

CITY OF BELLAIRE TEXAS

PLANNING AND ZONING COMMISSION

AUGUST 12, 2014

Council Chamber

Regular Session

6:00 PM

7008 S. RICE AVENUE
BELLAIRE, TX 77401



Chairman

Mr. Winfred Frazier

Commissioner

Christopher Butler

Commissioner

Paul Simmons

Commissioner

Dirk Stiggins

Vice Chairman

Bill Thorogood

Commissioner

Marc Steinberg

Commissioner

S. Lynne Skinner

Mission Statement:

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

I. CALL TO ORDER AND ANNOUNCEMENT OF QUORUM**II. APPROVAL OF MINUTES FROM PAST MEETINGS**

1. Planning and Zoning Commission - Regular Session - Jul 8, 2014 6:00 PM

III. REMINDER TO CITIZENS DESIRING TO ADDRESS THE COMMISSION**IV. GENERAL PUBLIC COMMENTS**

Persons at the meeting who have indicated their desire to be heard on matters of general interest to the Commission by submitting the form provided shall have three minutes to present their comments. The Commission is not permitted to fully discuss, debate, or consider items that are not on the agenda. Questions presented to the Commission may be referred to staff.

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

1. Docket #Z-2014-01-Request for an amendment to the official zoning map to re-zone 4301 Bellaire Boulevard from R-5, Residential District to CMU, Corridor Mixed-Use District, and to remove the property from the Bellaire Boulevard Estate Overlay District, pursuant to Chapter 24, Section 24-603, Application for Amendment to the Written Text or Official Zoning District Map of the City of Bellaire, Texas.

(Requested by John McDonald, Community Development)

2. Docket #PD-2014-02-Request for an amendment the City of Bellaire Code of Ordinances, Chapter 24, Planning & Zoning, Article VI, Amendatory Procedure, to construct a mixed-use commercial planned development consisting of a two story commercial building, to be located at 4301 Bellaire Boulevard, currently in the R-5 Zoning District.

(Requested by John McDonald, Community Development)

3. Discussion on the notification requirements for public hearings as set forth in the Code of Ordinances, Chapter 24, Planning and Zoning, Article VI, Amendatory Procedure, Sec. 24-610 Publication.

(Requested by John McDonald, Community Development)

4. Discussion regarding Chapter 24, Planning & Zoning, Article V, Zoning Regulations, Division 1, Zoning Districts and Regulations of General Applicability, Section 24-515, Special Off-Street Parking Regulations, of the City of Bellaire Code of Ordinances, with respect to boats or trailers, etc. being parked in the rear of residential properties.

(Requested by John McDonald, Community Development)

VI. COMMITTEE REPORTS**VII. CORRESPONDENCE****VIII. 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.**
- 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**

IX. ADJOURNMENT



CITY OF BELLAIRE TEXAS

PLANNING AND ZONING COMMISSION

JULY 8, 2014

Council Chamber

Regular Session

6:00 PM

7008 S. RICE AVENUE
BELLAIRE, TX 77401

I. CALL TO ORDER

Chairman Frazier called the meeting to order at 6:02 P.M.

II. ANNOUNCEMENT OF QUORUM

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

Attendee Name	Title	Status	Arrived
Winfred Frazier	Chairman	Present	
Bill Thorogood	Vice Chairman	Present	
Paul Simmons	Commissioner	Present	
Marc Steinberg	Commissioner	Present	
Dirk Stiggins	Commissioner	Present	
S. Lynne Skinner	Commissioner	Present	
E. Wayne Alderman	Commissioner	Present	
John McDonald	Director	Present	
Ashley Parcus	Secretary	Present	

III. REMINDER TO CITIZENS DESIRING TO ADDRESS THE COMMISSION

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

IV. APPROVAL OF MINUTES FROM PAST MEETINGS

1. Planning and Zoning Commission - Regular Session - Jun 10, 2014 6:00 PM

Chairman Frazier and Commissioner Stiggins made two minor corrections to the minutes.

RESULT:	APPROVED AS CORRECTED [UNANIMOUS]
MOVER:	Paul Simmons, Commissioner
SECONDER:	Bill Thorogood, Vice Chairman
AYES:	Frazier, Thorogood, Simmons, Steinberg, Stiggins, Skinner

V. UNFINISHED BUSINESS, COMMUNICATIONS, & REPORTS

There was no unfinished business.

VI. SWEARING IN OF NEW COMMISSIONERS (INCOMING COMMISSION ASSUMES DUTIES AND OUTGOING COMMISSION RETIRES).

Attorney Petrov swore in Christopher Butler, the newly appointed member, along with Commissioners Steinberg, Skinner, Stiggins, and Simmons, who were all being re-appointed to the Commission.

Minutes Acceptance: Minutes of Jul 8, 2014 6:00 PM (Approval of Minutes from Past Meetings)

VII. GENERAL PUBLIC COMMENTS

Lynn McBee-Ms. McBee congratulated the newly appointed and re-appointed Commissioners. She mentioned that a marathon City Council meeting was held the previous night, and one of the resolutions was to approve modification of the agreement with the conservancy for the Evelyn's Park endeavor. Ms. McBee pointed out that for the first time in the history of the city there is now a dual entity that will not necessarily be subject to the open meetings requirements due of the nature of its organization, being a 501(c)(3) under the regulation of the Federal Government. She stated that this is in clear conflict with the State of Texas requirements for municipalities and certain other organizations to be subject to disclosure laws. Ms. McBee explained that all Board and Commission members will be going through training regarding open meetings and open records, and she believes that it is very important for everyone to understand that this conflict has been addressed by the City Attorney, but has not been addressed by the State of Texas Attorney General. She added that because the Commission is subject to open meetings and open records, it is important for them to be aware of the organization that is not subject to those requirements. Ms. McBee also felt that the rules for governing public hearings should be listed on the agenda to give citizens wishing to speak an idea of the process. She stated that she appreciated the Commission's work and wished them well.

VIII. INCOMING COMMISSION

A. Introduction of Incoming Commissioners

Paul Simmons-Commissioner Simmons informed the Commission and the public that he is a retired civil engineer economist, and has lived in Bellaire for over 20 years. He added that he has been on the Commission for 3 years and has enjoyed every minute of it.

Christopher Butler-Commissioner Butler stated that he is a practicing planning consultant, and has been on the Cultural Arts Board for the last year. He stated that when the position became available on the Planning & Zoning Commission he was encouraged by many to apply. Commissioner Butler added that he hopes to continue helping his unique and crazy brand of logic fit into the city.

Marc Steinberg-Commissioner Steinberg explained that he has lived in Bellaire for 28 years, and served on Board of Adjustment prior to the Planning and Zoning Commission. He added that this is his 2nd term with the Commission and that he has enjoyed working with everyone on it. He added that the Commission has to make some very tough decisions and thanked the public for attending to voice their comments.

Dirk Stiggins-Commissioner Stiggins informed the Commission and the public that he has lived in Bellaire since 1996, and is a retired Engineering Manager with Conoco-Phillips. He added that he has served on all three of the City's statutory boards, and enjoys volunteering and working with the city. Commissioner Stiggins stated that he is looking forward to another year with the Commission.

Lynne Skinner-Commissioner Skinner stated that she has lived in Bellaire for 30 years. She mentioned that she is excited about Bellaire High School's rebuild as she lives right down the street from it. She then thanked the City Council for re-appointing her, and welcomed Christopher Butler to the Commission.

B. Election of Chair and Vice Chair

Nominations: a nomination was made by Commissioner Steinberg and seconded by Commissioner Stiggins to elect Win Frazier as Chairman of the Planning and Zoning Commission.

Vote: 7-0.

Nominations: a nomination was made by Commissioner Simmons and seconded by Commissioner Stiggins to elect Bill Thorogood as Vice Chairman of the Planning and Zoning Commission.

Vote: 6-0-1, with Commissioner Thorogood abstaining.

C. Adoption of the Rules of Procedure

Motion: a motion was made by Commissioner Stiggins and seconded by Commissioner Steinberg to adopt the Rules of Procedure.

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

IX. PUBLIC HEARINGS

1. Docket #Z-2014-01-Request for an amendment to the official zoning map to re-zone 4301 Bellaire Boulevard from R-5, Residential District to CMU, Corridor Mixed-Use District, and to remove the property from the Bellaire Boulevard Estate Overlay District, pursuant to Chapter 24, Section 24-603, Application for Amendment to the Written Text or Official Zoning District Map of the City of Bellaire, Texas & Docket #PD-2014-02-Request for an amendment the City of Bellaire Code of Ordinances, Chapter 24, Planning & Zoning, Article VI, Amendatory Procedure, to construct a mixed-use commercial planned development consisting of a two story commercial building, to be located at 4301 Bellaire Boulevard, currently in the R-5 Zoning District.

Mr. McDonald introduced the public hearing process to the public.

Presentation by the Applicant

Bruce Frankel, Principal of Frankel Development Group-Mr. Frankel informed the Commission that he is the development consultant for the applicant, Sloan Properties, LLC. He added that the applicant is a privately held, local real estate investment and development company, and is a holder of properties, not a seller. Mr. Frankel stated that his client has the property at 4301 Bellaire Boulevard under contract and is interested in redeveloping the property into a mixed-use development project, therefore, the request is for a Planned Development by way of application to re-zone the property from its current R-5 to Corridor Mixed-Use Zoning (CMU). Mr. Frankel explained that Westside Christian Church was the owner of the property, but disband in December of 2012 and gifted the land to Dallas Christian College (DCC). He added that the college has no use for the property, and that their only interest is to sell it and take the proceeds to fund their mission. Mr. Frankel pointed out that the current R-5 Zoning allows for a medium to upper-medium density residential and a school or church under a special exception. He stated that the property is very unique in that it has several constraints:

- DCC wants to sell and use the proceeds to fund their scholarship program
- The existing improvements are deteriorating and obsolete

- A set of power lines and a railroad track run to the east of the property
- fronting the property is the busy street of Bellaire Boulevard
- It is a small site, comprised of only 1.1 acres
- Site is a very unusual shape, 120 X 409
- Little Woodrow's Bar is to the east of the property and town houses are to the west

Development options under the current R-5 Zoning:

Single-Family Home:

This is not an appropriate site for a home with the bar, railroad tracks, and power lines in close proximity to the property.

Park:

Evelyn's Park is across the street from the property.

Utilities and city facilities:

If there was a need for this type of use, the property would have already been acquired.

Town homes:

The site is too narrow for a town home development, which would require the establishment of a private street including 60 feet of R.O.W, limiting the depth and size of the town homes.

Church or School:

The current improvements are obsolete and the cost to bring it up to Bellaire standards would be prohibitive at this point. Mr. Frankel added that there is no demand for that use. He stated that the property has been on the market for 18 months, and no church or school has come forward to purchase it. He pointed out that as far as new construction, the site is too small for a school or church to operate successfully given the cost that it would take to purchase and build a new church or school.

Mr. Frankel stated that, in summary, it is not developable under the current R-5. Re-zoning is appropriate due to negative adjacent uses, features, small size, odd configuration, and location along the city boundary. He acknowledged the fact that the Commission spent a lot of time on the Comprehensive Plan. Mr. Frankel noted that the edge properties along the busy corridors are important, and that those sites need to be physically pleasing and welcoming.

Mr. Frankel then reviewed the benefits of re-zoning:

- Improvements won't continue to deteriorate and be an eye sore to the city
- The building would provide a physical buffer between residential and the railroad tracks
- It would provide an attractive entrance into the city
- It would provide amenities to residents
- It would provide property and sales tax to the city
- The city would have control over the new project with the PD application
- Selling of the property would help to support DCC's mission and fund their scholarship program

Mr. Frankel reiterated that the proposed zoning is CMU, with a planned development. He added that the proposal that is being presented is the plan that the developer will have to go with because their hands will be tied with the PD. Mr. Frankel then gave a

summary of the proposed project. He stated that the building will be 19,054 square feet, with 16,753 square feet of rentable area. It will include two stories, with office space over retail, and will have 8,547 feet of retail on the first floor and 8,206 square feet of office on the second floor. Mr. Frankel pointed out that the existing church is 6,400 square feet, so the difference between the church and the new development is about 12,654 square feet, and the footprint is only about 2,147 square feet larger than the current footprint. He added that the proposal is 31 feet wider, 18 feet shorter, and 32 feet closer to the street than the existing church. Mr. Frankel stated that the architectural finishes will be of high quality construction, and the height will only be 44 feet, which is 19 feet under the max allowed. He informed the Commission that there are 33 feet from the property line to the building between the town homes and the proposed development, and that extensive landscape will be provided. He added that they worked hard to preserve the trees that are currently on the site. Mr. Frankel mentioned that low, limited lighting will be used, and building signage will be limited to the face of the building along with one monument sign that will be parallel to the street. There will be 85 parking spaces, with a 4 foot concrete masonry unit (CMU) wall as well as shrubbery and an additional fence to act as protection for the adjacent homes. Mr. Frankel then mentioned drainage and stated that the height of the site will be raised by 1.35 feet. Additionally, the developer is proposing to move the existing median further away from the railroad tracks and have a dedicated left turn lane off of Bellaire Boulevard. He added that a Traffic Impact Analysis (TIA) was prepared and has been approved by the city consultant. Lastly, Mr. Frankel pointed out that the development would buffer the noise from the railroad tracks.

Joe Nash, Johnson Design Group-Mr. Nash showed the Commission a diagram of the site plan, and explained that they are proposing to push the building as far from the residences as possible. He mentioned that they will be keeping the two existing curb cuts, but are proposing to move the median cut to the west so that it enters directly into the drive. Mr. Nash added that a left hand turn lane will be established, allowing cars to stack and turn off of Bellaire Blvd. He informed the Commission that 10 % of the parking will be located at the front of the building and 90% at the back. Access to the building itself will be through doors on the south, west, and the north of the property. Mr. Nash explained that the 8,547 square feet of retail can accommodate up to 4,300 square feet of restaurant space, and that the dumpster will be as far from the residents as possible. He then showed the proposed CMU wall and shrubbery along the property line separating the proposed development and the existing town homes. Mr. Nash then spoke a little about the landscape plan, and stated that 70% of the trees on the site will be conserved. He showed the Commission a depiction of the proposed front elevation of the building, and explained that the existing town homes and proposed development are relatively similar in scale. He added that awnings will be installed, creating a nice street appearance. Mr. Nash then discussed the rear elevation of the building, stating that spandrel glass windows were added to enhance the aesthetics. He explained that these give the appearance of real windows, but are just an architectural material used to improve the look of a facade. Mr. Nash pointed out that real windows are not allowed due to the fire code. Lastly, he stated that a fence will be provided around the back of the site, and then showed the view from Ione Street and stated that it would not change very much.

Reid Wilson, Attorney with Wilson, Cribbs, and Goren-Mr. Wilson informed the Commission that he does a lot of land-use law, and with the development constraints on this site it is truly unique. He stated that under the current circumstances, it could be argued that there is no legitimate use of the property that is legally available, and that the developer is proposing something that would be a win-win for all involved.

Mr. Wilson added that this development would provide a great buffer use on the edge of the city, as well as an opportunity to have some amenities with the retail and office uses proposed. He referenced the requirements for planned development amendments that were mentioned in the city staff's report and pointed out the following.

- The proposed development is consistent with the Comprehensive Plan
- Will minimize the adverse effects including visual impacts on adjacent properties
- The proposal deals with any adverse impact on the adjacent properties
- The development will not be an undue burden on public facilities and services
- The developer has the ability to complete the project

Mr. Wilson noted that for these reasons, they respectfully request approval of the application and have time to answer any questions that the Commission may have.

Staff Findings

Mr. McDonald informed the Commission that this is an application both for re-zoning, as well as for a Planned Development for commercial use. He stated that the applicant is Sloan Properties and is being represented by Frankel Development Group. Mr. McDonald added that the current property owner, Dallas Christian College, has given them the authority to apply on their behalf. He pointed out that the Comprehensive Plan Future Land Use Map does identify this property as a place of worship, therefore, if this application was approved staff would bring forward an amendment to the future land use map to clarify that change. Additionally, the site in question is less than 150 feet, which is the minimum requirement for a planned development, and the applicant does have a variance request that is scheduled for the Board of Adjustment at their July meeting. Mr. McDonald noted that the TIA was reviewed by the city's traffic consultant and he agreed with the findings set forth. He added that it did point out, as was mentioned in the presentation, that the existing median would be relocated to the west in order to line up with the proposed drive way, and a dedicated left hand turn lane would be created. Mr. McDonald explained that all drainage would be handled on site, and that the applicant is proposing an underground drainage system. He pointed out that specific drainage requirements will be reviewed at the building permit stage, and that no additional utility connections or increase in capacity would be needed. Mr. McDonald informed the Commission that staff is not making a recommendation at this time, as consideration of this item will be on a future agenda.

Public Comments

Dr. Raye Horwitz-Dr. Horwitz informed the Commission that she has lived on Boulevard Green for about 20 years. She stated that it is a very quiet area and that everyone has a very close relationship with their neighbors. Dr. Horwitz added that the train crossing creates significant traffic, and in adding these additional offices the situation will be complicated even more. She pointed out that Bellaire is considered a City of Homes and creating this type of office environment and the traffic that it is going to entail is contradictory to the goals of the city. She hoped that the Commission does not accept the idea that this is the only solution for this site, or that this property is the entryway into the City of Bellaire. Dr. Horwitz urged the Commission to understand and support the homeowners' position.

Sarah Barlow-Ms. Barlow stated that she has lived on Ione Street for the past 7 years, and that she chose Bellaire because it is a wonderful oasis. She felt that the entrance to Bellaire needs to represent what it is, which is not a commercial place,

but a community. Ms. Barlow also worries that overtime the tenants there may not be as high quality as they start out. She urged the Commission to consider alternatives for this property.

Barbara Jerige- Mrs. Jerige informed the Commission that she and her husband moved to Bellaire almost a year ago after years of trying decide where to live. She stated that they chose Bellaire because of the community atmosphere and because it was close to her husband's job in Downtown Houston. Mrs. Jerige was concerned that approval of this application would set a precedence for commercial developments. She respectfully asked that the Commission not let this property be re-zoned.

Ellen Weiss-Ms. Weiss stated that she lives on Live Oak Street, across from Evelyn's Park, and has been in Bellaire on and off since 1980. She mentioned that Bellaire represents a residential community, and that it would be a crime to construct a commercial property at this location. Ms. Weiss felt that this project would cause congestion in the area. She added that she does not believe that the property was ever listed because she knows of a small church that would love to move into Bellaire and was not aware of the site. Ms. Weiss stated that she is also concerned with setting a precedence, and that she is in attendance to implore the Commission to live up to the charter that they have sworn to uphold.

Cecilia Valdez-Ms. Valdez informed the Commission that she has owned a home in Bellaire since 1993, and that it is a community of homes and families. She stated that she would have to agree with the developer that re-zoning would be a good idea, but as a park, not a commercial property. Ms. Valdez mentioned that she disagrees strongly that there are too many parks in the city. She pointed out that there is a big drainage problem within the Boulevard Green development, and when it rains heavily, the back of the town home lots flood. She noted that the installation of a concrete wall will create pools at the back of properties. Ms. Valdez stated that the applicant cannot assure that there will be no increase in noise, as they can't predict what's going to be there in 5, 10, 20 years. She also mentioned that the emptying of trash cans 33 feet from residences in the middle of the night will be an inconvenience. Ms. Valdez stated that the homes have large, floor to ceiling windows that face the proposed development, and she doesn't see how the light is going to be shielded from a two story building. Additionally, she felt that approval of the application will significantly lower the property value of the town homes. Ms. Valdez asked the Commission to imagine themselves living next to a building like what is being proposed.

Andrea Link-Ms. Link informed the Commission that she has been a Bellaire resident for 9 years, and would like to convey her strong objection to the proposed re-zoning of the property at 4301 Bellaire Boulevard. She felt that the section of Bellaire Boulevard that runs through Bellaire is the city's showpiece and conveys to all who travel that corridor what the city is all about. She added that it is currently comprised with beautiful residential lots and stately churches and will be enhanced tremendously by Evelyn's Park. Ms. Link stated that while the boulevard itself is a busy thoroughfare, what lines it now is peaceful, tranquil, and quite pretty. She is shocked that re-zoning is even a consideration, since it will destroy the residential feel of this part of our city and possibly undue so much of the good that Evelyn's Park will do. She pointed out that this area is the very first thing that people see when entering Bellaire, and asked if an out of place commercial property is the first impression we want the city to make. Ms. Link also questioned whether every effort has been made to sell this property to a church or an individual. She noted that almost adjacent to this property are two more residential lots with older homes that

she is sure other developers have their eye on. Ms. Link informed the Commission that she lives on Ione street and that there is no doubt that a commercial property would decrease her property value. She added that this is about more than money, it is about valuing the City of Bellaire as a peaceful oasis in the middle of Houston, a city that honors the zoning regulations that are there for a reason. Ms. Link felt that the reality of the situation is that the proposal benefits the developers, not the neighborhood. She urged the Commission to vote against the re-zoning of this property.

William Durbin-Mr. Durbin had a letter of opposition from residents of Ione St. That he read into the record:

This letter is to express our deep concern with the possibility of construction of a commercial building in our city's R-5 zoning District. We believe that such spot commercial development in the middle of an established residential zoning should not be permitted due to a number of reasons discussed herein. Although we are not able to attend the hearing in person, please read this message into the record of the hearing. After living in West Houston for over 17 years, we have only recently discovered the beauty, coziness, and community that Bellaire offers. Bellaire Boulevard is one of the historical parts of the city with a number of historical buildings and parks. Driving the Boulevard from South Rice to the railroad tracks under the shadow of beautiful trees is truly like being away from a big city, with temples and historical estates on both sides of the Boulevard. Some may say that one exception on the outskirts of the city may not be a big deal, but that is how big changes start, with small and seemingly harmless exceptions. We are terrified that discussing permission not only will ruin the part of the city that we live in, and get rid of 8 irreplaceable trees, but will create precedence that will be the start of such a big and unwarranted change to the city itself, and its appeal. Just look at Bellaire Boulevard crossing the tracks into West University and how drastically different it is from our Bellaire Boulevard, starting with the bar across the tracks into a chain of massage parlors, tattoo, and palm reading shops. They are all lined up there. Commercial property at 4301 would bring similar businesses just across from Evelyn's Park. Additionally such spot commercial development in the middle of an established residential zoning will have negative impact on the surrounding residential property values and should not be permitted. All in all, we truly believe that allowing commercial property construction in the historical residential part of the city is not good for the future of the city, the residents of Bellaire, and particularly the residents of the very populated Southdale. Thank you for your consideration.

Mr. Durbin stated that he is a 25 year resident of Bellaire. He added that there is good representation in Bellaire for the city as whole, but particularly the Medical Center. Mr. Durbin mentioned that one of the first things that physicians are taught is to ensure that you are doing no harm. He asked the Commission to look to the east, the City of Houston is commercial. He added that Bellaire is different, it is distinct in that it is the City of Homes. Mr. Durbin pointed out that Bellaire has zoning for residential and zoning for commercial and asked that commercial developments be put in the commercial part of Bellaire. He mentioned that as community representatives he hopes that the Commission does not approve this request to re-zone. He told the Commission that their neighbors and voters need their help with this assault on shared community values. Mr. Durbin then asked if the Commission should make a decision to make a rich physician more rich, or to maintain the city of homes.

Robert Pulitzer-Mr. Pulitzer informed the Commission that he lives across from the property, at 4314 Bellaire Boulevard. He noted that a lot of people have already hit

on the fact that this is the City of Homes, as well as why we live here and why we enjoy living here. He added that some have also talked a little bit about the precedence that this would set. Mr. Pulitzer stated that in addition to those subjects he is also concerned about the left turn lane that will be created. He pointed out that people who live in Boulevard Green will have to battle the people taking a left there when they need to make a u-turn to go back to the loop. He mentioned that the left turn will help facilitate traffic in, but will also make it very difficult for people living there to make a u-turn. Mr. Pulitzer then told Mr. Frankel that he appreciated the slide show that was presented during his meeting with the residents. He added that during that meeting it was mentioned that there are some churches that were interested in renting, but that DCC did not want to rent. Mr. Pulitzer noted that he understands DCC wanting to get the highest value for their property, but that he doesn't want Bellaire looking at this as how to get the best price for someone else, instead of what is best for the community. He added that he felt as though those options have not been explored enough. He ended by saying that there are many reasons why this is not in the best interest of the City of Bellaire.

Charles Hall-Mr. Hall informed the Commission that he was asked by the president of his homeowner's association to read aloud his email, but stated that he would just sum it up since the Commission had already been provided a copy. He quoted the email, saying, "To make this a commercial site would be a disaster to us from a traffic and noise perspective." Mr. Hall noted that the concluding sentence of the email reads "It is definitely not in the interest of the Boulevard Green residents to make any zoning changes on this site, at this present time." Mr. Hall added that entering the Boulevard Green subdivision is very simple, but exiting the street is more difficult. He stated that moving this project will make it even harder and more dangerous for not only people in vehicles, but pedestrians who frequent the sidewalks as well.

Joy Hall-Mrs. Hall thanked the Commission for their hard work. She stated that the residents of Bellaire are blessed with wonderful people, great parks, homes, trees, churches, schools, libraries, public services, and businesses. She reiterated that homeowners from Bellaire Boulevard, Mulberry, Ione, Boulevard Green, and other neighborhood streets are coming to urge the Commission to keep the concept of home and family. Mrs. Hall added that all homeowners purchased here with the understanding of trust, protection, safety, belief, and even the comfort of the R zoning. She mentioned the article on the front page of the Chronicle about many individual homeowners in Houston being pushed out by town houses and commercial buildings that are going in around them due to the fact that there are no zoning regulations. She stated that she has lived a lot of places in Houston, but came to Bellaire with the belief that their property was safe and free of the commercial interest. Mrs. Hall asked the Commission to remember that the roots of Bellaire are in the homes, the city, the people, the schools, and the churches.

Joy Puzon-Ms. Puzon informed the Commission that her family has lived on Boulevard Green for the past 10 years, and that she wants to voice her strong objection to the re-zoning application for 4301 Bellaire Boulevard. She mentioned that Chairman Frazier pointed out in the June Council meeting that Bellaire is the City of Homes, and the rezoning of this lot will destroy that image as you approach the city westwardly down Bellaire Boulevard. At that same meeting the Council unanimously voted to "protect the residential property owners from incompatible commercial development." Believes the Council will do the same with regards to the re-zoning of Bellaire Blvd. As you can see by the number of citizens present with complaints, as well as the number of emails submitted by residents who could not attend, commercial properties at this location are not compatible with the wishes of

residential property owners. It is not the intent of Bellaire citizens to allow a developer to circumvent our zoning laws. Please also consider the potential litigation risk of spot zoning. If this re-zoning change is allowed, who could stop a fast food change or retail store, such as zone d erotica from opening in a residential area. Perhaps the current owner would not allow this to happen, but whose to say what a future owner might allow. Change in this parcel to commercial will create a traffic nightmare, increase the number of cars and backups on Bellaire Blvd. Drivers down Bellaire routinely try to beat the train before it crosses, so will the people from the new establishment. Based on the numbers of cars that drive down Bellaire Blvd, she sees a drastic increase in accidents occurring at this location. Having a commercial property directly behind my house will drastically decrease my property value. The developer claims that this building will be a noise buffer from the train, but after living next to the railroad tracks for 10 years it is just background noise, she would much rather maintain higher property value over having a potentially slightly less noisy area. Please continue to maintain our current quality of life for everyone in this beautiful city of homes.

Vic Gelsomino-Mr. Gelsomino asked the Commission to consider an R-4 re-zoning. He stated that the site could be replatted into 7 lots, measuring 50 x 100 feet deep, with orientation east to west and a 25 foot wide access road along the eastern boundary. He added that there could be a 30 foot setback from Bellaire Boulevard, with a new landscaping barrier along the east railroad tracks to enhance the property and clean up the view to the east. Mr. Gelsomino also suggested that access to the property would be to utilize the existing western edge curb cut location and eliminate the eastern curb cut. He then listed his reasonings for this alternative:

- Bellaire is the city of homes
- Would move the property from non-taxable to taxable status
- Would stay within single family houses
- No esplanade re-work would be required

Mr. Gelsomino ended by saying that the residents of Boulevard Green hope that the Commission will entertain this suggested option.

