



CITY OF BELLAIRE TEXAS

PLANNING AND ZONING COMMISSION

MAY 16, 2017

Council Chamber

Regular Session

6:00 PM

7008 S. RICE AVENUE
BELLAIRE, TX 77401

I. CALL TO ORDER AND ANNOUNCEMENT OF QUORUM

Chairman Frazier called the meeting to order at 6:04 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	Present	
Marc Steinberg	Commissioner	Absent	
Dirk Stiggins	Vice Chairman	Present	
S. Lynne Skinner	Commissioner	Present	
John McDonald	Director	Present	
Zachary Petrov	Assistant City Attorney	Present	
Ashley Parcus	Secretary	Present	
Trisha S. Pollard	Council Member	Present	

II. APPROVAL OF MINUTES FROM PAST MEETINGS

1. Planning and Zoning Commission - Workshop & Regular Session - Apr 11, 2017 6:00 PM

Commissioner Stiggins asked that the comment he made giving staff kudos on the CIP be added to the minutes.

RESULT:	APPROVED AS AMENDED [5 TO 0]
MOVER:	Dirk Stiggins, Vice Chairman
SECONDER:	Mike Axelrad, Commissioner
AYES:	Saikin, Axelrad, Frazier, Stiggins, Skinner
ABSTAIN:	Thorogood
ABSENT:	Steinberg

III. REMINDER TO CITIZENS DESIRING TO ADDRESS THE COMMISSION

Chairman Frazier reminded anyone who wished to make public comment to fill out a sign in sheet.

IV. GENERAL PUBLIC COMMENTS

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

There were no public comments.

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

1. Docket # SUP-2017-01-Consideration of 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.

Mr. McDonald stated that this item is for the consideration of a specific use permit to reuse the automotive service station at the corner of South Rice and Bissonnet that was previously the Volvos Only location. He added that the public hearing for the request was held before the Commission at their April meeting, and that no public comment had been received regarding the application. Mr. McDonald explained that the applicant is not proposing any changes to the current site plan. He added that during the public hearing a question was brought up about design criteria applicable to the corridor mixed-use district, and as the requirements were reviewed, staff found that most would be burdensome to an existing structure. He mentioned that improved maintenance of the structure and the required landscaping would greatly benefit the site. Mr. McDonald stated that he recommends approval of the specific use permit with the following conditions, most of which were from the original SUP granted to Volvos Only:

1. That all vehicles remaining overnight shall be parked within an enclosed service bay or within a fenced area.
 - a. Any automobiles dropped off by customers for repairs at any time outside normal business hours (8:00 A.M. to 5:00 P.M., Monday through Friday) are excepted from this provision. However, the permit holder shall, as soon as practicable, take all steps necessary to cause such vehicles to be properly secured and screened.
2. The eight (8) foot screening fence currently in place on the property shall be maintained in such a manner as to provide for a one hundred (100) percent visual barrier, and if at any time the fence shall fail to provide the total visual barrier as herein required, the permit holder shall immediately cause the same to be replaced or repaired.
 - a. That the warped fence boards on the west side of the property be replaced.
3. The exterior of the structure shall be maintained in good repair, structurally sound, and sanitary so as not to pose a threat to the public health, safety, or welfare; and all damages to the stucco on the building be replaced and painted to match the building; that all parking lot striping be repainted and maintained; and that all parking lot signage be replaced.
4. No storage and/or display of merchandise or other property shall be permitted except within the existing structure.
5. The permit holder shall file with the Department of Development Services a landscaping plan which shall detail the type of landscaping materials and plants to be planted with the permeable areas within the property. The materials and plants detailed within this landscape plan shall be maintained in a healthy, growing state,

and if for any reason the condition of the landscaping and planting materials should deteriorate, the permit holder shall immediately replace the same to maintain full compliance with this requirement.

6. All mechanical repairs to vehicles serviced on this site requiring more than thirty (30) minutes from beginning to conclusion shall be performed inside the building located upon the permitted property.
7. No automotive body repairs or vehicle painting shall be permitted.
8. The permit holder shall at all times comply with the terms and provisions of the Code of Ordinances of the City of Bellaire, including, without limitations, requirements relating to signs, exterior storage of cars, parts, or accessories, and requirements prohibiting sales of cars, boats, or any other vehicles. Failure to comply with these regulations or any condition placed upon this permit shall constitute grounds for termination of the permit issued hereunder.

Mr. Soliman reiterated that they are not changing the site plan in any way. He then asked if condition # 1 would limit his business hours to 8:00 am-5:00 pm Monday through Friday.

Mr. McDonald explained that 8:00-5:00 were the business hours that were previously placed on Volvos Only. He added that if Mr. Soliman would like different hours to express those to the Commission and they will decide whether to amend that condition.

