

CITY OF BELLAIRE TEXAS

PLANNING AND ZONING COMMISSION

JULY 14, 2015

Council Chamber

Regular Session

6:00 PM

7008 S. RICE AVENUE
BELLAIRE, TX 77401



Chairman

Mr. Winfred Frazier

Commissioner

Christopher Butler

Commissioner

Paul Simmons

Commissioner

Dirk Stiggins

Vice Chairman

Bill Thorogood

Commissioner

Marc Steinberg

Commissioner

S. Lynne Skinner

Mission Statement:

The City of Bellaire is dedicated to outstanding quality service and facilities to ensure an open, progressive, and secure community.

I. CALL TO ORDER**II. ANNOUNCEMENT OF QUORUM****III. REMINDER TO CITIZENS DESIRING TO ADDRESS THE COMMISSION****IV. APPROVAL OF MINUTES FROM PAST MEETINGS**

1. Planning and Zoning Commission - Regular Session and Workshop - Jun 9, 2015
6:00 PM

V. UNFINISHED BUSINESS, COMMUNICATIONS & REPORTS**VI. SWEARING IN OF NEW COMMISSIONERS (INCOMING COMMISSION ASSUMES DUTIES AND OUTGOING COMMISSION RETIRES)****VII. GENERAL PUBLIC COMMENTS**

- a. 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 (3) 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.

VIII. INCOMING COMMISSION

- a. Introduction of Incoming Commissioners
- b. Election of Chair and Vice Chair
- c. Adoption of the Rules of Procedure
 1. Rules of Procedure

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

- a. Appointment of a committee to complete the two-year review of the Commission's Rules of Procedure

X. REPORT OF STAFF, COMMITTEES AND CORRESPONDENCE

- a. Staff liaison report on the status of projects previously addressed by the Commission and upcoming project submittals.

XI. NEW BUSINESS

- a. **The Chair 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 on a future Agenda of the Commission or for referral to staff for investigation.**

XII. ADJOURNMENT



CITY OF BELLAIRE TEXAS

PLANNING AND ZONING COMMISSION

JUNE 9, 2015

**Council Chamber and Council Conference Room
6:00 PM**

Regular Session and Workshop

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

A. WORKSHOP SESSION-COUNCIL CONFERENCE ROOM

I. Call to Order

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

Chairman Win Frazier
Vice Chairman Bill Thorogood
Commissioner Christopher Butler
Commissioner Lynne Skinner
Commissioner Marc Steinberg
Commissioner Dirk Stiggins

II. Discussion on the Planning and Zoning Commission's Report and Recommendation to City Council commenting on the consistency of the Five-Year Capital Improvement Plan with the adopted Comprehensive Plan

Mr. McDonald explained that this workshop was for the purpose of reviewing the City Manager's proposed Capital Improvement Plan (CIP) to ensure that it is consistent with the values and goals that are present within the Comprehensive Plan.

Diane White, Assistant City Manager, informed the Commission that staff did get several comments from City Council regarding the CIP, and two major changes were made to the plan:

1. There will be no election for new bond authority until November of 2017, therefore, all 2017 projects will be pushed back to 2018.
2. Parks projects may not be funded through bonds-all parks projects listed on the CIP have been updated to reflect no funding source for the time being.

She added that another question is whether or not the City will sell the \$12.56 million for the municipal town square project this August, and that this will be determined by the outcome of the Ad Hoc Committee.

Commissioner Skinner mentioned a designated Economic Development position and asked that it be included in the plan.

Mr. McDonald explained that policies regarding economic development have not been accepted by City Council in the past, and felt that unless the Commission has a specific project in mind, the CIP may not be the appropriate avenue to address that. He added that things such as infrastructure improvements can have an auxiliary economic development benefit, but otherwise there are no specific economic development projects within the CIP.

Minutes Acceptance: Minutes of Jun 9, 2015 6:00 PM (Approval of Minutes from Past Meetings)

Ms. White reminded Mr. McDonald that there is \$5 million proposed for drainage improvements within the UV-T, which has been one of the main issues holding up development in that area.

Commissioner Stiggins mentioned a table entitled "City Center Revitalization" within the Mobility chapter of the Comprehensive Plan, and pointed out that it references "public realm and aesthetic enhancement." He stated that it shows that there is money within the CIP for those improvements and asked if that was true.

Ms. White explained that there is money in the budget to enhance and extend the esplanade if the transit center were to go away.

Mr. McDonald pointed out that it is listing the CIP as a potential funding source, and that the language Commissioner Stiggins was referring to is within the draft revisions to the Comprehensive Plan, not the adopted one. He added that if the Commission feels that street aesthetics need to be specifically addressed this would be the time to do so.

Ms. White reminded the Commission that there is \$3.7 million identified for the signature corner project, which will address aesthetics of the City.

Commissioner Butler reiterated that he would like for that project to be clarified to explain that it also includes an esplanade on South Rice Avenue down to Bellaire Boulevard.

Commissioner Stiggins stated that he would like to see more focus on aesthetics and mobility of streets within the City to make them more pedestrian and bicycle friendly.

Mr. McDonald explained that the City is involved in a mobility study that will address bicycle/pedestrian mobility and traffic counts to better understand movements within the City. He added that those results will help to create a more bicycle/pedestrian friendly atmosphere.

