

CITY OF BELLAIRE TEXAS

PLANNING AND ZONING COMMISSION

JANUARY 12, 2016

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 - Nov 10, 2015 6:00 PM
2. Planning and Zoning Commission - Workshop Session - Dec 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. Approval of the Planning and Zoning Commission's 2015 Annual Report to City Council.
2. Proposed amendments to the Code of Ordinances, Chapter 24, Planning and Zoning, Sec. 24-535, R-MF Residential Multi-Family District, to bring the R-MF District more inline with the requirements and regulations of the Corridor Mixed-Use District.

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

NOVEMBER 10, 2015

Council Chamber

Regular Session

6:00 PM

7008 S. RICE AVENUE
BELLAIRE, TX 77401

I. CALL TO ORDER AND ANNOUNCEMENT OF QUORUM

Vice Chairman Stiggins 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	Absent	
Bill Thorogood	Commissioner	Present	
Paul Simmons	Commissioner	Absent	
Marc Steinberg	Commissioner	Present	
Dirk Stiggins	Vice Chairman	Present	
S. Lynne Skinner	Commissioner	Present	
John McDonald	Director	Present	
Scott Eidman	Attorney	Present	
Ashley Parcus	Secretary	Present	

II. APPROVAL OF MINUTES FROM PAST MEETINGS

1. Planning and Zoning Commission - Regular Session - Oct 13, 2015 6:00 PM

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

III. REMINDER TO CITIZENS DESIRING TO ADDRESS THE COMMISSION

Vice Chairman Stiggins reminded the audience to fill out a sign in sheet if they wished 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.

Johanna Moran-Ms. Moran informed the Commission that she is a member of the Environmental and Sustainability Board. She added that she is very interested in the Dark Sky Initiative and the fact that new LED lights will be installed within the City of

Bellaire next year, as part of the agreement with the City of Houston. She added that they are planning to put in 4,000K light fixtures, and that a petition has been started to CenterPoint to get them to reduce the color level to something a little more subtle. Ms. Moran informed the Commission that there are some places in Meyerland that already have the new lights, and that she has a map from CenterPoint that shows the roll out on this project. She stated that with the Commission's permission she would send the information to staff to pass on to the members.

Commissioner Skinner asked why CenterPoint has chosen to install the 4,000K light fixtures if it is not the appropriate lighting.

Ms. Moran explained that this project was started back in March of 2014. At that time, the dangers of the 4,000K lighting was not yet known. Toward the end of 2014, they did change the approved lighting to 3,000K, however, it was not changed before mass production of the 4,000K had been completed. She added that companies are now trying to sell the 4,000K instead of the lower wattage.

Commissioner Skinner asked if Bellaire was already on the list to have the 4,000K installed, and if every light within the city would be changed.

Ms. Moran confirmed this and stated that she has been trying to get in touch with the lady that is in charge of Bellaire and would keep trying.

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

1. Docket # AR-2015-09-Amending Plat of .6726 acres being a Replat of Lot 34 of Amending Plat of the east 60 feet of Lot 34 and the west 20 feet of Lot 33 of Willow Lane Place, and being a portion of Lot 23, Block 5 of the Amended First Subdivision of Westmoreland Farms. These properties are addressed as 4620 Oleander and 4629 Willow.

Mr. McDonald explained that the request is to relocate the lot line further south to create a larger lot off of Willow and a smaller lot off of Oleander. He added that typically amending plats are approved at the staff level, but due to the fact that this is not a typical lot it is required to come before the Commission. Mr. McDonald stated that both lots do meet the minimum requirement for size within the zoning district, and although the top lot does have a little bit of a jag, it does not qualify as a key lot, and is thereby not prohibited by ordinance.

Commissioner Skinner asked if they were planning on building a fence from Willow all the way down to Oleander.

Mr. McDonald stated that he does not know, and that nothing with regards to a fence was required for submission with the amending plat application.

