

CITY OF BELLAIRE TEXAS

BOARD OF ADJUSTMENT

AUGUST 6, 2014

Council Chamber	Special Event	7:00 PM
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7008 S. RICE AVENUE
BELLAIRE, TX 77401



Board Member

Patty McGinty

Board Member

Amar Raval

Vice Chairman

Tom Ligh

Board Member

Aashish Shah

Chairman

Debbie Sharp

Board Member

Debbie Karakowsky

Board Member

Seth A. Miller

Mission Statement:

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

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

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

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

1. Board of Adjustment - Regular Session - Jul 17, 2014 7:00 PM

5. REPORTS FROM OFFICERS, COMMITTEES, SUB-COMMITTEES AND COMMUNICATIONS BOARD MEMBERS HAVE HAD OUTSIDE THE MEETING**6. UNFINISHED BUSINESS****7. NEW BUSINESS****A. Public Hearings**

1. Docket # BOA-2014-03-Consideration and possible action on a request for a variance to allow for a Planned Development site width of 120 feet in lieu of the 150 feet minimum required by Section 24-536 C. (2)e) 2) of the City of Bellaire Code of Ordinances at 4301 Bellaire Boulevard

(Requested by John McDonald, Community Development)

2. Docket # BOA-2014-04-Consideration and possible action on a request for a special exception to allow a parking lot located on the utility easement to be counted towards the on-site parking requirements, as well as a reduction in the total number of required spaces set forth in Section 24-514a of the City of Bellaire Code of Ordinances at 4950 Terminal, legally described as TRS 45A thru 49A Terminal.

(Requested by John McDonald, Community Development)

8. GENERAL COMMENTS

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

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



CITY OF BELLAIRE TEXAS

BOARD OF ADJUSTMENT

JULY 17, 2014

Council Chamber

Regular Session

7:00 PM

7008 S. RICE AVENUE
BELLAIRE, TX 77401

1. CALL TO ORDER

Chairman Bacile called the meeting to order at 7:12 PM.

2. PLEDGE OF ALLEGIANCE TO THE FLAG (THE US AND TEXAS)

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

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

3. CERTIFICATION OF A QUORUM (OUTGOING AND INCOMING BOARD)

Chairman Bacile certified that there was a quorum present, consisting of the following members:

Chairman Nick Bacile
Vice Chairman Debbie Sharp
Board Member Tom Ligh
Board Member Patty McGinty
Board Member Amar Raval

The following members of staff were also present:

City Attorney, Alan Petrov
Director of Community Development, John McDonald
Development Services Manager, Shawn Cox

4. APPROVAL OF REGULAR MEETING MINUTES (OUTGOING BOARD ONLY)

1. Board of Adjustment - Regular Session - Apr 9, 2014 7:00 PM

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Patty McGinty, Board Member
SECONDER:	Debbie Sharp, Board Member
AYES:	Bacile, McGinty, Raval, Ligh, Sharp
ABSENT:	Bechter, Shah
EXCUSED:	Miller

5. COMMUNICATIONS AND REPORTS (OUTGOING BOARD ONLY)

There were no communications or reports.

6. UNFINISHED BUSINESS (OUTGOING BOARD ONLY)

There was no unfinished business.

Minutes Acceptance: Minutes of Jul 17, 2014 7:00 PM (Approval of Minutes)

7. SWEARING IN OF NEW BOARD MEMBERS (INCOMING BOARD ASSUMES DUTIES AND OUTGOING BOARD RETIRES)

Attorney Petrov swore in the newly appointed member of the Board, Seth Miller, as well as the re-appointed members, Patty McGinty and Tom Ligh.

8. INTRODUCTION OF INCOMING BOARD MEMBERS

Vice Chairman Debbie Sharp thanked Board Members Ligh and McGinty for continuing to serve.

Seth Miller informed the Board and the public that he served for two terms on the Bellaire Recycling Committee, which has since become the Environmental and Sustainability Board. He stated that he is an attorney in Houston, Texas practicing in Commercial Litigation, and is looking forward to learning more about the internal workings of the city.

9. ELECTION OF CHAIRMAN AND VICE-CHAIRMAN (INCOMING BOARD ONLY)

Motion: a motion was made by Board Member McGinty and seconded by Board Member Raval to elect Debbie Sharp as Chairman of the Board of Adjustment.

Vote: the motion carried on a unanimous vote of 5-0.

Motion: a motion was made by Board Member McGinty to elect Tom Ligh as Vice Chairman of the Board of Adjustment.

Vote: the motion carried on a unanimous vote of 5-0.

10. CONSIDERATION AND ADOPTION OF RULES OF PROCEDURE (INCOMING BOARD ONLY)

John McDonald, Director of Community Development explained to the Board that no changes were being recommending by staff.

Motion: a motion was made by Board Member Miller and seconded by Vice Chairman Ligh to adopt the Rules of Procedure as adopted in August of 2013.

Vote: the motion carried on a unanimous vote of 5-0.

11. NEW BUSINESS

A. Public Hearings

1. Docket # BOA-2014-03-Consideration and possible action on a request for a variance to allow for a Planned Development site width of 120 feet in lieu of the 150 feet minimum required by Section 24-536 C. (2)e) 2) of the City of Bellaire Code of Ordinances at 4301 Bellaire Boulevard

(Requested by John McDonald, Community Development)

2. Docket # BOA-2014-04-Consideration and possible action on a request for a special exception to allow a parking lot located on the utility easement to be counted towards the on-site parking requirements, as well as a reduction in the total number of required spaces set forth in Section 24-514a of the City of Bellaire Code of Ordinances at 4950 Terminal, legally described as TRS 45A thru 49A Terminal.

Attorney Petrov explained that approval of these requests would require 6 of the 7 members of the Board voting in favor of the application, and due to the fact

that only 5 members are present, these items must be postponed to a future agenda.

Vice Chairman Ligh mentioned that there is a provision in the Rules of Procedure stating that no business should be conducted at the first meeting of a new Board, and asked if there was an exception made for these two items to be put on the agenda.

Attorney Petrov stated that Mr. McDonald was going to ask the Board to suspend that portion of the Rules of Procedure in order to hear and consider these two items during this meeting.

(Requested by John McDonald, Community Development)

12.COMMUNICATIONS AND REPORTS (INCOMING BOARD ONLY)

There were no communications or reports.

13.GENERAL COMMENTS FROM PUBLIC (LIMITATIONS: SIX (6) MINUTES PER SPEAKER WITH EXTENSIONS IN TWO (2) MINUTE INCREMENTS AS APPROVED BY A MAJORITY VOTE OF THE BOARD MEMBERS PRESENT)

Lynn McBee-Ms. McBee stated that she would defer many of her questions to a future meeting when the whole Board is present, but did ask Attorney Petrov if it would have been an option for Board Member Bacile to serve as the 6th member due to the fact that his successor was not present to be sworn in.

Attorney Petrov stated that this option was discussed, but even with 6 members of the Board, the applicant has the option to postpone the item until a full Board is present.

Ms. McBee thanked the newly appointed member as well as the re-appointed members of the Board for their service.

14.GENERAL COMMENTS FROM BOARD MEMBERS (INCOMING BOARD ONLY)

Vice Chairman Ligh welcomed Board Member Miller.

Chairman Sharp apologized to the applicants, as well as the members of the community regarding the postponement of the two agenda items. She explained that the Board came prepared to vote on the applications and that she was disappointed that it was not able to do so.

15.ANNOUNCEMENTS (IF ANY)

Mr. McDonald asked those that were in attendance and/or wished to speak to the public hearing items to write their names and addresses down to ensure that they are notified about the rescheduling.

16.ADJOURNMENT

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

Vote: the motion carried on a unanimous vote of 5-0.

The meeting was adjourned at 7:30 PM.

