



# CITY OF BELLAIRE TEXAS

## PLANNING AND ZONING COMMISSION

FEBRUARY 14, 2017

Council Chamber

Regular Session

6:00 PM

7008 S. RICE AVENUE  
BELLAIRE, TX 77401

### I. CALL TO ORDER & ANNOUNCEMENT OF QUORUM

Chairman Frazier called the meeting to order at 6:02 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	Present	
S. Lynne Skinner	Commissioner	Present	
Zachary Petrov	Assistant City Attorney	Present	
John McDonald	Director	Present	
Ashley Parcus	Secretary	Present	
Trisha S. Pollard	Council Member	Present	

### II. APPROVAL OF MINUTES FROM PAST MEETINGS

#### A. Planning and Zoning Commission - Regular Session - Jan 10, 2017 6:00 PM

Commissioner Thorogood felt that the public comments section did not appropriately reflect the concerns and objections of the residents and asked that staff see what they could do to better articulate those comments.

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

### III. REMINDER TO CITIZENS DESIRING TO ADDRESS THE COMMISSION DURING GENERAL PUBLIC COMMENTS

Chairman Frazier reminded anyone who wished to address the Commission during the general public comments section to fill out a sign in sheet.

### IV. PUBLIC HEARINGS

Public hearing on proposed amendments to the City of Bellaire Code of Ordinances, Chapter 24, Planning and Zoning, to amend Article II, Definitions and Interpretation, Section 24-202, to include a new definition for "head shops," and to prohibit the allowance of such use within the Corridor Mixed Use (CMU), Urban Village TOD (UVT), and Urban Village Downtown (UVD) Zoning Districts; for the addition of a new section 24-526 within Article V, Zoning Regulations, regarding pawn shop regulations and allowances within the City; and to repeal and replace the language within Article XI, Sexually Oriented Businesses, Section 24-1101, Definitions, (o) (3).

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

Mr. McDonald explained the public hearing procedures to the public, and added that the "staff findings" would be included in the "presentation by the applicant."

#### **B. Presentation by the Applicant**

Mr. McDonald explained that the proposed amendments are from staff, based on a request from City Council. He added that Council asked that the Commission take a look at the use and allowance of pawn shops, head shops, and credit access businesses. Mr. McDonald stated that based on a recommendation from the City Attorney, regulations of credit access businesses will not be amended for the time being. He mentioned that during discussions of these uses, the Commission decided that it would be appropriate to also take a look at the regulation of sexually oriented businesses (SOBs). Mr. McDonald explained that the proposed amendments for pawn shops includes a new regulation to require a minimum distance of 100 feet of such business from a residential property. He mentioned that at the previous meeting, Commissioner Stiggins asked that staff provide the Commission with a map which shows where in the City pawn shops would not be allowed, based on this regulation. Mr. McDonald explained that the City's GIS staff member recently had a medical emergency and has been out of the office, therefore, the map has not been completed but staff hopes to have it finalized before consideration of this item at the next meeting. He added that a definition of "head shops" was added, which are shops that specialize in pipes, and other paraphernalia used in illegal activities. Mr. McDonald stated that the proposed amendments also specifically prohibit the use within the UV-T, UV-D, and CMU zoning districts, which effectively prohibits the allowance of head shops within Bellaire. Mr. McDonald then explained that the proposed language for an SOB includes the definition of what an enterprise is, which regulates what is actually governed by the SOB ordinance. He added that the definition has some exemptions, one of which being if the gross revenues are primarily clothing oriented. Mr. McDonald stated that this exemption has been strengthened to exclude "any retail establishment where a minimum of sixty (60) percent of gross revenues are generated from the sale of wearing apparel to customers. Items generally considered to be shoes or accessories are specifically not apparel."

#### **C. Staff Findings**

Please see "Presentation by the Applicant."

#### **D. Public Comments**

- 1. Persons at the meeting who have indicated their desire to address the Commission by submitting the form provided shall have three (3) minutes each to present comments concerning the Application. This time limit may be extended to five (5) minutes at the discretion of the Chair with the consent of the Commission.**

**Catherine Lewis**-Ms. Lewis stated that she lives very close to the areas of the City that these amendments would impact, and she is concerned by the fact that no letters were mailed out about the public hearing. She also mentioned the 100 foot offset for a pawn shop is barely a lot size, and could essentially mean that one would be allowed in the backyard of people who live on Saxon Street.

