

# CITY OF BELLAIRE TEXAS

## PLANNING AND ZONING COMMISSION

JULY 13, 2017

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Council Chamber

Regular Session

6:00 PM

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7008 S. RICE AVENUE  
BELLAIRE, TX 77401



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**Commissioner**

Jonathan Saikin

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**Commissioner**

Mike Axelrad

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**Commissioner**

Ross Gordon

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**Commissioner**

Weldon Taylor

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**Commissioner**

Marc Steinberg

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**Vice Chair**

Dirk Stiggins

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**Commissioner**

S. Lynne Skinner

**Mission Statement:**

***The City of Bellaire is dedicated to outstanding quality service and facilities to ensure an open, progressive, and secure community.***

**I. CALL TO ORDER****II. ANNOUNCEMENT OF QUORUM****III. REMINDER TO CITIZENS DESIRING TO ADDRESS THE COMMISSION****IV. APPROVAL OF MINUTES FROM PAST MEETINGS**

1. Planning and Zoning Commission - Regular Session - Jun 13, 2017 6:00 PM

**V. UNFINISHED BUSINESS, COMMUNICATIONS, AND REPORTS****VI. SWEARING IN OF NEW COMMISSIONERS (INCOMING COMMISSIONERS ASSUME DUTIES AND OUTGOING COMMISSION RETIRES)****VII. GENERAL PUBLIC COMMENTS**

Persons at the meeting who have indicated their desire to be heard on matters of general interest to the Commission by submitting the form provided shall have three minutes to present their comments. The Commission is not permitted to fully discuss, debate, or consider items that are not on the agenda. Questions presented to the Commission may be referred to staff.

**VIII. INCOMING COMMISSION**

1. Introduction of Incoming Commissioners
2. Election of Chair and Vice Chair
3. Adoption of the Rules of Procedure

**IX. CURRENT BUSINESS (ITEMS FOR DISCUSSION, CONSIDERATION, AND/OR POSSIBLE ACTION)****X. REPORT OF STAFF, COMMITTEES & CORRESPONDENCE**

- A. Staff liaison report on the status of projects previously addressed by the commission as well as projects for future meetings.

**XI. NEW BUSINESS**

1. The Chairman shall recognize any Commissioner who wishes to bring New Business to the attention of the Commission. Consideration of New Business shall be for the limited purpose of determining whether the matter is appropriate for inclusion of a future Agenda of the Commission or for the referral to staff for investigation

**XII. ADJOURNMENT**



# CITY OF BELLAIRE TEXAS

## PLANNING AND ZONING COMMISSION

JUNE 13, 2017

Council Chamber

Regular Session

6:00 PM

7008 S. RICE AVENUE  
BELLAIRE, TX 77401

### I. CALL TO ORDER AND ANNOUNCEMENT OF QUORUM

Chairman Frazier called the meeting to order at 6:01 PM, and announced that a quorum was present consisting of the following members:

Attendee Name	Title	Status	Arrived
Jonathan Saikin	Commissioner	Present	
Mike Axelrad	Commissioner	Absent	
Winfred Frazier	Chairman	Present	
Bill Thorogood	Commissioner	Present	
Marc Steinberg	Commissioner	Present	
Dirk Stiggins	Vice Chairman	Present	
S. Lynne Skinner	Commissioner	Present	
John McDonald	Director	Present	
Zachary Petrov	Assistant City Attorney	Present	
Ashley Parcus	Secretary	Present	
Trisha S. Pollard	Council Member	Absent	

### II. APPROVAL OF MINUTES FROM PAST MEETINGS

1. Planning and Zoning Commission - Regular Session - May 16, 2017 6:00 PM

<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>MOVER:</b>	Dirk Stiggins, Vice Chairman
<b>SECONDER:</b>	Bill Thorogood, Commissioner
<b>AYES:</b>	Saikin, Frazier, Thorogood, Steinberg, Stiggins, Skinner
<b>ABSENT:</b>	Axelrad

### III. REMINDER TO CITIZENS DESIRING TO ADDRESS THE COMMISSION

Chairman Frazier reminded anyone who wished to speak to the Commission to fill out a speaker form.

### IV. GENERAL PUBLIC COMMENTS

Chairman Frazier informed the public that there would be two opportunities to speak during the meeting, once during the general comments, and another during the public hearing. He emphasized that all comments regarding Bellaire High School must be made during the public hearing.

**Persons at the meeting who have indicated their desire to be heard on matters of general interest to the Commission by submitting the form provided shall have three minutes to present their comments. The Commission is not permitted to fully discuss, debate, or consider items that**

Minutes Acceptance: Minutes of Jun 13, 2017 6:00 PM (Approval of Minutes from Past Meetings)

**are not on the agenda. Questions presented to the Commission may be referred to staff.**

There were no general public comments.

## V. PUBLIC HEARINGS

Docket #SU-2017-02, 03-Public Hearing on an application filed by Steven Gee, Project Manager, Houston Independent School District, for a Specific Use Permit, as required by Chapter 24, Planning and Zoning, Section 24-531 C. (2) a), for the re-construction and operation of Bellaire High School, at 5100 Maple Street, within the R-1 Residential Zoning District; and for a second Specific Use Permit, as required by Section 24-532 B. (2) a), for the re-purposing of Gordon Elementary School/Mandarin Chinese Language Immersion Magnet School as Bellaire High School's baseball practice facility, at 6300 Avenue B, within the R-3 Residential Zoning District.

### 1. Presentation of the Public Hearing Process

Mr. McDonald reviewed the public hearing process for the Commission and the public.

### 2. Presentation by the Applicant

**Steven Gee, Project Manager for HISD**-Mr. Gee informed the Commission and the public that he is the Project Manager for Houston Independent School District. He then introduced Sam Savage of PBK Architects, whose firm had prepared the application and would be giving the presentation.

**Sam Savage, PBK Architects**-Mr. Savage stated that this project has been going on for nearly 4 years and that this proposal is the result of a collaborative effort by HISD, the parents, the faculty, and the surrounding residents. He then showed a picture of the existing campus and explained that in the new proposal the school will be taking on all parking on site. Mr. Savage stated that because of this, the school has decided to propose the construction of an off-site baseball field at 6300 Avenue B in order to open up some of the site at 5100 Maple Street, which is the second specific use permit (SUP) that is being requested. He then showed the master plan for the school, as well as the site at 6300 Avenue B and explained the layout and all of the ingress and egress points on the sites, as well as where all of the parking would be located. Mr. Savage explained that the science building was completed recently and will be the only building that will stay in place. He assured the Commission and the public that the proper amount of landscaping will be installed to create the buffers necessary for the residential zone. He then stated that the parking garage will be 4 stories, or 38 feet tall, and went on to explain the height on the other buildings on the site as well. Mr. Savage then showed depictions of the neighborhood views, as well as the traffic flow for the parking garage, pick up and drop off, and the buses. He mentioned that another lane will be added on Maple so that through traffic will be able to get by.