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



Meeting: 08/06/14 07:00 PM
 Department: Community
 Development
 Category: Variance
 Department Head: John McDonald
 DOC ID: 1305

**SCHEDULED
 ACTION ITEM (ID # 1305)**

Item Title:

Docket # BOA-2014-03-Consideration and possible action on a request for a variance to allow for a Planned Development site width of 120 feet in lieu of the 150 feet minimum required by Section 24-536 C. (2)e) 2) of the City of Bellaire Code of Ordinances at 4301 Bellaire Boulevard

Background/Summary:

Address: 4301 Bellaire Blvd
 Applicant: Dr. Mark Brinker, c/o Sloan Properties, LLC
 Zoning: R-5 under the BBEO (a request to be rezoned to CMU is
 on currently under review by the Planning and Zoning Commission)
 Date Filed: June 17, 2014
 Mail Outs: June 23, 2013, additional mail-outs were sent on July 24, 2014
 Legal Notice: Published in Southwest News on June 24, 2014 and July 29, 2014

The applicant is requesting a variance from Sec. 24-536 C. (2)e)2) of the City of Bellaire Code of ordinances to reduce the minimum required site width for a planned development in the Corridor Mixed Use (CMU) District from 150 feet to 120 feet.

The property is located in the R-5 Residential Zoning District and is part of the Bellaire Boulevard Estate Overlay District (BBEO). The applicant has requested an amendment to the zoning map to re-zone the property to the CMU District. Additionally, the applicant has applied for a Planned Development within the CMU district. The Planning and Zoning Commission will consider this item on Tuesday, August 12, 2014.

Information on pending applications before the Planning and Zoning Commission are included for background purposes only. The Board's task is to determine if a variance is warranted for this particular parcel, not to determine the suitability of the proposed development.

The property was previously owned by Westside Christian Church. The church gifted the property to Dallas Christian College (DCC) in 2012. The applicant is currently under contract to purchase the property from DCC.

Criteria for Review:

General requirements:

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

1. Such modifications of the height, yard, area, lot width, lot depth, off-street loading, screening wall, coverage, parking and sign regulations are necessary to secure appropriate development of a parcel of land which materially differs from other

parcels in the district because of a special condition unique to and inherent in the parcel itself, such as restricted area, shape or slope, such that the parcel cannot be appropriately developed without modification.

The property is situated between a residential planned development (townhomes) and a CenterPoint Energy utility easement. The access, location, and value of the land severely limit the development options. While the area is zoned for residential development, the Subdivision Ordinance requires all residential lots to face on a public street. The size and dimensions of the lots make lend itself to being prohibitive to this type of development with out the possible need of other variances.

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

A literal enforcement of the minimum 150 feet width requirement for a planned development limits the development possibilities of the site. The parcel is not conducive for the development of a single family residence, a church, or a school.

3. The granting of the variance will not be materially detrimental or injurious to other property or improvements in the neighborhood in which the subject property is located, nor impair an adequate supply of light or air to adjacent property, substantially increase the congestion in the public streets, increase the danger of fire, endanger the public health, safety and well-being, or substantially diminish or impair property values within the neighborhood.

The variance will not be materially detrimental or injurious to other property or improvements in the neighborhood in which the subject property is located, nor impair an adequate supply of light or air to adjacent property, substantially increase the congestion in the public streets, increase the danger of fire, endanger the public health, safety and well-being, or substantially diminish or impair property values within the neighborhood.

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

The granting of the variance would not be opposed to the spirit and intent of the ordinance.

Recommendation:

It is staff's opinion upon review of the application and the materials submitted that the application does meet the standards for a variance as outlined in Article VII, Division 1, Section 24-704. While there may be specific criticisms by some to the currently proposed project, that project is undergoing review by the Planning and Zoning Commission and subsequently, the City Council. The question before the Board is focused on the lot itself and it's inherent limitations. The Community Development Department offers no objections to the granting of this variance.

The Department recommends that due to the ongoing consideration of the rezoning of the parcel, that if the Board deems the request for a variance as appropriate, that they condition that variance on the rezoning of the property to CMU within a one year period.

ATTACHMENTS:

- 4301 Bellaire Blvd Variance Application (PDF)

APPLICATION FOR VARIANCE REQUEST

Applicant shall specifically explain the variance being requested and why the literal enforcement of the zoning regulations of Chapter 24 of the City of Bellaire Code of Ordinances will result in unnecessary hardship. A site plan/survey showing the improvements requiring the variance shall be attached to this application.

DESCRIPTION OF PROPOSED VARIANCE

Address: 4301 Bellaire Boulevard

Legal Description (Subdivision, Block, Lot): Westmoreland Farms Subdivision; Block 1, Lot 46 & Tract 47

Applicant's Name: Dr. Mark Brinker, C/O Sloan Properties, LLC

Address, Phone number and Email: 2101 Pine Valley Drive; Houston, TX 77019 - mark@mbrinker.com

Property Owner's Name: Dallas Christian College; 2700 Christian Parkway; Dallas, TX 75234

Authorized Agent: (Owner's) Dusty Rubeck 972-849-2870 – President of DCC
(Applicant's) Bruce W. Frankel 713-661-0440 – Development Consultant

DESCRIPTION OF VARIANCE REQUEST

The Applicant is requesting a variance under CMU Zoning District that would enable them to obtain a Planned Development for the subject property with a site width of 120 feet, which is 30 feet less than the minimum width requirement of 150 feet.

The section of the Code of Ordinances
That variance request is being made from Chapter 24, Section 24-536; Paragraph C.2.E

HARDSHIPS THAT HAVE OCCURRED OR WILL OCCUR WITHOUT THIS VARIANCE

The Applicant's hardship is directly related to the physical characteristic of the property itself. That is, the property's narrowness poses an unnecessary hardship on the Applicant if the requirement under the zoning ordinance is enforced. This is despite the fact that the site can accommodate the proposed new development for the property which complies with most all of the requirements for a Planned Development under the CMU Zoning District. Without the variance, the Applicant will not be able to obtain a Planned Development for the property.

Site Plan Included shows existing structure
with proposed additions.

Yes
X

No

Year Approved

Year Denied

List previous variance request

N/A

Attachment: 4301 Bellaire Blvd Variance Application (1305 : 4301 Bellaire Blvd Variance)

VARIANCE TO MINIMUM STANDARDS CRITERIA

	<u>Min. Required</u>	<u>Actual</u>	<u>Exceeds Min.</u>
Site Width	<u>150</u>	<u>120</u>	<u>- 30'</u>
Site Depth	<u>100</u>	<u>409</u>	<u>+309</u>
	<u>Min. Proposed</u>	<u>Actual</u>	<u>Exceeds Min.</u>
Front Setback	<u> </u>	<u> </u>	<u> </u>
Side Setback	<u> </u>	<u> </u>	<u> </u>
Rear Setback	<u> </u>	<u> </u>	<u> </u>
Lot Coverage	<u> </u>	<u> </u>	<u> </u>
Height of Proposed Structure	<u>53 (Maximum)</u>	<u>44</u>	<u>-9 (Under Max.)</u>
Tract or Lot Size	<u>32,670sf</u>	<u>49,860sf</u>	<u>+17,190sf</u>

Indicate any measures designed into the project to reduce any adverse effect of the proposed variance request.

There are none.

APPEAL FROM BOARD OF ADJUSTMENT DECISION MUST BE MADE TO THE DISTRICT COURT.



CITY OF BELLAIRE
RECEIVED

JUN 17 2014

COMMUNITY DEVELOPMENT

June 16, 2014

Board of Adjustments
City of Bellaire
7008 South Rice Avenue
Bellaire, TX 77401-4495

RE: 4301 BELLAIRE BOULEVARD – VARIANCE APPLICATION

Dear Board of Adjustments:

Sloan Properties, LLC's (the "Applicant") is seeking your consideration and approval for a variance on the minimum width requirement for a Planned Development under CMU Zoning District, on the property referenced above. Specifically, the Applicant is requesting that a variance be granted which would enable the Applicant to obtain a Planned Development for the subject property with a site width of 120 feet, which is 30 feet less than the minimum width requirement of 150 feet. The Applicant's purpose for requesting the variance is directly related to a physical characteristic of the property itself which falls just short of the dimensions required under Section 24-536 (Corridor Mixed Use District - CMU) of Bellaire's Municipal Code in order to qualify as a Planned Development. As stated in Paragraph C.2.E. of this Section, in order to qualify for a Planned Development the lot width must be a minimum of 150 feet.

