

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

January 30, 2017 – 6:00 p.m.

THE PLANNING AND ZONING COMMISSION OF THE CITY OF JERSEY VILLAGE, TEXAS, CONVENEED ON JANUARY 30, 2017 AT 6:00 P.M. IN THE CIVIC CENTER MEETING ROOM, 16327 LAKEVIEW DRIVE, JERSEY VILLAGE, TEXAS.

A. The meeting was called to order in at 6:00 p.m. and the roll of appointed officers was taken. Commissioners present were:

Chairman, Debra Mergel	Barbara Freeman, Committee Member
Joyce Berube, Committee Member	Rick Faircloth, Committee Member
Joseph Paul, Committee Member	William P. Dillon, Committee Member
Michael O’Neal, Committee Member	

Andrew Mitcham, Council Liaison, was also present at this meeting.

Staff in attendance: Eric Foerster, Interim City Manager; Lorri Coody, City Secretary; Leah Hayes, City Attorney; Kevin T. Hagerich, Director of Public Works; and Christian Somers, Building Official.

B. Consider approval of the minutes for the meeting held on November 9, 2016.

Commissioner Freeman moved to approve the minutes for the meeting held on November 9, 2016. Commissioner Berube seconded the motion. The vote follows:

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

Nays: None

C. Discuss and take appropriate action regarding amendments to the City of Jersey Village Code of Ordinances at Chapter 18, “Businesses,” Article V. Hotel Code, Section 18-182 “Definitions”, Section 18-188 “Limitation on Continuous and Cumulative Occupancy”, Section 18-189 “Premises Requirements; and, if appropriate, the preparation and presentation of the Commission’s recommendations to City Council on February 20, 2017.

Kevin T. Hagerich, Director of Public Works told the Commission that staff has reviewed Chapter 18 in order to make recommendations for amendments. He introduced Christian Somers, the Building Official, to give background information on this item.

Building Official Somers told the Commission the following background information: In 2012 and 2013, Staff and Olson & Olson’s Bobby Gervais held discussions about requiring that all itinerant lodging facilities provide access to hotel rooms through a lobby. However, Mr. Gervais never received direction from staff to pursue that option and to modify Ordinance No. 2013 – 39 (the new Article V. Hotel Code).

In the fall of 2016, the Planning and Zoning Commission asked that Staff reassess and convene a Planning and Zoning Commission Meeting for 2017 in order to discuss and consider possible changes to the Hotel Code.

During this assessment, Staff utilized the Comprehensive Plan, aesthetics, and landscaping to support a number of text changes to the Hotel Code prior to forwarding to Olson & Olson's Ms. Leah Hayes to review.

Staff and the City Attorney are still reviewing the changes that may be necessary to the code. Much work has gone into the review as the issue is quite complex. Mr. Somers gave a brief description of the difference between a regular hotel and an extended stay hotel; and he told the Commission that he would like to see the Hotel Code amended to reflect building code requirements for extended stay activities.

The City Attorney voiced her concerns about the length of stay and how it is used to distinguish between a regular hotel and an extended stay hotel. Currently, our code limits stays at Tier I hotels to 365 days. Staff is proposing 30 days. She told the Commission that the tax for an extended stay room is different from that of a regular hotel room. She explained that there have been recent Court rulings that address how much restriction can be put on private property without being considered a "taking." Keeping this in mind, the Commission will need to discuss why the restriction is desired, which could include a concern for the health and safety of the occupants. If occupant health and safety is a concern, Ms. Hayes suggested that it might be better to address these concerns in the Building Code rather than the Hotel Code. Such changes would require that any hotels built moving forward would have to comply with the Building Code as amended.

In addition to the length of stay, Ms. Hayes explained the proposed changes deal with accessibility and regulate entry to rooms via an internal hallway that is accessible from a central lobby.

Discussion was had about workers who rent traditional hotel rooms for extended stay purposes. Even though these workers return home during the weekend, they continue the rental to insure availability for the following week. Discussion was also had about how people use hotel rooms versus extended stay rooms.

