

CITY OF BELLAIRE TEXAS

MAYOR AND COUNCIL

SEPTEMBER 8, 2014

Council Chamber

Public Hearing

6:00 PM

7008 S. RICE AVENUE
BELLAIRE, TX 77401



Mayor

Dr. Philip L. Nauert

Mayor Pro Tem

Amanda B. Nathan

Councilman

James P. Avioli Sr.

Councilman

Pat B. McLaughlan

Councilman

Roman F. Reed

Councilman

Gus E. Pappas

Councilman

Andrew S. Friedberg

Mission Statement:

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

SPECIAL SESSION (PUBLIC HEARING) - 6:00 P.M.

A. Call to Order and Announcement of a Quorum - Dr. Philip L. Nauert, Mayor.

B. Reading of the Notice of Public Hearing - Tracy L. Dutton, City Clerk.

C. Summary of Public Hearing Procedures - Paul A. Hofmann, City Manager.

D. Presentation:

Application and request submitted by Lee Hampton for an amendment under Chapter 24, Planning and Zoning, Article VI, Amendatory Procedure, of the Code of Ordinances of the City of Bellaire, Texas, by amending a planned development located in the 100 block of White Drive, Bellaire, Texas, and more commonly known as "The Park at Bellaire" (PD-22 granted under Ord. No. 02-061 and amended by Ord. No. 12-020), to include an additional 0.19 acre site currently addressed as 129 White Drive, Bellaire Texas, in the Loop 610 Zoning District.

(Requested by John McDonald, Community Development)

E. Recognition of Citizens and Other Interested Parties - Dr. Philip L. Nauert, Mayor.

During this agenda item, the Mayor will call on each speaker who has signed the "Sign-in Sheet" located at the entrance to the Council Chamber. The speaker should step up to the podium as soon as he or she is recognized by the Mayor. Each speaker should state his or her name before beginning his or her presentation. **Each speaker is limited to five minutes, with no extension.** Notice will be given to speakers after four minutes that there is one minute left for comments.

F. Questions from the Mayor and City Council - Dr. Philip L. Nauert, Mayor.

G. Close of Public Hearing - Dr. Philip L. Nauert, Mayor.

Note: Under the *Rules of Procedure, 2012-2014*, of the *City Council of the City of Bellaire, Texas*, as revised and adopted January 16, 2012, *Article 9, Rules Governing Public Hearings, Section I, Written Comments*, **oral comment** regarding the application and request submitted by Lee Hamilton for an amendment to under *Chapter 24, Planning and Zoning*, of the *Code of Ordinances of the City of Bellaire, Texas*, by amending PD-22 to include an additional 0.19 acre site **will not be received following the close of this public hearing.** Written comments may be submitted to the City Council of the City of Bellaire, Texas ("City Council"), prior to final deliberation on the matter. It is anticipated that final deliberation will occur on Monday, September 22, 2014. Written comments should, therefore, be submitted to the City Council in care of the City Clerk by noon on Thursday, September 18, 2014, in order to be considered for the public record.

H. Adjournment.

Mayor and Council

7008 S. Rice Avenue
Bellaire, TX 77401



Meeting: 09/08/14 06:00 PM

Department: Community
Development

Category: Public Hearing
Department Head: John McDonald
DOC ID: 1309

**SCHEDULED
ACTION ITEM (ID # 1309)**

Item Title:

Application and request submitted by Lee Hampton for an amendment under Chapter 24, Planning and Zoning, Article VI, Amendatory Procedure, of the Code of Ordinances of the City of Bellaire, Texas, by amending a planned development located in the 100 block of White Drive, Bellaire, Texas, and more commonly known as "The Park at Bellaire" (PD-22 granted under Ord. No. 02-061 and amended by Ord. No. 12-020), to include an additional 0.19 acre site currently addressed as 129 White Drive, Bellaire Texas, in the Loop 610 Zoning District.

