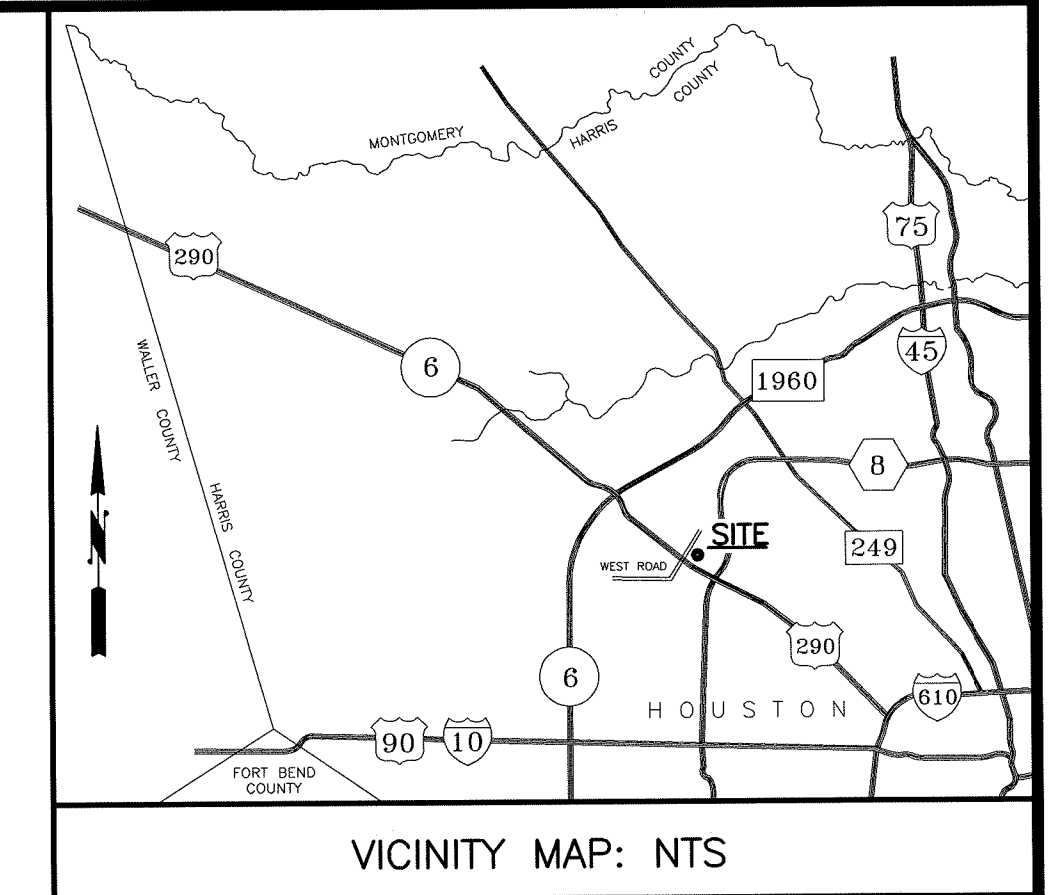
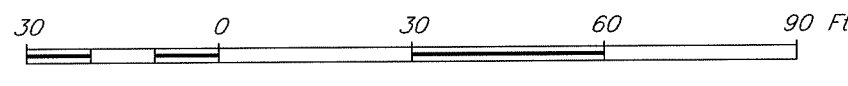
SITE PLAN
FOR
18700 NW FREEWAY

