



CITY OF BELLAIRE TEXAS

PLANNING AND ZONING COMMISSION

OCTOBER 14, 2014

Council Chamber

Regular Session

6:00 PM

7008 S. RICE AVENUE
BELLAIRE, TX 77401

I. CALL TO ORDER AND ANNOUNCEMENT OF QUORUM

Chairman Frazier called the meeting to order at 6:02 PM, and announced that a quorum was present consisting of the following members:

Attendee Name	Title	Status	Arrived
Christopher Butler	Commissioner	Present	
Winfred Frazier	Chairman	Present	
Bill Thorogood	Vice Chairman	Present	
Paul Simmons	Commissioner	Present	
Marc Steinberg	Commissioner	Present	
Dirk Stiggins	Commissioner	Present	
S. Lynne Skinner	Commissioner	Present	
E. Wayne Alderman	Commissioner	Present	
John McDonald	Director	Present	
Ashley Parcus	Secretary	Present	
Alan P. Petrov	City Attorney	Present	

II. APPROVAL OF MINUTES FROM PAST MEETINGS

1. Planning and Zoning Commission - Regular Session - Aug 12, 2014 6:00 PM

Commissioner Skinner made one minor correction, and Commissioner Stiggins asked that the motions be stated on page 3 of the minutes.

RESULT:	APPROVED AS AMENDED [UNANIMOUS]
MOVER:	Paul Simmons, Commissioner
SECONDER:	Dirk Stiggins, Commissioner
AYES:	Butler, Frazier, Thorogood, Simmons, Steinberg, Stiggins, Skinner

III. REMINDER TO CITIZENS DESIRING TO ADDRESS THE COMMISSION

Chairman Frazier reminded the citizens wishing to address the Commission that they must fill out a sign in sheet. He also explained that there would be two opportunities to speak during the meeting, one during the General Public Comment item and another during the Public Hearing.

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.

There were no general public comments.

V. PUBLIC HEARINGS

1. Docket # PD-2014-03-Request to construct a Residential Planned Development on a .95 acre site, consisting of 12 single-family residences, to be located north of Bissonnet, between Howard and Newcastle, in the CMU Zoning District.

Mr. McDonald explained the hearing process to the public.

Presentation by the Applicant

Mike Salomon, President and Co-owner of Sandcastle Homes-Mr. Salomon explained that he had been at the meetings and was involved in the discussions regarding the adoption of the new zoning districts, which changed the property in question from RM-1 to the Corridor Mixed-Use Zoning District (CMU). He explained that it was originally platted as 6 lots in Mulberry Manor, and was subject to a lot of discussion during the re-zoning process. He then gave examples of what is being built in the area, such as the Essex Eye Center and another medical center whose plans have been submitted to the City. Mr. Salomon explained that he is proposing to split the 6 lots into 12 lots that will allow for a higher density development, available at a lower price. He mentioned that one of the goals of the City's Comprehensive Plan is to provide residents with options for lifecycle housing, which this project will do. Mr. Salomon showed the proposed site plan with 6 homes facing Newcastle and 6 facing Howard, and explained that a 15 foot buffer will be provided between the first set of homes and the property line. He pointed out that all homes will have direct access to the street, and that there will be no need for additional infrastructure. He also mentioned that all homes will be two-stories and will include room for guest parking and nice backyards. Mr. Salomon then showed the front elevations and floor plans of the three types of homes that he is proposing to build.

Presentation by the City

Mr. McDonald reiterated that this application is for the creation of a residential planned development within the CMU Zoning District, to create 12 single-family lots out of the 6 lots that are currently available. He added that if the planned development application is approved, the applicant must then go through the replatting process in order to create the 12 lots that they are proposing. Mr. McDonald stated that the property is currently adjacent to R-4 Zoning to the north, residential/commercial mixed-use to the south and east, and R-5 residential town home mix to the west. He informed the Commission that after review of the application, staff determined that it meets all of the requirements for a planned development. Mr. McDonald also mentioned that this property was frequently brought up during the discussions regarding the re-zoning, and was ultimately the reason why the 1 acre minimum for a planned development was lowered to .75 acres. He also mentioned that a Traffic Impact Analysis was not requested due to the size and scope of the project, and that no additional infrastructure will be needed.

