



# **CITY OF BELLAIRE TEXAS**

## **PLANNING AND ZONING COMMISSION**

**FEBRUARY 11, 2014**

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**Council Chamber**

**Regular Session**

**6:00 PM**

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

### **I. CALL TO ORDER AND ANNOUNCEMENT OF QUORUM**

Vice Chairman Thorogood called the meeting to order at 6:06 PM. He announced that a quorum was present consisting of the following members:

**Vice Chairman Thorogood  
Commissioner Wayne Alderman  
Commissioner Paul Simmons  
Commissioner S. Lynne Skinner  
Commissioner Marc Steinberg  
Commissioner Dirk Stiggins**

**Chairman Frazier** was absent from the proceedings due to travel.

The following staff members were also present:

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

### **II. APPROVAL OF MINUTES FROM PAST MEETINGS**

#### **1. Regular Meeting of November 12, 2013**

Commissioner Simmons mentioned that the city has gone to a paperless system, which puts the burden on the Commissioners. He asked if this change was happening across all boards and commissions, and if there was anything that could be done to alleviate the issue of the members having to print all of the documents.

Mr. McDonald explained that the city adopted a new software program for all of the boards and commissions, which allows staff to post all agenda materials together online. He added that there is also a special entry for board and commission members, which will allow for markups/notes to be made on the documents. He told the Commission that staff will print packets for those commissioners who request them, and that any replats will still be given as hard copies.

Commissioner Stiggins stated that line 379 contained "on" too many times. He also mentioned that the minutes made reference to a discussion about the differences between Specific Use Permits and Planned Developments and that the conversation never took place. He asked if this could be put on a future agenda.  
(Requested by John McDonald, Community Development)

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	E. Wayne Alderman, Commissioner
<b>SECONDER:</b>	Paul Simmons, Commissioner
<b>AYES:</b>	Thorogood, Simmons, Alderman, Steinberg, Stiggins, Skinner
<b>ABSENT:</b>	Frazier

2. Regular Meeting of December 10, 2013

Vice Chairman Thorogood asked John about the line reading "Mr. McDonald explained that under the new rules he would be able to build detached homes and the structures could be taller," and asked if that should read "**proposed** rules" instead.

Mr. McDonald stated that it should say "**previously proposed** rules."  
(Requested by John McDonald, Community Development)

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Dirk Stiggins, Commissioner
<b>SECONDER:</b>	Paul Simmons, Commissioner
<b>AYES:</b>	Thorogood, Simmons, Alderman, Steinberg, Stiggins, Skinner
<b>ABSENT:</b>	Frazier

3. Planning and Zoning Commission - Regular Session - Jan 14, 2014 7:00 PM

Vice Chairman Thorogood pointed out that the calculations on page 5 regarding the square feet of allowable multi-family had since been changed, and asked how to reflect that in the minutes.

Mr. McDonald and Attorney Barner agreed that a footnote would be sufficient.

<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>MOVER:</b>	Marc Steinberg, Commissioner
<b>SECONDER:</b>	S. Lynne Skinner, Commissioner
<b>AYES:</b>	Thorogood, Simmons, Alderman, Steinberg, Stiggins, Skinner
<b>ABSENT:</b>	Frazier

**III. REMINDER TO CITIZENS DESIRING TO ADDRESS THE COMMISSION**

Vice Chairman Thorogood reminded the public to fill out a sign in sheet, and informed them that they would each have three minutes to speak.

**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 agreed with Commissioner Stiggins regarding the discussion on Planned Developments (PD) versus Specific Use Permits (SUP). She added that it would also be a good idea if City Council were to receive, from the city attorneys, an update on

the legal aspect of PDs. She mentioned that the city attorney and city planner have told to the Commission that PDs are outside the regulations contained in the zoning code. Ms. McBee doesn't feel that City Council is completely aware of this, and feels that it is a very significant legal point for the city to understand. She pointed out that each PD has regulations specific to it, which can lead to confusion among the districts. She requested that legal clarity is made available to all of the bodies that are related to the Planning & Zoning Commission. Ms. McBee noted that Mr. McDonald did a good job preparing the proposed changes to the parking requirements. She added that it would be very helpful if staff also included a table that summarizes the unit density in every district within the city.

