The City Council of the City of Bellaire, Texas, met in Special Session (Public Hearing) on Monday, May 13, 2013, 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 – Mayor Philip L. Nauert.

Mayor Philip L. Nauert called the City Council of the City of Bellaire, Texas, to order at 7:00 p.m. on Monday, May 13, 2013.

B. ANNOUNCEMENT OF A QUORUM – Mayor Philip L. Nauert.

Mayor Philip L. Nauert announced that a quorum was present consisting of himself and the following members of City Council: Mayor Pro Tem Amanda B. Nathan and Councilmen Roman F. Reed, Corbett Daniel Parker, Pat B. McLaughlan and Andrew S. Friedberg. Also present were City Manager Bernard M. Satterwhite, Jr., Assistant City Attorney Elliot Barner, Director of Community Development John McDonald and City Clerk Tracy L. Dutton.

Councilman James P. Avioli, Sr., was absent.

Mayor Nauert stated that because the subject of the public hearing had to do with some commercial property in one of the zoned areas of Bellaire in that he owned, he was going to recuse himself from this portion of the meeting and asked the meeting to be chaired by Mayor Pro Tem Amanda B. Nathan.

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

City Clerk Tracy L. Dutton read the “Notice of Public Hearing” (“Notice”) into the record. She advised that the Notice had been published in the legal notices section of the Southwest News on Tuesday, April 23, 2013, by Planning and Zoning Secretary Ashley Parcus and notices were sent to 596 property owners of record, seven of which were returned and marked “undeliverable.”
D. SUMMARY OF PUBLIC HEARING PROCEDURE – Director of Community Development John McDonald.

Director of Community Development John McDonald summarized the public hearing procedure for the evening.

E. PRESENTATION regarding amendments proposed by the Planning and Zoning Commission of the City of Bellaire, Texas, to Chapter 24, Planning and Zoning, to delete Sections 24-536, R-M.1 Residential-Commercial Mixed-Use District; 24-537, R-M.2 Residential-Commercial Mixed-Use District; 24-538, R-M.3 Residential-Commercial Mixed-use District; 24-539, CCD-1 City Center District; 24-540, CCD-2 City Center District; and 24-547(D), Design Standards and insert new sections regulating new zoning districts (Urban Village Downtown [UV-D] and Corridor Mixed-Use [CMU]); and design standards for Urban Village (TOD) District (UV-T), CMU and UV-D; and amend sections 24-547/C/(1), Site Plan Review; 24-513, Landscaping, Screening and Buffering; and 24-514, Off-Street Parking and Loading, both of general applicability; and 24-403, Official Zoning District Map; and re-number sections as appropriate – Item submitted by Director of Community Development John McDonald on behalf of the Planning and Zoning Commission of the City of Bellaire, Texas; Presentation by Gary Mitchell, Vice President, Kendig Keast Collaborative.

Gary Mitchell, Vice President, Kendig Keast Collaborative, referred to the Comprehensive Plan adopted in 2009 and indicated that a variety of issues were reviewed by the City at that time for the longer term and near term, such as housing, transportation, land use issues, utilities, and parks.

One of the sections of the Comprehensive Plan focused on commercial area development, redevelopment, and enhancement, and three priorities were established for the commercial area of the City. One priority was taken care of at the end of the previous year, which was to look at the zoning at the north end of the City toward Westpark, with the knowledge that METRO (Metropolitan Transit Authority of Harris County, Texas) might construct a transit station in the area. Accordingly, a transition was made from the previous zoning district, the Research, Development and Distribution Zoning District (RDD), to the Urban Village (TOD) District (UV-T).

Now, the Planning and Zoning Commission of the City of Bellaire, Texas (the “PZC”) had turned to the remaining two priorities, which were the downtown area (currently zoned as City Center Districts) and corridor area (particularly Bissonnet Street).

In looking at a broader framework, Mr. Mitchell referred to what was happening in Central Houston with land values and increased growth of the entire metropolitan area. Those increases in land values and growth offered
the opportunity for redevelopment of older properties. The Comprehensive Plan looked at ways across the board for younger people, older people, and others in different stages of life to have places to live in the City. In the redevelopment of properties, Bellaire had an opportunity to do a better job accommodating pedestrian and bicycle circulation and encouraging shared parking.

Mr. Mitchell indicated that the proposed amendments included two new zoning districts, updated standards for landscaping and screening, and updated standards for parking and loading. He noted further that the PZC was still looking at citywide parking standards. Those standards would be brought forward at a later date.

The process involved in developing the proposed amendments on the table started last spring. The PZC had put in a great deal of time on the process over the last year. Through the Bellaire Business Alliance, the PZC had a forum last summer for property owners and business owners in the area and had met with City Council several times along the way. The PZC held their hearing on the proposed amendments in late January of 2013.

Mr. Mitchell presented map changes related to the proposed amendments. He referred first to the current zoning map and pointed out the existing two City Center Districts and the various R-M (residential-commercial mixed-use) Districts along the Bissonnet Corridor. A new zoning district, the Corridor Mixed Use District, was proposed on the east side of the City (Newcastle Drive area and Avenue B). The townhomes located on Innsbruck and to the east of Newcastle Drive were proposed to be zoned residential. Mr. Mitchell advised that the focus for the PZC was the corridor (Bissonnet frontage), noting the possibility for commercial and mixed-use development opportunities in the corridor. Another portion of the Corridor Mixed Use District included the stretch of Bissonnet Street from First Street over to South Rice Avenue.

