

City of Bellaire

PLANNING AND ZONING COMMISSION JANUARY 10, 2019

Council Chamber	Regular Session	6:00 PM
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FIRST FLOOR OF CITY HALL
7008 S. RICE AVENUE
BELLAIRE, TX 77401

Agenda

Chairman

Mr. Ross Gordon

Commissioner

Mike Baker

Vice Chairman

Mike Axelrad

Commissioner

John T. Klug

Commissioner

Jonathan Saikin

Commissioner

Weldon Taylor

Commissioner

Pamela Nelson

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 AND ANNOUNCEMENT OF QUORUM**II. APPROVAL OF MINUTES FROM PAST MEETINGS**

- A. Planning and Zoning Commission - Workshop & Regular Session - Oct 11, 2018 5:00 PM
- B. Planning and Zoning Commission - Workshop Session - Dec 13, 2018 6:00 PM

III. REMINDER TO CITIZENS DESIRING TO ADDRESS THE COMMISSION**IV. GENERAL PUBLIC COMMENTS**

- A. 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.
- B. Comments and/or updates from the Commission's City Council Liaison.

V. CURRENT BUSINESS (ITEMS FOR DISCUSSION, CONSIDERATION, AND/OR POSSIBLE ACTION)

- A. Discussion, consideration, and possible action on proposed revisions to Sections 24-202, Definitions, 24-512 Fence Regulations, and 24-605, Application for Specific Use Permit, of the City of Bellaire's Code of Ordinances.
- B. Approval of the Planning and Zoning Commission's 2018 Annual Report to City Council.
- C. Approval of the Planning and Zoning Commission's 2019 Application Submittal Deadline Calendar.

VI. COMMITTEE REPORTS**VII. CORRESPONDENCE****VIII. REQUESTS FOR NEW BUSINESS, ANNOUNCEMENTS AND COMMENTS**

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

IX. ADJOURNMENT

City of Bellaire

PLANNING AND ZONING COMMISSION OCTOBER 11, 2018

Council Conference Room and Council Chamber Workshop & Regular Session

5:00 PM

FIRST FLOOR OF CITY HALL
BELLAIRE, TX 77401

A. WORKSHOP SESSION

I. Call to Order and Announcement of Quorum

Chairman Gordon called the workshop session to order at 5:00 PM, and announced that a quorum of members were present.

II. Discussion on possible amendments to the City's Code of Ordinances:

Ms. Sampson informed the Commission that the purpose of the workshop was to go through each of the potential amendments to the Code and have the Commission discuss them and decide whether or not they would like to move forward with those. She also added that there may be some of them that would be better suited to postpone for the time being, and incorporate them into the Comprehensive Plan update that will begin soon. Ms. Sampson stated that staff has provided each Commissioner with a packet of the current code language for each item.

i. Regulations on open air porches in residential zoning districts

Commissioner Baker stated that this has recently become an issue with the elevation of homes after Hurricane Harvey. He stated that West University Place does allow for open air porches to encroach a certain amount into the front setback, but that he is not sure what that amount is. He asked that the City look into allowing this.

The Commission agreed that this isn't something that would need to be incorporated into the Comprehensive Plan update, and could move forward with.

ii. Requirements for SUP submittals

Staff mentioned that a lot of times SUP applications come forward that the Commission feels are not complete, specifically when dealing with traffic impact analyses, and that Chairman Gordon had asked for this to be added as a potential new business item to determine what could be done about preventing those issues.

It was decided that this is an item that the Commission could also move forward with, and staff suggested that they draft some language to bring back to the Commission at the next meeting.

iii. The requirement of a specific use permit for parking garages throughout the City

Ms. Sampson explained that there have recently been some concerns voiced with the parking garage that was constructed by-right at the Bellaire Town Center, specifically with it being

Minutes Acceptance: Minutes of Oct 11, 2018 5:00 PM (Approval of Minutes from Past Meetings)

located so close to residential homes. She stated that the Commission wanted to look into the possibility of requiring a specific use permit for all parking garages throughout the City.

The Commission felt that this is important, but should be included as part of the update to the Comprehensive Plan.

iv. Design Standards in commercial districts

Ms. Parcus mentioned that currently there are only design standards for the CMU and UV-D zoning districts, and that the Commission had asked to look into incorporating those design standards through all commercial districts. She stated that a good example of when this has come up was during the Chevron SUP process. Ms. Parcus explained that a recommendation made by staff and approved by the Commission required that Mr. Sheena construct the parking garage based on the design standards that are set forth for the CMU and UV-D districts.

The Commission felt that this was definitely something that should be looked into, but that it should be incorporated with the Comprehensive Plan update.

v. Bellaire Boulevard Estate Overlay District

Ms. Sampson explained that the Bellaire Boulevard Estate Overlay District is really more of a district in itself, and is conflicting with the R-5, which is the underlying zoning district for that area of the City. She stated that staff would like to clean up the language of the BBEO to create a true overlay for the R-5.

The consensus from the Commission was that this is something that should be done through the Comprehensive Plan update as well.

vi. Fence Heights for residential structures abutting commercial districts

Ms. Sampson explained that in recent years, several applications have come before the Board of Adjustment for an increase in fence heights in certain parts of the City, specifically in dealing with properties that are located adjacent to or abutting commercial districts or the Loop 610 frontage road. She added that the Board has passed this on to the Commission to look into whether or not this should be revised in the City's Code of Ordinances.

The Commission felt that there are certain areas within the City that this would be appropriate and felt that this is an item that the Commission can go ahead and move forward with.

Staff informed the Commission that they would draft language for this revision as well and will bring it back to them for the next meeting.

vii. Regulations and materials used in impervious and pervious surfaces

Ms. Sampson explained that this is something that staff is questioned about on a regular basis, and felt that it would be beneficial for the Commission to look into the regulations and materials that should or should not be allowed when dealing with impervious and pervious surfaces.

The Commission felt that this item is something that they can move forward with.

Ms. Sampson stated that staff will begin working on this, but that this item most likely would not come back to them for a few months. She explained that they will begin with

requirements for SUP submittals and fence height regulations first and then move on to the other items at a later date.

Ms. Sampson mentioned that staff will create a tentative schedule for when each item will come before the Commission and will have that prepared for the next meeting.

III. ADJOURNMENT

Chairman Gordon adjourned the workshop at 6:00 PM.

B. REGULAR SESSION

I. CALL TO ORDER AND ANNOUNCEMENT OF QUORUM

Chairman Gordon called the meeting to order at 6:00 PM, and certified that a quorum was present, consisting of the following members:

Attendee Name	Title	Status	Arrived
Mike Baker	Commissioner	Present	
Jonathan Saikin	Commissioner	Present	
Mike Axelrad	Vice Chairman	Present	
Ross Gordon	Chairman	Present	
Weldon Taylor	Commissioner	Present	
John T. Klug	Commissioner	Present	
Pamela Nelson	Commissioner	Present	
Ashley Parcus	Development Services Coordinator	Present	
Zachary Petrov	Assistant City Attorney	Present	
ChaVonne Sampson	Director of Development Services	Present	
Trisha S. Pollard	Council Member	Present	

II. APPROVAL OF MINUTES FROM PAST MEETINGS

1. Planning and Zoning Commission - Regular Session - Sep 13, 2018 6:00 PM

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Pamela Nelson, Commissioner
SECONDER:	Mike Baker, Commissioner
AYES:	Baker, Saikin, Axelrad, Gordon, Taylor, Klug, Nelson

III. REMINDER TO CITIZENS DESIRING TO ADDRESS THE COMMISSION

Chairman Gordon reminded everyone who wished to address the Commission to fill out a sign in sheet. He also clarified that the public comments are intended to be comments on items that are not on the agenda.

City Attorney, Zachary Petrov, added that they can still comment on other items on the agenda that have not been subject to a public hearing.

Chairman Gordon added that there are opportunities to comment further on the Chevron development at City Council's public hearing.

IV. GENERAL PUBLIC COMMENTS

- i. **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.**

Charles Platt- Mr. Platt stated that he lives at 4920 Beech Street. He stated that there was additional information in this packet than there was before. In the memo of the teleconference of the September 13th hearing it was stated that the assessment was still underway and that raises issues to Mr. Platt. He mentioned a document called the site management plan that controls the property but was not included in either packet. He mentioned that there are a lot of restrictions on the property that are in the special warranty deed. Mr. Platt asked the council to refer to page 50 of the packet. He mentioned that he is a strong supporter of open government reform and transparency. He stated that you cannot have accountability without transparency. Mr. Platt doesn't believe transparency was being followed in the case of the property. He believes the only course of action is to reject the applications.

Lynn McBee- Ms. McBee stated that for the last 40 or 50 years there have been issues on how far a development can be constructed adjacent to a residential district. Her interpretation is that a legally the commercial district could be developed up to the middle of the street that might separate it from a residential neighborhood. Ms. McBee stated that she is unsure whether that is specifically stated in the zoning ordinance because she is seeing more problems between the two districts. She stated that there is not enough space to do barriers or walls. Ms. McBee uses the carwash as an example, stating that the carwash is against an alley which is adjacent to the residential district and again with a parking garage on Bellaire Boulevard. She asked that the council clarify where a commercial property can go and how close it can be to a residential district. Ms. McBee mentioned that many residents can become distressed when clarifications are not made in regards to the distance between a commercial and residential district. Ms. McBee added that when the annual changes occur there should be a P.R. to allow for comments to be made about those changes at the following meeting. She stated that there has not been enough public input in this city for the past ten years. Ms. McBee stated that the residents who are adjacent to 610 need a higher fence to protect themselves against the density of traffic along the highway. She stated that she had met with acquaintances, who live a block away from loop 610, and found that the traffic generated a tremendous amount of noise. Ms. McBee added that the work TxDot is doing to add sidewalks to the area the ten-foot fence would help protect those residents.

- ii. **Comments and/or updates from the Commission's City Council Liaison.**

There were no comments from the Commission's Council Liaison.

V. CURRENT BUSINESS (ITEMS FOR DISCUSSION, CONSIDERATION, AND/OR POSSIBLE ACTION)

i. Presentation by ChaVonne Sampson on the amendments made to the City's Comprehensive Plan and Code of Ordinances with regard to the property at 4800 Fournace Place.

ChaVonne Sampson, Development Services Director-Ms. Sampson asked the Commission to turn their Comprehensive Plan to page 2.11, where it discusses the North Bellaire District Development, as reference. She noted that there is some concern with the word intensity; citing “most intense” and “least intensive.” She quotes, “The most intensive uses in the special development area and their associated vehicular access points should be located along or near the L610 frontage. A next tier use intensity could occur along South Rice Avenue frontage and secondarily along the Fournace Place frontage. The lowest development intensities, that together with adequate separation and buffering, should occur along northern boundaries of the area closest to single family homes that front on Mayfair.” Ms. Sampson stated that a single sentence alone could not clarify the meaning of the paragraph as each sentence adds to the meaning of one another. Ms. Sampson then introduced the new Assistant Director of Development Services, Cristin Emshoff, whose is the comprehensive plan expert, and explained that with Ms. Emshoff’s assistance, staff came to the conclusion that the parking garage is not an intensive use. She stated that when the different intensities are mentioned they are speaking in terms of what the developments are and the intensities of those properties. She said this is not the most intensive use of the property as there could be other developments that would yield a higher intensity. Ms. Sampson mentioned that the height of the garage is not as tall as the existing structure that is there and is not of the same intensity as, for example, an office building. She and her staff looked at where the parking garage should go and whether it is an accessory to the existing office building that is there. Ms. Sampson discussed where the traffic should come from based on the entrances and exits of the parking garages; such as whether the traffic should be forced to use the 610 entrance or not. She clarified that when the comprehensive plan was done there were traffic counts done for Fournace Place that determined that there were approximately 17,000 cars. In comparison to the T.I.A. that was submitted, it was stated that this development would have about 5,000 cars a day. Ms. Sampson added that when the comprehensive plan was written, Chevron had approximately that many cars arriving and departing as well. When looking at the comprehensive plan, it had that inconsideration in regards to the traffic coming in and out of Fournace Place. Ms. Sampson noted that the area used to be a commercial district and now there is a shift to the North Bellaire special district. Some of the concepts that were used in the business district are what drove the land use and zoning map for the area. She mentioned that the zoning map has it called out as TRPD, and noted that a business park designation, as appropriate for office, research, and technical related uses desire a campus like environment. When thinking of what a campus environment needs, a parking garage is a part of that environment. Also noted in the comprehensive plan, it mentions moving away from surface parking and moving up, such as garage parking. The plan does bring an issue that once the Chevron development is completed it will be adjacent to a residential neighborhood and in order to take that into consideration, it talks about the height setback plane. The comprehensive plan put in guidelines to follow knowing that it would be an issue. Ms. Sampson mentioned consideration number four which mentions greater setback of parking areas from residential property lines should have buffering or screening and explore potential reconfiguration of parking arrangements due to the major building expansion projects. It is noted that in order to maximize parking near residential areas it is important to build parking garages. Ms. Sampson stated that there may be questions about the existing parking garages in the city however, those structures were built under old zoning regulations.

- ii. Docket # SU-2018-05-Consideration of an application filed by SLS Properties, LLC, as applicant, for a Specific Use Permit as required by the City of Bellaire Code of Ordinances, Chapter 24, Planning and Zoning, Section 24-605, Application for Specific Use Permit, to allow for multi-tenant office use in the existing office buildings previously occupied by Chevron U.S.A, Inc, as provided for in section 24-544 C. 3) of the City of Bellaire Zoning Code. The property is located at 4800 Fournace Place, and is within the Technical Research Park Zoning District, also known as the North Bellaire Special Development Area.

Development Services Coordinator, Ashley Parcus, summarized the public hearings that took place on September 13th 2018 in regards to the property on 4800 Fournace Place. The first public hearing was to allow for a multi-tenant office use in the already existing office building previously owned by Chevron Properties. The second was to allow for a four-story parking garage to be constructed on-site. She noted the concerns that the public had regarding traffic on the property, and that the Commission received a traffic analysis report and a deed restriction report for the property. The City's Development Review Committee held two meetings to discuss the applications; the first meeting took place on September 4th 2018 and the second took place on September 25th 2018. Concerns raised during the meetings were whether Mr. Sheena would provide 24/7 security on-site, concerns with traffic, and the use of the fire lane. She noted that if the application was approved for the multi-tenant office use but was denied for the parking garage, Mr. Sheena would need to go before the Board of Adjustments to seek a special exception. She added that the landscaping on the property needs to follow the code requirements for buffering, and that staff is proposing a condition that trees be installed in place of the fire lane that was removed from the property. Additional screening will also be present between the properties and the residential area in the form of a masonry wall or fence. A height setback plane will govern the allowable height of the garage, 53.57 feet, as noted in the T.R.P.D. and the Comp Plan.

Commissioner Klug asked for clarification on the height requirements.

Ms. Parcus stated based on a calculation, the current height of the proposed building would be 53.57 feet away from the property line.

City Attorney, Zachary Petrov added that at the current height, it would need to be 53.57 feet away. If the building were lower, it would need to be farther away.

Ms. Parcus stated that the Code of Ordinances, section 24-615, details five criteria necessary for the approval of a specific use permit, and reviewed each of those with the Commission.

Motion: A motion was made by Commissioner Taylor and seconded by Vice Chair Axelrad to approve the Specific Use Permit for multi-tenant office use at 4800 Fournace.

Commissioner Gordon opened up the floor for any discussion questions to the commission or the applicant.

Commissioner Klug asked if the approval of the application was dependent on the repair of the sidewalk if it would be an issue.

Danny Sheena, S.L.S. Properties owner, said he has been waiting on the approval of the sidewalk. Once the approval is ready to go, he will begin construction.

Commissioner Nelson had no questions.

Commissioner Taylor agreed that the application meets the requirements of the 24-615 for approval. He believed that it was clearly understood that a use similar to Chevron's use was a possibility. Mr. Taylor stated that the requirements of the comprehensive plan and the TRPD have been met. He did not know about the sidewalk and is happy to hear that construction will begin soon. He was prepared to support this proposal.

Commissioner Baker had a question for Cristin Emshoff about what intensity means in the Comprehensive Plan.

Cristin Emshoff-Assistant Director of Development Services -Ms. Emshoff explained that intensity is similar to density; it is the amount of people allowed per square foot. She explained that an intensive unit on a commercial property would be different than that on a residential property.

Commissioner Baker clarified that the intent of the master plan is to have the highest density uses on the perimeter of the property.

Ms. Emshoff confirmed Commissioner Baker's clarification. She added that in the zoning code it will give a general scale of what the intensity would mean.

