

CITY OF BELLAIRE TEXAS

PLANNING AND ZONING COMMISSION

MARCH 14, 2017

Council Chamber

Regular Session

6:00 PM

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 - Jan 10, 2017 6:00 PM
2. Planning and Zoning Commission - Regular Session - Feb 14, 2017 6:00 PM
3. Planning and Zoning Commission - Workshop Session - Feb 21, 2017 6:00 PM

III. REMINDER TO CITIZENS DESIRING TO ADDRESS THE COMMISSION**IV. PUBLIC HEARINGS**

Public hearing on an application filed by Todd Blitzler of Mirador group, on behalf of Dallas Christian College, to amend the City of Bellaire Code of Ordinances, Chapter 24, Planning and Zoning, Section 24-534, R-5 Residential District, D. Planned Development, to Include a reduction in the minimum site area for a planned development requirement within the R-5 Residential District to one (1) acre; and to amend the Official Zoning Map to remove the property more commonly known as 4301 Bellaire Boulevard from the Bellaire Boulevard Estate Overlay District (BBEOD). This property is currently located within both the R-5 Residential District and the BBEOD.

1. Presentation of the Public Hearing Process**2. Presentation by the Applicant****3. Staff Findings****4. Public Comments**

- a. **Persons at the meeting who have indicated their desire to address the Commission by submitting the form provided shall have three (3) minutes each to present comments concerning the Application. If a speaker wishes to yield their time to another speaker, a total of six (6) minutes will be allotted. If additional time is not yielded, the time limit may be extended to five (5) minutes at the discretion of the Chair, with the consent of the Commission.**

5. Response of Applicant**6. Questions from the Commission****7. Invitation for Written Comments, if applicable****8. Closure of the Public Hearing****V. 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 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.

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

1. Consideration of proposed amendments to the City of Bellaire Code of Ordinances, Chapter 24, Planning and Zoning, 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).
2. Approval of the Planning and Zoning Commission's Report and Recommendation to City Council on proposed amendments to Chapter 24, with regard to the use and allowance of pawn shops, head shops, and sexually oriented businesses.
3. Review and discussion of the City Manager's proposed draft of the 2018-2022 Capital Improvement Plan, under the authority given in City Ordinance Chapter 24-402 ,with consideration given to projects outlined within the Comprehensive Plan and Beautification Conceptual Master Plan.

VII. COMMITTEE REPORTS

VIII. CORRESPONDENCE

IX. REQUESTS FOR NEW BUSINESS, ANNOUNCEMENTS AND COMMENTS

1. **Staff liaison report on the status of projects previously addressed by the commission as well as projects for future meetings.**
 - a. **Changes to future meeting location and/or time**
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**

X. ADJOURNMENT



CITY OF BELLAIRE TEXAS

PLANNING AND ZONING COMMISSION

JANUARY 10, 2017

Council Chamber

Regular Session

6:00 PM

7008 S. RICE AVENUE
BELLAIRE, TX 77401

I. CALL TO ORDER AND ANNOUNCEMENT OF QUORUM

Chairman Frazier called the meeting to order at 6:04 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	
John McDonald	Director	Present	
Zachary Petrov	Assistant City Attorney	Present	
Ashley Parcus	Secretary	Present	
Trisha S. Pollard	Council Member	Present	

II. APPROVAL OF MINUTES FROM PAST MEETINGS

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

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Marc Steinberg, Commissioner
SECONDER:	Bill Thorogood, Commissioner
AYES:	Saikin, Frazier, Thorogood, Steinberg, Stiggins, Skinner
ABSENT:	Axelrad

III. REMINDER TO CITIZENS DESIRING TO ADDRESS THE COMMISSION

Chairman Frazier reminded the public who wished to address the Commission to fill out a sign in sheet.

IV. PUBLIC HEARINGS

Public Hearing on 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.

Minutes Acceptance: Minutes of Jan 10, 2017 6:00 PM (Approval of Minutes from Past Meetings)

A. Presentation of the Public Hearing Process

Mr. McDonald informed the public of the public hearing process that would be followed. He explained that the applicant in this situation is the City, and therefore, the staff findings would be included in the presentation by the applicant.

B. Presentation by the Applicant

Mr. McDonald introduced Gary Mitchell of Kendig Keast Collaborative, who has been working with the Commission on the proposed changes to the Comprehensive Plan.

Mr. Mitchell reviewed the purpose for the proposed changes, stating that with the removal of Chevron, the City has been given a great opportunity to better define what it would like to see for that area of Bellaire. He explained that on the City's current Future Land Use Map, this property is shown as Business Park. He added that the proposed action is to change that, as well as the text associated with it in an effort to open it up to some other opportunities. He also added that there are many concerns and expectations that go along with the zoning of that property, including residential protection, scale, height, maintenance of green space and the tree canopy in that area, as well as tax base. Mr. Mitchell explained that currently Chevron is bringing in a significant amount of money in taxes, and that the financial aspects also need to be taken into consideration with the zoning of this property. He added that the goal is to add some flexibility in the uses, while also applying parameters that will address the sensitivities of the area. Mr. Mitchell stated that if this text, or further revisions of it, were to be adopted, the Future Land Use Map designation would be changed to North Bellaire Special Development Area. He added that he was present to help with the discussion and answer any questions that the Commission and public might have.

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.**

Richard Franke-Mr. Franke stated that residential development should be promoted and that multi-story town homes would not be a good idea. He also mentioned that Council recently had a conversation regarding the requirement of elevators within multi-story residential developments, and pointed out that it might need to be addressed. Mr. Franke then mentioned that he lives on a street with a lot of congestion and speeding, so he understands why the residents are concerned. Mr. Franke was not in favor of changing the access points to South Rice and 610, and felt that it needs to remain off of Fournace. He reiterated that he is hopeful that residential development will be promoted, and stated that he doesn't understand why it can't just be two-story single-family homes.

Catherine Lewis-Ms. Lewis stated that the idea of a multi-family development on that property is scary, and she feels as though the City is doing an experiment at the residents' expense. She stated that town homes sound really nice, but she was concerned with fire hazards in those types of developments. In her opinion, high-rises would destroy the character of the neighborhood, and she also asked that

restaurants not be allowed as it could increase the population of feral dogs in the area. She added that retail would cause a significant increase in the amount of traffic, and asked that it not be put all on South Rice.

Jim Balogh-Mr. Balogh informed the Commission that he owns a house at the corner of this property and is concerned about utilities in the area. He added that all of the electricity currently comes through the five service poles that are on his property. Mr. Balogh stated that the service poles are taking up a significant amount of his 2/10 of an acre lot, and that his trees keep getting topped out because of the utility poles. He then provided the Commissioners with a picture of his lot.

Youli Zu-Mr. Zu stated that this property is in the middle of a residential area in a City that is viewed as a safe, family-friendly neighborhood. He asked that the Commission please keep the image of the "City of Homes." He felt as though the City no longer needs a business park designation on this site due to everything that is going in within neighboring Houston. He stated that there is already a significant amount of traffic due to the Walmart, and asked that it be a single-family designation.

Pamela Wogenstahl-Ms. Wogenstahl asked if anyone on the Commission had personal ties to the purchase or sale of the property in question. She added that traffic is already awful, and that she witnessed a burglary in the area. She pointed out that creating a thoroughfare in the neighborhood is a bad idea, and just results in easier access for theft. Mrs. Wogenstahl stated that she wants to see more trees and a more family oriented community. She stated that she feels as though this part of the City is viewed as the "red-haired adopted kid."

Terisa Wilson-Ms. Wilson agreed that she felt as though this area of the City is the "red-headed step-child" that does not get the same respect as other areas of the City. She added that they have not even been able to get speed bumps on the street. Ms. Wilson stated that it used to be a quiet community and lately that has significantly changed. She added that the residents in this area have been enveloped in a situation where they had no say in the developments going in around them. Ms. Wilson mentioned that Bellaire is the City of beautiful homes and community, and to please leave it that way.

Thomas Reed-Mr. Reed informed the Commission that he is concerned with the idea of creating a thoroughfare, due to his two young children. He added that if a thoroughfare is created the neighborhood aspect would be destroyed. He asked the Commission to "think of the children." Mr. Reed added that the job of the City is to enhance the residents' quality of life and provide safety and protection to the citizens, and creating a thoroughfare would be inconsistent with that.

Jennifer Hawes-Ms. Hawes stated that she felt encouraged by the terms that Mr. Mitchell used, such as, "creative site planning," "quality development," "residential protection," and "extension of tree canopy," and hopes it is the goal of the City and future developers to maintain the character of the residential neighborhood and the "City of Homes." She asked the Commission to strike multi-family from the proposal, as it would have a very negative impact on the surrounding neighborhoods, and added that single-family residential would be a benefit and an asset to the City. Ms. Hawes also asked that the Commission impose a height restriction of no more than four stories in keeping with the residential character of the neighborhood, and not to create a connection through the neighborhood as it would increase the traffic on the north and south sides of Chevron. She mentioned that she would like to see the majority of the traffic on South Rice and 610, so as not to increase the traffic on the

residential streets. Ms. Hawes stated that she would love to see a master planned community go in, with some type of single-family residential homes.

Bryan Wogenstahl-Mr. Wogenstahl stated that he hoped as though the comments being made by the public would have an impact on the decisions made by the Commission, as the people present are the ones being impacted by these changes. He stated that he and many other residents in this area feel separated from the rest of the City by the Chevron property, and suggested that this be used as an opportunity to create more of a connection to the rest of the community with the addition of single-family residences.

Debra Sokol-Ms. Sokol agreed that the residents in the room are the ones who will be directly affected by the decisions made on this property. She added that the addition of certain developments could devastate property values in that area. Ms. Sokol felt that using Anderson Street as a thoroughfare would also be devastating to the neighborhood. She added that currently there are no speed bumps, and no policing. Ms. Sokol felt that four-story town homes are not a favorable option, and agreed that a master planned, single-family residential community would be a way to make the tax base work for the City and would be the best choice for the residents.

John Monday-Mr. Monday admitted that he does not live in this area of the City, but agreed with the idea of developing this property as residential in an effort to create residential continuity. He also suggested that this would be a great opportunity to offer alternative, smaller housing choices.

Nancy Zu-Ms. Zu asked that the Commission strike multi-family as an allowable use. She stated that Bellaire High School is already overly crowded and the addition of a multi-family development would only increase the enrollment at the local schools. Ms. Zu also mentioned that the traffic on South Rice is already bad and anything besides single-family homes would only make it worse.

Brian Taylor-Mr. Taylor asked why the proposal is such a broad classification. He stated that the Commission/City should put together a specific plan for what they would like to see for this property. Mr. Taylor mentioned that it looks as though the City is attempting to facilitate a special development to make it marketable to just about anybody. He suggested that the City put together specific zoning regulations for the property first. Mr. Taylor stated that he understands that Chevron brings in a significant amount in taxes, but that is just something that the City is going to have to deal with. He agreed that it is isolating that part of the community from the rest of Bellaire.

Lynn McBee-Ms. McBee stated that the Commissioners had a great discussion and asked really hard questions at the last meeting while reviewing the draft language prepared by Mr. Mitchell of Kendig Keast. She added that the questions asked were representative of both the developer and the homeowner's perspective. She stated that threaded throughout the conversation were comments on the tax base, and that is not the purpose of zoning. Ms. McBee stated, "if you can't make the money you need to make then you do without." She suggested that signage be put at every point along the boundaries of Bellaire stating that it is a zoned city, and that the zoning code should be put into place prior to getting input from the market.

Connor McBride-Mr. McBride stated that he currently rents in Houston, but that he is a potential Bellaire homeowner. He added that Bellaire feels like a town rather than a city and he would like to see it stay that way. Mr. McBride pointed out that

there is obviously a strong consensus that single-family would be the most beneficial.

Giles Dunn-Mr. Dunn stated that he is shocked by the proposal. He added that history is a great indicator of the future and in looking through the aerial photos from many years ago this area was mostly single-family homes. He asked that the City stick with that, as there is already enough retail in the surrounding areas to support this area of the City. Mr. Dunn mentioned that he is concerned with the safety of his two year old, as well as the rest of the residents in that area. He did acknowledge that tax neutrality would be important, as the last thing that he wants to see is an increase in his taxes.

Karen Reichek-Ms. Reichek informed the Commission that she is very opposed to the allowance of apartments within the City of Bellaire, as Bellaire is the "City of Homes." She added that it is a family community, and she wants to keep it that way. Ms. Reichek stated that single-family is the only way to go with this property, and agreed that zoning should be put into place first.

Michael Tweedy-Mr. Tweedy stated that the rest of Houston can meet the multi-family needs, and agreed that Bellaire does not have a great track record of protecting the residents in this area. He added that there should be no thoroughfare. Mr. Tweedy stated that Bellaire is the "City of homes," and is what people aspire to have. He added that single-family homes are the best option for this property, and asked that the City continue to provide a safe community for families. Mr. Tweedy agreed that zoning needs to be put in place prior to getting input from developers.

