AGENDA STATEMENT

City of Bellaire

MEETING: City Council - May 03 2021
PREPARED BY: ChaVonne Sampson
DEPARTMENT: Development Services

ITEM TITLE:

Consideration of and possible action on the adoption of an ordinance of the City Council of the City of Bellaire, Texas, amending *Chapter 24, Planning and Zoning, Article IV, Planning Documents and Official Map, Section 24-403, Official Zoning District Map; Article V, Zoning Regulations, Division 1, Zoning Districts and Regulations of General Applicability, Section 24-501, Districts Established; Section 24-504, Planned Development; and Division 2, Zoning District Regulations, Section 24-544, Technical Research Park District (TRPD), of the Code of Ordinances of the City of Bellaire, Texas*, to replace the Technical Research Park District with a new zoning district to be titled North Bellaire Special Development District, which will generally include allowances for planned developments for various commercial, residential and mixed uses, and different heights, setbacks and coverage requirements. The amendments would be generally applicable to all properties within the current Technical Research Park District and include revisions of all sections of *Chapter 24, Planning and Zoning,* as applicable, to refer to the New North Bellaire Special Development District - Submitted by ChaVonne Sampson, Director of Development Services.

RECOMMENDATION:

The Director of Development Services is in agreement with the Commission's recommendation to replace the Technical Research Park District (TRPD) with a new zoning district to be titled North Bellaire Special Development District.

BACKGROUND/SUMMARY:

On April 5th, 2021, the City Council held a public hearing on Commission-initiated amendments to replace the Technical Research Park District (TRPD) with a newly created zoning district to be named the North Bellaire Special Development District (NBSDD). Both the Chair of the Planning and Zoning Commission, Ross Gordon, and the Director of Development Services, ChaVonne Sampson, were in attendance to present the proposed amendments and answer questions from the City Council. During the public hearing, the City Council heard 31 public speakers, both in support and opposition of the amendments. Additional written comments have been submitted since the conclusion of the public hearing, and are included in the packet.

A copy of the draft ordinance is attached, as well as the proposed draft language and zoning map.

CITY ATTORNEY REVIEW:

☑ **Yes** ☐ **No**

City of Bellaire

ORDINANCE NO. 21-_____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BELLAIRE, TEXAS, AMENDING *CHAPTER 24, PLANNING AND ZONING, ARTICLE IV, PLANNING DOCUMENTS AND OFFICIAL MAP, SECTION 24-403, OFFICIAL ZONING DISTRICT MAP; ARTICLE V, ZONING REGULATIONS, DIVISION 1, ZONING DISTRICTS AND REGULATIONS OF GENERAL APPLICABILITY, SECTION 24-501, DISTRICTS ESTABLISHED; SECTION 24-504, PLANNED DEVELOPMENT;* AND *DIVISION 2, ZONING DISTRICT REGULATIONS, SECTION 24-544, TECHNICAL RESEARCH PARK DISTRICT (TRPD), OF THE CODE OF ORDINANCES OF THE CITY OF BELLAIRE, TEXAS,* TO REPLACE THE TECHNICAL RESEARCH PARK DISTRICT WITH A NEW ZONING DISTRICT TO BE TITLED NORTH BELLAIRE SPECIAL DEVELOPMENT DISTRICT, WHICH WILL GENERALLY INCLUDE ALLOWANCES FOR PLANNED DEVELOPMENTS FOR VARIOUS COMMERCIAL, RESIDENTIAL AND MIXED USES, AND DIFFERENT HEIGHTS, SETBACKS AND COVERAGE REQUIREMENTS. THE AMENDMENTS WOULD BE GENERALLY APPLICABLE TO ALL PROPERTIES WITHIN THE CURRENT TECHNICAL RESEARCH PARK DISTRICT AND INCLUDE REVISIONS OF ALL SECTIONS OF *CHAPTER 24, PLANNING AND ZONING*, AS APPLICABLE, TO REFER TO THE NEW NORTH BELLAIRE SPECIAL DEVELOPMENT DISTRICT.