Commissioner Baker asked whether this property is high on the intensive scale.

Ms. Emshoff explained that the intensity is dependent on how large the building or property can be and what can be allowed within that zoning district for that office.

Mr. Baker asked whether the recommendation that Anderson be closed will be attached to the first SUP.

Chairman Gordon recommended that it be attached to the second SUP, and clarified with Mr. Sheena that the entire site is access controlled. In regards to the security of the site, he clarified further that when there will be an office building for the public in the future, there will no longer be a need for access control.

Mr. Sheena confirmed Chairman Gordon's inquiry but clarified that the parking garage will still have gates on the first floor of the parking garage for security purposes. The surface parking will

be open to the public.

Chairman Gordon is concerned with the undeveloped portions of the site as people will have more access once they are able to get through the access point. He asked Mr. Sheena whether there will be higher security such as fencing or a guard as there will be more access to the unsafe areas of the site.

Mr. Sheena stated that there will be a way to seal the track and keep the public from entering the undeveloped areas once the parking garage is built. He does state that although the parking garage will be a key security feature, it will take up to a year and a half to get the construction completed.

Mr. Gordon asked Mr. Sheena whether he plans on leasing the building once the SUP is active; then the parking garage will be constructed to replace the parking that is currently there.

Mr. Sheena confirmed that the building will be leased as soon as possible and the parking currently on site will be utilized until the parking garage is complete. Once the parking garage is complete, the surface parking will be blocked off to prevent access to undeveloped areas of the site. Mr. Sheena confirmed with Chairman Gordon that fencing will be placed around the surface parking lot until the parking garage is completed.

Chairman Gordon asked Mr. Sheena whether there is currently a 24-hour security guard on site.

Mr. Sheena confirmed the presence of a 24-hour security guard as well as two police vehicles currently on the site. He stated that there is intent to keep a 24-hour security guard on the premises however, security cameras, when monitored by a professional, can be more beneficial to have on site rather than one security guard.

Mr. Gordon asked whether the brick fence on the Fournace Place side of the site is throughout the surrounding areas or only a chain link fence.

Mr. Sheena stated that everything else is brick fencing aside from the entrances, which are chain link fences. He mentioned that it is very dark in the area currently as they are working to add lighting for the street as well as decorative holiday lighting on the trees similar to the Galleria area. There will be flowers added to the Fournace Place side of the property.

Chairman Gordon clarified that he was inquiring whether there will be chain link fence on the Fournace frontage in the future.

Mr. Sheena stated that it will remain that way until the property is leased, and then the gate will open and allow traffic to move onto Fournace Place.

Vice Chair Axelrad asked Mr. Sheena how many surface parking spaces are going to be

eliminated where the parking garage is going to be constructed.

Mr. Sheena stated that around 350 parking spaces will be eliminated.

Mr. Axelrad stated that originally in the interim it was mentioned that it took 1,500 spaces to park the building under the assumption that there is full occupancy. He mentioned that there will be 700 to 800 parking spaces that won't be available to the building. He asked Mr. Sheena whether he will limit leasing until the garage is finished.

Mr. Sheena stated that they will be careful with the occupancy numbers as there will be an issue with the parking.

Chairman Gordon clarified with Ashley Parcus that the occupancy is contingent on there being a parking garage.

Ms. Parcus confirmed this and stated that each tenant will have to visit the City to get a Certification of Occupancy where there will be confirmation of parking spaces available to the tenant.

Commissioner Klug offered an amendment on the building SUP. He recommended that the sidewalks be up-to-date and completed as a condition of approval as well as added security, electronic or personal guard security, 24/7.

Commissioner Saikin asked why Commissioner Klug asked for those conditions.

Commissioner Klug stated that he believes the neighborhood has expressed concern in regards to the sidewalk and security. He mentioned that Chevron had security in the past and it should be continued.

Chairman Gordon agreed with Mr. Klug as he is concerned that the adjacent facilities, which will take time to develop, pose security risks.

Mr. Sheena expressed concern with the suggested conditions as he is unsure how technology will develop over time. He stated that he will do what is necessary to protect the development.

Commissioner Baker stated that the market will ultimately be what drives the need for higher security.

Commissioner Taylor asked whether the City had made an independent decision to close Anderson Street without regard to what is happening at the meeting.

Ms. Parcus stated the closure had been put as a condition on the second SUP if the commission

approves, it will be a condition that would need to be approved by City Council as well.

Commissioner Taylor wanted clarification on whether the Fire Marshal stated it was not necessary to close Anderson Street.

Ms. Parcus stated the Fire Marshal said the fire lane was not necessary. It was her understanding that there was no plan to keep Anderson Street open anyway.

Chairman Gordon read his typed version of the amendment which stated that the sidewalk needs to be replaced along the entire side of Fournace Place and meet the current city standards for sidewalks which is a mixture of asphalt and concrete.

Mr. Sheena stated there had been entirely concrete previously and the oak tree's roots would crack the concrete. What Chevron did was add a layer of asphalt on top of the concrete to allow movement and prevent cracking. He mentioned that he is an engineer and is working to make the sidewalk last longer regardless of city standards.

Mr. Gordon asked Ms. Parcus how the city would replace the sidewalk.

Ms. Parcus stated it would have to be reviewed by the building inspector so he would have to meet standard city codes.

Chairman Gordon revised his typed version of the amendment eliminating the need to meet the current city standards. He continues onto the second amendment regarding the security on site.

Commissioner Klug is open to changes on the security portion of the amendment but stresses that he would like to see some sort of security on the premises, whether that be electronic or a guard.

Mr. Sheena understands that there need to be security measures for the property but insists that it should not be a requirement because he is unaware of any future changes.

Mr. Klug stated that there is an option to make the security condition broader to include electronic versions of security or a personal guard.

Mr. Sheena stated that he never had a building that had a requirement to have security on the premises.

Commissioner Klug offered Mr. Sheena many options for security, but Mr. Sheena continued to be hesitant. The commissioner, again, offers Mr. Sheena a chance to define security in his own terms. He mentioned that electronic security is broad enough to include any advances in security in the future.

Commissioner Saikin discussed with Commissioner Klug that Mr. Sheena has repeated stated that he is a prudent property owner and agreed with Commissioner Baker that electronic security is market driven. He does not think that the commission should place that restriction on him as there are other factors unknown to them.

Chairman Gordon asked Ms. Parcus what ability the city has to address security concerns on the property.

Ms. Parcus stated that if there were issues in the future, the police department would investigate and the necessary measures would be taken.

Commissioner Saikin asked Mr. Sheena what he does for security at his other property.

Mr. Sheena stated that he has management offices on site that monitor numerous cameras as a security measure. He stated that on another one of his properties that is located by Reliant Stadium (NRG Stadium), tenants had requested 24/7 security for the 9-story building, and it was provided as it was a market driven necessity.

Mr. Saikin asked Mr. Sheena if he passed the expense through to his tenants.

Mr. Sheena stated he did.

Commissioner Saikin asked if there were no tenants to pass the security expense through, then would that be a land expense.

Mr. Sheena stated it depends on the property, if anyone were to have issues with crime on the property it is the landlord's responsibility. It is up to the land owner to know what the risks are and handle them accordingly. He stated that if crime were to occur on the property then security measures will be updated and the expense would be put on the tenants as their safety is a concern. There are some buildings that would need more security than others and he believes that this property would need security and he is willing to provide it. However, he does not believe that it should be a condition of occupancy.

Chairman Gordon clarified that Mr. Sheena is speaking mainly on the security and safety of the tenants but the concern of the commission is with the safety for the adjacent residential areas.

Mr. Sheena stated if the residents in the neighboring areas have security concerns, they should contact the Bellaire Police Department and not the security of the building. The security of the building is his main concern and not that of the residential neighborhoods. If security issues were to arise, he does not want the responsibility of protecting the residential neighborhood because they could contact the Bellaire Police Department for better help.

Commissioner Baker stated that he agrees with Chairman Gordon that the security concerns are for the remainder of the undeveloped property. He uses an example that "You wouldn't want rogue soccer games happening out there."

Chairman Gordon raised the question of whether there should be 24-hour security for the adjacent properties while they are undeveloped. He thinks there is a big concern about security in general.

Commissioner Saikin asked the commission and Mr. Sheena if they are aware of any security concerns on the property at the current moment. He asked if any crime has already occurred on the property, such as arrests.

Mr. Sheena said, no. He added that there is a retired Houston Police officer, David Wallace, who has a CMU fence, has security cameras, and is on his property all the time.

Vice Chair Axelrad asked that the extraneous comments from the gallery cease as they have already had their public hearing.

Chairman Gordon politely asked that there be no public comments to be made at the time.

Commissioner Klug felt that the majority of the commission is not in favor of the amendment and would like to withdraw it if the commission chooses to.

Mr. Gordon asked if there is a motion to amend the motion on the floor to include an additional condition stating that the sidewalk on the entire length of Fournace Place be replaced.

Vice Chair Axelrad motioned to amend the motion on the floor to include an additional condition. The motion passed with a vote of 7-0.

Chairman Gordon asked for a vote to approve the SUP application with the condition that the sidewalk be replaced along the entire length of Fournace Place.

The motion passed with a vote of 7-0.

RESULT:	APPROVED WITH CONDITIONS [UNANIMOUS]
MOVER:	Weldon Taylor, Commissioner
SECONDER:	Mike Axelrad, Vice Chairman
AYES:	Baker, Saikin, Axelrad, Gordon, Taylor, Klug, Nelson

- iii. Docket # SU-2018-06-Consideration of an application filed by SLS Properties, LLC, as applicant, for a Specific Use Permit as required by the City of Bellaire Code of Ordinances, Chapter 24, Planning and Zoning, Section 24-605, Application for Specific Use Permit, to allow for the construction of a parking garage adjacent to the existing office buildings previously occupied by Chevron U.S.A, Inc, as provided for in section 24-544 C. 4) of the City of Bellaire Zoning Code. The property is located at 4800 Fournace Place, and is within the Technical Research Park Zoning District, also known as the North Bellaire Special Development Area.

Chairman Gordon stated since there already was a staff presentation, the Commission could move straight into comments for the staff or the applicant, Mr. Sheena.

Ms. Parcus clarified that a motion needs to be made prior to discussion.

Motion: a motion was made by Commissioner Nelson and was seconded by Vice Chair Axelrad to approve the SUP for the construction of a parking garage at 4800 Fournace.

Vice Chair Axelrad asked for clarification behind the rationale for the deed restriction and its impact going forward. He noted that the applicant is proposing to overbuild the parking structure.

Mr. Sheena noted that the SUP was initially submitted before he was the owner. On the 26th of September, he closed on the property. Prior to closing on the property, he received permission from Chevron to submit the SUP with what the commission sees. Once he closed on the property, before the deed came on, Mr. Sheena was on a confidentiality agreement. He then requested permission from Chevron to disclose what was in the deed and they wanted to close on the property first; after that it would be on public record and he could disclose with the public what it is. He noted that there are various restrictions on the property because that is what Chevron wanted. Mr. Sheena explained that there are underground water issues that are coming from the Wal-Mart site. Due to those issues, he believes Chevron decided not to have single family homes on the area. They also did not want schools, nursing homes, and hospitals on the property. From the beginning, Mr. Sheena and his associates knew they could not build single family homes on the property. Having listened to the audio tape from around March 2017, it was clear to Mr. Sheena that there was an understanding that the area would be filled with single family homes, condos, or life-cycle homes, however, that will never happen. Chevron also added a restriction that if Mr. Sheena were to try to build townhomes, for example, he must put an open-air garage. Due to that restriction, he cannot build a condominium because he would not be able to have garages on the first floor. He can, however, build residences but it would need a parking garage without enclosed first floor parking. Mr. Sheena noted that across the city there are open-air, podium style parking garages where you can build on top. He would have no issues building retail centers, shopping centers, restaurants, and community centers that could have tennis courts or a swimming pool. He cannot have a community center that would have a school that would be classified under the property. He stated that it has no effect

on what he is trying to build as he has many ideas on what to do with the property but, everything on the property is contingent on having a parking garage.

Commissioner Saikin suggested that he could build another office building.

Mr. Sheena agreed but he would need to build another parking garage for the new office building.

Vice Chair Axelrad agreed that there was a consensus that the property was going to be a residential area for single family homes but that was never a possibility from the beginning. He asked whether in the T.C.Q. filings whether there was a description.

Mr. Sheena said there is. He believes Chevron is responsible for the ground water. They indemnified Mr. Sheena if anything were to happen, up to closing, with the ground water.

Commissioner Saikin asked Mr. Sheena to clarify if they would compensate him up to closing.

Vice Chair Axelrad asked for clarification that Chevron would be responsible for anything that were to happen prior to Mr. Sheena closing on the property.

Mr. Sheena further clarifies that anything prior to closing on the property, Chevron is responsible; anything that would occur after closing, Mr. Sheena is responsible. He noted that Chevron has gone to great lengths to put agreements in place in the event of a remediation it would occur North of the central plant on a property that is 75 by 75. Chevron believes it would not happen however, they have taken steps to have an area to remediate.

Mr. Axelrad asked if it was primarily hydrocarbon or volatile organics.

Mr. Sheena said that he was unsure. His consultants stated that it would not affect the development. The ground water is too low to cause any problems.

Chairman Gordon asked if the warranty deed prohibits deep foundation, for future developments.

Mr. Sheena said, it does not but, it makes him comply with T.C.Q. requirements. For example, the foundation for the parking garage will be at maximum 12 feet deep. He noted that it all depends on the engineers. The ground water is far below 12 feet and would not be touched with the construction.

Commissioner Baker noted that it does state that growing tomato plants or orange trees is prohibited.

Mr. Sheena agrees that he does not want anyone growing vegetables or drinking water on that land.

Commissioner Saikin asked that the staff summarize the design standards for 24-513.A.

Ms. Parcus stated that it explained what building materials are prohibited and not prohibited, lighting, colors, awnings, canopies, and screening. It encompasses all of the materials.

Commissioner Saikin asked if a parking garage can be constructed in the city without adhering to section 24-513.A.

Ms. Parcus stated that the design standards are required for any parking garage constructed within the CMU, UV-D, and UV-T, but not for the TRPD.

Mr. Saikin asked if there are other architectural design standards.

Ms. Parcus confirmed that there are.

Commissioner Saikin asked if the City will then review the permit to ensure that the applicant is in compliance with the design standards.

Ms. Parcus confirmed this.

Commissioner Saikin asked what staff means when they say that trees will be installed in accordance with section 24-513.

Ms. Parcus stated the requirements within 24-513 would require that a 45-gallon tree be placed every 40 feet along Mayfair.

Mr. Saikin asked if it was to screen from homes.

Ms. Parcus confirmed this.

Chairman Gordon asked if it was independent of any trees that would already exist.

Ms. Parcus clarified that if the existing trees work with the requirements, they are allowed to stay. Any spaces in between that would need a tree to meet the 40-foot requirement must be filled in. Ms. Parcus stated that the city would not want them taking out mature trees that would meet the requirements.

Commissioner Saikin asked what design standards Mr. Sheena plans on having for the parking garage aside from the requirements of the city. He asked Mr. Sheena if he had any renderings of what the garage would look like.

Mr. Sheena explained the design features of the parking garage to the Commission. The only issue he has is the setback line of the parking garage to the fence. He stated that there are code requirements that would require there be a ratio between the buildings and that would interfere with a plan to add a public walk-way that would have benches and trees. He proposed to make it three levels of elevated garage on one side and start his fourth level 60 feet away and would therefore be 100 feet away from the fence. He stated that it gives him more flexibility rather than the strict guideline that would prohibit him from making the walkway nicer. Mr. Sheena presented an image of the proposed parking garage where he shows a visual

representation of what he is proposing to do. He explained that he would construct a parking garage that would have three floors, to comply with the code, an open space that would attach to a fourth level. Utilizing his proposed plan, he stated that he would be able to have enough parking spaces to accommodate the tenants and be able to include the walkway he desired.

Chairman Gordon asked Ms. Parcus to clarify that there is an aerial easement that limits the height of trees to 15 feet. He asked her what the width of the easement is.

Ms. Parcus believed it was 10 by 15 feet.

Mr. Gordon stated that it was just 10 feet from the fence line so taller trees can be added, they would have to be closer to the garage if they were.

Ms. Parcus stated that was correct.

Mr. Sheena stated there are trees on the property, where the easement is, that are approximately 30 or 40 feet tall. He stated that there are residents who approached him asking him to trim the trees because of the power lines. He stated that it is very tall and dense where the trees are.