Antonio Fernandez-Mr. Fernandez felt that the concerns regarding the tax base were unwarranted. He stated that Chevron is only paying \$47 million in taxes, which is an undervalued tax base. He added that any transaction that is made will cause the City of Bellaire to come out ahead. Mr. Fernandez also asked the City/Commission not to get greedy and decide to allow for higher density or high-rise developments to try and boost revenue. He added that whatever is gained there will be lost in the neighborhoods and with the residents. He asked that the Commission please put the community in the strongest position possible.

The following residents provided written comment:

Dr. & Mrs. Stanley Hamilton-"Believe we need, as a City, a revenue generating plan for the Chevron property. The loss of the revenue from Chevron leaving could be a burden for the Bellaire tax payers, if a gated community of high priced homes could be established, the help by the tax revenue for Bellaire could be granted. We have enough green spaces, such as the Teas development. Also, traffic on Fournace and Anderson should be considered in any plans."

Seth & Andrea Boots-"I understand Chevron owns a number of residential lots on Mayfair; does the City know what they plan on doing with them?"

E. Questions from the Commission

Commissioner Steinberg mentioned the residents' concerns regarding making this area a thoroughfare and asked for confirmation that doing so is not part of the language that is currently being taken into consideration.

Mr. McDonald confirmed that infrastructure is currently not being addressed at all. He added that this is simply a revision of the language within the Comprehensive Plan,

which will then help to guide the City and the Commission in the re-zoning of the property.

Commissioner Steinberg asked if he was correct in saying that currently the land is available for a manufacturing use and not for residential housing, and that the proposed changes will open the property up for the allowance of residential development.

Mr. McDonald agreed that it is currently zoned "Technical Research Park", which allows for technical, industrial, telecommunications, etc. He confirmed that the proposed changes are opening it up to residential allowances.

Commissioner Steinberg mentioned that the buyer will also have the option to continue with the same use that is there now.

Mr. McDonald confirmed this, and stated that the buyer would also be able to expand based on the use that is currently allowed.

Commissioner Steinberg mentioned that he is not aware of anyone on the Commission that has personal ties to this property.

Commissioner Skinner asked Mr. McDonald to explain the process of how all of this will work with regard to the proposed changes being implemented and the sale of the property in question.

Mr. McDonald explained that the property should be on the market by late January, early February. He added that if the property is purchased prior to the re-zoning of the land then the only allowed-by-right use would be what is currently there today. Mr. McDonald stated that any other uses would have to go through the public hearing process before the Commission and City Council.

Commissioner Thorogood started by mentioning that each of the members on the Commission are required to take an oath of office prior to their appointment. He then asked Attorney Petrov to explain to the public what the Commissioners must do if they did have any interest in the property.

Attorney Petrov explained that any Commissioner with a conflict of interest must recuse himself/herself from the proceedings.

Commissioner Thorogood stated that he appreciated the concern, but felt that it was important for the public to understand the responsibilities of the members of the Commission and the oath that each of them took.

Commissioner Thorogood then explained that he used HCAD to calculate the valuation of the property, and felt that it would be in the neighborhood of \$128 million. He stated that tax revenues paid directly to the City of Bellaire were about \$250,000.

Mr. McDonald stated that the most recent was actually just over \$300,000. He also pointed out that he has a hard time believing that any home in Bellaire is paying \$20,000 to the City of Bellaire for their taxes.

Commissioner Thorogood agreed that the amount going directly to the City of Bellaire is less than \$20,000. He then pointed out that the City of Bellaire's tax rate is actually lower than the City of Houston's by almost 40%, however, there are higher property values within the City of Bellaire. Commissioner Thorogood mentioned that the

Commissioners' job isn't so much to support the City's tax base as it is to do the best thing for the community.

Vice Chairman Stiggins mentioned that there is some concern about the infrastructure in the area and asked if the City would work with the potential developer to determine the traffic patterns.

Mr. McDonald stated that it would depend on whether or not the installation of public streets would be necessary within the development. He added that if they are, the developer would pay, construct, and install those, and once they are finished and approved by the City then they would be dedicated to the City. He pointed out that traffic patterns would be looked at as the site is being developed, and would be adjusted as necessary. Mr. McDonald stated that any improvement to neighboring streets that would be required, based on the addition of new development, the developer would fund.

Commissioner Stiggins asked if there was any thought given to some of the comments from the beautification plan being included in this language to emphasize the use of new signage, street lights, etc. He asked if the developer would be in charge of funding those things as well.

Mr. McDonald explained that the developer would have to pay for anything interior to the project, as well as any requirement for new facilities directly associated to it.

Commissioner Thorogood mentioned the power transmission lines that are on the north side of the City. He stated that there are new poles going in there, and that they are increasing the capacity on those lines. He added that the property is owned by CenterPoint for those lines, and represents a buffer between the Urban Village Transit District and the north side of this section of the community.

Mr. McDonald also mentioned that all new utility developments within this property would have to be underground.

Commissioner Thorogood then asked if the developer or CenterPoint would provide the electricity and gas to this property.

Mr. McDonald explained that it would be provided by CenterPoint, through utility easements on the property that will be created by the developer.

Commissioner Saikin asked if the City was aware of any additional multi-family developments being built in Houston, which would be adjacent to Bellaire.

Mr. McDonald stated that the City is not aware of any future multi-family developments that would be directly adjacent to the City of Bellaire.

Chairman Frazier reiterated to the public that none of the Commissioners would be at the dais if there was a conflict of interest at hand. He then asked what would happen if a school purchased the property.

Mr. McDonald explained that the current code would allow for a school to be built on the property, however, they would have to go before the Commission and City Council for a specific use permit.

Chairman Frazier mentioned the residential lots on Mayfair that are also owned by Chevron, but are separate from the rest of the property. He asked Mr. McDonald if he knew what Chevron was planning to do with those parcels.

Mr. McDonald stated that representatives of Chevron have informed him that the goal is to sell those lots off separately from the commercial property. He added that there has never been any plan by the Commission or City staff to recommend the re-zoning of those properties, and that those lots would maintain their current R-3 designation.

Chairman Frazier also mentioned the comments regarding the infrastructure in that area of the City. He pointed out that the part of South Rice Avenue that is adjacent to the Chevron property is maintained by the City of Houston.

Mr. McDonald confirmed this and added that there has been talk with the City of Houston about widening the right-of-way, but nothing is currently set in stone.

F. Response of Applicant

Mr. Mitchell stated that he felt as though the public hearing was a microcosm of the Commission's previous discussions in trying to find a middle ground that everyone can agree on. He mentioned that ultimately it is impossible to make everyone happy, and it will be a challenge all the way up to Council. Mr. Mitchell pointed out that the starting point of these discussions goes all the way back to the 2009 Comprehensive Plan, where the Commission began asking if there was an opportunity to offer down-sized and more affordable housing within this area of the City. He stated that ultimately lines will have to be drawn, and that the Commission will need to decide at the February meeting if it would like to revisit some of the language, or if it is comfortable with the current proposed text. Mr. Mitchell stated that the attempt was to cover a lot of bases and see how the market responds, however, if it is the desire of the Commission, the property could be zoned single-family and then revisited in the future depending on the response. He added that he is concerned with the economics of the development of single-family on that site. Mr. Mitchell stated that ideally a developer would bring forward a master planned development, and that the proposed text would serve as a parameter to protect the neighbors adjacent to the property.

G. Invitation for Written Comments, if applicable

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

H. Closure of the Public Hearing

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

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

The public hearing was closed at 7:45 PM.

The Commission then took at short recess.

V. 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.

Lynn McBee-Ms. McBee stated that the Commission is not prohibited from responding to questions of a factual nature. She asked that it be corrected on the agenda. She also asked that the Commission and staff urge the City Council members to watch the video of the hearing, as they are concerned about making sure that audience participation increases. She added that she feels as though it is time for Council Members to become more involved, and hearing the public comments is much more meaningful than reading it in the minutes. Ms. McBee mentioned that there are ways, legally, for the City to implement a moratorium. She urged the Commission to ask the city attorney for a legal opinion concerning both past use and current requirements to enable a moratorium to halt development, and any activity on this tract until a zoning code amendment is adopted for it.

John Monday-Mr. Monday stated that he had put a few pages together on information that might be beneficial to the Commission regarding the Beautification Master Plan, however, he was still awaiting comments from the Mayor and Council Member Pollard. He added that he was present to help answer any questions that the Commission had.

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

1. Discussion on proposed amendments to the City of Bellaire Code of Ordinances, Chapter 24, Planning and Zoning, with regard to the regulation and allowance of pawnshops, smoke shops, credit access businesses, and sexually oriented businesses within the City.

Mr. McDonald and Attorney Petrov went through the proposed language with the Commission regarding the regulations on pawn shops, head shops (smoke shops), and sexually oriented businesses (SOBs). They explained that the term "head shop" was being used in place of "smoke shop" in an effort to ensure that certain types of businesses, i.e. gas stations that sell cigarettes, are not impacted by this ordinance. They stated that the definition of "head shop" will need to be added to the code. Mr. McDonald added that the City Attorney has, as previously discussed, recommended against any changes to the regulations regarding the governing of credit access businesses, as the state legislature will be addressing those this year. He stated that once the ruling on that is complete, the City will take another look to see if there are still areas where the regulations could be tighter.

Mr. McDonald informed the Commission that if they are comfortable with the language that has been presented then staff will call a public hearing for the February meeting to begin the process of amending the code.

Commissioner Stiggins mentioned the proposed language regarding pawnshops that states that "a pawnshop shall not be located within 100 feet of any residential structure." He then asked how many people are limited to a residential setting.

Mr. McDonald stated that the regulations only allow for two unrelated persons to live in a residence, however, that is not a factor in this situation. He added that this is simply saying that a pawnshop cannot go in at any location within the City that is within 100 feet of a property that is defined as residential.

Commissioner Saikin asked what the reasoning was behind the 100 foot limitation.

Mr. McDonald explained that it was simply a standard that the attorney and City staff had come up with that will still allow them in certain locations, but greatly restricts them in most areas of the City. Attorney Petrov and Mr. McDonald reminded the Commission that legally they cannot be prohibited.

Commissioner Saikin stated that he would be in favor of an even more restrictive distance, if possible. He also questioned the rationale behind the allowance for any type of retail establishment exception within a SOB.

Mr. McDonald explained that if that distinction was not made, then certain party shops or other types of retail businesses (e.g Spencer's) would fall into the category of a sexually oriented business. He added that the proposed language follows the City of Houston and Harris County's definition of a SOB.

Commissioner Saikin asked if a store such as Spencer's would be able to come to the City and ask for permission to open a location within Bellaire.

Mr. McDonald stated that there is currently no variance allowance for use. He added that language would have to be added to this section that would allow someone to apply for a variance in this situation. Mr. McDonald also reiterated that by law SOBs cannot be prohibited within the City.

Commissioner Saikin mentioned that he would advocate for the strictest regulations that are permitted under the law.

Commissioner Thorogood asked if it would be more appropriate to say "any property zoned for residential use."

Mr. McDonald pointed out that in saying "zoned for residential use" it would exclude certain zoning districts within the City that are not zoned as residential, but residential is allowed within them, such as the mixed-use and downtown areas.

Commissioner Thorogood mentioned that he thought that the current pawn shop on Bissonnet is within 100 feet of a residential property.

Mr. McDonald agreed. He added that it is currently non-conforming, but if it were ever to close for a period of 6 months or more it would not be allowed to reopen.

Commissioner Thorogood asked if the property owner would be notified if these regulations were passed.

Mr. McDonald stated that the City has never notified businesses of this before, but it could be done.

Chairman Frazier felt that the current language was appropriate and asked the Commission if everyone was comfortable with calling the public hearing for February.

The Commission agreed to move forward.

2. Approval of the Planning and Zoning Commission's 2016 Annual Report to City Council.

A minor change in wording was made by Vice Chairman Stiggins.

The Commission thanked Chairman Frazier for his preparation of the annual report.

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

3. Discussion on the Commission's role in the review, consideration, and recommendation of Visioning Bellaire: Urban Design and Beautification Conceptual Master Plan, as prepared by Terrain Studios.

Mr. McDonald informed the Commission that Terrain Studios has completed the City's Urban Design and Beautification Conceptual Master Plan, and that City Council has voted to send it to the Commission for review and approval. He also mentioned that the Commission's review of the Capital Improvement Plan (CIP) is quickly approaching and that it would be appropriate for the Commission to compare the projects listed within the CIP to the projects that are suggested within the Beautification Master Plan, as well as the Comprehensive Plan, to determine if there is anything that they feel should be added. Mr. McDonald stated that Cheryl Bright, Assistant Director of Parks, Recreation, and Facilities was present to give the Commission some background information and to answer any questions that they may have.