The existing R-M.2-0 Zoning District, which had more of an office orientation, was originally considered for consolidation into the Corridor Mixed Use District; however, the PZC decided to keep that district separate for the present time, as there were some sensitive issues there.

Mr. Mitchell next pointed out the current City Center Zoning Districts (CCD-1 and CCD-2). He indicated that the area on his map outlined in red was the new proposed Urban Village Downtown District (UV-D).

The plan for the UV-D was a mixed-use, pedestrian-oriented redevelopment as was currently happening in Central Houston. There was a residential component to the district, and there were incentives built into the district to get more of the desired outcomes.

The CMU was still auto-oriented rather than walkable. The focus in this district would be on landscape quality. There were housing options in this
district as well. One of the challenges with redevelopment along a corridor, such as Bissonnet Street, was shallow properties.

In the proposed new districts, UV-D and CMU, as well as the UV-T District, there were a variety of development options. Examples included uses permitted by right and planned developments. It was noted that a planned development had much more site-specific review. This development option had always been available in Bellaire.

Also in the two new proposed districts, UV-D and CMU, was a plan to provide a different path to get to the outcomes provided for in the Comprehensive Plan. In general, the proposed amendments provided standards in clearer terms, as well as numerics and visuals, to show what the desired outcomes were.

Mr. Mitchell advised that one of the challenges for the PZC was the fact that although redevelopment was desired, such redevelopment was right on the edges of residential single-family neighborhoods.

Two key factors in the existing ordinance were setbacks and maximum building height. During the PZC workshop process, an alternative approach was developed. Bellaire currently used this alternative approach to get to a higher building on the non-residential side, which was to start to step back from the property line. The concern at the PZC workshop level was shallow sites (which were already difficult to redevelop). Additionally, if development potential was taken away, older buildings and properties might not turn over.

As the building moved back from the property line, there was a concern as to whether there would be enough space in the back to use for parking or an outdoor seating area or amenity area. The PZC looked at tying height to setback, but starting at a higher point. Bellaire would still lose some development potential on the non-residential side, but the alternative was the entire building would have to shift thereby losing even more development potential.

In the proposed standards, residential zoning today allowed homes to be constructed to a height of 25', then the sloped roof could go higher (roughly 35'). On the non-residential side, a development could start at the 27' point and then slope away from the property line.

Mr. Mitchell referred to development incentives, as Bellaire had used in its current ordinance, and indicated that such incentives included encouraging garage parking versus surface parking, parking away from frontages, land assembly, and incentives to do more landscaping, public areas, and outdoor seating for restaurants.
F. RECOGNITION OF CITIZENS AND/OR OTHER INTERESTED PARTIES – May Pro Tem Amanda B. Nathan.

Mayor Pro Tem Amanda B. Nathan recognized citizens and other interested parties who had completed the sign-in sheet prior to the start of the public hearing. Mayor Pro Tem Nathan reminded the audience that this public hearing was the last opportunity for them to provide oral comments on this matter. Written comments could continue to be provided before final deliberation on the matter.

Robert Riquelmy addressed City Council and referred to an experience the City had with its sign ordinance. The PZC put a great deal of effort into crafting a sign ordinance, then a new City Council came in and decided that something else needed to be done, which looked very bad.

One of the things that anyone with serious money to invest looked for in an area was stability and continuity. If City Council adopted the detailed proposal before them, they would get someone with deep pockets wanting something else. That investor would appear before City Council and get what they wanted, thereby scaring every other deep pocket away.

Mr. Riquelmy suggested that City Council wait for someone to make a proposal and then go along with whatever that person wanted.

Julia Atha indicated that one of her biggest concerns with the proposed amendments was the possibility for mixed-use development. She loved the idea of more pedestrian-friendly and bicycle-friendly retail and commercial developments; however, she feared an influx of multi-family apartments looking over their homes. She moved to Bellaire because it was a single-family, family-friendly place with zoning. She did not want to move to a City Center or a Mid-Town.

In closing, Ms. Atha stated that increased traffic and non-residents were an issue.

Paul Atha referred to the chemistry in his neighborhood where children freely ran from one another’s homes. He stated that he could name every child on his street, what grade they were in, where they went to school, what baseball team they were on, etc. Mixed-use development would be a barrier to everything he and his neighbors had worked hard to maintain on their street.

Jane McNeel addressed City Council and noted that she lived on Locust Street, which would be directly impacted by the proposed UV-D District. She indicated that there was already a great deal of non-residential traffic on Locust Street because it was a cut-through street. She could only imagine that the traffic would increase if a development, such as high-rise condominiums, was constructed in the area.
Secondly, Ms. McNeel was concerned with the sheer height of a development. She indicated that if she had read the proposed amendments correctly, a development on a 5,000 square foot lot could be built to a height of up to 60 feet. She felt that 30 feet was adequate.

