

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



Chairman

Mr. Winfred Frazier

Vice Chairman

Bill Thorogood

Commissioner

Paul Simmons

Commissioner

Marc Steinberg

Commissioner

Dirk Stiggins

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**II. ANNOUNCEMENT OF QUORUM****III. REMINDER TO CITIZENS DESIRING TO ADDRESS THE COMMISSION****IV. APPROVAL OF MINUTES FROM PAST MEETINGS**

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

V. UNFINISHED BUSINESS, COMMUNICATIONS, & REPORTS**VI. SWEARING IN OF NEW COMMISSIONERS (INCOMING COMMISSION ASSUMES DUTIES AND OUTGOING COMMISSION RETIRES).****VII. GENERAL PUBLIC COMMENTS****VIII. INCOMING COMMISSION****A. Introduction of Incoming Commissioners****B. Election of Chair and Vice Chair****C. Adoption of the Rules of Procedure****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.

(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.**

XI. REPORT OF STAFF, COMMITTEES, AND 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.

XIII. ADJOURNMENT



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

I. CALL TO ORDER AND ANNOUNCEMENT OF QUORUM

Chairman Frazier called the meeting to order at 6:09 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	Absent	
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 - May 13, 2014 6:00 PM

Commissioner Simmons pointed out that there was a misspelling within the agenda titles.

Commissioner Stiggins mentioned that the Commission never got a copy of the diagram Mr. Bordeaux gave to Chairman Frazier at the Condit Elementary School public hearing and asked that it be provided to them.

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

III. REMINDER TO CITIZENS DESIRING TO ADDRESS THE COMMISSION

Chairman Frazier reminded any public wishing to speak to fill out a sign in sheet.

IV. GENERAL PUBLIC COMMENTS

Minutes Acceptance: Minutes of Jun 10, 2014 6:00 PM (Approval of Minutes from Past Meetings)

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

There were no general public comments.

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.**

Mr. McDonald explained the public hearing process to the public, and introduced the item.

Presentation by the Applicant

Lee Hampton, Victory Custom Homes-Mr. Hampton informed the Commission that the properties surrounding 129 White Drive are included in a Planned Development (PD) containing narrow, 25-26 foot lots with single-family homes located on them. He added that there were at least two lots that were not included in the original PD, his property being one of them. Mr. Hampton explained that he is requesting to subdivide the land, creating two lots that will each measure 26 feet wide and 135 deep, on which to build two single family homes, consistent with the other homes located on the street. He stated that he currently has 4 or 5 projects in Bellaire and is very familiar with the processes and regulations involved.

Staff Findings

Mr. McDonald informed the Commission that this is a request for an amendment to "The Park at Bellaire" Planned Development located on White Drive. He explained that when the PD was originally created, two property owners elected not to be a part of the project. Mr. McDonald stated that the property is located in the Loop 610 Zoning District, where there are predominately commercial developments that have been created under PD regulations. He pointed out that the application is consistent with the Comprehensive Plan Future Land Use Map, and that notifications were sent out to all properties within 200 feet of 129 White Drive. Mr. McDonald explained that when the subdivision was laid out it was designed for all of the lots to be turned over, meaning that the drainage and infrastructure meet the requirements, and approval of this application will not put any undue burden on the city's utilities. He also added that a Traffic Impact Analysis (TIA) was performed as part of the original subdivision, which took into consideration that all lots would be developed under the proposal.

Public Comment

Mr. Ng informed the Commission that he lives next door to the property in question, at 131 White Drive. He explained that currently his house is about 7 1/2 feet from the lot line, dividing his property and the adjacent lot, and his understanding is that the proposed change will require the wall to wall distance to be decreased to 8 feet. Mr. Ng felt that this is a big change that will negatively impact his property, as well as block the

sunlight coming in from that side of the home. He mentioned that it is unfair that he purchased the home one year with the understanding that the property at 129 White Drive would remain the current distance from the lot line. Mr. Ng asked the Commission to please take the interest of the existing homeowner into consideration.

Rebuttal by the Applicant

Mr. Lee pointed out that the current house at 129 White is very dilapidated and the turnover of the property would result in an increase in the value of the other homes in the neighborhood. He also mentioned that there is only a 3 foot difference in the current distance between the houses and the proposed, and pointed out that blockage of sun is just a fact of life when living in a suburban area.

Questions from the Commission

Vice Chairman Thorogood asked for clarification that the home next to the property is 131 White Drive, not 133 White Drive as the diagram shows.

Mr. McDonald confirmed this.

Vice Chairman Thorogood mentioned that the diagram provided by Mr. Lee shows that there are 8 feet between Mr. Ng's home and the building line.

Mr. McDonald stated that the home is somewhere between 7 1/2 and 8 feet from the building line.

Vice Chairman Thorogood asked for clarification that it would be going from the current 13 1/2 feet to 10 1/2 feet in between houses .

Mr. McDonald agreed.

Vice Chairman Thorogood mentioned 125 White Drive and asked if it has a 5 foot setback.

Mr. McDonald stated that he is not sure why the diagram shows a 5 foot setback, and explained that it should be a 6 foot setback based on the Loop 610 Zoning.

Vice Chairman Thorogood mentioned that it would be under the PD regulations, not Loop 610.

Mr. McDonald explained that 125 White was not included in the PD and turned over under the Loop 610 zoning.

Vice Chairman Thorogood asked if 131 is included in the PD.

Mr. McDonald confirmed that it is.

Vice Chairman Thorogood asked if the inclusion of the two proposed units on 129 White Drive would exceed the 32 unit allowance under the PD regulations.

Mr. McDonald explained that development of the two proposed units would put the PD at 28 units.

Vice Chairman Thorogood asked about the regulations regarding attached or detached homes within the PD.

Mr. McDonald informed the Commission that both attached and detached homes are allowed under the planned development regulations. He added that most are detached, although there are a few attached in the area.

Vice Chairman Thorogood asked if 131 White and the property in question are both on a 20 foot setback.

Mr. McDonald confirmed this.

Commissioner Skinner asked if all of the lots are 135 feet in depth and line up on the backside of the properties.

Mr. McDonald stated that the lots are all very similar in depth, but explained that the backs of the houses may not all line up depending on the style of the home. He added that the front of the homes do seem to all line up.

Commissioner Skinner asked for clarification that the proposal would decrease the current distance between 129 and 131 White Drive by 3 feet.

Mr. McDonald confirmed this.

Commissioner Steinberg asked if approval of this application would create two lots that match what is already there.

Mr. McDonald stated that it would allow the two lots to simply tie into the same regulations that are present for the planned development. He pointed out that there is actually going to be more space between 129 and 131 White than most of the homes in that area due to the fact that the existing house to the south was built prior and has some extra room.

Commissioner Simmons asked about the parking situation on White Drive.

Mr. McDonald explained that each property is required to have a driveway that holds two full parking spaces.

Vice Chairman Thorogood asked if PDs are recorded under county records so that potential property owners are aware of the regulations prior to purchase of the land.

Attorney Petrov explained that replats are done as part of the planned development process and those would be recorded with the county, but the actual planned development document is not.

Vice Chairman Thorogood asked if there would be any kind of disclosure on a property that would let the potential owner know that it is located within a PD.

Mr. McDonald reiterated that there isn't a specific document stating that it is located within a PD, but that the plat itself would show the reduced lot size and setbacks.

Chairman Frazier asked if staff had gotten any calls or written comments regarding the application.

Mr. McDonald stated that staff had not received any correspondence other than Mr. Ng.

Commissioner Skinner asked if the trees currently on the lot would be protected.

Mr. McDonald explained that the city does not have a tree protection ordinance. He stated that Mr. Hampton can take out as many trees as he deems necessary as long as he replaces them to obtain the minimum number of trees required for that lot.

Vice Chairman Thorogood pointed out that this PD was probably put in place before Hurricane Allison cause the floodplain to change. He asked if these homes will have to be elevated.

Mr. McDonald informed the Commission that Mr. Hampton will have to build one foot above the base flood elevation (BFE), and will submit his plans according to the height of that lot.

Mr. Hampton wanted to clarify the precedence that had been set on White Drive. He explained that up until 12-18 months ago 124 White was in the same situation that his property is, and came before the Commission asking to be included in the PD. Mr. Hampton stated that the distance between the two new developments at 124 and the existing home is the same distance that his application is proposing. He then explained that he would be improving the parking situation for that property by putting in two car garages. Mr. Hampton informed the Commission that the existing home does not have a garage or driveway to park in and those residents are currently parking on the street.

Chairman Frazier closed the public hearing at 6:43 PM.

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).

Mr. McDonald informed the Commission that some of these items are new, some have been recent topics, and some were on the Commission's agenda about a year ago. He explained that there were still a few places within the code that reference CCD-1 and CCD-2 that need to be replaced with the newly adopted zoning districts. Mr. McDonald stated that the main areas were within the sign ordinance and the sexually oriented business (SOB) part of the zoning code which is allowed, under certain conditions, within the CCD. Because there is no longer a CCD zoning district both of these need to be replaced with CMU and UV-D. He assured the Commission that this will not open up any new allowances and will continue to be very restrictive with regards to SOBs. Mr. McDonald explained that by law the City is required to allow them, but may put regulations on the books to limit them. He then informed the Commission that Chapter 24-514a includes the same table that the Commission approved prior, with the

amendment to community colleges and trade schools. Mr. McDonald stated that in doing the first public hearing notice staff didn't reference the fact that it would pertain to some uses that could be included in residential districts, and he felt that this was significant enough to require another public hearing. He mentioned that he also took the opportunity to bring back some language that Mr. Mitchell of Kendig Keast Collaborative had originally crafted for Chapter 24-514a, which was in the code and reviewed by the Commission, but never got implemented due to the fact that it was pulled out prior to going to Council. The two main items within the changes to Chapter 24-514a are:

1. Shared Parking-This idea was discussed a lot within the UV-T, and allows an option for properties within mixed-use districts to share parking with other businesses within the same development. He mentioned that the City sees quite a few applications for special exceptions to the Board of Adjustment for parking issues, most involving strip centers who are required to have a certain number of spaces for each business within. Mr. McDonald explained that per the Code of Ordinances, those properties will be allowed a special exception if they can show, through a parking demand study, that the allowance of a reduction in parking does not negatively impact the area. He pointed out that mixed-use developments are being pushed by the Comprehensive Plan and the codes that are being adopted, and that the idea behind shared parking is to give developers a method to determine how much parking will be needed on their site. Mr. McDonald explained that the codes currently include "aggregate parking," but this requires the increase of parking in order to share with a neighboring business, which defeats the purpose. He stated that there are two ways that shared parking is being proposed within the code:

- a. A shared parking table, which is based on the percentage of uses within. The maximum allowed parking reduction is 25%.
- b. A Parking study, the method used today by the Board of Adjustment when considering special exception applications. The parking study will be brought before the Planning & Zoning Commission for review.

2. Space Stacking-This would pertain to drive-thrus and banks. Mr. McDonald explained that the codes have never have addressed the number of cars that should be queued off of the street in those cases. This language incorporates some minimum stacking requirements to provide guidelines for both developers and city staff.

Commissioner Steinberg mentioned that he was on the Board of Adjustment when some of these parking issues came up. He was concerned that shared parking agreements between property owners is not being properly monitored by the City. He questioned whether the Commission would be informed of a shared parking agreement on a property whose application comes before the Commission, and whether the traffic study will include the fact that a property is already in a shared parking agreement with a neighboring business.

Mr. McDonald stated the City could require that a list of agreements be provided with the submission of an application. He added that the City knows which properties have come before the Board of Adjustment with shared parking agreements, and that some of the agreements have expiration dates, which the City has to monitor.

Chairman Frazier asked how it would impact a parking agreement if one person owns all businesses within a shopping center.

Mr. McDonald explained that it would only impact the agreement in the sense that he would not have to partner with anyone. He added that the same rules will apply with regards to the number of spaces required for each use.

Commissioner Stiggins mentioned the parking table in Chapter 24-514a and asked for background information on where staff came up with the numbers for swim clubs and auto repair businesses.

Mr. McDonald explained that the idea behind the requirement for swim clubs is that they operate based on classes, therefore this requirement is based on the number of children per employee. He added that there is typically no retail associated with auto repair, and that it is not about employees as much as the cars that are being worked on.

