SPECIAL SESSION (JOINT PUBLIC HEARING) – 6:00 P.M.

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

Mayor Cindy Siegel called the City Council of the City of Bellaire, Texas, to order at 6:01 p.m. on Monday, March 22, 2010. The Bellaire City Council met at that time and on that date in Special Session for the purpose of holding a Joint Public Hearing with the Planning and Zoning Commission of the City of Bellaire, Texas, on proposed revisions to various sections of Chapter 24, Planning and Zoning, of the Code of Ordinances of the City of Bellaire, Texas (“Code”). The 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;
Councilman Corbett Daniel Parker, Position No. 3;
Mayor Pro Tem Phil Nauert, Position No. 4;
Councilman Andrew Friedberg, Position No. 5; and
Councilwoman Mandy Nathan, Position No. 6.

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

B. CALL TO ORDER AND ANNOUNCEMENT OF A QUORUM OF MEMBERS OF THE 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 6:01 p.m. on Monday, March 22, 2010. The Planning and Zoning Commission met at that time and on that date in Special Session for the purpose of holding a Joint Public Hearing with the City Council of the City of Bellaire, Texas, on proposed revisions to various sections of Chapter 24, Planning and Zoning, of the Code. The 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:
C. READING OF NOTICE OF JOINT PUBLIC HEARING – City Clerk Tracy L. Dutton.

City Clerk Tracy L. Dutton read the “Notice of Joint Public Hearing” into the record as follows:

Notice is hereby given that the City Council of the City of Bellaire, Texas, has called and will hold a joint public hearing before the City Council of the City of Bellaire, Texas, and the Planning and Zoning Commission of the City of Bellaire, Texas, on Monday, March 22, 2010, at 6:00 p.m. in the Council Chamber, First Floor of City Hall, 7008 South Rice Avenue, Bellaire, Texas 77401, at which time and place any and all persons desiring to be heard will be heard on or in connection with revisions proposed to the Code of Ordinances of the City of Bellaire, Texas, (“Code”), Chapter 24, Planning and Zoning, Article V, Zoning Regulations, Division 1, Zoning Districts and Regulations of General Applicability, Section 24-510, Accessory Uses and Structures, to allow the use of commercial garages and parking lots in planned developments; Code, Chapter 24, Planning and Zoning, Article V, Zoning Regulations, Division 2, Zoning District Regulations, Section 24-547, Research, Development and Distribution District, to rename the section, delete references to permitted and specific uses and to amend the requirements for planned developments; Code, Chapter 24, Planning and Zoning, Article IV, Planning Documents and Official Zoning Map, to include specific revisions to said sections 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 Code, Chapter 24, Planning and Zoning, Article X, Signs, by replacing any and all occurrences of the phrase “RDD” with “UV-T.” All zoning districts located within the corporate limits of the City of Bellaire, Texas, may be affected by the proposed revisions.

The proposed revisions would be generally applicable to all properties within the City of Bellaire, Texas. Any persons requesting additional information regarding the subject of this hearing may contact the City of Bellaire, Texas, Department of Community Development, 7008 South Rice Avenue, Bellaire, Texas, during normal business hours prior to the hearing.
City Clerk Dutton advised that the “Notice of Joint Public Hearing” was posted on the City’s bulletin board on March 2, 2010, and published in the legal notices section of the Southwest News on March 2, 2010. The Bellaire Public Works Department erected signage at the intersections of South Rice Avenue and Bellaire Boulevard and Newcastle Drive and Bellaire Boulevard. At the Mayor’s request, letters were mailed to all property owners in the RDD Zoning District. There were 23 properties in that District, 17 separate property owners, and no returns of the notices; therefore, all notices had the appropriate mailing address.

D. SUMMARY OF JOINT PUBLIC HEARING PROCEDURE – City Manager Bernard M. Satterwhite, Jr.

City Manager Bernard M. Satterwhite, Jr., summarized the joint public hearing procedure as follows:

During this evening’s joint public hearing, a brief presentation will be given by Director of Community Development John McDonald regarding revisions proposed to Chapter 24, Planning and Zoning, Article V, Zoning Regulations, Division 1, Zoning Districts and Regulations of General Applicability, Section 24-510, Accessory Uses and Structures; Article V, Zoning Regulations, Division 2, Zoning District Regulations, Section 24-547, Research, Development and Distribution District, Article IV, Planning Documents and Official Zoning Map; and Article X, Signs, of the Code of Ordinances of the City of Bellaire, Texas. The presentation will be limited to fifteen (15) minutes.