HOUSTON RESTORATION CENTER

GROUP 1 AUTOMOTIVE



- LEGEND OF SYMBOLS:**
- B INLET
 - BB INLET
 - C3 INLET
 - GRATE INLET (G)
 - MANHOLE (MH)
 - CLEANOUT (CO)
 - LIGHT STANDARD (LS)
 - TRAFFIC SIGNAL POLE (TSP)
 - TRAFFIC SIGNAL BOX (TSB)
 - TELEPHONE PEDestal (SWBT PED)
 - UTILITY POLE (UP)
 - GUY ANCHOR (GA)
 - FIRE HYDRANT (FH)
 - WATER METER (WM)
 - WATER VALVE (WV)
 - GAS METER (GM)
 - SIGN (SN)
 - BOLLARD (BL)
 - ELECTRIC JUNCTION BOX (EJB)
 - GATE POST (GP)
 - ROOF DRAIN (RD)
 - OH OVERHEAD UTILITY LINES
 - CONCRETE CURB
- ABBREVIATIONS:**
- A/C AIR CONDITIONER
 - ADJ. ADJOINING
 - COV'D COVERED
 - CM CONTROL MONUMENT
 - FNC FENCE
 - FND FOUND
 - HCMR HARRIS COUNTY MAP RECORDS
 - HCCF HARRIS COUNTY CLERK'S FILE
 - IR IRON ROD
 - NO NUMBER
 - NTS NOT TO SCALE
 - OH OVERHEAD UTILITIES
 - PAGE PAGE
 - R/W RIGHT-OF-WAY
 - SWBT SOUTHWESTERN BELL TELEPHONE
 - TYP TYPICAL
 - VOL VOLUME



METS AND BOUNDS DESCRIPTION
5.038 ACRES (219,452 SQUARE FEET)
CHARLES CLARKSON SURVEY, ABSTRACT NUMBER 190
HARRIS COUNTY, TEXAS

Being a tract or parcel containing 5.038 acres (219,452 square feet) of land situated in the Charles Clarkson Survey, Abstract Number 190; being all of Restricted Reserve "B", a REPLAT OF A PORTION OF BLOCK 2, UNRESTRICTED RESERVE "B", NORTHWEST STATION, SECTION ONE, a subdivision of record in Volume 340, Page 112, Harris County Map Records and being all of a called 5.0379 acre tract conveyed to Mowatt Properties, LTD., as described in deed recorded under Harris County Clerk's File No. G.F. Number P042781; said 5.038 acre tract being more particularly described by metes and bounds as follows (bearings are oriented to said record plat):

BEING the southeasterly corner of said 13.082 acre tract and the southeasterly corner of a called 13.082 acre tract conveyed to Rewal Corporation II as described in deed recorded under H.C.C.F. Number L016077; said iron rod also marking the north corner of the aforesaid Restricted Reserve of said REPLAT and the herein described tract tract:

THENCE, along the southeasterly line of said 13.082 acre tract and the southeasterly line of the herein described tract, the following courses and distances:

- South 50°29'45" East, a distance of 282.00 feet to a 3/4" iron rod found for corner;
- South 39°30'15" West, a distance of 44.50 feet to a 5/8" iron rod with plastic cap stamped "Terra Surveying" set for corner;
- South 50°29'45" East, a distance of 127.50 feet to a 5/8" iron rod with plastic cap stamped "Terra Surveying" set in the southeasterly line of a called 5.038 acre tract conveyed to JMW Holdings, LTD., as described in deed recorded under H.C.C.F. Number U046520 and marking the most easterly corner of the herein described tract;
- THENCE, South 39°30'15" West, along the northeasterly line of said 2.500 acre tract, a distance of 409.00 feet to a 1/2" iron rod found in the northeasterly R.O.W. line of U.S. Highway 290 (Northwest Freeway) (300 feet wide) and marking the southeast corner of said 2.500 acre tract and the south corner of the herein described tract;
- THENCE, North 50°29'45" West, along the northeasterly R.O.W. line of said U.S. Highway 290, a distance of 449.00 feet to a 1/2" iron rod found marking the southerly end of a non-tangent curve to the right, from which a found radius of 1,962.53 feet, a central angle of 14°09'26", and a chord which bears North 46°35'00" East, 483.69 feet to the POINT OF BEGINNING and containing 5.038 acres (219,452 square feet) of land.