Commissioner Skinner asked what the height of the fence could be and what the front setback is for the Oleander lot.

Mr. McDonald explained that the fence could be a maximum of 8 feet, but that fences are not required within the city. He added that the setback is 30 feet.

Commissioner Thorogood asked Mr. McDonald to give the Commission a little history on "key lots."

Mr. McDonald informed the Commission that "key lots", or "flag lots" occur when the

majority of the lot is further in off of the street and then something, such as a driveway, comes down to the main street, creating the shape of a flag. He added that they are specifically prohibited within the City of Bellaire.

Commissioner Butler asked if all of the appropriate notifications went out to the surrounding properties.

Mr. McDonald informed the Commission that notifications are not required for amending plats. He added that this is not a zoning issue, but rather a subdivision issue.

Commissioner Steinberg asked how the utility easements were going to work.

Mr. McDonald stated that the utilities easements are existing, so no structure can be built underneath. He added that depending on how the utilities are laid out, a driveway or sidewalk could be built across it. Mr. McDonald mentioned that a separate structure, could be built in the rear of the property, but would need to have specific setbacks off of the easement.

Commissioner Steinberg asked how the new lot would be getting power once the lot lines have been moved, and asked if an easement is being proposed through the lot.

Mr. McDonald stated that no easement has been proposed, and added that it can be required if the Commission wishes to do so. He mentioned that a 10 foot easement could easily be added down the west side of the property, from the current easement to the property line.

Commissioner Thorogood suggested that the Commission approve the amending plat subject to assuring that all utilities are available to the Oleander facing lot.

Motion: a motion was made by Commissioner Thorogood and seconded by Commissioner Steinberg to approve the amending plat subject to the provision of an easement or other accommodation to assure that the Oleander lot has access to all current and future utilities.

Vote: the motion passed on a unanimous vote of 5-0.

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

VI. COMMITTEE REPORTS

There were no committee reports.

VII. CORRESPONDENCE

There was no correspondence.

VIII. REQUESTS FOR NEW BUSINESS, ANNOUNCEMENTS AND COMMENTS

Commissioner Butler mentioned the ongoing survey that the Citizens for a Beautiful Bellaire created, and reminded everyone to go take it. He added that they are up to 338 participants, but would like to see more.

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 staff had reached out to the developers at 4440 Bissonnet, as well as Sandcastle Homes. He stated that Sandcastle Homes has not yet responded, but that the developers of the medical office building explained that there have been some ongoing title issues with the property which has held it up for a while. He added that they believe that the last legal remedy should be cleared in the next month, and they hope to break ground by the end of the year.

Commissioner Thorogood mentioned that the silt fencing on the property is falling apart and is in the street.

Mr. McDonald stated that he would get someone to go out and take a look at it.

Commissioner Skinner asked what their time frame for the development is.

Mr. McDonald explained that Specific Use Permits do not expire. He added that the issue would be with their building plans that have already been approved, meaning that they must start construction within 6 months or they will need to resubmit.

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 Thorogood suggested that a workshop be held in the near future to discuss the Commission's goals for the coming year.

The rest of the Commission felt that a workshop would be beneficial.

IX. ADJOURNMENT

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

Vote: the motion carried on a unanimous vote of 5-0.

The meeting was adjourned at 6:25 PM.



CITY OF BELLAIRE TEXAS

PLANNING AND ZONING COMMISSION

DECEMBER 8, 2015

Council Conference Room

Workshop Session

6:00 PM

7008 S. RICE AVENUE
BELLAIRE, TX 77401

I. WORKSHOP SESSION

A. Call to Order

Chairman Frazier called the workshop to order at 6:02 PM.

B. Discussion regarding the Planning and Zoning Commission's goals and objectives for 2016.

Chairman Frazier asked the Commission members to remember that every goal needs to be specific, achievable, time bound, and measurable.

