

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

June 4, 2024 – 6:00 p.m.

THE PLANNING AND ZONING COMMISSION MET ON JUNE 4, 2024, AT 6:00 P.M. IN THE CIVIC CENTER AUDITORIUM, 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:

Rick Faircloth, Chairman
Eric Henao, Commissioner
Debra Mergel, Commissioner

Charles A. Butler, III, Commissioner
David L. Lock, Commissioner

Staff in attendance: Lorri Coody, City Secretary; Justin Pruitt, City Attorney; Miesha Johnson, Community Development Manager; Jordan Cruz, Building Official Representative; and Ian Knox, Building Official Representative.

Council Liaison, Drew Wasson, was not present at this meeting.

Commissioners Cynthia Kopinitz and Nestor Mena were not present at this meeting.

B. 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 Citizens' Comments.

C. Consider approval of the minutes for the meeting held on April 10, 2024.

Commissioner Butler moved to approve the minutes for the meeting held on April 10, 2024. Commissioner Henao seconded the motion. The vote follows:

Ayes: Commissioners Members Henao, Mergel, Lock, and Butler
Chairman Faircloth.

Nays: None

The motion carried.

D. Discuss and take appropriate action concerning the application request of Senate Avenue Pharmacy LLC through its owner, Laura Smith Williams, for a specific use permit to allow the operation of a retail pharmacy located at 7412 Senate Avenue, Jersey Village, TX 77040 within the city limits in zoning District K.

BACKGROUND INFORMATION:

This is a request for a specific use permit to allow for the operation of a retail pharmacy at 7412 Senate Avenue in Jersey Village, Texas.

Jordon Cruz introduced the item. He gave a brief description of the application and introduced Ms. Williams, the applicant who attended the meeting virtually via ZOOM.

Ms. Williams explained her background. She has been a pharmacist for 12 years. She lives in Jersey Village and wants to open this pharmacy to serve the residents.

The Commission engaged in discussion about the application. There were questions about the uses allowed in Zone K. Building Official Knox explained that after posting the agenda item it was discovered that this property is actually located in District F. He then explained the uses for District F.

There were questions about the medications and how they will be secured. Ms. Williams states that they will not be handling narcotics. The medications will be geared toward diabetes, heart medications and the like.

There was also discussion about the location and that construction had been taking place prior to this meeting. Mr. Knox addressed the concerns of the Commission. There was also discussion about the lease and if Ms. Williams has her own lease. City Attorney Pruitt explained the lease that was included in the meeting packet. There were questions about market research for this type of business and for this location. Ms. Williams explained her intentions and how she will market customers.

With no further discussion on the matter, Commissioner Butler moved to preliminary recommend that City Council approve the request of Senate Avenue Pharmacy LLC through its owner, Laura Smith Williams, for a specific use permit to allow the operation of a retail pharmacy located at 7412 Senate Avenue, Jersey Village, TX 77040 within the city limits in zoning District F. Commission Lock seconded the motion. The vote follows:

Ayes: Commissioners Members Henao, Mergel, Lock, and Butler
Chairman Faircloth.

Nays: None

The motion carried.

A copy of the Preliminary Report is attached to and made a part of these minutes as Exhibit A.

E. Conduct a review of Apex Heritage Properties, LLC's request to amend the City of Jersey Village's 2020 Comprehensive Plan at Chapter 4 concerning the City's Thoroughfare Plan.

BACKGROUND INFORMATION:

Apex Heritage Properties, LLC (Apex) has filed an application requesting amendments to the City's currently adopted Master Thoroughfare Plan, which is included in and made a part of the City's Comprehensive Plan at Chapter 4.

In its application, Apex is seeking to remove proposed road segments from the Thoroughfare Plan. The segments to be removed are in close proximity to the property they wish to develop, which is a 16.0194-acre tract located between Fairview Street and Wright Road, West of the intersection of Wright Road and Charles Road. A map of the area is included with the application that identifies the proposed road segments to be removed.

Since the City's Thoroughfare Plan is incorporated into the City's Comprehensive Plan, in order to make an amendment to the Thoroughfare Plan, the City's Comprehensive Plan must be amended. Local Government Code (LGC) Sec. 213.003 provides for amending a City's Comprehensive Plan. Section 213.003 states:

- (a) A comprehensive plan may be adopted or amended by ordinance following:
 - (1) a hearing at which the public is given the opportunity to give testimony and present written evidence; and
 - (2) review by the municipality's planning commission or department, if one exists.
- (b) A municipality may establish, in its charter or by ordinance, procedures for adopting and amending a comprehensive plan.

This item is to conduct the review required by LGC Section 213.003(a)(2).