Background/Summary:

This public hearing is on a request from Lee Hampton as applicant to amend the existing residential planned development (PD-22), The Park at Bellaire, to include 129 White Drive. This address currently holds a one-story, single-family residence. The applicant wishes to divide the lot into two, and build two single-family residential units similar to the type currently existing along the majority of White Drive.

The Planning and Zoning Commission held a public hearing on the request on June 10, 2014. During the citizen comments section of the public hearing, one citizen spoke, the neighboring property owner at 131 White Drive (directly adjacent to the south side to the subject property). He spoke against the request.

During consideration of the item the same night, the Commission voted unanimously to recommend approval of the request. The recommendation is detailed in the Chairman's attached memorandum. The minutes of the meeting are included as well.

In accordance with State Law, a legal notice was published in the Southwest News. Notices of the public hearing were also mailed to all property owners and tenants within the 200 foot notification area. Additionally, the notice was posted on the City's website and the City's bulletin board. A list of all addresses receiving the notice is attached.

Previous Council Action Summary:

The original PD-22, The Park at Bellaire, was approved by Council on September 16, 2002.

Council amended PD-22 to allow the construction of two additional residential units on July 2, 2012.

Fiscal Impact:

None

Recommendation:

This item is tentatively scheduled for consideration at the September 22, 2014 meeting.

ATTACHMENTS:

- P&Z Letter of Recommendation(PDF)
- 129 White Dr Application (PDF)
- P&Z Minutes-June 10, 2014 (PDF)
- Property List - Amendment to PD-22 - The Park at Bellaire (XLS)



CITY OF BELLAIRE

Planning and Zoning Commission

June 11, 2014

To: Mayor and City Council
 From: Winfred Frazier, Chairman, Planning & Zoning Commission
 CC: John McDonald, Director of Community Development
 Subject: Report and Recommendation on an application for an amendment to "The Park at Bellaire" Planned Development

On Tuesday, June 10, 2014, the Planning & Zoning Commission held a public hearing for the purpose of reviewing an application for a Planned Development amendment to create two residential lots within "The Park at Bellaire." The property is addressed as 129 White Drive.

Background Information:

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

Any and all persons desiring to be heard in connection with the application for a Planned Development Amendment were invited to speak before the Commission. One (1) resident voiced his concern at the public hearing. His comments included:

- Concerns with the decreased distance between his home and the proposed development
- Concerns that the new development will negatively impact his property and impair sunlight from entering his home

RECOMMENDATION

During their June 10, 2014 meeting, and after due consideration and discussion, the Commission found that the application was consistent with the criteria and standards set forth in Section 24-604 of the City of Bellaire Code of Ordinances, and voted (6-0) to recommend approval of the Planned Development Amendment to include the creation of two residential lots, located at 129 White Drive within "The Park at Bellaire."

VOTE OF THE COMMISSION

Members Present and voting FOR this recommendation to City Council:

- Winfred Frazier, Bill Thorogood, Paul Simmons, Dirk Stiggins, Lynne Skinner, Marc Steinberg

Members present and voting AGAINST this recommendation to City Council:

Attachment: P&Z Letter of Recommendation (1309 : Public Hearing-129 White Dr PD Amendment)

-None.

Members Absent:

- Wayne Alderman (resigned May 2014)

A handwritten signature in black ink, reading "Michael C. Frazier". The signature is written in a cursive style with a long horizontal stroke at the end.