Public Comments

The following residents spoke against the request for a Planned Development:

Beth Soletsky

Richard Franke
Krishna Agarwal
Dorota Grobler
Rhonda Hill
Mark Streeter
Elza Bullock
Mike Bonem

The residents cited the following reasons for their opposition:

Already existent drainage issues getting worse
Creation of overflow parking due to number of new residents
A decrease in the property values of current residents
A high turnover of tenants
High percentage of lot coverage on the site

Rebuttal by the Applicant

Mr. Salomon assured the residents that he is hearing their concerns, and wanted to clarify that the property was not re-zoned due to him. He then explained that if the request for a planned development is not granted he will sell the property, and a commercial development will most likely be constructed there. Mr. Salomon mentioned that there will be enough parking for 4 cars at each property, and that the lot coverage is under 60%. He explained that each property has about 20 feet of backyard area. Mr. Salomon also assured the public that he does not sell to investors, however, he can't promise that the buyers won't rent the properties out.

Questions by the Commission

Commissioner Simmons asked Mr. McDonald if the Commission was to make a decision on the replatting at this time as well.

Mr. McDonald stated that the replat has not even been submitted, this is strictly regarding the request for a planned development. He added that the consideration of the PD will not be until the November meeting.

Commissioner Simmons asked if the re-zoning of this property forced the city into a situation where the 12 town homes are acceptable but the 6 single family homes would not be.

Mr. McDonald clarified that these were never residential lots. He explained that prior to the re-zoning, this property was within the RM-1 Zoning District, meaning that a two-story commercial building with 75% lot coverage would have been allowed there by right.

Commissioner Simmons mentioned the height-setback plane and asked if it applies to this project.

Mr. McDonald confirmed that it does apply. He pointed out that the distance from the house closest to the single-family existing residential is 15 feet versus 10. He also explained that the home that will be built on lot 12 can only be 27 feet tall at the 15%, and then has to slope inwards at the 2 to 1. Mr. McDonald stated that Mr. Salomon is aware of this requirement and has taken it into account within his design.

Commissioner Simmons asked Mr. Salomon if he would allow a three-story home within this development, if requested by a potential buyer.

Mr. Salomon stated that he would not allow this. He added that he is not in the business of selling his lots, and he does not build to 3 stories.

Commissioner Simmons mentioned the medical building that will be going up next to this development and stated that the two southern most properties would be located right next to the proposed parking garage. He asked Mr. Salomon if he had anticipated that being a problem in the future.

Mr. McDonald pointed out that the plans for the parking garage call for a solid wall on the north side of the property.

Commissioner Simmons asked how tall that structure will be.

Mr. McDonald stated that he believes it will be 3 stories.

Mr. Salomon explained that his product has been designed so that the walls that will be facing the parking garage are firewalls, which means that the code will not allow for any windows or openings.

Commissioner Butler mentioned that sidewalks were shown on the plans and asked Mr. Salomon where those will be located.

Mr. Salomon explained that sidewalks will be installed on the property, as well as on Howard and Newcastle Streets.

Commissioner Butler asked if the proposed development would be a permitted density and coverage in any of the residential districts.

Mr. McDonald stated that it would not. He explained that the smallest lots allowed are in R-5, which still has a requirement of 50 feet of width. He added that this is why Mr. Salomon is taking the route of a planned development versus asking to be re-zoned to a residential district. Mr. McDonald also pointed out that this proposed development is very similar to other residential planned developments, like those on Alder Circle and White Dr., that have been previously approved by the Commission.

Commissioner Steinberg asked Mr. McDonald if the parking requirements are based on the requirements for a single-family home and not a planned development.