At the conclusion of the presentation, the Mayor will recognize citizens or other interested parties who have completed the sign-in sheet prior to commencement of the meeting. Comments will be limited to five (5) minutes for each individual.

After recognition of citizens or other interested parties, the Planning and Zoning Commission and the Mayor and City Council will have an opportunity to ask questions of Director McDonald regarding the proposed revisions.

Following questions from the Planning and Zoning Commission and Mayor and City Council, the Mayor will close the joint public hearing. Public comment will not be received following the close of the joint public hearing. Written comments may be submitted to the City Council in care of the City Clerk prior to final deliberation on the matter. Final deliberation is anticipated to occur
on Monday, April 5, 2010. Written comments should, therefore, be submitted to the City Clerk by noon on Thursday, April 1, 2010, in order to be considered for the record. The Planning and Zoning Commission will deliberate on the matter tomorrow evening, Tuesday, March 23, 2010.

The sign-in sheet and written comment sheets have been provided at the entrance to the Council Chamber.

E. PRESENTATION regarding revisions proposed to the Code of Ordinances of the City of Bellaire, Texas (“Code), Chapter 24, Planning and Zoning, Article V, Zoning Regulations, Division 1, Zoning Districts and Regulations of General Applicability, Section 24-510, Accessory Uses and Structures, to allow the use of commercial garages and parking lots in planned developments; Code, Chapter 24, Planning and Zoning, Article V, Zoning Regulations, Division 2, Zoning District Regulations, Section 24-547, Research, Development and Distribution District, to rename the section, delete references to permitted and specific uses and to amend the requirements for planned developments; Code; Chapter 24, Planning and Zoning, Article IV, Planning Documents and Official Zoning Map, to include specific revisions to the sections within said article 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 Code, Chapter 24, Planning and Zoning, Article X, Signs, by replacing any and all occurrences of the phrase “RDD” with UV-T” – Director of Community Development John McDonald.

Director of Community Development John McDonald advised that the purpose of the joint public hearing this evening was to discuss proposed changes to Chapter 24, Planning and Zoning, of the City’s Code regarding what was currently known as the “RDD Zoning District.” It was noted that the RDD Zoning District was on the north side of Bellaire and in the southwest corner of Westpark Drive and the West Loop (Loop 610).

The RDD Zoning District was established in 1989 as a land use intensive district with an economic development focus primarily on warehousing, manufacturing, and distribution. However, general commercial uses were included as permitted uses, which diluted the focus. With the exception of the Foundation Surgical Hospital facing Loop 610, the remaining buildings were one-story and part of a small, industrial park area.

For the last few years, the City had heard information about possible forthcoming METRO (Metropolitan Transit Authority of Harris County, Texas) rail lines. Two of the METRO rail lines that would service Bellaire on the north side were identified as the University Line (running east-west) and the Uptown Line (running up to the Galleria area) with a transit station that would
be in the northern end of the City. The environmental impact statement put forth by METRO to the federal government showed the transit station location on Bellaire property.

In November of 2009, the City Council approved a Comprehensive Plan, which included a concept called the "urban village." This concept specifically focused on the RDD Zoning District as well as the downtown area (on a smaller scale). The urban village concept for the RDD Zoning District consisted of a transit-oriented design development based on the knowledge that a potential transit station would be constructed in that area. The development would be mixed-use and more urban scale in character. It would consist of a higher density, commercial, retail, and residential mix and would be pedestrian friendly.

The proposed amendments for City Council and the Planning and Zoning Commission’s consideration would be the renaming of the “RDD Zoning District” to the “UV-T Zoning District." It was noted that the acronym “UV-T” stood for urban village transit-oriented development. Director McDonald suggested that for now the permitted uses be limited to utility distribution, as well as possible uses of facilities owned and maintained by the City of Bellaire. All specific uses would be eliminated. All permitted uses would be moved into the “planned development” criteria so that any development that would come forward would have to go through a review by both the Planning and Zoning Commission, with final approval by the City Council.

Additionally, Director McDonald advised that he was asking that commercial garages be allowed. Such garages were defined as those that were allowed to charge for spaces. The City’s Code specifically prohibited that now, but was typically an integral part of urban, higher density development. He was also asking to update the Official Zoning Map to rename the “RDD Zoning District” as the “UV-T Zoning District.”

Director McDonald advised further that the proposed revisions were meant to serve as a “stopgap” measure. The purpose was to stop any development from going forward in the RDD Zoning District that was not in congruence with what was proposed in the Comprehensive Plan. The idea would be for the City to hire a planning consultant to address specific language to replace the proposed revisions and to allow for future development that would go forward as the Comprehensive Plan suggested.

