CITY OF BELLAIRE
CITY COUNCIL
PLANNING AND ZONING COMMISSION

Minutes of Meeting
Monday, October 26, 2009

JOINT SPECIAL SESSION – 7:00 P.M.

A. CALL TO ORDER AND ANNOUNCEMENT OF A QUORUM OF CITY COUNCIL – Mayor Cindy Siegel.

Mayor Cindy Siegel called the City Council of the City of Bellaire, Texas, to order at 7:04 p.m. on Monday, October 26, 2009. The Bellaire City Council met at that time and on that date in Joint Special Session with the Planning and Zoning Commission of the City of Bellaire, Texas, for the purpose of discussing and considering possible action on a new Comprehensive Plan for the City of Bellaire, Texas, as proposed by the Planning and Zoning Commission of the City of Bellaire, Texas. The Joint Special Session was held in the Council Chamber, First Floor of City Hall, 7008 South Rice Avenue, Bellaire, Texas 77401.

Mayor Siegel announced that a quorum was present consisting of herself and the following members of City Council:

Councilman Will Hickman, Position No. 1;
Councilman James P. Avioli, Sr., Position No. 2;
Mayor Pro Tem Peggy Faulk, Position No. 3;
Councilman Phil Nauert, Position No. 4;
Councilman Pat McLaughlan, Position No. 5; and
Councilman John Jeffery, Position No. 6.

Other officials present were City Manager Bernard M. Satterwhite, Jr., City Attorney Alan P. Petrov, City Clerk Tracy L. Dutton, and Director of Community Development John McDonald.

B. CALL TO ORDER AND ANNOUNCEMENT OF A QUORUM OF PLANNING AND ZONING COMMISSION – Chair Bill Thorogood.

Chair Bill Thorogood called the Planning and Zoning Commission of the City of Bellaire, Texas, to order at 7:05 p.m. in Monday, October 26, 2009. The Planning and Zoning Commission of the City of Bellaire, Texas, met at that time and on that date in Joint Special Session with the City Council of the City of Bellaire, Texas, for the purpose of discussing a new Comprehensive Plan for the City of Bellaire, Texas, as proposed by the Planning and Zoning Commission of the City of Bellaire, Texas. The Joint Special Session was held in the Council Chamber, First Floor of City Hall, 7008 South Rice Avenue, Bellaire, Texas 77401.
Chair Thorogood announced that a quorum was present consisting of himself and the following members of the Planning and Zoning Commission:

Vice Chair Michael Doyle;
Commissioner James P. Avioli, Jr.;
Commissioner Lori Aylett;
Commissioner Peter Boecher;
Commissioner Andrew Friedberg; and
Commissioner Donna Rickenbacker.

C. QUESTIONS AND/OR DISCUSSION REGARDING THE NEW COMPREHENSIVE PLAN FOR THE CITY OF BELLAIRE, TEXAS, as proposed by the Planning and Zoning Commission of the City of Bellaire, Texas – Consultant Gary Mitchell, Vice President, Kendig Keast Collaborative, Members of the Bellaire City Council, Members of the Bellaire Planning and Zoning Commission, and City Staff.

INTRODUCTION

Mayor Cindy Siegel advised that the Bellaire City Council had a big task ahead of them this evening as well as tomorrow evening. The majority of the work on the Comprehensive Plan was performed by the Planning and Zoning Commission of the City of Bellaire, Texas ("Commission"), Kendig Keast Collaborative, and City Staff.

Mayor Siegel indicated that the Comprehensive Plan proposed by the Commission was an exceptional document and that the Commission should be proud of themselves, as should the Comprehensive Plan Advisory Committee, Kendig Keast Collaborative, and City Staff. She wished that a similar document as the one presented this evening had been available 10+ years ago when the City undertook its last review of the Comprehensive Plan.

