



CITY OF BELLAIRE TEXAS

PLANNING AND ZONING COMMISSION

AUGUST 9, 2016

**Council Conference Room and Council Chamber
6:00 PM**

Workshop & Regular Session

**7008 S. RICE AVENUE
BELLAIRE, TX 77401**

A. WORKSHOP SESSION-CONFERENCE ROOM

I. CALL TO ORDER

Chairman Frazier called the workshop to order at 6:00 PM.

II. STAFF REVIEW OF PUBLIC HEARING, CONSIDERATION, AND/OR DISCUSSION ITEMS SCHEDULED FOR THE AUGUST 9, 2016 REGULAR SESSION OF THE PLANNING AND ZONING COMMISSION.

Mr. McDonald explained that the 5204 Spruce SUP is pretty straight forward. He informed the Commission that the previous day care center that was at that location has closed and another one would like to open there. Mr. McDonald stated that a day care center is allowed within the UV-D Zoning District as a specific use and the applicant is simply coming before the Commission for the approval of that SUP. He added that the only changes that will be made to the building are cosmetic, and that staff has received no comments on this application.

Vice Chairman Stiggins asked if staff has ever received any complaints regarding this property.

Mr. McDonald stated that it has not.

Commissioner Steinberg asked about the regulations with regard to enrollment.

Mr. McDonald explained that there are state regulations with this type of use that deal with the square footage and the teacher student ratio. He added that the Fire Marshal will inspect it as well.

Commissioner Thorogood asked if the City validates that they do have a license.

Mr. McDonald stated that the City does not, but that they are required to be licensed by the state.

Mr. McDonald then reviewed the H-E-B Planned Development Amendment application with the Commission. He explained that they have made some changes to the building and site plan that required an additional public hearing and approval. He informed the Commission that they have relocated the truck delivery dock, which is now hidden from neighboring properties, increased the size of the store by 5,000 square feet, relocated the pharmacy, and changed some of the parking. Mr. McDonald added that are also installing a 6 foot sidewalk on Bissonnet, which means that there will no longer be trees there. He explained that they have also changed the design of the store, including new elevations, which more closely define the development standards that are required for buildings within the UV-D Zoning District.

Vice Chairman Stiggins mentioned that lighted sign on the back of the building and questioned whether that would be a nuisance for neighboring properties. He asked what the regulations are with regard to that.

Mr. McDonald explained that there are no signage requirements within a planned development, meaning that it only needs to follow the City's sign ordinances. He stated that their proposed plan meets all of those regulations.

Commissioner Skinner mentioned that the drainage on 5th Street is very poor and asked if that is being addressed during the redevelopment of the site.

Mr. McDonald explained that they will only have to mitigate for an increase in lot coverage.

Chairman Frazier asked if a new Traffic Impact Analysis (TIA) was completed for the revised site plan.

Mr. McDonald informed the Commission that the TIA was updated based on the changes made and that the City's traffic engineer has already reviewed it and included a few additional comments.

Commissioners Steinberg and Thorogood were concerned with the loss of trees along Bissonnet Street. They felt that this change is not consistent with the language for the UV-D within the Comprehensive Plan. Commissioner Steinberg mentioned that this is what Gary Mitchell of Kendig Keast told the Commission not to allow.

Mr. McDonald explained that there is only 3 feet of R.O.W. and in increasing the size of the sidewalk they lose the ability to install the trees.

III. ADJOURNMENT

Chairman Frazier adjourned the Workshop Session at 6:30 PM.

B. REGULAR SESSION-COUNCIL CHAMBERS

I. CALL TO ORDER AND ANNOUNCEMENT OF QUORUM

Chairman Frazier called the Regular Session to order at 6:30 PM, and announced that a quorum was present, consisting of the following members:

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

II. APPROVAL OF MINUTES FROM PAST MEETINGS

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Commissioner Thorogood made two minor corrections.

