

CITY OF BELLAIRE TEXAS

PLANNING AND ZONING COMMISSION

JUNE 10, 2014

Council Chamber

Regular Session

6:00 PM

7008 S. RICE AVENUE
BELLAIRE, TX 77401



Chairman

Mr. Winfred Frazier

Vice Chairman

Bill Thorogood

Commissioner

E. Wayne Alderman

Commissioner

Dirk Stiggins

Commissioner

Paul Simmons

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 - May 13, 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. PUBLIC HEARINGS

- A. Docket #PD-2014-01-Request for an amendment to an existing Planned Development approved under Chapter 24, Planning & Zoning, Article VI, Amendatory Procedures, to create two residential lots within "The Park at Bellaire," including the north 50 feet of Lot 10 and the south 12.5 feet of lot 12 of White Subdivision. This property is located at 129 White Dr.

- B. Proposed amendments to Chapter 24, Planning & Zoning, Article V, Zoning Regulations, Section 24-514a, Parking in Commercial and Mixed-Use Districts, to delete references to old zoning districts (CCD-1, CCD-2) and replace them with new zoning districts (UV-T, UV-D, CMU), to amend parking requirements in commercial and mixed-use districts, and add parking requirements for churches and schools, to amend aggregate/shared parking requirements to include a shared parking table, to add requirements for

the stacking of spaces for drive-through facilities, and to rename Section 24-514a, Parking Requirements, Non-Single Family; to amend Article X, Signs, Section 24-1012, Permitted Signs for Institutions, and Article XI, Sexually Oriented Businesses, Section 24-1100, Applicable in Certain Districts, to replace references to old zoning districts (CCD-1, CCD-2) with newly adopted districts (UV-D, CMU); and to amend Article II, Definitions and Interpretations, Section 24-202, Definitions (32), to de

lete reference to old zoning districts (CCD-1, CCD-2).

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

1. Docket #PD-2014-01-Discussion, Consideration, and Possible Action on a request for an amendment to an existing Planned Development approved under Chapter 24, Planning & Zoning, Article IV, Amendatory Procedures, to create two residential lots within "The Park at Bellaire," including the north 50 feet of Lot 10, and the South 12 ½ feet of Lot 12 of White Subdivision. This property is addressed as 129 White Drive.

(Requested by John McDonald, Community Development)

2. Discussion, Consideration, and Possible Action on proposed amendments to Chapter 24, Planning & Zoning, Article V, Zoning Regulations, Section 24-514a, Parking in Commercial and Mixed-Use Districts, to delete references to old zoning districts (CCD-1, CCD-2) and replace them with new zoning districts (UV-T, UV-D, CMU), to amend parking requirements in commercial and mixed-use districts, and add parking requirements for churches and schools, to amend aggregate/shared parking requirements to include a shared parking table, to add requirements for the stacking of spaces for drive-through facilities, and to rename Section 24-514a, Parking Requirements, Non-Single Family; to amend Article X, Signs, Section 24-1012, Permitted Signs for Institutions, and Article XI, Sexually Oriented Businesses, Section 24-1100, Applicable in Certain Districts, to replace references to old zoning districts (CCD-1, CCD-2) with newly adopted districts (UV-D, CMU); and to amend Article II, Definitions and Interpretations, Section 24-202, Definitions (32), to delete reference to old zoning districts (CCD-1, CCD-2).

(Requested by John McDonald, Community Development)

VII. COMMITTEE REPORTS

VIII. CORRESPONDENCE

IX. REQUESTS FOR NEW BUSINESS, ANNOUNCEMENTS AND COMMENTS

- A. Staff liaison report on the status of projects previously addressed by the commission as well as projects for future meetings.
- 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

X. ADJOURNMENT



CITY OF BELLAIRE TEXAS

PLANNING AND ZONING COMMISSION

MAY 13, 2014

Council Chamber

Regular Session

6:00 PM

7008 S. RICE AVENUE
BELLAIRE, TX 77401

I. CALL TO ORDER AND ANNOUNCEMENT OF QUORUM

Chairman Frazier called the meeting to order at 6:02 PM, and 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	
E. Wayne Alderman	Commissioner	Present	
Marc Steinberg	Commissioner	Present	
Dirk Stiggins	Commissioner	Present	
S. Lynne Skinner	Commissioner	Present	
John McDonald	Director	Present	
Ashley Parcus	Secretary	Present	

II. APPROVAL OF MINUTES FROM PAST MEETINGS

1. Planning and Zoning Commission - Regular Session - Mar 11, 2014 6:00 PM

RESULT: APPROVED [UNANIMOUS]
MOVER: E. Wayne Alderman, Commissioner
SECONDER: Paul Simmons, Commissioner
AYES: Frazier, Thorogood, Simmons, Alderman, Steinberg, Stiggins, Skinner

2. Planning and Zoning Commission - Regular Session - Apr 8, 2014 6:00 PM

Commissioner Stiggins mentioned that the minutes referred to a Bellaire citizen, Glenn Bordeaux, providing the Chairman with a diagram regarding suggested traffic flow. He asked if that diagram could be sent to the Commissioners and attached to the minutes as well.

RESULT: APPROVED AS AMENDED [UNANIMOUS]
MOVER: E. Wayne Alderman, Commissioner
SECONDER: Paul Simmons, Commissioner
AYES: Frazier, Thorogood, Simmons, Alderman, Steinberg, Stiggins, Skinner

III. REMINDER TO CITIZENS DESIRING TO ADDRESS THE COMMISSION

Minutes Acceptance: Minutes of May 13, 2014 6:00 PM (Approval of Minutes from Past Meetings)

Chairman Frazier reminded any members of the public wishing to speak to the Commission to fill out a sign in sheet. He also pointed out that no public comments regarding the specific use permit would be allowed.

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.

Lynn McBee-Ms. McBee pointed out that it is coming to the end of some of the Commissioner's terms and suggested that those members, before they leave, submit to the chair a list of topics that have yet to be covered. She mentioned that she is consistently and overwhelmingly impressed by the looming problem of parking in this part of the country, much less this city and suggested that this item be included in the wish list. Ms. McBee stated that it is not a smart idea for the Commission to sit back and wait for a parking crisis to arise. She added that no parking or traffic review has been done for the City of Bellaire within the last 12 years, and that it might behoove this Commission to import studies and information that are currently underway or completed by HGAC and other cities within the surrounding areas. Ms. McBee mentioned that she doesn't know if it is appropriate for the Commission to voice their views on what the city should look like in terms of its structures, but that everyone talks about identity and signs and never about the design of a building that projects an image of the community. She thanked the Commissioners who are leaving and wished good luck to the Commissioners staying on.

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

1. Docket SU-2014-01-Specific Use Permit request from Houston Independent School District, as required by The City of Bellaire Code of Ordinances, Chapter 24, Planning & Zoning, Section 24-605, Application for a Specific Use Permit, to construct a replacement school for Condit Elementary. The school is located at 7000 South Third Street, and is in the R-4 Zoning District.

Mr. McDonald introduced the item by explaining that the Commission had previously held a public hearing regarding the specific use permit application at their April meeting. He explained that this is a request from Houston Independent School District (HISD) for a specific use permit (SUP) for the construction of a new Condit Elementary school to be located at the same site, but more to the northern side of the property. Mr. McDonald added that at the public hearing, 17 members of the public spoke on the proposal, with 12 speaking in favor of the request and 5 in opposition. Additionally, 16 written comments were submitted prior to the public hearing, and twenty-one comments have been submitted since the conclusion of the public hearing and have been included as attachments. Mr. McDonald reviewed Section 24-615 of the Code of Ordinances, which lists the standards/criteria that must be met for a specific use permit to be granted, and addressed each criteria. His findings were as follows:

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.

The Comprehensive Plan's Future Land Use and Character Map shows this site as a school. Goal 2.1 speaks to mitigating institutional impacts through redevelopment. The proposed plan adds additional off-street parking, reducing the current schools dependency on neighborhood streets. Additionally, the site plan show extensive landscaping and tree plantings that will serve as buffers and add to the screening of the proposed school.

2. The design of the proposed development, considered as part of the... specific use permit, minimizes adverse effects, including visual impacts of the proposed use on adjacent properties.

Visual impacts are minimized through the removal of temporary buildings, use of landscaping and trees for aesthetics as well as screening and buffering. The current traffic circulation around the school is maintained with this proposal, minimizing disruption of historic traffic patterns. Furthermore, the inclusion of an on-site drop off area on Third Street reduces the negative impact of traffic on Third Street overall and specifically around the intersection of Third Street and Laurel. The Traffic Impact Analysis provided shows no negative impacts based on the proposed plan. HISD has submitted a Campus Mobility Plan that is included as an attachment (attachment 5.1.r).

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

Discussion with real estate professionals, who are familiar with the Bellaire area, stated that while generally the location of schools near residential properties may have an adverse impact on the value of adjacent property, the reconstruction of Condit would not add to any negative impacts and may actually be beneficial due to the updated construction and increased screening and buffering.

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.

The proposal has been reviewed by the City Engineer, Public Works, the Police and Fire Departments. This plan will not unduly burden essential public facilities and services.