Ms. White explained that the Parks Board included language in their master plan with regard to tying into any bike trails that the City of Houston is working on.

Mr. McDonald suggested that the Commission ask that bicycle and pedestrian improvements be included in all new street improvements, when possible.

Commissioner Stiggins was concerned that the funding sources for the projects listed within the CIP are unclear, and suggested that 2015 be separated out from the rest of the chart due to the fact that it has already been budgeted.

Chairman Frazier felt as though many streets are desperately in need of lighting, and stated that he would like to see an increase in street lighting within the City.

Mr. McDonald stated that lighting has been discussed before, but there are many residents who do not want their streets lighted. He also mentioned that lighting is typically not included within the capital plan due to the fact that the City does not install it. He suggested that the Commission start by recommending an increase in lighting within the downtown area and work out from there.

Vice Chairman Thorogood explained that he had gone through the goals tables within the Comprehensive Plan and compared them to the projects that are listed in the CIP.

The Commission agreed that the following items from those tables should be addressed within the CIP:

- **Goal 3.1 #2-Pedestrian and Bicycle Network**
 - Redesign designated streets to emphasize pedestrian and bicycle movement and amenities
 - Install bicycle racks at key locations and buildings throughout the community
 - Prioritize intersections in the community that are heavily used by pedestrians and cyclists and implement safety improvements at intersections with the greatest safety concerns
- **Goal 3.1 #3-School Area Safety**
 - Prepare for future TxDOT Calls for Projects for the Texas Safe Routes to Schools program
- **Goal 5.2 # 1-Renewal of City Center to Provide the Small-Town Downtown Atmosphere Sought by Bellaire Residents**
 - Expand the Rebuild Bellaire Program to commercial areas, particularly to the City Center area
 - Provide physical improvements intended to present a unified image and visual definition of the City Center area. Examples include unified district identification and wayfinding signage
- **Goal 5.3 # 1-Upgrade the Quality and Appearance of Bellaire's Commercial Corridors to Match its Residential Neighborhood and Major Office Developments**
 - Design and construct signature gateway and streetscape treatments at high-profile entry points into Bellaire-**\$300,000 is currently allocated for Wayfinding and Entryway Markers. The Commission recommends including additional funding in future years.**
 - Install esplanades in place of continuous center turning lanes (e.g. on Bissonnet, South Rice Avenue) to control turning movements and increase safety and enhance corridor aesthetics through landscaping of the new esplanades

Commissioner Steinberg stated that he is in agreement with everything mentioned by the Commissioners, but felt that the Commission is basically creating a wish list of projects that are going to sit dormant and never be accomplished.

Mr. McDonald and Ms. White reiterated that the Commission will be able to re-visit the CIP every year for its consistency with the Comprehensive Plan, which will provide additional opportunities for projects that were never implemented.

III. General Public Comments

Lynn McBee-Ms. McBee stated that it does not seem as though the signature corner at South Rice Avenue is mentioned within the Comprehensive plan, and pointed out that this is an example of the City Council taking over the role of planning. She also mentioned that the bike trail is listed within the Parks Master Plan, but isn't specified within the CIP. Ms. McBee felt that City Council does not seem to be interested in taking action on these items with 6 months left in office. She also asked what happened to the public policy of sharing enhancement costs with property owners.

Commissioner Steinberg and Mr. McDonald explained that this policy has not been put in place by municipalities for decades due to the fact that it was found inequitable for public streets and that there must be a relationship between the road, the improvements, and the property.

IV. Adjournment

Chairman Frazier adjourned the workshop session at 7:00 PM.

B. REGULAR SESSION-COUNCIL CHAMBERS

I. Call to Order and Announcement of Quorum

Chairman Frazier called the Regular Session to order at 7:05 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	Absent	
Marc Steinberg	Commissioner	Present	
Dirk Stiggins	Commissioner	Present	
S. Lynne Skinner	Commissioner	Present	
Scott Eidman	Attorney	Present	
John McDonald	Director	Present	
Ashley Parcus	Secretary	Present	

II. Approval of Minutes from Past Meetings

1. Planning and Zoning Commission - Regular Session - May 12, 2015 6:00 PM

Chairman Frazier made one minor correction to the minutes.

Minutes Acceptance: Minutes of Jun 9, 2015 6:00 PM (Approval of Minutes from Past Meetings)

RESULT:	APPROVED AS CORRECTED [5 TO 0]
MOVER:	Dirk Stiggins, Commissioner
SECONDER:	S. Lynne Skinner, Commissioner
AYES:	Butler, Frazier, Steinberg, Stiggins, Skinner
ABSTAIN:	Thorogood
ABSENT:	Simmons

III. Reminder to Citizens desiring to address the Commission

Chairman Frazier reminded the citizens who wished to speak to the Commission to fill out a sign in sheet.

IV. General Public Comments

i. 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 (3) 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

There were no public hearings.

VI. Current Business (items for discussion, consideration, and/or possible action)

1. Docket #SU-2015-01-Application filed by Roy Harper AIA & Associates, Inc, on behalf of Crosspoint Church/West University Baptist Church, owner of the property at 4609 Bellaire Boulevard, for a Specific Use Permit, as required by Chapter 24, Planning and Zoning, Section 24-532 B. (2), to allow for the construction of a youth building to be used for youth worship, ecclesiastical education, and community activities. The property is located in the R-3 Zoning District.

