



# CITY OF BELLAIRE TEXAS

## PLANNING AND ZONING COMMISSION

SEPTEMBER 13, 2016

**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 6:05 PM, and announced that a quorum was present.

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

### II. APPROVAL OF MINUTES FROM PAST MEETINGS

1. Planning and Zoning Commission - Workshop & Regular Session - Aug 9, 2016 6:00 PM

<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>MOVER:</b>	Mike Axelrad, Commissioner
<b>SECONDER:</b>	Marc Steinberg, Commissioner
<b>AYES:</b>	Saikin, Axelrad, Thorogood, Steinberg, Stiggins, Skinner
<b>ABSENT:</b>	Frazier

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

Vice Chairman Stiggins reminded the public 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.**

**Bryan Wogenstahl**-Mr. Wogenstahl stated that he lives on Mayfair Street. He added that he thought his street was on the project list for Rebuild Bellaire, but it has yet to be repaired. Mr. Wogenstahl was concerned with the fact that the City is asking for more money for additional projects when the previous ones haven't even been completed as they promised.

## **V. PUBLIC HEARINGS**

Public Hearing on proposed amendments to the City of Bellaire Code of Ordinances, Chapter 24, Planning and Zoning, Section 24-544, Technical Research Park District (TRPD), to reduce the number of permitted uses by right, to create a new subsection for specific uses, and to include a requirements for site plan reviews on all specific use permit applications.

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

Mr. McDonald reviewed the public hearing process with the Commission and the public. He stated that because this is a staff initiated request the presentation by the applicant and the staff findings would be one in the same. He also mentioned that because this item is on the agenda for consideration during the same meeting no additional written comments will be accepted.

### **2. Presentation by the Applicant**

Mr. McDonald informed the Commission that there was previously a discussion regarding the fact that the Chevron facility will be closing its Bellaire location at the beginning of 2017. He explained that this area is currently zoned as a Technical Research Park District (TRPD), and includes two properties, the Chevron facility that goes from Rice to the north side of Fournace, all the way to the frontage road, as well as the gas station at the corner of the frontage road at Fournace, which is not owned by Chevron. Mr. McDonald added that Chevron also owns 12-15 lots off of Mayfair Street, but that the proposed changes will not affect those, as they are zoned as residential-single family. He mentioned that as part of the preparation for what that site could become, two things need to be discussed, the current zoning and how it works on the site, and any future zoning for the site. Mr. McDonald added that the Comprehensive Plan also needs to be taken into account during this process. He explained that the changes he is proposing are the reclassification of a majority of the currently permitted uses to specific uses, as well as the requirement for site plan review on any specific use permit (SUP) applications. He stated that only parks, utilities, accessory uses, and City uses will remain as uses permitted by right. Mr. McDonald stated that the idea is to essentially put a "stop gap measure" on this zoning district until such time that the Comprehensive Plan can be updated to give better guidance to future development of the site. He informed the Commission that the City's intention is to gain more control over the area without negatively impacting the sale of the property. Mr. McDonald explained that the proposed changes will continue to permit development as allowed today, but will ensure that the City, through review at the staff, Commission, and City Council levels, has the opportunity to properly review any proposed development.

### 3. Staff Findings

See Presentation by the Applicant.

### 4. Public Comments

- a. **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. If additional time is not yielded, the time limit may be extended to five (5) minutes at the discretion of the Chair, with the consent of the Commission.**

The following members of the public spoke during the public hearing:

Lynn McBee  
Catherine Lewis  
Benjamin Lavine  
Pamela Wogenstahl

Most comments were regarding concerns with the current list of uses, as well as the long term plans for the area. Several speakers also mentioned that they feel as though they are "surrounded by schools." Ms. McBee questioned why city facilities were listed as a permitted use, as well as why the City was proposing to allow 100% lot coverage.

### 5. Response of Applicant

Attorney Petrov explained that city uses are a standard part of the zoning code and that all cities list municipal facilities as permitted uses by right.

Mr. McDonald explained that every use listed in the proposal is a use that is currently allowed by right in that area. He added that these changes give the City and Commission more control over what goes in to that property with the requirement of a specific use permit. He also mentioned that the maximum lot coverage is 75%, and that any project that increases the lot coverage will be required to mitigate for that.

### 6. Questions from the Commission

Commissioner Thorogood stated that based on his research, the property is 30.5 acres, and has a property tax base of approximately \$77 million. He added that if the property was rezoned to residential-single family it would have a property tax base of approximately \$146 million, and that he liked the idea of linking it residentially to the rest of the neighborhood. Commissioner Thorogood mentioned the stop gap that was done for the UV-T Zoning District and asked if there was a requirement within that change which stated that everything must go through the SUP process. He then asked if the Commission could strike all permitted uses except for churches, meaning that all other uses would require a specific use permit.