**Lynn McBee**-Ms. McBee commended the city's attorney for managing to come up with draft language regarding issues such as these that are ever-changing. She stated that she finds that the American attempt to try and limit human conduct and behavior is an ever-challenging effort. She added that she has no objection to the proposal, and asked if the objective is to ban each of these uses within residential zones, and if so, state it as such. "If you are going to ban it, then ban it, make it 1,000 feet, and if that puts them out of the City limit then so be it." She also questioned where parks would fall into this equation, and stated that there should be a shorter definition of the three. Ms. McBee asked that staff make sure that the minutes are reflective of the public hearing proceedings, as the purpose of the public hearing is to inform, not to obscure.

#### **E. Rebuttal by the Applicant**

Mr. McDonald stated that cities are not allowed to ban or zone out pawn shops, and that they are heavily regulated by the state. Therefore, the City is doing what it can, legally, to further regulate these types of businesses and provide some distance between them and residential areas. Mr. McDonald and Attorney Petrov mentioned that enforcing a distance of 1,000 feet would effectively be zoning them out, which would be illegal. He mentioned that the state regulates how many pawn shops can be located within a certain distance of each other, and the fact that there are already two within the City would prohibit any more coming in. However, if one were to close then the proposed regulations would limit the areas where a new one would be allowed to locate. Mr. McDonald explained that there was a legal notice published in the paper regarding the public hearing, however, mail outs are not required for code amendments that affect the entire City.

#### **F. Questions from the Commission**

Vice Chairman Stiggins mentioned that he recently heard about cases in Houston involving some sort of salt that was being ingested. He added that his understanding was that whoever was producing the substance was continuously changing the chemical make up in an effort to stay just ahead of the law. He asked if the proposed regulations on head shops would cover this type of substance as well.

Attorney Petrov stated that substances of that nature would also be covered and read part of the proposed language which states, "or other substance or chemical that mimics the effect of THC, such as synthetic cannabinoids or other controlled substances..."

Mr. McDonald also mentioned that Bellaire has zoning ordinances that would help to regulate those types of things as well.

Commissioner Saikin stated that although the allowance for retail within the sexually oriented business (SOB) regulations has been increased to 60%, he would like to see it be even more restrictive and asked if there would be anything prohibiting the City from removing this exception all together.

Attorney Petrov explained that in making it more restrictive, it could potentially impact other types of businesses, such as, swim suit or lingerie shops. He added that 60%

would be a hard number to reach, especially with the exclusion of shoes and accessories.

Mr. McDonald mentioned a business that was briefly located within Bellaire, and was allowed to open closer to residential than a typical SOB due to the fact that over 50% of their profits were retail. He added however that shoes were included in that calculation and there would have been no way that they would have made it to the 50% without the allowance for footwear.

Commissioner Saikin stated that he would hate for a questionable business to get approved based on this exception, and added that he would be in favor of eliminating the allowance all together.

Mr. McDonald mentioned that there are stores, such as Fredericks of Hollywood, that in some people's eyes are viewed as being a sexually oriented business. He added that in an effort to move away from the moral judgment, a standard can be set to determine if it was in fact an SOB.

Commissioner Saikin stated that he would be comfortable with excluding a Fredericks and taking that risk.

Mr. McDonald stated that staff and the City Attorney can take a look at the possibility of eliminating that exception before the consideration of the item in March.

Commissioner Axelrad pointed out that by eliminating that exception the City wouldn't be outlawing the use, there would just be stricter regulations.

Mr. McDonald agreed that it would still be an allowable use, the business owner would just have to follow the greater restrictions regarding distance limitations and registering with the state. He added that today's staff interpretation would be that a swim suit shop would not be an SOB.

Commissioner Axelrad agreed with Commissioner Saikin that there is not a lot at stake by taking that exception out all together.

Chairman Frazier asked if the head shop regulations would also cover e-cigarettes, or if language could be added that would do so.

Attorney Petrov mentioned that the current regulations do not deal with e-cigarettes, but that it may be possible to add language that does. However, he also pointed out that many cigar shops and gas stations sell e-cigarettes. Attorney Petrov stated that he could look into the options before the next meeting.

