



CITY OF BELLAIRE TEXAS
PLANNING AND ZONING COMMISSION
SEPTEMBER 13, 2018

Council Chamber

Regular Session

6:00 PM

**FIRST FLOOR OF CITY HALL
7008 S. RICE AVENUE
BELLAIRE, TX 77401**

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	Absent	
Ross Gordon	Chairman	Present	
Weldon Taylor	Commissioner	Present	
John T. Klug	Commissioner	Present	
Pamela Nelson	Commissioner	Present	
Zachary Petrov	Assistant City Attorney	Present	
Ashley Parcus	Development Services Coordinator	Present	
ChaVonne Sampson	Director of Development Services	Present	
Trisha S. Pollard	Council Member	Present	

II. APPROVAL OF MINUTES FROM PAST MEETINGS

A. Planning and Zoning Commission - Regular Session - Jul 12, 2018 6:00 PM

Commissioner Nelson stated that the order in which the swearing in of the new commissioners is backwards because it shows it happening before the public comments on the pathways plan. She asked that number 5 and 6 be switched.

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

III. REMINDER TO CITIZENS DESIRING TO ADDRESS THE COMMISSION

Chairman Gordon clarified that there were three primary pieces of action on the agenda. The first is two public hearings related to the Chevron property, and the second is the conclusion to the process for the car wash. He added that it is important to note that the general public comments are not intended for those three items. If you would like to speak on the Chevron property you have an opportunity during the public hearing process for the two items. Chairman Gordon stated that at this point in time, the general public comments period is for persons who have indicated the desire to be heard on matters of

general interest to the commission and the commission is not permitted to fully discuss, debate, or consider items that are not on the agenda.

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.**

Lynn McBee-Ms. McBee stated that she was here to talk to the Planning and Zoning Commission about process. During the July meeting, the last meeting, a public hearing was held which will be deliberated on on the agenda tonight. She stated that her concern about the public hearing was the emergence of a staff meeting now dubbed something like a Development Review Committee, which she stated that she is totally ignorant of. Ms. McBee explained that staff reviewed the meeting and the comments and came up with a traffic impact analysis request and made recommendations about the action, which was in the packet tonight. She stated that she does not know who is a member of this development review committee, or when they met, and that she does not see any minutes concerning that committee. She added that she would appreciate some clarification on that. Ms. McBee felt that the public hearing is intended to allow the citizenry to direct their wishes and that it's your role to consider that; If there have been no comments possible because the materials were missing, then you're missing public input that's vital. She stated that it is simply a matter of principle that you provide all information and staff is subservient to the Planning and Zoning Commission. She added that her general concern about the process is that all staff information including their recommendations should accompany the packet and be made available to the general public before the public hearing. She mentioned that any new recommendations can now not be commented upon because the public hearing was adjourned. She asked that the Commission instruct staff, for future actions, that all information that they care to make about an application should be submitted to the Commission as part of the public hearing packet, and that in this particular case, a second public hearing should be warranted to allow the public to address the new information that was not provided at the first public hearing. Ms. McBee stated that in the future she would suggest that if there are more materials that are going to be requested by the Commission of the staff, that the hearing be continued to a date certain to give fair opportunity to the general public to take advantage of reviewing that additional information.

B. Comments and updates from the Commission's City Council Liaison.

There were no comments from the Commission's City Council Liaison, Trisha Pollard.

V. PUBLIC HEARINGS

Docket # SU-2018-05-Public hearing on 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.

A. Presentation of the Public Hearing Process

Ms. Parcus reviewed the public hearing process.

B. Presentation by the Applicant

Danny Sheena, SLS Properties-Mr. Sheena introduced himself and stated that he is one of the owners of SLS properties. He added that he has lived in Houston all of his life, and that he currently lives at 4612 Oleander Street with his wife and kids. Mr. Sheena stated that his partner in this venture is Dr. Ronny Sheena, who also lives in Bellaire, on Marrakech. He then gave some background information about himself, stating that he is an engineer and graduated from the University of Houston many years ago. Mr. Sheena explained that he has a master's degree from UCLA in engineering as well. He informed the Commission that he has been exposed to many real estate deals for his clients and for himself, and that he is very familiar with the Bellaire area, the real estate market, and methods of construction. Mr. Sheena explained that the requests are broken up into two public hearings, the first being a request to use the existing office buildings as multi-tenant office space, and the second is the parking garage. He stated that he would address each one separately. Mr. Sheena added that there would be more comments and more exhibits for the parking garage than for the multi-tenant office building. He mentioned that he has built properties in Houston for many years, for himself and for his clients, and has been involved in projects for Gerald Heinz all over the country from small buildings to very large buildings.

Mr. Sheena then went on to give some background information regarding the former Chevron buildings. He explained that there is a six story office building that was built in 1965, and then there's a 10 story office building next to it which is like a V-shape, and that was constructed in the '70's a few years later. He stated that it was occupied as an office building for many, many years, and had multiple departments and various divisions in them. Mr. Sheena added that his understanding was that, at times, other companies were leased sub-portions of the office space; therefore the building is already configured for many tenants. He informed the Commission that he owns the property across the freeway, at 5909 and 5959 West Loop South, and has for about a year. It's a multi-tenant office building, very similar to other office buildings in the City of Bellaire. He mentioned that there are several other multi-tenant office buildings located within the City of Bellaire and that is exactly what he would like to do with the property at 4800 Fournace. Mr. Sheena added that his company is very familiar with running, operating, and maintaining office buildings, and stated that the property will operate very similarly to the other office buildings around the city. Mr. Sheena explained that this is simply a request to continue utilizing. He thanked the Commission for giving him the time to speak.

C. Staff Findings

Ms. Parcus informed the Commission that the public hearing is on a request 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. She added that 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 within the City's Comprehensive Plan. Ms. Parcus stated that the application was submitted on August 10, 2018, and that notice of the public hearing was published in the Southwest News on August 28th, and mail outs were sent to 215

properties within 500 feet of the 4800 Fournace on August 31st. Notification signs were posted on the property on August 28th. Ms. Parcus then reviewed the details of the site with regard to the current zoning and adjacent zoning and land uses. She explained that this application is not requesting a re-zone, and that per Section 24-544 C. 3) of the City of Bellaire's Code of Ordinances, "Office buildings" is permitted as a specific use within the City's Technical Research Park District. She informed the Commission that the applicant plans to use the approximately 500,000 square feet of lease-able office space, already existing on the site, to house multi-tenants. Ms. Parcus then mentioned that based on Section 24-514a, general office use requires 3 parking spaces per 1,000 square feet of general floor area. This means that approximately 1,500 parking spaces are required on site in order to accommodate for the 500,000 square feet of office space. She stated that there are currently only 1,400 parking spaces available on site; however, the applicant's request for the construction of a parking garage addresses that issue.

She stated that no action is required during tonight's meeting, and that the item is scheduled for consideration on October 11th.

D. Public Comments

Chairman Gordon explained that because there are two public hearings for the property, any comments relating more to the use of the buildings would need to be made during this hearing and any comments more related to the parking garage will need to be saved for the second.

- 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. This time limit may be extended to five (5) minutes at the discretion of the Chair with the consent of the Commission.**

James Balogh: Mr. Balogh stated that he owns a house at 5017 Mayfair Street, and also resides at 4820 Bellaire Boulevard. He was concerned that there would be a lot of vendors and truck traffic in and out of the site, because there is already an issue with truck and school traffic/buses in the mornings. He added that if the same thing happens on Fournace, then it will be just an L-shaped nightmare. Mr. Balogh also mentioned that the trucks frequently knock down the poles as they turn the corners. He stated that the influx of extra traffic needs to be taken into consideration.