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

CITY OF BELLAIRE
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MAY 20 2014
COMMUNITY DEVELOPMENT

April 30, 2014

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

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

Mr. McDonald:

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

Applicant:

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

Authority for Amendment:

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

Property Legal Description (see attached survey map)

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

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

Proof of Ownership:

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

Proposed Site Description

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

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

Proposed Lots

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

Proposed Units

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

Environmental Assessment Form

(attached)

Traffic Analysis

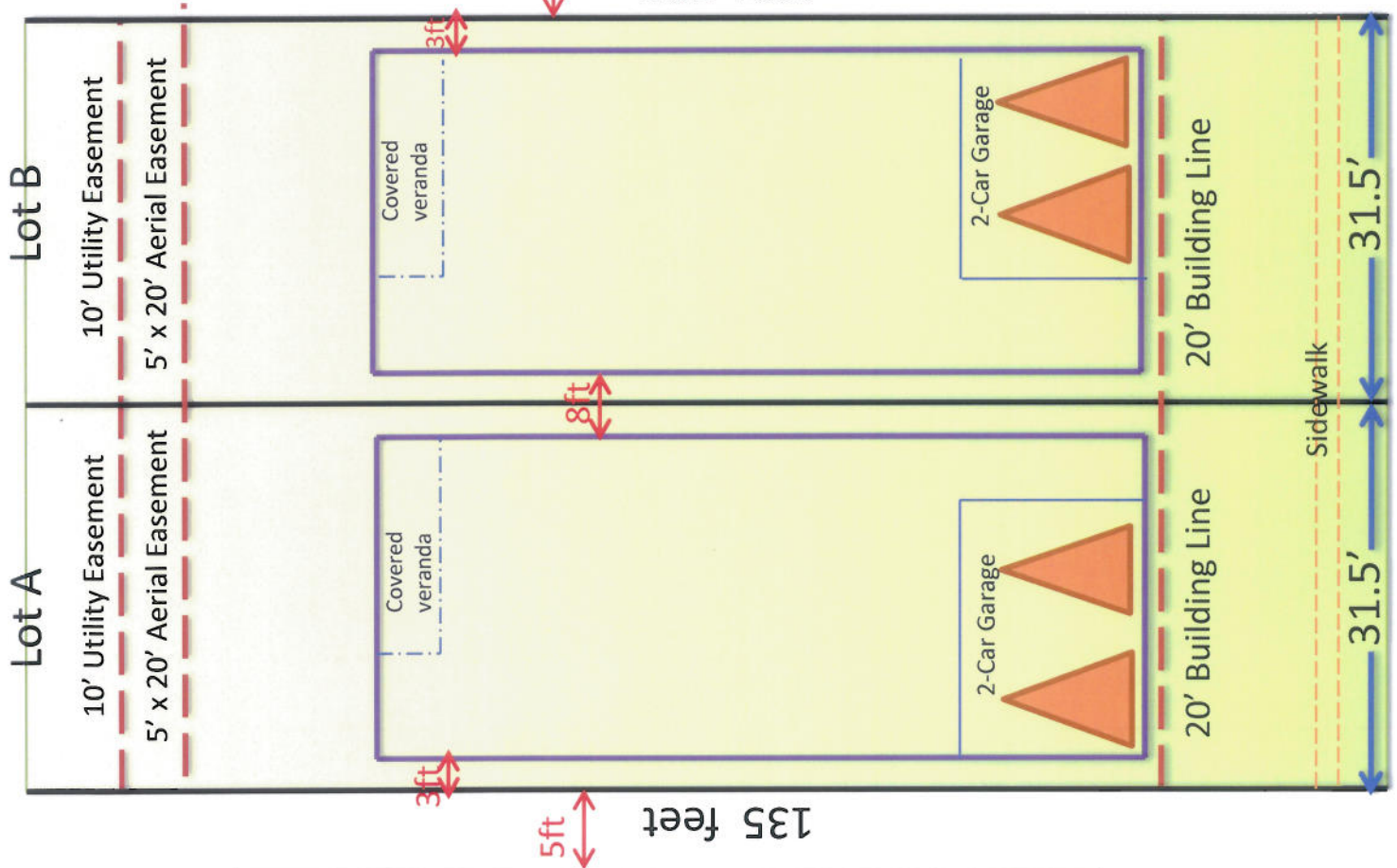
There is no traffic impact analysis required with this amendment as the subject lots were included in the original PD22 development traffic analysis.

