

CITY OF BELLAIRE TEXAS

PLANNING AND ZONING COMMISSION

OCTOBER 13, 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

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 - Sep 8, 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 review of the Planning and Zoning Commission's Rules of Procedure, as required by Article VI, Administration of Rules of Procedure, Section C, Review.
2. Presentation and discussion by Commissioner Christopher Butler and John Monday on the long range planning approach of Citizens for ABeautiful Bellaire.

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

SEPTEMBER 8, 2015

Senior Activities Room

Regular Session

6:00 PM

7008 S. RICE AVENUE
BELLAIRE, TX 77401

I. CALL TO ORDER AND ANNOUNCEMENT OF QUORUM

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

Attendee Name	Title	Status	Arrived
Christopher Butler	Commissioner	Present	
Winfred Frazier	Chairman	Present	
Bill Thorogood	Commissioner	Present	
Paul Simmons	Commissioner	Present	
Marc Steinberg	Commissioner	Absent	
Dirk Stiggins	Vice Chairman	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 - Jul 14, 2015 6:00 PM

Commissioner Simmons made one minor correction.

RESULT: APPROVED AS AMENDED [UNANIMOUS]
MOVER: Dirk Stiggins, Vice Chairman
SECONDER: S. Lynne Skinner, Commissioner
AYES: Butler, Frazier, Thorogood, Simmons, Stiggins, Skinner
ABSENT: Steinberg

III. REMINDER TO CITIZENS DESIRING TO ADDRESS THE COMMISSION

Chairman Frazier mentioned that any member of the public desiring to address the Commission would need to complete a sign in sheet.

IV. GENERAL PUBLIC COMMENTS

Persons at the meeting who have indicated their desire to be heard on matters of general interest to the Commission by submitting the form provided shall have three minutes to present their comments. The Commission is not permitted to fully discuss, debate, or consider items that are not on the agenda. Questions presented to the Commission may be referred to staff.

There were no general public comments.

Minutes Acceptance: Minutes of Sep 8, 2015 6:00 PM (Approval of Minutes from Past Meetings)

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.

Chairman Frazier informed the Commission that he and Commissioner Stiggins had met as a subcommittee to review the Rules of Procedure and had several recommendations to share with the Commission. Other members also made several suggestions. The changes that were made to the document are as follows:

1. Addition of a bullet point within **Article I, Section B, Advisory Role**, to say, "To identify and explore community needs for such things as commercial re-development, city beautification projects, and other planning and development ideas that build on the goals of the Comprehensive Plan, and bring such ideas to the attention of City Council."
2. Addition of a paragraph within **Article I, Section C, Administrative Role**, to say, "The City Council has specifically delegated review and advisory authority to the Commission for Specific Use Permits (SUP), however, final approval of the SUP lies with City Council."
3. Replace the word "liaison" with the word "facilitator" within the definition of "Council Liaison."
4. Ensure that all defined terms are capitalized.
5. Addition of a paragraph under the definition of "Regular Meeting" to say, "If it should be necessary, because of the workload, that any Regular Meeting be continued to the following day, such a meeting will reconvene on the day following, and this second meeting shall be considered as part of the same session. The Planning and Zoning Commission shall state the time and location of the second meeting prior to the conclusion of the first meeting."
6. Deletion of the word "current" from the definition of "Workshop."
7. Deletion of the word "Zoning" from the end of the definition of "Zoning District."
8. Deletion of the words "the Mayor and" within the first paragraph of **Article III, Membership/Structure**.
9. Deletion of the words "the Mayor and" and the addition of "a vote of the" within the third paragraph under **Article III, Membership/Structure**.
10. A change in the format of the fourth paragraph under **Article III, Membership/Structure**, to include bullet points for the legal documents listed.
11. Deletion of the sentence reading, "If the Chair is a candidate for reelection, a temporary Chair shall preside over the election of the Chair" under **Section B, Officers of the Commission**.

The Commission also decided to look into the possibility of how/whether or not to allow residents to yield their speaking time to others.

Commissioner Thorogood suggested that staff come up with some sort of feedback

mechanisms to inform the Commissioners of successes and failures with regard to regulations/zoning changes that have been implemented by the body.

Mr. McDonald stated that he tries to do that within his staff reports that he gives to the Commission at each meeting, but is sometimes limited by the confidentiality of certain projects. He added that this is also accomplished when staff brings forward recommendations to the Commission for areas that they feel are not thriving as expected. Mr. McDonald mentioned that he does not currently have the manpower available to be able to give the Commission continuous updates on every area within the City, but would do what he could to increase the amount of information provided.