It was noted that the Introduction section of the proposed Comprehensive Plan set out the purpose of a Comprehensive Plan, which Mayor Siegel summarized as follows:

*It lays out a “big picture” vision and associated goals regarding the future growth and enhancement of the community;*

*It assesses near- and longer-term needs and desires across a variety of interrelated topics that represent the key “building blocks” of the community (e.g., land use, transportation, urban design, commercial development, redevelopment, neighborhoods, parks and recreation, utility infrastructure, public facilities and services, etc.).*

*Of necessity, comprehensive plans, as vision and policy documents, also must remain relatively general and conceptual.*
The plan establishes overall policy for future land use, road improvements, utilities, and other aspects of community growth and enhancement. The City’s zoning ordinance and official zoning district map then implement the plan in terms of specific land uses and building and site development standards.

Section 213 of the Texas Local Government Code states that, “The powers granted under this chapter are for the purposes of promoting sound development of municipalities and promoting public safety, health, and welfare.”

Important reasons for long-range planning in Bellaire include:

- To ensure adequate public facilities to meet the demands of future development and redevelopment.
- To achieve an efficient development pattern that reflects the values of the community.
- To ensure the long-term protection and enhancement of the image and visual appearance of the community.
- To provide a balance of land uses and services throughout the community to meet the needs and desires of its population.
- To involve local citizens in the decision making process and reach consensus on the future vision for Bellaire and its ongoing development.
- To develop annual work programs and prioritize improvements consistent with the Comprehensive Plan.

Mayor Siegel noted that a common theme reiterated throughout the Comprehensive Plan was the fact that Bellaire wanted to emphasize protecting the integrity of its neighborhoods.

**PROCESS**

Mayor Siegel indicated that the public hearing process had occurred both before the Commission and the City Council. This evening, no public comment would be received since the public hearings had been closed. The reason that City Council decided to hold a Joint Special Session was based on a desire by City Council to hear from the Consultant, Gary Mitchell, Vice President, Kendig Keast Collaborative, as well as from the Commission. The Commission was not going to be deliberating this evening as they had already done so and delivered a recommendation to City Council.
Mayor Siegel noted that Chair Bill Thoroughgood, Vice Chair Michael Doyle, and Commissioner Peter Boecher of the Commission had also served on the Comprehensive Plan Advisory Committee and could provide input regarding the decisions made by that particular Committee.

Further, Mayor Siegel indicated that there had been a town meeting, numerous neighborhood meetings in residents’ homes, and many meetings by the Comprehensive Plan Advisory Committee, the input of which was used in crafting the Comprehensive Plan that City Council was considering this evening.

It was suggested that City Council first address Gary Mitchell, City Staff, and/or the Commission with questions on a section-by-section basis. After receiving answers to questions on a particular section, Mayor Siegel suggested that members of City Council consider any amendments by section as well. She further suggested considering the “big sections” first, followed by the “smaller sections.”

Depending on the outcome of this evening and tomorrow evening, City Staff would take the amendments and redo the plan to include them. If City Council had substantial changes to the plan, then this coming Monday, November 2, 2009, City Council would call a Joint Public Hearing with the Commission. Mayor Siegel stated that it was her hope that the Comprehensive Plan could be adopted before a new City Council took office in January of 2010.

If the changes by City Council were not substantial, then Mayor Siegel indicated that City Council could vote on the entire plan on November 16, 2009.

QUESTIONS AND/OR DISCUSSION

CHAPTER 2, LAND USE & COMMUNITY CHARACTER:

Councilman John Jeffery advised that he had no questions regarding Chapter 2.

Councilman Pat McLaughlan advised that he had no questions regarding Chapter 2.

Councilman Phil Nauert advised that he had no questions regarding Chapter 2.

Mayor Cindy Siegel asked a number of questions regarding the definition or further explanation/clarification for various terms within the Comprehensive Plan.
Mayor Pro Tem Peggy Faulk asked questions related to a letter City Council had received from Bellaire resident Mrs. Wolf regarding the designation of her property along Bellaire Boulevard within the Bellaire Boulevard Estate Overlay District. She suggested that Mrs. Wolf’s comments and concerns be addressed either through the Comprehensive Plan or through the City’s zoning regulations.

