



# CITY OF BELLAIRE TEXAS

## PLANNING AND ZONING COMMISSION

JUNE 14, 2016

Council Chamber

Regular Session

6:00 PM

7008 S. RICE AVENUE  
BELLAIRE, TX 77401

### I. CALL TO ORDER AND ANNOUNCEMENT OF QUORUM

Chairman Frazier called the meeting to order at 6:05 PM, and announced that a quorum was present, consisting of the following members:

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

### II. APPROVAL OF MINUTES FROM PAST MEETINGS

1. Planning and Zoning Commission - Regular Session - May 10, 2016 5:30 PM

Commissioner Butler asked that two comments on page 5 and one comment on page 9 be clarified. Chairman Frazier also pointed out one scrivener's error.

<b>RESULT:</b>	<b>APPROVED AS AMENDED [UNANIMOUS]</b>
<b>MOVER:</b>	Dirk Stiggins, Vice Chairman
<b>SECONDER:</b>	Paul Simmons, Commissioner
<b>AYES:</b>	Butler, Frazier, Thorogood, Simmons, Steinberg, Stiggins, Skinner

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

Chairman Frazier reminded any citizens wishing to address the Commission to fill out a sign in sheet.

### IV. GENERAL PUBLIC COMMENTS

- i. **Persons at the meeting who have indicated their desire to be heard on matters of general interest to the Commission by submitting the form provided shall have three (3) minutes to present their comments. The Commission is not permitted to fully discuss, debate, or consider items that are not on the agenda. Questions presented to the Commission may be referred to staff.**

**Lynn McBee**-Ms. McBee mentioned that she would like some clarification on whether or not podium parking is allowed, and suggested that the Commission put on their agenda proposed language to include podium parking as an encouraged design. She complemented the Commission and staff on the handling of the proposed changes to the R-MF Zoning District.

## **V. PUBLIC HEARINGS**

Public Hearing on proposed amendments to the Code of Ordinances, Chapter 24, Planning and Zoning, Sec. 24-535, R-MF Residential-Multifamily District, and related sections, including Sec. 24-513 Landscaping, Screening and Buffering; and Sec. 24-513a, Design Standards in Commercial and Mixed-Use Districts; to ensure that future redevelopments are compatible with existing commercial regulations, and to establish improved buffering of existing adjacent single-family residential districts.

### **A. Presentation of the Public Hearing Process**

Chairman Frazier reviewed the public hearing process.

### **B. Presentation by the Applicant**

**Mr. McDonald, Director of Development Services**-Mr. McDonald explained that this is a staff initiated proposal in a effort to encourage any future redevelopment in the already existing R-MF Zoning District to be compatible with the developments within and along the Corridor Mixed Use District (CMU), as well as to increase buffering and protection to existing adjacent single family properties. He then gave a short PowerPoint presentation that compared the proposed changes to the current requirements of the R-MF Zoning District. Mr. McDonald pointed out that staff is recommending the inclusion of the R-MF Zoning District in *Section 24-513 Landscaping, Screening, and Buffering*, in order to give better definition to the requirements for multi-family development, and how it relates to neighboring properties, as well as parking lots, etc. He then explained that *Section 24-513a, Design Standards in Commercial and Mixed-Use Districts*, controls the design standards of the developments, and that staff is recommending the addition of the R-MF into the same category as it applies to the CMU. Mr. McDonald stated that the idea is to get away from the suburban design, which has external entry to the apartment units, and move towards a design with an internal entry. Mr. McDonald then pointed out that he is recommending a minimum of a 1 acre site requirement, an increase in the minimum lot width from 60 to 150, and a decrease in required depth from 120 to 100. He added that he is proposing a decrease in the setback from 25 feet to 10 feet in order to move the structures closer to the street and give more of a overlook of the street. Mr. McDonald stated that this also helps to balance the changes to the rear setbacks. He informed the Commission that the side setback is currently 6 feet, generally, with 25 feet on a corner lot, and that he is proposing no side setback, with 10 feet on a corner lot. Mr. McDonald explained that the height-setback plane will be required, which would set a minimum of 15 feet back from the rear or side property line that is adjacent to a single-family, residentially zoned area. This limits the first story to 27 feet, and then slopes the building away at a 2 to 1 angle. He added that this pushes the building towards the front of the property and therefore opens up the sky to