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

Sincerely,

Lee A. Hampton

Proposed



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CITY OF BELLAIRE ENVIRONMENTAL ASSESSMENT FORM

PROJECT

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

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OWNER

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

PROJECT ENGINEER (OR SURVEYOR IF NO ENGINEER)

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

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

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

Lee Hampton
Signature of Applicant

4-30-14
Date

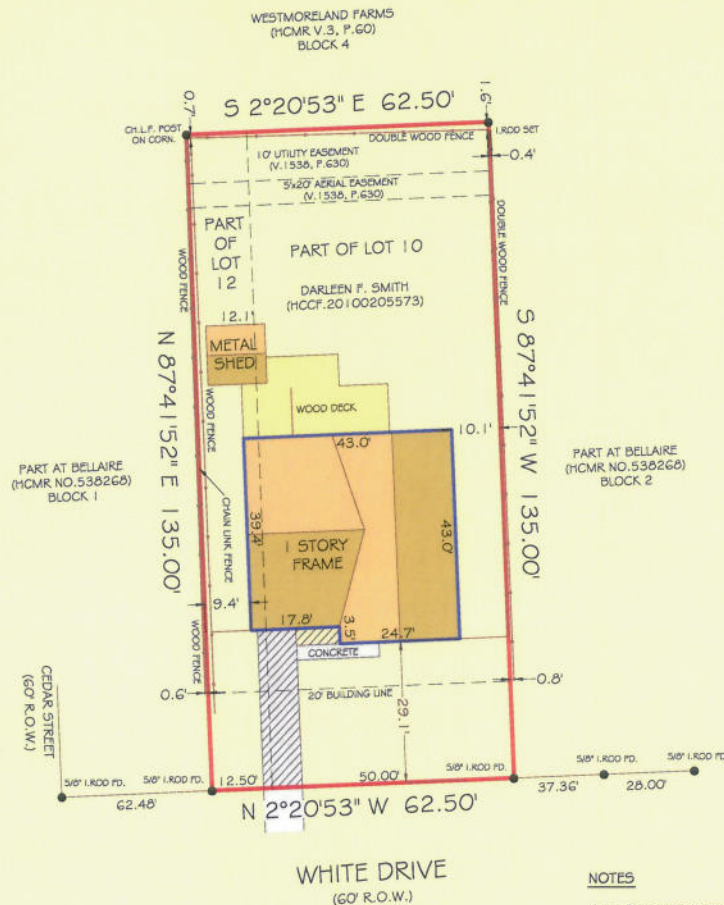
This analysis assists the City in reviewing your proposed project. Providing the most accurate information will facilitate a better development for both you and the City. Additional information may be required throughout the development process.

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

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



SCALE:
1"=30'



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MAY 01 2014

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NOTES

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

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



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

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

FLOOD INFORMATION

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



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

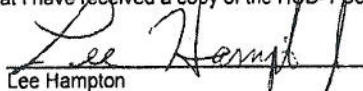
JOB NO: T14-4-129
DATE: APRIL 27, 2014

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

ACKNOWLEDGMENT OF RECEIPT OF SETTLEMENT STATEMENT


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

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


Lee Hampton


DARLEEN FITZGERALD SMITH

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


Innovative Title Company, LLC
Settlement Agent

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

(2014036094.PFD/2014036094/40)

ATTORNEY REPRESENTATION NOTICE AND FEE ARRANGEMENT

GF No.: 2014036094

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

Seller(s): DARLEEN FITZGERALD SMITH

Property Address: 129 WHITE DR, BELLAIRE, TEXAS 77401

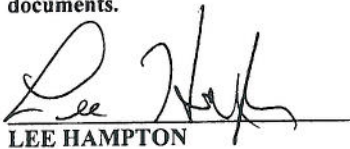
The Warranty Deed for the property and transaction described above has/have been prepared by Kevin S. Steinberg, Attorney at Law, in his capacity as an attorney and not as an employee or owner of Innovative Title Company, LLC. The undersigned acknowledge and agree that said attorney has not acted as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

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

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

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

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


LEE HAMPTON


DARLEEN FITZGERALD SMITH

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NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OR ALL OF THE FOLLOWING INFORMATION FROM ANY INSTRUMENT THAT TRANSFERS AN INTEREST IN REAL PROPERTY BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER.