Charles Platt: Mr. Platt stated that he lives at 4924 Beech Street, and has concerns about the specific use permits for the Chevron property for two reasons. He mentioned that environmental is one, and drainage is the other. Mr. Platt added that Chevron has filed two massive environmental reports with the Texas Commission on Environmental Quality in December 2017 and May 2018, and stated that he assumed that the Commission has access to those. He mentioned that he is not an expert, but these reports list numerous chemicals that are outside permissible limits and which have to be remediated, including petroleum hydrocarbons, chlorinated volatile organic compounds and mercury. Mr. Platt stated that there's no action plan yet, as far as he

knows, filed with the TCEQ on the contamination, and the buyer has not really addressed it. He added that the buyer says that he will comply with the TCEQ requirements, but has not, in my understanding, submitted the description of the environmental hazards that are required by our ordinance. Mr. Platt felt that it would be advisable to consider hiring an environmental engineer to review the reports and advise the Planning and Zoning Commission. He added that the buyer should be required to provide more specificity before the Planning and Zoning Commission acts on this matter. Mr. Platt then stated that as far as drainage is concerned, he doesn't know if this project will add to the drainage, but that it is something that needs to be thought about. He added that post-Harvey, we need to retain as much water as we can on properties within the city of Bellaire, and that there is nothing in the proposal that addresses drainage. Mr. Platt explained that this property sits near the top of the Bellaire water shed and drains on either side, and also into Fournace. He stated that this is a major concern and that a lot of the property is covered with concrete pads. Mr. Platt mentioned that he doesn't know what the coverage requirement is, but that it is certainly something we should have a better understanding of before the Planning and Zoning Commission approves these permits.

Michelle Arnold:

Ms. Arnold stated that she has lived at 4917 Elm Street since 1994, and apologized that her comments are intertwined. She added that her neighborhood will be negatively impacted if this building goes through as discussed. She stated that it is bad enough that Bellaire taxpayers have had to look at the Chevron office buildings for decades, and now a parking garage for 2,000 cars will further mar the view for Bellaire taxpayers. Ms. Arnold felt that a garage for 2,000 cars will mean terrible traffic for Fournace, safety risks, plus the nuisance of noise from hundreds of car radios and motorcycles. She stated that Bellaire City Council has little control over the town's massage parlors, pawn shops for thieves, and the infamous Bellaire Inn, where rooms are available to rent by the hour, and there will also be no control over the tenants of this building. Ms. Arnold mentioned that Chevron was easy, it was one neighbor with only 900 surface parking spaces. She questioned whether the parking garage construction will stir up any hazardous waste that Chevron might have left behind, and mentioned that another shady side enclave with 20 high end homes and acreage would be nice. Mr. Arnold asked if there is any chance that they can use the surface parking with shade structures that house solar panels which will help reduce the energy costs of this building. She then informed the Commission that they are about to make a big quality of life decision for the town.

Catherine Lewis: Catherine Lewis informed the Commission that she lives at 1112 Colonial, which is about 250 feet from the site. She stated that her main comment was that the total area is in kind of a shabby disrepair, including the sidewalks all around. Ms. Lewis mentioned that the office complex area used to be beautifully maintained when Texaco had a plant there, and then when Chevron took over it went down. She stated that all of that needs to be maintained, and she felt that it should be part of the discussion here. Ms. Lewis then mentioned the drainage issue, and stated that it is a big deal, especially for Mayfair Street, because when you put in a parking garage, if you raise that foundation it'll drain to Mayfair street and Mayfair street already floods. She pointed out that the new storm drainage system that's supposed to go into Mayfair is still not there. Ms. Lewis stated that every year it's on the schedule, and every year it gets delayed. She mentioned that she concurs with an office use, along the lines of what it has been in the past.

Ed Umbricht: Mr. Umbricht stated that he lives at 4900 Mayfair. He mentioned that the TIA that was completed suggests that 2,000 parking spaces will support about 5,700 trips. Mr. Umbricht stated that this means that 5,700 extra cars have to go down Fournace or 610, or take the additional shortcut down Anderson to Elm. He pointed out that the traffic report says there's no net effect to the traffic in the area, but the road is already at a C, and is overburdened in the area. He mentioned that there are three exits to the property currently, but one of them is just too close to the freeway to get in and out. Mr. Umbricht stated that the Chevron property always had police officers at the exit controlling traffic, Texaco did too. He pointed out that this traffic report calls for no traffic controls at all, and that he thinks that it's important to look at. Mr. Umbricht mentioned that the TIA lists Anderson as an emergency exit, and asked that it be closed permanently. He felt that the residents are already boxed in in the neighborhood, with Westpark and the new transit center that's going up on the north side.

Lynn McBee: Ms. McBee stated that the attempt to take a large track such as Chevron and say "we just wanted to fill the office building with multiple kinds of tenants and maybe use the six story building as well, and later we'll talk about a parking garage, and this application has a traffic impact analysis" is based on nothing. She mentioned that the property is not being used right now by whatever mix of tenants will come, so the traffic study, though I'm no expert and I hate these things, doesn't tell me a whole lot. She then asked what types of tenants the building will be used for and what the restrictions will be. Ms. McBee stated that who offices in the building and their needs will determine all the

questions we're here to answer tonight, but we can't because we don't know who they'll be. She felt that this is an absurd way to do business in a zoned city, and added that the application makes no attempt to explain the goals of the developer, but really offers as little as he can get away with. Ms. McBee felt that the Commission doesn't have enough information to make a decision on it, and that she doesn't have enough to give an intelligible comment. She mentioned that there is no attempt to even compare the past use of the property in those two buildings and the proposed use of the property, as expected by this new developer; therefore, there is no way to determine if it's going to be better, worse, more, less, etc. Ms. McBee stated that she totally opposes the granting of the specific use for this quote, "multi-tenant building," of which she knows nothing and the Commission knows nothing. She added that her opposition is based on an incomplete application and lack of information to the public.

E. Response of Applicant

Danny Sheena, SLS Properties-Mr. Sheena explained that this is an office building, and no one ever knows what tenants will be occupying it until a "for lease" sign is put up and interested tenants call about a space. He added that no one in Bellaire comes in up front and is able to tell the City exactly what tenants are going to lease a space. Mr. Sheena pointed out that it is up to the landlord to restrict tenants that are undesirable, and it is not something that he can predict, or anybody can predict in advance. He stated that many people need space for a variety of reasons, doctors, lawyers, accountants, CPAs, dentists, etc. He added that whoever is interested will be screened by the landlord, and the landlord will do a good job to make sure that it's a desirable tenant. Mr. Sheena explained that as far as traffic congestion on the street goes, these buildings were occupied before, and it's the same kind of occupancy, just broken up into several different companies. He added that whatever traffic was there before in 2015 and 16 and 14 and 12 will continue to be there. He explained that the building is situated where it's got an exit off of Loop 610 and two exits off of Fournace, and therefore there will not be traffic going into the streets, it is going to be directed where it needs to go. Mr. Sheena added that if there is congestion issues he would be happy to obtain a police officer to direct traffic. Mr. Sheena pointed out that an expert analyzed the situation and determined that there will not be any significant impact with regard to a multi-tenant office use. He added that there are restrictions on the property that he is not able to disclose at this time, because he has not closed on the property. Mr. Sheena stated that they will close on September 26th and that he will be able to give the public and the Commission any information that they would like at the next meeting. He mentioned that the public will understand why there's certain things that cannot be done in the future, but for now, he knows that he wants to keep the multi-tenant office building and he will need to make sure that it's got all the accommodations for it. Mr. Sheena stated that he understands the concerns regarding the environmental issues, but that the city has been in contact with the TCEQ about where the contamination was coming from, and it basically concluded that it is coming from offsite onto the property. He mentioned that it is very deep in the ground, and that Chevron has cleaned the surface contamination. He informed the Commission that there are certain agreements that he has with Chevron as to what will be allowed on the property in the future. He assured the Commission that the TCEQ is monitoring the situation, and he will make sure that there are no issues. Mr. Sheena pointed out that the request before the

Commission is simply whether or not multiple tenants can be allowed to use an existing office building that was fully occupied for many, many years in the past.

F. Questions from the Commission

Commissioner Taylor asked who does have the regulatory, burden if you will, for the environmental issues. He questioned whether it would be the City of Bellaire or the Texas Commission on Environmental Quality.

Ms. Parcus stated that TCEQ would handle that.

Commissioner Taylor asked for clarification that TCEQ is engaged.

Ms. Parcus confirmed this.

Commissioner Taylor mentioned that based on the parking numbers that were given during the staff report Chevron did not have an adequate amount of parking on the site.

