



# CITY OF BELLAIRE TEXAS

## PLANNING AND ZONING COMMISSION

OCTOBER 12, 2017

Council Chamber

Regular Session

6:00 PM

7008 S. RICE AVENUE  
BELLAIRE, TX 77401

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

Chairman Stiggins called the meeting to order at 6:03 PM, and announced that a quorum was present consisting of the following members:

Attendee Name	Title	Status	Arrived
Jonathan Saikin	Commissioner	Present	
Mike Axelrad	Commissioner	Present	
Ross Gordon	Commissioner	Present	
Weldon Taylor	Commissioner	Present	
Marc Steinberg	Vice Chairman	Present	
Dirk Stiggins	Chairman	Present	
S. Lynne Skinner	Commissioner	Present	
ChaVonne Sampson	Development Services Manager	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 - Aug 10, 2017 6:00 PM

<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>MOVER:</b>	Mike Axelrad, Commissioner
<b>SECONDER:</b>	Marc Steinberg, Vice Chairman
<b>AYES:</b>	Saikin, Axelrad, Gordon, Taylor, Steinberg, Stiggins, Skinner

### III. REMINDER TO CITIZENS DESIRING TO ADDRESS THE COMMISSION

Chairman Stiggins reminded anyone who wished to speak to fill out a sign in sheet. He mentioned that the public would have two opportunities for comments, one during the general public comment section of the agenda and another during the public hearing.

### IV. GENERAL PUBLIC COMMENTS

**Persons at the meeting who have indicated their desire to be heard on matters of general interest to the Commission by submitting the form provided shall have three minutes to present their comments. The Commission is not permitted to fully discuss, debate, or consider items that are not on the agenda. Questions presented to the Commission may be referred to staff.**

There were no general public comments.

## V. PUBLIC HEARINGS

Docket # Z-2017-03-Public Hearing on an application filed by John Parker, executor of the estate of Virginia W. Bohn, owner of the property at 5217 Palmetto, for an amendment to the Official Zoning District Map to re-zone the properties at 5217 and 5221 Palmetto from their current designation of R-4, Residential District, to R-5, Residential District, pursuant to Chapter 24, Section 24-603, Application for Amendment to Written Text or Official Zoning District Map of the City of Bellaire, Texas.

### 1. Presentation of the Public Hearing Process

Ms. Sampson introduced the public hearing process.

### 2. Presentation by the Applicant

#### **John Parker, Executor of the Estate of Virginia Bohn, owner of 5217 Palmetto-**

Mr. Parker explained that the properties at 5217 and 5221 Palmetto were left an "island" when the neighboring properties were allowed to be turned into a townhome development, and because of this, the request could not be considered "spot zoning." He added that everyone that he had spoken with regarding the properties at 5217 and 5221 thought that they were included in the re-zoning request for the townhome development adjacent to these properties. Mr. Parker stated the property has been marketed as a single-family property at lot value for the last several months and the only interest has been with "multi-family housing." He felt that the present zoning classification of single-family is creating an economic hardship for the estate. Mr. Parker mentioned that Bellaire is in need of alternative housing types for seniors and other individuals who would like to live in Bellaire, but want to down size. He pointed out that any future redevelopment would require the flood detention requirements that the townhomes adjacent to the properties and across the street do not have. He stated that he doesn't feel that this re-zoning would create a burden due to the fact that most of the surrounding properties are already zoned for townhouse development. Mr. Parker provided the Commission with a copy of the application information, as well as a map of the properties in question.

**Mike Livingston-**Mr. Livingston explained that he is the real estate agent that is representing the property at 5217 Palmetto. He informed the Commission that the surrounding townhomes were developed in the 70's, but that these two lots were left out. He clarified that the term "multi-family" housing, which was used by the property owner, is not correct. He explained that the term "multi-family" is used when dealing with apartment complexes and this would not be developed as apartments, but rather townhomes or "single-family attached." He then gave examples of the sizes of townhomes in the surrounding area, and how many units could be put on the two properties in question, based on their lot size. Mr. Livingston stated that the lots at 5217 and 5221 Palmetto are 75 feet by 135 feet, and 125 feet by 135 feet, respectively, which could easily accommodate two townhouses on each.

