

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

February 12, 2013 – 7:00 p.m.

THE PLANNING AND ZONING COMMISSION OF THE CITY OF JERSEY VILLAGE, TEXAS, CONVENEED ON FEBRUARY 12, 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
Rick Faircloth, Commissioner	

Council Liaison, Justin Ray, was present at this meeting.

Staff in attendance: Lorri Coody, City Secretary; Danny Segundo, Director of Public Works; and Christian Somers, Building Official.

B. Consider approval of the minutes for the meeting held on January 21, 2013.

Commissioner Faircloth moved to approve the minutes for the meeting held on January 21, 2013. Commissioner Freeman seconded the motion. The vote follows:

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

Nays: None

The motion carried.

C. Discuss and take appropriate action regarding the preparation and presentation of the Preliminary Report to Council on February 18, 2013, as it relates to amending Chapter 14, Article IV of the Code of Ordinances to include Child Day-Care Operations as a permitted use with a specific use permit.

Danny Segundo, Director of Public Works, introduced the item. Background information is as follows: On November 19 and November 28, 2012, the Commission considered an application filed by Kimberly Taylor, 17356 N.W. Freeway, Houston, TX 77040 to amend the zoning ordinance at Chapter 14, Article IV, Section 14-105(a)(21) by adding a subsection (b) to include Arcade Game/Entertainment Recreation.

Through Commission discussions and research the business model presented by Applicant Taylor was defined by the Commission as one of a Child Day-Care Operation and not Arcade Game/Entertainment Recreation. This finding ultimately led the Applicant to abandon her request for a zoning change for she did not appear at the Joint Public Hearing nor did she appear at the meeting containing the item for final report preparation on January 21, 2013.

Nonetheless, on January 21, 2013, the Commission saw a need to provide for locating Child Day-Care Operations within the appropriate district or districts of Jersey Village since our current Code of Ordinances does not provide for same. Accordingly, the Commission tasked staff with making a recommendation to the Commission concerning the appropriate district or districts for locating Child Day-Care Operations as a permitted use with a specific use permit.

In carrying out this task, Mr. Segundo reported that staff reviewed the existing ordinances and the current locations of day care centers in the city. He told the Commission that Staff took into consideration areas within the city that would be ideal locations for possible day care centers.

With this in mind, Mr. Segundo told the Commission that Staff recommends that the Commission consider placing Child Day-Care Operations in districts F, G, and K as a permitted use with a specific use permit. This can be accomplished by amending Chapter 14, Article IV of the Code of Ordinances to include Child Day-Care Operations as a permitted use with a specific use permit by amending Section 14-105(a)(21) by adding a subsection (b), by amending Section 14-106(a)(19) by adding a subsection (e), and by amending Section 14-110(a)(4) by adding a subsection (c). He called attention to the proposed Ordinance that was included in the meeting packet for the Commission's review.

The Commission engaged in discussion about Staff's recommendation, recalling that in prior discussions had by the Commission that Child Day-Care Operations were not permitted in any zones within the City, and because of this the Commission felt it was important to pursue locating these facilities in appropriate zones within the City even though the original applicant had abandoned her application.

Discussion was had on each recommended zone and what is currently permitted in each of these zones. The Commission also discussed if there were any real objections to locating Child Day-Care Operations in the City. It was the consensus that these facilities were probably a good thing for the City.

The Commission also discussed the possibility of locating these facilities in the newly created District D, but decided that this District could be added at a later date if the need should arise.

It was confirmed that any Child Day-Care Operation coming into the City under the proposed Ordinance presented by Staff would have to be licensed by the State.

The Commission briefly discussed the location of the existing Day-Care Operations in the City. Mr. Segundo explained that there is a Day-Care Operation in Zone B that was "grand fathered" into this zone. He explained that as long as the property is used for this purpose, the Day-Care Operation will be permitted to continue in Zone B at the current location. However, should the land use change, than it can no longer go back to being a Day-Care Operation.

With no further discussion on this matter, Commissioner Freeman moved to approve Staff's recommendation to place Child Day-Care Operations in districts F, G, and K as a permitted use with a specific use permit. Commissioner Ohler seconded the motion. The vote follows:

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

Nays: None

The motion carried.

D. Consider with possible action removing from the table the 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.

Given the action taken in the prior item, Chairman Mergel called for a motion to remove this item from the table. Hearing no motion, the action died for lack of a motion. Accordingly, the Applicant, Kim Taylor, was notified by letter, attached hereto and made a part of these minutes as Exhibit A, that no further action will be taken by the Commission on her 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.

This item was not called or considered by the Commission. No action was taken.

F. Adjourn

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

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

Nays: None

The motion carried. The meeting adjourned at 7:10 p.m.

Lorri Coody, City Secretary



CITY OF JERSEY VILLAGE, TEXAS

16501 Jersey Drive Jersey Village, TX 77040
713-466-2108(office) 713-466-2177(fax)

February 13, 2013

Ms. Kimberly Taylor
17356 N.W. Freeway
Houston, TX 77040 (Applicant) and

Dear Ms. Taylor:

On February 12, 2013, the Planning and Zoning Commission met to consider with possible action removing from the table the 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.

In calling for a motion to remove the action from the table, no motion was had and the action died for lack of a motion.

Therefore, please accept this letter as notice that no further action will be taken by the Planning and Zoning Commission on your recent application to amend the zoning ordinance.

Thank you for your attention.

Sincerely,

Lorri Coody, City Secretary

cc: Mr. Kenny Lo
Harwin Gessner INV. Inc.
9720 Town Park Drive, Suite # 180
Houston, TX 77036