



CITY OF BELLAIRE TEXAS

PLANNING AND ZONING COMMISSION

NOVEMBER 8, 2016

Council Chamber

Workshop Session

6:00 PM

7008 S. RICE AVENUE
BELLAIRE, TX 77401

WORKSHOP SESSION-COUNCIL CHAMBER

I. Call to Order & Announcement of Quorum

Chairman Frazier called the workshop to order at 6:03 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	Present	
Winfred Frazier	Chairman	Present	
Bill Thorogood	Commissioner	Present	
Marc Steinberg	Commissioner	Present	
Dirk Stiggins	Vice Chairman	Absent	
S. Lynne Skinner	Commissioner	Present	
Alan P. Petrov	City Attorney	Present	
John McDonald	Director	Present	
Ashley Parcus	Secretary	Present	

II. Topics of Discussion:

i. Update from City Attorney, Alan Petrov, on potential amendments to the Code of Ordinances, Chapter 24, Planning and Zoning, with regard to the regulation and allowance of pawn shops, smoke shops, credit access businesses, and sexually oriented businesses within the City.

Attorney Petrov reminded the Commission that this item had been brought to them by City Council, at the request of Council Member Pollard. He added that each one of these types of businesses have to be looked at individually, as there are state regulations that are specific to each. Attorney Petrov's findings were as follows:

Pawn Shops: Attorney Petrov stated that although state law prohibits the exclusion of these types of businesses within the City, it does leave the door open for distance regulations to be enforced. He added that distance regulations are very common in other cities as a way to limit the ability of pawn shops to enter in certain areas. Attorney Petrov also pointed out that currently there are regulations in place stating that a pawn shop is not allowed to locate within two miles of a pawn shop already in existence, which could be beneficial for the City of Bellaire due to its limited size. Mr. McDonald mentioned that pawn shops are currently allowed in two zoning districts within the City (CMU and UV-D), which could be narrowed down to one. He added that this change, along with the creation of distance regulations could severely limit the allowance for pawn shops all together.

Commissioner Skinner stated that she believed that there are currently two pawn shops in Bellaire that are located within two miles of each other.

Attorney Petrov mentioned that the City may be able to report them to the state.

Mr. McDonald informed the Commission that he plans to bring back draft language with the potential for a public hearing sometime in early 2017.

Commissioner Axelrad mentioned that the recent requirement for identification when selling gold put a damper on that part of the business. He then stated that there might be some regulations that the City could put into place that would impact the way that they do business, and in turn, discourage them from coming into the City.

Attorney Petrov stated that it could be a possibility for some of the businesses.

Commissioner Saikin pointed out that large, gaudy signs tend to be installed at businesses such as these, and asked about the current sign regulations. He felt that something should be done to limit them because in his opinion they do not reflect a first class city.

Mr. McDonald explained that commercial businesses, in general, are allowed to install window signs, as long as they don't cover more than 25% of the total window area. He added that wall signs are also allowed, and that the specific sign allowances are based on the location of the business and the City's sign ordinance. Mr. McDonald informed the Commission that the City will soon begin the process of reviewing the sign ordinance due to some recent developments at the Supreme Court that have created concerns with regard to how signs are regulated. He stated that the City could potentially put restrictions on it excluding the use of neon colors and lighted signage.

Commissioner Saikin felt that those restrictions would be beneficial, specifically for pawn shops and smoke shops.

Attorney Petrov explained that the Supreme Court case that came out about a year ago deals with the fact that sign regulations cannot be content based, therefore, the City cannot deny a business a sign permit due to what is on their sign.

Smoke Shops: Attorney Petrov explained that state regulations with regard to smoke shops are not as specific as they are with pawn shops. He added that the City could develop very detailed permit requirements that could limit the allowance of these businesses. However, he pointed out that they will need to be clearly defined. Attorney Petrov cautioned City staff and the Commission to be careful in the development of the definition and regulations so as not to impact businesses that do not need to be regulated, i.e. grocery stores and gas stations that sell tobacco.

A discussion then ensued about the difference between the sell of tobacco and drug paraphernalia.

Commissioner Steinberg asked if drug paraphernalia was defined anywhere.

Attorney Petrov mentioned that the criminal code may have some definitions that the City could utilize.

Credit Access Businesses: Attorney Petrov mentioned that the City of Bellaire, along with many other cities, has adopted regulations from the Texas Municipal League (TML) with regard to credit access businesses. He added that there is currently some litigation with regard to the allowance of these businesses, and

stated that he would not advocate taking regulations any further.

Commissioner Thorogood asked how of those types of businesses were currently present in the City. He stated that he was only aware of one.

Mr. McDonald stated that he thought there were a couple.

Sexually Oriented Businesses (SOBs): Attorney Petrov stated that the City of Bellaire has some pretty solid regulations already in place for SOBs, and that state regulations do not allow for the zoning out of these businesses. Attorney Petrov did state, however, that the definitions may need further review. He explained that currently the code states that a business's primary sales must come from "wearable items," and that may be something that could be increased to a higher percentage.

Chairman Frazier asked if there was any current litigation concerning SOBs.

Attorney Petrov stated that there always seems to be some sort of litigation with regard to SOBs, however, most are criminal cases dealing with actions that are taking place inside the businesses.

Chairman Frazier mentioned that he would be interested in knowing about any examples of regulations that other municipalities have used to restrict these types of businesses.

ii. Discussion with Gary Mitchell, of Kendig Keast Collaborative, on amending the Comprehensive Plan and Future Land Use Map, with regard to the future redevelopment of the property currently zoned as Technical Research Park District (TRPD).