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 has been imposed as a part of this...specific use permit.

The applicant is funding this project through a voter approved bond package and has adequate financial and technical capacity to complete this project. The site plan

meets all zoning requirements as set forth for schools under Sec. 24-533, R-4 Residential Districts.

Mr. McDonald found that the application meets all 5 of the standards, and recommended approval of the request. He informed the Commission that representatives from Cobb Fendley, VLK Architects, and HISD were in attendance to answer any questions that the Commission might have.

Questions from the Commission

Commissioner Simmons stated that his initial concern with the proposed site plan is the traffic flow, how the cars are going to drop off students and maneuver around the block, and the safety of the students being dropped off. He also mentioned that the intersections along S. Third Street could easily become grid locked due to the increase in school traffic. Commissioner Simmons also stated that he does not like the short drop off lane on S. Rice, and questioned whether it could be made longer to bring more cars in off of the street. He felt that the opposition to this proposal is vocal and articulate and that the inability of HISD to tie into that with public involvement, prior to this point, is somewhat of a concern. He pointed out that traffic management, in the form of officers, will be necessary. Commissioner Simmons stated that in his opinion, parents will still park along S. Third Street and take their children into the building, and asked if there will be restricted parking in that area. He then posed a question of the role of the Planning & Zoning Commission, saying, "What is the Commission supposed to do? Do we represent the residents, or do we represent a set of parameters and once a project fits in those parameters it is allowed."

Mr. McDonald pointed out that currently at Condit there are drop off areas on S. Rice and S. Third Street and that cars queue down Rice, past Jessamine, and wait until school is out. He explained that there is no interference with traffic mobility on S. Rice because there is a shoulder for the cars to park in, and that the shoulder will still be there with the new construction. Mr. McDonald noted that even if all of the parking was moved to S. Rice you will still need drop off lanes on both S. Rice and S. Third Streets due to the number of students that attend the school, and that people who travel down Willow and Laurel to S. Third will still be driving into drop off traffic. Mr. McDonald stated that the Traffic Impact Analysis (TIA) shows that the proposed location of the school and continuation of the same traffic pattern does not negatively impact the level of service, meaning congestion will not increase based on this plan. He added that Parking on S. Third Street is currently prohibited in the morning, and will stay that way with the new design. Mr. McDonald pointed out that there is a current traffic pattern in place, which the TIA shows to be efficient, and if in the future the traffic pattern needs to be mitigated the city will address it.

Commissioner Simmons mentioned that angled parking is more convenient for getting in and out of a parking lot and asked if that was a consideration.

Gaby Tassin, Cobb Fendley-Ms. Tassin stated that Cobb Fendley had discussions with VLK Architects regarding angled parking, but in order to meet the minimum

parking requirements they had to go with 90 degree parking spaces.

Mr. McDonald pointed out that they were also up against maximum lot coverage.

Commissioner Simmons asked if the parking lot traffic would be one-way or two-way.

Ms. Tassin explained that it will be one-way traffic, and that the parking spaces beside the queue on S. Third are only for faculty that arrive early. This is to ensure that there will be no vehicles trying to back out of a parking spot while children are being dropped off. She added that there will be signage disallowing vehicles traveling north on S. Third Street to turn left into the queue.

Ms. Tassin then reviewed the existing conditions during drop off and pick up. She informed the Commission that currently the student drop-off/pickup on S. Rice is for 3rd-5th grade students, and the S. Third is for Kindergarten-2nd grade. She pointed out that at every pedestrian location there are crossing guards in place during morning drop off and afternoon pickup. Ms. Tassin stated that cars stack up in an available drop off lane at the intersection of Jessamine and S. Rice Street, and that there is a sign at the intersection that disallows vehicles that are traveling on Jessamine street to turn right. She also mentioned that there are signs that say "Do not block intersection," and that the TIA has recommended adding more of those. Ms. Tassin informed the Commission that there are several "No Parking" signs on Laurel and Willow Street, and that Third Street parking during morning and afternoon pick up and drop off times is disallowed. She also stated that there are stop signs on Linden and S. Third street, as well as a sign that does not allow left turning vehicles.

Commissioner Simmons asked how well the current traffic pattern/management is working.

Mr. McDonald stated that his office window looks out onto the school traffic and that he has personally seen Bellaire police officers giving citations to drivers who do not follow that signage. He also pointed out that police are frequently monitoring the speed limit within the school zone, and are very efficient at doing so. Mr. McDonald informed the Commission that there is an adult crossing guard with children who help at each of the intersections. He noted that cars often stack up past Jessamine, but it is a pattern that has been in effect for a number of years. Mr. McDonald felt that a change in the traffic flow will only lead to more issues.

Commissioner Simmons asked how far the cars stack up south of Jessamine.

Mr. McDonald stated that the queue normally goes down about 5 or 6 houses, but the system that the school has in place allows for an efficient and smooth drop off and pick up.

Ms. Tassin explained that during their field visit to the school, Cobb Fendley observed that the queue on S. Rice goes approximately 250 feet south of Jessamine Street.

Commissioner Simmons asked the principal of Condit Elementary how he feels about the efficiency of the current traffic flow.

Dan Greenberg, Principal of Condit Elementary School-Mr. Greenberg pointed out that there is a HISD crossing guard in place on the corner of Jessamine and S. Rice for both drop off and pick up. He also noted that there is a very distinct difference between drop off and pick up, and compared drop off to a "slow drip," stating that people are arriving little by little, where as, pick up is more of a continuous 15-20 minute period of getting children into their cars. He reiterated that Kindergarten through 2nd grade is designated for the S. Third Street drop off/pickup and 3rd through 5th grade is on S. Rice Street. Mr. Greenberg mentioned that the school is not against getting a second HISD crossing guard for the new plan. He feels that the current traffic flow is very efficient and would like to keep the proposed flow as much like the current as possible.

Commissioner Simmons strongly recommended that the school obtain an additional HISD crossing guard, and asked Mr. Greenberg if he was comfortable, based on his experience, with the small off-curb drop off zone on S. Rice Street.

Mr. Greenberg confirmed that he is comfortable with the proposal and explained that they are currently doing this on the street. He stated that anything that will get those cars off of the street is an improvement from the existing conditions.

Attorney Barner mentioned that Commissioner Simmons had brought up a question regarding the Planning and Zoning Commission's role. He again mentioned Section 24-615 of the Code of Ordinances and explained that the Commission's scope of review is to use those 5 standards, and based on the evidence that has been provided, determine whether the Commission is going to recommend this application to City Council.

Commissioner Alderman asked Cobb Fendley if they could explain, in the existing traffic flow, why there are a lot of left turns onto Willow. He asked if this is the first left that cars can make to cut through to the feeder road.

Ms. Tassin stated that she believes that is the case, and explained that those numbers were the ones observed in the field between Tuesdays and Thursdays during the peak hours of traffic.

Commissioner Alderman stated that he would consider adding a recommendation that City Council to look into the installation of signage on Willow Street to help alleviate some of the cut-through traffic.

Mr. Greenberg explained that Willow Street lines up with Condit's front door and suggested that it could be parents who drop their children off at the door and then take an immediate left onto Willow.

Commissioner Alderman stated that he would like to see a condition added, that as

part of the permit process, a detailed parking plan be submitted for the construction workers, sub contractors, and HISD faculty during the construction phase. He mentioned that he would also consider including a requirement for signage on Willow if there is a problem with cut-through traffic.

Mr. McDonald explained that the signage could not be included as a condition, but could be sent as a recommendation to City Council.

Commissioner Alderman pointed out that residents are concerned with the aesthetics of the parking lot on S. Third and stated that HISD could provide a buffer of 3 to 4 foot vegetation to screen the cars as much as practical. He also noted that the buffer could potentially keep children from bolting out into the street.

Mr. McDonald informed the Commission that there will be a fence where the parking is located, requiring students and parents to cross the street at a controlled intersection. He also pointed out that there was some elevation that showed landscaping along the fence. Mr. McDonald explained that in his opinion, this was included as part of the plan, but if the Commission wished to highlight it then it would need to be included as a condition to the SUP.

Commissioner Steinberg stated that he sees the proposed plan as having an adverse effect on safety. He mentioned that the parking on S. Rice is in an area that is before the drop-off, and cannot be accessed during the drop-off times. He also felt that the most traveled intersection for children and parents walking to school is S. Rice and Jessamine and now pedestrians will have to walk through an intersection of cars trying to get into/out of the parking lot.

Commissioner Stiggins explained that he does not share the concerns regarding safety, and stated that in his opinion this proposal improves the current traffic flow. He added that the off-curb drop off zones, allowing children to be let out of the cars off of the street, is an added safety feature.

Commissioner Skinner shared Commissioner Steinberg's concerns with the parking lot on S. Third Street. She was also not comfortable with the children going into the building on S. Third and the impact of the traffic going down the residential streets. Commissioner Skinner then mentioned her concern with the lack of communication between all of the parties. She asked that the notification process be described.

