



City of West University Place

A Neighborhood City

CITY COUNCIL

Susan Sample, Mayor
Bob Kelly, Mayor Pro Tem
Burt Ballanfant, Councilmember
Brennan Reilly, Councilmember
Mardi Turner, Councilmember

STAFF

M. Christopher Peifer, City Manager
Alan Petrov, City Attorney
Thelma Gilliam, City Secretary

City Council Meeting Agenda

Notice is hereby given of a special and regular meeting of the City Council of West University Place to be held on Monday, December 5, 2016 beginning at 5:30 p.m. in the Municipal Building located at 3800 University Boulevard, West University Place, Texas, for the purpose of considering the following agenda items.

Note: All agenda items are subject to action. The City Council reserves the right to meet in a closed session on any agenda item should the need arise and if applicable pursuant to authorization by Title 5, Chapter 551, of the Texas Government Code.

SPECIAL MEETING (5:30 p.m. in the Council Chambers Conference Room)

Call to Order

1. Convene into Closed Executive Session

Notice is hereby given that the City Council will convene into Executive Session in accordance with the following provision of Chapter 551 of the Texas Government Code:

Section 551.074 – Deliberation concerning the evaluation of an employee: City Manager.

2. Reconvene into Special Session

Matters related to action, if any, relative to discussions held in Executive Sessions regarding the City Manager's evaluation.

3. Adjourn

REGULAR MEETING (5:45 p.m. in the City Council Chambers)

CALL TO ORDER

Agenda items are as follows:

Call to Order

Pledge of Allegiance

Matters related to the notice of this meeting

4. Public Comments

This is an opportunity for citizens to speak to Council relating to agenda and non-agenda items. If the topic the speaker wishes to address is on the agenda, the speaker can either speak at this time or defer his/her comments until such time the item is discussed. Speakers are advised that

comments cannot be received on matters which are the subject of a public hearing once the hearing has been closed. Public comments must be kept relevant to the subject before the Council. The presiding officer shall rule on the relevance of comments. Persons making irrelevant, personal, impertinent, or slanderous remarks may be barred by the presiding officer from further comment before the Council during the meeting. Speakers are required to register in advance and must limit their presentations to three minutes each.

5. Ordinance Calling Joint Public Hearing

Matters related to the first and final reading of an ordinance calling for a joint public hearing for possible amendments to the Zoning Ordinance regarding building site designations; the definition of school use; curb cuts; and through lots. *Recommended Action: Approve ordinance calling for a joint public hearing for possible amendments to the Zoning Ordinance regarding building site designations, the definition of school use, curb cuts, and through lots on the first and final reading.* **Ms. Debbie Scarcella, City Planner** [see Agenda Memo 5]

6. Ordinance Calling Joint Public hearing

Matters related to the first and final reading of an ordinance calling for a joint public hearing for an amendment to the zoning ordinance regarding the minimum number of parking spaces required in town center commercial district. *Recommended Action: Approve ordinance calling for a joint public hearing for an amendment to the Zoning Ordinance regarding the minimum number of parking spaces required in the Town Center Commercial District.* **Ms. Debbie Scarcella, City Planner** [see Agenda Memo 6]

7. Future Agenda Items

Matters related to future agenda items. *Recommended Action: Discuss and take any desired action.* **City Council** [see Future Agenda Items List]

8. Adjourn

NOTE: Immediately following adjournment of the Council meeting, City Council will attend the Christmas tree lighting events at 6104 Auden (approximately 6:30 p.m.).

In compliance with the Americans with Disabilities Act, if you plan to attend this public meeting and you have a disability that requires special arrangements, please contact City Secretary Thelma Gilliam at 713.662.5813 at least 24 hours prior to the meeting so that reasonable accommodations can be made to assist in your participation in the meeting. The Council Chambers is wheel chair accessible from the west entrance and specially marked parking spaces are available in the southwest parking area. Special seating will be provided.

I certify that the attached amended notice and agenda of items to be considered by the West University Place City Council on December 5, 2016 was posted on the Municipal Building bulletin board on December 2, 2016 at approximately 2:30 o'clock p.m.

(SEAL)



Thelma A. Gilliam, City Secretary

AGENDA MEMO
BUSINESS OF THE CITY COUNCIL
CITY OF WEST UNIVERSITY PLACE, TEXAS

AGENDA OF:	December 5, 2016	AGENDA ITEM:	5
DATE SUBMITTED:	November 30, 2016	DEPARTMENT:	Public Works
PREPARED BY:	Debbie Scarcella, City Planner	PRESENTER:	Richard Wilson, Chair, Zoning and Planning Commission; Debbie Scarcella, City Planner
SUBJECT:	Ordinance Calling for a Joint Public Hearing and Preliminary Report Regarding Minimum Miscellaneous Ordinance Revisions Including, Building Site Designations, Curb Cuts, Definition of School and Through Lots.		
ATTACHMENTS:	1. Proposed Ordinance NumberXXX and Preliminary Report		
EXPENDITURE REQUIRED:	N/A		
AMOUNT BUDGETED:	N/A		
ACCOUNT NO.:	N/A		
ADDITIONAL APPROPRIATION REQUIRED:	N/A		
ACCOUNT NO.:	N/A		