Building Official Knox introduced the item and the roads that may be affected should the Council approve the request. The applicant was present. Steven Garza with Bowman Engineering appeared on behalf of the applicant. He gave background information about the request. He stated that they are located mostly outside the City's ETJ and there are four roadways they are looking to amend. However, the only one that shows up on the Comprehensive Plan is identified in Pink on the Thoroughfare Plan map. He stated that for this particular roadway (the one in pink on the map) there is a City of Houston water line that runs directly under the area identified for the roadway. As such, he stated that the City of Houston will not permit the construction of a roadway in this area, and as a result, the applicant is seeking to have this roadway removed from the City's Thoroughfare Plan. He went on to explain the other three roads that are inside the ETJ and not a part of the Thoroughfare Plan. He explained that none of these roads provide connectivity. He is looking to remove these four (4) roads.

The Building Official explained Staff's position. Miesha Johnson, Community Development Manager, spoke to Staff's position stating that the City's Comprehensive Plan, and thus the City's Thoroughfare Plan, has been in existence for some 15 years. The Comprehensive Plan incorporates the City's intent to develop the area South of US HWY 290, which is known as District D. She went on to say that approving this request would basically mean forgoing the Comprehensive Plan that has been in place for some 15 years.

Mr. Garza explained further their request, explaining connectivity and the type of traffic using these roads.

The Commission discussed the request for amendments to the City's Thoroughfare Plan. There were questions about the applicant's plans if the Plan is not granted. Mr. Garza explained that the roadway cannot go in east to west direction because of the water line. He stated that roadways going north all lead to the industrial area. He reiterated that most of the tract being developed is outside the City's ETJ.

There were questions if the City of Houston has actually confirmed the waterline issue. Mr. Garza stated that they have received confirmation from the City of Houston.

The location of the property was discussed. City Attorney Pruitt explained that it was not clear if the tract is completely located in the ETJ according to the City's maps.

The reasoning for the planned streets is in connection with the City's plans to develop District D. There were questions about how the Comprehensive Plan Update figures into this request. Some members

felt that the Commission could not decide tonight until the Comprehensive Plan Update Committee meets and determines the City's plans in connection with same.

City Attorney Pruitt explained the Comprehensive Plan Update Committee's responsibility and process as well as the responsibility of the Commission tonight. Basically, the Commission must review the request, City Council conducts a public hearing and then City Council rules on the request.

With no further discussion on the matter, Commissioner Henao moved that the Commission confirm its review to City Council, recommending that Council reject approval of the amendments. Commissioner Butler seconded the motion. The vote follows:

Ayes: Commissioners Members Henao, Mergel, Lock, and Butler
Chairman Faircloth.

Nays: None

The motion carried.

A copy of the Commission's Report is attached to and made a part of these minutes as Exhibit B.

F. Adjourn

There being no further business on the agenda the meeting was adjourned at 6:38 p.m.



Lorri Coody, City Secretary

EXHIBIT A

Planning and Zoning Commission Minutes

June 4, 2024

Preliminary Report - Pharmacy SUP

District F - 7412 Senate Avenue



**CITY OF JERSEY VILLAGE – PLANNING & ZONING COMMISSION
PRELIMINARY REPORT
TO ALLOW THE OPERATION OF A RETAIL PHARMACY AS A
SPECIFIC USE IN ZONING DISTRICT F**

The Planning and Zoning Commission has met in order to review the application of Senate Avenue Pharmacy LLC through its owner, Laura Smith Williams, for a specific use permit to allow the operation of a retail pharmacy located at 7412 Senate Avenue, Jersey Village, TX 77040 within the city limits in zoning District F.

After review and discussion, the Commissioners preliminarily proposed that Senate Avenue Pharmacy LLC through its owner, Laura Smith Williams, be allowed to operate as a retail pharmacy located at 7412 Senate Avenue within the City of Jersey Village in zoning District F.

This preliminary proposal is more specifically detailed in the proposed ordinance attached as Exhibit “A.”

The next step in the process as required by Section 14-84(c)(2)(b) of the Jersey Village Code of Ordinances is for Council to call a joint public hearing with the Planning and Zoning Commission.