No action was taken. The Commission asked that a redline of the proposed changes to the Rules of Procedure be included in the October agenda packet for consideration during that meeting.

VI. COMMITTEE REPORTS

There were no committee reports.

VII. CORRESPONDENCE

There was no 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.

Mr. McDonald informed the Commission that the department has been without a second inspector since January, and that Building Official Lee Cabello would be retiring at the end of September. He stated that six building permits have been issued for Alder Circle, which he believes was approved back in 2009. He also mentioned that the new H-E-B is still up in the air, but is more promising due to action taken by City Council to abandon the rights-of-way for no charge, with a vote of 6-1. Mr. McDonald explained that they are now trying to work through and finalize the tenant leases.

Commissioner Thorogood asked what the reasoning was behind Council's decision regarding the no cost transfer of the rights-of-way.

Mr. McDonald explained that it comes down to the amount of property tax improvements, as well as sales tax that the development will bring to the City. He added that the rights-of-way were dedicated by the original property owner for uses that never occurred. Mr. McDonald further explained that the abandonment is tied directly to the H-E-B, so if the project falls through the rights-of-way will revert back to the City.

Commissioner Thorogood mentioned that the idea of turning City owned property, that has no value to the City, over to entities for the benefit of development is touched on within the Comprehensive Plan.

Mr. McDonald agreed, and added that the City Manager has proposed an allowance to hire a consultant to do a study of rights-of-ways within the City to determine where they are not being utilized, or where they are being utilized illegally.

Chairman Frazier mentioned that in the past some entities have been charged for abandonments, and others have not. He asked if there should be some consistency.

Mr. McDonald explained that every situation is different, and must be individually considered.

Mr. McDonald mentioned that Bellaire High School is still at a stand still. He stated that the development team has been put on hold until the district gives them more direction. Mr. McDonald explained that they are now looking into remodeling instead of rebuilding, but are not sure where the funding would come from as the bond was specifically for rebuilding.

Mr. McDonald stated that Condit Elementary has begun construction, and completion is scheduled for Summer of 2016.

Commissioner Thorogood stated that he was surprised to see the Mandarin Chinese Language Immersion School open for the new school year.

Mr. McDonald stated that the school is under construction and will be completed next summer. He added that they will vacate the site then and will be moving to the Galleria area. Mr. McDonald informed the Commission that once the school leaves, whatever comes in its place will have to go through the SUP process again.

Commissioner Thorogood pointed out that it could also be used as residential by right, as that is how it is currently zoned.

Mr. McDonald informed the Commission that he spoke with an architect regarding a property in the UV-T that they are looking into refurbishing and reusing as a higher density than what is there now. He added that 4950 Terminal is a very popular building, but does have issues with parking.

Vice Chairman Stiggins asked what the status was on the projects located at the corner of Bissonnet and Newcastle.

Mr. McDonald explained that Bellaire Gardens, which will consist of 12 homes, has been platted and is still in the works. He added that as far as staff knows, the urgent care facility is still coming in, however, the other medical building closest to CenterPoint has been put on hold due to some medical issues of the business owner.

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

Commissioner Skinner mentioned the Affirmatively Furthering Fair Housing Rule that has caused many cities to be in legal trouble, and wondered if Bellaire is in danger of the same. She asked if the City has ever received any HUD funding.

Attorney Eidman and Mr. McDonald explained that the City has never received any HUD funding, and therefore, is not impacted by the new legislation.

Commissioner Skinner mentioned that she has heard from many people recently that the response time and efficiency of the Development Services Department has greatly improved, and complimented staff on a job well done.

Chairman Frazier felt that the Commission should be more involved with the City's beautification project, and asked the other Commissioners to be thinking about suggestions on how to achieve that.

Mr. McDonald explained that he is on the City's Beautification Team, and informed the Commission that the Comprehensive Plan covers a lot of the items that the team discusses.

IX. ADJOURNMENT

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

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

The meeting was adjourned at 8:20 PM.

**Planning and Zoning
Commission**

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



Meeting: 10/13/15 06:00 PM
Department: Development Services
Category: Policy
Department Head: John McDonald
DOC ID: 1709

**SCHEDULED
ACTION ITEM (ID # 1709)**

Item Title:

Consideration of the 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 Planning and Zoning Commission's Rules of Procedure, a review of the Rules shall take place not less frequently than every two years. At the Commission's July meeting, a committee was formed to complete this review and the proposed changes were brought forward at the September 8th meeting.

A redline of the Commission's proposed changes, as well as some formatting changes, is attached.