Commissioner Baker asked if the setback Mr. Sheena originally had was the 40 feet.

Mr. Sheena stated that is correct.

Mr. Baker stated that there would be no change. He suggested that now that the fire lane was removed that area could be landscaped to form a jogging path or walking path.

Mr. Sheena stated that if there were to be a sidewalk all the way along Fournace, it would be a long way to walk. He suggested that the walkway be looped through the office building and the parking garage. He asked that the commission not foreclose his right to put a nice sidewalk on the property. He admitted that the city is asking that he put trees, which he already planned on doing to screen it, but would like the flexibility in the future to put a sidewalk there if he chose to. "It's good for the neighbors, it's good for me."

Commissioner Baker asked that the fencing have a ten-foot requirement; not necessarily the entire distance but 12 feet beyond the west and east edge of the building.

Ms. Parcus stated that city regulations are 8 feet maximum. The Board of Adjustment would have the ability to give him the special exception.

Mr. Sheena stated there is a question of what the residents wanted. He visited many of the residents in the surrounding area and only one person, retired Police Officer Wallace, who stated that he already has a C.M.U. fence but if Mr. Sheena were to add another masonry fence, he would not be opposed to it. He stated that everyone else he spoke to wanted wood fencing.

Commissioner clarified that he was interested in the height of the fencing because of the discussion of adding 10-foot fences between residential and non-residential properties.

Mr. Sheena expressed that he has no problem with the height of the fence. He stated that some residents prefer to see sunlight coming in and to not have such a high fence.

Commissioner Nelson asked if Mr. Sheena made his determination for wood fencing instead of masonry fencing based on the conversations he had with all of the residents. She then asked if the city validated any of that.

Ms. Parcus stated that they informed Mr. Sheena the masonry fence is what was required by code and he therefore informed them that he had spoken with residents and they were not in favor of the masonry fencing.

Commissioner Nelson asked whether the city had a process where they validated the claims with the homeowners.

Ms. Parcus said that they do not.

Mr. Sheena stated that when he spoke to the residents, he did not speak to everyone as all the residences are not fully occupied or they are occupied by renters. He stated that he possibly spoke to eight or nine people. He explained that Chevron owns approximately 13 lots in the area and has provided a letter to staff that stated he has the support of those 13 properties. Mr. Sheena had spoken to everyone that would listen in the residences behind the parking garage and they all expressed that they would rather have a wooden fence instead of a masonry fence.

Chairman Gordon asked what process would need to take place to allow something else to be used.

Ms. Parcus repeated that Mr. Sheena would need to go to the Board of Adjustment to get a special exception. She explained that he would need to follow the city code.

Commissioner Taylor asked the city attorney whether they can even consider the parking garage design Mr. Sheena has proposed.

City Attorney, Zachary Petrov, stated this is something new. He said, Mr. Sheena's application had a 40-foot setback with a 45-foot height requirement which is the application that is being considered. He is still falling within the guidelines of the application.

Chairman Gordon clarified that there is a requirement that he comply with the height setback ratio.

Mr. Petrov confirmed the requirement and added that he would have to comply. If Mr. Sheena were to lower the garage where it would be closer to the residents, then he would need to apply to amend the SUP or apply for a new one.

Commissioner Taylor asked if Mr. Petrov would see any issue with them considering his proposal from a process standpoint.

Mr. Petrov stated that was correct.

Mr. Sheena said that the application mentions in section 24-544 he is following the code.

Commissioner Taylor asked if the ordinance contemplated on that kind of a structure.

Ms. Parcus clarified that the code was written to deal with higher multistory buildings next to residential areas, regardless of what type of structure it is.

Chairman Gordon was concerned with the applicant's new proposal due to the fact that it is not what is in the application.

Mr. Petrov stated that was correct. The application contains the 40-foot setback and the 45-foot height requirement.

Chairman Gordon said it did not comply with city code, as proposed.

Ms. Parcus stated that the application says a minimum of 40 feet which, after review from the staff, did not comply with the height setback plane because it needed to be 53.57 feet.

Commissioner Taylor expressed concern with the lower three levels as they would be closer to the residents and they might object to that.

Ms. Parcus agreed and added that the residents would need to decide if they would rather have the structure setback further or are they concerned with the top stories.

Commissioner Taylor agreed.

Ms. Parcus stated that it meets code. The Commission's responsibility is to approve or disapprove the use, and it is the staff's responsibility to make sure that it is code compliant.

Chairman Gordon disagreed because the application stated that the parking garage height will be 45 feet on certain levels and therefore matches the rendering. He stated they are moving into what is promised versus what is in the document.

Mr. Petrov said that is correct. Mr. Sheena could make his building less burdensome on the residents by making it lower and not higher because that is what is on the application.

Chairman Gordon stated Mr. Sheena is unable to do what is in the application.

Mr. Sheena clarified that the application stated the property would be a minimum of 45 feet south of the north property line.

Chairman Gordon stated that he was looking at page 102 of the packet that stated the parking garage height will be a total of 45 feet and a minimum of 40 feet south.

Commissioner Saikin commented that it would make it not in compliance with the code.

Commissioner Nelson agreed.

Ms. Parcus agreed and stated that Mr. Sheena understands what code says and is trying to change it in his application. He had already been informed that he was not code compliant and would need to follow the code.

Chairman Gordon clarified that Mr. Sheena would be unable to move the structure closer to the property line than the 41.67 feet required by code.

Ms. Parcus stated that he was correct. Regardless of what Mr. Sheena has in his application the code must to be followed.

Commissioner Nelson asked if based on what Mr. Sheena is proposing the residents would need to decide whether they want to have it further back and higher or not.

Ms. Parcus clarified that it is not about the preference that the residents have, but simply that the development must meet City code.

Commissioner Nelson asked what the regulation was for building a building that had split levels as proposed.

Ms. Parcus stated that in the CMU the height setback plane is what is required, and is very similar to what Mr. Sheena is proposing. The TRPD had a different equation, but this is what the normal height setback plane would look like.

Commissioner Saikin asked for clarification if the commission is making a recommendation on whether Mr. Sheena can build the parking garage and the city is making the determination that he is following the code.

Ms. Parcus agreed and added that the city staff is making sure that he follows city regulations.

Commissioner Taylor stated he is unsure what makes this a three-story building instead of a four-story building.

Commissioner Baker asked if the center section were to be 90 feet tall, would that make the garage code compliant.

Ms. Parcus stated that they would have to do the calculation. The three-story portion of the building is compliant with the code.

Mr. Sheena stated that if the building were to be 90 feet tall, he would have to be 107.1 feet away from the fence in order to be code compliant.

Commissioner Baker asked if that meant each level of the building needs to be code compliant.

Chairman Gordon stated that it is a plane and you would need to go off of the property line

going up.

Mr. Baker understood the issue.

Commissioner Nelson's concern is that whether Mr. Sheena were to build the parking garage as a four-story building further away or the modified split tier building, they would still both be compliant; she asked who makes the determination on what the residents prefer.

Ms. Parcus stated that it is still dependent on code regulations. They cannot make regulations based on opinion.

Commissioner Nelson stated that the two options were both in code.

Ms. Parcus clarified that she was attempting to say that the commission would approve or disapprove the use. Once an approval is made, the city staff would then make sure that it is code compliant.

Commissioner Taylor offered a scenario: if he was a resident on Mayfair would this proposal, the three tier to four tier split level garage, brings it closer to his property?

Commissioner Nelson stated no.

Commissioner Klug said, no, it would actually be a foot further.

Chairman Gordon stated that was incorrect. If it was a complete four-story parking garage, it would need to be 53.57 feet away. If he were to do the split level, it would be compliant.

Commissioner Klug said the height wouldn't work.

Chairman Gordon stated that the height stated, 40 feet, would never work for a four-story garage.

Commissioner Klug agreed and added that it is not four stories, it is three stories.

Commissioner Taylor said that the key number for the four-story garage is 53.57 feet. If Mr. Sheena were to do three stories, it would be closer.

Commissioner Klug agreed.

Chairman Gordon stated that the commission has the ability to adopt a different setback requirement regardless of what city council said.

Mr. Petrov stated that was correct. He added that he believed Mr. Taylor wanted more residential input. If that were necessary, then another public hearing would need to occur.

Commissioner Baker clarified that in the application, it said a minimum of 40 feet which is what the hearings were based on. He said it is Mr. Sheena's decision as to which rendering he would

follow as long as either one is code compliant.

Mr. Petrov clarified that he would not be able to go higher than the 45 feet without amending the SUP.

Commissioner Baker added that the application was for it to be no less than 40 feet from the property line and no taller than 45 feet.

Mr. Petrov said that was correct.

Commissioner Baker stated that as long as they follow the code compliance, they are not violating their responsibility to the residents.

Commissioner Klug added that if Mr. Sheena were to try and build a one-story garage, he would not need to do a new application.

Mr. Petrov said, that is correct as long as he followed the 40-foot distance from the edge of the property. At a lower height, it is less burdensome on the residents in the area.

Commissioner Klug asked if the criteria are: to be less burdensome on the residents.

Mr. Petrov noted that after public comments there would be some change expected with the hopes that the developers would listen to the public and make accommodations as such. If adjustments were made that would become more burdensome on the public, another public hearing would need to take place to address those concerns.

Commissioner Klug added that if the developer were to make adjustments that were code compliant and less burdensome on the public it should be the same application.

Mr. Petrov stated that is correct.

Chairman Gordon stated the important piece is the public saw something that was 40 feet away. This new proposed construction was not what they may have had in mind. There may be a preference to push it further away.

Commissioner Taylor agreed but added that the ordinance requires that the garage be built 53.57 feet away from the property line for a four-story structure.

Commissioner Klug noted that Mr. Sheena's fourth story is 100 feet away from the property line.

Chairman Gordon added that this was omitted from the application.

Commissioner Taylor agreed and added that it was not a part of the hearing. The lower three levels of the garage will be closer to the residential property than previously mentioned.

Ms. Parcus stated that the public anticipated 40 feet.

Commissioner Klug urged that it was a foot further away; it was at minimum 40 feet away.

Commissioner Taylor clarified that in the ordinance it was 53.57 feet.

Ms. Parcus added the ordinance regarding the 53.57 feet was not discussed at the previous public hearing.

Commissioner Taylor asked which one the applicant complies with, the ordinance or the 40 feet that he proposed.

Ms. Parcus stated the applicant needs to comply with the ordinance. However, what was mentioned on the application and what the residents thought was the 40 feet. Their comments were based on the parking garage being located 40 feet from the residential area.

Commissioner Taylor asked what the new distance would be.

Ms. Parcus stated that the applicant plans on providing a setback of 42 feet from residential.

Commissioner Taylor asked if Mr. Gordon had an opinion on the matter.

Chairman Gordon noted that he would like to be able to condition the approval on compliance with the site plan as they are more visual. Using Bellaire High School as an example, there was a revised site plan included in the application. Whereas there is no site plan available for this application. The expectation of the public is that they vote on the application that shows things such as the dismissed fire lane without knowing what will actually be on site. He would like to have a site plan available to vote properly. There was no expectation that the parking garage be more than 40 feet away from the property line in the public hearing. He does not agree with the changing design but the proximity of the building is not changing from public expectations. He stated that the setback piece was in conflict with the discussion previously.

Commissioner Taylor stated he had intended to vote in favor because he assumed it met regulations. He agreed with the proposed conditions that the staff recommended. He also does not understand that the residents on that street wanted a wood fence instead of a masonry fence. He asked if the commission can approve a wood wall in place of the masonry wall required by code.

Ms. Parcus clarified that the code requires the masonry wall. If Mr. Sheena wanted to change that, he would need to go to the Board of Adjustments.

Commissioner Taylor asked if they were to disapprove the adjustments made, that were introduced in this meeting, would the commission need to restart the entire process or is it something they would approve as admitted in compliance with the ordinance and Mr. Sheena would then go to the board of adjustments to get approval for the new proposed plan.

Ms. Parcus asked whether Commissioner Taylor was speaking in regards to the wall or the garage.

Commissioner Taylor corrected himself and stated he had moved back onto the discussion of the garage.

Ms. Parcus stated that the masonry wall was not a condition that needed to be met as it was something that was already in the code.

Chairman Gordon asked when the masonry fence would be constructed, before or after the construction of the parking garage.

Ms. Parcus' understanding was that the masonry wall would be built before the construction or simultaneously.

Mr. Sheena mentioned that he would want to have the wall complete prior to construction as an added safety measure.

Chairman Gordon asked whether that would be a requirement or could it be a condition they can include.

Ms. Parcus said it could be included as a condition if the commission wanted.

Commissioner Klug asked if they were to approve the application with the staff's recommendations then the staff would require him to have the setback.

Ms. Parcus stated that is correct.

Chairman Gordon stated that if the commission has the capability of overriding the minimum requirement. If there is no issue with the minimum requirement then there would be no need for additional verification.

Commissioner Baker said that the SUP should be required to have the 40 feet minimum because that is what is discussed. Since there is no site plan that was presented with the application, Mr. Sheena can change it how he would see fit. He wants Mr. Sheena to follow the requirements.

Commissioner Saikin agreed with Mr. Baker that the 40 feet is a required minimum to prevent further changes to the layout and less of a burden on the residents.

Chairman Gordon clarified that the application specifically says there should be a minimum of 40 feet.

Commissioner Baker asked whether the SUP takes into consideration the language of the application.

Mr. Petrov stated it does.

Commissioner Baker then confirmed that the application has the language incorporated by reference.

Mr. Petrov stated that was correct.

Commissioner Saikin asked if Mr. Petrov was certain.

Mr. Petrov stated that is how the city would interpret it; he would need to come back to amend the SUP.

Chairman Gordon asked for further clarification as the application stated there would be approximately 2,000 parking spaces. The stair-step approach would leave Mr. Sheena with approximately 1,800 parking spaces.

Mr. Sheena confirmed the number of parking spaces would be around 1,900.

Mr. Gordon asked for there not to be a forceful construction of 2,000 parking spaces because that was approved. He noted that, in this instance, they are approving the setback and not the specific number of parking spaces available to the parking garage.

Mr. Petrov stated that was correct.

Chairman Gordon asked how tall 45-gallon trees would be once planted.

Ms. Parcus was unsure.

Commissioner Baker believed the trees would be approximately 18 feet tall with a four-inch diameter.

Vice Chair Axelrad noted that there are specific trees that need to be planted.

Ms. Parcus said that is correct. There is a list of trees Mr. Sheena is unable to plant.

Chairman Gordon asked if the requirement would be for a single row of trees.

Ms. Parcus stated that is correct. It is required that there be one 45-gallon tree planted every 40 feet.

Chairman Gordon asked if there was a requirement for where the trees are to be planted within the 40-foot space.

Ms. Parcus said that there is not.

Chairman Gordon was concerned with the amount of buffer as the trees would be trimmed at 15 feet inside the aerial easement. He stated it could be a requirement that they be placed outside of the aerial easement to allow for taller trees as a buffer. He stated that the commission could require that the landscaping trees be located outside the aerial easement.

Ms. Parcus stated that was correct.

Mr. Gordon asked if there is a difference between anticipated heights of different trees.

Ms. Parcus believed so.

Mr. Gordon believed that the public would not want to be looking at a concrete structure and would rather see trees.

Commissioner Saikin agreed. He asked what else they could do to beautify the property.

Chairman Gordon said, depending on the tree and the space available, there might be different tree requirements to allow for future buffering. He mentioned that Mr. Sheena could solely comply with the code and therefore not take into account which trees would provide the better buffer.

Mr. Saikin used the parking garage that is currently being constructed on the town square and the residents who live on Lindon whose view is a giant concrete building. He asked if there is something else the commission can do to ensure the beautification of the property. He noted the HCC West Loop campus' parking garage is a nice parking garage. He is asking that there be more done to ensure the parking garage not just be strictly code compliant.

Mr. Gordon stated that it all comes back to maintenance and design standards. He stated that they could ask that the trees that would be planted on the outside of the easement would be of the tallest variety of allowed.

Commissioner Baker noted the commission could make the tree requirement perpetual. Where the type of tree planted would still provide adequate buffering in the future and not solely at the time of construction. If a tree were to die, then it would need to be replaced.

Chairman Gordon asked that there be a type of tree recommended and not just a random tree that would serve no greater benefit in the future.

Mr. Baker stated that there is a list of recommended trees.

Commissioner Taylor asked if there is any other way to enhance the area aside from trees.

Commissioner Saikin believed that the code requires the bare minimum. He understands that parking garages are expensive to build and believes that Mr. Sheena will not try to beautify the area if he is not required to.