Commissioner Stiggins asked how rounding works, and gave the example of a requirement of 1.3 spaces.

Mr. McDonald explained that you cannot have part of a space, it always has to be rounded up, so in that instance it would require 2 spaces.

Commissioner Stiggins asked about the history of the percentages located in the shared parking table.

Mr. McDonald informed the Commission that those are percentages that Mr. Mitchell prepared based on his experience as a planner.

Commissioner Stiggins asked Mr. McDonald if he had gone through examples to test out the table.

Mr. McDonald confirmed that he had tested out the table. He added that Bellaire doesn't currently have a development that meets those requirements, but conceptually it works.

Commissioner Skinner asked if there was anyone proofing the language to ensure that there are no errors prior to adoption of new codes.

Mr. McDonald explained that scrivener's errors are something that the city can change, but the numbers have been provided by Kendig Keast and he was comfortable with that information being correct.

Vice Chairman Thorogood pointed out that the last page of the packet has a definition for "City Center" and mentioned that it is no longer used. He asked Mr. McDonald's opinion in deleting the definition all together.

Mr. McDonald agreed that the only use of the term is with regard to the city center districts, which have been replaced. He felt that it would be appropriate to delete it from the code.

Chairman Frazier mentioned the fact that the parking study would come before the Commission and asked if language needed to be added to the code to explain this.

Mr. McDonald stated that it does not need to state that in the code.

Chairman Frazier asked if the selling and turnover of a property would require that property to provide another parking table or parking study to ensure that all requirements are still being met.

Mr. McDonald stated that there is nothing in the code requiring that to happen. He explained that it would still work the same way under the chart, it would be the study that would potentially be effected by the change.

Chairman Frazier closed the public hearing at 7:14 PM.

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.

Mr. McDonald mentioned that the main concern with the application was addressed by the neighbor, Mr. Ng. He explained that in looking at that street, and knowing that this is the last undeveloped lot in the area staff does recommend approval of the request.

Vice Chairman Thorogood pointed out that it comes down to the expectations of the existing properties owners. He asked if the current house located on the property in question is a one-story.

Mr. McDonald confirmed that it is a one-story.

Vice Chairman Thorogood understood the concern of the neighbor, but felt that the blockage of sunlight is an issue that is being dealt with by residents all over Bellaire. He stated that he would be voting to approve the PD amendment.

Commissioner Skinner mentioned that she can also sympathize with Mr. Ng as she has about the only one story house left in her area and deals with the blockage of sunlight on a daily basis. She added, however, that the proposal is consistent with the Code and that she would also be voting in approval of the application.

Commissioner Steinberg pointed out that during the purchase of his home, Mr. Ng should have received a title commitment. This document would have listed the building lines within the PD.

Commissioner Simmons mentioned that it may not be an ideal situation for Mr. Ng, but that this project is a net positive for everybody involved and will positively impact property values in that area.

Chairman Frazier explained to Mr. Ng that the Planning and Zoning Commission has to deal with a lot of issues involving changes to the lifestyles of Bellaire residents. He also pointed out that the Commission always takes into account the fact that Bellaire is known as the "city of homes," and in this instance will be helping to create more of those residential developments. Chairman Frazier added that although the Commission is very mindful of Mr. Ng's comments, it would be very hard for him to vote against approval with nothing regulatory preventing this project.

Mr. McDonald pointed out that there will be another public hearing regarding this application before the City Council, and that Mr. Ng will have another chance to voice his opinion at that time.

(Requested by John McDonald, Community Development)

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

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).

Motion: a motion was made by Vice Chairman Thorogood and seconded by Commissioner Steinberg to approve the proposed amendments with the deletion of Section 24-202 Definitions (32) *City Center* in its entirety.

Vote: 6-0.

(Requested by John McDonald, Community Development)

RESULT:	ADOPTED AS AMENDED [UNANIMOUS]
MOVER:	Bill Thorogood, Vice Chairman
SECONDER:	Marc Steinberg, Commissioner
AYES:	Frazier, Thorogood, Simmons, Steinberg, Stiggins, Skinner
ABSENT:	Alderman

VII. COMMITTEE REPORTS

There were no committee reports.

VIII. CORRESPONDENCE

Vice Chairman Thorogood informed the Commission that he had received an email from Mr. Samir Mehta, a builder within the City of Bellaire. Mr. Mehta is encouraging the Commission to address the continued redevelopment and modification of Larch Lane. Vice Chairman Thorogood mentioned that he hoped this could be put on an agenda in the near future.

Mr. McDonald explained that Mr. Mehta had been in contact with city staff regarding a property on Larch Lane and was told that he has the right to apply for an amendment to the code, which would put Larch Lane at the top of the Commission's priority list. He also reiterated the fact that the lots on Larch Lane are turning over under the current regulations.

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.

Mr. McDonald informed the Commission that the Condit Elementary School public hearing was held before the City Council the night before, and that there were 35 speakers as well as numerous written comments on the item. He also mentioned that staff has met with HISD representatives for Bellaire High School, and that they are currently looking at concepts that will allow them to construct the new high school while also maintaining current operations. Mr. McDonald added that Episcopal High School is looking at making some continued improvements under their current specific use permit (SUP), as well as other minor modifications that could potentially require an amendment to their SUP.

Commissioner Steinberg asked Mr. McDonald if there was any way for the city to emphasize to HISD the importance of getting the residents involved with the process early on.

Mr. McDonald felt that the school district believed they were reaching out to residents regarding the Condit rebuild, and explained that staff does try to convey the importance of public involvement throughout the entire process for Bellaire High School.

Commissioner Steinberg and Commissioner Simmons asked if there was anything that the Commission or the city could do to help spread the word and keep the district on top of communicating with the public.

Mr. McDonald explained that there have been talks of the city website piggy-backing on the meeting notifications, but mentioned that caution has to be taken so as not to get too involved with the school district's process. He added that once the application has been submitted to the city, staff publishes notices in the paper, mails notices to all residences within 200 feet of the property in question, and requires that signs be installed on the property notifying the public of the hearing.

Attorney Petrov mentioned that HISD is definitely learning from past experiences, and pointed out that more was done for Condit than for previous schools within the city.

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

There was no new business brought to the Commission.

X. ADJOURNMENT

Motion: a motion was made by Vice Chairman Thorogood and seconded by Commissioner Steinberg to adjourn the regular meeting.

Vote: 6-0.

The meeting was adjourned at 7:47 PM.

Planning and Zoning Commission

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



Meeting: 07/08/14 06:00 PM
Department: Community
Development
Category: Public Hearing
Department Head: John McDonald
DOC ID: 1287

SCHEDULED ACTION ITEM (ID # 1287)

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 & 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:

Address: 4301 Bellaire Blvd
Applicant: Sloan Properties/Dr. Mark Brinker
Applicants Rep: Bruce Frankel, Frankel Development Group, Inc.
Property Owner: Dallas Christian College
Current Zoning: R-5/Bellaire Blvd Estate Overlay District
Proposed Use: Mixed-use Commercial

Comprehensive Plan: The Comprehensive Plan future land use map identifies this property as "Place of Worship." If the application is approved, the future land use map will need to be amended to reflect "Corridor Mixed-Use."

Application Date: May 28, 2014
Notification letters mailed: June 23, 2014
Legal Notice published: June 24, 2014

Request:

Applicant has requested a rezoning of the property from R-5 to CMU and to have the property removed from the Bellaire Blvd Estate Overlay District (BBEOD). The applicant is seeking CMU zoning in an effort to create a planned development to allow for the construction of a two-story, mixed-use commercial building.

Within the CMU regulations, the minimum lot width for a planned development is 150 feet. The average width of 4301 Bellaire Blvd is 122 feet, and therefore the applicant has applied for a variance to the Board of Adjustment. The variance is scheduled to be heard by the Board at their July 17 meeting. A decision should be made prior to consideration of this item at your August meeting.

The applicant held a meeting for neighboring property owners on June 19. Information

related to that meeting is included in your packet.

Background:

4301 Bellaire Blvd was the property of Westside Christian Church from 1988 through 2012. In December 2012, the church disbanded and donated the property to Dallas Christian College. The college has been attempting to sell the property since.

Adjacent Land Use/Zoning

	Existing Land Use	Existing Zoning
North	Residential	R-5/BBEOD
South	Residential	R-4
East	Utility/Railroad	None
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 the rezoning application and the application for a planned development.

General Requirements:

City Code does not set forth specific guidelines for the review of a request for rezoning and change to the official city zoning map. A planned Development may be granted as long as the issuance of such, including amendments, is in accord with the statements set forth in Sec.24-615. At this time, Staff opines that the request is not in contradiction to these statements.

Traffic and Parking:

A Traffic Impact Analysis ("TIA") has been conducted by a registered Professional Engineer and reviewed by the City's consulting traffic engineer, Jones & Carter. Colby Wright with Jones & Carter offers no objections based on a thorough review of the submitted TIA. He does highlight in his comments that the applicant proposes the relocation of a median crossing to align with the proposed western entrance to the property. Any modifications to the median to service this project would be paid for by the applicant.

The plan includes an adequate amount of parking based on the proposed uses.

Drainage and Lot Coverage:

Drainage for the increase in impervious cover must be handled on site. Specific drainage requirements will be reviewed at the building permit stage. There is no specific lot coverage maximum set for a planned development. It is based on the approved site plan.

Utilities:

No additional connections will be needed based on this request.

Public Comment:

The Community Development Department received one written comment and it is included in this packet.

Recommendation:

No action required for the public hearing. This item is tentatively scheduled for consideration at the August Commission meeting.

ATTACHMENTS:

- Application - Rezoning (DOCX)
- Application - Rezoning (Address & Legal Description) (DOCX)
- Application - Re-zoning - Owner Ltr (PDF)
- Application - Rezoning (Present Zoning Classification) (DOCX)
- Application - Rezoning (Proposed Dev) (DOCX)
- 4301 Bellaire Boulevard - Zoning Amendment Application Package (PDF)
- Application - Planned Development (DOCX)
- Application - Planned Development a and I (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)
- Written Comment-Wayne Dorris (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;

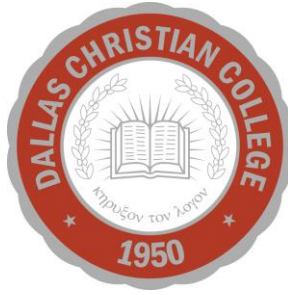
BEGINNING AT A FOUND 5/8 INCH IRON ROD WITH "TRI-TECH" CAP BEING THE NORTHEAST CORNER OF BOULEVARD GREEN AS RECORDED IN VOL. 294, PG. 21 H.C.M.R., THE SOUTH RIGHT-OF-WAY LINE OF BELLAIRE BOULEVARD (150' ROW) AND NORTHWEST CORNER OF SAID LOT 47 AND HEREIN DESCRIBED TRACT;

THENCE NORTH 90 DEGREES 00 MINUTES 00 SECONDS EAST ALONG THE SOUTH RIGHT-OF-WAY LINE OF SAID BELLAIRE BOULVARD 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 BOULVARD, 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.