Her last concern was the impact of high density developments on the water and sewer systems. If such developments resulted in more pavement, then she feared that there could be a possibility of flooding.

In closing, Ms. McNeel indicated that she was used to seeing properties in Bellaire that were no more than two stories in height. She stated that she was not happy seeing as much change as had been proposed.

**Mike Salomon, President, Sandcastle Homes, Inc.,** advised that approximately two and one-half years ago his company purchased six lots, known as 107, 108, 109, 110, 111, and 112 in Mulberry Manor. That property was originally platted as six individual residential lots.

He indicated that his property was being overrun and if the ordinance passed as written, he would not be allowed to build homes on those lots. Unfortunately, within one month after his purchase of the property, Mr. Salomon was informed that there was litigation between the person who sold him the lots and another party. As a result, he had not been able to build homes on the lots. Mr. Salomon indicated that he was beginning to see light at the end of the tunnel with respect to the litigation and he would have use of his property.

He continued and stated that he would be forced to sell his property for whatever someone would offer him for it if the ordinance passed. This was not fair and was not what the "city of homes" was all about. He knew that the neighbors wanted residential development on the property and not commercial.

Mr. Salomon closed and advised that he hoped City Council would take his situation into account and either exclude his property from the ordinance or allow anyone that already owned land to be grandfathered into the current zoning. A new owner could be bound by the new zoning, but a current owner should not have their rights stripped away from them.

**Bill Thorogood** addressed City Council and noted that he had been active on the PZC and Parks and Recreation Advisory Board for the City in the past. He indicated that the product that had been put in front of City Council by the PZC showed a great deal of work by everyone.

Mr. Thorogood continued and advised that business and property owners had the opportunity this evening to provide their opinion and comments regarding the modification of the zoning ordinances for certain commercial districts in
Bellaire. The modification was prepared based upon Bellaire’s Comprehensive Plan, which was approved in 2009. That Comprehensive Plan was a long, drawn-out effort.

The proposed zoning regulations affected a large portion of the commercial areas of Bellaire, including Bellaire’s downtown and the Bissonnet Street corridor areas. Mr. Thorogood advised that this entire process had been going on for about 10+ years and had cost the taxpayers a great deal of money (i.e., he estimated that $250,000 had been spent thus far). Substantial community involvement and input went into the Comprehensive Plan, and the final result was the combined effort of Bellaire’s residents and property and business owners. He noted that property and business owners had rights as well.

Mr. Thorogood advised that property values were low in the downtown area of Bellaire. As a result, fairly low-value types of services and facilities were placed there. Effectively, the holding cost of the land was low, so those property owners were going to hold on to it forever.

He referred to several areas in Bellaire that were totally surrounded by Houston and affected no one. The question to be asked was how to get development done for the residents living in Bellaire and the business property owners.

The proposed amendments were the combined efforts of many and supported by multiple committees and numerous PZCs. Urban planning consultants, who understood that Bellaire was an enclave community, assisted the City in the development of the amendments.

The Comprehensive Plan, as well, included consultations with City Staff (such as Public Works regarding infrastructure) and current and previous Mayors and City Councils. The base of the work was to establish a detailed set of ordinances which would provide residents and business owners a commercial and retail area of Bellaire that equaled or exceeded the same high standards established through the residential redevelopment of Bellaire. Over 60% of the residential lots in the City of Bellaire had been redeveloped during the last 25 years.

Mr. Thorogood continued and advised that Bellaire wanted a downtown that met the same kind of standards that the residential redevelopment met.

{Speaker’s allotted time ended at this point in the meeting}

Richard Franke addressed City Council and noted that he had appeared before the PZC and City Council many times in trying to protect his little pocket neighborhood--Mulberry Manor. He noted that he picked the area he lived in with some reservation, as he knew it was a cut-through street and that there would be some traffic. At that time, his property was zoned as R-
M.1 (Residential-Commercial Mixed-Use). He figured that the cost of the land would restrict what went on it.

During one of the public hearings, Community Development Director John McDonald stated that when the Comprehensive Plan was passed in 2009, it obviated all the R-M.1 residential requirements. Mr. Franke believed that was before Mr. Salomon purchased his property and may not have ever been disclosed to him. Mr. Franke advised that Mr. Salomon’s point about grandfathering the residential zoning for his property was totally on point.

Mr. Franke continued and stated that Mr. Thorogood, whom he had a great deal of respect for, left out one part about what was developing--the tax rate. If Bellaire had a tax rate comparable to the City of Houston, Mr. Franke believed the City would see many different standards going up. Bellaire would not be attracting fast food restaurants, but rather high-end development.

He mentioned that Bellaire was cheap and was trying to build up the commercial areas so as not to raise the tax rate. This was a reasonable thing, but as Ms. McNeel just stated, 50-60 feet was too high for a structure around a residential area. Mr. Franke noted that there were 35 children in his pocket neighborhood and advised that there would be no overflow parking on Howard Lane or the residents would shut the City down. He also felt there was greed and hypocrisy behind many of the amendments.