Project Number 1851-0225-S

- NOTES:**
- 1.) This survey reflects boundary and easement information as per a commitment for title insurance issued by First American Title Company, G.F. Number NCS-45655-WICH, dated March 20, 2011, no additional research regarding the existence of encumbrances or restrictions of record has been performed by Terra Surveying, Inc.
 - 2.) This tract lies in Zone "X" (shaded), designated as "Area of 0.2% annual chance flood", and not within the 100-year flood plain, as per the National Flood Insurance Program Flood Community Number 48201C Panel Number 4460-L, latest available published revision, dated June 18, 2007.
 - 3.) Any future development of this tract is subject to requirements per city of Houston Ordinance Number 99-200, which stipulates planning setbacks constraints.
 - 4.) This tract is subject to the restrictive covenants of record in Volume 323, Page 79, and Volume 340, Page 112, Harris County Map Records and in instruments of record filed under Harris County Clerk's File Numbers J43849, J43860, J432176, and J43654 as reflected in Schedule B, Item 10(a), in a commitment for title insurance issued by First American Title Company, G.F. Number NCS-45655-WICH, dated March 21, 2011.
 - 5.) Surface or subsurface faulting, hazardous waste, wetland designations or other environmental issues have not been addressed within the scope of this survey.
 - 6.) Fences shown hereon are graphic only, with dimensioned ties shown at specific locations where they were physically measured; the fence lines may meander between said measured locations.
 - 7.) Underground utilities as shown hereon have been derived from a combination of observing surface facilities, lines marked on the ground by others, and/or record utility maps. Contractor to verify the existence and location of buried utilities prior to digging.
 - 8.) 35-foot wide ingress and egress easement granted to Wal-Mart Properties, Inc., as described in deed recorded under Harris County Clerk's File Number J438496 was located as shown hereon by the described Metes and Bounds calls after the point of beginning call. The portion of the Metes and Bounds, which describes the commencing calls does arrive at the intended location.
 - 9.) Bearings shown hereon are oriented to the bearing base reflected on the plat of A REPLAT OF A PORTION OF BLOCK 2, UNRESTRICTED RESERVE "B", NORTHWEST STATION, SECTION ONE, a subdivision of record in Volume 340, Page 112, Harris County Map Records.
 - 10.) The following encumbrances, which affect this tract and are listed in Schedule B of a commitment for title insurance issued by First American Title Company, G.F. Number NCS-45655-WICH, dated March 20, 2011 are as follows:
 - 1) Pertains to Restrictive covenants as shown on item 10(a) in the Schedule B list and in note number 4 on the face of this survey (not plottable)
 - 2 through 9) Pertains to standard exceptions (not plottable)
 - 10a) Pertains to restrictive covenants (see note 4)
 - 10b through c) Pertains to standard exceptions (not plottable)
 - 10f) Pertains to a 10' encroachment as shown on NORTHWEST STATION, SECTION ONE, a subdivision of record in Volume 323, Page 79, Harris County Map Records and described in instrument filed for record under Harris County Clerk's File Number J414555. (affects the property and is shown hereon)
 - 10g) Pertains to a 20' sanitary sewer easement as shown on NORTHWEST STATION, SECTION ONE, a subdivision of record in Volume 323, Page 79, Harris County Map Records and described in instrument filed for record under Harris County Clerk's File Number J414555. (affects the property and is shown hereon)
 - 10h) Pertains to a 10' utility easement as shown on REPLAT OF A PORTION OF BLOCK 2, UNRESTRICTED RESERVE "B", NORTHWEST STATION, SECTION ONE, a subdivision of record in Volume 340, Page 112, Harris County Map Records and described in instrument filed for record under Harris County Clerk's File Number J414555. (affects the property and is shown hereon)
 - 10i) Pertains to an entry marker easement as shown on NORTHWEST STATION, SECTION ONE, a subdivision of record in Volume 323, Page 79, Harris County Map Records and described in instrument filed for record under Harris County Clerk's File Number J414555. (not plottable)
 - 10j) Pertains to a 15' wide drainage easement on each side of centerline of all gutters, ravines, and other natural drainage courses as shown on NORTHWEST STATION, SECTION ONE, a subdivision of record in Volume 323, Page 79, Harris County Map Records and described in instrument filed for record under Harris County Clerk's File Number J414555. (does not affect the property, no natural drainage courses exist)
 - 10k) Pertains to a 5' utility easement with an uncontracted aerial easement as recorded under Harris County Clerk's File No. J414555 and J417238 (Called 10' wide utility easement) (affects the property and is shown hereon)
 - 10l) Pertains to a 35' non exclusive access easement to Wal-Mart Properties, Inc., as recorded under Harris County Clerk's File No. J438496 (affects the property and is shown hereon)
 - 10m) Pertains to a 30' building line as shown on NORTHWEST STATION, SECTION ONE, a subdivision of record in Volume 323, Page 79, Harris County Map Records and described in instrument filed for record under Harris County Clerk's File Number J414555. (affects the property and is shown hereon)
 - 10n) Intentionally Deleted
 - 10o) Pertains to subject property about a non-access or limited access road, highway or freeway. (not plottable)
 - 10p) Pertains to a 25' building line as shown on NORTHWEST STATION, SECTION ONE, a subdivision of record in Volume 323, Page 79, Harris County Map Records and described in instrument filed for record under Harris County Clerk's File Number J414555. (affects the property and is shown hereon)
 - 10q through r) Pertains to mineral rights (not plottable)
 - 10s) Pertains to Waiver of Surface Rights (not plottable)
 - 10t) Pertains to all leases, grants, exceptions, or reservations of coal, lignite, oil, gas, and other minerals (not plottable)
 - 10u) Pertains to Waiver of Surface Rights (not plottable)

