

City of Bellaire

Planning and Zoning Commission

To: Mayor and City Council
From: Ross Gordon, Chair, Planning & Zoning Commission
CC: ChaVonne Sampson, Director of Development Services
Subject: Report and Recommendation on proposed amendments to Chapter 24 to replace the Technical Research Park District (TRPD) with the North Bellaire Special Development District (NBSDD)



On January 14, 2021, the Planning & Zoning Commission held a public hearing for the purpose of reviewing proposed amendments to Chapter 24, Planning and Zoning Regulations, including Section 24-403, Official Zoning District Map, and Section 24-544, Technical Research Park District (TRPD), to replace the Technical Research Park District (TRPD) with a new zoning district to be titled North Bellaire Special Development District which will generally include allowances for various commercial, residential and mixed uses and different heights, setbacks and coverage. The proposed revisions would be generally applicable to all properties within the current Technical Research Park District (TRPD) and include the renumbering of sections of Chapter 24, Planning and Zoning Regulations, as applicable, to refer to the new North Bellaire Special Development District.

Any and all persons desiring to be heard in connection with the proposed amendments were invited to speak before the Commission. There were eight (8) speakers present at the public hearing, and a total of sixty-one (61) written comments have been received. Those opposed to the amendments voiced concerns that included contamination of the site, drainage, traffic, and the proposed setbacks from the residential properties. Those in favor of the amendments expressed support stating opportunities for a new tax base, to add amenities within the City limits, and improving the appearance of the site.

At the public hearing, the Commission’s questions centered around the public comments and whether the new regulations are less restrictive than what the current ordinance allows for, with regard to lot coverage and setbacks for the property. There was also a discussion on the deed restrictions for the property and whether the uses prohibited in those deed restrictions should also be prohibited in the zoning regulations.

CONSIDERATION

Discussion revolved around the uses that could be permitted through the planned development process, the allowable building heights for the district, and the setbacks that would be required for any new construction.

RECOMMENDATION

On February 11, 2021, after due consideration and discussion, the Planning and Zoning Commission voted 6-0 to recommend approval of the proposed amendments to Chapter 24 with the following changes redlined in the attached draft language.

VOTE OF THE COMMISSION

Sec. 24-501. - Districts Established.

In order to carry out the goals and objectives of the comprehensive plan and the purposes of this chapter, the following districts are hereby created:

- (1) Residential Districts.
 - a) R-1 Residential District (R-1)
 - b) R-3 Residential District (R-3)
 - c) R-4 Residential District (R-4)
 - d) R-5 Residential District (R-5)
 - e) R-MF Residential Multi-Family District (R-MF)
- (2) Mixed-Use Districts.
 - a) R-M.2-O Residential-Office Mixed-Use District (R-M.2-O)
 - b) Corridor Mixed-Use District (CMU)
 - c) Urban Village — Downtown District (UVD)
 - d) Urban Village — Transit Oriented Development District (UVT)
- (3) Other Districts.
 - a) Loop 610 District (L610)
 - b) Light Industrial District (LI)
 - c) ~~Technical Research Park District (TRPD)~~ North Bellaire Special Development District (NBSDD)

(Ord. No. 89-009, § 1, 3-6-1989; [Ord. No. 14-013, § 1, 3-3-2014](#); [Ord. No. 14-041, § 1, 8-18-2014](#).)

Sec. 24-504. - Planned Development.

- A. *Planned Development in Residential Districts.* A planned development mechanism is provided for selected residential districts in order to provide greater flexibility and opportunity in the planning and development of residential projects that serve to upgrade and enhance existing residential neighborhoods while responding to current market trends in housing. (Ord. No. 82-020, § 13, 3-29-1982)
- B. *Planned Development in Residential-Commercial Mixed-Use Districts.* A planned development mechanism is provided in order to provide greater flexibility and opportunity in the planning and development of residential or commercial projects or a combination thereof within a mixed land use environment.
- C. *Planned Development in City Center Districts.* A planned development mechanism is provided in order to provide greater flexibility and opportunity in the planning and development of city center projects, such as shopping centers, office plazas, permitted retail, service and commercial type uses, or a combination of such uses.
- D. *Planned Development in Loop 610 District.* A planned development mechanism is provided for the area immediately adjacent to Interstate Highway Loop 610 in order to provide greater flexibility and opportunity in the planning and development of projects of good design, such as office plazas, residential projects, medical centers, or a combination of such uses.
- D-E. *Planned Development in the North Bellaire Special Development District. A planned development mechanism is provided in order to provide greater flexibility and opportunity in the planning and development of large-scale mixed-use developments, while considering community protections.*