Ms. Parcus confirmed that and explained that the numbers are based on the calculations that staff uses today. She added that she is not sure how it was calculated when Chevron went in, but based on the three per thousand currently used, they would need 1,500 parking spaces on site and right now there's only 1,400 parking spaces on site. Ms. Parcus also explained that the 3 per 1,000 is based on general office and that there is a different requirement for medical office, which is 3.5 per 1,000. She stated that based on that, the requirement of 1,500 could go up even more.

Commissioner Taylor asked the applicant if there is going to be reconstruction in the building that would allow a bigger tenant population than was there for the Chevron organization or if he was anticipating a decrease in the number of tenants.

Mr. Sheena stated that the Chevron property, the building itself, has got multiple cubicles and when you have cubicles you have a lot denser population of tenants. In general office use there's not a lot of cubicles. What you do is you have larger offices. A cubicle is generally, sometimes you get them as five and a half by six and a half. A normal office size is like a 10 by 12 or sometimes even larger. On a normal office you'd have variety of other supporting offices. We expect the density in the same space to be less than it is in Chevron. We believe that the Chevron occupancy was much higher than what we anticipated.

Commissioner Taylor then asked the applicant why he is building the parking garage for 2,000 parking spaces.

Mr. Sheena mentioned that although this is more related to the second hearing he would go ahead and answer the question. He explained that the code say that a minimum of 3 per 1,000 is required for general office use. He stated that he has offices all over the city and his general finding is that if you give them 3 per 1,000, sometimes they will exceed it and it's the peak hours. In an office building you have people that come in late, go out early, it's not everybody goes in and everybody comes out. It's better for a landlord to provide more adequate tenancy for parking than is the minimum required by code. He stated that he feels as though 4 per 1,000 is the right number for him.

Commissioner Taylor mentioned the comment regarding food services, trucks, and truck traffic and asked Mr. Sheena to comment on this.

Mr. Sheena stated that it is an office building. He added that in an office setting you don't typically have the food services that were mentioned. He added that the building does have a cafeteria that services the tenants in the building but that there is an underground ramp that is already existing on site which allows for deliveries to be made without the neighboring residents seeing it.

Chairman Gordon asked staff to clarify what types of uses would be allowed within the office buildings.

Ms. Parcus explained that it would only be general office and medical office, and that retail would not be allowed.

Chairman Gordon asked for clarification that restaurants would not be allowed.

Ms. Parcus confirmed this.

Commissioner Baker asked if the residential lots to the north of the property were also included in the transaction.

Mr. Sheena stated that they are not.

Commissioner Baker asked Mr. Sheena if he has or would consider extending the road that runs along the east west meridian out to the right for additional ingress and egress from the Loop 610 feeder.

Mr. Sheena stated that it is not in the current plans. He added that there would be issues with TxDOT allowing an extra entrance that exists from a freeway they control. Mr. Sheena explained that they have thought about a lot of different scenarios on how to improve the flow of the site, but without knowing exactly what is going to be developed on the other portions of the land it is hard to make those determinations at this point.

Commissioner Baker asked if he could elaborate at all on the possible uses for the rest of the land.

Mr. Sheena stated that he honestly doesn't know today, but added that without the parking garage he wouldn't be able to do anything else. He then reminded the Commission that he has not closed on the property yet.

Commissioner Baker pointed out the structure shown on the top left of the site plan and asked Mr. Sheena to address what it is and how it relates to his proposal.

Mr. Sheena explained that it is a central plant that has the capability of running 10 buildings without ever losing power. He mentioned that the emergency power could be a tremendous help to the city in the future if another natural disaster were to occur.

Commissioner Klug asked what class the office buildings are.

Mr. Sheena stated that both of them are rated as B plus buildings.

Commissioner Klug asked Mr. Sheena about how many other properties he has developed or

controlled.

Mr. Sheena explained that he has two directly across the freeway, at 5959 West Loop South. He added that he has one at 2636 South Loop West by Reliant Stadium, which is the biggest building out there, one at 4543 Post Oak Place right there by the Galleria where his brother has a clinic with eight other physicians, one at 2900 Woodridge, that's by 45 and 610, one at 13103 FM 1960, that's 290 and 1960, and one at the corner of Wilcrest and 59 out on the west side. He added that he also has shopping centers by Wilson Road and Beltway and by North Intercontinental, in south Houston by NASA Clear Lake, Dickinson and we've got other land. Mr. Sheena stated that that's only in Houston, and that he has personally done a lot in office buildings but those are the ones that he owns with partners today. He stated that he has done many, many other office buildings for clients of his all over the country. He mentioned that one of his last projects was an 85 story building in Chicago, Illinois that had a 350 foot pyramid on top and was supposed to be the third tallest building in the world. Mr. Sheena stated that he spent probably a year of his life traveling back and forth from Chicago to make sure it happened and then somehow they shortened it at the end and made it a 65 story building. It's called One North Wacker. He stated that there is another building that he did in Detroit called One Detroit Center. It's a 50 story building in downtown Detroit, with an approximately 10 story parking garage. Mr. Sheena added that he has also done small buildings and warehouses.

Commissioner Klug asked Mr. Sheena if he just owns the buildings in Houston or if he manages them as well.

Mr. Sheena explained that he does both.

Commissioner Klug asked for confirmation that his management company would manage and lease the buildings at 4800 Fournace as well.

Mr. Sheena confirmed this.

Commissioner Klug mentioned that there is currently surface parking on the site; he asked if there was any possibility of removing that and returning it to grass or soil for drainage purposes.

Mr. Sheena explained that it would be part of other developments in the future, but that absolutely there will be some green space out there that will accommodate that. He added that he is working with Kirksey Architects and that they absolutely have plans for green space and trees for the rest of the development. He added that he couldn't tell the Commission right now with certainty as to what exactly it would look like.

Commissioner Klug asked Mr. Sheena if he had an estimate of what the office population would be with his proposal compared to the population under Chevron.

Mr. Sheena stated that it will not be greater than what Chevron had. He added that Chevron occupied the entire building in cubicles, which are much denser than what is anticipated for this proposal.

Commissioner Nelson asked Mr. Sheena if he has any plans to make upgrades to the exterior of the building and/or the surrounding sidewalks that are said to be in disrepair.

Mr. Sheena stated that the building will get a power wash and possibly a paint job. He added that he would not be authorized to do anything to sidewalks that belong to the City, but that he would take care of any sidewalk that he has control over.

Commissioner Nelson mentioned that Mr. Sheena plans to do some landscaping but asked for confirmation that he does not plan to do any actual building.

Mr. Sheena confirmed that no building will be done where the existing buildings are.

Commissioner Nelson understood that continuing the use of the office buildings as multi-tenant would not be impacted by any environmental issues, but mentioned that any kind of new construction, even just changing or replacing a sidewalk could disturb the chemicals that are present.

Mr. Sheena explained that for the purpose of the multi-tenant office building there'll be zero environmental effect or impact on the property. He was confident that even the replacement of a sidewalk would not be impacted as the contamination is approximately 40-50 feet below ground level.

Commissioner Saikin asked Mr. Sheena if any of the other projects that he has worked on are comparable in to this one where you have taken a single tenant or single occupant property and converted it into a multi-tenant space.

Mr. Sheena confirmed that he has, but that the property was not as big as the one at 4800 Fournace. He stated that it was a property that was occupied by Washington Mutual and was located on West Gray. Mr. Sheena added that Chase took the first floor and then the rest of the buildings is split into multi-tenants.

Commissioner Saikin asked what the size was compared to this property.

Mr. Sheena explained that it was approximately 20-30,000 square feet. He added that the building at 4800 Fournace will need a big tenant to occupy a floor or two floors, and that there are people like that they are already in communication with.

Commissioner Saikin asked Mr. Sheena what his timeline is.

Mr. Sheena explained that he will put the spaces up for lease as soon as he closes on the property, and that the parking lot will come after. He added that he currently has enough on site surface parking to begin leasing the spaces without the construction of the parking structure needing to come first.

Commissioner Saikin asked Mr. Sheena if he anticipated that the parking lot will also be shared with the other undeveloped portions of the property.

Mr. Sheena stated that he is not sure yet.

Commissioner Saikin asked if there were any plans to modernize the exterior of the building.

Mr. Sheena reiterated that the only plans are to power wash and possibly paint the building.

Commissioner Saikin questioned whether Mr. Sheena felt that he could attract quality tenants without upgrading the building.

