



CITY OF BELLAIRE TEXAS

PLANNING AND ZONING COMMISSION

JANUARY 14, 2014

Council Chamber

Regular Session

7:00 PM

**7008 S. RICE AVENUE
BELLAIRE, TX 77401**

I. CALL TO ORDER AND ANNOUNCEMENT OF QUORUM

Chairman Frazier called the meeting to order at 7:00 PM.

Chairman Frazier announced that a quorum was present, consisting of the following members:

**Chairman Win Frazier
Vice Chairman Bill Thorogood
Commissioner Wayne Alderman
Commissioner Paul Simmons
Commissioner Lynne Skinner
Commissioner Marc Steinberg
Commissioner Dirk Stiggins**

The following staff members were also present:

**Director of Community Development, John McDonald
Assistant City Attorney, Elliot Barner
Planning & Zoning Secretary, Ashley Parcus**

II. APPROVAL OF MINUTES FROM PAST MEETINGS

Chairman Frazier informed the Commissioners that there were substantive changes needed in the minutes from the past 2 months; therefore, they are being reviewed and were not included in the packet. He added that all of those minutes will be available at the February meeting.

III. REMINDER TO CITIZENS DESIRING TO ADDRESS THE COMMISSION

Chairman Frazier reminded all members of the public who wished to address the Commission to fill out a sign in sheet.

IV. GENERAL PUBLIC COMMENTS

Persons at the meeting who have indicated their desire to be heard on matters of general interest to the Commission by submitting the form provided shall have three minutes to present their comments. The Commission is not permitted to fully discuss, debate, or consider items that are not on the agenda. Questions presented to the Commission may be referred to staff.

Lynn McBee-Ms. McBee thanked Chairman Frazier for addressing the issue with the minutes from past meetings. She added that in looking at the minutes from the previous meetings she became confused by the titles. She asked that the Commission review the titles, as well as the minutes prior to approval. Ms. McBee then referenced Section 211-007 "Zoning Commission" of the Texas Local Government Statutes, which states that the

Zoning Commission shall make a preliminary report, and hold public hearings on that report before submitting a final report to the governing body. The governing body may not hold a public hearing until it receives the final report of the Zoning Commission, unless the governing body by ordinance provides that a public hearing is to be held after the notice. In either case, the governing body may not take action on the matter until it receives the final report of the Zoning Commission. She suggested that the Commission begin labeling their reports as preliminary and final. She hoped that the final report would be on an agenda soon and that the Commission would participate in a healthy deliberation of what is being submitted to City Council. Ms. McBee added that the discussion should show whether the Commission as a whole is in agreement with the final report, or if there are any reservations among the individuals. She pointed out that an accurate set of public hearing minutes should be included in Council's packet as well. She mentioned that the City of Southside Place is holding two zoning public hearings on February 3, 2014 and suggested that the Commission attend to get an idea of how other cities work.

Judy Viebig-Ms. Viebig informed the Commission that she has been a resident of Bellaire for almost 50 years. She explained that she, along with several other residents who have also voiced their concern, are against the inclusion of apartments, and asked for a clearer explanation of the Fair Housing Laws.

V. CURRENT BUSINESS (ITEMS FOR DISCUSSION, CONSIDERATION, AND/OR POSSIBLE ACTION)

1. Adoption of the Planning and Zoning Commission's 2013 Annual Report to City Council as required by the Code of Ordinances; Chapter 2, Administration; Section 2-104, Annual or Special Reports to City Council

Mr. McDonald introduced this item by explaining that annual reports for each board and commission are submitted to the City Council during their February meeting. He added that the purpose of this document is to report the Commission's needs, accomplishments, and recommendations, as well as to ensure that the Board is serving their purpose as created. Mr. McDonald noted that the annual report was provided in the agenda packet and asked that the Commission review the document and make any necessary changes prior to submitting it to Council.