George Collins, a Registered Land Surveyor, License No. 4461, in and for the State of Texas and having done business in Harris County, ("Surveyor") does hereby certify to CAPITAL AUTOMOTIVE HOLDINGS L.L.C., a Delaware limited liability company, MNC Brokerage, LTD., a Texas limited partnership, and First American Title Insurance Company:

1. the accompanying survey ("Survey") represents a true and correct survey made by me on May 13, 2002 and updated on May 3, 2011 of the land therein particularly described;
2. the survey and the information, courses and distances shown thereon are correct;
3. the title lines of actual possession are the same;
4. the land described in the Survey is the same as described in the title insurance commitment described below;
5. the area of subject property and the size, location and type of buildings and improvements and any other matters situated on the subject property are shown and all buildings and improvements are within the boundary lines and applicable set-back lines of the property;
6. there are no violations of zoning ordinances, restrictions or other rules and regulations with reference to the location of said buildings and improvements;
7. there are no encroachments or uses affecting this property appearing from a careful physical inspection of the same, other than those shown and depicted on the Survey;
8. there are no encroachments on the adjoining properties, streets, or alleys by any of said buildings, structures and improvements, other than as shown on the Survey;
9. there are no party walls or visible encroachments on said described property by streets, alleys or buildings, structures or other improvements situated on adjoining property, except as shown on the Survey;
10. all utility services required for the operation of the premises either enter the premises through adjoining public streets, or the Survey shows the point of entry and location of any utilities that pass through or are located on adjoining land;
11. the Survey shows the location of all visible storm drainage systems for the collection and disposal of all roof and surface drainage;
12. any discharge into streams, rivers or other conveyance system is not shown on the Survey;
13. the subject property has access to and from a duly dedicated and accepted public street or highway as evidenced by the driveways as shown;
14. the subject property does not serve any adjoining property for drainage, utilities or ingress or egress except as shown;
15. the record description of the subject property forms a mathematically closed figure.
16. As shown hereon, this tract is mostly concrete paved and formerly used as a car dealership. There is no visible and apparent, observable evidence of earth moving work, building construction or building additions, cemeteries, or dumps.

The undersigned has received and examined a copy of First American Title Insurance Company's Commitment No. NCS-45655-WICH, and the location of any matter shown thereon, to the extent it can be located, has been shown on this Survey with the appropriate recording reference. The parties listed above are entitled to rely on the survey and this certificate as being true and accurate.

