

# CITY OF BELLAIRE TEXAS

## PLANNING AND ZONING COMMISSION

DECEMBER 13, 2016

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Council Chamber

Regular Session

6:00 PM

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7008 S. RICE AVENUE  
BELLAIRE, TX 77401



### Chairman

Mr. Winfred Frazier

### Commissioner

Jonathan Saikin

### Commissioner

Bill Thorogood

### Vice Chairman

Dirk Stiggins

### Commissioner

Mike Axelrad

### Commissioner

Marc Steinberg

### 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.*

**I. CALL TO ORDER AND ANNOUNCEMENT OF QUORUM****II. APPROVAL OF MINUTES FROM PAST MEETINGS**

1. Planning and Zoning Commission - Regular Session and Workshop - Oct 18, 2016 6:00 PM
2. Planning and Zoning Commission - Workshop Session - Nov 8, 2016 6:00 PM

**III. REMINDER TO CITIZENS DESIRING 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.**

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

1. Proposed amendments to 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), as prepared by Gary Mitchell of Kendig Keast Collaborative.
2. Approval of the Planning and Zoning Commission's 2017 Submittal Deadline Calendar.

**VI. COMMITTEE REPORTS****VII. CORRESPONDENCE****VIII. 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. **Visioning Bellaire: Urban Design and Beautification Conceptual Master Plan, as prepared by Terrain Studios.**
  - b. **H-E-B**
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**

**IX. ADJOURNMENT**



# 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	

Minutes Acceptance: Minutes of Oct 18, 2016 6:00 PM (Approval of Minutes from Past Meetings)

## 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.

<b>RESULT:</b>	<b>APPROVED AS CORRECTED [UNANIMOUS]</b>
<b>MOVER:</b>	Marc Steinberg, Commissioner
<b>SECONDER:</b>	Dirk Stiggins, Vice Chairman
<b>AYES:</b>	Saikin, Frazier, Thorogood, Steinberg, Stiggins, Skinner
<b>ABSENT:</b>	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 apologized for the mistake.

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, 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 about 10 years to build out. 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 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.**



# 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.**

Minutes Acceptance: Minutes of Nov 8, 2016 6:00 PM (Approval of Minutes from Past Meetings)

**Planning and Zoning  
Commission**

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



Meeting: 12/13/16 06:00 PM  
Department: Development Services  
Category: Comprehensive Plan  
Department Head: John McDonald  
DOC ID: 2105

**SCHEDULED  
ACTION ITEM (ID # 2105)**

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**Item Title:**

Proposed amendments to 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), as prepared by Gary Mitchell of Kendig Keast Collaborative.

**Background/Summary:**

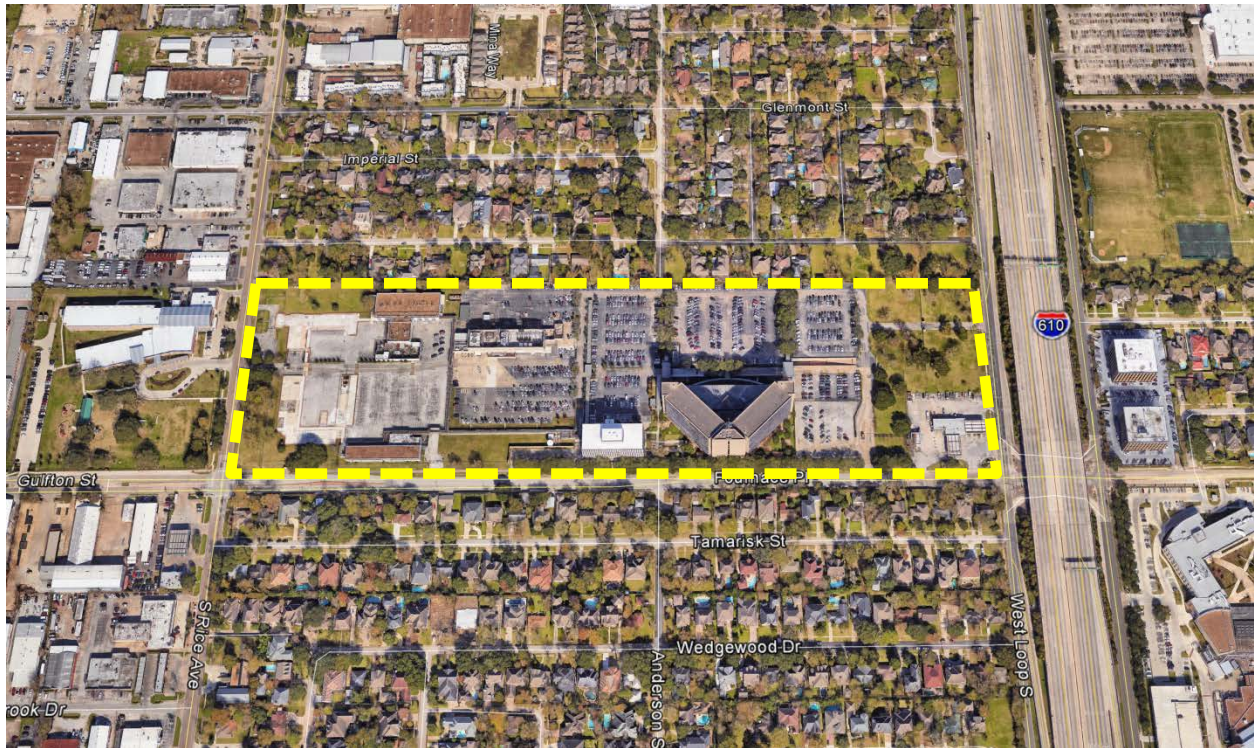
The draft language is attached.