Motion: a motion was made by Commissioner Alderman and seconded by Commissioner Stiggins to approve the annual report.

Commissioner Skinner noted that "thank" in the last paragraph on the first page was misspelled.

Vice Chairman Thorogood asked if there have been any changes in staff or the Commission's responsibilities during the year.

Mr. McDonald pointed out that in 2012 the City Council authorized staff's review of certain amending plats, but that nothing had changed in 2013.

Vice Chairman Thorogood mentioned the first paragraph of the report and asked if it is correct in saying that the Commission "reviews subdivision plats for compliance with local ordinances."

Mr. McDonald explained that the statement would still be appropriate due to the fact that review of subdivision plats is a general role served by the Commission. He added that staff cannot deny any plat that is submitted without first bringing it to the Commission.

Commissioner Stiggins mentioned that the first sentence should read "...is a statutory board **that** exists as..." He also mentioned that the bullet points stated that the Commission "reviewed" plats and SUPs and asked if it should say that the Commission took action on these items versus implying that the Commission only reviewed them.

Commissioner Simmons asked Mr. McDonald if he produced the numbers regarding meetings, workshops, amending plats/replats, and SUPs.

Mr. McDonald stated that he and staff had produced the numbers.

Commissioner Steinberg asked if Larch Lane was discussed within the last year.

Mr. McDonald informed the Commission that the discussion on Larch Lane actually began in December of 2012. He explained that it came up again in June, but that nothing was accomplished before the zoning ordinance was sent back to the Commission.

Commissioner Steinberg asked if the discussion of Larch Lane should be included in the letter.

Mr. McDonald stated that it could be included if the Commission wishes to do so.

Commissioner Skinner mentioned that "roll" on the first page should be "role," and that "2013" in the last paragraph should be changed to 2014.

Chairman Frazier stated that he will make the necessary changes and have staff email the report to the rest of the Commissioners for their review.

Mr. McDonald explained that the Commission would either have to vote on the report tonight or a special session would have to be called in order to take action on the report prior to sending it to Council. He suggested that the Commission make a motion to approve the report as amended.

Amended Motion: to approve the annual report as corrected.

Commissioner Stiggins accepted the amendment to the motion.

Vote: the motion carried on a unanimous vote of 7-0.
(Requested by John McDonald, Community Development)

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	E. Wayne Alderman, Commissioner
SECONDER:	Dirk Stiggins, Commissioner
AYES:	Frazier, Thorogood, Simmons, Alderman, Steinberg, Stiggins, Skinner

2. Review of the current square footage requirements as they relate to the limits placed on the development of multifamily usage within the Commercial Mixed Use (Sec. 24-536) And Urban Village-Downtown (Sec. 24-537) Zoning Districts included in the proposed amendments to Chapter 24, Planning and Zoning.

Mr. McDonald introduced the item by stating that in the recommended amendments to Chapter 24 with regard to commercial zoning, primarily in the downtown and Bissonnet Corridor, the Commission included maximum multi-family limits of 15% of the total gross area within each of those districts. He added that based on the Commission's request, staff has done a survey of the Harris County Appraisal District's records to determine the total square footage in those districts and what the current 15% maximum could be. *Mr. McDonald informed the Commission that within the UV-D there was approximately 252,000 square feet of developed commercial property, making 30 units, or ~38,000 square feet the maximum multi-family allowance for that area. He then told the Commission that there was just over 786,000 square feet of developed property within the CMU, meaning that ~118,000 square feet of multi-family would be allowed. Mr. McDonald added that under the current rules it would be very difficult to include multi-family developments within the downtown area, but possible in the CMU.

Vice Chairman Thorogood pointed out that the UV-D calculations include the Randalls and HEB center, but does not include the triangle or the Auntie Pastos property.

Mr. McDonald stated the triangle and Auntie Pastos property is included in the proposed CMU.