Joel Dickinson-Mr. Dickinson informed the Commission that he lives in the Boulevard Green development and is concerned with the precedence that the city will be setting with the approval of this application. He noted that the boulevard seemed to be designed as a grand entrance into Bellaire, and he hopes that it is never changed. Mr. Dickinson explained that he moved to Houston from Dallas, eventually ending up in West University, which he considered a haven, and now he is in Bellaire which he considers a wonderful place to live and raise a child. He mentioned that the city's logo is a home and church and stated that he hopes it stays that way forever.

Lynn McBee-Ms. McBee stated that she has been coming to these meetings for 40-50 years, and the community values are as firm 50 years ago as they are today. She mentioned that the same message is being heard by the city's decision makers, and it makes her proud to be part of the community. Ms. McBee informed the Commission that the purpose of the Bellaire Boulevard Estate Overlay District (BBEOD), as stated in the zoning code, was to create a low density residential area that applies to all properties with frontage on Bellaire Boulevard, generally from Loop 610 to the eastern city limit as shown on the zoning district map. She added that it was put in place to encourage large lot residential development resulting in a grand boulevard of homes, schools, churches, and houses of worship, with homes facing Bellaire Boulevard and no home with side or rear yard adjacent to Bellaire Boulevard. She quoted the code saying, "The overlay district is dormant on each property being

invoked only if the property is replatted, re-subdivided, or otherwise redeveloped." Ms. McBee applauded the on a beautifully prepared application, and stated that the only problem is that it is the wrong development in the wrong place. She pointed out that City Council has invited change, and wants economic development in the CMU, along the corridors of Bellaire. She noted that this property is not located in the appropriate area. Ms. McBee strongly advised the development group not to purchase this property and to take the project to the CMU. She added that the property doesn't even meet the existing planned development dimensions and must get an additional exemption for that. Ms. McBee pointed out that the overlay district's history was meant to eliminate commercial properties in that area. Lastly, she mentioned Mr. Durbin's comment regarding "do no harm", and stated that approval of this application would vastly harm the city.

David Liu-Mr. Liu informed the Commission that he and his wife have been residents of Boulevard Green for two years, and that they chose Bellaire for its residential nature. He stated that a change in the median would require residents leaving the Boulevard Green development to surge across two lanes of traffic in order to head west on Bellaire Boulevard. He also mentioned the busy sidewalks in the area. Mr. Liu reiterated the concerns of previous speakers regarding the impact a commercial property would likely have on the adjacent single family homes. Additionally, he mentioned Mr. Gelsomino's proposal and suggested that there are other options that could be explored for a residential use.

Fermeen Fazal-Mrs. Fazal told the Commission that she moved to Bellaire about 3 years ago. She added that her family had looked into living in the Braes Heights area, but did not like how the residential area is adjacent to businesses, and would be disappointed if that happened in Bellaire as well. She stated that she hosted the block party on Ione St. For National Night Out and that one of the Police officers that came by informed her that the hardest part about patrolling the city are the outside edges of Bellaire, where there are more commercial properties. She asked why the city would want to make the job of our police officers harder by adding more commercial areas if residential areas are easier for them to handle. Mrs. Fazal added that a commercial mixed-use project would take away the benefits of Evelyn's Park. Additionally, she asked that if the development does take place a CMU wall be installed to protect Ione Street as well.

Response by the Applicant

Reid Wilson-Mr. Wilson stated that the developer had a different vision for this site, and acknowledged that it is the Commission's decision. He pointed out that this project is intended to be a win-win result, and that the developer honestly believes that there will be no materially detrimental impact with this change in use. Mr. Wilson added that there is a very competent city staff that will be monitoring this project throughout the development process ensuring that it absolutely does not have a negative impact on the adjacent residential neighborhoods. He stated that although he respects the concerns of the residents from Ione Street, this project should not impact those citizens. He pointed out that there are a number of preexisting problems in this area, and that he is sure something can be done to improve the drainage problem. Mr. Wilson also mentioned that a solution could be met with regards to traffic. He felt that the real issue is that there are no alternatives for this location. He pointed out that it will not be developed as a million dollar estate home, and that he does not believe it could be developed as town homes, as that would require a 60 foot wide public street. Mr. Wilson pointed out that the bottom line is that this project is being proposed to the Commission as what the developer believes will be a win-win situation for everyone involved.

Questions by the Commissioners

Vice Chairman Thorogood asked Mr. McDonald if he could give the Commission some history on the Bellaire Boulevard Estate Overlay District.

Mr. McDonald informed the Commission that there were some development plans for Teas Nursery that the City had some concerns with, as part of that process, and to maintain what had previously been there the Bellaire Boulevard Estate Overlay District was created to make a focal point of larger lots, specifically for homes and churches. He added that there have since been several planned development town home/condominium projects that have been approved on both the north and the south side, but has predominately remained large lot residential or church. This only affects properties that face Bellaire Boulevard.

Vice Chairman Thorogood asked if this property abuts the City of Houston or if it attaches to the CenterPoint property, which is in the City of Bellaire.

Mr. McDonald explained that it attaches to the CenterPoint property.

Vice Chairman Thorogood asked about the city boundaries surrounding 4301 Bellaire Boulevard.

Mr. McDonald explained that across the R.O.W. is the City of Houston, which eventually becomes the City of Southside Place on the south side of Bellaire Boulevard and West University Place on the north side.

Vice Chairman Thorogood questioned whether this is known as the commercial district for those cities.

Mr. McDonald confirmed that this is the commercial district for West University, Southside Place, and a portion of Houston.

Commissioner Skinner asked if the property has actually closed.

Mr. Frankel stated that it has not.

Commissioner Skinner mentioned that the project still has to go before the Board of Adjustment and asked if this is how the process normally works.

Mr. McDonald explained that because this application is a two meeting item for the Planning and Zoning Commission it allows staff to bring it before the Board of Adjustment for consideration prior to the Commission taking action.

Commissioner Skinner asked how this would affect the rest of Bellaire Boulevard, with regards to the overlay district, if this request is granted.

Mr. McDonald stated that the overlay district will stay exactly how it is everywhere else, this one property would simply be removed.

Commissioner Stiggins mentioned the citizen's comment about the drainage problems within the Boulevard Green development, and asked if the drainage design for the new project takes into account existing problems.

Mr. McDonald explained that their proposed increase in pervious cover kicks in different rules and requires them to mitigate for that increase. He also pointed out that it is a planned development, which allows the Commission to put conditions on the approval of the application.

Commissioner Stiggins stated that there are minimal limitations on the types of businesses that would be allowed within this commercial building. He asked Mr. McDonald to comment briefly about those regulations.

Mr. McDonald stated that CMU zoning does allow for a wide range of uses, but because the application is concurrently asking for a planned development the Commission could add conditions to specify the allowable uses.

Commissioner Steinberg mentioned that he is having a hard time combining the two requests and looking at both for one approval. He pointed out that revisions to the drainage, as well as an additional CMU wall have been mentioned by the applicants and asked if it would be necessary to hold another public hearing to include a presentation with the proposed changes.

Mr. McDonald did not feel that anything mentioned would change the project enough to require an additional public hearing. He added that the idea behind the dual track is to recommend approval of a re-zoning to CMU, conditionally on the fact that the planned development is also approved by City Council. He added that in doing that it is tied to the specific project that Mr. Frankel is proposing, locking him into specific regulations.

Attorney Petrov agreed that there have been no changes mentioned thus far that would require an additional public hearing.

Commissioner Steinberg asked if Metro would be involved in the changes to the existing median.

Mr. McDonald stated that only the City of Bellaire would be involved.

Commissioner Butler mentioned that the proposal speaks to removing the ornamental installations that are in the esplanade now and asked if that would include landscaping and any irrigation that is currently installed.

Mr. Frankel explained that his client is prepared to spend additional money to create something nice that is agreeable with the City of Bellaire.

Commissioner Butler asked if the height-setback requirement within the UV-D applies to the CMU as well.

Mr. McDonald confirmed that it does, but explained that this project is not impacted by that requirement due to the placement and height of the building.

Commissioner Butler questioned whether the height-setback applies to any existing residential zoning.

Mr. McDonald confirmed that it does.

Commissioner Butler then mentioned the utility site to the east of 4301 Bellaire Boulevard that is zoned residential, although not in residential use, and asked if the height-setback should be applied on both sides.

Attorney Petrov felt that it should be applied on both sides.

Mr. McDonald stated that he believes that the term is residential use, not residential zoning.

Attorney Petrov and Mr. McDonald assured the Commission that they would check the language.

Commissioner Butler asked Attorney Petrov to speak to what does and does not constitute spot zoning.

Attorney Petrov explained that you have to look at each application individually. He added that any time you are dealing with one tract, the issue of spot zoning gets brought up as something of concern, however, the definition of spot zoning is not simply the re-zoning of one particular location. He mentioned that it has to do more with the reasoning behind the re-zoning and whether it is done out of convenience, or if the use and character of the tracts and the neighborhoods around it are being taken into consideration. Attorney Petrov did not feel that the applicant's presentation was an example of spot zoning because they have pointed out unique circumstances around the zone that would make a re-zoning of the tract something worth considering.

Commissioner Simmons reiterated that the creation of a left turn lane on Bellaire Boulevard would cause traffic issues and asked if he understood correctly that the Commission does not have leverage over that aspect of the application.

Attorney Petrov explained that the Commission does not approve or disapprove traffic issues, it can however include a recommendation with respect to those sorts of things to City Council.

Commissioner Simmons asked Mr. Frankel how many vehicles will be able to queue in the left hand turn lane.

Mr. Frankel stated that he could not answer that question, but would be sure to supply city staff with that information once obtained.

Commissioner Simmons mentioned that any left hand turning vehicles that are still in the through lane will cause problems.

Commissioner Simmons asked if Flood Zone AE is the new zone created since Tropical Storm Allison.

Mr. McDonald confirmed that the city maps have been updated based on Tropical Storm Allison. He added that since that project, the city has made significant increases to its run off infrastructure, and that the site itself must meet commercial flood proofing as well as drainage detention requirements. Mr. McDonald stated that it cannot increase the flow of water into the system, and will have storage tanks to hold the water until such time that the system can take it. He assured the Commission that specifics of the drainage plan will be reviewed during the permit process.

Chairman Frazier asked Mr. McDonald when the Board of Adjustment will vote on the variance application tied to this request.

Mr. McDonald informed the Commission that the Board of Adjustment will hold a public hearing and consider the application on July 17th. He added that staff's recommendation to the Board will be to tie the approval of the variance to approval of the planned development, so that if the PD is not granted the variance will be void. It will then come back to the Commission for consideration at the August 12th meeting.

Chairman Frazier asked for clarification that the Commission can attach reasonable conditions as it deems necessary.

Mr. McDonald confirmed this.

Chairman Frazier reiterated that written comments will be accepted until 4 pm on August 6th.

Vice Chairman Thorogood mentioned that elevation of the site was being proposed and asked Mr. McDonald about the no net fill regulation within Bellaire.

Mr. McDonald stated that the no net fill regulation is specific to residential properties, and that commercial properties can fill more, but also have to mitigate for that increase in impervious cover.

Vice Chairman Thorogood asked if it would make a difference if this property was not located within the overlay district.

Mr. McDonald explained that the property is located within the R-5 Zoning District as well as the Bellaire Estate Overlay District, and regardless of the overlay district it would still need to be re-zoned from R-5 to be developed as a commercial use.

Vice Chairman Thorogood asked what the setback requirement within the overlay district is as compared to what is proposed in this project.

Mr. McDonald explained that Mr. Frankel is meeting or exceeding that setback.

Commissioner Skinner mentioned Commissioner Butler's comment regarding the residentially zoned property to the east of 4301 Bellaire Blvd and the height setback requirements and asked Mr. McDonald if he was confident that the verbiage within the code is residential use.

Mr. McDonald reviewed the code and stated that the language says "residential property." He added that this would be considered a utility property, not a residential property, therefore the height-setback plane would not pertain.

Chairman Frazier asked if this application is consistent with the Comprehensive Plan.

Mr. McDonald pointed out that the only issue is that the future land use map calls 4301 Bellaire Boulevard out as a place of worship, therefore, if approved staff would bring forward an amendment to the map to show that change in use. He added that even if someone was wanting to build a single family home or town houses on the property those would not be in compliance with the Comprehensive Plan either.

Mr. Frankel informed the Commission that he has been in the real estate development business for 26 years and this is the hottest real estate market he has ever experienced. He added that if there was any time for this land to be bought as a home or town home development it would be now, but instead it has been sitting on

the market for 18 months. Mr. Frankel assured the Commission that they want to build a commercial development that is compatible with the residents and will be very conscientious about making that happen. Additionally, he stated that this is a very expensive project that will involve high rent prices and very high quality retail services.

Motion: a motion was made by Commissioner Simmons and seconded by Vice Chairman Thorogood to close the public hearing.

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

The public hearing was closed at 8:27 P.M.

(Requested by John McDonald, Community Development)

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

A. Overview of the Planning and Zoning Commission's role in the City of Bellaire's Capital Improvement Program Process, to be given by City Manager, Paul Hofmann.

City Manager, Paul Hofmann, informed the Commission that staff has spent quite a bit of time over the last few months thinking through what the Capital Improvement Plan process should look like, and in doing that came across a provision stating that the Planning and Zoning Commission has a required role to play in that process. He added that the inclusion of this body is wonderful and will enhance the process as well as result in a better product. Mr. Hofmann mentioned that management of the city's capital improvements, which he defined as expensive propositions usually funded through the issuance of debt, is very crucial to the success of a municipality. He pointed out that staff will be working on a few new projects this next fiscal year, subject to City Council approval, and will be talking to Council about them in more detail in the next few weeks. Mr. Hofmann explained that one of those projects will be an update to the City's Comprehensive Plan, specifically taking a look at what it says regarding mobility and traffic patterns. He added that another element of good comprehensive planning is parks and open space planning, and although there is a parks board that has some purview, he feels that there is a relationship between that board and the Planning and Zoning Commission's objectives. Mr. Hofmann mentioned that it is time to update the city's Parks Master Plan and make a connection to the Comprehensive Plan. He informed the Commission that the City Engineer has been tasked with creating an assessment of the water and sewer infrastructure, as well as updating a report that looks at the next steps that need to be taken with regard to street and drainage infrastructure. He added that the City hasn't evaluated closely enough the quality of the distribution and collection system for water and sewer. Mr. Hofmann informed the Commission that the Rebuild Bellaire Program was approved by the voters in 2005, and still has two more years of available funding. He noted that it is also time to be thinking about the successor to Rebuild Bellaire. He stated that over the next few months the city will be putting a lot of emphasis, staff effort, and some consulting effort on updating the Comprehensive Plan and elements of the plan that lead directly into good capital planning. He also mentioned that he hopes to be before the Parks Board next February and then back before the Commission in March of 2015 for the consideration of approving a capital plan for recommendation to the City Council.

Chairman Frazier asked if the Commission would be invited to sit in on staff's budget meetings with City Council.

Mr. Hofmann stated that budget meetings are open sessions, and that the members of the Commission are welcome to attend. He added, however, that 4 or more members in attendance would constitute a quorum and may need to be posted as such.

Vice Chairman Thorogood mentioned that when the Comprehensive Plan was put on the table the purpose was really to focus on the commercial sectors, and look at some of the properties in the commercial areas to figure out why there is such a low tax rate. He then asked Mr. Hofmann if during the planning process the city is taking into consideration that there could be some fairly significant commercial developments as a result of the Comprehensive Plan.

Mr. Hofmann explained that there have been some projections made based on what will happen with property values, but that is driven solely by what may happen from a reappraisal standpoint. He added that the city normally takes a conservative approach to the projections and is not anticipating that uses are going to change and/or properties are going to redevelop.

Commissioner Stiggins asked if the purpose of including the Planning and Zoning Commission was to seek out questions and input or simply to meet the ordinance requirements.

Mr. Hofmann stated that it is absolutely for the Commission's participation. He added that he feels as though the Planning and Zoning Commission has a very appropriate, valid, and important role in capital planning for the City of Bellaire, given the nature of the Commission's charge. Mr. Hofmann explained that the purpose is for the Commission to help plan for the future and to be thinking about how private development and the development of public infrastructure relate to each other.

XI. REPORT OF STAFF, COMMITTEES, AND CORRESPONDENCE

There was no report from staff, committees, or correspondence.

XII. NEW BUSINESS

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

Commissioner Skinner stated that she had received a flyer regarding the Bellaire High School meeting that had been rescheduled, and was glad that the school district was heeding the city's advice and working harder to inform the public of what is going on. She mentioned the requirement to notify property owners within 200 feet of any property upon which a change is requested and asked if that could be amended to increase the distance to 2,000 feet.

Mr. McDonald stated that this regulation is governed by state law, and changing the requirement to 2,000 feet opens the city up to an increased chance of missing properties. He added that a public hearing would need to be called in order to accomplish this.

Commissioner Steinberg asked if the Commission has the authority to change that.

Attorney Petrov explained that the Commission would be amending Chapter 24 of the zoning code to include a greater requirement than what is in the state law. He added that the Commission would be making a recommendation to Council.

Commissioner Skinner pointed out that it doesn't necessarily have to be 2,000 feet and suggested that it could be a specific number tied to each application.

Mr. McDonald noted that it cannot be done on a case by case basis because the applicant has to know the rules up front. He suggested that an item be put on the next agenda allowing the Commission to vote on whether or not they would like to move forward with this amendment.

Commissioner Skinner asked Mr. McDonald to do some research on the requirements of surrounding cities.

Mr. McDonald stated that he has never seen a city that goes beyond 200 feet.

Attorney Petrov was also not aware of any cities whose requirement was greater than 200 feet.

Mr. McDonald informed the Commission that it is the city's job to put out the notice, but it is also the applicant's job to ensure that the affected parties are all well-informed. He pointed out that there needs to be joint participation between the city and the applicant when it comes to notifying the public of proposed changes. Mr. McDonald stated that staff would put it on the next agenda and do some research on the subject as well.

XIII. ADJOURNMENT

Motion: a motion was made by Commissioner Stiggins and seconded by Commissioner Skinner to adjourn the regular meeting.

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

The meeting was adjourned at 9:02 PM.

Planning and Zoning Commission

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



Meeting: 08/12/14 06:00 PM
Department: Community
Development
Category: Amendment
Department Head: John McDonald
DOC ID: 1319

SCHEDULED ACTION ITEM (ID # 1319)

Item Title:

Docket #Z-2014-01-Request for an amendment to the official zoning map to re-zone 4301 Bellaire Boulevard from R-5, Residential District to CMU, Corridor Mixed-Use District, and to remove the property from the Bellaire Boulevard Estate Overlay District, pursuant to Chapter 24, Section 24-603, Application for Amendment to the Written Text or Official Zoning District Map of the City of Bellaire, Texas.

Background/Summary:

At the July 8, 2014, meeting of the Planning and Zoning Commission, a public hearing was held on a request to remove 4301 Bellaire Blvd from the Bellaire Blvd Estate Overlay District and rezone the property from R-5 to CMU. This was based on an associated request for the creation of a planned development for the site that would only be permissible under CMU zoning.

The possible approval of the planned development was contingent on the granting of a variance by the Board of Adjustment (BOA) as the site did not meet the minimum width requirements for a PD under CMU regulations. The BOA met on August 6, 2014, and held a hearing on such a request. The variance was not granted as the motion for its approval failed to garner a second.

Recommendation:

With the proposed PD no longer an option for this site, the Director of Community Development sees no positive outcome at this time to general rezoning of this property to CMU and recommends against the request.

ATTACHMENTS:

- Application-Re-zoning (DOCX)
- Application-Re-zoning (Address & Legal Description) (DOCX)
- Application-Re-zoning-Owner Ltr (PDF)
- Application-Re-zoning (Present Zoning Classification) (DOCX)
- Applications-Re-zoning (Proposed Dev) (DOCX)
- 4301 Bellaire Boulevard-Zoning Amendment Application Package (PDF)



May 28, 2014

Mr. John McDonald
 Director of Community Development
 City of Bellaire
 7008 South Rice Avenue
 Bellaire, TX 77401-4495

RE: 4301 BELLAIRE BOULEVARD - REZONING APPLICATION

Dear Mr. McDonald:

Enclosed please find Sloan Properties, LLC's Application for amending Bellaire's Zoning District Map pertaining to the property referenced above. Sloan Properties, LLC ("the Applicant") is privately owned and operated by Dr. Mark Brinker, a local real estate investor and developer. The company's offices are located at 2101 Pine Valley Drive; Houston, TX 77019. The Applicant is seeking the consideration and approval of Bellaire's Planning and Zoning Commission and City Council to change the current zoning of the property located at 4301 Bellaire Boulevard (the "Property") from its current R-5 zoning classification to CMU zoning classification. In conjunction with our architectural firm, Johnson Design Group, and development consultant, Frankel Development Group, the Applicant is requesting that this application be considered at the upcoming Planning and Zoning Commission meeting scheduled for July 8, 2014.

The Property is located on the edge of the Bellaire's City Limits along Bellaire Boulevard, one of Bellaire's main traffic thoroughfares and "high profile roadway corridors" used by residents and visitors traveling through the City of Bellaire. It's essentially positioned at one of Bellaire's front doors or "high profile roadway gateways" into the City. The Property was previously occupied by Westside Christian Church which operated on the site for approximately 24 years. The church disband in 2012 and the Property was gifted to the current owner, Dallas Christian College, who has no use for the property. The Property is currently vacant.

The Property's north property line fronts Bellaire Boulevard - a busy four lane thoroughfare that carries over 20,000 vehicles per day, and the south property line abuts the rear yard of one signal family home and an unimproved lot owned by Centerpoint Energy which face Lone Street. The Property's west property line abuts the Boulevard Green townhome development, and the east property line is immediately adjacent to Centerpoint Energy overhead power lines, an electrical tower, and a very busy railway operated by the Union Pacific Railroad. The configuration of the property is 120' wide by 409' deep, a very narrow and deep lot. The current improvements on the Property comprise of an old church and parking lot that are deteriorating and have become obsolete. All of the above combined with the Property's high land value makes this site

inherently undevelopable. Though the property is zoned residential, the likelihood of the Property ever being redeveloped as a site for single-family home or townhome development is slim-to-none given the Property's close proximity to a major railway, the adjacent overhead power lines and unusually narrow width. Furthermore, the value of the Property is too high and the size of the lot too small making the site cost prohibitive for a either a school or religious entity to purchase it and operate successfully. Given these constraints along with the condition of the existing improvements, the Property's best and only use at present is for a transitional church/place of worship. Unless the property is bought by a private entity for park land, there are only two options that exist for this property. They are (1) status quo, thus allowing the existing improvements on the Property to continue to deteriorate, or (2) to change the zoning classification of this property in order to allow for the redevelopment of this site.

The underlying emphasis of the City of Bellaire's Comprehensive Plan centers around three principles: (1) the importance of maintaining neighborhood integrity throughout its City of Homes, (2) the preservation of a small-town atmosphere amid a vast metropolitan region, and (3) the need to upgrade the quality and aesthetics of development along the City's highest profile roadway corridors and gateways. The Comprehensive Plan also acknowledges two key components directly related to these three principles which are (a) that much of the existing land within Bellaire will likely stay the same over the next several decades, with some potential transition and upgrading of uses via redevelopment activity, and (b) that property valuations in the City of Bellaire, given its central location within the Houston metropolitan area, will make it difficult to maintain an older generation of homes and other buildings. Without the consideration and approval to rezone this site, the Property is likely to remain in its current state of stalemata which goes against the framework set forth in the City's Comprehensive Plan. By contrast, approval to rezone the Property will allow this site to reach its greatest potential ("highest and best use") and make way for a redevelopment that reflects the City's current ideals and standards, help to maintain the integrity of the City, upgrade its appearance along a major roadway corridor, and better serve the needs of its citizens.

The Applicant's plans for redeveloping the Property are comprised of constructing a two-story commercial building that will feature office space over retail space with parking at-grade. The proposed mixed-use development is being designed in accordance to the CMU zoning classification which "provides for residential, non-residential and mixed uses, at higher development intensities than many other areas of the community, to accommodate local shopping, services, employment, and housing options that benefit Bellaire residents and the City's tax base". The CMU classification is also "intended to elevate the quality of site development and redevelopment along and in the vicinity of roadway corridors given their high visibility to Bellaire residents and many others who travel through the community daily". This standard will be reflected in both the project's architecture and the materials used to construct the project.

Chapter 2 of the Comprehensive Plan (Land Use & Community Character), states "that the existing and potential land use on abutting properties just outside Bellaire's City limits should be considered when evaluating zone change requests on fringe properties in Bellaire", such as this one. This proposed new development will follow the trend already established with nearby commercial buildings along this portion of Bellaire Boulevard to the east of the Property, located in the cities of West U and Southside.

In accordance to the Comprehensive Plan under the CMU designation, “where non-residential and mixed-used developments in Corridor Mixed Use areas are adjacent to residential neighborhoods, site and design standards should be triggered to ensure compatibility”. As illustrated in the site plan and building elevations accompanied with this application, appropriate design, buffering and screening measures will be employed in this development to ensure compatibility with properties in the vicinity and the Boulevard Green development.

In Chapter 2 of the Comprehensive Plan under Goals and Actions, Goal 2.1 states that “protection of the residential atmosphere and desirability of Bellaire’s neighborhoods” is a key issue of land use. What’s more, Goal 2.1 under the Guiding Principles emphasizes the importance of any new development to “maximize and enhance property values” nearby. This proposed development will do just that. The two-story building will provide a buffer from the City of Southside and the power lines, in addition to becoming a sound barrier for residents of the Boulevard Green townhome development from the noise produced by the adjacent railway. Also, as previously mentioned the quality of the design and materials used in the proposed development will match the level of residential investment across the community and improve the image and appearance along this major roadway corridor gateway into Bellaire. In turn, the proposed redevelopment should enhance the property values of the neighboring Boulevard Green development and other properties within the vicinity of the Property. The City will also benefit from the ability to collect property tax on this currently exempt parcel of land, and the increased sales tax they will collect from the retailers.

Attached with this application, is our check in the amount of \$1,047.00 for the application fee and the following items:

- Street address and legal description of the property;
- The present zoning classification and existing uses of the property to be reclassified;
- Map illustrating the clear delineation of the area sought to be rezoned;
- The area of the property proposed to be reclassified stated in square feet or acres;
- The applicant’s interest in the property;
- The property owner’s name and address and signed consent to the filing;
- The names and addresses of all owners of property to be notified;

Please let us know of any additional information you need in order to process our application. We very much appreciate your assistance.

Sincerely,



Bruce W. Frankel
Principal – Development Consultant
bfrankel@frankeldev.com
713-417-8020 (cell)

PROPERTY ADDRESS & PROPERTY LEGAL DESCRIPTION

Property address of land:

4301 Bellaire Boulevard; Bellaire, TX 77401

Total area of the property proposed to be reclassified:

49,860 square feet (1.145 acres) Front Boundary: 119.92 feet; Rear Boundary: 123.90; Side Boundaries: 409 feet.

