



# CITY OF BELLAIRE TEXAS

MAYOR AND COUNCIL

FEBRUARY 24, 2014

Council Chamber

Public Hearing

6:00 PM

7008 S. RICE AVENUE  
BELLAIRE, TX 77401

## SPECIAL SESSION (PUBLIC HEARING) - 6:00 P.M.

### A. Call to Order - Dr. Philip L. Nauert, Mayor

Dr. Philip L. Nauert, Mayor, called the Special Session (Public Hearing) City Council of the City of Bellaire, Texas, to order at 6:00 p.m. on Monday, February 24, 2014.

### B. Announcement of a Quorum - Dr. Philip L. Nauert, Mayor

Attendee Name	Title	Status	Arrived
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	
Elliot Barner	Attorney	Present	
Tracy L. Dutton	City Clerk	Present	
John McDonald	Director	Present	

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

City Clerk Tracy L. Dutton read the "Notice of Public Hearing" into the record.

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

City Manager Paul A. Hofmann summarized the public hearing procedures for the evening's meeting.

### E. Presentation Related to Zoning Code Amendments Proposed by the Planning and Zoning Commission - Consultant Gary Mitchell of Kendig Keast Collaborative and Director of Community Development John McDonald

1. Public hearing before the Bellaire City Council regarding a recommendation from the Planning and Zoning Commission of the City of Bellaire, Texas, to amend various sections within Chapter 24, Planning and Zoning, of the Code of Ordinances of the City of Bellaire, Texas, with regard to the downtown area and the Bissonnet Corridor.

Gary Mitchell, Kendig Keast Collaborative, presented the amendments proposed by the Bellaire Planning and Zoning Commission to Chapter 24, Planning and Zoning, of the Code of Ordinances of the City of Bellaire, Texas.

Mr. Mitchell indicated that there were three plan priorities: 1) renewal of the City Center; 2) corridor quality/appearance to match residential quality and appearance; and 3) to provide multi-unit housing types or lifestyle housing through mixed-use projects and stand-alone residential. Examples of mixed-use projects with retail, commercial, and residential units were provided (i.e., The Woodlands Market Street and Sugar Land Town Square).

It was noted that the focus of the amendments were to create new zoning districts (Corridor Mixed-Use [CMU] and Urban Village Downtown [UV-D]); to update standards for landscaping and screening, as well as parking and loading; and to provide new standards for site and building design.

Key points/changes made to the draft since City Council had last seen it in May of 2013 were summarized by Mr. Mitchell as follows:

- More options by right versus planned development, but with definitive standards for predictability;
- Mixed use did not have to involve a multi-family use, but was the only path to multi-family use;
- Small-scale commercial and mixed-use were still permitted by right in the UV-D and CMU within a minimum lot size; and
- Built-in incentives had been added to do more through by-right, mixed-use option, or planned development process.

In closing, Mr. Mitchell indicated that the most significant revisions were:

- Single-family attached by right in the UV-D Zoning District;
- Mixed threshold for "mixed use" developments;
- Lower minimum site area for planned developments in the CMU Zoning District;
- Height setback plane adjustments;
- Various limits on multi-family use;
- Building design standards that applied to all visible sides of a building; and
- A limitation on outdoor customer areas.  
(Requested by Tracy L. Dutton, City Clerk)

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

**Judy Viebig**

Ms. Viebig addressed City Council and expressed growing concern and confusion over

what had initiated the changes to the City's zoning districts and why those changes were being considered now. She indicated further that she opposed the provisions that encouraged the development of additional apartments and increased the height limits (up to six stories), especially in the areas adjacent to single-family residential areas.

Ms. Viebig continued and indicated that she had read in hearing notices that the proposed changes were intended to provide for a walkable downtown Bellaire. She had seen nothing in the zoning changes that would address the walkability of downtown Bellaire, which she did support.

### **Jane McNeel**

Ms. McNeel addressed City Council and expressed concern as well over what had initiated the zoning changes and led to the discussion of apartments and condominiums, as well as tall buildings within 15 feet of single-family residential homes. Such changes, in her opinion, would lead to more congestion and traffic cutting through the neighborhoods and down her street.