Respectfully submitted, this 4th day of June 2024.

s/Rick Faircloth, Chairman

ATTEST:

s/Lorri Coody, City Secretary



ORDINANCE NO. 2024-xx

AN ORDINANCE OF THE CITY OF JERSEY VILLAGE, TEXAS (THE “CITY”), AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY, BY GRANTING SENATE AVENUE PHARMACY, LLC, A SPECIFIC USE PERMIT (THE “SPECIFIC USE PERMIT”) TO ALLOW THE OPERATION OF A RETAIL PHARMACY LOCATED AT 7412 SENATE AVENUE, JERSEY VILLAGE, TEXAS, 77040, AND IN “ZONING DISTRICT F”; PROVIDING REQUIREMENTS AND CONDITIONS FOR THE SPECIFIC USE PERMIT; CONTAINING FINDINGS AND OTHER PROVISIONS RELATING TO THIS ORDINANCE; PROVIDING A PENALTY IN AN AMOUNT NOT TO EXCEED TWO THOUSAND DOLLARS (\$2,000) FOR VIOLATIONS HEREOF; PROVIDING FOR SEVERABILITY; AND, PROVIDING AN EFFECTIVE DATE.

WHEREAS, Senate Avenue Pharmacy, LLC through Laura Smith Williams (the “Owner”) leases property from Jones Venture Holdings, LLC located at 7412 Senate Avenue (the “Property”) situated within the corporate limits of the City of Jersey Village, Texas (“the City”); and

WHEREAS, the Property presently has a zoning classification of District F pursuant to the comprehensive zoning ordinance of the City; and

WHEREAS, the Owner of the pharmacy has made an application to the City for a Specific Use Permit for a retail pharmacy on the subject property as authorized by the City’s comprehensive zoning ordinance (the “Specific Use Permit”); and

WHEREAS, the Planning and Zoning Commission (the “Commission”) and the City Council (the “Council”) of the City have, in the time and manner and after the notice required by law, conducted a public hearing on such request for the Specific Use Permit; and

WHEREAS, the Council has received the final written recommendation of the Commission; and

WHEREAS, the Council wishes to approve such request and, **NOW THEREFORE**;

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

SECTION 1. THAT the facts and matters set forth in the preamble of this Ordinance are hereby found to be true and correct and are incorporated herein for all intents and purposes.

SECTION 2. THAT the Specific Use Permit for use of the Property as Retail Pharmacy, subject to the terms and conditions set forth below, is hereby granted to the Owner and shall include any successor in interest of the Property.

SECTION 3. THAT the Official Zoning District Map of the City shall be revised and amended to show the Specific Use authorized hereby for the Property as provided herein, with the appropriate references thereon to the number and effective date of this Ordinance and a brief description of the nature of the Specific Use authorized.

SECTION 4. THAT the Specific Use Permit granted hereby shall be null and void after the expiration of two (2) years from the date of adoption of this Ordinance unless the Property is being used in accordance with the Specific Use Permit herein granted or unless an extension of time is approved by City Council.

SECTION 5. THAT the Specific Use authorized and permitted hereby shall be, and is, subject to the following additional limitations, restrictions, and conditions:

SECTION 6. THAT any person who shall violate any provision of this Ordinance shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined in an amount not to exceed two thousand dollars (\$2,000). Each day of violation shall constitute a separate offense.

SECTION 7. THAT 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 Council 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 _____ day of _____, 2024.

FOR THE CITY:

BOBBY WARREN, MAYOR

ATTEST:

Lorri Coody, City Secretary



EXHIBIT B

Planning and Zoning Commission Minutes

June 4, 2024

LGC Section 213.003(a)(2)

Thoroughfare Plan Amendment

Review and Recommendation



CITY OF JERSEY VILLAGE – PLANNING & ZONING COMMISSION REVIEW REPORT

The Planning and Zoning Commission met on June 4, 2024, and conducted a review of Apex Heritage Properties, LLC's request to amend the City of Jersey Village's 2020 Comprehensive Plan at Chapter 4 concerning the City's Thoroughfare Plan.

Apex Heritage Properties, LLC is seeking to remove proposed road segments from the Thoroughfare Plan. The segments to be removed are in close proximity to the property they wish to develop, which is a 16.0194-acre tract located between Fairview Street and Wright Road, West of the intersection of Wright Road and Charles Road.

Since the City's Thoroughfare Plan is incorporated into the City's Comprehensive Plan, in order to make an amendment to the Thoroughfare Plan, the City's Comprehensive Plan must be amended. Local Government Code (LGC) Sec. 213.003 provides for amending a City's Comprehensive Plan.

This review satisfies LGC Section 213.003(a)(2), which requires the Planning and Zoning Commission to conduct this review. In making the review, the Planning and Zoning Commission confirms its review to the Jersey Village City Council and

_____ recommends approval of the amendments.

 x does not recommend approval of the amendments.

Respectfully submitted, this 4th day of June 2024.

s/Rick Faircloth, Chairman

ATTEST:

s/Lorri Coody, City Secretary