Mr. McDonald mentioned that two public hearings were held on this item. He stated that during the first public hearing the surrounding residents voiced their concerns with the project and that the applicant made revisions to the site plan in order to address those concerns for the second public hearing. Mr. McDonald informed the Commission that no additional public comments have been received, and that staff recommends approval of the Specific Use permit.

Vice Chairman Thorogood mentioned that the east side of the property only shows a setback of 15 feet, but that 20 feet is required by code.

Mr. McDonald explained that they could easily replat and move the building over 5 feet, and suggested adding a condition that required the applicant to do so.

Vice Chairman Thorogood asked why this building was not being considered an accessory use, which would require that the lots be combined.

Mr. McDonald and Attorney Eidman agreed that this is considered its own use and therefore would not require replatting of the property into one.

Vice Chairman Thorogood felt that the City is treating residents differently than institutions and that those regulations should be looked at by the Commission.

Commissioner Skinner was concerned with lighting that will be installed on the property.

Mr. McDonald informed the Commission that those aspects will be looked at during the building permit phase, and assured the Commission that there are zoning regulations that will address it.

Chairman Frazier was concerned about the outside events that will be held at the center, and the amount of noise and traffic that those events will entail.

Mr. Harper assured the Commission that the church is not in the business of renting out the facility in order to make money. He added that no rules have been established with regard to the outside events.

Chairman Frazier suggested adding a condition stating that the use of the property by groups other than the church be limited to the number of hours consistent with the church's regular use and size consistent to the requirements of the City's Fire Code.

Chairman Frazier also asked about the positioning of the heating and air conditioning units and if they would be a nuisance to surrounding neighbors.

Mr. McDonald stated that the City's noise ordinance would address those concerns, if necessary.

Commissioner Butler asked that a condition be adding stated that no permanent speakers shall be installed in the rear of the building, and that all activities cease by 10:00 pm.

The Specific Use Permit was granted with the following conditions:

1. The building be moved in order to meet Bellaire's minimum setback requirements
2. Use of the property by groups other than the church are limited to the number of hours consistent with the church's regular use and size consistent to the requirements of the City's Fire Code.
3. That no permanent speakers shall be installed in the rear of the building and all activities shall cease at 10:00 pm.

RESULT:	APPROVED WITH CONDITIONS [UNANIMOUS]
MOVER:	Marc Steinberg, Commissioner
SECONDER:	Dirk Stiggins, Commissioner
AYES:	Butler, Frazier, Thorogood, Steinberg, Stiggins, Skinner
ABSENT:	Simmons

2. Approval of the Planning and Zoning Commission's Report and Recommendation to City Council regarding the Specific Use Permit application for Crosspoint Church.

The Commission voted unanimously to allow Chairman Frazier to revise the draft memo as necessary, based on the action taken by the Commission.

RESULT:	ADOPTED AS AMENDED [UNANIMOUS]
MOVER:	Bill Thorogood, Vice Chairman
SECONDER:	Christopher Butler, Commissioner
AYES:	Butler, Frazier, Thorogood, Steinberg, Stiggins, Skinner
ABSENT:	Simmons

3. Discussion, consideration, and possible action on the five-year update to the City of Bellaire's 2009 Comprehensive Plan, to include amendments to the Future Land Use Map, a review of the City's Goals and Guiding Principles, and the addition of a Parks Master Plan as an appendix.

Mr. McDonald stated that this is the basically the same document that was provided to the Commission at the last meeting, the only addition being the inclusion of a side bar that referenced potential population growth within certain areas of the City. He added that there was one public comment submitted by ChristChurch Presbyterian in support of their property being changed to a commercial designation on the Future Land Use Map. Mr. McDonald stated that Gary Mitchell, of Kendig Keast Collaborative, as well as the Director of Parks, Recreation, and Facilities, Karl Miller, were in attendance to answer any questions that the Commission might have.

Motion: a motion was made by Commissioner Stiggins and seconded by Commissioner Steinberg to approve the Five-Year Update to the Comprehensive Plan.

Commissioner Skinner asked Mr. Miller if there was any plan to install more shade covers on parks throughout the City.

Mr. Miller stated that they would like to begin installing them in some locations, and explained that he believed that it is listed within the Parks Master Plan.

Vice Chairman Thorogood was still concerned with the language included on page 5.17 of the Comprehensive Plan that opens up a discussion for the potential of commercial establishments on Loop 610. He added that the office buildings that are currently located there help to protect the surrounding residences, and that he did not feel comfortable even opening that up for discussion. Vice Chairman Thorogood also stated that he had been involved in several conversations that lead him to believe that Council would not be in favor of this language. He asked that the section be reworded to sound more generalized.

Mr. McDonald pointed out that it is the job of the Commission to send forward recommendations that they feel are appropriate regardless of what they believe the outcome will be at the Council level. He added that there has been interest in properties along 610, and felt that other possible uses should be evaluated. Mr. McDonald also explained that every property located on 610 is limited to the planned development that it is within, some of them being 30 years old and based on zoning districts that are no longer in place.

Mr. Mitchell also pointed out that if those businesses turnover, the current guidance of the plan is that those properties must stay an office designation.

Motion: a motion was made by Vice Chairman Thorogood and seconded by Chairman Frazier to strike all language under Consideration #1 on page 5.17, Regulation, of the Comprehensive Plan.

