



CITY OF BELLAIRE TEXAS

PLANNING AND ZONING COMMISSION

OCTOBER 18, 2016

**Council Chamber and Council Conference Room
6:00 PM**

Regular Session and Workshop

**7008 S. RICE AVENUE
BELLAIRE, TX 77401**

I. EXECUTIVE SESSION

A. Call to Order & Announcement of Quorum

Chairman Frazier called the meeting to order at 6:07 PM, and announced that a quorum of the Commission was present.

B. Convene in Executive Session (Closed Session)

Chairman Frazier then explained that the Commission would be convening into Executive Session, as allowed under the Texas Government Code, Chapter 551, Open Meetings Act, Section 551.071.

Convene in Executive Session (Closed Session to be held in the Council Conference Room) under the Texas Government Code, Chapter 551, Open Meetings Act, Section 551.071, Consultation with Attorney, regarding the City of Bellaire, Code of Ordinances, Chapter 24, Planning and Zoning, with regard to the permitted use or specific use of "schools."

C. Adjournment

The Executive Session was adjourned at 7:13 PM.

II. REGULAR SESSION

A. Call to Order and Announcement of Quorum

Chairman Frazier called the Regular Session to order at 7:17 PM, and announced that a quorum was present consisting of the following members:

Attendee Name	Title	Status	Arrived
Jonathan Saikin	Commissioner	Present	
Mike Axelrad	Commissioner	Absent	
Winfred Frazier	Chairman	Present	
Bill Thorogood	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	

B. Approval of Minutes from Past Meetings

1. Planning and Zoning Commission - Regular Session - Sep 13, 2016 6:00 PM

Commissioner Thorogood asked that the public comments during the TRPD public hearing reflect the concerns regarding the number of schools in the area.

Vice Chairman Stiggins mentioned that there was a vote taken by the Commission on whether or not to allow for a public comment after the comment time had closed. He asked that it be added to the minutes.

RESULT:	APPROVED AS CORRECTED [UNANIMOUS]
MOVER:	Marc Steinberg, Commissioner
SECONDER:	Dirk Stiggins, Vice Chairman
AYES:	Saikin, Frazier, Thorogood, Steinberg, Stiggins, Skinner
ABSENT:	Axelrad

C. Reminder to Citizens Desiring to Address the Commission

Chairman Frazier reminded all citizens who wished to speak to fill out a sign in sheet.

D. General Public Comments

1. **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.**

Lynn McBee-Ms. McBee stated that there were several omissions in the draft memo to Council regarding the Residential-Multi Family District (R-MF) and urged the Commission to revise it to include more detail. She also mentioned that she didn't understand why the Commission needed to go into closed session to seek legal advice on a subject that was talked about during City Council's regular meeting the night before.

Council Member Trisha Pollard-Ms. Pollard stated that she was told by many residents that the notices that were sent out regarding the proposed amendments to the Technical Research Park District (TRPD) were very vague and did not allude to the fact that it was dealing with the Chevron property at all. Council Member Pollard stated that she knew it wasn't the City's intention, but that it came across as a lack of transparency. She suggested that in the future a map be included to show the residents where the property in question is located.

Chairman Frazier also read the following written comment into the record, on behalf of Catherine Lewis:

Please put parks, jogging and hiking paths, and beautification into the Comprehensive Plan for TRPD (Chevron site on Fournace). It costs nothing to make it a possibility. A Chevron employee at the public hearing on TRPD last night said that Chevron might even donate green space. Being in the oil industry, I know Chevron doesn't make its money selling small parcels of real estate.

E. Current Business (Items for Discussion, Consideration, and/or Possible Action)

1. 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.

Mr. McDonald introduced the item and reminded the Commission that a public hearing was held back in June on the proposed changes. He stated that due to other items that had come up recently action on this item was delayed. Mr. McDonald explained that since the public hearing, he had met with a developer of multi-family projects to get a better understanding of how to make a development on that site feasible. Therefore, a few revisions were made to the redline based on the concerns that the Commission brought up during the public hearing, as well as the concerns of the developer. He stated that the option for a planned development (PD) and the allowance for independent senior living under multi-family dwellings was added, as well as the return of the maximum site area per dwelling unit that is currently within the code.