Mr. McDonald informed the Commission that the previous night, Council heard from the traffic engineer on the first phase of a mobility study for the City of Bellaire. He added that he had provided each member with a copy of the executive summary, and that the study is available, in full, on the City's website. Mr. McDonald stated that the City is already gearing up to prepare next year's Capital Improvement Plan (CIP) and that the Commission is projected to receive the City Manager's draft in March, with a decision from the Commission expected at the April meeting. He added that the CIP's new project list will be much smaller than it was this past year.

Commissioner Simmons urged the Commissioners to review the mobility study in more depth.

Commissioner Butler mentioned that ideally, the projects proposed by the Citizens for A Beautiful Bellaire will also eventually be included within the CIP.

Chairman Frazier mentioned that Council took action to no longer charge Condit and Horn Elementary for a sign processing fee and asked if there are other zoning regulations similar to this that the Commission should take a look at.

Mr. McDonald pointed out that the fees charged by staff are strictly an administrative issue rather than a zoning issue. He added however, that there have recently been some Supreme Court decisions on signs in general, and how sign ordinances are enforced. He explained that looking at a sign to enforce the ordinance means that you are looking at the content of the sign, making it a violation of the First Amendment. Mr. McDonald mentioned that the sign ordinance will need to be looked at in order to avoid potential lawsuits in the future.

Vice Chairman Stiggins mentioned that the Commission felt pressured to make a recommendation for last year's CIP. He suggested that the Commission go ahead and plan for an additional workshop/meeting in between the March and April meetings in order to have adequate time to review the projects.

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

Commissioner Thorogood suggested that during the CIP presentation, staff also mention the projects that were completed within the previous year.

Mr. McDonald stated that he could ask for that to be done. He added that staff also does a quarterly CIP report to Council, which lists every CIP project that is being worked on at the time. Mr. McDonald mentioned that it could be forwarded to the Commission.

Chairman Frazier mentioned the sidewalk discrepancy that the City has had for many years and asked if it was likely to be coming into play during 2016.

Mr. McDonald explained that there have been some discussions at the Council level regarding sidewalks, sidewalk policy, sidewalk requirements, etc. He stated that the current building code only requires that a sidewalk be replaced if it existed prior to the building of the house. Mr. McDonald added that staff is looking into those issues from a building code perspective.

Commissioner Thorogood asked what the sidewalk policy was for streets that are being rebuilt.

Mr. McDonald stated that there is really no consistent policy in place. He mentioned however that the creation of a subdivision does require the installation of sidewalks. Mr. McDonald pointed out that the consistency of sidewalks is mentioned within the Comprehensive Plan and suggested that the Commission address that during the CIP process.

Commissioner Thorogood was concerned with the pressure that is being put on the southern, central, and northern borders of the City, and suggested looking into something that could be done from a zoning standpoint that would help to enhance and protect the borders.

The Commission then had a discussion on the increase of density and how it would impact things such as transportation methods, traffic patterns/counts, etc.

Commissioner Butler stated that he feels as though there is a lot of value in holding the borders of the community and thinking long-term about how the City will survive.

Commissioner Thorogood felt that zoning regulations could be used to help address some of those concerns, and that the Commission should use the Comprehensive Plan as a tool to help move forward and begin looking to the future.

Chairman Frazier asked what the next steps for the Commission is with regard to the beautification efforts that are happening within the City.

Mr. McDonald explained that he is not sure how the recommendations from the Citizens for A Beautiful Bellaire is going to fit within the CIP.

Commissioner Thorogood asked if there is a timeline associated with the projects.

Commissioner Butler stated that currently there is no set timeline. He added that the survey may kick out some ideas for projects that would not necessarily require the approval of money from the City Council, and could be accomplished by the Commission or another board within the City.

Chairman Frazier asked that the Commission be told about meetings that are taking place with regard to Bellaire High School, in an effort to keep the members up to date on what is being proposed.