**ATTACHMENTS:**

- Bellaire New Land Use Category Description DRAFT 12 08 16 (PDF)

## North Bellaire Special Development Area

Since the 1940s, the area just north of Fournace Place, between the present-day West Loop 610 on the east and South Rice Avenue on the west, has been devoted to technical/research functions and other office space, first by Texaco and in recent decades by Chevron Corporation. Through its zoning ordinance, the City of Bellaire applied a Technical Research Park (TRP) classification to the area, including several adjacent properties that front on Loop 610. One of these properties has long been in use as a gas station at the northwest corner of Fournace and the Loop. The zoning classification corresponded with a Business Park designation for this area on the Future Land Use and Character map within the City's Comprehensive Plan. This Land Use and Community Character section of the plan previously described the Business Park designation as appropriate for "areas already developed as, or envisioned for office and research and technology-related uses in a campus-like environment."



In summer 2016, Chevron announced its plans to remove all activities from this location by 2017 and sell the property. This turn of events opened up redevelopment possibilities for a contiguous, rectangular area of some 30 acres in north Bellaire, with the corner gas station property also going on the market. This is similar to significant property sales and land use transitions seen in nearby areas of central Houston, and particularly to the north around the West Loop 610 corridor through Uptown Houston. The difference is that Bellaire uses a Comprehensive Plan and zoning regulations to set parameters for land use and clarify desired community outcomes from new development and redevelopment activity. This is essential as the North Bellaire Special Development Area is bordered not only by busy arterial streets and a major freeway. Long-established neighborhoods of single-family detached homes are immediately north of the area and also to the south across Fournace Place.

Given this context, the area is envisioned as potentially accommodating a range of uses that would capitalize on this unique redevelopment opportunity, but with such uses located and designed to provide protection to adjacent residential areas. With an eye to the City's long-term financial outlook



and costs of public service provision, the development prospects for this area clearly must take into account the net tax base effect as the area transitions from its previous land uses. Along with creating value and quality for the community, residential options and non-residential uses and amenities developed in the area should help to satisfy life-cycle housing needs of current and prospective Bellaire residents (i.e., homes for young professionals and families, “downsizing” options for senior residents). The development outcomes should also contribute to residents’ quality of life through potential new retail and service uses, including restaurants. The predominant residential component should be single-family homes developed in a clustered fashion, on small lots and likely with a more vertical house profile (i.e., three-four stories) than seen previously in Bellaire but common in residential construction in the vicinity in recent years, including in redeveloping areas along Bellaire Boulevard in the City of Southside Place.

Multi-family development is provided for in several other areas of Bellaire, including within the Residential-Multifamily (R-MF) zoning district, as well as the more recently established Urban Village-Downtown (UV-D), Urban Village-Transit Oriented Development (UV-T) and Corridor Mixed Use (CMU) districts. For this reason, the North Bellaire Special Development Area is seen as more appropriate for other uses. However, if land costs and development economics make multi-family among the only viable residential options for the area, then limitations on the quantity and standards for the quality of such use should apply as in the UV-D, UV-T and CMU zoning districts. Likewise, any multi-family use in the Special Development Area should occur only as part of mixed-use development.