Vice Chairman Thorogood mentioned the 30 units/acre regulation and asked Mr. McDonald if he had any idea how the construction of hallways, etc. Would play into the maximum square footage allowance.

Mr. McDonald explained that roughly 1/3 of the square footage is needed for the development of hallways, entry ways, elevators, parking garages, etc. He added that under the current development, if the Randalls property was bought out and redeveloped as a multi-family, mixed-use project it would have to equal the size of the Randall's, or that allowable percentage would decrease.

Vice Chairman Thorogood then moved onto the CMU District and asked for clarification that this area would include the east side of town on Bissonnet, down to Renwick, as well as everything in between, including parts of downtown.

Mr. McDonald confirmed that it will also include the triangle and everything west of Ferris. He added that building plans have been submitted for the eye clinic that is to be located on the further north Bissonnet property; this property will be built out, which will increase the percentage allowed. Mr. McDonald stated that after taking these numbers into consideration the Commission will notice that it will be easier to build a multi-family, mixed-use development in the CMU than in the UV-D.

Vice Chairman Thorogood mentioned that what these numbers really show is that this would not affect the residents located in the Spruce and other areas who voiced their concern to the Commission.

Mr. McDonald stated that unless someone bought the properties located at the top of the UV-D to develop the first project then it would not impact the residents in those areas.

Vice Chairman Thorogood asked Mr. McDonald how many units he believed could be built within the ~118,000 allowable square feet in the CMU.

Mr. McDonald felt that approximately 90 units could be built, but added that unless the property was the triangle it would be very difficult to get 90 units into one

project. He stated that a development this big would require 3 acres of land and pointed out that the only 3 acre property located in the CMU under single ownership would be the triangle.

Vice Chairman Thorogood asked for clarification that the project would have to be located on a single site, a developer couldn't split the units up into different areas.

Mr. McDonald explained that this simply states that the most that can be built is ~118,000 square feet, so the square footage for each smaller multi-family, mixed-use project will be deducted from the 118,000 allowed. He assured the Commission that the number only goes up if development overall goes up.

Vice Chairman Thorogood mentioned that the development of multi-family, mixed-use projects will make the allowable percentage increase as well, and suggested that it be changed to exclude multi-family developments in the calculation for the 15% limit. He pointed out that if the ~118,000 square feet of allowable multi-family was developed it would increase the 786,000 square feet of developed property.

Mr. McDonald explained that with that increase you would only be allowing ~10 more units.

Vice Chairman Thorogood stated that he would like to keep the number as low as possible while still allowing some multi-family development.

Mr. McDonald voiced his concern that getting the number as low as possible is effectively killing it. He urged the Commission to be careful not to place too many limits on the regulations. Mr. McDonald added that in making that change, the Commission would have to hold an additional public hearing.

Attorney Barner agreed that an additional public hearing would be necessary. He also pointed out that this has already been voted on by the Commission and approved for submission to City Council. He added that if the Commission wishes to revisit an item it is within their power to do so; however, the correct procedures will still have to be followed.

Vice Chairman Thorogood stated that he respects Attorney Barner's legal opinion. He decided that he would not go down that path and withdrew his comment on the matter. Vice Chairman Thorogood pointed out that with the proposed restrictions in place the Commission is accomplishing the desired goal.

Attorney Barner added that any of the Commissioners, separately, as citizens, are well within their right to address any concerns to City Council during their public hearing.

Vice Chairman Thorogood explained that he appreciated that option being available. He mentioned that his concerns would only be voiced as part of the Commission, and that he would never go to Council and try to accomplish something different.

Commissioner Steinberg pointed out that unless a developer came in and built something quite large, the Commission has limited the opportunity to one big piece of property. He added that if a project that large was built it would take away the land to build the apartments on. Commissioner Steinberg felt that the regulations are as tight as the Commission can get them.