The Applicant is requesting that this variance application be considered simultaneously with its other two applications that have been submitted to the Planning & Zoning Commission that are currently under review pertaining to the same property. The two applications under review by P&Z are: (1) an application to rezone the property from its current R-5 Zoning District to CMU Zoning District and removal of the Bellaire Boulevard Estate Overlay District, and (2) an application for a Planned Development to allow for the construction of a new two-story commercial building. Approval of a Planned Development for this property will assure adjacent property owners and the City of Bellaire that once the property has been rezoned to CMU the Applicant will follow through with its plans and representations made for the redevelopment of this property. Without granting this variance, both applications under review by the P&Z will most likely be denied. The following information will make it easier for your committee to understand what is at stake and the significance of granting this variance.

BACKGROUND

The Applicant is currently under contract to purchase the subject property from its current owner, Dallas Christian College. The previous owner of the property, Westside Christian Church, disband 19 months ago and gifted the property to Dallas Christian College who has no use for the property. The property is currently vacant and DCC is only interested in selling the property.

The property possess numerous constraints that will keep it from ever being occupied again as a Church, a single-family dwelling, or any other use permitted under its current R-5 Zoning District and complies with the City's Comprehensive Plan for this particular site. These constraints include: 1) the existing improvements which are obsolete and deteriorating, 2) the property owner's interests to sell the property, 3) the value of the property which has reached an historic high, 4) the size of the property which is too small for a new church or school to be built and operate successfully, 5) the property's dimensions which limit its options for redevelopment, 6) the undesirable electrical tower and overhead power lines, 7) adjacent busy railway, and 8) the busy thoroughfare (Bellaire Boulevard) which carries over 20,000 vehicle per day. **These constraints make this property inherently undevelopable under its current zoning which is the reason why the Applicant has submitted applications to rezone the property and seek approval for a Planned Development.**

PROPOSED REDEVELOPMENT:

The Applicant's proposed plans for redeveloping 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 the 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.

EXAMINING THE FOUR CONDITIONS:

Despite the subject property's narrowness, the property will accommodate the Applicant's proposed new development which complies with most all the requirements for a Planned Development under the CMU Zoning District. This is further illustrated in the attached site plan which shows that the new development meets all of the minimum requirements as it relates to yard, area and lot depth, off street parking, screening, coverage, parking and sign regulations. Furthermore, the height of the proposed new building will be 44 feet which is 9 feet below the maximum building height allowable for a Planned Development under the CMU Zoning District, and 19 feet below the maximum additional building height allowable for gables, chimneys, vent stacks and mechanical equipment. **Hence, literal enforcement of the Zoning Ordinance would result in an unnecessary hardship that is not self-created or personal, nor financial in nature.**

Given the quality of the design and materials used in the proposed development, the project will not materially be detrimental or injurious to other property or improvements in the neighborhood. Rather, it will match the level of residential investment made in the adjacent properties and across the rest of the community. Given the building's size, height, depth and distance between the Boulevard Green townhome development, the

proposed development will not impair an adequate supply of light or air to the adjacent properties. The project's size, its makeup, and proposed ingress and egress will not increase congestion on Bellaire Boulevard. Rather, the project will benefit from the existing traffic that already exists along this major thoroughfare. Furthermore, there is no indication given the make-up of the project that it will pose any danger to the public in terms of a potential fire. What's more, the projects landscaping and stature will serve as a buffer to reduce the noise of the adjacent railway to nearby property owners.

Bellaire Boulevard is actually more of a commercial thoroughfare than it is a residential thoroughfare. The boulevard is already lined with one and two story commercial buildings and businesses east of the subject property located in the Cities of Southside Place and West University Place. Located to the west, catty-corner to the site is Evelyn's Park, which will draw a lot of additional traffic to the area in addition to the already existing churches. That said, the proposed redevelopment is nothing different from what already exists in the area along this busy thoroughfare. Granting the variance will not in any way be a detriment or nuisance to the City of Bellaire and adjacent residences, nor will it lower property values or the City's image. If anything, the property in its current state presents more of a detriment or nuisance to the City of Bellaire and adjacent residence. Granting this variance will allow the proposed redevelopment to move forward and actually help avoid this property from becoming a nuisance and problem to the community. The proposed redevelopment complies with the City's Comprehensive Plan and will enhance the Community as a new amenity for Bellaire residents.

THE HARDSHIP:

The property's frontage currently meets 80% of the minimum required width for a Planned Development under the CMU Zoning District. The fact that site will accommodate the proposed new improvements, the only need for the variance is due to the physical characteristic of the property itself. The property's physical shortcomings ("narrowness") poses an unnecessary hardship on the Applicant if the requirement under this zoning ordinance is enforced. Without the variance, the Applicant will not be able to establish a Planned Development on the property. Though the Applicant is not required to apply for a Planned Development in order to rezone the property, it is in the Applicant's opinion that without it the Applicants application to rezone the property will be denied. The repercussions of denying a rezone means the property will remain in its current state and continue to deteriorate, creating an eyesore and future problem for the City.

Attached with this application, is our check in the amount of \$400.00 for the application fee and the following items:

- Street address and legal description of the property;
- The Title Report to confirm proof of ownership;
- A Survey with the property lines and the existing structure on the property with its measurements;
- A Site Plan with the property lines, proposed new structure with measurements, measurements from the property line to the proposed structure and measurements from the proposed structure to main residential structure; and
- The names and addresses of all parties to be notified that are involved in this application.

Please note that the Applicant's applications for rezoning the property and the establishment of a Planned Development will be reviewed by the Planning and Zoning Commission at their next monthly meeting scheduled for July 8, 2014. The hearings for both applications will take place on this date. However, according to the Department of Community Development, the decision on either application won't be rendered until P&Z's next monthly meeting scheduled on August 12, 2014.

Please contact me if you have any questions or require further information in order to process this application. We very much appreciate your consideration of our request, and hope that you will support our application and grant us this variance.

Sincerely,



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

PROPERTY ADDRESS & PROPERTY LEGAL DESCRIPTION

Property address of land:

4301 Bellaire Boulevard; Bellaire, TX 77401

Total area of the property proposed to be reclassified:

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

Legal description of land:

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

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

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

CITY OF BELLAIRE
RECEIVED

JUN 17 2014

COMMUNITY DEVELOPMENT

Old Republic National Title Insurance Company

OWNERSHIP LETTER

CITY OF BELLAIRE
RECEIVED

JUN 17 2014

COMMUNITY DEVELOPMENT

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.

[SIGNATURE ON FOLLOWING PAGE]

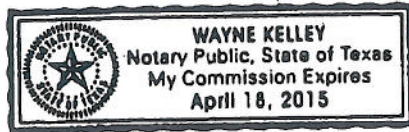
Westside Christian Church, Houston, Texas,
a Texas non-profit corporation

18

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 Stewart
COUNTY CLERK
HARRIS COUNTY, TEXAS

FILED FOR RECORD
8:00 AM

JAN - 7 2013

Stan Stewart
County Clerk, Harris County, Texas

AFTER RECORDING RETURN TO:

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

N

Correction Special Warranty Deed

3
Correc
I

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."

D

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

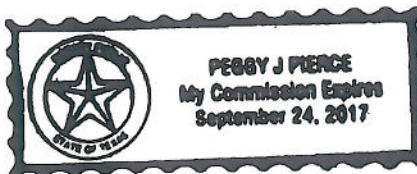
lor

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

STATE OF TEXAS §
COUNTY OF HARRIS §

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

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



RP 091-42-0115

Accepted:

Dallas Christian College,
a Texas non-profit corporation

By: 

Name: Dustin D. Rubeck

Title: President

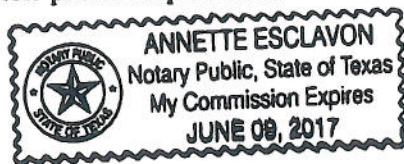
RECORDER'S MEMORANDUM:

At the time of recordation, 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.