Chairman Gordon stated that the third condition that it be built according to the city's design requirements.

Mr. Saikin understood, however, he believes the city's design requirements aren't that great.

Mr. Gordon agreed but stated that there have been established design criteria whether appropriate or not.

Commissioner Saikin said that it is their job to improve upon the established criteria to add conditions or requirements in place to improve the appearance of the properties. He added that 53 feet is not that far. He noted that there will be residents on Mayfair that will be forced to look at a concrete structure.

Commissioner Baker asked Mr. Sheena what he does for his other properties.

Ms. Parcus added that a better example would be the H.E.B. garage, as it meets the design standards and includes the green walls.

Chairman Gordon noted that the walls have no vegetation on them.

Commissioner Saikin asked if the green walls will be on the Bellaire Town Square.

Ms. Parcus stated that when complete it would.

Mr. Sheena thanked the commission for stating that the parking garage at H.C.C. looks nice as his parking garage will look the same. He noted that the parking garage has the four stories and the double T's, and that it is not the cheap metal construction that would cost more in the future.

Commissioner Saikin remembered that the parking garage had a color or design feature.

Mr. Sheena confirmed that the color design was yellow with a contemporary design. He added that he would like to include an architectural feature on the parking garage as well. It is not his intent to design and build the cheapest parking garage up to code. He mentioned that this parking garage will be a multi-million-dollar parking garage.

Chairman Gordon added that once the commission approves the application, there is not a way for the commission to hold him to that statement.

Mr. Sheena noted that he paid a lot of money for the property and he intends to invest in a beautifully designed parking garage. He wants a property that is inviting to the public. Mr. Sheena stated that no one would knowingly purchase a property such as this with the intent of putting in the cheapest buildings.

Commissioner Saikin stated with the exception of a parking garage. He reiterated that the purpose of this discussion is to talk about a parking structure. He understood that Mr. Sheena is putting a lot of money into the beautification of the face of the building but could ignore the parking structure all together.

Mr. Sheena noted that if he wanted to do the cheapest design, it would be to put a steel structure.

Commissioner Saikin asked if the council can condition to prohibit the construction of the steel structure that Mr. Sheena described.

Chairman Gordon asked whether the steel structure was allowed.

Ms. Parcus clarified that under the design standards there is a listing of what is allowed.

Commissioner Saikin noted that on the design standards is where Mr. Sheena could cut corners.

Chairman Gordon agreed that the parking garage could not be a main concern for beautification because it is not the outward facing building.

Commissioner Baker noted that the discussion is on the back-side of the parking garage that the tenants would be unable to see but the residential neighborhood would.

Ms. Parcus added that if the commission wanted to add more trees, they could require that there be less distance between each tree.

Chairman Gordon read a sample of what the amendment to the conditions would say. He noted the trees need to be placed outside of the aerial easement and at a spacing and variety that would be determined by city staff that would continuously provide a dense and appropriately tall buffer.

Commissioner Baker added that it would not be the best idea to limit the tree planting to strictly outside of the aerial easement as there may be a walkway that could be constructed.

Mr. Gordon clarified his word choice of the amendment stating that he could note that the trees are specific to the buffer and not the entire property.

Ms. Parcus noted the city staff would not allow trees to be planted under the aerial easement. She added a clarification of the materials necessary for the construction of the parking garage. She noted that steel is a material option for a sloped roof on the parking structure.

Chairman Gordon asked about screening for the parking structure on the residential side to provide additional privacy.

Mr. Sheena noted he intends to fill the pockets of spaces between the trees to screen the garage from the neighborhood. He plans to follow the code and plant the trees the required distance, if not less, to allow for a dense buffer between the garage and the residential neighborhood. There is the option for the landscape architect to submit a plan to the city to get approval for landscaping designs that are complying with code.

Ms. Parcus stated that is correct. Mr. Sheena would have to submit a landscape plan as well.

Chairman Gordon added that the staff wouldn't normally decline the application if it is noted that the trees are being planted under code.

Ms. Parcus stated that is correct.

Mr. Gordon liked the language he included in the amendment asking Mr. Sheena for specific

requirements for the beautification and buffering of the property. This amendment would allow for a more specific design.

Commissioner Saikin asked if there is an issue with who else could be using the parking garage beside the office building. He asked when the parking garage will be used as it could pose risks depending on if the parking garage is used at night or on the weekend.

Chairman Gordon agreed and noted when the construction of the new development was to take place, if the commission wanted to deny approval based on the use of the property, the commission is able to. He asked Mr. Petrov to clarify that nothing could be built without having to come back to the commission.

Mr. Petrov stated that was correct. Any concern with the use of the property would be addressed at the next SUP and the commission could approve or deny it based on their concerns.

Mr. Gordon asked if there were any more questions as he had written two amendments that would need to be voted on. The commission decided not to include a specific setback requirement. The first amendment is for item one to add the buffer trees be planted at a spacing and a variety, determined by city staff, to provide a continuous, dense, and appropriately tall vegetative buffer. Then, adding a fourth condition, requiring the construction of city fencing requirements be built prior to the construction of the parking garage. He asked if there were any other changes suggested to the word choice in the amendments.

Mr. Petrov asked for clarification that the amendments noted are in addition to the amendments noted by staff.

Chairman Gordon said that is correct.

Commissioner Taylor asked for clarification about the ordinance requiring the distance of the building to be 53.57 feet setback as proposed in the original SUP.

Mr. Petrov stated that was correct.

Commissioner Taylor asked if the City Attorney was comfortable with the commission approving the 4-tier split level parking garage and approving the height of the third floor of the parking garage creating a closer setback to the residential area.

Mr. Petrov stated yes, he is comfortable because the application originally had it at 40 feet and that was the distance originally considered.

Chairman Gordon stated he is unsure of what is included in the permit application based on the site plan proposal that was presented. He asked what the Commission is approving. He asked for clarification that the Commission could clarify that the parking garage needs to be constructed as shown on the site plan while meeting all city requirements.

Mr. Petrov stated that Chairman Gordon was correct; they could state that the construction

must be completed approximately where it is shown on the proposed site plan.

Commissioner Baker noted the application had the lot plan but not the other tracks.

Chairman Gordon asked if the turn-around and fountain is still in the design plan.

Mr. Sheena showed the commission an image of the proposed design plan. He showed the commission a new entrance area off of Fournace that will be the main entrance to the building with visitor parking.

Chairman Gordon asked if the commission is approving what Mr. Sheena is showing the council.

Mr. Sheena stated it is on the original application and design plan. He does not want the commission to foreclose on his right to build something as shown.

Ms. Parcus reiterated that the commission is approving the parking garage and not the new entrance as shown. Mr. Sheena would need to apply for a permit with the city to approve what was being shown. It would be an accessory use permit.

Chairman Gordon stated he is concerned with transparency. He asked if Mr. Sheena is asking for an application for solely the building and not any modifications to the building.

Ms. Parcus explained a site plan is not usually included with approval of the SUP unless the Commission requires that it match the proposed site plan.

Commissioner Klug asked how they are supposed to approve something they cannot see.

Ms. Parcus explained the Commission is approving the use. The site plan is only attached to the use if the Commission votes that it be attached.

Chairman Gordon asked if he were to do something else on the site in a different lot, would Mr. Sheena need to return to the commission for approval. He noted that the district was predicated under the fact that the activities needed to come through the commission.

Ms. Parcus said that is correct.

Mr. Gordon asked what activities do and don't need to come through the commission.

Ms. Parcus explained that it would depend on the code language; anything that is listed as a permitted use, Mr. Sheena would be able to do by right. If it were to require a SUP, it would need to be approved by the Commission.

Chairman Gordon asked if land improvements would need to go through the commission.

Ms. Parcus clarified that it is dependent upon the type of improvements being made to the building; he may have to go to the city for approval. If her were to make landscape improvements, that is not something the Commission would need to approve.

Vice Chair Axelrad noted the conditions being put in place for the landscape are conditions he would need to comply with.

Ms. Parcus stated that is correct.

Chairman Gordon noted the site plan that is originally in the packet does not seem to be what Mr. Sheena would ultimately like to build, but is similar. He asked the Commission if they would like to include that the parking garage not be moved from the location noted on the site plan.

Vice Chair Axelrad stated the Commission should give him some flexibility and include a threshold.

Ms. Parcus pointed out that there are separate lots on the property and it would not be beneficial for him to move the parking garage from its intended spot. If he shifted the parking garage it would be in the middle of two lots and he would have to do an amended plat for the property.

Commissioner Saikin noted the trees would be wherever the parking garage is.

Chairman Gordon asked if they are going to extend the buffer only to the extent of the parking garage or further.

Mr. Saikin believed it should just be where the parking garage will be located.

Chairman Gordon asked if there are any other questions. He repeated the conditions proposed which is amending condition one: the planting of trees to create a continuous buffer at the proper height, approving conditions two and three which were already noted in the, and adding a fourth condition that the masonry fence be constructed prior to the start of the construction of the parking garage.

Vice Chair Axelrad motioned to approve the amendment Commissioner Klug seconded.

Vote to approve the amended motion: 7-0.

Vote to approve the original motion: 7-0.

RESULT:	APPROVED WITH CONDITIONS [UNANIMOUS]
MOVER:	Pamela Nelson, Commissioner
SECONDER:	Mike Axelrad, Vice Chairman
AYES:	Baker, Saikin, Axelrad, Gordon, Taylor, Klug, Nelson

- iv. Approval of the Commission's Report and Recommendation to City Council regarding a specific use permit at 4800 Fournace Place for multi-tenant office use.

Ms. Parcus ensured the Commission that the discussions during consideration of each of the items, along with the conditions, will be added to the reports.

RESULT:	ADOPTED AS AMENDED [UNANIMOUS]
MOVER:	Mike Axelrad, Vice Chairman
SECONDER:	Jonathan Saikin, Commissioner
AYES:	Baker, Saikin, Axelrad, Gordon, Taylor, Klug, Nelson

- v. Approval of the Commission's Report and Recommendation to City Council regarding a specific use permit at 4800 Fournace Place for the construction of a parking garage.

RESULT:	ADOPTED AS AMENDED [UNANIMOUS]
MOVER:	Mike Baker, Commissioner
SECONDER:	Pamela Nelson, Commissioner
AYES:	Baker, Saikin, Axelrad, Gordon, Taylor, Klug, Nelson

VI. COMMITTEE REPORTS

There were no committee reports.

VII. CORRESPONDENCE

There was no correspondence.

VIII. REQUESTS FOR NEW BUSINESS, ANNOUNCEMENTS AND COMMENTS

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

Ms. Parcus informed the Commission that the public hearing for 4800 Fournace Place is tentatively scheduled to be heard by City Council on November 5th, and that the public hearing for the carwash at 5235 Bellaire will be going before Council on Monday, October 15th. She informed the Commission that staff is still working towards moving away from using personal email addresses for City communication, and asked that all of the Commissioners ensure that their City email addresses are set up and that they are able to access them properly.

- ii. **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**

There was no new business brought before the Commission.

IX. ADJOURNMENT

Chairman Gordon addressed the public by stating that the Commission's approval of the SUPs at 4800 Fournace was not the end of the road. He explained that there will be an opportunity for public comments at City Council as well.

Motion: a motion was made by Commissioner Klug and seconded by Commissioner Nelson to adjourn the meeting.

Vote: the motion passed with a vote of 7-0.

The meeting was adjourned at 8:15 PM.

City of Bellaire

PLANNING AND ZONING COMMISSION DECEMBER 13, 2018

Conference Room 202

Workshop Session

6:00 PM

SECOND FLOOR OF CITY HALL
7008 S RICE AVENUE
BELLAIRE, TX 77401

WORKSHOP SESSION

A. Call to Order & Announcement of Quorum

Chairman Gordon called the workshop to order at 6:00 pm, and announced that a quorum of the following members were present:

Attendee Name	Title	Status	Arrived
Mike Baker	Commissioner	Present	
Jonathan Saikin	Commissioner	Absent	
Mike Axelrad	Vice Chairman	Absent	
Ross Gordon	Chairman	Present	
Weldon Taylor	Commissioner	Present	
John T. Klug	Commissioner	Present	
Pamela Nelson	Commissioner	Present	
Ashley Parcus	Development Services Coordinator	Present	
Zachary Petrov	Assistant City Attorney	Present	
ChaVonne Sampson	Director of Development Services	Present	
Trisha S. Pollard	Council Member	Absent	

B. Discussion on suggested revisions to the requirements of Chapter 24, Section 24-605, Application for Specific Use Permit.

Ms. Parcus reviewed the proposed changes to Section 24-605 of the Code, which included:

1. The addition of "and zoning district" to #3
2. The requirement for a survey of the property, a scaled site plan, a landscape plan, and either a Traffic Impact Analysis (TIA) or a Traffic Circulation Study
3. The inclusion of "Table 24-605.A" that will be used in determining whether a TIA or a Traffic Circulation Study is required
4. Explanation of a Traffic Circulation Study

Ms. Parcus mentioned that Section 24-202, Definitions, of the City's Code of Ordinances does not list Traffic Impact Analysis or Traffic Circulation Study, and that this might be something else that the Commission would like to amend. She stated that if the Commission does wish to add those terms to the list of definitions within Section 24-202 then the explanation of Traffic Circulation Study would be taken out of Section 24-605.

Minutes Acceptance: Minutes of Dec 13, 2018 6:00 PM (Approval of Minutes from Past Meetings)

The Commission discussed the potential impact that the requirement for a TIA or Traffic Circulation Study will have on each type of application, and came to the determination that not every application should be required to submit these documents.

Chairman Gordon suggested adding language to that section which would allow for the Planning and Zoning Official to waive the requirement.

The Commission then discussed what the difference is between a TIA and a Traffic Circulation Study is.

Chairman Gordon explained that a TIA is a more quantitative engineering report, whereas a Traffic Circulation Study is more qualitative.

Commissioner Klug asked if the person preparing the TIA has to be licensed to do such.

Chairman Gordon stated that there is not a specific licensing for traffic engineers, therefore, he believed that any kind of P.E would technically be able to prepare the report. He added however that part of the code of a professional engineer is that they only certify documents that they are qualified and capable of preparing.

The Commission felt that the addition of those terms should be added to Section 24-202.

Commissioner Nelson mentioned that the items listed under the requirement for a scaled site plan is a little open ended due to the use of "such as." She suggested that the language be changed to something like "including, but not limited to." She also questioned what exactly it meant by "and the relationship of the intended use to all existing properties and land uses in all directions to a minimum distance of two hundred (200) feet."

Ms. Parcus explained that essentially this is just asking for the applicant to describe any potential impacts that the proposed development would have on the neighboring properties. She suggested that the language be revised to say "and any foreseen negative impacts of the intended use to all existing properties and land uses in all directions to a minimum distance of two hundred (200) feet."

The Commission agreed with the change.

Commissioner Baker brought up the addition of a requirement for a landscape plan and questioned whether that would be necessary for all applications. After some discussion on the topic, the Commission felt that the waiver language should be added to this item as well.

C. Discussion on suggested revisions to Chapter 24, Section 24-512, Fence Regulations.

Ms. Parcus explained the proposed changes to Section 24-512 of the Code, which included:

1. Language allowing any property whose rear yard abuts that of a commercially zoned district to construct a rear fence to a height of 10 feet.
2. Deletion of "Interstate Highway 610 (West Loop)" from the language allowing for a

screening wall or fence to be built in the front yard of the property.

3. Inclusion of a paragraph allowing for properties with side yards along the Interstate Highway 610 (West Loop) Frontage Road to construct a side fence up to 10 feet in height, as long as it is not of masonry construction.

Chairman Gordon asked what defines a "commercially zoned district." He asked if a district such as RM-2-0 would be considered that.

Staff agreed that it would need to be determined what constitutes as a "commercially zoned district."

Chairman Gordon suggested just amending the language to say "non-residential district."

The Commission then questioned the specifics as to why the 10 foot fence along the 610 Frontage Road is not allowed to be of masonry construction.

Ms. Parcus explained that she has spoken with the Fire Department who expressed their concerns regarding a 10 foot masonry fence limiting their access to the property.

The Commission didn't understand why one side of a fence would limit access of emergency personnel when there are three other points of access to the home. They asked that staff get a more detailed explanation as to why this is the case.

The Commission then discussed other parts of the City that may benefit from having a taller fence.

Ms. Parcus mentioned that when she spoke to the Fire Marshall he pointed out that the properties on the bayou might also be good to add.

The Commission also stated that properties along the railroad and/or that are on the City of Bellaire boundary might benefit as well, but were hesitant to allow for an increase in height in that many areas throughout the City.