the residential area behind it. Additionally, within the height-setback rules, no parking or other accessory structures are allowed to be located within the rear yard area toward the abutting residential property. He mentioned that trees are also required in an effort to create a better separation between the two uses. Mr. McDonald stated that the current height requirement of 40 feet (3 stories) would be increased to 53 feet (4 stories), which is the same as a mixed-use development within the CMU. He added that currently there are no site plan review requirements within multi-family developments, and this proposal would attach the requirements of *Section 24-524 Site Plan Review* to the R-MF Zoning District. Mr. McDonald explained that this is an opportunity for the administrative official or staff to determine that all proposals meet the minimum requirements and regulations set forth for this district, prior to building plans being submitted. He stated that this process is the same requirement that is set forth within UV-T, UV-D, and the CMU.

### C. Staff Findings

There were no staff findings due to the fact staff was the applicant for this public hearing.

### D. Public Comments

- i. **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 a speaker wishes to yield their time to another speaker, a total of six (6) minutes will be allotted for their comments. The speaker's form must indicate to whom the time is being yielded. If additional time is not yielded, the time may be extended to five (5) minutes at the discretion of the Chair.**

**Karen Reichel**-Ms. Reichel provided the members of the Commission with an article regarding the abundance of apartment complexes within Houston. She also voiced her concerns with apartments being present within the City of Bellaire, as well as the setback and height requirements that were being proposed. Ms. Reichel mentioned that it could negatively impact parking, traffic, and the flooding situation within the City.

**Dana Busa**-Mr. Busa informed the Commission that his wife's family owns the Pont Alba Apartment complex and that he has been involved with the project since the beginning. He complemented the plan, and stated that this property is the gateway to the City coming from the downtown area, making the proposed changes very important in order to allow for re-development of the property to create an more aesthetically pleasing site. Mr. Busa stated that his only issue with the proposed changes is with regard to the limit placed on the number of units per acre, which ends up decreasing the number of units allowed from what is currently there today. He did not feel that this was the intention of staff or the Commission. Mr. Busa added that if there was a choice between a maximum number of units and a minimum square footage per unit he would prefer the latter, but mentioned that neither is necessary as the height, setback, and lot coverage limitations already take care of this. He then mentioned Mr. McDonald's comment regarding the fact that no parking would be allowed in the area abutting the residential property, and stated that this would be an issue. Mr. Busa explained that parking in that area would be necessary in order to keep the parking off of the street. He informed the Commission that he has a degree in Environmental Design and Architecture and has been in construction development for more than 30 years, with a fairly extensive background working with the public to ensure that developments are done properly.

**Lynn McBee**-Ms. McBee stated that the fact that these changes are being proposed by the City of Bellaire should have been advertised, and that it is somewhat confusing about whether these changes were initiated by the City or by the property owner. She then asked for clarification on whether or not a Planned Development (PD) is allowed under the proposed changes. Ms. McBee mentioned that she has no problem with the proposed height, but that the setbacks do concern her. She also felt that the Commission should be voting on this matter prior to the turnover of members. Ms. McBee also stated that the current market is for smaller apartment units, and felt that this decision should just be left up to the property owner.

#### **E. Response of Applicant**

Mr. McDonald pointed out that the market for apartments in Houston cannot be compared to Bellaire. He mentioned that there is currently one apartment complex within the City, and three zoning districts that allow for multi-family developments. Mr. McDonald stated that Bellaire is the "City of Homes" and that homes are more than just houses. He added that as discussed within the Comprehensive Plan, Bellaire is making an effort to provide its citizens with lifecycle housing by creating an atmosphere for different types and styles of homes and living arrangements for different people. Mr. McDonald explained that flooding should not be an issue because it is the same lot coverage requirement that is currently in place. He also added that Mr. Busa would have the right today to rebuild a three story apartment complex with more units, and closer to the existing single family residential. Mr. McDonald also stated that Mr. Busa makes a good point with regard to unit density, and that this is a discussion that should be had. He assured the Commission that the parking requirement is included within the parking section of the chapter, and that the development cannot go forward unless the parking requirement is shown to be met on site. Mr. McDonald informed Mr. Busa that the height-setback plane would only apply on your property to the rear, not to the side so parking on the side would not be an issue. He added that he does not feel as though the option of a PD is necessary, but the Commission is able to add that if it wishes to do so. Mr. McDonald clarified that he did not have a discussion with Mr. Busa until after the second meeting that this was discussed. Lastly, he explained that the decrease in the setback is to allow for some recapture of his site that is lost with the requirement of the height-setback plane.

