

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

July 19, 2021 – 6:00 p.m.

THE PLANNING AND ZONING COMMISSION OF THE CITY OF JERSEY VILLAGE, TEXAS, CONVENED ON JULY 19, 2021 AT 6:00 P.M. IN THE CIVIC CENTER, 16327 LAKEVIEW DRIVE, JERSEY VILLAGE, TEXAS.

A. The meeting was called to order in at 6:16 p.m. and the roll of appointed officers was taken. Commissioners present were:

Rick Faircloth, Chairman
Courtney Standlee, Commissioner

Debra Mergel, Commissioner
Barbara Freeman, Commissioner

Vice Chairman, Joseph Paul and Commissioners Ty Camp and Jennifer McCrea were not present at this meeting.

The following members of the City of Jersey Village City Council were present:

Mayor, Bobby Warren
Council Member, Drew Wasson
Council Member, Sheri Sheppard
Council Member, Michelle Mitcham
Council Member, James Singleton
Council Member, Gary Wubbenhorst

City Manager, Austin Bleess
City Secretary, Lorri Coody
City Attorney, Justin Pruitt

Staff in attendance: Kirk Riggs, Chief of Police; Mark Bitz, Fire Chief; Isabel Kato, Finance Director; Robert Basford, Director of Parks and Recreation; Harry Ward, Director of Public Works; and Maria Thorne, Administrative Assistant.

B. Conduct a Joint Public Hearing with the Jersey Village City Council for the purpose of receiving oral comments from any interested person(s) concerning the proposal to amend Chapter 14, Article IV, Section 14-105(a)(21) by adding a new Subsection (e) to include “massage establishment” as a specific use regulation in District F; and to amend Section 14-5 by adding definitions for “massage establishment” and “massage therapy.”

Mayor Warren called the item and Chairman Rick Faircloth announced a quorum for the Planning and Zoning Commission. Mayor Warren opened the Joint Public Hearing at 6:21 p.m., for the purpose of receiving oral comments from any interested person(s) concerning the proposal to amend Chapter 14, Article IV, Section 14-105(a)(21) by adding a new Subsection (e) to include “massage establishment” as a specific use regulation in District F; and to amend Section 14-5 by adding definitions for “massage establishment” and “massage therapy.”

Mayor Warren called upon the following for comments:

With no one else signing up to speak at the hearing, Mayor Warren and Chairman Faircloth closed the joint public hearing at 6:22 p.m. and the Planning and Zoning Commission retired from the City Council meeting at 6:22 p.m. to conduct its posted meeting agenda and prepare final reports in connection with this joint public hearing.

Public Works Director, Harry Ward, left the Council Chamber to attend the Planning and Zoning Commission Meeting at 6:22 p.m.

Chairman Faircloth reconvened the Planning and Zoning Commission Meeting at 6:27 p.m. in the Civic Center Meeting Room. He returned to the regular order of items on the agenda and called the next item as follows:

C. CITIZENS' COMMENTS - Any person who desires to address the Planning and Zoning Commission regarding an item on the agenda will be heard at this time. In compliance with the Texas Open Meetings Act, unless the subject matter of the comment is on the agenda, the City staff and Commissioners are not allowed to discuss the subject. Each person is limited to five (5) minutes for comments to the Planning and Zoning Commission.

There were no comments.

D. Consider approval of the minutes for the meeting held on June 14, 2021.

Commissioner Standlee moved to approve the minutes for the meeting held on June 14, 2021. Commissioner Mergel seconded the motion. The vote follows:

Ayes: Commissioners Standlee, Mergel, and Freeman
Chairman Faircloth

Nays: None

The motion carried.

E. Discuss and take appropriate action regarding the preparation and presentation of Final Report to City Council concerning the proposal to amend the Jersey Village Code of Ordinances at Chapter 14, Article IV, Section 14-105(a)(21) by adding a new Subsection (e) to include “massage establishment” as a specific use regulation in District F; and to amend Section 14-5 by adding definitions for “massage establishment” and “massage therapy.”

Harry Ward, Director of Public Works, introduced the item. Background information is as follows:

A Joint Public Hearing was conducted at the July 19, 2021 City Council and P&Z Meetings for the purpose of receiving oral comments from any interested person(s) concerning the proposal to amend Chapter 14, Article IV, Section 14-105(a)(21) by adding a new Subsection (e) to include “massage establishment” as a specific use regulation in District F; and to amend Section 14-5 by adding definitions for “massage establishment” and “massage therapy.”

Consideration must now be given 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.

After due consideration, must prepare and vote on the Final Report concerning this amendment.

The Commission engaged in discussion regarding the directives of Council, previous discussions of the referenced issues, and comments made by the public during the public hearing.

Some members felt that changes were needed for the “Massage Therapy” definition in the proposed ordinance. The Commission discussed changes in order to improve the definition. The consensus was that the last sentence should be changed to read:

“Where massage therapy is permitted under Chapter 455, it shall in no way permit the advertisement for, provision, support, or allowance of any activity that is contemplated under Chapter 18, Article II of this Code.”