### 3. Staff Findings

Mr. McDonald informed the Commission that HISD has applied for two specific use permits, one for the rebuild and operation of Bellaire High School at 5100 Maple Street, and another to re-use the former Gordon Elementary site at 6300 Avenue B for a baseball field. He added that both the R-1 and the R-3 Zoning Districts allow for the use of schools with a specific use permit. Mr. McDonald pointed out that although this is two different applications for two separate specific use permits, it is being presented

together as it is part of one big project. He mentioned that the proposed high school will require two variances for the site at 5100 Maple Street, one for an increase in building height from 45 to 60 feet and the second for an increase in lot coverage from 50% to 80%. Mr. McDonald stated that both of these will go before the Board of Adjustment and that a decision should be made prior to the Commission's consideration of the SUPs. He added that a TIA was provided by the applicant and that the findings from the City's traffic engineer will be provided at the next meeting. Mr. McDonald stated that the parking demand study that was completed stated that 735 on site parking spaces were required, which is what is being proposed by the applicant. He added that this will remove all of the on-street parking that is currently on the site. He added that there are no proposed changes to utilities, water, or wastewater, and drainage will be filed with the building plans and will be reviewed by all necessary parties. He added that a new drainage system will be installed to address the new building's layout and lot coverage. Mr. McDonald mentioned that the security is provided by HISD's Police Department, with support from the Bellaire Police Department, and the Fire Department has no concerns at this time. He stated that a TIA for the Avenue B site has not been finalized but will be completed prior to the consideration of the item, and that the amount of off-street parking spaces being proposed is adequate for the site. Mr. McDonald stated that no additional utilities, water, or wastewater will be needed on that site, and a drainage plan will be submitted and reviewed by the City.

#### 4. Public Comments

- i. **Persons at the meeting who have indicated their desire to address the Commission by submitting the form provided shall have three (3) minutes each to present comments concerning the Application. This time limit may be extended to five (5) minutes at the discretion of the Chair with the consent of the Commission.**

**Swati Narayan**-Ms. Narayan informed the Commission that she is a member of the faculty at Bellaire High School, as well as the Project Advisory Team for the school. She added that she is in support of the re-development of the school and that change is necessary. Ms. Narayan stated that there are obviously going to be some concerns with ingress and egress, but that she wishes the residents would keep the greater good in mind.

**Tony Gray**-Mr. Gray explained that the school has a significant impact on the surrounding residents and that he would support the plan with a few conditions. He added that this process has taken several years already and that the current proposed plan is the best one yet. Mr. Gray mentioned that adequate fencing will be needed on the site and that the ingress and egress of the parking garage is an issue. He urged the applicant to strongly consider how the students will enter and exit the garage.

**Rachel Crochet**-Ms. Crochet agreed that this is the best plan that the school district has proposed so far, and that she is in support of the plan. She added that as a resident of Holly Street she would like to see that a right-turn only be implemented for buses exiting onto South Rice in an effort to help with the flow of traffic and to ensure that they are not going straight onto Holly Street, which is not wide enough for a bus to pass through with cars parked on the street. She stated that ultimately it comes down to what is best for the kids. Ms. Crochet suggested that the City revisit permit parking in the area surrounding the school.

**Kevin Topek**-Mr. Topek stated that he was not in favor of the loss of vegetation in order to construct a baseball field at the old Gordon Elementary site. He then gave a

list of the benefits of trees and stated that he felt as though the applicant should do what they can to mitigate the damage done to the vegetation on site.

**Dan DeHart**-Mr. DeHart stated that everything seems to be happening on Maple Street and South Rice and asked why only two streets would be used for ingress and egress onto the site. He added that parents will continue to drop off on Maple Street and that the garage needs to be moved. He mentioned that as is, the current site plan does not fulfill the City's mission.

**Sandy DeHart**-Mrs. DeHart felt that the parking garage is needed, but is not in the right location. She mentioned that the residents on Maple already deal with a great amount of loitering and the proposed site plan will only make things worse. She was also concerned about emergency vehicle access during drop off and pick up times. Mrs. DeHart felt that the current site plan will be putting lives at risk.

**Mindy Vanderford**-Ms. Vanderford stated that she is opposed to the construction of a baseball field at the old Gordon Elementary site. She stated that not only would it lead to an increase in traffic, but it would also possibly lead to an increase in traffic accidents and sexual assault crimes in the area due to the age demographic that would be present. Ms. Vanderford also mentioned that she knows drinking is taking place on site currently, due to the amount of beer cans/bottles that can be found in the trash cans. She pointed out that trees lower the rates of burglary.

**Garrick Behelfer**-Mr. Behelfer stated that the parking garage location is not acceptable, and that no TIA could conclude that traffic would be improved by the location of the garage. He added that the safety of the nearby residents, as well as the students and faculty is being diminished.

**Elise Neal**-Ms. Neal informed the Commission that she lives in close proximity to the old Gordon Elementary site and was also concerned about the loss of vegetation that is currently in existence. She also questioned what type of fencing and netting was going to be present, the frequency of games, whether a loud speaker system would be installed, and parking.

**Belinda Schmidt**-Ms. Schmidt stated that she also lived close to the old Gordon Elementary. She felt that the applicant should look into the possibility of moving the trees. She asked about the traffic flow and whether a TIA was completed. Ms. Schmidt also asked whether buses would be bringing the kids over to the site or if they would be driving their own cars. She then asked what the timeline was and about the construction process.

**Cindy Reichek**-Ms. Reichek mentioned that she understands the need to rebuild the high school, however, the parking garage was never on Maple in the previous plans that had been proposed. She stated that she feels as though it is a major safety concern.

**Wei Sun**-Mr. Sun stated that he was very disappointed and shocked to learn of the proposed plans. He added that his home was built recently and that his driveway approach has already had to be fixed due to all of the traffic that uses his property. He agreed that the garage is in the wrong location and goes against the City of Bellaire's mission statement.

**Candice Chin**-Ms. Chin stated that the current proposed plan is not going to work, and that the traffic in the area is already awful.

**Sarah Carter**-Ms. Carter stated that she lives close to the site at Avenue B. She was also concerned about the mature trees on site, as well as drainage/water retention, adequate parking, and how and when the field will be used.

**Bruce Creswell**-Mr. Creswell informed the Commission that he has lived at 5113 Maple for 47 years and the traffic went from nothing to crazy. He added that most days he cannot back out of his driveway. Mr. Creswell questioned whether there was enough drainage on site and what the plan was for construction trucks. He stated that the parking garage is ridiculous.

**Richard Franke**-Mr. Franke stated that he is in support of the rebuild of the high school, but that the parking garage should be put on South Rice. He added that the number one priority is to keep the tax rates going up, and that safety and security are second in line.

**A. Harkness**-Mr. Harkness was concerned that the buses would be able to exit the site and go straight over to Holly Street. He added that the esplanade on Holly makes it difficult for buses to get by.

**Debbie Johnson**-Ms. Johnson mentioned that the main thoroughfare is South Rice and that is where the ingress and egress should be located. She stated that the safety of the children should be the number one priority.

**Jill Almaguer**-Ms. Almaguer stated that Bellaire High School is a flagship high school and that the applicant needs to find the best possible solution to get it right for everyone involved. She agreed that South Rice is the main thoroughfare and should be the location of ingress and egress onto the site. Ms. Almaguer also asked about the location of the softball diamond.

**Todd Blitzer**-Mr. Blitzer informed the Commission that he is a member of the PAT and that this battle has been going on for three years. He added that the current proposal is a solution that is equitable for the size of site that HISD is dealing with in this situation. Mr. Blitzer pointed out that this site is the smallest of the HISD sites but houses the biggest number of students. He stated that this has been a collaborative effort by everyone involved and that he is in support of the proposal.

**Gina Depampilis**-Ms. Depampilis stated that she does not agree with the former Gordon School being torn down to construct a baseball field due to the fact that more schools are needed in the area. She mentioned that the ones that are located in Bellaire are overcrowded. Ms. Depampilis added that the City Council really needs to take a look at the progressive infrastructure of the City and how all of these children are going to be educated.

