



# CITY OF BELLAIRE TEXAS

MAYOR AND COUNCIL

AUGUST 4, 2014

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**Council Chamber**

**Public Hearing**

**6:00 PM**

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

## **SPECIAL SESSION (PUBLIC HEARING)**

### **A. Call to Order and Announcement of a Quorum - Dr. Philip L. Nauert, Mayor.**

Dr. Philip L. Nauert, Mayor, called the Special Session (Public Hearing) of the City Council of the City of Bellaire, Texas, to order at 6:05 p.m. on Monday, August 4, 2014. He announced that a quorum of all members of City Council were present as set forth below.

<b>Attendee Name</b>	<b>Title</b>	<b>Status</b>	<b>Arrived</b>
Philip L. Nauert	Mayor	Present	
Amanda B. Nathan	Mayor Pro Tem	Present	
Roman F. Reed	Councilman	Present	
James P. Avioli Sr.	Councilman	Present	
Gus E. Pappas	Councilman	Present	
Pat B. McLaughlan	Councilman	Present	
Andrew S. Friedberg	Councilman	Present	
Paul A. Hofmann	City Manager	Present	
Alan P. Petrov	City Attorney	Present	
Tracy L. Dutton	City Clerk	Present	

### **B. Reading of Notice of Public Hearing - Tracy L. Dutton, City Clerk.**

City Clerk Tracy L. Dutton read a summary of the "Notice of Public Hearing" into the record. She advised that the "Notice of Public Hearing" was posted on the City's official bulletin board and website on Tuesday, July 15, 2014, and published in Volume 29, Number 6, of the Southwest News on Tuesday, July 15, 2014.

### **C. Summary of Public Hearing Procedures - Paul A. Hofmann, City Manager.**

City Manager Paul A. Hofmann provided a summary of the public hearing procedures for the evening.

**D. Presentation:**

Presentation related to amendments proposed by the Planning and Zoning Commission of the City of Bellaire, Texas, to various sections within Article V, Zoning Regulations, Division 1, Zoning Districts and Regulations of General Applicability, and Article V, Zoning Regulations, Division 2, Zoning District Regulations, within Chapter 24, Planning and Zoning, of the Code of Ordinances of the City of Bellaire, Texas ("City Code"), for the purpose of deleting references to old zoning districts and including newly created districts; amending parking requirements to include a shared parking table; adding requirements for drive-through facilities; renaming Section 24-514a; removing standards regulations for the development of schools and churches and inserting new consistent standard regulations for churches and schools for all residential districts; additional amendments have been proposed for sections within Article X, Signs, and Article XI, Sexually Oriented Businesses, in Chapter 24, Planning and Zoning, of the City Code for the purpose of deleting references to old zoning districts and including newly created districts; and deleting the definition of "City Center" in its entirety under Article II, Definitions and Interpretations, Chapter 24, Planning and Zoning, of the City Code.

Director of Community Development John McDonald provided an overview of recommendations made by the Planning and Zoning Commission with regard to amending Chapter 24, Planning and Zoning, of the City Code.

Director McDonald advised that the amendments could be categorized into four areas:

- The establishment of zoning districts (cleanup item);
- Parking requirements for non-single family uses;
- Consistency and development of churches and schools within residential districts; and
- Cleanup of certain areas of the City Code based on the changes in districts previously adopted.

With respect to cleanup, several areas of Chapter 24 referenced old districts, such as the CCD (City Center District). Recommendations were made to cleanup Chapter 24 to delete references to old districts and insert references to newly established zoning districts.

With regard to parking, which was addressed in the Comprehensive Plan, City Council had directed the Planning and Zoning Commission to look at parking and provide a recommendation. Since the parking ratio for schools was one set ratio, the Planning and Zoning Commission recommended dividing schools into categories of elementary, middle, and high school and developing a parking ratio for each of those categories.

Within the CMU, UV-D, and UV-T Districts (i.e., mixed-use districts), the Planning and Zoning Commission recommended the allowance of shared parking. Director McDonald noted that the City had an aggregate parking allowance in the current City Code which asked for more parking than would be required under a shared parking arrangement.

A queuing requirement was set up for drive-through businesses, such as a restaurant or bank.