Ms. Bright then briefly explained the process that the City has gone through to prepare this plan with the help of Terrain Studios. She mentioned that there were members of the City's boards and commissions that chose to be a part of the Community Advisory Group, however the Planning and Zoning Commission chose not be represented during that time.

Commissioner Stiggins asked if the City had thought about implementing some of the ideas brought forward within the Beautification Plan in the new City facilities.

Mr. McDonald explained that the facilities projects have already been funded and designed.

John Monday-Mr. Monday stated that the information is extensive and somewhat challenging to follow. He suggested that the Commissioners go through the material once or twice and then do a compatibilities list, specifically to the goals and the narratives of the Comprehensive Plan, to establish the projects that would be good for Bellaire from the Commission's perspective.

Mr. McDonald mentioned that the CIP will be presented to the Commission at the February 14th meeting, and suggested that a workshop be held at some point following that presentation to provide the Commission with an opportunity to further discuss the projects related to the CIP and Beautification Master Plan. Mr. McDonald also pointed out that no business owners within the City were involved in the creation of the Beautification Master Plan and suggested that this could be a good opportunity to get their thoughts and concerns.

City Staff and the Commission decided on February 21st for the workshop.

The Commission felt that James Andrews, the City Engineer, should be involved in the process as well.

Mr. McDonald informed the Commission that he would invite Mr. Andrews to that workshop.

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.

Mr. McDonald informed the Commission that H-E-B is looking to start demolition around the end of February. He added that City Council had held a public hearing the previous night on the proposed amendments to the R-MF Zoning District, and will be considering that item at their next meeting. Mr. McDonald mentioned that there have not been any new developments on Bellaire High School. He also stated that the Newcastle/Howard Lane property is still tied up in Supreme Court legislation, but that they are looking at selling half of the lots off to a different builder to get some diversification.

Commissioner Steinberg asked if there had been any more movement with the old church property on Bellaire Boulevard.

Mr. McDonald stated that staff has spoken with a couple people interested in developing residential on that property, but that it will need to go through several amendments, which will come before the Commission.

1. Update on the 2018-2022 Capital Improvement Plan

Mr. McDonald stated that he had already given his information on the CIP within the agenda item on the Beautification Master Plan.

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 Steinberg and seconded by Commissioner Thorogood to adjourn the Regular Meeting.

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

The meeting was adjourned at 9:24 PM.



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.

RESULT: **TABLED [UNANIMOUS]**
MOVER: Bill Thorogood, Commissioner
SECONDER: Marc Steinberg, Commissioner
AYES: 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

Minutes Acceptance: Minutes of Feb 14, 2017 6:00 PM (Approval of Minutes from Past Meetings)

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.

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

RESULT:	ADOPTED AS CORRECTED [UNANIMOUS]
MOVER:	Bill Thorogood, Commissioner
SECONDER:	Marc Steinberg, Commissioner
AYES:	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.



CITY OF BELLAIRE TEXAS

PLANNING AND ZONING COMMISSION

FEBRUARY 21, 2017

Senior Activities Room

Workshop Session

6:00 PM

7008 S. RICE AVENUE
BELLAIRE, TX 77401

WORKSHOP SESSION-SENIOR ACTIVITIES ROOM

I. Call to Order & Announcement of Quorum

Chairman Frazier called the workshop to order at 6:00 PM, and announced that a quorum was present consisting of the following members:

Attendee Name	Title	Status	Arrived
Jonathan Saikin	Commissioner	Absent	
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	
John McDonald	Director	Present	
Trisha S. Pollard	Council Member	Present	
Ashley Parcus	Secretary	Absent	

II. Review and discussion of Visioning Bellaire: Urban Design and Beautification Conceptual Master Plan.

The workshop began with a discussion on the direction that P&Z needed to go in order to appropriately review the Beautification Master Plan. This discussion included the following topics:

- The bond package and future improvements to the City
- The projects/goals that overlap between the Beautification Master Plan and the Comprehensive Plan
- Incorporating the design concepts into the rebuilding of the streets

Commissioner Thorogood mentioned that the last Comprehensive Plan focused more on commercial development, and not residential.

Commissioner Axelrad asked about the funding sources for the beautification efforts.

Mr. McDonald explained that other cities use Community Development Block Grants to help fund these types of projects. He also pointed out that the City has to be thinking about the life of the existing bonds, and at what point the tax base is overburdened. Mr. McDonald stated that he would reach out to the City's CFO again concerning the projections for debt/tax rate for the next five years.

Vice Chairman Stiggins suggested that the Commission figure out a way to fit the ideas and standards from the Beautification Master Plan into the CIP and incorporate it into a

Minutes Acceptance: Minutes of Feb 21, 2017 6:00 PM (Approval of Minutes from Past Meetings)

forward thinking process.

The Commission had the following questions for the City Engineer:

- What is the bio swales retention when compared to the volume in flood?
- How much of an impact do the bio swales make?
- What is the capacity of a flood event?
- Civil engineering issue - bio detention panel?
- How much does it cost to maintain bio-swales?
- How much does it cost the homeowner? City?

Mr. McDonald informed the Commission that he would get those answers from James Andrews, the City Engineer.

Commissioner Thorogood asked what the responsibility is of the City to the commercial land owners. He mentioned that this might be a good topic of discussion for a City Council workshop.

Commissioner Steinberg suggested that the Commission work to include the concepts of the Beautification Master Plan into the CIP and let City Council worry about the funding of the projects. He also pointed out that the budget numbers give an idea of how to score the project. Commissioner Steinberg questioned whether the Parks Board has reviewed the Beautification Master Plan, if they could include some of the concepts in the Parks Master Plan, and if they recommend anything that is not included within the Comprehensive Plan.

Commissioner Skinner mentioned that first, the Comprehensive Plan needs to be amended based on the Beautification Master Plan.

Commissioner Steinberg suggested that the Commission pick five (5) things from the Beautification Plan to integrate into the Comprehensive Plan. He added that he would like to see the focus be on infrastructure, as he is very concerned with the overall structure of the City.

Commissioner Skinner mentioned that it needs to be tied into the Capital Improvement Plan (CIP) as well, because funding sources need to be established so that there is a better idea of how the City is going to maintain the beautification projects.

Chairman Frazier mentioned the initiative to bury power lines and stated that zoning and the Comprehensive Plan only govern the commercial sectors of the City.

The Commission then suggested that the unfunded infrastructure projects and long term numbers on street repairs and drainage be listed on the CIP.

Vice Chairman Stiggins mentioned that the projects have to be prioritized, and asked how much will be needed beyond 2022.

Mr. McDonald stated that in March, the Commission can begin taking a look at how

infrastructure and beautification will play out in the future, and discuss amendments to Chapter 4 of the Comprehensive Plan language and potential changes to the subdivision ordinance. He added that he could bring Gary Mitchell in to help the Commission craft the wording for the Comprehensive Plan.

Chairman Frazier asked the Commissioners if they saw anything that they didn't like.

Commissioner Axelrad stated that he does not like the idea of the bio swales, ponds, etc.

Commissioner Skinner stated that she felt as though the Commission should focus on beautification projects that will positively impact the neighborhood and incorporate that into the Commission's response to City Council. She added that they should also focus on being consistent with branding. Commissioner Skinner felt that staff should check with TxDOT to see if they would be willing to help with any of the funding for the projects. She also mentioned incorporating the beautification projects into the CIP with cost estimates, as well as tying the proposed infrastructure improvements into Chapter 4 of the Comprehensive Plan.

Chairman Frazier mentioned engineering and bio retention and asked what it will cost the City moving forward.

Commissioner Thorogood questioned what benefit a coastal prairie is to the citizens and what it would do to railroad structures and the rail line. He also asked if the City could work with CenterPoint to get a first right of refusal on right-of-way within the UV-T.

Commissioner Axelrad mentioned looking into whether or not the City could buy or sell mitigation for detention purposes in the CenterPoint corridor.

III. Adjournment

Chairman Frazier adjourned the workshop at 7:50 PM.

Planning and Zoning Commission

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



Meeting: 03/14/17 06:00 PM
Department: Development Services
Category: Public Hearing
Department Head: John McDonald
DOC ID: 2214

SCHEDULED PUBLIC HEARING (ID # 2214)

Item Title:

Public hearing on an application filed by Todd Blitzler of Mirador group, on behalf of Dallas Christian College, to amend the City of Bellaire Code of Ordinances, Chapter 24, Planning and Zoning, Section 24-534, R-5 Residential District, D. Planned Development, to Include a reduction in the minimum site area for a planned development requirement within the R-5 Residential District to one (1) acre; and to amend the Official Zoning Map to remove the property more commonly known as 4301 Bellaire Boulevard from the Bellaire Boulevard Estate Overlay District (BBEOD). This property is currently located within both the R-5 Residential District and the BBEOD.

Background/Summary:

This public hearing is on two requests. The first request is to amend the Official Zoning Map to remove the property located at 4301 Bellaire Blvd (formally home of the Westside Christian Church) from the Bellaire Boulevard Estate Overlay District. Second, the applicant seeks to amend the planned development requirements included within Sec.24-534, R-5 Residential District. No project is currently under consideration or review. Any project that may be proposed if/when these amendments may be adopted would be required to go through the full zoning review before both the Commission and City Council.

Site Details

Property Owner: Dallas Christian Church
Applicant: Todd Blitzler, Mirador Group

Location: 4301 Bellaire Blvd

Legal Description: Lots 21 and 22, in Block 44 of Town of Bellaire, a subdivision in Harris County, Texas, according to the map or plat thereof recorded in Volume 3, Page 59 of the Map Records of Harris County, Texas; together with the southerly 5 feet of the ally northerly of and adjoining said lots.

Current Zoning: BBEOD, R-5
Requested Zoning: R-5
Future Land Use Map: Residential

Notice Information

Owners of property and Tenants within 500 feet: 68 letters mailed
Notification letters mailed: March 2, 2017
Legal Notice published: February 28, 2017
Notification Signs Posted: February 27, 2017

Adjacent Base Zoning and Land Uses

Direction: North
Current Base Zoning: R-5, BBEOD
Current Land Use: Single-family Residential

Direction: East

Current Base Zoning: R-5
Current Land Use: Utilities

Direction: South
Current Base Zoning: R-4
Current Land Use: Residential/Utilities

Direction: West
Current Base Zoning: PD-14
Current Land Use: Single-family residential

Zoning Map

The BBEOD (Sec. 24-546) is designed to "encourage lot residential development resulting in a 'grand boulevard of homes, schools, churches, and houses of worship' with homes facing Bellaire Boulevard." Created in 2002, it was in response to many of the properties along the portion of Bellaire Blvd between IH 610 and the railroad tracks being developed through planned developments. R-5, the underlying zoning district, permits planned developments.

The applicant states that the property at 4301 Bellaire, with its "proximity to the railroad tracks, overhead powerlines and the depth of the property" is not suited for development as a singular single-family property and therefore wishes to remove the property from the BBEOD.

Zoning Code Amendment

The applicant seeks to amend the planned development portion of Sec. 24-534, R-5 Residential District. Changes proposed include:

- Reduction in minimum project area from 2 acres to 1 acre
 - With average lot size reduced from 5,000 to 3,000.
- Adjustments to building lines
 - Minimum building lines proposed to be set by the planned development;
 - No building line within the PD can be closer than 5 feet to an adjacent property, now from 6
- Maximum site coverage from 60 percent of site area to "as established by approved site plan"

Recommendation:

This item is tentatively scheduled for consideration at the April 11, 2017 commission meeting.

ATTACHMENTS:

- Zoning Request Change - 2017-02-07 (2) (PDF)
- Property Address Legal Description (2) (PDF)
- 4301 Bellaire Blvd - Amendment to Zoning (002)(PDF)
- Survey UPDATED - April 2014 (PDF)
- 16-158 - 4301 Bellaire Blvd - 14 Units (PDF)
- BBEOD AREA (PDF)
- 4301 Bellaire Resident Protest (PDF)



MIRADOR GROUP Architecture & Interiors

February 7, 2017

John McDonald
 Director of Development Services
 7008 S. Rice Avenue
 Bellaire, Texas 77401

Re: 4301 Bellaire Blvd - Rezoning

Mr. McDonald,

Our client, the Dallas Christian College, currently owns the property with the closed church at 4301 Bellaire Boulevard in Bellaire located along the railroad tracks. They would like to request to make two (2) zoning changes to the current property in order to allow them to be able sell the land to a residential builder/developer.

Applicant:

Dallas Christian College
 2700 Christian Parkway
 Dallas, Texas 75234
 972-241-3371

The two (2) proposed zoning Amendments are as follows:

1. Request that the Official Zoning Map be amended to remove 4301 Bellaire Blvd from the Bellaire Boulevard Estate Overlay District (BBEOD).
2. Request that Sec. 24-534, R-5 Residential District, D. Planned Development: Residential be amended to read as follows:.