Mr. McDonald explained that the city does not become part of the process until the application is submitted and the public hearing is scheduled. At that point, the city publishes a legal notice in the local newspaper, mails notifications to the residences located within 200 feet of the property in question, and puts it up on the city website. He mentioned that signage is also required to be put up on all four sides of the property notifying anyone who drives by of the date and time of the public hearing. Mr. McDonald informed the Commission that members of the public have expressed their concerns to the city as well, but that the city cannot specifically address this issue.

Dan Bankhead, General Manager of Design for HISD- Mr. Bankhead mentioned

that HISD is always learning how to do things better, and have learned some lessons about communication within the City of Bellaire. He stated that the district did make a strong effort to get the information out to the public and used methods such as open meetings, print media, television, flyers, social media, and the school's marquee. Mr. Bankhead acknowledged the fact that somehow several residents did not get notified of what was happening, and informed the Commission that they will work harder in the future to ensure that all parties are properly notified.

Commissioner Skinner asked for clarification that there were some residents who were not notified.

Mr. Bankhead confirmed this and stated that flyers were distributed within a 2-3 block radius all the way around the school and that he is not sure how or why those neighbors were not aware of the events. He informed the Commission that he has reached out to those residents since and had a great turn out of citizens from that area at the last community meeting.

Commissioner Skinner asked what consideration HISD is taking with regard to the suggestions/comments that have been provided by the residents.

Mr. Bankhead explained that the district is looking into some of those issues. He mentioned the concern of the residents regarding the aesthetics of the parking lot and ensured the Commission that HISD will landscape as much as necessary to please the neighboring properties.

Commissioner Skinner stated that she is still confused as to why at the eleventh hour there is still so much information coming in from concerned residents.

Mr. Bankhead explained that he is just as confused as she is, and reiterated that HISD will double their efforts in the future.

Mr. McDonald compared it to the public hearing that the Commission went through with the re-zoning of the corridor and downtown area. He stated that the same residents were notified at the Planning and Zoning level as were at the City Council level and no one showed up until the public hearing before City Council. He informed the Commission that the city and the district are working on finding a way to bring the neighboring property owners in a little sooner, so that the same problem doesn't arise during the SUP process for Bellaire High School.

Commissioner Skinner asked if HISD will be able to incorporate any requests that the residents have made.

Mr. Bankhead stated that HISD will devote the resources requested for safety, but in terms of changing the site plan that is something that the district would have to work closely with the city to accomplish due to the limitations on the property.

Commissioner Skinner mentioned the small drop-off zone on S. Rice and asked Mr. Bankhead if they could increase the size of that drop off and reduce the one on S.

Third Street.

Mr. Bankhead stated that the district could take a look at that.

Commissioner Alderman mentioned that it would not make much of a difference because there will still be the same number of students entering the school.

Mr. McDonald explained that what HISD has brought before the Commission is their application, and that the Commission cannot ask them to change their site plan unless they are planning on continuing the public hearing and asking them to come back. He added that if the site plan is changed it may require an additional public hearing. Mr. McDonald stated that the Commission has two options, either continue the public hearing and ask for more information, or move the SUP forward by either approving or denying the application. He also pointed out that if all of the parking was moved to the Rice side there would still be the issue of drop off on Rice and people walking through the parking lot to the school, or dropping off in the parking lot. Mr. McDonald noted that most of the issues stem from the fact that the district is trying to continue operations during construction, which puts limitations on the site.

Chairman Frazier reminded the Commission that they could attach conditions to the SUP as they deem necessary.

Mr. McDonald agreed that conditions could be attached and recommendations could also be made with regards to traffic management/signage.

Vice Chairman Thorogood asked Mr. McDonald if meetings had been held between the neighborhood and the district, or the neighborhood and the city since the last Planning and Zoning Commission meeting.

Mr. McDonald stated that two residents came in to talk to him, and that is the only contact that he has had with the neighbors.

Mr. Bankhead also mentioned that there had been another PAT meeting since the last Commission meeting.

Vice Chairman Thorogood explained that it was brought to his attention that there are no members of the PAT that are residents in the local neighborhood.

Mr. Greenberg stated that he knows of one member that lives in the area of Linden, Laurel, and Willow. He informed the Commission that the team is made up of parents, teachers, and administrators that may not live in that immediate area.

Mr. Bankhead added that during the last PAT meeting, an invitation was extended to the immediate neighbors. He stated that a few of them took him up on his offer and have joined the team. Mr. Bankhead also pointed out that there are several members of the team that are City of Bellaire residents, although they may not reside on the particular block in question.

Vice Chairman Thorogood mentioned the school buses that pick students up from Condit and asked what the proposal for buses is with the new set up.

Mr. Greenberg stated that they currently come down Third Street and he doesn't believe that there will be a change made to that aspect of the flow.

Vice Chairman Thorogood felt that the buses confuse the traffic problem. He asked if the buses are gone before the school traffic picks up.

Mr. Greenberg explained that it just depends. He informed the Commission that there are 4 different middle schools and maybe one high school that picks up there and that they each come at different times. Mr. Greenberg stated that there are buses that pick up after 7:00 am.

Vice Chairman Thorogood mentioned that many of the concerns came from residents that live on Laurel.

Mr. Greenberg explained that the two main access points are on Willow and Laurel, Willow lines up with the front door and Laurel lines up with the covered black top area. He stated that right now those streets are in close proximity to where children are going in and coming out. Mr. Greenberg added that the entrance and exit points will change a little with the new plan.

Vice Chairman Thorogood pointed out that the new plan should reduce some of the traffic on Laurel.

Mr. Greenberg informed the Commission that it most likely won't have an impact on Laurel's foot traffic, but vehicle traffic should be reduced.

Vice Chairman Thorogood asked if the school had any rules in place requiring a minimum number of students in each car for drop-off/pick up.

Mr. Greenberg stated that they do not have that type of restriction.

Vice Chairman Thorogood asked Mr. Greenberg if he knows of any schools that do have that requirement.

Mr. Greenberg stated that he was not familiar with any schools having this sort of requirement.

Vice Chairman Thorogood asked when the cut-off was for the written comments.

Mr. McDonald explained that the cut-off was May 7th, but written comments received through May 8th were included in the packet.

Vice Chairman Thorogood mentioned that there were several comments received pertaining to the safety of the proposed plan and asked Mr. McDonald if he was familiar with any companies that assess safety.

Mr. McDonald stated that the city does not have a safety consultant, and in this case has to trust that HISD has been building schools for many years with safety as their top priority. He added that there is also a TIA prepared by engineers who take safety into consideration, and that the City of Bellaire Fire and Police Departments have reviewed the plans for safety. Mr. McDonald pointed out that there are schools all over the state that are designed with drop off lanes that go through parking lots, and function well.

Vice Chairman Thorogood asked HISD if they use a safety assessment company when designing new facilities.

Mr. Bankhead explained that the district does have a risk assessment/safety group along with safety specialists. He added that the district police also review projects for safety. Mr. Bankhead informed the Commission those parties are comfortable with this plan as being an improvement on safety.

Vice Chairman Thorogood asked for clarification that the risk assessment team has reviewed this plan and are comfortable with it as presented.

Mr. Bankhead confirmed this.

Commissioner Steinberg asked if someone from the safety staff came to the school to observe the current traffic flow and compare it to the proposed plan.

Mr. Bankhead informed the Commission that they only reviewed the proposed plan, but that the district has safety employees that make quarterly visits to each campus. He reiterated that as part of the bond program, both the police department and risk management group look at the plans as part of the review process.

Commissioner Steinberg pointed out that the question was never asked of them to go out and look at the traffic flow, as it presently is, and compare it with the changes that are going to be made.

Mr. Bankhead confirmed that this was not asked of them. He explained that they were simply asked to look at the proposed plan and relay any concerns that they might have.

Vice Chairman Thorogood mentioned the comments from the Commission regarding the entrance and exit from the parking lot on S. Rice and asked VLK Architects if there are any minimum modifications that could be made to address those issues.

Todd Lien, VLK Architects-Mr. Lien informed the Commission that they have gone through many scenarios, but taking into account the number of parking spaces required and the access that is needed off of S. Rice the site is very limited on what can be done. He also addressed the concern of the small drop-off zone on S. Rice and explained that it is limited in length because of the crosswalk. Mr. Lien reiterated that the site has many constraints that the firm is trying to balance.

Vice Chairman Thorogood asked Mr. Lien where they were with regards to the impervious area requirement.

Mr. Lien explained that they are right at 50%. He added that they have reduced the building size as much as they can without building up, but they are restricted on height as well.

Vice Chairman Thorogood mentioned that one of the residents' concerns deals with property values. He stated that recently there have been some court rulings on the Ashby High Rise saying that no one can really predict what the future is going to be in terms of property value. Vice Chairman Thorogood also pointed out that no one has seen the plans for the new city facilities that will be located across the street from the school.

Chairman Frazier stated that no decisions have been made regarding the new city facilities, and that the Commission has to make a recommendation simply based on the information that is available to them right now.

Vice Chairman Thorogood stated that he looked at the number of addresses that are located on the 47-4900 blocks of Linden, Laurel, and Willow Streets and found that there are 204. He pointed out that only 15 opposing comments were received from those addresses and he didn't feel that was enough to ask HISD to make modifications to the proposed plan. Vice Chairman Thorogood felt prepared to vote in favor of the application.

