



# CITY OF BELLAIRE TEXAS

## BOARD OF ADJUSTMENT

AUGUST 21, 2014

Council Chamber

Regular Session

7:00 PM

7008 S. RICE AVENUE  
BELLAIRE, TX 77401

### 1. CALL TO ORDER

Chairman Sharp called the meeting to order at 7:01 PM.

### 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).**

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

### 3. CERTIFICATION OF A QUORUM

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

Attendee Name	Title	Status	Arrived
Patty McGinty	Board Member	Present	
Amar Raval	Board Member	Present	
Tom Ligh	Vice Chairman	Present	
Debbie Sharp	Chairman	Present	
Debbie Karakowsky	Board Member	Present	
Seth A. Miller	Board Member	Present	
Sean Wheeler	Board Member	Present	
John McDonald	Director	Present	
Shawn Cox	Development Services Manager	Present	
Ashley Parcus	Secretary	Present	
Alan P. Petrov	City Attorney	Present	

### 4. APPROVAL OF MINUTES

1. Board of Adjustment - Special Event - Aug 6, 2014 7:00 PM

Vice Chairman Ligh asked that Attorney Petrov be listed in the roll call.

<b>RESULT:</b>	<b>APPROVED AS AMENDED [UNANIMOUS]</b>
<b>MOVER:</b>	Patty McGinty, Board Member
<b>SECONDER:</b>	Tom Ligh, Vice Chairman
<b>AYES:</b>	McGinty, Raval, Ligh, Sharp, Karakowsky, Miller, Wheeler

### 5. REPORTS FROM OFFICERS, COMMITTEES, SUB-COMMITTEES AND COMMUNICATIONS BOARD MEMBERS HAVE HAD OUTSIDE THE MEETING

There were no reports.

### 6. UNFINISHED BUSINESS

There was no unfinished business.

## **7. READING OF THE STANDARDS FROM SECTION 24-704, BELLAIRE CODE OF ORDINANCES**

Mr. McDonald read the standards that must be met for the Board to grant a variance.

## **8. NEW BUSINESS/PUBLIC HEARINGS**

1. Docket # BOA-2014-05-Consideration and Possible Action on a Request for a Secondary Special Exception, by VLK Architects, on Behalf of the Houston Independent School District, to Allow for a Reduction in the Required Parking Count as Stated in Section 24-533 C. (2) b)2) of the City of Bellaire Code of Ordinances

Mr. McDonald explained that there are three items on the docket with regard to Condit Elementary School, however, item number three has been withdrawn due to the enactment of new zoning regulations by City Council on Monday night. He added that with the approval of the special exception the second item would not be necessary and would be withdrawn as well.

Chairman Sharp introduced the item and the hearing process to the public.

**Todd Lien, Principal of VLK Architects**-Mr. Lien informed the Board that they are currently working with Houston Independent School District to replace the existing Condit Elementary School. He then gave some background information on the project stating that they had initially requested a reduction in required parking for the site from 167 spaces to 128 spaces, and that the Board graciously approved that request. He further explained that VLK also had to apply for a specific use permit (SUP), of which they were granted by the Planning and Zoning Commission and City Council, with a few amendments to the site plan. He stated that the original site plan provided 128 spaces with two parking lots to be located on South Third and one on South Rice. However, the amendments made by City Council included the elimination of one of the parking lots on South Third Street, knocking out 28 parking spaces. Mr. Lien explained that after working with HISD and their staff requirements, VLK has determined that 97 spaces would be adequate, and is asking the Board to grant that reduction in order to move forward with construction of the school. Mr. Lien also pointed out that the reduction of parking will help to maintain the appropriate amount of impervious cover on the site. In summary, the proposed site plan that was approved by City Council includes a 62 space parking lot on South Rice and a 35 space parking lot on South Third, bringing the total parking to 97 spaces, which is what is being requested. Mr. Lien then reviewed the standards for granting special exceptions and explained that this request is in accordance with those requirements. He pointed out that 97 parking spaces will still be improving on what is currently there, and will allow appropriate development of the site.