## **V. PUBLIC HEARINGS**

1. Consideration of proposed amendments to the Code of Ordinances of the City of Bellaire; Chapter 24; Planning & Zoning Regulations, Section 24-501, Districts Established, to delete references to old zoning districts and include newly created districts; Section 24-514a, Parking in Commercial and Mixed-Use Districts, to include references to new zoning districts and to amend parking requirements in commercial/mixed-use area; 24-531, R-1 Residential District, D (2) a) churches and b) schools; 24-532, R-3 Residential District, C (2) a) churches and b) schools; 24-533, R-4 Residential District, C (2) a) churches and b) schools; 24-534, R-5 Residential District, C (2) a) churches and b) schools; and 24-535, R-MF Residential Multi-Family District, F (2) a) churches and b) schools, to delete standard regulations for churches and schools, and to include a new section within Article V. Zoning Regulations, Division 1, Zoning Districts and Regulations of General Applicability, to identify consistent standard regulations for churches and schools for all residential districts.

Mr. McDonald introduced the public hearing process to the public.

### **Presentation by the City**

Mr. McDonald introduced the public hearing item by explaining that there are three areas included in the proposal:

#### **1. Establishment of Zoning Districts:**

The code has certain sections that discuss specific regulations for each zoning district, but there is a standard section at the beginning of the article that says what districts are incorporated within. He explained that this was more of a house cleaning item, and that when the UV-T was adopted this was not taken care of. Mr. McDonald stated that the proposal that was recently submitted to Council for the creation of the UV-D and CMU will replace a certain amount of other districts, and that this proposal would remove those that have already gone away or are in the process of going away and replace them with the new regulations.

#### **2. General Parking Requirements for non single-family uses:**

Mr. McDonald explained that there is a chart in Section 24-514a of the city code, which designates required parking for non residential developments. As part of the review, the numbers have been looked at and adjusted to better fit the city's needs.

#### **3. Consistency in development of schools and churches within residential districts:**

Mr. McDonald informed the Commission that he also pulled out the school and church parking requirements, which for some reason had not been incorporated previously in this chart, but had been left in each specific district. He explained that by doing this and adding some extra categories it will create a more comprehensive list.

Mr. McDonald mentioned that when City Council returned the zoning package to the Commission they also asked that the parking numbers be reviewed. He told the Commission that he looked at West University and the City of Houston as comparative cities. Mr. McDonald informed the Commission that there is no science to parking; there is no correct, one form fits all for the number of spaces per specific use. He stated that it comes down to municipalities using surrounding cities as their guide and making an educated guess based on what has been successful in the past. Mr. McDonald reiterated that he has recommended to pull the school and church standard regulations out of each zoning district and set them up as a separate usage, which will ensure consistency with regards to parking requirements for those entities.

### **Public Comment**

**Richard Franke**-Mr. Franke thanked the Commission for the extraordinary work that they have done on this project. He then asked if overflow parking was still in existence. Lastly, he thanked Mrs. Parcus and Mrs. Dutton for their outstanding service to the city.

**Lynn McBee**-Ms. McBee commended Mr. McDonald for his work on the proposal, and stated that it is a thoughtful approach. She mentioned that she likes the idea of putting the church and school parking requirements in a separate section within the code, but explained that she still does not understand what will happen with a PD. She asked if a property linked to a PD will still have different regulations specific to each project. Ms. McBee also mentioned that Condit Elementary was recently granted a special exception to allow for a smaller number of parking spaces, and asked if they would come in under the special exception or if they would be held up until the parking proposal passes. She added that she was concerned by the inconsistency, with some schools under the current regulations, Condit under a special exception, and future schools under the new proposed parking requirements. Lastly, Ms. McBee pointed out that there was no mention of ADA parking spots, motorcycles, bicycles, etc. And stated that she would like to see a reference to those requirements.