Sec. 24-534. - R-5 Residential District.

D. Planned Development: Residential. Planned developments may be approved in this District under the amendatory procedures of this chapter, subject to the following restrictions and limitations.

- (1) Size and area:

6575 West Loop South
 Suite 650
 Bellaire, Texas 77401
 713.626.4770

- a) Project area: A planned development in an R-5 Residential District shall have a minimum site of one (1) acres except in the event that a site of less than one (1) acre is bounded on one or more sides by town homes. In the latter instance the minimum size and area shall be that which is designated on the approved plat or plan of the planned development. In either event the project area shall have a minimum average equivalent lot size of 3,000 square feet;
 - b) Maximum building height: 2½ stories, except that cooling towers, roof gables, chimneys, radio and television antennas and vent stacks may extend for an additional height, the total not to exceed forty (40) feet above the average level of the base of the foundation of the building. Radio communications antennas for non-commercial service may not exceed sixty (60) feet above the average level of the base of the foundation of the building;
 - c) Minimum floor area per dwelling unit: 1,550 square feet;
 - d) Building lines:
 - 1) As established by an approved site plan for the planned development;
 - 2) No building line of any structure within the planned development district shall be located any closer than five (5) feet from the side lot line of any residential lot adjacent to the planned development district. In the event that any portion of the planned development site includes a corner lot, no such building line shall be located any closer than ten (10) feet to the right-of-way of the adjacent side street, designated as such on the approved plat of the planned development. Within the interior of the planned development district, zero lot lines are permitted for adjacent residential units; but in the event that the main residential units are separated, a minimum of eight (8) feet must be maintained between units;
 - 3) No building line of any structure within the planned development district shall be located any closer than ten (10) feet to the rear lot line of any adjacent residential lot;
 - 4) No contiguous building lines of structures having zero lot lines shall exceed two hundred (200) linear feet; and
 - 5) In no case shall any building line of any structure within the planned development district be located nearer than ten (10) feet to the street right-of-way of Bellaire Boulevard.
 - f) Maximum site coverage: As established by an approved site plan for the planned development.
- (2) Parking and driveways. Each home within the planned development district shall have a two (2) car garage; driveways shall be of such design as to accommodate two (2) vehicles totally on site. Within the planned development district, two (2) garages of neighboring dwelling units may share a common wall on a common lot line so long as the required eight (8) foot minimum distance is maintained between separated main residential structures;
 - (3) Screening. Screening shall be required between the planned development district and abutting property in commercial use, according to the specifications set forth in Section 24-513 of Division 1 of this Article;
 - (4) Landscaping. In addition to that landscaping which may be an integral part of the screening herein required, landscaping shall also be required for the purpose of providing an acceptable transition between the planned development district and surrounding lower density residential development.

4301 Bellaire –P & Z Amendment Requests
 February 7, 2017
 Page 3 of 3

Statement of the Need and Justification for the Proposed Amendment:

The site is currently zoned under Residential Zone R5, however, since it is on Bellaire Blvd, it is also a part of the Bellaire Blvd Estate Overlay District (BBEOD) which requires a minimum size lot of 25,000 sf. Due to the property's proximity to the railroad tracks, overhead powerlines and the depth of the property in the north/south dimension, selling the property as a single-family residence is not feasible as they have not had any success over the last number of years. Removing the property from the Bellaire BBEOD would allow them to consider having the property redeveloped into a residential Planned Development (PD).

The City of Bellaire ordinance requires that a Planned Development (PD) be a minimum of 2.0 acres. The site is 1.145 acres, less than the minimum required size. Thus, for this specific unique piece of property, our client would like to have the minimum PD size requirement reduced to a minimum of one (1) acre.

Statement as to the Conformity of the Proposed Amendment to the Comprehensive Plan:

One of the main goals of the City of Bellaire Comprehensive Plan is to preserve Bellaire Boulevard as a Boulevard of Homes. Currently, the property is a dormant church that abuts the railroad tracks and a powerline easement with powerlines overhead. Two previous attempts to redevelop the property into a commercial project were not well received by the neighboring properties, the citizens of Bellaire, nor were they consistent with the City of Bellaire Comprehensive Plan. Although the proposed lots are smaller than the desired large estates along Bellaire Boulevard, the proposed amendments will help to foster a residential development that will not only be consistent with the desired residential land use along Bellaire Boulevard, but the new residential structures will also help to buffer the train noise from the adjacent neighboring properties to the west.

Attached with this application are the following items: 1) a copy of the current survey of the property, 2) the street address and legal description of the property, 3) a map illustrating the present zoning and the clear delineation of the area sought to be rezoned, 4) a site plan illustrating an option to redevelop the lot into multiple single family lots, 5) the names and addresses of all owners of property within 500 feet to be notified, and 6) a check in the amount of \$1,925.00 for the application fee.

We would like to request the City of Bellaire Planning and Zoning Commission consider this request at their next scheduled meeting.

If you have any questions, please call me at your earliest convenience to discuss.

Thank you,

Todd L. Blitzer
 Principal

cc: Bruce W. Frankel (Principal) - Frankel Development Group
 Andrea M. Short (VP of Finance & Operations) - Dallas Christian College

p:\16-158 - 4301 bellaire blvd - dallas christian college\div-03 - correspondence & submittals\1a - hoa, city & permits\zoning request change - 2017-02-06.doc

Attachment: Zoning Request Change - 2017-02-07 (2) (2214 : PH-4301 Bellaire Blvd)

PROPERTY ADDRESS & PROPERTY LEGAL DESCRIPTION

Property address of land:

4301 Bellaire Boulevard; Bellaire, TX 77401

Total area of the property proposed to be reclassified:

49,860 square feet (1.145 acres) Front Boundary: 119.92 feet; Rear Boundary: 123.90; Side Boundaries: 409 feet.

Legal description of land:

A TRACT OF LAND CONTAINING 1.145 ACRES (49,860 SQ. FT.) OF LAND BEING ALL OF LOT 46 AND THE WEST 6.5 FEET OF LOT 47, BLOCK 1 WESTMORELAND FARMS FIRST AMENDED SUBDIVISION AS RECORDED IN VOLUME 3, PAGE 60 HARRIS COUNTY MAP RECORDS, SAID 1.145 ACRES BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS;

BEGINNING AT A FOUND 5/8 INCH IRON ROD WITH "TRI-TECH" CAP BEING THE NORTHEAST CORNER OF BOULEVARD GREEN AS RECORDED IN VOL. 294, PG. 21 H.C.M.R., THE SOUTH RIGHT-OF-WAY LINE OF BELLAIRE BOULEVARD (150' ROW) AND NORTHWEST CORNER OF SAID LOT 47 AND HEREIN DESCRIBED TRACT;

THENCE NORTH 90 DEGREES 00 MINUTES 00 SECONDS EAST ALONG THE SOUTH RIGHT-OF-WAY LINE OF SAID BELLAIRE BOULEVARD AND NORTH LINE OF HEREIN DESCRIBED TRACT A DISTANCE OF 119.92 FEET TO A FOUND 5/8 INCH IRON ROD WITH "TRI-TECH" CAP BEING ON THE SOUTH RIGHT-OF-WAY LINE OF SAID BELLAIRE BOULEVARD, THE NORTHWEST OF A TRACT DESCRIBED TO CENTERPOINT ENERGY AS RECORDED IN VOL. 1757, PG. 174 OF H.C.D.R. AND NORTHEAST CONER OF HEREIN DESCRIBED TRACT;

THENCE SOUTH 00 DEGREES 13 MINUTES 05 SECONDS WEST ALONG THE WEST LINE OF SAID CENTERPOINT TRACT A DISTANCE OF 409.00 FEET TO A FOUND 5/8 INCH IRON ROD WITH "TRI-TECH" CAP BEING THE SOUTHWEST CORNER OF SAID CENTERPOINT TRACT, THE NORTH LINE OF AN AREA OF QUESTIONABLE TITLE AND SOUTHEAST CORNER OF HEREIN DESCRIBED TRACT;

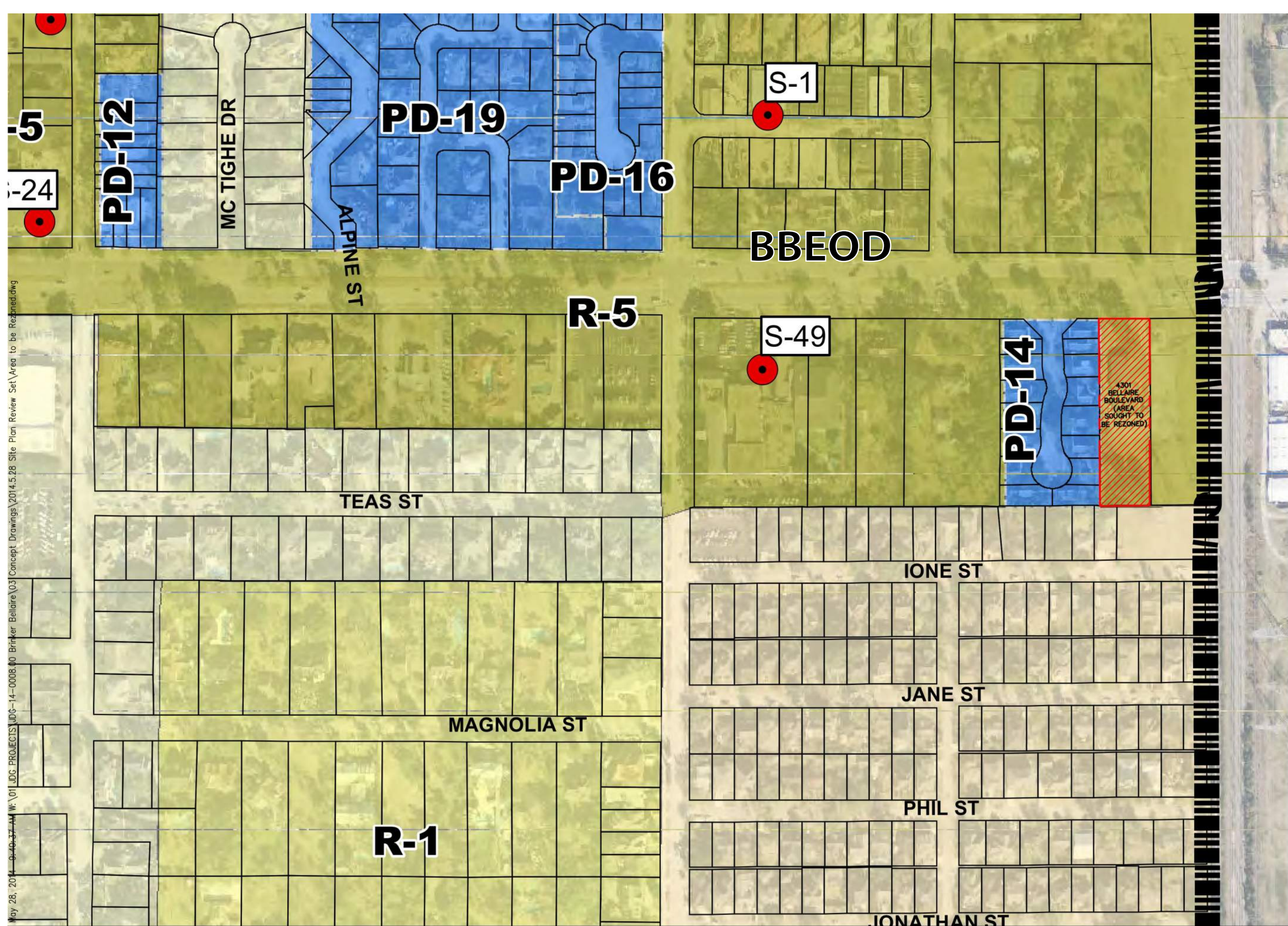
THENCE SOUTH 90 DEGREES 00 MINUTES 00 SECONDS WEST ALONG THE SOUTH LINE OF HEREIN DESCRIBED TRACT A DISTANCE OF 123.90 FEET TO A FOUND 5/8 INCH IRON ROD WITH "TRI-TECH" CAP BEING THE SOUTHEAST CORNER OF SAID BOULEVARD GREEN SUBDIVISION AND SOUTHWEST CORNER OF HEREIN DESCRIBED TRACT;

THENCE NORTH 00 DEGREES 20 MINUTES 26 SECONDS EAST ALONG THE EAST LINE OF SAID BOULEVARD GREEN SUBDIVISION AND WEST LINE OF HEREIN DESCRIBED TRACT A DISTANCE OF 409.01 FEET TO THE POINT OF BEGINNING AND CONTAINING 1.145 ACRES OF LAND.