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Sec. 24-544. – North Bellaire Special Development District (NBSDD)

A. Purpose.

- (1) *Generally.* This district provides for non-residential mixed-use development as part of an overall master-planned contiguous special development district. The district is intended for commercial uses such as retail centers, office, entertainment, hospitality, and service businesses that cater to the Bellaire community and provide a pedestrian oriented destination which promotes community and boosts quality of life in Bellaire. Recognizing the district's location within a primarily residential area, development must be properly located and scaled and shall minimize impacts to surrounding areas, considering traffic, noise, light, and shadows. Highly visible landscaping, green and open space areas, and pedestrian features shall be incorporated on all sites. Access to and from the district shall be prioritized for the West Loop 610 Frontage Road. Additionally, development shall consider and mitigate drainage and flooding impacts in accordance with City Requirements, or as determined by the City to be necessary and appropriate to mitigate risks from flooding to health and safety and property value in the surrounding residential areas.
- (2) *Character.* Recognizing the unique aspects of a large contiguous commercial district, this Section provides for higher development intensities than in other areas of the city but requires ~~progressive~~ careful and creative site planning to ensure consistency in architectural standards, to provide for a mix of parking options, to conceal parking structures to the maximum degree practicable, and to promote pedestrian connectivity ~~between~~ among uses. The highest allowable development intensities shall be limited to properties that front on and have their primary access from the West Loop 610 Frontage Road. Development intensities shall be lower elsewhere in the district. Uses should be designed with sensitivity to the proximity and lower-intensity Suburban character of adjacent residential areas. Buffering is emphasized along the northern edge of the district to mitigate impacts on the established residential neighborhood to the north.
- (3) *Uses.* This district provides for a range of non-residential development options and encourages mixing of such uses. However, this district contains no permitted uses other than municipal and utility functions, and all developments must be proposed and approved as a planned development.

B. Uses.

- (1) *Permitted uses.*
 - a) Utilities:
 - 1) Local utility distribution lines; and
 - 2) Telephone lines and related cross-connecting points.
 - b) Facilities owned and maintained by the City.
- (2) *Planned Development:* Applicants intending any use other than those permitted in the district by this subsection must propose a planned development under the amendatory procedures in Section 24-604. All such applications must meet the development standards detailed in this Section. Allowable uses inside a planned development may

include a single use from the following list or a combination of two or more of the listed uses:

- a) Business and professional offices and services;
 - b) Banks, credit unions and similar institutions;
 - c) General retail sales and services, excluding pawnshops, tattoo shops, head shops, vehicle sales and services, including service stations, vehicle washing, vehicle repair and vehicle storage;
 - d) Restaurants and cafeterias;
 - e) Bars, when accessory to a principal restaurant, hotel, commercial indoor amusement, movie theater, or theater use, and subject to the requirements of Chapter 3, Alcoholic Beverages, of the City Code;
 - f) Indoor movie theater;
 - g) Indoor athletic facilities;
 - h) Amusement, commercial indoor;
 - i) Studios for photography, art, music, dance or fitness activities;
 - j) Museums or art galleries;
 - k) Theaters, for live performances;
 - l) Hotels, as defined in Section 24-202(87), designed to where ingress to and egress from all rooms is made through an inside lobby;
 - m) Conference center facilities;
 - n) Medical offices and/or urgent care facilities;
 - o) Assisted living facilities;
 - p) Nursing homes; or skilled nursing facilities;
 - q) Hospital or emergency room; and
 - r) Commercial parking garage operations, within multi-level and/or underground garage space as defined in Section 24-202(78), but not commercial surface parking lots (areas) as defined in Section 24-202(42).
- (3) *Temporary uses.* Temporary uses in the NBSDD shall be authorized, permitted, limited in duration and subject to potential time extensions as provided in Section 24-505.

Examples of such uses include:

- a) Construction offices.
- b) Public interest or special events.
- c) Sidewalk sales and other outdoor sales events (e.g. farmer's market).

C. *Development Standards.*

- (1) *Site plan review required.* ~~All development applications in the NBSDD are subject to approval by the Planning and Zoning Commission following a site plan review process to determine conformance with the substantive standards for this district and other applicable provisions of the City Code.~~ All development applications require site plan review and approval to ensure conformance with the substantive standards for this district and other applicable provisions of the City Code. All planned development applications, and their associated site plans, require Planning and Zoning Commission review, and a recommendation to City Council, in accordance with Article VI, Amendatory

Procedure, of this chapter. Applicants shall satisfy all application and submittal requirements itemized in Section 24-524, including but not limited to compliance with established landscape and design standards.

