

CITY OF BELLAIRE TEXAS

BOARD OF ADJUSTMENT

JANUARY 21, 2014

Council Chamber	Regular Session	7:00 PM
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7008 S. RICE AVENUE
BELLAIRE, TX 77401



Chairman

Nick Bacile

Board Member

Patty McGinty

Board Member

Amar Raval

Board Member

Carmen Bechter

Board Member

Tom Ligh

Board Member

Aashish Shah

Board Member

Debbie Sharp

Mission Statement:

The City of Bellaire is dedicated to outstanding quality service and facilities to ensure an open, progressive, and secure community.

1. CALL TO ORDER**2. PLEDGE TO THE FLAG (US AND TEXAS)**

Texas Pledge: (Honor the Texas Flag: I pledge allegiance to thee, Texas one state under God, one and indivisible).

3. CERTIFICATION OF A QUORUM**4. APPROVAL OF MINUTES**

1. Regular Meeting Minutes of August 15, 2013

(Requested by John McDonald, Community Development)

5. REPORTS FROM OFFICERS, COMMITTEES, SUB-COMMITTEES AND COMMUNICATIONS BOARD MEMBERS HAVE HAD OUTSIDE THE MEETING**6. UNFINISHED BUSINESS****7. READING OF THE STANDARDS FROM SECTION 24-704, BELLAIRE CODE OF ORDINANCES****8. NEW BUSINESS**

1. Consideration and possible action on a request for a Special Exception from Chapter 24, Section 24-533 C(2)b)2) of the Bellaire Code of Ordinances at 7000 S. Third Street, Legally Described As Res. A Block 1 Condit Elementary.

(Requested by John McDonald, Community Development)

2. Adoption of the Board of Adjustment's 2013 Annual Report to City Council as required by the Code of Ordinances; Chapter 2, Administration; Section 2-104, Annual or Special Reports to City Council

(Requested by John McDonald, Community Development)

9. GENERAL COMMENTS

(Limitations: Six (6) minutes per speaker with extensions in two (2) minute increments as approved by a majority vote of the Board Members present).

10. GENERAL COMMENTS FROM BOARD MEMBERS**11. ANNOUNCEMENTS****12. ADJOURNMENT**

Board of Adjustment

Council Chambers, First Floor of City
Hall
Bellaire, TX 77401



Meeting: 01/21/14 07:00 PM

Department: Community
Development

Category: Minutes

Prepared By: Ashley Parcus

Department Head: John McDonald

DOC ID: 1048

SCHEDULED**ACTION ITEM (ID # 1048)**

Item Title:

Regular Meeting Minutes of August 15, 2013

Item Summary:

Approval or correction of the Regular Meeting minutes of August 15, 2013.

ATTACHMENTS:

- MINUTES 8-15-13 (PDF)

**MINUTES
BOARD OF ADJUSTMENT
THURSDAY, AUGUST 15, 2013
REGULAR SESSION
7:00 PM**

The Board of Adjustment met in Regular Session at 7:00 p.m., August 15, 2013 in the City Council Chambers of City Hall, 7008 South Rice Avenue, Bellaire, Texas for the following purposes:

1. Call to Order

Vice Chairman Bacile called the meeting to order at 7:02 PM.

**2. Pledge of Allegiance to the Flag (the US and Texas)
Texas Pledge:**

Vice Chairman Bacile led the Board and the public in pledges to both flags.

3. Certification of a Quorum

Vice Chairman Bacile announced that a quorum was present, consisting of the following members:

**Vice Chairman Nick Bacile
Board Member Carmen Bechter
Board Member Tom Ligh
Board Member Patty McGinty
Board Member Amar Raval
Board Member Aashish Shah
Board Member Debbie Sharp**

The following staff members were present:

**Development Services Manager, Shawn Cox
Planning & Zoning Secretary, Ashley Parcus**

Councilman Andrew Friedberg was also in attendance.

4. Election of Chairman and Vice Chairman

Chairman Nominations: A nomination was made by Board Member McGinty and seconded by Board Member Shah to elect Nick Bacile as the Chairman of the Board of Adjustment.

The nomination was accepted.

Vote: the nomination passed on a unanimous vote of 7-0.

Nick Bacile was elected as Chairman of the Board of Adjustment.

Vice Chairman Nominations: Chairman Bacile stated that there was a nomination for Debbie Sharp. Board Member McGinty seconded the nomination.

The nomination was accepted.

Vote: the nomination passed on a vote of 6-0-1, with Board Member Sharp abstaining.

Debbie Sharp was elected Vice Chairman of the Board of Adjustment.

5. Adoption of the Rules of Procedure

Board Member Ligh stated that the cover page needed to be updated.

Mrs. Parcus explained that the cover page will be updated once the Board adopts the Rules of Procedure.

Motion: a motion was made by Board Member McGinty and seconded by Board Member Raval to adopt the Rules of Procedure.

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

6. Approval of Regular Meeting Minutes from July 18, 2013.

Motion: a motion was made by Board Member Ligh and seconded by Board Member McGinty to approve the minutes as written.

Vote: the motion carried on a unanimous vote of 7-0.

7. Reports from Officers, Committees, Sub-Committees and Communication Board Members have had outside the meeting.

There were no reports.

8. New Business

a. Public Hearings

- i. **Docket #BOA-2013-03-Consideration and possible action on an application filed by Levinson Alcoser Associates LP, on behalf of Fidelis Realty Partners, owners of the property at 4500 Bissonnet St, for a variance from Section 24-536 C (2) c) 1) g of the City of Bellaire Code of Ordinances, to allow for a lot coverage of 88% in lieu of the 75% required by City Code. The property is located in the R-M.1 Zoning District.**

Presentation by the Applicant

Robert Scott, Levinson Alcoser-Mr. Scott informed the Board that he is representing Fidelis Realty Partners. He stated that the property is in need of more parking spaces and that the traffic flow would benefit with the granting of this variance.

