

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

July 11, 2016 – 7:00 p.m.

THE PLANNING AND ZONING COMMISSION OF THE CITY OF JERSEY VILLAGE, TEXAS, CONVENED ON JULY 11, 2016 AT 7:00 P.M. IN THE CIVIC CENTER MEETINGROOM, 16327 LAKEVIEW DRIVE, JERSEY VILLAGE, TEXAS.

A. The meeting was called to order in at 7:00 p.m. and the roll of appointed officers was taken. Commissioners present were:

Chairman, Debra Mergel	Barbara Freeman, Commissioner
Rick Faircloth, Commissioner	Michael O’Neal, Commissioner
Joseph Paul, Commissioner	

Staff in attendance: Lorri Coody, City Secretary; Kevin T. Hagerich, Public Works Director; and Christian Somers, Building Official.

Andrew Mitcham, Council Liaison was present at this meeting.

Joyce Berube, Commissioner was not present at this meeting. Commission Place 1 is vacant.

B. Consider approval of the minutes for the meeting held on April 11, 2016.

Commissioner Freeman moved to approve the minutes for the meeting held on April 11, 2016. Commissioner O’Neal seconded the motion. The vote follows:

Ayes: Commissioners Freeman, O’Neal, Faircloth, and Paul
Chairman Mergel

Nays: None

The motion carried.

C. Discuss and take appropriate action concerning the request of Gary Campbell to expand the boundaries of the Motor Vehicle Sales Overlay District to include the property located in Zoning District F at 17100 Northwest Freeway; and, if appropriate, the preparation and presentation of the Preliminary Report to Council on July 18, 2016.

Christian Somers, Building Official, introduced the item. Background information is as follows:

On August 23, 2010, City Council passed Ordinance 2010-40 that, among other things, established a Motor Vehicle Sales Overlay District with an amortization period for nonconforming uses.

Later in that year, on December 13, 2010, the City Council amended Ordinance 2010-40 with the passage of Ordinance 2010-57 that deleted the amortization period for nonconforming uses.

Also, on December 13, 2010 by Ordinance 2010-56, City Council expand the boundaries of the Motor Vehicle Sales Overlay District to include the property located in Zoning District F at 17000 Northwest Freeway – the 5 Star Used Car Auto Sales dealership.

This item is to consider the request of Gary Campbell to expand the boundaries of the Motor Vehicle Sales Overlay District to include the property located at 17100 Northwest Freeway, currently owned

by Pamela Pappas Mattingly and Mersina Pappas Stubbs, which he is considering to purchase for use as a Subaru Dealership; and, if appropriate, prepare and present a Preliminary Report to Council on July 18, 2016 in connection with the Commission's findings.

In his introduction, Building Official Somers reminded the Commission that during the adoption process for the Motor Vehicle Sales Overlay District, the primary concern was to contain the spread of motor vehicle sales. At the time, discussions included the cities entrances and the Motor Vehicle Sales Overlay District was created to improve the city. This desire to improve the City has recently been manifested in the City's Comprehensive Plan. Accordingly, Mr. Somers stated that it is Staff's position that the requested use is not the best use for this property.

City Attorney, Leah Hayes, instructed the Commission on the standards for the review of the application as follows:

- What are current abutting use and is the proposed use similar;
- Use of the term proliferation – How much is too much; and
- Must look at what you do want and how does what they want fit into what is already permitted.

Discussion was had about the location of the property and the abutting properties. They are as follows:

- Parcel 730 – Ganesh Shirom Investments, Inc. (Moon Lite Inn)
- Parcel 731 – United Rentals
- Parcel 732 – The subject property of this request
- Parcel 733 – River Oaks Emergency
- Parcel 734 – JV Baptist Church
- Parcel 735 – City of Jersey Village
- Parcel 736 – Paramount Credit (5 Star Auto)

The Commission wonder about the economic impact numbers for the requested use, but these were not available.

The property is currently zoned in District F. Attorney Hayes read to the Commission all of the uses for District F. The Commission discussed same in connection with the location of the property.

Steve Ward with WGA asked about the location of the current Motor Vehicle Sales Overlay. The current zoning map was reviewed.

The Commission discussed what the City wants in terms of what types of businesses are desirable. The desire is for businesses that benefit Jersey Village residents rather than the population at large. The desire is for mixed use and the spirit of the residents is not in favor of car dealerships.

Dan Quinlan, a meeting attendee, explained to the Commission that he sold the property in question to the Pappas family who in turn leased it to Houston Garden Center. When the property was purchased, it was acceptable to have an automobile dealership. Nonetheless, the owners tried to put other types of businesses on the property.