Mr. McDonald explained that currently all meetings have been put on hold. He added that they are possibly looking into simply remodeling the school rather than rebuilding, but are trying to come up with alternate funding sources since the bond was specifically for rebuilding. Mr. McDonald suggested that once the meetings proceed, the Commission members only attend the community meetings, which are a little less "in the weeds," since they will ultimately be making the decision.

Chairman Frazier mentioned that he feels as though a lot of residents have very little idea of what the Planning and Zoning Commission is charged with. He suggested possibly coming up with a way to educate the public on what the Commission does.

Mr. McDonald stated that staff will look into ways to accomplish that. He mentioned that the City publishes a quarterly newsletter that could possibly include articles highlighting some of the City's boards and commissions in the future.

Vice Chairman Stiggins was concerned with the lack of resident participation in the community and asked if there was something that could encourage more of that. He suggested possibly having an article in the paper periodically which would touch on some current events/applications that will be in front of the Commission soon.

Mr. McDonald cautioned against that type of media push. He added that the members of the Commission are appointed, based on their education and knowledge base, to provide advice to Council on certain items. Mr. McDonald stated that Council will ultimately make the political decision.

Overall, there was consensus among the Commissioners to look into the following items during 2016:

1. Sign ordinance
2. Capital Improvement Plan
3. UV-T Zoning District
4. CMU vs R-MF height allowances
5. Noise Ordinance
6. Height allowance for fencing along 610

C. General Public Comments

There were no public comments.

D. Adjournment

Chairman Frazier adjourned the workshop session at 7:37 PM.

**Planning and Zoning
Commission**

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



Meeting: 01/12/16 06:00 PM
Department: Development Services
Category: Report
Department Head: John McDonald
DOC ID: 1780

**SCHEDULED
ACTION ITEM (ID # 1780)**

Item Title:

Approval of the Planning and Zoning Commission's 2015 Annual Report to City Council.

Background/Summary:

Chapter 2, Administration, Section 2-104, Annual or special reports to city council, of the Code of Ordinances, requires each board and commission to file a report with the City Council no later than the first Council meeting in February.

The report is to address the following:

1. Whether the board is serving the purpose for which it was created;
2. Whether the board is serving current community needs;
3. A list of the board's major accomplishments;
4. Whether there is any other board, either public or private, which would better serve the function of the board; and
5. Other recommendations.

Attached is a draft report as prepared by Commission Chairman Win Frazier.

Recommendation:

Approval of a final report to be forwarded to the City Council.

ATTACHMENTS:

- 2015 Annual Report (PDF)

January 12, 2016

Honorable Mayor and City Council
City of Bellaire
7008 South Rice Avenue
Bellaire, Texas 77401

Re: 2015 Annual Report

Mayor Friedberg and City Council:

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 of Bellaire.

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, Open Meetings Law.
- 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.

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.

The Commission performed in this capacity during the year 2015, and will continue to serve the stated purpose for which it was created in the current year 2016.

Within the calendar year 2015, The Commission fulfilled its duties through the performance of the following tasks:

- Conducted nine (9) Regular Sessions, which included four (4) Public Hearings.
- Conducted two (2) Workshop Sessions.
- Conducted one (1) Training Session.
- Reviewed and acted upon one (1) Subdivision Replat (Sandcastle Homes-O Howard/O Newcastle).
- Reviewed and acted upon one (1) Amending Plat (4620 Oleander/4629 Willow).
- Reviewed and acted upon two (2) Specific Use Permits (4440 Bissonnet & Crosspoint Church),
- Reviewed and acted upon one (1) Planned Development Amendment (HEB).
- Voted to increased notification distance for zoning applications to 500 feet.
- Completed the 5-Year Review of the City's Comprehensive Plan.
- Made recommendations regarding the City's Capital Improvement Plan (CIP).
- Completed review of the Planning and Zoning Rules of Procedure.