Mr. Soliman stated that he will need the business hours to be extended, most likely to 7:00 am-6:00 pm.

Chairman Frazier mentioned that during the public hearing Mr. Soliman stated that he understood and was comfortable with all of the previous conditions that had been placed on the property. Chairman Frazier added that he didn't want it to look as though Mr. Soliman was not appropriately made aware of the conditions that would be placed on the property.

Commissioner Saikin mentioned that the language within the condition would allow the applicant to extend his business hours beyond 8:00 am-5:00 pm. He added that it is simply requiring that the applicant take the necessary steps to ensure that all vehicles are secured and screened.

Mr. McDonald agreed. He explained that it is not limiting the business to the hours of 8:00 am -5:00 pm, it is simply stating that if a car is dropped off outside of the business hours the applicant will, as soon as practical, take all necessary steps to ensure that the vehicle is properly secured.

Commissioner Skinner mentioned that landscaping that has been required for previous projects never seems to get done. She asked if there would be a way to put a timeframe on the requirement in order to ensure that it is completed.

Mr. McDonald explained that staff would not even issue the Certificate of Occupancy until such time that the landscape plan has been filed with the City, approved, and installed. He added that it is a condition on the operation of the business, therefore, the applicant must meet those conditions before the business would be allowed to operate.

Commissioner Skinner asked where the trash receptacle will be located.

Mr. Soliman explained that it is located in the back, inside the fence. He added that it is on wheels and will be pushed out in the morning for trash pick-up and then wheeled back. Mr. Soliman stated that it is not visible from the street.

Vice Chairman Stiggins mentioned that in Mr. Soliman's application there was mention that there will be no body work or body painting taking place, and stated that he would like to see that added as a condition to the SUP.

Mr. McDonald agreed that the addition of that condition would be appropriate.

Vice Chairman Stiggins asked about the disposal of certain substances, such as, used oil, antifreeze, etc.

Mr. McDonald explained that the state has certain regulations when it comes to the disposal of those substances.

Commissioner Saikin asked Mr. Soliman if he has evaluated the volume of the new business compared to that of Volvos Only, due to the fact that more types of cars will be serviced. He questioned whether Mr. Soliman will have the necessary space for an increased amount of cars.

Mr. Soliman mentioned that the turnaround time for Volvos is significantly longer than with other makes of cars. He added that he does not anticipate much overnight storage needed, but if that does become the situation, he would look into making arrangements with nearby garages to house those cars as necessary.

Commissioner Saikin asked Mr. McDonald if the City would have to approve the parking agreements with other businesses.

Mr. McDonald explained that the City would not need to approve this type of agreement.

Mr. McDonald and the Commission felt that it would be a good idea for Mr. Soliman to go ahead and start making arrangements with garages in the surrounding area.

Commissioner Thorogood asked about days of the week that the business is allowed to operate.

Mr. McDonald asked Mr. Soliman if he wishes to be open any days other than Monday-Friday.

Mr. Soliman stated that he would like to operate on Saturdays as well.

Mr. McDonald again explained that condition #1 does not limit his operation to Monday-Friday, it just states that all cars need to be properly secured and screened as soon as possible.

Commissioner Axelrad asked if irrigation would be required as part of the landscaping.

Mr. McDonald stated that if there is no irrigation installed currently, then it would not be required. He added that they are fairly small areas of green space, which should not be hard to maintain.

Mr. Soliman assured the Commission that he takes pride in his landscaping and will not let it deteriorate.

Chairman Frazier mentioned that new signs installed on the property must follow the City's sign ordinances. He urged Mr. Soliman to become familiar with those regulations.

RESULT:	APPROVED WITH CONDITIONS [UNANIMOUS]
MOVER:	Mike Axelrad, Commissioner
SECONDER:	Bill Thorogood, Commissioner
AYES:	Saikin, Axelrad, Frazier, Thorogood, Stiggins, Skinner
ABSENT:	Steinberg

2. Approval of the Commission's Report & Recommendation to City Council regarding the request for a Specific Use Permit at 5012 Bissonnet Street.

Staff assured the Commission that the conditions placed on the SUP, along with the concerns that were brought up as part of the consideration would be added to the report and recommendation.

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

3. Application filed by James Lassiter, for a total plat vacation of "Amending Plat of Lot 3 and 4, Block 3 of Post Oak Plaza." The property is addressed as 4707 Braeburn Drive.