Chairman Frazier mentioned that Bellaire is still growing and asked HISD if/how their proposed plans would be impacted with an enrollment of over 750 students.

Mr. Bankhead explained that operations of the school would not significantly change with an increase in the number of students, and that HISD is planning on capping the number at 750 due to the lack of excess space that will be available.

Chairman Frazier asked what the difference was between Horn Elementary and Condit Elementary, with regards to HISD's notification process.

Mr. Bankhead informed the Commission that Horn involved a much more informal, word of mouth process. He added that the communication with Condit Elementary has been twenty fold more than what was done during the previous bond programs.

Chairman Frazier felt this was interesting information due to the fact that the Commission didn't hear any complaints from Horn residents that they weren't notified. He urged HISD to use what they have learned from the previous schools to ensure that the neighboring residents of Bellaire High School are properly notified. He then mentioned that during school events there are sometimes cars parked along both sides of the residential streets and asked if emergency vehicles ever have trouble maneuvering through those cars.

Mr. McDonald assured Chairman Frazier that the streets are a fairly typical width allowing for those emergency vehicles to pass through.

Chairman Frazier acknowledged that this site has a number of constraints attached to it, making it difficult to please everyone. He added that he would like to see the previously mentioned conditions attached to the SUP, but that he is prepared to support the application.

Attorney Barner urged the Commission to be specific when attaching conditions to the SUP, and reminded them that signage and other traffic flow management must be attached as a recommendation.

Motion: a motion was made by Commissioner Alderman and seconded by Vice Chairman Thorogood to approve the SUP with the following conditions:

1. As part of the permit process a parking plan must be submitted to the city detailing where construction personnel, subcontractors, and HISD faculty will be parking during the construction phase.

2. A 4 foot tall, continuous landscape barrier must be installed to screen the parking lot on S. Third Street.

Commissioner Steinberg offered an amendment to the motion requiring that HISD have their safety consultants go onsite to verify safety based on current traffic flow versus proposed traffic flow.

Mr. McDonald explained that if the Commission approved the SUP under this condition, only to find that the safety personnel do not approve of the plan, then it would kill approval of the application.

Commissioner Steinberg pointed out that if there is a safety issue then it should be killed.

Mr. McDonald mentioned that comparing today's traffic flow and parking situation with the proposed plan would be like comparing apples to oranges.

Commissioner Skinner seconded Commissioner Steinberg's amendment.

Commissioner Stiggins felt that there would be no purpose in requiring this for approval when the district has already said that those departments have reviewed the proposal. He added that he cannot imagine HISD designing a school with more safety hazards than what is in place now.

Mr. Bankhead clarified that the district's team does take into account the safety of students, parents, and faculty, but does not necessarily look at specific intersections that may affect other Bellaire residents. He added that he was concerned about the broadness of the amended motion.

Mark Ingram, Director of Traffic Engineering for Cobb Fendley-Mr. Ingram informed the Commission that his job as a professional engineer in the State of Texas is to look at safety and mobility, with safety as the primary goal. He assured the Commission that as a result of this study being sealed by a licensed engineer Cobb Fendley does feel that this plan is safe.

Vote on the amendment: 2-5. The amendment to the motion failed.

Vote on Commissioner Alderman's original motion: 5-2. The SUP was approved with the conditions listed above.

The Commission then discussed the recommendations that they wished to forward to City Council.

Motion: A motion was made by Commissioner Alderman and seconded by Vice Chairman Thorogood to recommend to City Council the consideration of signage to restrict left hand turns onto Willow Street during morning drop-off hours.

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

Commissioner Simmons asked if recommending the addition of a crossing guard was within the purview of the Commission.

Attorney Barner and Mr. McDonald explained that those individuals are hired by HISD and that would be beyond the Commission's scope.

Commissioner Simmons highly recommended that HISD take it upon themselves to obtain an additional crossing guard.

Commissioner Stiggins asked if there were any suggestions in the diagram presented by Mr. Bordeaux that would be useful.

Mr. McDonald explained that the issue comes down to the fact that signage and/or traffic control that the city decides to implement has to be backed by the TIA. He informed the Commission that the city has a grid pattern system, which is designed to allow for traffic to go through the residential streets. Mr. McDonald then pointed that adding signage to Willow Street may lead to more traffic on another street. He added that as the school develops the city will make modifications, as necessary.

Vice Chairman Thorogood mentioned that one resident spoke to the fact that parking is allowed on both sides of residential streets, but many of the streets only have sidewalks on one side. He suggested allowing parking, during pick-up and drop-off, only on the side of the street with the sidewalk.

Mr. McDonald stated that the solution would be permit parking, which would limit/restrict parking on those streets during pick-up and drop-off times.

Vice Chairman Thorogood asked the Commission if permit parking is something that

they should recommend to Council.

Mr. McDonald pointed out that the issues may fix themselves with the additional parking that will be available. He suggested waiting until the school is in operation to evaluate the situation and decide if mitigation is necessary.

Vice Chairman Thorogood withdrew his comment.

(Requested by John McDonald, Community Development)

RESULT:	APPROVED [5 TO 2]
MOVER:	E. Wayne Alderman, Commissioner
SECONDER:	Bill Thorogood, Vice Chairman
AYES:	Frazier, Thorogood, Simmons, Alderman, Stiggins
NAYS:	Steinberg, Skinner

VI. COMMITTEE REPORTS

There were no committee reports.

VII. CORRESPONDENCE

There was no 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.

There was no report from the staff liaison.

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

Commissioner Stiggins mentioned that there was recently an article in the paper regarding fiscal planning within the City of Bellaire, in which City Manager, Paul Hofmann made a comment stating that he envisioned input from the Bellaire Planning and Zoning Commission. Commissioner Stiggins asked Mr. McDonald if that is something that will be put on a future agenda.

Mr. McDonald informed the Commission that during the upcoming months Mr. Hofmann will be coming to speak with them regarding the role that the Planning & Zoning Commission will play in the Capital Improvement Plan (CIP). He explained that city staff, working with Council's priorities and goals, will come up with a list of items which will then come before the Commission who will make a recommendation to City Council. Mr. McDonald stated that the role of the Commission will basically be to look at the proposed capital plan as it compares to the Comprehensive Plan to ensure that needs are being met/addressed.

Chairman Frazier mentioned the upcoming training sessions and asked if the CIP will be part of the training.

Mr. McDonald stated that there will not be specific training for the CIP, but that there will be specific training for statutory boards which may touch on the subject.

Vice Chairman Thorogood mentioned the Micro Center that is under construction on South Rice and Westpark, and explained that they lost the lease on their current property. He pointed out that this is the first commercial development in that area, and is adjacent to the City of Bellaire's Transit Oriented Development.

Chairman Frazier mentioned that this was Commissioner Alderman's last meeting and thanked him for his service to the City of Bellaire. He stated that he will be missed.

Commissioner Skinner thanked everyone involved in Condit Elementary's specific use permit process.

IX. ADJOURNMENT

The Commission unanimously voted to adjourn the meeting at 8:17 PM.

Planning and Zoning Commission

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



Meeting: 06/10/14 06:00 PM
Department: Community
Development
Category: Amendment
Department Head: John McDonald
DOC ID: 1261

SCHEDULED ACTION ITEM (ID # 1261)

Item Title:

Docket #PD-2014-01-Discussion, Consideration, and Possible Action on a request for an amendment to an existing Planned Development approved under Chapter 24, Planning & Zoning, Article IV, Amendatory Procedures, to create two residential lots within "The Park at Bellaire," including the north 50 feet of Lot 10, and the South 12 ½ feet of Lot 12 of White Subdivision. This property is addressed as 129 White Drive.

Background/Summary:

Address: 129 White Drive
(East side of White Drive, South of Cedar)

Applicant: Lee Hampton

Zoning: Loop 610

Proposed Use: Planned Development-Residential

Comprehensive Plan: Proposed use is consistent with the Comprehensive Plan Future land use map

Application Date: May 1, 2014

Notification letters mailed: May 27, 2014
(30 property owners within 200 feet)

Legal Notice published: May 27, 2014

Request:

The applicant requests approval of an application for an amendment to a previously approved Planned Development: Residential-Office Plaza (The Park at Bellaire) to allow the creation of two lots from the existing lot addressed as 129 White Drive for the construction of two single-family residential units.

Background:

"The Park at Bellaire" was approved by City Council with the adoption of Ordinance 02-061 on September 16, 2002. The applicant's property was one of three parcels on White Drive that were not included in the original planned development request.

Adjacent Land Use/Zoning

	Existing Land Use	Existing Zoning
North	Residential	PD
South	Residential	PD
East	Commercial	Loop 610
West	Residential	PD

Staff Review:

Staff has conducted a review of the application and material submitted by the applicant in support of the request for a residential Planned Development ("PD").

General Requirements:

Sec. 24-541E *Planned Development: Residential-Office Plaza* sets forth the standard regulations for PD's within the Loop 610 Zoning District. All requirements are addressed within the applicant's submittal or were provided for under the original application.