Attachment: Property Address Legal Description (2) (2214 : PH-4301 Bellaire Blvd)

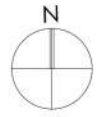
4301 Bellaire B o u l e v a r d

Application for Amendment to Official Zoning District Map



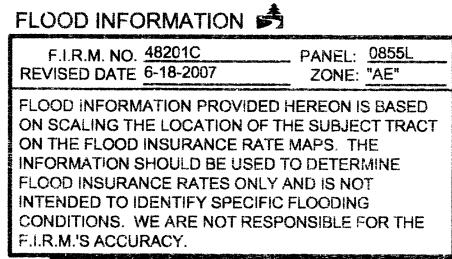
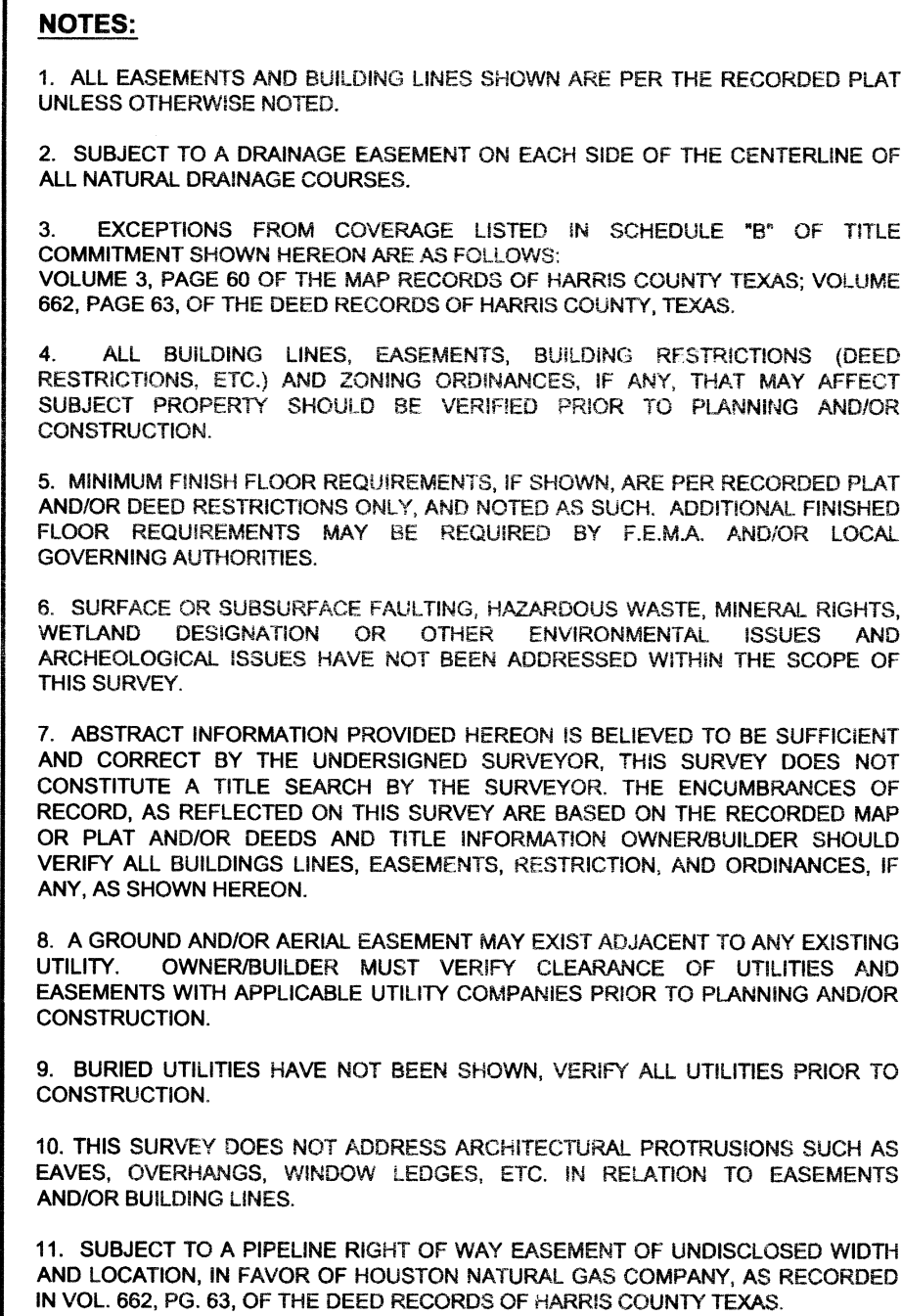
Zoning District

CCD-1	City Center
CCD-2	City Center
L-610	Loop 610
LI	Light Industrial
LLDD	Larch Lane Development
MRED	Mulberry Residential
Planned Development	
R-1	Residential
R-3	Residential
R-4	Residential
R-5	Residential
R-M1	Residential-Commercial Mixed Use
R-M2	Residential-Commercial Mixed Use
R-M3	Residential-Commercial Mixed Use
RM-2-0	Residential-Mixed
R-MF	Residential-Multifamily
RDD	Research Development District
TRP	Technical Research Park
UVT	



May 28, 2014 9:40:37 AM W:\01 JDG PROJECTS\JDG-14-0008.00 Brinker Bellaire\03 Concept Drawings\2014.5.28 Site Plan Review Set\Area to be Rezoned.dwg

Attachment: 4301 Bellaire Blvd - Amendment to Zoning (002) (2214 : PH-4301 Bellaire Blvd)



THENCE NORTH 00 DEGREES 20 MINUTES 26 SECONDS EAST ALONG THE EAST LINE OF SAID BOULEVARD GREEN SUBDIVISION AND WEST LINE OF HEREIN DESCRIBED TRACT A DISTANCE OF 409.01 FEET TO THE POINT OF BEGINNING AND CONTAINING 1.145 ACRES OF LAND.

10'-0"

5'-0" SETBACK

UNIT 14 UNIT 13

UNIT 12 UNIT 11

5'-6"

4'-6"

UNIT 10 UNIT 09

UNIT 08 UNIT 07

UNIT 06 UNIT 05

UNIT 04 UNIT 03

UNIT 02 UNIT 01

17'-0"

24'-0"

10'-0"

BELLAIR BLVD.

S 89° 46' 55" W 409.00'

9'-0"

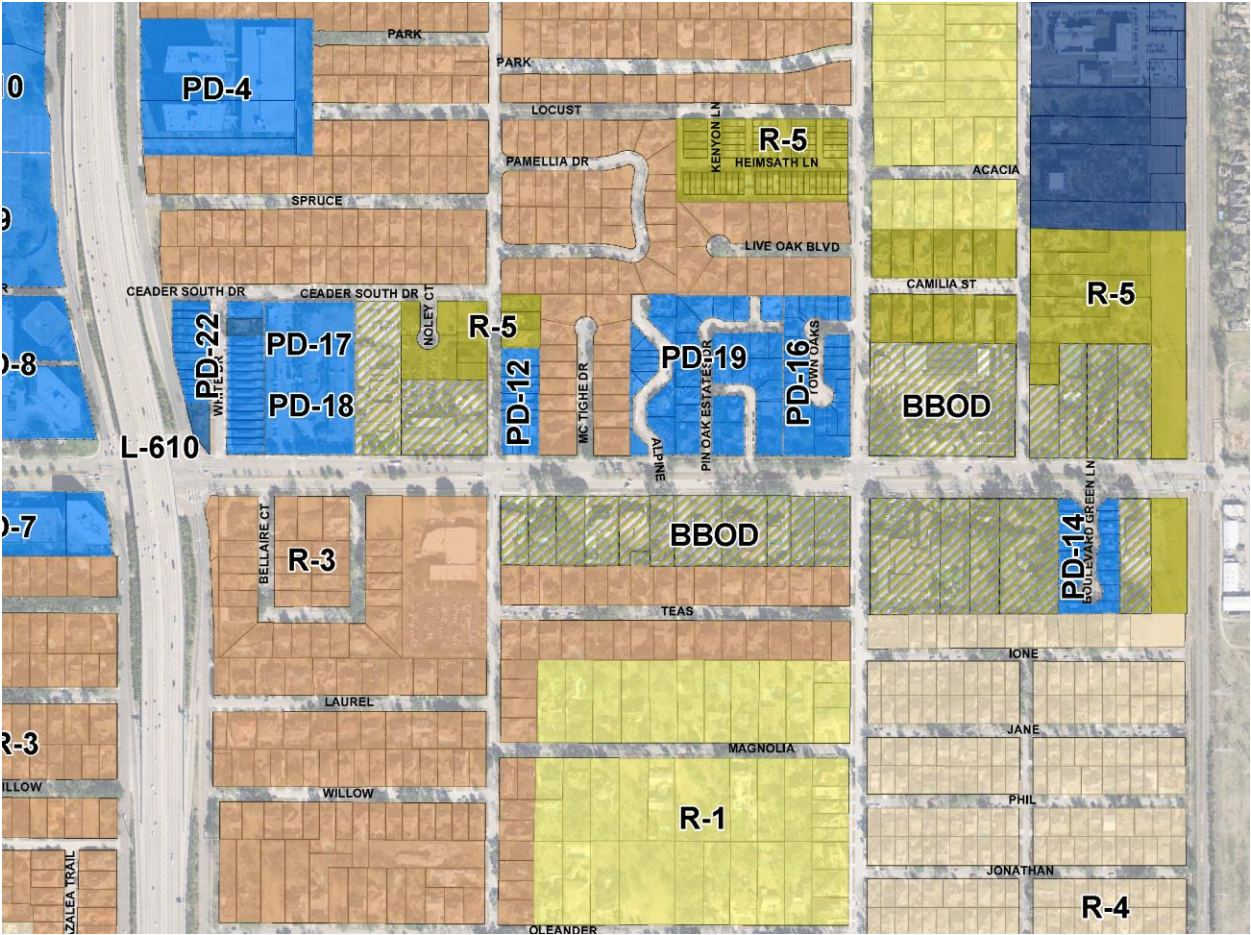
SCALE: 1" = 40'

0' 10' 20' 30' 40' 50'

N

Packet Pg. 43

BBEOD AREA



Attachment: BBEOD AREA (2214 : PH-4301 Bellaire Blvd)

The undersigned formally protest the request for an amendment to the official zoning map to re-zone 4301 Bellaire Boulevard from R-5, Residential District to PD, Planned Development, to remove the property from the Bellaire Boulevard Estate Overlay District (BBEOD), and Application for Amendment to the Written Text or Official Zoning District Map of the City of Bellaire, Texas the re-zoning of 4301 Bellaire from R-5 to PD.

Property	Property Owner	Property Owner's residence	Signature	Date
2 Boulevard Green	Joy & Charles Hall	2 Boulevard Green	<i>Joy Hall</i>	2/28/17
4 Boulevard Green	Sara Weinstein	4 Boulevard Green	<i>Sara Weinstein</i>	3/4/17
6 Boulevard Green	Carol Redel	6 Boulevard Green	<i>Carol Redel</i>	2/28/2017
8 Boulevard Green	Emily Rutledge	8 Boulevard Green	<i>Emily Rutledge</i>	3/5/17
10 Boulevard Green	Joy & Peter Puzon	10 Boulevard Green	<i>Joy Puzon</i>	2/28/17
12 Boulevard Green	Shira Moses	12 Boulevard Green	<i>Shira Moses</i>	3/5/17
14 Boulevard Green	Pat & Page Piland	14 Boulevard Green	<i>Pat Piland</i>	3/1/17
16 Boulevard Green	Ute & Volker Eisele	16 Boulevard Green	<i>Ute Eisele</i>	3-2-17
4308 Lone	Susan Turner	4308 Lone	<i>Susan Turner</i>	3/6/17

Attachment: 4301 Bellaire Resident Protest (2214 : PH-4301 Bellaire Blvd)

Planning and Zoning Commission

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



Meeting: 03/14/17 06:00 PM
Department: Development Services
Category: Code Amendment
Department Head: John McDonald
DOC ID: 2215

SCHEDULED ACTION ITEM (ID # 2215)

Item Title:

Consideration of 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).

Background/Summary:

At the February 14 meeting, a public hearing was held on proposed amendments to the Code of Ordinances, Chapter 24, Planning and Zoning to further regulate the following business types: pawn shops, head shops, and sexually oriented businesses. These amendments were drafted by the City Attorney's Office.

Pawnshops - a new regulation is proposed requiring a minimum distance of 100 feet between such businesses and a residential property.

- As previously requested, City staff has prepared a map (included in your packet) to show which properties would be affected by a 100 foot distance versus a 200 foot distance.

Head shops - a definition will be added and the use will be prohibited in the Urban Village TOD, Urban Village Downtown, and the Corridor Mixed Use Districts.

Sexually Oriented Businesses - Under the definition of Enterprise, the allowance of a retail establishment to be excluded from the SOB requirements will be better defined by replacing the term "primary business" with a minimum of 60% of gross sales.