### **Staff Findings**

Mr. McDonald also reviewed the standards for granting special exceptions. He explained that VLK Architects is before the Board to ask for a further reduction in the amount of required parking, due to the elimination of one parking lot on South Third Street during the SUP process. He further explained that in order for VLK to reach the current 128 parking space requirement granted by the Board they would need a variance for an increase in the allowed maximum lot coverage. However, if the Board grants the request for 97 spaces, the variance would not be necessary. He informed the Board that the Planning and Zoning Commission recently sent forward to Council recommended amendments to the code, which included new parking requirements

for schools. He mentioned that the proposed calculation for elementary schools was one per classroom plus one for every 12 students, which for Condit would give you the 97 spaces that VLK is asking for. He added that City Council realizes that each school has very specific sites associated with it, each containing different limitations, and decided to amend the proposal to give schools the flexibility to make a recommendation during the SUP process, based on a parking study conducted. Once submitted, staff would review the plan to ensure that adequate parking is being proposed before taking it to the Planning and Zoning Commission and finally City Council for approval. Mr. McDonald stated that 97 spaces is what staff would recommend for a school the size of Condit Elementary, and that he is in favor of the Board granting the special exception.

### **Public Comments**

**Molly McGee, 4903 Laurel**-Ms. McGee stated that she completely agrees with decreasing the parking, but would love to see an even greater decrease than what is being requested. She asked the Board to utilize the flexibility that Council is giving in order bring the parking requirement down below 97 spaces, with the decrease in spaces to be on South Third Street.

**Julia Tamm, 5104 Patrick Henry**-Ms. Tamm informed the Board that she is a member of Condit's PAT Committee. She stated that at 5.2 acres Condit has one of the smallest sites in HISD, and felt that decreasing the parking requirement to 97 spaces is the best option. Ms. Tamm added that the reduced parking will still be almost double that of the current on site parking, will take cars off of the surrounding streets, and will also open up more grassy area for play space. She mentioned that the reduction will remove the third parking lot, that in her opinion was extraneous given the small site, and will still provide for safe entry and exit for students and faculty. She asked that the Board grant the special exception request.

**Lynn McBee, 5314 Evergreen**-Ms. McBee stated that she had several questions that she would like to present to the Chair for the applicant to respond to:

- If students will be exiting Condit at each of the parking lots and if there be crossing guards at each of those places.
- Where will the buses load/unload
- Confirm where drop-offs will be located
- Whether the 97 parking spaces requested will be sufficient for faculty and staff

Ms. McBee reminded the Board that this is the end of the line for this application, and that City Council cannot speak to this request any further. She stated that pending the response to her questions, she supports the granting of the special exception.

Chairman Sharp then read aloud a written comment from Janice Donalson:

Dear Board Members:

As proximate neighbors of Condit Elementary, my husband and I strongly urge the Board to approve the most recent proposal by HISD to reduce the number of parking spaces to 96, for the purpose of maximizing playground area for the school. The 96 spaces will relieve street parking considerably (in front of our house) while protecting the three desired distinct outdoor play areas within the campus.

Thank you for serving the City of Bellaire.

**There was no rebuttal by the applicant.**

**Questions by the Board**

Board Member Miller asked if there had been a study done to determine how the reduction from 128 parking spaces to 97 parking spaces would impact congestion on the surrounding streets.

Mr. Lien informed the Board that there was a traffic study done with the 128 parking spaces, which determined that the amount of parking should not impact the congestion on the surrounding streets. He explained that because the drop-off and pick-up areas will be un-changed the traffic patterns should stay the same, therefore congestion would not be negatively impacted. Mr. Lien added that congestion could ultimately be lessened due to the ability of cars to queue off of the street..

Board Member Miller asked if there was a minimum threshold of parking spaces that Condit would need to have in order for there not to be an impact in congestion on the public streets.

Mr. McDonald explained that traffic studies simply set a base pattern for the current level of service (number of cars, congestion level) and then determine what the level of service would be with the completion of the new project. He added that the allowance of 97 spaces will still almost double what is available today. Mr. McDonald also pointed out that no matter how many parking spaces are offered there will still be people who decide to park on the streets. He informed the Board that residents in that area have the option to implement permit parking on the streets, and that he has talked with them about possibly doing that. Mr. McDonald explained that it is staff's opinion that the reduction in parking spaces will not add to the congestion as compared to what is there today.

Vice Chairman Ligh asked for clarification on whether City Council had approved the site plan.

Mr. McDonald confirmed that City Council has approved the site plan, therefore, it is not up for discussion. He added that the Board is simply either approving or denying the reduction of parking spaces from 128 to 97.

Board Member McGinty asked what was going to happen with the crosswalk and joint parking used for city hall and the school.

Mr. McDonald explained that the 62 parking spaces that will be located on South Rice will be used for joint parking. He also mentioned that the crosswalk will stay where it is, and that the city is looking at redeveloping city hall in a way that will allow for the utilization of the crosswalk.