Traffic:

A Traffic Impact Analysis ("TIA") was prepared by Traffic Data & Associates, Inc. In January 2002 and was included as part of the original PD application. The TIA, which was conducted based on 32 proposed dwelling units, which included the possibility of the applicant's property becoming part of the original project, showed no "significant adverse impact in the surrounding street system."

Drainage:

Drainage requirements specific to future residential construction will be reviewed at the building permitting stage.

Utilities:

Water and wastewater service will be provided by the City of Bellaire.

No public comment has been submitted to date.

Recommendation:

Public Hearing: No action necessary

ATTACHMENTS:

- 129 White Dr. PD Application (PDF)

Lee Hampton
5116 Bissonnet St, Suite 304
Bellaire, TX 77401
(713)204-2572

CITY OF BELLAIRE
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MAY 20 2014
COMMUNITY DEVELOPMENT

April 30, 2014

Mr. John McDonald, Director
Community Development
City of Bellaire
7008 S. Rice
Bellaire, TX 77401

Re: Proposed Planned (Residential) Amendment at 129 White Dr. It is embedded within the Planned Development known as "The Park at Bellaire".

Mr. McDonald:

Enclosed for your review and approval, please find the application for the proposed Planned Development Amendment as follows;

Applicant:

Lee Hampton / Victory Custom Homes
5116 Bissonnet, Suite 304
Bellaire, TX 77401

Authority for Amendment:

The ordinance authorizing the planned development amendment: Section 24-541, _ loop 610 district. This application for amendment to PD22 is in compliance with said section.

Property Legal Description (see attached survey map)

TRS 10A & 12 of the White Subdivision, according to the map or plat thereof recorded in vol. 1397, pg 105 of the deed record of Harris County, TX

The site address is
129 White Dr., Bellaire, TX 77401

Proof of Ownership:

See attached Title report by Innovative Title Company of Bellaire, dated April 29, 2014

Proposed Site Description

129 White Drive is a residential lot with a dilapidated home on the site. The existing structure will be demolished. It is currently comprised of North 50' of lot 10 and South 12.5' of lot 12. It is located on the east side of the 610 Loop between Bellaire Blvd and Cedar st. It is embedded within the current PD-22, also known as "The Park at Bellaire". The proposal is to divide the above mentioned two lots into two equal lots, each which will then each house a single family residence.

Size of subject property: 62.5ft x 135ft = 8,437.5 sq ft

Proposed Lots

- Lot A: 31.25ft x 135ft = 4,218.75 sq ft
- Lot B: 31.25ft x 135ft = 4,218.75 sq ft

Proposed Units

- Two(2) single family detached homes
- Maximum Lot Coverage Ratio = 60%
- Maximum Height = 40' 0"
- Front Setback = 20 ft
- Side Setback = 3 ft
- Rear Setback = 10 ft
- Garage Spaces = 2
- Minimum Distance from adjacent structure = 8ft

Environmental Assessment Form

(attached)

Traffic Analysis

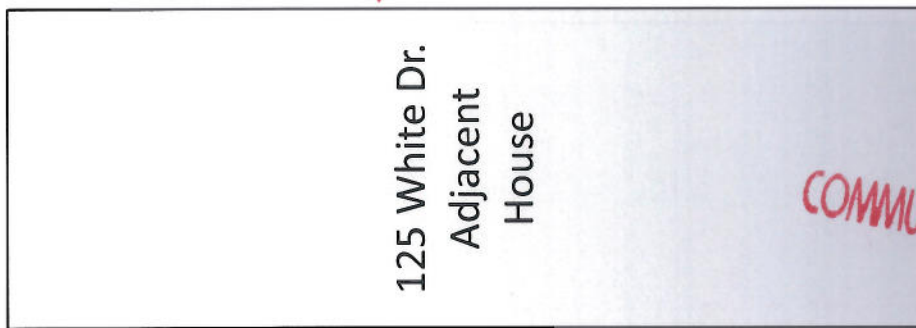
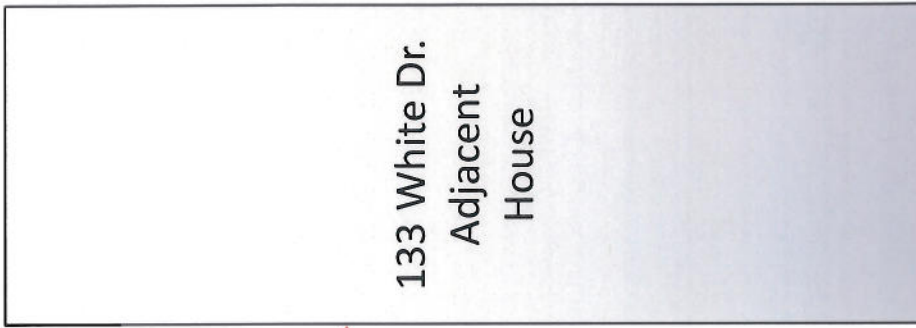
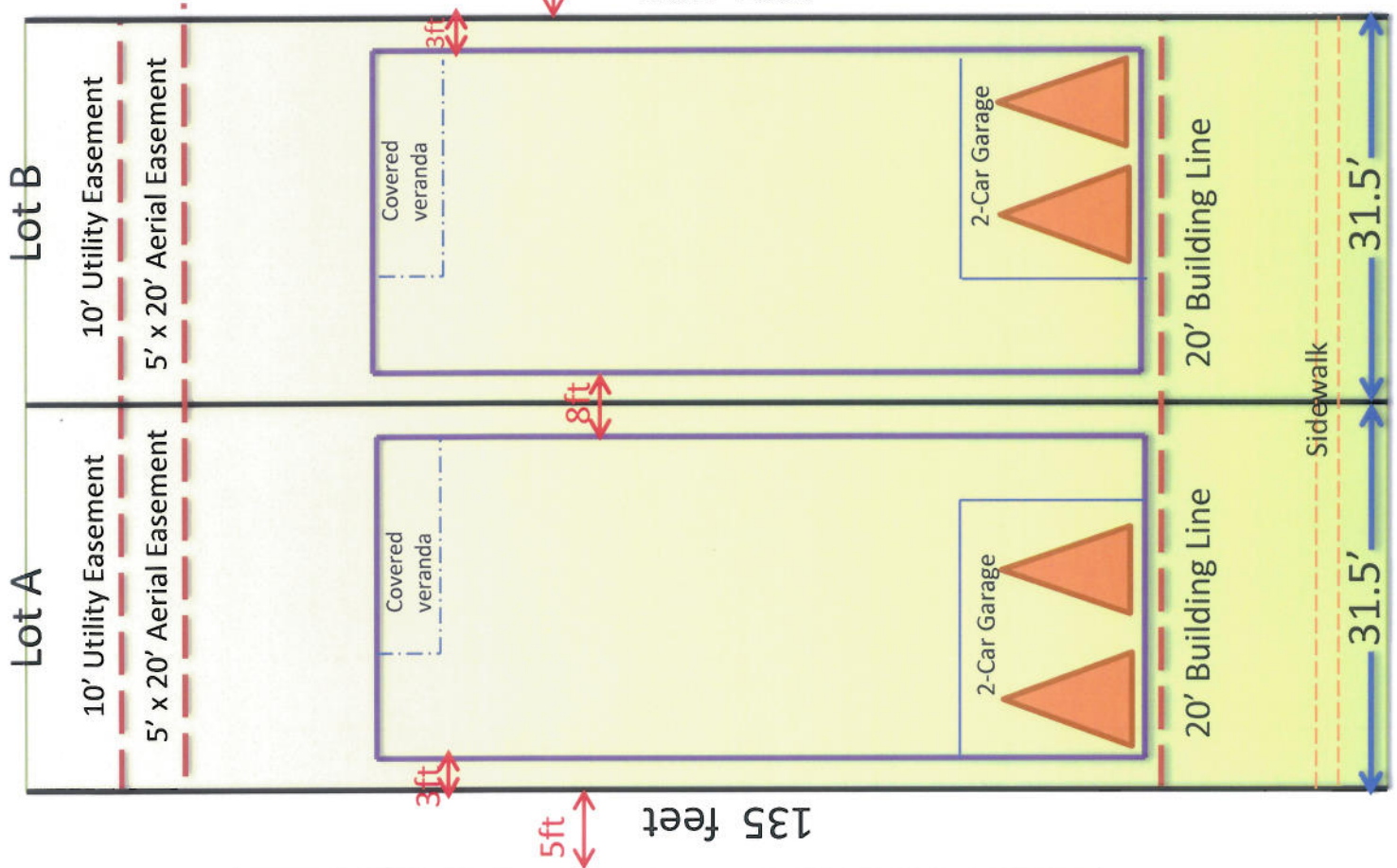
There is no traffic impact analysis required with this amendment as the subject lots were included in the original PD22 development traffic analysis.

I hereby respectfully request your review and approval of this application. Please schedule on the agenda for the next Planning and Zoning meeting.