Commissioner Nelson suggested waiting to see what comes out of the public hearing regarding the changes. She stated that if residents come forward asking for taller fences in those areas then the Commission could look at including the language at that time.

After some discussion, it was decided that staff should go ahead and add language regarding the properties adjacent to the railroad, but leave out the properties on the bayou and at the City's boundary until feedback is received from the public.

Commissioner Baker also asked that staff speak with the police department to see if taller fences, specifically on the properties that back up to the bayou, would deter burglars.

D. Adjournment

Motion: a motion was made by Commissioner Taylor and seconded by Commissioner Nelson to adjourn the workshop.

Vote: the motion carried with a vote of 5-0.

The workshop was adjourned at 7:19 pm.

**Planning and Zoning
Commission**

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

City of Bellaire

Meeting: 01/10/19 06:00 PM
Department: Development Services
Category: Amendment
Department Head: ChaVonne Sampson
DOC ID: 2774

SCHEDULED**ACTION ITEM (ID # 2774)**

Item Title:

Discussion, consideration, and possible action on proposed revisions to Sections 24-202, Definitions, 24-512 Fence Regulations, and 24-605, Application for Specific Use Permit, of the City of Bellaire's Code of Ordinances.

Background/Summary:

On December 13, 2018, the Planning and Zoning Commission held a workshop session to discuss proposed amendments to Sections 24-512, Fence Regulations, and 24-605, Application for Specific Use Permit, of the City's Code of Ordinances. It was decided during that meeting that Section 24-202, Definitions, should also be revised to include the definition of Traffic Impact Analysis and Traffic Circulation Study. Several other changes have been made to the redlines, based on the conversation during the workshop, and those are attached.

Recommendation:

If the Commission is satisfied with the changes that are being proposed, it may vote to move forward with a public hearing for the items, which is tentatively scheduled for June 13, 2019.

ATTACHMENTS:

- Suggested Changes to Sec. 24-202, Definitions. (PDF)
- Suggested Changes to Section 24-512, Fence Regulations (PDF)
- Suggested Changes to Section 24-605, Application for Specific Use Permit (PDF)

Sec. 24-202. - Definitions.

The following definitions shall apply in the interpretation and the enforcement of this chapter:

- (1) *Access*. Any point of ingress or egress between streets, driveways, sidewalks or any combination thereof.
- (2) *Accessory use*. A structure or use which:
 - a) Is subordinate and incidental to and serves a principal building or a principal use;
 - b) Is subordinate in area, extent and purpose to the principal structure or principal use served;
 - c) Contributes to the comfort, convenience or necessity of the occupants, business or industry in the principal structure or use;
 - d) Is located on the same lot as the principal structure or its use; and
 - e) Is detached from the principal structure.

EXCEPTION: An accessory use or structure may be attached to a main residential structure, provided it is attached only by means of another structure, such as a breezeway or a carport, which connecting structure is enclosed by walls on no more than two (2) sides. (Ord. No. 89-009, § 1, 3-6-1989)

- (3) *Alley*. A public space or thoroughfare which affords only secondary means of access to property abutting thereon and not over 30 feet in right-of-way width.
- (3.5) *Aluminum composite panel (ACP)*. A smooth material comprised of composite metal for external cladding of buildings on vertical, sloped or horizontal surfaces. ACPs may be applied over masonry, structural steel, stud backup, or within curtain wall designs. ACPs may be produced in numerous colors or in patterns that imitate other materials such as marble or wood. (Ord. No. 11-086, § 1(App. A), 12-12-2011)
- (4) *Amusement, commercial indoors*. An amusement enterprise wholly enclosed in a building which is treated acoustically so that noise generated by the enterprise is not perceptible at the bounding property line and including, but not limited to, a bowling alley or billiard parlor.
- (4.5) *Antenna*. Any exterior apparatus designed for wireless radio, television, microwave or telephonic communication through the sending and/or receiving of electromagnetic waves except direct satellite T.V., personal T.V., radio towers and antennas for non-commercial service or antennas located on independent support structures which are being used primarily for the transmission of electrical power by a public utility. (Ord. No. 98-016, 7-20-1998)
- (4.75) *Antenna Support Structure*. The term antenna support structure includes any of the following:
 - a) *Monopole Antenna Structure*. A self-supporting pole type structure with no guy support, tapering from base to top and so designed to support fixtures which hold one or more antennas and related equipment.
 - b) *Lattice Antenna Structure*. A steel lattice, self-supporting structure with no guy wire support, so designed to support fixtures which hold one or more antennas and related equipment.
 - c) *Guy Lattice Antenna Structure*. A steel lattice, guy wire supported structure, so designed to support fixtures which hold one or more antennas and related equipment.
 - d) *Independent Support Structures*. Buildings, other than residences, or other structures such as water towers, church steeples or utility poles that can support fixtures for one or more antennas. (Ord. No. 98-016, 7-20-1998)

- (5) *Antique shop*. An establishment offering for sale within a building, articles such as glass, china, furniture or similar furnishings and decorations which have value and significance as a result of age, design and sentiment.
- (5.25) *Arcade*. An arched or covered passageway attached to a building facade. (Ord. No. 11-086, § 1(App. A), 12-12-2011)
- (5.5) *Architectural features in side yard*. Projections from a side residential building line that are either roof eaves, and/or chimneys and/or bay windows. No feature which touches or is in any way directly attached to the ground or foundation shall be considered an architectural feature. No other projection from a side residential building line shall be considered an architectural feature. (Ord. No. 91-012, § 16, 3-4-1991)
- (6) *Art gallery or museum*. An institution for the collection, display and distribution of objects of art or science and which is operated by a public or quasi-public agency and which facility is open to the general public.
- (6.25) *Articulation*. Architectural design method in which particular elements and parts of a building are made more distinct through variation in flat surfaces and straight lines (e.g., building facades, rooflines, etc.). (Ord. No. 11-086, § 1(App. A), 12-12-2011)
- (6.5) *Assisted living facility*. A multifamily, residential facility, the primary purpose of which is to provide long term housing, together with personal care (collectively, "assisted living services"), to persons who, because of their age or physical condition, desire or require such personal care. An assisted living facility shall also satisfy the requirements of the Texas Department of Health with respect to a Personal Care Home, Type A or B, as defined in the Texas Administrative Code under Title 25, Part 2, chapter 145, Subchapter L.

An assisted living facility may also provide medical or nursing care services to its residents, in addition to personal care; provided that the primary purpose of the facility shall be to provide assisted living services. Such personal care and other services shall be administered by an employee, staff member, facility representative, or other responsible adult who is under the general supervision of a facility. An assisted living facility may be a part of hospital or nursing home, if such uses are otherwise permitted under this Code. Unless otherwise specifically approved by the City Council and Planning and Zoning Commission, an assisted living facility shall not be used for the primary purpose of housing or treating (a) persons addicted to or dependent on drugs or alcohol; (b) mentally retarded or emotionally disturbed individuals; or (c) persons with long-term, chronic or terminal illnesses, whether or not communicable. Notwithstanding the above, residents of the facility, from time to time may suffer from any one or more of such conditions and may receive treatment at such assisted living facility. (Ord. No. 89-022, § 2, 6-5-1989)
- (7) *Athletic facilities/clubs*. Commercial swimming, tennis, racquetball or other athletic facilities that are privately owned and operated as private clubs or that are open to the public.
- (8) *Auto or motorcycles sales*. A place wherein automobiles or motorcycles are on the premises within a building or within a screened storage area and are available for sale to the ultimate consumer.
- (9) *Auto parts sales*. A place wherein automobile parts, including but not limited to tires and/or mufflers, are on the premises within a building or within a screened storage area and are available for sale to the ultimate consumer.
- (9.5) *Auto sales and auto-related sales and services*. A place or places wherein new automobiles are on the premises within a building or within a paved holding area and are available for sale to the ultimate consumer. Said place or places may engage in used car sales, auto parts sales and services to the extent that such sales and services are subordinate and incidental to the sale of new automobiles on the premises. (Ord. No. 88-008, § 1, 3-7-1988)
- (10) Reserved.

- (11) *Automobile service station.* Any building, structure or land used primarily for supplying automobile fuel and motor oil, at retail direct to the customer, including the supplying of accessories, replacement parts and services essential to the normal operation of automobiles, but not including body or fender work, painting or major motor repairs.
- (12) Reserved.
- (13) *Average equivalent lot size.* The number of square feet within a residential planned development district divided by the number of dwelling units within the district, excluding from the computation all public lands within the district that were in existence prior to the creation of the district.
- (14) *Bakery or confectionery shop (retail).* Any place used for the purpose of mixing, compounding and baking for retail sale, any bread, biscuit, pretzels, crackers, buns, rolls, macaroni, cake, pie or any other food products of which flour or meal is a principal ingredient.
- (15) *Bakery (wholesale).* Any place used for the purpose of mixing, compounding and baking for sale to a retailer or for sale to a restaurant, retail baker or hotel, any bread, biscuit, pretzels, crackers, buns, rolls, macaroni, cake, pie or any other food products of which flour or meal is a principal ingredient.
- (16) *Block.* An area enclosed by streets and occupied by or intended for buildings; or if said work is used as a term of measurement, it shall mean the distance along a side of a street between the nearest two (2) streets which intersect said street on said side.
- (17) *Board of Adjustment.* (Hereinafter referred to as Board.) A board having powers and duties as provided in other sections of this chapter, without limitation, to hear matters on appeal concerning interpretation of the provisions of this chapter, to grant variances and special exceptions. The Board of Adjustment may, in addition, require the discontinuance of nonconforming uses of lands or structures.
- (18) *Boat.* A vessel of any size designed to transport people or cargo across water.
- (19) *Bottling plant.* A place wherein beverages are bottled under pressure for sale at wholesale or retail.
- (20) *Buffer.* The area, space or physical means which is established to protect or insulate one land use or one building from another.
- (21) *Building.* A structure lawfully erected under the terms and provisions of the Code of Ordinances of the City of Bellaire, having a roof and designed or built for the support, enclosure, shelter or protection of persons, animals, chattels or property of any kind. Said building may have common party walls when erected in accordance with the Code of Ordinances of the City.
- (21.5) *Building integrated photovoltaics (BIPV).* Use of photovoltaic materials to replace conventional building materials in parts of a building envelope such as the facades, roof or skylights. Photovoltaic materials generate electrical power by converting solar radiation into direct current electricity. A BIPV system serves the dual function of building skin and power generator, and is often used to add architectural interest to a building. (Ord. No. 11-086, § 1(App. A), 12-12-2011)
- (22) *Building line.* A line usually parallel to the property line, which is the outermost line of permissible building construction.
- (23) *Building material storage and wholesaling.* A place in which building materials customarily used in the construction and/or remodeling of dwellings or commercial structures are stored and are sold to contractors, builders or other persons engaged in the construction and/or alteration of structures or improvements.
- (24) *Building Official.* A person duly appointed by the City Manager of the City of Bellaire, as provided in other sections of this chapter, without limitation, charged with the duty and obligation of issuing permits and certificates of occupancy and primarily charged with the responsibility of enforcing the provisions of this chapter.

- (25) *Building permit*. A permit issued by the Building Official under the terms and provisions of chapter 9 of this Code.
- (25.5) *Business and professional offices and services*. Places wherein commercial enterprises or professional fields of endeavor are conducted, such as but not limited to the following: real estate services, management services, veterinary services, physician and dental services, legal services, accounting, auditing and bookkeeping services, and education and scientific research services. (Ord. No. 88-008, § 1, 3-7-1988)
- (26) *Cabinet or upholstery shop*. A place wherein cabinetry is manufactured and/or fabricated or where fabrics are applied to furniture and are finished.
- (27) *Cafeteria*. A place where meals and drinks are served to the public generally or selected portions of the public, in a manner whereby such meals or drinks are served at a counter or in a line.
- (28) *Camping trailer*. A vehicular portable unit mounted on wheels and constructed with collapsible partial side walls which fold for towing by another vehicle and unfold at the campsite to provide temporary living quarters for recreational, camping or travel use.
- (29) *Certificate of Compliance*. A certificate issued by the signature of the Planning and Zoning Official certifying that a proposed development complies with the terms and provisions of this chapter and Code; such certification shall constitute a statement as to compliance of proposed buildings with this chapter and Code.
- (30) *Certificate of Occupancy*. A certificate issued by the Building Official which certifies that a structure has been erected in accordance with this Code and shall have as its effect permitting the occupancy of a building.
- (31) *Church*. A building or buildings where persons regularly assemble for organized religious worship, religious education and activities to promote fellowship among persons who are members or visitors of the organized religious body occupying the building or buildings.
- (32) *City Center*. An area of the city bounded by Chimney Rock Road (west), Bissonnet Street, Linden Street and Bellaire Boulevard (south), South Rice Avenue and Third Street (east), and Locust Street and the northern boundaries of lots facing Spruce Street (north). (Ord. No. 83-095, § 4, 12-5-1983; Ord. No. 83-095, § 18, 12-5-1983; as amended by Ord. No. 84-041, § 1, 5-24-1984; Ord. No. 85-010, § 2, 1-28-1985; Ord. No. 86-009, § 1, 2-3-1986; [Ord. No. 14-041, § 1, 8-18-2014](#))
- (33) *City Council*. The body established under and by the authority of the Charter of the City of Bellaire as being the body ultimately responsible for the enactment of ordinances and enforcement thereof and having the ultimate authority for amendment or repeal of any provisions of this chapter. (See Articles I and II of the Charter of the City of Bellaire.)
- (34) *City Manager*. The chief administrative officer of the City of Bellaire.
- (35) *Cleaning and dyeing plant (commercial)*. A place wherein textile fabrics or other materials are dry cleaned, refurbished, washed or treated for cleaning, preservation and renewal and wherein such fabrics may, in addition, be dyed by the application of coloring or bleaching agents in order to change or alter their physical appearance or status.
- (36) *Cleaning or laundry (small shop or pick-up)*. A cleaning or laundry establishment where the work is performed other than on the premises.
- (37) *Clothing store*. A commercial establishment limited to the sale of clothing and clothing accessories to the ultimate consumer.
- (38) *Collector lane*. A driveway within a surface parking area designed to collect and distribute traffic between parking spaces and public streets.
- (39) *Collector street*. A roadway designed to provide direct access to residential, commercial, industrial and other activity areas with a primary function of collecting and distributing traffic

between local access streets and the major thoroughfare system as follows: Glenmont Drive, Newcastle Drive, Evergreen Street, and Avenue B.

- (40) *College or university.* An academic institution of higher learning accredited or recognized by the State and offering a program or series of programs of academic study.
- (41) *Commencement of construction.* Any work on the project site pertaining to the work of the project itself that is in addition to the preliminary work of locating signs and temporary construction buildings and facilities on the site, and in addition to clearing and grading the site. (Ord. No. 83-095, § 5, 12-5-1983; Ord. No. 83-095, § 18, 12-5-1983; as amended by Ord. No. 84-041, § 1, 5-24-1984; Ord. No. 85-010, § 2, 1-28-1985; Ord. No. 86-009, § 1, 2-3-1986)
- (42) *Commercial parking lots (areas).* An open paved area offering parking facilities for the general public for payment of a daily, weekly, monthly or hourly tariff.
- (42.5) *Commercial residential.* A building or development wherein all of the first floor building/floor area is devoted to commercial use and not more than fifty percent of the total building/floor area of all floors combined is devoted to residential use. (Ord. No. 01-037, § 2(24-202), 4-16-2001)
- (43) *Commercial type vehicle.* Any vehicle with self-motive power or designed to be drawn, three-quarter ton or more in size, or which is licensed by the State of Texas as a commercial vehicle or which is used to haul or carry passengers or cargo for financial gain or profit.
- (43.5) *Communication industry systems and operations.* Places wherein telephone, telegraph, radio broadcasting and transmitting, television broadcasting and transmitting, combined radio and television systems or other communication systems or operations are located. (Ord. No. 88-008, § 1, 3-7-1988)
- (43.75) *Communication Tower.* Any structure built on the ground that is designed and constructed primarily for the purpose of supporting one or more antennas, including self-supporting antennas, and related equipment except tower structures on real property owned, leased, held, used or dedicated for use by a public utility when such structures are used for rendering utility service, such as a structure being used primarily for the transmission of electrical power by a public utility. (Ord. No. 98-016)
- (44) *Community Center (public).* A building and grounds owned by the City of Bellaire for the social, recreational, health or welfare of the community.
- (45) *Community shopping center.* A shopping area designed to serve a trade area of 40,000 to 150,000 people with a minimum site of ten (10) acres in area, where the lead tenant is a variety discount or junior department store. (Ord. No. 83-095, § 6, 12-5-1983; Ord. No. 83-095, § 18, 12-5-1983; as amended by Ord. No. 84-041, § 1, 5-24-1984; Ord. No. 85-010, § 2, 1-28-1985; Ord. No. 86-009, § 1, 2-3-1986)
- (45.5) *Conference center facility.* A facility that is devoted to hosting conventions and special events and providing meeting, exhibition and public assembly space, either as a stand-alone facility or attached to a hotel, office building or other complementary land use. (Ord. No. 11-086, § 1(App. A), 12-12-2011)
- (46) *Consumer.* A person or persons who are ultimate users or purchasers of goods or services.
- (47) *Contractor's shop or yard.* A place wherein work may be performed or equipment stored or used in conjunction with services rendered by a contractor in conjunction with agreements and undertakings by said contractor to perform services for third parties on a periodic by job basis.
- (48) *Contractual interest (person holding).* An interest obtained by written agreement and held by any person, partnership or corporation in real property. Such interest must be capable of being demonstrated and must appear on its face to be superior to all other interests of a similar nature. Such interest must, in addition, not be in conflict with that of the record title owner.
- (49) *Corner lot.* A lot adjoining the point of intersection of two (2) or more public streets and in which the interior angle of approximately 135 or less is formed by the extensions of the street lines in the directions which they take at their intersections with lot lines other than street lines.