**Dr. Camille George**-Dr. George informed the Commission that he has lived in Bellaire for 17 years, and is concerned about the impact of the baseball field project on Russ Pitman Park. He added that he has a two year old and that they utilize the park quite often. Dr. George stated that he feels as though the traffic and parking has not been addressed correctly. He mentioned that HISD does not have a great track record of keeping their word or managing projects the way that they should be managed. Dr. George stated that for those reasons, he was opposed to the school using the former Gordon Elementary site for a baseball field.

**Chris Young**-Mr. Young stated that he has lived on Valerie Street for about 20 years. He added that based on what they are currently proposing, he will have a 40 or 60 foot building in very close proximity to his home. Mr. Young mentioned that if a



variance was granted for the increase of building height, that could ultimately end up anywhere on the site. He added that currently he can see into the science building from his home and people in the science building can see them, so there is no privacy. Mr. Young stated that his property value is going to decrease with the addition of a tall building so close to his home.

**Jo Ramchandani**-Ms. Ramchandani informed the Commission that she is a resident of 5129 Maple Street. She stated that she has recently had some medical issues and is concerned that an emergency vehicle will not be able to access her home during the busy drop off and pick up times. Ms. Ramchandani mentioned that the staff reports suggested that the Fire Marshal has no concerns, and she stated that she didn't know how that could be possible. She mentioned that based upon the TIA that was completed, there will be approximately 545 vehicles that will come out of the parking garage at peak hour and questioned how long it would take them to get past the stop sign at Maple and Ferris. She also agreed with Ms. Vanderford's comment regarding an increase in traffic accidents based on the age demographic, as well as the comments regarding the fact that the property values are going to decrease.

**Aparna Shewakramani**-Ms. Shewakramani stated that she currently lives at 5129 Maple Street with her mother, but that she bought the house about four years ago. She mentioned that the parking situation is just not equitable and that everything is being dumped on Maple Street. Ms. Shewakramani pointed out that no one that lived in the neighborhood surrounding the school were members of the Project Advisory Team.

**Lynn McBee**-Ms. McBee congratulated the audience for their attendance and articulation of their concerns. She suggested that the Commission send this application back to the applicants in order to address the issues that have been presented by the public. Ms. McBee stated that the City must require that impacts of change be shared reasonably and equitably, therefore, the parking garage needs to be relocated. She added that she was delighted to see the new facilities for biking and biking storage, but mentioned that Ferris Street needs to have a new bike lane separated from the vehicular traffic. Ms. McBee stated that the enemy of this project is density and growth, and suggested that there be a condition put on the SUP that the school's attendance should not exceed an enrollment of 2500 or 3000 students. She then asked if underground access to the parking garage would be a possibility.

Chairman Frazier mentioned that there were also several written comments that had been received by the Commission.

## 5. Response of Applicant

Mr. McDonald pointed out, prior to the rebuttal from the applicant, that the variance requests will be specific to a building and a location on the site and would not be granted generally across the property. He added that the variance requests are not part of the Commission's decision making.

Mr. Gee thanked all of the residents for their comments and stated that they are listening to the concerns that were voiced. He added that a lot of the questions that had come up were things that HISD will be addressing when they get into the design aspect of the school, however, they are currently still in the conceptual design phase of the project.

Mr. Savage thanked the community for all of the concern that was raised, and stated that they are very cognizant of those concerns. He added that Dustin Qualls, a principal



with Traffic Engineers, Inc, was present to give more information about the TIA that they completed for the project. Mr. Savage stated that he was going to let Mr. Qualls discuss the possibility of relocating the parking garage, which would then move more traffic and volume to South Rice.

Mr. Qualls informed the Commission that his passion is in helping schools with vehicular and pedestrian traffic and that he is there to listen and work to provide solutions that benefit everyone involved. He added that the study is written as a technical report but that he would be happy to visit with anyone to discuss the laments terms of what study says. Mr. Qualls stated that getting some metered traffic on South Rice, with the installation of traffic signals at both Holly and Maple, would make a huge dent in achieving segregation and safety improvements for the area. He also mentioned that they are not against the idea of seeing what could be done to relocate the garage to another area of the site plan, for instance, possibly opening up onto Holt Street and making it a four-way intersection. Mr. Qualls pointed out that one of the primary objectives that is taken into consideration is to ensure that all off-site parents, students, and staff can be housed on site. He reiterated that with the addition of the parking garage, all of the on-street parking will be removed and will help improve the site circulation compared to what it is now.

Mr. Savage mentioned that there were many comments about how the buses were going to exit the site and stated that HISD can control the bus routes. He added that he understands the concern regarding the loss of mature trees at the former Gordon Elementary site, and assured the public that they would do whatever they could to minimize the impact of the trees on that site. Mr. Savage mentioned that there will always be coaches present at the site when the baseball team is there, so there should be no issues with unsupervised students. He added that fencing and netting will absolutely be installed around the baseball field at the Avenue B site and that at this point they do not plan to install lighting on the property. Mr. Savage stated that he was not sure about whether or not sponsor signs would be put up on the property. He pointed out that junior varsity games would be played there, but no varsity games or play-off games would take place at that site. Mr. Savage stated that he would have to go back and take a look at the schedule to see about the frequency of the games that will be played there. He also mentioned that there have been concerns voiced about the traffic that the baseball field will create, and stated that it would be similar to the traffic that the school brought in. He added that currently the school is closed but HISD will have to utilize that property in some form or fashion.

Mr. Gee mentioned that they are looking into also including the softball facility at the former Gordon site. He added that they are working in conjunction with the City of Bellaire for a joint-use agreement to share the facility.

Mr. Savage stated that they do not plan to have big windows which would invade on the privacy of the surrounding residents. He added that they may have some high, small windows in order to bring in some natural light, but nothing that would be invasive for the property owners. Mr. Savage reiterated that the variance in building height is only being requested for a specific classroom within the site, not for the site in general. He pointed out that they did look into underground access to the parking garage, but felt that it was not feasible due to the increase in cost as well as the fact that the property is located in the floodplain.

## 6. Questions from the Commission

Commissioner Steinberg asked if the applicant had looked into the possibility of dumping the parking garage into the surface parking lot and then forwarding that to Rice.

Mr. Savage stated that they did take a look at that, but there is concern with dumping everything out onto South Rice.

Mr. Qualls mentioned that South Rice is almost at its capacity right now, and some access management would have to be completed before that would be a possibility. He added that the traffic signals that he previously mentioned would be a good start.

Commissioner Steinberg asked if they had thought about putting a light where the traffic would exit versus lights at Holly and Maple.

Mr. Qualls stated that he has not taken a look at that, but feels that it would be worth taking the time to do so.

Commissioner Steinberg asked if they had considered removing the drive in between the sports field and the school and continuing the access lane like it is right now all the way to Ferris, and backing up the buildings on Rice to make an extra lane for the buses to drop off as they do now.

Mr. Savage stated that they could take a look at that.

Commissioner Steinberg asked if Maple would still be one-way during those hours.

Mr. McDonald stated that he was not sure what the TIA said with regard to that.

Commissioner Steinberg mentioned that if it takes people 30-45 minutes to get out of the garage no one is going to want to park there. He was concerned about how on-street parking throughout the neighborhood will be controlled.

Mr. McDonald informed the Commission that the City is currently looking into how to best control that.

Commissioner Steinberg mentioned the comment made by the applicant that a third lane was going to be installed on Maple Street and was concerned with how that was going to impact the buffers.

Mr. Savage explained that the right-turn lane will be encompassed on the property of Bellaire High School and because of that it will still allow enough room for a tree buffer.

