CITY COUNCIL MEETING MINUTES
MONDAY, DECEMBER 12, 2011

The City Council of the City of Bellaire, Texas, met in Special Session on Monday, December 12, 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 Cindy Siegel called the City Council of the City of Bellaire, Texas, to order at 6:49 p.m. on Monday, December 12, 2011.

Also present were Mayor Pro Tem Philip L. Nauert, Councilmen Roman F. Reed, James P. Avioli, Sr., Corbett Daniel Parker, and Andrew S. Friedberg, Councilwoman Amanda B. Nathan, City Manager Bernard M. Satterwhite, Jr., City Attorney Alan P. Petrov, and City Clerk Tracy L. Dutton.

B. CONSIDERATION of and possible action on the adoption of an ordinance of the City Council of the City of Bellaire, Texas, amending various articles, divisions, and sections of Chapter 24, Planning and Zoning, by adding and/or revising the following articles, divisions, and sections within said chapter:

- Article II, Definitions and Interpretations, Section 24-202, Definitions;
- Article V, Zoning Regulations, Division 1, Zoning Districts and Regulations of General Applicability, Section 24-524, Site Plan Review;
- Article V, Zoning Regulations, Division 2, Zoning District Regulations, Section 24-547, Urban Village (TOD) District (UV-T);
- Article VI, Amendatory Procedure, Section 24-604, Application for Planned Development Amendment; and
- Article VI, Amendatory Procedure, Section 24-619, Final Planned Development Amendment.
CITY COUNCIL MOTION:

Councilman Roman F. Reed moved to adopt an ordinance of the City Council of the City of Bellaire, Texas, amending various articles, divisions, and sections of Chapter 24, Planning and Zoning, of the Code of Ordinances of the City of Bellaire, Texas, by adding and/or revising the following articles, divisions, and sections within said chapter: Article II, Definitions and Interpretations, Section 24-202, Definitions; Article V, Zoning Regulations, Division 1, Zoning Districts and Regulations of General Applicability, Section 24-524, Site Plan Review; Article V, Zoning Regulations, Division 2, Zoning District Regulations, Section 24-547, Urban Village (TOD) District (UV-T); Article VI, Amendatory Procedure, Section 24-604, Application for Planned Development Amendment; and Article VI, Amendatory Procedure, Section 24-619, Final Planned Development Amendment. Mayor Pro Tem Philip L. Nauert seconded the motion.

CITY COUNCIL MOTION TO AMEND (NO. 1):

Councilman Andrew S. Friedberg offered a motion to amend the ordinance by striking the entirety of the commentary box that appeared in Appendix A to the ordinance.*

*The commentary box read as follows: Commentary: It is the City's preference to avoid and/or minimize planned development approvals in the UV-T district. However, this procedure will enable consideration of proposed single-use projects which could be a positive addition to the district, and of other development proposals which might not strictly adhere to the standards within this Section but would meet the spirit and intent of the district.

Councilman Corbett Daniel Parker seconded the motion to amend.

Following discussion among members of City Council regarding the need for or desirability of the commentary box, Councilman Andrew S. Friedberg amended his motion to amend (no. 1) by striking the commentary box and including a portion of the language in the commentary box in Section 24-547, Urban Village (TOD) District (UV-T), B., Uses, (1), Permitted Uses, d) Planned Development, to read as follows (language to be added has been underscored):

d) Planned Development: Applicants may propose planned developments in this district under the amendatory procedures in Section 24-604. This procedure will enable a consideration of proposed single-use projects which could be a positive addition to the district, and of development proposals which might not strictly adhere to the standards within this Section but would meet the spirit and intent of
the district. All such applications must still meet the following district standards:

1) Site area. Minimum of one acre.

2) Height. Minimum building height of two working stories or 30 feet, whichever is greater.

3) Sidewalk width. Minimum 10 feet wide along any side of a public street.

Councilman Corbett Daniel Parker accepted the amendments to the motion to amend as proposed by Councilman Andrew S. Friedberg.

Mayor Cindy Siegel called for a vote on the amended motion to amend (no. 1). A vote was taken, which carried on a majority vote of 5-2 as follows:

FOR: Mayor Cindy Siegel, Mayor Pro Tem Philip L. Nauert, Councilmen Corbett Daniel Parker and Andrew S. Friedberg, and Councilwoman Amanda B. Nathan

OPPOSED: Councilmen Roman F. Reed and James P. Avioli, Sr.