### **Response by the City**

Mr. McDonald explained that PDs would not be an issue due to the fact that you cannot do a church or school PD. He added that Condit's special exception will rule, and that Belliare High School is not locked in until they apply for a permit. Mr. McDonald stated that ADA requirements are covered by state and federal regulations, which are reviewed by the city's building inspectors before the building permit is issued. He then mentioned Mr. Franke's question regarding overflow parking and explained that the city cannot keep residents from parking on public streets that do not have restrictive parking. He added that permit parking is always an option.

### **Questions from Commissioners**

Commissioner Simmons felt that the Commission is moving in the right direction with the proposed changes, and recommended putting them on the table and testing them out.

Commissioner Alderman mentioned that the proposal for schools is dealing with student count and asked if the auditorium will no longer be taken into consideration.

Mr. McDonald stated that the idea is that the count per student will account for the auditorium. He added that there has become a tendency to move towards student count because that reflects the number of staff and parents that will need parking. Mr. McDonald explained that he is still working on those numbers and wanted to get the Commission's input. He added that Condit's parking lot frequently has empty spaces and that there are only a handful of times during the year that special events take place that require more parking.

Commissioner Alderman agreed that there is a big difference between parking spots needed at a high school where students drive every day and an elementary school that has an occasional evening event. He asked Mr. McDonald if the schools ever rent out their facilities to other groups, and if so, has it ever posed a problem for the parking situation.

Mr. McDonald stated that there are churches, boy scouts, and other groups that occasionally meet within schools, but that he has never heard any complaints. He added that any organization meeting frequently within a school would be required to apply for an SUP.

Commissioner Alderman asked Mr. McDonald if he could do a side by side comparison of the school's current parking requirements and the proposed parking requirements for the next meeting.

Mr. McDonald agreed that staff would have those numbers for the Commission at the next meeting.

Commissioner Alderman asked for an explanation on swimming and sports clubs.

Mr. McDonald explained that a swimming club is a pool facility that offers lessons and hosts pool parties. He mentioned that one instructor may have 8 or 9 kids in a class, which makes it more appropriate to require parking based on the number of people teaching versus the size itself. Mr. McDonald stated that a sports club is going to be any kind of fitness center, tennis club, etc.

Commissioner Alderman felt that the 5 per 1,000 sports club requirement is not high enough.

Mr. McDonald explained that the layout of sports clubs is more open, so the square footage of the building does not adequately reflect how many spaces are needed. He pointed out that sports clubs are currently not listed in the code at all, and would most likely been seen as a retail service at 4 per 1,000.

Commissioner Alderman mentioned the auto parts store and stated that the number proposed doesn't give much benefit for storage.

Mr. McDonald stated that they are basically the same numbers as what is in the current ordinance. He explained that today's numbers are 4 per 1,000 for an auto parts store and 6 per 1,000 for an auto parts store with a mechanic shop. Mr.

McDonald pointed out that auto repair shops have posed some issues, and that's why he recommended 6 per 1,000 for those businesses.

Commissioner Alderman asked what the reasoning was for the 3.5 per 1,000 requirement at medical and dental offices.

Mr. McDonald explained that this might be a number to look into. He stated staff would take a look at that category.

Commissioner Alderman asked how the parking, setback, and lot coverage requirements would apply for an already existing church/school that wishes to add on to their property.

Mr. McDonald informed the Commission that existing churches would be grandfathered in under today's rules. He added that the lot coverage requirements are not changing.

Commissioner Steinberg mentioned the permits that have been approved over the last few months and asked if any of them would have been rejected or looked at differently if these new regulations had been in place.

Mr. McDonald explained that there would have obviously been different parking regulations. He added that if these changes are approved, in some instances, they could increase the disparity related to parking requirements. Mr. McDonald mentioned that a special exception from the Board of Adjustment can always be sought for those businesses that conduct parking demand studies to prove that their number of parking spaces is higher than what is needed. He pointed out that the businesses located within shopping centers can change quite frequently and stated that as long as the property owner can show that the new use will have the same parking requirement as the prior use then no extra parking spaces are required, even if the center was short several spaces to begin with.

