

# CITY OF BELLAIRE TEXAS

## PLANNING AND ZONING COMMISSION

SEPTEMBER 8, 2015

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Senior Activities Room

Regular Session

6:00 PM

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7008 S. RICE AVENUE  
BELLAIRE, TX 77401



### Chairman

Mr. Winfred Frazier

### Commissioner

Christopher Butler

### Commissioner

Paul Simmons

### Vice Chairman

Dirk Stiggins

### Commissioner

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 AND ANNOUNCEMENT OF QUORUM****II. APPROVAL OF MINUTES FROM PAST MEETINGS**

1. Planning and Zoning Commission - Regular Session - Jul 14, 2015 6:00 PM

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

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

1. Consideration of the Five-Year Review of the Planning and Zoning Commission's Rules of Procedure, as required by Article VI, Administration of Rules of Procedure, Section C, Review.

**VI. COMMITTEE REPORTS****VII. CORRESPONDENCE****VIII. 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.**
- 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**

**IX. ADJOURNMENT**



# 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**

### I. CALL TO ORDER

Chairman Frazier called the meeting to order at 6:01 PM.

### II. ANNOUNCEMENT OF QUORUM

Chairman Frazier 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	
Alan P. Petrov	City Attorney	Present	
Scott Eidman	Attorney	Present	
John McDonald	Director	Present	
Ashley Parcus	Secretary	Absent	

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

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

### IV. APPROVAL OF MINUTES FROM PAST MEETINGS

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

Vice Chairman Thorogood asked that his comment on page 7 of the minutes be changed to read "mixed-use including multi-family housing" instead of "commercial."

Commissioner Stiggins asked that his comment on page two of the minutes be changed to say "Commissioner Stiggins was concerned that the CIP document was unclear to residents, the numbers are large in many years. For the year 2015, the numbers actually represent the approved budget, whereas all other years are planning proposals. That difference is not apparent when one looks at the document."

Chairman Frazier asked that the language regarding the municipal bonds and the outcome of the Municipal Facilities Ad Hoc Committee, as well as the future of the Metro Transit Station be clarified. He also pointed out one scrivener's error.

Minutes Acceptance: Minutes of Jul 14, 2015 6:00 PM (Approval of Minutes from Past Meetings)

<b>RESULT:</b>	<b>APPROVED AS CORRECTED [6 TO 0]</b>
<b>MOVER:</b>	Dirk Stiggins, Commissioner
<b>SECONDER:</b>	S. Lynne Skinner, Commissioner
<b>AYES:</b>	Butler, Frazier, Thorogood, Steinberg, Stiggins, Skinner
<b>ABSTAIN:</b>	Simmons

## V. UNFINISHED BUSINESS, COMMUNICATIONS & REPORTS

There was no unfinished business, communications, or reports.

## VI. SWEARING IN OF NEW COMMISSIONERS (INCOMING COMMISSION ASSUMES DUTIES AND OUTGOING COMMISSION RETIRES)

Attorney Petrov swore in the three members who were being re-appointed, Win Frazier, Christopher Butler, and Bill Thorogood.

## 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.**

**Lynn McBee**-Ms. McBee suggested that the Commission revise their Rules of Procedure to increase the public comment time allowance from 3 to 5 minutes. She also mentioned that if the name of the Comprehensive Plan is changed, then it needs to be correctly reflected in the Rules of Procedure. Ms. McBee added that several years ago public comments during public hearings were categorized based on whether they were questions, general comments, pro, or con. She felt that the public hearing section needs to be rethought. Ms. McBee stated that she would like to see the Commission initiate its own planning, rather than waiting on staff to assign a project. Lastly, she pointed out that Comprehensive Plan is a "tilted presentation" when mentioning the City of Bellaire's incline/decline in population.

## VIII. INCOMING COMMISSION

### a. Introduction of Incoming Commissioners

Commissioner Christopher Butler introduced himself and thanked City Council for re-appointing him for two more years.

Commissioner Bill Thorogood also thanked the City for his re-appointment and stated that he is a CPA and a retired CFO. He mentioned that this is his second "go-around" and that he has spent 7 1/2 years on the Planning and Zoning Commission.

Commissioner Winfred Frazier stated that he has been on the Commission for several years and has also served the city in a couple of other capacities. He stated that he is delighted that the City Council has re-appointed him. Commissioner Frazier explained that he is legally trained as an attorney, but makes his money as the vice-president of a Fortune 500 company in marketing.

**b. Election of Chair and Vice Chair**

Commissioner Steinberg nominated Commissioner Frazier as Chairman of the Commission.

**Vote:** 7-0.

**Commissioner Frazier was elected Chairman of the Commission.**

Commissioner Thorogood nominated Commissioner Stiggins as Vice Chairman of the Commission.

Commissioner Simmons nominated Commissioner Thorogood as Vice Chairman of the Commission.

Commissioner Thorogood stated that he appreciated the nomination, but felt that it was important to give other Commissioners the opportunity to gain experience in the Chair and Vice Chair positions. He declined the nomination and felt that Commissioner Stiggins would do a great job taking over that title.

