



CITY OF BELLAIRE TEXAS

PLANNING AND ZONING COMMISSION

APRIL 11, 2017

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

Workshop & Regular Session

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

A. WORKSHOP SESSION

I. Call to Order & Announcement of Quorum

Chairman Frazier called the Workshop Session to order at 5:57 PM, and announced that a quorum was present, consisting of the following members:

II. Review and discussion of the City Manager's proposed draft of the 2018-2022 Capital Improvement Plan, under the authority given to the Commission by City Ordinance Chapter 24-402.

Mr. McDonald explained that this was the Commission's last opportunity to ask questions of Project Manager Michelle Jordan prior to voting on a recommendation in the Regular Session.

Vice Chairman Stiggins mentioned that at the last meeting the Commission talked about the unfunded projects and how an estimated amount should be added to the funding for water and wastewater lines, streets, drainage, and pavement management projects beyond 2022. He stated that he didn't see that added to the CIP.

Mr. McDonald explained that if desired, it will be included as part of the Commission's Report and Recommendation.

Vice Chairman Stiggins felt that it should be included as a suggestion.

The rest of the Commission agreed.

Commissioner Skinner asked Mr. McDonald if staff has gone through the CIP and compared the projects listed with the ones in the Comprehensive Plan.

Mr. McDonald stated that staff has done this.

Vice Chairman Stiggins also mentioned that he would be interested in including steps 1,3, and 4 from the Beautification Master Plan, which deal with perimeter and West Loop Gateways, as well as lighting.

Ms. Jordan explained that the City is currently looking into rebranding, and that two items will be on City Council's agenda on Monday April 17th regarding this effort. She stated that one will be a presentation from Design by Principle describing what the phases and efforts would include, and a proposed timeline for accomplishing these tasks, and the second would be an item for consideration to authorize the use of beautification funds to develop the brand identity. She added that the results of this study could impact what the gateways and other beautification projects grow up to be.

Mr. McDonald stated that the Commission could definitely add in the report to Council that it supports the addition of gateways at each of the main entrances to the City, similar to what is mentioned in the Beautification Master Plan.

The Commission agreed that the addition of gateways should be added as a suggestion within the report and recommendation to Council.

Commissioner Skinner asked if improvement made in the rights-of-way would need to be approved by TxDOT.

Mr. McDonald confirmed this and stated that as far as he knows, the City has not yet approached TxDOT about any plans.

Commissioner Saikin felt that the 610 underpasses need to be addressed in order to create a more walkable City.

Mr. McDonald agreed, and added that the underpasses are referenced in the Terrain Studios study within the community pathways project.

Commissioner Saikin and the rest of the Commission agreed that a line item should be added in year 2020 for community pathways implementation to include safe crossings at the 610 underpasses, with additional lighting for improved visibility.

City Manager, Paul Hofmann mentioned that there will also be an opportunity for the City of Bellaire to work with the City of Houston and other bike groups and enthusiasts to create connections throughout the City.

Chairman Frazier mentioned Zindler Park and asked why the projects were split up into five different line items.

Ms. Jordan explained that this would not be an improvement to the entire park, like some of the other ones listed, just certain aspects of the park.

Commissioner Axelrad asked what the reasoning was behind investing money into a new library, when the City's infrastructure is in such bad shape. He questioned whether in this day and age people actually still utilize the library's resources.

Mr. Hofmann and Mr. McDonald explained that a lot of people still prefer an actual book to an electronic device, and that many families take advantage of the library's reading programs and activities. They also mentioned that the library is used on a regular basis as a meeting space for groups within the community.

III. Adjournment

Chairman Frazier adjourned the Workshop Session at 6:49 PM.

B. REGULAR SESSION

I. Call to Order & Announcement of Quorum

Chairman Frazier called the Regular Session to order at 6:59 PM, and announced that a quorum was present, consisting of the following members:

Attendee Name	Title	Status	Arrived
Jonathan Saikin	Commissioner	Present	

Mike Axelrad	Commissioner	Present	
Winfred Frazier	Chairman	Present	
Bill Thorogood	Commissioner	Absent	
Marc Steinberg	Commissioner	Absent	
Dirk Stiggins	Vice Chairman	Present	
S. Lynne Skinner	Commissioner	Present	

II. Approval of Minutes from Past Meetings

2. Planning and Zoning Commission - Regular Session - Mar 14, 2017 6:00 PM

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Mike Axelrad, Commissioner
SECONDER:	S. Lynne Skinner, Commissioner
AYES:	Saikin, Axelrad, Frazier, Stiggins, Skinner
ABSENT:	Thorogood, Steinberg

III. Reminder to citizens desiring to address the Commission

Chairman Frazier reminded any citizens that wished to address the Commission to fill out a speaker form.