Mr. McDonald confirmed this. He reiterated that 4 parking spaces will be provided for each property, which is the same requirement as for all other residential zoning districts within the city. He added that technically the garage can count as the two car space requirement, meaning that the proposed development actually exceeds the parking requirements.

Commissioner Steinberg asked Mr. McDonald if each property will be required to maintain the water in the back of their yard.

Mr. McDonald explained that in 2007 the City adopted a no net fill requirement stating that all houses must be built 12 inches above the base flood elevation, and that they each individually handle their own drainage by sending it to the street in front of them.

Commissioner Stiggins asked Mr. McDonald if the rebuilding of the street will include storm water drains and curbs that will alleviate the existing issues that the residents spoke to.

Mr. McDonald informed the Commission that the City's Rebuild Program focuses on drainage, and those issues are usually addressed prior to completion of the street.

Commissioner Stiggins asked if the designs would take into account the added run-off from both the commercial properties and the residential.

Mr. McDonald stated that he cannot speak for the City Engineer, but he assumed that would be the case.

Commissioner Skinner pointed out that a gas line is mentioned in one of the diagrams provided and asked if there had been any further investigation of that.

Mr. Salomon explained that this resulted from an old and incorrect survey, he assured the Commission that there is no gas line present.

Commissioner Skinner wanted clarification that there would not be any additional parking for the development other than the garages and two extra spaces that will be present on each property.

Mr. Salomon confirmed this. He added that the driveways will measure 25 feet deep by 16 feet wide.

Commissioner Skinner was concerned about the parking as well as the drainage, and asked if the drainage would be addressed at the next step of the process.

Mr. Salomon explained that the drainage will be reviewed once the planned development is approved.

Commissioner Skinner asked Mr. Salomon why he chose the design he did as opposed to a cul-de-sac like Alder Circle.

Mr. Salomon explained that there are a lot of advantages to constructing a development without a private street, such as, it cuts down on impervious cover, increases the lot sizes, and does not require the installation of private utilities. He stated that the bottom line is that the creation of a private street leads to added costs for the homeowner and a reduction in the amount of available room for development.

Mr. McDonald mentioned that the size of the property is not very conducive to the installation of a cul-de-sac, and also clarified that Bellaire doesn't allow private streets, so any street installed must abide by the public street requirements.

Commissioner Skinner asked Mr. Salomon if he would update the survey for the next meeting.

Mr. Salomon stated that would do that.

Commissioner Skinner asked Mr. McDonald if the homeowners within 200 feet of the property were notified properly.

Mr. McDonald informed the Commission that the notices were mailed to the property owners and tenants within 200 feet. He also stated that it was published in the newspaper and that signs were put up on the property.

Vice Chairman Thorogood asked Mr. McDonald what could be constructed on this property by right.

Mr. McDonald explained that the height-setback plane would have to be applied to any development that was constructed on this property, but that 40 feet of building height and 75% lot coverage would be allowed by right.

Vice Chairman Thorogood asked Mr. Salomon if any of the homes would have zero lot lines.

Mr. Salomon confirmed that all but the two homes closest to the proposed medical facility will have zero lot lines.

Vice Chairman Thorogood asked Mr. McDonald if there were currently any zero lot line homes within the City, other than the older town homes.

Mr. McDonald stated that there might be a couple on White Drive.

Vice Chairman Thorogood mentioned that Newcastle is a very high-trafficked street and wanted clarification that Mr. Salomon was not providing for any kind of off-street parking.

Mr. Salomon assured the Commission that he was not.

Vice Chairman Thorogood asked what the setback requirement is within the R-4 Zoning District and what the setbacks will be within the proposed planned development.

Mr. McDonald stated that the requirement within R-4 is 25 feet, the same as what Mr. Salomon is proposing.

Vice Chairman Thorogood wanted clarification that sidewalks would be included within the planned development's construction on both Newcastle and Howard.

Mr. Salomon confirmed this, and stated that it was his understanding that the installation of sidewalks is a requirement.