WHEREAS, the Planning and Zoning Commission of the City of Bellaire, Texas (the "Planning and Zoning Commission"), did, by memorandum from Ross Gordon, Chairman of the Planning and Zoning Commission, recommend to the City Council of the City of Bellaire, Texas (the "City Council") amending *Chapter 24, Planning and Zoning, Article IV, Planning Documents and Official Map, Section 24-403, Official Zoning District Map; Article V, Zoning Regulations, Division 1, Zoning Districts and Regulations of General Applicability, Section 24-501, Districts Established; Section 24-504, Planned Development;* and *Division 2, Zoning District Regulations, Section 24-544, Technical Research Park District (TRPD), of the Code of Ordinances of the City of Bellaire, Texas,* to replace the Technical Research Park District with a new zoning district to be titled North Bellaire Special Development District, which will generally include allowances for planned developments for various commercial, residential and mixed uses, and different heights, setbacks and coverage requirements and including revisions of all sections of *Chapter 24, Planning and Zoning*, as applicable, to refer to the new North Bellaire Special Development

District, such amendments would be generally applicable to all properties within the current Technical Research Park District; and

WHEREAS, the City Council, after duly giving notice as required by law, held a public hearing on the 5th day of April, 2021, at 6:00 p.m. in the Council Chamber, First Floor of City Hall, 7008 South Rice Avenue, Bellaire, Texas 77401 and via teleconference, for the purpose of hearing any and all persons desiring to be heard on or in connection with any matter or question involving the amendments of *Chapter 24, Planning and Zoning, Article IV, Planning Documents and Official Map, Section 24-403, Official Zoning District Map; Article V, Zoning Regulations, Division 1, Zoning Districts and Regulations of General Applicability, Section 24-501, Districts Established; Section 24-504, Planned Development;* and *Division 2, Zoning District Regulations, Section 24-544, Technical Research Park District (TRPD), of the Code of Ordinances of the City of Bellaire, Texas*, including revisions of all sections of *Chapter 24, Planning and Zoning*, as applicable, to refer to the new North Bellaire Special Development District; and

WHEREAS, the City Council, having duly received the memorandum of recommendation of the Planning and Zoning Commission and holding a public hearing on the proposed amendments included within the recommendation, considered the recommendation at the regular meeting held on the 3rd day of May, 2021; **NOW, THEREFORE**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BELLAIRE, TEXAS:

Section 1. **THAT** the recitals set forth above are found to be true and correct.

Section 2. **THAT** *Chapter 24, Planning and Zoning, Article IV, Planning Documents and Official Map, Section 24-403, Official Zoning District Map; Article V, Zoning Regulations, Division 1, Zoning Districts and Regulations of General Applicability, Section 24-501, Districts Established; Section 24-504, Planned Development;* and *Division 2, Zoning District Regulations, Section 24-544, Technical Research Park District (TRPD), of the Code of Ordinances of the City of Bellaire, Texas,* including revisions of all sections of *Chapter 24, Planning and Zoning*, as applicable, to refer to the new North Bellaire Special Development District, are hereby amended for the purpose of replacing the Technical Research Park District with a new zoning district to be titled North Bellaire Special Development District, which will

generally include allowances for planned developments for various commercial, residential and mixed uses, and different heights, setbacks and coverage requirements, to read as set out in Appendix A, attached hereto.

Section 3. **THAT** all portions of the *Chapter 24, Planning and Zoning, of the Code of Ordinances of the City of Bellaire, Texas* not specifically amended hereby shall remain in full force and effect.

Section 4. **THAT** all ordinances and any parts of ordinances in conflict with this Ordinance are repealed to the extent of the conflict only.

Section 5. **THAT** if any word, phrase, clause, sentence, paragraph, section, or other part of this Ordinance or the application thereof to any person or circumstance, shall ever be held to be invalid or unconstitutional by any court of competent jurisdiction, neither the remainder of this Ordinance, nor the application of such word, phrase, clause, sentence, paragraph, section or other part of this Ordinance to any other persons or circumstances shall be affected thereby.

Section 6. **THAT** the City Council officially finds, determines, and declares that a sufficient written notice of the date, hour, place, and subject of each meeting at which this Ordinance was discussed, considered, or acted upon was given in the manner required by the *Texas Open Meetings Act,* as amended, and that each such meeting has been open to the public as required by law at all times during such discussion, consideration, and action. The City Council ratifies, approves, and confirms such notices and the contents and posting thereof.