In closing, Mr. Franke urged City Council to protect the neighborhoods and children and stated that “enough was enough.” He also suggested that City Council look at the parking code and traffic regulations. He would support legitimate commercial development as long as it did not impair the quality of life for residents.

{Speaker’s allotted time ended at this point in the meeting}

Lynn McBee addressed City Council and indicated that the City did not have any instruments in place to monitor the impacts of development on water, sewer, traffic, infrastructure, etc. If the impacts were not monitored on a daily or annual basis, then the City would not know how much water and power might be consumed when other users moved into the area. She advised that infrastructure monitoring was critical.

Ms. McBee continued and indicated that there was no minimum size on the residential units that could develop in the new zoning districts. If some developer decided that 500 square feet was enough, then it would be okay. She urged City Council to consider setting a minimum size on the residential units.

The possibility of a City Hall/Police Complex being located in the prime downtown, perhaps on leased land, had not been mentioned. Ms. McBee did
not believe the City necessarily had to purchase land. Such a complex would set the tone for what followed. While she certainly hoped the City would not construct a four-to-six story or more building, she liked the idea of having City Hall and the Police Station, along with Municipal Court, located in the downtown area. She suggested that City Council consider the construction of a parking garage in connection with the complex in the center of downtown. The City would then be living by the standards that they set and adopted.

As to the fringe areas and the impacts to those areas, the more density created, the more of everything that would be consumed, thereby straining the capacities. Ms. McBee shared the concerns of the residents living nearby to the major corridors. City Council might be looking at street closures again as it had in the past.

Ms. McBee urged City Council not to overlook the impact that would be created when raising the barrier for more commercial development. The cost involved in monitoring the impacts might equal or exceed what the City might gain in tax base. She never wished to promote the reduction of her tax bill by the encouragement of more development as it was a false promise.

Ms. McBee wished the members of City Council good luck in sorting through the proposed amendments. She again urged City Council to monitor the impacts on an annual basis as to traffic on Bellaire Boulevard, Bissonnet Street, and South Rice Avenue, to see what was happening. Once Houston decided to develop at Westpark, Bellaire would have no idea what they had opened the gates for.

In closing, Ms. McBee advised that she was not for or against the proposed amendments. She felt that City Council needed to review its Comprehensive Plan every ten years, but was not sure the City would be happy with what it had to live with.

**Pegi Newhouse** addressed City Council and indicated that she served as the PTO (Parent-Teacher Organization) President at Condit Elementary School and was involved with the Friends of the Bellaire Library Board. She stated that she was opposed to the proposal for the several reasons. She had lived on Locust Street for approximately eight years. The reason she and her husband had purchased their home was because they did not want to be in a place like Mid-Town or the West University Place Village. They wanted a quiet residential street and the small-town feel that Bellaire currently had.

Ms. Newhouse continued and indicated that within her block of Locust and the adjoining block there were 41 children. The residents prided themselves on being able to watch each other’s children.

Further, Ms. Newhouse noted that there was already a safety issue at the corner of Fifth Street and Locust Street. Drivers tried to cut-through Locust Street to avoid the light at Bissonnet Street. Drivers also often failed to stop
at stop signs in the area. Ms. Newhouse feared that the proposal before City Council would increase the traffic cutting through the neighborhood.

Another concern cited by Ms. Newhouse was parking on the residential streets. Locust Street did not have sidewalks and Fifth Street had sidewalks on one side of the street. She expressed concern that businesses could develop that served alcohol, which could propose a safety issue as well.

Multi-story structures adjacent to single-family homes was also a concern for Ms. Newhouse. Garbage and litter were cited as possible issues. Ms. Newhouse indicated that she supported development of the area and loved that she and her family could walk to several local businesses.

In closing, Ms. Newhouse urged City Council to consider the possible impacts a large development might have on the area.

Mayor Pro Tem Nathan advised that City Council had received one written comment to be read into the record, which she read as follows:

Richard H. Moffatt:

I have two comments regarding the proposed eye surgery center located on Bissonnet between Mulberry and Howard Lane:

1. Most all of the new office or commercial buildings that have been built in this area do not have nearly enough parking. Parking is woefully inadequate. I recommend that the City of Bellaire determine the number of workers and the number of patients that this building can handle under maximum utilization, and add 30%.

2. It is important that the building have entrances and exits on Bissonnet, not on Mulberry and Howard Lane. Mulberry and Howard Lane are residential streets and this is a commercial building. In looking at the picture of the proposed building on the sign in the vacant lot, this does not appear to be the case. I recommend that all of the entrances and exits be on Bissonnet.

G. QUESTIONS FROM THE MAYOR AND CITY COUNCIL – Mayor Pro Tem Amanda B. Nathan.

{Legend: Q – Question; R – Response}

Councilman Corbett Daniel Parker thanked Gary Mitchell and his firm, Kendig Keast Collaborative, Chair Winfred Frazier of the PZC, previous chairs, and others who had worked hard on the Comprehensive Plan. Councilman Parker asked Chair Frazier if he would like to provide any comments. Councilman Parker noted that Chair Frazier had worked very hard shepherding the PZC up to this point.
Chair Winfred Frazier, PZC, indicated that the PZC did value what the citizens thought of what they did, noting that all members of the PZC were citizens of Bellaire and had a stake in the City. To move forward as a community, the City had to at least develop some possibilities that might take the City to a different level.