A sunset clause would be built into the ordinance so that if new language was not adopted by City Council within two years, then the current provisions of the RDD Zoning District would be placed back in the City’s Code.

In closing, Director McDonald advised that the proposed revisions were scheduled for consideration by the Planning and Zoning Commission in a Special Meeting tomorrow evening, Tuesday, March 23, 2010. A
recommendation would then be presented to City Council for their consideration on Monday, April 5, 2010.

F. RECOGNITION OF CITIZENS AND/OR OTHER INTERESTED PARTIES – Mayor Cindy Siegel.

Lynn McBee, 5314 Evergreen Street, Bellaire, Texas:

Ms. McBee addressed City Council and the Planning and Zoning Commission and inquired as to why the City would consider making “temporary” changes to the Code rather than adopting a moratorium if the City were afraid of what would happen.

The “temporary” changes, if adopted, would allow the City Council the sole right to make a case-by-case decision with very few standards in place and opened up the door for poor planning. The minimum site area was now down to two acres (i.e., it was previously three acres). This new minimum site area was too small to allow a developer to do very much. Ms. McBee advised that she would prefer to see the site area remain as it was and allow the developer to propose a project. The height limit was three stories, but subject to the location and there were incentives involved.

Additionally, the name “UV-T” was abominable. No one knew what that was or ever would know what it was, just as people had difficulty with the term “TOD.” She suggested using some public relations to name the area with the City’s hopes and dreams rather than with some acronym.

The uses section addressed those uses owned by government entities, including parks. She suggested that someone other than a governmental entity might decide to put a park in, such as a developer. She inquired as to whether the uses section would exclude park area dedicated for public use by a developer who owned the property.

Overall, Ms. McBee stated that this was a poor approach to slice out one district from the entire City and treat it as if it were something special because the City was operating out of fear of what property owners might do. If the City “froze” it, the City would have the opportunity to zone it as the tract to the west took better shape.

The scope of work that City Staff prepared to hire a consultant to write the regulations for just this district was insulting to Ms. McBee. She desired for that consultant to do what other consultants had advised the City to do, which was never to slice up a Comprehensive Plan into pieces because it had a rolling effect and unintended consequences when one piece was reviewed by itself.
Ms. McBee continued and noted that the City had not addressed hiring a consultant for the entirety of the Comprehensive Plan passed five months ago. On the whole she opposed the approach that was being taken, the rush, the lack of a moratorium, and the size of the site for planned development.

G. QUESTIONS FROM THE PLANNING AND ZONING COMMISSION OF THE CITY OF BELLAIRE, TEXAS – Chair Bill Thorogood.

Commissioner Lori Aylett referred to the two-year sunset provision and inquired as to where that provision would be located. For example, would it be located in the ordinance itself?

Director McDonald advised that the provision would be contained in the ordinance that would be drafted for the changes.

Commissioner Aylett asked if there were any other changes that were not included in the supporting documentation provided to the City Council and the Planning and Zoning Commission.

Director McDonald stated that the changes in the actual City Code were included in the supporting documentation provided to the City Council and the Planning and Zoning Commission.

Commissioner Aylett addressed a comment made by Ms. McBee and inquired as to whether City Staff had thought about the issue of a park being done by a developer.

Director McDonald advised that if a park was done as part of green space or a planned development, then there would be no problem at all. Planned developments were typically used as a way to maximize the use of green space.

Commissioner Aylett asked for confirmation that the intent of the proposed changes were to allow only a few things that could be done by right, such as utilities, telephone lines, and Bellaire’s own facilities, as well as the accessory uses that went with those permitted uses.

Director McDonald advised that Commissioner Aylett was correct.

Commissioner Aylett referred to the site size of three acres, two acres, and one acre and asked for clarification as to what the City was doing with the site size in the proposed language for the Code.

Director McDonald advised that currently planned developments were required to be three acres in size if the development consisted of a shopping center or a combined shopping center/residential use or one acre if the development consisted of office or combined office/residential use. Based on
comments from the previous Planning and Zoning Commission, it was determined that a two-acre standard should be set.

**Commissioner Aylett** asked for confirmation that the height restrictions had increased from two to three stories.

**Director McDonald** stated that the three-story height requirement would be set only for those buildings within 300 feet of a residential neighborhood to the south. Anything beyond 300 feet of a residential neighborhood (or, rather, the balance of the district) would be set through the planned development itself. In other words, there would be no preset maximum.