Motion: a motion was made by Commissioner Steinberg and seconded by Chairman Frazier to approve the proposed amendments to the R-MF Zoning District.

Commissioner Skinner asked for clarification on the maximum site area requirement.

Mr. McDonald explained that he simply changed it back to the language that is currently in the code which requires a maximum site area per dwelling unit of 1,200 square feet. He stated this regulation allows for approximately 125 units. He added that the PD option would allow for an increase in that number.

Commissioner Thorogood pointed out that the current code says "minimum site area" rather than "maximum site area."

Mr. McDonald agreed that "minimum" is correct and stated that staff would change the proposed regulations to "minimum" from "maximum."

Commissioner Skinner mentioned that the 10 foot setback does not allow much room for a sidewalk.

Mr. McDonald explained that depending on the amount of room between the curb and the property line, you could potentially get an up to 16 foot sidewalk through a PD.

Commissioner Saikin asked if the number of units allowed by the minimum site area is equal to the 35 units/acre requirement that was previously proposed.

Mr. McDonald explained that the 35 units/acre requirement was a little less than what would be allowed with the minimum site area requirement. He added that the intention behind the change to a minimum site area was to make it a little more economically feasible.

Commissioner Thorogood mentioned the allowance of independent senior living. He stated that most of those types of developments include a food establishment of some kind. Commissioner Thorogood pointed out that a significant amount of staffing would be required for that and asked if it's something that would be allowed.

Mr. McDonald stated that a food service operation would not be allowed.

Commissioner Thorogood suggested that the language be amended to specify that a food establishment will not be allowed within an independent senior living development.

Commissioner Steinberg then asked if it would even be necessary to call out independent senior living as an allowance if it is going to be the same as any other multi-family development.

Mr. McDonald and Attorney Petrov agreed that there is really no need to call it out as a use and suggested that they strike it from the language.

Commissioner Thorogood then reviewed the three written comments that had been provided by the residents and stated that he feels as though there is some confusion in what the proposed changes are doing. He asked Mr. McDonald for clarification that the allowable density is not being increased.

Mr. McDonald confirmed that the density is not being increased, and added that someone could come into that site today and build more units than what is currently there. He explained that the proposal is also adding protections for the surrounding residents that are not in the current code, such as, the height setback plane.

Chairman Frazier was concerned about striking the language regarding the allowance of independent senior living. He added that there has been a lot of talk lately about the need for alternative housing within the City and felt that it may be beneficial to specifically call that allowance out within the language.

Mr. McDonald suggested that he could somehow incorporate that allowance into the purpose statement for the district, that way it is specifically called out within the code. He stated that it could say something along the lines of "...including the potential for independent senior living..."

Chairman Frazier and the rest of the Commission agreed that adding that language to the purpose statement would be beneficial.

Chairman Frazier mentioned that he has never heard about any complaints regarding the current apartment complex and that to his knowledge they have been good neighbors to the City.

Vote: The Commission voted 6-0 to approve the proposed changes to the R-MF with the deletion of independent senior living as an allowable use under multi-family dwellings, the change from "maximum" to "minimum" site area, and the addition of language regarding independent senior living within the district's purpose statement.

2. Approval of the Commission's Report and Recommendation to City Council regarding proposed amendments to the R-MF Zoning District.

The Commission voted 6-0 to recommend approval of the Report & Recommendation with the following revisions:

- Deletion of the reference to the third speaker as "owner of the property."
- Replacement of the paragraph discussing the "property owner's" comments with the addition of another bullet point in the list of concerns.
- Addition of language mentioning the fact that the allowable density is not being increased, and that the Comprehensive Plan specifically calls out the need for alternative housing in this area of the City.

F. Committee Reports

There were no committee reports.

G. Correspondence

There was no correspondence.