Legal description of land:

A TRACT OF LAND CONTAINING 1.145 ACRES (49,860 SQ. FT.) OF LAND BEING ALL OF LOT 46 AND THE WEST 6.5 FEET OF LOT 47, BLOCK 1 WESTMORELAND FARMS FIRST AMENDED SUBDIVISION AS RECORDED IN VOLUME 3, PAGE 60 HARRIS COUNTY MAP RECORDS, SAID 1.145 ACRES BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS;

BEGINNING AT A FOUND 5/8 INCH IRON ROD WITH "TRI-TECH" CAP BEING THE NORTHEAST CORNER OF BOULEVARD GREEN AS RECORDED IN VOL. 294, PG. 21 H.C.M.R., THE SOUTH RIGHT-OF-WAY LINE OF BELLAIRE BOULEVARD (150' ROW) AND NORTHWEST CORNER OF SAID LOT 47 AND HEREIN DESCRIBED TRACT;

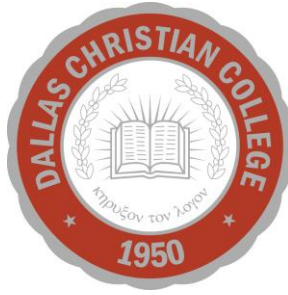
THENCE NORTH 90 DEGREES 00 MINUTES 00 SECONDS EAST ALONG THE SOUTH RIGHT-OF-WAY LINE OF SAID BELLAIRE BOULEVARD AND NORTH LINE OF HEREIN DESCRIBED TRACT A DISTANCE OF 119.92 FEET TO A FOUND 5/8 INCH IRON ROD WITH "TRI-TECH" CAP BEING ON THE SOUTH RIGHT-OF-WAY LINE OF SAID BELLAIRE BOULEVARD, THE NORTHWEST OF A TRACT DESCRIBED TO CENTERPOINT ENERGY AS RECORDED IN VOL. 1757, PG. 174 OF H.C.D.R. AND NORTHEAST CORNER OF HEREIN DESCRIBED TRACT;

THENCE SOUTH 00 DEGREES 13 MINUTES 05 SECONDS WEST ALONG THE WEST LINE OF SAID CENTERPOINT TRACT A DISTANCE OF 409.00 FEET TO A FOUND 5/8 INCH IRON ROD WITH "TRI-TECH" CAP BEING THE SOUTHWEST CORNER OF SAID CENTERPOINT TRACT, THE NORTH LINE OF AN AREA OF QUESTIONABLE TITLE AND SOUTHEAST CORNER OF HEREIN DESCRIBED TRACT;

THENCE SOUTH 90 DEGREES 00 MINUTES 00 SECONDS WEST ALONG THE SOUTH LINE OF HEREIN DESCRIBED TRACT A DISTANCE OF 123.90 FEET TO A FOUND 5/8 INCH IRON ROD WITH "TRI-TECH" CAP BEING THE SOUTHEAST CORNER OF SAID BOULEVARD GREEN SUBDIVISION AND SOUTHWEST CORNER OF HEREIN DESCRIBED TRACT;

THENCE NORTH 00 DEGREES 20 MINUTES 26 SECONDS EAST ALONG THE EAST LINE OF SAID BOULEVARD GREEN SUBDIVISION AND WEST LINE OF HEREIN DESCRIBED TRACT A DISTANCE OF 409.01 FEET TO THE POINT OF BEGINNING AND CONTAINING 1.145 ACRES OF LAND.

Attachment: Application-Rezoning (Address & Legal Description) (1319 : 4301 Bellaire-Re-zone)



May 22, 2014

Mr. John McDonald
 Director of Community Development
 City of Bellaire
 7008 South Rice Avenue
 Bellaire, TX 77401-4495

RE: 4301 BELLAIRE BOULEVARD – REZONING APPLICATION

Dear Mr. McDonald:

I am submitting this letter as confirmation that Dallas Christian College is the current owner on record of the property referenced above, located in the City of Bellaire. This property was previously owned and occupied by Westside Christian Church. The Church dissolved in 2012 and gifted the property to our educational institution. At present, the property is vacant.

Several months ago, Dallas Christian College entered into a contract with Sloan Properties, LLC (Houston, Texas) to purchase the property from our organization. Sloan Properties, LLC is currently seeking to rezone this property from its current residential zoning classification to a commercial zoning classification. This letter shall serve as our consent to the filing of their application to rezone this property as well as obtain any other variances Sloan Properties, LLC deems necessary in order to execute their plans for the property.

For questions regarding this matter, please contact me. Your cooperation and support of Sloan Properties, LLC's application to rezone this property is greatly appreciated.

Thank you,

Dustin Rubeck
 President
 Board-Authorized Representative - 972-849-2870 (Cell)

Cc: Keith Keeran – Board Secretary

Attachment: Application-Re-zoning-Owner Ltr (1319 : 4301 Bellaire-Re-zone)

Present Zoning Classification and Existing Uses of the Property to be reclassified.

The present zoning classification for the subject property located at 4301 Bellaire Boulevard (the "Property") is R-5 Residential District as further defined in Section 24-534 of Bellaire's Municipal Code. The R-5 Zoning Classification allows for medium to upper medium density residential. With the granting of a Special Exception, a school or house of worship (i.e. church, synagogue, etc.) is an acceptable use on this property. The zoning requirements under the R-5 Zoning Classification are further defined below:

Uses:

(1) Permitted Uses:

- a) Single-family homes;
- b) Public Parks;
- c) Utilities:
 - 1) Local utility distribution lines;
 - 2) Telephone lines and related cross connecting points;
- d) Accessory uses subject to requirements in Section 24-510 of the municipal code;
- e) Home occupations, subject to the requirements in Section 24-517 of the municipal code
- f) Facilities owned and maintained by the City; and
- g) Planned Development: Residential

(2) Specific Uses:

- a) Schools; and
- b) Churches

Prior to 2013, the Property was owned by Westside Christian Church, used as a place of worship and religious education. The Church (approximately 5,600sf) still remains on the property. At present, the Church or the property itself is currently not be used for any purpose.

For further detailed information on the R-5 Zoning Classification, please refer to Section 24-534 of Bellaire's Municipal Code referenced on the following pages.

Sec. 24-534. R-5 Residential District.

A. **Purpose.** The R-5 Residential District is a medium to upper medium density residential area characterized by the zoning requirements set forth in this Section.

B. **Uses:**

(1) *Permitted uses:*

- a) Single-family dwellings;
- b) Public parks;
- c) Utilities:
 - 1) Local utility distribution lines;
 - 2) Telephone lines and related cross connecting points;
- d) Accessory uses, subject to the requirements of [Section 24-510](#)
- e) Home occupations, subject to the requirements of [Section 24-517](#)
- f) Facilities owned and maintained by the City; and
- g) Planned Development: Residential.

(2) *Specific uses:*

- a) Schools; and
- b) Churches. (Ord. No. 81-067, § 4, 1981)

C. **Standard regulations:**

(1) *Residential structures:*

a) *Size and area:*

- 1) *Minimum lot area:* 5,000 square feet;
- 2) *Minimum lot width:* 50 feet;
- 3) *Minimum lot depth:* 100 feet;
- 4) *Maximum building height:* 2½ stories not to exceed twenty-five (25) feet to the top plate of the second story and thirty-five (35) feet six (6) inches at any ridge pole. Height measurements shall be from the top of the lowest level of the top of the foundation of the heated or air conditioned building enclosed within the outer walls of the structure. Cooling towers, chimneys, radio and television antennas, and vent stacks may extend to a height not to exceed forty (40) feet above the average level of the base of the foundation of the building. Radio communication antennas for non-commercial service may not exceed sixty (60) feet above the average level of the base of the foundation of the building. (Ord. No. 01-006, § 5(24-534C(1)(a)4), 1-15-2001; as amended by Ord. No. 04-034, § 2(24-534C(1)(a)4), 6-7-2004)

5) *Minimum floor area per dwelling unit:* 1,100 square feet;

6) *Minimum required yards:*

a. *Front yard:* Twenty-five (25) feet;

b. *Side yard:* Eight (8) feet for lots having a width greater than ninety (90) feet and six (6) feet for lots having a width greater than seventy (70) feet and equal to or less than ninety (90) feet and five (5) feet for lots having a width of less than seventy (70) feet, provided that on a corner lot, both street exposures shall be treated as front yards on all lots platted after the date of enactment of this chapter, except that where one street exposure is designated as a side yard by a building line shown on a plat approved by the Planning and Zoning Commission, containing a side yard of ten (10) feet or more, the building line provisions on the plat shall be observed. On lots which were official corner lots of record prior to the date of enactment of this chapter, the minimum side yard adjacent to the side street shall be ten (10) feet.

For any accessory structure, there shall be a side yard of not less than three (3) feet from any interior side lot line when such accessory structure is located in the rear of the lot (which is to the rear of a line connecting the midpoints of the two opposite side lot lines). When any part of an accessory structure is located in front of the line connecting the two midpoints of the two opposite side lot lines, then the same side yard as specified for the main building is required; (Ord. No. 81-006, § 6, 2-23-1981; Ord. No. 89-009, § 1, 3-6-1989; Ord. No. 07-074, § 2(Exh. A), 12-3-2007)

c. *Architectural features:* the outermost point of architectural features (roof eaves, fireplaces and/or chimneys or bay windows, excluding fireplaces which are attached to the ground) projecting from the side building line shall be a minimum of three (3) feet from the side property line. No other projection from the side building line shall be permitted; (Ord. No. 91-012, [§ 20](#), 3-4-1991)

d. *Rear yard:*

1. For the main residential structure, ten (10) feet from the rear property line;
2. For any accessory structure, five (5) feet from the rear property line; and

3. In computing rear yard, all measurements shall be made from the rear property line as shown on the plat properly filed for record in the office of the County Clerk of Harris County, Texas. (Ord. No. 91-012, § 10, 3-4-1991)

7) *Maximum lot coverage*: 55 percent of lot area. (Ord. No. 89-009, § 1, 3-6-1989)

b) *Parking*. Two (2) on-site spaces per dwelling unit, subject to the requirements of Section 24-514

(2) *Nonresidential structures*:

a) *Churches*:

1) *Size and area*:

a. *Minimum lot area*: 5,000 square feet;

b. *Minimum lot width*: 50 feet;

c. *Minimum lot depth*: 100 feet;

d. *Maximum building height*: 2½ stories, except that:

1. Church steeples, domes, spires and bell towers may extend for an additional height, the total not to exceed forty (40) feet above the average level of the base of the foundation of the building; and

2. Cooling towers, roof gables, chimneys, radio and television antennas and vent stacks may extend for an additional height, the total not to exceed forty (40) feet above the average level of the base of the foundation of the building. Radio communications antennas for non-commercial service may not exceed sixty (60) feet above the average level of the base of the foundation of the building.

e. *Minimum floor area*: 1,100 square feet;

f. *Minimum required yards*:

1. *Front yard*: Twenty-five (25) feet;

2. *Side yard*: Eight (8) feet for lots having a width greater than ninety (90) feet and six (6) feet for lots having a width greater than seventy (70) feet and equal to or less than ninety (90) feet and five (5) feet for lots having a width less than seventy (70) feet, provided that on a corner lot, both street exposures shall be treated as front yards on all lots platted after the date of enactment of this chapter, except that where one street exposure is designated as a side yard

by the building line shown on a plat approved by the Planning and Zoning Commission, containing a side yard of ten (10) feet or more, the building line provisions on the plat shall be observed. On lots which were official corner lots of record prior to the date of enactment of this chapter, the minimum side yard adjacent to the side street shall be ten (10) feet. (Ord. No. 07-074, § 2(Exh. A), 12-3-2007)

3. *Rear yard:*

aa. For the main structure, ten (10) feet from any alley or easement, with not more than 50 percent lot coverage on the back half of the lot; and

bb. For any accessory structure, three (3) feet from any alley or easement or five (5) feet where there is no alley or easement.

g. *Maximum lot coverage:* 50 percent of lot area.

2) *Parking.* One (1) on-site space for every three (3) individual seats provided in the main sanctuary. Whenever pews are provided in lieu of individual seats, 24 inches shall be the equivalent of one (1) seat.

b) *Schools:*

1) *Size and area:*

a. *Minimum lot area:* 5,000 square feet;

b. *Minimum lot width:* 50 feet;

c. *Minimum lot depth:* 100 feet;

d. *Maximum building height:* 2½ stories, except that cooling towers, roof gables, chimneys, radio and television antennas and vent stacks may extend for an additional height, the total not to exceed forty (40) feet above the average level of the base of the foundation of the building. Radio communications antennas for non-commercial service may not exceed sixty (60) feet above the average level of the base of the foundation of the building;

e. *Minimum floor area:* 1,100 square feet;

f. *Minimum required yards:*

1. *Front yard:* Twenty-five (25) feet;

2. *Side yard:* Eight (8) feet for lots having a width greater than ninety (90) feet and six (6) feet for lots having a width greater than seventy (70) feet and equal to or less than ninety (90) feet and five

(5) feet for lots having a width less than seventy (70) feet, provided that on a corner lot, both street exposures shall be treated as front yards on all lots platted after the date of enactment of this chapter, except that where one street exposure is designated as a side yard by a building line shown on a plat approved by the Planning and Zoning Commission, containing a side yard of ten (10) feet or more, the building line provisions on the plat shall be observed. On lots which were official corner lots of record prior to the date of enactment of this chapter, the minimum side yard adjacent to the side street shall be ten (10) feet. (Ord. No. 07-074, § 2(Exh. A), 12-3-2007)

3. *Rear yard:*

- aa. For the main structure, ten (10) feet from any alley or easement, with not more than 50 percent lot coverage on the back half of the lot;
- bb. For any accessory structure, three (3) feet from any alley or easement or five (5) feet where there is no alley or easement.

g. *Maximum lot coverage:* 50 percent of lot area.

- 2) *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.

D. **Planned Development:** *Residential.* Planned developments may be approved in this District under the amendatory procedures of this chapter, subject to the following restrictions and limitations.

(1) *Size and area:*

- a) *Project area:* A planned development in an R-5 Residential District shall have a minimum site of two (2) acres except in the event that a site of less than two (2) acres is bounded on two or more sides by town homes. In the latter instance the minimum size and area shall be that which is designated on the approved plat of the planned development. In either event the project area shall have a minimum average equivalent lot size of 5,000 square feet; (Ord. No. 82-020, [§ 20](#), 3-29-1982)
- b) *Maximum building height:* 2½ stories, except that cooling towers, roof gables, chimneys, radio and television antennas and vent stacks may extend for an additional height, the total not to exceed forty (40) feet above the average level of the base of the foundation of the building. Radio communications antennas for non-commercial service may not exceed sixty (60) feet above the average level of the base of the foundation of the building;
- c) *Minimum floor area per dwelling unit:* 1,550 square feet;

d) *Building lines:*

1) The front building line shall be set back a minimum of ten (10) feet from any new street right-of-way dedicated as part of the planned development district, except that in no case shall required parking obstruct pedestrian flow on the required sidewalk;

The front building line facing an existing public street shall be set back from the public street right-of-way a minimum distance, which shall be determined by computing the average distance between the outermost surface of the existing main buildings on the two (2) abutting lots and the edge of the public street right-of-way.

In the event that the front building line faces a court, as that term is defined herein, there shall be a minimum separation between front building lines of forty (40) feet with at least ten (10) feet of yard space from the front of the building to the property line and twenty (20) feet for a public utility easement, for pedestrian access as well as utilities between the property lines;

2) No building line of any structure within the planned development district shall be located any closer than six (6) feet from the side lot line of any residential lot adjacent to the planned development district. In the event that any portion of the planned development site includes a corner lot, no such building line shall be located any closer than ten (10) feet to the right-of-way of the adjacent side street, designated as such on the approved plat of the planned development. Within the interior of the planned development district, zero lot lines are permitted for adjacent residential units; but in the event that the main residential units are separated, a minimum of eight (8) feet must be maintained between units;

3) No building line of any structure within the planned development district shall be located any closer than ten (10) feet to the rear lot line of any adjacent residential lot;

4) No contiguous building lines of structures having zero lot lines shall exceed two hundred (200) linear feet; and

5) In no case shall any building line of any structure within the planned development district be located nearer than ten (10) feet to the street right-of-way of Bellaire Boulevard.

e) Maximum site coverage: 60 percent of site area.

- (2) *Parking and driveways.* Each home within the planned development district shall have a two (2) car garage; driveways shall be of such design as to accommodate

two (2) vehicles totally on site. Within the planned development district, two (2) garages of neighboring dwelling units may share a common wall on a common lot line so long as the required eight (8) foot minimum distance is maintained between separated main residential structures;

- (3) *Screening.* Screening shall be required between the planned development district and abutting property in commercial use, according to the specifications set forth in [Section 24-513](#) of Division 1 of this Article;
- (4) *Landscaping.* In addition to that landscaping which may be an integral part of the screening herein required, landscaping shall also be required for the purpose of providing an acceptable transition between the planned development district and surrounding lower density residential development.

Applicants interest in the Property Proposed Development

The Applicant's redevelopment plans for this 49,860 square foot (1.1 acre) site will be to construct a two-story commercial building. The 19,054 square foot mixed-use building with a net leasable area of 16,753 square feet, will comprise of 8,206 square feet of office space over 8,547 square feet of retail space. The building will be oriented toward the front of the property with parking located in the front and rear of the building. In compliance with the Comprehensive Plan, the first floor of the new building will feature storefront shops and a small restaurant/cafe in a walkable, neighborhood commercial setting in effort to boast small city charm and establish itself as a compatible neighbor. The second story will be leased to one or more office users.

The project will feature federalist style architecture with a brick and precast concrete veneer. The building will feature a clock tower that has been incorporated into the plan to serve as a landmark and preserve the small town charm of Bellaire. In compliance with Comprehensive Plan, the new two-story structure is designed to elevate the aesthetics and appearance of this roadway corridor gateway into City of Bellaire and match the level of residential investment across the community.

The property's existing curb cuts will be utilized and widened and serve as the project's means of ingress/egress. Parking throughout the development will be at-grade. There will be a limited number of parking spaces in the front of the building, with the majority of the parking located in a large parking field toward the rear of the building.

Site coverage will be 88% with 12% remaining as green pervious area for landscaping. The site will be raised up per Harris County Flood Control regulations. Required screening and buffering will be incorporated into the development which will comply with the City's landscaping requirements.

Careful consideration will be given to outdoor lighting which shall be screened or shielded in order to avoid light spilling over directly into the neighboring properties.

Signage will be limited to storefront/building signage and a monument sign as illustrated in the building elevations that accompany this application. All signage shall comply with the City's signage ordinances.

The primary contribution that this redevelopment will make to the City of Bellaire is perhaps best stated in Chapter 5 of the Comprehensive Plan under the Guiding Principles, Goal 5.3, which is to "attract retail establishments, restaurants, and services desired by Bellaire residents that are intended to serve local needs". Additionally, and as previously stated, this redevelopment will elevate the aesthetics and appearance of this roadway corridor gateway into City of Bellaire and match the level of residential investment across the community.

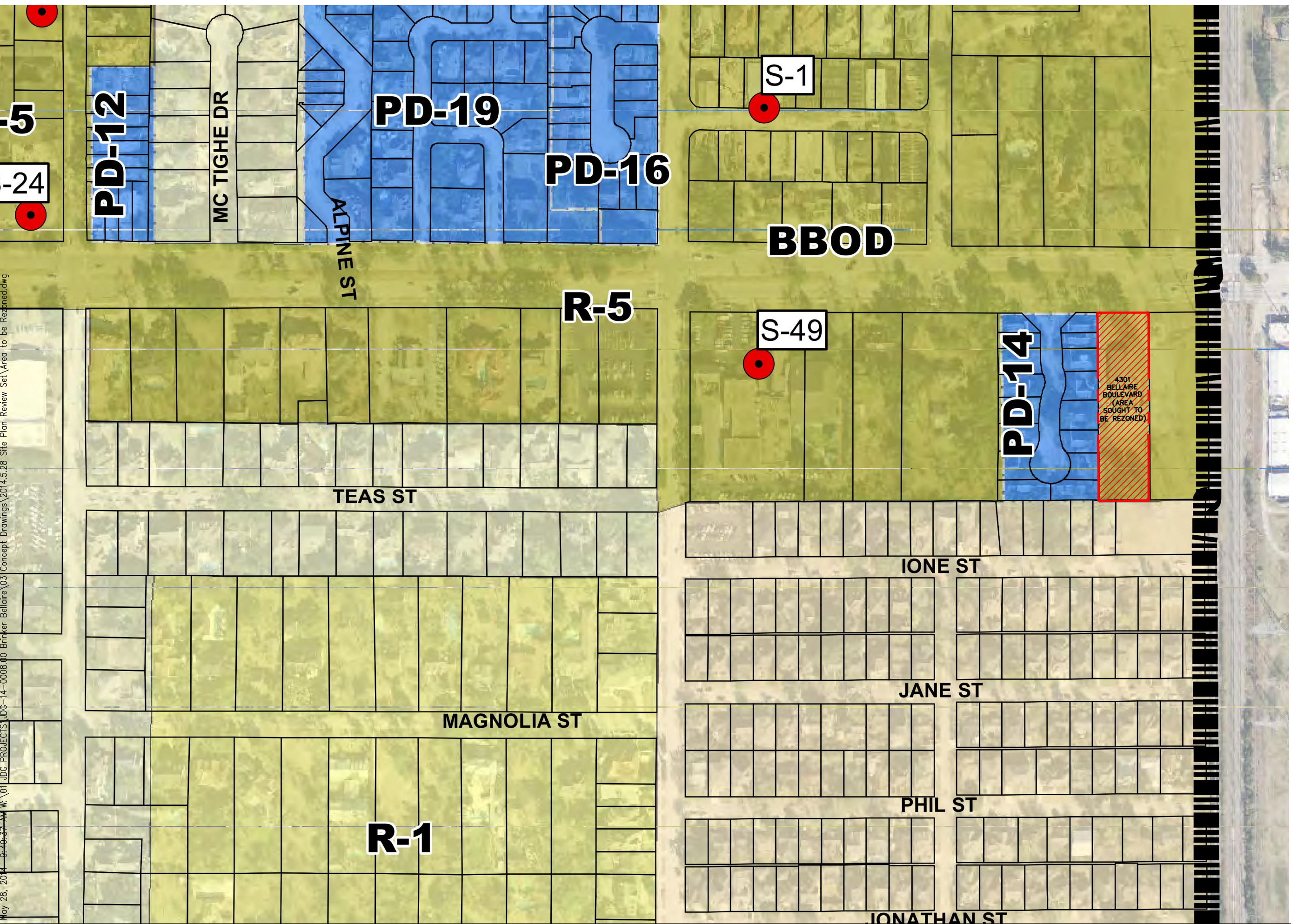
4301 Bellaire B o u l e v a r d

Application for Amendment to Official Zoning District Map

Sloan Properties, LLC

Property Owner:	Mr. Dusty Rubek - President Dallas Christian College 2700 Christian Parkway Dallas, Texas 75234 (972) 849-2870 drubeck@cdfonline.org	Development Consultant:	Mr. Bruce W. Frankel Frankel Development Group, Inc. 5311 Kirby Drive, Suite 104 Houston, Texas 77005 (713) 661-0440 bfrankel@frankeldev.com	Landscape Architect:	Mr. Dwight Rozier Rozier Design Studio, LLC 11 Blue Wildflower Place Magnolia, Texas 77354 (713) 906-5208 rozierdesign@aol.com
	CC: Keith Keeran - Board Secretary (972) 241-3371 kkeeran@dallas.edu				
Applicant:	Dr. Mark Brinker Sloan Properties, LLC 2101 Pine Valley Drive Houston, Texas 77019 (281) 705-6009 mark@mbrinker.com	Architect:	Mr. H. Warren Johnson Johnson Design Group 3221 West Alabama Houston, Texas 77098 (281) 414-2374 wjohnson@johnsondesigngroup-llc.com	Surveyor:	Mr. Barry Hunsworth Century Engineering 3030 South Gessner, Suite 100 Houston, Texas 77063 (713) 780-8871 bhunsworth@centuryengineering.com

Zoning District	
<div></div>	CCD-1 City Center
<div></div>	CCD-2 City Center
<div></div>	L-610 Loop 610
<div></div>	LI Light Industrial
<div></div>	LLDD Larch Lane Development
<div></div>	MRED Mulberry Residential
<div></div>	Planned Development
<div></div>	R-1 Residential
<div></div>	R-3 Residential
<div></div>	R-4 Residential
<div></div>	R-5 Residential
<div></div>	R-M1 Residential-Commercial Mixe
<div></div>	R-M2 Residential-Commercial Mixi
<div></div>	R-M3 Residential-Commercial Mixi
<div></div>	RM-2-0 Residential-Mixed
<div></div>	R-MF Residential-Multifamily
<div></div>	RDD Research Development Distri
<div></div>	TRP Technical Research Park
<div></div>	UVT



May 28, 2014 9:46:37 AM W:\01\JDG PROJECTS\JDG-14-0008\00 Brinker Bellaire\03 Concept Drawings\2014.5.28 Site Plan Review Set\Area to be Rezoned.dwg

Planning and Zoning Commission

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



Meeting: 08/12/14 06:00 PM
Department: Community
Development
Category: Amendment
Department Head: John McDonald
DOC ID: 1320

SCHEDULED ACTION ITEM (ID # 1320)

Item Title:

Docket #PD-2014-02-Request for an amendment the City of Bellaire Code of Ordinances, Chapter 24, Planning & Zoning, Article VI, Amendatory Procedure, to construct a mixed-use commercial planned development consisting of a two story commercial building, to be located at 4301 Bellaire Boulevard, currently in the R-5 Zoning District.

Background/Summary:

At the July 8, 2014, meeting of the Planning and Zoning Commission, a public hearing was held on a request to approve a planned development (commercial) for 4301 Bellaire Blvd which was tied to a request to remove the property from the Bellaire Blvd Estate Overlay District and rezone the property from R-5 to CMU.

The consideration for approval of the planned development was contingent on the granting of a variance by the Board of Adjustment (BOA) as the site did not meet the minimum width requirements for a PD under CMU regulations. The BOA met on August 6, 2014, and held a hearing on such a request. The variance was not granted as the motion for its approval failed to garner a second.

Recommendation:

The proposed planned development does not meet the minimum requirements as set forth within the CMU district and therefore, the Director of Community Development recommends that the Commission deny the request.

ATTACHMENTS:

- Application-Planned Development (DOCX)
- Application-Planned Development (DOCX)
- Application-Planned Development-Owner Ltr (PDF)
- Application-Planned Development-Ownership Ltr (PDF)
- 4301 Bellaire Boulevard (PDF)
- Zoning Letter (2) (PDF)
- Traffic Impact Analysis-4301 Bellaire Blvd (PDF)
- 4301 Bellaire TIA Memo (PDF)
- 4301 Tree Disposition Package (PDF)
- Resident Meeting (PDF)
- 4301 Bellaire Blvd Written Comments (PDF)



May 28, 2014

Mr. John McDonald
 Director of Community Development
 City of Bellaire
 7008 South Rice Avenue
 Bellaire, TX 77401-4495

RE: 4301 BELLAIRE BOULEVARD – PLANNED DEVELOPMENT APPLICATION

Dear Mr. McDonald:

Enclosed please find Sloan Properties, LLC's Application for a Planned Development that will comprise of a two-story commercial building on the property referenced above. Sloan Properties, LLC ("the Applicant") is privately owned and operated by Dr. Mark Brinker, a local real estate investor and developer. The company's offices are located at 2101 Pine Valley Drive; Houston, TX 77019. The applicant is seeking the consideration and approval of Bellaire's Planning and Zoning Commission and City Council for its proposed Planned Development on the subject property. In conjunction with our architectural firm, Johnson Design Group, and development consultant, Frankel Development Group, the applicant is requesting that this application be considered simultaneously with Sloan Properties, LLC's application to rezone this property at the upcoming Planning and Zoning Commission meeting scheduled for July 8, 2014.

The proposed development will comprise of a two-story commercial building featuring office over retail. The 19,054 square foot mixed-use building will be built on a 49,860 square foot (1.1 acre) site which far exceeds the minimum site area of 32,670 square feet required for a Planned Development. While the site's 409 feet of depth far exceeds the required minimum of depth of 100 feet, the site's frontage falls just short of the required minimum width of 150 feet. The width of the site is 120 feet, just 30 feet shy of the required minimum width. *(Note: The Applicant plans to file a variance pertaining to the required minimum width of the site with the Board of Adjustments at their next scheduled meeting on July 17, 2014).* The 19,054 square foot mixed-use building with a net leasable area of 16,753 square feet, will comprise of 8,206 square feet of office space over 8,547 square feet of retail space. The building will be oriented toward the front of the property with parking located in the front and rear of the building. In compliance with the Comprehensive Plan, the first floor of the new building will feature storefront shops and a small restaurant/cafe in a walkable, neighborhood commercial setting in effort to boast small city charm and establish itself as a compatible neighbor. The second story will be leased to one or more office users.

The project will feature federalist style architecture with a brick and precast concrete veneer. The building will feature a clock tower that has been incorporated into the plan to serve as a landmark and preserve the small town charm of Bellaire.

The height of the building will be forty-four feet which is nine feet below the maximum building height of fifty-three feet for a Planned Development.

The property's existing curb cuts will be utilized and widened and serve as the project's means of ingress/egress. Parking throughout the development will be at-grade. A limited number of head-in, two directional parking will be located in front of the building between the two curb cuts. The majority of the parking will be in a large parking field located in the rear of the property, behind the building. The two directional driveway along the west side of the building will serve as ingress/egress to and from the rear parking lot. The rear parking lot will feature a combination of angled 60 degree and 90 degree parking spaces. A one way "race track" format is being incorporated into the design in order to make it easy for patrons to navigate through parking field and exit the property with ease.