Mr. McDonald and Attorney Petrov explained that the Comprehensive Plan was being updated at that time, and that they believe there was a short moratorium that was put into place for the UV-T until such time that the codes were adopted. Mr. McDonald stated that the Commission has the right to amend the proposal as it wishes, but then reiterated that the idea is not to interfere with the selling of the property, simply to gain more control through the requirement for a specific use permit and site plan approval.

Commissioner Skinner asked if the property could be subdivided into several different lots. She also questioned whether each property would be required to apply for a specific use permit.

Mr. McDonald confirmed that it could potentially be subdivided, but that the replats would have to come before the Commission for approval. He also stated that each use would need its own SUP.

Commissioner Skinner asked if each subdivided lot would have to meet the 75% maximum lot coverage requirement.

Mr. McDonald confirmed this.

Commissioner Skinner asked if a traffic study should be done for the area, and also stated that she was concerned about flooding.

Mr. McDonald explained that a mobility study was recently done for the City and that he would see if this area was included in that. He added that the City Engineer, James Andrews, has recently completed a drainage study that he will be presenting to the City Council this month, and that funds from the bond will go towards that.

Commissioner Skinner asked if there are specific streets listed in the bond package.

Mr. McDonald stated that he does not believe the streets have been identified yet.

Commissioner Saikin asked for clarification that the current use of the property is vested.

Mr. McDonald explained that the use is vested by state law except in the event that the use is discontinued for a time period of 6 months.

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

Vice Chairman Stiggins reiterated that the Commission will be acting on this item during the same meeting, therefore, no written comments will be accepted.

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

Vice Chairman Stiggins closed the public hearing at 7:02 PM.

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

- 1. Consideration of proposed amendments to the City of Bellaire Code of Ordinances, Chapter 24, Planning and Zoning, Section 24-544, Technical Research Park District (TRPD), to reduce the number of permitted uses by right, to create a new subsection for specific uses, and to include a requirement for site plan review on all specific use permit applications.**

**Motion:** a motion was made by Commissioner Axelrad and seconded by Commissioner Steinberg to approve the proposed amendments to the TRPD.

Commissioner Thorogood stated that he understood the need to move forward quickly and that he felt strongly about the stop gap measure, however, he was concerned with

the list of uses and the fact that the administrative official would have the ability to approve the site plan.

Commissioner Saikin mentioned that the authorization of the administrative official to waive elements of the site plan requirements was also of some concern.

**Amended Motion:** An amended motion was made by Commissioner Thorogood and seconded by Commissioner Skinner to approve the proposed amendments to the TRPD with the deletion of all uses after C. 1), and to require an SUP for all others, as well as to remove section f) 1. a., the City administrative official's authority to approve the site plan.

Commissioner Axelrad asked if this amended motion would still allow for Chevron's use of the site.

Mr. McDonald confirmed that it would, but that they would not be allowed to expand.

Commissioner Steinberg stated that he was not in favor of the amendment to the motion, and that he felt the Commission would need more time to discuss the issue of the allowable uses.

Commissioners Saikin and Axelrad mentioned that they also were not in favor of the amended motion.

**Vote on amended motion:** the amended motion failed with a vote of 2-4.

Mr. McDonald suggested that the Commission strike sections f) 1.a, b, c, & e. from the proposed amendments if they were concerned with the administrative official's authority with regard to the site plan.

Chairman Stiggins then made a 2nd amendment to the motion:

**2nd Amended Motion:** To approve the proposed amendments to the TRPD with the deletion of sections f) 1. a, b, c,& e.

Commissioner Axelrad seconded the amendment.

**Vote on 2nd Amended Motion:** the amendment to the motion passed with a vote of 6-0.

Commissioner Steinberg suggested that the Commission hold a workshop prior to the next meeting in order to further discuss the concerns with the uses.

Commissioner Saikin asked for clarification that Chevron was notified that this was taking place, and asked how often the Commission votes to amend the zoning code once finding out that a property is up for sale.

Mr. McDonald confirmed that notice was sent to Chevron regarding the proposed changes. He added that this situation doesn't happen very often, however, several re-zonings have taken place in the City within the past few years where properties that are for sale were involved.

Commissioner Saikin asked if it was the size of this site or the current use that was an issue.

Mr. McDonald explained that it is a combination of the two. He stated that this is the largest tract of potential new development that the City has seen in a long time, and therefore comes with many opportunities. He added that with the potential turnover of this use, it is a good time for the City and the Commission to determine what they would like to see for this property in the future.