**Commissioner Aylett** asked if the City’s intent in listing permitted uses in Section 8 were to let a developer or property owner know that the permitted uses listed still had to go through a planned development.

**Director McDonald** advised that Commissioner Aylett was correct. The permitted uses listed were allowed, but still had to go through the planned development process.

**Commissioner Aylett** inquired as to whether the City envisioned that the permitted uses in section 8 were the only permitted uses allowed in the UV-T.

**Director McDonald** stated that as the proposed changes were drafted, Commissioner Aylett was correct.

**Commissioner Aylett** referred to one area within the proposed changes that discussed facilities owned and maintained by governmental entities. She inquired as to whether there were governmental entities in the district other than the City of Bellaire.

**Director McDonald** stated that there was concern expressed at a Planning and Zoning Commission meeting that an outside agency might possibly come in and request a use that did not mesh with the City’s concept. For that reason, other governmental entities or agencies were separated from Bellaire’s uses.

**Commissioner Aylett** referred to parking garages and noted that such garages were an accessory use that was prohibited except when in a planned development. Therefore, the City was essentially saying that parking garages would be permitted if constructed as part of a planned development.

**Director McDonald** stated that potentially parking garages would be permitted as part of a planned development. If the creation and construction of a commercial garage fit the proposed use, then such garage would need to be reviewed as part of the planned development process.
Commissioner Donna Rickenbacker indicated that she had no comments, but commended City Staff on a great job in creating the recommended stopgap measure.

Commissioner Winfred Frazier inquired as to whether City Staff had received any written or oral protests from property owners within the district or within 200 feet of the district related to the proposed changes. He advised that his question was in relation to the Texas Government Code, Section 21.006.

Director McDonald indicated that neither he nor the City Clerk had received any written comments. He did receive one telephone call from a gentleman who owned a business in that area. This gentleman wanted some clarification and felt that as long as he could run his business as it was, then he had no problem with the proposed changes.

Vice Chair Michael Doyle asked for confirmation that the only issue the Planning and Zoning Commission had with the CenterPoint Energy fee strip was related to height and parking.

Director McDonald indicated that within the CenterPoint Energy right-of-way alone, the City restricted parking to no closer than 60 feet to the residential area on the south side of the RDD Zoning District. Building height was not limited specifically in that area, because construction would not be allowed on an easement.

Vice Chair Doyle inquired as to where the height restriction started in the RDD Zoning District.

Director McDonald stated that the height restriction would start at the edge of the boundary of the RDD Zoning District and down the south side of the easement.

Vice Chair Doyle inquired as to the width of the CenterPoint Energy fee strip (or right-of-way).

Commissioner Peter Boecher indicated that the width of the CenterPoint Energy right-of-way was 183 feet along Anderson Street according to the Harris County Appraisal District (HCAD). With that in mind, he felt that the Planning and Zoning Commission might need to revisit the number for the size of the buffer. The Planning and Zoning Commission had discussed accommodating two rows of parking and four bays. He felt that the 60-foot buffer from the residential area might need to be reduced a little bit.

Commissioner Boecher referred to a public comment regarding a possible moratorium. He indicated that he was not an attorney, but from what he had learned recently at conferences, moratoriums were becoming more difficult
and had to meet a higher threshold. With that in mind, he felt that the approach City Staff had recommended was very appropriate.

**Commissioner Paul C. Simmons** stated that he wished to comment on the term “TOD” (i.e., Transit Oriented Development), which was an industry-accepted term and a well understood term for over a decade. So, we would not suggest changing that at all. The term “UV-T,” on the other hand, was a little on the shaky side.

With respect to the two-year sunset provision, he inquired as to what the provision was based upon.

**City Manager Satterwhite** indicated that the two-year sunset provision was a suggestion made by the City Attorney. At the end of the two-year period, the provision could be renewed or changed. The provision was suggested in order to keep the proposed revisions from becoming permanent, when those revisions were never intended to become permanent.

**Commissioner Simmons** stated that he was interested in whether or not the provision could be renewed, as he was uncertain as to whether permanent revisions would be completed within two years. He continued and referred to the height regulations. He asked for confirmation that the height restrictions changed from 40 feet to 51 feet and asked for the reason behind the change.

**Director McDonald** indicated that a 40-foot height was based on a two-story structure. In areas where three-story structures were typically allowed by Code, the maximum height was 51 feet. He, therefore, recommended 51 feet for the RDD Zoning District.