Councilman James P. Avioli, Sr., expressed some concern that there were topics within the Comprehensive Plan that were both dynamic and subject to change. He noted that the Comprehensive Plan was a conceptual plan and asked whether it was appropriate to include such topics in a conceptual plan.

Councilman Pat McLaughlan agreed with Mayor Pro Tem Faulk, noting that the character of the area within the Bellaire Boulevard Estate Overlay District had changed and that there were a limited number of residential owners that were affected negatively by the District.

Councilman Will Hickman asked questions related to terminology and suggested that some of the terms be defined in a glossary to the Comprehensive Plan. Other questions related to the Research, Development, and Distribution District (RDD) of the City, as well as traffic improvement goals and types of housing and density recommended in certain areas, such as the RDD District and the City Center District (CDD).

Gary Mitchell, Vice President, Kendig Keast Collaborative, and members of the Planning and Zoning Commission, City Attorney Alan P. Petrov, City Manager Bernard M. Satterwhite, Jr., and Director of Community Development John McDonald fielded the questions asked by members of City Council.

AMENDMENTS TO CHAPTER 2, LAND USE & COMMUNITY CHARACTER:

AMENDMENT NO. 1:

An amendment (no. 1) was made by Councilman Will Hickman regarding Goal 2.2 (Greater housing choice in Bellaire to increase overall supply and accommodate “life cycle” needs for a more age-diverse community), on page 1 of 2, 2 - Mixed Use, Policy Consideration, by changing the first bullet point to read as follows: Recognizing the scarcity and rising value of land in Bellaire, provide zoning to encourage mixed-use development that offers higher-density housing options, more efficient land use, and preservation of open space on sites. Councilman John Jeffery seconded the amendment.

(Note: The amendment was to strike the words “mixed-use development that offers higher-density housing options.”)
Discussion ensued among members of City Council regarding the amendment. It was noted that mixed-use development might consist of a store or office on the first floor with residential above it or mixing of different types of residential development, such as town homes and/or detached housing. Several members of City Council noted that life cycle housing was desired by many of the City’s older residents who wished to downsize by moving into a smaller, more affordable home.

MOTION TO CALL FOR A VOTE:

Councilman James P. Avioli, Sr., made a motion to call for a vote on Amendment No. 1. Mayor Pro Tem Peggy Faulk seconded Councilman Avioli’s motion.

VOTE ON THE MOTION CALLING FOR A VOTE:

Motion carried unanimously on a 6-1 vote as follows:

FOR: Siegel, Cindy
Avioli, James P., Sr.
Faulk, Peggy
Nauert, Phil
McLaughlan, Pat
Jeffery, John

OPPOSED: Hickman, Will

ABSENT: None

VOTE ON AMENDMENT NO. 1:

Amendment (No. 1) failed on a 1-6 vote as follows:

FOR: Hickman, Will

OPPOSED: Siegel, Cindy
Avioli, James P., Sr.
Faulk, Peggy
Nauert, Phil
McLaughlan, Pat
Jeffery, John

ABSENT: None
AMENDMENT NO. 2:

Mayor Cindy Siegel made an amendment (no. 2) to eliminate the word “apartment,” in three places within Chapter 2, Land Use & Community Character. Councilman Phil Nauert seconded the amendment.

{Note: The word “apartment” was noted to appear on page 2.7, in Goal 2.2, and in Goal 2.4.}

Discussion ensued among members of City Council regarding apartments. Several members of City Council indicated that upscale apartments could be desirable and provide an alternative type of housing for residents. The importance of keeping that flexibility in the Comprehensive Plan was also stressed.

Concern was expressed that it might be difficult to legislate against apartments and that the City might consider defining apartments in such a way as to minimize problems that might be associated with them and/or to limit such developments to the north end of the City.