### 3. Staff Findings

Ms. Sampson informed the Commission that the applicant is requesting to amend the Official Zoning District map for the properties at 5217 and 5221 Palmetto from the current designation of R-4 Residential, to the R-5 Residential District. She stated that if this request is granted, it would allow for the development of townhomes through the planned development process, and would come before the Commission and City Council for approval. She stated that discussions on the size and number of townhomes would

take place at that time. Ms. Sampson mentioned that there is a minimum acreage that is required in order for a property to apply for a planned development, which these do not meet. However, the fact that the lots are surrounded by townhome developments causes them to be eligible.

#### 4. Public Comments

- i. **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.**

Chairman Stiggins read a written comment into the record from a Mr. Steve Williams:

"Oppose re-zoning from R-4 to R-5. Created nice residential/opposes multi-family"

**Lynn McBee**-Ms. McBee stated that she remembers the creation of the townhome development adjacent to the properties in question, and that it was supposed to be "discreet" and specifically located. She added that the two properties are a total of 28,000 square feet, which could produce an about 5-6 townhome units. Ms. McBee felt that the fact that there are townhomes located across the street in the City of Houston is not a proper comparison due to the fact that the City of Houston has no zoning. She also mentioned that the lot coverage and various other standards would dramatically change, assuming approval of the request, which would increase the density on the two lots. She stated that for this reason she opposes the application. Ms. McBee informed the Commission that it is their job to evaluate the zoning and its underlying principles so that people who bought into properties are not surprised by sudden changes that they believe are inappropriate. She reiterated that the properties would still require a planned development to allow for townhomes, and felt that it was not appropriate for the Commission to consider this application without a specific project attached to it. She suggested that the Commission deny the request and require the applicant to come back in the future and re-apply.

#### 5. Response of Applicant

Mr. Parker stated that the request at this point is simply to re-zone the two properties from one residential designation to another residential designation in order to allow for the redevelopment of the property. He stated that it is currently uninhabitable.

Mr. Livingston added that the property has been on the market for 13 months at fair market value, or \$54/square foot. He reiterated that the only interest is with townhome development, and agreed with Mr. Parker's comment that there are people looking for more ways to stay in Bellaire. Mr. Livingston pointed out that during the planned development process flood retention would be required.

#### 6. Questions from the Commission

Commissioner Axelrad stated that it sounds a lot like "spot zoning" to him and suggested that the Commission might need to take a broader look at the whole area, maybe through a change in the Comprehensive Plan. He questioned why there were properties on either side that were left out of the townhome development, and stated that he feels as though this was not done by happenstance.

Ms. Sampson informed the Commission that staff has been doing some research to try and find the history on how the townhome development came to be and why only certain properties were included in the development. She added that so far nothing has been found to shed any light on the matter. Ms. Sampson assured the Commission that staff will continue to search and will hopefully have more information for them at their next meeting.

Commissioner Gordon asked for clarification on whether or not the property owner at 5221 Palmetto was in fact in favor of the application, and whether that individual was present.

The property owner of 5221 was in attendance and confirmed that he is in favor the re-zoning request.

Commissioner Gordon asked what criteria is looked at by the City or Commission when determining whether to approve or deny a planned development application.

Ms. Sampson stated that she would have that information for the Commission's next meeting.

Commissioner Taylor asked if the economic impact on the application a consideration for this Commission.

Attorney Petrov stated that the Commission can consider it, however, it may not be their guiding consideration.

Commissioner Taylor stated that he would also be interested in knowing the history of the properties.

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

Staff informed the public that written comments on the application will be accepted until Wednesday, November 1st.

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

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

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

**The public hearing closed at 6:37 PM.**

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

There was no current business.

### **VII. COMMITTEE REPORTS**

There were no committee reports.

### **VIII. CORRESPONDENCE**

There was no 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. Visioning Bellaire: Urban Design and Conceptual Master Plan**

Ms. Sampson stated that staff is working on putting together a report on Terrain Studio's findings and once that is completed, the Commission can discuss the next steps.

**b. Bellaire Boulevard Estate Overlay District**

Ms. Sampson explained that staff is working on putting together an update on proposed changes to the Bellaire Boulevard Estate Overlay District and that it will be discussed at the Commission's training session on November 16th.

**c. Commission Training**

Ms. Sampson informed the Commission that staff is planning a training session for Planning and Zoning and the Board of Adjustment on Thursday, November 16th. She stated that an invitation will be sent out in the upcoming weeks, and urged all of the Commissioners to attend. Ms. Sampson added that during that time, there will be conversations about topics that have come up in recent months, such as the Bellaire Boulevard Estate Overlay District and the Beautification Master Plan, and staff will try to create a timeline of when these items will be considered by the Commission.