Commissioner Steinberg disagreed with Vice Chairman Thorogood. He stated that he has spoken with many residents who would like to see more entertainment, restaurants, etc in Bellaire. He felt that this paragraph gives developers some encouragement and that it should stay how it is.

Commissioner Stiggins agreed with Commissioner Steinberg that the paragraph should stay.

Commissioner Butler stated that he is comfortable leaving the language in if it will help the Commission fund the research/study, but added that he would like to see the language reworded to be more of a generalized statement.

Mr. McDonald suggested removing all language after "flexibility" within that paragraph.

Vice Chairman Thorogood amended his original motion to strike everything after "flexibility."

Chairman Frazier seconded the amended motion.

Vote: 5-1. The amended motion passed.

Commissioner Butler mentioned that Ms. McBee provided the Commissioners with a handout detailing several typos within the Parks Master Plan, as well as a few other suggestions. He agreed that the demographics between the Census estimate for 2013 and the actual population for the Census should be clarified.

Mr. Miller explained that Ms. McBee did send him the document and that he did make some minor revisions based on her suggestions.

Vote: 6-0. The Five-Year Update to the Comprehensive Plan was approved, with the revision made by Vice Chairman Thorogood.

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

4. Approval of the Planning and Zoning Commission's Report and Recommendation to City Council regarding the five-year update to the City of Bellaire's 2009 Comprehensive Plan.

The Commission voted unanimously to allow Chairman Frazier to revise the draft memo as necessary, based on the action taken by the Commission.

RESULT:	ADOPTED AS AMENDED [UNANIMOUS]
MOVER:	Bill Thorogood, Vice Chairman
SECONDER:	Marc Steinberg, Commissioner
AYES:	Butler, Frazier, Thorogood, Steinberg, Stiggins, Skinner
ABSENT:	Simmons

5. Approval of the Planning and Zoning Commission's Report and Recommendation to City Council commenting on the consistency of the Five-Year Capital Improvement Plan with the adopted Comprehensive Plan.

Chairman Frazier mentioned that the Commission held a workshop prior to the regular session in order to further discuss the Capital Improvement Plan's consistency with the Comprehensive Plan. The Commission felt that the following goals listed within the Comprehensive Plan need to be addressed within the CIP:

- Goal 3.1 #2-Pedestrian and Bicycle Network
- Goal 3.1 #3-School Area Safety
- Goal 5.2 #1-Renewal of City Center to Provide the Small-Town Downtown Atmosphere Sought by Bellaire Residents
- Goal 5.3 #1-Upgrade the Quality and Appearance of Bellaire's Commercial Corridors to Match its Residential Neighborhood and Major Office Developments.

Additionally, the Commission wished to see the following items addressed within the plan:

- Clarification that the signature corner project also includes an esplanade on South Rice Avenue
- Consideration of moving the library construction up by at least one year.
- The installation of increased lighting within the downtown area/throughout the City
- Economic Development-Consideration of programs that benefit the commercial areas as well as the residential

The Commission voted unanimously to allow Chairman Frazier to revise the memo as necessary, based on the items listed above.

RESULT:	ADOPTED AS AMENDED [UNANIMOUS]
MOVER:	Marc Steinberg, Commissioner
SECONDER:	Christopher Butler, Commissioner
AYES:	Butler, Frazier, Thorogood, Steinberg, Stiggins, Skinner
ABSENT:	Simmons

VII. Committee Reports

There were no Committee Reports.

VIII. Correspondence

There was no correspondence.

IX. Requests for New Business, Announcements, and Comments**i. 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 Council was given an update regarding revisions to the Comprehensive Plan, specifically the changes being made to the Future Land Use Map.

ii. The Chairman shall recognize any Commission 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 on a future agenda of the Commission or for referral to staff for investigation.

Commissioner Butler asked that staff put the proposed changes to the Comprehensive Plan up on the City website, along with a side-by-side comparison of the revisions to the Future Land Use Map.

Mr. McDonald stated that there is currently a page on the website dedicated to the Comprehensive Plan and that staff would add information about the update to that. He added that he would look into how a side-by-side comparison of the map could be created.

Commissioner Steinberg asked that a "Notify Me" be sent out informing residents that the information is available.

Mr. McDonald informed the Commission that staff would do their best to advertise this information.

X. Adjournment

Motion: a motion was made by Vice Chairman Thorogood and seconded by Commissioner Skinner to adjourn the Regular Meeting.

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

The meeting was adjourned at 8:33 PM.

**Planning and Zoning
Commission**

City Council Chambers, First Floor of
City Hall
Bellaire, TX 77401



Meeting: 07/14/15 06:00 PM
Department: Development Services
Category: Policy
Department Head: John McDonald
DOC ID: 1629

**SCHEDULED
ACTION ITEM (ID # 1629)**

Item Title:

Rules of Procedure

Background/Summary:

The Commission is required to adopt the Rules of Procedure at the beginning of each new term.

A copy of the current rules are attached.

ATTACHMENTS:

- Rules of Procedure 2014 (PDF)



Rules of Procedure

Planning and Zoning Commission

City of Bellaire, Texas

2014

Adopted: July 2014

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Article I Purpose and Enabling Authority

Section A General

The Planning and Zoning Commission of the City of Bellaire, Texas (the “Commission”) is an advisory body to the City Council regarding Zoning and subdivision regulations. The Commission is also responsible for the review and approval/rejection of Plats and for making recommendations to the City Council regarding plans for the physical development of the City.