Commissioner Steinberg asked for clarification on whether that was the City of Bellaire ROW.

Mr. McDonald stated that they would be using part of the ROW to put in a third lane. He added that the main concern from the City's standpoint would be to ensure that the sidewalk was still open and available for pedestrian access, which it would be in this case.

Commissioner Steinberg asked why the former Gordon site was chosen as the place for the baseball field.

Mr. Gee stated that it was actually brought up during many meetings and was suggested by Bellaire residents.

Commissioner Steinberg asked if HISD had looked at any secondary locations for the baseball school.

**Dan Bankhead, HISD**-Mr. Bankhead explained that HISD has a very active real estate department that has combed the City for other possible locations. He added that they also vigorously chased the Chevron property but were unfortunately unable to secure it.

Commissioner Steinberg asked the applicants if they felt as though they were far enough along in their design for the Commission to make a decision on the project as it has been presented, or if they would like some additional time to revise the site plan based on the comments and concerns that were heard during the public hearing.

Mr. Bankhead stated that he would like for the Commission to look at the plans as they have been submitted, with the understanding that they will take the suggestions into consideration to possibly revise the design in order to better accommodate the residents. He added that they would also be open to any conditions that the Commission feels is necessary to attach to the SUP. Mr. Bankhead mentioned that they would like to be able to move forward as soon as possible.

Commissioner Steinberg asked if they had looked at the height of the buildings were they approach the back of Valerie to see if it blocks the sunlight at any time of the year.

Mr. Savage stated that they did not look at that, but that they would certainly do so.

Mr. McDonald pointed out that the side setback for schools is 20 feet, and they are proposing an adequate amount of buffering on both sides of the street.

Commissioner Thorogood stated that he is concerned with the idea of substituting a baseball field for a parking garage, while increasing the lot coverage to 80% and tearing down an elementary school that is needed in the community due to the changes in the demographic areas.

Mr. Bankhead stated that in HISD's opinion, and based on the information that they have, there are adequate facilities to educate the kids and there is currently no plan to use the former Gordon Elementary as an additional school. He added that the reason why Gordon was replaced by the Mandarin School was due to the fact that HISD did not have the numbers to support Gordon at that time. Mr. Bankhead stated that even as it stands today, they do not have the kinds of numbers that would prompt HISD to open that school again.

Commissioner Thorogood mentioned the resident who stated that she was not able to get her child into Horn Elementary because their numbers were too high. He also stated that he has heard of other residents who had trouble getting their children into Condit. Commissioner Thorogood pointed out that although the schools are built, it seems as though the Bellaire residents are not able to go there. He questioned why the community should be impacted with this project.

Mr. Bankhead stated that he would have to look specifically at that resident's situation, but explained that students that live within the zone of a particular school get first priority. He mentioned that in most instances where students are turned away it is due to the fact that they are not zoned for that school.

Commissioner Thorogood mentioned that the TIA was based on 3100 students, however, the school's website listed an enrollment of 3,572 students. He asked what the plan was to reduce the number of students attending the school.

Mr. Bankhead explained that the bond that was passed included an enrollment number of 2,800 to 3,100 students for Bellaire High School and that is the target that HISD is looking at. He also mentioned that Bellaire's enrollment is comprised of quite a few transfer students. Mr. Bankhead pointed out that with the bond approval, HISD is building 20 new high schools which would hopefully cause some of the transfer students to go back to the schools that they are actually zoned for. He mentioned that they will see a natural distribution once these schools are open.

Commissioner Thorogood asked if HISD would accept an enrollment cap of 3,100 students as a condition to the SUP.

Mr. Bankhead reiterated that it was already in the plans to get it down to 3,100, but that it would be completely up to the Commission.

Commissioner Thorogood asked if any other HISD schools have a multi-story, 600 car parking garage.

Mr. Bankhead stated that Lamar High School will have one that is slightly bigger than what is being proposed for Bellaire High School and some others have ones that are smaller.

Commissioner Thorogood mentioned the topic of a possible joint-use agreement with the City for the use of the park facility on Avenue B and asked for more information on that.

Mr. Bankhead stated that HISD has initiated discussions regarding a joint-use agreement and would like for that to happen, but nothing concrete has been put into place.

Commissioner Thorogood suggested that the batting cages and area noted as "tee ball" on the site plan be relocated into the parking lot area, which would leave green space on the corner at Avenue B. He also urged HISD to stick with no lighting on the property and felt that a possible condition might be to limit the field to only Bellaire High School use. Commissioner Thorogood stated that he doesn't feel as though a baseball field is a good use for this property when it seems as though there is a demand for more schools in the area.

Commissioner Skinner asked if the egress of the parking garage could be moved to South Rice without actually relocating the parking garage.

Mr. Bankhead stated that they could look at that possibility, but there is still concern with separating some of that traffic and not dumping it all onto South Rice.

Commissioner Skinner asked if there was a percentage cap on the number of neighborhood students that are allowed to go to a school, and if transfer students are brought in once that percentage has been met.

Mr. Bankhead explained that in terms of access and availability, everyone who is zoned for a school has the opportunity to go to the school. He added that if kids who are zoned for a school make up 100% of its attendance then no transfers are allowed in.

Commissioner Skinner mentioned that students do not safely cross the street to get to the high school, but mentioned that she is not sure that things of that nature could be controlled.

Mr. Bankhead pointed out that the installation of traffic signals will help with that issue.

Mr. Qualls added that a hedged, landscaped barrier on the west side of South Rice from Maple up to Holly would help as well.

Commissioner Skinner stated that the teachers may not want to or may not feel safe parking in the parking garage. She asked what incentives there will be in order to get them to do so.

Mr. Bankhead explained that an easy in and an easy out will help. He also pointed out that the garages will be secured and well-light. Mr. Bankhead mentioned that the principal can also mandate that the teachers park in the parking garage.

Commissioner Skinner asked about the detention on the Bellaire High School site.

Mr. Savage explained that a sufficient, underground detention system will be installed to mitigate for the proposed increase in lot coverage on the site.

Vice Chairman Stiggins asked if a ramping down system could be added and a traffic light installed at the entrance and exit in an effort to control two lanes of traffic coming out.

Mr. Bankhead stated that they could take a look at that.

Vice Chairman Stiggins asked if the City could enforce no parking on the north side of Maple and Ferris.

Mr. McDonald stated that the City has control over its rights-of-way. He added that within the Commission's recommendation they would ask that the City work with Public Works to ensure that north Maple and east Ferris were declared no parking areas.

Vice Chairman Stiggins stated that he agrees with all of the previous comments made regarding the parking and queuing at the high school. He asked if the Commission could put conditions for times of operation on the baseball field.

Mr. McDonald stated that they could to an extent, but that the issue is with the fact that the school district and the City have a relationship. He explained that throughout Bellaire, the little league and the school district have entered into agreements to share the facilities.

Vice Chairman Stiggins mentioned that there is currently no parking on one side of Avenue B and asked if that would remain.

Mr. McDonald confirmed that it would stay the same.

Commissioner Saikin asked if there would be a parking attendant at entrance to the parking garage.

Mr. Bankhead stated that a parking attendant has not been discussed, but mentioned that some of the other parking garages within the district require an ID badge to enter. He stated that this would be a possibility for Bellaire High School as well.

Mr. Savage added that the possibility of simply having the arms up in the morning and in the afternoon was discussed, and then some sort of ID card would be required at other off-times during the day. He mentioned that the specifications of entering and

exiting the garage have not been decided yet, but that they do have a very good, local parking garage consultant that they are bringing on to help with this.