Discussion was had on the pros and cons of a dealership on that section of US HWY 290. The Comprehensive Plan was also discussed and the desires expressed in same. There are other Motor Vehicle Sales businesses near the property making the request.

Oscar Mohkamkar, the architect drawing the plans for the dealership that will be located on the property, gave a presentation on what they want to do on the lot. He distributed a site plan for the Commissioners to review. Plans for the back section of the property were discussed. Mr. Mohkamkar explained that there will be a pond with plenty of landscaping to buffer neighborhoods. He went on to say that the rest of the property will be heavily landscaped. The 290 expansion was included in the site plan that was distributed during the meeting.

The Commission also discussed the back of the proposed service area. It has a solid wall which prevents seeing into the service area.

City Attorney Hayes stated that the issue at hand is a use issue, so while the site plan being explained by Mr. Mohkamkar is helpful, it cannot be used by the Commission to base its decision. Accordingly, the Commission discussed the rezoning of this property. In doing so, the Commission Chair, Debra Mergel, read the requirement of Section 14-111 as follows:

Sec. 14-111. - Motor vehicle sales overlay district.

- (a) The intent of this section is to promote the general welfare, to conserve property values and to promote the most appropriate use of land in the city.
- (b) Motor vehicle sales shall be permitted in the motor vehicle sales overlay district.
- (c) Motor vehicle sales shall be prohibited outside the motor vehicle sales overlay district.
- (d) Uses permitted in the respective base districts lying within the boundaries of the motor vehicle sales overlay district shall continue to be permitted. A motor vehicle sales business that is outside the motor vehicle sales overlay district and which is in existence as of the effective date of the ordinance from which this section is derived shall be a nonconforming use under Section 14-8 of this Code.

Part (a) of Section 14-111 was discussed by the Commission. It is this subsection that sets out the purpose of creating the Motor Vehicle Sales Overlay District. The Commissioners agreed that the issue before them is to decide if the boundaries of the Motor Vehicle Sales Overlay District should be expanded to include the property located in Zoning District F at 17100 Northwest Freeway. Accordingly, the location of the property was discussed again as well as the abutting properties. The property is currently vacant.

The Zoning Change process was then discussed. The process includes a Preliminary P&Z Report, a Joint Public Hearing, a Final P&Z Report, and Council action.

Commissioner Paul moved to end discussion and proceed to a vote on the request. Commissioner Faircloth seconded the motion. The vote follows:

Ayes: Commissioners Freeman, O'Neal, Faircloth, and Paul
Chairman Mergel

Nays: None

The motion carried.

Based upon the information discussed during the meeting, Commissioner Paul moved to deny the request to expand the boundaries of the Motor Vehicle Sales Overlay District to include the property located in Zoning District F at 17100 Northwest Freeway. Commissioner Faircloth seconded the motion.

Before the vote, there was additional discussion about the location of the property, and with no further discussion the vote followed:

Ayes: Commissioners Freeman, O’Neal, Faircloth, and Paul
Chairman Mergel

Nays: None

The motion carried.

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

D. Adjourn

There being no further business on the Agenda the meeting was adjourned at 7:55 p.m.



s/Lorri Coody, City Secretary



CITY OF JERSEY VILLAGE PLANNING & ZONING COMMISSION PRELIMINARY WRITTEN REPORT TO CITY COUNCIL

This Preliminary Written Report to City Council is submitted to provide the conclusions and recommendation of the City of Jersey Village Planning and Zoning Commission concerning a petition (application) from Gary Campbell as representative of property owners Pamela Pappas Mattingly and Mersina Pappas Stubbs to amend the boundaries of the Motor Vehicle Sales Overlay District to include the property commonly known as 17100 Northwest Freeway, Jersey Village, Harris County, Texas as provided by Section 14-84 of the City of Jersey Village Code of Ordinances.

On July 11, 2016 the Planning and Zoning Commission reviewed and discussed the proposal to expand the boundaries of the Motor Vehicle Sales Overlay District. The Commissioners concluded that the proposal was not consistent with the intent of the Motor Vehicle Sales Overlay District "...to promote the general welfare, to conserve property values and to promote the most appropriate use of land in the city" (City of Jersey Village Code of Ordinances Section 14-111(a)) and voted unanimously to submit a Preliminary Written Report to City Council recommending denial of the application.

Respectfully submitted, this 11th day of July 2016.

s/Debra Mergel, Chairman

ATTEST:

s/Lorri Coody, City Secretary