Chair Frazier stated that many of the proposals presented this evening related to what was happening around the country, not just in Bellaire. There were a growing number of people in Bellaire who might want to consider different housing opportunities, such as empty nesters and young professionals.

The process to arrive at the proposed amendments started approximately one year ago and multiple public workshops were held. He indicated that many items had been pulled out of the proposal as a result of listening to input from the public.

In closing, Chair Frazier thanked Gary Mitchell of Kendig Keast Collaborative and Director of Community Development John McDonald for their expertise throughout the process. He added that he hoped that City Council would consider what had been presented, as well as the public input. He indicated that as a public official, he knew that City Council would make the right decision.

Councilman Parker asked former Chair Bill Thorogood, PZC, if he wished to complete the comments he had started during the citizen comment period.

Former Chair Bill Thorogood, PZC, thanked City Council for allowing him a second round. He agreed with Chair Frazier in that many items had been thrown out. He also noted that multi-family development was considered very hard. Former Chair Thorogood referred to one multi-family development that existed in Bellaire today. That unit had been in Bellaire for many years, had its own zoning district, and was an asset to the City.

One of the most critical points in the Comprehensive Plan was to provide housing choices that were not detrimental to the housing choices already in existence. Bellaire did not have housing choices for empty nesters. Former Chair Thorogood believed that Bellaire had always been a community that had accepted everyone.

The points made this evening were critical points. Those barriers between the residential sectors and the commercial sectors were sanctified, and the City must do all it could to protect those barriers.

When the proposed amendments were first brought to the table, one of the suggestions was to zone the downtown and corridor areas as "residential." Former Chair Thorogood advised that Bellaire knew how to do residential very, very well. If the residents wanted a commercial sector that would add some vitality, that sector had to be developable. Bellaire was surrounded by
the best shopping that the United States had to offer (i.e., Galleria). He did not believe that developers would bring that same type of development to Bellaire, but developers that worked with Bellaire might bring some other options to the table.

Former Chair Thorogood stated that he fully supported the perspective that impacts from development be monitored and controlled. If Bellaire wanted a commercial and retail sector in town better than what existed, then Bellaire had to offer something to those developers that was non-financial and that protected those barriers of the adjacent residential property. Otherwise, the area might get worse or rot away.

If the City found that what it was doing did not work, then the rules could be changed.

**Questions from Councilman Corbett Daniel Parker:**

Q: A question was raised as to the meaning of the statement made by Gary Mitchell of Kendig Keast Collaborative that the UV-D (Urban Village-Downtown) District would be less intensive and less intrusive than the UV-T (Urban Village (TOD) District).

R: Mr. Mitchell advised that the intent for the north area of Bellaire was a transit-oriented focus to support the proposed METRO (Metropolitan Transit Authority of Harris County, Texas) transit facility. A utility buffer of 180' was already in place at the south end of the District. In the Urban Village Downtown (UV-D) District, residential uses were right around the edges of the District. As mentioned this evening, there was already a fair amount of traffic at the point where Bellaire Boulevard and Bissonnet Street crossed. If people wanted more of a store-front downtown atmosphere and the City had not seen that happen for decades, the question became how zoning could be structured to encourage that type of redevelopment or transition. The desired redevelopment was not at the level in terms of building height and density that was permitted in the UV-T District.

Q: A question was raised as to how the rules and/or focus had changed for the area.

R: Mr. Mitchell stated that the most significant changes were proposed in the City’s R-M.2-O Zoning District. The PZC looked at ways to try and bring that District into the combined Corridor Mixed-Use District (CMU). There were lots in the R-M.2-O District that were on local streets that did not directly front Bissonnet. The conclusion, after numerous discussions, was that the area would probably continue to be a car-oriented corridor for the long term. From that point, the discussions centered on where buildings ended up on sites with setbacks, landscaping (location), parking (whether it would be better
at the back fence), and building height (whether it would be better to have a tall building closer to the back fence). There was also concern that many of the lots along the Bissonnet Street corridor were shallow with little space to work with.

The City’s current zoning regulations expressed height in stories in many places, with no definition as to what a “story” was. A “story” could be all kinds of things (i.e., a hotel with a tall first story). The “story” was converted to feet in the proposed regulations. In most cases, an attempt was made to apply the number of feet to match what the current zoning regulations allowed. With respect to building heights, Mr. Mitchell advised that a height of four stories had been suggested.

Q: Mr. Mitchell was asked to point out on the City’s zoning map the area currently zoned as R-M.2-O.

R: Mr. Mitchell indicated that the R-M.2-O Zoning District was the stretch between First Street on the east and over to South Rice Avenue. Most of the district had converted to office use along the corridor; however, there were some residential lots. In the proposal before City Council the R-M.2-O District stayed as it currently was. The current zoning limited office development to one story and did not allow retail.

Q: A question was raised as to what the PZC was still working on in addition to the R-M.2-O District.

R: Mr. Mitchell advised that everything the PZC had worked on had come forward at this point in time.