Commissioner Saikin asked if the Commission would have that information prior to consideration of the application.

Mr. Bankhead and Mr. Savage stated that they are really not that far along yet.

Commissioner Saikin then asked who would control the use of baseball field.

Mr. Bankhead stated that ultimately HISD would control who uses the field, but he did not feel that they would be sharing it with other campuses.

Mr. McDonald added that a condition could be put on the SUP that would help to control that.

Chairman Frazier asked what direction the buses would turn onto South Rice.

Mr. Bankhead mentioned that if the traffic signals were installed then it would give the buses the opportunity to turn left, but ultimately it will be what gets the buses out the fastest and has the least impact on the neighborhood.

Mr. Qualls pointed out that if the signal is installed then they could possibly time the lights to allow for multiple buses to get through within a short amount of time.

Chairman Frazier asked what the width of the sidewalks would be.

Mr. Bankhead stated that five feet is what they normally do on their campuses.

Mr. McDonald added that the requirement within the City is five feet around the outside of the site, however the interior sidewalks are at the school district's discretion.

Chairman Frazier asked what the plan is for the students and the surrounding area during construction.

Mr. Bankhead stated that the students will stay in place and continue to go to class as usual, and the construction company will be responsible for identifying a place for its employees to park and then bus the workers over to the site.

Chairman Frazier asked if the parking garage would be a solid wall.

Mr. Savage stated that there will be openings throughout and will look very nice.

Mr. McDonald mentioned that design standards are not present for residential zoning districts and suggested that the Commission may want to tie in the design standards for the parking garage from the commercial zoning district regulations.

Commissioner Skinner asked how the kids would get over to the baseball fields.

Mr. Bankhead explained that in most cases the coaches would like to have them shuttled over together.

Commissioner Thorogood asked if there would be an announcement system installed at the baseball field on Avenue B.

Mr. Bankhead stated that there will be a small one, but nothing significant as it will only be for junior varsity games.

Commissioner Thorogood asked what the months of use would be for the field.

Mr. Bankhead stated that he would have to get more information on that. He then thanked everyone for all of the input and stated that they will be taking those things to heart. He mentioned that he hoped that the Commission can see their way to approving the plan with the condition that some changes are made that were suggested during the public hearing.

### **7. Invitation for Written Comments, if applicable**

Mr. McDonald reminded the Commission that beginning in July, the meetings will be moved to the second Thursday of the month to accommodate for courts, which means the July meeting will be on the 13th. He then stated that written comments on the application will be received until July 5th, at 5:00 PM.

### **8. Closure of the Public Hearing**

**Motion:** a motion was made by Commissioner Thorogood and seconded by Commissioner Steinberg to close the public hearing.

**Vote:** the motion carried on a unanimous vote of 6-0.

**The public hearing was closed at 8:59 PM.**

## **VI. CURRENT BUSINESS (ITEMS FOR DISCUSSION, CONSIDERATION, AND/OR POSSIBLE ACTION)**

### **1. Consideration and possible action on a request to staff to present a plan forward on Visioning Bellaire: Urban Design and Beautification Conceptual Master Plan.**

**Motion:** a motion was made by Commissioner Steinberg and seconded by Commissioner Skinner to request staff to present a plan on Visioning Bellaire: Urban Design and Beautification Conceptual Master Plan.

**Vote:** the motion was carried on a unanimous vote of 6-0.

Chairman Frazier then asked Mr. McDonald if the Commission would be in the position to vote on the Bellaire High School application at the July meeting considering all of the concerns and proposed changes that were discussed during the public hearing.

Mr. McDonald explained that if the only change in the site plan is regarding the path of travel for the garage then an additional public hearing would not be required. He recommended moving forward with the consideration at the July meeting and then letting the Commission determine whether or not they feel comfortable voting on the item.

Commissioner Steinberg asked if the City could give HISD a deadline for submitting the additional materials and mentioned that he would not feel comfortable voting on the item if a site plan was not sent out to the public prior to the meeting.



Commissioner Saikin asked what control the City has on the site after construction is completed.

Mr. McDonald explained that the City always has the right to control its streets.

#### **VII. COMMITTEE REPORTS**

There were no committee reports.

#### **VIII. CORRESPONDENCE**

There was no correspondence.

#### **IX. REQUESTS FOR NEW BUSINESS, ANNOUNCEMENTS AND COMMENTS**

##### **1. Staff liaison report on the status of projects previously addressed by the commission as well as projects for future meetings.**

Mr. McDonald informed the Commission that this would be his last meeting, as his last day with the City of Bellaire will be June 30th. He added that he is retiring and taking a job as the Community Development Director in the City of Pearland.

The Commission congratulated Mr. McDonald and thanked him for all of his hard work over the years. They stated that he would be missed.

##### **2. The Chairman shall recognize any Commissioner who wishes to bring New Business to the attention of the Commission. Consideration of New Business shall be for the limited purpose of determining whether the matter is appropriate for inclusion of a future Agenda of the Commission or for the referral to staff for investigation**

Chairman Frazier mentioned that two new members will be sworn in at the July meeting, however, the current Commission will consider the Bellaire High School application as unfinished business, prior to the new commissioners assuming their duties.

Commissioner Thorogood asked what would happen if the Commission was not able to vote on the application that night.

Mr. McDonald explained that it would be pushed to August and that the new commissioners would be brought up to speed on the application before that meeting.

There was no new business brought to the attention of the Commission.

#### **X. ADJOURNMENT**

**Motion:** a motion was made by Commissioner Thorogood and seconded by Commissioner Skinner to adjourn the Regular Meeting.

**Vote:** the motion carried on a unanimous vote of 6-0.

**The meeting was adjourned at 9:13 PM.**

**Planning and Zoning  
Commission**

Council Chamber, First Floor of City  
Hall  
Bellaire, TX 77401-4411



Meeting: 07/13/17 06:00 PM  
Department: Development Services  
Category: Policy  
Department Head: ChaVonne  
Sampson  
DOC ID: 2338

**SCHEDULED  
ACTION ITEM (ID # 2338)**

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**Item Title:**

Adoption of the Rules of Procedure

**Background/Summary:**

The Commission is required to adopt the Rules of Procedure at the beginning of each new term.

A copy of the current rules are attached.

**ATTACHMENTS:**

- P&Z Rules of Procedure 2016-2017 (PDF)



**Rules of Procedure**  
**Planning and Zoning Commission**  
**City of Bellaire, Texas**  
**2016-2017 Term**

Adopted: July 2016  
Amended: October 2015

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## Article I Purpose and Enabling Authority

### Section A General

The Planning and Zoning Commission of the City of Bellaire, Texas (the “Commission”) is an advisory body to the City Council regarding Zoning and subdivision regulations. The Commission is also responsible for the review and approval/rejection of Plats and for making recommendations to the City Council regarding plans for the physical development of the City.