The traffic study will show that the project has little-to-no impact on traffic along Bellaire Boulevard. However, it's recommended that the cut in the median in front of the property be moved further west in order to line up with the site's curb cut located at the west end of the property. The median cut should also be designed to include a dedicated short left turn lane to accommodate stacking and avoid backup along Bellaire Boulevard. Incorporating this change into the overall development will make it easier for west bound traffic on Bellaire Boulevard to turn directly into the project. Once a vehicle enters the property they will be able to either turn left into the parking located in front of the building or drive forward toward the large parking field in the rear of the property. Furthermore, the relocation of the cut in the median will deter westbound travelers from having to drive to the next median cut located beyond both the project and the Boulevard Green Townhome development, and make a U-turn which could back up traffic in the westbound lanes along Bellaire Boulevard. The Applicant is seeking approval of this change to the median as part of the overall Planned Development, and is prepared to incur the costs associated with this change.

Site coverage will be 88% with 12% remaining as green pervious area for landscaping. The site will be raised up per Harris County Flood Control regulations. Storm water detention will be handled below grade in the rear portion of the property. The exact location is to be determined.

Certain trees will be removed due to the location of the new building, parking lot and future green space. Great effort has been taken to minimize tree removal and maintain the tree line along the west property line adjacent to the Boulevard Green Townhome development. Additional screening and buffering will be incorporated into the Landscaping Plan which will comply with the City's landscaping requirements.

Careful consideration will be given to outdoor lighting which shall be screened or shielded in order to avoid light spilling over directly into the neighboring properties.

Signage will be limited to storefront/building signage and a monument sign as illustrated in the enclosed site plan and building elevations. All signage shall comply with the City's signage ordinances.

Enclosed with this application, is our check in the amount of \$1,347.00 for the application fee and the following required items:

- Street address and legal description of the property;
- Statement of ownership accompanied by a certificate from a title insurance company;
- Vicinity Map and Zoning Map
- Site plan with information in accordance with Section 24-524
- Site Survey
- Harris County Flood Map
- Building Floor Plans (Ground & Second Floor)
- Focal points and site amenities;
- Building Elevations
- Landscaping plan
- Tree disposition plan
- Traffic Impact Analysis
- Civil Engineer Reports

Please let us know of any additional information you need in order to process our application. We very much appreciate your assistance.

Sincerely,



Bruce W. Frankel
Principal – Development Consultant
bfrankel@frankeldev.com
(713) 417-8020 (Cell)

PROPERTY ADDRESS & PROPERTY LEGAL DESCRIPTION

Property address of land:

4301 Bellaire Boulevard; Bellaire, TX 77401

Legal description of land:

A TRACT OF LAND CONTAINING 1.145 ACRES (49,860 SQ. FT.) OF LAND BEING ALL OF LOT 46 AND THE WEST 6.5 FEET OF LOT 47, BLOCK 1 WESTMORELAND FARMS FIRST AMENDED SUBDIVISION AS RECORDED IN VOLUME 3, PAGE 60 HARRIS COUNTY MAP RECORDS, SAID 1.145 ACRES BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS;

BEGINNING AT A FOUND 5/8 INCH IRON ROD WITH "TRI-TECH" CAP BEING THE NORTHEAST CORNER OF BOULEVARD GREEN AS RECORDED IN VOL. 294, PG. 21 H.C.M.R., THE SOUTH RIGHT-OF-WAY LINE OF BELLAIRE BOULEVARD (150' ROW) AND NORTHWEST CORNER OF SAID LOT 47 AND HEREIN DESCRIBED TRACT;

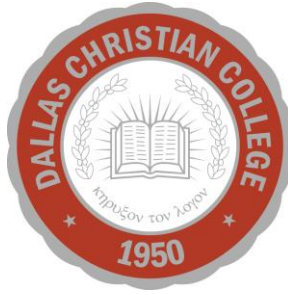
THENCE NORTH 90 DEGREES 00 MINUTES 00 SECONDS EAST ALONG THE SOUTH RIGHT-OF-WAY LINE OF SAID BELLAIRE BOULEVARD AND NORTH LINE OF HEREIN DESCRIBED TRACT A DISTANCE OF 119.92 FEET TO A FOUND 5/8 INCH IRON ROD WITH "TRI-TECH" CAP BEING ON THE SOUTH RIGHT-OF-WAY LINE OF SAID BELLAIRE BOULEVARD, THE NORTHWEST OF A TRACT DESCRIBED TO CENTERPOINT ENERGY AS RECORDED IN VOL. 1757, PG. 174 OF H.C.D.R. AND NORTHEAST CONER OF HEREIN DESCRIBED TRACT;

THENCE SOUTH 00 DEGREES 13 MINUTES 05 SECONDS WEST ALONG THE WEST LINE OF SAID CENTERPOINT TRACT A DISTANCE OF 409.00 FEET TO A FOUND 5/8 INCH IRON ROD WITH "TRI-TECH" CAP BEING THE SOUTHWEST CORNER OF SAID CENTERPOINT TRACT, THE NORTH LINE OF AN AREA OF QUESTIONABLE TITLE AND SOUTHEAST CORNER OF HEREIN DESCRIBED TRACT;

THENCE SOUTH 90 DEGREES 00 MINUTES 00 SECONDS WEST ALONG THE SOUTH LINE OF HEREIN DESCRIBED TRACT A DISTANCE OF 123.90 FEET TO A FOUND 5/8 INCH IRON ROD WITH "TRI-TECH" CAP BEING THE SOUTHEAST CORNER OF SAID BOULEVARD GREEN SUBDIVISION AND SOUTHWEST CORNER OF HEREIN DESCRIBED TRACT;

THENCE NORTH 00 DEGREES 20 MINUTES 26 SECONDS EAST ALONG THE EAST LINE OF SAID BOULEVARD GREEN SUBDIVISION AND WEST LINE OF HEREIN DESCRIBED TRACT A DISTANCE OF 409.01 FEET TO THE POINT OF BEGINNING AND CONTAINING 1.145 ACRES OF LAND.

Attachment: Application-Planned Development (1320 : 4301 Bellaire Boulevard-PD)



May 22, 2014

Mr. John McDonald
 Director of Community Development
 City of Bellaire
 7008 South Rice Avenue
 Bellaire, TX 77401-4495

RE: 4301 BELLAIRE BOULEVARD – REZONING APPLICATION

Dear Mr. McDonald:

I am submitting this letter as confirmation that Dallas Christian College is the current owner on record of the property referenced above, located in the City of Bellaire. This property was previously owned and occupied by Westside Christian Church. The Church dissolved in 2012 and gifted the property to our educational institution. At present, the property is vacant.

Several months ago, Dallas Christian College entered into a contract with Sloan Properties, LLC (Houston, Texas) to purchase the property from our organization. Sloan Properties, LLC is currently seeking to rezone this property from its current residential zoning classification to a commercial zoning classification. This letter shall serve as our consent to the filing of their application to rezone this property as well as obtain any other variances Sloan Properties, LLC deems necessary in order to execute their plans for the property.

For questions regarding this matter, please contact me. Your cooperation and support of Sloan Properties, LLC's application to rezone this property is greatly appreciated.

Thank you,

Dustin Rubeck
 President
 Board-Authorized Representative - 972-849-2870 (Cell)

Cc: Keith Keeran – Board Secretary

Attachment: Application-Planned Development-Owner Ltr (1320 : 4301 Bellaire Boulevard-PD)

Old Republic National Title Insurance Company

OWNERSHIP LETTER

STATE OF TEXAS:
COUNTY OF HARRIS:

CERTIFICATE NUMBER: 14001240

Gentlemen:

We have made a diligent search of the records of the County of Harris, the State of Texas, as to the following property, to-wit:

See Attached Legal Description

And found title to be apparently good in Dallas Christian College, A Texas Non-Profit Corporation, by virtue of Deed dated December 21, 2014, and filed January 7, 2013 under Harris County Clerk's File No. 20130007944 and Correction Deed dated April 29, 2014, and filed May 6, 2014 under Harris County Clerk's File No. 20140190958, to be the Owners of the herein described tract of land.

PLANT DATE: May 15, 2014

NOTICE: OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY DISCLAIMS ANY WARRANTIES, EXPRESSED OR IMPLIED, CONCERNING THIS INFORMATION. THIS INFORMATION IS SOLELY FOR THE USE OF THE PARTY REQUESTING IT AND NO ONE ELSE. OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY'S LIABILITY FOR ERRORS AND/OR OMISSIONS IN THIS INFORMATION SHALL BE LIMITED TO THE AMOUNT PAID FOR THIS REPORT. BY ACCEPTING THIS FORM, THE PARTY REQUESTING THE INFORMATION AGREES THAT THE DISCLAIMER OF WARRANTIES AND LIABILITY LIMITATION CONTAINED IN THIS PARAGRAPH IS A PART OF ITS CONTRACT WITH OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY AND SHALL COVER ALL ACTIONS WHETHER ARISING HEREUNDER BY STATUTE, IN CONTRACT, OR IN TORT.

EXECUTED this the 22nd day of May, 2014.

OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY

By:

Paige A Dunlap

EXHIBIT "A"

A TRACT OF LAND CONTAINING 1.145 ACRES (49,860 SQ. FT.) OF LAND BEING ALL OF LOT 46 AND THE WEST 6.5 FEET OF LOT 47, BLOCK 1 WESTMORELAND FARMS FIRST AMENDED SUBDIVISION AS RECORDED IN VOLUME 3, PAGE 60 HARRIS COUNTY MAP RECORDS, SAID 1.145 ACRES BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS;

BEGINNING AT A FOUND 5/8 INCH IRON ROD WITH "TRI-TECH" CAP BEING THE NORTHEAST CORNER OF BOULEVARD GREEN AS RECORDED IN VOL. 294, PG. 21 H.C.M.R., THE SOUTH RIGHT-OF-WAY LINE OF BELLAIRE BOULEVARD (150' ROW) AND NORTHWEST CORNER OF SAID LOT 47 AND HEREIN DESCRIBED TRACT;

THENCE NORTH 90 DEGREES 00 MINUTES 00 SECONDS EAST ALONG THE SOUTH RIGHT-OF-WAY LINE OF SAID BELLAIRE BOULEVARD AND NORTH LINE OF HEREIN DESCRIBED TRACT A DISTANCE OF 119.92 FEET TO A FOUND 5/8 INCH IRON ROD WITH "TRI-TECH" CAP BEING ON THE SOUTH RIGHT-OF-WAY LINE OF SAID BELLAIRE BOULEVARD, THE NORTHWEST OF A TRACT DESCRIBED TO CENTERPOINT ENERGY AS RECORDED IN VOL. 1757, PG. 174 OF H.C.D.R. AND NORTHEAST CONER OF HEREIN DESCRIBED TRACT;

THENCE SOUTH 00 DEGREES 13 MINUTES 05 SECONDS WEST ALONG THE WEST LINE OF SAID CENTERPOINT TRACT A DISTANCE OF 409.00 FEET TO A FOUND 5/8 INCH IRON ROD WITH "TRI-TECH" CAP BEING THE SOUTHWEST CORNER OF SAID CENTERPOINT TRACT, THE NORTH LINE OF AN AREA OF QUESTIONABLE TITLE AND SOUTHEAST CORNER OF HEREIN DESCRIBED TRACT;

THENCE SOUTH 90 DEGREES 00 MINUTES 00 SECONDS WEST ALONG THE SOUTH LINE OF HEREIN DESCRIBED TRACT A DISTANCE OF 123.90 FEET TO A FOUND 5/8 INCH IRON ROD WITH "TRI-TECH" CAP BEING THE SOUTHEAST CORNER OF SAID BOULEVARD GREEN SUBDIVISION AND SOUTHWEST CORNER OF HEREIN DESCRIBED TRACT;

THENCE NORTH 00 DEGREES 20 MINUTES 26 SECONDS EAST ALONG THE EAST LINE OF SAID BOULEVARD GREEN SUBDIVISION AND WEST LINE OF HEREIN DESCRIBED TRACT A DISTANCE OF 409.01 FEET TO THE POINT OF BEGINNING AND CONTAINING 1.145 ACRES OF LAND.

Special Warranty Deed

Notice of confidentiality rights: If you are a natural person, you may remove or strike any or all of the following information from any instrument that transfers an interest in real property before it is filed for record in the public records: your Social Security number or your driver's license number.

Date: December 21, 2012

Grantor: Westside Christian Church, a Texas non-profit corporation

Grantor's Mailing Address: Westside Christian Church
4301 Bellaire Blvd.
Bellaire, Texas 77401
Harris County

Grantee: Dallas Christian College, a Texas non-profit corporation

Grantee's Mailing Address: Dallas Christian College
2700 Christian Parkway
Dallas, Texas 75234-7299
Dallas County

Consideration: TEN AND NO/100 (\$10.00) DOLLARS and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged.

Property (including any improvements): LT 46 & TR 47 BLK 1 WESTMORELAND FARMS, an addition to the City of Bellaire, Harris County, Texas

Reservations from Conveyance: None

Exceptions to Conveyance and Warranty: Any matter of record affecting the Property

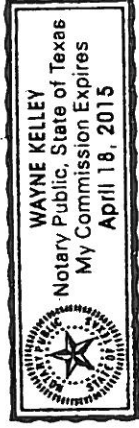
Grantor, for the Consideration and subject to the Reservations from Conveyance and the Exceptions to Conveyance and Warranty, grants, sells, and conveys to Grantee the Property, together with all and singular the rights and appurtenances thereto in any way belonging, to have and to hold it to Grantee and Grantee's heirs, successors, and assigns forever. Grantor binds Grantor and Grantor's heirs and successors to warrant and forever defend all and singular the Property to Grantee and Grantee's heirs, successors, and assigns against every person whomsoever lawfully claiming or to claim the same or any part thereof.

Westside Christian Church, Houston, Texas, 182
a Texas non-profit corporation

By: Janet Purvis
Chairman of the Board

STATE OF TEXAS §
COUNTY OF HARRIS §

This instrument was acknowledged before me on December 21, 2012, by JANET PURVIS,
Chairman of the Board of Westside Christian Church, Houston, Texas, a Texas non-profit
corporation.



Wayne Kelley
Notary Public in and for the State of Texas

ANY PROVISION HEREIN WHICH RESTRICTS THE SALE, RENTAL OR USE OF THE DESCRIBED REAL
PROPERTY BECAUSE OF COLOR OR RACE IS INVALID AND UNENFORCEABLE UNDER FEDERAL LAW.
THE STATE OF TEXAS
COUNTY OF HARRIS

I hereby certify that this instrument was FILED in File Number Sequence on the date and at the time
stamped herein by me, and was duly RECORDED, in the Official Public Records of Real Property of Harris
County, Texas.

JAN -7 2013



Stan Stant
COUNTY CLERK
HARRIS COUNTY, TEXAS

FILED FOR RECORD
8:00 AM

JAN -7 2013

Stan Stant
County Clerk, Harris County, Texas

AFTER RECORDING RETURN TO:

Dallas Christian College
2700 Christian Parkway
Dallas, Texas 75234-7299
ATTN: Dusty Rubeck

Correction Special Warranty Deed

Notice of confidentiality rights: If you are a natural person, you may remove or strike any or all of the following information from any instrument that transfers an interest in real property before it is filed for record in the public records: your Social Security number or your driver's license number.

Date: April 29, 2014 and effective as of December 21, 2012

Grantor: Westside Christian Church, a Texas non-profit corporation

Grantor's Mailing Address: Westside Christian Church
4301 Bellaire Blvd.
Bellaire, Texas 77401
Harris County

Grantee: Dallas Christian College, a Texas non-profit corporation

Grantee's Mailing Address: Dallas Christian College
2700 Christian Parkway
Dallas, Texas 75234-7299
Dallas County

Consideration: TEN AND NO/100 (\$10.00) DOLLARS and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged.

Property (including any improvements): Lot Forty-six (46) and the west 6-1/2 feet of Lot Forty-seven (47), in Block One (1) of WESTMORELAND FARMS AMENDED FIRST SUBDIVISION, a subdivision in Harris County, Texas, according to the map or plat thereof, recorded in Volume 3, Page 60 of the Map Records of Harris County, Texas (the "Property").

Reservations from Conveyance: None

Exceptions to Conveyance and Warranty: Any matter of record affecting the Property

Grantor, for the Consideration and subject to the Reservations from Conveyance and the Exceptions to Conveyance and Warranty, grants, sells, and conveys to Grantee the Property, together with all and singular the rights and appurtenances thereto in any way belonging, to have and to hold it to Grantee and Grantee's heirs, successors, and assigns forever. Grantor binds Grantor and Grantor's heirs and successors to warrant and forever defend all and singular the Property to Grantee and Grantee's heirs, successors, and assigns against every person whomsoever lawfully claiming or to claim the same or any part thereof.

This Correction Deed is made in place and to correct that certain Special Warranty Deed from Grantor to Grantee, dated the 21 day of December 2012, and recorded under Document No. 20130007944, in the Real Property Records of Harris County, Texas. Such Special Warranty

Deed incorrectly contained the following language in its legal description:

“LT 46 & TR 47 BLK 1 WESTMORELAND FARMS, an addition to the City of Bellaire, Harris County, Texas”

which has been changed and corrected to read as follows:

“Lot Forty-six (46) and the west 6-1/2 feet of Lot Forty-seven (47), in Block One (1) of WESTMORELAND FARMS AMENDED FIRST SUBDIVISION, a subdivision in Harris County, Texas, according to the map or plat thereof, recorded in Volume 3, Page 60 of the Map Records of Harris County, Texas.”

This instrument confirms in all other respects such former Special Warranty Deed. This instrument is executed in accordance with Section 11.356 of the Texas Business Organizations Code.

Westside Christian Church, Houston, Texas
a Texas non-profit corporation

By: Harold R. Eye
Name: Harold R. Eye
Title: Secretary of the Board of Officers

STATE OF TEXAS §
 §
COUNTY OF HARRIS §

This document was acknowledged before me on the 29th day of April, 2014 by Harold R. Eye, Secretary of the board of Officers, of Westside Christian Church, Houston, Texas, a Texas non-profit corporation on behalf of said non-profit corporation.

Peggy J. Pierce
Notary Public in and for the State of Texas



Accepted:

Dallas Christian College,
a Texas non-profit corporation

By: [Signature]

Name: Dustin D. Rubeck

Title: President

RECORDER'S MEMORANDUM:
At the time of recording, this instrument was found to be inadequate for the best photographic reproduction because of illegibility, carbon or photo copy, discolored paper, etc. All blockouts, additions and changes were present at the time the instrument was filed and recorded.

STATE OF TEXAS §
 §
COUNTY OF HARRIS §

This document was acknowledged before me on the 1st day of May, 2014 by Dustin D. Rubeck, President of Dallas Christian College, a Texas non-profit corporation, on behalf of said non-profit corporation.



[Signature]
Notary Public in and for the State of Texas

AFTER RECORDING RETURN TO:

Dallas Christian College
2700 Christian Parkway
Dallas, Texas 75234-7299
Attn: Dusty Rubeck

RETURN TO:
Old Republic Title
777 Post Oak Blvd., #125
Houston, TX 77056
ATTN: Paige Dunlap OFP 14001240

HP 091-42-0117

FILED

2014 MAY -6 PM 1:34

Stan Stanart
COUNTY CLERK
HARRIS COUNTY, TEXAS

ANY PROVISION HEREIN WHICH RESTRICTS THE SALE, RENTAL, OR USE OF THE DESCRIBED REAL
PROPERTY BECAUSE OF COLOR OR RACE IS INVALID AND UNENFORCEABLE UNDER FEDERAL LAW
THE STATE OF TEXAS
COUNTY OF HARRIS

I hereby certify that this instrument was FILED in File Number Sixteen on the date and at the time
designated herein by me, and was duly RECORDED, in the Official Public Records of Real Property of Harris
County, Texas

MAY - 6 2014



Stan Stanart
COUNTY CLERK
HARRIS COUNTY, TEXAS

4301 Bellaire B o u l e v a r d

Planned Development Application

Sloan Properties, LLC

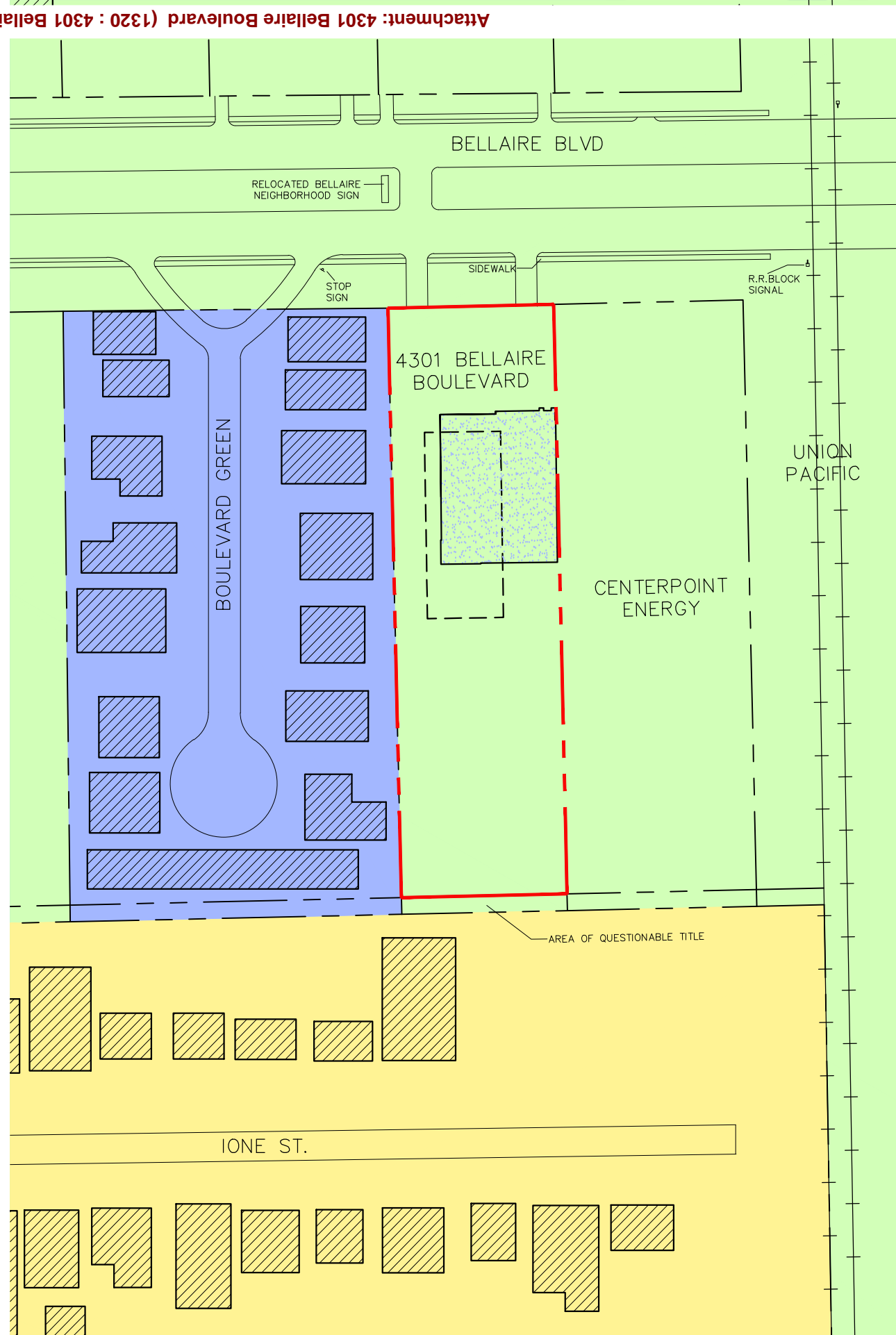
Property Owner:	Mr. Dusty Rubek - President Dallas Christian College 2700 Christian Parkway Dallas, Texas 75234 (972) 849-2870 drubeck@cdfonline.org	Development Consultant:	Mr. Bruce W. Frankel Frankel Development Group, Inc. 5311 Kirby Drive, Suite 104 Houston, Texas 77005 (713) 661-0440 bfrankel@frankeldev.com	Landscape Architect:	Mr. Dwight Rozier Rozier Design Studio, LLC 11 Blue Wildflower Place Magnolia, Texas 77354 (713) 906-5208 rozierdesign@aol.com
	CC: Keith Keeran - Board Secretary (972) 241-3371 kkeeran@dallas.edu				
Applicant:	Dr. Mark Brinker Sloan Properties, LLC 2101 Pine Valley Drive Houston, Texas 77019 (281) 705-6009 mark@mbrinker.com	Architect:	Mr. H. Warren Johnson Johnson Design Group 3221 West Alabama Houston, Texas 77098 (281) 414-2374 wjohnson@johnsondesigngroup-llc.com	Surveyor:	Mr. Barry Hunsworth Century Engineering 3030 South Gessner, Suite 100 Houston, Texas 77063 (713) 780-8871 bhunsworth@centuryengineering.com

Attachment: 4301 Bellaire Boulevard (1320 : 4301 Bellaire Boulevard-PD)



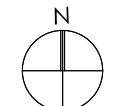
VICINITY MAP

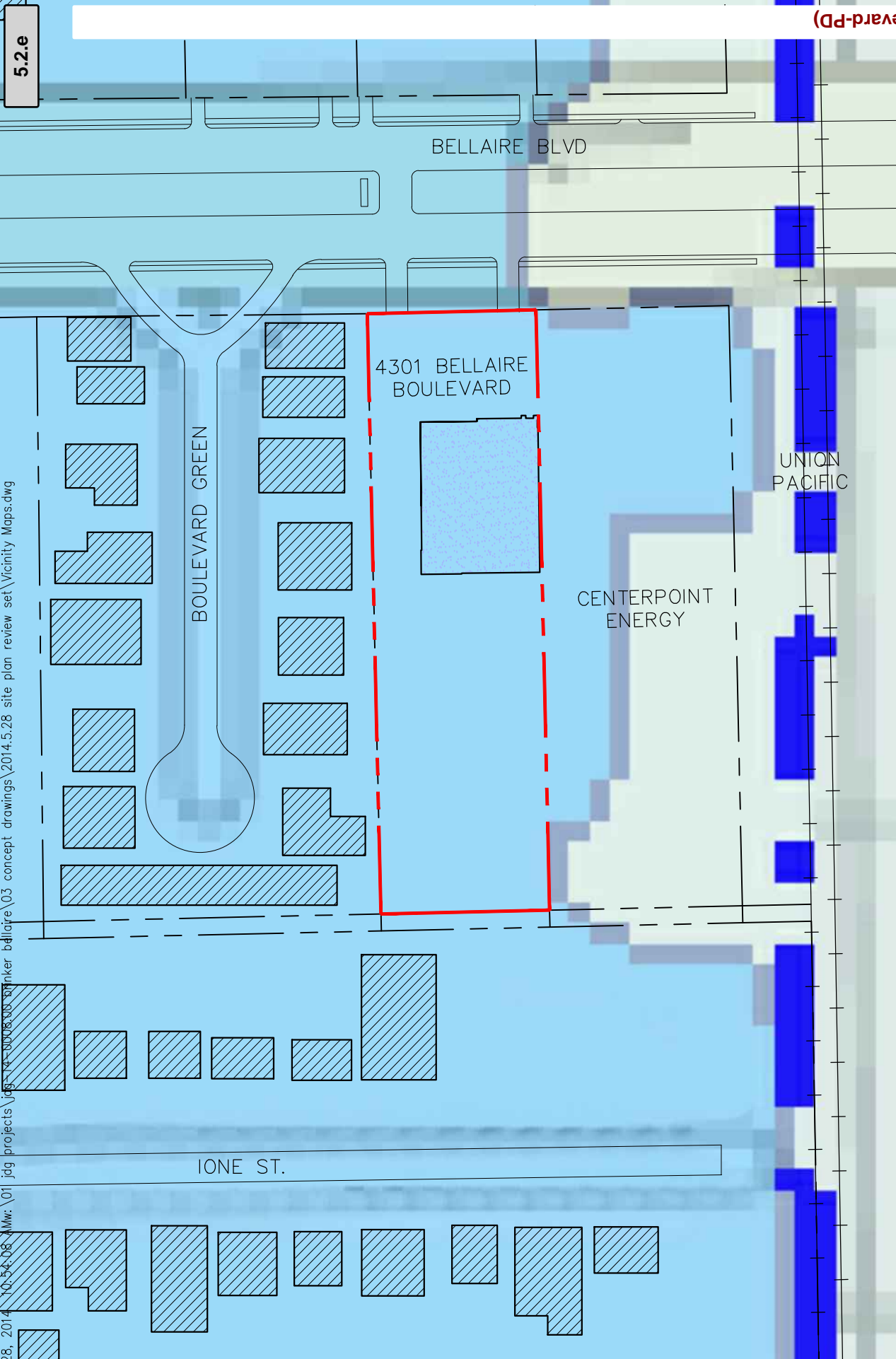
MAPS



ZONING MAP

- EXISTING RESIDENTIAL BUILDING
- R-5 ZONING
- R-4 ZONING
- PD-14 ZONING
- PROPOSED DEVELOPMENT
- EXISTING CHURCH ON SITE