EXECUTIVE SUMMARY

Staff brought to the attention of the Zoning and Planning Commission several possible ordinance sections for their consideration and possible amendment. These sections include:

1. Definition of School- define school to include test preparation and alternative school establishments.
2. Through Lots in a Commercial Zoning District- Require that a through lot in a commercial zoning district observe that front building line at both frontages unless there are no building sites facing the second frontage.
3. Recording of Building Site Designations and Divisions of Combined Building Sites-require that all combination and divisions of building sites be recorded in the Harris County Real Property Records and allow for building sites that have been legally platted and then combined with another building site, can be divided if the original platted property lines are followed.
4. Approval of Certain Curb Cuts-Allows for staff approval of a third curb cut on a second street frontage if there are no conflicts with trees, drainage or water and sewer.

RECOMMENDATION

The Zoning and Planning Commission and staff recommend calling a Joint Public Hearing for January 23, 2017 between the City Council and ZPC to obtain additional public input regarding the proposal.

**City of West University Place
Harris County, Texas**

Ordinance No.

AN ORDINANCE CALLING A JOINT PUBLIC HEARING ON A PROPOSAL TO AMEND THE ZONING ORDINANCE OF THE CITY OF WEST UNIVERSITY PLACE, TEXAS REGARDING THE DEFINITION OF SCHOOL; THROUGH LOTS IN A COMMERCIAL ZONING DISTRICT; RECORDING OF BUILDING SITE DESIGNATIONS AND DIVISIONS OF COMBINED BUILDING SITES; APPROVAL OF CERTAIN CURB CUTS; PRESCRIBING PROCEDURES AND NOTICES; CONTAINING FINDINGS AND OTHER PROVISIONS RELATING TO THE SUBJECT; AND DECLARING AN EMERGENCY OF THE CITY COUNCIL OF THE CITY OF WEST UNIVERSITY PLACE, TEXAS

WHEREAS, the Zoning and Planning Commission ("Z&PC") of the City of West University Place, Texas ("City") has submitted a preliminary report on a proposal to amend the comprehensive zoning ordinance of the City, as last reformatted and re-adopted by Ordinance No. 1672, adopted March 12, 2001, and as amended thereafter ("Zoning Ordinance"); and

WHEREAS, the preliminary report also proposes amendments to the Code of Ordinances of the City; and

WHEREAS, the Z&PC's preliminary report is attached to this ordinance as Exhibit A and made a part of this ordinance by reference; and

WHEREAS, the City Council desires to call a joint public hearing on such proposal;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WEST UNIVERSITY PLACE, TEXAS, THAT:

Section 1. The City Council hereby calls a joint public hearing before the City Council and Z&PC on the Code of Ordinances of the City of West University Place, Texas and as amended by the proposal as described in Exhibit A, attached hereto. Unless rescheduled, the hearing shall be held in the Council Chamber of the Municipal Building, 3800 University Boulevard, West University Place, Texas 77005 during the City Council meeting set to begin at 6:30 p.m. on _____. The hearing may be recessed and continued from time to time. The City Manager may reschedule the date and time, or both, to accommodate other pending matters, but the rescheduled date and time may not be later than 30 days past the date set by this ordinance. All other portions of Chapter 70 of the Code of Ordinances not specifically amended hereby remain in full force and effect.

Section 2. The purpose for the hearing is to provide an opportunity for parties in

interest and citizens to be heard in relation to the proposal described in Exhibit A. All ordinances and parts of ordinances in conflict with this Ordinance are repealed to the extent of the conflict only.

Section 3. The procedures for adoption of the proposal shall be as follows: (1) notice as required by this ordinance, (2) hearing as called by this ordinance, (3) report by the Z&PC, and (4) vote by the City Council on the question of adoption. The procedures for enforcing the proposal shall be as set out in the existing Zoning Ordinance. The proposal described in Exhibit A is hereby submitted and re-submitted to the Z&PC for its consideration.

Section 4. The City Secretary shall give notice of such hearing as prescribed by this section. The notice shall be in substantially the form set out in Exhibit B, which is attached and made a part of this ordinance by reference. The notice shall be published in the City's official newspaper (or another newspaper of general circulation in the City) at least once on or before the 16th day preceding the date of the hearing. In addition, the notice shall be mailed to the persons on the mailing list for the *City Currents* newsletter. The notices shall be deposited in the United States mail on or before ninth day preceding the date of the hearing, properly addressed with postage prepaid. The notices may be included within the newsletter or with utility bills or may be separate. The City Council specifically approves giving combined notice of two or more hearings in a single notice document, as this would save money and also provide better information about the full scope of possible amendments to all interested persons.

Section 5. The City staff is authorized to make all necessary arrangements for the hearing and to assist the Z&PC and the City Council.