The existence of the Commission is governed by state and local laws. These include, but are not limited to:

- Texas Local Government Code, Chapter 171, *Regulation of Conflicts of Interest of Officers of Municipalities, Counties and Certain Other Governments*
- Texas Local Government Code, Chapter 211, *Municipal Zoning Authority*
- Texas Local Government Code, Chapter 212, *Municipal Regulation of Subdivisions and Property Development*
- Texas Government Code, Chapter 551, *Open Meetings Law*
- Texas Government Code, Chapter 552, *Public Information*
- Bellaire Code of Ordinances, Chapter 2, Article VI, *Code of Ethics*
- Bellaire Code of Ordinances, Chapter 2, Article VII, *Boards, Commissions and Committees*
- Bellaire Code of Ordinances, Chapter 23.5, *Land Subdivision Regulations*
- Bellaire Code of Ordinances, Chapter 24, *Planning and Zoning*

### Section B Advisory Role

Actions taken by the Commission in its advisory role are in the form of recommendations to the City Council. Such actions include, but are not limited to:

- Responding to requests from the City Council, the Staff Liaison, or City Manager.
- Reviewing the Comprehensive Plan and reporting on such review to the City Council.
- Recommending amendments to the Code of Ordinances concerning matters involving land use regulations and the future growth and regulation of the City.
- Considering Applications brought before the Commission for planned developments, Specific Uses, permitted uses, or other amendments to Zoning regulations or the official Zoning District Map as provided by the Code of Ordinances.
- To identify and explore community needs for such things as, commercial re-development, city beautification projects, and other

planning and development ideas that build on the goals of the Comprehensive Plan, and bring such ideas to the attention of City Council.

- Annually reporting to the City Council the Commission's needs, accomplishments, and recommendations.

In its advisory role, the Commission communicates with the City Council by requesting that the City Manager, Mayor, or any Council Member place an appropriate item on a City Council meeting Agenda and, if warranted, in writing. When appropriate, the Commission should request an opportunity to present information at a regular meeting of the City Council or other appropriate venue. Successive applications by the same party on the same subject matter shall be governed by the Code of Ordinances.

### **Section C Administrative Role**

The City Council has specifically delegated exclusive authority to the Commission for the review and approval/rejection of Plats. Actions by the Commission regarding Plats are final and cannot be appealed to the City Council, but may be appealed to other judicial authorities. The authority delegated to the Commission includes, but is not limited to:

- Applications for a preliminary Plat
- Applications for a final Plat
- Applications for a preliminary Replat
- Applications for a final Replat
- Applications for an Amending Plat

The City Council has specifically delegated review and advisory authority to the Commission for Specific Use Permits (SUP), however, final approval of the SUP lies with City Council.

No formal requests for advice or moot questions will be considered by the Commission. Any advice, opinion or information given by any Commissioner or by the Secretary or any other official or employee of the City of Bellaire shall not be binding on the Commission.

## **Article II Definitions**

### **Agenda**

A document listing and describing items of business and other matters to be addressed at a meeting of the Commission, duly established and published in accordance with the Open Meetings Act, Chapter 551 of the Texas Government Code.

### **Amending Plat**

A modification of an existing Plat that is controlling over the preceding plat without vacating that plat, pursuant to Texas Local Government Code, Chapter 212. In the case of an Amending Plat governed by Texas Local Government Code, subsections

212.016(a)(7, 9, 10 or 11), such Amending Plat may not amend or remove existing covenants or Deed Restrictions. Notice, a hearing, and the approval of other lot owners are not required for the approval and issuance of an Amending Plat. See also Replat and Plat.

### **Applicant**

A person or entity (or the duly appointed agent or representative of a person or entity), that presents to the Commission an Application for action or decision within the authority of the Commission.

### **Application**

A request made to the Commission for action or decision within the authority of the Commission that is presented in compliance with the Code of Ordinances and the requirements of the Development Services Department of the City.

### **City**

The City of Bellaire, Texas.

### **Commissioner**

A person duly appointed by the City Council to serve on the Commission in accordance with Section 24-302 of the Code of Ordinances.

### **Committee**

A group appointed by the Chair to address a specific issue of interest to the Commission. Committees may be composed of Commissioners and/or other persons with helpful knowledge or expertise. Committees shall not include any number of Commissioners that would constitute a Quorum of the Commission.

### **Comprehensive Plan**

A present statement of policy and a guide for future land use decisions, adopted as an ordinance by the City. See Section 24-401 of the Code of Ordinances; 24-403 (Official Zoning District Map).

### **Council Liaison**

A member of City Council, appointed by City Council, to act as a facilitator between the Commission and City Council.

### **Current Business**

Any matter that is on the Agenda to be addressed at a Regular Meeting or Special Meeting of the Commission, for consideration and possible action at such meeting.

### **Deed Restrictions**

An existing and valid recorded covenant or restriction affecting the use of a property. The Commission may not approve a Replat, or an Amending Plat governed by Texas



Local Government Code, Section 212.016(a)(10), if such approval would result in the amendment or removal of a Deed Restriction.

### **Easement**

The lawful right that one person or entity has to use the property of another person or entity, for a specific or general purpose, for a definite or indefinite term, as further defined in Chapter 24 of the Code of Ordinances.

### **New Business**

Any matter to be considered for inclusion as Current Business on the Agenda of a future Regular Meeting or Special Meeting of the Commission. No action may be taken on New Business, other than to designate it as Current Business on the Agenda of a future Regular Meeting or Special Meeting of the Commission, to be properly noticed in accordance with the Open Meetings Act, Chapter 551 of the Texas Government Code. New Business may also be designated as the subject of a future Commission Workshop.

### **Plat**

A document, which may include a graphic description of a tract of land by metes and bounds, giving the dimensions of all Easements, setbacks, subdivision names, streets, alleys, squares, parks and other public areas, and giving the dimensions of all lots or tracts contained therein, pursuant to Texas Local Government Code, Chapter 212 and the Code of Ordinances. The Commission is not permitted to consider existing covenants or Deed Restrictions when considering a request for approval of a Plat. See also Amending Plat and Replat.

### **Public Hearing**

A meeting or an Agenda item on a meeting of the Commission to receive comments of any interested person or entity concerning the following: (i) any amendment to the Code of Ordinances prior to formal recommendation by the Commission to the City Council in the Commission's advisory role; (ii) certain Replats; (iii) any other item of business requiring the use of a Public Hearing; or (iv) any item of business that the Commission deems in its sole discretion to be conducive to the conduct of a Public Hearing.

### **Quorum**

A Quorum of the Commission is any four or more Commissioners.

### **Regular Meeting**

A meeting of the Commission held pursuant to an Agenda. Regular Meetings of the Commission are held on the second Tuesday of each month in the Council Chambers of the City, 7008 South Rice Avenue, Bellaire, Texas or at such other location as designated by the Agenda.

If it should be necessary because of the workload that any Regular Meeting be continued to the following day, such a meeting will reconvene on the day following, and this second meeting shall be considered as part of the same session. The Planning and Zoning

Commission shall state the time and location of the second meeting prior to the conclusion of the first meeting.

### **Replat**

A proposed modification of an existing Plat pursuant to Texas Local Government Code Chapter 212 and the Code of Ordinances. A Replat may not amend or remove existing covenants or Deed Restrictions. See also Amending Plat and Plat.

### **Rules**

These Rules of Procedure of the Commission of the City.

### **Special Meeting**

A meeting of the Commission, other than a Regular Meeting, held pursuant to an Agenda.

### **Specific Use**

A certain use of land that, because of its nature and existing location, is not a use permitted by right.

### **Staff Liaison**

A City staff person appointed by the City Manager of the City in accordance with Section 24-304 of the Code of Ordinances. The Staff Liaison provides assistance to the Commission and is also known as the Zoning Official.

### **Workshop**

A meeting of the Commission called for the purpose of discussing a specific issue of interest to the Commission. No Business may be voted upon at a Workshop.

### **Zoning**

A power over division of land and its use granted to a City pursuant to Chapter 211, Texas Local Government Code, for the purpose of promoting the public health, safety, morals, and/or general welfare, and protecting and preserving places and areas of historical, cultural, or architectural importance and significance.