- There was a question regarding deleting the third item under O) Enterprise referencing retail establishments. The City Attorney states that this item can be removed if the Commission so desires.

Recommendation:

The Director of Development Services recommends approval of the ordinances as presented.

ATTACHMENTS:

- Code Amendment - Chapter 24 - Headshops etc (PDF)
- Proposed amendments-Head shops, pawn shops, SOBs (PDF)
- Pawn Shop Restriction to Residential 200 vs 100 (PDF)

Amendment to Sec.24-536 Corridor Mixed Use District (CMU), B. Uses, (1) Permitted Uses

(c) Commercials uses as follows, not to include [head shops, or](#) any drive-in or drive-through facilities without Specific Use Permit approval:

Amendment to Sec. 24-537 Urban Village-Downtown (UVD), B. Uses, (1) Permitted Uses

(d) Commercials uses as follows, not to include [head shops, or](#) any drive-in or drive-through facilities without Specific Use Permit approval:

Amendment to Sec. 24-347 Urban Village (TOD) District (UVT), B. Uses, (4) Prohibited Uses, by adding a new prohibited Use.

[o\) head shops.](#)

Head Shops

Existing Section to be amended.

Section 24-202. - Definitions.

(83.5) *Head shops.* Any retail establishment open to the public that presents, displays, or offers for sale, distribution, or delivery, smoking paraphernalia items of any kind. "Smoking paraphernalia" shall mean paraphernalia, devices, or instruments, including but not limited to pipes, bongs, and hookahs, that are designed or manufactured for the smoking, ingesting, inhaling, or otherwise introducing into the body "controlled substances" as defined by the Texas Controlled Substance Act, Health and Safety Code, ch. 481, as may be amended. "Smoking paraphernalia" shall also mean and include, in the broadest application possible, kits that are used, intended to be used, or commonly known to be used for the ingestion, inhalation, preparation, or injection of illegal substances, and include any device or instrument which has been fabricated, constructed, altered, adjusted, or marked especially for use in the smoking or ingestion of marijuana, hashish, cocaine, methamphetamine, any other "controlled substance," "controlled substance analogue," "synthetic controlled substance," or other substance or chemical that mimics the effect of THC such as synthetic cannabinoids or other controlled substances, or any other substance that violates local, state, or federal law, and is adapted for the purpose of smoking or ingesting by virtue of a distinctive feature or combination of features associated with drug paraphernalia, notwithstanding that it might also be possible to use the smoking paraphernalia for some other purpose. "Smoking paraphernalia" shall also mean and include, in the broadest application possible, kits that are used, intended for use, or designed for use in planting, propagating, cultivating, growing or harvesting any species of plant which is a controlled substance, or from which a controlled substance can be derived from the manufacturing, compounding, converting, producing, processing or preparing of a controlled substance. "Smoking paraphernalia" does not include lighters, matches, cigarette holders, and devices used to store or preserve tobacco, tobacco cigarettes, cigarette papers or cigars, nor does it include e-cigarette, e-pipe and e-cigar devices or their respective components including but not limited to the atomizer unit, liquid nicotine reservoir or nicotine cartridge tank, and cartomizer.

This use would be listed within each commercial or mixed-use district as a non-permitted use.

Pawnshops

Add a new Section.

Section 24-525. Pawnshop Regulations.

The following general conditions for pawnshops shall apply regardless of whether the pawnshop is to be construed as a permitted use or a specific use. A pawnshop shall not be located within one hundred (100) feet of any residential property, measured from the closest point on the property line of the residential property to the closest point of any property in use as a pawnshop or containing such use.

Sexually Oriented Business

Existing Section to be replaced.

Sec. 24-1101. - Definitions.

As used in this Article, the following words and terms shall have the meanings ascribed to them in this Section, unless the context of their usage clearly indicates another meaning:

- (a) *Achromatic*. Colorless, lacking in saturation or hue. Without limitation, gray shall be included, but white and black shall be excluded from the definition of achromatic.
- (b) *Adult bookstore*. An establishment whose primary business is the offering to customers of books, magazines, films or videotapes CDs, DVDs (whether for viewing off-premises or on-premises by use of electronic media image-producing devices), periodicals, or other printed or pictorial materials which are intended to provide sexual stimulation or sexual gratification to such customers, and which are distinguished by or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities, or specified anatomical areas.
- (c) *Adult cabaret*. An establishment whose primary business is the offering to customers of live entertainment which is intended to provide sexual stimulation or sexual gratification to such customers, and which is distinguished by or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities, or specified anatomical areas.
- (d) *Adult encounter parlor*. An establishment whose primary business is the provision of premises where customers either congregate, associate, or consort with employees who engage in specified sexual activities with or in the presence of such customers, or who display specified anatomical areas in the presence of such customers, with the intent of providing sexual stimulation or sexual gratification to such customers.
- (e) *Adult lounge*. An adult cabaret, as defined above, which is a permitted or licensed premises, pursuant to the Texas Alcoholic Beverage Code, where alcoholic beverages may be served or sold.
- (f) *Adult modeling studio*. An establishment whose primary business is the provision to customers of figure models who are so provided with the intent of providing sexual stimulation or sexual gratification to such customers and who engage in specified sexual activities or display specified anatomical areas while being observed, painted, painted upon, sketched, drawn, sculptured, photographed, or otherwise depicted by such customers.
- (g) *Adult movie theater*. An establishment, containing a room with tiers or rows of seats facing a screen, or projection area, whose primary business is the exhibition to customers of electronic media which are intended to provide sexual stimulation or sexual gratification to such customers and which are distinguished by or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas.
- (h) *Applicant*. The applicant for a permit shall be the intended operator of the enterprise.
- (i) *Church*. A building, whether situated within the City or not, in which persons regularly assemble for religious worship intended primarily for purposes connected with such worship or for propagating a particular form of religious belief.
- (j) *Commercial multi-unit center*. A building or structure (including a shopping mall or strip shopping center) containing three (3) or more separate premises, each of which is offered by lease or otherwise for separate occupancy or control and each of which occupies an enclosed area having its own door or entrance way opening onto public property, a public way, or a common area.
- (k) *Conduct any business in an enterprise*. Any person who does any one (1) or more of the following shall be deemed to be conducting business in an enterprise:

- (1) Operates a cash register, cash drawer or other depository on the enterprise premises where cash funds or records of credit card or other credit transactions generated in any manner by the operation of the establishment or the activities conducted therein are kept;
 - (2) Displays or takes orders from any customer for any merchandise, goods, entertainment or other services offered on the enterprise premises;
 - (3) Delivers or provides to any customer any merchandise, goods, entertainment or other services offered on the enterprise premises;
 - (4) Acts as a door attendant to regulate entry of customers or other persons into the enterprise premises; or
 - (5) Supervises or manages other persons in the performance of any of the foregoing activities on the enterprise premises.
- (l) *Customer.* Any person who:
- (1) Is allowed to enter a regulated establishment in return for the payment of an admission fee or any other form of consideration or gratuity; or
 - (2) Enters a regulated establishment and purchases, rents or otherwise partakes of any merchandise, goods, entertainment or other services offered therein; or
 - (3) Is a member of and on the premises of a regulated establishment operating as a private club.
- (m) *Director.* The Chief of Police and such employee(s) of the police department as he may designate to perform the duties of the Director under this Article.
- (n) *Employee.* Any person who renders any service whatsoever to the customers of a regulated establishment or who works in or about a regulated establishment and who receives compensation for such service or work from the operator or owner of the regulated establishment or from the customers therein.
- (o) *Enterprise.* An adult cabaret, adult encounter parlor, adult lounge, adult modeling studio, or any establishment whose primary business is the offering of a service or the selling, renting or exhibiting of devices or any other items intended to provide sexual stimulation or sexual gratification to its customers, and which is distinguished by or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas. The term "enterprise" shall not be construed to include:
- (1) Any business operated by or employing licensed psychologists, licensed physical therapists, licensed athletic trainers, licensed cosmetologists, or licensed barbers performing functions authorized under the licenses held;
 - (2) Any business operated by or employing licensed physicians or licensed chiropractors engaged in practicing the healing arts; or
 - (3) Any retail establishment ~~whose primary business~~ where a minimum of sixty (60) percent of gross revenues are generated from is the offering the sale of wearing apparel ~~for sale to~~ customers. Items generally considered to be shoes or accessories are specifically not apparel.
- (p) *Entertainment.* Any act or performance, such as a play, skit, reading, revue, pantomime, scene, song, dance, musical rendition or striptease, whether performed by employees, agents, contractors, or customers. The term "entertainment" shall also mean bartenders, waiters, waitresses, or other employees exposing specified anatomical areas or engaging in specified sexual activities in the presence of customers.
- (q) *Exterior portion.* Any part of the physical structure of a regulated establishment, including a wall, veneer, door, fence, roof, roof covering, or window, which is visible from any public way or public property.

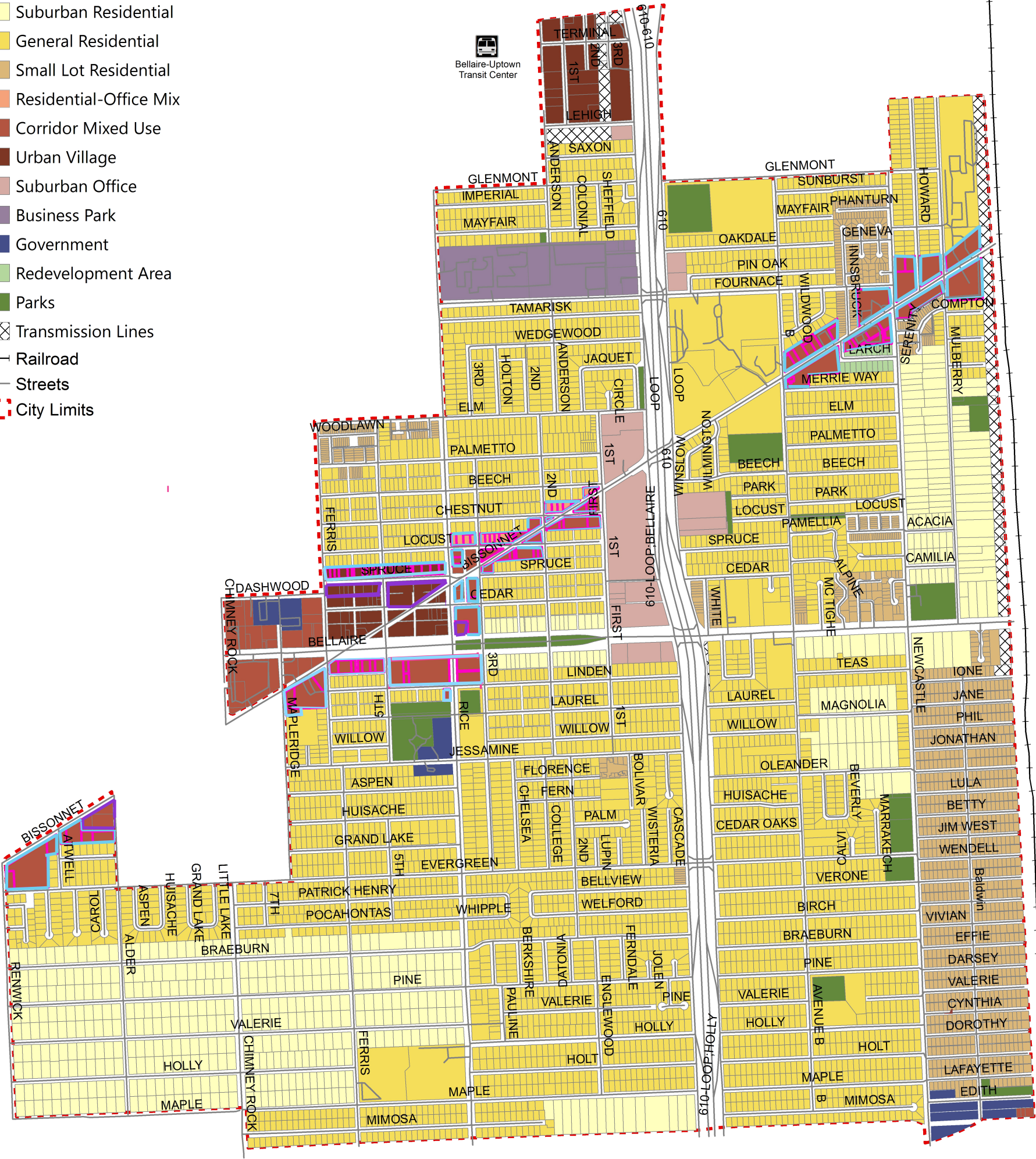
- (r) *Licensed day-care center.* A facility licensed by the State of Texas, whether situated within the city or not, that provides care, training, education, custody, treatment or supervision for children under fourteen (14) years of age, where such children are not related by blood, marriage or adoption to the owner or operator of the facility, for less than twenty-four (24) hours a day, regardless of whether or not the facility is operated for a profit or charges for the services it offers.
- (s) *Operator.* The manager or other natural person principally in charge of a regulated establishment.
- (t) *Owner or owners.* Owner or owners shall mean the proprietor if a sole proprietorship, all partners (general and limited) if a partnership, or all officers, directors, and persons holding ten percent or more of the outstanding shares of a corporation. The term "owner" shall not include any such person who has given to the operator a statement under oath that he does not desire to be listed on the permit application and that he waives any right to any notice that is required or permitted to be given under this Article.
- (u) *Permit.* A current, valid permit issued by the Director pursuant to the terms of this Article to an operator for an enterprise.
- (v) *Regulated establishment.* Any enterprise, adult bookstore, or adult movie theater, as defined herein.
- (w) *Residential.* Pertaining to the use of land, whether situated within the City or not, for premises such as homes, town homes, patio homes, mobile homes, duplexes, condominiums and apartment complexes, which contain habitable rooms for non-transient occupancy and which are designed primarily for living, sleeping, cooking, and eating therein. A premises which is designed primarily for living, sleeping, cooking and eating therein shall be deemed to be residential in character unless it is actually occupied and used exclusively for other purposes. Hotels, motels, boardinghouses, nursing homes, hospitals, and nursery schools shall not be considered to be residential.
- (x) *School.* A building, whether situated within the City or not, where persons regularly assemble for the purpose of instruction or education together with the playgrounds, stadium and other structures or grounds used in conjunction therewith. The term is limited to:
 - (1) Public and private schools used for primary or secondary education, in which any regular kindergarten or grades one (1) through twelve (12) classes are taught; and
 - (2) Special educational facilities in which students who have physical or learning disabilities receive specialized education in lieu of attending regular classes in kindergarten or any of grades one (1) through twelve (12).