Vice Chairman Thorogood clarified that he is just trying to address the concerns of the citizens that this isn't going to build out all of Downtown Bellaire in apartments. He added that he wants to give the residents confidence in the Commission in terms of the restrictions applied.

Chairman Frazier asked Mr. McDonald if the Commission needed to take action on this item.

Mr. McDonald explained that this was not designed as an action item and was just for informational purposes.

Commissioner Stiggins wanted clarification that Mr. McDonald was speaking of the number of multi-family units that can be developed by right and not by PD.

Mr. McDonald stated that in some instances multi-family is allowed by right and in some instances by PD. He added that multi-family by right would have greater restraints than by PD.

Commissioner Stiggins asked if the multi-family by right could include micro apartments.

Mr. McDonald explained that the Commission/staff had decided to let the market set the minimum unit size, so yes that is a possibility.

Vice Chairman Thorogood pointed out that they would be limited to 30 units/acre.

Commissioner Skinner wanted clarification that the city is in compliance with the Fair Housing Laws.

Attorney Barner informed the Commission that the idea that a municipality needs to include/allow for multi-family housing somewhere within their city stems from certain constitutional protections/equal treatment under the law. He pointed out that there is not a requirement that multi-family be included within this specific district; however, it is a requirement that a municipality allows for multi-family somewhere within its city. Attorney Barner added that ordinances need to reflect the ability to construct multi-family developments. He assured the Commission that the City of Bellaire and the ordinance currently proposed are not in violation of any law or the Constitution.

Commissioner Simmons asked if the city would still be in compliance with the law if the market develops Bellaire in a different manner and there are single-family homes built instead of multi-family developments.

Mr. McDonald confirmed that the city would be in compliance as long as the codes allow for multi-family. He added that single-family is allowed within the CMU and the UV-D, but that there are limits.

Chairman Frazier stated that he appreciates the Commission's discussion on the matter and noted that the board has done its due diligence prior to taking the changes to Council. He then thanked Mr. McDonald for putting the numbers together and Vice Chairman Thorogood for posing the questions he did.

Commissioner Alderman asked if this information will go to City Council.

Mr. McDonald confirmed that these numbers would be included in the report to Council.

Vice Chairman Thorogood stated that he doesn't see any of the properties inside the loop listed on the spreadsheet. He asked if the numbers were double checked by staff.

Mr. McDonald informed the Commission that staff would check the numbers to see if some properties were missed or if a sheet was left out when it was transferred to a PDF file.

Vice Chairman Thorogood said that he wouldn't be comfortable saying anything else about the information without seeing the final numbers.

Chairman Frazier asked what addresses were missing.

Vice Chairman Thorogood explained that the spreadsheet does not include anything on Bissonnet between the railroad tracks and 610. He said that those addresses would roughly be 4300-4600 Bissonnet.

Commissioner Steinberg mentioned that the bolded numbers don't even add up to the total square footage given.

Attorney Barner recommended that staff look into the numbers and provide the Commission with the correct information.

Mr. McDonald agreed that staff will check the calculations.
(Requested by John McDonald, Community Development)

VI. COMMITTEE REPORTS

There were no committee reports.

VII. CORRESPONDENCE

There was no correspondence.

VIII. REQUESTS FOR NEW BUSINESS, ANNOUNCEMENTS AND COMMENTS

- a. Staff liaison report on the status of projects previously addressed by the commission as well as projects for future meetings.**

- 1. HISD projects (Bellaire High, Condit Elementary, Mandarin Chinese Immersion School)**
- 2. Recommend changes to Chapter 24 regarding the rezoning of commercial areas, specifically the downtown area and the Bissonnet Corridor.**
- 3. Adoption of amendments to the commercial parking requirements**
- 4. Adoption of amendments to zoning requirements for schools and churches**

Mr. McDonald informed the Commission that each of them had received a copy of the presentation that representatives of Uptown Houston gave to Council the night before, regarding the development of a rapid bus transit station in the UV-T area. He assured the Commission that this project is just in the preliminary stages, and is still a couple years out.

