

CITY OF BELLAIRE TEXAS

PLANNING AND ZONING COMMISSION

JULY 19, 2016

Council Conference Room and Council Chamber
6:00 PM

Workshop & Regular Session

7008 S. RICE AVENUE
BELLAIRE, TX 77401



Chairman

Mr. Winfred Frazier

Commissioner

Bill Thorogood

Commissioner

Paul Simmons

Commissioner

Marc Steinberg

Vice Chairman

Dirk Stiggins

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.

WORKSHOP SESSION**I. CALL TO ORDER****II. TOPICS OF DISCUSSION:**

1. The Planning & Zoning Commission's goals for the upcoming term of July 2016 through June 2017.
 - a. Upcoming topics/events, or long term projects for the Commission to be aware of.
2. The Commission's role in the City of Bellaire's Beautification efforts.
3. The Commission's recommendation to City Council regarding sidewalks.
4. Keys to a successful year for the Commission:
 - a. Build trust and share information
 - i. Interaction between City Staff, Commissioners, & Citizens
 - b. Stay in contact with Commissioners and remain positive and optimistic.
 - c. Ask questions and find the info we need to allow trade-offs.
 - d. Come up with novel solutions not currently under discussion.
 - e. Try to avoid defensiveness when approaching compromises.
 - f. Be patient and wait for the right time.

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

1. Planning and Zoning Commission - Regular Session - Jun 14, 2016 6:00 PM

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

1. **Persons at the meeting who have indicated their desire to be heard on matters of general interest, by submitting the form provided, shall have three (3) minutes each to present their comments. If a speaker wishes to yield their time to another speaker, then a total of six (6) minutes will be allotted. The speaker's form must indicate to whom the time is being yielded. If additional time is not yielded, the time limit may be extended to five (5) minutes at the discretion of the Chair.**

VIII. INCOMING COMMISSION

1. **Introduction of Incoming Commissioners**
2. **Election of Chair and Vice Chair**
3. **Adoption of the Rules of Procedure**

Rules of Procedure

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

X. REPORT OF STAFF, COMMITTEES & CORRESPONDENCE

1. **Staff liaison report on the status of projects previously addressed by the Commission, and upcoming project submittals.**

XI. NEW BUSINESS

1. **The Chair shall recognize any Commissioner who wishes to bring New Business to the attention of the Commission. Consideration of New Business shall be for the limited purpose of determining whether the matter is appropriate for inclusion on a future Agenda of the Commission, or for referral to staff for investigation.**

XII. ADJOURNMENT



CITY OF BELLAIRE TEXAS

PLANNING AND ZONING COMMISSION

JUNE 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.

RESULT: **APPROVED AS AMENDED [UNANIMOUS]**
MOVER: Dirk Stiggins, Vice Chairman
SECONDER: Paul Simmons, Commissioner
AYES: 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

Minutes Acceptance: Minutes of Jun 14, 2016 6:00 PM (Approval of Minutes from Past Meetings)

- 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 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.

**Planning and Zoning
Commission**

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



Meeting: 07/19/16 06:00 PM
Department: Development Services
Category: Policy
Department Head: John McDonald
DOC ID: 1978

**SCHEDULED
ACTION ITEM (ID # 1978)**

Item Title:

Rules of Procedure

Background/Summary:

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

A copy of the current rules are attached.

ATTACHMENTS:

- P&Z Rules of Procedure 2015-2016 (PDF)



Rules of Procedure

Planning and Zoning Commission

City of Bellaire, Texas

2015-2016 Term

Adopted: July 2015
Amended: October 2015

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Article I Purpose and Enabling Authority

Section A General

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

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

- Texas Local Government Code, Chapter 171, *Regulation of Conflicts of Interest of Officers of Municipalities, Counties and Certain Other Governments*
- Texas Local Government Code, Chapter 211, *Municipal Zoning Authority*
- Texas Local Government Code, Chapter 212, *Municipal Regulation of Subdivisions and Property Development*
- Texas Government Code, Chapter 551, *Open Meetings Law*
- Texas Government Code, Chapter 552, *Public Information*
- Bellaire Code of Ordinances, Chapter 2, Article VI, *Code of Ethics*
- Bellaire Code of Ordinances, Chapter 2, Article VII, *Boards, Commissions and Committees*
- Bellaire Code of Ordinances, Chapter 23.5, *Land Subdivision Regulations*
- Bellaire Code of Ordinances, Chapter 24, *Planning and Zoning*

Section B Advisory Role

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

- Responding to requests from the City Council, the Staff Liaison, or City Manager.
- Reviewing the Comprehensive Plan and reporting on such review to the City Council.
- Recommending amendments to the Code of Ordinances concerning matters involving land use regulations and the future growth and regulation of the City.
- Considering Applications brought before the Commission for planned developments, Specific Uses, permitted uses, or other amendments to Zoning regulations or the official Zoning District Map as provided by the Code of Ordinances.
- 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.

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

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

Section C Administrative Role

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

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

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 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 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 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 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 City Council of the City, pursuant to the Code of Ordinances.

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

Commissioners may be removed by City Council for cause after being provided with written charges and the opportunity to provide a defense at a City Council meeting in a closed session or, at the option of the Commissioner in question, at a Public Hearing. Vacancies shall be filled by a vote of the City Council, as necessary.

No Commissioner shall vote or participate as a Commissioner in any proceeding before the Commission that involves any matter 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,
- The Code of Ordinances, Chapter 2, Article VI, Code of Ethics, and
- Code of Ordinances, Chapter 2, Article VII, Division 2, §2-104.

Section B Officers of the Commission

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

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

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

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

- Sign Plats

- Submit findings and recommendations of the Commission to be forwarded to the City Council
- Prepare certifications of reasons for approval or denial of Plats requested by interested persons, in accordance with state law
- Correspond with the City Manager, Staff Liaison, Council Liaison, City Council, City Departments, or other boards or commissions as directed by the Commission
- At his or her discretion, request investigation by City staff regarding comments or questions brought by or to the attention of the Commission

Section D Vice Chair's Duties

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

Article IV Agendas and Meetings

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

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

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

Section A Establishment of the Agenda

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

- By the Chair;
- At the direction of the City Council or the request of the City Manager, Council Liaison, or the Staff Liaison;
- By written request from any other board or commission of the City delivered to the Chair or the Staff Liaison; or
- As required by state law or the Code of Ordinances.

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

Section B Types of Meetings

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

- Regular Meetings
- Special Meetings
- Public Hearings
- Commission Workshops
- Committee Meetings
- First Meeting of a New Commission

Section C Regular Meetings

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

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.

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.

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.” 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 time limit may be extended to five (5) minutes at the discretion of the Chair. Generally, written requests to speak will be accepted before completion of any docket item under consideration. However, in the event that the Commission is considering an Application, written requests to speak must be submitted before the Chair calls for the response of the Applicant.

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 time limit may be extended to five (5) minutes at the discretion of 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.

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.

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

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.

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.

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.

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, 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