This is to certify that this map or plat and the survey on which it is based were made in accordance with the 2011 Minimum Standard Detail Requirements for ALTA/ACSM Land Title Surveys, jointly established and adopted by ALTA and NSPS, and includes Items 1, 2, 4, 6(c), 7(a)(b)(c), 8, 9, 11(a), 13, 16, 17 and 18 of Table A hereof.

The field work was completed on: April 28, 2011
Date of Plat or Map: May 13, 2002, Last Update: May 9, 2011

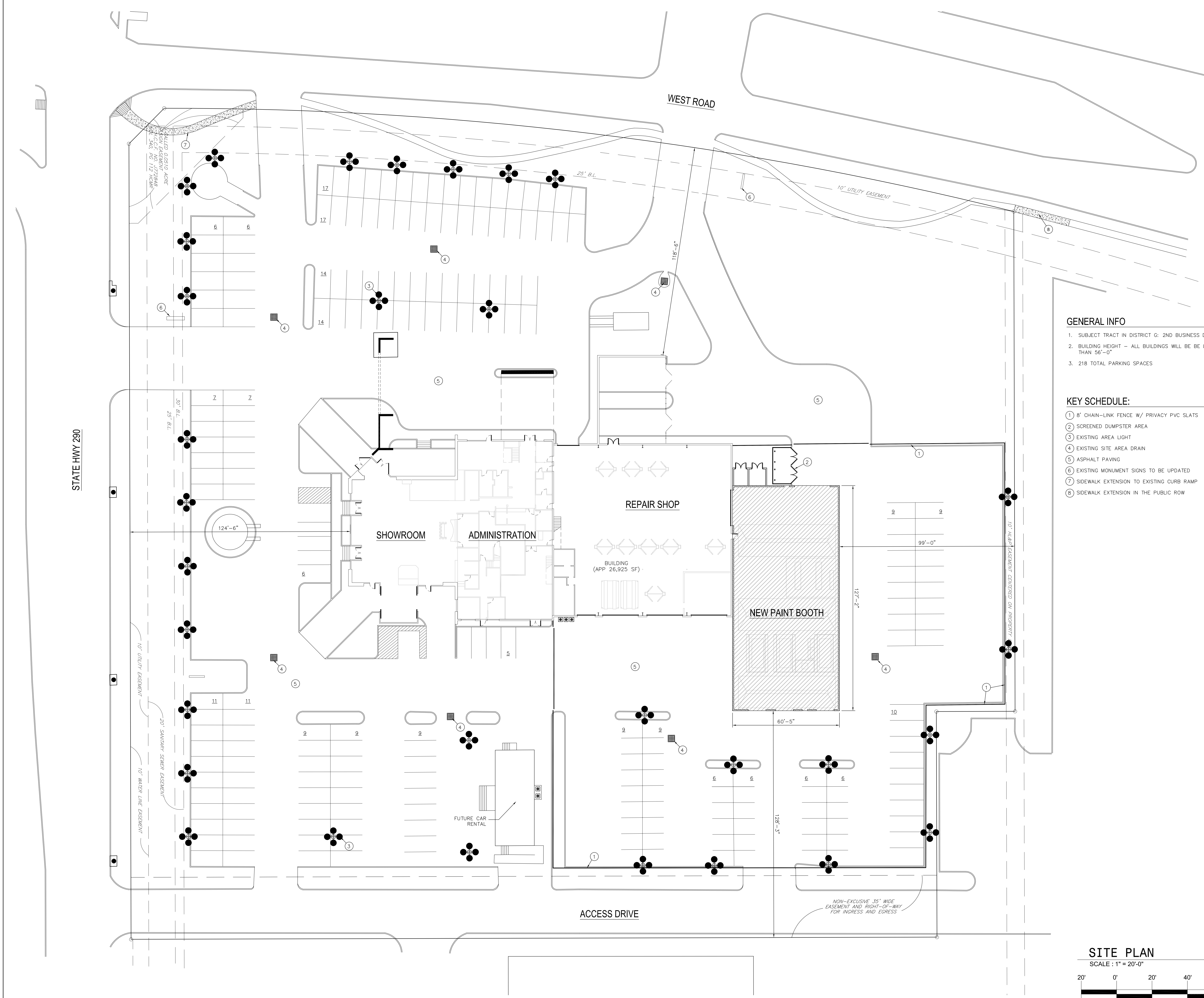
George Collins
Registered Professional
Land Surveyor
Texas Registration No. 4461