The most intensive uses in the Special Development Area, and their associated vehicular access points, should be located along or near the Loop 610 frontage. A next tier of use intensity could occur along the South Rice Avenue frontage and, secondarily, along the Fournace Place frontage. The lowest development intensities, together with adequate separation and buffering, should occur along the northern boundary of the area, closest to the single-family homes that front on Mayfair Street. The current TRP district imposes a six-story building height limitation as was typical of various Bellaire zoning districts prior to more recently established districts that provide greater height flexibility. However, the existing office building on the Chevron site, constructed in the 1970s and situated close to Fournace, long ago set a precedent of 10 stories. As in the other Bellaire zoning districts that involve the interface between low-density residential and higher-intensity land uses, a “height-setback plane” (greater setback of upper portions of buildings) should govern the allowable height of potential multi-story buildings near single-family homes to maintain openness and protect residential privacy.

Property owners and developers always have the option of pursuing a Planned Development (PD) zoning approval for proposed development of some portion or all of the North Bellaire Special Development Area. As in other areas of the community, a PD application provides the opportunity to put forward a master-planned development approach that may involve an alternate set of land uses and/or special site design elements. Any such proposal would be vetted through a site plan review process and associated public discussion and hearings as provided for in the City’s development regulations and procedures.

Whether pursued through conventional development proposals or PD applications, the “clean slate” redevelopment opportunity afforded by this significant land turnover in north Bellaire should also lead to creative site planning and design that incorporates green and open space areas into any proposed development. The tree-lined frontage and pathway along the north side of Fournace Place should also be maintained and extended all the way



to South Rice Avenue. Residential areas could include orientation of homes toward landscaped mews (open space common areas), with rear garage access, to yield a true sense of neighborhood for residents living in relatively close quarters compared to many other areas of Bellaire. In non-residential and mixed-used areas, pocket parks, landscaped plazas and seating areas, and generous plantings within street rights-of-way would provide the desired green amenities and area enhancement. Additionally, landscaping plans across the entire Special Development Area should have a core objective of extending the signature urban tree canopy of Bellaire into the interior of the area—including through targeted installation of mature oaks from off-site rather than only through smaller plantings for future growth.

**Planning and Zoning  
Commission**

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



Meeting: 12/13/16 06:00 PM  
Department: Development Services  
Category: Policy  
Department Head: John McDonald  
DOC ID: 2104

**SCHEDULED  
ACTION ITEM (ID # 2104)**

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**Item Title:**

Approval of the Planning and Zoning Commission's 2017 Submittal Deadline Calendar.

**Background/Summary:**

Chapter 23.5, Land Subdivision Regulations, allows for the adoption of a submittal calendar by the Commission for the orderly filing and handling of applications for review by staff and considered by the Commission.

Additionally, we include submittal dates for zoning issues to allow for the proper processing, review, and notification of related applications.

Attached is the proposed calendar for 2017.

**Recommendation:**

The Director recommends approval.

**ATTACHMENTS:**

- Submittal Deadline Dates 2017(PDF)



**City of Bellaire**  
**Development Services Department**  
**2017 Submittal Calendar and Deadlines**  
**Planning & Zoning Commission**

Formal Application Deadline (Replats and Zoning)	Formal Application Deadline (Amending Plats)	Applicants' revisions due back to City no later than this date	Planning and Zoning Meeting 6:00 P.M.
December 6, 2016	December 13, 2016	December 27, 2016	January 10, 2017
January 10, 2017	January 17, 2017	January 31, 2017	February 14, 2017
February 7, 2017	February 14, 2017	February 28, 2017	March 14, 2017
March 7, 2017	March 14, 2017	March 28, 2017	April 11, 2017
April 4, 2017	April 11, 2017	April 25, 2017	May 9, 2017
May 9, 2017	May 16, 2017	May 30, 2017	June 13, 2017
June 6, 2017	June 13, 2017	June 27, 2017	July 11, 2017
July 3, 2017	July 11, 2017	July 25, 2017	August 8, 2017
August 8, 2017	August 15, 2017	August 29, 2017	September 12, 2017
September 5, 2017	September 12, 2017	September 26, 2017	October 10, 2017
October 10, 2017	October 17, 2017	October 31, 2017	November 14, 2017
November 7, 2017	November 14, 2017	November 28, 2017	December 12, 2017
December 5, 2017	December 12, 2017	December 22, 2017	January 9, 2018

\*All times and dates are subject to change without notice. Deadline for application submittal is 4:00 PM on normal business days. Items will not be placed on the Commission's Agenda until all necessary materials have been received and approved by the Development Services Department.\*

***Please visit our website at [www.bellairtex.gov](http://www.bellairtex.gov) for more information on applications, past and present agendas, maps, ordinances, etc.***

**\*\*If you have any questions regarding submittal deadlines or submittal deliverables, please contact Ashley Parcus at (713) 662-8240 or by email at [aparcus@bellairtex.gov](mailto:aparcus@bellairtex.gov)\*\***