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 OFD 14001240

RP 091-42-0117

FILED

2014 MAY -6 PM 1:34

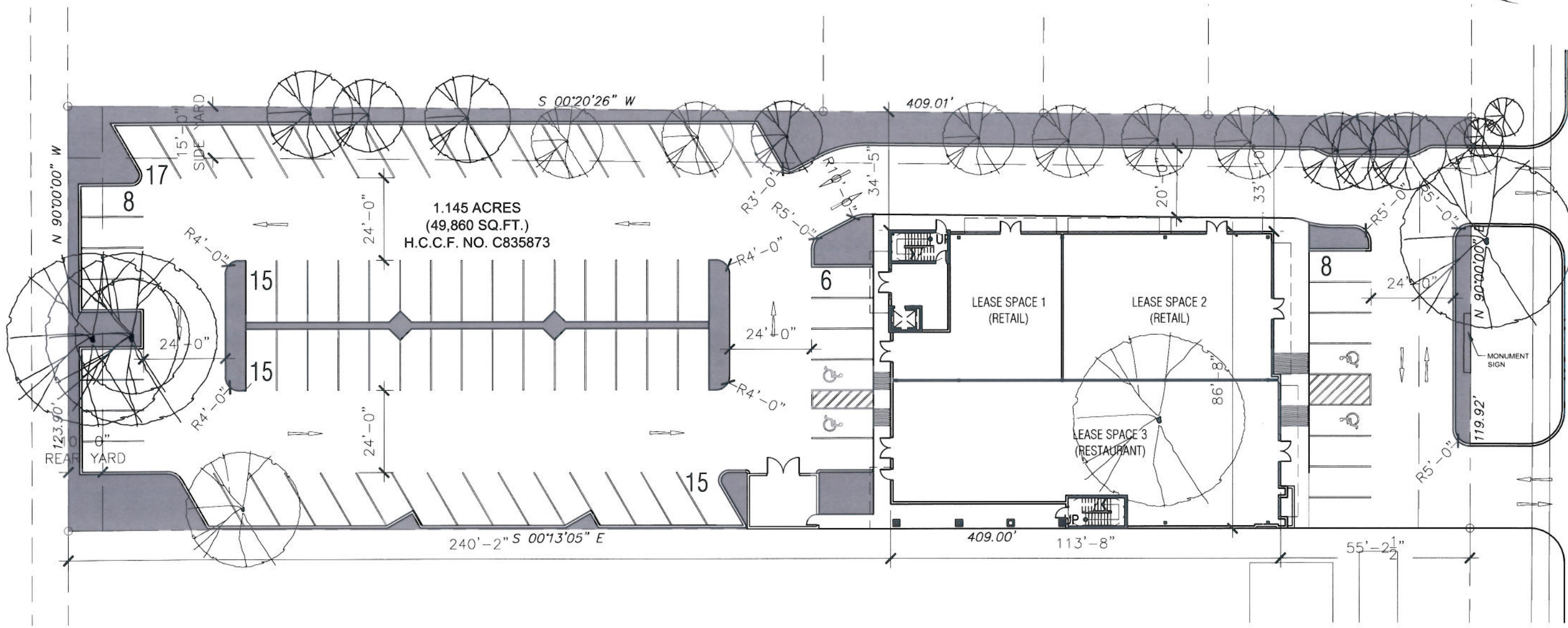
Stan Stenart
COUNTY CLERK
HARRIS COUNTY, TEXAS

ANY PROVISION HEREIN WHICH RESTRICTS THE SALE, RENTAL, OR USE OF THE DESCRIBED REAL
PROPERTY BECAUSE OF COLOR OR RACE IS VOID 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

MAY - 6 2014

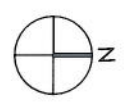


Stan Stenart
COUNTY CLERK
HARRIS COUNTY, TEXAS



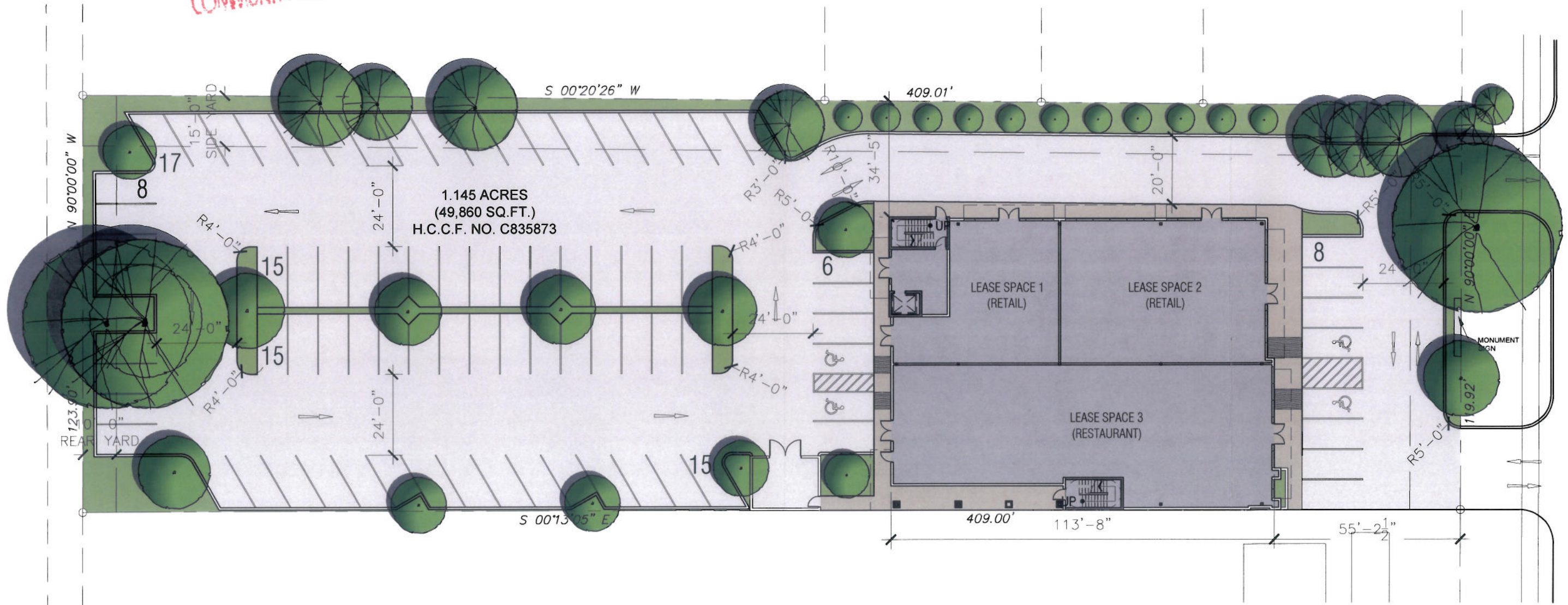
CITY OF BELLAIRE
RECEIVED
JUN 17 2014
COMMUNITY DEVELOPMENT

150' PUBLIC R.O.W.)
BELLAIRE BOULEVARD



1"=20'-0" 10' 20' 30' 40'

CITY OF HOUSTON
RECEIVED
JUN 17 2014
COMMUNITY DEVELOPMENT



Attachment: 4301 Bellaire Blvd Variance Application (1305 : 4301 Bellaire Blvd Variance)

Party Owner: Mr. Dusty Rubek - President
Dallas Christian College
2700 Christian Parkway
Dallas, Texas 75234
(972) 849-2870
drubeck@cdfonline.org

CC: Keith Keeran - Board Secretary
(972) 241-3371
kkeeran@dallas.edu

Participant: Dr. Mark Brinker
Sloan Properties, LLC
2101 Pine Valley Drive
Houston, Texas 77019
(281) 705-6009
mark@mbrinker.com