**Chair Bill Thorogood** referred to the uses and noted that the uses were modified to include facilities owned and maintained by the City of Bellaire rather than by governmental bodies. However, on the last page of the proposed revisions, facilities owned and maintained by governmental entities, including parks, was left in the Code. His thought was that “governmental entities” on the last page under permitted uses should be changed to the “City of Bellaire.”

**Director McDonald** stated that the City had the permitted right to build without a planned development. Therefore, there was no reason to include it under the section related to a planned development.

**Chair Thorogood** inquired as to whether all current property owners in the RDD Zoning District were grandfathered.

**Director McDonald** stated that everyone in the district would enjoy grandfathered rights.
Chair Thorogood indicated that the area within the RDD Zoning District consisted of approximately 32 acres, which included 4 acres of Bellaire right-of-way. If one subtracted the Bellaire right-of-way, the district would consist of 28 acres. If one also subtracted the CenterPoint Energy right-of-way, the district would consist of 21 acres. If the hospital existing in the district were subtracted, the district would consist of 16 acres. Therefore, there were only 16 usable acres in the district, in addition to anything CenterPoint Energy might want to do in terms of planned development. He believed that two-acre sites were very appropriate in this instance.

H. QUESTIONS FROM THE CITY COUNCIL OF THE CITY OF BELLAIRE, TEXAS – Mayor Cindy Siegel.

Councilman Will Hickman referred to the proposed revisions and inquired as to what would occur if there were no transit station.

Director McDonald advised that the proposed revisions would go away in two years or an amendment could be prepared to take that into account prior to the two-year sunset provision.

Councilman Hickman asked for confirmation that whether or not a transit station was developed in Bellaire did not really affect the type of development or what would be allowed.

Director McDonald advised that Councilman Hickman was correct.

Councilman Hickman referred to accessory uses subject to Section 24-510 and inquired as to what those uses were.

Director McDonald stated that examples of accessory uses subject to Section 24-510 (Chapter 24, Planning and Zoning, Code of Ordinances of the City of Bellaire, Texas) and not permitted were commercial garages and detached structures.

Councilman Hickman inquired as to the process he would need to follow if he wanted to build a single-family residential home in the RDD Zoning District on ½ acre of land.

Director McDonald stated that Councilman Hickman would be required to purchase another one and ½ acres to do so and that the home would have to be an attached structure.

Councilman Hickman inquired as to whether he could seek a variance to build a single-family residential home on less than two acres of land.

Director McDonald stated that Councilman Hickman could seek a variance, but would have to show a hardship in order to be granted that variance.
Councilman Hickman asked if he could build a single-family residential home on two acres of land.

Director McDonald advised that a single-family detached home was not permitted.

Councilman Hickman inquired as to the process he would need to follow if he wanted to build a 40-story condo tower on two acres of land in the RDD Zoning District.

Director McDonald advised that he did not believe that the Planning and Zoning Commission would find that a 40-story building was appropriate for the City of Bellaire.

City Manager Satterwhite indicated that there would be a process that a developer could go through.

Councilman Hickman asked for confirmation that the process would include a development review by the Planning and Zoning Commission and City Council.

Director McDonald advised that Councilman Hickman was correct.

Councilman James P. Avioli, Sr., referred to the present ordinance and noted that the permitted uses were very specific as to what was acceptable, such as restaurants, banks, flower shops, etc. In the revision under permitted uses, it appeared that the City covered most of those. One use that caused him concern was “studio.” Art could take many forms, for example a tattoo studio, a model studio, dance studio, etc. He felt that it was important to include a better definition of the use “studio.”

Director McDonald advised that “studio” was better defined in the current Code.

Councilman Avioli suggested that the Planning and Zoning Commission could come up with a better definition than he could, given that they understood his concern.

Councilman Corbett Daniel Parker asked if Director McDonald knew of any planned developments under consideration for the RDD Zoning District.

Director McDonald advised that a property owner had shared some conceptual ideas with him related to dining and shopping in the district a few months ago. He had not had any hard-core discussions with any property owners regarding ideas for the district.
Councilman Parker asked for confirmation that Director McDonald did not perceive that any one would feel that the proposed revisions were directed at them.

Councilman McDonald advised that Councilman Parker was correct.

Councilman Parker asked if Chair Thorogood, for the benefit of the members of City Council who had not attended the Planning and Zoning Commission meeting, would help characterize former Commissioner James P. Avioli, Jr.’s, reluctance with the revisions.