Chairman Frazier suggested that the proposed amendments for pawn shops also include a restriction on the minimum distance that a second hand store can be located from a pawn shop.

Commissioner Axelrad stated that you would need to be careful with the definition so as not to impact consignment stores as well.

Chairman Frazier explained that he is not trying to ban second hand stores all together, he just wondered if they should be allowed to be within a close distance of a pawn shop, which is essentially used for the same purpose.

Commissioner Axelrad felt that pawn shops and second hand stores are two different things.

Chairman Frazier explained that his reasoning behind the suggestion is to limit the avenues that burglars would have to sell goods that they have stolen in the area.

Vice Chairman Stiggins questioned whether that would also impact the Catholic second hand store, as well as Goodwill.

Chairman Frazier also suggested that the definition of a sexually oriented business include "any establishment, such as a regular and substantial course of conduct that provides or allows performers, models, or employees to appear in any place in lingerie or non-regular clothing."

Mr. McDonald pointed out that the definition of sexually oriented business is not actually listed as part of the public hearing, only the enterprise section is under consideration. Therefore, an additional hearing would need to be called in order to amend the definition language.

Commissioner Saikin mentioned that he would also be in favor of amending the sign regulations to prohibit certain pawn shop window signage.

Mr. McDonald mentioned that there is currently a regulation in place for commercial businesses allowing for 20% of the window to be signage of a certain square footage. He also stated that the City will be taking a look at the sign ordinance in the near future due to some recently passed legislation, and staff could potentially include an amendment within those changes that deals with signage for pawn shops. He pointed out that it would be hard to have separate regulations for pawn shops when compared to other commercial properties.

Commissioner Saikin felt that it would be beneficial to add regulations dealing with the signage to the proposed pawn shop language.

Mr. McDonald and Attorney Petrov stated that they would look into the best way to do that.

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

Mr. McDonald stated that written comments will be accepted until March 8th, at 5:00 PM.

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

Motion: a motion was made by Commissioner Skinner and seconded by Commissioner Thorogood to close the public hearing.

Vote: the motion was passed with a vote of 7-0.

**The public hearing was closed at 6:52 PM.**

### **V. GENERAL PUBLIC COMMENTS**

**A. 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 subjects for which public notice has not been given on the agenda. Issues that cannot be referred to staff for action may be placed on the agenda of a future meeting.**

**Catherine Lewis**-Ms. Lewis thanked Commissioner Thorogood for bringing up the issue regarding the public hearing comments in the minutes not being detailed enough. She also thanked staff in advance for revising the minutes to give a more detailed explanation of what was said.

**Lynn McBee**-Ms. McBee stated that she was concerned by the fact that notices were not sent out regarding a public hearing that affects all areas of the City. She felt that the whole notion of a zoned City has to do with community purpose and involvement. Ms. McBee suggested using inserts or designating a page of the City website to public hearing legal notices. She urged the City to have an objective process. Ms. McBee asked that staff explain what happens with the Chevron property after the Commission and City Council approve or deny the proposed changes to the Comprehensive Plan and the land is sold.

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

- A. Consideration of proposed amendments to the City of Bellaire's Comprehensive Plan and Future Land Use Map, with regard to the future redevelopment of the property locally known as the Chevron property. This property is identified as "Business Park" within the Comprehensive Plan, and is currently zoned as Technical Research Park District (TRPD). The property is generally located north of Fournace Place, between South Rice Avenue and the West Loop.

Mr. McDonald explained that this item was for the consideration of a proposed amendment to the Comprehensive Plan, which was most recently updated in September of 2015. He added that this would be the second amendment of the plan since 2009. Mr. McDonald stated that this amendment process proposes the replacement of the Business Park classification in Chapter 2 of the Comprehensive Plan with a new section and new language for a "North Bellaire Special Development Area," as well as to revise the incorporated Future Land Use Map to reflect this designation. He mentioned that the proposal follows the news of Chevron closing its Bellaire location this year, in an effort to move away from a technical, light industrial designation to a district more compatible with the character of Bellaire. Mr. McDonald stated that the Comprehensive Plan sets the guiding principles for an area while rezoning, which will be completed at a future date, establishes the regulations that will control the development. He pointed out that as Texas Local Government Code Chapter 211.004 states, "zoning regulations must be adopted in accordance with the Comprehensive Plan." Mr. McDonald stated that the recommendation was drafted over the last few months with the assistance of Gary Mitchell, who was present to answer any questions regarding the proposal.