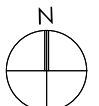




Attachment: 4301 Bellaire Boulevard (1320 : 4301 Bellaire Boulevard-PD)

5.2.e

May 28, 2014 10:54:08 AM W:\01 jdg projects\jdg-14-8006\00 blinker bellaire\03 concept drawings\2014.5.28 site plan review set\Vicinity Maps.dwg



HARRIS COUNTY FLOOD MAP

LEGAL DESCRIPTION:

A TRACT OF LAND CONTAINING 1.145 ACRES (49,860 SQ. FT.) OF LAND BEING ALL OF LOT 46 AND THE WEST 6.5 FEET OF LOT 47, BLOCK 1 WESTMORELAND FARMS FIRST AMENDED SUBDIVISION AS RECORDED IN VOLUME 3, PAGE 60 HARRIS COUNTY MAP RECORDS, SAID 1.145 ACRES BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS;

BEGINNING AT A SET $\frac{3}{8}$ INCH IRON ROD WITH "TRI-TECH" CAP BEING THE NORTHEAST CORNER OF BOULEVARD GREEN AS RECORDED IN VOL. 294, PG. 21 H.C.M.R., THE SOUTH RIGHT-OF-WAY LINE OF BELLAIRE BOULEVARD (150' ROW) AND NORTHWEST CORNER OF SAID LOT 47 AND HEREIN DESCRIBED TRACT;

THENCE NORTH 00 DEGREES 00 MINUTES 00 SECONDS EAST ALONG THE SOUTH RIGHT-OF-WAY LINE OF SAID BELLAIRE BOULEVARD AND NORTH LINE OF HEREIN DESCRIBED TRACT A DISTANCE OF 119.92 FEET TO A SET $\frac{3}{8}$ INCH IRON ROD WITH "TRI-TECH" CAP BEING ON THE SOUTH RIGHT-OF-WAY LINE OF SAID BELLAIRE BOULEVARD, THE NORTHWEST OF A TRACT DESCRIBED TO CENTERPOINT ENERGY AS RECORDED IN VOL. 1757, PG. 174 OF H.C.D.R. AND NORTHEAST CONER OF HEREIN DESCRIBED TRACT;

THENCE SOUTH 00 DEGREES 13 MINUTES 05 SECONDS WEST ALONG THE WEST LINE OF SAID CENTERPOINT TRACT A DISTANCE OF 409.00 FEET TO A SET $\frac{3}{8}$ INCH IRON ROD WITH "TRI-TECH" CAP BEING THE SOUTHWEST CORNER OF SAID CENTERPOINT TRACT, THE NORTH LINE OF AN AREA OF QUESTIONABLE TITLE AND SOUTHEAST CORNER OF HEREIN DESCRIBED TRACT;

THENCE SOUTH 90 DEGREES 00 MINUTES 00 SECONDS WEST ALONG THE SOUTH LINE OF HEREIN DESCRIBED TRACT A DISTANCE OF 123.90 FEET TO A SET $\frac{3}{8}$ INCH IRON ROD WITH "TRI-TECH" CAP BEING THE SOUTHEAST CORNER OF SAID BOULEVARD GREEN SUBDIVISION AND SOUTHWEST CORNER OF HEREIN DESCRIBED TRACT;

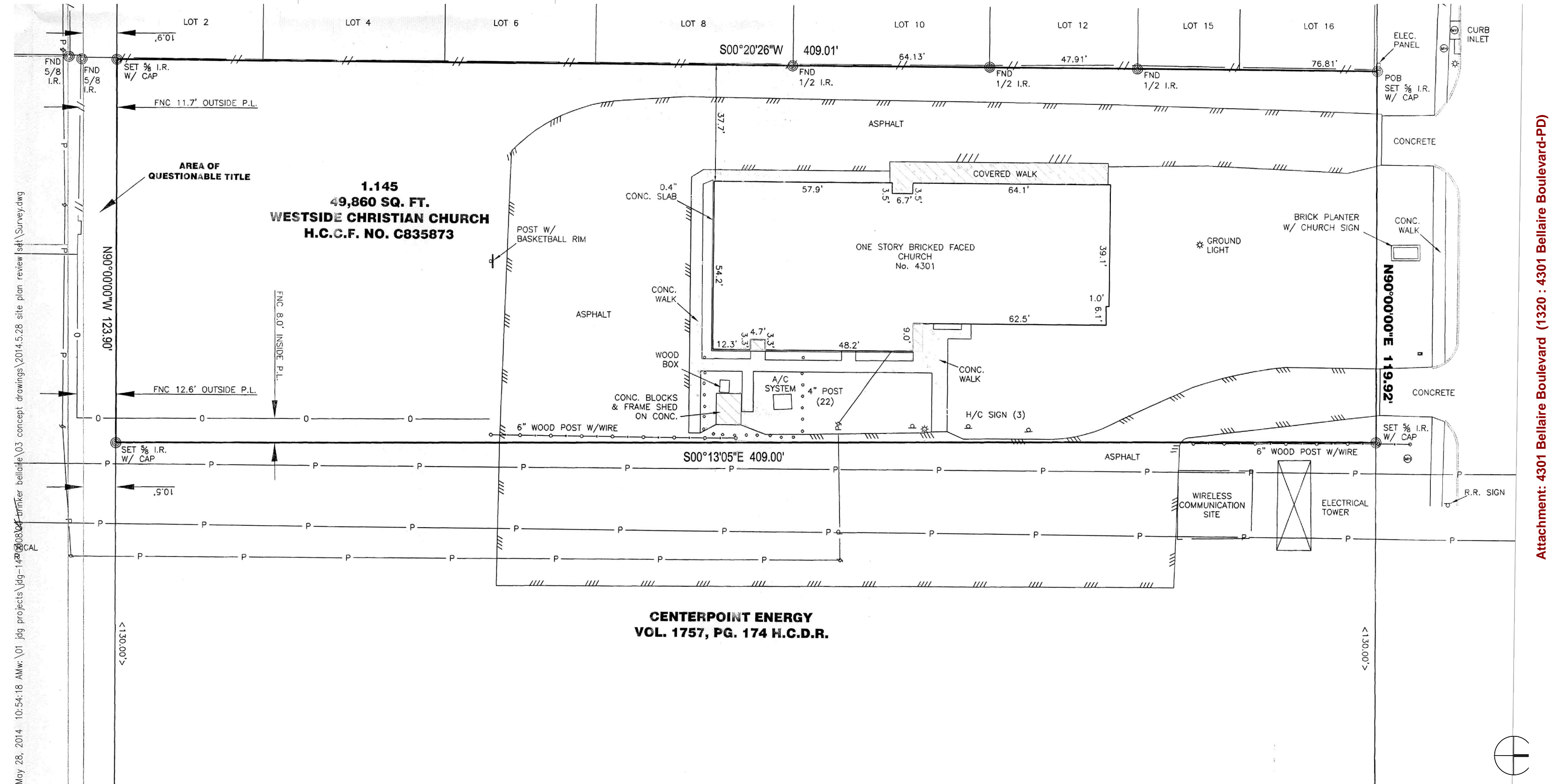
THENCE NORTH 00 DEGREES 20 MINUTES 26 SECONDS EAST ALONG THE EAST LINE OF SAID BOULEVARD GREEN SUBDIVISION AND WEST LINE OF HEREIN DESCRIBED TRACT A DISTANCE OF 409.01 FEET TO THE POINT OF BEGINNING AND CONTAINING 1.145 ACRES OF LAND.

FLOOD INFORMATION

F.I.R.M. NO. 48201C PANEL: 0855L
REVISED DATE 6-18-2007 ZONE "AE"
FLOOD INFORMATION PROVIDED HEREON IS BASED ON SCALING THE LOCATION OF THE SUBJECT TRACT ON THE FLOOD INSURANCE RATE MAPS. THE INFORMATION SHOULD BE USED TO DETERMINE FLOOD INSURANCE RATES ONLY AND IS NOT INTENDED TO IDENTIFY SPECIFIC FLOODING CONDITIONS. WE ARE NOT RESPONSIBLE FOR THE F.I.R.M.'S ACCURACY.

4301 Be 5.2.e

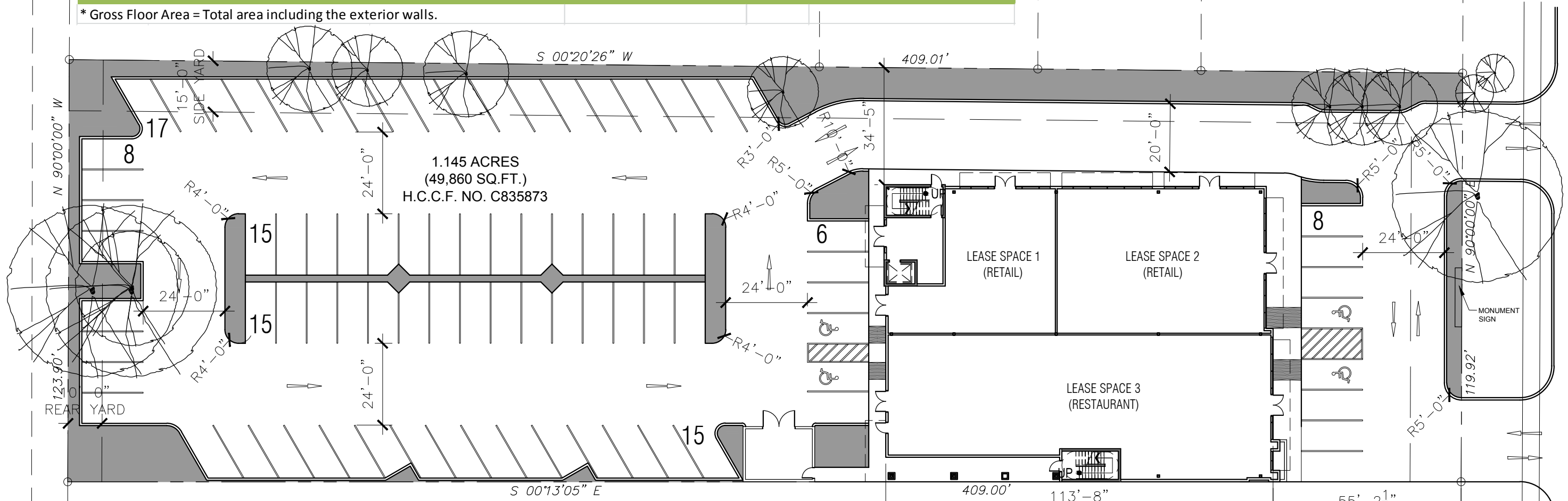
Boulevard



May 28, 2014 10:25:10 AMW:\01 JDG PROJECTS\JDG-14-0008.00 Brinker Bellaire\03 Concept Drawings\2014.5.28 Site Plan Review Set\A-SP.dwg

LOT COVERAGE	TOTAL SITE AREA (SF)	LOT COVERAGE (SF)	%	LANDSCAPE AREA (SF)
LOT COVERAGE ACHIEVED	49860	43945	88%	5915
GROSS FLOOR AREA				*Gross Floor Area
GROUND FLOOR				9263
SECOND FLOOR				9791
TOTAL GROSS FLOOR AREA				19054
F.A.R				38%

* Gross Floor Area = Total area including the exterior walls.

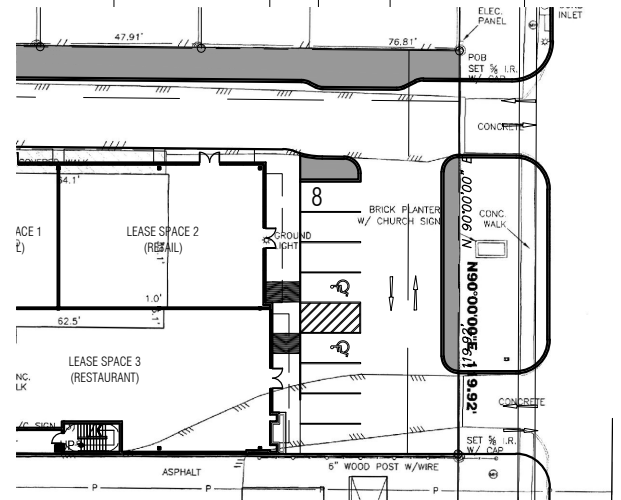


PARKING PROVIDED	SPACES
PARKING SPACES	81.0
ADA ACCESSIBLE SPACES	4 (2 VAN SPACES)
TOTAL PARKING SPACES	85.0

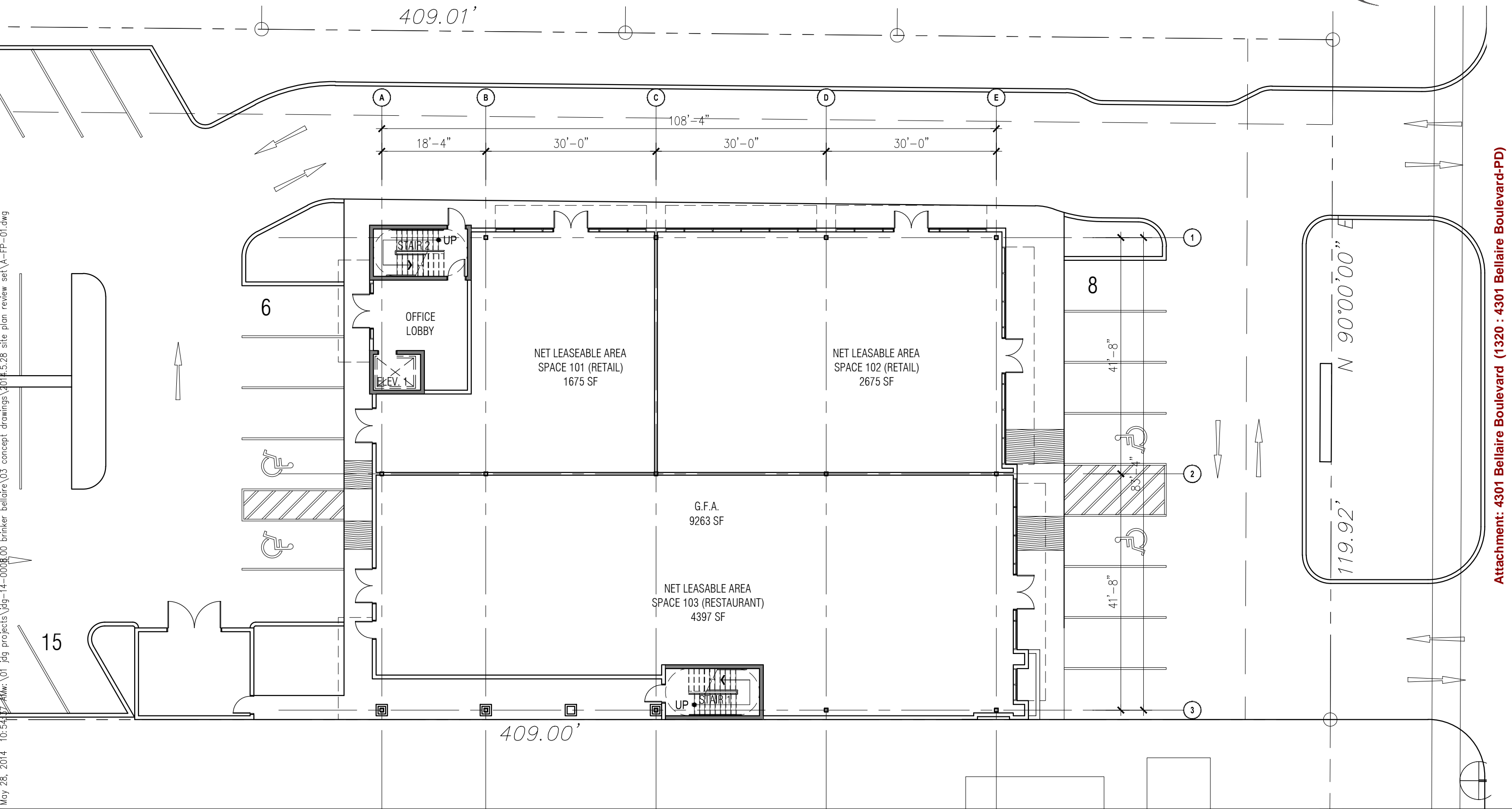
PARKING REQUIRED	Area	Required number of spaces	
Program Type			
Office	8206	3 per 1000 s.f. of GLA	24.62
Restaurant	4297	10 per 1000 s.f. of GLA	42.97
Retail	4250	4 per 1000 s.f. of GLA	17.00
TOTAL PARKING REQUIRED	16753		84.59

* Gross Leasable Area = Gross Floor Area minus Corridors, Stairs, Electric Rooms, Elevators, Lobbies, and Restrooms.

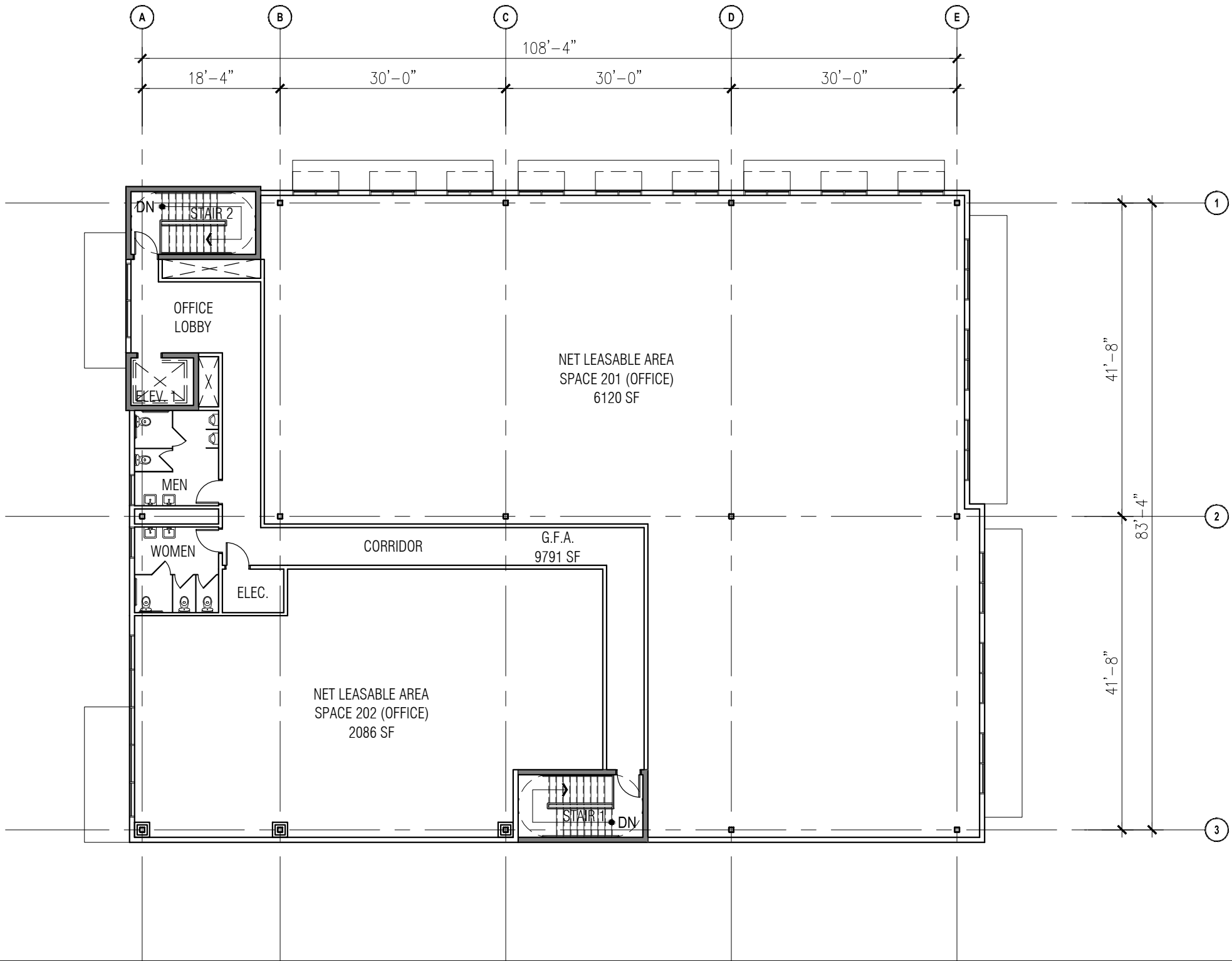
LOADING	BUILDING AREA	LOADING REQUIRED	LOADING SPACES REQUIRED
	19054	1 SPACE FOR 50,000 - 100,000 SF 19054 < 50,000 SF	0



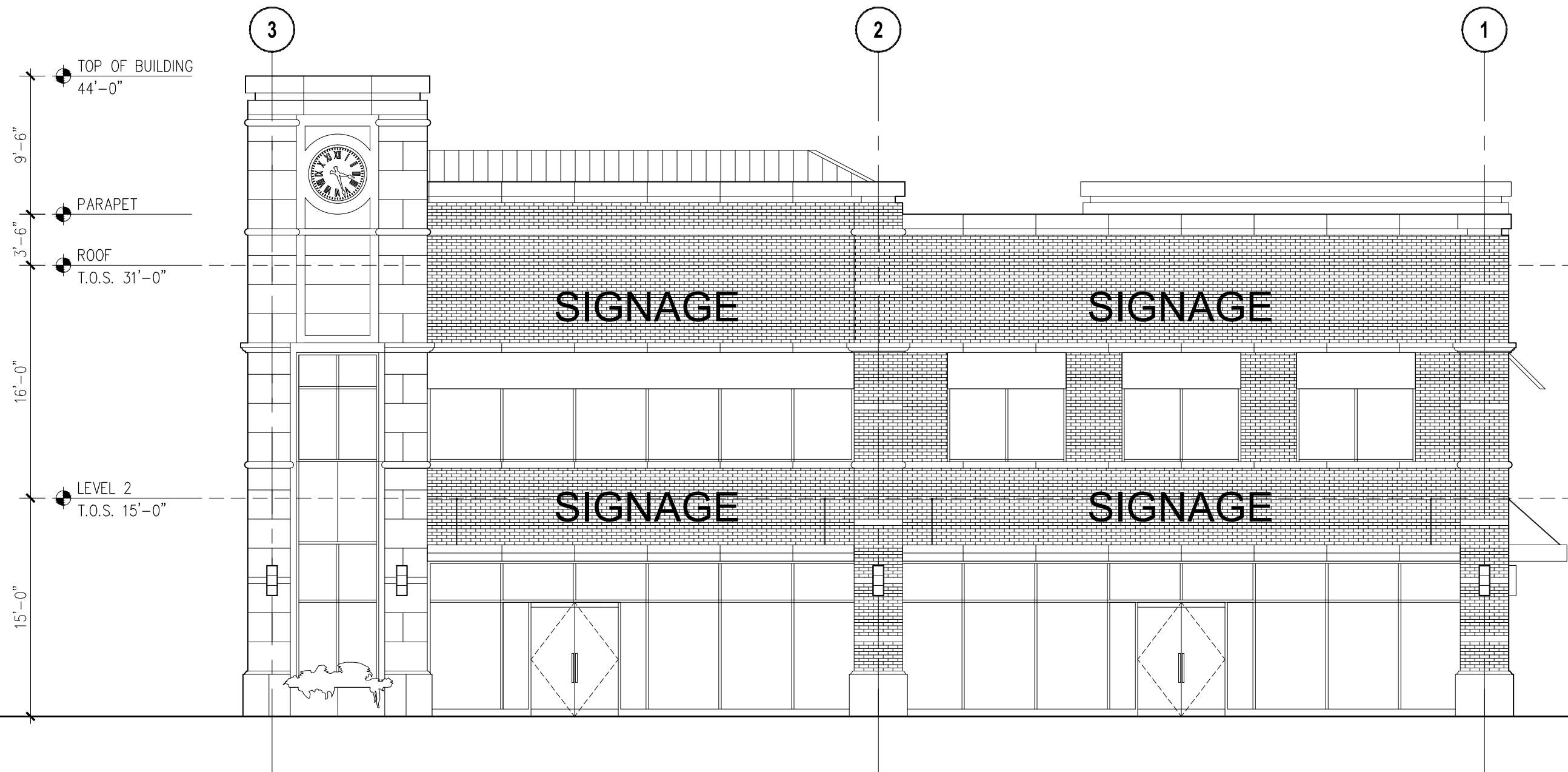
CURB CUTS SCALE: NTS



May 28, 2014 10:54:39 AMw:\01 jdg projects\jdg-14-0008.00 brinker bellaire\03 concept drawings\2014.5.28 site plan review set\A-FP-01.dwg



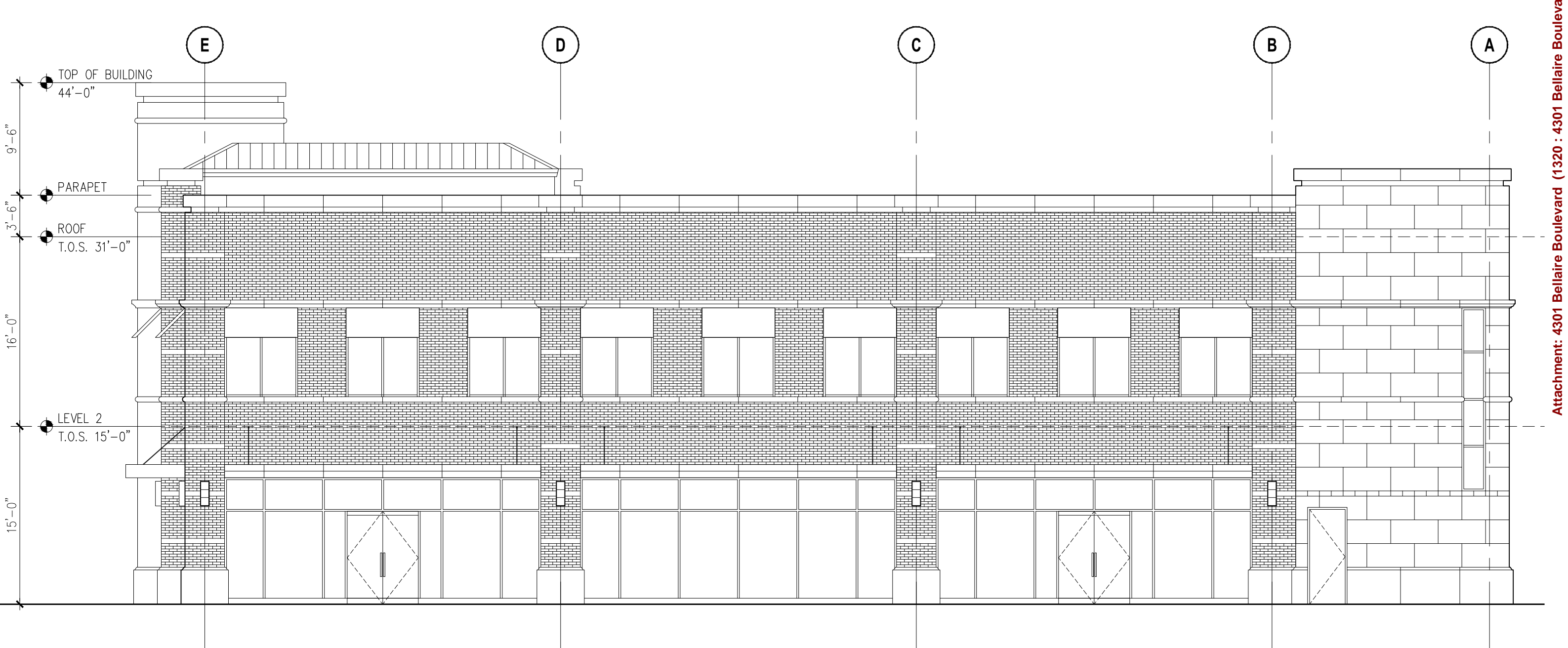
Attachment: 4301 Bellaire Boulevard (1320 : 4301 Bellaire Boulevard-PD)