Presentation by the City

Mr. Cox explained that this is a request for a variance from Chapter 24-536 C (2) 1) g to allow a lot coverage of 88% in lieu of the 75% maximum. He informed the Commission that notices were mailed out to all residents within 200 feet of the property on July 25th and the legal notice was posted in the Southwest News on July 30th. Mr. Cox stated that the extra coverage requested will allow the lot to be redesigned providing an additional 32 parking spaces. He added that based on calculations by the applicant, the current lot coverage is approximately 78%, causing it to be non-conforming. Mr. Cox stated that on May 17, 1993 City Council approved Specific Use Permit #38, allowing for the construction of an early childhood development center at 4500 Bissonnet. He added that the site plan approved for the SUP included a playground area and current proposed site plan changes show the removal of the playground area. If the Board approves the variance, the applicant must then receive approval from the City Council to amend S-38 based on the changes of the site plan. Mr. Cox then reviewed the 4 requirements that must be met in order for the Board to consider granting a variance and explained why this applicant does or does not meet each criterion.

- 1. Such modifications of the height, yard, area, lot width, lot depth, off-street loading, screening wall, coverage, parking and sign regulations are necessary to secure appropriate development of a parcel of land which materially differs from other parcels in the district because of a special condition unique to and inherent in the parcel itself, such as restricted area, shape or slope, such that the parcel cannot be appropriately developed without modification;**

Mr. Cox stated that the parcel in question does not materially differ from other parcels in the R-M1 District and can be appropriately developed without modification. He added that the parcel is currently developed with an approximate 31,900 square foot office building and has 206 parking spaces on-site.

- 2. A literal enforcement of the zoning ordinance from which the variance is requested would result in unnecessary hardship not self-created or personal, nor solely financial in nature;**

Mr. Cox explained that there is no hardship due to the fact that the property is already developed.

- 3. The granting of the variance will not be materially detrimental or injurious to other property or improvements in the neighborhood in which the subject property is located, nor impair an adequate supply of light or air to adjacent property, substantially increase the congestion in the public streets, increase the danger**

159 **of fire, endanger the public health, safety and well-being,**
160 **or substantially diminish or impair property values**
161 **within the neighborhood; and**
162

163 Mr. Cox informed the Board that the variance would not be
164 materially detrimental or injurious to other properties or
165 improvements in the neighborhood in which the subject
166 property is located, nor would it impair an adequate supply of
167 light or air to adjacent property, substantially increase the
168 congestion in the public streets, increase the danger of fire,
169 endanger the public health, safety, and well-being, or
170 substantially diminish or impair property values within the
171 neighborhood.
172

173 **4. The variance desired will not be opposed to the general**
174 **spirit and intent of this chapter.**
175

176 Mr. Cox noted that granting of the variance would not observe
177 the spirit and intent of the chapter because the existing lot
178 coverage currently exceeds 75%, making the property non-
179 conforming.
180

181 Mr. Cox informed the Board that upon review, it was staff's
182 opinion that the application does not meet the standards for a
183 variance.
184

185 **Questions by the Board Members**
186

187 Member Shah mentioned that the property is already developed and
188 asked for clarification that this is just an issue with expansion.
189

190 Mr. Scott confirmed this.
191

192 Member Shah asked if there was no longer a need for the playground
193 that is currently located on the property.
194

195 Mr. Scott stated that they have determined there is no longer a need
196 for the playground.
197

198 Member Shah asked how adding 32 more parking spots would impact
199 congestion in the area.
200

201 Mr. Scott explained that he feels as though the added parking spaces
202 would not add to the congestion. He stated that it is very hard to find
203 a parking space with the lot's current configuration.
204

205 Member Shah asked if some of the additional 32 parking spaces were
206 going to be handicap as well.
207

208 Mr. Scott confirmed this.
209

210 Member Shah asked what the impact would be if the applicant was not
211 granted the variance.

Mr. Scott explained that the circulation without the additional parking spaces would continue to be poor.

Member Shah asked if the businesses located within the building could potentially exceed the capacity of the property.

Mr. Scott stated that the new design would be the extent of changes needed to accommodate the businesses.

Member McGinty asked how the drainage would change if the application was approved.

Mr. Scott informed the Board that there is existing drainage on site that would be conformed to the new parking layout by adding new inlets and storm sewer pipe, if necessary.

Mr. Cox assured the Board that the Building Official would require the applicant to do a drainage plan to ensure that it is adequate.

Vice Chairman Sharp explained to the applicant that in order for the Board to consider the variance, the applicant must provide compelling reasons as to how the request satisfies the four conditions that are listed within the code. She stated that she will have difficulty supporting the variance based on the argument that the applicant has given. Vice Chairman Sharp asked if there was any additional information that the applicant could offer to help the Board understand how this request complies with the parameters of the variance ordinance.

David Lecky, VP of Fildelis Realty Group-Mr. Lecky explained that every time a board meeting takes place they have to make arrangements with the funeral home across Bissonnet for additional parking. He added that the drainage is being reworked and that the higher elevations are being lowered in order to keep rain/storm water on site.

Member Bechter stated that she understands the situation that the property is in, but reiterated that Section 24-704 of the City of Bellaire Code of Ordinances doesn't give the Board discretion to even consider the variance unless the applicant has overcome the four hurdles listed. She added that without substantial evidence the Board "shall not grant" a variance.

Mr. Scott informed the Board that they would need to sit down and go back through the list of four requirements.

Member Bechter added that nothing the applicant has provided the city shows that the application will be able to overcome the four hurdles.

Mr. Lecky pointed out that a hardship of the property would be the fact that there is no convenient way to drop someone off at the front of the

building. He added that the new site plan will provide a circular route to better accommodate drop-offs.

Mr. Petrov mentioned that this issue is self-imposed based on the design of the building.