H. 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.

Mr. McDonald informed the Commission that Bellaire High School's Project Advisory Team (PAT) is reconvening and should be meeting again within the next month. He also mentioned that Condit Elementary was allowed to open back in August with a temporary Certificate of Occupancy. He stated that they are still working on getting the parking lot and green space finished and that it should be completed by the end of the month.

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 on a future Agenda of the Commission, or for the referral to staff for investigation.

Vice Chairman Stiggins asked Mr. McDonald if he could give the Commission an idea of what is coming up in the next few months. He stated that he knows the Commission's review of the Capital Improvement Plan (CIP) is getting close, and asked if there was anything else that should be on their radar for the near future.

Mr. McDonald informed the Commission that they will have a workshop in November with Gary Mitchell of Kendig Keast Collaborative to discuss changes to the Comprehensive Plan that will guide the re-zoning of the Chevron property. He added that the Parks Board will be getting the first draft of the CIP in December, and has asked that the Commission receive a copy of it at that time as well. Mr. McDonald stated that he has also been in contact with a another developer that is looking at the church property on Bellaire Boulevard, next to the railroad tracks. He explained that he has worked through some potential scenarios with the interested parties and right now they all include special exceptions, variances, etc. Mr. McDonald pointed out that the property is showing on the Future Land Use Map as residential, and he has urged the developer to stay in a residential design philosophy for that site.

Chairman Frazier asked if the developer is aware of the previous application that was brought before the Commission for a commercial property, which was denied.

Mr. McDonald confirmed that he informed the developer about the previous application.

I. Adjournment

Motion: a motion was made by Vice Chairman Stiggins and seconded by Commissioner Skinner to adjourn the Regular Session.

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

The Regular Session adjourned at 8:13 PM.

III. WORKSHOP SESSION

1. Call to Order & Announcement of Quorum

Chairman Frazier called the Workshop Session to order at 8:14 PM, and announced that a quorum was present.

2. Discussion on amending the Comprehensive Plan and Future Land Use Map, with regard to the future re-development of the property currently zoned as Technical Research Park District (TRPD).

Mr. McDonald mentioned that the exit of Chevron provides the City with an opportunity to move away from the business park and office designation that is currently called out within the Comprehensive Plan, and take a look at some other needs that the City may have with regard to residential, commercial, etc. He pointed out that Commissioner Thorogood had prepared some research regarding potential outcomes for the property in question. Mr. McDonald stated that some of this was looking at the possibility of Bellaire High School relocating to this site, which may not be an option anymore. He reiterated that the next couple meetings will include workshops with Gary Mitchell of Kendig Keast Collaborative, who will help guide the Commission through the process of crafting the desired language within the Comprehensive Plan.

Commissioner Steinberg asked if there were any other properties that the Commission should be taking a look at during this time, while Mr. Mitchell is available and the Comprehensive Plan is being amended.

Mr. McDonald didn't feel as though there were any other properties that needed to be taken into consideration at this time.

Chairman Frazier thanked Commissioner Thorogood for all of his hard work on the research that was done. He also pointed out that the Commission began looking at the zoning for this property prior to finding out that the school district was interested in purchasing the property to relocate Bellaire High School.

Commissioner Thorogood then took a few minutes to explain where he got his information from and how he went about calculating the numbers. He stated that when he heard that the school district was talking about acquiring the property he began to try and come up with a timeline for how long it would take, after purchase of the Chevron property, to turn the current Bellaire High School property into residential. Commissioner Thorogood explained that, based on his research, it would take approximately 10 years to approve, purchase, and convert the Chevron property into a fully functioning Bellaire High School, and then to remove the current Bellaire High School property, build infrastructure, and fully construct residential