Mr. Sheena was confident that he could and reiterated that he has already been in communication with some companies who are interested in leasing there. He added that his property is better than others due to the fact that the generator can provide secure services that tenants don't have in other properties.

Commissioner Saikin asked how many floors there are in the V-shaped building.

Mr. Sheena stated that there are 10 stories.

Commissioner Klug asked if the excess power capacity from the generator could be switched over to the City of Bellaire if there were an outage.

Mr. Sheena explained that it has excess capacity, but it would be a matter of running the piping from the building to whoever else needs it. He added that there is currently no connection to switch it to the Bellaire grid or residential grid.

Chairman Gordon questioned whether the City has reviewed the TIA that was submitted for the property.

Ms. Parcus explained that it has been sent to the City's Traffic Engineer for review, but that we have not received the comments back yet. She added that the TIA was submitted only one day before the public hearing packet was sent out, and that the Commission will get that information for consideration of the item.

Chairman Gordon was concerned about the process for moving forward without this information and whether the Commission was just setting itself up to have to have an additional public hearing or revisit the topic at a later date if there are comments or revisions. He wondered if the application was in fact complete and is in compliance with all of the City's regulations.

Ms. Parcus explained that this information is typically given to the Commission during consideration of the item, not during the public hearing portion. She added that the application is complete based on the City's regulations for SUP submittals.

Chairman Gordon mentioned that the applications are not clear as to whether the permits cover any of the other land on the property, specifically, the generator that has been discussed. He was concerned about the idea of granting specific use permits for segments of a property.

Ms. Parcus pointed out that the two office buildings are already existing, and that Mr. Sheena is simply asking to continue the use of them. She added that any future development will have to go through the same process before the Commission. Ms. Parcus informed the Commission that she

believed that the property is currently 3 lots, and that platting appropriately will be part of the process as well.

Chairman Gordon asked about the landscaping.

Ms. Parcus stated that there is already a significant amount of trees on site, and that the applicant is proposing additional. She added that staff is taking a look at increasing that requirement even more and will have additional information on that at the next meeting.

Chairman Gordon asked the applicant if he plans to subdivide the property in the future.

Mr. Sheena stated that he does have plans to subdivide the property. He added that he will use the existing surface parking until the parking garage is constructed, because it is his understanding that as long as he is not changing the use or constructing anything new he can use the property as it exists today. Mr. Sheena assured the Commission that he is fully aware that he will need to come back to the Commission for any future development projects.

Commissioner Saikin mentioned that City staff had stated that he would need a minimum of 1,500 parking spaces to operate the building.

Mr. Sheena explained that the 1,500 parking spaces would be required when the buildings are fully leased.

Commissioner Saikin asked for confirmation from the City that he would be able to open the building without having a total of 1,500 parking spaces available.

Ms. Parcus explained that the property owner would need to apply for a Certificate of Occupancy for each tenant, and that the necessity for parking would be calculated on a tenant by tenant basis. She added that office spaces could be leased up to the point where they reach the 1,400 parking space requirement.

Commissioner Saikin asked for clarification that the buyer is not suggesting that anything other than what is currently existing on the site is going to be multi-tenant, nor does this give him permission to do so.

Mr. Sheena and City staff confirmed this.

Commissioner Baker asked Mr. Sheena what other types of developments he has considered for the highest and best use of the property as a whole.

Mr. Sheena stated that at this time, he is under confidentiality until he closes on the property as to what can and cannot be developed on the site, but that the existing buildings need to stay.

Chairman Gordon asked if in the future it would be possible for City staff to provide a complete review of the application related to traffic and drainage prior to the public hearing, in order to give the public an adequate amount of time to respond to the information.

Ms. Parcus stated that it is possible, the Commission just needs to establish what it would like for the process and requirements to be. She added that of course that might push the applicant's timeline back, but if that is something that the Commission feels is important staff would be happy to do so.

ChaVonne Sampson, Director of Development Services-Ms. Sampson explained that with applications in the past, the practice of City staff was to wait to hear the concerns of the Commission during the public hearing to determine what issues need to be addressed and what materials need to be submitted to address them. She referenced the re-development of Bellaire High School and reminded the Commission that their TIA had to be redone multiple times. She stated that in that instance the Commission would be back in the same boat.

Ms. Parcus also pointed out that a TIA is not a requirement for the submittal of a specific use permit application, so that is why, as staff, we take a step back and first see what the concerns are. Due to the magnitude of this property, Mr. Sheena was told up front to go ahead and have a TIA prepared, but in other instances, that may not have been the case. She added that he got the TIA to staff as soon as he could, but unfortunately it was not in time to be reviewed prior to the public hearing. Ms. Parcus pointed out that staff made the decision to go ahead and include it in the packet, without the traffic engineer's comments, in order to give the public time to see it and comment on it during the public hearing.

Chairman Gordon mentioned that the TIA that was completed assumed only the proposed development at hand, and did not include any considerations of development of the remainder of the site.

Ms. Parcus confirmed this and stated that any future development would require that a new TIA be done for the property.

Commissioner Nelson mentioned the fact that Mr. Sheena is under confidentiality as to a few things that cannot be done on the property. She asked when during the process the Commission would find out that information and how it will impact the application if the public is not able to comment on it.

Mr. Sheena assured the Commission that it will not impact these applications, only what is able to be done on the rest of the property. He added that he closes on the property on September 26th, and that once that has happened he will be able to give the Commission any and all information that they wish to have.

G. Invitation for Written Comments, if applicable

Chairman Gordon informed the public that written comments on the application will be accepted until 5:00 pm on Wednesday, October 3rd.

H. Closure of the Public Hearing

Motion: a motion was made by Commissioner Saikin and seconded by Commissioner Nelson to close the public hearing.

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

Docket # SU-2018-06-Public hearing on 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.

A. Presentation by the Applicant

Danny Sheena, SLS Properties-Mr. Sheena explained that the parking garage is permitted use as a specific use under Section 24-544 within the Technical Research Park District of the City of Bellaire Code. He reiterated that in order to support this building, he is proposing the four to one ratio, approximately, and this is based on his experience in operating several office buildings. Mr. Sheena stated that they do not want to be at the minimum required parking, but they also do not want to exceed that even more with a five to one ratio. He then gave some specifics on how the garage would be constructed by stating that typically the first floor is 11 and a half feet, with all other floors being 10. He added that there would also be a guard rail at the very top, bringing the total height to about 45 feet. Mr. Sheena explained that the height of the 10 story building is 150 feet, plus the antennas on top so it is much, much higher than the proposed parking garage. He added that some architects that we talked to suggested constructing a 10-story parking structure, but he did not want that. He mentioned that at the height that is proposed it does use more land, but it's less obstructive for the neighbors. Mr. Sheena informed the Commission that the parking garage will be constructed from pre-cast concrete in order to cut down on time, noise, and the amount of activity that would take place on the site if a different method of construction was used. He explained that with pre-cast, basically, it is poured off-site somewhere and then the pieces get brought to the site and it gets built up like a puzzle. Mr. Sheena informed the Commission that there are currently very dense trees between where the parking garage would be and the residential homes, that would blocking the view. He added that he will also be installing additional trees in any openings that exist. Mr. Sheena then showed a picture of another property of his at which a shopping center was developed close to residential and the fence that he installed there. He stated that it is a three feet by three feet brick walls, and in between them, every 20 or 30 feet depending, concrete panels were added to look like fencing. Mr. Sheena said that he would be willing to do that in this case as well, and that it is very durable. Mr. Sheena then showed what it looks like right now at the Chevron property looking North towards the neighbors on Mayfair. He pointed out that the vegetation is pretty dense with trees already. He reiterated that there are some locations where new trees would need to be filled in, but it would take a lot of looking to actually see the parking garage with all of the screening that he is proposing. Mr. Sheena then explained that the garage would have two entrances and exits, one that will flow down towards the west and will exit Fournace, and one towards the east and also exits on the other side of Fournace, closer to the freeway. He pointed out that there will be no entrance or exit from Anderson Street, and that the only thing that it would ever be used for is emergency personnel, if necessary. Mr. Sheena explained that there will be a fire lane located behind the parking garage because he believes that it is a requirement from the Fire Marshall. He then pointed out where there is already existing landscaping on the property and where he plans to add more. Mr. Sheena informed the Commission that the parking garage is estimated to be about 40 feet away from the property line, which allows enough room for the 25-foot fire lane that's required with the other 15 feet being landscape buffer. He mentioned that the

lighting on the parking garage is also regulated by City Code, and that he plans on using specific LED lights that shine straight down and don't illuminate upward to the neighbors.

