

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

January 21, 2013 – 7:00 p.m.

THE PLANNING AND ZONING COMMISSION OF THE CITY OF JERSEY VILLAGE, TEXAS, CONVENEED ON JANUARY 21, 2013 AT 7:00 P.M. IN THE CIVIC CENTER, 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:**

Chairman, Debra Mergel	Barbara Freeman, Commissioner
Tom Eustace, Commissioner	George Ohler, Commissioner
Joyce Berube, Commissioner	Michael O’Neal, Commissioner

Commissioner Rick Faircloth was not present.

The following City of Jersey Village City Council Members were present:

Mayor, Russell Hamley	City Manager, Mike Castro
Council Member, Justin Ray	City Secretary, Lorri Coody
Council Member, Rod Erskine	City Attorney, Bobby Gervais
Council Member, Harry Beckwith III, PE	
Council Member, Sheri Sheppard	
Council Member, Jill Klein	

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; Christian Somers, Building Official; and Courtney Rutherford, Assistant City Secretary.

**B. Conduct Joint Public Hearing with City Council on the proposal to amend the zoning ordinance at Chapter 14, Article IV, Section 14-105(a)(21) by adding a subsection (b) to include Child Day-Care Operations.**

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 7:02 p.m., stating that the purpose of the meeting was to give those in attendance the right to speak and be heard concerning the proposal to amend the zoning ordinance at Chapter 14, Article IV, Section 14-105(a)(21) by adding a subsection (b) to include Child Day-Care Operations.

After the opening statement, Mayor Hamley reported that a written letter concerning the joint public hearing had been received from Rick Faircloth. Mayor Hamley asked City Secretary Coody to read the letter aloud for the record.

With no one signing up to speak at the hearing, Mayor Hamley and Chairman Mergel closed the joint public hearing at 7:04 p.m., and the Planning and Zoning Commission retired from the City Council meeting at 7:04 p.m. to conduct its posted meeting agenda and prepare the final report in connection with this joint public hearing.

**C. Consider approval of the minutes for the meeting held on November 19, 2012 and November 28, 2012.**

Commissioner Freeman moved to approve the minutes for the meeting held on November 19, 2012 and November 28, 2012. Commissioner Berube seconded the motion. The vote follows:

Ayes: Commissioners Freeman, Berube, Eustace, Ohler, and O’Neal  
Chairman Mergel

Nays: None

The motion carried.

**D. Receive Notice to withdraw Application to change the zoning district classification of properties currently classified in zoning district C2 (townhouse) to zoning district C (townhouse/patio Home) from applicant KB Home Lone Star, LP with confirmation from owner through Attorney David A. Bankus.**

Danny Segundo, Director of Public Works, introduced the item. Background information is as follows: A Joint public hearing was opened at the November 19, 2102 Council and P&Z Meetings and was subsequently tabled until December 17, 2012 in order to give KB Homes additional time to comply with the posting requirements established in the Code of Ordinances at Chapter 14-10.

The posting deadline for the December 17 hearing was December 7. KB Homes did not post the signs.

Accordingly, on December 10 an email was sent to inquire into the status of KB Home’s request, and on December 11, 2012 a return email was received asking to “pull the application for rezoning,” as the “project is not going forward at this time.” This request was confirmed by the owner’s attorney on December 13, 2012.

With limited discussion on the matter, Commissioner O’Neal moved to accept the Notice to withdraw the Application to change the zoning district classification of properties currently classified in zoning district C2 (townhouse) to zoning district C (townhouse/patio Home) from applicant KB Home Lone Star, LP with confirmation from owner through Attorney David A. Bankus. Commissioner Eustace seconded the motion. The vote follows:

Ayes: Commissioners Freeman, Berube, Eustace, Ohler, and O’Neal  
Chairman Mergel

Nays: None

The motion carried.

The withdrawal notice will be included as “Exhibit A” to these minutes and with passage of the above motion brings closure to this application.