**Vote:** 6-0-1, with Commissioner Stiggins abstaining.

**Commissioner Stiggins was elected Vice Chairman of the Commission.****c. Adoption of the Rules of Procedure**

## 1. Rules of Procedure

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

**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**

Chairman Frazier, Vice Chairman Stiggins, and Commissioner Simmons volunteered to be on the committee that will complete a two-year review of the Planning and Zoning Commission's Rules of Procedure.

Commissioner Skinner mentioned that Councilman Friedberg gave an alternate definition of "economic development" at the Council meeting the night before and she felt that it should be incorporated into the Rules of Procedure.

Mr. McDonald stated that there is a "Definitions" section within the rules. He asked Commissioner Skinner to email the language to him and he would forward it out to the rest of the Commissioners for consideration.

Commissioner Thorogood asked if there was a certain timeframe that the committee should have it back to the Commission for review.

Mr. McDonald suggested that a workshop session be scheduled immediately prior to the September meeting, which would allow it to be presented and discussed during the regular meeting.

The Commission agreed.

## **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.**

Mr. McDonald informed the Commission that the previous night, City Council held a public hearing on the SUP for Crosspoint Church's youth worship building, which will be up for consideration at their August 3rd meeting. He added that H-E-B's planned development was approved by Council, and that they are in the process of applying for the abandonment of R.O.W, which is tentatively scheduled for Council's August 17th meeting. Lastly, Mr. McDonald informed the Commission that the Comprehensive Plan public hearing is scheduled for August 3rd, with consideration on September 14th.

Chairman Frazier asked if any new information came forward during Crosspoint Church's public hearing before City Council.

Mr. McDonald stated that there was an individual that spoke at Council's public hearing, who did not come before the Planning and Zoning Commission. He explained that the resident lives on Teas Street, and was concerned about overflow parking. Mr. McDonald mentioned that it is somewhat difficult for the City to regulate this issue. He also stated that there was a resident from Bellaire Court that came forward to explain that he has had some problems with the church in the past, but was able to meet with them to address those issues and work things out. Mr. McDonald stated that Council may be looking to add some more specific conditions, but overall he felt that it is looking favorable for approval at the August meeting.

Chairman Frazier asked if there was any new information on Bellaire High School.

Mr. McDonald explained that a few months ago a plan was pitched to the advisory group, but was essentially shot down. He stated that they have gone back to the drawing board and the last few meetings of the advisory group have been cancelled because there are no new plans ready to be pitched.

Commissioner Thorogood asked for an update on the Alder Circle development and the Bellaire Gardens subdivision.

Mr. McDonald explained that the first house on Alder Circle is under construction and that the City is in the process of reviewing about 4 or 5 other plans. He added that the builder for Bellaire Gardens has spoken with the City regarding building plans, but that nothing has been submitted yet.

Commissioner Thorogood asked if there was a time limit that the developer has to complete the project once it has been approved.

Mr. McDonald stated that there is really no time limit put on the approval of a project, however, building plans lapse 6 months after submittal.

Commissioner Thorogood asked if there was anything being proposed within the UV-T.

Mr. McDonald mentioned that the City has been in discussion with a couple of developers on new projects, as well as current tenants ensuring that their uses are allowed. He added that staff is seeing more and more interest in that area. Mr. McDonald explained that there have been several questions about TxDot and how the improvements at the 59 and 610 intersection are going to impact the ability to access those businesses.

Chairman Frazier mentioned that the Alder Circle development was approved several years ago, and is still not completed.

Mr. McDonald explained that Alder Circle was approved as a planned development, which essentially re-zoned the property based on that specific plan. He added that as long as the project continues to be developed as specified then it is fine.

Commissioner Stiggins mentioned an article in the newspaper implying that H-E-B is still looking for other property in Bellaire.

Mr. McDonald stated that H-E-B has not signed the final paperwork and is still entertaining other options. He added that before construction can be started, an agreement needs to be reached between H-E-B and the City in order to abandon the rights-of-ways. Mr. McDonald explained that they are essentially trying to avoid any commitments at this point, in case an issue arises that would prevent them from building on that property.

## **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.**

No new business was brought forward.

## **XII. ADJOURNMENT**

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

**Vote:** 7-0.

**The meeting was adjourned at 6:36 PM.**

**Planning and Zoning  
Commission**

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



Meeting: 09/08/15 06:00 PM  
Department: Development Services  
Category: Policy  
Department Head: John McDonald  
DOC ID: 1672

**SCHEDULED  
ACTION ITEM (ID # 1672)**

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**Item Title:**

Consideration of the Five-Year Review of the Planning and Zoning Commission's Rules of Procedure, as required by Article VI, Administration of Rules of Procedure, Section C, Review.

**Background/Summary:**

As required by Article VI, Section C, of the Commission's Rules of Procedure, a review of the rules must take place every five years. During the Commission's July 14th meeting, a committee was formed to complete this review. Any proposed changes will be brought before the Commission for a vote at the September 8th meeting.

A copy of the Commission's current Rules of Procedure is 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:**

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**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