Mr. Mitchell stated that there was not much said at the public hearing that he could disagree with, as a nearby homeowner. He reminded the Commission that at this point they need to look broadly, as this is only in the Comprehensive Plan realm. Mr. Mitchell mentioned that currently it is not a technical discussion, simply the goals and aspirations for the community. He pointed out that zoning is intervening in what the market would do otherwise, and that the Texas Local Government Code refers to zoning as "the most appropriate use of land" versus highest and best use. He mentioned the discussion that zoning is not about boosting property values and/or the tax base, and he stated that he agreed. He added however that the zoning

legislation does talk about conserving value and not allowing blight to occur. Mr. Mitchell emphasized that this is the planning discussion, not the zoning discussion, and that part of urban planning is taking into consideration the financial situation of the City and the tax base. He then gave a short recap of how the Commission got to this point, and stated that when taking a look at the property, it was realized that it has some of the fundamentals that drive real estate value: location, visibility, access, and a large contiguous piece of property. He also stated that he knew that the fact that Bellaire is a zoned community would have an impact on the future of this property. Mr. Mitchell mentioned that the "City of Home" theme has been prominent in the idea that this property could be converted to single-family homes, and the 2009 Comprehensive Plan process made reference to life-cycle/senior housing options, patio homes, and smaller lot opportunities. He also mentioned that it was recognized that there are other districts within the City that are better suited for multi-family developments and that this is captured in the proposed language. Mr. Mitchell pointed out that there will be applicants who will see mixed-use potential for this property, however, with the uncertain economics, value and appraisal, at this point, everything is in the mix. He stated that currently there are several multi-family, dense single-family, and mixed-use developments that are going in within the vicinity of Bellaire, which is a signal of what the market is doing. He added that the idea for the proposed language was to try and capture flexibility with parameters such as single-family protection, buffering, height limits, emphasis on green space, and tree preservation. Mr. Mitchell informed the Commission that he is working with another small city in the area on a large piece of property for which their Comprehensive Plan has called out detached single-family homes. He added that there is currently an application on its way for a combination of patio homes, senior housing, and retail on the property. Mr. Mitchell mentioned that he is here to help with the process and crafting of the language, but ultimately this is the Commission's plan and recommendation to City Council.

Chairman Frazier mentioned that the proposed language regarding the possibility of a multi-family development states "If land cost and development costs make multi-family among the only viable options, then limitations on the quantity and standards for the quality of such should apply." He then asked if the Commission could further define what those limitations would be.

Mr. McDonald stated that technically they could, however, it will be the zoning regulations that really craft those specifics.

Mr. Mitchell pointed out that there is also a reference to the other current zoning districts that allow for multi-family developments, and that the limitations are all spelled out within those districts.

Mr. McDonald reminded the Commission that all the zoning regulations will go through another public hearing and review by the Commission and City Council.

Chairman Frazier mentioned that the public was not in favor of the inclusion of restaurants and asked if the Commission should make any further definition of what the expectations would be with regard to the allowance of restaurants on the property. He added that he would not be in favor of seeing a fast food restaurant row pop up.

Mr. McDonald stated that if the Commission did not feel that restaurants were appropriate, they could amend the wording to allow for a retail component, with the exclusion of restaurants. He added however that in seeking citizen input and conducting surveys, the consensus has been that residents would like to see more

restaurants within Bellaire. Mr. McDonald mentioned that there may be some language that can be added to limit the number and type of restaurants allowed.

Commissioner Axelrad mentioned that the parking regulations will become self-regulating with a high intensity user, such as a restaurant. He also pointed out that the Commission will need to be careful about the wording that is used to delineate which restaurants would be allowed, as it could ultimately end up hurting the City.

Mr. McDonald pointed out that in other zoning districts within the City, a drive-thru development requires the approval of a specific use permit. He added that he would recommend the same for this district as well.

Commissioner Skinner agreed that parking is always a problem and asked if underground parking would be an option.

