MINUTES
REGULAR MEETING
PLANNING AND ZONING COMMISSION
TUESDAY, FEBRUARY 9, 2010

The Planning and Zoning Commission met in Regular Session at 7:00 P.M., February 9, 2010 in the City Council Chambers at City Hall, 7008 South Rice Avenue, Bellaire, Texas. Notice was posted as required by law.

I. CALL TO ORDER

Chairman Thorogood called the meeting to order at 7:02 P.M.

II. ANNOUNCEMENT OF QUORUM

Chairman Thorogood noted that a quorum was present consisting of the following members:

Chairman Bill Thorogood
Vice Chairman Michael Doyle
Commissioner Winfred Frazier
Commissioner Peter Boecher
Commissioner Jim Avioli

Commissioners Lori Aylett & Donna Rickenbacker were absent from the proceedings.

The following Staff Members were present:

Director of Community Development John McDonald
Planning and Zoning Secretary Rebecca Eppler
City Attorney Alan Petrov

III. REMINDER TO ALL CITIZENS DESIRING TO ADDRESS THE COMMISSION

Chairman Thorogood reminded all interested in speaking to fill out sign in sheets.

IV. GENERAL PUBLIC COMMENTS

Robert Riquelmy, 506 Winslow, Bellaire, TX – Mr. Riquelmy spoke about Commission Member absences. He thought that the residents that were affected by the possible location of the Dynamo stadium were given preferential treatment and those that lived near Episcopal High School were ignored.

Richard Franke, 1104 Howard Lane, Bellaire, TX – Mr. Franke spoke about his interest in risk assessment and financial impact studies on the RDD Development. He asked the Commission to reexamine the issue of lot combinations and maximum lot size. Next, he spoke in favor of an elevated light rail system. Finally, he spoke about the Commission considering height limitations on short wave radios because they are currently allowed to be sixty feet (60') above the ground.

Lynn McBee, 5314 Evergreen, Bellaire, TX – Ms. McBee complemented the Director of Community Development on his proposed regulations for the Research Development

District (RDD). She appreciated the fact that the Planned Development option was left in the proposed RDD regulations because she believed this option had served the City of Bellaire well. She liked the approach, but cautioned the Commission against actions. In closing, she thought holding a joint public hearing on this matter with City Council was a disservice to the public.

V. APPROVAL OF THE MEETING MINUTES FROM THE SPECIAL SESSION HELD ON JANUARY 12, 2010 AND THE SPECIAL SESSION HELD ON JANUARY 19, 2010

January 12, 2010 minutes:

Motion: A motion was made by Commissioner Frazier and seconded by Commissioner Boecher to approve the minutes as submitted.

Vote: The motion carried on a majority vote of 4-0-1 with Member Avioli abstaining from the vote.

January 19, 2010 minutes:

Motion: A motion was made by Commissioner Doyle and seconded by Commissioner Boecher to approve the minutes.

Commissioner Boecher corrected the reference to the University Rail Line.

Vote: The motion carried on a unanimous vote of 4-0-1 with Commissioner Avioli abstaining from the vote.

VI. CURRENT BUSINESS

a. DOCKET# AR-2010-01 – CONSIDERATION AND POSSIBLE ACTION TO APPROVE AN AMENDED PLAT FOR THE PROPERTY ADDRESSED AS 6500 WEST LOOP SOUTH (WEST OF IH 610, SOUTH OF BISSONNET ST.).

Director of Community Development John McDonald – Mr. McDonald informed the Commission that the property owners wished to subdivide the property and break off the northwest corner into a separate lot. This property was never properly platted when the Planned Development was created in the mid 1970's. The division of the property would not affect the Planned Development. The proposal was consistent with the Comprehensive Plan and Staff recommended approval.

Commissioner Boecher asked that a phrase be added in the dedicatory statement restricting construction to commercial buildings.

Commissioner Boecher asked Mr. McDonald why the property owner wished to amend the plat.

Mr. McDonald stated that AT&T sold the building and is leasing it back, but they want to maintain the Reserve B under their ownership.

Commissioner Avioli asked if the subdivision of this land affected the Planned Development.

Mr. McDonald stated that it did not.

Commissioner Frazier asked Staff if they were confident that everything that was submitted was correct.

City Attorney Alan Petrov and Mr. McDonald both agreed that the information submitted was correct.

Chair Thorogood asked about the date on the Title Report.

Mr. McDonald stated that Staff received an updated title report.

Motion: A motion was made by Commissioner Avioli and seconded by Commissioner Frazier to approve the amended plat as corrected.

Vote: The motion carried on a unanimous vote of 5-0.

b. CONSIDERATION AND POSSIBLE ACTION ON PROPOSED REVISIONS TO THE CODE OF ORDINANCES OF THE CITY OF BELLAIRE, TEXAS CHAPTER 24, PLANNING AND ZONING, ARTICLE V, ZONING REGULATIONS, DIVISION 1, ZONING DISTRICTS AND REGULATIONS OF GENERAL APPLICABILITY TO INCLUDE SPECIFIC REVISIONS TO SECTION 24-510 AND DIVISION 2, ZONING DISTRICT REGULATIONS, TO INCLUDE SPECIFIC REVISIONS TO SECTION 24-547, RESEARCH DEVELOPMENT AND DISTRIBUTION DISTRICT, IN ORDER TO UPDATE THE ZONING REGULATIONS IN ACCORDANCE WITH THE INTENT OF THE COMPREHENSIVE PLAN APPROVED AND ADOPTED BY THE CITY COUNCIL ON NOVEMBER 16, 2009, AND AMEND THE ZONING MAP TO CONFORM WITH SUCH REVISIONS.