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 (1287 : 4301 Bellaire Boulevard 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

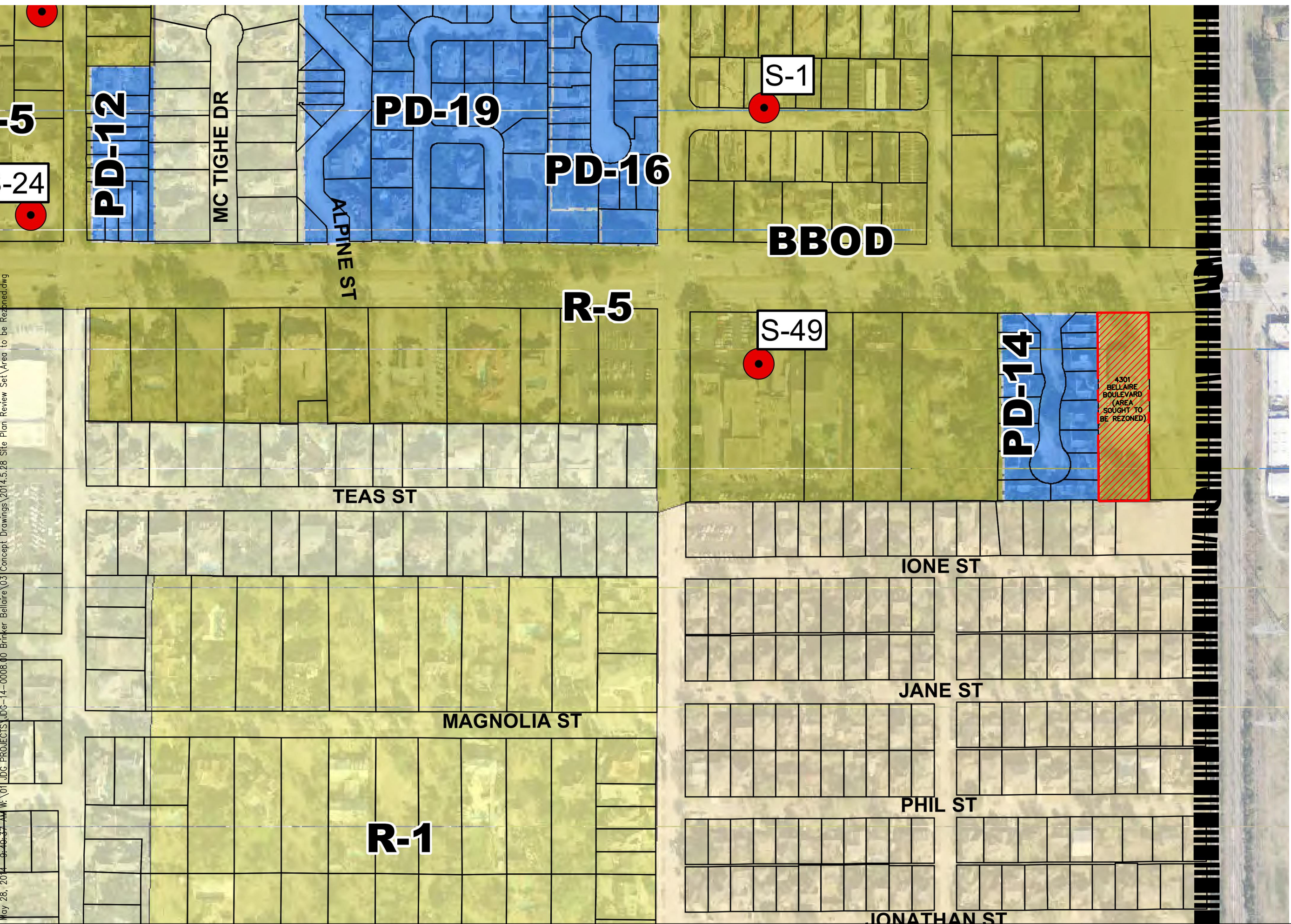
Application for Amendment to Official Zoning District Map

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



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;

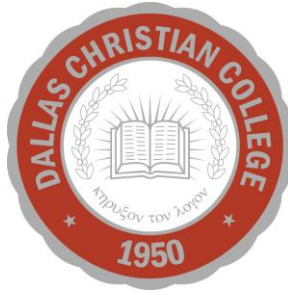
BEGINNING AT A FOUND 5/8 INCH IRON ROD WITH "TRI-TECH" CAP BEING THE NORTHEAST CORNER OF BOULEVARD GREEN AS RECORDED IN VOL. 294, PG. 21 H.C.M.R., THE SOUTH RIGHT-OF-WAY LINE OF BELLAIRE BOULEVARD (150' ROW) AND NORTHWEST CORNER OF SAID LOT 47 AND HEREIN DESCRIBED TRACT;

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.



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 (1287 : 4301 Bellaire Boulevard Re-zone)

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.

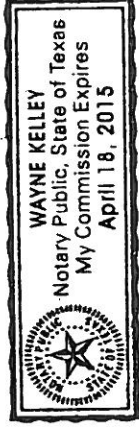
Westside Christian Church, Houston, Texas,
a Texas non-profit corporation

182

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

N

9.1.j

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 27th 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: 

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.



Annette Esclavon
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

RP 091-42-0117

FILED

2014 MAY -6 PM 1:34

Stan Stanant
 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
 stamped herein by me and was duly RECORDED in the Official Public Records of Real Property of Harris
 County, Texas

MAY - 6 2014



Stan Stanant
 COUNTY CLERK
 HARRIS COUNTY, TEXAS

4301 Bellaire B o u l e v a r d

Planned Development Application

Sloan Properties, LLC

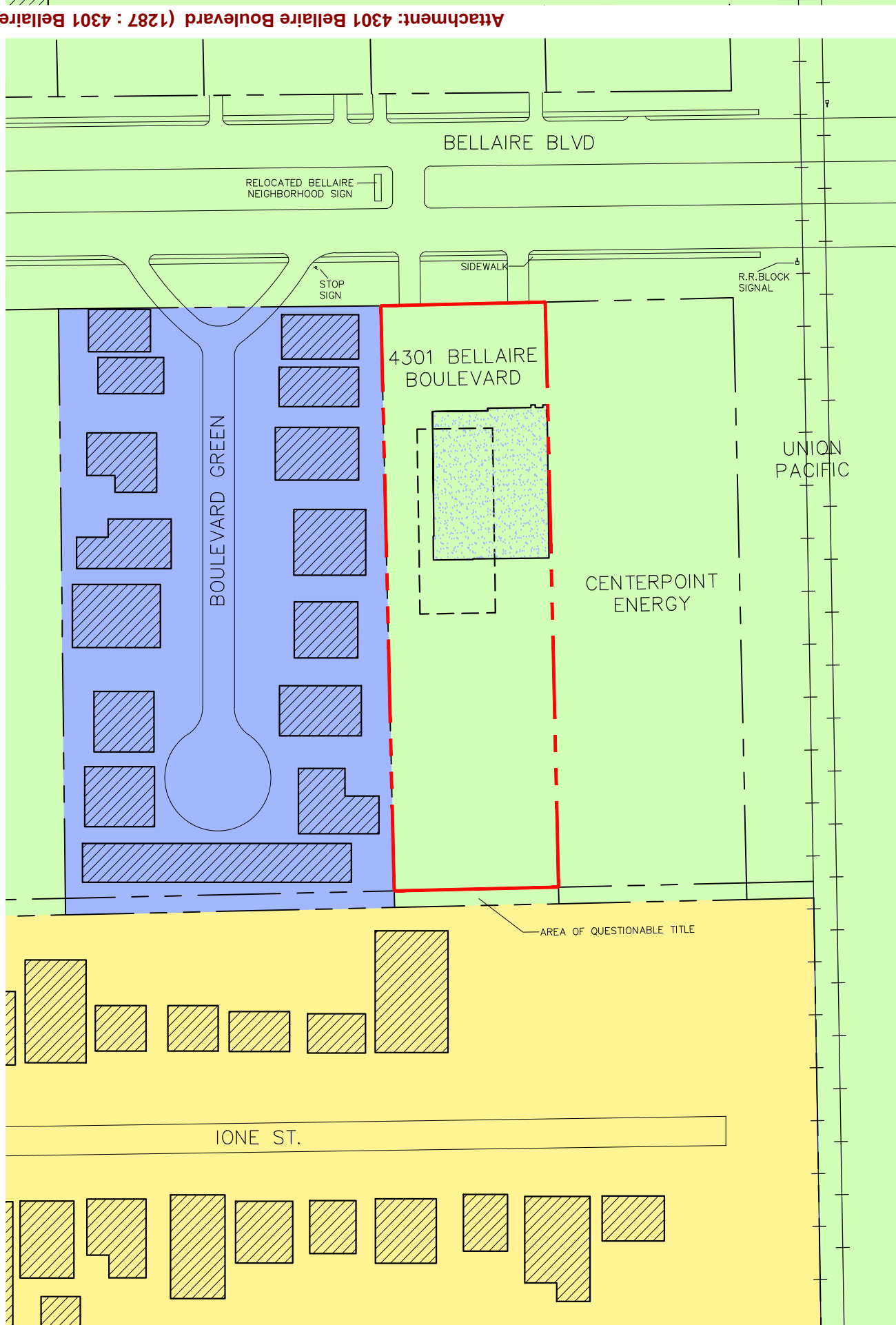
Attachment: 4301 Bellaire Boulevard (1287 : 4301 Bellaire Boulevard Re-zone)

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 (1287 : 4301 Bellaire Boulevard Re-zone)

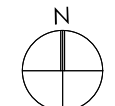


VICINITY MAP



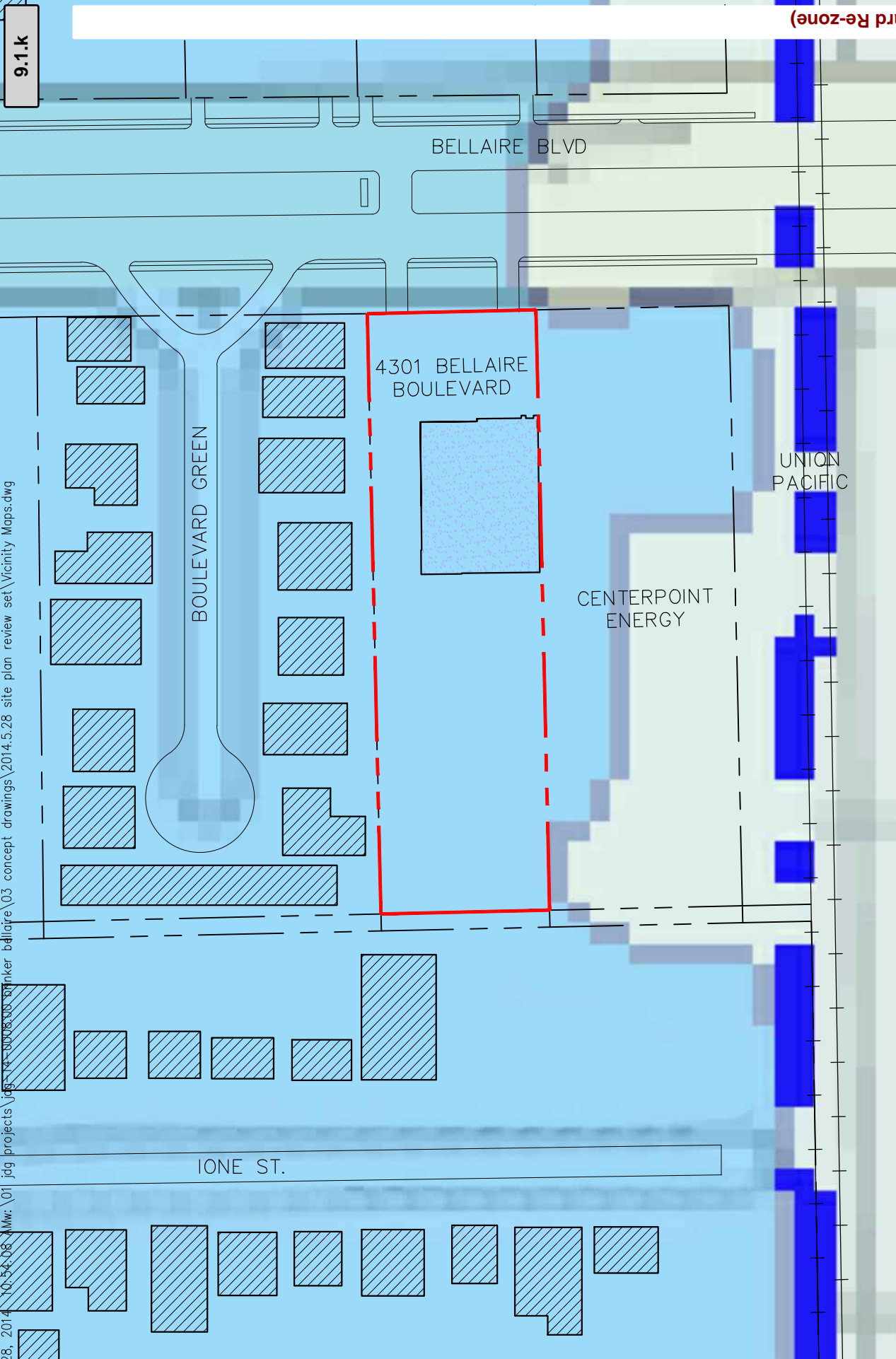
ZONING MAP

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



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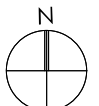
Attachment: 4301 Bellaire Boulevard (1287 : 4301 Bellaire Boulevard Re-zone)