Mr. McDonald explained that the City has to hold faith in the fact that parking regulations have been adopted that meet the needs of Bellaire. He added that the problem is that the vast majority of the commercial area has been developed, meaning that the parking is locked in to what is already existing. He added that the turnover is what will get the City to the appropriate numbers. Mr. McDonald stated that most developers choose not to go underground due to the increase in cost, as well as flooding issues. He mentioned that within the UV-T and the UV-D the City encourages developers to use structured parking and gives incentives to get away from surface parking, so having a garage is not a bad thing, its the design and location of the garage that makes a difference.

Commissioner Skinner felt that it is very important to keep the parking out of the neighborhood.

Mr. McDonald pointed out that the same buffers that are included in other zoning districts with commercial uses adjacent to residential, such as, greater setbacks, trees, and the height-setback plane, will be included in this one, as well.

Commissioner Axelrad mentioned that many developers are moving toward podium parking, but the issue then becomes finding a balance between building up in an effort to offer more parking, while maintaining an appropriate height restriction.

Mr. McDonald mentioned that currently none of the residential streets surrounding the Chevron site actually connect to the property, so on street parking would not be convenient. He also mentioned that the City has a traffic team that periodically takes a look at the parking and traffic patterns for certain problem areas within the City.

Commissioner Skinner mentioned that she felt as though the Commission should keep in mind and be aware of the tax base effect when making a decision on the future of the property. She did not feel that it should be ignored.

Commissioner Thorogood stated that he has seen no facts presented to the Commission with regard to the taxation, and nothing that tells what the property is worth. He added that over the past 15 years, he has realized that residential properties carry a stronger, higher tax base in this town than commercial, and single-family residential is the only option for this property. Commissioner Thorogood stated that the City already cannot seem to re-develop the existing commercial sectors of the City, and therefore do not need any more. He added that he would not be voting in favor of the proposal until some numbers and facts on the property are brought to the table.



Commissioner Steinberg mentioned that the Commission did have conversations about taxation when they made the decision to add language discouraging schools, hospitals, and other non-profit entities from coming in and turning it non-taxable. He added that the only thing that the Commission is doing at this point is opening up the opportunity to talk about zoning for the property. Commissioner Steinberg stated that in his opinion, it will not be based on the taxation of the property, but what the best use is for the property and the surrounding neighbors. He added that he would have a very tough time making any specific exclusions until the Commission hears what the person who purchases the property has to say. Commissioner Steinberg stated that he is in favor of the proposal.

Commissioner Axelrad mentioned that the fact that the property offers a contiguous 30 acres makes it radically different than the fractured ownership in the downtown area of the City. He added that the Commission has more ability to influence the future of this property and can open it up to several opportunities for the City to take advantage of. Commissioner Axelrad stated that it could end up being single-family residences if the numbers are right, but it might not work out that way in the end.

Commissioner Skinner asked if the parcel of land off of 610 where the filling station is currently located is considered part of this district.

Mr. McDonald confirmed that it is part of the TRPD and would be included in this proposal. He also mentioned that it has been sold.

Commissioner Thorogood asked if it could stay as a gas station.

Mr. McDonald confirmed that it would be allowed to continue the current use, but that he does not think that it will.

Commissioner Saikin asked if the seller or any perspective buyers or brokers have contacted the City about the Chevron property.

Mr. McDonald confirmed that he has spoken with interested parties about the process and what the Commission is discussing. He added that there were also developers in the audience during the public hearing.

Commissioner Skinner asked if the property has been listed yet.

Mr. McDonald stated that he has not heard whether it has officially been listed yet, but that they have already gotten several calls from interested buyers who knew that it was about to be on the market.

Commissioner Thorogood stated that in that regard, the market is already way ahead of where the Commission is in the process, and given the proposal that is currently on the table the City is saying that it is open to anything, with some limitations. He added that no one knows what those limitations will be until the zoning code is written. He urged the Commission again to think about what the best use is for Bellaire, and stated that he feels strongly that it is single-family residential.

Mr. McDonald asked Commissioner Thorogood if in saying single-family residential he is referring to the same lot sizes that are currently within R-4 or R-3.

Commissioner Thorogood stated that he would be comfortable with smaller lot homes that would offer the opportunity for current residents to down size if they wished to do so. He reiterated that Bellaire does residential very, very well.