RESULT:	APPROVED AS AMENDED [UNANIMOUS]
MOVER:	Marc Steinberg, Commissioner
SECONDER:	Dirk Stiggins, Vice Chairman
AYES:	Axelrad, Frazier, Thorogood, Steinberg, Stiggins, Skinner
ABSENT:	Saikin

III. REMINDER OF CITIZENS TO ADDRESS THE COMMISSION

Chairman Frazier reminded the citizens who wished to address the Commission to fill out a sign in sheet.

IV. GENERAL PUBLIC COMMENTS

1. Persons at the meeting who have indicated their desire to be heard on matters of general interest to the Commission by submitting the form provided shall have three (3) minutes 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.

Lynn McBee-Ms. McBee stated that she has trouble determining what is what on the agenda. She also didn't feel as though the Commission should be discussing the docket items in a Workshop Session. Ms. McBee mentioned the agenda item regarding pawn shops and stated that it is simply a question of legality. She urged the Commission to ensure that legal counsel is present when discussing it on a future agenda.

V. PUBLIC HEARINGS

A. Docket # SU-2016-02-Public Hearing on an application filed by Southern Holding Group Investments, LLC, for a Specific Use Permit, as required by Chapter 24, Planning & Zoning, Section 24-537 B. (2) b) 3) to allow for the operation of a day care center, Treehouse Learning Center, at 5204 Spruce St, located in the Urban Village-Downtown (UV-D) Zoning District.

1. Presentation of the Public Hearing Process

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

2. Presentation by the Applicant

Stacy Williams, Southern Holding Group Investments-Ms. Williams informed the Commission that Southern Holding Group Investments, the owner of Treehouse Learning Center, is simply requesting a specific use permit for 5204 Spruce Street in order to open the same type of business that was previously located there. She added that no structural changes would be made to the building, only cosmetic. Ms. Williams explained that she has been a part of the community for several years and is simply asking for the approval to open a safe and nurturing place for families to bring their children. She added that her daughter has several years of experience as a licensed childcare provider and will be the day to day operator at the facility. Ms. Williams stated the daycare will accept children 6 weeks old through school age, and that they are anticipating roughly 60 children to be enrolled. She added that the hours of operation will be 6:30am-6:00pm Monday-Friday.

3. Staff Findings

Mr. McDonald informed the Commission that the applicant, Southern Holding Group Investments, LLC, has requested a Specific Use Permit (SUP) for the operation of a day care center as required under Sec.24-537, Urban Village Downtown District (UV-D). He added that the location was previously the home of a day care center which closed in the spring of this year, and that the previous center had operated without a SUP. Mr. McDonald stated that 110 letters were sent out to properties within 500 feet of the address, and that the City also met the requirements for the published legal notice and signs posted on the site. He added that there should be no utility issues due to the fact that this is an existing building, and that the Fire Marshal will conduct an inspection prior to the issuance of the Certificate of Occupancy to ensure that the site is in compliance with the fire codes as well as with any state requirements for this use. He added that the state does set regulations on the ratio of children to teachers, which the center must obviously abide by.

4. Public Comments

- i. **Persons at the meeting who have indicated their desire to address the Commission by submitting the form provided shall have three (3) minutes each to present comments concerning the Application. If a speaker wishes to yield their time to another speaker, a total of six (6) minutes will be allotted for their comments. The speaker's form must indicate to whom the time is being yielded. If additional time is not yielded, the time may be extended to five (5) minutes at the discretion of the Chair.**

The following members of the public spoke regarding this application:

Paul Atha
Lynn McBee

Mr. Atha welcomed Ms. Williams into Bellaire and stated that he appreciated the notice that he received in the mail regarding the application. Ms. McBee also welcomed the applicant and asked if there would be an increase in enrollment from the previous day care center, as well as what inspections would be necessary.

5. Response of the Applicant

Ms. Williams stated that there would not be an increase in enrollment. She went on to explain that state laws have changed with regard to enrollment numbers, which could actually decrease the number of students enrolled in Treehouse Learning Center, when compared to the day care center that was at the location previously. Ms. Williams added that the center will be required to go through multiple inspections, including fire, health, and several state inspections prior to opening its doors.