Within the City's residential districts, the Planning and Zoning Commission recommended pulling the churches and schools out of the residential districts and placing them into a new section. The minimum size was increased, the rear setback was increased to 20 feet, the side setbacks were increased to provide a larger buffer between schools and churches and the residential neighborhood, and the height was increased from 40 feet to 45 feet. Director McDonald reminded members of City Council that schools and churches would still have to obtain a specific use permit for reconstruction or construction, which would require them to go through two public hearings--one before the Planning and Zoning Commission and one before the City Council.

(Requested by John McDonald, Community Development)

**E. Recognition of Citizens and/or Other Interested Parties - Dr. Philip L. Nauert, Mayor.**

**Dave Upton:**

Mr. Upton addressed City Council regarding the recommendations from the Planning and Zoning Commission ("PZC"). He indicated that he felt that the PZC's recommendations were disastrous to the properties of the residents on Valerie Street, as well as all of the property around Bellaire High School ("BHS").

According to the Houston Independent School District's ("HISD") neighborhood meeting regarding BHS held during the previous week, residents were informed that HISD would have to construct a parking garage for 1,000 vehicles to meet the City Code. The proposal presented was a four-story parking garage. HISD's architect advised residents that the school site was being designed for 2,800 to 3,100 students. Mr. Upton advised that the proposed parking garage would provide a parking space for every two and one-half students and given the fact that the freshman class did not drive and that the school had 200 employees, this requirement seemed excessive to him.

Mr. Upton continued and referred to four plan proposals that HISD had shown residents during the referenced meeting. All of the plans except one had only one point of ingress and egress for the parking garage. This meant that twice a day, there would be a tremendous queue to get into the facility. In Mr. Upton's opinion, students would not park in a parking garage if there was a large queue to go through to get in and out. Staggering the times of arrival to accommodate the congestion problem would require HISD staff to extend their time by two-three more hours every day. Mr. Upton indicated that there was a consensus of residents in attendance at the HISD meeting that the parking garage should be eliminated from the plan.

With respect to the recommendation to change the height of the building from 40 to 45 feet. Mr. Upton expressed concern that the light standards from the parking garage would shine down upon the homes near that structure.

In closing, Mr. Upton urged City Council not to change the building height. In addition, he wished to see the light, noise, and visual pollution standards strengthened. He referred to the recent upgrade of the lights in the teacher's parking lot which shone onto neighboring properties and the noise from new air handlers installed for the new science building, which he felt was obnoxious. Mr. Upton suggested the inclusion of a decibel limit for noise in the City Code, such as 45 decibels, and that HISD coordinate with the Houston Community College for the use of some of their property.

**Molly McGee:**

Ms. McGee addressed City Council and asked them to look at the parking requirements for West University Place and the City of Houston and compare those to Bellaire. She advised that she fully supported decreasing the amount of parking spaces required for schools as was reasonable and possible. She urged City Council to look at elementary schools, middle schools, and high schools individually when deciding on the parking requirements.

**Sue Robertson:**

Ms. Robertson addressed City Council and indicated that she was the General Manager for Planning for HISD. She advised that HISD was currently in the planning and design process for Bellaire High School ("BHS"). A project advisory team comprised of community members, parents, school staff, and high school students had been working for a number of months on the planning and design process. HISD was currently looking for alternatives for siting BHS in the creation of a new building.

Ms. Robertson referred to a community-wide meeting HISD was holding for BHS on September 4, 2014, at 6:30 p.m. at BHS.

In closing, Ms. Robertson advised that HISD would appreciate as much flexibility as the City Council could allow, noting that HISD was at a midway point with respect to planning and design.

**Scott Plantowsky:**

Mr. Plantowsky addressed City Council regarding HISD's proposed plan to construct a parking garage and advised that he was in full support of the comments made earlier by Dave Upton. Mr. Plantowsky stated that the parking garage should be a very big concern for the City Council and HISD. He referred to the recent community meeting HISD held with neighbors surrounding BHS and indicated that out of the three to four dozen people present, only one person seemed to be in favor of the parking garage.

With respect to the parking garage, Mr. Plantowsky understood from the BHS Principal that HISD would have to pay \$12 million for the garage, monies which could have gone into the school facility. Mr. Plantowsky believed that the distributive parking system in Bellaire currently worked well.