Commissioner Skinner pointed out that the current proposal allows for residential.

Commissioner Thorogood agreed but stated that it allows for a lot of other things, as well. He added that the current language within the proposal states that multi-family will be permitted if the economics for that type of development are there. He questioned who would determine that.

Commissioner Steinberg asked for clarification that during the zoning process the Commission can discuss the possibility of not allowing for apartments.

Mr. McDonald confirmed this. He added that any project, other than the current allowable use, that comes forward prior to the re-zoning of the property will have to come before the Commission and Council for approval.

Commissioner Axelrad pointed out that all this does is give developers and the City an opportunity to take a look at several, broader options for the property, versus limiting it to only single-family residential.

Mr. McDonald pointed out that depending on the size of the lots that were put on the property, you would be opening up roughly 125 lots to a market that is currently only building about 65 new homes per year.

Commissioner Saikin mentioned that he also can't stop thinking about the burden that all those new homes/families would put on the local schools, which is why he doesn't feel that multi-family would be a good option either.

Mr. McDonald explained that the type of multi-family that would be allowed within Bellaire would be not be targeting families. He added that this is why giving the Commission and the City the opportunity to evaluate different potential projects is very important.

Commissioner Thorogood felt that the Commission is operating with the minimum number of facts, and is setting a tone that he does not feel the City wants to set. He mentioned Commissioner Steinberg's comment about not allowing for multi-family when creating the zoning code, but pointed out that the City's Comprehensive Plan and zoning code for that property would then be contradicting.

Attorney Petrov agreed that you can only do in zoning what is called for in the Comprehensive Plan.

Mr. McDonald stated that the Commission could however specify that multi-family would only be allowed through a planned development, which would then not be conflicting with the language in the Comprehensive Plan.

Mr. Mitchell mentioned that he has also worked in scenarios where the Comprehensive Plan has been further amended after creation of the zoning code was completed.

Chairman Frazier pointed out that the current language that is being proposed makes reference to the fact that the goal is to develop this property as residential. He added that the proposal does allow for multiple opportunities to be brought forward, but

ultimately the Commission has control over what goes in on this property, between the creation of the zoning regulations and the fact that in most instances the project will need approval by the Commission and Council. Chairman Frazier stated that he will be voting in favor of this amendment to the Comprehensive Plan.

Commissioner Axelrad agreed that the best option is for the Commission to give the City maximum flexibility now, knowing that ultimately the Commission and Council will have control over the end product.

Mr. McDonald mentioned that the Commission could decide to sit back and wait to see what comes forward prior to amending the Comprehensive Plan language, but in his opinion it is better to give developers an idea of what the goals of the City are with regard to residential protection and the quality of the development.

Commissioner Skinner asked how it would affect Chevron in the selling of the property if the Commission chose to do nothing.

Mr. McDonald explained that it could have an impact on the sale due to the fact that developers would be investing a good amount of money into a property when they do not know what types of projects will be allowed there.

<b>RESULT:</b>	<b>ADOPTED [6 TO 1]</b>
<b>MOVER:</b>	Marc Steinberg, Commissioner
<b>SECONDER:</b>	Dirk Stiggins, Vice Chairman
<b>AYES:</b>	Saikin, Axelrad, Frazier, Steinberg, Stiggins, Skinner
<b>NAYS:</b>	Thorogood

- B. Approval of the Commission's Report and Recommendation to City Council regarding proposed amendments to the Comprehensive Plan and Future Land Use Map, with regard to the future redevelopment of the property locally known as the Chevron property.

Mr. McDonald mentioned that the public comments section of the memo will need to be updated based on the comments made previously about the minutes. He asked that the Commission give Chairman Frazier the discretion to revise the memo as necessary.

<b>RESULT:</b>	<b>ADOPTED AS CORRECTED [UNANIMOUS]</b>
<b>MOVER:</b>	Bill Thorogood, Commissioner
<b>SECONDER:</b>	Marc Steinberg, Commissioner
<b>AYES:</b>	Saikin, Axelrad, Frazier, Thorogood, Steinberg, Stiggins, Skinner

- C. Presentation of the City of Bellaire's Draft Five Year Capital Improvement Plan (CIP), presented by Michelle Jordan, Project Manager.