The existence of the Commission is governed by state and local laws. These include, but are not limited to:

Texas Local Government Code, Chapter 171, *Regulation of Conflicts of Interest of Officers of Municipalities, Counties and Certain Other Governments*

Texas Local Government Code, Chapter 211, *Municipal Zoning Authority*

Texas Local Government Code, Chapter 212, *Municipal Regulation of Subdivisions and Property Development*

Texas Government Code, Chapter 551, *Open Meetings Law*

Texas Government Code, Chapter 552, *Public Information*

Bellaire Code of Ordinances, Chapter 2, Article VI, *Code of Ethics*

Bellaire Code of Ordinances, Chapter 2, Article VII, *Boards, Commissions and Committees*

Bellaire Code of Ordinances, Chapter 23.5, *Land Subdivision Regulations*

Bellaire Code of Ordinances, Chapter 24, *Planning and Zoning*

Section B Advisory Role

Actions taken by the Commission in its advisory role are in the form of recommendations to the City Council. Such actions include, but are not limited to:

Responding to requests from the City Council, the Staff Liaison, or City Manager.

Reviewing the Comprehensive Plan and reporting on such review to the City Council.

Recommending amendments to the Code of Ordinances concerning matters involving land use regulations and the future growth and regulation of the City.

Considering Applications brought before the Commission for planned developments, Specific Uses, permitted uses, or other amendments to Zoning regulations or the official zoning district map as provided by the Code of Ordinances.

Annually reporting to the City Council the Commission's needs, accomplishments, and recommendations.

In its advisory role, the Commission communicates with the City Council by requesting that the City Manager, Mayor, or any Council Member place an appropriate item on a City Council meeting agenda and, if warranted, in writing. When appropriate, the Commission should request an opportunity to present information at a regular meeting of the City Council or other appropriate venue. Successive applications by the same party on the same subject matter shall be governed by the Code of Ordinances.

Section C Administrative Role

The City Council has specifically delegated exclusive authority to the Commission for the review and approval/rejection of Plats. Actions by the Commission regarding Plats are final and cannot be appealed to the City Council, but may be appealed to other judicial authorities. The authority delegated to the Commission includes, but is not limited to:

- Applications for a preliminary Plat
- Applications for a final Plat
- Applications for a preliminary Replat
- Applications for a final Replat
- Applications for an Amending Plat

No formal requests for advice or moot questions will be considered by the Commission. Any advice, opinion or information given by any Commissioner or by the Secretary or any other official or employee of the City of Bellaire shall not be binding on the Commission.

Article II Definitions

Agenda

A document listing and describing items of business and other matters to be addressed at a meeting of the Commission, duly established and published in accordance with the Open Meetings Act, Chapter 551 of the Texas Government Code.

Amending Plat

A modification of an existing Plat that is controlling over the preceding plat without vacating that plat, pursuant to Texas Local Government Code, Chapter 212. In the case of an Amending Plat governed by Texas Local Government Code, subsections 212.016(a)(7, 9, 10 or 11), such Amending Plat may not amend or remove existing covenants or Deed Restrictions. Notice, a hearing, and the approval of other lot owners are not required for the approval and issuance of an Amending Plat. See also Replat and Plat.

Applicant

A person or entity (or the duly appointed agent or representative of a person or entity) that presents to the Commission an Application for action or decision within the authority of the Commission.

Application

A request made to the Commission for action or decision within the authority of the Commission that is presented in compliance with the Code of Ordinances and the requirements of the Office of Community Development of the City.

City

The City of Bellaire, Texas.

Commissioner

A person duly appointed by the City Council to serve on the Commission in accordance with Section 24-302 of the Code of Ordinances.

Committee

A group appointed by the Chair to address a specific issue of interest to the Commission. Committees may be composed of Commissioners and/or other persons with helpful knowledge or expertise. Committees shall not include any number of Commissioners that would constitute a Quorum of the Commission.

Comprehensive Plan

A present statement of policy and a guide for future land use decisions, adopted as an ordinance by the City. See Section 24-401 of the Code of Ordinances; 24-403 (Official Zoning District Map).

Council Liaison

A member of City Council appointed by City Council to act as a liaison between the Commission and City Council.

Current Business

Any matter that is on the Agenda to be addressed at a Regular Meeting or Special Meeting of the Commission, for consideration and possible action at such meeting.

Deed Restrictions

An existing and valid recorded covenant or restriction affecting the use of a property. The Commission may not approve a Replat, or an Amending Plat governed by Texas Local Government Code, Section 212.016(a)(10), if such approval would result in the amendment or removal of a Deed Restriction.

Easement

The lawful right that one person or entity has to use the property of another person or entity, for a specific or general purpose, for a definite or indefinite term, as further defined in Chapter 24 of the Code of Ordinances.

New Business

Any matter to be considered for inclusion as Current Business on the Agenda of a future Regular Meeting or Special Meeting of the Commission. No action may be taken on New Business, other than to designate it as Current Business on the Agenda of a future Regular Meeting or Special Meeting of the Commission, to be properly noticed in accordance with the Open Meetings Act, Chapter 551 of the Texas Government Code. New Business may also be designated as the subject of a future Commission Workshop.