B. Staff Findings

Ms. Parcus informed the Commission that the public hearing is on a request 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 24605 application for specific unit to allow for the construction of a parking garage adjacent to the existing office buildings previously occupied by Chevron USA Inc, as provided for in Section 24-544 C) of the City of Bellaire Zoning Code. She stated that the property is located at 4800 Fournace and is within the Technical Park Zoning District, also known as the North Bellaire Special Development Area in the City's comprehensive plan. Ms. Parcus explained that the application was submitted on August 10th, 2018, and the Notice of the Public Hearing was published in the Southwest News on August 28th, with mailouts sent to 215 properties within 500 feet of the property on August 31st. Notification signs were posted on the property on August 28th. She pointed out that she had already reviewed the site details as well as the adjacent zoning, so she would not go over all of that again. Ms. Parcus stated that per Section 24-544 C) 4 of the City's Code of Ordinances, parking structures and parking lots are permitted as a specific use within the City's Technical Research Park District. She mentioned that the applicant is proposing a 4-story parking garage that will accommodate 2,000 parking spaces, and that a TIA was prepared for the property and was included in the Commission's packet. It has been sent to the city's Traffic Engineer for review and his comments will be included in the materials for consideration of the item. She then discussed landscaping, screening, and buffering, and stated that there is some already existing landscaping on the property and that the City's Development Review Committee has discussed some options for increasing it even more than has been proposed by the applicant. Ms. Parcus explained that staff will go into more detail about this and will recommend conditions during the consideration of the item at the next meeting.

She stated that no action is required during tonight's meeting, as the item is scheduled for consideration on October 11th.

C. 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. This time limit may be extended to five (5) minutes at the discretion of the Chair with the consent of the Commission**

James Balogh: Mr. Balogh reiterated that he lives at 5019 Mayfair. He added that he is very familiar with the property's excessive amount of "overpowering," because he has five utility poles near his house all of the property's power goes through those poles. Mr. Balogh stated that he now has surge protectors on the whole house. He also mentioned that there are six monitoring wells located a short distance from his house. He explained that he is concerned that if they do start putting more buildings in on the property it will disturb any contaminates that are located in the sub-cellar., I' like to know where the sub ... the cemented in basement is with the nuclear waste. I know they used to have a drilling well in '77 when I bought the property and they were testing tools. And they did stick a neutron-density tool in the hole. Now, if

that's cemented in and that's what they're talking about, but that was a research center that did not just geophysical research, but they researched tools and they taught people how to work on the rigs. I'm a geologist and so, I talked to geologists and when you stick a tool, you've got to put the orange cement to it. You've got to file all your permits to the Department of Energy, you name it, and make sure that it's sub-cellar is safe.

Ed Umbricht:

Mr. Umbricht stated that he lives at 4900 Mayfair, and tried to divide his comments the best he could. He added that he has owned the house since 1984, so he's seen a lot. Mr. Umbricht mentioned that he appreciates Texaco and Chevron's efforts, and that they've had 24 hour security for as long as he can remember. He stated that he hadn't heard anything or seen anything in the documentation about security going forward, but part of the security is the patrol that is going around. He pointed out that currently when he looks out of his front yard, he can see the 10-story building, but it's pretty far away allowing him to see everything in between; however, if the parking garage is constructed there, then there's plenty of places somebody can hide. If there's no security, then nobody knows whether anybody's hiding or not. He stated that he appreciates the wall, but all it does is give him a wall to look at, and that he personally likes seeing the open space. Mr. Umbricht stated that another concern is with the chain link fence that Chevron had around the property for security; he was curious as to whether or not those fences were coming down. He added that there is so much that the buyer is not allowed to say yet, that we don't know yet, that we're only looking at half of what's there. Mr. Umbricht felt that with a 2,000 car parking garage and multi-tenant occupancy, it will be filling and emptying the parking garage almost three times, which is a little bit more than I think Chevron had.

Brian Wogenstahl

Mr. Wogenstahl informed the Commission that he lives at 4910 Mayfair, and that a lot of what he was going to say has been mentioned already, so he would just like to reiterate some things. He added that to him a parking garage, for any building that fronts or abuts to a residential area, is an eyesore. Mr. Wogenstahl stated that in Greenway Plaza, all of their parking is underground and with very little surface, and that he would like to have seen that happen here too. He mentioned that as the applicant showed before, the loading dock is already underground, and that it would be a good idea to try to revisit a parking facility that is underground at this property instead of going up four stories on it. He added that his other main concern is with the entrance/exit from Anderson Street and asked that it be closed permanently. He also reiterated that the street projects that have been scheduled for Mayfair for years keep getting put off by the City, so when a request is made to permanently close that gate, the residents in that area have no confidence that it is really going to happen because their past experience is that when they ask for things or propose things, they never happen.

Lynn McBee: Ms. McBee stated that she would like to reiterate her comments on the prior public hearing of insufficient information. She questioned what the applicant's rush is when he doesn't close on the property until sometime later in the month. Ms. McBee mentioned that omissions from information to a public hearing do not cultivate support. She questioned how the parking garage or the office buildings may be impacted by the Loop 610 improvements that are being constructed now down the southbound and the northbound lanes down to Bellaire Boulevard. She added that there are sidewalks being designed and the lanes are changing and that she doesn't know if that has any impact on this, but it seems to her that it ought to be part of the Commission's consideration for new construction, as well as reuse of buildings. Ms. McBee mentioned that there was a reference made about a sidewalk down Fournace, and she stated that she remembers going to the opening of it. She stated that it was made 10 feet wide at Chevron's cost at the time, on the basis of school safety. She informed the Commission that at that time she was then head of a bicycle safety committee for the City and the 10 foot sidewalk was intended to be a model for the rest of the city 20 years before we talked pathways. She mentioned that it is still there and she thinks that it is in good shape. She stated that the City will need to do some research to determine whether it was ever dedicated to the City. She respectfully requested that the Commission not close the public hearing and allow it to be continued just on the likelihood that additional information be supplied. She added that it would be helpful, since the City doesn't have an open and shut policy that requires the staff to have to submit everything at the public hearing. Her final comment was with regard to Joe Gaither Park, which was an agreement between the City and Chevron. Ms. McBee mentioned that she doesn't know if the written agreement still survives, but that the Development Services Department should find out what would be required to preserve the park.

D. Response of Applicant

Danny Sheena, SLS Properties-Mr. Sheena mentioned the concern with the contamination of the site and explained that there is zero impact on what he is currently requesting. He stated that it affects the 4.75 acres on the freeway side, and it affects the 12.3 acres over there on the right side. He reiterated that there is nothing that will be filed on September 26 that affects this. He stated that there is nothing hidden, and that they will see the documents. Mr. Sheena assured the Commission that there is nothing else for this specific use that they don't know right now to render a decision. He then went on to talk about the security. He stated that he has lived in Bellaire for 20 years and that purse-snatching, robberies, etc. happen all over the city. Mr. Sheena added that he can't assure anybody that it will be better or worse from what's going on currently, because he can't control outsiders or insiders who may come in for whatever reason, but added that Bellaire has one of the best police forces in the country with a very fast response time. He then mentioned that the gate on Anderson could possibly be needed in the future if another natural disaster were to take place. He reiterated that he does not plan on using it for the property and that it would strictly be a matter of necessity in extenuating circumstances. Mr. Sheena then discussed the sidewalks surrounding the site, and stated that he doesn't own the sidewalks, the City does, but if the city wants him to fix the sidewalks, make them ten feet, etc. he will have no problem with that. He then

addressed the comment about underground parking and stated that it is not a good idea to put a parking garage underground. He added that it is only something that is done when you are restricted in space. He explained that when you're doing things underground, you have seepage of groundwater. Mr. Sheena then addressed the environmental concerns from Mr. Balogh. He explained that consultants have reviewed it and have determined that the contamination is coming from offsite. Mr. Sheena also informed the Commission that TCEQ has met with the City, or had a conference call, and in writing, put that it is coming in from offsite. He mentioned that the question now is what to do with it. He stated that they believe that it is dormant, and that it is underground about 40 or 50 feet, which will not have any affect on redevelopment. Mr. Sheena explained that specifically, TCEQ stated in a letter to the City of Bellaire that they believe that the issue of environmental will not have any impact on redevelopment of the property.