properties on that site. He then stated that he also wanted to see what would happen to the City's property tax base if the Chevron site was rebuilt as all residential, or if the current Bellaire High School property was turned into residential. Commissioner Thorogood found that the rebuild of the Chevron property into residential would bring in property tax of approximately \$580,000 per year, whereas the rebuild of Bellaire High School to residential would only bring in \$336,000, creating a net loss for the future of \$243,000. He informed the Commission that the whole point in the exercise was to determine the loss for the City in property taxes if the Chevron property goes non-taxable. Commissioner Thorogood pointed out that if it does indeed take 10 years to rebuild, the City could effectively lose \$3.5 million in tax base during the first 10 years, and approximately \$250,000 every year thereafter. He stated that these numbers give a relative scale of the values that are there now, based on current HCAD appraisal values. Commissioner Thorogood realized that ultimately the Commission cannot predict what will happen with the property, and that it is the right of the property owner to determine how it will be used, however, he felt that the Commission needs to be aware of the topics/questions to consider that make a difference for this site. He then stated that he had provided a list of topics for the Commission to take into consideration while discussing the potential changes for this property.

Mr. McDonald stated that this was a great place to start, and that everything is on the table at this point. He added that the City has been given a great opportunity to essentially start over with a significant parcel of land. Mr. McDonald mentioned the potential for single-family residential to go in on the site and explained that he does have concerns with dumping approximately 200 lots on a market that currently only averages about 100 homes/year. He added, however, that an alternative housing type, such as, town homes, would attract a new market. Mr. McDonald also mentioned that design standards should be looked at with regard to commercial developments, as well as taking into account the traffic patterns that could differ from the current patterns of Chevron.

Chairman Frazier asked Mr. McDonald to summarize what transpired at the City Council meeting with regard to proposed amendments to the TRPD, which were recommended by the Commission.

Mr. McDonald informed the Commission that Council voted to approve the Commission's recommendation, which requires that almost all permitted uses go through the specific use permitting process. He added that they will be looking for a recommendation from the Commission in early 2017 to amend the Comprehensive Plan, and based on that recommendation, re-zoning options will be discussed.

Commissioner Steinberg mentioned the office building that houses Chase Bank and asked how many stories it is.

Mr. McDonald stated that he thought it was 13 stories.

Commissioner Steinberg then asked if the property that faces 610 would have the same right to build a development of that nature or if that was special development.

Mr. McDonald explained that most of the developments on 610 have been done through a planned development (PD). He added that the actual Loop 610 Zoning District is only comprised of small parcels. Mr. McDonald mentioned that although the Chevron property is within the TRPD, the actual building that is on the property pre-dates the creation of that zoning district. He pointed out that as part of the re-zoning of this property, it could ultimately end up in multiple district, if desired.

Commissioner Steinberg asked if Bellaire has an overall limit on the height of a building.

Mr. McDonald explained that it is based on the zoning district that the building is located in, however, developing through a PD allows for more height. He added that if the Commission was concerned about allowing a taller building that close to residential development then an increase in setbacks for each additional story that is built could be required.

Commissioner Saikin questioned to what extent the Commission should factor in tax base when deciding the types of developments that they would like to see for the property.

Mr. McDonald stated that it definitely should be taken into consideration. He added that part of land planning is to ensure proper development that supports the community.

Commissioner Thorogood pointed out that the Comprehensive Plan was driven by the need for commercial developments due to the fact that residential was not able to carry the community's needs, so both sales and property taxes are very important.

Mr. McDonald added that a diversification of housing types, as well as quality commercial developments are needed to help spread the tax base around.

Chairman Frazier also mentioned Joe Gaither Park and stated that he would like for the enhancement/expansion of the park to be part of the Commission's discussion.

Mr. McDonald agreed that there could be opportunities to expand the park. He added that in the instance that a PD was proposed the City could require that a certain amount/quality of green space be added.

Chairman Frazier mentioned the Shell gas station located next to the Chevron property and explained that it is not owned by Chevron.

Mr. McDonald stated that he was correct, and that site is also for sale.

Commissioner Thorogood then read part of an article regarding current real estate prices for properties within the loop. He stated that based on the prices listed in the article it would put the Chevron property at a quarter of a billion dollars. Commissioner Thorogood added that economics is going to be the driving factor in the development of this property, however he hopes that the Commission and the City can keep the citizens from being compromised.

Commissioner Steinberg asked if the Commission would have to re-create the wheel when it comes to green space, buffering, etc. or if it could piggyback off of zoning districts where those standards are already in place.