Section 6. If any word, phrase, clause, sentence, paragraph, section or other part of this ordinance, or the application thereof to any person or circumstance, shall ever be held to be invalid or unconstitutional by any court of competent jurisdiction, neither the remainder of this ordinance, nor and the application of such word, phrase, clause, sentence, paragraph, section or other part of this ordinance to any other persons or circumstances shall not be affected thereby. All ordinances and parts of ordinances in conflict herewith are hereby repealed to the extent of the conflict only.

Section 7. The City Council officially finds, determines and declares that sufficient written notice of the date, hour, place and subject of each meeting at which this ordinance was discussed, considered or acted upon was given in the manner required by the Texas Open Meetings Act, Open Meetings Law, Chapter 551, Texas Government Code, as amended, and that each such meeting has been open to the public as required by law at all times during such discussion, consideration and action. The City Council ratifies, approves and confirms such notices and the contents and posting thereof.

Section 8. Because the proposal to amend the Zoning Ordinance is vitally important and should be considered at the earliest possible date, a state of emergency is declared requiring that this ordinance be read and adopted finally at this meeting. Accordingly, this ordinance shall be adopted finally on first reading and shall become effective immediately upon adoption and signature.

PASSED, APPROVED AND, ADOPTED ON FIRST AND FINAL READING AND SIGNED on the _____ day of _____, 2016.

Attest/Seal: _____
City Secretary

Signed: _____
Mayor

Recommended:

City Manager

Approved as to legal form:

City Attorney

Exhibit A

Zoning & Planning Commission
City of West University Place, Texas
3800 University Boulevard
West University Place, Texas 77005

November 10, 2016

Honorable Mayor & Members of the City
Council City of West University Place
3808 University Boulevard
Houston, Texas 77005

Subject: Preliminary report on a proposal to amend the Zoning Ordinance of the City of West University Place, Texas ("City") relating to the approval of a certain number of curb cuts and driveways in the front yard and public right of ways; the definition of school and a 5 year sunset provision; through lots in a commercial zoning district; recording of certain building sites and the division of said sites in the real property records of Harris County.

To the Honorable Mayor & Members of City Council:

The Zoning & Planning Commission of the City submits this preliminary report on the subject proposal, for the assistance of the Council as well as other interested persons.

Scope of Proposal. The purpose of this proposal is to 1) clarify the definition of school, other than a public school so that those schools with higher density and use will be properly approved in the correct zoning districts, and provide a 5 year sunset provision for existing uses; 2) Include commercial sites in the application of the requirements for through lots where applicable; 3) authorize staff to approve a third curb cut for those building sites on a corner site that meet the appropriate criteria in the zoning ordinance and Chapter 70 of the Code of Ordinances; and, 4) require that building sites that were combined and have not changed boundary lines can divide and become two separate building sites and providing for the recording of this action within the property records of Harris County.

Recommendation. Based on the review given this proposal so far, the Commission: (i) finds that the proposal, if adopted, would be in the public interest and consistent with the Comprehensive Plan, (ii) finds that the proposal reasonably addresses circumstances which have arisen since the last comprehensive revision of the zoning ordinance, (iii) makes its preliminary recommendation favorable to the proposal, and (iv) recommends that City Council adopt the proposal.

The Vote. The vote on approval of this report was as follows: *Wilson, Cutrer, Jensen, Higley, Kuykendall, McEnany and Tsai* voted "aye"; *No one* voted "no"; *0* absent.

Respectfully submitted:

ZONING AND PLANNING COMMISSION
OF THE CITY OF WEST UNIVERSITY
PLACE, TEXAS

By: *Richard J. Wilson*
For the Commission

ATTACHMENT "A"

Amend Article 2, "Certain Terms" as follows:

School. ~~An establishment: (i) owned or operated by a school district or other governmental entity and used to provide public education or (ii) owned or operated by a non-governmental person under circumstances where a license or permit is in effect or required to be in effect under the Texas Education Code or any other state law pertaining in education or instructional services.~~ Facilities for educational and/or classroom purposes offering an academic curriculum that is generally equivalent to public primary, middle school, or high school levels. This includes, but is not limited to study and tutorial centers, child care and limited child care centers, and vocation and trade programs that might be incidental to the operation of such schools.

School (public). A school owned by a governmental entity having the power of eminent domain.

Amend Article 12, Section 12-103 (i), Losing PNC Status, as follows:

(i) *Passage of Time* . The following PNC items lose PNC status upon the expiration of the time periods indicated:

PNC Item	Time Period	Special Conditions
Use of a building site in an SF District for business activities	Ten years from the 1987 effective date	
Presence of more dwelling units than allowed in an SF District.	Ten years from the 1987 effective date	PNC status for space which qualifies as conforming accessory quarters is not necessarily lost.
Use of a building site by more than one family in violation of SF District use regulations	Ten years from the 1987 effective date	
Outdoor lighting in violation of <u>Article 8</u>	Time period ending on August 31, 2004	
Lack of special screens in violation of <u>Article 8</u> (waste storage or loading)	160 months following the 1987 effective date	
Non-compliance with pervious area requirement in the C District.	Ten years following the 1987 effective date	
Non-conformance with building regulations by a canopy or similar object designed or used to shelter a	Time period ending on October 1, 2008	

motor vehicle, a boat or similarly-sized items.		
Use of a building site as a school in a commercial district without a special exception as granted by the ZBA.	Time period ending on October 15, 2021.	