Attachment: 4301 Bellaire Boulevard (1320 : 4301 Bellaire Boulevard-PD)

May 28, 2014 10:54:47 AMW:\01_jdg_projects\jdg-14-0008.00 brinker bellaire\03 concept drawings\2014.5.28 site plan review set\bidg-elevations.dwg

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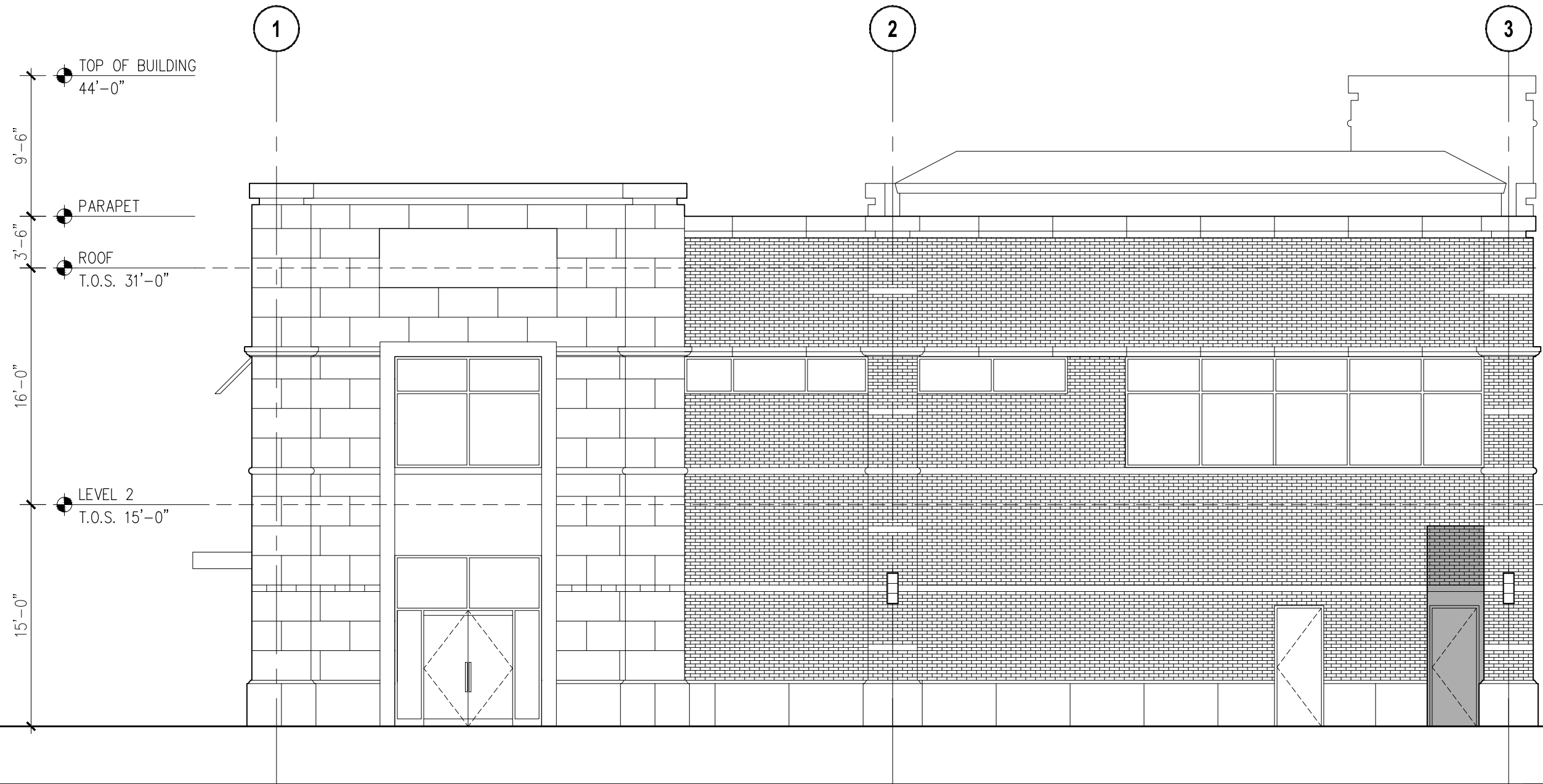


WEST ELEVATION

1/8"=1'-0"

2' 3'

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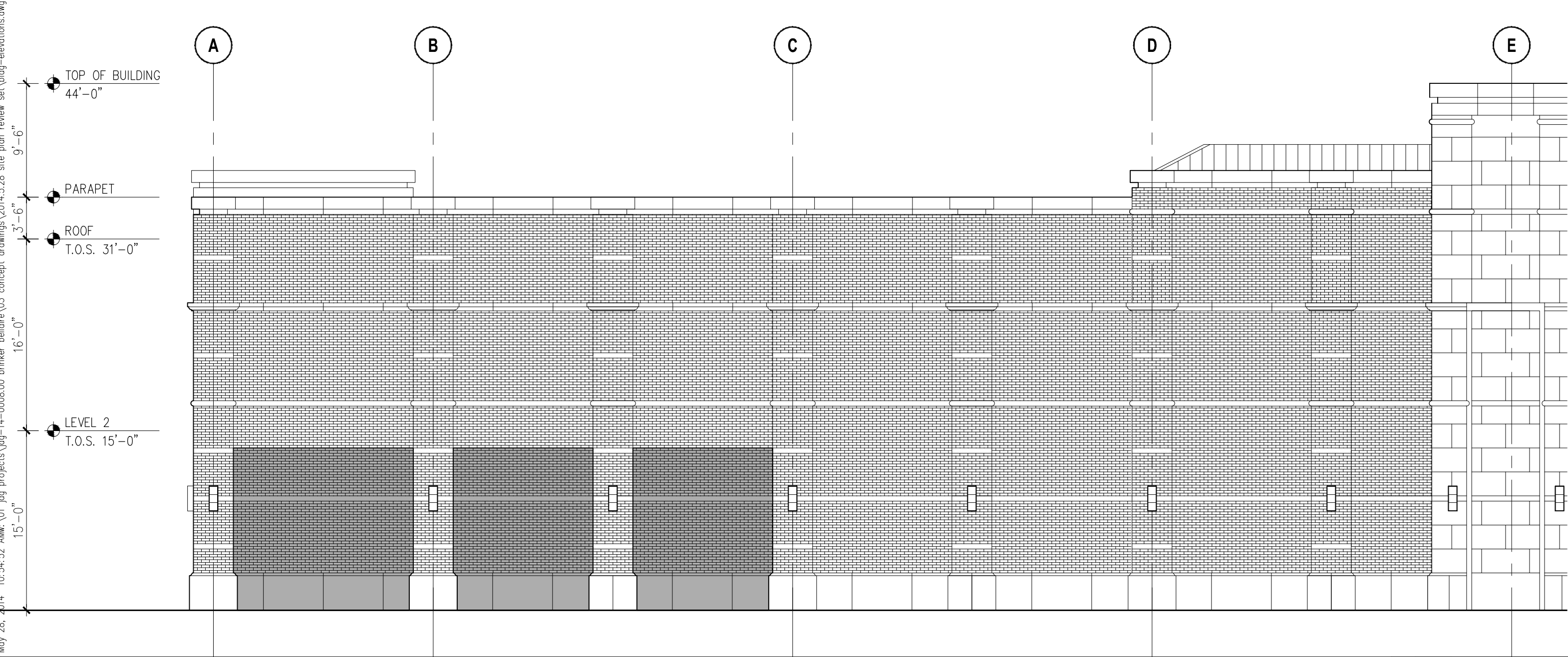


SOUTH ELEVATION

1/8"=1'-0"

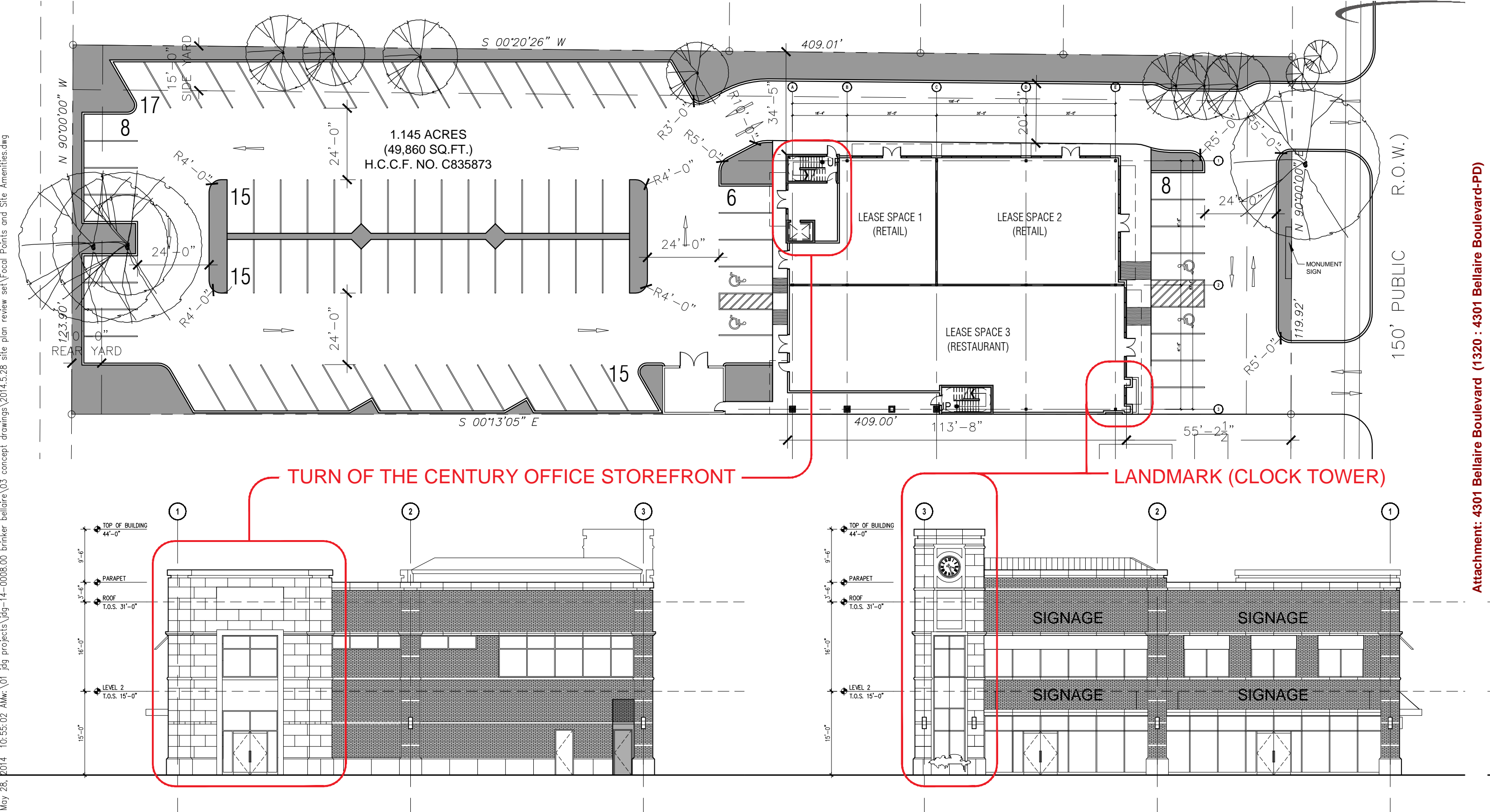
2' 3'

May 28, 2014 10:54:52 AMw:\01_jdg_projects\jdg-14-0008.00 brinker bellaire\03 concept drawings\2014.5.28 site plan review set\bdg-elevations.dwg



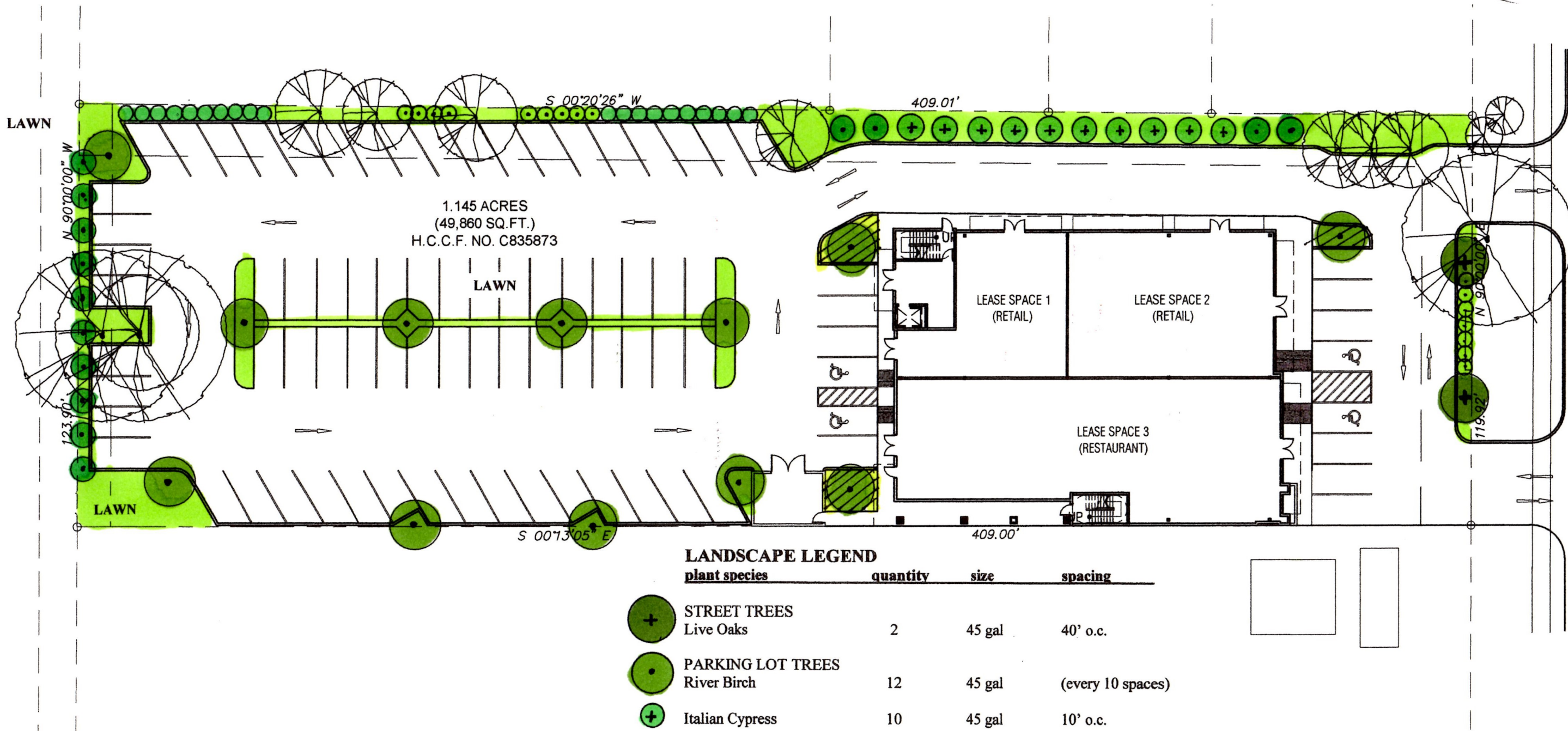
Attachment: 4301 Bellaire Boulevard (1320 : 4301 Bellaire Boulevard-PD)

May 28, 2014 10:55:02 AMw:\01_jdg_projects\jdg-14-0008.00 brinker bellaire\03 concept drawings\2014.5.28 site plan review set\Focal Points and Site Amenities.dwg










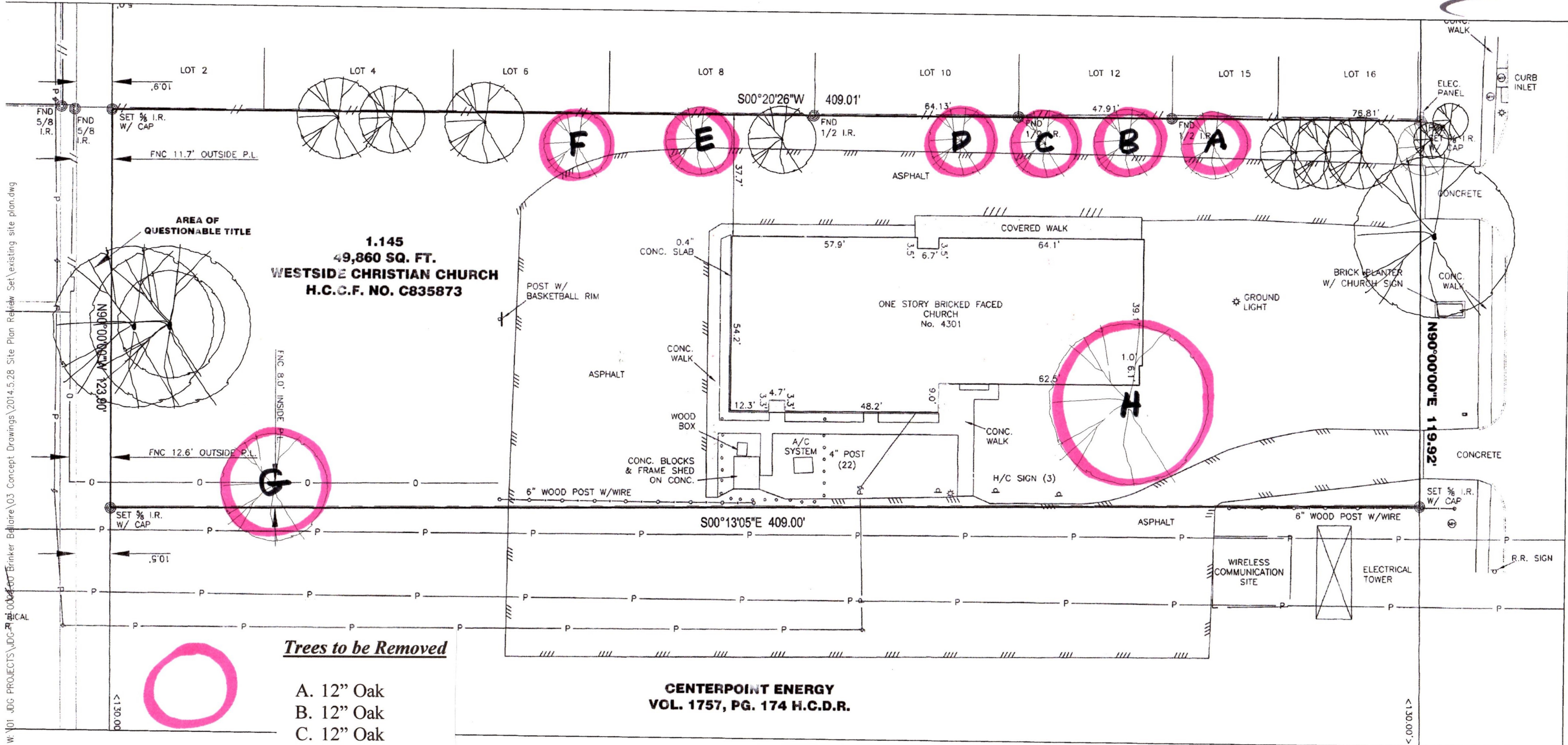
Attachment: 4301 Bellaire Boulevard (1320 : 4301 Bellaire Boulevard-PD)

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LANDSCAPE LEGEND

plant species	quantity	size	spacing
 STREET TREES Live Oaks	2	45 gal	40' o.c.
 PARKING LOT TREES River Birch	12	45 gal	(every 10 spaces)
 Italian Cypress	10	45 gal	10' o.c.
 Japanese Yew	14	45 gal	10' o.c.
PARKING LOT SHRUBS and GROUND COVERS			
 Ligustrum	16	5 gal	4' o.c.
 Indian hawthorne	20	5 gal	4' o.c.
 Golden Lantana	250	1 gal	18" o.c.



Trees to be Removed

- A. 12" Oak
- B. 12" Oak
- C. 12" Oak
- D. 12" Oak
- E. 12" Oak
- F. 24" Oak
- G. 12" Oak
- H. 36" Elm

Attachment: 4301 Bellaire Boulevard (1320 : 4301 Bellaire Boulevard-PD)

May 27, 2014 5:22:47 PM W:\01 JDG PROJECTS\JDG-1320 Brinker Bellaire\03 Concept Drawings\2014.5.28 Site Plan Review Set\existing site plan.dwg

**CENTURY ENGINEERING, INC.**

3030 SOUTH GESSNER • SUITE 100 • HOUSTON, TEXAS 77063
(713) 780-8871 • FAX (713) 780-7662

June 13, 2014

Bellaire P&Z Commission
7008 S Rice Avenue
Bellaire, Texas 77401

Re: 4301 Bellaire Boulevard
Bellaire, Texas

Dear Commission:

This letter is intended to provide additional documentation and support for the Site Plan Review in association with the requested zoning change for the referenced property.

Site Plan Review

- This tract is located within the Brays Bayou watershed. The FIRM Panel for this area, as well as the survey has the tract located in Zone AE. Zone AE extends more than 200-feet to the north, south and west. Shaded Zone "X" extends to the east. The BFE (base flood elevation) for this site is elevation 52.00. The grades for the existing pavement range from 50.00 to 51.00 with the existing Finish Floor at elevation 51.65.
- Assuming any proposed finish floor for this development to be 1-foot above the BFE will require a proposed finish floor to have a minimum elevation of 53.00. Mitigation and or detention could be required for any proposed fill as well as any increased impervious area.
- The existing development is a Church of approximately 6,400 square feet in size. We have made some assumptions on the size of the past congregation and the size of the facility to estimate about 400 GPD for water / wastewater consumption.
- The proposed development will mixed-used consisting of retail, office and a restaurant. It's anticipated the daily demand for the proposed development will be around 4,000 GPD for water / wastewater consumption.

Please feel free to contact us if you have any questions or comments concerning this matter.

Century Engineering, Inc.

Barry Hunsworth
Project Manager

Attachment: Zoning Letter (2) (1320 : 4301 Bellaire Boulevard-PD)

June 23, 2014

Mr. Brant Gary
Director of Public Works
City of Bellaire
4337 Edith Street
Bellaire, Texas 77401

RE: 4301 Bellaire Boulevard Development – Preliminary Traffic Impact Analysis

Mr. Gary,

JKnesek & Associates, Inc. was contracted by Sloan Properties, LLC to determine the potential traffic impact of the planned conversion of the existing religious facility located at 4301 Bellaire Boulevard in the City of Bellaire, Texas, to a mixed-use facility. The following documents the findings of the preliminary analysis.

Roadways

The 4301 Bellaire Boulevard development is located on the south side of Bellaire Boulevard between Boulevard Green and a set of north-south aligned railroad tracks.

In the study area, Bellaire Boulevard is a six-lane (three eastbound lanes and three westbound lanes) divided roadway with a raised median.

Current access to the site is provided by two driveways. East Driveway is located on the eastern side of the site at a median opening on Bellaire Boulevard, allowing full access. West Driveway is located on the western side of the site, allowing only right-in / right-out access.

With the proposed development, East Driveway is proposed to be converted to a right-in / right-out driveway and West Driveway is proposed to be converted to a full access driveway.

Development

The existing 4301 Bellaire Boulevard site is approximately 1.1 acres with an approximate 6,400 square feet building that was a church. Presently, the building is not occupied.

The proposed development consists of a single building of 19,054 square feet gross floor area retail/restaurant space on the ground floor and office space on the second floor. The gross leasable area for the respective uses is listed below:

- Office8,206 square feet gross leasable area
- Retail / Restaurant.....8,547 square feet gross leasable area

Up to 4,297 square feet of the retail/restaurant space will be allowable for restaurant space.

A site plan of the proposed development is attached.

Traffic Counts

No traffic counts were collected as part of this preliminary analysis.

Historical traffic data obtained from the City of Bellaire indicates that the average daily bi-directional traffic volume on Bellaire Boulevard east of Mulberry Lane (near the study site) was 25,910 vehicles in Year 2006. The traffic map obtained from the City of Bellaire is attached.

Historical traffic data obtained from the City of Houston indicates that the average daily bi-directional traffic volume on Bellaire Boulevard west of Brompton Street (located approximately 1.6 miles east of the study site) was 33,096 vehicles in Year 2011.

Trip Generation

For the purpose of the trip generation analysis, the following assumptions were made:

- The Office space is considered General Office Space with 9,333 square feet of gross floor area
- The Retail space is considered a Shopping Center with 4,250 square feet of gross leasable area.
- The Restaurant space is considered a High-Turnover Sit-Down restaurant with 4,887 square feet of gross floor area

Based on trip generation rates published in the ITE Trip Generation manual (9th edition), the proposed development at 4301 Bellaire Boulevard is projected to generate approximately 906 trips in the weekday 24-hour period, 71 trips in the AM Peak period, and 78 trips in the PM Peak period.

If a portion of the allowable restaurant space is developed as retail space, the number of vehicular trips would be projected to decrease.

Table 1 provides a summary of the trip generation for the existing and proposed facilities. Additional trip generation data is attached.

Table 1: *Trip Generation for the Proposed 4301 Bellaire Development*

Development	Weekday 24-Hour		Weekday AM Peak Period		Weekday PM Peak Period	
	Entering	Exiting	Entering	Exiting	Entering	Exiting
Office	51	51	13	2	2	12
Retail	91	91	3	2	8	8
Restaurant	311	311	29	24	29	19
Total	453	453	44	27	39	39

Traffic Analysis

The conversion of East Driveway from a full access driveway to a right-in / right-out driveway and the conversion of West Driveway from a right-in / right-out driveway to a full access driveway is projected to have the following impacts:

- The two points of access to the development will not need to be relocated.
- Vehicular traffic travelling westbound of Bellaire Boulevard will have more direct access to the main parking area on the southern portion of the development
- Vehicular traffic exiting the development will have more direct access to westbound Bellaire Boulevard.
- The number of vehicular conflicts internal to the site would be reduced.
- The distance between the primary access point to the development and the railroad tracks to the east of the development will be increased.
- The construction of a westbound left-turn lane on Bellaire Boulevard at the West Driveway median opening would improve traffic operations for westbound left-turn and through movements.

An intersection analysis for Bellaire Boulevard at East Driveway and West Driveway was conducted assuming the following:

- The Year 2006 vehicular volume on Bellaire Boulevard near the proposed development increased 2% per year to Year 2014.
- 10% of the daily traffic occurs in the AM Peak period and PM Peak period.
- The vehicular traffic is distributed as 50% eastbound and 50% westbound in the AM Peak and PM Peak periods.
- The traffic operations at the Bellaire Boulevard at West Driveway and East Driveway intersections are not impacted by the traffic operations at adjacent intersections on Bellaire Boulevard.
- Vehicular traffic travelling to and from the proposed development is distributed equally between areas east and west of the proposed development.

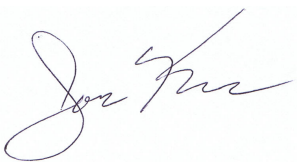
The intersection analysis reveals that the two study intersections on Bellaire Boulevard at the site are projected to operate at LOS A in the AM Peak and PM Peak periods.

Summary

The proposed conversion of 4301 Bellaire Boulevard to a mixed-use facility and the movement of the median opening on Bellaire Boulevard from the East Driveway to the West Driveway are not projected to create a significant traffic impact in the study area based on the available traffic data.

If you have any questions or comments regarding the traffic impact of the proposed conversion of 4301 Bellaire Boulevard, please feel free to contact me at 713-775-6490 or jason@jknesek.com.