Development Consultant: Mr. Bruce W. Frankel
Frankel Development Group, Inc.
5311 Kirby Drive, Suite 104
Houston, Texas 77005
(713) 661-0440
bfrankel@frankeldev.com

Architect: Mr. H. Warren Johnson
Johnson Design Group
3221 West Alabama
Houston, Texas 77098
(281) 414-2374
wjohnson@johnsondesigngroup-llc.com

Landscape Architect: Mr. Dwight Rozier
Rozier Design Studio, LLC
11 Blue Wildflower Place
Magnolia, Texas 77354
(713) 906-5208
rozierdesign@aol.com

Surveyor: Mr. Barry Hunsworth
Century Engineering
3030 South Gessner, Suite 100
Houston, Texas 77063
(713) 780-8871
bhunsworth@centuryengineering.com

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



Meeting: 08/06/14 07:00 PM
Department: Community
Development
Category: Special Exception
Department Head: John McDonald
DOC ID: 1304 A

**SCHEDULED
ACTION ITEM (ID # 1304)**

Item Title:

Docket # BOA-2014-04-Consideration and possible action on a request for a special exception to allow a parking lot located on the utility easement to be counted towards the on-site parking requirements, as well as a reduction in the total number of required spaces set forth in Section 24-514a of the City of Bellaire Code of Ordinances at 4950 Terminal, legally described as TRS 45A thru 49A Terminal.

Background/Summary:

Address: 4950 Terminal
Applicant: Billye Jo & Dr. Christopher Sanders, D.C
Zoning: Urban Village-Transit Oriented Development (UV-T) District
Date Filed: June 17, 2014
Mail Outs: June 30, 2014, additional mail outs were sent on July 24, 2014
Legal Ad: Published in the Southwest News on July 1, 2014, and July 29, 2014

Request:

The applicant requests a Special Exception in accordance with the provisions of Section 24-716 of the City of Bellaire Code of Ordinances in order count off-site parking towards their parking requirements. The application which was to be presented at the July 17 meeting also included a request to allow for a reduction in the required number of parking spots. Since that meeting, a new parking plan has been created which would make that request unnecessary.

Background:

The applicants, Dr. & Mrs. Sanders, are in the process of purchasing 4950 Terminal to develop a mixed use space comprised of MultiSport Health Center, Zenith Fitness and Performance, and DoxCo Pitching Academy. Currently, the building is used by J&R Medical, a medical supply company which is considered a warehouse use. The current warehouse use is considered a legal non-conforming use, and is allowed in the district as long as it is not expanded or the structure significantly altered.

The property at 4950 Terminal does not have any parking on site. J&R Medical has an agreement with CenterPoint Energy, owner of the lot next to 4950 Terminal, to utilize their site for parking. This site currently has twenty-three (23) parking spots. CenterPoint has agreed to allow Dr. & Mrs. Sanders to add additional parking spaces to the site, bringing the total available parking to sixty-four (64).

Based on the proposed uses, the development would require fifty-five (55) parking spaces.

Staff Review:

It is staff's opinion upon review of the application and the materials submitted that the

application does not meet the Standards for Special Exceptions as outlined in Article V, Division 2, Section 24-718.

The Comprehensive Plan, adopted by the Bellaire City Council in 2009, outlines specific design characteristics for the UV-T District. This district provides for the most intensive site development in the City, focusing on mixed-use commercial and high density residential. The transition from the Research Development District to the Urban Village - Transit Oriented Development District was a direct effort to spur commercial revitalization in the Bellaire Rail Station area.

The development proposed does not meet the character of the UV-T district as outlined in Sec. 24-547, "multi-story buildings that create a sense of enclosure along streets and around open spaces..." and therefore may be materially detrimental or injurious to other property or improvements in the neighborhood by limiting future development in the area.

The Community Development Department does not recommend approval of this special exception application.

ATTACHMENTS:

- Application (PDF)

Billye Jo Sanders
 Christopher Sanders
 3810 Linkview Dr
 Houston, TX 77025

17 June 2014

Board of Adjustment
 7008 South Rice
 Bellaire, TX 77401

RE: Application for Special Parking Exceptions
 4950 Terminal Road, Bellaire, TX 77401

Dear Members of the Board of Adjustment,

Please let this letter serve as our application for a Special Parking Exception to specifically allow the NEW Proposed Parking Plan on the current 0.7904 acre (34,429 gross square feet) parcel of land of Plat 248, Harris County, Texas, being lots 62, 63, 64, 65, 66, and 67 and the eastern 17.5 feet of Lots 45 to 49 of Terminal Addition, owned by CenterPoint Energy Houston Electric, LLC to be utilized for the calculation of available parking to meet the city parking requirements for a Mixed-use development within the Urban Village District (UV-T) at 4950 Terminal Road.

We are in the due-diligence phase for purchasing the property at 4950 Terminal Road along with securing the long-term lease of the utility easement from CenterPoint. From the time at which the current owner, A4353, LLC, purchased the property in May 2010, the area has been rezoned to the UV-T district. The current building owner, James Dubose, operates a medical supply company, J & R Medical, with its primary offices and general warehouse located on the property. Under the new zoning regulation, this is now considered a non-conforming use. While the current property use is grandfathered, we are proposing a significant remodel and division of the building into a mixed-use property. In order to satisfy the parking requirements for mixed-use, we are asking that the parking lot located on the utility easement be allowed to count towards our on-site parking requirements. We have attached a letter from CenterPoint Energy Houston Electric, LLC dated 17 June 2014 that indicates their intent to not only transfer the remaining Commercial Parking License L1035, but also extend the lease along with allowing for additional paving on the property. *(Please refer to Exhibit A.)*

Currently the building is owned by A4353, LLC, who also leases the utility easement property located directly adjacent to the building to satisfy their on-site parking requirements. Historically this easement has been utilized by the property owners of 4950 Terminal Road as there is zero (0) on-site parking available within the property boundaries. In fact, there are two primary utility easements that run through the entire UV-T district parallel to 3rd Street (North to

Attachment: Application (1304 : 4950 Terminal-Parking Special Exception)

South) as well as parallel to Lehigh Street (East to West). Along these two utility easements, various building owners lease the adjoining land in order to provide on-site parking for their buildings. Without the qualifying use of these easements to satisfy the on-site parking requirements, many of the buildings would no longer be able meet the city of Bellaire parking codes. Additionally without these easements, the building owners would in fact be denied fair use of their property in its current state as well as prohibit them from changing the current use, remodeling the existing facilities or selling their property in the future.

The current utility easement (34,429 gross square feet) associated with 4950 Terminal Road has a 16,016 square foot parking lot that is striped for eighteen (18) regular parking spots along with four (4) handicap parking spots. With the NEW proposed addition of pavement, the NEW parking lot can accommodate sixty-four (64) generous (88% are 9'-10' wide with 12% 8' wide) parking spots including three (3) handicap parking spots. According to the U.S. Department of Justice ADA Standards for Accessible Design 4.1.2(5), parking lots with more than 50 parking spots, but less than seventy-five (75) only require 3 handicap accessible parking spots. *(Please refer to Exhibit B.)*

As stated in Sec. 24-547.A. Urban Village District, the general purpose of the UV-T district is "intended to yield a mix-use, pedestrian oriented, high-quality setting which includes uses and amenities that boost the quality of life of Bellaire residents." Additionally, the character of the district has an urban feel with reduced set-backs whereas "off-street parking is minimized in favor of on-street parking".

The new proposed mixed-use property at 4950 Terminal will contain the following businesses and designated areas designed to directly improve the quality of life of Bellaire residents as well as the surrounding areas:

- **MultiSport Health Center** (*Professional Medical Offices & Services*), a current Bellaire business since October 2006. MSHC is a sports medicine facility that provides evidence based quality one-on-one patient care along with functional rehabilitation for non-surgical soft-tissue injuries. Dr. Chris Sanders, D.C. is the owner and Medical Director as well as on the Medical Staff of the Houston Texans. He is an expert in the field of soft-tissue treatment and functional rehab. MSHC also employs Certified Athletic Trainers to perform patient rehabilitation and post-injury functional performance testing and training in conjunction with patient appointments with the doctor.