Amend Section 5-100 and 5-101 regarding Building Site Designations as follows:

Section 5-100. - Requirement for building site.

(a) *Basic Criteria.* Every structure must be located upon a building site meeting all of the following criteria:

- (1) The entire site must be contiguous and under common fee-simple ownership.
- (2) The site must consist of one or more whole subdivided lots, excluding only: (i) common use areas and (ii) areas lost because of public acquisition, adverse possession, discrepancies in boundaries or similar cause.
- (3) Common-use areas are excluded.
- (4) The site may not include any area within another building site.
- (5) The site must have the minimum dimensions prescribed by Table 5-1 and this Article.
 Exception: If, after the 1987 effective date, the Z&PC approves a plan, plat or replat establishing a building site with smaller dimensions, the smaller dimensions do not violate this Ordinance. Building Sites containing existing platted lots with smaller dimensions comply with the requirements of this section.
- (6) The site must have a common boundary with a street area containing a constructed roadway approved and accepted by the city, or, in a QMDS, with a private street or other platted accessway.

(b) *Certain Exceptions.* This section does not apply to: (i) fences, playground equipment or landscaping structures, or (ii) non-building structures lawfully occupying street areas, easements or similar areas.

Section 5-101. - Designation of building site.

(a) *Owner's Action.* An owner or an owner's agent may designate a building site by submitting a permit application, plat, or legal description or other with the required city document to the City Administrative Official showing a building site meeting the applicable criteria in effect at the time of the designation.

(b) *Administrative official's Action.* The administrative official shall designate building sites for existing structures, in accordance with the criteria in effect at the time the structures were built and in accordance with the apparent intent of the owners, but the administrative official may not combine two or more subdivided lots into one building site unless: (i) the configuration of the existing structures requires the combination, or (ii) the owner consents on a form designated by the Administrative Official.

(c) Approved site designation forms shall be filed in the Administrative Official's Office and in the Harris County Real Property Records when two or more building sites are combined or divided.

Table 5-1. Building Site Dimensions	<i>General Rule:</i> This table prescribes the minimum dimensions for building sites, by District. ("DU" means "dwelling unit.") <i>Exceptions/Special Rules:</i> (1) See PDD Schedules for planned development districts. (2) See special notes in table. (3) The Z&PC may establish different dimensions by approving a plan, plat or replat (see
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October 13, 2016

<u>Article 5).</u>						
Item	Measurement	SF-1, SF-2 and SF-3	TH	GR-1	GR-2	C
New building sites (on or after October 24, 1987) <i>See Note 3.</i>	Width, minimum	75 ft.	N/A			50 ft.
	Depth, minimum	110 ft.	N/A			N/A
	Area, minimum	8,250 sq. ft.	2,000 sq. ft. per DU			5,000 sq. ft.

Note 3 Certain Re-Subdivisions After October 24, 1987 A subdivided lot in a SF-1, SF-3 or GR-1 District may be further subdivided to produce a building site with less than seventy-five (75) feet of width or less than one hundred ten (110) feet of depth if all applicable procedures under state law and the City's ordinances, rules and regulations are followed and one of the following three sets of circumstances is present: (A) All portions of the subdivided lots are added to adjoining subdivided lots. (B) The number of lots is not increased, and all resulting lots have (i) a depth greater than or equal to the depth of the shallowest lot before the re-subdivision, and (ii) a width greater than or equal to the width of the narrowest lot before the re-subdivision, provided that no resulting lot is irregularly shaped (unless it was so shaped before the re-subdivision). (C) A portion of the subdivided lot is needed for City use or utility or service use.

Amend Section 7 Table 7-2: Yards (or 'setbacks') as follows:

Note 1. Through Lots or Building Sites or Rear Through Lots or Building Sites. If a lot or building site extends all the way through a block so that the front and rear both abut a street area, there is no rear yard. The site is a "through" or "rear through" lot or building site, and is considered to have two front yards, one at each street frontage. Front yard (setbacks) shall be as provided in Table 7-2. Exception: If the site is "flag" shaped or irregular, the "flag" portion shall have the same setback as the adjoining building sites fronting that street.