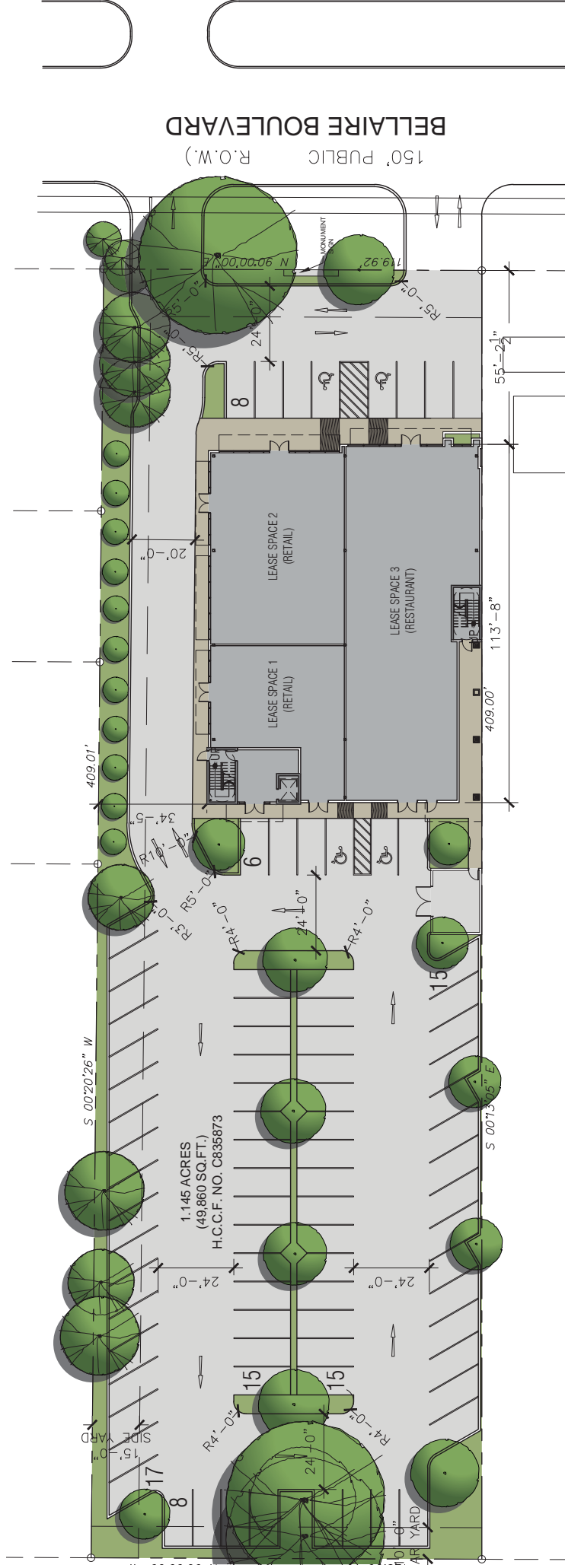
Thank you.



Jason Knesek, P.E., PTOE
President

Attachments





SITE PLAN

10' 20' 30' 40'

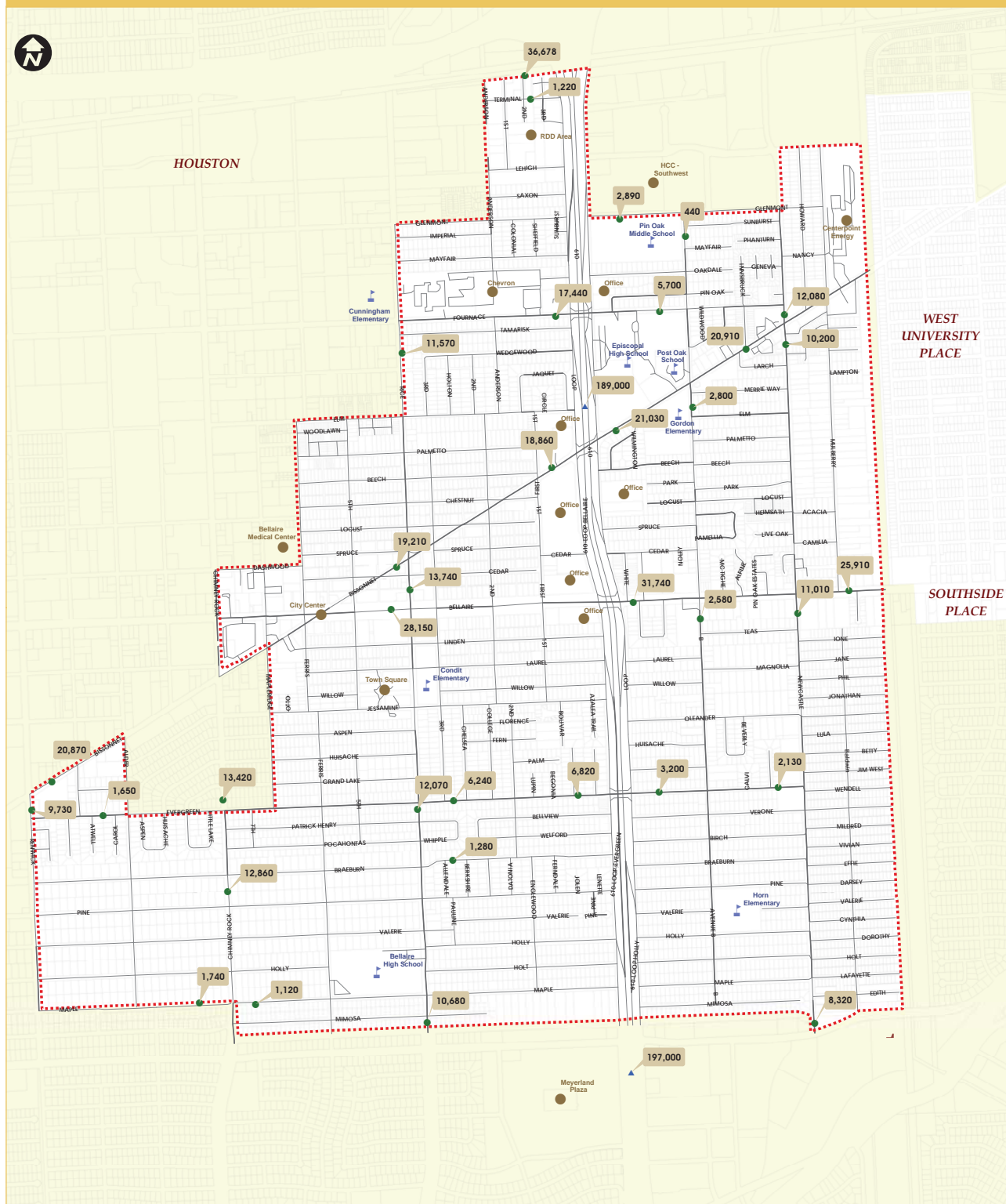
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HOUSTON

WEST
UNIVERSITY
PLACE

SOUTHSIDE
PLACE



MAP 3.1: TRAFFIC COUNTS

- 2006 Average Daily Traffic (ADT)
- ▲ 2007 Average Annual Daily Traffic (AADT)
- Major Traffic Generators
- ▲ Schools
- City Limits

Source: 2006 Houston Urban Traffic Map and
2007 Houston District Traffic Map

2007 Houston District Map shows annual average daily traffic counts on TxDOT-maintained roads, with 24-hour counts for truck and seasonal factors applied.

2006 Urban Traffic Map shows annual daily traffic counts on TxDOT-maintained roads, county roads and city streets. Traffic volumes are not adjusted for truck or seasonal variations.

ADOPTED
NOVEMBER 16, 2009

10 acres

0 550 1,100 2,200
Feet



**MEMO**

TO: John McDonald
City of Bellaire

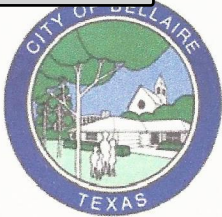
FROM: Colby W. Wright, P.E., PTOE
Traffic Department Manager, Jones & Carter, Inc.

DATE: July 2, 2014

RE: 4301 Bellaire Boulevard Development – Traffic Impact Analysis

Jones & Carter, Inc. has reviewed the Traffic Impact Analysis (TIA) for the 4301 Bellaire Boulevard Development. The proposed development would relocate the existing median opening on Bellaire Boulevard to the west to align with the western site driveway. The construction of a westbound left-turn lane on Bellaire Boulevard at the West Driveway median opening would improve traffic operations for westbound left-turn and through movements.

Jones & Carter has no comments and offers no objections to further permitting of the project.



APPLICATION FOR TREE DISPOSITION PLAN REVIEW & PERMIT

City of Bellaire, Texas
7008 S. Rice Avenue
Bellaire, TX 77401

Office 713-662-8237 Fax # 713-662-8233
lbarbour@ci.bellaire.tx.us

Office Use Only:

Removal: ☐ Yes ☐ No
Processing: \$22.00
Plan Review \$50.00
Trees \$25.00 ea
Tree Protection Signs \$11.00 ea

NO PERMIT WILL BE LESS THAN THE \$ 72.00 MINIMUM FEE

Fee Schedule:

- Re-Inspection if Tree Fences are not Up \$35.00
- Plan Review \$50.00
- Processing Fee \$22.00 (Non-Refundable)
- Each Desirable Tree to be Removed \$25.00 (Per Tree)
- Tree Protection Signs \$11.00 Each
- Trees Removed Without Permit **Doubled Overall Permit Fee**

Total Fee: \$ _____

Please complete this application and submit with:

☒ **Tree Disposition Plan** - Please attach 2 separate site plans, an existing & a proposed that are complete with all trees over 4" in diameter and on either legal or letter sized paper.

☐ Written verification of request for underground utility locations from One-Call, (1-800-545-6005).

Job Site Address: 4301 BELLAIRE BOULEVARD, BELLAIRE TEXAS

Contact Name: BRUCE FRANKEL Contact Cell #: 713.661.0440

Building Contractor: NA Secondary Phone #: _____

List location, diameter, type of tree and reason for removal
(Example: (A) 12" Oak, Driveway, (B) 5" Tallow, Undesirable)

A. 12" OAK, DRIVEWAY
B. 12" OAK, DRIVEWAY
C. 12" OAK, DRIVEWAY
D. 12" OAK, DRIVEWAY
E. 12" OAK, PARKING
F. 24" OAK, PARKING
G. 12" OAK, PARKING
H. 36" ELM, BUILDING

Front Width of Lot: 119.92' Minimum Tree Requirements: _____

Is Replacement Required: _____ If yes, what size & where is replacement required? _____

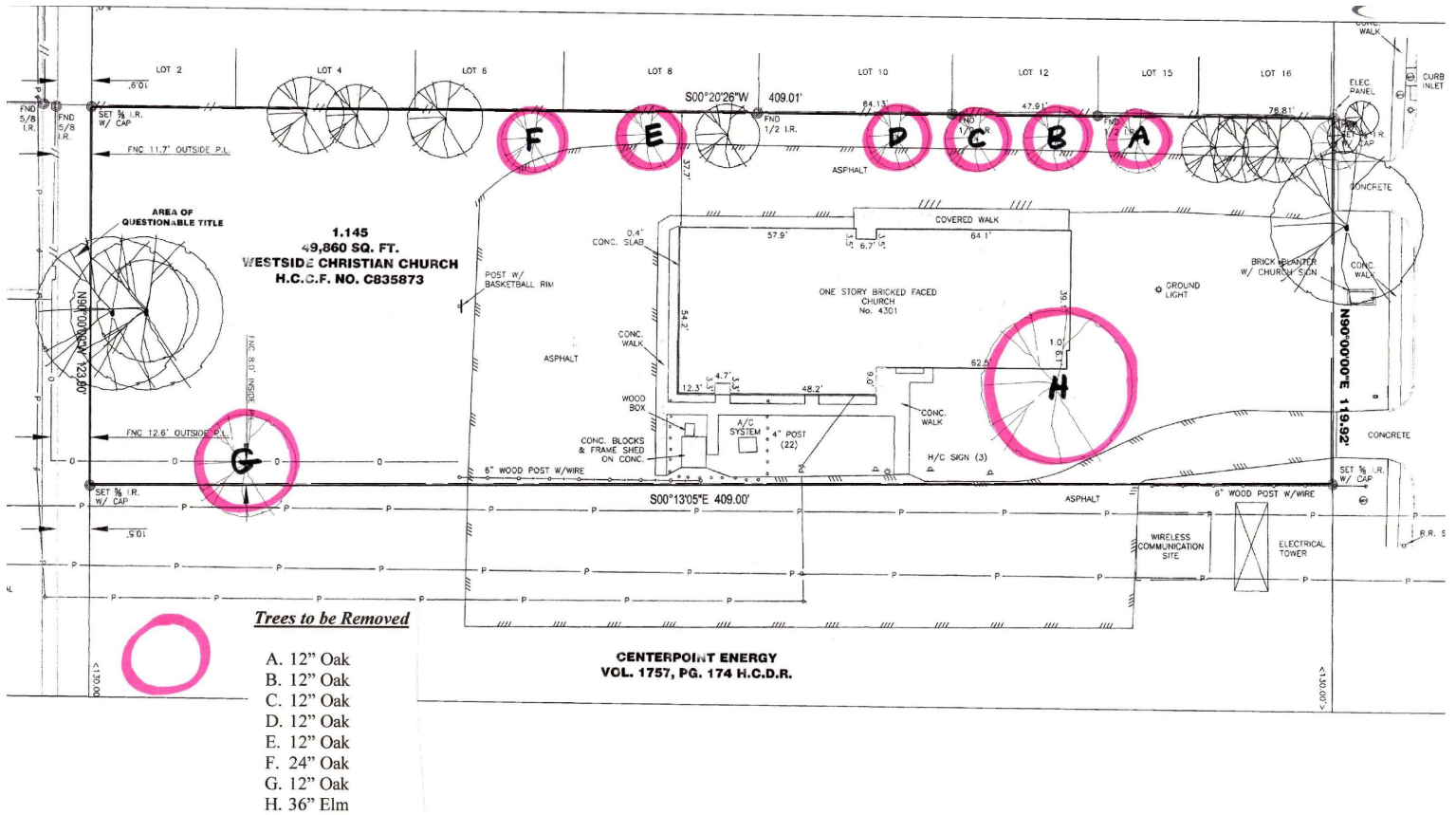
Inspector's comments from site visit: _____

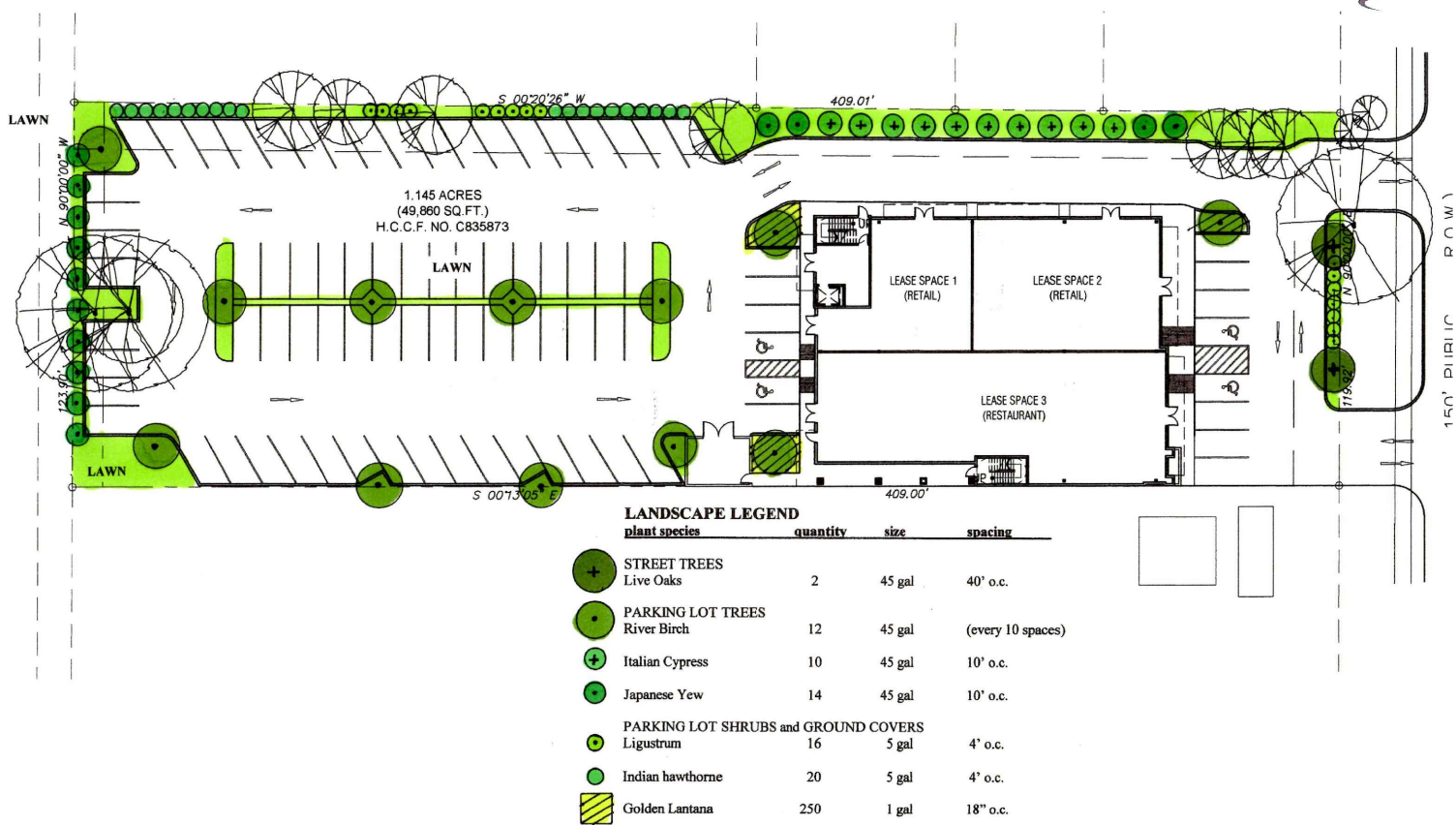
☐ Approved

Plan Reviewed & Approved by: _____

Date: _____

Attachment: 4301 Tree Disposition Package (1320 : 4301 Bellaire Boulevard-PD)





Attachment: 4301 Tree Disposition Package (1320 : 4301 Bellaire Boulevard-PD)



June 11, 2014

Mr. & Mrs. Page Piland
15 Boulevard Green
Bellaire, Texas 77401-4621

RE: 4301 Bellaire Boulevard - Westside Christian Church Property

Dear Mr. & Mrs. Piland:

This letter is to inform you that my client, Sloan Properties, LLC, has entered into a contract to purchase the above referenced property from its current owner - Dallas Christian College. As you are aware, this property was previously occupied by Westside Christian Church and is currently vacant. Sloan Properties, LLC is planning to redevelop this property, which will require the property to be rezoned from its current residential zoning classification of R-5 to the City's new commercial classification of CMU (Corridor Mixed-Use).

In an effort to seek your support for this project, my company is holding a private meeting on **Thursday, June 19, 2014 at 7:00pm in the Parlor Room at Bellaire United Methodist Church - 4417 Bellaire Boulevard** at the southeast corner of Bellaire Boulevard and Newcastle. This invitation is only being extended to those homeowners that reside either across the street and/or adjacent to the property. The meeting will last approximately one hour. Our objective is to be very transparent and share the plans for the redevelopment of this property. This will be the most opportune time for you to learn about the development, ask questions, and give us your input on how we may improve the plans so that we will be a compatible neighbor.

We are very excited about this project and are confident that it will become a valuable asset/amenity to the City of Bellaire. Should you be unable to attend the meeting or have any questions prior to the meeting, please contact me at 713-661-0440. I look forward to meeting you next Thursday.

Sincerely,

Bruce W. Frankel
Principal – Development Consultant for Sloan Properties, LLC

Ashley Parcus

From: John McDonald
Sent: Thursday, July 03, 2014 3:35 PM
To: Ashley Parcus
Subject: FW: 4301 Bellaire Boulevard - Former Westside Christian Church
Attachments: Letter to Residents 6-11-14.pdf

From: Bruce Frankel [<mailto:BFrankel@frankeldev.com>]
Sent: Wednesday, July 02, 2014 4:43 PM
To: John McDonald
Cc: Bruce Frankel; Warren Johnson; Mark Brinker
Subject: 4301 Bellaire Boulevard - Former Westside Christian Church

John: As a prelude to my client's applications for a PD and rezoning of the property referenced above, my company recently organized a private meeting with the residents who reside within 200 feet of this site. The purpose of the meeting was to reach out to the residents and make them aware of our applications and what we were proposing to do with this property. The meeting was held on Thursday, June 19th. Letters were sent to all of the resident owners on June 11th, one week prior to the meeting. Attached is a copy of the letter that everyone received. The meeting was held at Bellaire United Methodist Church, for we wanted to make it convenient for all of the residents who were interested in attending the meeting. Approximately, 30 residents showed up for the meeting which started promptly at 7:00pm. Present were residents from across the street on Bellaire Boulevard and behind the property on Lone Street. The majority of the attendees were from the neighboring Boulevard Green Townhome development. As stated in my letter to the residents, we had no agenda other than to be completely transparent about our plans for project. During the first 45 minutes of the meeting, residents were given a Power Point presentation which was later followed by a Q&A session which also lasted approximately 45 minutes. The Power Point presentation included information on the current ownership of the property, information on the current zoning, information on the proposed rezoning/PD by my client, renderings and a site plan of the proposed redevelopment for this property. During the Q&A session approximately 50 questions were fielded. We stayed until everyone's questions were answered. At the end of the meeting, residents were notified of the upcoming P&Z Hearing on July 8th at City Hall.

Overall, the meeting went very well. To begin with, we were very pleased with the number of residents that made time to attend the meeting. Second, everyone that was in attendance seemed genuinely interested in the subject matter and listened intently during the Power Point presentation. Most everyone in the room liked or seemed to be in favor of what we were proposing to do with the property. Some even offered a few suggestions as to how improve the design of the building or what they would like changed. Only 10% of the room (3 people) were vocal about their opposition of the project. It was obvious to us that their opposition appeared not be so much about what we were proposing as it was about their desire for nothing to change with the property. That is, they would prefer the property remain dormant or become a park.

If you have any questions or would like further information about what took place at this meeting, please contact me.

Thank you,



Bruce W. Frankel

Principal

frankel



5311 Kirby Drive, Suite 104

Houston, Texas 77005

(o) 713-661-0440

(f) 713-491-2965

(c) 713-417-8020

bfrankel@frankeldev.com

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My name is Mark Anderson and I reside at 4312 Bellaire Blvd, directly across the street from the 4301 Bellaire Blvd church property. I purchased my residential property in 2008.

I offer the following comments to assist this committee to make a decision for 4301 Bellaire Blvd which is in the best interest of the City of Bellaire and its residents, specifically those Bellaire residents in the immediate area.

Based on residential land comps in the immediate vicinity, it is clear the church owner would not easily find a single family residential buyer of the property for \$1.8 million. But then again, this does not appear to have ever been the seller's intent, otherwise the property price would not have been artificially inflated and the offer for sale would have been listed with residential properties for sale and their related websites, such as har.com!

- Question: Why would the owner of the church property choose to inflate the price of the property such that only a commercial property buyer would be interested when the property is clearly not zoned for such commercial use?
 - Because it appears they can and it also appears the City of Bellaire is willing to consider foregoing the interests of its current residents to accommodate such. The church owner (along with its non-resident commercial advocates) is seeking to capitalize on the property's immediate proximity to commercial property across the railway tracks to seek a higher exit value! This mixture of commercial and residential right next to each other was **not** the intent of Bellaire when the vision for Bellaire Blvd was conceived and zoned accordingly. It was also not the basis on which many current Bellaire home owners purchased their own homes. Bellaire's reputation depends on enforcement of its zoning. We are not Houston, and home owners are willing to pay a premium for that designation. Rezoning this property would change the conditions under which we all purchased property in Bellaire. This will only hurt Bellaire's reputation in the long run resulting in decreased property values.
- Question: Why would commercial property at this very location be good for Bellaire residents?
 - Currently there is at least 300,000 square feet of existing commercial and/or retail space for lease in Bellaire. This does not include approximately 150,000 square feet of space which needs or is seeking redevelopment in City of Bellaire's commercial triangle, an area specifically set aside for commercial and retail use. If the investor is honestly providing this commercial/retail development in the best interest of the Bellaire community, then why not do so in the much needed triangle area?
- Question: What are the options available for the development of the church property which enhances the City's tax base, and at the same time, achieves the desire of the Bellaire residents for our city to be a city of homes, with residents who live and care for our great community?
 - Option 1: If the lot were priced appropriately, a single family buyer would purchase the property just as single family buyers have done all up and down the railroad tracks in

Bellaire, West University, and even River Oaks. The statement that the property is not marketable as currently zoned is simply not true.

- Option 2: As an alternative, I understand you have received a draft plan which clearly presents a very viable optional residential plan, consisting of replatting the lot to include several smaller yet extremely marketable residential homes on the property. Does this not meet what Bellaire stands for and would satisfy every single Bellaire resident here today?
- In closing, I have observed in the past year, that the City of Bellaire has received, considered and approved several rezoning and related proposals. While certain of these rezoning efforts would clearly be in the interest of the City and the residents, caution, especially given Houston's substantial growth and desired inside the 610 loop locations, should be had to ensure that these commercial developments do not become a cancer and change forever our residential communities. I am confident this committee will make the right decision. Thank you!

From: Redel, Carol A. [REDACTED]
Sent: Wednesday, August 06, 2014 12:39 PM
To: Ashley Parcus
Subject: 4301 Bellaire

Follow Up Flag: Follow up
Flag Status: Flagged

6 August 2014

P+Z Committee
City of Bellaire
Bellaire TX 77401

Dear Committee Members:

I am a 6 year resident of Boulevard Green in Bellaire, having owned properties in both West University and Southside Place. Bellaire was chosen for my most recent relocation due to its emphasis on being a residential city, a 'city of homes'. I enjoy living in my little sanctuary, close to my work at the Texas Medical Center.

This sanctuary will be virtually destroyed by changing 4301 Bellaire to commercial mixed use zoning. The daily noise of food and garbage trucks and clientele will occur a mere 9 feet from my bedroom window. Garbage and grease odors are additional concerns. Lighting, although directed at the pavement, will reflect upwards into our homes 24 hrs a day. Would you like these impositions just feet away from your bedroom window?

And although I understand that traffic control is not the purview of this committee, the increase in traffic volume exiting just west of the railway crossing has potential to increase both driver frustration and accident rate for traffic heading either east or west on Bellaire. Is this the image of congestion the city desires at its major entry way?

I respectfully request that the petition to alter the zoning of 4301 Bellaire to CMU be denied. Thank you.

Carol Redel MD
6 Boulevard Green

CONFIDENTIALITY NOTICE:

The information in this e-mail may be confidential and/or privileged. If you are not the intended recipient or an authorized representative of the intended recipient, you are hereby notified that any review, dissemination, or copying of this e-mail and its attachments, if any, or the information contained herein is prohibited. If you have received this e-mail in error, please immediately notify the sender by return e-mail and delete this e-mail from your computer system. Thank you.

Ashley Parcus

From: Kai Bike [REDACTED]
Sent: Tuesday, August 05, 2014 9:24 PM
To: Ashley Parcus
Subject: Re-zoning of the lot located at 4301 Bellaire Blvd.

Follow Up Flag: Follow up
Flag Status: Flagged

Dear Ashley Parcus, Planning and Zoning Secretary:

Please read the following onto the record:

My name is Kai Bike. I am a resident of Bellaire, Texas. I live at 4315 Lone Street. I am writing to you to express my concern for the actions by the Frankel Group and Sloan Properties to attempt to rezone the above-mentioned lot to become commercial mixed use. This would be a nightmare, decrease the value of my property, create a precedent which allows a spot zoning of any property from residential to commercial and turn Bellaire into a mess. I would hope you feel the same way and vote against the re-zoning of the lot at the meeting tomorrow night. When I met you I thought you were a good fit for Bellaire City Council because you liked the quaint neighborhood Bellaire stood for. There are right places for commercial properties and wrong places for commercial properties. The property located at 4301 Bellaire Blvd. is definitely not a property that should be re-zoned to a commercial mixed use property. I do not feel that it is the intent of the citizens of Bellaire to allow commercial development of any site based on the developer wishing to make a mockery of the zoning laws. The rezoning will create a traffic nightmare, increase the numbers of cars, and backups along Bellaire Blvd. and bring late night traffic into a residential area of Bellaire that is not needed. Can you imagine having an extra (75) cars waiting on Bellaire Blvd. because of the train crossing while trying to go to the commercial development at that proposed location.

Also, if the property is changed to commercial, who is to say that a fast food establishment wouldn't buy out the present owner and replace it with one of their own establishments? Wouldn't it be great to wake up to the smell of egg McMuffins cooking every morning? Or better yet, imagine a retail establishment like Zone d' Erotica right next to your home. It might not occur with the first owner but it could happen with the next owner. Changing the parcel to commercial opens a huge can of worms.