Mr. McDonald agreed that for single-family developments/subdivisions sidewalks are a requirement. He added that for individual homes it depends on the street that the home is being constructed on.

Vice Chairman Thorogood asked Mr. Salomon what he believed these proposed homes would sell for within Bellaire.

Mr. Salomon felt that they would sell for somewhere between \$500,000 and \$600,000.

Vice Chairman Thorogood asked Mr. Salomon if he planned to have raised foundations.

Mr. Salomon informed the Commission that the property is not within the 100 year floodplain, so the construction would be slabs on grade.

Vice Chairman Thorogood asked what landscape and design standards apply within the CMU.

Mr. McDonald explained that there are some landscaping standards that apply, but most of the design standards are with regard to commercial properties.

Chairman Frazier asked Mr. McDonald if the plans that the City has for the streets is part of the Rebuild Bellaire Program.

Mr. McDonald stated that he could not speak to that, but could have the answer for the Commission by the next meeting.

Chairman Frazier informed the public that written comments regarding this application will continue to be accepted until November 12th, at 5:00. PM.

Motion: a motion was made by Vice Chairman Thorogood and seconded by Commissioner Steinberg to close the public hearing.

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

The public hearing was closed at 7:18 PM.

(Requested by John McDonald, Community Development)

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

1. Presentation and discussion with Gary Mitchell of Kendig Keast Collaborative on the current status of the 2009 Comprehensive Plan and the process to update it.

Mr. McDonald explained that it is time for the Commission to conduct their 5 year review of the City's 2009 Comprehensive Plan, and informed them that Mr. Gary Mitchell of Kendig Keast Collaborative was present to give the Commission an idea of the time frame of the project and which sections he plans to focus in on.

Mr. Mitchell stated that the intent is for the update to feed into the next budget process, and will include November and December workshops before the Commission, a public forum in January, a public hearing before the Commission in February or March, and finally a public hearing before City Council in May. He explained that the purpose of this review is to look for things that have already been accomplished, information that is out of date/no longer relevant, facts and figures that need to be updated, and new/emerging issues that need to be addressed. Mr. Mitchell then opened it up for discussion to determine what issues the Commission would like to take a look at during the review process.

Mr. McDonald pointed out that the UV-T was created with the idea that there would be a rail line running through it. He stated that the rail line will not be happening any time soon, and that needs to be addressed within that district. He also mentioned the mobility issues that staff will be addressing in the near future, and that the chapter on mobility needs to be "buffed up." Mr. McDonald added that the Parks Department is updating their Master Plan to be included in the Comprehensive Plan as an appendix.

Mr. Mitchell pointed out that the Teas property and Evelyn's Park would be two things that will need to be looked at.

Commissioner Simmons mentioned that there has recently been an increase in residential construction within the City and stated that those numbers need to be taken into account. He also stated that the Bissonnet Corridor inside the loop appears to be more commercial development, property is being purchased and sold along the corridor and he expects that area to continue expanding.

Chairman Frazier mentioned that the City has been focusing a lot on economic development and felt that this may be something that the Commission needs to think about during the process.

Commissioner Steinberg stated that parking continues to be an issue throughout the City and should be reevaluated. He also felt that there is a strong demand for restaurants within the city but doesn't know how the Commission would be able to address that.

Vice Chairman Thorogood hoped that there would be a perspective presented from staff regarding what they see and hear from the development community. He also stated that he would like for the Commission to get information on the number of building permits that have been issued within the city since the Comprehensive Plan was put in place. Vice Chairman Thorogood pointed out that property values within the City have increased since 2009, and could begin to seriously limit housing choices due to those increasing values.

Mr. McDonald informed the Commission that lots are very hard to come by within the City right now, and that prices are continuing to rise.

Vice Chairman Thorogood mentioned that there is a lot of pressure for schools within the city, and is something to take into consideration during review of the plan.

Mr. McDonald pointed out that the Mandarin School will be moving in the near future and that the school district could choose to sell that property. He stated that the zoning for that land needs to be determined now before it turns over.