E. Questions from the Commission

Commissioner Saikin asked for clarification that the parking garage needs a specific use permit in this instance because it is located within the Technical Research Park District, as compared to retail, where it does not require a specific use permit.

Ms. Parcus confirmed this.

Commissioner Saikin mentioned the idea of underground parking, as there is an underground ramp. He asked if underground parking would be feasible at all for this property.

Mr. Sheena stated that it would not. He explained that it is much more expensive to go underground, and that it would not be favorable to do that on this property if there are underground water issues from offsite. He explained that the existing contamination that's underground will remain underground and would be sealed, but sometimes things happen, a seal breaks, etc.

Commissioner Saikin asked if the parking garage is a condition of his decision to purchase the property, and if he has to build the garage in order to operate a multi-tenant office building there.

Mr. Sheena stated that he must have a parking garage to operate the facility. He added that all modern parking garages have covered parking in close proximity to the building. Mr. Sheena stated that without a parking garage, this would not be a Class B+ building, and it would not be similar to other office buildings in Bellaire that have contiguous parking garages adjacent to them.

Commissioner Saikin asked Mr. Sheena if he was opposed to any plans to beautify the parking garage with greenery and other things.

Mr. Sheena stated that he already has plans to do that, especially on the Mayfair side. He stated that he personally has no objections to having greenery or a green wall climbing up the garage, however the issue with that is that you normally end up with splotches in and out. He added that some people just put taller trees adjacent to the garage, but either way, he's not opposed to having greenery as a buffer between the parking garage and the property line.

Commissioner Saikin asked Mr. Sheena if he could share what his budget is for this garage.

Mr. Sheena explained that precast parking garages generally begin at about \$7,500 per parking space.

Commissioner Saikin asked where precast falls within the quality of parking garages.

Mr. Sheena stated that precast parking garages are virtually the number one preference of any architect in the country.

Commissioner Saikin asked if they are more cost effective, nicer aesthetically, what makes them the preference.

Mr. Sheena informed the Commission that there are fewer disturbances for the neighbors, and it's quick to construct. He reiterated that it is constructed offsite, and takes about 6 months from start to finish.

Commissioner Saikin asked Mr. Sheena if he has experience constructing parking garages at his other properties.

Mr. Sheena explained that he has done it for a fifty-one story building in Detroit that was physically built, and that he actually supervised construction of the building as a structural engineer. He stated that he is still a licensed professional engineer in the state of Texas.

Commissioner Nelson asked Mr. Sheena if he is planning to provide 24 hour security for the property.

Mr. Sheena stated that he plans on keeping the security that's already there, as well as adding approximately 200 security cameras onsite.

Commissioner Nelson asked for clarification that he plans to add security cameras and also keep the physical security guards.

Mr. Sheena confirmed this.

Commissioner Nelson asked if the first surface of the parking garage is going to be at surface level.

Mr. Sheena confirmed this.

Commissioner Nelson mentioned that is a lot of concrete and asked what that would do for the drainage.

Mr. Sheena explained that it is already concrete there now, in the same location that the parking garage would go. He explained that he will be taking the existing concrete out and drilling piers. He will then replace the old cement with new cement that comports with the new structure.

Commissioner Nelson asked if he could elevate that first surface of the garage in an effort to make the drainage better than what it is right now.

Mr. Sheena stated that they have not looked into adding space underneath the garage.

Commissioner Klug asked Mr. Sheena if he has had some interface with TCEQ.

Mr. Sheena explained that his consultant has.

Commissioner Klug asked if he could elaborate a little bit more on what's been going on there.

Mr. Sheena stated that they have received a phase one environmental report that is about 1,200 pages. He added that they have evaluated everything that's going on with the site, and what the history of the site is from day one. Mr. Sheena stated that TCEQ has provided information as to what they believe is in the site, and Chevron has been in contact with the TCEQ for many years as to what to do with the problem. He explained that the big problem is generated from the Walmart site. He added that there are a lot of monitoring wells that track what is going on to ensure that it doesn't become worse. Mr. Sheena stated that generally if it doesn't become worse it becomes better, and overtime it dissipates.

Commissioner Klug asked what the cause of the offsite contamination was. He questioned what was where Walmart is now.

Mr. Sheena stated that there were environmental issues of prior owners that had chemicals in warehouses that they just dumped underground.

Commissioner Klug asked if Chevron has done some surface remediation.

Mr. Sheena stated that they have cleaned the surface and that TCEQ has confirmed that the surface is clean. He added that the only thing outstanding is the offsite contamination affecting the property in the ground water that is somewhere between 40-60 feet down.

Commissioner Klug asked Mr. Sheena if TCEQ is going to put any requirement on him to do something before you can finish this project.

Mr. Sheena explained that when he constructs the garage, there are TCEQ requirement for construction, just like there are city codes. He stated that The TCEQ has their own rules and regulations as to what to do whenever you're excavating soil, for example, to drill a pier, etc. Mr. Sheena added that he has consultants that will make sure that all of the TCEQ regulations are followed.

Commissioner Klug asked if anyone inspects the work to ensure compliance.

Mr. Sheena stated that the state inspects it; there are reports that must be sent to the state as to what is being done. He added that he doesn't think that an inspector actually comes out to the property.

Commissioner Baker mentioned the road that runs in between the property and the residential homes and asked Mr. Sheena if he is leaving that road in or removing it.

Mr. Sheena explained that the existing concrete that is there will be taken out to construct the parking garage, and once the garage is built, the 25 foot road will be put back in. He added that the road will move, and that there will be 15 feet of green space between the fire lane that will be 25 feet.

Commissioner Baker mentioned that it looks as though the only trees that are present are on your neighbors' properties.

Mr. Sheena stated that he could be right, and in that instance he will install more trees on his side of the property.

Commissioner Baker asked if the applicant would be tied to the site plan with the granting of the

SUP.

Ms. Parcus explained that if the Commission would like to it could put that as a condition of the SUP.

Commissioner Baker mentioned that the parking garage is proposed to be 45 feet tall, which when compared to most residential homes that are at 35 feet, it is pretty comparable. He asked if there would be any way to lower the first floor of parking by three feet so that visitors would go down to park, essentially having the effect of lowering the overall structure. He also mentioned that extending the parking garage out to the right a little further would allow for him to reduce the height of the parking garage.

Mr. Sheena explained that generally, aesthetically, for an architect, they say to match the garage to the building. He added that they have not advised us to move the garage.

Commissioner Baker stated that he is by no means trying to redesign Mr. Sheena's project; he is just trying to address the concerns voiced by residents and stated that it would be easier to approve a structure that was wider and shorter as opposed to how it is now.

Commissioner Taylor mentioned that the lighting in the parking garage will be set so it's not shining into the residential area, but added that the design of the parking garage also creates a situation where the car lights would potentially shine over into the residential properties.

Mr. Sheena explained that there will be a three and a half foot tall guard rail that will be above the headlights and then the ramps to go up and down are east and west, so they will not shine on the neighbors.

Commissioner Taylor asked staff to include in discussions with the Development Review Committee a conversation about whether or not the gate at Anderson Street is necessary.

Ms. Parcus informed the Commission that in preliminary discussions with the Fire Marshal about the site plan, he was not necessarily concerned about having a fire lane in the back. He added that if they did need the fire lane, the gate would stay closed but would have a knock box on it. If, for any reason, emergency vehicles needed to get back there, they would put in a code to access the site. She stated that the commission can actually put a condition on the SUP stating that that gate stays closed except for emergency purposes.

Chairman Gordon asked if it was an oversight not to include any discussion of past environmental issues or concerns or requirements on the site. He mentioned that the application itself basically says there will be no impact of the project and has no discussion of the past history of the site.

Mr. Sheena explained that there will be no environmental impacts on the parking garage due to the fact that it will be going up, not down into the groundwater. He added that the only thing that is being dug are piers to support the parking garage and there are no issues with the installation of the piers. He added that there is a memo from TCEQ to the City of Bellaire explaining exactly what the situation is, and that there is no issue with redevelopment of the property.