Primary Business Operation Hours: Monday to Friday 8am to 5 pm. (Approximately 6600 sq ft. shown in ORANGE on Exhibit C)

- **Zenith Fitness & Performance** (*Studio for Fitness Activities*), a NEW proposed business owned by Dr. Chris Sanders. Zenith will provide the community with one-on-one and small group personal training (no more than 4:1 ratio) utilizing the evidence based practices of the Functional Movement Screen (www.functionalmovement.com) and resulting functional movement based exercises. The programming and training will be supervised by medical experts with the intent of injury-risk management and increased functional performance. Zenith will also employ the Certified Athletic Trainers working at MSHC to perform post-injury functional performance training.

Proposed Primary Business Operation Hours: Monday to Friday 5am to 9 pm and Saturday 6 am to 1 pm. Peak Hours of Operation: Monday to Friday 5 am to 8 am and 5 pm to 8pm. (Approximately 5900 sq ft. shown in BLUE on Exhibit C)

- **DoxCo Pitching Academy** (*Studio for Fitness Activities*), a current West University business. DPA is owned and operated by Dean Doxakis, a National Pitching Association Certified Pitching Coach. Coach Doxakis provides one-on-one biomechanical, science based instruction along with video analysis based on the principals of Tom House and the NPA. The current Disney film, *The Million Dollar Arm*, features Tom House and his science based teaching that promotes sound mechanics and conditioning in order to minimize injury risk for all rotational athletes.

Proposed Primary Business Operation Hours: Tuesday to Friday 5pm to 9 pm, Saturday 8 am to 4 pm and Sunday 1 pm to 6 pm. (Approximately 2200 sq ft. shown in GREEN on Exhibit C)

- **Common Area** (Non-Leasable Space) Shared Space for all building tenants including lobby, building bathrooms, and hallways. (Approximately 2300 sq ft. shown in YELLOW on Exhibit C)
- **Owner & Employee Recreation Space** (Personal Non-Leasable Space) This space is intended for employee and owner enjoyment only. Given the physical nature of the jobs performed by the employees of MSHC, Zenith and Doxco, the owner is providing a space for personal workouts and enjoyment in order to increase the quality of life for the building employees. (Approximately 4200 sq ft. shown in PURPLE on Exhibit C)

In addition to applying for the Special Parking Exception for the adjacent utility easement, we are asking that the Board of Adjustment grants a reduction of the total number of required parking spaces required for the proposed mix-use project due to all the qualifying mixed-use businesses are "by appointment only". MSHC doctors treat no more than four (4) patients per

hour, while the DoxCo pitching coach trains on average one (1) client per thirty (30) to forty-five (45) minutes. As per Sec. 24-547. C. Development Standards. (7). Parking a.3. Exceptions, “the City’s administrative official may allow up to 10% fewer parking spaces than the minimum parking requirement.” We are also asking for the reduction for the following additional reasons: business promotion of patron bicycle use, ample street parking on 2nd Street, Terminal Road and 3rd Street and the surrounding areas, and the businesses do not experience the same peak hours of operation.

As stated in Sec. 24-547.C.7.e., the parking plan includes bicycle parking. Based on the number of forty-three (43) on-site parking spots, a minimum number of four (4) bicycle parking spots will be provided. The New proposed parking plan allows for seven (7) bicycle parking spots and may be adjusted to include a maximum of ten (10). Since all of the businesses at 4950 Terminal Road are health oriented, we will not only be providing a bike rack for patients and clients who ride their bikes to their appointments, but we will also be providing a financial discount on services for those who do. MSHC currently has patients that regularly ride their bikes to their facility at 6300 W Loop S. We anticipate this number to grow significantly with the addition of Zenith Fitness & Performance as well as students of Doxco Pitching Academy, who attend several of the local middle & high schools.

We are also requesting that at a minimum the eleven (11) parallel parking spaces along 2nd Street and four (4) parallel parking spaces along Terminal Road directly adjacent to the building at 4950 Terminal Road be striped for public on-street parking. We are also requesting the ten (10) parallel parking spaces along the west side of the utility easement be striped for UV-T District on-street parking. (*Please refer to Exhibit D.*) Both 2nd and 3rd Streets are local access streets between Terminal Road and The Westpark Metro Easement that provide “no outlet” for residents (*Please refer to Exhibit E*). Historically speaking these streets are regularly utilized by UV-T district patrons and employees for local parking. (*Please refer to Exhibit F.*) Permanently marking them will not only reinforce their current but also projected use within the district. At this time, there are zero (0) marked on-street parking spots in the entire district, even though one of the primary tenets of the district is to promote on-street parking and minimize additional on-site parking. As previously stated in the “character” of the UV-T district, on-street parking is favored. Additionally, Sec. 24-547.C.7.b. allows for “parking credits” that may be deducted from the standard parking requirement for a mixed-use building’s share of on-street parking located within 600 feet of the property. As there are zero (0) designated on-street parking spaces within the UV-T district, in order to be able to utilize the qualifying parking credits, we are asking that the available parking spaces within 600 feet of the property be marked as such or allowed to be counted without marking.

Finally we are requesting a reduction in required parking spaces due to Sec. 24-547.C.(7) c.1., whereas mixed-use development in the UV-T district may be “granted reductions in the

total number of required parking spaces when a parcel is occupied by two or more uses which typically do not experience peak parking demands at the same time.”

Shared Parking Table

Entity	Weekday			Saturday	Sunday
	5 am to 8 am	8am to 5 pm	5 pm to 9 pm	8 am to 4 pm	1 pm to 6 pm
MSHC	0	12	0	0	0
Zenith	24	24	24	24	0
DoxCo	0	0	9	9	9
Total Number of Parking Spaces required	24	36	33	33	9
Maximum Number of Spaces Required					36

Note: All MSHC parking requirements are based on the 6 spots per appointment maker. Zenith & DoxCo are allotted according to four (4) parking spots per thousand (1000) square feet of leasable space.

It is our opinion that the granting of this special exception to allow for an adjacent utility easement parking lot to be used for the calculation of the required parking spaces along with a substantial reduction in required parking spaces will not be detrimental or injurious to other property improvements in the district. In fact, it will actually increase the overall atmosphere of the district by providing additional quality of life services to the residents of Bellaire and the surrounding areas.

As the first mixed-use property within the newly formed UV-T district, we are excited to find a building that is a unique fit for our business model, allows us to expand our current business and start a new business in Bellaire as well as recruit as already established local business to Bellaire. Thank you for your consideration and we look forward to proceeding with the purchase of the property at 4950 Terminal Road, once the exception has been granted.

Sincerely,



Billye Jo Sanders



Dr. Christopher Sanders, D.C

Attachments – (Exhibit A) Letter of Intent to Transfer/Renew Lease
(Exhibit B) Proposed New Parking Lot Layout
(Exhibit C) Proposed Division of 4950 Terminal
(Exhibit D) Proposed On-Street Parallel Parking
(Exhibit E) Harris County Plat 5155B3
(Exhibit F) Various Photos from Google Maps

EXHIBIT A



CenterPoint Energy
P.O. Box 1700
Houston, TX 77251-1700

June 17, 2014

Ms. Julie King/Cresa Houston
5599 San Felipe, Suite 500
Houston, Texas 77056

Re: Commercial Parking License L1035

Dear Ms. King:

I have received your request for an assignment of the License referenced above. Upon conveyance of the property at 4950 Terminal St. (HCAD #0352470000045) from Terminal Street, Ltd. to 4950 Terminal, LLC, it is the intent of CenterPoint Energy to grant your request for assignment and additional paving of the CenterPoint Energy Fee Strip.

If you have any additional questions, please don't hesitate to ask. I am at your service.

Very truly yours,

CenterPoint Energy Houston Electric, LLC
A Texas limited liability company

A handwritten signature in blue ink that reads "John Collins".