City Project Manager, Michelle Jordan, gave a short presentation on the City of Bellaire's 2018-2022 Draft Five-Year Capital Improvement Plan (CIP), in which she reviewed the major highlights and explained which projects and funding sources had changed from last year's CIP. She stated that the beginning cash balance is currently an estimate and will continue to change until the final plan is presented to Council. Ms. Jordan pointed out that Mulberry Park and the Holly Street Esplanade have been moved up to the cash funded projects this year, from the unfunded list last year. She stated that the parks signage master plan is now listed as one project, where as last year it was separated into two projects, the master plan, and the implementation of

the master plan. She added that the values of the project have not changed. Ms. Jordan informed the Commission that there is a new project that has been identified for FY 2018, which is the facilities master plan update. She mentioned that nothing significant has been updated within the enterprise funds, and that the only thing that was updated on the bond fund sheet was the approval of the Bonds for Better Bellaire. Ms. Jordan stated that the next bond program projects are also identified on the CIP, however, the City is still working out which years some of the monies would be best spent for design versus construction. She also pointed out that the UV-T project is no longer listed as a separate project within the CIP, instead those streets have been added to an overall matrix program that evaluates the condition of streets and drainage throughout the City. Ms. Jordan stated that the unfunded portion of the CIP has not changed any, aside from the fact that a couple projects have been moved into the funded category.

Commissioner Axelrad mentioned that all of the numbers are rounded, which he can only assume means that they are an estimation of the funds that will be needed. He then asked if the City has numbers of what has been spent on previous projects to use as a guide when allocating funds.

Ms. Jordan confirmed that the City does have a record of those numbers for projects that are regularly done.

Mr. McDonald mentioned that if all of the budgeted money is not spent on a recurring project, the remaining funds will be carried over to a project the next year.

Vice Chairman Stiggins mentioned that there was a line item within the adopted 2017 budget for the Beautification Master Plan and asked if there was any money allocated for that project in 2018.

Ms. Jordan stated that currently there is no additional money identified for the project in 2018. She added that the line item that was shown previously was the money that was allocated by City Council roughly two years ago that resulted in the Terrain Studio study.

Vice Chairman Stiggins mentioned that very frequently the Commission hears complaints from residents regarding their streets and drainage and asked if the City has forecasted enough money to take care of this in the coming years. He also questioned how the City decides what streets/projects take precedent.

Ms. Jordan encouraged the Commission to watch or attend the February 20th City Council meeting, as they will be working with the City Engineer on information received by a matrix detailing the occurrence of flooding in the past, the age and condition of the pavement, and the amount of maintenance repair issues that the City has experienced in recent and past years. She added that in using this matrix the City Engineer is able to give a recommendation on which systems should be top priority. Ms. Jordan stated that street and drainage improvement projects are ongoing and very costly. She added that the City will continue to allocate funds for those projects and make improvements as it is financially able to do so.

Vice Chairman Stiggins asked if she saw the number continuing to rise in upcoming years.

Ms. Jordan explained that she would expect the number to evolve and change based on changes in inflation and economics.

Commissioner Thorogood mentioned the performance contract with Siemens regarding replacement of the water meters and asked if the number listed on the CIP is a gross number or a net number.

City Manager, Paul Hofmann explained that a little over a year ago, the City Engineer did a waste water system assessment for the City of Bellaire. He added that the numbers included in the CIP are based on the findings of the assessment, which found that about 10 miles of water lines in Bellaire are in critical condition. Mr. Hofmann stated that the \$11 million dollars is supposed to address the most critical of the lines. He agreed that this will not take care of all of the issues, and that the City is in need of more debt capacity with the water and wastewater system. He then answered Commissioner Thorogood's question by stating that they are gross numbers, and that the performance contract should generate enough revenue and savings to cover the debt service associated with the cost of improvements at the wastewater plant.

Chairman Frazier mentioned the enterprise fund and that \$400,000 was transferred in from a beginning balance of \$155,000. He then asked how that worked and about the transfers in subsequent years.

Ms. Jordan explained that at this point in time, the City is projecting very little in future years because not many projects have been identified.

Chairman Frazier mentioned the unaudited balances and stated that \$351,000 was budgeted for Paseo Park that is outside of the five-year plan.