Chair Thorogood encouraged members of City Council to look at the minutes or DVD recording of the Planning and Zoning Commission meeting. He indicated that he was not clear on the reasons for the reluctance and did not wish to put words in former Commissioner James P. Avioli, Jr.’s mouth.

Councilman Parker inquired as to whether it was Director McDonald’s opinion that the City would be essentially freezing development in the district for up to two years.

Director McDonald stated that he did not think it would. The City had three options it could look at while regulations were being developed. The first was a moratorium, the second was a stopgap measure, and the third was to move forward with what the City had today. Moving forward with what the City had today would potentially move the City further away from where it wanted to go based on the Comprehensive Plan. A moratorium took away too much of a landowner’s right to do something with his or her property. The stopgap measure or planned development process, while not the best process out there, still provided a way for a landowner with two acres of land to develop a project and move forward. Given the tools available today, the planned development process gave the City the best option to put some control on the district without closing down development.

Councilman Parker inquired as to how long it would take someone to get something approved under the current provisions as compared to the proposed revisions in general. In other words, would the length of approval time double?

Director McDonald indicated that the planned development process would probably add 90-120 days to the process over a permitted use. A specific use permit would take almost the same amount of time as a planned development. In other words, a permitted use would always be a much quicker process.

Mayor Pro Tem Phil Nauert inquired as to when the proposed revisions would become binding assuming the Bellaire City Council favorably accepted the revisions on April 5th.
Director McDonald advised that he believed that there was a 10-day implementation rule after publication of the ordinance since there was a fine associated with the ordinance.

Mayor Pro Tem Nauert asked for confirmation that in two years City Council could reestablish the revisions, modify the revisions, or do whatever City Council pleased.

Director McDonald advised that Mayor Pro Tem Nauert was correct.

Mayor Cindy Siegel stated that the City did not have to wait for two years. If the Planning and Zoning Commission provided a recommendation for a final measure prior to the end of the two years, then City Council could consider the final measure.

Director McDonald advised that Mayor Siegel was correct.

Mayor Pro Tem Nauert asked for confirmation that there was nothing presently planned or permits already issued for the RDD Zoning District.

Director McDonald advised that no one had submitted any plans to date. If, for example, someone submitted a plan tomorrow, that plan would be addressed using the current regulations. The one discussion he did have regarding possible development in the district was very basic and conceptual.

Mayor Pro Tem Nauert asked for confirmation that between now and April 15th something could happen under the present regulations. After that, the proposed revisions would be overlaid for the present regulations, if approved.

Director McDonald advised that Mayor Pro Tem Nauert was correct.

Councilman Andrew Friedberg asked for clarification regarding the sunset provision and inquired as to what the harm would be in not having one.

Director McDonald stated that the sunset provision gave the City incentive to either work with a consultant to draft new rules or realize that the provisions would go back to what currently existed. If there were no end date, there was always a chance that it could be overlooked.

Councilman Friedberg asked for confirmation that even moving forward with deliberate speed on a new set of regulations for the UV-T Zoning District could take longer than two years.

Director McDonald stated that it would depend. What needed to be decided was whether or not the City would look for a consultant who would redo the Code as a whole based on the Comprehensive Plan or whether the City would
prioritize to indicate that the RDD Zoning District would be addressed first. This was a policy decision that City Council would have to make.

Councilman Friedberg asked if the two-acre minimum site area was proposed because it was the "middle road" between the previously existing one-acre minimum and three-acre minimum.

Director McDonald stated that he believed the original draft called for a three-acre minimum. Discussion at a previous Planning and Zoning Commission meeting suggested that a two-acre minimum might be more appropriate.

Councilman Friedberg asked if this minimum were tied in some way to the long-term UV-T concept.

Director McDonald indicated that the idea of what the City wanted through the Comprehensive Plan for the urban village to be was not defined in the Code at all. If the City wanted a true urban village, then a developer would need to come in and put at least 10 acres together for such a development. He did not wish to put too much of a limit on those people who were owners now and might want to take advantage of developing something that could fit into what the urban village could become.

Councilman Friedberg stated that it would be desirable for someone who wanted to put together a two-acre planned development that would be in place for decades to come if that planned development would also fit the vision for the TOD going forward.

Director McDonald indicated that he believed this was the role of the Planning and Zoning Commission and the City Council to look at that proposed project and determine if the proposal met the Comprehensive Plan in terms of where the City wanted to be.