- (2) *Traffic Impact Analysis:* All applications relating to a change in use or an increase in development intensity shall include a Traffic Impact Analysis as part of the site plan review. Any and all traffic impacts directly attributable to the development application shall be assessed and all reasonable mitigation actions implemented to maintain existing levels of service on South Rice Avenue and Fournace Place.
- (3) *Size and area.*
 - a) *Site Area.* The minimum site area for all planned developments shall be two acres. There is no minimum site area for permitted uses.
 - b) *Maximum building height.* Height shall be limited to eighty-five (85) feet, including drive-under parking, ~~except that: up to ten (10) feet of additional height is allowed to accommodate roof gables, chimneys, vent stacks, and mechanical equipment, with the total not to exceed ninety five (95) feet~~ above the average level of the base of the foundation of the building. This provision should not be interpreted to encourage construction up to the maximum building height throughout the district. In accordance with community protection goals, lesser heights are preferred in areas of the district not directly adjacent to the West Loop 610 Frontage Road.
- (4) *Minimum required yards.* As established by the approved site plan for each development application, except that:
 - a) Where a property is at a boundary of the NBSDD and a residential property in an R-1, R-3, R-4 or R-5 district either abuts or is directly across an alley from the subject property in the NBSDD, the minimum yard toward the abutting property or alley shall be ~~fifteen (15)~~ thirty-five (35) feet. Additionally, any portion of the principal building that exceeds 27 feet in height, including any "additional height" extensions, shall be set back an additional amount, computed as two (2) feet from the ~~15~~35-foot building line at ground level for each one (1) foot of additional building height above 27 feet. This ratio establishes a height-setback plane ~~as illustrated in Figure 24-536.A.~~
 - b) Additionally, in situations as described above, the screening and buffering required between certain uses in Section 24-513.D. shall be supplemented by planting of a row of trees along the side or rear property line toward the abutting residential property or alley. This shall involve trees of forty-five (45)-gallon size spaced a maximum of ten (10) feet on center along the property line. The supplemental tree planting shall not count toward any other minimum site landscaping requirements in this Chapter.
 - c) Planting of trees within any utility easements along the property line shall meet any applicable Department of Public Works standards to protect underground and overhead utilities, and any utility company policies with regard to allowable screening methods and the location and height of screening. Where

compliance with the supplemental tree planting requirement is not possible due to utility conflicts, the administrative official shall work with the applicant during the site plan review process, or with the applicant and the Planning and Zoning Commission for planned development applications, to seek an alternate solution which is not in conflict with the purposes of this subsection.

d) On properties subject to the height-setback plane, no accessory structure shall be located within the ~~15~~35-foot yard area toward the abutting residential property or alley. Any accessory structure on the subject property shall comply with the height-setback plane requirements as applied to the principal structure, in addition to the requirements of Section 24-510.

e) No building shall be constructed less than fifty (50) feet from the right-of-way line of the abutting Interstate Highway Loop 610 Service Road.

- (5) *Limitation on outdoor activity adjacent to residential districts.* Where a property is at a boundary of the NBSDD and an abutting residential property is in an R-1, R-3, R-4 or R-5 district, any outdoor seating, assembly or other area that is partially or entirely outside the principal structure and intended for patronage by or service to customers of the use shall be located no closer than fifty (50) feet from the property line. Any such outdoor activity shall also comply with the performance standards for noise in Section 24-511.
- (6) *Maximum site coverage.* As established by the approved site plan for the planned development ~~amendment~~, but not greater than 80 percent for any given development application. This provision should not be interpreted to encourage construction up to the maximum site coverage throughout the district. In accordance with community protection goals, reduced site coverage is preferred in areas of the district not directly adjacent to the West Loop 610 Frontage Road areas not abutting the West Loop 610 Frontage Road.
- (7) *Parking.* A minimum number of off-street parking spaces as provided in Section 24-514.a.
- (8) *Outdoor lighting.* All outdoor lighting shall be located, screened or shielded so that adjacent residential lots or structures are not directly illuminated.

Members present and voting FOR this recommendation to City Council: Ross Gordon, Michael Axelrad, Weldon Taylor, John Klug, Cindy Preble and Lee Hampton.

Members present and voting AGAINST this recommendation to City Council: None.

Members absent: Michael Baker.