Board Member McGinty asked how many parking spaces are currently located at the school other than the spaces in the joint parking lot.

Mr. McDonald stated that there are no parking spaces at the school other than the ones located in the joint parking lot.

Board Member McGinty asked about on-street parking.

Mr. McDonald explained that a couple streets currently have restricted parking during certain times, but parking will still be allowed on streets that are not restricted.

Board Member McGinty asked about Third Street's on-street parking.

Mr. McDonald stated that some of the street parking may have to go away due to the layout of the new building, but there will still be some parking allowed on Third Street.

Chairman Sharp asked Mr. Lien if he could demonstrate the student flow with regards to the bus stops and drop-off and pick-up areas.

Mr. Lien explained that VLK is proposing to leave the drop-off and pick-up areas the same, the only difference will be that cars will be able to queue off of the street. He added that the cars will be queuing on South Third Street as well as South Rice Avenue. Mr. Lien pointed out that the location of the bus drop-off would be up to HISD to decide. He informed the Board that there will be multiple crosswalk locations for students to safely cross the streets when walking to school.

Chairman Sharp mentioned the on-street parking on South Third and asked if the residents would have to petition to the city in order to get permitted parking, or if the Board could add that as a condition to the special exception.

Mr. McDonald explained that like with Horn Elementary, the city would prefer to first see how the new building impacts the parking situation on South Third and then make the necessary changes, i.e. implement restricted or permitted parking.

Chairman Sharp suggested possibly looking at making South Third Street one-way during certain hours.

Mr. McDonald informed the Board that South Third Street is currently one-way during the afternoon pick-up time.

Chairman Sharp asked if the city has any control over the utilization of crossing guards.

Mr. McDonald explained that HISD provides their own crossing guards, as well as their own police department that will assist as needed. He added that Bellaire Police will respond to certain issues as necessary.

Board Member Miller asked how often evening events take place at the school.

**Dan Greenberg, Principal of Condit Elementary**-Mr. Greenberg stated that there are about 6 evening events throughout the school year. He added, however, that there are many families living in close proximity who choose to walk.

Board Member Miller asked Mr. Greenberg if he felt that 97 parking spaces were sufficient for the number of faculty/staff members present at the school.

Mr. Greenberg informed the Board that the new building will house about 65 staff members, and that he felt very comfortable with 97 parking spaces.

**Motion:** a motion was made by Vice Chairman Ligh and seconded by Board Member Karakowsky to approve the special exception.

**Motion:** a motion was made by Board Member Karakowsky and seconded by Board Member Wheeler to call the question.

**Vote:** the motion to call the question carried on a vote of 6-1, with Board Member McGinty voting against.

**Vote on the special exception application:** 7-0.

**The special exception for 97 parking spaces was granted.**  
(Requested by John McDonald, Community Development)

<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>MOVER:</b>	Tom Ligh, Vice Chairman
<b>SECONDER:</b>	Debbie Karakowsky, Board Member
<b>AYES:</b>	McGinty, Raval, Ligh, Sharp, Karakowsky, Miller, Wheeler

2. Docket # BOA-2014-06-Consideration and Possible Action on a Request for a Variance, by VLK Architects, on Behalf of the Houston Independent School District, to Allow for 56% Maximum Lot Coverage in lieu of 50% as Stated in Section 24-533 C. (2) b)1)g. Of The City of Bellaire Code of Ordinances

Due to the granting of the special exception, this variance request was not necessary and was withdrawn from the agenda.

(Requested by John McDonald, Community Development)

3. Docket # BOA-2014-07-Consideration and Possible Action on a Request for a Variance, by VLK Architects, on Behalf of the Houston Independent School District, to Allow for 66% Maximum Rear Lot Coverage in lieu of 50% as Stated in S24-533 C. (2) b)1)f. 3.aa. of the City of Bellaire Code of Ordinances

Due to City Council's adoption of the changes to Chapter 24, this variance was no longer necessary and was withdrawn from the agenda.

(Requested by John McDonald, Community Development)

## 9. GENERAL COMMENTS

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

There were no general public comments.

## 10. GENERAL COMMENTS FROM BOARD MEMBERS

There were no comments from Board Members.

## 11. ANNOUNCEMENTS

Mr. McDonald informed the Commission that the city has received an application for the September 18th meeting. He also reminded the Board Members about the specialized board training session that will be held on September 23rd.

## 12. ADJOURNMENT

**Motion:** a motion was made by Board Member Miller and seconded by Board Member Wheeler to adjourn the regular meeting.

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

**The meeting was adjourned at 8:01 PM.**