ABSENT: None

CITY COUNCIL MOTION TO AMEND (NO. 2):

Councilwoman Amanda B. Nathan moved to amend Section 24-547, Urban Village (TOD) District (UV-T), C., Development Standards, (2), Size and Area, d) Height, to read as follows (language to be removed has been struck through; language to be added has been underscored):

  d) Height. The minimum building height for all developments shall be two working stories or 30 feet, whichever is greater. No maximum building height is established for the UV-T district. The maximum building height shall be 12 working stories or 180 feet, whichever is greater, though this limit shall not foreclose consideration of applications calling for in excess of 12 stories through the planned development process.

Councilman Corbett Daniel Parker seconded the motion to amend.

Following discussion among members of City Council regarding the motion to amend, Councilwoman Amanda B. Nathan amended her motion to
amend (no. 2) by revising the maximum height limit to 16 above-ground working stories, to read as follows:

d)  **Height.** The minimum building height for all developments shall be two working stories or 30 feet, whichever is greater. The maximum building height shall be 16 above-ground working stories or 235 feet, whichever is greater, though this limit shall not foreclose consideration of applications calling for in excess of 16 stories through the planned development process.

Councilman Corbett Daniel Parker accepted the amendment to the motion to amend. The amendment to the motion to amend passed on a 6-1 vote as follows:

**FOR:** Mayor Cindy Siegel, Mayor Pro Tem Philip L. Nauert, Councilmen Roman F. Reed, James P. Avioli, Sr., and Andrew S. Friedberg, and Councilwoman Amanda B. Nathan

**OPPOSED:** Councilman Corbett Daniel Parker

**ABSENT:** None

Members of City Council continued discussing the proposed amendments to Chapter 24, Planning and Zoning. Following questions of Consultant Gary Mitchell of Kendig Keast Collaborative regarding permitted uses in the Urban Village (TOD) District (UV-T), Councilman Roman F. Reed offered an amendment as set forth below.

**CITY COUNCIL MOTION TO AMEND (NO. 3):**

Councilman Roman F. Reed, moved to amend Section 24-547, Urban Village (TOD) District (UV-T), B., Uses, (1), Permitted Uses, c), by removing the use “private club” (no. 16 in the list of permitted uses). Councilman James P. Avioli, Sr., seconded the motion to amend.

Discussion ensued among members of City Council, Consultant Gary Mitchell of Kendig Keast Collaborative, Chair Michael Doyle of the Planning and Zoning Commission, and City Attorney Alan P. Petrov regarding the definition of “private club” and the fact that a private club was a permitted use in other zoning districts in the City.

Mayor Siegel called for a vote on the motion to amend. The motion to amend failed on a 2-5 vote as follows:

**FOR:** Councilmen Roman F. Reed and James P. Avioli, Sr.
OPPOSED: Mayor Cindy Siegel, Mayor Pro Tem Philip L. Nauert, Councilmen Corbett Daniel Parker and Andrew S. Friedberg, and Councilwoman Amanda B. Nathan.

ABSENT: None

CITY COUNCIL MOTION TO AMEND (NO. 4):

Mayor Pro Tem Philip L. Nauert moved to amend Section 24-547, Urban Village (TOD) District (UV-T), C., Development Standards, (5), Landscaping, a) Street Trees, 2), by adding a sentence to the end of the paragraph after the word “vehicles,” as follows:

Each tree well shall have an irrigation system for the delivery of water to the well.

Councilman Corbett Daniel Parker seconded the motion to amend. The motion to amend carried on a 5-2 vote as follows:

FOR: Mayor Cindy Siegel, Mayor Pro Tem Phil Nauert, Councilmen Roman F. Reed, and James P. Avioli, Sr., and Councilwoman Amanda B. Nathan.

OPPOSED: Councilmen Corbett Daniel Parker and Andrew S. Friedberg

ABSENT: None

Discussion ensued among members of City Council and Consultant Gary Mitchell of Kendig Keast Collaborative regarding proposed amendments to Chapter 24, Planning and Zoning, Section 24-547, Urban Village (TOD) District (UV-T).