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Attachment: 4301 Bellaire Boulevard (1287 : 4301 Bellaire Boulevard Re-zone)



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;

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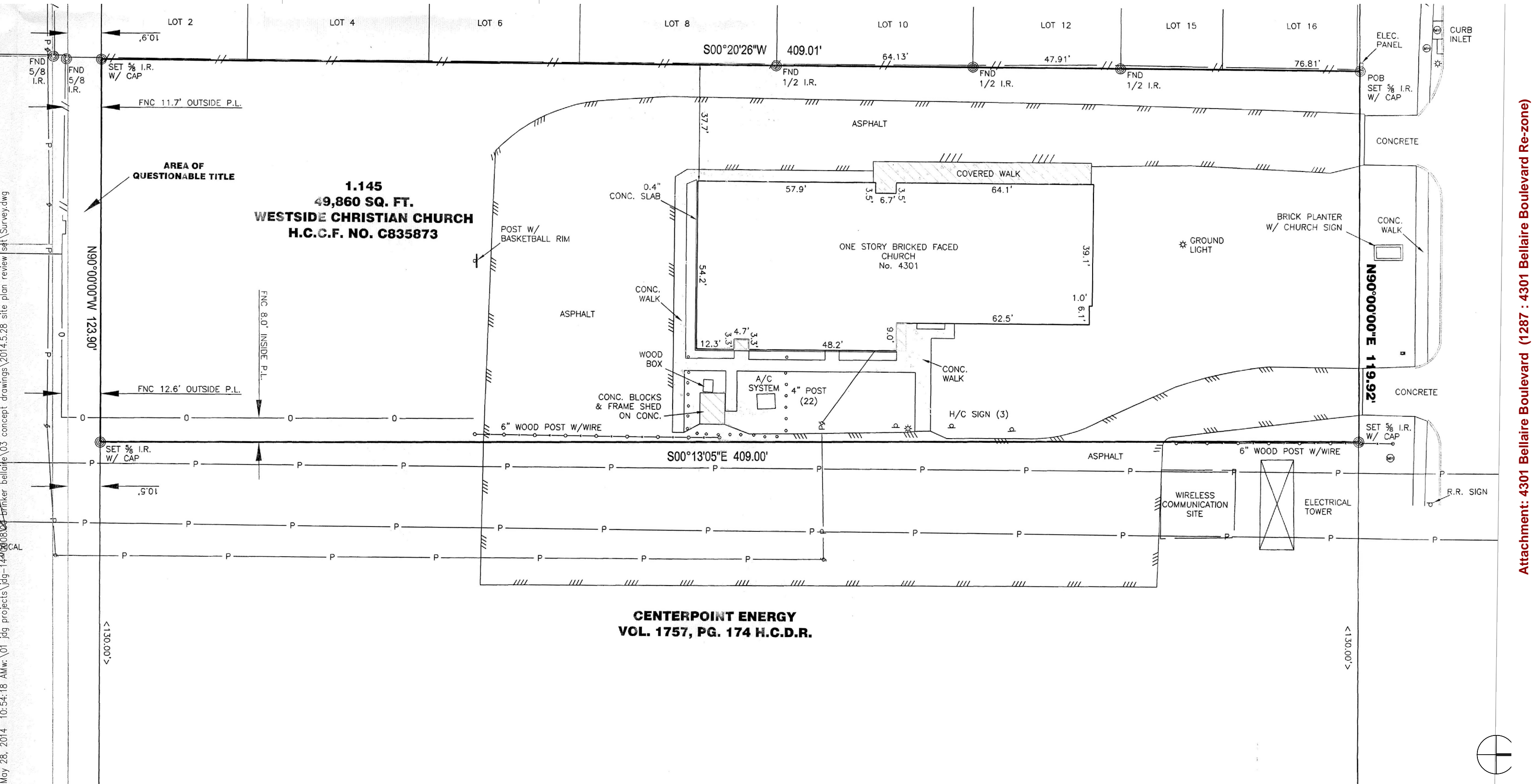
THENCE NORTH 00 DEGREES 20 MINUTES 26 SECONDS EAST ALONG THE EAST LINE OF SAID BOULEVARD GREEN SUBDIVISION AND WEST LINE OF HEREIN DESCRIBED TRACT A DISTANCE OF 409.01 FEET TO THE POINT OF BEGINNING AND CONTAINING 1.145 ACRES OF LAND.

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 9.1.k

Boulevard

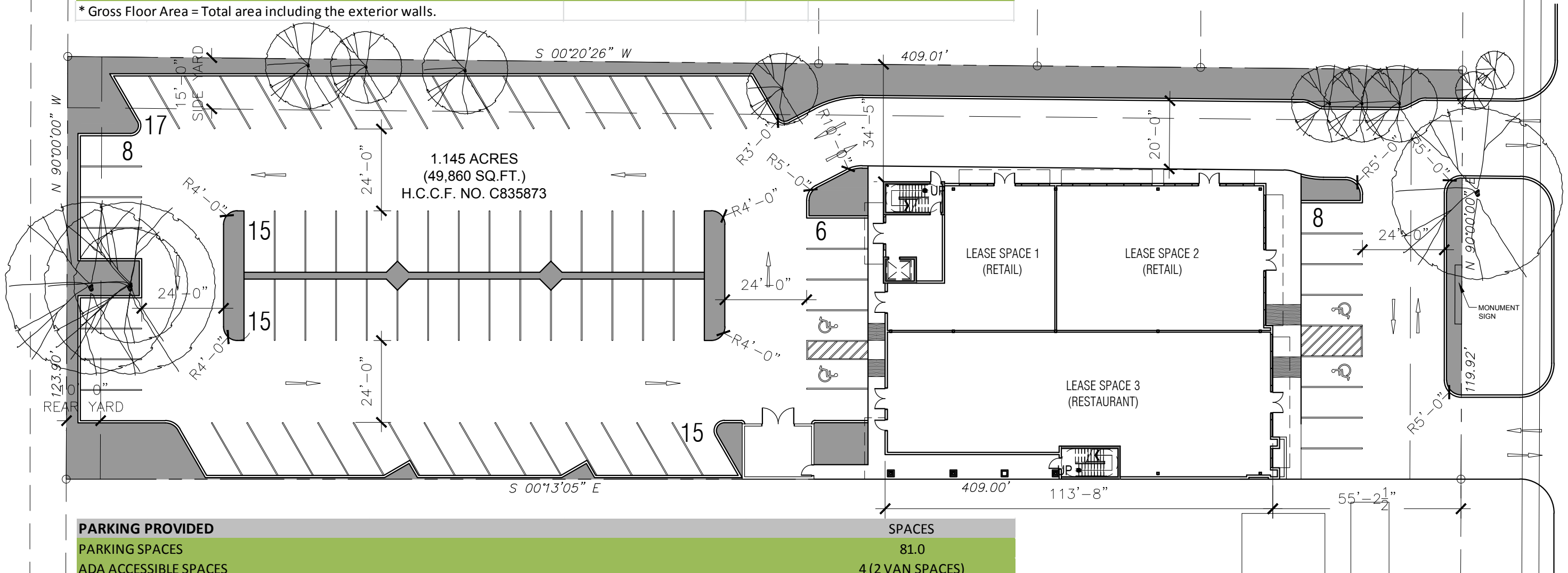


Attachment: 4301 Bellaire Boulevard (1287 : 4301 Bellaire Boulevard Re-zone)

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.

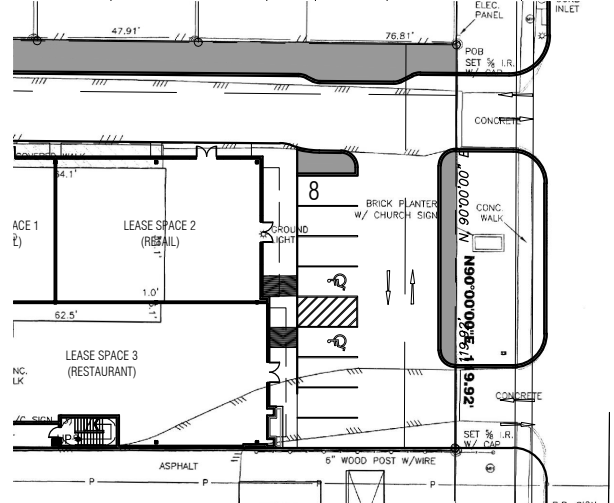


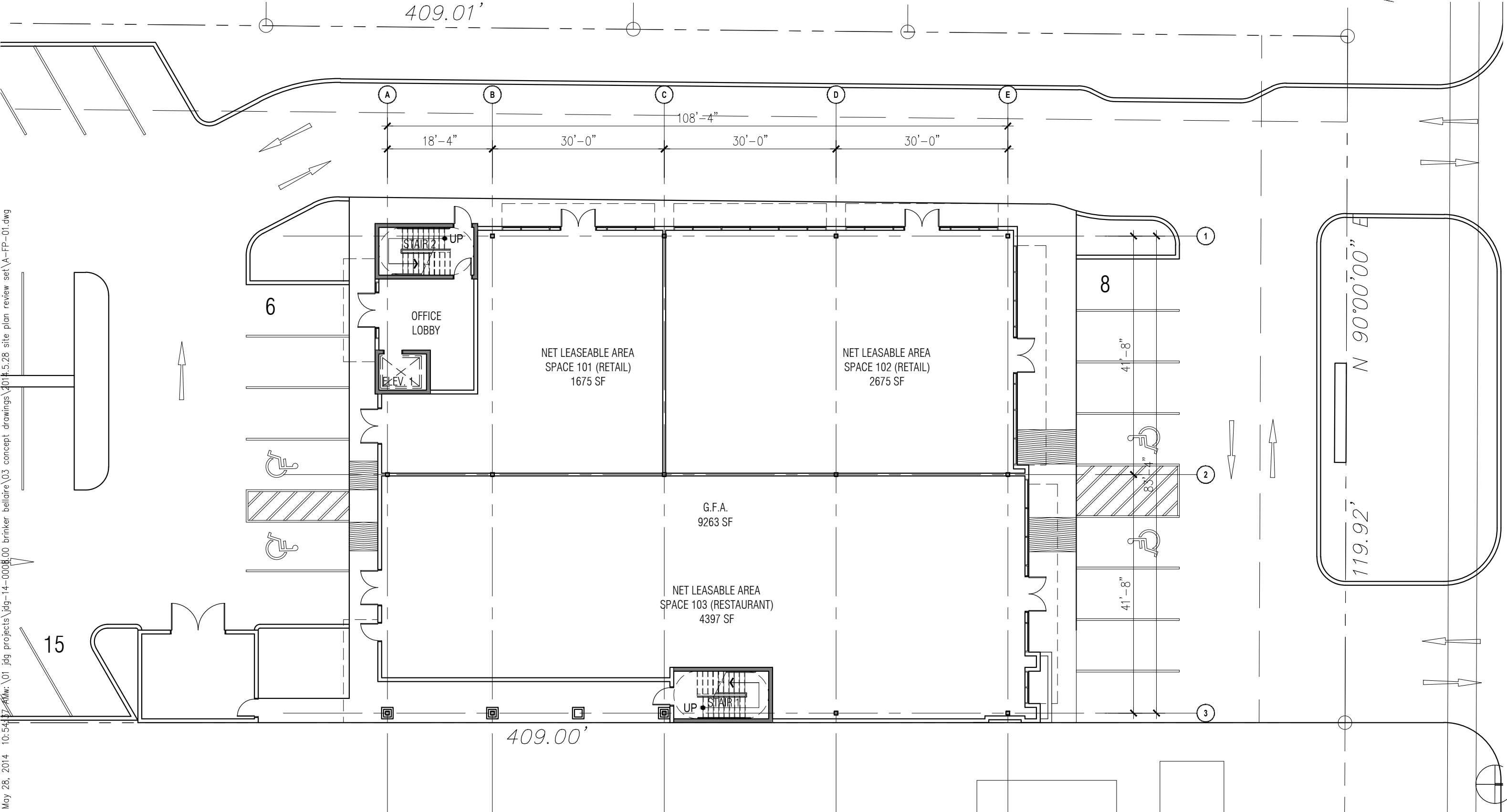
PARKING PROVIDED	SPACES
PARKING SPACES	81.0
ADA ACCESSIBLE SPACES	4 (2 VAN SPACES)
TOTAL PARKING SPACES	85.0