Member Ligh asked if the need for the variance was prompted by the fact that a new tenant is moving into the building.

Mr. Lecky confirmed that Fidelis Realty, as well as two other tenants are moving into the buildings.

Member Ligh asked Mr. Lecky if he investigated the parking situation prior to deciding on relocating to this building.

Mr. Lecky stated that they did investigate and that the charities located in the building asked the realty group to apply for a variance.

Member Ligh informed the applicants that it would be hard for him to support the variance without substantial evidence as to why it is necessary.

Chairman Bacile asked if there were any alternatives that would allow the coverage to stay the same but provide additional parking. He mentioned the addition of a parking garage.

Mr. Lecky explained that the only place to do a parking garage would be in front of the property along Bissonnet.

Chairman Bacile informed the applicant that if the variance is denied it cannot be brought back before the Board for 12 months. He suggested that they withdraw their application in order to better prepare themselves.

Mr. Lecky and Mr. Scott decided to withdraw the variance request.

9. General Comments from Public (Limitations: Six (6) minutes per speaker with extensions in two (2) minute increments as approved by a majority vote of the Board Members present).

There were no public comments.

Member Shah cautioned the Commission about advising applicants to make A decision based on what the Board may or may not do. He stated that is an independent right of the applicant.

Vice Chairman Sharp felt that the applicants were very much uninformed with regards to the criteria that the Board is bound to when considering a variance application. She asked if there was something more that staff could do to help educate them on what is required.

Mr. Cox explained that staff had met with the applicants and provided them with a written letter listing the requirements that have to be met in order to

gain approval. He added that they were also told the hardship would be hard to prove.

Mr. Petrov swore in the re-appointed members, Aashish Shah and Debbie Sharp.

Chairman Bacile asked Mr. Petrov how the Board should approach giving the applicant an option to withdraw their application.

Mr. Petrov stated that Member Shah was correct in saying that the Board is not in a position to give the applicant legal advice, but that he didn't see any problem with telling people that they have the option to withdraw their application.

10. Adjournment

Motion: a motion was made by Board Member McGinty and seconded by Board Member Bechter to adjourn the regular meeting.

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

The meeting was adjourned at 7:42 PM.

Respectfully Submitted,

Ashley Parcus
Community Development

Approved:

Nick Bacile, Chairman
Board of Adjustment

Attachment: MINUTES 8-15-13 (1048 : Minutes 8-15-2013)

Board of Adjustment

Council Chambers, First Floor of City
Hall
Bellaire, TX 77401



Meeting: 01/21/14 07:00 PM

Department: Community
Development

Category: Special Exception

Prepared By: Shawn Cox

Department Head: John McDonald

DOC ID: 1028

SCHEDULED**ACTION ITEM (ID # 1028)****Item Title:**

Consideration and possible action on a request for a Special Exception from Chapter 24, Section 24-533 C(2)b)2) of the Bellaire Code of Ordinances at 7000 S. Third Street, Legally Described As Res. A Block 1 Condit Elementary.

Item Summary:

Address: 7000 S. Third Street
Applicant: VLK Architects (Representing HISD)
Zoning: R-4
Date Filed: December 17, 2013
Mail Outs: Notice of Public Hearing letters mailed out - December 30, 2013
Legal Ad: Legal ads posted in the Southwest News on January 7, 2014

Request:

The application by VLK Architects, representing Houston Independent School District (HISD), owner of 7000 South Third Street, Bellaire, Texas, requests a Special Exception in accordance with the provisions of Section 24-716 of the City of Bellaire Code of Ordinances in order to reduce the required parking count as stated in Sec. 24-533 of the City of Bellaire Code of Ordinances.

Background:

As a part of HISD's 2012 Bond Program, Condit Elementary School will be replaced. Currently, the student population is 680 and there are 57 parking spaces. The new facility will accommodate 750 students with 34 teaching classrooms and a common assembly space of 7,903 square feet. The parking requirements for schools in the R-4 district call for 1 parking spot for each classroom and 1 spot for every four (4) seats in a common assembly area. Based on these guidelines, the new facility will require 167 parking spaces.

When determining parking numbers for previous elementary schools in the City, Staff only counted the common assembly area with the greatest square footage. For example, the cafeteria, but not the gym area, as they are usually separate. The new design for Condit calls for a common assembly made up of two (2) separate rooms, the Dining Commons and a Multi-Purpose Room. The rooms share a common dividing wall which can be removed to create a larger assembly area totaling 7,903 square feet.

Under the usual scenario, Condit would require 109 parking spaces. This total includes the 34 spaces for classrooms and 75 spaces for the approximately 4,500 square feet Dining Commons.

A parking demand evaluation was prepared by Mark Ingram, P.E., PTOE with Cobb Fendley; to determine the parking needs for Condit. He recommended the site provide a minimum of

128 parking spaces. The applicant is requesting a Special Exception to allow for a reduced parking requirement of 128 spaces based on this evaluation.

Staff Review:

It is staff's opinion upon review of the application and the materials submitted that the application does meet the *Standards for Special Exceptions* as outlined in Article V, Division 2, Section 24-718.

Additionally, the City asked consulting engineer Colby W. Wright, P.E., PTOE of Jones & Carter, Inc. to review the parking demand study prepared by Mr. Ingram. Mr. Wright is in agreement with the findings of the study and has recommended approval.

Staff does not object to approval of this request

ATTACHMENTS:

- VLK Appliation for Special Exception - Condit Elementary (PDF)
- Jones & Carter, Inc. Parking Demand Study Review (PDF)



December 16, 2013

Board of Adjustment
7008 South Rice
Bellaire, Texas 77401

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Reference: Condit Elementary School
VLK Architects - Project No. 1335.00
Parking Requirements

Board of Adjustment:

VLK Architects is currently working with Houston Independent School District (HISD) on the design of Condit Replacement Elementary School at 7000 South Third Street. For your consideration, we are requesting a special exception to reduce the required parking count as stated in Sec. 24-533 of the City of Bellaire Code of Ordinances.