Sincerely,

Lee A. Hampton

Proposed



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CITY OF BELLAIRE ENVIRONMENTAL ASSESSMENT FORM

PROJECT

Subdivision Name:	The Park at Bellaire		
Location (Address or major crossroads/boundary streets):	129 White St.		
Project valuation/cost:	\$445,000		
Any foreseen zoning issues? (if yes, describe.)	None		

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OWNER

Name:	Lee Hampton		
Address:	5116 Bissonnet St, Suite 304, Bellaire, TX 77401		
Phone:	713-204-2572	Email:	lee@lee-hampton.com

PROJECT ENGINEER (OR SURVEYOR IF NO ENGINEER)

Name:	Lee Hampton		
Address:	Same as above		
Phone:		Email:	

Is project residential, commercial, or mixed use?	Residential
Multi-phased project? (If yes, include a site plan detailing phases including estimated timeline.)	No
<i>Project area as residential</i>	
Number of square feet?	8438 sq ft
Number of single-family, attached lots?	0
Number of single-family, detached lots?	2
Number of multi-family units?	0
Overall density of residential area?	10 1/2 dwelling units/acre
<i>Project area as commercial</i>	
Number of square feet?	
Percentage Office?	
Percentage Retail?	
Percentage Other (detail)?	

Include a letter from owner/project engineer addressing the following: utility needs, detention requirements, thoroughfare impacts, any environmental issues, and impact of construction on surrounding community.

Lee Hampton
Signature of Applicant

4-30-14
Date

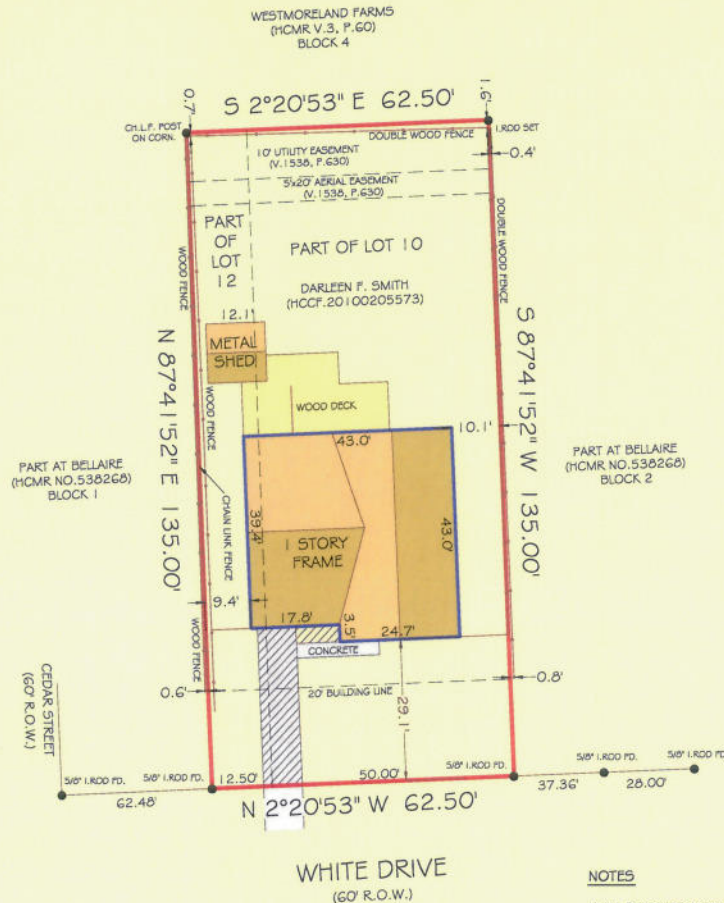
This analysis assists the City in reviewing your proposed project. Providing the most accurate information will facilitate a better development for both you and the City. Additional information may be required throughout the development process.

ADDRESS : 129 WHITE DRIVE
BELLAIRE TX 77401
ORDERED BY : LEE HAMILTON
TITLE CO : N/A
GF NO : N/A
LENDER : N/A

A STANDARD LAND SURVEY OF
NORTH 50' OF LOT 10, AND
SOUTH 12.50 FEET OF LOT 12
WHITE SUBDIVISION
ACCORDING TO THE MAP OR PLAT THEREOF
RECORDED IN VOL. 1397, PG. 105
OF THE DEED RECORDS OF HARRIS COUNTY, TEXAS



SCALE:
1"=30'



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NOTES

1) ALL BEARINGS SHOWN ARE REFERENCED PER H.C.M.R. F.C. NO. 538268.

2) THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A TITLE COMMITMENT. THERE MAYBE EASEMENTS, RESTRICTION LINES NOT SHOWN HEREON, AND AFFECTING THE SUBJECT TRACT.



PIOTR A. DEBSKI
1030 DOMINION DR.
KATY TX, 77450

I HEREBY CERTIFY THAT THIS SURVEY WAS MADE ON THE GROUND UNDER MY SUPERVISION AND THAT IT CORRECTLY REPRESENTS THE FACTS FOUND AT THE TIME OF THE SURVEY. THERE WERE NO ENCROACHMENTS APPARENT ON THE GROUND EXCEPT AS SHOWN HEREON.

FLOOD INFORMATION

*THIS TRACT LIES WITHIN THE 100 YEAR FLOOD PLAIN AND IS IN ZONE "AE" AS LOCATED BY F.E.M.A. FLOOD INSURANCE RATE PANEL NO: 48201C0855L DATED: 06-18-2007



PIOTR A. DEBSKI
R.P.L.S. NO. 5902

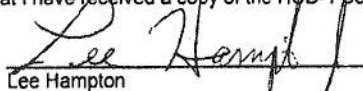
JOB NO: T14-4-129
DATE: APRIL 27, 2014

DIR 832-878-6760
FAX 281-398-5629
piod@sbcglobal.net

ACKNOWLEDGMENT OF RECEIPT OF SETTLEMENT STATEMENT

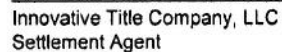
Borrower: Lee Hampton
Seller: DARLEEN FITZGERALD SMITH
Settlement Agent: Innovative Title Company, LLC
(713)715-4400
Place of Settlement: 6750 West Loop South, Suite 450
Bellaire, TX 77401
Settlement Date: April 29, 2014
Property Location: 129 WHITE DR
Bellaire, TX 77401
Harris County, Texas
TRS 10A & 12 (see contract),
WHITE

I have carefully reviewed the HUD-1 Settlement Statement and to the best of my knowledge and belief, it is a true and accurate statement of all receipts and disbursements made on my account or by me in this transaction. I further certify that I have received a copy of the HUD-1 Settlement Statement.


Lee Hampton


DARLEEN FITZGERALD SMITH

To the best of my knowledge, the HUD-1 Settlement Statement which I have prepared is a true and accurate account of the funds which were received and have been or will be disbursed by the undersigned as part of the settlement of this transaction.


Innovative Title Company, LLC
Settlement Agent

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WARNING: It is a crime to knowingly make false statements to the United States on this or any similar form. Penalties upon conviction can include a fine and imprisonment. For details see: Title 18 U.S. Code Section 1001 and Section 1010.

(2014036094.PFD/2014036094/40)

ATTORNEY REPRESENTATION NOTICE AND FEE ARRANGEMENT

GF No.: 2014036094

Purchaser(s)/Borrower(s): LEE HAMPTON

Seller(s): DARLEEN FITZGERALD SMITH

Property Address: 129 WHITE DR, BELLAIRE, TEXAS 77401

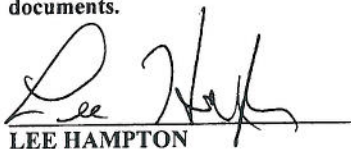
The Warranty Deed for the property and transaction described above has/have been prepared by Kevin S. Steinberg, Attorney at Law, in his capacity as an attorney and not as an employee or owner of Innovative Title Company, LLC. The undersigned acknowledge and agree that said attorney has not acted as counsel to any parties involved with this transaction. **The undersigned acknowledge that this/these document(s) are the only document(s) that were requested to be prepared for this closing.**

The parties acknowledge their respective obligations to pay the costs of closing this transaction including the legal fees charged by Kevin S. Steinberg, Attorney at Law, for the preparation of the aforementioned document and agree to pay at closing the fees as outlined by the Settlement Statement.

The undersigned understand and agree that the legal documents prepared by Kevin S. Steinberg, Attorney at Law, were prepared in accordance with the instructions of Innovative Title Company, LLC and/or the lender in this transaction, if any. No representations have been made by Kevin S. Steinberg, Attorney at Law, as to the legal effects or tax consequences of these documents or transaction itself. No representations have been made as to the compliance of this transaction with the usury laws or of any other laws of the United States or any state having jurisdiction over this transaction.

It is understood and agreed by the undersigned that Kevin S. Steinberg, Attorney at Law, has not been employed for legal representation by the undersigned or Innovative Title Company, LLC or for legal representation generally and has not undertaken to assist or render legal advice to the undersigned with respect to the transaction or the real property connected with it and is not engaged for any purpose in connection with this transaction other than the preparation of legal documents as set forth above. The undersigned acknowledge that they have read, understood and by their execution below, approve the documents prepared herein.

The undersigned further agree that no attorney-client privilege or relationship exists between them and Kevin S. Steinberg, Attorney at Law. The undersigned acknowledge that they may retain their own counsel to advise them regarding the transaction, the real property, and/or the legal documents.