There was discussion about the Hotel/Motel (HOT) tax. It is not collected if the person has a need to use a hotel room for more than 30 days. After 30 days, the tax is no longer collected and it is not reported to the city.

Ms. Hayes explained to the Commission that the review of all the needed code changes is not complete in that in order to be thorough; any changes in the Hotel Code must match other ordinances already on the books. Accordingly, more work is needed to ensure correctness. City Attorney Hayes recommended that Staff be given more time to vet the whole code in order to see where changes should be made.

The Commission engaged in discussion about the rental of hotel and extended stay rooms and the justification for making changes to the Code of Ordinances. Building Official Somers explained that back in 2013 crime was the justification for adding Tier I and Tier II requirements. The Commission discussed the need for change in order to make hotel rooms more secure. There was also discussion about the desire of the Commission to meet the goals set out in the City's Comprehensive Plan. The Commission also discussed changing the length of stay from 365 days to 30 days and how this would make staying in a traditional hotel room for 31 days a violation.

The Commission called upon Chief Foerster to give background on crime in the city and calls for service at the City's hotels/motels. The statistics show that there is less crime and calls for services at

hotels with interior rooms. There was discussion if having an on-site manager helps to deter crime. It was determined that a single point of entry (lobby) deters crime.

The Commission discussed that staying at an extended stay hotel does not always mean an extended stay. Some families use extended stay facilities because of the amenities they offer even though their stay may be relatively short. This led to discussion about setting a 30 day limit for stays in hotels and how such a limit would be enforced. It was the consensus of the Commission that regulating hotel stays to insure safety might better be accomplished from a building/construction standpoint and by studying best practices. It was pointed out that Building Code changes will not affect the HOT tax.

With no further discussion on the matter, Commissioner Berube moved that the Commissioners recommend that the City's Code of Ordinances be amended at Chapter 18, "Businesses," Article V. Hotel Code, Section 18-189 "Premises Requirements" by adding a new subsection (n) to read as follows: Accessibility. A guest room shall be accessible only from an internal hallway and the internal hallway shall be accessible only from a central lobby area contained within the hotel/motel. This requirement applies to hotels and motels permitted for new construction after February 20, 2017. Commissioner Faircloth seconded the motion. The vote follows:

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

Nays: None

The motion carried.

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

D. Adjourn

There being no further business on the Agenda Commissioner Faircloth moved to adjourn the meeting. Commissioner Freeman seconded the motion. The vote follows:

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

Nays: None

The motion carried. The meeting was adjourned at 7:02 p.m.

s/Lorri Coody, City Secretary





**CITY OF JERSEY VILLAGE
PLANNING & ZONING COMMISSION
RECOMMENDATIONS CONCERNING
AMENDMENTS TO THE CODE OF ORDINANCES AT CHAPTER 18**

The Planning and Zoning Commission has met in order to consider amendments to the City of Jersey Village Code of Ordinances in order to provide for express regulation of extended stay hotel units; and

After review and discussion, the Commissioners recommend that the City's Code of Ordinances be amended at Chapter 18, "Businesses," Article V. Hotel Code, Section 18-189 "Premises Requirements" to provide for regulation of ingress and egress to lodging rooms as is more specifically detailed in the proposed ordinance attached as Exhibit "A."

Signed and approved this the 30th day of January, 2017.

s/Debra Mergel, Chairman

ATTEST:

s/Lorri Coody, City Secretary



ORDINANCE NO. 2017-xx

AN ORDINANCE OF THE CITY OF JERSEY VILLAGE, TEXAS, AMENDING THE CODE OF ORDINANCES OF THE CITY OF JERSEY VILLAGE, TEXAS, BY AMENDING CHAPTER 18, "BUSINESSES," ARTICLE V. HOTEL CODE, SECTION 18-189 "PREMISES REQUIREMENTS", TO PROVIDE FOR REGULATION OF INGRESS AND EGRESS TO LODGING ROOMS; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING A PENALTY AS PROVIDED BY SECTION 1-8 OF THE CODE.