Plat

A document, which may include a graphic description of a tract of land by metes and bounds, giving the dimensions of all Easements, setbacks, subdivision names, streets, alleys, squares, parks and other public areas, and giving the dimensions of all lots or tracts contained therein, pursuant to Texas Local Government Code, Chapter 212 and the Code of Ordinances. The Commission is not permitted to consider existing covenants or Deed Restrictions when considering a request for approval of a Plat. See also Amending Plat and Replat.

Public Hearing

A meeting or an Agenda item on a meeting of the Commission to receive comments of any interested person or entity concerning the following: (i) any amendment to the Code of Ordinances prior to formal recommendation by the Commission to the City Council in the Commission's advisory role; (ii) certain Replats; (iii) any other item of business requiring the use of a Public Hearing; or (iv) any item of business that the Commission deems in its sole discretion to be conducive to the conduct of a Public Hearing.

Quorum

A Quorum of the Commission is any four or more Commissioners.

Regular Meeting

A meeting of the Commission held pursuant to an Agenda. Regular Meetings of the Commission are held on the second Tuesday of each month in the Council Chambers of the City, 7008 South Rice Avenue, Bellaire, Texas or at such other location as designated by the Agenda.

Replat

A proposed modification of an existing Plat pursuant to Texas Local Government Code Chapter 212 and the Code of Ordinances. A Replat may not amend or remove existing covenants or Deed Restrictions. See also Amending Plat and Plat.

Rules

These Rules of Procedure of the Commission of the City.

Special Meeting

A meeting of the Commission, other than a Regular Meeting, held pursuant to an Agenda.

Specific Use

A certain use of land that, because of its nature and existing location, is not a use permitted by right.

Staff Liaison

A City staff person appointed by the City Manager of the City in accordance with Section 24-304 of the Code of Ordinances. The Staff Liaison provides assistance to the Commission and is also known as the Zoning Official.

Workshop

A meeting of the Commission called for the purpose of discussing a specific issue of interest to the Commission. No Current Business may be voted upon at a Workshop.

Zoning

A power over division of land and its use granted to a City pursuant to Chapter 211, Texas Local Government Code, for the purpose of promoting the public health, safety, morals, and/or general welfare, and protecting and preserving places and areas of historical, cultural, or architectural importance and significance.

Zoning District

A geographic division of land by means of land use Zoning.

Zoning Official

See Staff Liaison.

Article III Membership / Structure

Section A Appointment and Removal of Commissioners; Conflicts of Interest

Membership on the Commission is by appointment made by the Mayor and the City Council of the City, pursuant to the Code of Ordinances.

The Commission consists of seven (7) Commissioners. Each Commissioner shall serve for two (2) years. Three (3) Commissioners are appointed in odd numbered years and four (4) in even numbered years. No Commissioner shall be appointed to serve more than three (3) consecutive full terms; any part of a term shall not constitute a full term.

Commissioners may be removed by City Council for cause after being provided with written charges and the opportunity to provide a defense at a City Council meeting in a closed session or,

at the option of the Commissioner in question, at a public hearing. Vacancies shall be filled by the Mayor and City Council as necessary.

No Commissioner shall vote or participate as a Commissioner in any proceeding before the Commission that involves any matter involving a business entity or real property in which that Commissioner has a substantial interest. If a substantial interest exists, the affected Commissioner shall disclose the nature and extent to the Commission by affidavit and remove him- or herself from any participation in the discussion, deliberations, or action on the matter. The specific rules for determining when a substantial interest exists and how it must be handled are defined in §171.002 and §171.004 of the Texas Local Government Code, the Code of Ordinances, Chapter 2, Article VI, Code of Ethics, and Code of Ordinances, Chapter 2, Article VII, Division 2, §2-104.

Section B Officers of the Commission

The officers of the Commission are the Chair and Vice Chair.

At the first or second Regular Meeting of each year following the regular appointment of Commissioners, a Chair and Vice-Chair shall be elected from among the Commissioners pursuant to the Code of Ordinances. The previous year's Chair shall preside over the election of the Chair, who shall immediately assume his or her duties and preside over the election of the Vice-Chair. If the Chair is a candidate for reelection, a temporary Chair shall preside over the election of the Chair.

In the event that either officer shall fail to complete his or her term of service for any reason, a new officer shall be elected to the vacated position at the next Regular Meeting.

Section C Chair's Duties

The Chair shall preside over each meeting of the Commission. To this effect the Chair:

Shall conduct meetings in an orderly, fair, and open manner.

Shall oversee preparation of the Agenda for each meeting of the Commission as provided in Article IV Section A.

Pursuant to authorizations given by the Commission, the Chair shall:

Sign Plats

Submit findings and recommendations of the Commission to be forwarded to the City Council

Prepare certifications of reasons for approval or denial of Plats requested by interested persons, in accordance with state law

Correspond with the City Manager, Staff Liaison, Council Liaison, City Council, City Departments, or other boards or commissions as directed by the Commission

At his or her discretion, request investigation by City staff regarding comments or questions brought by or to the attention of the Commission

Section D Vice Chair's Duties

The Vice Chair shall preside in the absence of the Chair. In the event of the absence or disability of the both the Chair and Vice Chair, the Commissioners shall elect an Acting Chair to preside during such absence. The Vice Chair or Acting Chair shall perform all of the acts required of the Chair until his or her return or replacement.