Councilman Friedberg inquired as to whether it was necessary to have a minimum requirement. In other words, the Planning and Zoning Commission and City Council, through each body’s discretion, could determine whether a development met the Comprehensive Plan vision for decades to come regardless if the acreage was one or six.

Director McDonald stated that he believed that having a minimum site area was an incentive to landowners to put something together and come up with a viable project and not just throw together some small two-, three- or four-story building. If one drove up north a little bit just past Westpark Drive, there were 20-story condominiums that were 50 feet wide. The idea was to put some basic constraints to focus a project so that there were fewer projects to look at.
Councilman Friedberg indicated that he was confused about the way in which the City was addressing accessory uses. He referred to the first page of the proposed amendments and indicated that accessory uses were addressed as a standalone use. He assumed the section was there solely to serve the permitted uses that were not planned developments.

Director McDonald advised that the accessory uses were included for permitted uses that were not planned developments and the current uses that were there.

Councilman Friedberg asked if there could be unintended consequences if the City’s goal long-term was to lead to TOD-type development. In other words, was the City now allowing commercial garages? By putting accessory uses in as a standalone section and not tying the uses solely to utilities or facilities owned and maintained by the City of Bellaire, would the City possibly be inviting unintended consequences?

Director McDonald stated that accessory uses were allowed currently. If a property owner had a use that was permitted or nonconforming and wanted to add an accessory use to it, then it was allowed. The concept was to not take away all of the rights of a person to do something with their property.

Councilman Friedberg indicated that a garage right now was a permitted use. The City was seeking by its stopgap measure to prevent that from happening absent a planned development. He asked if City Staff was not taking it as far as to really limit what could happen between now and the time that the City implemented final regulations.

Director McDonald stated that he believed it could be taken further, but this was a call he had made. He felt that there were some businesses that were not in a hurry to move and property that would not be sold anytime soon. He felt that if those property owners wanted to maintain their business and if some sort of accessory structure were needed, those property owners should be allowed to use an accessory structure.

Councilman Friedberg referred to the proposed changes to Section 24-510, which would add commercial parking structures in planned developments. It was his understanding that because the change was in Section 24-510 and not in the specific "UV-T" section, then it would affect all zoning districts. With that in mind, he inquired as to whether the City currently had commercial parking and, if so, how it had come about.

Director McDonald indicated that he did not know that the City did have commercial parking, because it was strictly prohibited. He noted, also, that he had not visited every commercial lot in Bellaire. Potentially, someone in a planned development in the Loop 610 Zoning District or some other district could ask for a commercial garage. It would be up to the Planning and
Zoning Commission and the City Council to decide if it were appropriate for that particular site.

**Councilman Friedberg** asked for clarification that a “commercial garage” was one in which parking was paid for by fees and not free.

**Director McDonald** advised that Councilman Friedberg was correct.

**Councilwoman Mandy Nathan** made a housekeeping observation on Section B. She noted that there was a Subsection 1, but not a Subsection 2. She wondered if City Staff might want to clean that up.

On page 4, she referred to an itemization consisting of sidewalks, screening, landscaping, and outdoor lighting. Some of the items referred to the fact that the items would be handled as established in the planned development. With respect to screening and outdoor lighting, those items were more specific. For example, screening referred to Section 24-513. Additionally, there were statements related to the requirements for outdoor lighting. Not knowing what might ultimately be constructed in the RDD Zoning District, she asked whether anything could be gained by stating that there could also be further, but not inconsistent, requirements imposed pursuant to the planned development amendment.

**Director McDonald** indicated that he believed the statement made by Councilwoman Nathan would work as well.

**Councilwoman Nathan** referred to permitted uses and whether that Section (i.e., Section 8) was exclusive. She assumed that “permitted uses” was a term of art. She asked if the word “only” could be used to ensure that persons reading the Code would understand that those were the only allowed uses.

**Director McDonald** stated that he believed that there was already language in the City Code to that effect.

**Councilwoman Nathan** referred to parking in the district and the fact that the CenterPoint Energy easement was 183 feet as alluded to by Commissioner Boecher. She asked for confirmation that the City was trying to ensure that there was a buffer of 60 feet between the residences on either side of Anderson Street.

**Director McDonald** advised that because of the depth of the CenterPoint Energy right-of-way, the idea was to allow some parking usage for overflow if needed, but still maintain a barrier between the existing residences.

**Councilwoman Nathan** asked what kind of control the City had over that easement. In other words, if the City wanted to say that parking should not
be permitted within the entire 183 feet, was the City permitted to restrict CenterPoint Energy?