**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**

Commissioner Axelrad mentioned the devastation caused by Harvey and previous storms and stated that his fear is that at some point FEMA is not going to allow certain residents to rebuild. He then asked if it would be possible for the Commission to get a map of the homes that have flooded in the three flood events. Commissioner Axelrad felt that the result could ultimately be empty lots throughout the City, and the Commission needs to get ahead of the game and start thinking on a broader basis regarding zoning.

Ms. Sampson stated that she would not be able to give out the addresses of the flooded homes due to the fact that it is confidential, but that a heat map could possibly be used to get that information. She added that she would work on putting something together for the Commission. Ms. Sampson mentioned that from what she can tell, based on the homes that have been deemed substantially damaged so far, no pockets are being created. the City Engineer is currently working on a map of the flooded areas of the City which she should be able to send out to the Commission once it is completed.

Vice Chairman Steinberg mentioned that a map of water height could be done by street. He then asked if the storm had impacted Bellaire High School's timeline for re-building.

Ms. Sampson stated that she will be meeting with HISD in the next two weeks, but at this point they are still looking to break ground at the end of this school year.

Commissioner Gordon stated that although it is unlikely that there will be large areas that are unable to be developed, certain areas of the City may have a higher elevation requirement.

Ms. Sampson informed the Commission that the City has formed a Floodplain Mitigation Task Force and a lot of this information will be discussed by those individuals. She added that she may bring reports of those meetings back to the Commission.

Commissioner Saikin asked when the Task Force will be meeting.

Ms. Sampson stated that the first meeting of the Task Force will be at the end of October, with the goal of March 2018 to take the plan to City Council.

Commissioner Saikin asked how often the group will be meeting, and if they are public meetings.

Ms. Sampson stated that they do not currently have a schedule of when those meetings will take place, but that they will be held in the CenterPoint room and will be open to the public.

Attorney Petrov asked who the members of the Task Force are.

Ms. Sampson explained that there are several members of staff, along with 8 Bellaire residents and stakeholders.

Commissioner Saikin asked for clarification on who the stakeholders would be.

Ms. Sampson stated that it could be individuals from a utility company, or any other entity that fits within FEMA's guidelines of who the Task Force should include.

Chairman Stiggins asked if all of the information was up on the City website.

Ms. Sampson explained that currently it is not on the City website, but information will be sent out prior to the meetings.

Vice Chairman Steinberg asked if there had been any updates on the Chevron property.

Ms. Sampson stated that there have been questions about the update that was done to the Comprehensive Plan, but no questions regarding specific projects.

Commissioner Gordon agreed that the Commission should be kept up to date on the Task Force as they proceed.

Chairman Stiggins mentioned the conversation that the Commission had at a previous meeting regarding parking garages located in commercial districts that abut residential zoning districts. He reminded staff that this item needs to be listed on the agenda in the future.

Commissioner Saikin mentioned the Beautification Master Plan and felt that the Commission and the City's main focus should be on the Floodplain Mitigation Plan. He added that topics like the parking garage and the Beautification Master Plan should be put to the side. He added that the City needs to be rebuilt and discussing beautification at a time like this makes no sense.

Chairman Stiggins mentioned that a lot of items coincide with City Council, and for that reason it may be hard for the Commission to put certain topics off.

Commissioner Saikin stated that he does not want to discuss beautification until the issue of flooding has been dealt with.

Commissioner Skinner asked Attorney Petrov how the Commission could send a message to City Council about focusing strictly on flooding.

Ms. Sampson suggested that there be a discussion during the training session regarding the topics that the Commission would like to temporarily remove from the list of business.

Vice Chairman Steinberg suggested that Commissioners attend the City Council meetings to voice concerns such as this.

Chairman Stiggins asked that staff give the Commission some ideas on how they can add value to Floodplain Mitigation Plan.

Ms. Sampson stated that she will need some time to figure out what the Commission's role could be.

Chairman Stiggins agreed with Vice Chairman Steinberg that speaking at a Council meeting would be a great way to get their opinions heard as a resident. He also suggested that maybe the Commission hold a workshop on the topic of flooding and add it to an agenda in the near future.

Commissioner Gordon mentioned that the members should also be thinking about the role of the Commission in this process and how the Commission can have an influence.

#### **X. ADJOURNMENT**

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

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

**The meeting was adjourned at 6:57 PM.**