Article IV Agendas and Meetings

Meetings of the Commission shall be conducted in such a manner as to allow for a fair and orderly examination of the issues before the Commission.

Meetings shall generally be conducted in accordance with parliamentary procedure as set out in the latest edition of Robert's Rules of Order unless otherwise specified by these Rules. However, breach of Robert's Rules of Order, in and of itself, shall not render any action by the Commission invalid.

The order of business for specific types of meetings is established in this Article. At any meeting, the order in which Agenda items are addressed may be altered by the Chair.

Section A Establishment of the Agenda

Items for consideration and/or action by the Commission may be placed on a meeting Agenda as follows:

By the Chair;

At the direction of the City Council or the request of the City Manager, Council Liaison, or the Staff Liaison;

By written request from any other board or commission of the City delivered to the Chair or the Staff Liaison; or

As required by state law or the Code of Ordinances.

No item may be submitted for inclusion on a meeting Agenda after noon of the seventh day preceding the date of such meeting.

Section B Types of Meetings

The types of meetings addressed by these Rules are as follows:

Regular Meetings

Special Meetings

Public Hearings

Commission Workshops

Committee Meetings

First Meeting of a New Commission

Section C Regular Meetings

The Agenda and conduct for a Regular Meeting of the Commission shall be as follows:

Call to Order and Announcement of Quorum

After confirming that everyone necessary to conduct business is ready; the Chair shall call the meeting to order, noting for the record the time and date that the meeting is called to order.

The Chair shall determine and announce the presence of a Quorum. The Chair should announce and the minutes should reflect the names of Commissioners present and absent.

Approval of minutes from Past Meeting(s)

Minutes from the previous meeting(s) shall be reviewed and may either be approved (i) as submitted; (ii) approved with corrections; or (iii) deferred to a future meeting to allow time for staff corrections and revisions.

Reminder To Persons Desiring To Address Commission

Persons desiring to be heard on a particular Agenda item and/or on any matter of general interest to the Commission shall be afforded the opportunity to speak in accordance with these Rules. The Commission shall make available at the entrance to the meeting place the "Personal/Audience Comments Form" by which persons shall indicate their desire to be heard.

The Chair shall remind persons desiring to address the Commission that each person who wishes to speak, other than in presenting an Application or other matter on the Agenda to the Commission or if invited by the Commission to offer expertise on a particular matter, must submit the "Personal/Audience Comments Form" and that comments are limited to three (3) minutes. This time limit may be extended to five (5) minutes at the discretion of the Chair. Generally, written requests to speak will be accepted before completion of any docket item under consideration. However, in the event that the Commission is considering an Application, written requests to speak must be submitted before the Chair calls for the response of the Applicant.

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 (3) minutes each to present their comments in an order determined by the Chair. This time limit may be extended to five (5) minutes at the discretion of the Chair. Persons shall be called in order determined by the Chair. Questions presented to the Commission may be referred to staff.

Current Business

The procedure for considering Applications that do not require a Public Hearing is as follows:

Presentation of the Application by the Applicant. The Applicant or agent(s) may make a presentation not to exceed fifteen (15) minutes in length.

Presentation of the Application by City Staff. Staff shall provide a presentation on the Application providing pertinent information and findings.

Response or Additional Comments from the Applicant. The Applicant may respond to the presentation by staff, public comments or make additional comments regarding the Application. Such response or additional comments shall be limited to five (5) minutes.

Discussion and Consideration by the Commission. The Commissioners shall each have an opportunity to question the Applicant at the close of his or her Response or Additional Comments (if any). Then each Commissioner shall have the opportunity for questions to staff, public speakers, and/or general discussion concerning the Application. Following discussion, the Application shall be considered for approval upon motion of any Commissioner, duly seconded.

Voting. Each Commissioner, including the Chair, is entitled to a vote on an Application. A motion to approve an Application passes upon votes in favor of the motion by a minimum of four Commissioners. In the event of a protest petition pursuant to Section 212.015 (c) of the Texas Local Government Code (regarding a proposed Replat requiring a variance), the vote required for approval shall be not less than 75% of the Commissioners present. Plats and Replats are approved unless denied.

Other items of Current Business for consideration and possible action by the Commission shall proceed similarly. In general, motions for action should be made in the affirmative.

Committee Reports

A member of a Committee may present a report to the Commission concerning any issue such Committee has been designated to address. All Committee reports shall be in writing and provided to the Commission prior to any oral report.

Correspondence

Staff shall report on correspondence received and/or other City business relevant and of interest to the Commission. Commissioners may also report on correspondence or other communications received concerning matters of interest to the Commission. All written correspondence that is discussed shall be provided for distribution to the Commission.

Requests for New Business, Announcements and Comments

Staff, the Chair, and/or Commissioners shall announce Committee schedules, the need for Public Hearings, discussions before or by the City Council relative to Commission matters, the need for Commission participation in Council meetings or Public Hearings, or any other matter of interest to the Commission. The Chair shall recognize any Commissioner who wishes to bring New Business to the attention of the Commission for future Agenda or staff action.

Adjournment

The Chair shall entertain or call for a motion to adjourn. The meeting is adjourned upon motion of any Commissioner, duly seconded, and a majority vote of the Commissioners present.