ATTACHMENTS:

- Rules of Procedure 2015-Redline (DOCX)



Rules of Procedure
Planning and Zoning Commission
City of Bellaire, Texas

2015-2016 Term

Adopted: July 2015
Amended: October 2015

Attachment: Rules of Procedure 2015-Redline (1709 : Rules of Procedure)

Table of Contents

ARTICLE I	PURPOSE AND ENABLING AUTHORITY	1
Section A	General	1
Section B	Advisory Role	1
Section C	Administrative Role	2
ARTICLE II	DEFINITIONS	2
ARTICLE III	MEMBERSHIP / STRUCTURE	6
Section A	Appointment and Removal of Commissioners; Conflicts of Interest	6
Section B	Officers of the Commission	6
Section C	Chair's Duties	6
Section D	Vice Chair's Duties	7
ARTICLE IV	AGENDAS AND MEETINGS	7
Section A	Establishment of the Agenda	7
Section B	Types of Meetings	8
Section C	Regular Meetings	8
Section D	Special Meetings	9 <u>10</u>
Section E	Public Hearings	10
Section F	Commission Workshops	11
Section G	Committee Meetings	11
Section H	First Meeting of a New Commission	11
ARTICLE V	DOCKET ITEMS	11 <u>12</u>
Section A	Numbering Docket Items	11 <u>12</u>
Section B	Minutes Book of Meeting	11 <u>12</u>
ARTICLE VI	ADMINISTRATION OF RULES OF PROCEDURE	12
Section A	Adoption by Incoming Commission	12
Section B	Amendments by Existing Commission	12
Section C	Review	12
Section D	Committee on Rules	12
ARTICLE VII	HIERARCHY OF AUTHORITY	13

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*

Formatted: Font: (Default) Times New 12 pt

Formatted: Font: (Default) Times New 12 pt, Italic

Formatted: List Paragraph, Bulleted + + Aligned at: 1" + Indent at: 1.25"

Formatted: Font: (Default) Times New 12 pt

Formatted: Font: (Default) Times New 12 pt, Italic

Formatted: Font: (Default) Times New 12 pt

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.
- To identify and explore community needs for such things as, commercial re-development, city beautification projects, and other

Formatted: Font: (Default) Times New 12 pt

Formatted: List Paragraph, Bulleted + + Aligned at: 1" + Indent at: 1.25"

planning and development ideas that build on the goals of the Comprehensive Plan, and bring such ideas to the attention of City Council.

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

Formatted: Font: (Default) Times New
12 pt

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

Formatted: Font: (Default) Times New
12 pt

Formatted: List Paragraph, Bulleted +
+ Aligned at: 1" + Indent at: 1.25"

Formatted: Indent: Left: 0", First line

The City Council has specifically delegated review and advisory authority to the Commission for Specific Use Permits (SUP), however, final approval of the SUP lies with City Council.

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 Services Department 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-facilitator~~ 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.

If it should be necessary because of the workload that any Regular Meeting be continued to the following day, such a meeting will reconvene on the day following, and this second meeting shall be considered as part of the same session. The Planning and Zoning Commission shall state the time and location of the second meeting prior to the conclusion of the first meeting.

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 ~~P~~ublic ~~H~~earing. Vacancies shall be filled by a vote of 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-regarding~~ 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 by the following:

- ~~§~~171.002 and §171.004 of the Texas Local Government Code,
- ~~T~~he Code of Ordinances, Chapter 2, Article VI, Code of Ethics, and
- ~~C~~ode 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 affect the Chair:

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

Formatted: Font: (Default) Times New 12 pt

Formatted: List Paragraph, Bulleted + + Aligned at: 0.29" + Indent at: 0.54"

Formatted: Font: (Default) Times New 12 pt

Formatted: Font: (Default) Times New 12 pt

Formatted: Font: (Default) Times New 12 pt

Formatted: List Paragraph, Bulleted + + Aligned at: 1" + Indent at: 1.25"

- 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

Formatted: Font: (Default) Times New Roman, 12 pt

Formatted: List Paragraph, Bulleted + Aligned at: 1" + Indent at: 1.25"

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.