### **Zoning District**

A geographic division of land by means of land use.

### **Zoning Official**

See Staff Liaison.

## **Article III      Membership / Structure**

### **Section A      Appointment and Removal of Commissioners; Conflicts of Interest**

Membership on the Commission is by appointment made by the City Council of the City, pursuant to the Code of Ordinances.

The Commission consists of seven (7) Commissioners. Each Commissioner shall serve for two (2) years. Three (3) Commissioners are appointed in odd numbered years and four (4) in even numbered years. No Commissioner shall be appointed to serve more than three (3) consecutive full terms; any part of a term shall not constitute a full term.

Commissioners may be removed by City Council for cause after being provided with written charges and the opportunity to provide a defense at a City Council meeting in a closed session or, at the option of the Commissioner in question, at a Public Hearing. Vacancies shall be filled by a vote of the City Council, as necessary.

No Commissioner shall vote or participate as a Commissioner in any proceeding before the Commission that involves any matter regarding a business entity or real property in which that Commissioner has a substantial interest. If a substantial interest exists, the affected Commissioner shall disclose the nature and extent to the Commission by affidavit and remove him or herself from any participation in the discussion, deliberations, or action on the matter. The specific rules for determining when a substantial interest exists, and how it must be handled are defined by the following:

- §171.002 and §171.004 of the Texas Local Government Code,
- The Code of Ordinances, Chapter 2, Article VI, Code of Ethics, and
- Code of Ordinances, Chapter 2, Article VII, Division 2, §2-104.

### **Section B Officers of the Commission**

The officers of the Commission are the Chair and Vice Chair.

At the first or second Regular Meeting of each year following the regular appointment of Commissioners, a Chair and Vice-Chair shall be elected from among the Commissioners pursuant to the Code of Ordinances. The previous year's Chair shall preside over the election of the Chair, who shall immediately assume his or her duties and preside over the election of the Vice-Chair. .

In the event that either officer shall fail to complete his or her term of service for any reason, a new officer shall be elected to the vacated position at the next Regular Meeting.

### **Section C Chair's Duties**

The Chair shall preside over each meeting of the Commission. To this affect the Chair:

- Shall conduct meetings in an orderly, fair, and open manner.
- Shall oversee preparation of the Agenda for each meeting of the Commission as provided in Article IV Section A.

Pursuant to authorizations given by the Commission, the Chair shall:

- Sign Plats

- Submit findings and recommendations of the Commission to be forwarded to the City Council
- Prepare certifications of reasons for approval or denial of Plats requested by interested persons, in accordance with state law
- Correspond with the City Manager, Staff Liaison, Council Liaison, City Council, City Departments, or other boards or commissions as directed by the Commission
- At his or her discretion, request investigation by City staff regarding comments or questions brought by or to the attention of the Commission

#### **Section D Vice Chair's Duties**

The Vice Chair shall preside in the absence of the Chair. In the event of the absence or disability of the both the Chair and Vice Chair, the Commissioners shall elect an Acting Chair to preside during such absence. The Vice Chair or Acting Chair shall perform all of the acts required of the Chair until his or her return or replacement.

### **Article IV Agendas and Meetings**

Meetings of the Commission shall be conducted in such a manner as to allow for a fair and orderly examination of the issues before the Commission.

Meetings shall generally be conducted in accordance with parliamentary procedure as set out in the latest edition of Robert's Rules of Order unless otherwise specified by these Rules. However, breach of Robert's Rules of Order, in and of itself, shall not render any action by the Commission invalid.

The order of business for specific types of meetings is established in this Article. At any meeting, the order in which Agenda items are addressed may be altered by the Chair.

#### **Section A Establishment of the Agenda**

Items for consideration and/or action by the Commission may be placed on a meeting Agenda as follows:

- By the Chair;
- At the direction of the City Council or the request of the City Manager, Council Liaison, or the Staff Liaison;
- By written request from any other board or commission of the City delivered to the Chair or the Staff Liaison; or
- As required by state law or the Code of Ordinances.

No item may be submitted for inclusion on a meeting Agenda after noon of the seventh day preceding the date of such meeting.

#### **Section B Types of Meetings**

The types of meetings addressed by these Rules are as follows:

- Regular Meetings
- Special Meetings
- Public Hearings
- Commission Workshops
- Committee Meetings
- First Meeting of a New Commission

### **Section C Regular Meetings**

The Agenda and conduct for a Regular Meeting of the Commission shall be as follows:

#### **I. Call to Order and Announcement of Quorum**

After confirming that everyone necessary to conduct business is ready, the Chair shall call the meeting to order, noting for the record the time and date that the meeting is called to order.

The Chair shall determine and announce the presence of a Quorum. The Chair should announce and the minutes should reflect the names of Commissioners present and absent.

#### **II. Approval of minutes from Past Meeting(s)**

Minutes from the previous meeting(s) shall be reviewed and may either be approved (i) as submitted; (ii) approved with corrections; or (iii) deferred to a future meeting to allow time for staff corrections and revisions.

#### **III. Reminder To Persons Desiring To Address Commission**

Persons desiring to be heard on a particular Agenda item and/or on any matter of general interest to the Commission shall be afforded the opportunity to speak in accordance with these Rules. The Commission shall make available at the entrance to the meeting place the “Personal/Audience Comments Form” by which persons shall indicate their desire to be heard.

The Chair shall remind persons desiring to address the Commission that each person who wishes to speak, other than in presenting an Application or other matter on the Agenda to the Commission or if invited by the Commission to offer expertise on a particular matter, must submit the “Personal/Audience Comments Form.” To accommodate all speakers, citizen comments are limited to three (3) minutes. If another speaker wishes to yield their time to you, a total of six (6) minutes will be allotted for your comments. Please make sure that the speaker’s form indicates to whom they are yielding their time. If additional time is not yielded to the speaker, their time limit may be extended to five (5) minutes at the discretion of the Chair. Generally, written requests to speak will be accepted before completion of any docket item under consideration. However, in the event that the Commission is considering an Application, written requests to speak must be submitted before the Chair calls for the response of the Applicant.

#### **IV. General Public Comments**

Persons at the meeting who have indicated their desire to be heard on matters of general interest to the Commission, by submitting the form provided, shall have three (3) minutes each to present their comments in an order determined by the Chair. If another speaker

wishes to yield their time to you, a total of six (6) minutes will be allotted for your comments. Please make sure that the speaker's form indicates to whom they are yielding their time. If additional time is not yielded to the speaker, their time limit may be extended to five (5) minutes at the discretion of the Chair. . Media presentations are subject to the availability of the City's electronic equipment, and must be submitted to the Development Services Director for review in advance of the meeting. Questions presented to the Commission may be referred to staff.

#### V. Current Business

The procedure for considering Applications that do not require a Public Hearing is as follows:

- **Presentation of the Application by the Applicant.** The Applicant or agent(s) may make a presentation not to exceed fifteen (15) minutes in length.
- **Presentation of the Application by City Staff.** Staff shall provide a presentation on the Application providing pertinent information and findings.
- **Response or Additional Comments from the Applicant.** The Applicant may respond to the presentation by staff, public comments or make additional comments regarding the Application. Such response or additional comments shall be limited to five (5) minutes.
- **Discussion and Consideration by the Commission.** The Commissioners shall each have an opportunity to question the Applicant at the close of his or her Response or Additional Comments (if any). Then each Commissioner shall have the opportunity for questions to staff, public speakers, and/or general discussion concerning the Application. Following discussion, the Application shall be considered for approval upon motion of any Commissioner, duly seconded.
- **Voting.** Each Commissioner, including the Chair, is entitled to a vote on an Application. A motion to approve an Application passes upon votes in favor of the motion by a minimum of four Commissioners. In the event of a protest petition pursuant to Section 212.015 (c) of the Texas Local Government Code (regarding a proposed Replat requiring a variance), the vote required for approval shall be not less than 75% of the Commissioners present. Plats and Replats are approved unless denied.