Commissioner Steinberg asked if staff was calculating the parking requirements for existing businesses under the old parking standard or the current one.

Mr. McDonald explained that staff always starts with the current regulations and puts the onus back on the applicant to show that they might deserve another number.

Commissioner Steinberg asked if anyone had taken into account whether or not these changes will affect current business owners.

Mr. McDonald stated that existing business owners would only be affected if/when tenant use changes. He used the example of HEB leaving and another grocery store coming in. Mr. McDonald explained that at that point an increase in the number of parking spaces would be required.

Commissioner Alderman and Steinberg asked for clarification on why that example would require additional parking when Mr. McDonald had just stated that no extra parking spaces would be required if the new use has the same parking requirements as the old use.

Mr. McDonald explained that the number required for grocery stores will be increased with the approval of the proposed parking requirements, therefore, that business would have to meet the new number. He stated that the required number for retail will not change, so as he stated before, anything coming in under the same retail use

will be allowed to continue with the amount of parking spaces that they already have.

Commissioner Stiggins asked if access to the parking area and the size of the parking spaces will be regulated by the city.

Mr. McDonald stated that the city has requirements regarding the size of the spaces, and that the site plan will be reviewed to ensure that the parking is easily accessible.

Commissioner Skinner asked if the parking requirements for schools factor in volunteers and staff.

Mr. McDonald explained that the numbers do take that into account.

Commissioner Skinner asked how many spaces Bellaire High School currently has.

Mr. McDonald stated that he would provide the Commission with that information at the next meeting.

Commissioner Skinner mentioned that she lives close to the high school and that the permit parking has worked really well.

Mr. McDonald felt that the permit parking would continue.

Commissioner Skinner asked Mr. McDonald why he had proposed 1.75 for multi-family when everyone else ranges from 2-2.5.

Mr. McDonald explained that Houston ranges from 1.25-2, and that he basically took an average of that range. He added that it is the same as what is currently in the code and he is not proposing a change. Mr. McDonald also stated that this allows for more parking in Bellaire multi-family units than in Houston.

Commissioner Skinner gave an example of a cluster of 4 townhomes and asked how many parking spaces that would require.

Mr. McDonald explained that each single family residential unit is required to have 2 parking spaces on site. He added that townhomes in Bellaire have always been done as a PD, which would allow the Commission to add requirements as they deem fit to mitigate potential problems.

Vice Chairman Thorogood mentioned the Post Oak School and asked if part of their remodeling included an cafeteria or assembly type area.

Mr. McDonald stated that they do not have an assembly room and that they eat in their classrooms.

Vice Chairman Thorogood asked if church and school combinations are separately permitted for parking.

Mr. McDonald explained that the city would look at the use and the percentage of use for the site to determine the number required.

Commissioner Alderman stated that he doesn't agree with the fact that a new grocery store coming in would be required to have more parking spaces than the ones currently in existence. He questioned whether that was creating a disincentive.

Mr. McDonald asked if it would be a disincentive to put a grocery store in, or if it would be an incentive to allow a grocery store to buy a site and design a building that works for the area and can better serve the community. He asked the Commission if they saw this as an opportunity to ensure that the future use of a site includes an adequate numbers of parking spaces. He added that the property owner can always seek a special exception.

Vice Chairman Thorogood asked Mr. McDonald how the city would communicate these changes to the public.

Mr. McDonald explained that any land owner/developer will familiarize themselves with the requirements within each city, or will call city staff to find out what can be done with a certain site. He stated that the city cannot inform the public of every single code that is on the books.

Commissioner Steinberg suggested that the Commission consider grand fathering all uses at present for future use.

Mr. McDonald stated that the Commission could amend that if they wished to do so, but cautioned them that grand fathering every use means that the parking situation will never get better with turnover. He reminded the Commission that a special exception is always an option.