Section 24-533 (C), Standard Regulations, subparagraph b., Schools, Article 2., reads as follows:
"Parking. One (1) on-site space for each classroom plus one (1) on-site space for each four (4) seats in any auditorium, gymnasium or other place of assembly."

Condit Elementary School currently has a student population of 680 students and a total of 57 onsite parking spaces. These spaces are part of a joint-use agreement with HISD and the City of Bellaire, per Ordinance No. 04-065, which also includes a recreational facility on the northern 330' x 280' portion of the property. The park consists of a jogging trail with exercise stations encircling a multi-sport playing field, and a playground in the R-4 residential zoning district. It is the intent of HISD and the city of Bellaire to continue the terms of this agreement and replace these amenities as part of the design for the new Condit Elementary School site. This requirement along with the restrictions to have no more than 50% impervious area on the new site as well as the limitations on the number of floors of the new building greatly limit the amount of area that can be developed on the site. Refer to attached Exhibit A for an aerial diagram of the existing site.

Refer to attached Exhibit B for schematic illustrations of the proposed layout for the new Condit Elementary School designed to accommodate 750 students. The HISD space program for the new Condit Elementary School includes 34 teaching classrooms and a shared dining/multipurpose room. During a large assembly, the dining commons/ multipurpose room serve as one space, totaling 7,903 square feet. Per the City of Bellaire parking ordinance, this equates to 34 spaces for teaching rooms and 131 spaces for assembly, totaling 167 parking spaces.

The attached Exhibit C, technical memorandum, provides an alternate basis for design per the most recent version of the Institute of Transportation Engineering Parking Generation Manual using updated parking demand evaluations. Per the ITE Parking Generation rates, a school of this size will, on average, require 128 parking spaces.

VLK Architects, in conjunction with HISD, is requesting a special exception to reduce the required 167 parking spaces down to the proposed 128 parking spaces for the following reasons:

- Providing 167 parking spaces prohibits the amount of property left onsite to maintain the existing joint-use park (green-space) area as required by the joint use agreement that is utilized daily by nearby residents.
- A maximum of 50% impervious area including building footprint, parking, drives, sidewalks, etc., cannot be achieved when providing 167 parking spaces.
- With a current onsite parking count of 57 spaces, Condit Elementary School experiences few disturbances throughout the typical school year.
- The proposed 128 Parking spaces will more than double the amount of parking on site and not cause any negative changes to the existing traffic patterns around the school.

In our professional opinion, the granting of this special exception to reduce the required 167 spaces to the suggested 128 spaces will not be detrimental or injurious to other property or improvements in the neighborhood in which the parking is located, nor substantially increase the congestion in the public streets, increase the danger of fire, endanger the public, health, safety and well-being, or substantially diminish or impair property values within the neighborhood.

Should you have any questions, please do not hesitate to contact me.

Sincerely,



Todd Lien
Principal

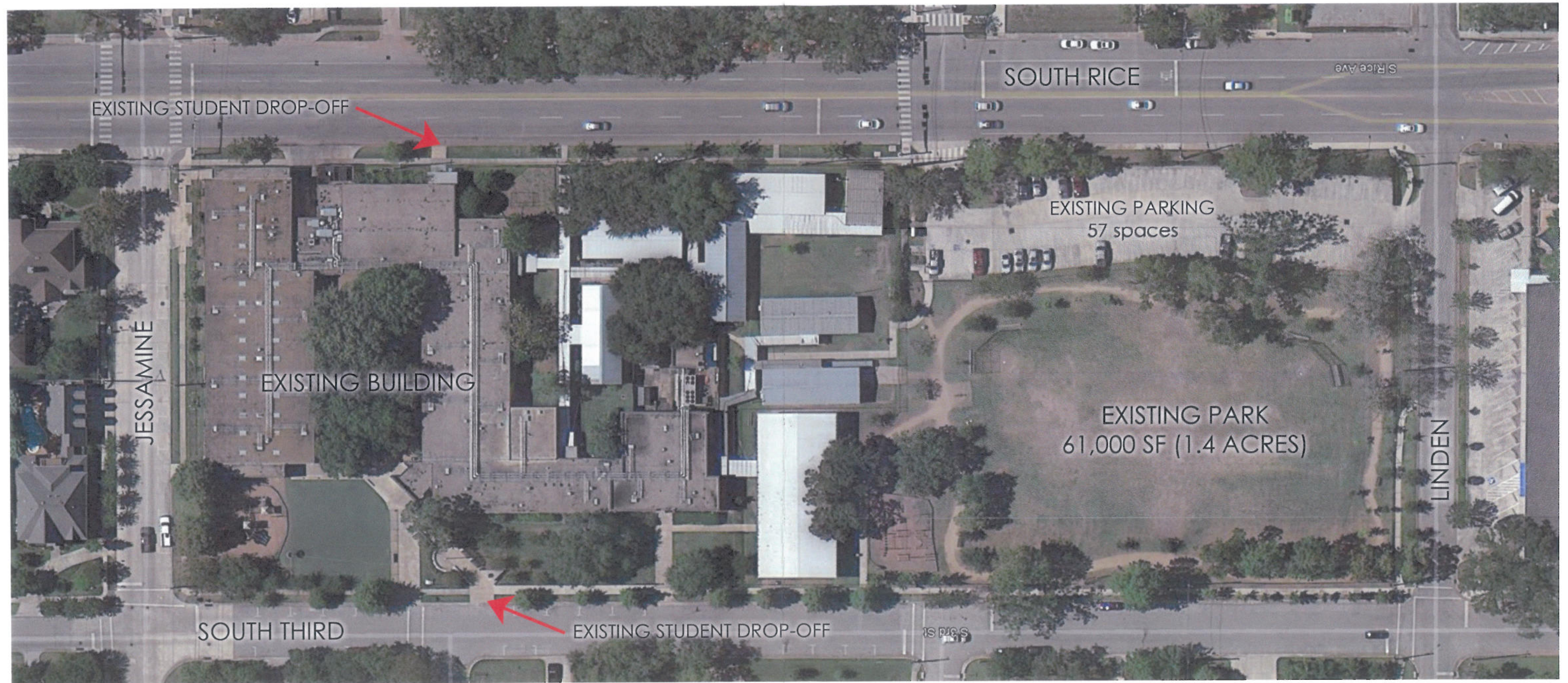
Attachment - (Exhibit A)
(Exhibit B)
(Exhibit C)