Commissioner Steinberg asked if they gave any indication as to why they wanted it in Bellaire instead of Houston.

Mr. McDonald explained that it will be right on the border of Bellaire and Houston, some will be on the Bellaire side and some on the Houston side.

Commissioner Steinberg asked if this project will be affected by the new ramps going in on I-610.

Mr. McDonald informed the Commission that they are aware of that change and that it will be taken into consideration by their engineers.

Vice Chairman Thorogood wanted clarification on whether this project has been approved.

Mr. McDonald stated that it has been proposed, but not all of the funds have been approved yet. He explained that it meets the concept of the UV-T and will help spur development in that area.

Chairman Frazier asked if the Commission would have to make significant changes to the current ordinances to that area to accommodate this project.

Mr. McDonald stated that the ordinances currently in place will allow this project to happen.

Vice Chairman Thorogood mentioned that it shows a R.O.W. coming across Westpark and landing right in Bellaire.

Attorney Barner informed the Commission that this material was provided to them as an initial informational procedure. He stated that there will be many more discussions with all parties going forward. He added that during the presentation the representatives emphasized repeatedly that no decisions have been made as to where the station would go. Due to the fact that this was not an item on the agenda, Attorney Barner advised the Commission not to go into any further discussions regarding this information. He suggested that this be made an agenda item in the future.

Vice Chairman Thorogood agreed that it should be an agenda item so that the Commission can discuss it in more depth.

Mr. McDonald then gave the Commission an update on the current HISD projects in Bellaire. He stated that the High School is still in the early preliminary stages and that a local team is working to come up with the criteria and parameters. Mr. McDonald informed the Commission that Condit Elementary will go before the Board of Adjustment next week seeking a Special Exception to reduce the number of parking spaces required. He explained that the parking requirement is normally calculated based on the cafeteria/auditorium area, and not the gym, but Condit has designed the new school with the cafeteria/auditorium area and the gym right next to each other with a removable wall in between. Mr. McDonald informed the Commission that due to the fact that the wall can be removed, staff had to calculate the number of required parking spaces based on the two areas when combined. He added that if the special exception is approved, the SUP should be brought to the Commission within the next couple months. Mr. McDonald mentioned that HISD has

voted to move the Mandarin School out of Bellaire, and that it will be relocated within the next two years.

Vice Chairman Thorogood asked Mr. McDonald if that means that there will be no longer be a school located there.

Mr. McDonald stated that prior to the relocation, HISD will decide on the best use of that property.

Commissioner Steinberg asked what zoning district that property was in.

Mr. McDonald informed the Commission that it is zoned R-3.

Mr. McDonald added that City Council's public hearing regarding the zoning changes has been set for February 24th, and that the new city manager will start on February 17th. Mr. McDonald also mentioned that staff has been reviewing the commercial parking requirements. He stated that they are fairly consistent with other cities, Bellaire just doesn't have as many categories. He added that in the R districts church and school parking requirements mimic the residential, and that the idea will be to pull churches and schools out of the districts and set up uniform standards for them throughout the districts. Mr. McDonald informed the Commission that he is working with those numbers and will be scheduling a public hearing for February to look at those changes.

Commissioner Simmons asked how the rezoning of Larch Lane would fit into the Commission's schedule based on all of the items that Mr. McDonald just mentioned.

Mr. McDonald stated that Larch Lane could be brought forward again, but that another public hearing would be required due to the amount of time that has passed since the last discussion on it. He added that right now the parking changes and the schools' SUPs are staff's priority and that Larch Lane will follow.

Commissioner Simmons asked if Larch Lane could be on the agenda by summertime.

Mr. McDonald felt that it could be done by then.

Commissioner Steinberg mentioned Condit's request for a special exception and asked for clarification on the parking requirements for schools.