**E. Discuss and take appropriate action regarding the preparation and presentation of the Final Report to Council on the proposal to amend the zoning ordinance at Chapter 14, Article IV, Section 14-105(a)(21) by adding a subsection (b) to include Child Day-Care Operations.**

*Let the record reflect that the applicant was not present for the joint public hearing or for this agenda item.*

Chairman Mergel introduced the item. Background information is as follows: A Joint public hearing was conducted at the January 21, 2013 Council and P&Z Meetings, giving opportunity for public comment on the proposal to amend the zoning ordinance at Chapter 14, Article IV, Section 14-105(a)(21) by adding a subsection (b) to include Child Day-Care Operations.

This item was to give consideration to: (1) the directives of Council; (2) the discussions had concerning these issues at prior P&Z meetings; and (3) the comments made by the public during the public hearing in order to prepare and vote on the Final Report concerning the proposal to amend the zoning ordinance at Chapter 14, Article IV, Section 14-105(a)(21) by adding a subsection (b) to include Child Day-Care Operations.

In discussing the preparation of the Final Report, the Commission noted that the applicant was not present and as a result suggested not moving forward with this item. However, the City Attorney advised the Commission that this change is being looked at for the City as whole and not based on the request of the one applicant. Staff advised the Commission that they would like to move forward with the issue of considering placement of Child Day-Care Operations in the City because these facilities are not allowed in any district within the City under the current Zoning Ordinance. Both the Commission and staff agreed that adding these facilities to the Zoning Ordinance would be valuable to the City.

After brief discussion among the Commission, staff, and the City Attorney regarding what district would be best suited for Child Day-Care Operations, Commissioner O'Neal moved to table the item regarding the preparation and presentation of the Final Report to Council on the proposal to amend the zoning ordinance at Chapter 14, Article IV, Section 14-105(a)(21) by adding a subsection (b) to include Child Day-Care Operations. Commissioner Eustace seconded the motion. The vote follows:

Ayes: Commissioners Freeman, Berube, Eustace, Ohler, and O'Neal  
Chairman Mergel

Nays: None

The motion carried.

The Commission then discussed the option of having a work session in order to determine which district would be best for locating Child Day-Care Operations.

Commissioner Ohler moved to direct staff to gather more information regarding amending the zoning ordinance to include Child Day-Care Operations. Commissioner Berube seconded the motion. The vote follows:

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Ayes: Commissioners Freeman, Berube, Eustace, Ohler, and O’Neal  
Chairman Mergel

Nays: None

The motion carried.

**F. Adjourn**

With no additional business to conduct Commissioner Freeman moved to adjourn the meeting. Commissioner Ohler seconded the motion. The vote follows:

Ayes: Commissioners Freeman, Berube, Eustace, Ohler, and O’Neal  
Chairman Mergel

Nays: None

The motion carried. The meeting adjourned at 7:33 p.m.

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Courtney Rutherford  
Assistant City Secretary

## Lorri Coody

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**From:** Marek, Richard <RMarek@kbhome.com>  
**Sent:** Tuesday, December 11, 2012 9:02 AM  
**To:** Danny Segundo  
**Cc:** Lorri Coody  
**Subject:** Estates of castlebridge

We need to pull the applications for the rezoning. Project is not going forward at this time.

Sent with Good ([www.good.com](http://www.good.com))

Richard Marek  
KB HOME- Land Acquisition Director  
281-668-3876 (o)  
713-817-6326

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## Lorri Coody

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**From:** Lorri Coody  
**Sent:** Thursday, December 13, 2012 1:19 PM  
**To:** 'David A. Bankus'; Marek, Richard  
**Cc:** Danny Segundo  
**Subject:** RE: December 17, 2012 - P&Z and Council Meeting

David:

Thank you for your email. The item has been removed from the P&Z and Council Agendas in accordance with your email and Mr. Marek's email dated December 11, 2012. Thanks Lorri

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**From:** David A. Bankus [mailto:davidbankus@sbcglobal.net]  
**Sent:** Thursday, December 13, 2012 1:15 PM  
**To:** Lorri Coody; Marek, Richard  
**Cc:** Danny Segundo  
**Subject:** Re: December 17, 2012 - P&Z and Council Meeting

Lorri:

Please remove the rezoning application from the December 2012 meeting agenda. The owner and developer are not prepared to go forward at this time.

Thank you for your assistance.