cc: File

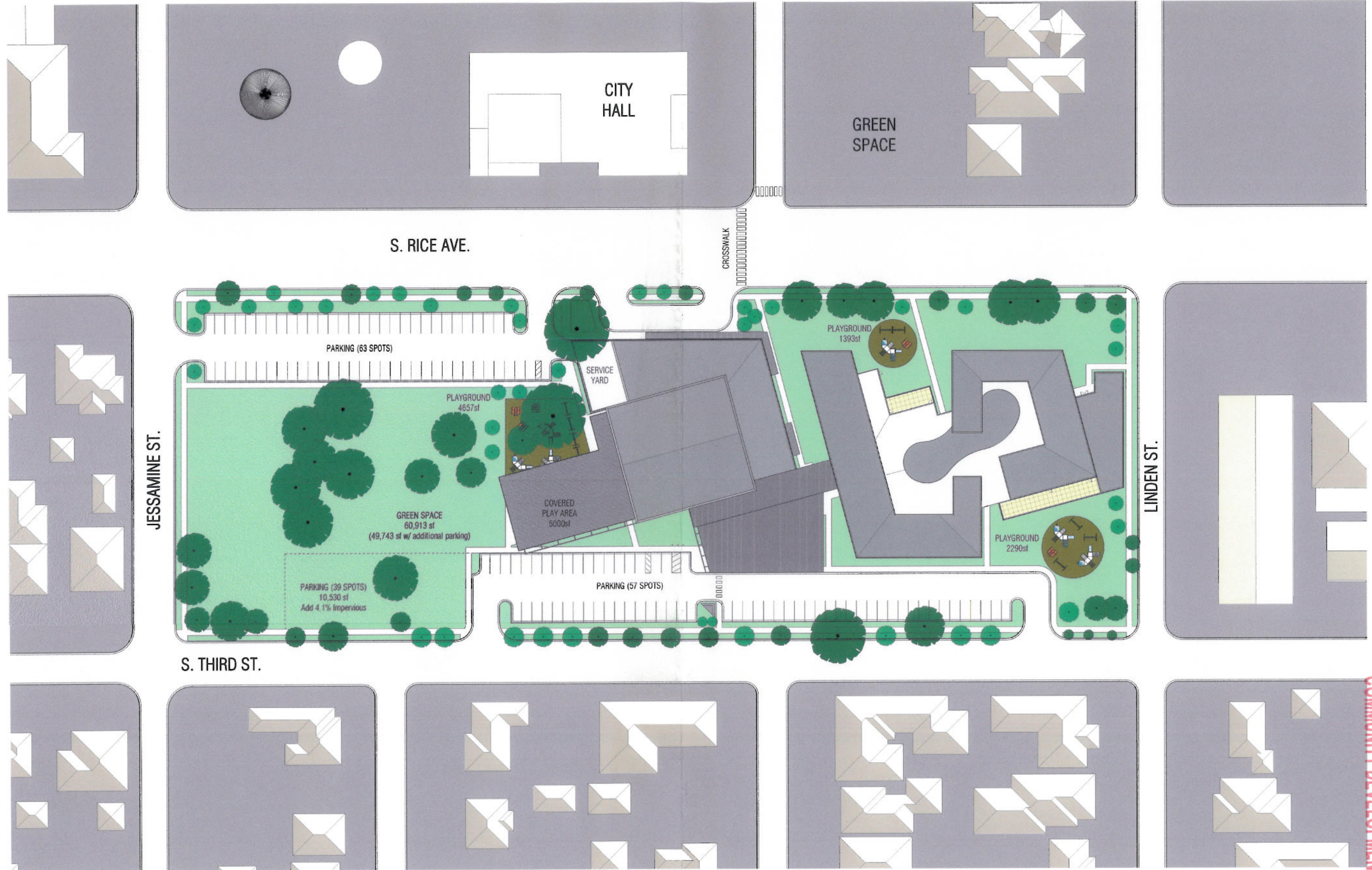
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EXISTING SITE PLAN
EXHIBIT 'A'



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HOUSTON INDEPENDENT SCHOOL DISTRICT
CONDIT ELEMENTARY SCHOOL

DELAIDE TV

EXHIBIT 'B'

1 SITE PLAN
SCALE: 1" = 30'-0"



TECHNICAL MEMORANDUM

From : Mark Ingram, PE, PTOE
Date : December 16, 2013
Subject : Condit Elementary School - Parking



The purpose of this technical memorandum is to outline the parking needs for Condit Elementary School as stated in the Institute of Transportation Engineers (ITE) Parking Generation Manual (4th Edition). The Parking Generation Manual (fourth edition) was issued in 2010 and contains updated parking demand evaluations for various land use descriptions resulting in parking generation rates, equations, and data points for use in early planning and design phase development.

The Parking Generation Manual provides two conditions for the evaluation of parking needs. The first is the average requirement, and the second is the 85th percentile condition. Good transportation planning practice generally assumes the average requirement to be the minimum and the 85th percentile to be the maximum parking need. If a parking lot design is done strictly to the 85th percentile criteria, many of the parking spaces go unused most of the time. Typically the 85th percentile condition is used for parking lot design of large commercial developments along major highways where the development has significant variation in the parking demands throughout the day and year.