- (49.5) *Cornice*. A horizontal molded projection that crowns or completes the top of a building or wall. (Ord. No. 11-086, § 1(App. A), 12-12-2011)
- (50) *Court*. An open, unoccupied space bounded on two (2) or more sides by exterior walls of a building or buildings. An inner court is a court entirely surrounded by the exterior walls of a building or buildings. An outer court is a court having at least one (1) side open to a street, alley, yard or other permanent space.
- (50.5) *Crime Prevention Through Environmental Design (CPTED)*. A multi-disciplinary approach to deterring criminal behavior through purposeful design of development sites, buildings, parking areas and public spaces to increase visibility and minimize potential hiding places. (Ord. No. 11-086, § 1(App. A), 12-12-2011)
- (51) *Cul-de-sac*. A dead-end street with a circular turn-around meeting minimum specifications of this Code for streets and turn-arounds.
- (52) *Custom personal service shop*. A commercial establishment such as barber, beauty, tailor, dressmaker, cabinet and upholstery shops, to provide such types of services to the ultimate consumer.
- (53) *Density, residential*. The number of dwelling units per gross area of land. (Ord. No. 82-010, § 11, 3-29-1982)
- (54) *Department store*. A commercial establishment housing general merchandise for sale to the ultimate consumer including, but not limited to, men's, women's and children's clothing, shoes, dry goods, furniture and household appliances.
- (55) *Development*. The carrying out of any building operation requiring permits under the terms and provisions of this Code or the making of any material change in the use or appearance of any structure or land requiring a permit or other authority under this Code.
- (56) *District*. See "Zoning district."
- (56.5) *Dormer*. An extension built out from a sloping roof to accommodate a vertical window. (Ord. No. 11-086, § 1(App. A), 12-12-2011)
- (57) *Drapery and/or carpet shop*. A commercial establishment wherein window hangings may be custom made on or off-premises for sale to the ultimate consumer or where carpeting is displayed and sold to the ultimate consumer or wherein both window hangings and carpeting are sold to the ultimate consumer.
- (58) *Drive-in banking facilities*. A place where a person or persons may conduct banking transactions from an automobile without the necessity of leaving such automobile.
- (59) *Dwelling, multi-family*. A residential structure on one (1) plot of land, containing separate living units for three (3) or more families, but which may have joint services or facilities.
- (60) *Dwelling, single-family*. A residential structure in which the members of a single family reside and no more than two (2) of the occupants thereof are unrelated.
- (61) *Dwelling unit*. A building or portion of a building which is arranged, occupied or intended to be occupied by a family as living quarters and includes facilities for food preparation and sleeping.
- (62) *Easement*. The lawful right one person or entity has to use the land of another for a specific or general purpose and for a definite or indefinite term.
- (63) *Electrical generating plant (private)*. A facility used for the generation of electric energy for transmission to ultimate consumers or additional transmission point.
- (64) *Engine or motor repair shop*. A place wherein engines and motors of every type are serviced and parts replaced for general use.

- (64.5) *Estate housing development.* Any housing permitted under the regulations provided in this chapter for the Mulberry Residential Estate District other than housing of a type existing at the time of adoption of this provision. (Ord. No. 83-076, § 1, 10-17-1983)
- (65) *Expansion of nonconforming use.* Enlargement by the addition of floor area, coverage or addition of land wherein there is located a use or structure which, although lawful at the time of its inception, is not prohibited under this chapter.
- (65.5) *Exterior Insulation and Finish System (EIFS).* A method of building cladding that provides an insulating, protective and decorative finish system for exterior walls that can be installed on any type of construction, and in a variety of shapes, colors and textures to replicate other architectural styles or finish materials. (Ord. No. 11-086, § 1(App. A), 12-12-2011)
- (66) *Facilities owned and maintained by the City.* The buildings of municipal government and related service facilities such as, but not limited to, libraries or recreational centers or other department offices.
- (67) *Family.* Any number of individuals living together as a single housekeeping unit in which no more than two (2) individuals are unrelated by blood, marriage or adoption.
- (68) *Fence.* A structure used as a means of enclosure or screening primarily designed to keep people or animals in or out, or used as a visual barrier and constructed in accordance with the requirements of this Code.
- (69) *Field of vision.* The normal uninterrupted spectrum of sight enjoyed by a person while making visual observations without turning or eye movements of any kind.
- (70) *Financial institution.* A commercial establishment where matters concerning money, economic management and the application of money are conducted: a bank, savings and loan or insurance company.
- (71) *Floor area.* The sum of the gross horizontal surface areas of the several stories of the building measured from the exterior walls or from the center line of party walls, excluding parking structures or that portion of any structure devoted to parking. Stairwells, elevator shafts, atriums and other open areas shall only be included in the computation of floor area as to the actual floor space of such areas.
- (72) *Floor area ratio (FAR).* The floor area of the building or buildings on a lot divided by the area of the lot.
- (73) *Florist or plant shop.* A commercial establishment where plants, flowers, greenery and other products of the art of horticulture are sold to the ultimate consumer.
- (74) *Front.* That part or side of a building or lot which has both the main point of ingress to and egress from the building or structure and abuts a street or a court. Where the main point of ingress or egress is not certain, then the front shall be deemed to be the side of a building which has assigned to it the street number address for that building.
- (75) *Front yard.* An open, unoccupied space on a lot facing a street, extending across the front of a lot between the side lot lines and from the outermost surface of the main building to the front lot line, with the minimum distance between the front lot line and the main building line as specified for the district in which the lot is located.
- (76) *Frontage.* The length of a building or lot which fronts and abuts a public parking area or a public street or area. The length of a common surface parking area abutting a public street or a public way.
- (77) *Furniture store.* A commercial establishment wherein home or office furnishings and related accessories are sold to the ultimate consumer.
- (77.5) *Gable.* A triangular area of an exterior wall under the inverted "v" formed at the end of a pitched roof. (Ord. No. 11-086, § 1(App. A), 12-12-2011)

- (78) *Garage, commercial.* A garage structure (building) offering parking facilities for the general public for payment of a daily, weekly, monthly or hourly tariff.
- (79) *Garage, residential (in Planned Developments).* An attached or unattached structure being an enclosure designed to be used in the storage of at least two (2) standard size automobiles.
- (80) *Garden shop including greenhouses or nursery stock storage area.* A place wherein flowers, plants and other growing foliage, seeds, tools and implements are sold or kept for service or sale to ultimate consumers and individuals engaged in gardening and/or landscaping.
- (81) *Grade.* The line or elevation of the inclination from the horizontal.
- (81.5) *Green roof system.* The complete or partial covering of a building roof with vegetation and a growing medium, planted over a waterproofing membrane, which may also include additional layers such as a root barrier and drainage and irrigations systems. Such rooftop systems are typically used to absorb and/or retain rainwater, provide insulation, create urban habitat for wildlife, and help to lower urban air temperatures. (Ord. No. 11-086, § 1(App. A), 12-12-2011)
- (82) *Grocery store.* A commercial establishment wherein fresh produce, meats, staples and various and sundry perishable and non-perishable items related to the daily needs of a household are sold to the ultimate consumer.
- (83) *Hardware store.* A commercial establishment wherein supplies, tools and accessories for home and garden are sold to the ultimate consumer.
- (83.5) *Head shops.* Any retail establishment open to the public that presents, displays, or offers for sale, distribution, or delivery, smoking paraphernalia items of any kind. "Smoking paraphernalia" shall mean paraphernalia, devices, or instruments, including but not limited to pipes, bongs, and hookahs, that are designed or manufactured for the smoking, ingesting, inhaling, or otherwise introducing into the body "controlled substances" as defined by the Texas Controlled Substance Act, Health and Safety Code, Ch. 481, as may be amended. "Smoking paraphernalia" shall also mean and include, in the broadest application possible, kits that are used, intended to be used, or commonly known to be used for the ingestion, inhalation, preparation, or injection of illegal substances, and include any device or instrument which has been fabricated, constructed, altered, adjusted, or marked especially for use in the smoking or ingestion of marijuana, hashish, cocaine, methamphetamine, any other "controlled substance," "controlled substance analogue," "synthetic controlled substance," or other substance or chemical that mimics the effect of THC such as synthetic cannabinoids or other controlled substances, or any other substance that violates local, state, or federal law, and is adapted for the purpose of smoking or ingesting by virtue of a distinctive feature or combination of features associated with drug paraphernalia, notwithstanding that it might also be possible to use the smoking paraphernalia for some other purpose. "Smoking paraphernalia" shall also mean and include, in the broadest application possible, kits that are used, intended for use, or designed for use in planting, propagating, cultivating, growing or harvesting any species of plant which is a controlled substance, or from which a controlled substance can be derived from the manufacturing, compounding, converting, producing, processing or preparing of a controlled substance. "Smoking paraphernalia" does not include lighters, matches, cigarette holders, and devices used to store or preserve tobacco, tobacco cigarettes, cigarette papers or cigars, nor does it include e-cigarette, e-pipe and e-cigar devices or their respective components including but not limited to the atomizer unit, liquid nicotine reservoir or nicotine cartridge tank, and cartomizer.

([Ord. No. 17-028, § 1, 5-15-2017](#))

- (84) *Height.* The vertical distance of a building measured from the top of the lowest level of the top of the foundation of the building enclosed within the outer walls of the structure to the top of the highest point of the structure, excluding chimneys, cooling towers, elevator bulkheads, penthouses, tanks, water towers, radio towers and antenna onto metal cupolas, domes and spires and parapet walls not exceeding ten (10) feet in height. (Ord. No. 01-037, § 3(24-202), 4-16-2001)

- (84.5) *High-capacity power transmission lines.* Lines for the bulk transfer of electrical energy between generating power plants and substations at transmission-level voltage, which is distinct from the local wiring for final delivery of electric power to retail customers at distribution-level voltage. (Ord. No. 11-086, § 1(App. A), 12-12-2011)
- (85) *Home occupation.* A business, profession, or trade conducted within or from a residential building or accessory structure for gain or support by a resident of the dwelling, which is incidental and secondary to the residential use of the building and does not change the essential residential character of the use. Particular occupations permitted are listed in Section 24-517(d) and are subject to all applicable provisions of this chapter. (Ord. No. 81-006, § 1, 2-23-1981)
- (86) *Hospital.* An institution where sick or injured patients are given medical or surgical treatment intended to restore them to health and an active life.
- (87) *Hotel.* A building in which lodging is provided or offered to the public for compensation and in which ingress and egress to and from all rooms is made through an inside lobby.
- (88) *Household appliance sales and/or service.* The sale and service of refrigerators, washing machines, ranges or other electrical or gas equipment for use in the home.
- (89) *Reserved.* (Ord. No. 07-073, § 2(Exh. A), 12-3-2007)
- (90) *Reserved.* (Ord. No. 07-073, § 2(Exh. A), 12-3-2007)
- (91) *Kindergarten, nursery and/or day care center.* An establishment where ten (10) or more children are housed for care and pre-school activities, which meets licensing requirements as established by the State of Texas.
- (92) *Kitchen facilities.* A room or area principally designed for or containing appliances for the cold storage of foods or for the preparation of hot foods.
- (93) *Land.* The earth, water and air, above, below or on the surface, and including any improvements or structures customarily regarded as land.
- (94) *Land use intensity.* A term referring to the types and extent of uses, activities, coverage, building dimensions and open space existing upon a designated tract or parcel of land.
- (95) *Laundry and dry-cleaning plant.* A physical facility containing equipment and machinery designed to launder and/or dry-clean clothing, fabric or other textiles.
- (96) *Level of Service C.* A condition existing under various speed and volume conditions on a highway or street as defined in the Highway Capacity Manual, that has been determined to be generally acceptable to meet the needs of travelers to progress along streets and through intersections without undue delay. (Ord. No. 83-095, § 6, 12-5-1983; Ord. No. 83-095, § 18, 12-5-1983; as amended by Ord. No. 84-041, § 1, 5-24-1984; Ord. No. 85-010, § 2, 1-28-1985; Ord. No. 86-009, § 1, 2-3-1986)
- (97) *Light compounding or fabrication.* The manufacturing of any item not involving the generation of noise, odor, vibration, dust or hazard, including a scientific laboratory or dental laboratory.
- (98) *Light manufacturing.* Any place or plant wherein any product or thing, including food or beverage products, is manufactured or processed, wherein such operation conforms to the performance standards herein specified for noise, odorous matter, toxic and noxious matter, glare, smoke, particulate matter and other air contaminants, fire and explosive or hazardous matter, vibration and open storage. (Ord. No. 88-008, § 1, 3-7-1988)
- (99) *Local access street.* A residential or non-residential street designed to provide direct access to individual homes, shops, abutting land and similar traffic destinations, with no provision for through traffic (e.g. Little Lake Street, Spruce Street). (Ord. No. 83-095, § 7, 12-5-1983; Ord. No. 83-095, § 18, 12-5-1983; as amended by Ord. No. 84-041, § 1, 5-24-1984; Ord. No. 85-010, § 2, 1-28-1985; Ord. No. 86-009, § 1, 2-3-1986)

- (100) *Loop 610 Corridor*. The area of land paralleling Interstate Highway 610 that is generally recognized as affected by traffic on Interstate Highway 610.
- (101) *Lot*. A part of a properly platted and recorded subdivision which shall be readily identifiable upon a plat of such subdivision, which plat shall show the dimensions of its subdivision lots and dimensions of all streets, alleys, squares, parks or other portions of the same intended to be dedicated to public use or for the use of purchasers or owners of lots fronting thereon or adjacent thereto.
- (102) *Lot coverage (site coverage)*. The area of a particular lot or tract which is covered with buildings and other surfaces. (Ord. No. 07-073, § 2(Exh. A), 12-3-2007)
- (103) *Lot coverage ratio (LCR)*. The ratio of buildings and other surfaces to the lot area, including all parts of the lot covered with other surfaces of any kind. (Ord. No. 07-073, § 2(Exh. A), 12-3-2007)
- (104) *Lot depth*. The average distance between the front and rear property lines.
- (105) *Lot lines*. The lines bounding a lot.
- (106) *Lot width*. The average distance between the side property lines.
- (107) *Mayor*. The presiding officer of the City Council and chief elected officer of the City of Bellaire.
- (107.5) *Mini-storage business*. A commercial establishment which operates a facility that is subdivided into secure storage spaces that are rented to customers on a short-term or periodic basis (e.g., for storage of personal items, archive materials, vehicles and/or boats, etc.). (Ord. No. 11-086, § 1(App. A), 12-12-2011)
- (108) *Mixed-use development*. A combined land use project containing two or more component land uses. (Ord. No. 85-011, § 1, 1-28-1985)
- (109) *Mobile home*. A structure transportable in one (1) or more sections, which is built on a permanent chassis and designed to be used as a dwelling with or without permanent foundation when connected to the required utilities.
- (110) *Mortuary or funeral home*. An establishment where the dead are prepared for burial or cremation, where the body may be viewed and where funeral services are sometimes held.
- (111) *Motel*. A building in which lodging is provided or offered to the public for compensation, which is characterized by ingress to and egress from the rooms usually through an outside entrance, and which is of a design oriented to the short term occupancy needs of tourists traveling by automobile.
- (112) *Motor home*. A vehicular unit designed to provide temporary living quarters for recreational, camping or travel use, built on or permanently attached to a self-propelled motor vehicle chassis or on a chassis cab or van which is an integral part of the complete unit.
- (113) *Needlework, weaving or other arts and crafts*. An establishment wherein supplies and materials are sold or work actually performed in the art of needlework, weaving, painting or other handicrafts.
- (113.5) *Movie theater, indoor*. A commercial establishment which provides one or more auditorium spaces for the showing of movies for public entertainment upon customer purchase of a ticket, and which may also involve preparation and serving of food and beverages for consumption on the premises (also known as a "cinema"). (Ord. No. 11-086, § 1(App. A), 12-12-2011)
- (114) *Neighborhood*. A predominantly residential area distinguishable from surrounding areas by recognizable functional boundaries, such as major arterials or city limits.
- (115) *Neighborhood shopping center*. A shopping area designed to serve a trade area of 2,500 to 40,000 people and with a minimum site of three (3) acres in area where the lead tenant is a grocery or drug store. (Ord. No. 83-095, § 8, 12-5-1983; Ord. No. 83-095, § 18, 12-5-1983; as

amended by Ord. No. 84-041, § 1, 5-24-1984; Ord. No. 85-010, § 2, 1-28-1985; Ord. No. 86-009, § 1, 2-3-1986)