Q: A question was raised as to discussions that may have occurred with respect to infrastructure and whether or not the City had adequate infrastructure, in general, in Mr. Mitchell’s opinion.

R: Mr. Mitchell stated that the greater concern during the Comprehensive Plan process was the transit district to the north with the potential for greater height and development intensity there. City Staff, consulting engineers, police and fire, etc., were asked those questions and their feeling was that the City was in good shape. With respect to streets, those were being addressed through the City’s Rebuild Bellaire Program.

Q: A question was raised as to whether the location of new City facilities (City Hall, Police, and Municipal Court) in the downtown area complimented the zoning regulations or “threw a wrench” in the works.
R: Mr. Mitchell advised that one of the permitted by right uses in both of the newly proposed districts was facilities owned and maintained by the City of Bellaire. Any types of civic building, parks, utilities, etc., were permitted by right. Anything that could be done in a downtown area to generate foot traffic and more daytime activity would be desirable.

Q: A question was raised as to whether the proposed amendments had been developed with the thought or core focus that the residential tax rate might be reduced.

R: Mr. Mitchell stated that the proposed amendments were not about the tax base or economic development, but rather about quality. One of the discussions, as noted previously, was whether or not the area should be allowed to develop entirely as single-family detached large homes, as there was a fair amount of value in those homes, but at the end of the day in the Comprehensive Plan process, the focus was on the desire to have a more downtown-oriented feel.

Councilman Parker offered an opportunity to provide comments to Bellaire’s Community Development Director, John McDonald.

Director of Community Development John McDonald advised that he believed that Mr. Mitchell had covered most of the discussions. The parking section was pulled because the PZC wished to look at comprehensive parking regulations on a citywide basis.

Questions from Councilman Pat B. McLaughlan:

Councilman McLaughlan thanked the City’s team that had been involved in the Comprehensive Plan process, more specifically, Director of Community Development John McDonald, City Manager Bernard M. Satterwhite, Jr., Gary Mitchell of Kendig Keast Collaborative, and the PZC.

Q: Reference was made to the consequence of “doing nothing,” which sometimes resulted in less than desirable outcomes (such as the Ashby high-rise development). Reference was made to Spruce Street and the various types of development currently in existence there (nursery school, office buildings, auto repair shop, and restaurant). A question was raised as to what other types of businesses could develop in that area under the City’s current zoning regulations.

R: Mr. Mitchell stated that there were a wide range of retail uses that could be developed under the City’s current zoning regulations, such as amusement-type businesses, arcades, auto parts stores, etc.

Q: A question was raised as to the current allowable maximum height and rear setback for a structure on the north side of Spruce Street.
R:  Mr. Mitchell advised that, theoretically, a ten-story building could be constructed through a planned development approval.

Director of Community Development John McDonald indicated that currently as of right, a building could be constructed on Spruce Street to a height of 36 feet and would require a 10-foot setback.

Q:  A question was raised as to the allowable maximum height under the proposed regulations for Spruce Street.

R:  Mr. Mitchell advised that the allowable maximum height varied by development option. In each of the current zoning districts across the board, churches, schools, and commercial buildings could be constructed at a maximum height of 40 feet. A single-family home today could be constructed at a maximum height of 35 feet. The setback of a non-residential building would start at 27 feet.

Q:  Confirmation was requested for the statement that a single-family home in any part of town could be constructed to a maximum height of 35 feet.

R:  Mr. Mitchell stated that, generally, Councilman McLaughlan was correct.

Director of Community Development McDonald pointed out the maximum height was calculated from the height that a foundation might have to be raised as a result of a flood zone. Commercial buildings were typically flood-proofed. The measurement would apply from the top of the foundation and not from the ground.

Q:  Confirmation was requested for the statement that the floor height could be elevated six feet above grade level.

R:  Director of Community Development McDonald indicated that the floor height elevation was a Building Code issue.

Mr. Mitchell indicated further that the mixed-use option and planned development allowable maximum heights would be 53 feet.

Q:  Reference was made to the six Mulberry Lane lots addressed during the citizen comments portion of the hearing. A question was raised as to the issue relating to those lots.

R:  Director of Community Development McDonald advised that those lots were currently zoned R-M.1, which allowed residential or commercial development. The proposed rezoning of the CMU put the lots into a commercial or mixed-use zoning district. Single-family residential would be allowed in the CMU under a planned development with a one-
Questions from Councilman Andrew S. Friedberg:

Q: Reference was made to the previous discussion related to the CMU District and confirmation was requested for the statement that the collection of homes making up a planned development had to be one-acre in size (versus one individual home on a one-acre site).

R: Director of Community Development McDonald advised that Councilman Friedberg was correct.

Q: With regard to development standards, a question was raised as to the explanatory notes for Section 24-547 and confirmation requested that all of the design standards previously adopted for the UV-T District had been removed and made more generally applicable, save and except for the east-west connectivity that applied only to the UV-T District.

R: Mr. Mitchell advised that Councilman Friedberg was correct. Mr. Mitchell stated that when the development standards were initially prepared for the UV-T District, those standards were in “text” form. The standards had been transferred to a “tabular” form with visuals.