Ms. Parcus informed the Commission that the document that Mr. Sheena spoke about will be included in the Commission's next packet for consideration.

Chairman Gordon agreed that he would like that information included for transparency reasons. He added that no one here is trying to pretend like there's not an environmental issue, whether it's due

to the Chevron site or otherwise, and he felt that it is important that the Commission and the public have access to that information.

Chairman Gordon asked City staff if the site plan that has been put forward complies with current City code and criteria, or is that still to be determined in terms of setbacks, etc.

Ms. Parcus reiterated that staff is looking into how the applicant can increase the buffering/landscaping of the site, but as far as everything else goes, yes it is in compliance.

Chairman Gordon asked if it would be possible to have that kind of information included in the packet for a public hearing, in order to determine that all aspects comply and what, if anything, needs to be modified to ensure that nothing that violates city criteria or zoning code regarding offsets or anything like that.

Ms. Parcus stated that it would be possible for staff to include that information in the packet for the public hearing.

F. Invitation for Written Comments, if applicable

Chairman Gordon reiterated that written comments on the application will be accepted until 5:00 pm on Wednesday, October 3rd.

G. Closure of the Public Hearing

Motion: a motion was made by Commissioner Klug and seconded by Commissioner Saikin to close the public hearing.

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

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

- A. Docket # SU-2018-04-Consideration of an application filed by Daniel Chang, 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 operation of a drive-through hand car wash and detail facility at 5235 Bellaire Boulevard, as provided for in Section 24-536 B. (2) d)2) of the City of Bellaire Zoning Code. The property is located within the Corridor Mixed-Use (CMU) Zoning District.

Ms. Parcus stated that the public hearing on the item was held on July 12, 2018, and that during the public hearing there were some concerns raised by both the Commission and the public regarding traffic, traffic circulation, car queuing, and noise pollution. She stated that the Commission also required that a TIA be prepared for the property, which had been included in the packet. Ms. Parcus added that City staff had met with the applicant in order to address each of the concerns and have provided additional information for each. She explained that based on table 24-514a.A of the City of Bellaire's code of ordinances, the car wash is required to have one parking spot per bay. Although the applicant is only proposing two bays, each bay will have two lanes, therefore leading to a total of four.

Chairman Gordon asked for clarification on what defined a bay.

Ms. Parcus explained that this issue, along with the number of employees that the car wash

would have on hand during its largest shift, had been taken into consideration, and that staff is recommending that a condition be put on the property that three additional parking spaces must be striped. She added that currently there are 5 parking spaces existing, and this would bring the total number of parking up to 8.

Chairman Gordon asked for clarification that there is not a requirement of one parking space per employee.

Ms. Parcus explained that for car washes the requirement is simply one parking space per bay.

Ms. Parcus then stated that concerns were also voiced by residents regarding on-street parking of the Jiu Jitsu business located next door, and that the applicant advised that he would be open to entering a parking agreement with the owner of the Jiu Jitsu business to allow them to use the site for additional parking after hours, if necessary. She added that regarding traffic circulation, there was some concern from residents that the customers from the car wash would utilize the alley as an ingress or egress from the property. She stated that in order to address that concern, the applicant is offering to install a retractable gate running parallel to the alley at the back of the property to prevent the traffic from entering or exiting from that location. Ms. Parcus informed the Commission that the traffic circulation plan was provided by the applicant and shows that both the ingress and egress will be off of this street. She explained that based on Table 24-514a.C of the City's Code of Ordinances states that this type of use must be able to stack or queue three cars per drive-through lane or service window, including the position at the window, meaning that a total of 12 cars must be able to queue on the site. Ms. Parcus stated that staff went to the site to take measurements and found that a total of 16 cars are able to queue on site. She then moved on to the subject of noise pollution and stated that Section 24-511 A of the City's Code of Ordinances states that a commercial use is allowed to create 77 decibels of sound. Ms. Parcus stated that the Development Services Department visited the site at 5235 Bellaire Boulevard as well as that of an already existing car wash located at Sage and San Felipe to conduct a sound meter test, and it was found that the noise created by the car wash was less than that of the traffic traveling on the surrounding streets. She explained that when measured at the boundary between the residential and commercial properties neither site registered higher than a 74 on the sound meter. The applicant also has expressed his willingness to install a wall if necessary on the property to help buffer the noise from the adjacent residential properties. Ms. Parcus then stated that the Development Review Commission held an additional meeting in order to further discuss the issues and concerns that arose during that public hearing, and that she had the following comments from City departments:

Fire Department:

The fire department advised that a knox box would need to be installed on the retractable gate, that will be located on the south side of the property in order for emergency services to gain access to the site if necessary. If another type of buffering is approved, such as the wall that I mentioned, the fire department has no objections as there are other options for accessing the site in an emergency situation.

Police Department:

The police department responded to the concerns from residents regarding the site of

development bringing an increase of criminal activity. They stated that there is no evidence to support the idea that a car wash would increase the amount of crime in the surrounding neighborhood. The Chief of Police also mentioned that the proposed gate would create an additional buffer between the residential properties and the car wash.

Public Works:

The Public Works department didn't anticipate any issues with the on-site circulation plan that was provided by the applicant. However, it was recommended that the ingress, egress off of that street by right-in, right-out only and that signage be installed stating such preventing customers from turning left off of or onto Bissonnet from the property. Due to the fact that the ingress and egress of the property are both on Bissonnet Street, City staff would also require the applicant to provide a safe right turning movement during the review process.

She then stated that Section 24-615 of the Code lists five criteria that must be present in order for an SUP to be granted and reviewed each of those. Ms. Parcus informed the Commission that based on the information given, the Development Services Department recommends approval of the applicant's request to operate a drive-through hand car wash and detailing facility at 5235 Bellaire Boulevard with the following conditions:

1. That the retractable gate proposed to be installed parallel to the alley on the south side of the property be replaced by an eight-foot masonry wall in order to both meet screening and buffering requirements as well as to address concerns regarding noise pollution.
2. That landscaping be installed along the Bissonnet frontage in accordance with Section 24-513 of the City of Bellaire code of ordinances. The applicant will be required to work with the Development Services Staff to ensure that the installation of landscaping will not cause any visibility issues.
3. That the applicant install "right-in, right-out" signage and verify that a safe right turning movement is possible into the property off of Bissonnet Street.

Ms. Parcus stated that in addition to those three conditions, staff did think of two others that the Commission may want to include, the first being with the hours of operation, and the second with regard to the striping of the additional three parking spaces.

A motion was then made by Commissioner Klug and seconded by Commissioner Taylor to approve the SUP.

Commissioner Taylor mentioned that residential protection is really paramount in the City and that is reflected within the City's Code of Ordinances and Comprehensive Plan. He stated that he feels pretty comfortable with approving the proposal with the conditions put into place that will accomplish the appropriate amount of screening. He added that he felt very strongly about the wall versus the gate, and he thought that the staff recommendation supports that. Commissioner Taylor also mentioned that he is in support of the landscaping requirements and the right-in, right-out signage. He asked if a higher fence could be sought by the residents.

Ms. Parcus stated that they would have to go before the Board of Adjustment, but yes.

Commissioner Taylor stated that he thought in the last discussion with the applicant that the hours of operation were going to be 10am to 6pm, seven days a week.

Daniel Chang, Applicant-Mr. Chang stated that it would actually be 9am to 6pm.

Commissioner Taylor felt that a condition on the hours is appropriate. He then asked if the car wash that staff visited was comparable to the property at 5235 Bellaire with regard to the proximity of it to residential property. He asked for specifics as to whether or not they had buffering for their vacuums and/or buffering for their compressors, and if there was there music playing over a loud speaker.

Ms. Parcus stated that no music was on at the time, and that she didn't believe that there was any sort of buffering mechanism for the vacuums or compressors. She added that they were in a similar situation, as residential was right behind them. Ms. Parcus stated that at that location, the front of the residential was actually looking at the car wash, so in that instance, it was actually a little worse than the property in Bellaire. She added that the one difference was probably with the bays at the Houston location. She stated that they were more enclosed, so that could've helped with the sound as far as the vacuums, but even standing on the residential side, the vacuums could not be heard over the ambient noise.