David A. Bankus  
Attorney-at-Law  
5615 Richmond, Suite 160  
Houston, Texas 77057  
Tel: (713) 524-9131  
Fax: (713) 524-9132

**From:** [Lorri Coody](#)  
**Sent:** Monday, December 10, 2012 3:14 PM  
**To:** [Marek, Richard](#)  
**Cc:** [Danny Segundo](#) ; [David A. Bankus \(davidbankus@sbcglobal.net\)](#)  
**Subject:** Spam December 17, 2012 - P&Z and Council Meeting

Richard:

In preparing for the December 17, 2012 joint public hearing (PH) and council meeting, I noticed that the applicant signs giving notice of the PH required by Section 14-10 of our City Code were not posted on the property. The deadline for this posting was December 7, 2012. The reason we continued the PH from November 19 until December 17 was to give you additional time to make this posting. Since you have not posted these signs, it is not clear at this point what your plans are in moving forward with your application.

Please advise the City, no later than Wednesday, December 12, 2012, via formal written notice of your plans for moving forward with your application. Once we receive your letter of intention concerning your application, we will be in a better position to make decisions about what items, if any, should be included on the December 17, 2012 P&Z and Council Agendas.

Thanks Lorri

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**From:** Marek, Richard [<mailto:RMarek@kbhome.com>]  
**Sent:** Tuesday, November 13, 2012 2:11 PM  
**To:** Lorri Coody  
**Subject:** RE: November 19, 2012 - P&Z and Council Meeting

Per this email we would like confirm the December 17,2012 joint public hearing date as stated below.

Richard Marek  
Director of Land Acquisition  
KB Home  
281-668-3876  
713-817-6326  
[rmarek@kbhome.com](mailto:rmarek@kbhome.com)

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**From:** Lorri Coody [<mailto:lcoody@ci.jersey-village.tx.us>]  
**Sent:** Monday, November 12, 2012 2:34 PM  
**To:** Marek, Richard  
**Subject:** RE: November 19, 2012 - P&Z and Council Meeting  
**Importance:** High

Richard:

This email is to confirm the new date of December 17, 2012 for the Joint Public Hearing with the Planning and Zoning Commission and the City Council on the request to reclassify those properties currently located in zoning district C2 to zoning district C.

Via return email, please confirm that you will be able to meet the posting requirements set out in the Code in order to have this meeting on this date. If not, please let me know if you think January will be a better time.

I need your response, via return email, by tomorrow morning as I have confirmed a quorum of the P&Z for December 17, but I have some members that are needing to know as there are already other events and invitations for them to consider.

Thanks Lorri

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**From:** Marek, Richard [<mailto:RMarek@kbhome.com>]  
**Sent:** Friday, November 09, 2012 2:23 PM  
**To:** Lorri Coody  
**Subject:** RE: November 19, 2012 - P&Z and Council Meeting

Ms Coody

KB will not be in a position to meet with P and Z and city council on November 19, 2012. The soonest KB and property owner will be able to meet is the December council meeting.

Thanks

Richard Marek  
Director of Land Acquisition  
KB Home  
281-668-3876

713-817-6326  
[rmarek@kbhome.com](mailto:rmarek@kbhome.com)

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**From:** Lorri Coody [<mailto:lcoody@ci.jersey-village.tx.us>]  
**Sent:** Wednesday, November 07, 2012 9:50 AM  
**To:** Marek, Richard  
**Subject:** FW: November 19, 2012 - P&Z and Council Meeting

Richard:

Thank you for speaking with me yesterday and confirming that you have received the attached information.

Lorri

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**From:** Lorri Coody  
**Sent:** Tuesday, October 30, 2012 1:34 PM  
**To:** 'RMarek@kbhome.com'  
**Subject:** November 19, 2012 - P&Z and Council Meeting

Richard:

On October 24, 2012, I mailed you the attached information. I am sending this email to confirm that you have received same. Please let me know. Thanks Lorri

*Lorri Coody*

*City Secretary, City of Jersey Village*  
*16327 Lakeview Drive, Jersey Village, TX 77040*  
*Office (713) 466-2102 / Fax (713) 466-2177*  
[lcoody@ci.jersey-village.tx.us](mailto:lcoody@ci.jersey-village.tx.us)

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