Formatted: Font: (Default) Times New Roman, 12 pt

Formatted: List Paragraph, Bulleted + Aligned at: 0.5" + Indent at: 0.75"

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

Formatted: Font: (Default) Times New Roman, 12 pt

Formatted: List Paragraph, Bulleted + Aligned at: 1" + Indent at: 1.25"

Section C Regular Meetings

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

I. 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.

Formatted: Font: (Default) Times New Roman, 12 pt

Formatted: List Paragraph, Left, Numbered 1 + Numbering Style: I, II, III, ... + Alignment: Left + Aligned at: 0" + Indent at: 0.5"

II. 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.

Formatted: Font: (Default) Times New Roman, 12 pt

Formatted: List Paragraph, Numbered 1 + Numbering Style: I, II, III, ... + Status: + Alignment: Left + Aligned at: 0" + Indent at: 0.5"

III. 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 To accommodate all speakers, citizen comments are limited to three (3) minutes. If another speaker wishes to yield their time to you, a total of six (6) minutes will be allotted for your comments. Please make sure that the speaker's form indicates to whom they are yielding their time. If additional time is not yielded to the speaker, their 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

Formatted: Font: (Default) Times New Roman, 12 pt

Formatted: List Paragraph, Numbered 1 + Numbering Style: I, II, III, ... + Status: + Alignment: Left + Aligned at: 0" + Indent at: 0.5"

that the Commission is considering an Application, written requests to speak must be submitted before the Chair calls for the response of the Applicant.

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 (3) minutes each to present their comments in an order determined by the Chair. If another speaker wishes to yield their time to you, a total of six (6) minutes will be allotted for your comments. Please make sure that the speaker's form indicates to whom they are yielding their time. If additional time is not yielded to the speaker, their ~~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.~~ Media presentations are subject to the availability of the City's electronic equipment, and must be submitted to the Development Services Director for review in advance of the meeting. Questions presented to the Commission may be referred to staff.

Formatted: Font: (Default) Times New 12 pt

Formatted: List Paragraph, Numbered 1 + Numbering Style: I, II, III, ... + Sta + Alignment: Left + Aligned at: 0" + Ir 0.5"

V. 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.

Formatted: Font: (Default) Times New 12 pt

Formatted: List Paragraph, Numbered 1 + Numbering Style: I, II, III, ... + Sta + Alignment: Left + Aligned at: 0" + Ir 0.5"

Formatted: Font: (Default) Times New 12 pt, Bold

Formatted: List Paragraph, Bulleted + + Aligned at: 0.5" + Indent at: 0.75"

Formatted: Font: (Default) Times New 12 pt

Formatted: Font: (Default) Times New 12 pt, Bold

Formatted: Font: (Default) Times New 12 pt

Formatted: Font: (Default) Times New 12 pt, Bold

Formatted: Font: (Default) Times New 12 pt

Formatted: Font: (Default) Times New 12 pt, Bold

Formatted: Font: (Default) Times New 12 pt

Formatted: Font: (Default) Times New 12 pt, Bold

Formatted: Font: (Default) Times New 12 pt

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.

VI. Committee Reports

Formatted: Font: (Default) Times New 12 pt

Formatted: List Paragraph, Numbered 1 + Numbering Style: I, II, III, ... + Sta + Alignment: Left + Aligned at: 0" + Ir 0.5"

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.

VII. 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.

Formatted: Font: (Default) Times New 12 pt

Formatted: List Paragraph, Numbered 1 + Numbering Style: I, II, III, ... + Sta + Alignment: Left + Aligned at: 0" + Ir 0.5"

VIII. 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.

Formatted: Font: (Default) Times New 12 pt

Formatted: List Paragraph, Numbered 1 + Numbering Style: I, II, III, ... + Sta + Alignment: Left + Aligned at: 0" + Ir 0.5"

IX. 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.

Formatted: Font: (Default) Times New 12 pt

Formatted: List Paragraph, Numbered 1 + Numbering Style: I, II, III, ... + Sta + Alignment: Left + Aligned at: 0" + Ir 0.5"

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. If another speaker wishes to yield their time to you, a total of six (6) minutes will be allotted for your comments. Please make sure that the speaker's form indicates to whom they are yielding their time. If additional time is not yielded to the speaker, their time limit may be extended to five (5) minutes at the discretion of the Chair, with the consent of the Commission. Media Presentations are subject to the availability of the City's electronic equipment and must be submitted to the Development Services Director for review in advance of the meeting.

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)

(2) 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 13th day of ~~October~~ July, 2015.

Attest:

Chairman

History:

2015-2016 Term
Adopted by Commission July 14, 2015
[Amended by Commission October 13, 2015](#)

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

**Planning and Zoning
Commission**

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



Meeting: 10/13/15 06:00 PM
Department: Development Services
Category: Discussion
Department Head: John McDonald
DOC ID: 1710

**SCHEDULED
ACTION ITEM (ID # 1710)**

Item Title:

Presentation and discussion by Commissioner Christopher Butler and John Monday on the long range planning approach of Citizens for ABeautiful Bellaire.

Background/Summary:

This item was added to the agenda at the request of Commissioner Butler. No supporting documentation was provided for the packets.