Commissioner Taylor asked the applicant if he was planning to buffer the equipment in any way.

Mr. Chang stated that he wasn't intending to do that, but if need be, he would do it. He added that some sort of housing could be put over the back to dampen the noise.

Commissioner Taylor felt that this is something that the Commission should consider adding as a condition.

Commissioner Taylor asked for clarification from the City's attorney that Section 24-536 does allow for a car wash only facility.

Attorney Petrov confirmed that it is the legal position of the City that it does allow for a car wash facility under "automobile services stations."

Commissioner Baker felt that the wall that was recommended by staff should run the entire length of the southern property border. He asked the applicant if that is what he is prepared to do.

Mr. Chang said that it was not his intention to do so, that he did not want it to be that long. He also mentioned that with a retractable gate he would have the option in the future to use that as an ingress or egress point if it were needed.

Commissioner Taylor explained that that's exactly what the Commission is trying to avoid happening.

Commissioner Baker then asked about people parking in the alley and who would control that.

Ms. Parcus stated that as she understands it, there is currently no one utilizing the alley for parking, and that is only taking place on Ferris Street. She added that if the alley is a public alley then the City cannot keep individuals from parking there.

Commissioner Baker mentioned that he doesn't feel as though there is enough parking for employees, meaning that they are going to park on the street or wherever they can find it, but stated that he is in support of the application with the addition of the wall and the other recommendations from staff.

Commissioner Klug stated that he would be in support of the motion with the recommendations made by staff, with the wall going the entire length of the property, and with some sort of shroud to dampen the noise from the vacuums.

Chairman Gordon asked if the Commission could take a different approach to the idea of shrouding and simply reduce the allowable decibels of noise that can come from the property, say for example from 77 down to 65, just so that there is an obligation of the applicant to maintain that standard.

Ms. Parcus confirmed that would be possible, and that if the City ever got a noise complaint for the property the number that the Commission comes up with would be used to determine whether or not they are in compliance with the conditions of their SUP.

Commissioner Nelson stated that she didn't have any specific questions or comments for the applicant. She mentioned that she is sympathetic to the residential properties that are located

behind commercial like this, but she felt that the concerns were being addressed by the conditions that are being added. Commissioner Nelson stated that there is obviously an issue with parking at the Jiu Jitsu business and that maybe the City needs to look into that.

Ms. Parcus explained that the issue is that this is a different property than the rest of the shopping center. She added that at this point, due to the fact that the Jiu Jitsu business was already approved, there is not much that the City can do about it at this point, especially with this application because that's not part of his property.

Commissioner Saikin asked if permitted parking could be put into place for the surrounding streets.

Ms. Parcus explained that in order to get permitted parking the residents would have to sign a petition that would go before the City Council for approval.

Commissioner Saikin asked if those residents have done that.

Ms. Parcus confirmed that they have not done that.

Commissioner Saikin asked whose job it is to approve signage.

Ms. Parcus stated that the Development Services Department does, specifically the City's Code Compliance Officer.

Commissioner Saikin then questioned whether a banner sign would be allowed for this property.

Ms. Sampson stated that a banner sign is considered a temporary sign and is only allowed to be up for a certain amount of time.

Commissioner Saikin mentioned that there has been a banner sign up on the property at the corner of Bissonnet and South Rice since they have been open, and asked that the City look into that.

Commissioner Saikin questioned whether the signage issue should be included as a condition to the request, and stated that he is in agreement with all the other conditions that have been mentioned. He mentioned that he would like to also add a condition that no music can be played on site. Commissioner Saikin then asked Mr. Chang if he has ever put any sort of noise dampening device on the compressors and vacuums at any of his other sites.

Mr. Chang stated that he has not. He added that they really don't make that much noise, but that he's sure that there is something that he can use to encapsulate them with.

Commissioner Nelson again mentioned decreasing the allowable decibel level.

Chairman Gordon stated that the challenge then becomes determining what that number is.

Commissioner Klug questioned whether the noise issue would be addressed by the addition of the masonry wall.

Ms. Parcus agreed that this was the intention of staff in recommending that the retractable gate be replaced with a masonry wall.

Chairman Gordon asked how many vacuums the applicant is planning on having on site.

Mr. Chang informed the Commission that there would be two vacuums.

After further discussion, the Commission determined that the recommended masonry wall would take care of both the buffering and noise requirements for the site.

Chairman Gordon asked what the rear setback of the property is. He stated that it looks like 10 feet on the survey.

Ms. Parcus stated that 10 feet is correct.

Chairman Gordon asked if the wall would be placed at the property line.

Ms. Parcus confirmed that it would have to go on the property line, or at least somewhere within the property. It would not be allowed to be installed in the ROW. She added that staff also looked at requiring additional landscaping on the other side of the wall, but didn't feel that there was adequate room available.

Commissioner Saikin asked for confirmation from staff that the wall is the best buffer.

Ms. Parcus confirmed this, and explained that it takes care of both the noise issue and the buffering requirements at the same time.

A motion was then made by Commissioner Klug and seconded by Commissioner Taylor to amend the previous motion to include the following conditions:

1. That the retractable gate, proposed to be installed parallel to the alley on the south side of the property, be replaced by an 8 foot masonry wall running the entire length of the southern perimeter, in order to meet screening/buffering requirements, as well as to address concerns regarding noise pollution.
2. That landscaping is installed along the Bissonnet frontage, in accordance with Section 24-513 of the City of Bellaire Code of Ordinances. The applicant will be required to work with the Development Services Staff to ensure that the installation of landscaping will not cause any visibility issues.
3. That the applicant installs "Right-in, Right-out" signage, and verifies that a safe-right turning movement is possible into the property off of Bissonnet Street.
4. That the hours of operation be limited to 9:00am-6:00pm, 7 days a week.
5. That the property maintains a total of eight (8) striped parking spaces.
6. That the use of a PA system or speakers on the property be prohibited.

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

Vote on the first motion to approve the SUP: 6-0.

RESULT:	APPROVED WITH CONDITIONS [UNANIMOUS]
MOVER:	John T. Klug, Commissioner
SECONDER:	Weldon Taylor, Commissioner
AYES:	Baker, Saikin, Gordon, Taylor, Klug, Nelson
ABSENT:	Axelrad

- B. Approval of the Commission's Report and Recommendation to City Council regarding a specific use permit at 5235 Bellaire Boulevard.

Ms. Parcus assured the Commission that the conversation during consideration of the item, along with all of the conditions will be added to the Report.

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

VII. COMMITTEE REPORTS

There were no committee reports.

VIII. CORRESPONDENCE

There was no correspondence.

IX. 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.**

Ms. Parcus informed the Commission that the Community Pathways Plan did go before City Council, and that they decided that this is not the time to discuss the plan. She added that the City Council did not take a vote on the item. Ms. Parcus mentioned that training for Chairmen and Vice Chairmen of all Boards and Commissions will be taking place on September 27th, at 6:00 PM. Ms. Parcus added that it is her understanding that invitations to the training would be going out soon, which will give information on how to RSVP to the event. She also reminded the Commission that moving forward, City staff will be communicating with members via their City email addresses only. She urged everyone to make sure that they are still able to log in.

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.

Commissioner Taylor mentioned that when the Commission approved the SUP for Kolter Elementary School there was quite a bit of concern about traffic issues in the area. He asked if there has been or will be follow up by City staff regarding those concerns.

Ms. Parcus explained that actually staff has already followed up on that. She stated that there were some issues that were reported on the first day of school, but HISD and Kolter Elementary have addressed them. She assured the Commission that it is something that is being monitored on a continuous basis.

Commissioner Baker stated that he would like for the Commission to look into amending the R-1 Zoning District to change the way that open air porches are regulated. He added that he would like consideration to be taken to allow open air porches to go beyond the building line by a certain amount.

The Commission decided that holding a workshop to discuss any potential code changes that the Commission should look into would be beneficial. It was decided that the workshop would be held at 5:00PM prior to the next regular meeting on October 11th.

X. ADJOURNMENT

Motion: a motion was made by Commissioner Saikin and seconded by Commissioner Baker to adjourn the meeting.

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

The meeting was adjourned at 9:35 PM.