6. Questions from the Commission

Commissioner Thorogood asked if there is currently a sprinkler system installed in the building.

Ms. Williams stated that the building is not currently sprinkled and that she will not know if that is a requirement until the Fire Marshal does the inspection. She added that there are fire extinguishers in the required areas.

Vice Chairman Stiggins asked what type of cosmetic changes will be made to the building.

Ms. Williams explained that they will painting the building and might be removing the red fence in front.

7. Invitation for Written Comments, if applicable

Chairman Frazier explained that the Commission would be voting on this application during the same meeting, so therefore no additional written comments will be accepted.

8. Closure of the Public Hearing

The public hearing was closed at 7:03 PM.

B. Docket #PD 2016-01-Public Hearing on an application filed by Terra Associates, Inc., on behalf of HEB Grocery Company, LP, for a Planned Development Amendment, as required by Chapter 24, Planning & Zoning, Article VI, "Amendatory Procedures," Section 24-604, "Application for Planned Development Amendment," to amend PD-25 due to changes to the site plan, building size, and elevations within the re-development of the existing H-E-B grocery store site located at 5106 Bissonnet Street, in the Urban Village-Downtown (UV-D) Zoning District.

Prior to the start of the public hearing, Commissioner Mike Axelrad recused himself and stepped down from the dais.

1. Presentation by the Applicant

John Rose, H-E-B-Mr. Rose informed the Commission and the public that they have spent a lot of time trying to finalize the design of the building, and that the design that they ended up with required an additional public hearing and approval from the Planning and Zoning Commission and the City Council. He explained that the most significant change was with the relocation of the truck unloading dock. Mr. Rose then introduced Jeffrey Williams to review the specifics of the building in greater detail.

Jeffrey Williams, Architect for H-E-B-Mr. Williams reviewed the products being used on the building, as well as the architectural features that will be utilized. He stated that it will be mainly a masonry building, but will be integrated with some stone and stone pattern, as well as paneling systems and green screens with vines to accent the buildings entrances. He mentioned that there will be red accents incorporated as well.

Lyle Henkel, Terra Associates-Mr. Henkel explained the changes that were made to the site plan, which include:

1. The addition of a new entry way, which increases the number of driveways from 4 to 5
2. The relocation of the delivery truck access to Spruce Street
3. Changes to the first floor internal site plan (relocation of the pharmacy drive-through and ramp revisions, as well as 60 degree parking rather than 90 degree)
4. The addition of a 6 foot sidewalk along Bissonnet Street, which caused the deletion of the trees along the street

Mr. Rose reiterated that the biggest change, which led to the need for an additional public hearing, was the relocation of the truck access from the west side of the building to the north side of the building. He stated that they have added features and screening that will prevent anyone from seeing the trucks when they are in the docking area. Mr. Rose stated that this feels as though this is a big improvement to the site plan. He also mentioned that the parking lot now flows a lot easier and that the 60 degree parking will help with that flow as well.

2. Staff Findings

John McDonald, Director of Development Services-Mr. McDonald informed the public and the Commission that on June 15, 2015 City Council, based on a recommendation from the Planning and Zoning Commission, approved PD-25, H-E-B Bellaire, permitting the re-development of the existing multi-tenant shopping center to a new two story, single-use grocery store with H-E-B as the tenant. He stated that as seen in the presentation, H-E-B has continued to revise the site plan, and has applied to amend the approved planned development based on this further refined concept. Mr. McDonald informed the Commissioners that in their packets, they saw that those amended changes include an increase in the size of the store from 70,000-75,000 square feet, the relocation of the truck access, which allowed for a new entry way, increasing the number of driveways from 4 to 5, as well as changes to the internal site plan. He stated that additionally, as shown in the pictures provided by H-E-B, they have also revised the design of the store, including new elevations which more closely define and meet the requirements of the development standards for buildings within the UV-D Zoning District. Mr. McDonald stated that nothing has changed with regard to the background information that the Commission was provided beforehand. He added that 142 letters were sent to all properties within 500 feet of the existing site, and that the City also met the requirements for the published legal notice and signs posted on site. Mr. McDonald informed the Commission that the Traffic Impact Analysis (TIA) was updated based on the new plan, and was reviewed by the City's traffic engineer, Jones and Carter. He stated that they did make additional comments, which will be incorporated with the comments regarding internal circulation and re-timing of the traffic signal at Rice and Bissonnet from the review of the previous site plan. Mr. McDonald stated that while they have reduced the number of parking spaces from the site plan that was originally submitted, it still exceeds the number required within the code. Additionally, he mentioned that there will be no changes made to utilities or drainage, however, they will have to mitigate for any increase in lot coverage size, compared to what is there now. Mr. McDonald stated that there are no additional fire or police comments at this time, and that the sign schedule and plan has been included in the agenda packet, as requested.