Mr. Hofmann stated that the \$351,000 came from the sale of R.O.W. many years back and that there is a Council policy that requires that all profits from the sale of R.O.W must be put towards park improvements. He added that a few years ago, staff asked City Council to earmark those funds for improvements to Paseo Park, thinking that if Metro were to ever relocate then these funds would be used to refurbish that portion of the park. He also explained that the enterprise fund transfers are so low in future years because the recent fiscal forecast showed that the City cannot afford it, therefore, part of the decision making has been to bond fund projects rather than cash fund them.

Commissioner Skinner asked if there was somewhere that the residents can go to look and see if their street is on the list of planned improvements.

Mr. Hofmann explained that a three year list of paving, drainage, and wastewater line projects, as well as a very detailed list of one year worth of sidewalk projects will be presented to City Council on February 20th.

Commissioner Skinner asked if that could be sent out on Notify Me.

Mr. Hofmann stated that they City pushes a lot of information out on Notify Me, however, there are not near enough residents signed up for it to make a significant difference.

Chairman Frazier asked how the complaints made via the Resident Request Tracker have been taken into account when preparing the CIP.

Mr. Hofmann explained that it is taken into consideration, however, most complaints made are dealing with routine maintenance, not capital improvements.

The Commission thanked Ms. Jordan and Mr. Hofmann for their presentation of the CIP and for all of the work that they have done to prepare it.

**VII. COMMITTEE REPORTS**

There were no committee reports.

**VIII. CORRESPONDENCE**

There was no correspondence.

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

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

**1. H-E-B**

Mr. McDonald informed the Commission that H-E-B will be closing on March 12th, and will begin demolition shortly thereafter. He added that construction will take 10-11 months to complete. He also pointed out that turnover is beginning to happen in the downtown area of the City.

**2. February workshop on Visioning Bellaire: Urban Design and Beautification Conceptual Master Plan**

Mr. McDonald reminded the Commission about the workshop that would be held on Tuesday, February 21st, which will give the Commissioners an opportunity to further discuss and review the Beautification Master Plan and which projects the Commission wants to see incorporated into the CIP and the Comprehensive Plan.

Chairman Frazier asked about the status of Bellaire High School.

Mr. McDonald informed the Commission that he has had some meetings with their staff and has a good idea of what they are thinking, but that they still have not reconstituted their advisory board.

Commissioner Steinberg asked about the property at 4301 Bellaire Boulevard.

Mr. McDonald explained that a public hearing will be scheduled for the Commission's March meeting for this property. He added that the applicant will be requesting an amendment to the Official Zoning Map to take the property out of the Bellaire Boulevard Estate Overlay District (BBEOD), as well as an amendment to the zoning text for the R-5 Residential Zoning District to reduce the minimum site area for a planned development to 1 acre. He added that if those requests are approved, they will submit an additional application for a planned development for residential housing. Mr. McDonald stated that he has informed the applicant that they need to stay in contact with the neighbors to the east, and they have been proactive about doing that. He mentioned that this is a very awkward property and if it is ever going to be redeveloped then some amendments will need to take place.

Commissioner Steinberg asked if approval would be needed from the Commission if Episcopal High School attempted to acquire the property where Post Oak School is and Post Oak made a deal with HISD for the school across the street.

Mr. McDonald stated that only for use because they would have to take a look at their specific use permits.

Commissioner Thorogood mentioned a new building going up at the corner of Lehigh and Anderson and asked what it was.

Mr. McDonald explained that Greg Thompson, who also owns a nursery off of Anderson, owns the building. He added that he is selling part of his nursery property to Uptown for their transit station and is therefore moving part of the nursery operation into the building at Lehigh and Anderson. Mr. McDonald stated that the property requires that another use be incorporated, therefore Mr. Thompson will be renting out part of the building to someone else.

Commissioner Skinner reminded everyone that the 8th Annual Wine and Tapas was going to be held on April 1st, and urged the Commission to purchase tickets to attend the event.

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

No new business was brought forward.

#### **X. ADJOURNMENT**

**Motion:** a motion was made by Commissioner Skinner and seconded by Commissioner Axelrad to adjourn the Regular Meeting.

**Vote:** the motion carried with a vote of 7-0.

**The meeting was adjourned at 8:31 PM.**