Table 7-2: Yards (or 'setbacks')		<p>General Rule: No part of any structure may be located within a part of a building site included within a yard defined, by District, in this table. ("N/A" means the rule does not apply.)</p> <p>Exceptions/Special Rules: (1) Structures may be located in yards to the extent allowed by the Projections Schedule. (2) See special rules noted in table. (3) See PDD Schedules for Planned Development Districts. (4) See additional setbacks in the PWSF Schedule.</p>						
Item	Measurement	SF-1	SF-2	SF-3	TH	GR-1	GR-2	C
Rear yard	Distance from rear property line.	20 ft. See Note 1.			20 ft. See Note 7.	5 ft. See Note 7.		<u>5 ft. See Note 1</u>

Amend Section 7 Table 7-5a, Note 5 as follows:

<p>Curb cuts Other regulations apply; see, e.g. <u>Article 10</u> and <u>Chapter 70</u> of the Code of Ordinances.</p>	Number	<p>For SFD use: Maximum one per designated building site abutting the street. For non-SFD uses: Maximum one per 50-ft. segment of street line. See Note 5.</p>
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Note 5. Curb cuts. The ZBA may issue a special exception for additional curb cuts. Exception: The Administrative Official may authorize additional curb cuts for a corner site when in compliance with the requirements for two curb cuts for circular driveways specifically allowed by Chapter 70 of the Code of Ordinances. These additional curb cuts are not prohibited and do not require a special exception.

Exhibit B

NOTICE OF PUBLIC HEARINGS

The Zoning & Planning Commission and the City Council of the City of West University Place, Texas ("City") will hold a joint public hearing in the Council Chamber of the Municipal Building, 3800 University Boulevard, Houston, Texas 77005 during the City Council meeting set to begin at 6:30 PM on _____ . The hearing may be recessed and continued from time to time without further published notice.

The purpose for the hearing is to provide an opportunity for parties in interest and citizens to be heard in relation to proposals to amend the City's Zoning Ordinance and Code of Ordinances, as follows:

Scope of Proposal. The purpose of this proposal is to 1) clarify the definition of school, other than a public school, so that those learning establishments with potentially higher density and use will be properly approved in the correct zoning districts and provide a 5 year sunset provision for existing uses; 2) Include commercial sites in the application of the requirements for through lots where applicable; 3) authorize staff to approve a third curb cut for those building sites on a corner site that meet the appropriate criteria in the zoning ordinance and Chapter 70 of the Code of Ordinances; and, 4) require that building sites that were combined and have not changed boundary lines can divide and become two separate building sites and providing for the recording of this action within the property records of Harris County.

Additional details on the proposals as well as the Zoning Ordinance and Code of Ordinances are all available for public inspection in the Municipal Building, 3800 University Boulevard, Houston, Texas 77005. The proposed changes to the Zoning Ordinance and Code of Ordinances would apply generally within the City, and any person interested in such matters should attend the hearings. The proposals may be adopted only after notice and hearing and would control over anything inconsistent in the current Zoning Ordinance or Code of Ordinances.

Date: _____ City Secretary _____

AGENDA MEMO
BUSINESS OF THE CITY COUNCIL
CITY OF WEST UNIVERSITY PLACE, TEXAS

AGENDA OF:	December 5, 2016	AGENDA ITEM:	6
DATE SUBMITTED:	November 30, 2016	DEPARTMENT:	Public Works
PREPARED BY:	Debbie Scarcella, City Planner	PRESENTER:	Richard Wilson, Chair, Zoning and Planning Commission; Debbie Scarcella, City Planner
SUBJECT:	Ordinance Calling for a Joint Public Hearing and Preliminary Report Regarding Minimum Number of Proposed Parking Spaces in the Town Center Commercial District.		
ATTACHMENTS:	1. Proposed Ordinance Number XXX and Preliminary Report		
EXPENDITURE REQUIRED:	N/A		
AMOUNT BUDGETED:	N/A		
ACCOUNT NO.:	N/A		
ADDITIONAL APPROPRIATION REQUIRED:	N/A		
ACCOUNT NO.:	N/A		

EXECUTIVE SUMMARY

Reviewing the recently enacted zoning provisions establishing the Town Center Commercial (TCC) zoning district, with a special emphasis on the parking regulations, is a goal of City Council during the 2015-2017 term. The Zoning and Planning Commission has been discussing and reviewing different ratios in order to keep the current parking issues in check. The ZPC consulted a traffic engineer at one point and staff conducted a parking inventory study, as well as looking at parking tables and ratios from other cities with similar parking issues. The ZPC ultimately determined that the minimum number of parking spaces for new construction in the TCC district should be 7.5 spaces per square foot for any food service establishment with dine in or outdoor eating areas. All other use categories will be calculated at the ratio of 2.5 spaces per square foot.

RECOMMENDATION

The Zoning and Planning Commission and staff recommend calling a Joint Public Hearing for January 23, 2017 between the City Council and ZPC to obtain additional public input regarding the proposal.

**City of West University Place
Harris County, Texas**

Ordinance No. _____

AN ORDINANCE CALLING A JOINT PUBLIC HEARING ON A PROPOSAL TO AMEND THE ZONING ORDINANCE AND CODE OF ORDINANCES OF THE CITY OF WEST UNIVERSITY PLACE, TEXAS BY CHANGING THE MINIMUM NUMBER OF REQUIRED PARKING SPACES IN THE TOWN CENTER COMMERCIAL DISTRICT (TCC"); PRESCRIBING PROCEDURES AND NOTICES; CONTAINING FINDINGS AND OTHER PROVISIONS RELATING TO THE SUBJECT; AND DECLARING AN EMERGENCY.