Mr. McDonald stated that the City was concerned about potential development in the RDD and the possibility that the RDD was left open to warehouses, industrial uses, and auto lots that were not compatible with the ideas put forth with the Comprehensive Plan. The idea was to develop a transitional ordinance that would allow the City to have more control over the development in that area until such time that a consultant could be brought in to draft a new ordinance that would govern the area based on the concepts set forth in the Comprehensive Plan. He recommended a concept of taking out every use that was permitted by right, except for the basics (city utilities, and requiring every use permitted by a Specific Use Permit), and a Planned Development. Therefore, no development could occur without a review from the Planning and Zoning Commission and City Council approval. This proposed ordinance would be a “stop gap” measure until such time that a new ordinance could be crafted. There would also be a “sunset clause” so that if the new ordinance was not drafted by a certain date, then the current RDD zoning district regulations would be put back into place.

Chair Thorogood asked why no building height restrictions had been put into the proposed draft.

Mr. McDonald responded that the concept was to allow flexibility and force the developers to seek City Council’s approval. However, he did place a restriction on any building within three hundred feet (300’) of the existing residential neighborhood to the South.

Chair Thorogood proposed that the City restrict building in the three hundred foot (300’) area located behind the residential to only the City of Bellaire in Section 24-

547(b)(b). He did not want to give the control over this section of land to other government entities.

It was decided that other governmental entities could build through the Specific Use Permit process.

Commissioner Avioli would like to strike the references to utilities being a permitted use in Section 24-547(b)(a) because he thought there were enough power lines in Bellaire. He also wanted to strike "cooling towers" in Section 24-547(c)(b)(1). He was in favor of the suggested height restrictions, but did not want the Code written in a way that parking garages were allowed without an attached office building (i.e. stand-alone garage).

Mr. McDonald replied that this would be a high-density commercial mixed-use area. The City would be trafficking people to come into Bellaire to enjoy these amenities from a regional area and the development would need to provide additional parking to accommodate them. The RDD was not big enough to have surface lots; so structured parking was the only way to make the developments work. The only way to get around that was to require the developments to have free parking. The result was that the only parking garages that would be allowed would be ones that were free no matter who used them.

Commissioner Boecher asked about the minimum size of the planned developments being three (3) acres.

Mr. McDonald stated that the current code had minimums of three (3) acres for a shopping center or office building. His thought was using this minimum would control development.

Commissioner Boecher asked what the width of Center Point's fee strip was.

Mr. McDonald stated that it was approximately 200-250 feet and there was a fifty-foot (50') right of way. The first row of development after 300 feet would be restricted to three stories. Presently, the maximum height allowed in the RDD was six (6) stories.

Commissioner Doyle spoke in favor of the proposed document.

Commissioner Frazier thought that the proposed ordinance should allow some development. He asked about the screening and buffering that was referenced in Section 24-513.

Mr. McDonald replied that 24-513 required screening between commercial and non-residential areas and residential areas within certain distances. Part of the issue was that the majority of the development was going to be 300 feet away from existing houses. The section had to be left partially vague because the City did not want to put arbitrary screen requirements within the planned development that would work in a more of a single family residential zoning area than against a non-residential zoning area.

Commissioner Frazier asked about the power line easement and if it would be considered a buffer.

Mr. McDonald stated that it served as a buffer at this time.

The Commission and Staff discussed parking in the CenterPoint easement on the south side of the RDD. It was agreed that a sixty-foot (60') setback would be appropriate.

Commissioner Frazier asked about drive through businesses in the RDD.

Mr. McDonald replied that the idea was that there would be a density level that drive-thru business would not fit into the concept. The idea was to make the district pedestrian friendly.

Mr. McDonald recommended changing the name of the RDD Zoning District to Urban Village Transit Oriented Development (TOD) in the Code of Ordinances.

Chair Thorogood asked to expand the language in Section 24-547(c) to include residential only in Planned Developments.

Discussion ensued concerning whether the draft should return to the P&Z Commission before the final recommendation went to City Council. It was noted that a Joint Public Hearing was scheduled for this issue on March 22, 2010.

Mr. Petrov informed the Commission that City Council had the authority to call a Joint Public Hearing with or without a formal Planning and Zoning Commission recommendation. It was anticipated that City Council would have an item on their Agenda on Monday to formally call the Joint Public Hearing.

Mr. McDonald informed the Commission that he brought the draft before them to give them the opportunity to comment on it prior to the Public Hearing so that he could take the Commission's comments into consideration.