REVNO.	DESCRIPTION	BY:	DATE	APP.
	Updated ALTA/ACSM Land Title Survey	SMH	05/09/11	
	REVISED 1ST PARAGRAPH IN CERTIFICATION	MES	02/28/11	
	PER COMMENTS, CERT, NOTES, & AS SHOWN	PCT	06/12/02	

AN ALTA/ACSM LAND TITLE SURVEY OF
5.038 ACRES (219,451 SQ. FT.)
REPLAT OF A PORTION OF BLOCK 2, UNRESTRICTED RESERVE "B", NORTHWEST STATION, SECTION ONE CHARLES CLARKSON SURVEY, A-190 HARRIS COUNTY, TEXAS

TERRA SURVEYING CO., INC. 3000 WILCREST DR. - SUITE 210 HOUSTON, TEXAS 77042 (713) 993-0327 - FAX (713) 993-9231

DRAWN BY: MRG	SCALE: 1" = 30'	KEY MAP: 409-E
CHECKED BY: G	DATE: MAY 13, 2002	PROJECT No. 1851-0225-S
APPROVED BY: G	FIELD BOOK: 02-10	SHEET 1 OF 1



GENERAL INFO

1. SUBJECT TRACT IN DISTRICT G: 2ND BUSINESS DISTRICT
2. BUILDING HEIGHT - ALL BUILDINGS WILL BE LESS THAN 56'-0"
3. 218 TOTAL PARKING SPACES

KEY SCHEDULE:

- ① 8' CHAIN-LINK FENCE W/ PRIVACY PVC SLATS
- ② SCREENED DUMPSTER AREA
- ③ EXISTING AREA LIGHT
- ④ EXISTING SITE AREA DRAIN
- ⑤ ASPHALT PAVING
- ⑥ EXISTING MONUMENT SIGNS TO BE UPDATED
- ⑦ SIDEWALK EXTENSION TO EXISTING CURB RAMP
- ⑧ SIDEWALK EXTENSION IN THE PUBLIC ROW

STATE HWY 290

WEST ROAD

REPAIR SHOP

SHOWROOM

ADMINISTRATION

BUILDING (APP 26,925 SF)

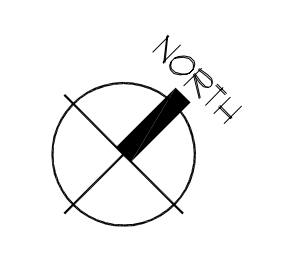
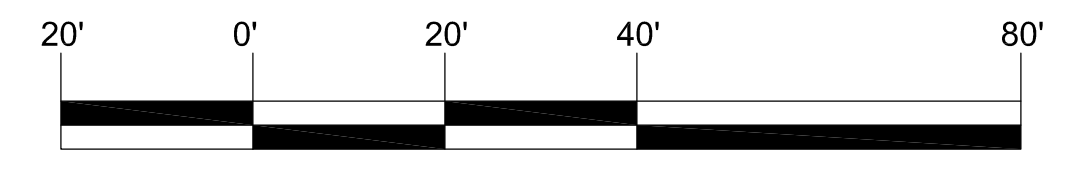
NEW PAINT BOOTH

FUTURE CAR RENTAL

ACCESS DRIVE

SITE PLAN

SCALE: 1" = 20'-0"