Issues related to the garage, in Mr. Plantowsky's opinion, included traffic congestion (due to only one point of ingress and egress) and security.

**Janice Donalson:**

Ms. Donalson addressed City Council and advised that she was present to support the newest Condit Elementary School Specific Use Permit which called for a further reduction in parking spaces from 128 to 97. This reduction would allow for the construction of a playground for the students and provide ample parking for teachers and visitors.

**Frank Gerow:**

Dr. Gerow addressed City Council regarding the parking garage currently slated for BHS and advised that he was 100% opposed to the building for several reasons. He referred to a plan to try to increase the vertical height of the building to 45 feet, which was based on the idea that 15 feet was the standard height for a story. Dr. Gerow questioned

whether a parking garage would be the same as an inhabited facility (i.e., school room or office space), and indicated that he did not believe that a 15-foot height was needed for vehicles.

Additionally, if the 45-foot height definition related to all buildings, then the facilities nearest the residential neighborhood could impact the property values in Dr. Gerow's opinion. He questioned the definition or means of measuring the 45-foot height limit (i.e., from the foundation to the top of the building). He also questioned whether lighting fixtures were included within that definition.

Finally, Dr. Gerow expressed concern regarding the parking garage and inquired as to whether HISD would provide patrolled security or if that would be the responsibility of the Bellaire Police Department.

**Lynn McBee:**

Ms. McBee addressed City Council and indicated that one of her main concerns on the amendments proposed by the PZC related to the parking ratios for schools. Those ratios were related to the number of employees and children and number of classrooms. She indicated that there were no provisions for special events in the recommendation.

Secondly, Ms. McBee expressed concern regarding building height. If one category of building started to rise to 45 feet, such as the proposed parking garage, then more would come. She believed increasing the height limit would lead to variance after variance, and absolutely opposed changing from the fixed 2-1/2 stories.

Thirdly, Ms. McBee stated that she did not see any benefit to changing the setbacks for churches and schools.

**Scott Frankel:**

Mr. Frankel addressed City Council regarding the new plans for the BHS. He stated that this was a quality of life and safety issue for the area. He did not have a strong opinion on the parking garage, but felt that the City needed to be proactive and get out in front of this issue.

Mr. Frankel urged City Council to be as aggressive as possible and to hold a public hearing regarding the issue. He indicated that the neighbors in the area were starting to coalesce and might ask HISD to consider purchasing their property so they could move.

**Richard Franke:**

Mr. Franke addressed City Council on two points in the proposed recommendations from the PZC. First, he recommended that City Council amend their presentations on the website and put in some clarification or examples as to how the shared parking table worked. He expressed concern that business parking could move over into residential areas with the shared parking option.

Secondly, Mr. Franke referred to existing ordinances regarding home businesses which placed severe restrictions on parking. He asked how the overflow parking condoned by the shared parking table would be enforced. He advised that it put the neighborhoods at great risk of overflow parking from the business side.

**F. Questions from the Mayor and City Council - Dr. Philip L. Nauert, Mayor.**

Dr. Philip L. Nauert, Mayor, opened the floor for questions from the City Council related to the presentation given by Director of Community Development John McDonald and/or related to inquiries made by residents during the public comment period.

**G. Close of Public Hearing - Dr. Philip L. Nauert, Mayor.**

Dr. Philip L. Nauert, Mayor, closed the Special Session (Public Hearing) at 7:21 p.m. on Monday, August 4, 2014.

Mayor Nauert advised that City Council would not be receiving any more oral comments. Written comments, however, could be submitted to the City Council in care of the City Clerk. In order to be considered for the record, written comments needed to be received by the City Clerk by noon on Thursday, August 14, 2014.

**H. Adjournment.****Motion:**

To adjourn the Special Session (Public Hearing) of the City Council of the City of Bellaire, Texas, at 7:23 p.m. on Monday, August 4, 2014.

**Motion:** Adjourn.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Roman F. Reed, Councilman
<b>SECONDER:</b>	Pat B. McLaughlan, Councilman
<b>AYES:</b>	Nauert, Nathan, Reed, Avioli Sr., Pappas, McLaughlan, Friedberg