Commissioner Stiggins asked Mr. Mitchell if there were areas of the Comprehensive Plan that the Commissioners need to review more than others.

Mr. Mitchell suggested that the Commissioners skim the entire document again to look for the bigger issues that need to be addressed. He added that he would be looking at the facts and figures. Mr. Mitchell mentioned that the Commissioners may also want to think about factors that have come up during zoning or subdivision cases.

Chairman Frazier asked Mr. Mitchell if there was anything that other cities are doing that stands out in his mind as something that the City of Bellaire may want to look into.

Mr. Mitchell mentioned that there is currently a nationwide emphasis on healthy living. He also stated that the biggest concern within cities the size of Bellaire is redevelopment. Mr. Mitchell informed the Commission that transit is a hot issue in some areas, as is the relocation of families to a more central location.

Commissioner Skinner reiterated that lots within Bellaire are hard to find and asked if the creation of more single-family lots within the City would be a possibility.

Mr. Mitchell mentioned that it was a hot topic previously, and he felt that it would come up in conversation again.

Mr. McDonald agreed that there is a high demand for single-family, but pointed out that the housing type within the city needs to be diversified. He also informed the Commission that there are some big developments wanting to come into the commercial districts that may be taken off the table if re-zoned to residential.

Commissioner Butler pointed out that the City has mastered the land use aspect of the plan, but has no character piece for the streets.

Mr. Mitchell stated that the character of the streets was actually discussed at length during the CMU and UV-D re-zoning project. He then mentioned other areas that he felt needed to be looked into. These included:

- The City's Fire station and other city facilities
- New development in the City of Houston at the corner of Rice and Westpark
- 610 Frontage Road
- The Bellaire Business Alliance coming back to life

Commissioner Steinberg also mentioned a proposed overpass from 59 that would extend past Fournace, but stated that he doesn't know what the status on that project is at this point.

Chairman Frazier stated that the Commission is looking forward to working with Mr. Mitchell again, and thanked him for continuing to help the City of Bellaire.

2. Notification requirements for public hearings as set forth in the Code of Ordinances, Chapter 24, Planning and Zoning, Article VI, Amendatory Procedure, Sec. 24-610 Publication., generally, with specific reference to the notification zone in reference to proposed new Bellaire High School.

Mr. McDonald introduced the item, stating that it had previously been on the Commission's August agenda. He added that the Commission asked that staff do a survey of other cities to determine what their notification process is, and found that most go by the state law of 200 feet. Mr. McDonald stated that Commissioner Butler had prepared some materials that he wished to share with the Commission regarding this item.

Motion: a motion was made by Commissioner Butler and seconded by Commissioner Skinner to request staff to bring forward an amended version of Section 24-610 A & B of the City of Bellaire Code of Ordinances to require notification of 500 feet.

Commissioner Butler informed the Commission that he had done some research based on previous notifications and had prepared a diagram depicting the number of homes that would be notified based on which district of the City the property is located in, and the notification distance requirement that is in place. He stated that in his opinion the notification distance needs to go out a block and a half, on average. Commissioner Butler mentioned that once the City gains access to the GIS software, it will be as simple as the click of a button. He informed the Commission that he did find a couple of other cities that do go beyond 200 feet. He explained that he reached the 500 feet suggestion by taking the average block depth, back fence to back fence, and adding half. He added that the state law governing the notification requirement was established many years back and that Bellaire should

strive be more than just average when it comes to the impact that changes will have on its residents.

The Commission members thanked Commissioner Butler for preparing the diagram and doing research on the subject.

Commissioner Simmons mentioned that it would be nice to have a two-pronged requirement, 500 feet, or a certain percentage of houses.

Mr. McDonald pointed out that the City does not currently have the GIS software that Commissioner Butler mentioned, and is not sure when staff will be getting access to that technology. He also stated that less residential properties will be hit when the applicant has a larger parcel of commercial property.