Mr. McDonald explained that those requirements and design standards could be carried over from the already established zoning districts.

Commissioner Steinberg mentioned all of the different types of developments that could be allowed on this site and asked if the Commission would have to assign specific guidelines for each of the types of projects.

Mr. McDonald stated that all of those types of projects are allowed within the UV-T as well, it is simply about crafting the language in a way that encompasses all of the potential development types.

Commissioner Thorogood pointed out there are already a lot of regulations in place for residential as well, which could be carried over to this property.

Commissioner Steinberg was concerned about trying to create a balance between setting standards for the property and leaving options open for a developer to come in and pitch an idea.

Mr. McDonald explained that this is why he felt as though it would be good to start with an amendment to the Comprehensive Plan, in an effort to set some general goals and ideas for the property until the City gets a better idea of the potential for this site.

Commissioner Steinberg asked if the Commission will essentially sit back and wait after the changes are made to the Comprehensive Plan.

Mr. McDonald stated that he will speak with Gary Mitchell about the best way to handle it. He added, however, that changes to the Comprehensive Plan may not be voted on until March, meaning that the property will have already been on the market for a couple months. Mr. McDonald stated that by then the City will have a better idea of what is going to happen, and will probably already be getting calls from interested buyers about the zoning for the property.

Commissioner Skinner mentioned that a document was given to City Council the night before, from the residents in the area, petitioning HISD's purchase of the property to be used as a school. She asked if the document has any impact on the Commission.

Mr. McDonald stated that it was less of an official petition and more of a statement from the neighbors regarding their desires for the property. He added that it simply allows the Commission to realize that there are a lot of neighbors in the area that do not want a school there, and they can use that information to aide in the decision making for the site.

Commissioner Skinner made mention that there are already nice town home developments going up in nearby Houston, and suggested that this could be a good option for Bellaire.

Commissioner Saikin agreed that there are homes missing in those price ranges within the City. He then asked for clarification on how the process would work for an interested buyer. He questioned if they would assume the risk of purchasing the property when their desired use may not be permitted.

Mr. McDonald explained that it would all just depend on the situation. He added that the City has seen transactions take place that are contingent on the re-zoning of the property.

Commissioner Thorogood stated that he would like to get some input from the City Engineer on what the infrastructure in that area would be able to accommodate.

Mr. McDonald informed the Commission that the issue with this property is that regardless of the project that is developed, new infrastructure will need to be

installed. He stated that he would check with Brant Gary, the Director of Public Works, to see what his thoughts are. Mr. McDonald also mentioned that City Engineer, James Andrews, has completed a drainage study for Bellaire, and that he could have him attend a future meeting to give a presentation on the possible solutions for drainage issues in that area.

Chairman Frazier also pointed out that there are already a number of plans in place to help improve drainage within the City.

Mr. McDonald agreed, but explained that the streets for those projects have not yet been identified. He mentioned, however, that there will continue to be additional bond packages in the future to address city-wide issues. He added that this presents an opportunity for a developer to come in and potentially take care of the infrastructure issues in that area at no cost to the City.

Chairman Frazier pointed out that South Rice Avenue is one of the busiest streets within the City and can become difficult during certain times of the day. He asked if there is anything that the Commission could do to make the developer aware, or to help regulate the problem.

Mr. McDonald explained that depending on the project that is proposed, a Traffic Impact Analysis would be prepared for the property. He added that the issue would be with the fact that South Rice, within that area, is in the City of Houston, therefore, Bellaire would have to work with them on any regulations that are put in place. Mr. McDonald stated that he has recently heard that the City of Houston is looking into widening South Rice and that he will try to get more information on that.

Commissioner Skinner asked for clarification on which part of South Rice is within the City of Houston.

Mr. McDonald stated that everything north of Elm is within the City of Houston.

3. Adjournment

Motion: a motion was made by Commissioner Steinberg and seconded by Commissioner Thorogood to adjourn the Workshop Session.

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

The Workshop Session was adjourned at 9:16 PM.