LEE HAMPTON


DARLEEN FITZGERALD SMITH

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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.

GENERAL WARRANTY DEED

THE STATE OF TEXAS

§
§

KNOW ALL MEN BY THESE PRESENTS:

COUNTY OF HARRIS

That, **DARLEEN FITZGERALD SMITH, A SINGLE PERSON** ("Grantor" whether one or more), for and in consideration of the sum of TEN AND NO/100 DOLLARS (\$10.00) and other good and valuable consideration to Grantor, cash in hand paid by **LEE HAMPTON** ("Grantee" whether one or more), the receipt and sufficiency of which are hereby acknowledged by Grantor, has GRANTED, SOLD AND CONVEYED, and by these presents does hereby GRANT, SELL AND CONVEY, unto said Grantee all interest in the following described property ("Property"), together with all improvements thereon and fixtures thereto:

THE NORTH FIFTY FEET (N. 50') OF LOT TEN (10), AND THE SOUTH TWELVE AND ONE-HALF FEET (S. 12.5') OF LOT TWELVE (12), OF WHITE SUBDIVISION, A SUBDIVISION TO THE CITY OF BELLAIRE, HARRIS COUNTY, TEXAS, BEING A RESUBDIVISION OF LOTS THIRTY-ONE (31), THIRTY-TWO (32), AND THE SOUTH ONE-HALF (S. 1/2) OF LOT THIRTY-FOUR (34), BLOCK FOUR (4), OF WESTMORELAND FARMS, A SUBDIVISION IN HARRIS COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF, RECORDED IN VOLUME 1397, PAGE 105, OF THE DEED RECORDS OF HARRIS COUNTY, TEXAS.

TO HAVE AND TO HOLD the above described Property, together with all and singular, the rights and appurtenances thereto in anywise belonging, unto the said Grantee and Grantee's heirs, executors, administrators, successors, and assigns forever; and it is agreed that Grantor and Grantor's successors are hereby bound to warrant and forever defend, all and singular interest of the Property against every person whomsoever claiming or to claim the same or any part thereof.

This conveyance is made and accepted subject to any and all valid and subsisting restrictions, restrictive covenants, easements, interests, minerals or leases, rights of way, reservations, maintenance charges together with any lien securing said maintenance charges, declarations, special assessments, outstanding interests and encumbrances, zoning laws, ordinances of municipal and/or other governmental authorities, conditions and covenants, if any, applicable to and enforceable against the above described Property as shown by the records in the Office of the County Clerk of the above referenced county.

Current ad valorem taxes on said Property having been prorated, the payment thereof is assumed by Grantee.


When this deed is executed by more than one person, or when the Grantee is more than one person, this instrument shall read as though pertinent verbs and pronouns were changed to correspond, and when executed by or to a corporation, the words "heirs, executors and administrators" or "heirs and assigns" shall be construed to mean "successors and assigns."

EXECUTED this 29 day of April, 2014.


DARLEEN FITZGERALD SMITH

This instrument was acknowledged before me on this, the 29 day of April, 2014, by **DARLEEN FITZGERALD SMITH**.




NOTARY PUBLIC IN AND
FOR THE STATE OF TEXAS

Planning and Zoning Commission

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



Meeting: 06/10/14 06:00 PM
Department: Community
Development
Category: Amendment
Department Head: John McDonald
DOC ID: 1262

SCHEDULED ACTION ITEM (ID # 1262)

Item Title:

Discussion, Consideration, and Possible Action on proposed amendments to Chapter 24, Planning & Zoning, Article V, Zoning Regulations, Section 24-514a, Parking in Commercial and Mixed-Use Districts, to delete references to old zoning districts (CCD-1, CCD-2) and replace them with new zoning districts (UV-T, UV-D, CMU), to amend parking requirements in commercial and mixed-use districts, and add parking requirements for churches and schools, to amend aggregate/shared parking requirements to include a shared parking table, to add requirements for the stacking of spaces for drive-through facilities, and to rename Section 24-514a, Parking Requirements, Non-Single Family; to amend Article X, Signs, Section 24-1012, Permitted Signs for Institutions, and Article XI, Sexually Oriented Businesses, Section 24-1100, Applicable in Certain Districts, to replace references to old zoning districts (CCD-1, CCD-2) with newly adopted districts (UV-D, CMU); and to amend Article II, Definitions and Interpretations, Section 24-202, Definitions (32), to delete reference to old zoning districts (CCD-1, CCD-2).

Background/Summary:

The main part of this item was previously reviewed and approved by the Commission at the March 11, 2014 meeting. However, prior to scheduling for Council action, it was determined that one of the amendments made to Sec. 24-514a, which included the parking chart could have been more clearly identified in the public notice. It was decided to bring the item back to ensure there were no notification issues.

Additionally, staff included additional language regarding shared parking and stacking of cars which was originally included in Gary Mitchell's parking proposal and was reviewed by the Commission last spring. We also found a few other references to City Center Districts that had not been addressed, so amendments are proposed to clean up these sections as well.

Sec 24-514a:

The chart remains the same as approved by the Commission in March. The current aggregate parking option is to be replaced with a shared parking option. This allows the potential for mixed-use developments within the CMU, UV-D, or UV-T to reduce parking requirements depending on the mix of uses included in a development. The Shared Parking Table included was drafted by Mr. Mitchell. As an alternative to the table, an applicant has the option of conducting a parking study. This is similar to the method currently used by the Board of Adjustment when considering special exceptions to the parking requirement. Again, these are only allowed under developments classified as "mixed-use."

A space stacking requirement has also been included to ensure that businesses that may have drive-through facilities include enough room when lines form.

Clean-up of old districts:

The proposed changes to the remaining sections:

1. Sec. 24-202. Definitions;

2. Sec. 24-1012. Permitted Signs for Institutions, and
3. Sec. 24-1100. Applicable in certain districts,

are simply to replace the presence of deleted zoning districts (CCD-1, CCD-2) with the new districts that are now in effect.

Recommendation:

The director recommends the adoption of the proposal with modifications as may be required by the Commission.

ATTACHMENTS:

- 24-514a final clean up June 2014 (PDF)

Proposed amendments to Section 24 – Public Hearing on 06/10/2014

Amend Sec. 24.-15a. Parking Requirements, non-Single Family

- (a) *General Requirements.* The following requirements as provided in Table 24-514a.A are hereby established as parking regulations for all structures and developments other than single-family dwellings (attached or detached), including planned developments, which may be found in all zoning districts as permitted.

TABLE 24-514a.A Required Off-Street Parking	
Use Classification	Minimum Parking Spaces
Office	
a. General Office	3 per 1000 SF GFA
b. Financial institution	3 per 1000 SF GFA
Residential	
a. Multi-family residential	1.75 per dwelling unit
b. Retirement/Assisted Living Community	0.75 per dwelling unit or room, plus 1.0 per employee of largest shift
c. Hotel or motel	1.0 per room
Health Care Facilities	
a. Hospital	1.75 per bed
b. Medical or Dental Office	3.5 per 1000 SF GFA
c. Nursing Home	1.0 per bed plus 1 per 3 employees
d. Funeral Home or mortuary	.05 per chapel seat
e. Veterinary clinic	5.0 per 1000 SF GFA
Industrial and Commercial Manufacturing	
Wholesaling and warehousing	2.5 per 1000 SF GFA of office space; and 1.00 per 5,000 SF GFA of non-office space
Light Manufacturing	2.5 per 1000 SF GFA of office space; and 1.00 per 5,000 SF GFA of assembly space
Other industrial/manufacturing	2.5 per 1000 SF GFA of office space; and 1.00 per 5,000 SF GFA of non-office space

Religious and Educational	
a. Church	1 per every 3 seats in main sanctuary/meeting room; if no fixed seating, 1.0 for every 40 square feet of GFA in the main sanctuary/meeting room
b. Nursery school or day care center	1.0 for every employee on duty during the largest shift; plus 1.0 per 5 children in attendance when the facility is operating at maximum capacity.
c. School, elementary	1 per classroom; plus 1 per every 12 students
d. School, junior high/middle	1 per classroom; plus 1 per every 7 students
e. School, high	1.0 per every 3 students
f. College, University, Trade school	1 per every 3 students
g. Art gallery or museum	3.0 per 1000 sf of GFA
Recreation and Entertainment	
a. Theater, including movie	1.0 per every 3 seats
b. Bowling Alley	5.0 per lane
c. Sports club or health spa	5.0 per 1000 sf GFA
d. Swimming club	9.0 per employee
Food and Beverage	
a. Take-out restaurant (without seating)	4.0 plus 1 for every 1000 sf of GFA
b. Dessert shop	6.0 for every 1000 sf of GFA
c. Restaurant	10.0 for every 1000 sf of GFA
Retail Services	
a. Grocery Store	5.0 per 1000 sf of GFA
b. Furniture Store	2.0 per 1000 sf of GFA
c. General Retail	4.0 per 1000 sf of GFA
d. Barber or Beauty Salon	3.0 per operator chair
Automobile	
a. Vehicle Sales	5.5 per 1000 sf of GFA
b. Auto repair	5.0 per 1000 sf of GFA
c. Car wash	1.0 per bay
d. Service Station	3.0 per service stall; plus 1.0 per each employee on duty during largest shift
e. Auto parts store	4.0 per 1000 sf of GFA; plus additional 2.0 per 1000 GFA is mechanic shop is incorporated.