Vice Chairman Thorogood pointed out that there is obviously a problem with the current notification process, and that every resident that would be impacted by a change should be notified. He agreed that it will make staff's life harder, and felt that the City should get serious about obtaining a license for the GIS software.

Commissioner Skinner stated that the transparency is not where it needs to be.

Commissioner Stiggins questioned whether increasing the distance requirement is attacking the problem in the right way. He pointed out that the issue deals more with getting the residents involved with what is going on in their city.

Commissioner Steinberg agreed with Commissioner Stiggins. He stated that he would support any changes made to the requirement, but felt that the Commission was shooting for a goal that is unobtainable.

Commissioner Simmons pointed out that information regarding the additional funding that will be required needs to be part of the Commission's recommendation to Council.

Chairman Frazier agreed that it is very unlikely that the City will be able to reach every resident who feels they will be impacted by a decision being made, but felt that the Commission should at least do their due diligence in trying.

Commissioner Butler informed the Commission that obtaining a GIS license has already been factored into the budget.

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

3. Chapter 24, Planning & Zoning, Article V, Zoning Regulations, Division 1, Zoning Districts and Regulations of General Applicability, Section 24-515, Special Off-Street Parking Regulations, of the City of Bellaire Code of Ordinances, with respect to boats or trailers, etc. Being Parked In the rear of residential properties.

Mr. McDonald explained that this item had been on a previous agenda after the City received a complaint from a resident regarding a boat being parked in the rear of a property. He reiterated that this is not allowed in most parts of the city, only on streets with through lots.

Mr. McDonald and Attorney Petrov agreed that this gets into the issue of non-conforming rights and explained that any regulations created would be hard to enforce. They informed the Commission that as long as a resident doesn't remove

their boat, trailer, etc for 6 months or more then they reserve the right to continue that use. Mr. McDonald informed the Commission that they could amend the code as they feel necessary, the question deals with how effective it will really be.

Chairman Frazier mentioned the conversation that the Commission had previously regarding the requirement that the vehicle be operable.

Mr. McDonald informed the Commission that the City does currently have a junked vehicle ordinance.

Commissioner Skinner asked Mr. McDonald how many complaints the City gets regarding these types of vehicles being parked in a residential driveway.

Mr. McDonald stated that this is the first complaint that he has gotten in almost 6 years.

Chairman Frazier felt that at this point there is really no problem that needs to be resolved, and stated that the Commission can revisit this subject in the future if need be.

(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 there are currently no outstanding PDs or SUPs to be reviewed. He added that the plans for Bellaire High School have been pushed back, and that it looks as though they will not be submitting anything to the City until around 2017.

Commissioner Butler mentioned that the Cultural Arts Board will be presenting their master plan to City Council on November 3rd.

Commissioner Skinner thanked the rest of the Commission members for getting on board with the proposed changes to the notification requirements.

Chairman Frazier asked what the date was for the Nature Discovery Center Gala.

Commissioner Skinner stated that it would be held on November 21st.

Chairman Frazier urged the public to participate in the event, as it is supporting a good cause.

Commissioner Skinner also informed the Commission that the Wine and Tapas event for the Patrons of Bellaire Parks is on April 25th.

Commissioner Stiggins asked what the status was on the re-zoning of Larch Lane.

Mr. McDonald explained that the idea for that project was to change the rules in order to encourage redevelopment, which is already happening without any changes being made.

Commissioner Simmons asked if the developments on Larch Lane are town homes.

Mr. McDonald stated that they are duplexes.

Commissioner Simmons also mentioned the re-zoning of Mulberry Lane and asked what the status was on that project.

Mr. McDonald explained that it is currently a dead zoning district and that the goal is to re-zone it to R-1 to encourage redevelopment. He informed the Commission that it is still on staff's list of upcoming projects.

Chairman Frazier thanked staff for the training events that had been provided to the Commission and stated that he felt they were very beneficial.

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 brought to the attention of the Commission.

X. ADJOURNMENT

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

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

The meeting was adjourned at 8:33 PM.