Mr. McDonald explained that the parking for schools is based on two items; 1 space per classroom, and 1 space for every 4 seats in an auditorium or meeting area. He informed the Commission that typically staff will look at the largest area, whether it be the cafeteria **or** the gym. In this case, Condit has decided to build those two areas together meaning that staff must look at that whole area as one room. Mr. McDonald stated that a parking demand study was done and will be brought to the Board of Adjustment to seek a special exception to reduce that parking requirement. He added that the number of parking spaces will be significantly increased even with the approval of the reduction.

Commissioner Steinberg wanted confirmation that the proposal will improve parking in the neighborhood and not make it worse.

Mr. McDonald assured him that even with the special exception it will still be an improvement.

Chairman Frazier asked if Gary Mitchell from Kendig Keast will be involved with the parking changes that will be brought forward regarding commercial properties.

Mr. McDonald explained that Mr. Mitchell had done some initial parking proposals and that staff would piggy back off of his information. He added that he may ask Mr. Mitchell to take a look at the numbers once they have been prepared, but that staff will be completing this project in house.

Chairman Frazier asked if a decision had been made regarding the Commission's City Council Liaison.

Mr. McDonald stated that they have not appointed anyone yet.

Vice Chairman Thorogood mentioned that the paper reported on the TXDOT project to construct an overpass at 59 and 610. He stated that in the article Centerpoint mentioned the relocation of lines. He asked Mr. McDonald if Centerpoint could take/condemn more land if needed.

Mr. McDonald stated that no property will be taken from Bellaire for this development, they will be using existing R.O.W.

Vice Chairman Thorogood explained that the report alluded to the fact that the overpass would gain in height. He noted that this would most likely mean the transition lines that go across 610 would also have to gain height, which would affect Bellaire. Vice Chairman Thorogood asked if Centerpoint would have the right to take more land if they had to.

Attorney Barner explained that they could possibly approach a governmental entity to help, but because Centerpoint is not a governmental entity they would have no ability to condemn property on their own.

Commissioner Skinner asked Mr. McDonald if any new project proposals have been brought in.

Mr. McDonald stated that there have not been any submittals, nor are there any proposals that would be appropriate to discuss.

Commissioner Skinner also complemented staff on the new agenda software program. She felt that it is much easier to navigate than the old process was.

Mr. McDonald explained that from now on, with the exception of plats, everything will be paper less through the new system.

Vice Chairman Thorogood asked if statistics had been compiled with regards to new housing permits.

Mr. McDonald explained that permits are based on fiscal year. He stated that there were 121 permitted last year, and have already been 30 permitted the first quarter of this year. He added that the city is still doing really well. He also mentioned the Maple Court Subdivision and informed the Commission that all of the lots have already been sold to builders and are in the process of applying for permits. Lastly, Mr. McDonald stated that staff has received the final building plans for Alder Circle, and that they should start building in the near future.

Chairman Frazier recognized former Councilman Corbett Parker as an instrumental part of the process regarding the proposed zoning changes and wished him well. He also told Commissioner Simmons that the Commission was glad to have him back and was sorry to hear about the death in his family.

- b. The Chairman shall recognize any Commissioner who wishes to bring New Business to the attention of the Commission. Consideration of New Business shall be for the limited purpose of determining whether the matter is appropriate for inclusion of a future Agenda of the Commission or for the referral to staff for investigation**

There was no new business.

IX. ADJOURNMENT

Motion: a motion was made by Vice Chairman Thorogood and seconded by Commissioner Simmons to adjourn the regular meeting.

Vote: the motion carried on a unanimous vote of 7-0.

The meeting adjourned at 8:22 PM.

* **Please note:** The square footage numbers for the proposed CMU and UV-D have since been corrected. They are now as follows:

CMU-951,323 developed area, which would allow for **142,698.45** square feet of multi-family development

UV-D-253,730 developed area, which would allow for **38,059.50** square feet of multi-family development