**Vote on original motion to approve the proposed changes to the TRPD: 6-0.**

2. Presentation and discussion on the November 8, 2016 Bond Election.

Mr. McDonald reviewed the three propositions included in the November 8, 2016 Bond Election. He explained that \$20 million from Proposition 1 will be devoted to street and drainage projects, which could also include the installations/reparation of sidewalks in some cases, while the other \$4 million will be strictly for the installation of sidewalks in areas where there currently are not any. Mr. McDonald then informed the Commission that Proposition 2 is for \$5.6 million for the construction of new municipal buildings. He took a few minutes to describe when construction will begin, where the new facilities will be located, and what the new facilities will offer. He then moved on to Proposition 3 and explained that the City is asking for \$24.38 million for water and wastewater improvements. Mr. McDonald stated that the difference between proposition 3 and the first two are the funding sources. He informed the Commission that whereas the first two propositions will be fully funded by tax supported debt, the 3rd proposition includes a contract for \$12.8 million to Siemens for the installation of digital water meters and improvements to the wastewater treatment plant. Mr. McDonald explained that an increase in efficiencies and cost savings through this performance based contract will create a return on investment over the life of the improvements, and therefore, will not impact Bellaire residents' tax rate.

The following questions were asked by the Commission:

**1. Is there a list of streets involved with Proposition 1 to determine what exactly makes up the \$24 million, or will it be decided after the bonds are purchased?**

-Mr. McDonald stated that streets for the project have not yet been identified.

**2. Was the improvement of Mayfair part of a previous project, and if so, why was it never completed?**

-Mr. McDonald stated that he would check with Public Works on the status of that project.

**3. Is the amount associated for Proposition 3 based on the replacement of all the water lines in Bellaire?**

-Mr. McDonald informed the Commission that it will not include all water lines in Bellaire, and that the lines that will be upgraded are the ones that are identified as the most critically in need of replacement.

**4. Do the engineering studies mentioned in Proposition 1 give suggestions on what to do in order to improve flooding within certain areas of the City?**

-Mr. McDonald explained that part of the issue with flooding in Bellaire is that we can only dump so much water into someone else's system. He added that there are long-

term issues that need to be addressed. Mr. McDonald stated that the studies do look at ways to move the water in a more efficient way.

**5. Has the City quantified the number of homes and businesses that were flooded in the previous two floods?**

-Mr. McDonald stated that James Andrews has put together a heat map of where the flooding has been prominent.

**6. What is the difference between the tax supported debt and enterprise debt listed in the proposal? Do both have the same credit rating?**

-Mr. McDonald explained that tax supported debt is funded solely from property tax revenues, whereas the enterprise fund is essentially the maintenance and care of the water and wastewater lines, as well as the employees hired to oversee that area. He stated that both are backed by the full faith and credit of the City, and therefore, have the same credit rating.

**7. How much improvement will be made to the water and wastewater program through Proposition 3?**

**8. What percentage has already been fixed, what does this fix, and what is left to be fixed for each of the issues listed in Propositions 1-3?**

**9. What were in the prior bond issues? Was the City successful, both financially, and in implementation?**

**10. Do the projects that didn't get built in previously approved programs for street work carry over into the new programs?**

-Mr. McDonald informed the Commission that he would pass these questions (#'s 7-10) on to the appropriate staff members and would get answers as soon as possible.

A member of the public asked to speak before the Commission.

The Commission then voted to waive the rules of procedure and allow for public comment.

**The vote failed 3-3.**

**3. Appointment of a member(s) to represent the Commission on the Community Advisory Group, assisting in the development of a vision for Bellaire Beautification.**

The Commission decided to postpone action on this item until the October meeting.

**VII. COMMITTEE REPORTS**

There were no committee reports.

**VIII. CORRESPONDENCE**

There was no correspondence.

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

**1. Staff liaison report on the status of projects previously addressed by the commission as well as projects for future meetings.**

**a. Update on the proposed amendments to the R-MF Zoning District**

Mr. McDonald informed the Commission that action on the proposed amendments to the R-MF had again been put off until the next meeting. He added that he had met with an apartment developer to get a better idea of how to make a multi-family development feasible for that property. He stated that the developer felt as though the limit of approximately 125 units might be a little low, however, he mentioned that Bellaire could be an ideal location for "boutique" style apartments, in which 125 units would be appropriate. Mr. McDonald explained that there was also discussion of independent senior living, which would fall into the 125 unit range, and would be set up very similarly to a regular apartment complex. He informed the Commission that he would be bringing the proposal back for them to vote on at the October meeting with a couple of amendments that will include a PD option for multi-family, as well as independent senior living as a permitted use.

Mr. McDonald also explained that the public hearing before City Council for the HEB PD amendment had been the previous night, and that Council would be voting on that application at their next meeting. He also mentioned that the public hearing for the daycare SUP will be taking place the same night. Mr. McDonald informed the Commission that Bellaire High School is in the process of bringing their project advisory team back together.

The Commission asked that staff inform them of when the meetings will take place.

**2. 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 Thorogood and seconded by Commissioner Axelrad to adjourn the Regular Meeting.

**Vote:** the motion passed with a vote of 6-0.

**The meeting was adjourned at 8:00 PM.**