Other comments related to the fact that the developer of an apartment complex would be required to apply for a planned development amendment and go through both the Planning and Zoning Commission and the City Council. Through that process, perhaps many of the concerns regarding such housing could be addressed.

AMENDMENT TO AMENDMENT NO. 2:

Councilman Will Hickman suggested a friendly amendment to Amendment No. 2 to also eliminate the word “condominiums” throughout Chapter 2, Land Use & Community Character.

Mayor Siegel advised that she did not wish to accept the friendly amendment to her amendment.

Councilman Hickman advised that he wished to have his amendment considered. Mayor Siegel called for a second. The amendment to Amendment No. 2 failed due to lack of a second.

VOTE ON AMENDMENT NO. 2:

Amendment (No. 2) failed on a 3-4 vote as follows:

FOR: Siegel, Cindy
     Nauert, Phil
     Jeffery, John
OPPOSED: Hickman, Will  
Avioli, James P., Sr.  
Faulk, Peggy  
McLaughlan, Pat  

ABSENT: None  

AMENDMENT NO. 3:

An Amendment (No. 3) was made by Mayor Cindy Siegel to add a glossary for the purpose of providing definitions for various terms listed throughout the Comprehensive Plan and to make minor corrections to the document. For example, Friends of the Bellaire Parks was now the Patrons for Bellaire Parks, Inc., and Friends of the Nature Discovery Center were now The Nature Discovery Center, Inc. Mayor Pro Tem Peggy Faulk seconded the amendment.

VOTE ON AMENDMENT NO. 3:

Amendment No. 3 carried unanimously on a 7-0 vote as follows:

FOR: Siegel, Cindy  
Hickman, Will  
Avioli, James P., Sr.  
Faulk, Peggy  
Nauert, Phil  
McLaughlan, Pat  
Jeffery, John  

OPPOSED: None  

ABSENT: None  

E. DISCUSSION and possible action regarding various components, goals, guiding principles, and/or planning considerations as set forth in the proposed new Comprehensive Plan – Members of the Bellaire City Council.

Discussion and possible action with respect to the various components, goals, guiding principles, and/or planning considerations as set forth in the proposed new Comprehensive Plan were considered under agenda item C. above and on the preceding pages.
F. ADJOURNMENT OF CITY COUNCIL – Mayor Cindy Siegel.

MOTION TO ADJOURN:

A motion was made by Mayor Pro Tem Peggy Faulk and seconded by Councilman James P. Avioli, Sr., to adjourn the Joint Special Session of the City Council of the City of Bellaire, Texas, at 9:28 p.m. on Monday, October 26, 2009.

VOTE ON MOTION TO ADJOURN:

Motion carried unanimously on a 7-0 vote as follows:

FOR: Siegel, Cindy
Hickman, Will
Avioli, James P., Sr.
Faulk, Peggy
Nauert, Phil
McLaughlan, Pat
Jeffery, John

OPPOSED: None

ABSENT: None

G. ADJOURNMENT OF PLANNING AND ZONING COMMISSION – Chair Bill Thorogood.

MOTION TO ADJOURN:

A motion was made by Vice Chair Michael Doyle and seconded by Commissioner Peter Boecher to adjourn the Joint Special Session of the Planning and Zoning Commission of the City of Bellaire, Texas, at 9:29 p.m. on Monday, October 26, 2009.

VOTE ON MOTION TO ADJOURN:

Motion carried unanimously on a 7-0 vote as follows:

FOR: Thorogood, Bill
Doyle, Michael
Avioli, James P., Jr.
Aylett, Lori
Boecher, Peter
Friedberg, Andrew
Rickenbacker, Donna
OPPOSED: None
ABSENT: None

Respectfully submitted,

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

Approved:

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Cynthia Siegel, Mayor
City of Bellaire, Texas

Approved:

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Bill Thorogood, Chair
Planning and Zoning Commission
City of Bellaire, Texas