CITY COUNCIL MOTION TO AMEND (NO. 5):

Councilwoman Amanda B. Nathan moved to amend Section 24-547, Urban Village (TOD) District (UV-T), C., Development Standards, (1), Site plan review required, to read as follows (language to be removed has been struck through; language to be added has been underscored):

(1) Site plan review required. All development applications in the UV-T district are subject to approval by the a site plan review process that shall include Planning and Zoning Commission approval following a site plan review process to determine conformance with the substantive standards for this district and other applicable provisions of the City Code. Applicants shall satisfy all application and submittal requirements itemized in Section 24-524.
Mayor Pro Tem Philip L. Nauert seconded the motion to amend.

Councilman Andrew S. Friedberg offered a friendly amendment to the motion to amend (no. 5) consisting of a rewording of the language in Section 24-547, Urban Village (TOD) District (UV-T), C, Development Standards, (1), Site plan review required, to read as follows (language to be removed has been struck through; language to be added has been underscored):

(1) **Site plan review required.** All development applications in the UV-T district are subject to approval by the Planning and Zoning Commission approval following a site plan review process to determine conformance with the substantive standards for this district and other applicable provisions of the City Code. Applicants shall satisfy all application and submittal requirements itemized in Section 24-524.

Councilwoman Amanda B. Nathan and Mayor Pro Tem Philip L. Nauert accepted the friendly amendment. A vote was taken on the motion to amend, with the friendly amendment offered by Councilman Andrew S. Friedberg, which carried unanimously on a 7-0 vote as follows:

**FOR:**
- Mayor Cindy Siegel, mayor Pro Tem Philip L. Nauert,
- Councilmen Roman F. Reed, James P. Avioli, Sr.,
- Corbett Daniel Parker, and Andrew S. Friedberg,
- and Councilwoman Amanda B. Nathan.

**OPPOSED:** None

**ABSENT:** None

**CITY COUNCIL MOTION TO Amend (NO. 6):**

Councilman Andrew S. Friedberg moved to amend Section 24-524, Site Plan Review, B., Procedures, (2), Review, by deleting (a) and the first few lines of (b), said subsection to read as follows (language to be deleted has been struck through):

B. Procedures.

(2) **Review.**

\[a\] **Administrative review.** For applications which require only administrative review and approval, the Planning and Zoning Official, in coordination with other City staff and/or consultants as appropriate, shall review the site plan for conformance with all applicable standards and guidelines of the City Code.
b) **Planning and Zoning Commission review.** For applications, which require Planning and Zoning Commission review and approval, and for all planned development applications, the Planning and Zoning Official shall review the site plan for conformance with all applicable standards and guidelines of the City Code, with the exception of any proposed variations from City standards as part of a planned development application, which must be clearly specified. Conforming plans shall be placed on the next available agenda of the Planning and Zoning Commission.

Councilwoman Amanda B. Nathan seconded the motion to amend. The motion to amend carried unanimously on a 7-0 vote as follows:

**FOR:** Mayor Cindy Siegel, Mayor Pro Tem Philip L. Nauert, Councilmen Roman F. Reed, James P. Avioli, Sr., Corbett Daniel Parker, and Andrew S. Friedberg, and Councilwoman Amanda B. Nathan.

**OPPOSED:** None

**ABSENT:** None

Prior to voting, Councilman Andrew S. Friedberg expressed his thanks and appreciation to the current and prior Planning and Zoning Commissions and all others who were involved in the process, including Gary Mitchell of Kendig Keast Collaborative and City Staff, to bring the document forward. Mayor Cindy Siegel echoed Councilman Friedberg’s comments.

Mayor Cindy Siegel called for a vote on the motion, as amended, which carried unanimously on a 7-0 vote as follows:

**FOR:** Mayor Cindy Siegel, Mayor Pro Tem Philip L. Nauert, Councilmen Roman F. Reed, James P. Avioli, Sr., Corbett Daniel Parker, and Andrew S. Friedberg, and Councilwoman Amanda B. Nathan.

**OPPOSED:** None

**ABSENT:** None

{Ordinance was subsequently numbered: 11-086}
C. ADJOURNMENT.

CITY COUNCIL MOTION/ACTION:

Councilman Andrew S. Friedberg moved to adjourn the Special Session of the City Council of the City of Bellaire, Texas, at 8:42 p.m. on Monday, December 12, 2011. Councilman Roman F. Reed seconded the motion. The motion carried unanimously on a 7-0 vote as follows:

FOR: Mayor Cindy Siegel, Mayor Pro Tem Philip L. Nauert, Councilmen Roman F. Reed, James P. Avioli, Sr., Corbett Daniel Parker, and Andrew S. Friedberg, and Councilwoman Amanda B. Nathan.

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