Other items of Current Business for consideration and possible action by the Commission shall proceed similarly. In general, motions for action should be made in the affirmative.

#### VI. Committee Reports

A member of a Committee may present a report to the Commission concerning any issue such Committee has been designated to address. All Committee reports shall be in writing and provided to the Commission prior to any oral report.

#### VII. Correspondence

Staff shall report on correspondence received and/or other City business relevant and of interest to the Commission. Commissioners may also report on correspondence or other communications received concerning matters of interest to the Commission. All written correspondence that is discussed shall be provided for distribution to the Commission.

### VIII. Requests for New Business, Announcements and Comments

Staff, the Chair, and/or Commissioners shall announce Committee schedules, the need for Public Hearings, discussions before or by the City Council relative to Commission matters, the need for Commission participation in Council meetings or Public Hearings, or any other matter of interest to the Commission. The Chair shall recognize any Commissioner who wishes to bring New Business to the attention of the Commission for future Agenda or staff action.

### IX. Adjournment

The Chair shall entertain or call for a motion to adjourn. The meeting is adjourned upon motion of any Commissioner, duly seconded, and a majority vote of the Commissioners present.

### Section D Special Meetings

Special Meetings may be called by the Staff Liaison, the Chair or any two Commissioners, to occur at a time other than a Regular Meeting. Notice of a Special Meeting shall be given in conformity with the Texas Open Meetings Law and with the procedures of the City.

### Section E Public Hearings

Staff shall promptly bring to the Chair's attention any matters that require a Public Hearing. The Chair shall announce the need for such a hearing to the Commission, which shall set a time and place for such hearing. A Public Hearing may be held during a Regular Meeting or a Special Meeting.

In the event of a joint Public Hearing called by the City Council, the time, venue, Agenda, and procedure for conduct of the meeting is determined by the City Council.

The conduct of a Public Hearing shall be as follows:

#### I. Presentation of the Public Hearing Process

The City Attorney or the Staff Liaison shall present the Public Hearing process to be followed.

#### II. Presentation by the Applicant

The Applicant or his or her representative(s) shall have fifteen (15) minutes to present his or her request to the Commission.

#### III. Staff Findings

City staff shall present findings and conclusions of each City department and/or consultant that reviewed the Application.

#### IV. Public Comments

Persons at the meeting who have indicated their desire to address the Commission by submitting the form provided shall have three (3) minutes each to present comments concerning the Application. If another speaker wishes to yield their time to you, a total of six (6) minutes will be allotted for your comments. Please make sure that the speaker's



form indicates to whom they are yielding their time. If additional time is not yielded to the speaker, their time limit may be extended to five (5) minutes at the discretion of the Chair, with the consent of the Commission. Media Presentations are subject to the availability of the City's electronic equipment and must be submitted to the Development Services Director for review in advance of the meeting.

#### V. Response of Applicant

The Applicant may respond to staff findings, public comments or make additional comments regarding the request. Such response or comments shall be limited to five (5) minutes.

#### VI. Questions from the Commission

Each Commissioner shall have the opportunity to make inquiries of the Applicant, speakers or staff.

#### VII. Invitation for Written Comments, if applicable

The Chair shall announce that further evidence or comments from the public or from the Applicant shall not be received except in writing submitted to the Commission no later than a date certain (to be announced).

#### VIII. Closure of the Public Hearing

The Chair shall entertain or call for a motion to close the Public Hearing. The Public Hearing is closed upon motion of any Commissioner, duly seconded, and a majority vote of the Commissioners present.

### **Section F Commission Workshops**

The Agenda and conduct for a Commission Workshop shall be established by the Chair and Staff Liaison. Current Business may not be voted upon at a Workshop.

### **Section G Committee Meetings**

The order of business at a Committee meeting is wholly at the discretion of the Committee Chair.

### **Section H First Meeting of a New Commission**

The first meeting of a new Commission shall be a joint meeting of the outgoing Commission and the incoming Commission. The Chair of the outgoing Commission shall call the meeting to order and shall preside until the Chair of the incoming Commission is elected. The meeting will be conducted in two parts according to the Agendas and conduct established by the Chair and Staff Liaison and shall include but not be limited to the following:

#### **(1) Meeting of the Outgoing Commission**

- I. Unfinished Business, Minutes, Communications and Reports
- II. Swearing In of New Commissioners (incoming Commission assumes duties and outgoing Commission retires)

#### **(2) Meeting of the Incoming Commission**

The meeting of the incoming Commission shall proceed as a Regular Meeting, with Current Business to include (1) Introduction of Incoming Commissioners, (2) Election of Chair and Vice Chair, and (3) Adoption of Rules of Procedure.

## **Article V           Docket Items**

### **Section A     Numbering Docket Items**

Docketing procedures may be established by City staff in accordance with its needs and procedures, or as directed by the Commission.

### **Section B     Minutes of Meetings**

The City Manager shall provide staff to serve as Secretary for the Commission. The Secretary shall maintain a record of minutes of each Commission meeting. The Secretary shall indicate in the minutes which Commissioners were present and which were absent during all, or part of, each meeting. The minutes shall include a report of the proceedings and any action taken at each meeting, including the vote of each Commissioner on each motion before the Commission.

## **Article VI           Administration of Rules of Procedure**

### **Section A     Adoption by Incoming Commission**

The incoming Commission shall by majority vote adopt temporary or permanent Rules, which shall take effect immediately and remain in effect until amended.

### **Section B     Amendments by Existing Commission**

These Rules may be amended by a majority vote of the entire Commission as an item of Current Business.

### **Section C     Review**

These Rules shall be reviewed not less frequently than every two years. The adoption of these Rules by a new Commission shall not constitute such review.

### **Section D     Committee on Rules**

The Chair may appoint a Committee on Rules to conduct the required annual review of these Rules and to make recommendations to the Commission concerning the adoption and amendment of these Rules.

## **Article VII        Hierarchy of Authority**

If there is a conflict among various legal instruments, referenced documents, and these Rules of Procedure, the following hierarchy shall apply:

1. The Constitution and statutes of the United States of America
2. The Constitution and statutes of the State of Texas

3. The Charter of the City
4. The Code of Ordinances of the City

## **Adoption of Rules of Procedure**

These Rules are adopted by the Planning and Zoning Commission of the City of Bellaire, Texas, on this, the 12<sup>th</sup> day of July, 2016.

**Attest:**

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**Chairman**

**History:**

2016-2017 Term  
Adopted by Commission July 12, 2016

2015-2016 Term  
Adopted by Commission July 14, 2015  
Amended by Commission October 13, 2015

2013-2014 Term  
Adopted by Commission July 8, 2014

2012-2013 Term  
Adopted by Commission July 9, 2013

2011-2012 Term  
Adopted by Commission July 10, 2012

2010-2011 Term  
Amended November 8, 2011

2009-2010 Term  
Adopted by Incoming Commission July 14, 2009

2008-2009 Term  
Adopted by Incoming Commission July 8, 2008

2007-2008 Term  
Adopted January 8, 2008  
Amended March 11, 2008  
Amended July 14, 2009