IV. Public Hearings

Docket # SUP-2017-01-Public Hearing on an application filed by Moody Soliman, on behalf of Prestige Automotive for a Specific Use Permit, as required by Chapter 24, Planning & Zoning, Section 24-536 Corridor Mixed-Use District, B. (2) d), to allow for the operation of an automobile service station at 5012 Bissonnet St, located in the CMU Zoning District.

1. Presentation of the Public Hearing Process

Mr. McDonald explained the public hearing process.

2. Presentation by the Applicant

Moody Soliman-Mr. Soliman thanked City staff for their help throughout the process and informed the Commission that he is requesting a specific use permit in order to continue the same use for the property at 5012 Bissonnet as what is currently there, an automobile service station. He added that no modifications will be made to the site, and that the only differences will be the change in management and the types of cars that will be serviced. Mr. Soliman mentioned that he is aware of the conditions that were placed on the SUP previously and that he plans to continue abiding by all of those requests. He added that he also plans to go above and beyond with regard to the landscaping of the property.

3. Staff Findings

Mr. McDonald stated that the request is for a specific use permit at 5012 Bissonnet to allow for the operation of an automobile service station, which is the same use that currently exists on the property. He informed the Commission that the property is surrounded on three sides by the Corridor Mixed-Use Zoning District and to the west by Urban Village Downtown. Mr. McDonald added that a specific use is a permitted use, but the Commission can place conditions on that use in an effort to better regulate it. He reiterated that the applicant is aware of the previous conditions and that no changes are being made to the site plan.

4. Public Comments

- a. 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. If additional time is not yielded, the time limit may be extended to five (5) minutes at the discretion of the Chair, with the consent of the Commission.**

There was no public comment.

5. Rebuttal by the Applicant

There was no rebuttal by the applicant.

6. Questions from the Commission

Commissioner Skinner asked if any signage would be put on the property prior to the Commission voting on the request.

Mr. McDonald explained that the only signage that would be installed is what is there now, which gives information on the public hearing.

Commissioner Axelrad asked for clarification that the Commission could put various conditions on the application, not limited to the ones that were put on the previous SUP. He mentioned that the site is somewhat outdated and that he would like to see more improvements made to the property.

Mr. McDonald confirmed that the Commission can put any conditions on the SUP that it deems necessary. He also mentioned that he could look through the design standards that are now in place for the CMU and determine if any of them could be applied to this property as a condition.

Chairman Frazier asked Mr. Soliman for confirmation that he was aware of all of the conditions and that he plans to continue following of all them.

Mr. Soliman confirmed that he was made aware of the conditions and that he does plan to continue following all of them. He reiterated that he would most likely even go above and beyond with some of the requirements, specifically with landscaping on the site.

7. Invitation for Written Comment, if applicable

Mr. McDonald informed the Commission and the public that written comments would be accepted until 5:00 PM on Wednesday, May 3rd.

8. Closure of the Public Hearing

Motion: A motion was made by Commissioner Axelrad and seconded by Vice Chairman Stiggins to close the public hearing.

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

The public hearing was closed at 7:12 PM.

V. 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 minutes to present their comments. The Commission is not permitted to fully discuss, debate, or consider subjects for which public notice has not been given on the agenda. Issues that cannot be referred to staff for action, may be placed on the agenda of a future meeting.**

There were no general public comments.

VI. Current Business (Items for discussion, consideration, and/or possible action)

1. Docket # Z-2017-01, 02-Consideration of an application filed by Todd Blitzer of Mirador group, to amend the City of Bellaire Code of Ordinances, Chapter 24, Planning and Zoning, Section 24-534 D., to include a reduction in the minimum site area for a planned development requirement within the R-5 Residential District to one (1) acre, and to amend the Official Zoning Map to remove 4301 Bellaire Boulevard from the Bellaire Boulevard Estate Overlay District (BBEOD). This property is currently located within both the R-5 Residential District and the BBEOD.