WHEREAS, the Zoning and Planning Commission ("Z&PC") of the City of West University Place, Texas ("City") has submitted a preliminary report on a proposal to amend the zoning ordinance of the City, as last reformatted and re-adopted by Ordinance No. 1672, adopted March 12, 2001, and as amended thereafter ("Zoning Ordinance"); and

WHEREAS, the preliminary report also proposes an amendment to the Code of Ordinances of the City regarding changes in the number of minimum required parking spaces; and

WHEREAS, the Z&PC's preliminary report is attached to this ordinance as Exhibit A and made a part of this ordinance by reference; and

WHEREAS, the City Council desires to call a joint public hearing on such proposal;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WEST UNIVERSITY PLACE:

Section 1. The City Council hereby calls a joint public hearing before the City Council and Z&PC on the proposal described in Exhibit A. Unless rescheduled, the hearing shall be held in the Council Chamber of the Municipal Building, 3800 University Boulevard, West University Place, Texas 77005 during the City Council meeting set to begin at 6:30 p.m. on_____. The hearing may be recessed and continued from time to time. The City Manager may reschedule either date and time, or both, to accommodate other pending matters, but the rescheduled date(s) and time(s) may not be later than 30 days past the date set by this ordinance.

Section 2. The purpose for the hearing is to provide an opportunity for parties in interest and citizens to be heard in relation to the proposal described in Exhibit A. All ordinances and parts of ordinances in conflict with this Ordinance are repealed to the extent of the conflict only.

Section 3. The procedures for adoption of the proposal shall be as follows: (1) notice as required by this ordinance, (2) hearing as called by this ordinance, (3) report by the Z&PC, and (4) vote by the City Council on the question of adoption. The procedures for enforcing the proposal shall be as set out in the existing Zoning Ordinance. The proposal described in Exhibit A is hereby submitted and re-submitted to the Z&PC for its consideration.

Section 4. The City Secretary shall give notice of such hearing as prescribed by this section. The notice shall be in substantially the form set out in Exhibit B, which is attached and made a part of this ordinance by reference. The notice shall be published in the City's official newspaper (or another newspaper of general circulation in the City) at least once on or before the 16th day preceding the date of the hearing. In addition, the notice shall be mailed to each owner, as indicated by the most recently approved municipal tax roll, of real property within 200 feet of the property on which the change in classification is proposed. The notices may be included within the *City Currents* newsletter or with utility bills or may be separate. The notices shall be deposited in the United States mail before the ninth day preceding the date of the hearing, properly addressed with postage prepaid. The City Council specifically approves giving combined notice of two or more hearings in a single notice document, as this would save money and also provide better information about the full scope of possible amendments to all interested persons.

Section 5. The City staff is authorized to make all necessary arrangements for the hearing and to assist the Zoning and Planning Commission and the City Council.

Section 6. If any word, phrase, clause, sentence, paragraph, section or other part of this ordinance, or the application thereof to any person or circumstance, shall ever be held to be invalid or unconstitutional by any court of competent jurisdiction, the remainder of this ordinance and the application of such word, phrase, clause, sentence, paragraph, section or other part of this ordinance to any other persons or circumstances shall not be affected thereby. All ordinances and parts of ordinances in conflict herewith are hereby repealed to the extent of the conflict only.

Section 7. The City Council officially finds, determines and declares that sufficient written notice of the date, hour, place and subject of each meeting at which this ordinance was discussed, considered or acted upon was given in the manner required by the Open Meetings Law, Chapter 551, Texas Government Code, as amended, and that such meeting has been open to the public as required by law at all times during such discussion, consideration and action. The City Council ratifies, approves and confirms such notices and the contents and posting thereof.

Section 8. Because the proposal to amend the Zoning Ordinance is vitally important and should be considered at the earliest possible date, a state of emergency is declared requiring that this ordinance be read and adopted finally at this meeting. Accordingly, this ordinance shall be adopted finally on first reading and shall become effective immediately upon adoption and signature.

PASSED, APPROVED, ADOPTED AND SIGNED on _____, 20__.

Attest/Seal: _____
City Secretary

Signed: _____
Mayor

Recommended:

City Manager

Approved as to legal form:

City Attorney

Exhibit A

Zoning & Planning Commission
City of West University Place, Texas
3800 University Boulevard
West University Place, Texas 77005

October 13, 2016

Honorable Mayor &
Members of the City Council
City of West University Place
3808 University Boulevard
Houston, Texas 77005

Subject: Preliminary report on a proposal to amend the Zoning Ordinance and Code of Ordinances, by changing the number of minimum required parking spaces in the Town Center Commercial District "TCC".

To the Honorable Mayor
& Members of City Council:

The Zoning & Planning Commission of the City submits this, its preliminary report, on the subject proposal, for the assistance of the Council as well as other interested persons.