WHEREAS, the City Council of the City of Jersey Village has adopted Chapter 18, Article V, Hotel Code, concerning the to ensure the continued availability of transient lodging within the City of Jersey Village, the maintenance of clean hotels, and to protect health, safety and welfare; and

WHEREAS, the City Council finds that the following regulations are essential to the public interest, safety, health, and welfare;

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, and incorporated for all purposes.

Section 2. Article V. *Hotel Code*, of the Code of Ordinances of the City of Jersey Village, Texas, is hereby amended at Section 18-189 by adding the language underlined and by deleting the language struck through, as set out in the attached Exhibit "A."

Section 3. 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 accordance with Section 1-8 of The City Code. Each day of violation shall constitute a separate offense.

Section 4. 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.

PASSED, APPROVED, AND ADOPTED this 20th day of February, 2017.

ATTEST:

Justin Ray, Mayor

Lorri Coody, City Secretary

EXHIBIT “A” to the Ordinance

Sec. 18-189. - Premises requirements.

- (a) Each property owner, operator, or manager shall cause to be maintained a complete register for each person to whom any room at a hotel is let. The register shall contain the following information:
 - (1) Correct name and permanent address, designating street and number, city, state and country;
 - (2) Actual dates of occupancy indicating check-in time, checkout time and room number;
 - (3) Correct license or registration number, state of registration and make of any vehicle or conveyance;
 - (4) Number of individuals staying in the room;
 - (5) Amount of the bill and method of payment; and
 - (6) Register records shall be maintained for a period of two years for each person who lets any room at a hotel.
- (b) Tier 2 property owners, operators, or managers shall require any person to whom any room at a hotel is let to provide evidence of his or her identity and address of residence, and, in addition thereto, the full and true name and address of each member of his party.
- (c) No tier 2 property owner, operator, or manager shall allow or permit any hourly charge for any room within said establishment.
- (d) No tier 2 property owner, operator, or property manager shall allow or permit any room or rooms within the hotel to be rented more than twice in any 24-hour period commencing at 12:01 a.m.
- (e) No property owner, operator, or manager shall knowingly let, allow or permit any room on the premises to be used for any illegal purpose including but not limited to:
 - (1) Prostitution;
 - (2) Gambling;
 - (3) Drug use, sale or manufacture of drugs;
 - (4) Sale of alcoholic beverages.
- (f) A property owner, operator and/or manager providing false information to city authorities regarding the identity of and hours of occupancy by any occupant shall be prima facie evidence of premises being used for illegal purposes including but not limited to:
 - (1) Prostitution;
 - (2) Gambling;
 - (3) Drug use, sale or manufacture of drugs;
 - (4) Sale of alcoholic beverages.
- (g) Room rates shall be posted in a prominent location in all guest rooms. Guests shall not be charged in excess of posted rates. A range of rates is acceptable in the posting.
- (h) For guest complaints the telephone number and address for the DCO shall be posted in a prominent location in all guest rooms and public reception area.

EXHIBIT “A” to the Ordinance

- (i) A representative of the property owner, operator or manager shall be present and accessible to the DCO in person, on a 24-hour basis.
- (j) Tier 2 hotels are required to have 24-hour on-site security provided by commissioned security officers.
- (k) All commissioned security officers while working for a Tier 2 hotel must be in uniform and must be registered with the private security bureau of the state department of public safety.
- (l) Commissioned security officers working for a tier 2 hotel must have a class B security contractor license issued from the private security bureau of the state department of public safety.
- (m) Tier 2 hotels are required to videotape the premises and keep and maintain recordings for at least 30 days.
- (n) Accessibility. A guest room shall be accessible only from an internal hallway and the internal hallway shall be accessible only from a central lobby area contained within the hotel/motel. This requirement applies to hotels and motels permitted for new construction after February 20, 2017.