Q: Reference was made to parking, a primary concern for Councilman Friedberg. Councilman Friedberg stated that it would be irresponsible for the City to have anything but a realistic view of designing its code around the expectation of only an increased number of bigger cars. A question was raised as to how parking was addressed in the UV-D and CMU Districts and, in particular, confirmation was requested for of his recollection that the minimum parking required for a given use resided actually elsewhere in the Code.

R: Mr. Mitchell advised that Councilman Friedberg was correct. The minimum parking required for a given use could be found in Section 24-514a. As mentioned early, the PZC withdrew this portion of the regulations to work on/review such regulations further.

Q: Reference was made to the timing of the proposed regulations. Councilman Friedberg indicated that it seemed critical to him that the City address Section 24-514a before he could be entirely comfortable with the rest of the recommendations. For example, a proposal to increase density might be desirable provided that the City had some assurance as to what the parking minimums might look like.

R: Director of Community Development McDonald stated that the parking requirements would basically remain the same. Parking credits had
been added such that certain developments could be allowed reduced parking requirements. Additionally, there were some sharing credits allowed for developments with multiple uses and varying hours of operation. With the exception of schools and churches and the referenced credits, most of the parking numbers would remain at the same levels as today.

Q: Confirmation was requested that City Council need not delay its decision on the proposed regulations on the table because, absent any changes to the parking regulations, what was already on the books was more restrictive than what would be contemplated once the City established credits.

R: Director of Community Development McDonald advised that Councilman Friedberg was correct. He stated that with parking credits, the City would be allowing some benefit for density.

Mr. Mitchell noted that a few things had been added for uses in the downtown area, notably a theater for live performances. In other words, if a use were added, a parking standard was also added.

Q: Reference was made to parking requirements and Councilman Friedberg noted his concern that the City would incentivize more density by telling developers that they would need less parking to accommodate that density. He understood Director McDonald to indicate that parking was tied to use and not the development itself and asked for confirmation of that understanding.

R: Director McDonald indicated that there were specific parking requirements on uses, which set the basic parking requirement. Then, based on how those uses overlaid, there could be possible reductions, such as shared parking. He referred to many existing centers with a set amount of parking and no ability to add additional parking. Those centers were appearing before Board of Adjustment to apply for a special exception based on use counts and hours of operation. The regulations to be proposed for parking basically took that "special exception" process and codified it to allow City Staff to adjust the numbers if certain requirements were met.

Q: Councilman Friedberg stated that he would prefer to look at regulations without anticipating in advance the need to vary from those regulations. He inquired as to whether it would be too late to modify the zoning amendments on the table when Section 24-514a was brought back to City Council.

R: Mr. Mitchell indicated that it would not be too late to modify the zoning amendments at that point in time. With respect to the credit provision, Mr. Mitchell indicated that the credit was only for public
parking spaces on-street or a public parking lot within a certain distance of the development. The credit was tied to public parking, which was a typical provision in a downtown area. As far as he knew, he did not believe that there was any public parking in the City Center District right now, so the credit would not apply until, if, and when the City decided to construct any public parking.

Mr. Mitchell referred to the wide rights-of-way existing in the downtown area. He noted that it had been a priority of the PZC to consider those rights-of-way as part of the development equation. For example, the City could possibly take some of the parking burden off of the constrained sites by allowing on-street parking.

Q: An inquiry was made as to discussions that might have been held related to buffers and barriers dealing with less visual concerns and more congestion-oriented concerns, such as increased density along the corridor spilling over in terms of pedestrian and/or vehicle traffic through the adjoining residential areas.

R: Mr. Mitchell advised that one of the provisions in both of the new districts was that everything had to go through a site plan review. This currently occurred through the City's planned development process. Under the proposed regulations, any project would be required to go through a site plan review to ensure compliance with landscaping, parking, and building design standards. One of the opportunities from a site plan review would be traffic-related uses. One thing cities did when they saw an overflow of parking on residential streets was to require residential parking permits.

Mr. Mitchell referred to the overflow parking table and advised that at the end of the day, if shared parking were allowed, the developer would not have given up their responsibility to provide for parking onsite. Overflow parking was a matter, frankly, of follow-up and enforcement. If a development could not handle its own parking, arrangements would have to be made for the parking (such as off-site parking and shared parking arrangements).

Q: A question was raised as to how concerns expressed by residents regarding density and congestion could be ameliorated through zoning or planning.

R: Mr. Mitchell referred to his own office, noting that he could not walk to the restaurant next door because there was a sheer row of hedges that was meant to be a buffer or screen. Over time, people had cut through the hedge making a path to the restaurant. A balance would need to be struck such that residents on foot or on bike could get to nearby restaurants and shopping without the flow in the other direction. Mr. Mitchell advised that this was a universal problem and
many cities across the country had considered getting back to a grid street system. Suburban street systems and street closures tended to channel traffic away from neighborhoods.

Q: Reference was made to the potential for new city facilities to be located in the downtown area. An inquiry was made as to whether this was directly related to the discussion this evening in the sense that Councilman Friedberg saw that as potentially an economic catalyst to bring development. In other words, would the location be compatible despite the fact that the City's Code would allow municipal uses in the area.

