

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

March 18, 2013 – 7:00 p.m.

THE PLANNING AND ZONING COMMISSION OF THE CITY OF JERSEY VILLAGE, TEXAS, CONVENEED ON MARCH 18, 2013 AT 7:00 P.M. IN THE CIVIC CENTER, 16327 LAKEVIEW, JERSEY VILLAGE, TEXAS

A. The meeting was called to order at 7:03 p.m. and the roll of appointed officers was taken. Commissioners present were:

Chairman, Debra Mergel	Tom Eustace, Commissioner
George Ohler, Commissioner	Joyce Berube, Commissioner

Commissioners Barbara Freeman, Michael O’Neal, and Rick Faircloth were not present.

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

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

Council Member, Justin Ray was not present.

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 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).

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 7:04 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 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).

With no one signing up to speak at the hearing, Mayor Hamley and Chairman Mergel closed the joint public hearing at 7:05 p.m., and the Planning and Zoning Commission retired from

the City Council meeting at 7:05 p.m. to conduct its posted meeting agenda and prepare the final report in connection with this joint public hearing.

Chairman Mergel reconvened the meeting at 7:06 p.m.

C. Discuss and take appropriate action regarding the preparation and presentation of the Final Report to Council on the proposal to amend 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).

Chairman, Debra Mergel, introduced the item. Background information is as follows: The Planning and Zoning Commission has previously met on February 12, 2013 and in its preliminary report recommended that Chapter 14, Article IV of the Code of Ordinances be amended 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).

The preliminary report was submitted to the Jersey Village City Council at its February 18, 2013 meeting. The report was reviewed by the City Council and the Joint Public Hearing was conducted on March 18, 2013.

This item is to prepare and vote on the Final Report concerning the proposal to amend 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).

The Commission briefly discussed that no public comments or new concerns were presented during the joint public hearing. There was also discussion that although certain areas of the proposed districts are not ideal for locating Child Day-Care Operations other areas of these districts are; therefore, the entire district must be included. The Commission also stated that Day-Cares must be licensed through the state, and the licensing process will eliminate Day-Cares being located in areas not ideally suited for such a use. The specific use permit will also be a safe guard for locating these facilities.

With no further discussion on the matter, Commissioner Eustace moved to approve the Final Report as presented to amend 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). The motion was seconded by Commissioner Berube. The vote follows:

Ayes: Commissioners Berube, Eustace, and Ohler
Chairman Mergel

Nays: None

The motion carried.

Upon passage of this motion, the Final Report was signed for presentation to Council. A copy of the Final Report is attached to and made a part of these minutes as Exhibit “A.”

D. Adjourn

With no additional business to conduct Commissioner Berube moved to adjourn and return to the City Council and present the Final Report. Commissioner Eustace seconded the motion. The vote follows:

Ayes: Commissioners Berube, Eustace, and Ohler
Chairman Mergel

Nays: None

The motion carried and the Commission adjourned at 7:11 p.m.

Chairman Mergel presented the Final Report to City Council and the Planning & Zoning Meeting adjourned at 7:17 p.m.

Courtney Rutherford
Assistant City Secretary



**CITY OF JERSEY VILLAGE – PLANNING & ZONING COMMISSION
FINAL REPORT
AMENDMENTS TO INCLUDE CHILD DAY-CARE OPERATIONS AS
A SPECIFIC USE IN ZONING DISTRICTS F, G, AND K**

The Planning and Zoning Commission has previously met on February 12, 2013 and in its preliminary report recommended that Chapter 14, Article IV of the Code of Ordinances be amended 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).

The preliminary report was submitted to the Jersey Village City Council at its February 18, 2013 meeting. The report was reviewed and the City Council ordered a Joint Public Hearing for March 18, 2013.

On March 18, 2013, 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 March 18, 2013 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 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).

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 March 2013.

s/Debra Mergel, Chairman

ATTEST:

s/Courtney Rutherford, Assistant City Secretary



ORDINANCE NO. 2013-XX

AN ORDINANCE AMENDING CHAPTER 14 OF THE CODE OF ORDINANCES OF THE CITY OF JERSEY VILLAGE, TEXAS, THE JERSEY VILLAGE DEVELOPMENT CODE, BY ADDING TO SECTION 14-5 NEW DEFINITIONS OF “CHILD-CARE CENTER”, “CHILD DAY-CARE OPERATIONS,” AND “SCHOOL-AGE PROGRAM CENTER”; AMENDING CHAPTER 14. BUILDING AND DEVELOPMENT, ARTICLE IV, SECTION 14-105(a)(21) BY ADDING A SUBSECTION (b) TO INCLUDE “CHILD DAY-CARE OPERATIONS” AS A PERMITTED USE IN DISTRICT F, WITH A SPECIFIC USE PERMIT; AMENDING CHAPTER 14. BUILDING AND DEVELOPMENT, ARTICLE IV, SECTION 14-106(a)(19) BY ADDING A SUBSECTION (e) TO INCLUDE “CHILD DAY-CARE OPERATIONS” AS A PERMITTED USE IN DISTRICT G, WITH A SPECIFIC USE PERMIT; AMENDING CHAPTER 14. BUILDING AND DEVELOPMENT, ARTICLE IV, SECTION 14-110(a)(4) BY ADDING A SUBSECTION (c) TO INCLUDE “CHILD DAY-CARE OPERATIONS” AS A PERMITTED USE IN DISTRICT K, WITH A SPECIFIC USE PERMIT; 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 of the City of Jersey Village, Texas, determines it in the best interest of the health, safety, and welfare of the citizens of the City to amend the permitted uses of the Zoning Ordinance to allow certain licensed “child day-care operations” as a permitted use in zoning districts F, G, and K, with a specific use permit; and

WHEREAS, the Planning & Zoning Commission has issued its report and approved this amendment to the Zoning Ordinance herein; and

WHEREAS, the Planning & Zoning Commission and City Council have conducted, in the time and manner required by law, a public hearing on such amendment to the zoning ordinance and find that the adoption of this ordinance is in the best interest of the citizens of Jersey Village; **NOW THEREFORE**,

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 new definitions to Section 14-5 of Chapter 14 to read and provide as follows:

“Chapter 14 - BUILDING AND DEVELOPMENT

ARTICLE I. - IN GENERAL

...

Sec. 14-5. - Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

...

Child-Care Center means a facility licensed by the State of Texas to provide care at a location other than the permit holder’s home, for seven or more children under 14 years of age, for less than 24 hours per day, but at least two hours a day, three or more days per week. (40 TAC §745.37(2)(D)).

Child Day-Care Operations means any facility used for the following child day-care operations licensed under state law (40 Texas Administrative Code, chapter 745): “Child-Care Center” and “School-age Program” operations.

...

School-age Program Center means a facility licensed by the State of Texas providing supervision and recreation, skills instruction, or skills training for at least two hours a day and three days a week to children attending pre-kindergarten through grade six. A school-age program operates before or after the customary school day and may also operate during school holidays, the summer period, or any other time when school is not in session. (40 TAC §745.37(2)(H)).

...”

Section 2. The Code of Ordinances of the City of Jersey Village, Texas, is hereby amended by adding a new subsection b to Section 14-105(a)(21), so that Section 14-105(a)(21) shall read as follows:

“Chapter 14 - BUILDING AND DEVELOPMENT

ARTICLE IV. - ZONING DISTRICTS

...

Sec. 14-105. - Regulations for district F (first business district).

(a) *Use regulations.* No building or land shall be used and no building shall be erected, moved or altered in district F except for one or more of the following uses:

...

(21) The following uses are permitted in district F with a specific use permit:

- a. Telephone switching facilities;
- b. Child day-care operations (licensed child-care centers and school-age program centers).

...”

Section 3. The Code of Ordinances of the City of Jersey Village, Texas, is hereby amended by adding a new subsection e to Section 14-106(a)(19), so that Section 14-106(a)(19) shall read as follows:

“Chapter 14 - BUILDING AND DEVELOPMENT

ARTICLE IV. - ZONING DISTRICTS

...

Sec. 14-106. - Regulations for district G (second business district).

(a) *Use regulations.* No building or land shall be used and no building shall be erected, moved or altered in district G except for one or more of the following uses:

...

(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;
- e. Child day-care operations (licensed child-care centers and school-age program centers).

...”

Section 4. The Code of Ordinances of the City of Jersey Village, Texas, is hereby amended by adding a new subsection c to Section 14-110(a)(4), so that Section 14-110(a)(4) shall read as follows:

“Chapter 14 - BUILDING AND DEVELOPMENT

ARTICLE IV. - ZONING DISTRICTS

...

Sec. 14-110. - Regulations for district K (fifth business district).

(a) *Use regulations.* No building or land shall be used and no building shall be erected, moved or altered in district K except for one or more of the following uses:

...

(4) The following uses are permitted in district K with a specific use permit:

- a. Telephone switching facilities;
- b. Mini-storage facilities;
- c. Child day-care operations (licensed child-care centers and school-age program centers).

...”

Section 5. 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 6. 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 7. 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 of The City Code.

Section 8. Effective Date. This ordinance shall be in full force and effect from and after its passage.

PASSED, APPROVED, AND ADOPTED this _____ day of _____, 2013.

Russell Hamley, Mayor

ATTEST:

Lorri Coody, City Secretary