Mr. McDonald explained that Mr. Mitchell was in attendance to discuss the Commission's vision for the area of the City currently zoned as Technical Research Park District (TRPD), more commonly known as the Chevron property.

Mr. Mitchell pointed out that the exit of Chevron provides the Commission and the City with the opportunity to set the direction and tone for that area, and to make the necessary changes within the Comprehensive Plan that support those desires. He stated that the intention of the workshop was simply to get some feedback from the Commissioners on what they would like to see for this site. Mr. Mitchell then explained that in his opinion, this property would not be appropriate for a multi-family development and stated that he feels as though senior living, patio homes, smaller lot homes, etc would be a better fit. He also mentioned that this provides the City with an interesting opportunity for the addition of bike paths. Mr. Mitchell stated that traffic, security, drainage, and the intensity of development are all things that need to be considered. Mr. Mitchell also expressed the importance of cohesiveness between the new development and the environment that is already there, i.e. the tree canopy and green space. He then showed the Commission several slides that compared the property with other big developments within Houston to give a better idea of the size, along with pictures of developments in existence in other cities that could be a possibility for this site. Mr. Mitchell stated that he could picture some type of commercial on the loop that transitions to possibly small lot residential towards the back of the site. He also pointed out that he could see the potential for a condo tower on the property. Mr. Mitchell mentioned that this is a unique site and he could see this property having its own zoning designation.

Mr. McDonald mentioned that there is a lot of interest in this property and he felt that it would not be on the market very long. He stated that this is the Commission's

opportunity to set some parameters and give developers a better idea of what would be appropriate for this site. Mr. McDonald pointed out the fact that the property backs up to a residentially zoned district and stated that the height-setback plane could be utilized, if necessary.

Commissioner Steinberg felt that the Commission should leave the language as open as possible in order to allow for a developer to come in and pitch a proposal.

Commissioner Axelrad acknowledged the fact that there has to be a balance between economics and aesthetics when deciding on what would be an appropriate development for the property.

Mr. McDonald agreed that an important aspect of this is ensuring that the uses are economically feasible for someone to come in and develop on this site.

Chairman Frazier asked if a combination of residential and commercial would coincide with the language within the Comprehensive Plan.

Mr. Mitchell stated that he felt as though it would be consistent.

Commissioner Axelrad agreed that a West Ave type of development, incorporating restaurants and prominent green space, would be favorable.

Mr. Mitchell stated that he would like to see some sort of alternative housing incorporated into the development because he feels as though there would be a significant amount of demand for a more affordable housing type within the City.

Mr. McDonald agreed that lifecycle housing/ a diversification of the housing base would expand the City's "product line." He mentioned, however, that it would need to be an economically feasible development.

Commissioner Thorogood mentioned that Fournace could be taken back down to two lanes on the west side and the right-of-way could then be incorporated into the Chevron property. He added that traffic has become an issue in that area due to all of the schools within a close proximity, and anything that could be done to help minimize it would be good.

Chairman Frazier pointed out that South Rice is already very congested, and questioned how the reduction of Fournace would impact it.

Mr. Mitchell agreed with Chairman Frazier, but stated that ultimately he would have to defer that question to the traffic engineers. He added that his concern is that Bellaire residents living in that area would not be happy.

Mr. McDonald pointed out that you also have to take into consideration the fact that the current traffic patterns for the Chevron property are most likely going to change with the turnover of uses. He added that three lanes on Fournace may be more efficient than a four lane road, but at peak times traffic is going to back up and the neighborhood will be used as a cut through. Mr. McDonald stated that the only way to stop people from cutting through would be to block off the streets that go to 610, which will ultimately lead to the area residents getting tied up in the traffic when they are trying to access the highway.

Commissioner Thorogood stated that the solution to that problem would be to bring Anderson down to Fournace, and add a stoplight.

Mr. McDonald mentioned that the City does not own that property and cannot afford to buy it.

Commissioner Thorogood pointed out that there are things that could be done as part of the development. He added that he is just trying to think out of the box in an effort to get those residents the attention that they deserve and have not gotten over the years.

Mr. McDonald explained that doing something of that nature would be hard due to the fact that the City does not have a thoroughfare plan, and language cannot be added to the Comprehensive Plan requiring the developer to do such things. He added that it is a conversation that is beyond the scope of this topic of discussion.

Commissioner Steinberg stated that he would not be in favor of reducing the size of Fournace. He agreed that it would be nice to be able to stop the flow from other parts of Houston through that area, but he would not want to create more issues for Bellaire residents.

Commissioner Thorogood informed the Commission that other cities, both in this area and in other parts of Texas, have done it and it has made a significant difference in their traffic patterns.

Chairman Frazier mentioned the slide that Mr. Mitchell showed of a residential development with a courtyard in the middle and stated that he would like to see, and felt that Bellaire citizens would welcome, a development of that nature going in on this property.

Commissioner Skinner mentioned that developer Brad Freels recently spoke at a luncheon hosted by the Bellaire Business Alliance. She stated that he felt as though Bellaire should focus on multi-generational residential development, and that retail should be last on the list.

Mr. McDonald stated that the issue would be with crafting language that would allow for restaurants but include general retail only as an accessory use.

Commissioner Thorogood agreed with Commissioner Skinner that Mr. Freels felt as though the City of Bellaire does residential really well and should take advantage of that.

The Commissioners thanked Mr. Mitchell for being in attendance and guiding the Commission in the discussion.

III. Adjournment

Chairman Frazier adjourned the Workshop Session at 7:30 PM.