Surely you do not want that to happen, do you? I sure hope not. How would you explain that to your children? Hopefully the City Council will not let the lure of money blind themselves from the destruction which will occur to the residents who have lived in the area forever. I can tell you that my neighbors, all professionals, will do anything in our legal power to stop this from happening. I have spoken to my lawyer about the various remedies neighbors can take to stop this from happening. Several of my neighbors are attorneys for major law firms in Houston and fortunately we have the financial means to file a lawsuit if we have to explore that route. Hopefully the Mayor and City Council will not allow this to happen. I urge the Mayor and City Council to take action to stop the rezoning from happening.

If you would like to discuss this further please do not hesitate to call or email me.

Thank You

Kai Bike
4315 Lone Street
Bellaire, TX 77401

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

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Dear

Since the Planning and Zoning meeting July 8, I am more convinced that allowing the property at 4301 Bellaire Blvd. to be rezoned for commercial will be detrimental to the surrounding neighborhood.

IN/OUT DRIVEWAY – This is my biggest complaint about this project. The driveway will run along the fence that separates the church property from the Blvd. Green townhouses. Those of us with townhouses along the fence, have living and dining rooms that face the fence. We have floor to ceiling glass in the dining room and part of the living room. This driveway will create noise, lights, and gas fumes at least twelve hours a day, seven days a week. When the train is holding up traffic, cars will be backed up on the driveway, spewing gas fumes into my yard and home.

TREES – About ten years ago, Bellaire planted Bradford pear trees along the fence. These trees would protect us from some of the noise, lights, and possibly gas fumes. The trees would protect our privacy from the second floor tenants of the building; otherwise the tenants can look down into our living areas. But Frankel is planning to cut down these trees.

We moved to Bellaire knowing it was zoned, and were comfortable that we would never have retail next to us. I know Bellaire wants the property developed, but I feel Bellaire residents are being thrown under the bus. I would not object to an office building, but retail will cheapen the ambiance of this area.

Yours truly,

Pat Piland

Ashley Parcus

From: Nowitz Leora [REDACTED]
Sent: Wednesday, July 30, 2014 2:28 PM
To: Ashley Parcus; Shawn Cox
Subject: email regarding changing zoning and request for planned development on Bellaire Blvd

Follow Up Flag: Follow up
Flag Status: Flagged

Just having spoken to Sean, please let me know if any changes need to be made..... thank you.

Dear Angela,

As you requested I am sending an email to the Planning and Zoning members regarding the request submitted to change the zoning on 4301 Bellaire Boulevard, so that a planned development may be constructed on that lot. Please inform me if any changes to my email need to be made.

To the Members of the Planning and Zoning Commission:

It was brought to our attention that a Planned Development was requested at 4301 Bellaire Boulevard, with a request to change the zoning to allow that to happen.

As we understand there has been a lot of opposition to this proposition.

As a citizen who has sat on the Planning and Zoning Commission and who has owned property along the boulevard and who presently has lived adjacent to the boulevard for the past 20 years I wholly support those in opposition to this plan.

I will not bore you with long explanations.

The main point is that the citizens of Bellaire and especially along this strip fought extremely hard for TEN LONG years to create a boulevard that requires single homes on large lots in order to create a grand entrance to the city. At that stage, one did not know that big homes on big lots would even be desirable on a busy road, as it was not developed, but an overlaid district was voted for, despite all the unknowns.

Attorneys were involved and citizens had to attend city hall meetings continually, for the ten years. If zoning were now to be changed on one lot it would also cause a huge problem for the rest of the boulevard, resulting in law-suits.

It is gratifying indeed that people are appreciative of the boulevard and hopefully this fight was not in vain.

Thank you for your time regarding this issue.

Sincerely,

Leora Nowitz.
4516 Teas Street,
Bellaire.

Ashley Parcus

From: Mick [REDACTED]
Sent: Wednesday, July 16, 2014 9:37 AM
To: John McDonald; Ashley Parcus
Subject: Comments - Proposed Commercial Zoning of 4301 Bellaire Blvd.

Follow Up Flag: Flag for follow up
Flag Status: Flagged

I just read on the KTRK website that the property at 4301 Bellaire Blvd. has been proposed as the site of a two story office building. The website article states:
"The proposal is for two-story commercial building with restaurant and retail on the first floor and office space on the second floor."

As a resident of Bellaire, I am very much opposed to this for a couple of reasons:

1. Community - I don't want to see the character of our city altered, especially through commercial rezoning, even if it does happen gradually, one property at a time. Let's keep Bellaire a community of homes, not of office buildings and strip centers. I moved here 20 years ago from Houston because of the peaceful, pleasant neighborhoods. If I had wanted to live in a chaotic area full of businesses I would have stayed in Houston or moved to the suburbs.
2. Traffic - Bellaire Blvd. is already very heavily traveled and already has a tendency to slow down at the railroad tracks where this property is located. An office building, complete with restaurant, will have a lot of traffic slowing down as folks turn into the property.

Please do not zone this property commercial.

Thank you.

Robert McHam
5321 Patrick Henry St.
Bellaire, TX 77401

Ashley Parcus

From: John McDonald
Sent: Friday, July 11, 2014 2:58 PM
To: Ashley Parcus
Subject: FW: 4301 bellaire blvd rezoning application

Follow Up Flag: Flag for follow up
Flag Status: Flagged

From: Nancy Haskins [REDACTED]
Sent: Friday, July 11, 2014 2:54 PM
To: John McDonald
Subject: FW: 4301 bellaire blvd rezoning application

July 10, 2014

Planning and Zoning
City Council

RE: Rezoning of 4301 Bellaire Blvd

After being at the Planning and Zoning Public Hearing and listening to the comments from my neighbors and the questions from the Commission, I have had some thoughts that I did not hear expressed.

4301 Bellaire Blvd is listed on HCAD at 46,104 sf (130 X 409.4 per map facet 5255C) with a pending value. It evidently has a list price of \$2,000,000. It is being presented to the Planning and Zoning Commission as being undevelopable for anything except the two story commercial building (CMU) per the buyer's application.

4310 Bellaire Blvd, directly across Bellaire Blvd, is listed on HCAD as 49,129 sf (150 X 409.4 per map facet 5255C) with a market value of \$1,113,261.

This difference approximates only a 7.5 foot width $((49,129-46,104)/409.4)$. The width of 4301 was found to be in error; the same error may exist for 4310, but the depth was not in question.

If Planning and Zoning agrees that 4301 should be rezoned for commercial, then the same arguments will hold for 4310 and precedent will have been set. The properties are virtually identical. That would then put two commercial properties opening up the estate homes and churches concept entry to the City of Bellaire. If the new building at 4301 rents as fast as the applicant predicts, there is no doubt that another developer will be going after 4310. The property owners will be faced with an offer they cannot refuse.

A commercial district for the entry into Bellaire from the east is clearly not what the Comprehensive Plan or Bellaire Boulevard Overlay District envisioned. Had that been the case, they would have put it in at that time.

Secondly, many lots on the streets in Southdale (Ione, Jane, Phil, Jonathan, etc) and Sylvania Courts (Lampton, Lamont, Compton) are as close or closer to the railroad tracks. None of these lots are large. The lots in Southdale are only 5,000 sf and the Sylvania Courts lots average 8,000 sf. All are "undesirable" because of their proximity to the railroad tracks. Yet, they are zoned R-3 (Sylvania Courts) and R-4 (Southdale) and have many new homes. Additionally, White Street (running north off Bellaire Blvd) has even smaller lots (<5,000 sf) that back up to the service road on the West Loop, and it is a zoned planned development.

All of this clearly proves that families want to live in Bellaire so badly they will overlook many aspects that are normally considered "undesirable." The same residential demand will occur for 4301 Bellaire Blvd. Someone has convinced the Dallas Christian College that a commercial value should be placed on the property. This is an error. The Bellaire Comprehensive Plan and the Bellaire Boulevard Overlay District did not agree, and the community and neighbors do not agree.

It is imperative that Planning and Zoning do not agree. It is in the best interest of Bellaire families that you reject the application for the rezoning of 4301 Bellaire Blvd.

Thank you for your time, efforts and consideration.

James Haskins
#12 Blvd Green
Bellaire, TX 77401

Ashley Parcus

From: Joy A Puzon [REDACTED]
Sent: Wednesday, July 09, 2014 9:08 AM
To: Ashley Parcus
Subject: P&Z hearing last night

Follow Up Flag: Follow up
Flag Status: Flagged

Please include this email below onto record and ensure that the P&Z committee reads it before making a decision on 4301 Bellaire Boulevard.

Thanks
Joy Puzon

----- Forwarded message -----

From: "Joy A Puzon" [REDACTED]
Date: Jul 9, 2014 8:15 AM
Subject: P&Z hearing last night
To: "Mandy Nathan" [REDACTED]
Cc:

Mandy-

I wanted to touch base with you after the P&Z public hearing. I was ecstatic at the numbers of neighbors that came out; there were 16 speakers, but the room was filled with people. Mr. Frankel gave his dog and pony show again for the committee and yes, he did make some changes to the original plan (adding fake windows to the solid brick wall i wrote to you about earlier, and adding a 4' CMU wall to the edge of the parking lot), and then it was the citizens turn to speak. Every last one of them spoke against the proposed commercial plan, yet when the committee was allowed to ask questions, all they asked were questions about the building, and adding conditions to the land "if they approve. I was very disappointed that the commission seemed to ignore all of the citizen's inputs about not wanting this commercial site. Some of the audience even went as far as to say that John McDonald was considering the interest of the applicant far above that of the residents in getting this approved. The committee talked a lot about the process last night, but not about the actual merits of this application. When does that occur?

At one of your June council meetings, Chairman Frazier pointed out that Bellaire is known as a "city of homes". The rezoning of this lot to commercial will destroy that image as you approach the city westwardly down Bellaire Boulevard. At that same meeting, y'all **unanimously** voted, and i quote, "to protect the residential property owners from incompatible commercial development" I know that the council has the final say in this matter and I am hopeful the council will do the same in regards to the re-zoning of 4301 Bellaire Boulevard.

Thanks again for your time and input!
Joy Puzon

Ashley Parcus

From: Mark Talanker [REDACTED]
Sent: Tuesday, July 15, 2014 10:29 PM
To: Ashley Parcus; Tracy Dutton
Cc: Phil Nauert; Paul Hofmann; Roman Reed; Jim Avioli; Gus Pappas; Pat McLaughlan; Andrew Friedberg; Mandy Nathan
Subject: Protest to 4301 Bellaire Blvd. zoning variance and planned development request.
Contradiction of the request to Bellaire Code of Ordinances and Comprehensive Plan
Importance: High
Follow Up Flag: Flag for follow up
Flag Status: Flagged

Mrs.Parcus, Mrs.Dutton,

We earlier outlined our opinion of the harm the variance and planned development of 4301 Bellaire Blvd, if permitted, would cause to us and to the City of Bellaire. After review of records of public hearing on the matter, conducted July 8, 2014, we formally state our protest to zoning variance and planned development at 4301 Bellaire Blvd. In addition to earlier submitted, below we outline our further considerations and key contradictions of such zoning variance and planned development with stipulations in *Bellaire, Texas - Code of Ordinances* and *Comprehensive Plan - 11/09*. Please include the below letter, our opinion and protest into the next P&Z and City Council reviews on the matter.

Respectfully submitted,

Mark Talanker
Irina Gorokhova
4320 Lone St.,
Bellaire, TX 77401

Further considerations and key contradictions of requested zoning variance and planned development at 4301 Bellaire Blvd. with stipulations in both *Bellaire, Texas - Code of Ordinances* and *Comprehensive Plan - 11/09* :

"Bellaire, Texas - Code of Ordinances, Chapter 24 - PLANNING AND ZONING, DIVISION 1. VARIANCES

Sec. 24-702. Purpose.

The purpose of variances is to provide a mechanism for relief where, owing to special conditions, the literal enforcement of the regulations of this chapter will result in unnecessary hardship, provided that the granting of variances will not be contrary to the public interest and provided further that the spirit of this chapter will be preserved by variances granted under the terms and provisions hereof."

Contradiction of requested variance at 4301 Bellaire Blvd. to highlighted stipulations in Sec. 24-702:

1. There has not been clear "unnecessary hardship" demonstrated.
2. Public, represented by residents of surrounding homes, is in opposition to proposed variance as proposed variance and planned development.

3. The "spirit of this chapter" as defined in Sec. 24-103: "This chapter is adopted for the purpose of promoting and protecting the health, safety, morals and general welfare of the residents, citizens and inhabitants of the City of Bellaire and for the protection and preservation of places of historical and cultural importance and significance and the general welfare of the community. The provisions of this chapter are the requirements necessary to accomplish these purposes as specifically delineated in this chapter".

The proposed variance and planned development contradict the spirit of the chapter as we and other residents are concerned with increased traffic hazards, increased crime, rodents, kitchen smells, and we certainly see such change, being not in agreement with the Bellaire Comprehensive Plan, and impacting the city appearance and appeal.

Bellaire, Texas - Code of Ordinances, Chapter 24 - PLANNING AND ZONING, DIVISION 1. VARIANCES

Sec. 24-704. Standards.

The Board shall not grant a variance unless it shall, in each case, make specific written findings based directly upon the particular evidence presented to it which support written conclusions that:

(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;

(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;

(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 of fire, endanger the public health, safety and well-being, or substantially diminish or impair property values within the neighborhood; and

(4)

The variance desired will not be opposed to the general spirit and intent of this chapter.

Contradiction of requested variance at 4301 Bellaire Blvd. to highlighted stipulations in Sec. 24-704:

1. Ability to develop

- a) The parcel is not unique. 4310 Bellaire Blvd is virtually a mirror image of the 4301 Bellaire Blvd directly across the Boulevard which is residentially developed.
- b) The parcel has been developed in its current zone. Perhaps another church organization would purchase or lease the property if the price was reasonable and the seller pursued such buyers.

2. Hardship. The only hardship mentioned by the requestor was solely financial in nature - alleged inability to sell. However, no exhaustive evidence has been presented regarding seller's actions to sell or develop property under current zoning. Although reported to be on the market for a number of months, the property

- a) has not been listed at HAR.com where all residential properties for sale are listed
- b) has been listed at almost double of market price at the agency primarily dealing with commercial listings
- c) has not undergone significant price reductions to attract sellers or approach market price

3. The two story building will impair the current supply of light, will add kitchen smells and trash dumpsters close to the adjacent property, will add hazards to the traffic; a restaurant would increase the danger of fire. Commercial

building will impair property values of homes in direct and close proximity specifically for all the reasons listed herein regarding the hardship such proposed development would impose on the residents of said properties.

4. Requested variance will be opposed to the general spirit and intent of this chapter. Covered above.

ARTICLE VI. AMENDATORY PROCEDURE

Sec. 24-615. Standards Applicable to All Planned Development Amendments and Specific Use Permits.

A planned development amendment or a specific use permit may be granted and may be allowed to continue if it meets the following criteria and standards and is otherwise in accord with this Code. (Ord. No. 81-066, § 1, 11-2-1981)

(1)

The proposed planned development amendment or specific use permit is consistent with the purposes, goals, objectives and standards of the comprehensive plan of the City of Bellaire;

(2)

The design of the proposed development, considered as a part of the planned development amendment or specific use permit, minimizes adverse effects, including visual impacts of the proposed use on adjacent properties;

(3)

The proposed development will not have an adverse effect on the value of the adjacent property;

(4)

The proposed development will not unduly burden essential public facilities and services, including streets, police and fire protection, sanitary sewers, storm sewers, solid waste disposal and schools; and

(5)

The applicant for the development has adequate financial and technical capacity to complete the development as proposed and has met all requirements of this Code, including such conditions as have been imposed as a part of a planned development amendment or specific use permit.

(Ord. No. 10-057, § 1(App. A), 8-2-2010)

Contradiction of requested planned development at 4301 Bellaire Blvd. to highlighted stipulations in Sec. 24-615:

1. Key Planning Considerations of the Comprehensive Plan of the City of Bellaire contradicted by Planned Development requested:

"The following facts, assumptions, and considerations provide the context for the goals and action strategies presented in this chapter:

City of Homes. *Bellaire is primarily a community of single-family detached residences.*

Non-Residential Compatibility. *Retail, service, office, institutional, and employment land uses are welcome in certain areas of Bellaire, but nonresidential compatibility is a fundamental community priority.*

Land Use Stability. *Much of the existing land use within Bellaire will likely stay just as it is over the next several decades, with some potential transition and upgrading of uses via redevelopment activity. This means that the overall land use allocation, as well as mix and compatibility issues, are already fairly well known across most of the community, enabling a focus on those areas most likely to undergo change as discussed within this plan.*

Role of Zoning. *Development types and intensities seen just outside the Bellaire City limits, in places, indicate the area's market potential based on location, land costs, area population, and related factors. It also illustrates the benefits of zoning to the extent that Bellaire prefers to limit the type and intensity of development in particular locations to protect residential neighborhoods and control traffic and related development impacts."*

2. There is a nice area with a lot of trees perfectly matching the surroundings. Replacing it with a two story building will close off the homes behind the proposed building when you enter the City.

3. For the very reasons that the neighbors are against the development (traffic, rodents, smells, dumpsters, delivery trucks, increase in crime) such commercial development would impact the value of the adjacent property.

4. The traffic analysis performed on behalf of the City indicated:

*"Based on trip generation rates published in the ITE Trip Generation manual (9th edition), the proposed development at 4301 Bellaire Boulevard is projected to generate approximately **906** trips in the weekday 24-hour period, **71** trips in the AM Peak period, and **78** trips in the PM Peak period."*

That is an additional 906 opportunities for accidents and 149 high probability opportunities for accidents due to addition of cars turning into Bellaire Boulevard in unregulated manner.

Our earlier letter opposing the zoning variance and planned development request:

From: Mark Talanker [REDACTED]
Sent: Sunday, July 06, 2014 8:06 PM
To: aparcus@ci.bellaire.tx.us
Cc: [REDACTED]
Subject: Re: Notice of Planning and Zoning Public Hearing: 4301 Bellaire Blvd.

Dear Mrs. Parcus,

This letter is to express our deep concern with the possibility of construction of a commercial building in Bellaire's R-5 Zoning District. **We believe that such spot commercial development in a middle of an established residential zoning should not be permitted due to a number of reasons discussed herein.** Although we are not able to attend the hearing in person, please read this message into the record of the hearing.

After living in West Houston for over 17 years we have only recently discovered the beauty, coziness and community that Bellaire offers, and fortunately moved to Bellaire just over a year ago. Bellaire Boulevard is one of the historical parts of the city, with a number of historical buildings and parks. Driving the Boulevard from South Rice to the rail tracks under the shadows of beautiful trees is truly like being away from a big city, with temples and historical estates on both sides of the Boulevard.

Some may say that one exception on the outskirts of the city would not be a big deal. But that is how big changes start - with small and seemingly harmless exceptions. We are terrified that discussed permission not only will ruin the part of the city that we live in, get rid of 8 irreplaceable trees but will create precedence that would be a start of such a big and unwanted change to the city appeal.

Just look at Bellaire Boulevard crossing the tracks into West University, how drastically different it is to our Bellaire Boulevard; starting with a bar across the tracks, and into a chain of masseuse parlors, tattoo and palm reading shops - they are all lined up there. Commercial property at 4301 would bring similar businesses just across the Evelyn's Park!

Additionally, such spot commercial development in a middle of an established residential zoning will have a negative impact on surrounding residential property values, and should not be permitted.

All in all, we truly believe that allowing commercial property construction in the historical residential part of the city is not good for the future of the City, not good for the residents of Bellaire, and particularly the residents of a very populated Southdale.

Thank you for your consideration,

Mark Talanker
Irina Gorokhova
4320 Lone St.
Bellaire, TX 77401

Dear Commission:

My name is Joy Puzon, I am a wife and a mother of 2 beautiful girls, ages 4 & 5. My family has lived on Boulevard Green for the last 10 years. I want to voice my strong objection to the rezoning application of 4301 Bellaire Boulevard.

Chairman Frazier pointed out in the June committee meeting that Bellaire is known as a "city of homes". The rezoning of the lot to commercial will destroy that image as you approach the city westwardly down Bellaire Boulevard. At the July 7th City council meeting, the council **unanimously** voted and I quote "to protect residential property owners from incompatible commercial development". I am hopeful the council will do the same in regards to the rezoning of 4301 Bellaire Boulevard. As you can tell by the numerous letters submitted and vocal objections at the past P&Z hearing about the rezoning, commercial properties at this location are NOT compatible with the wishes of residential property owners. It is not the intent of the Bellaire citizens to allow a developer to circumvent our zoning laws. Please also consider the potential litigation risk out of spot zoning. If this rezoning change is allowed, who can stop a fast food chain or retail stores such as Zone d' Erotica from opening in a residential area? Perhaps the current owner would not allow this to happen but who is to say what a future owner of the property would want. Also, if the planning and zoning agrees that 4301 should be rezoned for commercial, then the same arguments will hold for neighboring properties on Bellaire Blvd that may want to change their land to commercial so they can sell for a higher profit! They will look to the precedent set by 4301 Bellaire and we will no longer have a street of stately homes, but rather a melting pot of random commercial businesses just like any other part of Houston.

Secondly, changing this parcel to commercial will create a traffic nightmare, increase the numbers of cars, and backups along Bellaire Boulevard. I'm sure some of you have been stopped for at least 30 minutes while the train sits idly across Bellaire, blocking the whole street. Can you imagine having an extra 85 cars waiting right there because of this new planned development? Drivers on Bellaire routinely try to beat the train before it crosses and so will the people in this new establishment. We've all dealt with the backups getting out of the parking lot of whole foods causes, and yes, I realize the proposed parking lot is smaller, but the principles are the same. Cars jut out into the traffic to hover at the median and wait for their turn on the busy road, sometimes blocking traffic both ways... now, factor in a train into the mix. It's a deadly and dangerous combination. Based on the numbers of cars that drive down Bellaire Boulevard, I see a drastic increase in accidents occurring at this location.

Finally, having a commercial property directly behind my house will drastically decrease my property value. The Frankel Group claims that this building will be a noise "buffer" from the train, but when you've lived near a railroad track for as long as I have, it's just background noise. I would much rather maintain a higher property value over having a potentially slightly less noisy area.

I am a proud citizen of Bellaire, Texas. Please continue to maintain our current quality of life for everyone in this beautiful city of homes and vote against the rezoning of 4301 Bellaire. Thank you for your time.

Joy & Peter Puzon
10 Boulevard Green

Planning and Zoning Commission

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



Meeting: 08/12/14 06:00 PM
Department: Community
Development
Category: Discussion
Department Head: John McDonald
DOC ID: 1316 B

SCHEDULED ACTION ITEM (ID # 1316)

Item Title:

Discussion on the notification requirements for public hearings as set forth in the Code of Ordinances, Chapter 24, Planning and Zoning, Article VI, Amendatory Procedure, Sec. 24-610 Publication.

Background/Summary:

At the July meeting of the Planning and Zoning Commission, Commissioner Lynne Skinner requested the an item be placed on the agenda for the discussion of the regulation within the Code of Ordinances, Chapter 24, Planning and Zoning, Article VI, Amendatory Procedure, Sec. 24-610, Publication, A., which requires that

Written notice of public hearing before the Commission on the proposed amendment or change shall be sent to all owners of real property lying within two hundred (200) feet of the property upon which the change is requested...

This regulation is included again in subsection B. which governs public hearing notices for public hearings before City Council.

This requirement is based on the notification requirement set forth by the State of Texas in the Local Government Code §211.007(c) which sets the 200 feet distance measurement.

As a comparison, the following cities address notification as follows:

- The Commission and Council "shall comply with state law."
 - West University
 - San Antonio
- 200 feet
 - Alamo Heights
 - College Station
 - Euless
 - Friendswood
 - Kyle
 - Missouri City
 - Richmond
 - San Marcos
 - Sugarland
 - Tomball
 - Universal City
 - University Park
- Greater than 200 feet
 - Austin (500 feet)
 - Grand Prairie and Keller (300 feet)

Recommendation:

When considering the totality of the notification efforts of the City, which include:

1. Legal notice in the Southwest News;
2. Publication on the City's website;
3. Posting on the City's bulletin board at City Hall;
4. Greater sign requirements (larger signs, posted on all neighboring streets);
5. NotifyMe system that allows any citizens to sign up to information on specific issues;
and
6. Written notice to all property owners within 200 feet of the subject area, and to all houses that may be renter occupied,

the Director recommends against any changes to the requirements of Sec. 24-610.

**Planning and Zoning
Commission**

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



Meeting: 08/12/14 06:00 PM
Department: Community
Development
Category: Discussion
Department Head: John McDonald
DOC ID: 1321

**SCHEDULED
ACTION ITEM (ID # 1321)**

Item Title:

Discussion regarding Chapter 24, Planning & Zoning, Article V, Zoning Regulations, Division 1, Zoning Districts and Regulations of General Applicability, Section 24-515, Special Off-Street Parking Regulations, of the City of Bellaire Code of Ordinances, with respect to boats or trailers, etc. being parked In the rear of residential properties.

Background/Summary:

A citizen emailed in a concern about the ability of a property owner to park their boat in the rear of their property when such property has access to a rear street (through lots) and asks for consideration of an amendment to the code to greater limit ability to park these types of vehicles in a residential setting. Her email is attached.

Sec. 24-515, Special Off-Street Parking Regulations, prohibits the parking of boats, trailers, and other not traditional vehicle types "on any abutting street or within the front yard." This would allow one to park such a vehicle in the side yard if they had a corner lot with a driveway on the side street, or in the rear yard if such access was available.

ATTACHMENTS:

- Trailers, Boats email (PDF)

John McDonald

Subject:

RE: Boat/Trailer Parking in City of Bellaire

From: Mauri Norris [REDACTED]

Sent: Monday, June 09, 2014 3:30 PM

To: Phil Nauert; Roman Reed; Jim Avioli; Gus Pappas; Pat McLaughlan; [REDACTED] Mandy Nathan

Subject: Boat/Trailer Parking in City of Bellaire

To Mr. Mayor and all of the Bellaire Council Members - I am writing to ask you to consider revising the city ordinance regarding where BOATS may be PARKED/STORED in Bellaire.

I believe that the current ordinance basically says that boats may not be parked in front of homes.

I believe that the ordinance should prohibit boats from being parked in clear view from any city street.

The current ordinance does not consider that some Bellaire homes have rear garages, and rear driveways and that these rear driveways are in fact in FRONT of other homes. So while parking in their driveway is NOT IN FRONT of their own home, and not in violation of the ordinance, it is in FRONT of the homes of others. This can apply to corner properties as well, where the garage and driveway are on the SIDE of the home and in clear view from the side street.

VISIBLE boats and trailers, etc in the city are unsightly and impact properties values and desirability.

The same logic that exists to prevent parking in front of a home, should apply to parking in the front of someone else's home.

I know of several instances where boats or trailers are currently parked 'legally' but are very unsightly and impact the overall appearance of the neighborhood. One such instance is in the 4500 block of Locust - parked in a rear driveway which is in the Georgetown Square Townhome neighborhood and visible from our FRONT yards (the home faces Park Court). Another instance is a trailer parked at a corner home south of The Nature Center along Newcastle (not sure of the exact address or side street name - home does not face Newcastle).

To keep Bellaire ATTRACTIVE and DESIRABLE, I request that you please consider a revision of the current ordinance or rule.

Thank you,

Ms. Mauri Norris

6504 Kenyon Lane

since 1993

previously lived at 5607 Newcastle 1973-1993

713-201-9995

(Georgetown Square is located in the 6500 blocks of Newcastle, Gambier and Kenyon)

Back story - prior to my moving into the Georgetown Square Townhome complex (6500 Block of Newcastle) and when the first re-build along 4500 block of Park Court (south side of Park Court) wanted to have rear entry from Locust Street - I am told that the residents of Georgetown Square opposed the curb cuts and that there was a legal action to prevent it. I understand that there was a 'deal' made with the City that allowed the curb cuts but required the owners on Park Ct. to put in an automatic gate on rear driveway. The first construction did just that. Subsequent homes built along that block with rear curb cuts have not complied and questions to the City revealed that no one has any recollection or documentation of any such agreement. So Georgetown Square must live with those homes/garages in our front yards - when our own garages are all in the rear. Also, those homes put their garbage and recycles out on Locust for pick up (while ours goes out in the rear and other homes along Park Court without rear garages must use the front of their homes for this purpose). Many owners in Georgetown Square are disappointed that the City has failed to maintain/enforce the original agreement. (Unfortunately, no Georgetown residents have documentation of the original agreement either.)