Ms. McNeel continued and advised that she had reviewed the City's most recent Comprehensive Plan ("Plan") and was unable to find a statement that said "throw out all of the current zoning for commercial areas in Bellaire and develop new ordinances that were less restrictive, allowed taller buildings, and introduced more multi-family development." Reference was made to the Urban Village Downtown Zoning District where taller structures ranging from 79 to 99 feet would be allowed.

Based on language Ms. McNeel read in the City's Plan regarding the description of an enclave city with traditional neighborhoods, walkable commercial areas, and lifestyle housing, she had envisioned the preservation of the City's neighborhoods; the construction of more sidewalks; updates to commercial structures; additional landscaping on the City's easements, main thoroughfares, and side streets in the form of trees and plantings; and zoning for patio homes or brownstone-style townhouses along the perimeter of the commercial areas.

Ms. McNeel had not envisioned encouraging developers to buy up blocks of commercial sites for the construction of something that was now in vogue-multi-use developments with retail on the ground floor and apartments or condominiums above.

In closing, Ms. McNeel indicated that the proposed amendments opened a "Pandora's Box" of unknown consequences. She expressed concern for the possible loss of the City's many small businesses, restaurants, grocery stores, and auto repair shops. She asked if the City really needed more apartments and condominiums backing up to the residents' homes. Reference was made to other upscale communities, including West University Place and the Memorial Villages, which did not allow any structures taller than the residences and had no zoning regulations for multi-family developments. She urged City Council to keep Bellaire a "City of Homes."

### **Mitchell Pilot**

Mr. Pilot addressed City Council and indicated that his residence was adjacent to one of the areas proposed to change. He, like the previous speakers, was concerned with multi-family residences. He expressed particular concern regarding the possible reduction in the minimum size of an apartment or condominium down to as small as 700 square feet.

Although multi-family developments might provide walkable amenities, such as restaurants and shops, those residents would still have to leave Bellaire to go to work and return in the evening. He referred to the existing virtual gridlock in the area of South Rice Avenue and Bellaire Boulevard and South Rice Avenue and Bissonnet Street that occurred twice a day and expressed concern that greater density would cause that gridlock to become unbearable for the residents living in single-family homes in the area.

### **Joseph Ives**

Mr. Ives addressed City Council and stated that many of the proposed improvements under discussion for downtown Bellaire would not benefit the people who lived in Bellaire. He stated that he did not want apartment complexes or commercial development near his residence.

### **John Swafford**

Mr. Swafford addressed City Council and indicated that he had moved to Bellaire because it was a single-family housing community and he wanted Bellaire to stay that way. He stated that he was opposed to multi-family housing.

### **Edward Schafman**

Mr. Schafman indicated that he had signed up to speak earlier in the meeting and that many of his questions had been answered during the presentation, so he wished to pass his time to his neighbors.

### **Brent LeBlanc**

Mr. LeBlanc addressed City Council and indicated that he worked in real estate, but was still confused about the proposed zoning changes. During the course of his career, Mr. LeBlanc stated that he had seen hundreds of lifestyle projects across the country.

Mr. LeBlanc stated further that mixed-use lifestyle centers were "in vogue" 15 years ago, and that the first ones built and developed were a big success. Today, however, mixed-use lifestyle centers were out of vogue and many across the country were sitting half empty. Reference was made to Sugar Land's Town Center and the large number of businesses that had moved in and out of the center.

In closing, Mr. LeBlanc stated that he supported growth and development and would love to be able to walk behind his home to a restaurant. On the other hand, he advised that he had never seen a development pieced together as had been suggested. He urged City Council not to piece developments together and to be leaders rather than followers.

### **William Voss**

Mr. Voss addressed City Council and indicated that he agreed with everything that had been stated so far this evening and would pass his time to his neighbors.

**Lynn McBee**

Ms. McBee addressed City Council and suggested tossing out the proposed zoning amendments. She indicated that she wished to address one component-the planned development.