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

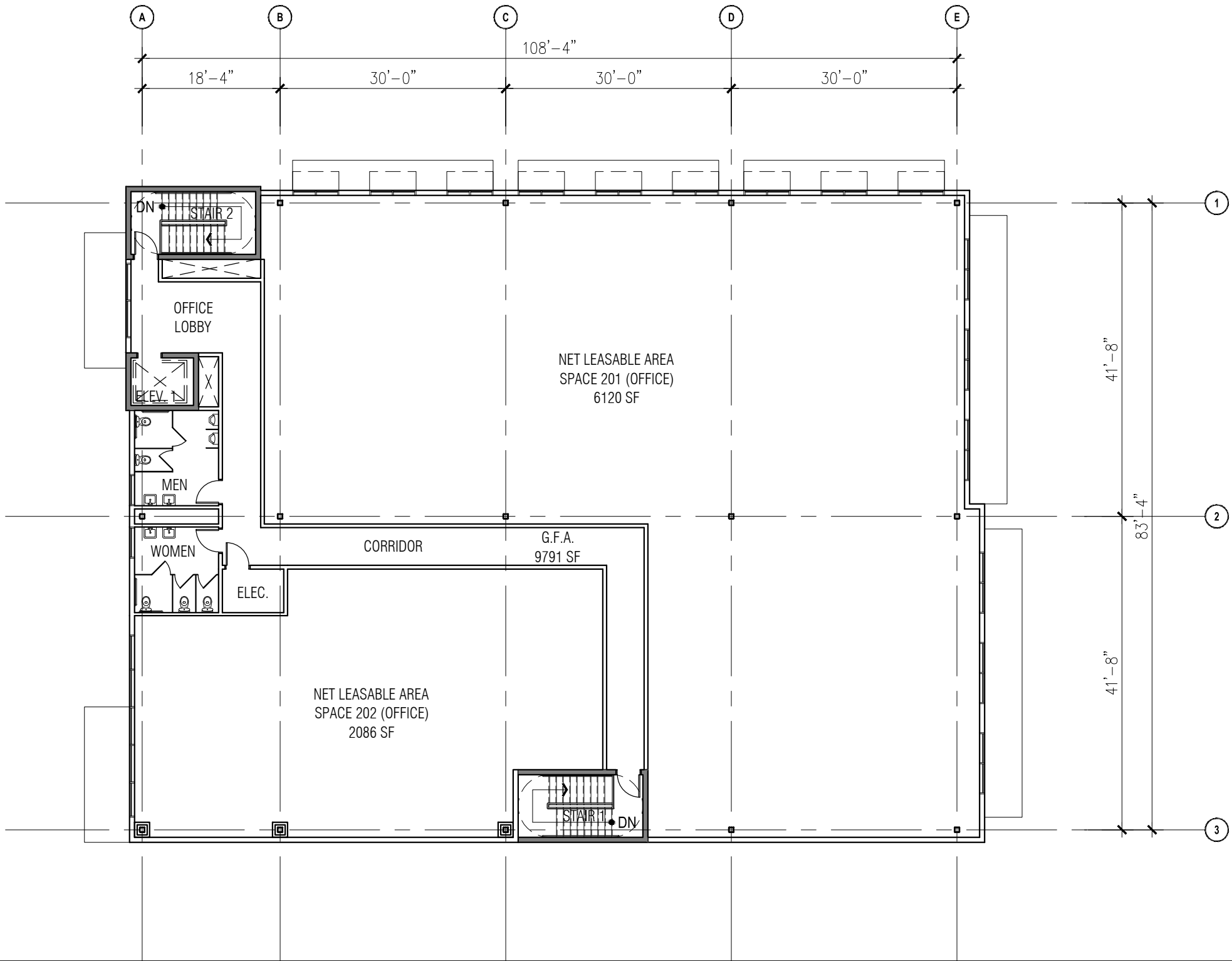
* Gross Leasable Area = Gross Floor Area minus Corridors, Stairs, Electric Rooms, Elevators, Lobbies, and Restrooms.

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

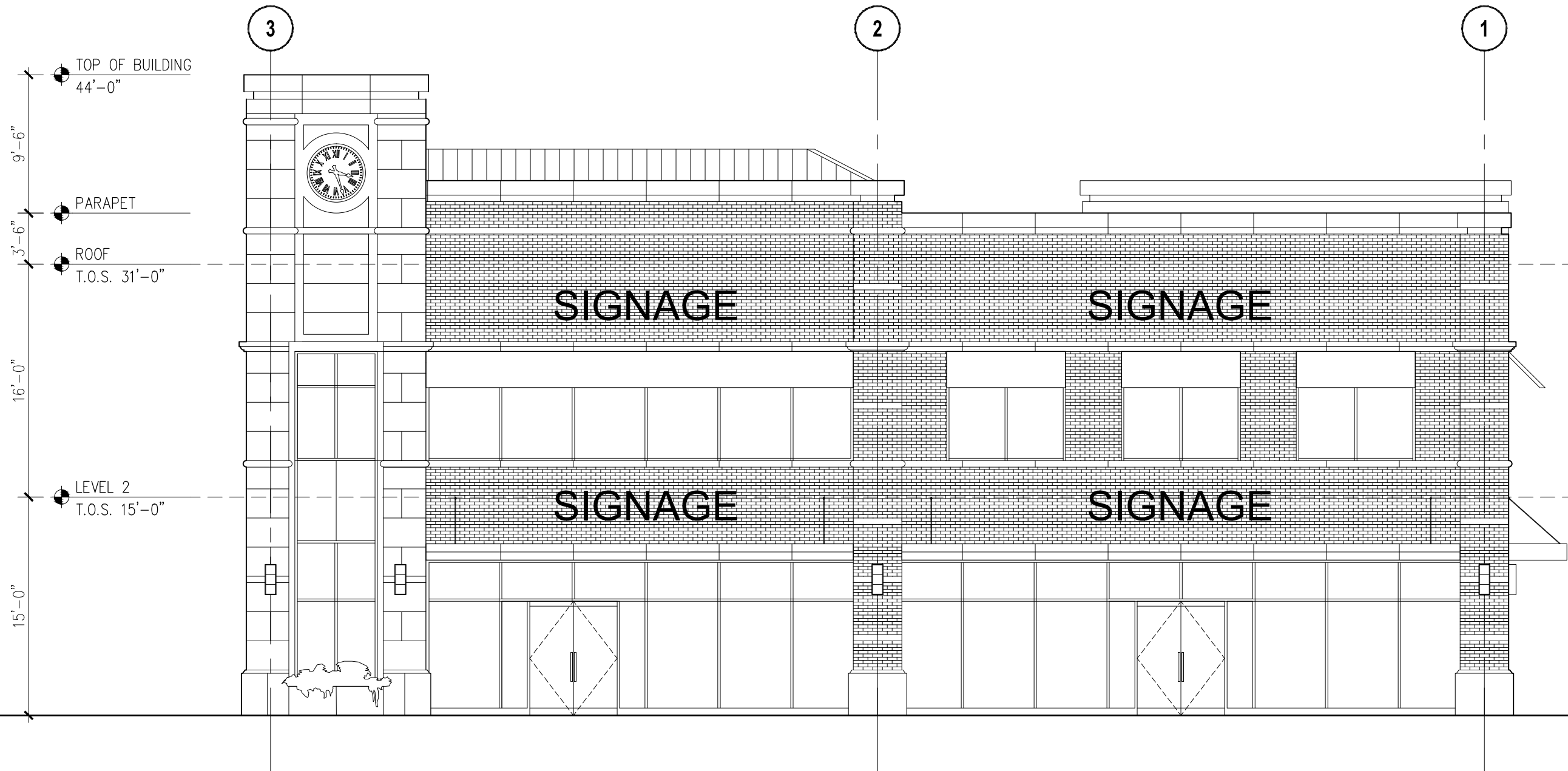




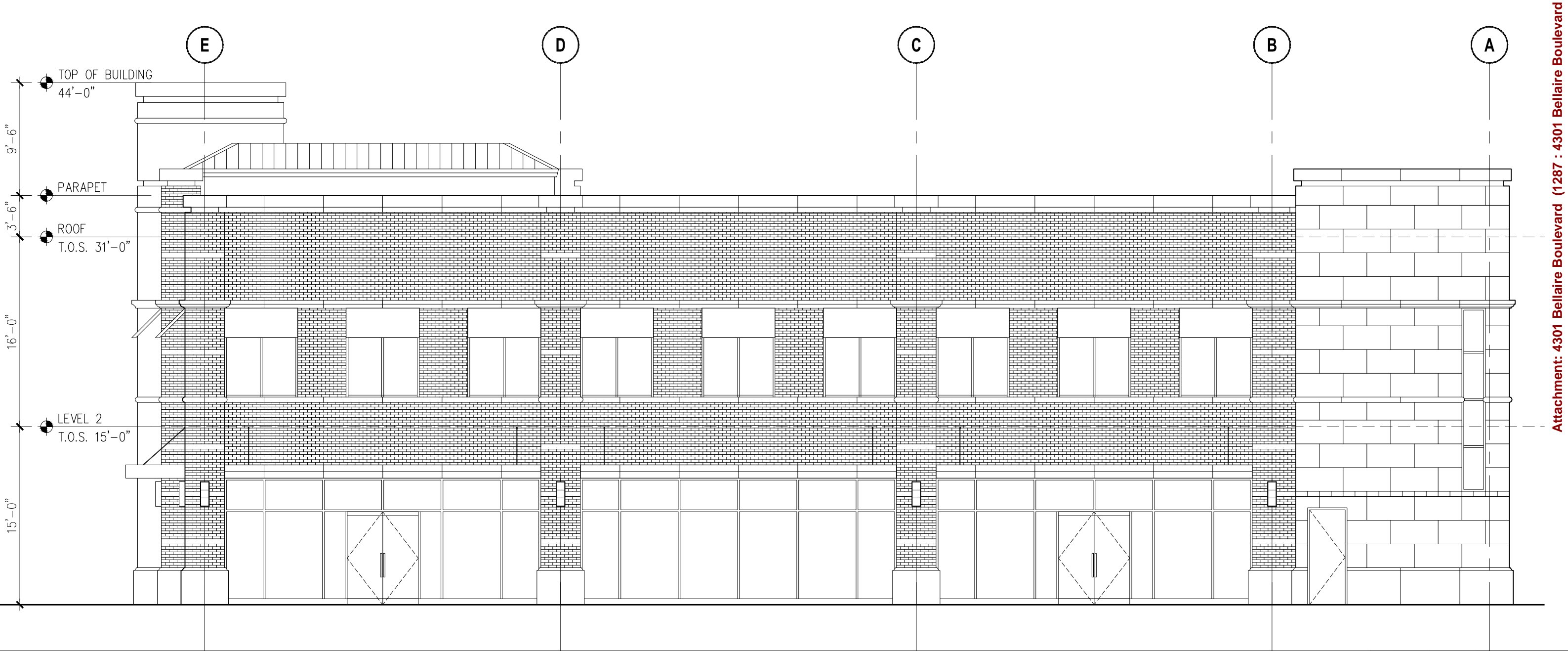
May 28, 2014 10:54:39 AMw:\01 jdg projects\jdg-14-0008.00 brinker bellaire\03 concept drawings\2014.5.28 site plan review set\A-FP-01.dwg