#### **F. Questions from the Commission**

Commissioner Butler asked how many notices were mailed out informing the public of the hearing.

Staff informed him that 90 notices were sent out.

Commissioner Butler asked if would be possible to get graphics showing the new height and setback on Bissonnet and the old height and setback on Bissonnet in order to get a better visual of what the proposed changes would look like.

Mr. McDonald stated that he could provide that.

Commissioner Butler asked if requesting a re-zoning to the CMU Zoning District and then applying for a PD would accomplish the same thing that the proposed changes to the R-MF would.

Mr. McDonald stated that they could do that, but the idea was to establish an increase in the allowable build by right regulations.

Vice Chairman Stiggins asked Mr. McDonald to put into perspective the difference between the time and money required to apply for a re-zoning and a PD vs. building by right. He added that the whole objective was to make the regulations more straight forward for the developer.

Mr. McDonald agreed that applying for re-zoning and a PD is much more risky. He added that developers are hesitant to invest money into a project that may or not be approved, and could take anywhere from 4-6 months in order to go before the Commission and City Council.

Commissioners Skinner was concerned about residents having to park on the street on a regular basis.

Mr. McDonald explained that there is a parking requirement table within the code, and that multi-family is specifically called out on that table. He assured the Commission that this number would have to be met for approval of the site plan. Mr. McDonald also mentioned that you cannot look at a development that was built 30 years ago and compare it to what the re-development will be, as the regulations back then did not require enough parking.

Chairman Frazier felt that even with enough parking the parking on the streets will never change. He then asked about whether or not the Commission would approve the site plan.

Mr. McDonald explained that only under a PD would the site plan come before the Commission. If a developer is building by right then the site plan is approved by staff.

Chairman Frazier asked Mr. McDonald if the Commission could make some additional changes with regard to the required buffering, if they felt it necessary to do so.

Mr. McDonald mentioned that the language already calls for two levels of buffering, with the requirement of the height-setback plane and also the inclusion of the R-MF in the *Landscaping, Screening, and Buffering* section of the code. However, the Commission can make changes/additions if it feels that the requirements in place are not sufficient.

Commissioner Butler asked Mr. McDonald to review the by right options that the developer would have if the property was re-zoned to CMU.

Mr. McDonald stated that he would have that information for the Commission during the consideration of this item. He added that it will not be on the Commission's July agenda as he will be out of town for that meeting.

#### **G. Invitation for Written Comments, if applicable**

Written comments regarding the proposed amendments to the R-MF Zoning District will be accepted until August 1st, at 5:00 PM.

#### **H. Closure of the Public Hearing**

**Motion:** a motion was made by Commissioner Skinner and seconded by Vice Chairman Stiggins to close the public hearing.

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

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

There was no current business.

**VII. COMMITTEE REPORTS**

There were no committee reports.

**VIII. CORRESPONDENCE**

There was no correspondence.

**IX. REQUESTS FOR NEW BUSINESS, ANNOUNCEMENTS AND COMMENTS**

Commissioner Butler asked about the status of the agenda item to discuss beautification that the Commission requested at the last meeting.

Chairman Frazier suggested that the Commission should hold a workshop session to discuss the Commission's role in the beautification efforts.

Commissioner Butler felt that it needs to happen quickly so that the Commission can have a chance to make recommendations regarding the 2017 budget.

Mr. McDonald stated that a consultant was just hired, which would mean that there would be no report or recommendation for several months. He felt that this wouldn't impact the budget until the next year.

Commissioner Steinberg questioned whether the Commission should hold a workshop before knowing what the consultant's suggestions are. He also mentioned that the Commission might want to invite the consultant to be a part of their workshop.

Mr. McDonald agreed that it might be premature, and added that the Commission will be well informed as they are stakeholders in the project.

The Commission felt that there were several topics that could be discussed and decided that a workshop would be a good idea.

The Commission then discussed some times to hold the workshop and Vice Chairman Stiggins offered to coordinate with staff to get it scheduled.

**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 City Council approved the specific use permit for Veritas Christian Academy. He also stated that Condit Elementary is on schedule and will be ready to open for the new school year. Mr. McDonald added that there has been no word from Bellaire High School.

**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**

No New Business was brought to the attention of the Commission.

**X. ADJOURNMENT**

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

**Vote:** the motion was carried on a unanimous vote of 6-0.

**The meeting was adjourned at 7:04 PM.**