3. Public Comments

- i. Persons at the meeting who have indicated their desire to address the Commission by submitting the form provided shall have three (3) minutes each to present comments concerning the Application. If a speaker wishes to yield their time to another speaker, a total of six (6) minutes will be allotted for their comments. The speaker's form must indicate to whom the time is being yielded. If additional time is not yielded, the time may be extended to five (5) minutes at the discretion of the Chair.**

The following members of the public spoke regarding the application:

Craig Mueller
Pat McLaughlan

Paul Miller
Lynn McBee

Concerns from these residents included:

Ingress and egress of the trucks into the loading dock (encroachment onto other properties & exiting through the neighborhood)
Flooding/drainage on the streets surrounding H-E-B
The deletion of trees along Bissonnet Street
Change in parking or flow of traffic that would negatively impact surrounding businesses, specifically Jax Grill

4. Response of the Applicant

Mr. Rose stated that H-E-B would work closely with Public Works and the City to see what can be done regarding the drainage, as well as the truck turning radius. He also mentioned that the re-development of the site should not interfere with the parking for Jax Grill, as that is beyond their property line.

Mr. Williams then explained that the trucks will come in on Spruce Street, pull into the docking area, and back up the ramp to unload. He stated that they will then be able to drive straight out and should not be encroaching on any other property, or exiting through the neighborhoods.

Mr. Rose pointed out that this design gets the trucks completely off of the street as well.

5. Questions from the Commission

Commissioner Thorogood mentioned that the deletion of the trees along Bissonnet is inconsistent with the language in the Comprehensive Plan regarding the UV-D Zoning District. He stated that anything that could be done to add some greenery to Bissonnet Street would be greatly appreciated. He was also concerned by the pedestrian access and asked if they would have to walk through the parking lot to get into the store.

Mr. Williams stated that they have added the green screens to the side of the building for that reason, and that they would look into possibly incorporating some additional greenery in that area. He confirmed that pedestrians would have to walk through the parking lot in order to access the entrance, and that the reasoning behind that is strictly the design and flow of the store. He also mentioned that there is an ADA accessible route that is a shared entrance into the building.

Commissioner Thorogood stated that it would be beneficial to note that as a pedestrian entrance as well.

Commissioner Skinner asked where the employee parking would be located.

Mr. Rose explained that employee parking would be more of an internal operations issue which would be handled at a later time, but that H-E-B is very mindful of those types of things, as they realize that issues of that nature can make or break your customer base.

Commissioner Skinner asked if they have trucks that arrive to unload at all hours of the day, and where/how do they turn around.

Mr. Rose explained that they do have trucks that arrive throughout the day, as well as at night once the store is already closed. He stated that they do, however, try their best to

schedule them where they are not all arriving at the same time. Mr. Rose also reiterated that they should not be exiting through the neighborhoods and/or u-turning, and that they will do what they need to in order to address those concerns.

Vice Chairman Stiggins was concerned that construction would negatively impact the surrounding neighborhood and asked how that will be handled.

Mr. Rose stated that they will do their best to police the situation as much as possible and assured the Commission that they will follow all of the City's ordinances with regard to construction.

Commissioner Steinberg was also concerned about the routes that the trucks are taking and asked Mr. Rose if they would be opposed to the City installing "No U-Turn" signs where necessary.