Pawn Shop Restrictions

Areas Pawn Shops Not Allowed (200ft)

Areas Pawn Shops Not Allowed (100ft)

- Future Land Use
- Suburban Residential
 - General Residential
 - Small Lot Residential
 - Residential-Office Mix
 - Corridor Mixed Use
 - Urban Village
 - Suburban Office
 - Business Park
 - Government
 - Redevelopment Area
 - Parks
 - Transmission Lines
 - Railroad
 - Streets
 - City Limits



1 in = 1,294 ft

0 1,300 2,600 Feet

**Planning and Zoning
Commission**

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



Meeting: 03/14/17 06:00 PM
Department: Development Services
Category: Report
Department Head: John McDonald
DOC ID: 2217

**SCHEDULED
ACTION ITEM (ID # 2217)**

Item Title:

Approval of the Planning and Zoning Commission's Report and Recommendation to City Council on proposed amendments to Chapter 24, with regard to the use and allowance of pawn shops, head shops, and sexually oriented businesses.

Background/Summary:

Attached is a draft report as a starting point for the Commission to finalize its recommendations to City Council on the proposed amendments to Chapter 24, with regard to pawn shops, head shops, and SOBs.

ATTACHMENTS:

- Report and Recommendation-Pawn shops, head shops & SOBs (PDF)



CITY OF BELLAIRE

Planning and Zoning Commission

March 15, 2017

To: Mayor and City Council
 From: Win Frazier, Chairman, Planning & Zoning Commission
 CC: John McDonald, Director of Community Development
 Subject: Report and Recommendation on proposed amendments to the City of Bellaire's Code of Ordinances with regard to the use and allowance of Pawn Shops, Head Shops, and Sexually Oriented Businesses within the City.

On February 14, 2017, the Planning & Zoning Commission held a 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). The amendment was brought forward by the Director of Development Services, based on a request from City Council.

On January 31, 2017 a legal notice was published in the Southwest News inviting any and all persons desiring to be heard in connection with the proposed code amendments to speak before the Commission. Two (2) members of the public spoke during the public hearing. There were no objections to the proposal, but the following concerns were voiced:

- Notices were not mailed out to the City, as a whole
- Proposed distance of 100 feet from pawn shops to residential is not enough
- Include shorter definitions of "head shop", "pawn shop," and "sexually oriented business"

No additional written comments were received.

RECOMMENDATION

The item was on the agenda for consideration at the Commission's March 14, 2017 meeting. After due consideration and discussion, the Commission found that the proposed amendments to Chapter 24 of the Code of Ordinances were necessary in order to further regulate the allowance and use of pawn shops, head shops and sexually oriented businesses within the City of Bellaire. Based on these findings, the Commission voted _____ to recommend approval of the code amendments to City Council.

VOTE OF THE COMMISSION

Members present and voting FOR this recommendation to City Council:

Members present and voting AGAINST this recommendation to City Council:

Members Absent:

Planning and Zoning Commission

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



Meeting: 03/14/17 06:00 PM
Department: Development Services
Category: Discussion
Department Head: John McDonald
DOC ID: 2216

SCHEDULED INFORMATION ITEM (ID # 2216)

Item Title:

Review and discussion of the City Manager's proposed draft of the 2018-2022 Capital Improvement Plan, under the authority given in City Ordinance Chapter 24-402, with consideration given to projects outlined within the Comprehensive Plan and Beautification Conceptual Master Plan.

Background/Summary:

Attached is a copy of the City Manager's proposed Capital Improvement Program for 2018-2022.

Why: City Ordinance Chapter 24-402 states that the City Manager shall propose the draft Capital Improvement Program (CIP) to the Planning and Zoning Commission for review and comment on the consistency of the program with the adopted Comprehensive Plan.

What: The CIP is a planning tool to identify the future infrastructure improvement needs throughout the City in order to maintain asset value and ensure the quality of life that Bellaire citizens expect. It allows City leaders to identify the costs of these needs and to provide assumptions for the fiscal forecast that will allow for the implementation of the CIP.

Chapter 24 Definition - The capital improvement program shall serve as a means for systematically reviewing proposed capital projects to ensure coordination of expenditures and development. The program shall tie together the timing, location and financing of proposed capital projects, shall encourage the development of such projects in scheduled stages, and shall provide the public with an understanding of future needs and development activities to be undertaken by the City of Bellaire.

Additionally, as the Commission has been reviewing the Visioning Bellaire plan, we have included the six "First Steps" projects, as well as those identified in the plan as targeted for years 1-5 as discussion points for the Commission.

This item is for discussion and consideration with a recommendation scheduled to be made to City Council on the CIP at the April meeting.

ATTACHMENTS:

- FY 18-22 CIP & Beautification Master Plan (PDF)

Five Year Capital Improvement Plan								
** Unaudited balances and transfers - See note below.	FY 2017 Adopted	FY 2018 Planned	FY 2019 Planned	FY 2020 Planned	FY 2021 Planned	FY 2022 Planned	Beyond FY 2022	FY 2018- Future Total
General Fund CIP								
<i>Beginning Balance - General Fund</i>	\$ 250,000	\$ -	\$ (370,000)	\$ (419,999)	\$ (469,999)	\$ (519,999)		
<i>Beginning Balance - Rebuild Bellaire - Cash Facilities Cash</i>	\$ 751,051	\$ 751,051	\$ 751,051	\$ -	\$ -	\$ -		\$ 751,051
<i>Beginning Balance - ROW Fund - Restricted Funds</i>	\$ 351,200	\$ 351,200	\$ 351,200	\$ 351,200	\$ 351,200	\$ 351,200		\$ 351,200
<i>Transfer in From General Fund</i>	\$ 250,000	\$ 425,000	\$ 640,000	\$ 300,000	\$ 50,000	\$ 100,000		\$ 1,515,000
<i>Transfer in From General Fund for Pavement Maintenance Program</i>	\$ 800,000	\$ 800,000	\$ 800,000	\$ 800,000	\$ 800,000	\$ 800,000		\$ 4,000,000
<i>METRO Revenue for Pavement Maintenance Program</i>	\$ 1,200,000	\$ 1,200,000	\$ 1,200,000	\$ 1,200,000	\$ 1,200,000	\$ 1,200,000		\$ 6,000,000
Total Resources	\$ 3,602,251	\$ 3,527,251	\$ 3,372,251	\$ 2,231,201	\$ 1,931,201	\$ 1,931,201		\$ 12,993,105
Mulberry Park - Restroom Facility		\$ 200,000						\$ 200,000
Holly Street Esplanade - Additional amenities and plantings for the Holly Street Esplanade Project			\$ 50,000	\$ 50,000	\$ 50,000	\$ 100,000		\$ 250,000
South Rice Esplanade Improvements - Improvements to the four esplanades along South Rice at Bellaire Boulevard and Bissonnet St. Project to include design and construction of mow strips, additional planting, edging, mulch, and other landscape improvements.		\$ 120,000						\$ 120,000
Bellaire Family Aquatic Center Pool Area Improvements - Improve pool amenities by adding additional shade structures for patrons around the pool deck. Replace the concrete blocks under the waterslide feature with a flat deck and proper drainage. Add additional decking around the pool to accommodate the needs of the pool patrons as it pertains to daily use and aquatic programming needs.	\$ 150,000							\$ -
Playgrounds, Shade Structures, and Park Amenities - Provides annual funding to address city-wide replacement and/or purchase of new playground equipment, shade structures and park amenities.	\$ 100,000	\$ 100,000	\$ 100,000	\$ 100,000				\$ 300,000
Park Signage Master Plan and Implementation - Includes all signage used in City of Bellaire Parks.	\$ 50,000	\$ 100,000	\$ 100,000	\$ 100,000				\$ 300,000
Community Pathways Master Plan - City-Wide Pathways Master Plan to coordinate with the City's nodes and parks as well as surrounding pedestrian and bike systems.	\$ 75,000							\$ -
Pavement Management Program - The City of Bellaire's Pavement Management Program is geared toward improving the overall quality of the roadway systems by repairing pavement failures and distresses. The City's goal is to bring the streets maintained by the City up to an acceptable level of service and keep them there through an aggressive and comprehensive maintenance program.	\$ 2,000,000	\$ 2,000,000	\$ 2,000,000	\$ 2,000,000	\$ 2,000,000	\$ 2,000,000		\$ 10,000,000
Decorative Standard for Major Streets (FY 2017 Newcastle St. Pilot Project) - This project will look to combine goals of better street lighting, additional trail lighting, use of LED lighting options, and a decorative standard for major streets throughout the City. The initial project will focus on Newcastle St. Future phases may focus on other major streets and high-traffic areas. A different decorative standard for lower-traffic/residential streets may be chosen to follow this project with common design considerations in mind. An element of customization will be explored to potentially tie in with other City projects. This project is in collaboration with CenterPoint Energy.	\$ 75,000	\$ 75,000						\$ 75,000

**The CIP beyond FY 2018
does not appropriate any funds for projects listed; it is a guideline for planning.**

Attachment: FY 18-22 CIP & Beautification Master Plan (2216 : CIP & Beautification)

Five Year Capital Improvement Plan								
** Unaudited balances and transfers - See note below.	FY 2017 Adopted	FY 2018 Planned	FY 2019 Planned	FY 2020 Planned	FY 2021 Planned	FY 2022 Planned	Beyond FY 2022	FY 2018- Future Total
Flood Plain Hazard Mitigation Plan - The existing Flood Hazard Mitigation Plan will be revised to update the flood risks and identify mitigation efforts. This plan would possible future projects to reduce flood risks.	\$ 50,000							\$ -
Impound Lot Relocation and Build Out - Relocate current police department impound lot from Bellaire Town Square to public works service center.		\$ 100,000						\$ 100,000
City-Wide Signage Enhancements Project - This project will authorize a new standard for City signage with the use of a black powder-coated pole and cap. Decorative options for major streets and high-profile areas may be examined for implementation as well. The estimated budget assumes 4,000 poles will be replaced over the course of 4 years with some use of a contractor for large installations. City crews will maintain signs and replace with the new standard as needed for maintenance and assist with large installations when possible.		\$ 50,000	\$ 50,000	\$ 50,000	\$ 50,000			\$ 200,000
Park Upgrades after Municipal Facilities Project - Once facilities are completed landscaping and trails will be addressed within the Bellaire Town Square footprint that was impacted by the construction of the new facilities.			\$ 100,000					\$ 100,000
Update to the Facilities Master Plan - Update to the City wide facilities master plan will include Public Works, Library, and ADA programming. The previous master plan informed projects at the City Hall / Civic Center and the Police / Court buildings. This update will allow for planning efforts related to facilities not addressed in the 2017 Bond referendum.		\$ 50,000						\$ 50,000
Signature Corner Design - Conceptual Designs have been provided for the corner of S. Rice Avenue and Jessamine. Construction would fall under new bond authority funding. Funded by RBB Cash.			\$ 751,050					\$ 751,050
Permanent Restroom Facility - Provide a permanent restroom facility at Lafayette Park.			\$ 200,000					\$ 200,000
Loftin Park Irrigation System - Irrigation system for the existing trees and turf located within Loftin Park.			\$ 90,000					\$ 90,000
Ware Park - Picnic pavilion design and construction at Ware Park.				\$ 50,000				\$ 50,000
Paseo Park West Expansion with future relocation of transit center. ROW Restricted funding. Resolution 11-10 - Policy for Acquisition and Development of Parkland has the following restriction of use - Resolution reads as follows: ("Development" shall be generally defined to include the purchase, delivery, installation, and other necessary expenditures associated with new park, features/equipment/benches, fields, structures and/or facilities, and infrastructure (such as, but not limited to, pathways, driveways, cabling and wiring, drinking water fountains, water features, lighting, and landscaping). Expenditures associated with the maintenance or replacement of existing park features, equipment, structures, facilities, and/or infrastructure cannot be paid for with or reimbursed from said restricted funds.)							\$ 351,200	\$ 351,200
Total General Fund CIP	\$ 2,500,000	\$ 2,795,000	\$ 3,441,050	\$ 2,350,000	\$ 2,100,000	\$ 2,100,000		\$ 12,786,050
Total Ending Balance	\$ 1,102,251	\$ 732,251	\$ (68,799)	\$ (118,799)	\$ (168,799)	\$ (168,799)		\$ 207,055