John Collins, SR/WA
Sr. Right of Way Agent
713-207-6212

NO OUTLET

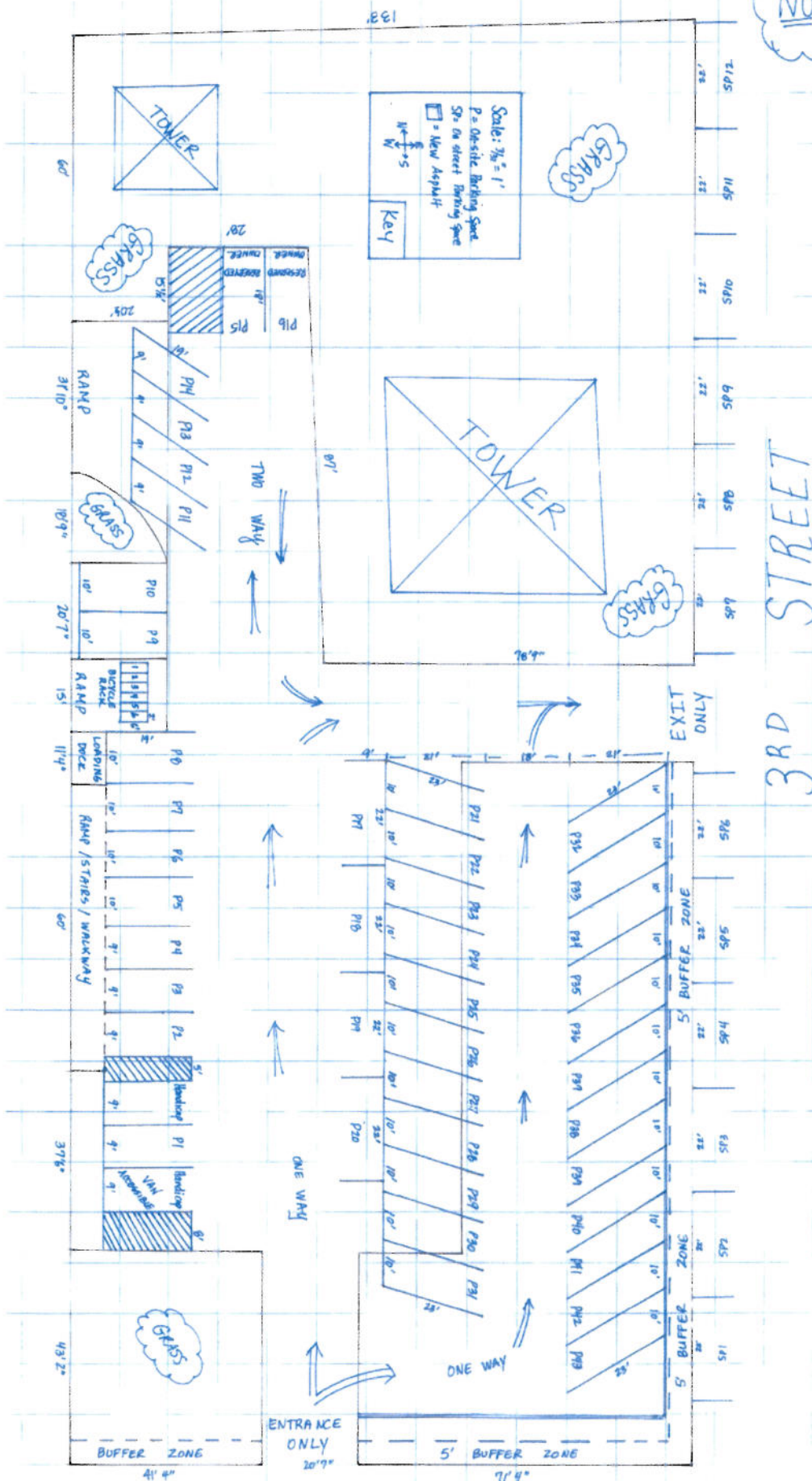
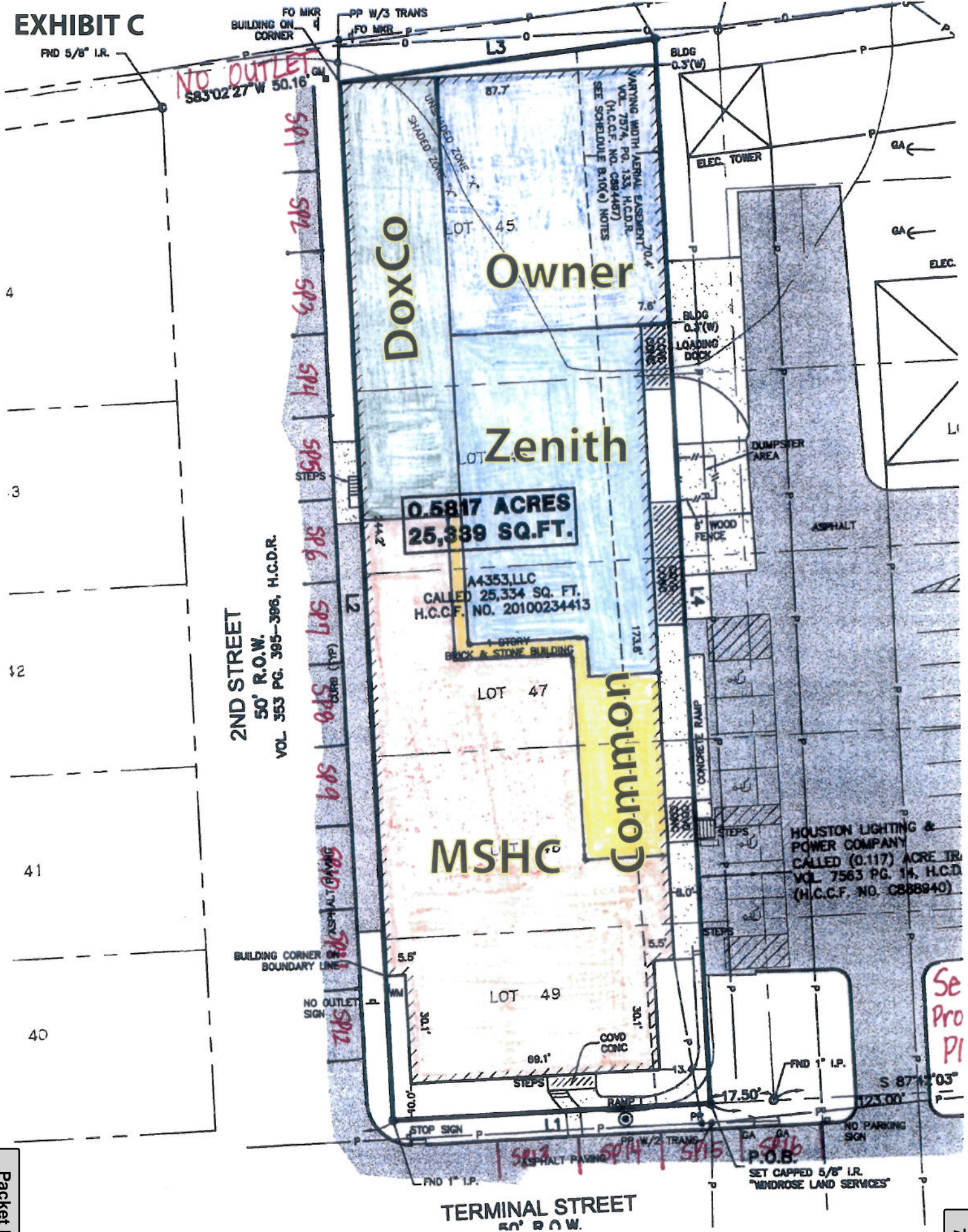