Mr. Rose stated that they would be happy to work with the City to see what actions need to be taken.

Mr. McDonald explained that the City does not regulate truck flow. He also mentioned that the trucks cannot turn left out of the loading dock onto Spruce Street.

Chairman Frazier reiterated the importance of taking a look at the trucks' turning radius. He also asked how they plan to address the issues of security and lighting on the site.

Mr. Rose stated that the parking garage will be painted all white and will be an additional 5 feet in height compared to normal parking garages. He explained that in their experience, the bright color and additional height provide for a more open, visible, and safe environment for the customers. He added that as far as security personnel, that would be another internal operations decision that would be made once the store has opened.

Commissioner Thorogood asked for clarification that the trucks unload on the 2nd level.

Mr. Rose confirmed that the big trucks will take a ramp up to the 2nd level to unload, whereas the smaller trucks will park on the first level and will use the elevator to bring the products up to the 2nd level.

Chairman Frazier mentioned that he was also concerned about the drainage issues in the area and encouraged Mr. Rose to see what could be done to help alleviate the problem.

Mr. McDonald and Mr. Rose assured the Commission that Development Services would work with H-E-B and Public Works to see what options there are.

6. Invitation for Written Comments, if applicable

Chairman Frazier explained that the Commission would be taking action on the item during the same meeting, so no additional written comments will be accepted.

7. Closure of the Public Hearing

The public hearing was closed at 8:06 PM.

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

1. Consideration of an application filed by Southern Holding Group Investments, LLC, for a Specific Use Permit, as required by Chapter 24, Planning and Zoning, Section 24-537 B. (2) b) 3) to allow for the operation of a day care center, Treehouse Learning Center, at 5204 Spruce Street, located in the UV-D Zoning District, and to approve the Commission's Report and Recommendation to City Council.

Mr. McDonald informed the Commission that staff recommends approval of this application with the condition that Treehouse Learning Center files, on an annual basis, a certificate stating that they are in compliance with any and all state agencies.

Motion: a motion was made by Commissioner Steinberg and seconded by Vice Chairman Stiggins to approve the specific use permit with the above condition.

Vote: the motion passed with a vote of 6-0.

RESULT:	APPROVED WITH CONDITIONS [UNANIMOUS]
MOVER:	Marc Steinberg, Commissioner
SECONDER:	Dirk Stiggins, Vice Chairman
AYES:	Axelrad, Frazier, Thorogood, Steinberg, Stiggins, Skinner
ABSENT:	Saikin

2. Consideration of an application filed by Terra Associates, Inc., on behalf of HEB Grocery Company, LP, for a Planned Development Amendment, as required by Chapter 24, Planning and Zoning, Article VI, "Amendatory Procedures," Section 24-604, "Application for Planned Development Amendment," to amend PD-25 due to changes to the site plan, building size, and elevations within the re-development of the existing HEB grocery store site located at 5106 Bissonnet St, in the Urban Village-Downtown (UV-D) Zoning District, and to approve the Commission's Report and Recommendation to City Council.

Commissioner Thorogood mentioned that it was very obvious that the Commission is still concerned with the ingress/egress of the trucks into the loading dock, as well as the drainage issues surrounding the site. He asked that the Commission's Report and Recommendation to City Council reflect those concerns.

Chairman Frazier and staff assured him that those concerns would be included in the report.

Chairman Frazier mentioned that according to Mr. Rose the redevelopment of the site should not impact the parking at Jax Grill and asked staff if there was any reason that the owner should be concerned.

Mr. McDonald stated that he does not know what the history is behind the parking agreement that was made, but as far as he is concerned the redevelopment of the HEB should not affect the parking at Jax Grill.

RESULT:	APPROVED [5 TO 0]
MOVER:	Bill Thorogood, Commissioner
SECONDER:	Marc Steinberg, Commissioner
AYES:	Frazier, Thorogood, Steinberg, Stiggins, Skinner
ABSENT:	Saikin
RECUSED:	Axelrad

3. Discussion on the closing of the Chevron Facility within the Technical Research Park (TRP) Zoning District, the role of the Comprehensive Plan in its future redevelopment, and possible amendments to the TRP Zoning District.