Mr. McDonald explained that this is for the consideration of two requests, filed by Todd Blitzer of Mirador Group, on behalf of Dallas Christian College, for the removal of 4301 Bellaire Boulevard from the Bellaire Boulevard Estate Overlay District and the reduction of the minimum site area for a planned development within the R-5 Zoning District to one acre. He added that there were 5 members of the public who spoke against the application during the public hearing, citing concerns such as, traffic, flooding, improper marketing, and the fear that the granting of this request would set a precedent for other properties in the area. Mr. McDonald added that one member of the public spoke in favor of the application, and one written comment, also in favor of the request, was read into the record. He stated that thirteen written comments were submitted after closure of the public hearing, and they were included in the packet. Mr. McDonald then reviewed the role of staff, stating that staff's job is to process and review applications for developments, zoning, and code amendments, and ultimately to make a recommendation to the Planning and Zoning Commission. He added that at that point, the Commission has the right to accept, modify, or deny that recommendation. Mr. McDonald stated that there have been some disconcerting questions to his integrity over the last few weeks, and mentioned that as his role as Director of Development Services he tries to stay impartial and give honest and open information to the Commission. He stated that he hoped as though the Commissioners have seen that from him the past, and that he knows they will continue to see it from him in the future.

Mr. McDonald mentioned that what first needs to be understood about the application is that there is currently no project under consideration. The request, if approved, merely provides an opportunity for the Commission and the City Council to consider a broader allowance for the property located at 4301 Bellaire Boulevard. He added that the adoption of this proposed amendment would only make three by-right zoning changes that would impact this property:

1. A reduction in the front building line from 50 feet to 30 feet
2. The allowance of 2 single-family residences instead of 1

3. The ability for a planned development application to be filed for this property

He mentioned that there had been concerns about whether or not the property has been properly marketed, or priced, but stated that ultimately these are not land use questions necessary for staff's review. Nowhere in the zoning ordinance does it state how, for how long, or at what price a property must be listed for sale. Mr. McDonald pointed out that with regard to whether a future project would or would not negatively impact the existing residential development to the west of the property is a question to be addressed at such future date when a specific project has been submitted for review and consideration. He stated that items such as traffic and drainage are always purposefully considered and reviewed with help from the Public Works Department and the City Engineer when a specific project is on the table. Mr. McDonald mentioned that it is also important to realize that this is the only property within the Bellaire Boulevard Estate Overlay District that is sandwiched between an existing planned development and a utility easement. He added that a speaker at the public hearing brought up the fact that the property directly across the street from 4301 Bellaire Boulevard is currently developed as a single-family lot. He explained that while this is the case, the house is adjacent to a single-family lot directly to its west, in fact that entire section of the block is single-family homes. This lends a uniqueness to the property at 4301 Bellaire that no other property in the BBEOD faces, therefore, the approval of this request would not set any sort of precedent to support any other property in the BBEOD if such were to seek a similar request. Mr. McDonald also pointed out that the property is called out as small lot residential on the Future Land Use Map, which is consistent with the request. He stated that based on staff's findings, he recommends approval of the request to remove the property from the BBEOD and to amend the code of ordinances, as requested.

Vice Chairman Stiggins asked what the current allowable uses are.

Mr. McDonald stated that the only thing allowed there currently, by-right, is one single family home, a church, or a school. He added that the church and school would still have to come before the Commission for a specific use permit to operate within a residential zone.

Commissioner Stiggins mentioned that approval of the request would allow for two homes to be built on the property and asked if a replat would need to be done.

Mr. McDonald confirmed that a replat would have to be done, and that it would come before the Commission for approval.

Commissioner Skinner asked what the history is of the Bellaire Boulevard Estate Overlay District (BBEOD).

Mr. McDonald informed the Commission that it was created in 2001, when the owner of the Teas Property was trying to subdivide their lot. He added that it was created in an effort to encourage large lot residential development resulting in a "grand boulevard of homes, schools, churches, and houses of worship" with homes facing Bellaire Boulevard.

Commissioner Axelrad mentioned that some of the written comments referenced "spot zoning." He asked Mr. McDonald and Attorney Petrov to explain why this would not be considered spot zoning.

Mr. McDonald explained that the property is not being re-zoned. He added that the request is to take it out of the overlay district, but not to rezone it from R-5.