EXHIBIT C



PREPARED BY: WASHINGTON STATE DEPARTMENT OF REVENUE



EXHIBIT E

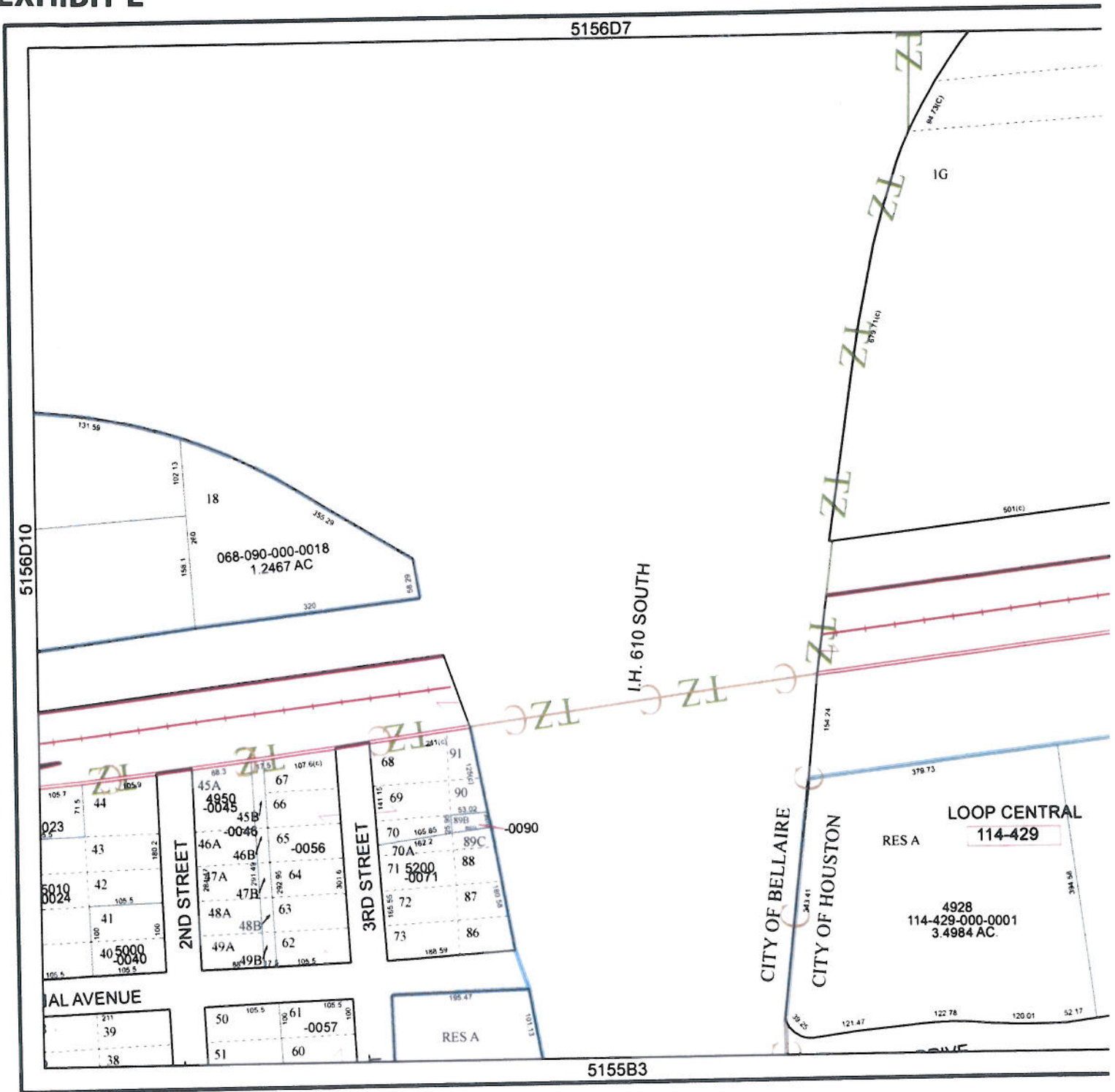


EXHIBIT F

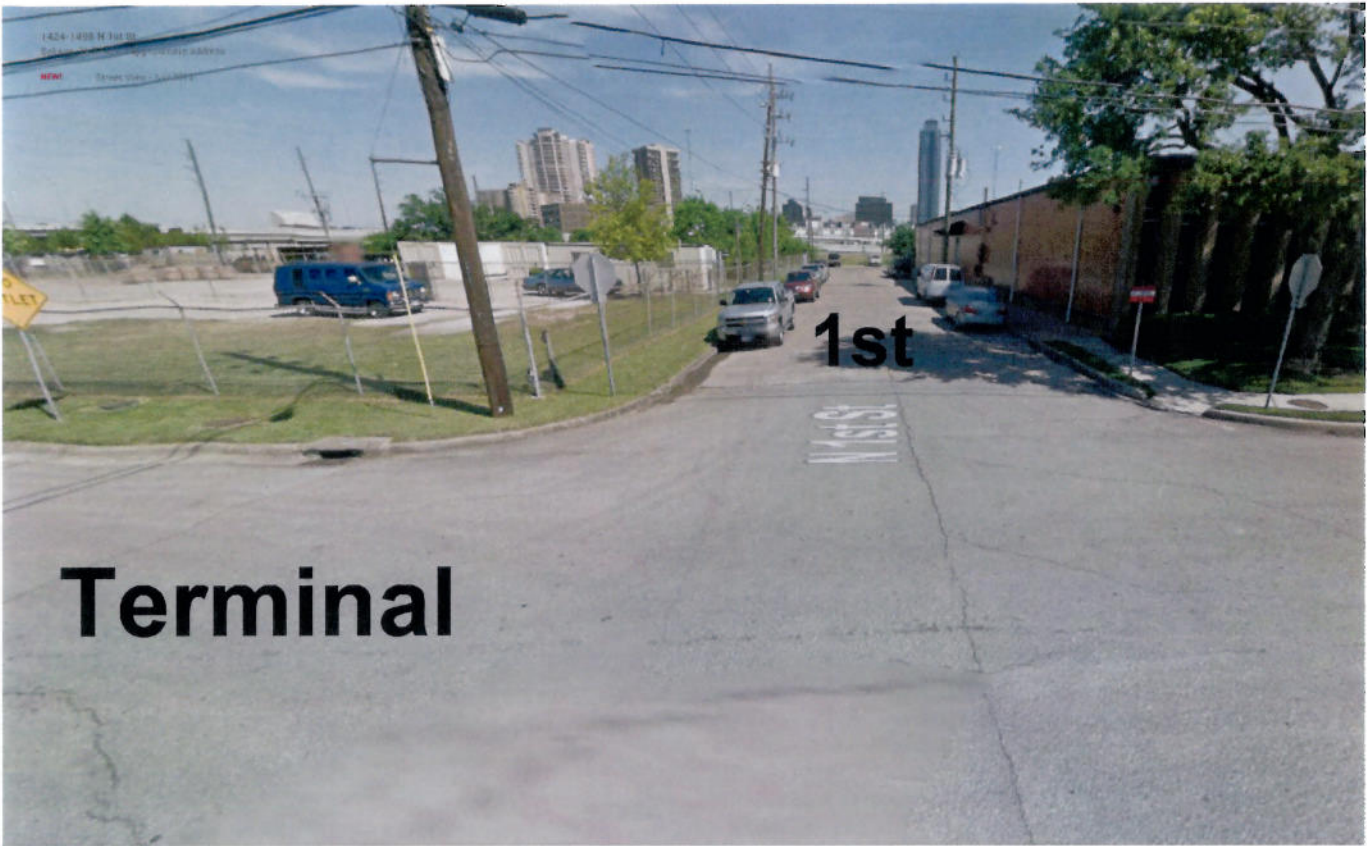


EXHIBIT F (page 2)



All photos in Exhibit F were copied from Google Maps.



1 Level 1
1/8" = 1'-0"

Third Street

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PROJECT NUMBER 1406

NO.	ISSUE	DATE
1	SD Review	07-Jul-2014
2	DD Review	09-Jul-2014
3	DD Revisions	10-Jul-2014
4	Parking Layout	28-Jul-2014

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Level 1
A2 1

Attachment: Application (1304 : 4950 Terminal-Parking Special Exception)