Condit Elementary school improvements will accommodate 750 students at full build out. Based on the ITE Parking Generation rates, a school of this size will on average require 128 parking spaces. The 85th percentile condition estimates that 158 spaces will be needed. An elementary school has very stable parking demands for day to day operations and larger parking areas designed to the 85th percentile condition experience several unused parking spaces throughout the day. Unused parking spaces are acceptable to a degree but an oversized lot is not beneficial when there are site limitations since a larger parking area results in more stormwater treatment requirements due to the additional impervious surface. So a careful balance should be performed on sites with limited space.

Based on the Condit Elementary site design constraints and the fact that the parking area is the only design element with flexibility for the site, it is recommended that the parking area be large enough to accommodate 128 parking spaces to (at a minimum) meet the average parking requirements as outlined by ITE.

Mark Ingram is a licensed professional engineer in the state of Texas and is a certified Professional Traffic Operations Engineer. He has over 20 years of experience in traffic engineering and transportation planning and is a nationwide instructor in traffic and transportation engineering for the Engineering Principals and Practices Exam.

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NOTICE OF JOINT PUBLIC HEARING

NOTICE OF A JOINT PUBLIC HEARING BEFORE THE CITY COUNCIL OF THE CITY OF BELLAIRE, TEXAS, AND THE PLANNING AND ZONING COMMISSION OF THE CITY OF BELLAIRE, TEXAS, ON MONDAY, OCTOBER 11, 2004, AT 6:00 P.M. IN THE COUNCIL CHAMBER, FIRST FLOOR OF CITY HALL, 7008 SOUTH RICE AVENUE, BELLAIRE, TEXAS, CONCERNING AN APPLICATION AND REQUEST FROM THE HOUSTON INDEPENDENT SCHOOL DISTRICT FOR A SPECIFIC USE AMENDMENT TO THE *CODE OF ORDINANCES OF THE CITY OF BELLAIRE, TEXAS, CHAPTER 24, PLANNING AND ZONING REGULATIONS, ARTICLE IX, SPECIFIC USE AMENDMENTS*, FOR THE DEVELOPMENT OF A JOINT-USE RECREATIONAL FACILITY ON THE RECENTLY ACQUIRED NORTHERN 330' X 280' PORTION OF THE CONDIT ELEMENTARY SCHOOL PROPERTY, SAID FACILITY TO INCLUDE A JOGGING TRAIL WITH EXERCISE STATIONS ENCIRCLING A MULTI-SPORT PLAYING FIELD, A PLAYGROUND, AND A PARKING LOT CONSISTING OF 57 PARKING SPACES, IN THE R-4 RESIDENTIAL ZONING DISTRICT LOCATED AT 7000 SOUTH THIRD STREET, BELLAIRE, TEXAS.

NOTICE IS HEREBY GIVEN that the City Council of the City of Bellaire, Texas, has called, by Ordinance **No. 04-065**, a Joint Public Hearing before the City Council of the City of Bellaire, Texas, and the Planning and Zoning Commission of the City of Bellaire, Texas, on Monday, the 11th day of October, 2004, at 6:00 p.m. in the Council Chamber, First Floor of City Hall, 7008 South Rice Avenue, Bellaire, Texas, at which time any and all persons desiring to be heard will be heard on or in connection with any matter or question involving the application and request filed by the Houston Independent School District for a specific use amendment to the *Code of Ordinances of the City of Bellaire, Texas, Chapter 24, Planning and Zoning Regulations, Article IX, Specific Use Amendments*, for the development of a joint-use recreational facility on the recently acquired northern 330' X 280' portion of the Condit Elementary School property, said facility to include a jogging trail with exercise stations encircling a multi-sport playing field, a playground, and a parking lot consisting of 57 spaces, said property being legally described as:

A 5.175 acre (225,415 square foot) tract of land in the Wm. J. Brown Survey, Abstract Number 132, and the JNO Beldin Survey, Abstract Number 166, Harris County, Texas, and being all of Blocks 28, 29 & 30, including the entire 10-foot wide alley through the middle of said Blocks 28 and 29, and the adjacent abandoned portions of Laurel Street and Willow Street (both 60 feet wide), all out of the Town of Bellaire according to the plat thereof recorded in Volume 3, Page 59, of the Map Records of Harris County, Texas, said 5.175 acre tract being comprised of the following tracts:

1. All of Block 30 described in a deed from J. W. Rodgers to the Houston Independent School District as recorded in Volume 769, Page 374, of the Harris County Deed Records (H.C.D.R.);
2. All of Block 29 described in a deed from Bellaire Realty Company to Harris County School Trustees (for School District No. 23) as recorded in Volume 313, Page 64, H.C.D.R., and all of the 10-foot alley through Block 29 abandoned and quitclaimed under Harris County Clerk's File (H.C.C.F.) No. R309009 and No. S228250;
3. All of Lot 1. Block 28 and the adjacent alley described in a deed from Laverne

Attachment: VLK Appliation for Special Exception - Condit Elementary (1028 : Condit Elementary -

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Carolyn Wenglar to Houston Independent School District, as recorded under H.C.C.F. No. X122114;