Section 7. **THAT** this Ordinance shall be effective immediately upon its adoption by the City Council.

PASSED, APPROVED, and **ADOPTED** this 3rd day of May, 2021.

(SEAL)

ATTEST: **SIGNED:**

Tracy L. Dutton, TRMC, City Clerk
City of Bellaire, Texas

Andrew S. Friedberg, Mayor
City of Bellaire, Texas

APPROVED AS TO FORM:

_____
Alan P. Petrov, City Attorney
City of Bellaire, Texas

APPENDIX A

Chapter 24 – PLANNING AND ZONING
ARTICLE IV – PLANNING DOCUMENTS AND OFFICIAL MAP

Sec. 24-403. Official Zoning District Map.

(Change any and all occurrences of the phrase “Technical Research Park” and “TRP” to “North Bellaire Special Development” and “NBSDD”, respectively, on the Official Zoning District Map)

Chapter 24 – PLANNING AND ZONING
ARTICLE V – ZONING REGULATIONS
DIVISION 1 – ZONING DISTRICT AND REGULATIONS OF GENERAL APPLICABILITY

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)

(Language to be added shown by underline, Language to be removed shown by strikeout)

Chapter 24 – PLANNING AND ZONING
ARTICLE V – ZONING REGULATIONS
DIVISION 1 – ZONING DISTRICT AND REGULATIONS OF GENERAL APPLICABILITY

Sec. 24-504. Planned Developments.

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.

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.

(Language to be added shown by underline, Language to be removed shown by strikeout)

~~Sec. 24-544. - Technical Research Park District (TRPD).~~

~~A. *Purpose.* The Technical Research Park District is an area of high quality office use, including technical laboratory, computer center, engineering/operations and research facility uses, which is in close proximity to Interstate highway Loop 610 and is characterized by the zoning requirements set forth in this Section.~~

~~B. *Permitted uses.*~~

~~1) Public Parks.~~

~~2) Utilities:~~

~~a) Local utility distribution lines;~~

~~b) Telephone lines and related cross connecting points.~~

~~3) Accessory Uses, subject to the requirements of Section 24-510.~~

~~4) Facilities owned and maintained by the City.~~

~~C. *Specific uses.*~~

~~1) Churches.~~

~~2) Schools.~~

~~3) Office buildings.~~

~~4) Parking structures and parking lots (private).~~

~~5) Central plant including electrical generating facility (private).~~

~~6) Automobile service station.~~

~~7) Radio, television and microwave antenna or tower.~~

~~8) Technical research laboratories.~~

~~9) Computer operations.~~

~~D. *Standard regulations.*~~

~~1) *Size and area.*~~

~~a) Lot area: The minimum lot area shall be two (2) acres.~~

~~b) Maximum building height: No building, except those buildings and their appurtenances existing as of November 1, 1983, shall have a height in excess of six (6) stories (excluding cooling towers, roof gables, chimneys, radio and television antennas, vent stacks and similar extensions which may extend for an additional height, the total not to exceed eighty-four (84) feet. A greater height may be permitted in the granting of a specific use amendment for radio, television and microwave antenna or tower.~~

~~c) Maximum floor area to site area: One hundred (100) percent of site area.~~

~~d) Building lines (except those buildings and their appurtenances existing as of November 1, 1983):~~

~~1. 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;~~

~~2. All other building lines shall be computed on the basis of a ratio of .84-foot of building height per one foot of distance between said building lines and the nearest point on a lot zoned residential or in residential use that is outside of the district and existing on the date said district is established by ordinance.~~

~~e) Maximum site coverage: Seventy-five (75) percent of site area.~~

~~f) Site plan review required: All specific use applications in this district require site plan review and approval to ensure conformance with the standards for this district and other applicable provisions of the City Code. Applicants shall satisfy all application and submittal requirements for the site plan review itemized in Section 24-524.~~

~~2) [Deleted.]~~

~~3) Screening. Shall comply with Section 24-513.~~

~~4) Outdoor lighting. All outdoor lighting shall be located, screened or shielded so that adjacent residential lots or structures are not directly illuminated.~~

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 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 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 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, 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 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 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.

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 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, 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.

(Language to be added shown by underline, Language to be removed shown by strikeout)