It is through these actions that The Commission also fulfills its duty to serve the Bellaire Community. The Commission's advisory and administrative duties were performed while keeping in mind The Commission's role to serve the needs of the Bellaire community as a whole and as guided by The Comprehensive Plan adopted in 2009. The Commission will continue to serve the community through further implementation of The Comprehensive Plan.

The Commission wishes to acknowledge the extensive work expended by all of its members along with the city's planning consultant, Gary Mitchell, of Kendig Keast Collaborative. Mr. Mitchell has been instrumental in the Comprehensive Plan Review.

The Commission is well positioned and suited to continue to carry out its duties moving forward in 2016. Commissioners currently serving their Bellaire community through active participation on The Commission include:

Christopher Butler
Paul Simmons
S. Lynne Skinner
Marc Steinberg
Bill Thorogood
Dirk Stiggins, Vice Chairman
Winfred Frazier, Chairman

The Commissioners wish to express their gratitude to former Mayor Dr. Phil Nauert, Mayor Attorney Andrew Friedberg, former Mayor Pro Tem Attorney Mandy Nathan, former Councilman Jim Avioli Sr., and the City Council for supporting The Commission's efforts. We also want to thank City Manager, Paul Hofmann; City Staff - specifically John McDonald, Director of Development Services, and Ashley Parcus, Administrative Assistant; City Attorney Alan Petrov; and City Council Liaison Roman Reed for their extensive and continual efforts to support The Planning and Zoning Commission.

In summary, The Commission looks forward to continuing to serve the Bellaire community in 2016, and is most appreciative of the opportunity.

Respectfully,

Winfred C. Frazier
Chairman
Planning and Zoning Commission

**Planning and Zoning
Commission**

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



Meeting: 01/12/16 06:00 PM
Department: Development Services
Category: Amendment
Department Head: John McDonald
DOC ID: 1781

**SCHEDULED
ACTION ITEM (ID # 1781)**

Item Title:

Proposed amendments to the Code of Ordinances, Chapter 24, Planning and Zoning, Sec. 24-535, R-MF Residential Multi-Family District, to bring the R-MF District more inline with the requirements and regulations of the Corridor Mixed-Use District.

Background/Summary:

At the December workshop, the Commission generated a list of items to address in 2016. One of these items was multi-family housing. There is currently only one area zoned for multifamily housing (Pont Alba Apartments).

Attached is a draft amendment to Sec. 24-535, R-MF Residential Multi-Family District that encompasses many of the elements of the CMU District, including better protection of adjacent residential neighbors.

This item is only scheduled for discussion at the January meeting. If there is consensus to move forward, a public hearing on the item could be set for the February 9th meeting.

ATTACHMENTS:

- Sec. 24-535 Corridor Multifamily District (Draft) (PDF)

Sec. 24-535. Corridor Multifamily District (CMF)

A. Purpose.

- (1) Generally. This district provides for high density multifamily development to provide housing options that benefit Bellaire residents. This district is also intended to elevate the quality of single-use multifamily development and redevelopment along the City's corridors (Bellaire Boulevard, Bissonnet Street, South Rice Ave, Loop 610) to allow appropriate connections to local commercial uses and provide distinction from single-family residential development.
- (2) Character. While most of the property along corridors in Bellaire remains auto-oriented, this district will provide site and building design standards to allow new development to be focused on framing the street and providing a higher aesthetic value to the corridors.

B. Uses

- (1) Permitted uses:
 - a) Multifamily dwellings
 - b) Utilities
 - 1) Local utility distribution lines; and
 - 2) Telephone lines and related cross connecting points.
 - c) Facilities owned and maintained by the City of Bellaire including public parks.
 - d) Accessory uses as follows, subject to the requirements of Section 24-510, except that, for the purposes of the CMF district, an accessory use may occur within a portion of a principal structure:
 - 1) Home Occupations, subject to the requirements of Section 24-517.
- (2) Specific Uses.
 - a) Schools, and
 - b) Churches.