Scope of Proposal. The purpose of this proposal is to amend the Zoning Ordinance by changing the number of minimum required parking spaces in the Town Center Commercial District "TCC". New zoning regulations regarding the non-single family (detached) zoning district provisions were enacted in March of 2015. Following enactment, a petition was submitted to City Council requesting revisions to the regulations, most notably regarding the minimum parking regulations in the TCC district. Revisiting these regulations to find an acceptable parking space ratio is a City Council goal for the 2015-2017 term. The Zoning and Planning Commission has been working on fine tuning and narrowing down possible solutions since then. The proposal includes amending the minimum parking requirements as follows:

1. Change the number of required parking spaces for all uses other than restaurant to 2.5 spaces per 1000 square feet of gross floor area.

2. Change the number of required parking spaces for all dine in with seating food service establishments to 7.5 spaces per 1000 square feet.

Preliminary Recommendation. Subject to further review following public hearing, the Commission: (i) finds that sufficient evidence exists to warrant further consideration of the zoning change described herein; and (ii) recommends that the City Council call a joint public hearing to consider the matter. The Commission invites all interested persons to participate in the joint public hearing.

The Vote. The vote on approval of this report was as follows: McEnany, Cutrer, Jensen, Kuykendall, and Higley voted "aye"; there were 0 "noes"; Wilson and Tsai absent.

Respectfully submitted:

ZONING AND PLANNING COMMISSION OF THE
CITY OF WEST UNIVERSITY PLACE, TEXAS

By: *Richard A. Wulfsberg*
Presiding Officer for the Commission

Section 10-100. Off-Street Parking.

There must be off-street parking spaces for each occupied building space within the city, as set out below, and subject to the other provisions of this ordinance:

<p>All other types of space and uses</p>	<p>10.0 per 1,000 square feet of gross floor area used or occupied by people.</p>
<p>All types of spaces and uses in the TCC District</p>	<p>2.50 per 1,000 square feet of gross floor area for uses other than dine in food service with seating. 7.5 spaces per 1,000 square feet of gross floor area for food service with dine in seating. 2.60 per 1,000 square feet of gross floor area. (Applies only to principal buildings constructed after the effective date of the TCC district. Other buildings in TCC are subject to the parking requirements for C, Commercial District, uses that applied prior to the effective date of the TCC district.)</p>

Exhibit B
NOTICE OF PUBLIC HEARINGS

The Zoning & Planning Commission and the City Council of the City of West University Place, Texas ("City") will hold a joint public hearing in the Council Chamber of the Municipal Building, 3800 University Boulevard, Houston, Texas 77005 during the City Council meeting set to begin at 6:30 PM on February 9, 2015. The hearing may be recessed and continued from time to time. The purpose for the hearing is to provide an opportunity for parties in interest and citizens to be heard in relation to proposals to amend the City's Zoning Ordinance (and Code of Ordinances) including the Zoning District Map, as follows:

Scope of Proposal. The purpose of this proposal is to amend the Zoning Ordinance by changing the number of minimum required parking spaces in the Town Center Commercial District "TCC". New zoning regulations regarding the non-single family (detached) zoning district provisions were enacted in March of 2015. Following enactment, a petition was submitted to City Council requesting revisions to the regulations, most notably regarding the minimum parking regulations in the TCC district. Revisiting these regulations to find an acceptable parking space ratio is a City Council goal for the 2015-2017 term. The Zoning and Planning Commission has been working on fine tuning and narrowing down possible solutions since then. The proposal includes amending the minimum parking requirements as follows:

1. Change the number of required parking spaces for all uses other than restaurant to 2.5 spaces per 1000 square feet of gross floor area.
2. Change the number of required parking spaces for all dine in with seating food service establishments to 7.5 spaces per 1000 square feet.

Additional details on the proposal as well as the Zoning Ordinance and Code of Ordinances are all available for public inspection in the Municipal Building, 3800 University Boulevard, Houston, Texas 77005. The proposed changes to the Zoning Ordinance and Code of Ordinances would apply generally within the City, and any person interested in such matters should attend the hearings. The proposals may be adopted only after notice and hearing and would control over anything inconsistent in the current Zoning Ordinance or Code of Ordinances.