**The CIP beyond FY 2018
does not appropriate any funds for projects listed; it is a guideline for planning.**

Attachment: FY 18-22 CIP & Beautification Master Plan (2216 : CIP & Beautification)

Five Year Capital Improvement Plan								
<i>** Unaudited balances and transfers - See note below.</i>	FY 2017 Adopted	FY 2018 Planned	FY 2019 Planned	FY 2020 Planned	FY 2021 Planned	FY 2022 Planned	Beyond FY 2022	FY 2018- Future Total
Enterprise Fund CIP								
Beginning Balance	\$ 155,000	\$ 155,000	\$ 155,000	\$ 155,000	\$ 155,000	\$ 155,000		
Transfer in From Enterprise Fund	\$ 400,000	\$ -	\$ 100,000	\$ -	\$ 75,000	\$ -		
Total Resources	\$ 555,000	\$ 155,000	\$ 255,000	\$ 155,000	\$ 230,000	\$ 155,000		
Rehabilitation of the Renwick Ground Storage Tank - This project involves the blasting and recoating of the 1,000,000 gallon water storage tank on Renwick. A recent inspection indicated this tank is in need of rehabilitation work in order to preserve the functionality of the tank. Design and preliminary work took place in FY 2016, and the construction phase will be part of the FY 2017 budget.	\$ 400,000							\$ -
Wendell Lift Station - Improvements to the lift station infrastructure.			\$ 100,000					\$ 100,000
Central Water Plant Electrical Upgrades - This project will address some remaining electrical equipment items at the Central Plant that are in need of replacement. The main components involved include the electrical bus and motor starters for the booster pumps.					\$ 75,000	\$ 560,000		\$ 635,000
Total Enterprise Fund CIP	\$ 400,000	\$ -	\$ 100,000	\$ -	\$ 75,000		\$ -	\$ 175,000
Total Ending Balance	\$ 155,000	\$ 155,000	\$ 155,000	\$ 155,000	\$ 155,000		\$ -	\$ 620,000

The CIP beyond FY 2018
does not appropriate any funds for projects listed; it is a guideline for planning.

Attachment: FY 18-22 CIP & Beautification Master Plan (2216 : CIP & Beautification)

Five Year Capital Improvement Plan								
** Unaudited balances and transfers - See note below.	FY 2017 Adopted	FY 2018 Planned	FY 2019 Planned	FY 2020 Planned	FY 2021 Planned	FY 2022 Planned	Beyond FY 2022	FY 2018- Future Total
Bond Funds								
Existing Bond Authority	\$ 12,560,000							
Approved Bonds for Better Bellaire 2016	\$ 31,050,000	\$ 10,150,000	\$ 12,650,000	\$ 130,000				
2019 Bond				\$ 9,500,000	\$ 14,500,000	\$ 13,000,000		
Total Resources	\$ 43,610,000	\$ 10,150,000	\$ 12,650,000	\$ 9,630,000	\$ 14,500,000	\$ 13,000,000		
Streets and Drainage - Includes complete street and related drainage infrastructure replacement.	\$ 7,000,000	\$ 6,000,000	\$ 7,000,000	\$ 6,000,000	\$ 6,000,000	\$ 8,000,000		\$ 33,000,000
Sidewalks - Design and construction of sidewalks throughout the City.	\$ 2,000,000	\$ 1,000,000	\$ 1,000,000	\$ 1,000,000	\$ 1,000,000	\$ 1,000,000		\$ 5,000,000
New Municipal Buildings - Funding for the construction of the new city hall/civic center and new police/municipal courts buildings.	\$ 18,160,000							\$ -
Water Line Improvements - Includes approximately 55,000 linear feet of water line replacement distributed over three years. The annual projects will be developed using a prioritization derived from the most recent condition assessment as well as operational issues along the way. FY 2017 includes design and construction.	\$ 3,500,000	\$ 3,000,000	\$ 4,500,000					\$ 7,500,000
Wastewater Line Improvements - Includes approximately 4,500 linear feet of wastewater line replacement spread over a five year period which began in FY 2016. The annual projects will be developed using a prioritization derived from the most recent condition assessment as well as operational issues along the way.	\$ 150,000	\$ 150,000	\$ 150,000	\$ 130,000				\$ 430,000
Performance Contract Project - Upgrade all water meters in the City and incorporate automated metering infrastructure. Provide wastewater system upgrades, including improvements to the aeration system, digesters, main lift station, disinfection system, return activated sludge pumps, and flow control.	\$ 12,800,000							\$ -
Library - Design and construction for new Library building.				\$ 500,000	\$ 4,000,000			\$ 4,500,000
Other Parks - Additional needs at other parks in the COB system, including restrooms, lighting, parking lots, and various other amenities.				\$ 1,000,000				\$ 1,000,000
Public Works Building - Funding for land acquisition, design, and construction of a new Public Works Building.				\$ 1,000,000	\$ 3,000,000			\$ 4,000,000
Evergreen Park - Per the Evergreen Park Master Plan, this project includes design and construction of the Park.				\$ 500,000	\$ 4,000,000			\$ 4,500,000
Total Bond Fund CIP	\$ 43,610,000	\$ 10,150,000	\$ 12,650,000	\$ 10,130,000	\$ 18,000,000	\$ 9,000,000	\$ -	\$ 59,930,000
Total Ending Balance	\$ -	\$ -	\$ -	\$ (500,000)	\$ (3,500,000)	\$ 4,000,000	\$ -	\$ -

**The CIP beyond FY 2018
does not appropriate any funds for projects listed; it is a guideline for planning.**

Attachment: FY 18-22 CIP & Beautification Master Plan (2216 : CIP & Beautification)

Five Year Capital Improvement Plan								
** Unaudited balances and transfers - See note below.	FY 2017 Adopted	FY 2018 Planned	FY 2019 Planned	FY 2020 Planned	FY 2021 Planned	FY 2022 Planned	Beyond FY 2022	FY 2018- Future Total
UNFUNDED PROJECTS								
Way finding and Entryway Markers - Provide physical improvement intended to provide visual definition including way finding signage. Including a possible new logo and design color scheme. Allowing both commercial and City service connection.							\$ 300,000	\$ 300,000
Signature Corner Design and Construction - Conceptual Designs have been provided for the corner of S. Rice Avenue and Jessamine							\$ 3,000,000	\$ 3,000,000
Zindler Park - Upgrade / Automate Ball Field Lights & Netting							\$ 500,000	\$ 500,000
Zindler Park - Upgrade / Automate Tennis Court Lighting							\$ 400,000	\$ 400,000
Zindler Park - Rec. Center Renovation Design - Programming and design of key improvements to the Bellaire Recreation Center Building				\$ 120,000				\$ 120,000
Zindler Park - Rec Center Renovation Construction					\$ 800,000			\$ 800,000
Zindler Park - Concession Stand Renovation			\$ 50,000					\$ 50,000
Community Pathways Master Plan Implementation - Pathways master plan implementation					\$ 1,500,000			\$ 1,500,000
Feld Park Renovation Design - Park improvements including parking lot, sidewalks and paths, fencing and sports fields/courts				\$ 150,000				\$ 150,000
Feld Park Construction - Park improvements including parking lot, sidewalks and paths, fencing and sports fields/courts					\$ 900,000			\$ 900,000
Mulberry Park - Replace Tennis Fencing, Upgrade / Automate Lighting					\$ 400,000			\$ 400,000
Mulberry Park - Upgrade / Automate Ball Field Lighting					\$ 500,000			\$ 500,000
Mulberry Park - Parking Lot Replacement							\$ 450,000	\$ 450,000
Vic Driscoll Park - Pathway Lighting							\$ 50,000	\$ 50,000
Trolley Esplanade Renovation - Improvements to include general and specialized lighting, sidewalks and paths, drainage, signage and interpretive graphics, and trolley area improvements in Paseo Park.							\$ 1,000,000	\$ 1,000,000

**The CIP beyond FY 2018
does not appropriate any funds for projects listed; it is a guideline for planning.**

Attachment: FY 18-22 CIP & Beautification Master Plan (2216 : CIP & Beautification)

Five Year Capital Improvement Plan									
Projects Identified in Visioning Bellaire: Urban Design and Beautification Conceptual Master Plan									
**Unaudited balances and transfers-See note below.		FY 2017 Adopted	FY 2018 Planned	FY 2019 Planned	FY 2020 Planned	FY 2021 Planned	FY 2022 Planned	Beyond FY 2022	FY 2018-Future Total
First Steps									
	1. Bellaire Street Lighting -Build Newcastle Street Lighting							\$185,000.00	
	2. Neighborhood Streets -Build One Block Neighborhood Street Prototype							\$756,509.00	
	3. Perimeter Gateways -Build City Gateway on Bellaire Boulevard at Railroad Tracks							\$852,720.00	
	4. West Loop Gateways -Build City Gateway on Bellaire Boulevard at West Loop							\$1,674,000.00	
	5. Coastal Prairie Park South and Stormwater Detention -Detention, Planting, Hike and Bike Trails, Neighborhood Connections							\$5,000,000.00	
	6. Build Bellaire Boulevard and Paseo Park -New Street, Bellaire Circle, Sidewalks, Bike Lanes, Street Trees, Lighting, Planting, Bio-retention Gardens							\$13,804,212.00	
Urban Elements-Branding Bellaire									
<i>Bellaire Street Lighting</i>	Bellaire Urban Elements Detailed Design (Lighting, Signalization, and Signage)							\$100,000.00	
	Implement Along Neighborhood Streets Not Planned For Reconstruction							TBD	
	Implement As Part of Future Street Reconstruction							TBD	
<i>Bellaire Traffic Signalization</i>									
	Bellaire Boulevard @ South Rice							\$120,000.00	
	Implement Together With Future Street Reconstruction							TBD	
<i>Bury Overhead Power Lines</i>	Intersection of Bellaire Boulevard and South Rice							\$1,368,000.00	
Neighborhood Streets									
<i>General</i>	Detailed Urban Design Standards and Engineering							\$250,000.00	
<i>Sidewalks</i>	Implement As Part of Future Street Reconstruction							\$87.00	
<i>Bellaire Intersections with, w/o Art</i>	Implement As Part of Future Street Reconstruction							\$29,000.00	
<i>Bio-Retention Gardens</i>	Implement As Part of Future Street Reconstruction							\$230.00	
Connector Streets									
<i>Newcastle</i>	Bellaire Intersections, Sidewalks, Street Trees, Lighting, Planting, Bio-Retention Gardens							\$9,081,245.00	
West Loop Motor Courts									
<i>General</i>	Traffic Impact Study & Dedication of Access Easements							TBD	
Coastal Prairie Park									
<i>General</i>	Coastal Prairie Park Preliminary Design							TBD	
Urban Village Downtown									
<i>Complete/Parking Streets and Shared Detention</i>	Build Transition Alley Between Ferris & 5th							\$847,436.00	
	Build Complete Streets-Spruce, Cedar, Ferris & 5th							\$14,759,402.00	
City Gateways									
<i>West Loop Gateways</i>	Fournace Place @ West Loop							TBD	
<i>Perimeter Gateways</i>	South Rice @ Cypress Ditch							\$852,720.00	
Total Unfunded				\$50,000	\$270,000	\$4,100,000		\$55,380,561.00	\$59,800,561.00

****Unaudited balances and transfers: General Fund balances and transfers are based upon the current fiscal forecast and will change during the development of the CIP.**