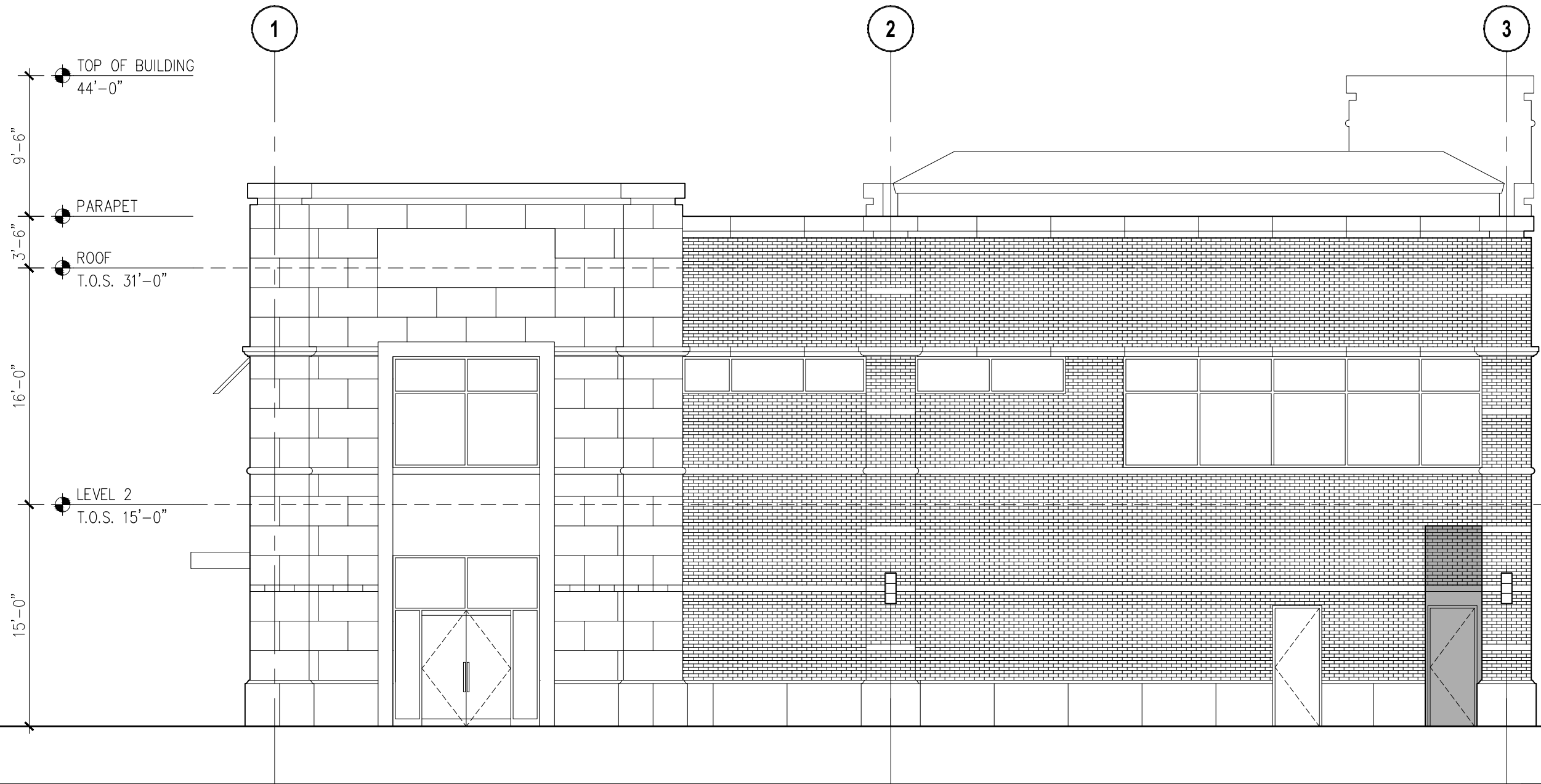
Attachment: 4301 Bellaire Boulevard (1287 : 4301 Bellaire Boulevard Re-zone)



May 28, 2014 10:54:49 AMw:\01_jdg_projects\jdg-14-0008.00 brinker bellaire\03 concept drawings\2014.5.28 site plan review set\bldg-elevations.dwg

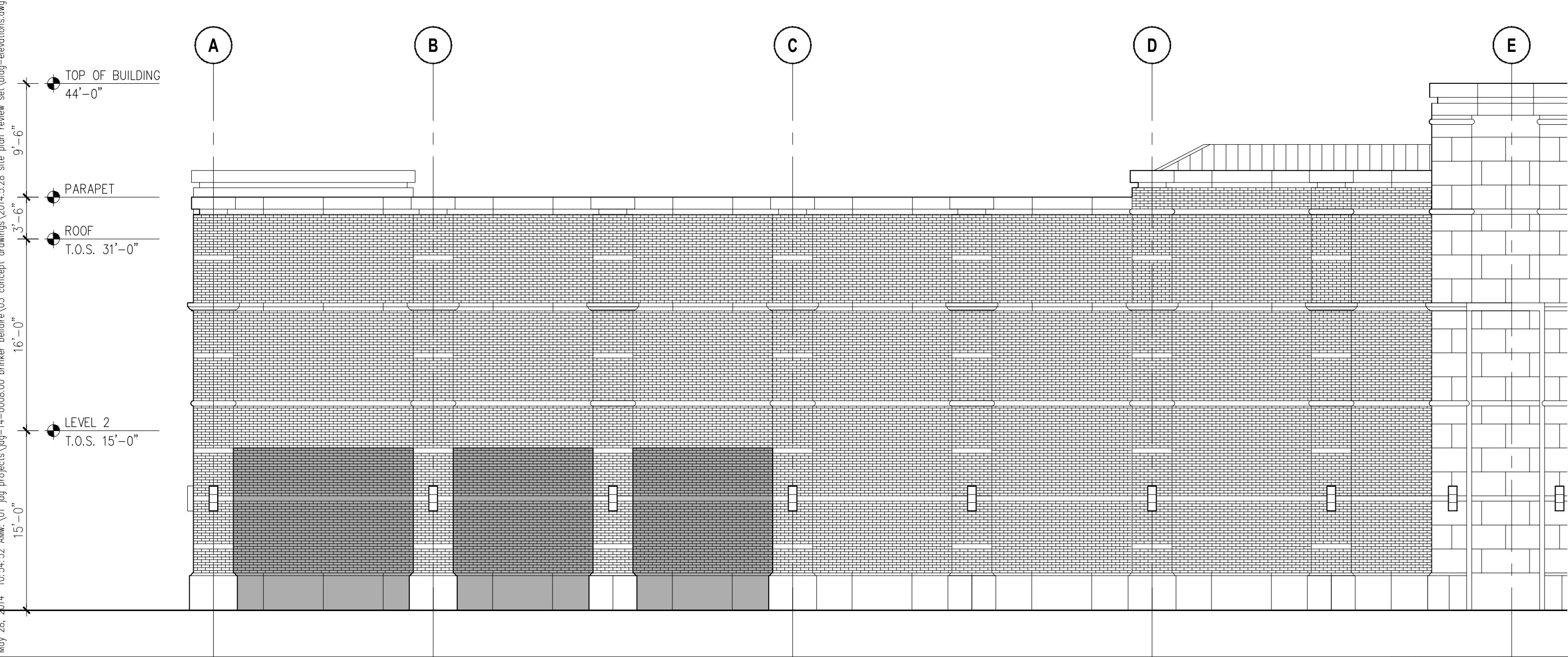


Attachment: 4301 Bellaire Boulevard (1287 : 4301 Bellaire Boulevard Re-zone)



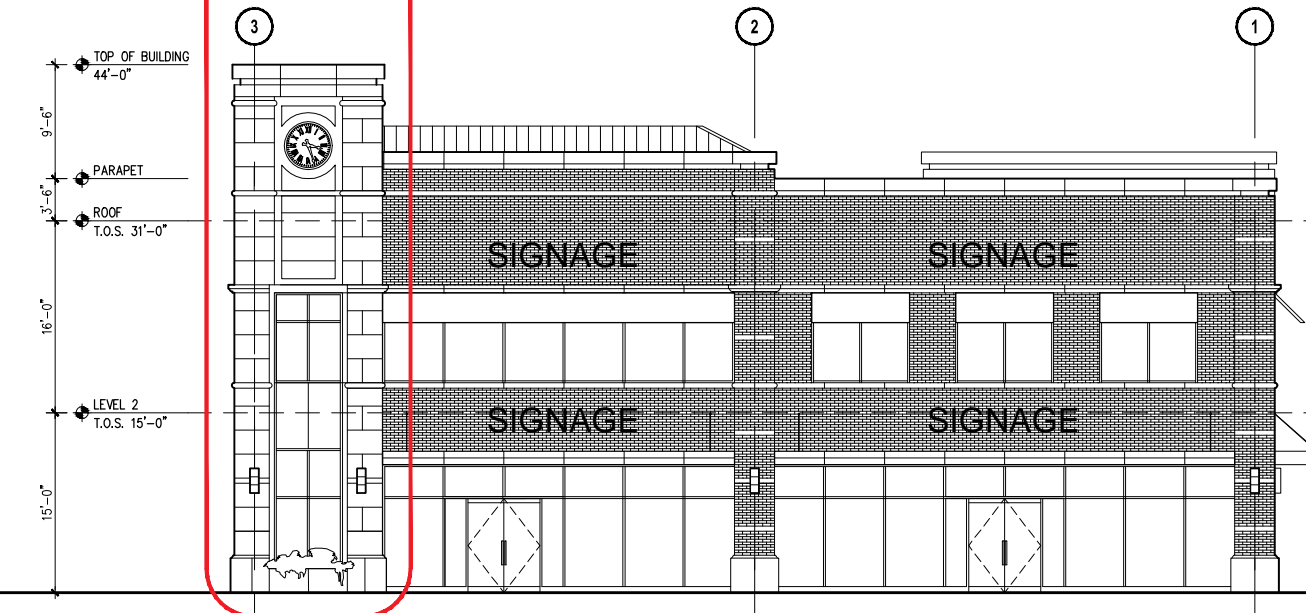
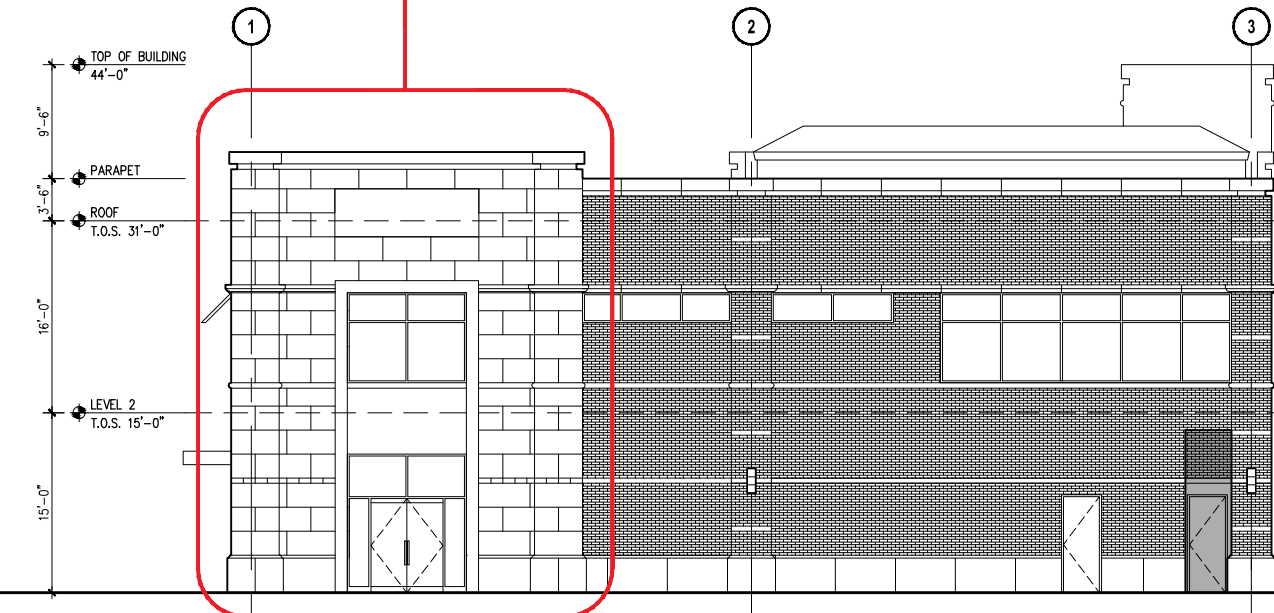
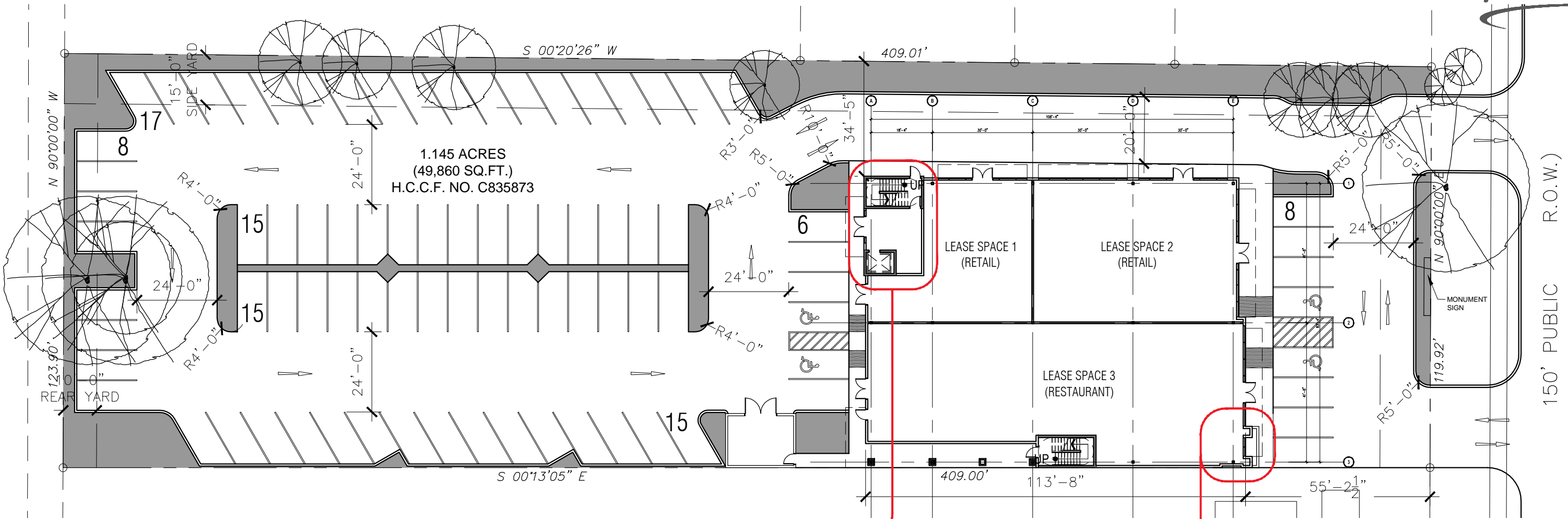
Attachment: 4301 Bellaire Boulevard (1287 : 4301 Bellaire Boulevard Re-zone)