GROUP 1 AUTOMOTIVE

800 GESSNER, SUITE 500
HOUSTON, TX 77024
(713) 647-5700

CITY PLANNING

DRAWN BY: _____
CHECKED BY: _____
DATE: _____

MA MORRIS & ASSOCIATES
ENGINEERING ARCHITECTURE ENVIRONMENTAL
9520 TELIC ROAD HOUSTON, TX 77095 FAX (281) 855-6433

PROJECT: **HOUSTON RESTORATION CENTER**

JERSEY VILLAGE TEXAS

DRAWING TITLE: **SITE PLAN**

DATE: 05/19/11 SCALE: AS SHOWN SHEET: C1.0
DRAWING/PROJECT NO: _____



LANDSCAPE CALCULATIONS :

Total Site Area : 219,452 SF
 Landscape Area : 56,570 SF

Minimum Landscape Area Required = Minimum 10% of Total Site
 Landscape Area / Total Site Area = % Landscape

$56,570 / 219,452 = 25.77\% \text{ Landscape Provided}$

Trees Required :

$219,452 \text{ SF (Total Lot/Site SF)}$
 $-100,000 \text{ SF}$
 $119,452 \text{ SF} / 5000 \text{ SF} = 24 \text{ Trees}$

24 Trees + 46 Trees = 70 Total Trees Required
 70 - 25 Tree Credits = 45 New Trees Required

Existing Tree Credits :