Attorney Petrov agreed and added that spot zoning occurs when a property is rezoned to something completely different than what the surrounding properties are zoned as.

Commissioner Saikin mentioned the insufficient drainage for the property and asked why the owners were not required to mitigate for that.

Mr. McDonald explained that the church has been in existence longer than the City's current drainage requirements have been in effect.

Commissioner Saikin added that, in his opinion, Dallas Christian College should have done what they could to help alleviate the issue of flooding on the property. He stated that he felt as though the granting of this request would be, in an essence, rewarding them for being bad neighbors. Commissioner Saikin also reiterated that he is concerned about whether there will be any demand for residential homes on this site, and if the location of the property will result in a lesser product than what is consistent with the rest of Bellaire.

Chairman Frazier mentioned that the zoning for this area is already inconsistent, and that he is concerned that the granting of this request will negatively impact the purpose for which the BBOD was created. He added that he will be voting against the application for that reason.

RESULT:	FAILED [0 TO 5]
MOVER:	Dirk Stiggins, Vice Chairman
SECONDER:	Mike Axelrad, Commissioner
NAYS:	Saikin, Axelrad, Frazier, Stiggins, Skinner
ABSENT:	Thorogood, Steinberg

2. Approval of the Planning and Zoning Commission's Report and Recommendation to City Council regarding the proposed zoning amendments at 4301 Bellaire Boulevard.

The Commission asked that a bullet point be added to the report regarding the fact that the Commission feels as though the base zoning for the entire BBOD is inconsistent and should be addressed in its entirety so as not to negatively impact the overlay district and the purpose for its creation.

RESULT:	ADOPTED AS AMENDED [UNANIMOUS]
MOVER:	Jonathan Saikin, Commissioner
SECONDER:	Mike Axelrad, Commissioner
AYES:	Saikin, Axelrad, Frazier, Stiggins, Skinner
ABSENT:	Thorogood, Steinberg

3. Approval of the Planning and Zoning Commission's Report and Recommendation to City Council regarding the Draft 2018-2022 Capital Improvement Plan.

The Commission voted to approve the Report and Recommendation to City Council with the following suggestions for inclusion:

- The addition of gateways at each of the main entrances to the City, similar to what is mentioned within the Beautification Master Plan.
- Estimated funding for water and wastewater lines, streets, drainage, and pavement management programs beyond the year 2022.
- A line item in the year 2020 for community pathways implementation to include safe crossings at 610 underpasses, with additional lighting for improved visibility.

RESULT:	ADOPTED AS AMENDED [UNANIMOUS]
MOVER:	Dirk Stiggins, Vice Chairman
SECONDER:	S. Lynne Skinner, Commissioner
AYES:	Saikin, Axelrad, Frazier, Stiggins, Skinner
ABSENT:	Thorogood, Steinberg

VII. Committee Reports

There were no committee reports.

VIII. Correspondence

There was no correspondence.

IX. Requests for New Business, Announcements, or 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 HEB has been demolished and that they should begin construction soon. He also mentioned that City Council heavily amended the proposed changes to the Comprehensive Plan, and suggested that the Commission take a look at what changes were made. He added that he has almost completed the site plan review for the Bellaire Town Center, and that there are still no updates on Bellaire High School.

Chairman Frazier mentioned that the parking lot for the Bellaire Town Center has a tendency to flood, and asked if that was being taken into consideration with the redevelopment of the site.

Mr. McDonald explained that the retention of water in a parking lot is not always a bad thing, as it could have been designed to hold water. He added that the building is going to be shifted and they are actually reducing the amount of impervious coverage on the site, which should help. Mr. McDonald mentioned that once the building plans have actually been submitted the drainage will be reviewed.

Chairman Frazier asked if there were any updates on the Chevron and Shell properties.

Mr. McDonald stated that he feels as though the property owners are still trying to understand what exactly is allowed, based on what City Council voted on. He added that the Commission could possibly see a request for a specific use permit or a planned development for the Shell property to allow for some sort of commercial or retail office project.

Commissioner Skinner mentioned Mr. McDonald's previous comment regarding staff's role in planning and zoning. She stated that she supports Mr. McDonald and has never felt that he has overstepped his boundaries.

Commissioner Saikin agreed with Commissioner Skinner.

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

No New Business was brought forward.

X. Adjournment

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

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

The meeting was adjourned at 8:13 PM.