R: Mr. Mitchell stated that cities often excluded public uses in their limited downtown area where tax base was the priority. However, in some downtown areas, a mix of uses was desirable.

Questions from Councilman Roman F. Reed:

Q: Reference was made to City Council's job, which was to provide quality services, as well as safety and security, for the residents. Another major goal of the City Council was economic development. An inquiry was made as to whether Bellaire was prepared, in Mr. Mitchell's opinion, to handle the increase in activity. A further inquiry was made as to how Bellaire might monitor the increase in activity.

R: With respect to monitoring the increase in activity, Mr. Mitchell stated that he believed the City already had traffic count locations on major streets and, if not, that would be one way to monitor the increase, as well as keeping track of intersections and turning. The Bellaire Police Department already kept statistics on activity around the City, which would be available for review. If there were a significant change in development, the Public Works Department could monitor water demands and usage in the areas.

Mr. Mitchell advised that the PZC, along with City Staff and consultants, had worked to set parameters in range with the amount of development that they believed the City could handle.

Questions from Mayor Pro Tem Amanda B. Nathan:

Q: Reference was made to the Comprehensive Plan itself, noting that the Plan still envisioned that there would be purely single-family residential developments in the CCD-1 City Center District and it also provided that the tallest buildings should be located away from the urban village interface with less intense districts, which could be accomplished through a phased reduction in permitted heights and development intensities going away from the core of the urban village area. When City Council considered the UV-T, City Council voted not
to retain the purely single-family residential development. An inquiry was made as to why town homes and patio homes were not considered as a buffer on Locust Street. A further inquiry was made as to why the recommendation was for a height step back plane rather than phased reduction.

R: Mr. Mitchell stated that attached housing was allowed through the mixed-use option or planned development, but not by right. Multi-family use was also allowed through the mixed option or planned development paths. If single-family detached developments were allowed at typical densities in Bellaire (i.e., a 5,000 square foot lot), there would only be enough capacity to construct 30-50 homes in the downtown area.

As mentioned during the public comment section this evening, one side of the discussion was to let the zoning for the area be residential. At the other end of the discussion was the desire to have a walkable downtown. Additionally, the investment for streets and infrastructure for single-family homes in that area was also considered.

With respect to height, the PZC was trying to strike a balance between the commercial turnover and redevelopment. It was noted that not a great deal had happened in that area for decades. If the City started phasing in the heights, the City would end up in the middle of a street with nothing to work from.

Mr. Mitchell stated that it was his understanding, from a legal perspective, that property owners within a district had to be treated equally. If someone was restricted at the edge of the district and those in the middle of the district were not restricted, there could be issues. The step back phasing was one way in which a balance could be struck.

Mayor Pro Tem Nathan recognized Chair Winfred Frazier, PZC, to see if he had anything to add to the discussion.

Chair Frazier, PZC, stated that the PZC was looking at the bigger picture of types of development that were desirable in conjunction with the 2009 Comprehensive Plan. Clearly, there were some things that could have been looked at differently. The PZC also reviewed development trends that were occurring around the country in smaller cities the size of Bellaire.

Councilman Parker commented that PZC Chair Frazier had been kind enough to accept an invitation to provide another overview of the proposed amendments at the Bellaire Business Alliance’s May 29th meeting. He encouraged residents and any other interested parties to attend that meeting to hear first-hand some of the processes that the PZC followed in developing the proposed amendments.
H. CLOSE OF PUBLIC HEARING – Mayor Pro Tem Amanda B. Nathan.

Mayor Pro Tem Amanda B. Nathan closed the public hearing at 8:48 p.m. on Monday, May 13, 2013. She advised that, in accordance with the Rules and Procedures adopted by the City Council, oral comments would not be received following the public hearing. Written comments could be submitted before the final deliberation on Monday, May 20, 2013. Those comments should be submitted to City Council in care of the City Clerk, Tracy Dutton, by noon on Thursday, May 16, 2013, in order to be considered for the record.

I. ADJOURNMENT.

CITY COUNCIL MOTION TO CLOSE THE PUBLIC HEARING AND ADJOURN/ACTION:

Councilman Corbett Daniel Parker moved to close the public hearing and adjourn the Special Session (Public Hearing) of the City Council of the City of Bellaire, Texas, at 8:48 p.m. on Monday, May 13, 2013. Councilman Roman F. Reed seconded the motion.

The motion to close the public hearing and adjourn carried on a 5-0-1 vote as follows:

FOR: Mayor Pro Tem Amanda B. Nathan and Councilmen Roman F. Reed, Corbett Daniel Parker, Pat B. McLaughlan and Andrew S. Friedberg

OPPOSED: None

ABSENT: Councilman James P. Avioli, Sr.

ABSTAIN: Mayor Philip L. Nauert*

*As noted at the beginning of the public hearing, Mayor Philip L. Nauert stated that because the subject of the public hearing had to do with some commercial property in one of the zoned areas of Bellaire that he owned, he would recuse himself from discussions this evening.

Respectfully submitted,

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

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Approved:

Philip L. Nauert, Mayor
City of Bellaire, Texas

Amanda B. Nathan
Mayor Pro Tem
City of Bellaire, Texas