Section D Special Meetings

Special Meetings may be called by the Staff Liaison, the Chair or any two Commissioners, to occur at a time other than a Regular Meeting. Notice of a Special Meeting shall be given in conformity with the Texas Open Meetings Law and with the procedures of the City.

Section E Public Hearings

Staff shall promptly bring to the Chair's attention any matters that require a Public Hearing. The Chair shall announce the need for such a hearing to the Commission, which shall set a time and place for such hearing. A Public Hearing may be held during a Regular Meeting or a Special Meeting.

In the event of a joint Public Hearing called by the City Council, the time, venue, Agenda, and procedure for conduct of the meeting is determined by the City Council.

The conduct of a Public Hearing shall be as follows:

I. Presentation of the Public Hearing Process

The City Attorney or the Staff Liaison shall present the Public Hearing process to be followed.

II. Presentation by the Applicant

The Applicant or his or her representative(s) shall have fifteen (15) minutes to present his or her request to the Commission.

III. Staff Findings

City staff shall present findings and conclusions of each City department and/or consultant that reviewed the Application.

IV. Public Comments

Persons at the meeting who have indicated their desire to address the Commission by submitting the form provided shall have three (3) minutes each to present comments concerning the Application. This time limit may be extended to five (5) minutes at the discretion of the Chair with the consent of the Commission.

V. Response of Applicant

The Applicant may respond to staff findings, public comments or make additional comments regarding the request. Such response or comments shall be limited to five (5) minutes.

VI. Questions from the Commission

Each Commissioner shall have the opportunity to make inquiries of the Applicant, speakers or staff.

VII. Invitation for Written Comments, if applicable

The Chair shall announce that further evidence or comments from the public or from the Applicant shall not be received except in writing submitted to the Commission no later than a date certain (to be announced).

VIII. Closure of the Public Hearing

The Chair shall entertain or call for a motion to close the Public Hearing. The Public Hearing is closed upon motion of any Commissioner, duly seconded, and a majority vote of the Commissioners present.

Section F Commission Workshops

The Agenda and conduct for a Commission Workshop shall be established by the Chair and Staff Liaison. Current Business may not be voted upon at a Workshop.

Section G Committee Meetings

The order of business at a Committee meeting is wholly at the discretion of the Committee Chair.

Section H First Meeting of a New Commission

The first meeting of a new Commission shall be a joint meeting of the outgoing Commission and the incoming Commission. The Chair of the outgoing Commission shall call the meeting to order and shall preside until the Chair of the incoming Commission is elected. The meeting will be conducted in two parts according to the Agendas and conduct established by the Chair and Staff Liaison and shall include but not be limited to the following:

(1) Meeting of the Outgoing Commission

- I. Unfinished Business, Minutes, Communications and Reports
- II. Swearing In of New Commissioners (incoming Commission assumes duties and outgoing Commission retires)

Meeting of the Incoming Commission

The meeting of the incoming Commission shall proceed as a Regular Meeting, with Current Business to include (1) Introduction of Incoming Commissioners, (2) Election of Chair and Vice Chair, and (3) Adoption of Rules of Procedure.

Article V Docket Items

Section A Numbering Docket Items

Docketing procedures may be established by City staff in accordance with its needs and procedures, or as directed by the Commission.

Section B Minutes of Meetings

The City Manager shall provide staff to serve as Secretary for the Commission. The Secretary shall maintain a record of minutes of each Commission meeting. The Secretary shall indicate in the minutes which Commissioners were present and which were absent during all, or part of, each meeting. The minutes shall include a report of the proceedings and any action taken at each meeting, including the vote of each Commissioner on each motion before the Commission.

Article VI Administration of Rules of Procedure

Section A Adoption by Incoming Commission

The incoming Commission shall by majority vote adopt temporary or permanent Rules, which shall take effect immediately and remain in effect until amended.

Section B Amendments by Existing Commission

These Rules may be amended by a majority vote of the entire Commission as an item of Current Business.

Section C Review

These Rules shall be reviewed not less frequently than every two years. The adoption of these Rules by a new Commission shall not constitute such review.

Section D Committee on Rules

The Chair may appoint a Committee on Rules to conduct the required annual review of these Rules and to make recommendations to the Commission concerning the adoption and amendment of these Rules.

Article VII Hierarchy of Authority

If there is a conflict among various legal instruments, referenced documents, and these Rules of Procedure, the following hierarchy shall apply:

1. The Constitution and statutes of the United States of America
2. The Constitution and statutes of the State of Texas
3. The Charter of the City
4. The Code of Ordinances of the City

Adoption of Rules of Procedure

These Rules are adopted by the Planning and Zoning Commission of the City of Bellaire, Texas, on this, the 8th day of July, 2014.

Attest:

Chairman

History: 2013-2014 Term
Adopted by Commission July 8, 2014

2012-2013 Term
Adopted by Commission July 9, 2013

2011-2012 Term
Adopted by Commission July 10, 2012

2010-2011 Term
Amended November 8, 2011

2009-2010 Term
Adopted by Incoming Commission July 14, 2009

2008-2009 Term
Adopted by Incoming Commission July 8, 2008

2007-2008 Term
Adopted January 8, 2008
Amended March 11, 2008
Amended July 14, 2009