With no further discussion on the matter, Commissioner Mergel moved to approve the final report recommending amendments to Chapter 14, Article IV, Section 14-105(a)(21) by adding a new Subsection (e) to include “massage establishment” as a specific use regulation in District F; and to amend Section 14-5 by adding definitions for “massage establishment” and “massage therapy (as amended in above discussions).” Commissioner Standlee seconded the motion. The vote follows:

Ayes: Commissioners Standlee, Mergel, and Freeman
Chairman Faircloth

Nays: None

The motion carried.

A copy of the Commission’s Final Report is attached to and made a part of these minutes as Exhibit “A.”

F. Adjourn

There being no further business on the Agenda the meeting was adjourned at 6:44 p.m.

Lorri Coody, City Secretary



EXHIBIT A

Planning and Zoning Commission Minutes

July 19, 2021

Final Report

Massage Establishment - District F



CITY OF JERSEY VILLAGE – PLANNING & ZONING COMMISSION FINAL REPORT – ZONING CHANGE – DISTRICT A TO DISTRICT F

The Planning and Zoning Commission has previously met on April 28, 2021, June 2, 2021, and June 14, 2021 and in its preliminary report recommended that Council amend Chapter 14, Article IV, Section 14-105(a)(21) by adding a new Subsection (e) to include “massage establishment” as a specific use regulation in District F; and that Council amend Section 14-5 by adding definitions for “massage establishment” and “massage therapy.”

The preliminary report was submitted to the Jersey Village City Council at its June 21, 2021 meeting. The report was reviewed and the City Council ordered a Joint Public Hearing for July 19, 2021.

On July 19, 2021, the City Council and the Jersey Village Planning and Zoning Commission conducted a joint public hearing, 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 July 19, 2021, recommends that Council amend the Jersey Village Code of Ordinances, Chapter 14, Article IV, Section 14-105(a)(21) by adding a new Subsection (e) to include “massage establishment” as a specific use regulation in District F; and that Council amend Section 14-5 by adding definitions for “massage establishment” and “massage therapy.”

The necessary amendments to the City’s zoning ordinance to effect this recommendation are more specifically detailed in the attached proposed ordinance marked as Exhibit “A.”

Respectfully submitted, this 19th day of July 2021.

s/Rick Faircloth, Chairman

ATTEST:

s/Lorri Coody, City Secretary



EXHIBIT A
PROPOSED ORDINANCE

ORDINANCE NO. 2021-xx

AN ORDINANCE AMENDING CHAPTER 14 OF THE CODE OF ORDINANCES OF THE CITY OF JERSEY VILLAGE, TEXAS, BY AMENDING CHAPTER 14, ARTICLE I, SECTION 14-5 BY ADDING DEFINITIONS FOR “MASSAGE ESTABLISHMENT” AND “MASSAGE THERAPY”; AMENDING CHAPTER 14, ARTICLE IV, SECTION 14-105(A)(21) BY ADDING A NEW SUBSECTION (e) TO INCLUDE “MASSAGE ESTABLISHMENT” AS A USE ALLOWED IN ZONING DISTRICT F THROUGH 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.

IT IS ORDAINED BY THE CITY COUNCIL OF THE CITY OF JERSEY VILLAGE:

SECTION 1. THAT the Code of Ordinances of the City of Jersey Village, Texas, is hereby amended by adding definitions for “massage establishment” and “massage therapy” to Section 14-5, with such definitions being placed alphabetically within the existing list of definitions of Section 14-5, so that the definitions shall read as follows:

“Massage establishment means a structure in which massage therapy is advertised for, provided, supported, or allowed. A massage establishment shall be licensed under Chapter 455 of the Texas Occupations Code. A massage establishment shall in no way advertise for, provide, support, or allow any activity that is contemplated under Chapter 18, Article II of this Code.”

“Massage therapy means the services contemplated in Chapter 455 of the Texas Occupations Code. Massage therapy includes, but is not limited to, the business of manipulation of the human body by hand or through a mechanical or electrical apparatus, and includes stroking, kneading, percussion, compression, vibration, friction, nerve strokes, and other similar actions. Massage therapy includes, but is not limited to, massage, therapeutic massage, massage technology, myotherapy, body massage, and body rubbing. Massage therapy includes reflexology only when such reflexology involves work on the hands and feet and no other part of the human body is touched. Where massage therapy is permitted under Chapter 455, it shall in no way permit the advertisement for, provision, support, or allowance of any activity that is contemplated under Chapter 18, Article II of this Code.”

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

“(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).
- c. Car wash facilities.
- d. Retail establishment selling or offering for sale any alcoholic beverage.
- e. Massage establishment.”

SECTION 3. THAT 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 4. THAT all other ordinances or parts of ordinances in conflict or inconsistent herewith are, to the extent of such conflict or inconsistency, hereby repealed.

SECTION 5. THAT 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.

SECTION 6. THAT this Ordinance shall be in full force and effect from and after its passage.

PASSED, APPROVED, AND ORDAINED this _____ day of _____ 2021.

BOBBY WARREN, MAYOR

ATTEST:

Lorri Coody, City Secretary