**Director McDonald** indicated that he believed the City could.

**Councilwoman Nathan** referred to the UV-T naming issue. She stated that she would be in favor of naming the district as the “urban village area” instead of another acronym. She noted that during the City election and Comprehensive Plan process, the RDD Zoning District was discussed a great deal. However, she discovered that many residents were not too familiar with the term “RDD.” Since the City was coming up with a new name, she noted that it might be nice to have a more user-friendly name that the residents could latch onto. It might also create some momentum for that area of the City.

**Director McDonald** commented that “UV-T” was simply the name of a district that described the zoning allowed in the area. It was not a marketing tool, but he thought a marketing effort could be created based on a new moniker.

**Councilwoman Nathan** stated that it was something worth thinking about in her opinion.

**Mayor Cindy Siegel** provided a brief history of the last Comprehensive Plan. The last one was adopted at the end of the 1990s. Mayor Siegel and Commissioner Boecher were both members of the Planning and Zoning Commission at that time. At the same time, the Comprehensive Plan was adopted as part of an ordinance. Then, an election took place and a new City Council came on board. Nothing was done with the Comprehensive Plan for a period of four years. The Teas family submitted a plat request, which was turned down by the Planning and Zoning Commission because the plat did not conform to the Comprehensive Plan. The plat, however, did conform to the City’s current ordinances. There was a conflict basically between two ordinances. As a result the City ended up in a lawsuit.

It was Mayor Siegel’s understanding that City Staff was trying to encourage the Planning and Zoning Commission and City Council to create something that would prevent such a situation from happening again. The proposed revisions would allow for some consistency between the Comprehensive Plan and the City’s zoning regulations while the Planning and Zoning Commission continued to go forward with the development of final regulations.

Mayor Siegel asked City Staff if there was a belief that the stopgap measure would help to prevent a future lawsuit.
Director McDonald advised that he did believe that the stopgap measure or proposed recommended revisions would help prevent a lawsuit based on differences in the Comprehensive Plan and the City’s zoning regulations.

Mayor Siegel asked for clarification that if someone came in tomorrow with a set of plans and submitted the proper documentation related to the current ordinance, then that person would be allowed to follow the current ordinance?

Director McDonald advised that Mayor Siegel was correct.

I. CLOSE OF JOINT PUBLIC HEARING – Mayor Cindy Siegel.

Mayor Cindy Siegel closed the Joint Public Hearing before the Planning and Zoning Commission of the City of Bellaire, Texas, and the City Council of the City of Bellaire, Texas, at 6:54 p.m. on Monday, March 22, 2010. Mayor Siegel advised that the Planning and Zoning Commission would consider the proposed revisions during a Special Meeting to be held on Tuesday, March 23, 2010. Most bodies accepted written comments prior to deliberation, but due to a quick turnaround by the Planning and Zoning Commission, written comments could not be submitted.

However, the City Council of the City of Bellaire, Texas, would consider the proposed revisions on Monday, April 5, 2010. If anyone wished to submit written comments to the City Council, those comments could be submitted to the City Clerk, Tracy Dutton, by noon on Thursday, April 1, 2010, in order for those comments to be included in the record.

J. ADJOURNMENT.

MOTION TO ADJOURN THE PLANNING AND ZONING COMMISSION:

A motion was made by Vice Chair Michael Doyle and seconded by Commissioner Paul C. Simmons to adjourn the Special Session (Joint Public Hearing) of the Planning and Zoning Commission of the City of Bellaire, Texas, at 6:55 p.m. on Monday, March 22, 2010.

VOTE ON MOTION TO ADJOURN THE PLANNING AND ZONING COMMISSION:

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

FOR: Thorogood, Bill
Aylett, Lori
Boecher, Peter
Doyle, Michael
Frazier, Winfred
Rickenbacker, Donna
FOR (CONT.): Simmons, Paul C.

OPPOSED: None

ABSENT: None

MOTION TO ADJOURN THE CITY COUNCIL:

A motion was made by Councilman Will Hickman and seconded by Councilman Andrew Friedberg to adjourn the Special Session (Joint Public Hearing) of the City Council of the City of Bellaire, Texas, at 6:55 p.m. on Monday, March 22, 2010.

VOTE ON MOTION TO ADJOURN THE CITY COUNCIL:

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

FOR: Siegel, Cindy
Hickman, Will
Avioli, James P., Sr.
Parker, Corbett Daniel
Nauert, Phil
Friedberg, Andrew
Nathan, Mandy

OPPOSED: None

ABSENT: None

Respectfully submitted,

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

Approved:

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