Commissioner Steinberg pointed out that there is no assurance that the special exception will be granted.

Mr. McDonald explained that by grand fathering the uses in, the city cannot assure that sites can handle the traffic that they generate.

Commissioner Steinberg asked if staff is getting complaints about the HEB parking lot.

Mr. McDonald pointed out that Mr. Franke and other residents have complained on numerous occasions about overflow parking within the city.

Commissioner Steinberg was concerned that the city was putting out the existing owners.

Commissioner Simmons stated that it may have a negative impact on a property owner for someone who wishes to think of it that way, but he is looking at it from the viewpoint of the residents of Bellaire who will have more parking if these changes are approved.

Vice Chairman Thorogood asked if there would need to be an additional public hearing if the Commission were to make some amendments to the proposal.

Mr. McDonald and Mr. Barner felt that there would be no need for an additional public hearing with simply a change in the numbers. However, if significant changes were to be made then an additional public hearing would be required.

The public hearing was closed at 7:36 PM.  
(Requested by John McDonald, Community Development)



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

1. Discussion regarding the latest developments on the Uptown Houston Mobility Plan, including the potential for a bus transit facility to be located in or adjacent to the far north end of the City of Bellaire and its potential impacts on the area zoned Urban Village Transit-Oriented Development (UVT).

Vice Chairman Thorogood introduced the item by explaining that it is for the discussion of the latest development of the Uptown Houston Mobility Plan, including the potential of a bus transit system to be located in or adjacent to the far north end of the City of Bellaire, and its potential impacts on the area zoned Urban Village Transit Oriented Development. He explained that he had asked Mr. McDonald to put this item on the agenda after having a conversation with Chairman Frazier regarding the topic. Vice Chairman Thorogood then quoted John Breeding, President of Uptown Houston, saying, "We are optimistic, it is my hope that within 30-60 days we will have clearance and will be able to move forward." He added a quote from the media, which read, "Bellaire elected officials are considering the city's planning role in a \$187.5 million bus rapid transit system through the Galleria area that could locate a multi-level transit center and a 700 car parking garage in the city's rezoned Urban Village on Westpark, near 610." Vice Chairman Thorogood also mentioned another quote of Breeding's, "A more central location on the Bellaire side could serve as a catalyst to spark redevelopment in the only transit oriented development district in Houston." He informed the Commission and public that the area in question is within the old RDD and showed several slides dated July 18, 2007 from a study that was shared in cost by Thompson and Hanson, Midway Development, Uptown Houston, and the City of Bellaire. Vice Chairman Thorogood added that this study was done at the point in time when there was going to be two rail lines intersecting, one uptown line and one university line. He mentioned that part of process was to get some possible concepts for the project, with focus on two things:

1. To assist in the redevelopment of the area
2. To protect the residential neighborhood consisting of about 190 homes.

Vice Chairman Thorogood added that Bellaire is impaired with the Centerpoint transmission line that is not an easement, but owned property by Centerpoint. He stated that he also read in the local media that Centerpoint's lines may have to be adjusted. Vice Chairman Thorogood pointed out that the rail lines portrayed in the 2007 study have now gone away. He then showed several slides diagramming aspects such as parking, which was to be located on the Houston side; environmental aspects; and required acreage, which calls for 29 acres from the City of Bellaire. Vice Chairman Thorogood stated that there are only ~11 acres that can be developed in that area. He pointed out an area that was incorporated into the Uptown TIRS #16 in 2013, which was absorbed and is part of the Galleria area now. Vice Chairman Thorogood explained that Bellaire is not in the TIRS and to put any kind of non-taxable entity in Bellaire would be a burden to the taxpayers of the city and would not provide much benefit. He added that they wish to complete the project in time for the Superbowl that will take place in Houston in the next couple years. Vice Chairman Thorogood felt that it is part of the Planning & Zoning Commission's responsibility to suggest things to Council that they deem appropriate.