Ms. McBee referred to the history of planned developments in Bellaire following the opening of Loop 610 in the late 1960s, which allowed for high-rise office buildings and townhouses along the Loop 610 corridor. Between 1974 and 1989, Bellaire approved over one dozen planned developments. From 1989 through 2002, four residential planned developments were approved and several more had been added since then.

Reference was made to the proposed Corridor Mixed Use Zoning District (CMU) to which Ms. McBee advised that planned developments no longer had minimum sizes. A 150' X 100' lot (5,000 square feet) was all that was needed for a planned development in the CMU. She inquired as to whose discretion was applied to developments in the CMU, as well as to oversight for such developments.

With respect to the Urban Village Downtown Zoning District (UV-D), planned developments would only have to meet the size and area requirements for the new district--25' X 100' (2,500 square feet) with no front, rear or side setbacks.

In closing, Ms. McBee advised that the proposed planned developments were nothing like the traditional planned developments in Bellaire and other zoned communities around the country, in her opinion. She strongly urged City Council to realize that planned developments were not being treated as beneficial to the community, but rather as beneficial to only the landowner and to delete all of the proposed planned developments as inadequate, without oversight, and dangerous to the integrity of zoning's general predictability.

**Robert Riquelmy**

Mr. Riquelmy addressed City Council and asked what the purpose of the proposed zoning amendments was and what the City hoped to achieve with the amendments.

**Brad Brumback**

Mr. Brumback addressed City Council and indicated that he was a commercial property owner in the proposed Urban Village Downtown District (UV-D), as well as a resident. He inquired as to how the new proposed UV-D applied to existing buildings with respect to tenant conversions, etc. He advised that other concerns, such as multi-family developments, had been expressed pretty clearly.

**Bill Bergeron**

Mr. Bergeron addressed City Council and advised that the rear fence of his residential property abutted the Newcastle Drive hiking and biking trail. He urged City Council not to allow disruptive things to occur between Newcastle Drive and Mulberry Lane (i.e., apartment complexes and loud bars).

**Written Comment:****Lee and Linda Norris**

*Dear Mayor and City Council:*

*We have reviewed the proposed zoning changes. We think that the real question is does Bellaire want to be more dense and urban? The detail in the proposed zoning changes assumes the answer is "yes."*

*The idea for these changes originated with a prior city council. There seems to have been no substantive reason for this idea, other than change for the sake of change, to "pretty up" downtown.*

*If this is passed, we hope that it doesn't deter what is currently happening in downtown. Who would have ever thought that that the area where the Bellaire Shoe Shop is would look so nice? Who would ever have thought that the shopping center now known as The Centre would be putting together such an interesting collection of retail? Downtown seems to be taking care of itself.*

*We have previously lived in a very urban area, San Francisco, and it was delightful. Dense and urban is part of the San Francisco culture. It is not part of the Houston/Bellaire culture. Do we want to force that change? That is the difficult decision you must make. Does Bellaire want to be more dense and urban?*

**G. 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 Mr. Mitchell and/or related to inquiries made by residents during the public comment period.

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

Dr. Philip L. Nauert, Mayor, closed the Special Session (Public Hearing) at 7:58 p.m. on Monday, February 24, 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, February 27, 2014.

Mayor Nauert thanked Gary Mitchell, Kendig Keast Collaborative, for facilitating the meeting. Members of City Council expressed their thanks to Mr. Mitchell for a great presentation and hard work, as well as the Planning and Zoning Commission during the questions portion of the agenda.

**I. Adjournment****Motion:**

Councilman Roman F. Reed moved to adjourn the Special Session (Public Hearing) of the City Council of the City of Bellaire, Texas, at 8:01 p.m. on Monday, February 24, 2014. The motion was seconded by Councilman Pat B. McLaughlan.

**RESULT:** **ACCEPTED [UNANIMOUS]**  
**MOVER:** Roman F. Reed, Councilman  
**SECONDER:** Pat B. McLaughlan, Councilman  
**AYES:** Nauert, Nathan, Reed, Avioli Sr., Pappas, McLaughlan, Friedberg

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Tracy L. Dutton, TRMC  
City Clerk

Approved:

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Dr. Philip L. Nauert, Mayor

Date: March 3, 2014