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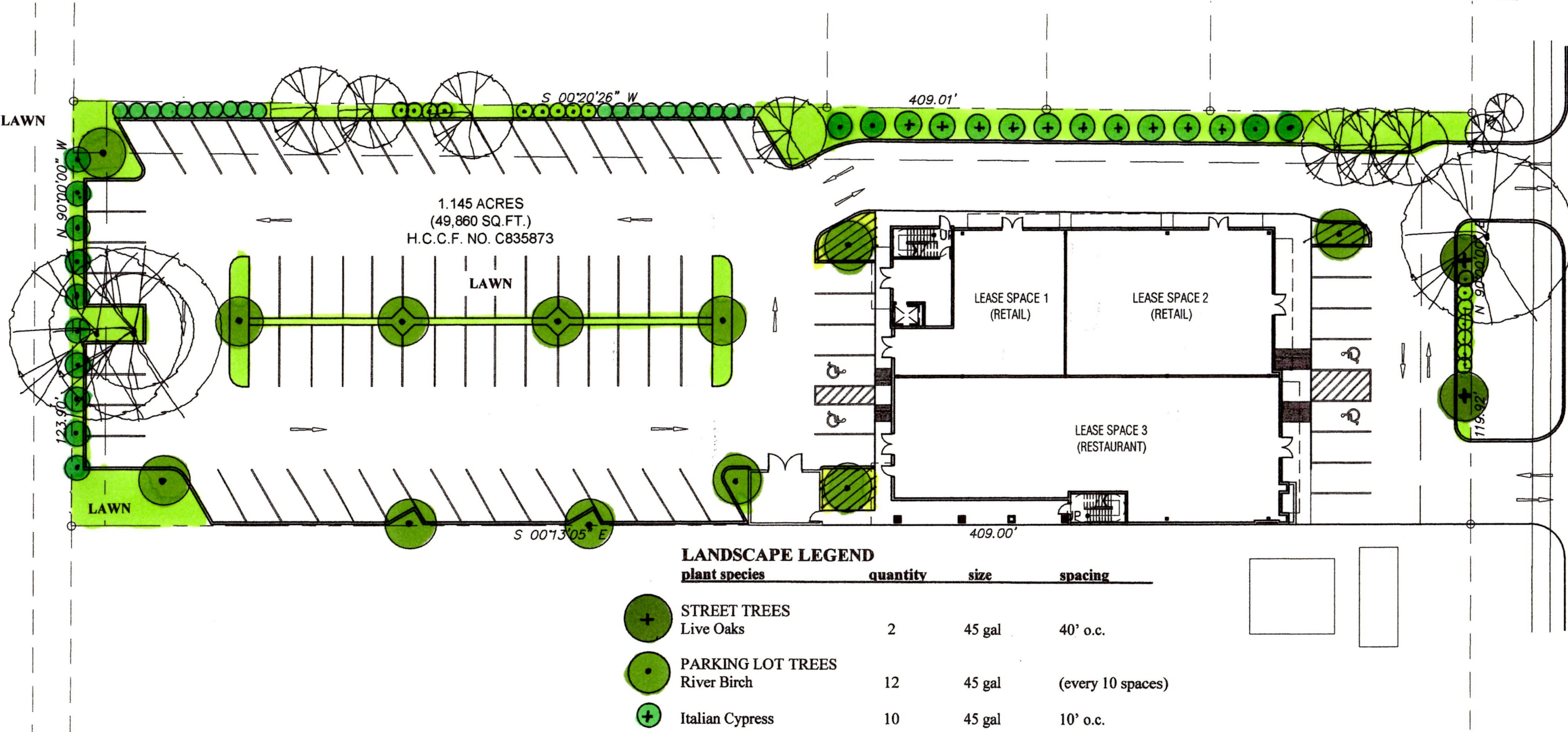


Attachment: 4301 Bellaire Boulevard (1287 : 4301 Bellaire Boulevard Re-zone)








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

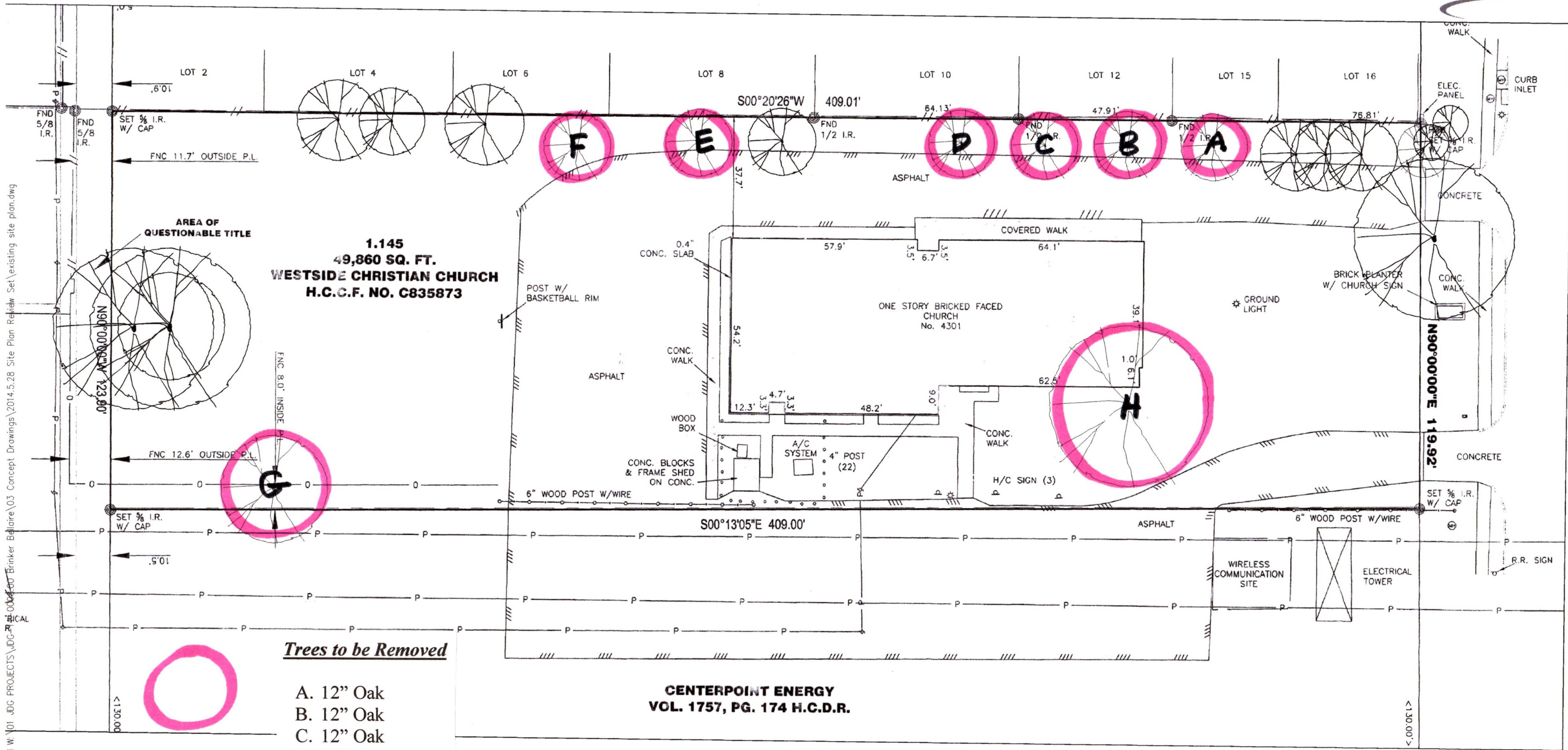


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LANDSCAPE LEGEND

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.



Attachment: 4301 Bellaire Boulevard (1287 : 4301 Bellaire Boulevard Re-zone)

May 27, 2014 5:22:47 PM W:\01 JDG PROJECTS\JDG-100000 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) (1287 : 4301 Bellaire Boulevard Re-zone)

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.

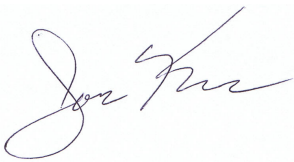
The intersection analysis reveals that the two study intersections on Bellaire Boulevard at the site are projected to operate at LOS A in the AM Peak and PM Peak periods.

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.

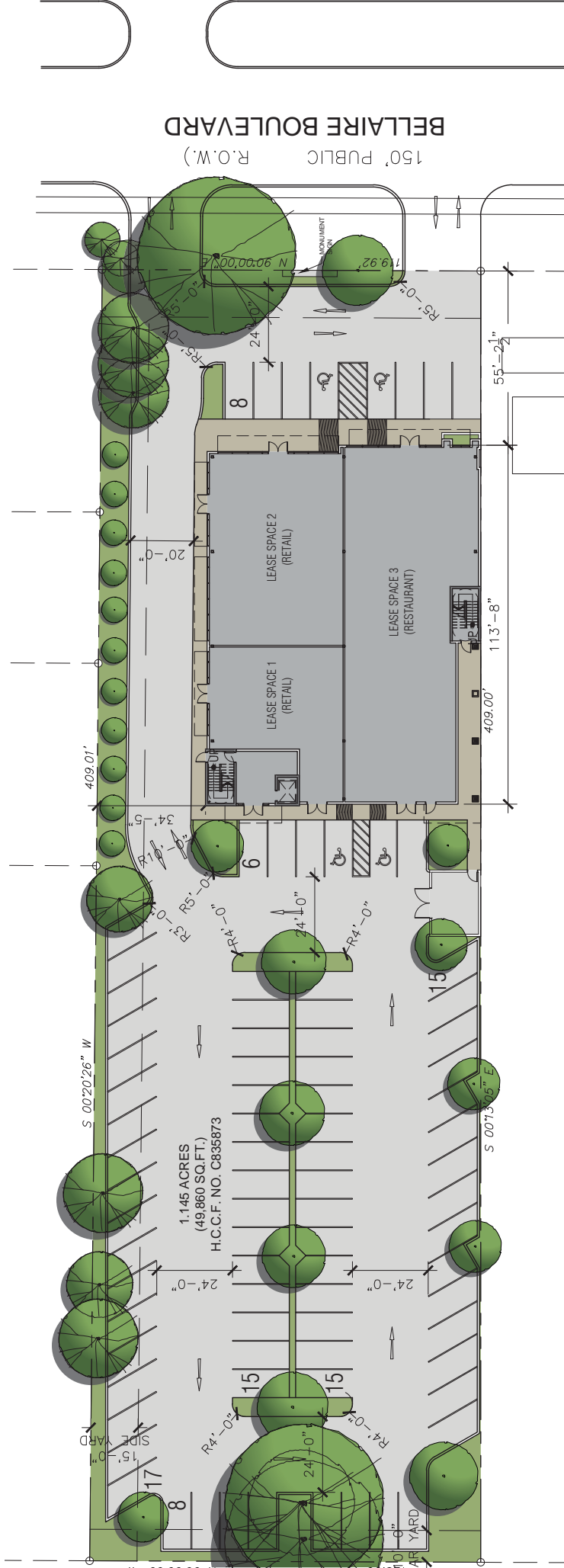
Thank you.