- (116) *Newsstand*. An establishment wherein daily, weekly and monthly news publications from the local region and other regions are sold to the ultimate consumer.
- (117) *Nonconforming lot of record*. A lot being a part of a plat duly filed for record in the office of the County Clerk of Harris County, Texas, as provided for by law, which lot does not conform to the requirements of this chapter.
- (118) *Nonconforming use*. Any use lawfully being made of any land prior to the enactment of this chapter or any amendment hereto, which upon adoption of this chapter or any amendment, does not comply with all the regulations of this chapter or any amendment hereto, thus rendering such use nonconforming. A nonconforming use may relate to land, building, structure or any parts thereof.
- (118.5) *Office residential*. A building or development wherein all of the first floor building/floor area is devoted to office use and not more than fifty percent of the total building/floor area of all floors combined is devoted to residential use. (Ord. No. 01-037, § 2(24-202), 4-16-2001)
- (119) *Office supplies, stationery or letter shop*. An establishment that sells to the ultimate consumer supplies for use at home or office including, but not limited to, writing paper supplies and other items generally used in relation to the administration of business or social activities.
- (120) *Official Zoning District Map*. The map adopted as a part of this chapter having delineated thereon all the zoning districts and the boundaries thereof within the City of Bellaire.
- (121) *On-site parking, non-residential*. An area set aside for temporary parking (at no charge) of automobiles being used by persons shopping for goods or services or by persons there temporarily to conduct business on the premises.
- (122) *On-site parking, residential*. A paved area on a residential lot set aside for the parking of motor vehicles.
- (123) *Open space*. Any area of land or water set aside, open and unobstructed to the sky.
- (123.1) *Other surface*. As used in determining lot coverage and lot coverage ratio, any material applied to the surface of land, which does not permit the natural infiltration of water into the ground, including, but not limited to, air conditioning pads, asphalt, bath houses, concrete, decks, patios, porches, driveways, garbage pads, gazebos, parking areas, paving systems (whether permeable or not), sidewalks, swimming pools, spas, sports courts, except for the ground area of the buildings. The water surface area of a swimming pool or a spa, fifty (50) percent of an uncovered wood deck constructed over bare soil, and loosely graveled walkways shall not be considered another surface. (Ord. No. 07-073, § 2(Exh. A), 12-3-2007)
- (124) *Outermost surface*. That part of any building, excluding eaves and roof extensions that do not extend a distance greater than five (5) feet, which is closest to the street abutting the lot on which the building is located.
- (125) *Owner*. Any legal entity, person or otherwise who holds superior title to and can evidence superior title in real or personal property.
- (126) *Package liquor store*. A commercial establishment wherein alcoholic beverages (beer, wine and spirits) are sold to the ultimate consumer.
- (127) *Paint and/or wallpaper store*. A commercial establishment wherein paint products or other wall covering products are sold to the ultimate consumer.
- (128) *Parcel*. Any quantity of land capable of being described with such definiteness that its location and boundaries may be established.
- (129) *Parking space*. An enclosed or unenclosed all-weather surfaced area not on a public street or alley together with an all-weather surfaced driveway connecting parking space with a street or alley, permitting free ingress and egress without encroachment on the street or alley. Any

parking adjacent to a public street wherein the maneuvering is done directly on the public street shall not be classified as off-street parking in computing the parking requirement for any use.

- (130) *Particulate matter*. Any material except uncombined water which exists in a finely divided form as a liquid or solid at standard conditions when released into the atmosphere.
- (131) *Passenger terminal, bus passenger station or heliport*. A place designated and used for embarkation onto and debarkation from a bus or other mode of mass transportation or to move passengers from one mode of transportation to another by debarkation and embarkation.
- (131.5) *Pawnshop*. A location at which or premises in which a pawnbroker regularly conducts business. A pawnbroker is a person engaged in the business of (a) lending money on the security of pledged goods deposited with or otherwise delivered into the possession of the pawnbroker, or (b) purchasing goods on condition that the goods may be redeemed or repurchased by the seller for a fixed price within a fixed period. (Texas Finance Code, Section 371.003.) (Ord. No. 11-086, § 1(App. A), 12-12-2011)
- (132) *Person*. Any natural person or entity created by law including, but not limited to, a corporation (profit or non-profit), partnership or association.
- (132.5) *Personal care*. The supervision of, or limited assistance with, routine living functions of a person who, because of his/her age or physical condition, desires or requires such personal care. The following are examples of personal care:
 - a) Assistance with medication regimen;
 - b) Assistance with hygiene;
 - c) Assistance with grooming, including assistance with dressing; and
 - d) Assistance with ambulation.

(Ord. No. 89-022, § 2, 6-5-1989)

- (133) *Pet shop and pet grooming*. A commercial establishment wherein household pets are sold, washed, groomed and kept within a building.
- (134) *Pharmacy*. A commercial establishment wherein substances used for medicinal purposes are sold to the ultimate consumer.
- (135) *Planned development district (Amendment)*. A zoning district of the City of Bellaire approved in accordance with provisions of this chapter for amendments to the chapter and Official Zoning District Map, which has, as a part of the amendment, a site plan for development of the entire district.
- (136) *Planning and Zoning Commission*. The Planning and Zoning Commission of the City of Bellaire, Texas. (Ord. No. 81-013, 4-6-1981)
- (137) *Plat (subdivision plat), final*. A document including a graphic description of a tract of land by metes and bounds and giving the dimensions of all streets, alleys, squares, parks and other public areas, and giving the dimensions of all lots or tracts contained therein and which has been finally approved under the provisions of this Code or prior law.
- (138) *Plat (subdivision plat), preliminary*. A document including a graphic description of a tract of land by metes and bounds and giving the dimensions of all streets, alleys, sidewalks and other public places, which has been submitted for review and possible tentative approval, but has not been filed with the City for final approval nor for record with Harris County in accordance with V.T.C.A., Local Government Code ch. 212. (Ord. No. 89-009, § 1, 3-6-1989)
- (139) *Primary arterial*. A major thoroughfare with limited at-grade access, which expands and links to the expressway system and is designed primarily for movement of through traffic as follows: Chimney Rock Road, Bellaire Boulevard, Bissonnet Street, IH 610.

- (140) *Printing plants and shops.* Places wherein the printing of circulars, news or other written material is performed.
- (141) *Private club.* A place wherein members gather for friendship and recreation, which has such membership restricted to persons who are actually on the rolls of membership of such club or their guests.
- (142) *Property building line.* The line drawn on the subdivision plat indicating the front or outermost line or point where a building may be erected or the line established by reference to this Code as being the front or outermost line or point where a building may be erected. In case of conflict between the provisions of this Code and the designated property building line on the subdivision plat, the line designated providing the greatest setback distance shall control.
- (142.5) *Public service drive.* A dedicated public right-of-way to access homes within an estate housing development that meets the minimum standards for "alleys" serving townhomes as set forth in Section 23.5-21(b) of the Code of Ordinances of the City of Bellaire. (Ord. No. 83-076, § 1, 10-17-1983)
- (143) *Public utility plants and offices.* Plants used by utility franchisees of the City of Bellaire for the maintenance and continuation of service to the citizens of Bellaire and such offices as shall be necessary for the reasonable support of such function.
- (144) *Radio or television broadcasting stations, studios or offices.* A place wherein television and/or radio programs are originated and broadcasted, including the support facilities and offices necessary for such production and operation.
- (145) *Radio, television or microwave towers.* Structures supporting antennae for transmitting or receiving any portion of the radio spectrum, but excluding non-commercial antennae installations for home reception of radio or television.
- (146) *Rear yard.* An open, unoccupied space, except for accessory buildings as permitted, extending across the rear of a lot from one side lot line to the other side lot line and having a minimum depth between the end of the main building and the rear lot line as specified for the district in which the lot is located.
- (147) *Recreational vehicle.* A vehicular type unit primarily designed as temporary living quarters for recreational, camping or travel use, which either has its own motive power or is mounted on or drawn by another vehicle.
- (148) *Restaurant.* An eating establishment where food and drink are served to customers in a dining room or in a building or where food is prepared.
- (149) *Restaurant with drive-in service.* An eating establishment where food and drink are served to customers for consumption in motor vehicles parked on the premises or where facilities are provided which encourage the serving or consumption of food in motor vehicles.
- (149.5) *Retail Residential.* A building or development wherein all of the first floor building/floor area is devoted to retail use and not more than fifty percent of the total building/floor area for all floors combined is devoted to retail use. (Ord. No. 01-037, § 2(24-202), 4-16-2001)
- (150) *Retail sales and service establishments.* Establishments for the sale of consumer goods, commodities and services to ultimate consumers or users.
- (151) *Right-of-way.* A strip of land either dedicated or owned by the City or other public agency and used for the purpose of a public way or roadway. The area designated as a right-of-way shall not be included in computing the area or size of a lot or tract. (Ord. No. 83-095, § 9, 12-5-1983; Ord. No. 83-095, § 18, 12-5-1983; as amended by Ord. No. 84-041, § 1, 5-24-1984; Ord. No. 85-010, § 2, 1-28-1985; Ord. No. 86-009, § 1, 2-3-1986)
- (152) *School.* An institution, either public or private, organized and operated for the purposes of providing facilities for the education of children and/or adults based upon an organized curriculum or study plan, accredited by or application for accreditation pending before the appropriate state agency.

- (153) *School, business or trade.* A place of instruction or education wherein physical, mechanical or other skills that may be used in business or commerce are taught and which may be operated for profit.
- (153.5) *Score line.* A notch or incision on a building façade, often in a different color and/or texture, to add variety and visual interest to exterior walls. (Ord. No. 11-086, § 1(App. A), 12-12-2011)
- (154) *Screen, screening.* A wall or fence located in the front, rear or side yard in accordance with standards herein set forth and erected for the purpose of giving privacy and reducing noise impact.
- (155) *Secondary arterial.* A major thoroughfare with limited at-grade access, which supports the primary arterial system by providing essential system linkages to expressways, primary arterials and activity centers of medium intensity as follows: Fournace Place and South Rice Avenue.
- (156) *Service station.* See "Automobile service station."
- (157) *Setback.* The required distance between the outermost part of any building and the property line.
- (158) *Side Yard.* An open space on each side of a building and on the same lot with the building, situated between the building and side line of the lot and extending through from the front yard to the rear yard. Air conditioning units may occupy space in the side yard at the discretion of the Building Official, provided that such location does not create a violation of the City's fire code or any other code, ordinance, rule, or regulation of the City of Bellaire. Any lot line, not the rear line or a front line, shall be deemed to be a side line. (Ord. No. 81-006, § 2, 2-23-1981)
- (159) *Sign.* A structure or any part thereof which is used or intended to be used to attract attention to a subject matter for advertising purposes, and properly permitted under the provisions of this Code.
- (160) *Site.* A lot, tract or parcel of property, being described by lot and block number, metes and bounds and/or parts thereof, developed and/or intended to be developed by the erection of a building or buildings and which shall include front, rear and side yards where applicable.
- (161) *Site coverage (lot coverage).* The area of a particular site or tract which is covered with buildings and impervious (impermeable) surfaces.
- (162) *Site plan or plans.* A one-dimensional graphic illustration setting forth minimum and maximum requirements for ingress to and egress from the property, public or private streets or drives, with adequate right-of-way, sidewalks, utilities, drainage, maximum lot coverage, yards and open spaces, screening walls or fences, landscaping and other development and protective requirements including maintenance considered necessary to create a reasonable transition to and protection of the adjacent property.
- (163) *Small household appliance sales and/or service.* The sale and service of irons, coffee pots, electric mixers, blenders and other small electrical equipment useful in the home.
- (164) *Special exception.* A type of relief granted by the Board of Adjustment pursuant to the terms and authorization contained in this chapter for particular and unique situations, which may include expansion of nonconforming uses.
- (165) *Specific use.* A use permitted by ordinance in a district where it is not necessarily incompatible but where it might cause harm if not watched. Exceptions are authorized under conditions which will insure their compatibility with surrounding uses.
- (166) *Specific use amendment.* An amendment authorizing a certain use which, because of its nature, is not subject to categorizing into specific zoning districts, subject to such conditions or limitations as the City Council shall provide.
- (167) *Speed copying service.* A place of business designed to provide duplication and/or photocopying of papers, documents or business records.

- (167.5) *Sports stadium or arena.* A facility that serves as a venue for the viewing of athletic competitions, concerts and other special events by providing a field or court area or stage which is either partly or completely surrounded by a structure with seating for spectators, usually in tiers. (Ord. No. 11-086, § 1(App. A), 12-12-2011)
- (167.75) *Standing seam metal.* A side-by-side formation of panels, typically made of steel, aluminum, copper or other architectural metal, in which the panels are joined together at the sides and secured in place by concealed fasteners, with the overlapping panel lock forming a seam as a connecting point between the panels. This enables the connected panels to be used for building and roofing applications. (Ord. No. 11-086, § 1(App. A), 12-12-2011)
- (168) *Statement of ownership.* A sworn statement by a person swearing to or affirming the legal or equitable ownership of real property.
- (169) *Storm drainage policy.* Regulations adopted and administered jointly by the Building Official and the Planning and Zoning Official, providing criteria for the development and improvement of land drainage and flood prevention. See also Chapter 9 of this Code, Article II-A.
- (170) *Story.* That part of a building between the surface of a floor (whether or not counted for purposes of computing floor area ratio) and the ceiling immediately above. A "working" story is for functional residential or nonresidential use, at least eight feet in height from the surface of the floor to the ceiling immediately above.
- EXCEPTION: Any subsurface space for parking, storage or permitted use that has a vertical distance when measured from the surface of a floor to the ceiling immediately above that is at least eighty percent below the surface of the grade that is the highest point of elevation of the street or streets abutting the site.
- EXCEPTION: Any space for one level of drive under parking that is at grade level or immediately above permitted subsurface parking. (Ord. No. 85-011, § 2, 1-28-1985; Ord. No. 11-086, § 1(App. A), 12-12-2011)
- (171) *Street.* Any thoroughfare, road, highway or public driveway other than an alley, and more than thirty (30) feet right-of-way in width, which has been dedicated or deeded to the public for public use expressly or by implication.
- (172) *Structure.* Anything constructed or erected with a fixed location on the ground or attached to something having a fixed location on the ground, excluding paved surface access ways and surface parking areas, approved surface water detention facilities and architectural/landscaping embellishment.
- (173) *Studio for photography, music, art or health.* A place where professionally trained persons provide certain services including instruction in photographic renditions of people or things, instruction in the use of musical instruments, instruction in artistic renditions including sculpture, painting and similar arts, and instruction or place for physical health and well-being.
- (174) *Subdivision.* A tract of land identifiable upon a plat duly approved and filed for record in the office of the County Clerk of Harris County, Texas, which shall clearly delineate the location and dimensions of all lots within such subdivision, streets, alleys, squares, parks or other portions intended for public use or for the use of purchasers or owners of lots fronting thereon or adjacent thereto, and which shall be accurately described upon said plat by metes and bounds in order that the same might be located with respect to an original corner of the original survey of which it is a part.
- (174.25) *Tattoo shop.* A commercial use involving the creation of an indelible mark, figure, word or graphic illustration upon a human body by the insertion of pigment under the skin or by the production of scars or scarring. (Ord. No. 11-086, § 1(App. A), 12-12-2011)
- (174.5) *Technical research facilities.* A place or places wherein office uses, technical laboratories, computer centers, engineering operations, research and/or related light manufacturing uses are located. (Ord. No. 88-008, § 1, 3-7-1988)

- (174.55) *Theater, for live performances.* A facility which provides one or more auditorium spaces in which plays and other dramatic, musical or entertainment performances are provided to an audience, either as a commercial operation involving customer ticket purchases, or as a free (public or nonprofit) venue. The facility may also involve preparation and serving of food and beverages for consumption on the premises. (Ord. No. 11-086, § 1(App. A), 12-12-2011)
- (174.6) *Theatrical fly space.* The area in a theater above the stage into which scenery and other accessories are hoisted to an extent that the scenery and other accessories are not visible to the audience. (Ord. No. 08-059, § 1(App. A), 9-8-2008)
- (174.7) *Through lot.* Any lot that connects two (2) generally parallel streets and is adjacent to more than one (1) interior lot on the same side. (Ord. No. 07-074, § 2(Exh. A), 12-3-2007)
- (175) *Tire retreading or recapping.* A place wherein tires used on vehicles are repaired by the addition of new tread surface to such tires.