4. All of Lots 2 and 3, Block 28 and the adjacent alley described in a deed from Frank G. Wenglar, et ux to the Houston Independent School District, as recorded under H.C.C.F. No. X122115;
5. All of Lots 4 and 5, Block 28 and the adjacent alley described in a deed from John K. Wenglar to the Houston Independent School District, as recorded under H.C.C.F. No. X122113;
6. All of Lot 6, Block 28 and the adjacent alley described in a deed from James Andrew Pickell, et ux to the Houston Independent School District, as recorded under H.C.C.F. No. V881425;
7. All of Lot 7 and a portion of Lot 8, Block 28 and the adjacent alley described in a deed from Henry William Huff, et ux to the Houston Independent School District, as recorded under H.C.C.F. No. V948992;
8. A portion of Lot 8, all of Lot 9 and a portion of Lot 10, Block 28 and the adjacent alley described in a deed from Pat B. McLaughlan, et ux to Houston Independent School District, as recorded under H.C.C.F. No. W197238;
9. A portion of Lot 10, Block 28 and the adjacent alley described in a deed from Linda Wreay Lauhon, Trustee, to the Houston Independent School District, as recorded under H.C.C.F. No. W014572;
10. All of Willow Street between South Rice Avenue and Third Street described Quitclaim Deed from the City of Bellaire to the Houston Independent School District, as recorded in Volume 769, Page 373, H.C.D.R.;
11. All of Laurel Street between South Rice Avenue and Third Street described in an Abandonment of Right-of-Way from the City of Bellaire to the Houston Independent School District, as recorded under H.C.C.F. No. X407298;

Said 5.175 acre tract being more particularly described as follows (bearings based on the west boundary line of Block 28, also being the east right-of-way line of South Rice Avenue, as shown on the plat of said Town of Bellaire, called "North"):

BEGINNING at a 5/8-inch iron rod with "CLR" plastic cap found at the intersection of the south right-of-way line of Linden Street (60 feet wide) as depicted on said plat of the Town of Bellaire, with the west right-of-way line of Third Street (60 feet wide) as depicted on said plat of Town of Bellaire, for the northeast corner of Block 28, and the northeast corner hereof;

THENCE, South 00 degrees 03 minutes 32 seconds East, leaving the south right-of-way line of Linden Street and along the west right-of-way line of Third Street, at a distance of 270.00 feet, to a 1-inch iron pipe found at the intersection of the west right-of-way line of Third Street with the north right-of-way line of Laurel Street (60 feet wide) as depicted on said plat of the Town of Bellaire, for the southeast corner of Block 28, and an angle point in the east line hereof;

THENCE, South 00 degrees 04 minutes 07 seconds West, continuing with the west right-of-way line of Third Street, a distance of 60.00 feet, pass the northeast corner of said Block 29, at a distance of 330.00 feet, pass the southeast corner of said Block 29, at a distance of 390.00 feet, pass the northeast corner of said Block 30, and continue in all a total distance of 534.68 feet, to a 5/8-inch iron rod with

Attachment: VLK Appliation for Special Exception - Condit Elementary (1028 : Condit Elementary -

CITY OF BELLAIRE
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COMMUNITY DEVELOPMENT

"CLR" plastic cap set for the southeast corner of said Block 30 and the southeast corner hereof, at the intersection of the west right-of-way line of Third Street and the north right-of-way line of Jessamine Street (60 feet wide) as depicted on said plat of the Town of Bellaire;

THENCE, North 89 degrees 55 minutes 53 seconds West, a distance of 280.21 feet, with the north right-of-way line of said Jessamine Street, to a 5/8-inch iron rod with "CLR" plastic cap set for the southwest corner of said Block 30 and the southwest corner hereof, at the intersection of the north right-of-way line of Jessamine Street and the east right-of-way line of South Rice Avenue (90 feet wide) as depicted on said plat of the Town of Bellaire;

THENCE, North 00 degrees 04 minutes 07 seconds East, with the east line of South Rice Avenue, at a distance of 144.34 feet pass the northwest corner of said Block 30, at a distance of 204.34 feet, pass the southwest corner of said Block 29, in all a total distance of 474.35 feet, to a 5/8-inch iron rod with "CLR" plastic cap set for the northwest corner of said Block 29 and an angle point in the west line hereof;

THENCE, North, continuing with the east line of South Rice Avenue, at a distance of 60.00 feet, pass a 1" iron rod with cap found for the southwest corner of said Block 28, in all a total distance of 330.00 feet, to a 5/8-inch iron rod with "CLR" plastic cap found at the intersection of the east right-of-way line of South Rice Avenue with the south right-of-way line of said Linden Street, for the northwest corner of Block 28 and the northwest corner hereof;

THENCE, East, a distance of 280.00 feet, with the south right-of-way line of said Linden Street, to the **POINT OF BEGINNING** and containing a computed area of 5.175 acres (225,415 square feet) of land.

Prior to the Joint Public Hearing, any person may review the application for a specific use amendment at the City of Bellaire's Office of Community Development, City Hall, 7008 South Rice Avenue, Bellaire, Texas, from 8:00 a.m. until 5:00 p.m., Monday through Friday, except for holidays.

Dated this 13th day of September, 2004.

Tracy L. Dutton, TRMC
City Clerk
City of Bellaire, Texas

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COMMUNITY DEVELOPMENT

**MEMO**

TO: Shawn Cox
Development Services Manager, City of Bellaire

FROM: Colby W. Wright, P.E., PTOE
Traffic Department Manager, Jones & Carter, Inc.

DATE: January 12, 2014

RE: Condit Elementary School – Parking



Jones & Carter, Inc. has reviewed the technical memorandum provided regarding parking at the Condit Elementary School at 7000 South Third Street. The existing school accommodates 680 students and provides 57 onsite parking spaces. The Condit Replacement Elementary School is proposed to accommodate 750 students and provide 128 onsite parking spaces, which results in an increase of 71 onsite parking spaces.

Even though the 128 proposed onsite parking spaces are less than the 167 spaces required per the City of Bellaire parking ordinance it is a significant improvement over the number of onsite spaces at the school today. The technical memorandum provided by Mark Ingram, PE, PTOE demonstrates that the 128 proposed onsite parking spaces meet the average parking requirements as stated in the Institute of Transportation Engineers (ITE) Parking Generation Manual.

Approval of the special exception is recommended.

