The City Council of the City of Bellaire, Texas, met in Special Session (Public Hearing) on Monday, May 16, 2011, in the Council Chamber, First Floor of City Hall, 7008 South Rice Avenue, Bellaire, Texas 77401, for the following purpose(s):

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

Mayor Pro Tem Nauert called the City Council of the City of Bellaire, Texas, to order at 6:02 p.m. on Monday, May 16, 2011.

Also present were Councilmen James P. Avioli, Corbett Daniel Parker, and Andrew Friedberg, Councilwoman Mandy Nathan, City Manager Bernard M. Satterwhite, Jr., and City Clerk Tracy L. Dutton. Mayor Cindy Siegel and Councilman Hickman were absent.

B. READING OF THE NOTICE OF PUBLIC HEARING – City Clerk Tracy L. Dutton.

City Clerk Dutton read the “Notice of Public Hearing” into the record. It was stated that the “Notice of Public Hearing” was posted on the City of Bellaire’s website and bulletin board on Wednesday, April 27, 2011, and published in the legal notices section of the Southwest News on Tuesday, April 26, 2011. Notices were mailed to real property owners within 200 feet of the requested site of the specific use permit amendment. Forty-nine (49) notices were mailed to property owners; five (5) notices were mailed to assumed residential rental properties; and one (1) notice was mailed to the applicant. Two (2) notices were returned as “not deliverable as addressed,” and those two notices were noted to have been addressed as 6203 and 6209 South Rice Avenue, Bellaire, Texas.

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

City Manager Satterwhite summarized the public hearing procedure for the evening.

D. PRESENTATION concerning an application and request submitted by Mohle/Crawford Design/Build on behalf of the Southwest Presbyterian Church, Inc., for an amendment to Specific Use Permit S-66, heretofore previously issued by Ordinance No. 04-094, duly
adopted and approved by the City Council of the City of Bellaire, Texas, on December 20, 2004, said amendment to include constructing a new 3,500 square foot one-story structure (Administration/Education Building) on the property just south of the existing Chapel located at 6033 South Rice Avenue, Bellaire, Texas 77401, in the R-3 Residential Zoning District in the City of Bellaire, Texas – Presentation by Representative(s) of the Southwest Presbyterian Church.

Ray Winburn, 14014 Berryknoll Lane, Houston, Texas, presented the application and request submitted by Mohle/Crawford Design/Build on behalf of the Southwest Presbyterian Church, Inc., for an amendment to Specific Use Permit S-66 for the purpose of constructing a new 3,500 square foot one-story structure on the property just south of the existing Chapel located at 6033 South Rice Avenue, Bellaire, Texas, in the R-3 Residential Zoning District in the City of Bellaire, Texas.

Mr. Winburn advised that Southwest Presbyterian Church ("Southwest") had been at its current location for 14 years. During that time, the children attending the church held classes in a few old homes that existed on the property. Southwest felt it was time the church grew a little bit and had tried to design an educational and administration building to cover classroom facilities and office needs.

It was noted that the proposed building was 3,500 square feet in size and would match the existing building as closely as possible with a brick veneer. A floor plan and picture were provided to City Council. Mr. Winburn also noted that the architect was present and would be able to assist in answering any questions City Council might have regarding the application and request.

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

Mayor Pro Tem Nauert recognized citizens and/or other interested parties to address City Council at this time.

Kathryn Hardin, 823 North Third Street, Bellaire, Texas, addressed City Council and advised that her property backed up to Southwest Presbyterian Church’s property and was directly behind the site of the proposed new building. Ms. Hardin indicated that she had spoken before the Planning and Zoning Commission of Bellaire and had requested that there be no public windows in the rear of the new facility that could look down into her backyard.

Ms. Hardin indicated that she had attended the meeting this evening in the hope of seeing the plans for the building to determine whether or not any windows would be located in the rear of the building.
Mayor Pro Tem Nauert indicated that he would be happy to ask that question of the applicant during the portion of the hearing reserved for City Council questions.

Ms. Hardin noted that she had just been given a copy of the elevations of the building by the architect and that the Southwest Presbyterian Church had complied with her request and that she was satisfied.

Lynn McBee, 5314 Evergreen Street, Bellaire, Texas:

Ms. McBee addressed City Council and noted that she had attended both meetings that the Planning and Zoning Commission had held regarding the application and request submitted by Southwest Presbyterian Church. The first meeting was a public hearing in which the Planning and Zoning Commission very responsibly raised a number of questions that the Community Development Staff was to research before the Planning and Zoning Commission would approve or consider the application and request.

Namely, there were conditions imposed on the original Specific Use Permit (S-66) and there was no clear evidence that the conditions had been complied with or checked. Ms. Hardin raised some concerns during the public hearing before the Planning and Zoning Commission that the conditions had not been met.

During the second meeting before the Planning and Zoning Commission, questions were answered by the Community Development Department to the satisfaction of the Planning and Zoning Commission. Questions and subsequent answers related to a Quitclaim Deed on a street that ran through the property that was no longer a public street, as well as the height of the vegetation to protect the residences behind Southwest Presbyterian Church, including Ms. Hardin’s residence.

Given the Planning and Zoning Commission’s interest as to enforcement, the objections of Ms. Hardin and Ms. McBee’s observations were addressed. Ms. McBee advised that she had requested that an amendment not be issued until the conditions imposed by the original Specific Use Permit were met.

Since the conditions had been met, Ms. McBee advised that she had no objection to the issuance of an amendment to the Southwest Presbyterian Church’s Specific Use Permit.

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

Mayor Pro Tem Nauert recognized members of City Council who were interested in asking questions of the applicant and/or architect at this point in the meeting.
G. CLOSE OF PUBLIC HEARING – Mayor Cindy Siegel.

Mayor Pro Tem Nauert closed the public hearing before the City Council of the City of Bellaire, Texas, at 6:21 p.m. on Monday, May 16, 2011. He advised that oral comments would not be received following the close of the public hearing. Written comments could be submitted to the City Council of the City of Bellaire, Texas, in care of the City Clerk prior to final deliberation on the matter. It was anticipated that final deliberation would occur on Tuesday, May 24, 2011; therefore, written comments should be submitted to the City Clerk by noon on Thursday, May 19, 2011.

H. ADJOURNMENT.

Councilman Friedberg moved to adjourn the Special Session (Public Hearing) of the City Council of the City of Bellaire, Texas, at 6:22 p.m. on Monday, May 16, 2011. Councilman Avioli seconded the motion. The motion carried unanimously on a 5-0 vote as follows:

FOR: Mayor Pro Tem Nauert, Councilmen Avioli, Parker, and Friedberg and Councilwoman Nathan

OPPOSED: None

ABSENT: Mayor Siegel and Councilman Hickman

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