- (1) GFA – Gross Floor Area (excludes space used for distinct lobbies, hallways, elevators, mechanical equipment, etc.).

(b) *Mixed use.* Mixed-use development in the CMU, UV-D and UV-T districts may be granted reductions in required parking as provided in this subsection.

- (1) *Shared parking table.* Shared parking allows a reduction in the total number of required parking spaces when a parcel is occupied by two or more uses which typically do not experience peak parking demands at the same time. When any land or building is used for two or more uses that are listed below, the minimum total number of required parking spaces may be determined by the following procedures:
 - a) Multiply the minimum required parking for each individual use, excluding spaces reserved for use by specified individuals or classes of individuals, such as (e.g., handicapped parking), by the appropriate percentage listed in **Table 24-514a.B**, for each of the designated time periods.
 - b) Calculate a sum for all uses for each of the five columns. The minimum parking requirement is the highest of these sums.
 - c) In general, the maximum reduction pursuant to Table 24-514a.B shall be 25 percent. However, a greater reduction is permitted, provided that:
 - 1) Sufficient land is set aside for each parking space in excess of the 25 percent reduction that is not constructed, so that the spaces may be constructed at a later date should the City's administrative official determine that they are necessary; and
 - 2) The property owner executes and records a document that guarantees that the spaces will be constructed upon written order of the City's administrative official.

Table 24-514a.B: Shared Parking Table					
Use	Weekday			Weekend	
	Night (12AM to 6AM)	Day (6AM to 6PM)	Evening (6PM to 12AM)	Day (6AM to 6PM)	Evening (6PM to 12AM)
Residential	100%	60%	90%	80%	90%
Office	5%	100%	10%	10%	5%
Retail / Commercial	5%	70%	90%	100%	70%
Commercial Lodging	80%	80%	100%	50%	100%
Restaurant	10%	50%	100%	50%	100%
Commercial Amusement	10%	40%	100%	80%	100%
All Others	100%	100%	100%	100%	100%

- (2) *Special shared parking study.* As an alternative to the methodology in Table 24-514a.B, an applicant may propose a special study to document the parking required for mixed uses by reviewing peak loading times for uses during a 24-hour day and designing for the peak hour demand.
 - a) The study shall provide data on the following:
 - 1) The recommended parking needs of the project.
 - 2) The sensitivity of the proposed uses to change. For example, a center with no restaurant could have significant changes in parking if a restaurant was added.
 - 3) Similar mixes of uses in other areas of the community or surrounding region.
 - 4) Degree of variability of parking for individual uses (average, range and standard deviation).
 - b) The shared parking study must be conducted by a professional engineer with experience in parking analysis and planning.

- 1) The City may retain a qualified engineer, at the applicant's expense, to prepare the special study and provide recommendations to the City; or
 - 2) The City may rely on the applicant's selected engineer to conduct the study, with review provided by City technical staff and/or consultant.
 - c) Upon the recommendation of the City's administrative official, the Planning and Zoning Commission may require a reserved open area on the site to offset the risk of parking needs increasing over time. Once the project is occupied and well established, if there is a surplus of parking, the applicant may petition for additional development capacity and parking using the reserved area.
- (3) *Design of shared parking.* Where shared parking is implemented:
- a) A pedestrian circulation system shall be provided that connects uses and parking areas, making it easy and convenient to move between uses.
 - b) All shared parking shall be located within 150 feet of any building which it serves, as measured along an established pedestrian route from the nearest point of the parking facility to the nearest point of the use served.
- (c) *Shared parking among sites under different ownership.* Adjoining developments with separate property ownership in the CMU, UV-D and UV-T districts may propose shared parking arrangements in accordance with the purposes and procedure of Section 24-514a(b)(1), above, with the following conditions:
- (1) Cooperating property owners shall use Table 24-514a.B to calculate the reduction in required parking to be achieved through a shared parking arrangement.
 - (2) The City's administrative official is authorized to approve joint parking arrangements in accordance with this subsection.
 - (3) In addition to the conditions specified in this Section, above, for shared parking among mixed uses on a single site, a shared parking arrangement among multiple sites shall require:
 - a) Provision for interconnected parking areas between the sites to accommodate vehicular circulation; and
 - b) Recorded easements that provide for, at a minimum:
 - 1) Cross-access among the parking areas and connections to permit parking by the different uses anywhere in the connected properties;
 - 2) A pedestrian circulation system that connects uses and parking areas, making it easy and convenient to move between uses; and
 - 3) Allocation of maintenance responsibilities.
- (d) *Stacking spaces.* Uses with drive-through facilities in the CMU district shall provide vehicle stacking spaces as set out in this Section and in **Table 24-514a.C**. Stacking spaces include the spaces at menu boards, service windows, and drive-through lanes for Automated Teller Machines (ATMs).
- (1) Size of stacking spaces: 8 feet wide x 18 feet long, exclusive of access drives and parking aisles.

Table 24-514a.C: Required Stacking Spaces	
Land Use with Drive-Through	Stacking Requirement
Generally (if not listed below)	3 per drive-through lane or service window, including the position at the window
Banks and credit unions	Single drive-through lane: 6, including the position at the service window/station

	Multiple drive-through lanes: 5 per lane, including the position at the service window/station ATMs: 3, including the position at the ATM
Restaurants	8 to each menu board 3 between menu board and service window OR, if multiple windows (for payment and then service): 4 between menu board and the first window, including the position at the first window 2 between first and second windows, including the position at the second window

Sec. 24-202. Definitions

32) City Center. An area of the City of Bellaire bounded by Chimney Rock Road (west), Bissonnet Street, Linden Street and Bellaire Boulevard (south), South Rice Avenue and Third Street (east), and Locust Street and the northern boundaries of lots facing Spruce Street (north). ~~The area contains two (2) zoning districts, CCD-1 City Center District and CCD-2 City Center District.~~

Sec. 24-1100. Applicable in certain districts.

The provisions of this Article shall be applicable in zoned districts ~~CCD-1 and CCD-2~~ UVD and CMU of the City of Bellaire. The uses as herein provided shall remain prohibited in all other zoned districts.

Sec. 24 1012. Permitted Signs for Institutions.

(A) Wall Signs.

- 1) Districts. L-610, TRP and UV-T.
 - a) Number allowed. One per wall.
 - b) Maximum area. 2.5 square feet per foot of wall length.
- 2)Districts. ~~CCD-1, CCD-2~~UVD, CMU, and LI.
 - a) Number allowed. One per institution.
 - B)Maximum area.
 - i) One-story building. 1 square foot per linear foot of wall length.
 - ii) Two or more stories. 1.5 square feet per linear foot of wall length.
- 3) Districts. All other zoning districts.
 - a) Number allowed. One per institution.
 - b) Maximum area.
 - i) One-story building. 1 square foot per linear foot of wall length.
 - ii) Two or more stories. 1.5 square feet per linear foot of wall length.

(B) Monument Signs.

- 1) Districts. All zoning districts.
 - a) Number allowed.
 - i) Generally. One per building.
 - ii) Two monument signs are allowable:
 - (a)When a building site fronts two of the following streets: Bellaire Blvd., S. Rice Ave., Bissonnet St., or the 5700 and 5800 blocks of Newcastle, provided that neither sign is located within one hundred (100) feet of a residential property and the minimum spacing between the signs is three hundred (300) feet, or
 - b) Maximum area. 60 square feet.
 - c) Maximum height. 8 feet above curb.
 - d) Minimum setback. The greater of two feet from the property line or six feet from the edge of the street, whichever is more restrictive.
 - e) Spacing limitations. Only one monument sign per 100 feet of linear feet or part hereof shall be permitted, except when more than one freestanding building is located on one site.

(C) Canopy Signs.

- 1) Districts. ~~CCD-1, CCD-2~~UVD, CMU, and LI Districts.
 - a) Maximum area. 4½ square feet.
 - b) Minimum clearance. Eight feet above ground.
 - c) Allowable locations. On ground floor abutting street, parking lot or public walkway, excluding alleys and driveways.

(D) Other Allowable Signs.

- 1) Districts. L-610, TRP and UV-T.
 - a) Community service.
 - b) Community event.
 - c) Outfield.
 - d) Political.
 - e) Scoreboard.
 - f) Traffic control.
 - g) Windscreen.
- 2) Districts. ~~CCD-1, CCD-2~~UVD, CMU, and LI Districts.

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- a) Auxiliary/public information.
 - b) Business entity or institution development site.
 - c) Community event.
 - d) Community service.
 - e) Construction.
 - f) Outfield.
 - g) Political.
 - h) Scoreboard.
 - i) Traffic control.
 - j) Windscreen.
- 3) Districts. All other zoning districts.
- a) Community event.
 - b) Community service.
 - c) Outfield.
 - d) Political.
 - e) Public information.
 - f) Scoreboard.
 - g) Windscreen.