Board of Adjustment

Council Chambers, First Floor of City
Hall
Bellaire, TX 77401



Meeting: 01/21/14 07:00 PM

Department: Community
Development

Category: Report

Prepared By: Shawn Cox

Department Head: John McDonald

DOC ID: 1036

SCHEDULED**ACTION ITEM (ID # 1036)**

Item Title:

Adoption of the Board of Adjustment's 2013 Annual Report to City Council as required by the Code of Ordinances; Chapter 2, Administration; Section 2-104, Annual or Special Reports to City Council

Item Summary:

Chapter 2, Administration, Section 2-100, Annual or special reports to city council, of the Code of Ordinances, requires each board and commission to file a report with the City Council no later than the first Council meeting in February.

The report is to address the following:

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

Recommendation:

Approval of a final report to be forwarded to the City Council

ATTACHMENTS:

- Annual Report 2013 (PDF)

February 3, 2014

Honorable Mayor and City Council
City of Bellaire
7008 S. Rice Ave.
Bellaire, TX 77401

The Board of Adjustment hereby submits to the City Council our Annual Report pertaining to the activities of the Board and variance request heard with subsequent actions taken during the year of 2013.

The Board of Adjustment is a statutory board responsible for considering applications for variances or special exceptions to the Zoning Code (Chapter 24 of the Code of Ordinances of the City of Bellaire, Texas). Landowners or their agents apply to the Building Official of the Department of Community Development for a variance. Formal dockets, which must be legally advertised, are scheduled for the Board of Adjustment to rule on.

Meetings are held to hear testimony on the applications. The Board of Adjustment determines the outcome of all applications, which may only be appealed to a Harris County District Court.

The Board of Adjustment consists of seven members who serve staggered two-year terms, maximum three consecutive terms. The Board of Adjustment selects its own Chair and Vice Chair for a term of one year. There are seven (7) members on the Board. State law requires a minimum of four (4) members be present to conduct any Board business, that a minimum of six (6) members be present to hear a docket item relating to a variance or special exception, and that a minimum of six (6) members vote in favor of a variance or special exception in order for it to be granted. The Board of Adjustment meets on the third Thursday of each month beginning at 7:00 PM in

the Council Chamber, First Floor of City Hall. The Board of Adjustment has served the City of Bellaire and the community during the year by having monthly meetings to hear docketed items.

January, 2013

The Board met and had a quorum so the following items were considered:

Councilman Friedberg-Council Friedberg introduced himself as the Board's new liaison, and urged the Board to use him as a resource to voice any concerns or questions that they might have.

Approval of the Annual Report for 2013 to City Council.

This item was passed with a 6-yes, 0-no vote.

February, 2013- March 2013

There were no docket items and the Board did not meet during this time period.

April, 2013

The Board met and had a quorum so the following items were considered:

- I. **Docket #BOA-2013-01-Consideration and possible action on an application filed by National Signs, LTD, on behalf of Bellaire United Methodist Church, located at 4417 Bellaire Blvd, for a Special Exception for the City of Bellaire Code of Ordinances, Chapter 24, Planning and Zoning Regulations, Article X, Signs, Section 24-1014 (2) to allow for a double-sided electronic message board/monument sign. The property is legally described as Lots 38 & 39, Block 1 of Westmoreland Farms, and is located in the R-5 Zoning District.**

Item postponed to May 9, 2013 at 7:00 PM .

- II. **Docket #BOA-2013-02-Considration and possible action on an application filed by Sagstex Instruments, LP, owner of**

Meridian Banquet Hall, located at 5200 Bissonnet St, for an amendment to an already existing Special Exception to allow for the use of either the Meridian Banquet Hall or the Gatherings Banquet Hall for events taking place Monday-Friday. The property is legally described as Lots 1 through 5, Block 46 & ADJ N5 FT of abandoned alley of Bellaire, and is located in the CCD-2 Zoning District.

Item postponed to May 9, 2013 at 7:00 PM.

May, 2013

The Board met and had a quorum and the following item was considered:

- I. Docket #BOA-2013-01-Consideration and possible action on an application filed by National Signs, LTD, on behalf of Bellaire United Methodist Church, located at 4417 Bellaire Blvd, for a Special Exception for the City of Bellaire Code of Ordinances, Chapter 24, Planning and Zoning Regulations, Article X, Signs, Section 24-1014 (2) to allow for a double-sided electronic message board/monument sign. The property is legally described as Lots 38 & 39, Block 1 of Westmoreland Farms, and is located in the R-5 Zoning District.**

This item was approved by a vote of 7-yes, 0-no vote.

- II. Docket #BOA-2013-02-Considration and possible action on an application filed by Sagstex Instruments, LP, owner of Meridian Banquet Hall, located at 5200 Bissonnet St, for an amendment to an already existing Special Exception to allow for the use of either the Meridian Banquet Hall or the Gatherings Banquet Hall for events taking place Monday-Friday. The property is legally described as Lots 1 through 5, Block 46 & ADJ N5 FT of abandoned alley of Bellaire, and is located in the CCD-2 Zoning District.**

This item was approved by a vote of 7-yes, 0-no vote.

June, 2013

There were no docketed item and the Board did not meet this month.

July, 2013

There was a quorum of the Members and a meeting did take place. One new member was sworn in and appreciation for the service of a departing member was noted. The member departing was Randy Pollard.

A new chair and vice-chair was elected.

August, 2013

The Board met and had a quorum and the following item was considered:

- I. Docket #BOA-2013-03-**Considreation and possible action on an application filed by Levinson Alcoser Associates LP, on behalf of Fidelis Realty Partners, owner of the property at 4500 Bissonnet St. for a variance from Section 24-536 C (2) c) 1) g of the City of Bellaire Code of Ordinances, to allow for a lot coverage of 88% in lieu of the 75% required by City Code. The property is located in R-M.1 Zoning District.

Applicant withdrew their application prior to a Board vote.

September, 2013-December, 2013

There were no docket items and the Board did not meet.

The Board wishes to thank all members of the City staff for their dedication and service to this Board.

Sincerely,

Nick Bacile
Board of Adjustment