Mr. McDonald explained that Chevron plans to vacate its Bellaire property by 2017. He stated that currently, the Comprehensive Plan contains two paragraphs addressing the Business Park and felt that these should be amended to create a better, more detailed idea of what the City/Commission would like to see happen in that area. Mr. McDonald also mentioned that he would like to amend the zoning ordinance for the Technical Research Park District (TRPD) to reduce the allowable uses and to create a subsection for specific uses. He informed the Commission that if they are ready to move forward with these amendments he will call a public hearing for September to amend the TRPD code language, and will have draft language for the Comprehensive Plan ready for the Commission's October meeting.

The Commission was comfortable in moving forward with the amendments.

4. Review and Discussion on City Council's direction to the Planning and Zoning Commission to investigate potential amendments to the Code of Ordinances, Chapter 24, Planning and Zoning, with regard to pawn shops, credit access businesses, and smoke shops.

Mr. McDonald informed the Commission that this item was initiated by Council Member Pollard who, along with the rest of the City Council, has now tasked the Commission with taking a look at the City's current regulations on pawn shops, credit access businesses, and smoke shops, in an effort to further limit their ability to open within the City of Bellaire. Mr. McDonald reminded the Commission that pawn shops are regulated by state legislature, which ultimately limits the actions that can be taken by the Commission with regard to those types of businesses. He added that this item was put on the agenda to get thoughts and feedback from the Commissioners.

Chairman Frazier reiterated the fact that pawn shops are regulated by the state and asked that legal advice be given to City staff and the Commission on what actions can be taken.

Mr. McDonald informed the Commission that he would work closely with the City Attorney and will have a report ready for the Commission's October meeting.

Commissioner Steinberg mentioned that City Council is the ultimate authority and has the ability to change these regulations on their own. He asked why it was coming to the Planning and Zoning Commission first.

Mr. McDonald stated that the idea is that all zoning ordinances start with the Planning and Zoning Commission, and the City Council would like to see what the Commission's recommendations are prior to taking action on this item.

Vice Chairman Stiggins asked if Sexually Oriented Businesses (SOBs) would be a part of this as well.

Mr. McDonald explained that it is not currently listed as part of the item, but that it can be added if the Commission would like to take a look at those also.

The Commission agreed that they would like to add SOBs to the item.

V. COMMITTEE REPORTS

There were no committee reports.

VI. CORRESPONDENCE

There was no correspondence.

VII. REQUESTS FOR NEW BUSINESS, ANNOUNCEMENTS, AND COMMENTS

1. Staff Liaison report on the status of projects previously addressed by the Commission, as well as projects for future meetings.

Mr. McDonald informed the Commission that the proposed changes to the R-MF Zoning District would be coming back before them at the September meeting. He added that he will be meeting with some developers between now and then to determine the economics of apartment development and what is needed to make it work. He also mentioned that Condit Elementary is on track to open their doors on August 22nd for the first day of school, and have been given a temporary Certificate of Occupancy in order to do that. Mr. McDonald stated that due to all of the rain over the last few days they have not been able to pour the parking lot, but are trying to do that as soon as possible.

Commissioner Skinner asked if there was any new information regarding Bellaire High School.

Mr. McDonald stated that there has been no news with regard to the high school. He added that the new superintendent is scheduled to start at the end of August and that things have been put on hold until leadership is back in place. Mr. McDonald explained that there has been a disconnect with what the architects are trying to accomplish and what the Project Advisory Team is wanting to see.

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

Chairman Frazier stated that the only new business that he was going to suggest was to include SOBs as part of item IV. 4.

Vice Chairman Stiggins asked if the schedule for the Capital Improvement Plan could be added to a future agenda before the end of the year.

Mr. McDonald agreed that it could be put on a future agenda. He also stated that staff is looking into ways that the Commission can become involved a little earlier in the process.

VIII. ADJOURNMENT

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

Vote: the motion passed with a vote of 6-0.

The meeting adjourned at 8:53 PM.