7 Existing Trees over 8" Dia. X 2 = 14 Credits
 11 Existing Trees 2" to 8" Dia = 11 Credits
 = 25 Tree Credits



SITE PLAN

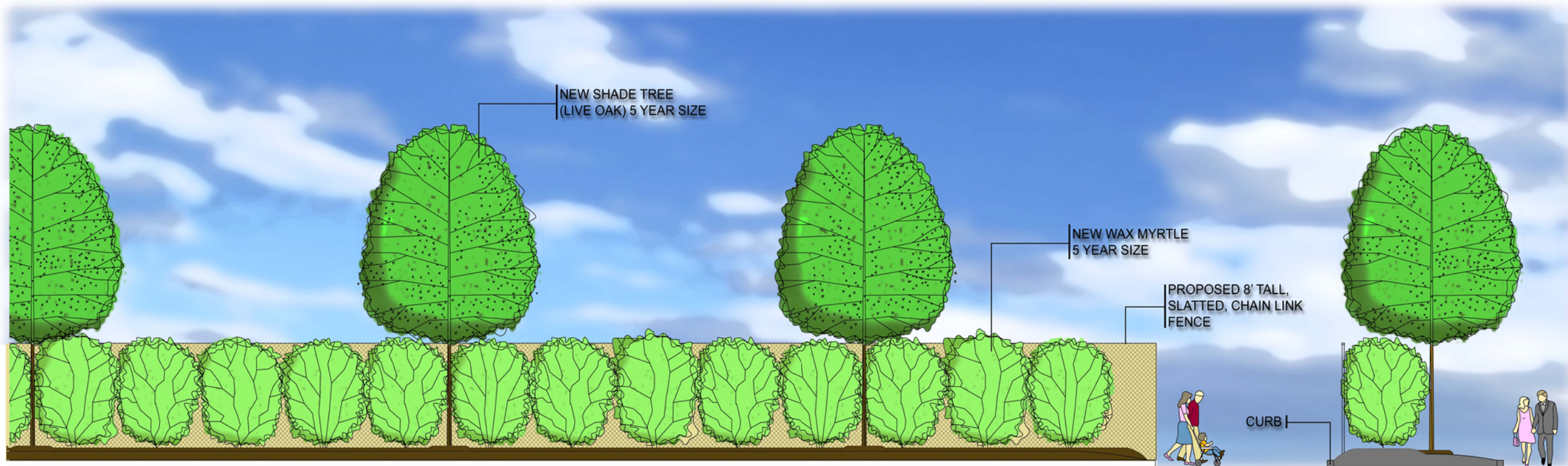
MAY 20, 2011

Exhibit B

Street Name, Suite Number
 City, State Zip Code
 123.456.7890
 you@email.com

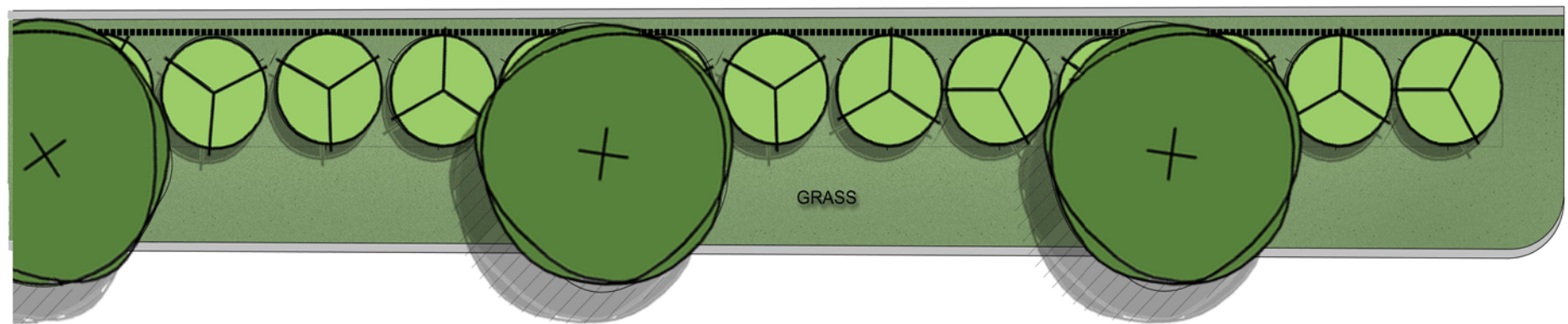
PROJECT TITLE

SH3

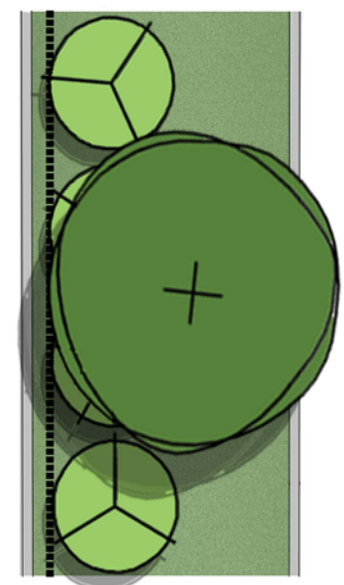


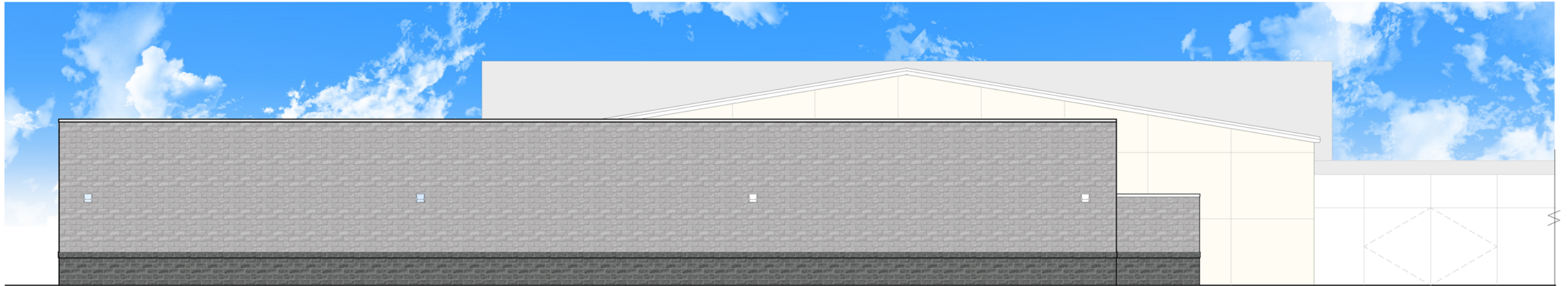
FRONT ELEVATION

SIDE ELEVATION



PLAN VIEW





North Elevation
Not to Scale

← Addition Existing →

← Addition Existing →



West Elevation
Not to Scale



The Architects Group
710 Downtowner Blvd
Mobile | Alabama | 36609
251 | 343 | 1811