(176) *Traffic Circulation Study.* A report that includes the estimated maximum peak hour trip generation of the facility, the planned circulation of inbound and outbound traffic during operation, and the estimated length of any queuing of cars, if applicable. It must also ensure that traffic will not back up on any public street. The Traffic Circulation Study shall include a statement that the owner/operator agrees to operate the facility in accordance with the approved circulation plan, which must be approved by the Public Works Department.

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(177) *Traffic Impact Analysis.* A specialized engineering study which quantitatively assesses the adequacy of the existing or future transportation infrastructure to accommodate additional trips generated by a proposed development, redevelopment, or land rezoning.

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- (1786) *Trailer rental or sales.* A place wherein trailers, regardless of class or size, are rented on a temporary basis or sold.
- (1797) *Travel agency.* A place wherein persons provide services in planning travel, including the sale of tickets and passage on buses, ships and airplanes.
- (18078) *Travel trailer.* A vehicular unit up to thirty-two (32) feet in length and eight (8) feet in width, mounted on wheels, designed to provide temporary living quarters for recreational, camping or travel use and of such size or weight as not to require special highway movement permits when drawn by a motorized vehicle.
- (18179) *Truck and construction equipment sales and service.* A place wherein vehicles, including trucks of any size, are sold and serviced, including any type of equipment used in the construction industry.
- (1829) *Truck camper.* A portable unit constructed to provide temporary living quarters for recreational, camping or travel use, consisting of a roof, floor and sides, designed to be loaded onto and unloaded from the bed of a pickup truck.
- (1834) *Use.* The particular type of function or purpose to which land and/or structure is committed.
- (1842) *Variance.* Relief granted by order of the Board of Adjustment, not contrary to the public interest, where owing to special conditions the literal enforcement of the regulations of this chapter will result in unnecessary hardship.
- (1853) *Veterinary clinic (no outside pet facilities or runs).* A place wherein animals are brought for the purposes of providing medical care and examination and for the purpose of providing treatment, diagnosis or other medical attention to sick, disabled or otherwise infirm animals.
- (1864) *Wall.* The side of a room or building between the floor, foundation and the ceiling and roof, generally a structure of stone, brick or other material built to enclose, divide, support or protect, and constructed in accordance with the requirements of this Code.

- | (18~~75~~) *Warehouse/warehousing, wholesaling and distribution facilities.* A place or places wherein commodities are stored or maintained on an interim basis prior to manufacturing, assembling and/or distribution to other locations. No outside storage shall be classified as a warehouse, wholesaling or distribution facility. (Ord. No. 88-008, § 1, 3-7-1988)
- | (18~~86~~) *Welding or machine shop.* A place wherein metal apparatus are welded and/or where machinery exists to perform various functions necessary to repair or modify various apparatus.
- | (18~~97~~) *Yard.* An open space other than a court, on a lot or parcel of land on which a building is situated and which is unobstructed above the general ground level of the graded lot to the sky, except as provided for roof overhang and similar special architectural features and landscape features.
- | (19~~088~~) *Zero lot line.* The side lot line of a lot or tract without required minimum side yards, in order that the wall or structure may be erected on the side property line.
- | (19~~189~~) *Zoning district.* (Hereinafter referred to as District.) Any district delineated on the Official Zoning District Map under the terms and provisions of this chapter or which may hereinafter be created subsequent to the enactment of this chapter.
- | (19~~20~~) *Zoning district boundaries.* The boundaries of each zoning district as more fully described in Section 24-403(c) of this chapter.

(Ord. No. 82-020, § 11, 3-29-1982)

([Ord. No. 14-013, § 1, 3-3-2014](#))

Sec. 24-512. - Fence Regulations.

- A. In residential zoning districts, no fences shall be constructed to a height in excess of eight (8) feet, except in the instance that it is being constructed at the rear of a property whose property lines are at the boundary of a non-residential zoning district. In this instance, the rear fence may not be constructed to a height in excess of ten (10) feet. Fences eight (8) feet in height or less may be constructed anywhere inside the property lines of a lot zoned residential, except within the front yard as that term is defined in this chapter.

On South Rice Avenue, Chimney Rock Road, Newcastle Drive, and Bissonnet Street, and Interstate Highway 610 (West Loop), a screening wall or fence may be built in the front yard provided that any fence or wall constructed on the front property line shall not exceed forty-eight (48) inches in height, and screening walls or fences having a height greater than forty-eight (48) inches but not exceeding eight (8) feet in height may be constructed in front yards when such walls or fences are set back from the front property line a minimum distance of twelve and one-half (12½) feet and provided that in all cases such setback shall be sufficient to provide clear vision of the street to the driver of a vehicle entering or backing into the street. On Bellaire Boulevard, such screening walls or fences may be constructed in the front yard provided such walls or fences are set back a minimum distance of twenty-five (25) feet from the front property line.

On properties with side yards along the Interstate Highway 610 (West Loop) Frontage Road, or whose side yard or backyard abuts the Union Pacific Railroad, a fence may be built to a height of ten (10) feet on the affected side of the property, provided that any fence built to ten (10) feet in height shall not be of masonry construction.

In the event that the property building line, as set out on the subdivision plat, shall be closer than the outermost surface of any building to the property line, then it shall be a defense to any action commenced under this Section that such fence was not in fact located within the distance between the property building line and the front lot line. Any person who shall plead such defense shall be required to prove the exact measured distance from the property building line to the front lot line.

- B. In non-residential zoning districts, fences may be located anywhere on a lot, subject to such conditions and limitations as shall be provided in this Code.

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Sec. 24-605. - Application for Specific Use Permit.

Any person desiring to petition for a specific use permit to this chapter shall be required to file an application in writing with the Planning and Zoning Official, accompanied by a nonrefundable application fee, in an amount established by the City Council or the City Manager, to defray the actual cost of processing the application. The application shall include the following information:

- (1) The name and address of the applicant; and in the event that the applicant is a partnership, the full name and address of the general partner, and in the event that the applicant is a corporation, the full names and addresses of all officers, a statement as to the state of incorporation, the name and address of the registered agent and the address of the registered office of the corporation;
- (2) The Section or Sections of this chapter authorizing a specific use permit;
- (3) A legal description, ~~and~~ street address, and zoning district of the property which is the subject of the application;
- (4) A statement of ownership accompanied by a certificate from a title insurance company certifying ownership;
- (5) A written description of the proposed specific use as provided for in this Code;
- (6) A survey of the property in question;
- (7) A scaled site plan of the property showing the general arrangement of the project, together with essential requirements, including, but not limited to, off-street parking; size, height, construction materials, and locations of the buildings and use to be permitted; location of proposed signage, means of ingress and egress to public streets; the type of visual screening that is being proposed, such as walls, plantings, and fences; and any foreseen negative impacts of the intended use to all existing properties and land uses in all directions to a minimum distance of two hundred (200) feet.
- (8) A landscape plan in accordance with Section 24-513 of the City's Code of Ordinances. This requirement may be waived by the Planning and Zoning Official, based on information provided in the application.
- (9) A Traffic Impact Analysis or Traffic Circulation Study. See Table 24-605.A to determine which is required. This requirement may be waived by the Planning and Zoning Official, based on the information provided in the application.
- (610) A written environmental assessment statement describing in general terms the impact of the development for which approval is sought and providing any specific information that the Planning and Zoning Official shall deem necessary; and
- (711) Such other information or documentation as the Planning and Zoning Official, the Planning and Zoning Commission or the City Council may from time to time designate or which may be deemed necessary and appropriate to a full and proper consideration and disposition of the particular application.

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Table 24-605.A

	Traffic Impact Analysis	Traffic Circulation Study
All New Developments	X	
All developments proposing a new drive-through	X	
All redevelopments adjacent to or within residential zoning districts R-1, R-3, R-4, & R-5	X	
All other developments		X

(Ord. No. 10-057, § 1(App. A), 8-2-2010)

**Planning and Zoning
Commission**

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

City of Bellaire

Meeting: 01/10/19 06:00 PM
Department: Development Services
Category: Report
Department Head: ChaVonne Sampson
DOC ID: 2775

SCHEDULED**ACTION ITEM (ID # 2775)**

Item Title:

Approval of the Planning and Zoning Commission's 2018 Annual Report to City Council.

Background/Summary:

Chapter 2, Administration, Section 2-104, Annual or special reports to city council, of the Code of Ordinances, requires each board and commission to file a report with the City Council no later than the first Council meeting in February.

The report is to address the following:

1. Whether the board is serving the purpose for which it was created;
2. Whether the board is serving current community needs;
3. A list of the board's major accomplishments
4. Whether there is any other board, either public or private, which would better serve the function of the board; and
5. Other recommendations.

Attached is a draft report, as prepared by Commission Chairman Ross Gordon.

Recommendation:

Approval of the final report, amended as may be deemed necessary, to be forwarded to the City Council.

ATTACHMENTS:

- 2018 Annual Report_RMG (PDF)

City of Bellaire

DEVELOPMENT SERVICES

February 4, 2019

Honorable Mayor and City Council
City of Bellaire, Texas
7008 South Rice Avenue
Bellaire, Texas 77401

Re: 2018 Planning & Zoning Commission Annual Report

Mayor Friedberg and City Council:

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 of Bellaire.

The existence of the Commission is governed by state and local laws. These include, but are 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 Open Meetings Law.
- 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.

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 of Bellaire.

City of Bellaire

DEVELOPMENT SERVICES

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

The Commission performed in this capacity during the calendar year 2018, and will continue to serve the stated purpose for which it was created in the current year 2019.

Within the calendar year 2018, the Commission fulfilled its duties through the performance of the following tasks:

- Conducted seven (7) Regular Sessions, which included six (6) Public Hearings
- Conducted four (4) Workshop Sessions
- Conducted one (1) Training Session
- Reviewed and acted upon six (6) Specific Use Permits (Let Us Play, Plaza Cleaners, Kolter Elementary School, Car Wash @ 5235 Bellaire Blvd, Chevron property (2))
- Reviewed and acted upon two platting applications (110,112,114 Beverly & 4441 Verone)
- Reviewed and made recommendations to the 2019-2023 Capital Improvement Plan, including critical flood mitigation activities
- Reviewed and made a recommendation on the City's Community Pathways Plan
- Had preliminary discussions on the following New Business Items:
 - Regulations on open air porches in residential zoning districts
 - The requirement for a specific use permit for all parking garages throughout the City
 - The requirement for design standards in all commercial districts
 - Revising language within the Bellaire Boulevard Estate Overlay District
 - Regulations and materials used in impervious and pervious surfaces
- Began review of the following New Business Items:
 - Requirements for Specific Use Permit applications
 - Fence heights for residential structures abutting commercial districts and major transportation rights of way

It is through these actions that the Commission also fulfills its duty to serve the Bellaire Community. The Commission's advisory and administrative duties were performed while keeping in mind the Commission's role to serve the needs of the Bellaire community as a whole and as guided by the Comprehensive Plan adopted in 2009 (updated in 2015, amended in 2017). The Commission will continue to serve the community through further implementation of the Comprehensive Plan.

City of Bellaire

DEVELOPMENT SERVICES

Following Hurricane Harvey, 2018 was a challenging year for the Bellaire community in many ways. The Commission particularly appreciated the opportunity to support recovery efforts by facilitating the temporary relocation of Kolter Elementary School and highlighting and prioritizing the importance of flood mitigation activities. The Commission looks forward to continuing a dialogue on ways to make our community more resilient to floods, including potential modifications to the Comprehensive Plan.

The Commissioners wish to thank the contributions of Commissioners Dirk Stiggins, Lynne Skinner, and Marc Steinberg for their invaluable support and participation during the first half of 2018. The Commissioners currently serving their Bellaire community through active participation on the Commission include:

- Mike Axelrad, Vice Chairman
- Mike Baker
- Ross Gordon, Chairman
- John Klug
- Pam Nelson
- Jonathan Saikin
- Weldon Taylor

The Commissioners wish to express their gratitude to Mayor Andrew Friedberg and the City Council for supporting the Commission's efforts. We also want to thank City Manager Paul Hofmann; City Staff – specifically ChaVonne Sampson, Director of Development Services, and Ashley Parcus, Development Services Coordinator; and City Attorneys, Alan Petrov and Zach Petrov, for their extensive and continual efforts to support the Planning and Zoning Commission.

A special thanks is being extended to the Commission's City Council Liaison, Trisha Pollard, for her support as a liaison to the Commission. She has worked very hard with the Commission to accomplish our goals and directed duties.

In summary, the Planning and Zoning Commission looks forward to continuing to serve the Bellaire community in 2019, and is most appreciative of the opportunity.

Respectfully,



Ross Gordon, Chairman
Planning and Zoning Commission

**Planning and Zoning
Commission**

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

City of Bellaire

Meeting: 01/10/19 06:00 PM
Department: Development Services
Category: Policy
Department Head: ChaVonne Sampson
DOC ID: 2776

SCHEDULED**ACTION ITEM (ID # 2776)**

Item Title:

Approval of the Planning and Zoning Commission's 2019 Application Submittal Deadline Calendar.

Background/Summary:

Chapter 23.5, Land Subdivision Regulations, allows for the adoption of a submittal calendar by the Commission for the orderly filing and handing of applications for review by staff and considered by the Commission.

Additionally, we include submittal deadlines for zoning issues to allow for the proper processing, review, and notification of related applications.

The calendar that was prepared by staff is attached.

Recommendation:

The Director of Development Services recommends approval of the calendar for 2019.

ATTACHMENTS:

- Plat Submittal Dates 2019 (PDF)

City of Bellaire
Development Services Department
2019 Submittal Calendar and Deadlines
Planning & Zoning Commission

Formal Application Deadline (Replats and Zoning)	Formal Application Deadline (Amending Plats)	Applicants' revisions due back to City no later than this date	Planning and Zoning Meeting 6:00 P.M.
November 26, 2018	December 3, 2018	December 20, 2018	January 10, 2019
December 31, 2019	January 7, 2019	January 24, 2019	February 14, 2019
January 28, 2019	February 4, 2019	February 21, 2019	March 14, 2019
February 25, 2019	March 4, 2019	March 21, 2019	April 11, 2019
March 25, 2019	April 1, 2019	April 18, 2019	May 9, 2019
April 29, 2019	May 6, 2019	May 23, 2019	June 13, 2019
May 27, 2019	June 3, 2019	June 20, 2019	July 11, 2019
June 24, 2019	July 1, 2019	July 18, 2019	August 8, 2019
July 29, 2019	August 5, 2019	August 22, 2019	September 12, 2019
August 26, 2019	September 2, 2019	September 19, 2019	October 10, 2019
September 23, 2019	September 30, 2019	October 17, 2019	November 14, 2019
October 28, 2019	November 4, 2019	November 21, 2018	December 12, 2019
November 25, 2019	December 2, 2019	December 19, 2019	January 9, 2020

All times and dates are subject to change without notice. Deadline for application submittal is 4:00 PM on normal business days. If deadline falls on a City Holiday, please submit deliverables on the last normal business day prior to the City Holiday. Items will not be placed on the Commission's Agenda until all necessary materials have been received and approved by the Development Services Department.

Please visit our website at www.bellairetx.gov for more information on applications, past and present agendas, maps, ordinances, etc.

If you have any questions regarding submittal deadlines or submittal deliverables, please contact Ashley Parcus at (713) 662-8240 or by email at aparcus@bellairetx.gov