Motion: A motion was made by Chair Thorogood and seconded by Commissioner Boecher to submit the Commission's comments regarding the proposed draft ordinance regarding Chapter, Section 24-510 and Chapter 24, Section 24-547.

Vote: The motion carried on a majority vote of 4-0-1 with Member Avioli abstaining from the vote.

c. CONSIDERATION AND POSSIBLE ACTION ON THE DEVELOPMENT OF A SCOPE OF WORK REGARDING THE DEVELOPMENT OF REVISIONS TO THE CODE OF ORDINANCES OF THE CITY OF BELLAIRE, TEXAS, CHAPTER 24, PLANNING AND ZONING, ARTICLE V, ZONING REGULATIONS, DIVISION 2, ZONING REGULATIONS, TO INCLUDE SPECIFIC REVISIONS TO SECTION 24-547, RESEARCH, DEVELOPMENT AND DISTRUBUTION DISTRICT.

Mr. McDonald stated that the Commission previously discussed Comprehensive Plan concepts specifically regarding commercial areas. He believed that the Commission was focusing on the RDD because of potential developments with the rail line. Therefore, the City would need to adopt new rules for the RDD so that development that occurred within the RDD would follow the principles set forth in the Comprehensive Plan. The goal was to develop a scope of work to hire a consultant that would focus on drafting new language for the Zoning Ordinance that created a new zoning district based on the concepts put forth in the Comprehensive Plan. Therefore, he drafted a proposed scope of work and ordinance and he would like the

Commission's feedback. The idea would be to send this forward to City Council in an effort to identify funds to hire the consultant. The main aspect of the scope was to develop an ordinance, not to design the district. The TOD design itself would be left up to the developers within parameters of the Code.

Commissioner Boecher addressed the issues of parking, design standards, and landscaping standards.

Mr. McDonald stated that site plan parameters might need to be set in the Code and it would assist Staff when reviewing development proposals. He noted that there would be changes that would take place that affect the RDD, but addressed in other sections (i.e. parking, landscaping, signs) because every zoning ordinance addressed in the Code tied into another section of the chapter.

Commissioner Boecher commented that he thought it should be a two-step plan. The first step would be to figure out what the body of regulation that the Commission is trying to add. And then once the Commission decided what rules they wanted, they would focus on where the best place was to put the regulations.

Commissioner Frazier agreed with Commissioner Boecher that the Commission should determine reasonable protection standards.

Commissioner Doyle asked what Staff envisioned concerning public input.

Mr. McDonald stated that he believed the Comprehensive Plan was supposed to be broad and conceptual. The idea would be to share the concepts of the RDD and the Transit Oriented Development (TOD) with the public.

Chairman Thorogood stated that he would prefer the City present something that the public would understand what was being considered and then see how the public reacts. He would like to bring in the current commercial property owners in the RDD to get their opinions as well because they have the same rights as the residential property owners. Also, he wished to meet with the adjacent City of Houston property owners to the east and would like to add this into the scope of work.

Commissioner Avioli thought the number one priority the Commission needed to look at when implementing the Comprehensive Plan was the Downtown area. He questioned whether the Commission was ready to recommend to City Council at this time.

Mr. McDonald did not think the Commission was ready to move forward on this issue. Therefore, he would make the changes the Commission recommended and he would bring it back to the Commission for a recommendation at a later date.

d. CONSIDERATION AND POSSIBLE ACTION REGARDING APPOINTMENT OF COMMITTEES TO DISCUSS AND PROPOSE ACTION CONCERNING THE IMPLEMENTATION OF THE COMPREHENSIVE PLAN

It was agreed to postpone this item until all Commissioners could be present.

VII. NEW BUSINESS

a. The Chair 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 on a future Agenda of the Commission or for referral to staff for investigation.

There was no New Business

VIII. REPORT OF STAFF, COMMITTEES AND CORRESPONDENCE

a. STAFF REPORT ON BUILDING PERMIT ACTIVITY, NEW COMMERCIAL CONSTRUCTION AND REMODELING PROJECTS, HORN ELEMENTARY, AND METRORAIL/BELLAIRE TRANSIT STATION.

Mr. McDonald reported that seven (7) new homes were permitted in January. This brought the Department to nineteen (19) total new home permits that have been issued since the beginning of the fiscal year. He reported that there were thirty-one (31) remodeling permits issued. New construction permits issued were down this month from this time last year. Also, the building permit for the property at Newcastle and Bissonnet St. expired in January. He reported that a plan to remodel Dunkin Donuts was submitted in January. Next, he told the Commission that Horn Elementary submitted their Specific Use Permit application and the Commission would be hearing the case in March. Finally, he reported on that the latest METRO rail plans showed the line to be located on the Bellaire side. He thought that it was designed because of the way the exit ramps on the freeway are designed. However, nothing has been finalized at this time.

IV. ADJOURNMENT

Motion: A motion was made by Commissioner Boecher and seconded by Commission Member Doyle to adjourn the meeting.

Vote: The motion carried on a unanimous vote of 5-0.

The meeting adjourned at 9:26 P.M.

Respectfully Submitted:

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Rebecca Eppler, Secretary
Community Development

APPROVED:

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Bill Thorogood, Chairman
Planning and Zoning Commission