Mr. McDonald explained to the Commission that back in 2009, Mr. Lassiter was granted an amending plat to combine lots 3 and 4, block 3 of Post Oak Plaza into one property. He added that Mr. Lassiter now wishes to vacate that amending plat in order to sell each lot off individually. Mr. McDonald mentioned that due to the fact that the Planning and Zoning Commission was the body that approved the amending plat, they also have to approve the vacation of that amending plat. He then pointed out that the back part of the property currently has a tennis court located on it. He explained that no accessory uses are allowed on a lot without a primary use, and stated that as a condition to the approval of the plat vacation, the tennis court would have to be demolished prior to the subdivision of the lots in order to avoid creating a non-conforming lot. Mr. McDonald stated that there is also a lien on the property, which will need to be released prior to recordation of the plat vacation. He informed the Commission that he recommends approval of the request with the two conditions mentioned.

Chairman Frazier mentioned that the County has this property listed as Lot 3A, Block 1 instead of lots 3 and 4, block 3. He asked if that was correct.

Mr. McDonald explained that Lot 3A represented the fact that the two lots had been combined, and block 1 was also of the amending plat. He added that once the plat has been vacated it will be returning to its original description of lots 3 and 4, Block 3.

RESULT:	APPROVED WITH CONDITIONS [UNANIMOUS]
MOVER:	Bill Thorogood, Commissioner
SECONDER:	Mike Axelrad, Commissioner
AYES:	Saikin, Axelrad, Frazier, Thorogood, Stiggins, Skinner
ABSENT:	Steinberg

VI. COMMITTEE REPORTS

There were no committee reports.

VII. CORRESPONDENCE

There was no correspondence.

VIII. 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.

a. Properties at Newcastle and Bissonnet, and Newcastle and Howard

Mr. McDonald explained that the properties located at the corner of Newcastle and Bissonnet and Bissonnet and Howard are still tied up in some title issues. He added that he checked the Supreme Court website and found that no ruling has been made yet, and that there have been more filings as recently as March of this year. Mr. McDonald stated that the last time he spoke with one of the current property owners they were hoping to have a decision in 2017. He mentioned that the single-family residential development should be moving forward as soon as this is resolved, however, the front property is currently undecided due to the fact that Texas Children's decided to move their offices into the Chase Building.

b. Bellaire Town Center

Mr. McDonald informed the Commission that the site plan for Bellaire Town Center has been approved, however, there is an alley that runs through the property. He added that they will have to seek an abandonment for that through City Council, and they are currently working on that application.

c. Bellaire High School

Mr. McDonald stated that Bellaire High School has submitted an SUP application to construct the new school, which will be coming before the Commission for a public hearing at the June meeting. He mentioned that they will also be seeking two variances through the Board of Adjustment, one for height and another for lot coverage. Mr. McDonald informed the Commission that they are also planning to demolish the old Gordon Elementary/Mandarin site to use as the school's baseball practice facility, which will help to free up some space at the high school.

Mr. McDonald also mentioned that the construction of H-E-B is under way.

Chairman Frazier asked if a workshop should be scheduled to review the Bellaire High School application.

Mr. McDonald stated that if, after the public hearing, the Commission still has questions, staff could schedule a workshop prior to the consideration of the application to discuss it in more detail. He added that he has been following this project for the past 3 years and the recent presentation before the project advisory

team was the first time that there have been no objections to the plan. Mr. McDonald stated that there were teachers, neighbors, and parents present, and everyone felt that HISD had done their best to address the previous concerns.

Mr. McDonald also mentioned that there is a resident who would like to combine two lots into one, however, there is an issue regarding the interpretation of a corner lot. He added that because he cannot reject a plat, it will be coming before the Commission for approval.

Commissioner Skinner asked if there had been any updates on the Chevron property.

Mr. McDonald mentioned that City Council had approved the changes to the Comprehensive Plan, but with numerous revisions. He added that it is more tightly focused on single-family residential, with other uses allowed through the SUP or PD process. Mr. McDonald stated that at this time, staff is not planning to bring forward any proposed changes to the zoning until after the property has been purchased and staff has been given an idea of what the owner is looking to do with it.

Mr. McDonald informed the Commission that City Council recently held a workshop where he presented on the Comprehensive Plan update, including a discussion on Chevron and the Beautification Plan. He added that there was also a conversation about the Bellaire Boulevard Estate Overlay District (BBEOD) and how the underlying zoning is inconsistent. Mr. McDonald mentioned that in the next few months, and most likely in a workshop session, staff will introduce a proposal to re-zone that area in an effort to strengthen the purpose for which the BBEOD was created.

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 to the attention of the Commission.

Commissioner Thorogood mentioned that in July the Commission will go through a transition, and that it is very important to get the new Commissioners up to speed on zoning and the applications that they will be considering at the July meeting.

Mr. McDonald agreed. He added that staff plans to meet with the new Commissioners to get them caught up on what they will need to know in order to be prepared to vote on those applications.

IX. ADJOURNMENT

Motion: a motion was made by Commissioner Thorogood and seconded by Commissioner Axelrad to adjourn the meeting.

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

The meeting was adjourned at 6:48 PM.