Commissioner Simmons explained that he was on the planning group that planned the redline, was part of the development of the light rail in Houston, and has worked with Uptown before. He stated that they ultimately want a rail. Commissioner Simmons pointed out that the university line is an east/west connector, and while

some people think that its going to die, he feels that it will eventually be built. He stated that Bellaire should not allow any parking facility within the city limits; however, locating the bus station itself within Bellaire would provide bodies to participate in the development of the transit oriented district that already exists there. Commissioner Simmons felt that this project should not be seen as a negative, but rather something that could greatly benefit the City of Bellaire.

Mr. McDonald suggested asking Mr. Breeding to come speak if the Commission is interested in learning more about the project.

Vice Chairman Thorogood explained that he is not questioning whether it should exist, only if it should exist on the Bellaire side.

Commissioner Alderman stated that this project could also be looked at as a gift. He mentioned the proposed parking garage and pointed out that parcels could then be developed without concerning themselves with parking issues.

Mr. McDonald explained that the project that has been proposed is allowed under current zoning, and there is nothing that would need to be done other than submitting the plans. He added that the \$1.1 trillion omnibus spending bill recently passed included a prohibition of funding the university line, so this project is the city's only other option to have a transit oriented district. Mr. McDonald stated that he has spoken with Gary Mitchell regarding this proposal and he feels that this project fits perfectly into the UV-T District. He added that it is hard for the Commission to have a full discussion on the topic without hearing what Uptown has to say. Mr. McDonald assured the Commission that no decisions have been made, and the project is at a very preliminary stage.

Commissioner Skinner stated that she was in attendance during Uptown's presentation to Council, and that her biggest concern is being disappointed with the outcome. She would like to see all of it stay on the Houston side.

Commissioner Steinberg mentioned that the City of Bellaire has a great Mayor and City Council and that there are many people looking at this project a lot deeper, and with more facts than this Commission is. He suggested that any individual with comments or concerns go before Council to address them. Commissioner Steinberg added that he is going to simply put his faith in the City Council to make the right decision.

Commissioner Simmons reiterated that he sees this as a potentially positive opportunity for the City of Bellaire. He stated that ideally he would like for the Commission to be involved as this develops and be aware of every step that is being taken along the way.

Vice Chairman Thorogood asked Mr. McDonald if Council was presented with a memorandum regarding the proposal.

Mr. McDonald stated that there have been discussions about one.

Mr. Barner explained that he is not aware of and cannot speak to the existence or discussion of a memorandum.

Commissioner Simmons asked if there would be a role for the Planning & Zoning Commission.

Mr. McDonald informed the Commission that it would be up to Council whether they wished to include the Commission in the consideration of the project.

Vice Chairman Thorogood stated that the Commission could proceed with something, but it would be better if the directive came from City Council versus the Commission doing it on their own accord. He felt that the most beneficial option at this point would be to have Mr. Breeding come to speak with the Commission at the next meeting.

Commissioner Steinberg voiced his concern with the Commission running parallel with City Council. He felt that it would be best to let Council handle the project, and only involve themselves as citizens unless they direct the Commission to do otherwise.

The rest of the Commission agreed.  
(Requested by John McDonald, Community Development)

#### **VII. COMMITTEE REPORTS**

There were no committee reports.

#### **VIII. CORRESPONDENCE**

There was no correspondence.

#### **IX. 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.**

Mr. McDonald informed the Commission that the new City Manager, Paul Hoffman's first day would be Monday, February 17th, and that there will be a meet and greet reception on Tuesday, February 18th at 6:30 PM.

Vice Chairman Thorogood asked Mr. McDonald when the public hearing regarding Downtown and the Bissonnet Corridor was going to take place before City Council.

Mr. McDonald stated that the public hearing will be held on Monday, February 24th.

##### **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 request for new business.

#### **X. ADJOURNMENT**

**Motion:** a motion was made by Steinberg and seconded by Commissioner Simmons to adjourn the regular meeting.

**Vote:** the motion carried on a unanimous vote of 6-0.

**The meeting adjourned at 8:15 PM.**