Jason Knesek, P.E., PTOE
President

Attachments





SITE PLAN

10' 20' 30' 40'

9.1.m

**MEMO**

TO: John McDonald
City of Bellaire

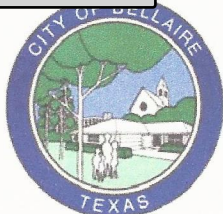
FROM: Colby W. Wright, P.E., PTOE
Traffic Department Manager, Jones & Carter, Inc.

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: _____

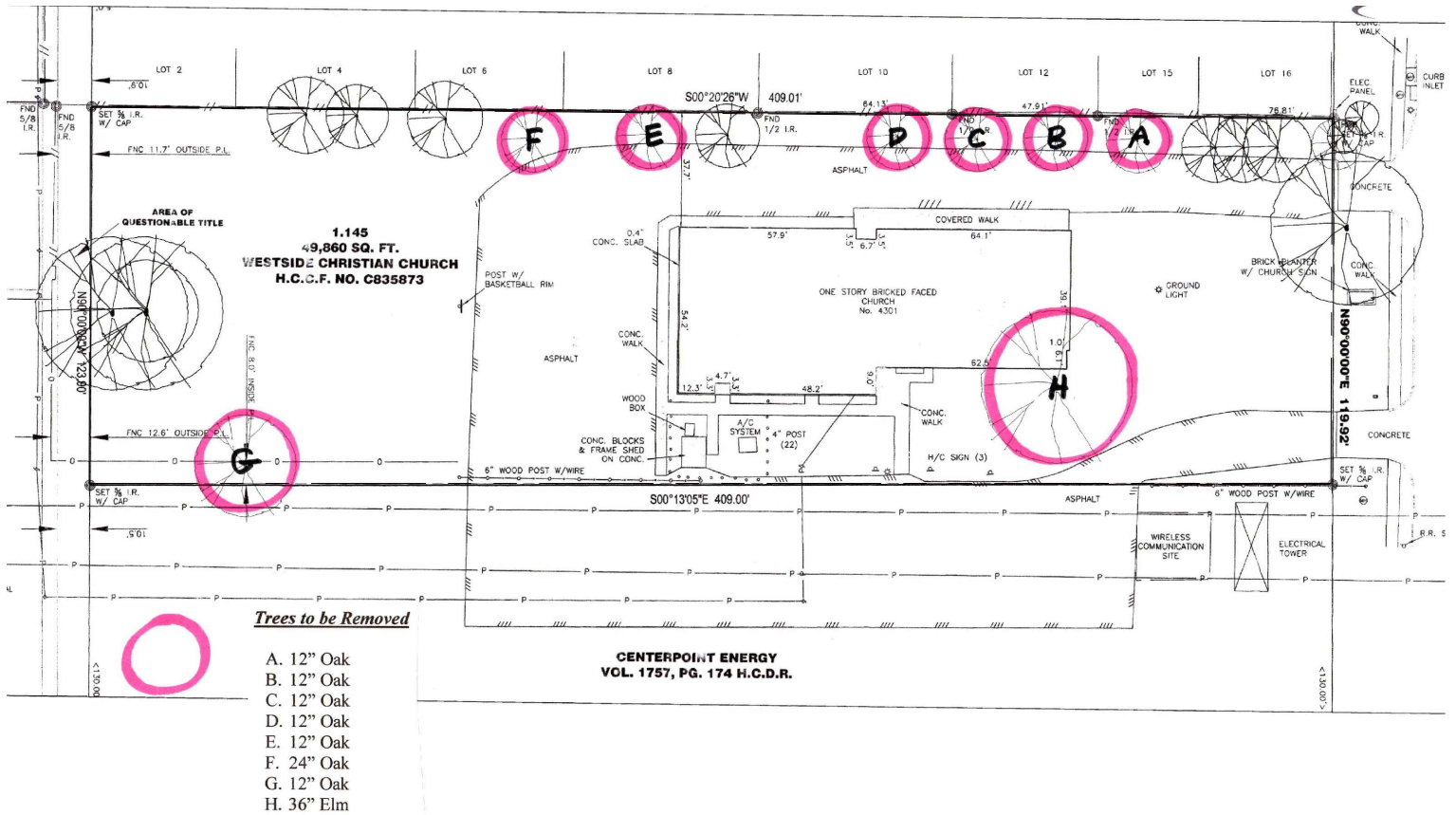
Is Replacement Required: _____ If yes, what size & where is replacement required? _____

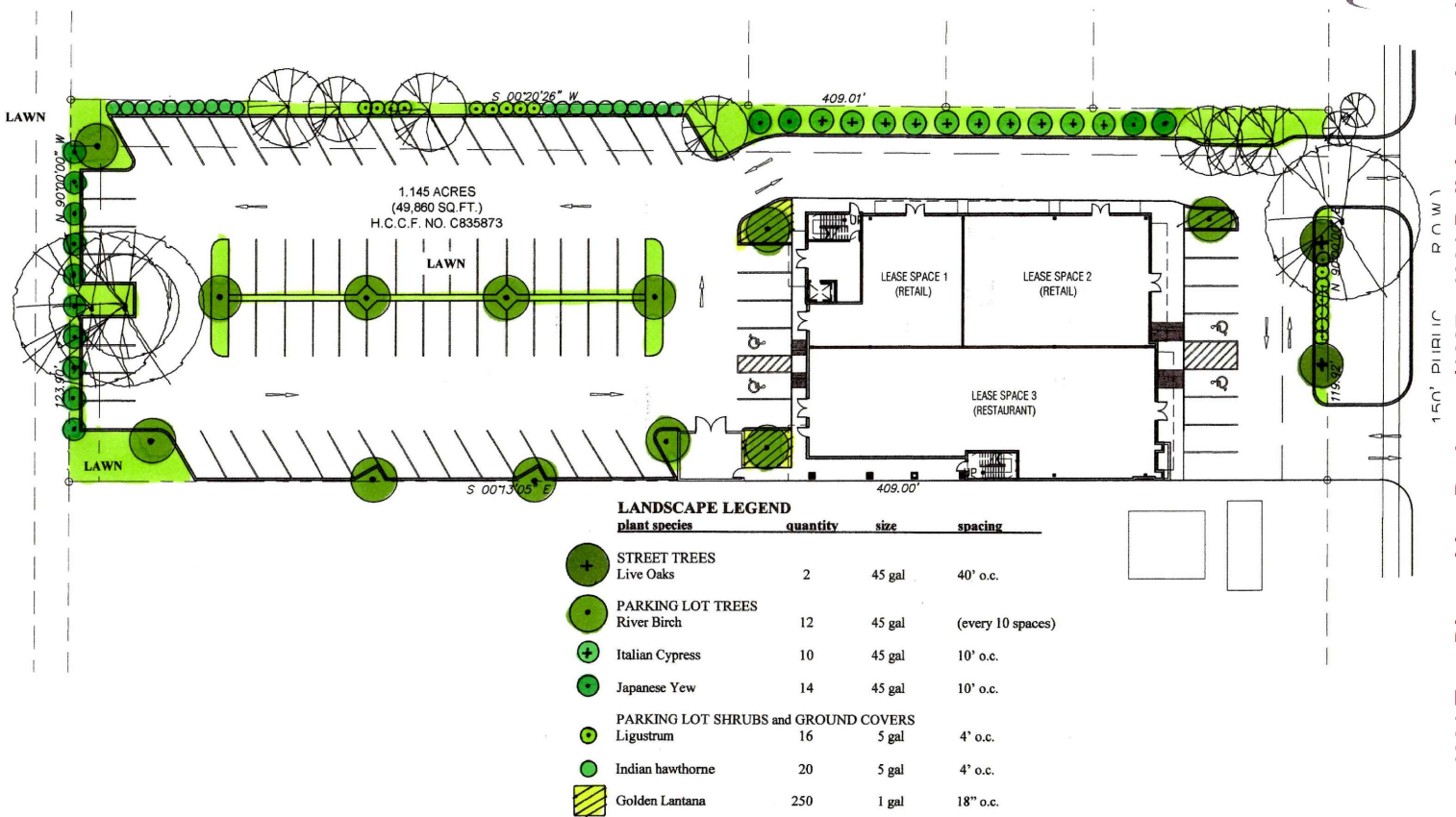
Inspector's comments from site visit: _____

☐ Approved

Plan Reviewed & Approved by: _____ Date: _____

Attachment: 4301 Tree Disposition Package (1287 : 4301 Bellaire Boulevard Re-zone)





Attachment: 4301 Tree Disposition Package (1287 : 4301 Bellaire Boulevard Re-zone)



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

5311 Kirby Drive, Suite 104 Houston, TX 77005 office: 713-661-0440 fax: 713-491-2965

Attachment: Resident Meeting (1287 : 4301 Bellaire Boulevard Re-zone)

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



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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John McDonald

From: Hecht, Jacqueline T <Jacqueline.T.Hecht@uth.tmc.edu>
Sent: Thursday, July 03, 2014 8:26 AM
To: John McDonald
Cc: Wayne Dorris
Subject: re-zoning

Dear John:

As the Treasurer of the Boulevard Green Homeowners and a resident since 1991, I want to voice my strong objections to the proposed re-zoning of the plot of land between Boulevard Green and the Railroad Tracks to the East of us. To make this a commercial site would be a disaster for us from a traffic and noise perspective.

The current proposal is to put the entrance and exit for this proposed commercial site within a few feet of the exit from Boulevard Green. Currently, we have to be very careful exiting our street directly onto Bellaire Boulevard because of oncoming traffic. When we want to go West on Bellaire Boulevard towards Loop 610, we have to go East, cut across the traffic, and make a U-turn. Can you imagine trying to do this with traffic going in and out of a commercial area a few feet away? Add in a train slowly crossing Bellaire Boulevard, which occurs approximately 30 - 35 times/day, and it will be nightmarish exiting our street, especially when the train is stopped and traffic is backed-up.

As for the noise, a commercial area will require delivery of products/food on a daily basis as well as garbage removal and street cleaning. This usually happens at 6:30 in the morning. All of our residents will, therefore, wake up to the sound of heavy equipment every morning servicing this commercial area. When we moved onto Bellaire Boulevard, we all accepted the realities of living next to a train line and we worked very hard to make it a quiet zone. We did not intend to be living next to a busy commercial area, especially given the zoning restrictions in Bellaire.

Finally, the developers are proposing high quality commercial tenants. However, what happens when these initial tenants move out? What happens if they find that the location is not good for their business and they cannot make a go of it? Who will move in next and what controls would there be once the building is vacant or only 50% occupied? How does the owner/developer recoup his investment? Would he put in a fast food, high turnover establishment, or another liquor business such as Woody's?

As it stands, there will be significantly increased traffic along Bellaire Boulevard with the new residential area occupying the former Shell site in Southside Place. There are rumors about a Trader Joe's moving into the Bowling Alley and possibly more residential development nearby in the Black-eyed Pea site along Bellaire Boulevard. Putting a new commercial space into this narrow site along the railroad tracks does not seem to make sense.

It is definitely not in the interest of the Boulevard Green residents to make any zoning changes to this site.

Thank you for responding to us.

Wayne
Wayne L.Dorris, Ph.D.
PEOPLE-PEOPLE
because success requires leadership...

<https://urldefense.proofpoint.com/v1/url?u=http://people-people.net/&k=yYSsEqip9%2FcljLHUhVwlqA%3D%3D%0A&r=ASfaOePlnTBCZl4j131KlLaftahpswQrwKukjmBjX2Q%3D%0A>