C. Development Standards

- (1) Site plan review required. All development applications in the CMF district require site plan review and approval to ensure conformance with the substantive standards for this district and other applicable provisions of the City Code.
 - a) Required approvals.
 - 1) Administrative approval. The City's administrative official is authorized to approve site plans for all develop applications, provided that the site plan complies with the standards for this district and other applicable provisions of the City Code, or will comply if conditions specified by the official are met. The administrative official, at his sole discretion, may also refer any such site plan to the Planning and Zoning Commission for review and decision.
 - (a) Required referral to Commission. The administrative official is not authorized to disapprove a site plan. The official shall refer a site plan to the Planning and Zoning Commission for review and decision if the official finds reasons for potential disapproval, including when a site plan does not strictly conform to all standards for this district or other applicable provisions of the City Code. If the

official does not approve the site plan, he shall place the site plan on the agenda of the Commission so that it may be considered for approval, approval with conditions, or disapproval.

(b) Applicant request for Commission review. The administrative official shall refer a site plan to the Planning and Zoning Commission for review and decision if the applicant disagrees with a condition of approval specified by the official, or otherwise requests Commission involvement in the site plan review.

b) Application requirements. Applicants shall satisfy all application and submittal requirements for the site plan review itemized in Section 24-524.

1) Waiver authority. The administrative official is authorized to waive elements of the site plan submittal requirements in Section 24-524 if he finds that the specified information relates to a site development standard that does not apply to a proposed project.

(2) Size and area.

a) Minimum lot area: 43,560 (1 acre).

b) Minimum site width: 150 feet.

c) Minimum site depth: 100 feet.

d) Maximum building height: 53 feet, including drive-under parking, except that:

(a) Up to 10 feet of additional height is allowed to accommodate roof gables, chimneys, vent stacks, and mechanical equipment, with the total not to exceed sixty-three feet above the average level of the base of the foundation of the building; and

(b) Drive-under parking is not permitted under the building or buildings closest to the corridor streets listed in this section.

e) Minimum required yards.

(a) Front yard: 10 feet.

(b) Side yard: No side yard is specified except that when a side yard abuts a lot which is in residential use, the minimum side yard shall be ten (10) feet, and on a corner lot both street exposures shall be treated as front yards.

(c) Rear yard: 15 feet.

(d) Height-setback plane for side and rear yards: Where a property is at a boundary of the CMF district and a residential property in a R-1, R-3, R-4, or R-5 district either abuts or is directly across an alley from the subject property in the CMF district, any portion of the principal building(s) that exceeds 27 feet in height, shall be set back an additional amount, computed as two (2) feet from the rear set back line for each one (1) foot of additional building height above 27 feet. This ratio establishes a height-setback plane as illustrated in Figure 24-536.A.

i. Additionally, in situations as described above, the screening and buffering required between certain uses in Section 24-513.D. shall be supplemented by planting a row of trees along the side or rear property line toward the abutting residential property or alley. This shall involve trees of forty-five (45)-gallon size spaced a maximum of ten (10) feet on center along the

- property line. The supplemental tree planting shall not count toward any other minimum site landscaping requirements in this Chapter.
- ii. Planting of trees within any utility easements along the property line shall meet any applicable City standards to protect underground and overhead utilities, and any utility company policies with regard to allowable screening methods and the location and height of screening. Where compliance with the supplemental tree planting requirement is not possible due to utility conflicts, the administrative official shall work with the applicant during the site plan review process to seek an alternate solution which is not in conflict with the purposes of this subsection.
 - iii. On properties subject to the height-setback plane, no accessory structure shall be located within the rear yard area toward the abutting residential property or alley. Any accessory structure on the subject property shall comply with the height-setback requirements as applied to the principal structure(s), in addition to the requirements of Section 24-510.