Date: _____ /s/Thelma Lenz, City Secretary

FUTURE AGENDA ITEMS

Shaded items are on immediate agenda

12/05/16	Tree Lighting Ceremony	City Council will attend the Christmas Tree Lighting Ceremony in front of the Community Building at 6104 Auden.
12/05/16	Ordinance Calling Joint Public Hearing (Building Site Designations)	Matters related to the first and final reading of an ordinance calling for a joint public hearing for possible amendments to the Zoning Ordinance regarding building site designations; the definition of school use; curb cuts; and through lots. <i>Recommended Action: Approve ordinance calling for a joint public hearing for possible amendments to the Zoning Ordinance regarding building site designations, the definition of school use, curb cuts, and through lots on the first and final reading. Ms. Debbie Scarcella, City Planner</i>
12/05/16	Ordinance Calling Joint Public Hearing (Parking Spaces)	Matters related to the first and final reading of an ordinance calling for a joint public hearing for an amendment to the zoning ordinance regarding the minimum number of parking spaces required in town center commercial district. <i>Recommended Action: Approve ordinance calling for a joint public hearing for an amendment to the Zoning Ordinance regarding the minimum number of parking spaces required in the Town Center Commercial District. Ms. Debbie Scarcella, City Planner</i>
12/05/16	City Manager Evaluation	Matters related to the City Manager's evaluation. <i>Recommended Action: Discuss and take any desired action. City Council</i>
12/12/16	Advance Funding Agreement	Matters related to an Advance Funding Agreement for a Surface Transportation Program (STP) between the Texas Department of Transportation and the City of West University Place. <i>Recommended Action: Approve Agreement. Mr. Dave Beach, Public Works Director</i>
12/12/16	WWTP Clarifier Renovation	Matters related to the renovation of the WWTP clarifier. <i>Recommended Action: Authorize the City Manager to execute a contract with Evoqua Water Technologies. Mr. Dave Beach, Assistant Public Works Director</i>
12/12/16	Water Well 9 Renovation Project	Matters related to closing out the Water Well 9 Renovation project. <i>Recommended Action: Accept Water Well No. 9 Renovation Project as completed and authorize Change Orders with a net reduction of \$80,007.50 to the contract price. Mr. Dave Beach, Assistant Public Works Director</i>
01/23/16	Facilities Master Plan Update	Matters related to the Facilities Master Plan update. <i>Recommended Action: Discuss and take any desired action. Mr. Dave Beach, Public Works Director and Mr. Owen Rutz, Chair of the Facilities Master Plan Task Force</i>
01/23/17	Calling the General Election	Matters related to the 2017 election, including designating election precincts and the polling place. <i>Ms. Thelma A. Gilliam, City Secretary</i>
TBD	Friends 2017 Projects	Matters related to funding of the Friends of West University Place Parks 2017 projects. <i>Ms. Susan White, Assistant Parks and Recreation Director</i>
TBD	Concession Agreement at Colonial Park	Matters related to an agreement for concessions at Colonial Park. <i>Recommended Action: Discuss and take any desired action. Ms. Susan White, Assistant Parks and Recreation Director</i>

TBD	Scout House Lease	Matters related to approval a lease between Houston Independent School District (HISD) and the City of West University Place (City) for the City's use of the Scout House. <i>Recommended Action: Authorize the City Manager to execute the lease agreement between the City and HISD for use of the Scout House. Ms. Susan White, Assistant Parks and Recreation Director</i>
TBD	Jennie Elizabeth Hughes Park (Approval of Final design)	Matters related to approval of the final design and authorization to proceed with construction of the Jennie Elizabeth Hughes Park. <i>Recommended Action: Approve the final design and authorize proceeding with construction of the Jennie Elizabeth Hughes Park. Ms. Susan White, Assistant Parks and Recreation Director</i>
TBD	Pending Litigation Matters	Matters related to an update by the City Attorney regarding the status of City litigation. <i>Mayor Susan Sample at the request of Councilmember Reilly</i>
TBD	Pier and Beams	Matters related to the City's Code of Ordinances as it relates to Pier and Beams. <i>Recommended Action: Discuss and take any desired action. Mayor Susan Sample</i>
TBD	Park Acquisition and Development	Matters related to a report from the Parks Board and staff regarding a presentation relating to current and previous parks surveys. <i>City Council</i>
TBD	Park Acquisition and Development	Matters related to the status of the work with the Evelyn's Park Conservancy and the planning efforts with CenterPoint. <i>Ms. Susan White, Assistant Parks and Recreation Director</i>
TBD	WU Rec Center Campus Parking Lot	Matters related to the proposed expansion of the parking lot on the ELPH Pipeline Property / West Side of the campus. <i>Recommended Action: Discuss and take any desired action. Ms. Susan White, Assistant Parks and Recreation Director</i>
TBD	Safe Pedestrian Crossing	Matters regarding the investigation and installation of a safe pedestrian crossing at the railroad tracks on the north side of Bellaire Boulevard. <i>Recommended Action: Discuss and take any desired action. Ms. Susan White, Assistant Parks and Recreation Director</i>
TBD	Evelyn's Park Development	Matters related to the development of Evelyn's park in Bellaire, including possibility of shared parking arrangements with the City of Bellaire for Evelyn's park. <i>Discuss and take any desired action. Ms. Susan White, Assistant Parks and Recreation Director</i>
TBD	Texas Ethics Commission Opinion	Matters related to a Texas Ethics Commission opinion relating to the content of articles written in <i>City Currents</i> . <i>Recommended Action: Discuss and take any desired action. Councilmember Brennan Reilly</i>
TBD	Parking Survey	Matters related to a parking survey. <i>Recommended Action: Discuss and take and desired action. Mr. Dave Beach, Public Works Director</i>
TBD	Town Center Zoning	Matters related to Town Center Zoning. <i>Recommended Action: Discuss and take any desired. City Council</i>
TBD	Poor Farm Ditch	Matters related to Poor Farm Ditch. <i>Recommended Action: Discuss and take any desired action. Mayor Susan Sample</i>

TBD	Buffalo Speedway	Matters related to Buffalo Speedway Replacement Project. <i>Mr. Chris Peifer, City Manager</i>
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