GENERAL WARRANTY DEED

THE STATE OF TEXAS

§
§

KNOW ALL MEN BY THESE PRESENTS:

COUNTY OF HARRIS

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

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

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

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

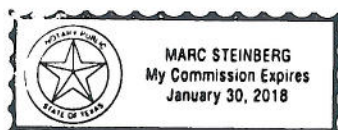
Current ad valorem taxes on said Property having been prorated, the payment thereof is assumed by Grantee.

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

EXECUTED this 29 day of April, 2014.


DARLEEN FITZGERALD SMITH

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




NOTARY PUBLIC IN AND
FOR THE STATE OF TEXAS

COMMUNITY DEVELOPMENT
MAY 01 2014
CITY OF BELLAIRE
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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 Tropical Storm Allison caused 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.

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

City of Bellaire

**Property Owner List - Public Hearing on Amendment to
PD-22 - The Park at Bellaire
Addition of Two Residential Lots
129 White Drive**

Property Address	Property Owner	Mailing Address
4620 Bellaire Boulevard Lots 29 and 30, Block 4 Westmoreland Farms	SPTMRT Properties Trust c/o Sunrise Senior Living/Tax Department	P.O. 3075 McKinney, Texas 75070-8182
4620 Bellaire Boulevard Lots 29 and 30, Block 4 Westmoreland Farms	The Gardens of Bellaire	4620 Bellaire Boulevard Bellaire, Texas 77401
4642 Cedar Street Tract 21A White	Angela Tang Jin Shida	4642 Cedar Street Bellaire, Texas 77401-4221
4646 Cedar Street Tracts 20A and 21 White	Catherine Storey Sharp Family Investment Partnership Catherine Burge Wilson	4650 Cedar Street Bellaire, Texas 77401-4221
4646 Cedar Street Tracts 20A and 21 White	Current Resident	4646 Cedar Street Bellaire, Texas 77401-4221
4650 Cedar Street Tracts 19A and 20 White	Catherine S. Sharp	4650 Cedar Street Bellaire, Texas 77401-4221
4654 Cedar Street Tracts 18A and 19 White	Current Owner	4654 Cedar Street Bellaire, Texas 77401-4221
4658 Cedar Street Tract 12F, Block 3 Westmoreland Farms	Matthew Stanley Laura Stanley	4658 Cedar Street Bellaire, Texas 77401-4221

Attachment: Property List - Amendment to PD-22 - The Park at Bellaire (1309 : Public Hearing-129 White Dr PD Amendment)

City of Bellaire

**Property Owner List - Public Hearing on Amendment to
PD-22 - The Park at Bellaire
Addition of Two Residential Lots
129 White Drive**

Property Address	Property Owner	Mailing Address
4662 Cedar Street Tracts 16 and 17 White	Bhakti Khatri	4662 Cedar Street Bellaire, Texas 77401-4221
4666 Cedar Street Tract 15 and 16A White Amend	Wei Min Kristofer Tsao	4666 Cedar Street Bellaire, Texas 77401-4221
112 White Drive Lot 6, Block 4 Park at Bellaire	Carlos B. and Mary A. Saenz, LP	112 White Drive Bellaire, Texas 77401-4205
114 White Drive Lot 5, Block 4 Park at Bellaire	Herbert L. and Jill B. Kalman, LP	114 White Drive Bellaire, Texas 77401-4205
116 White Drive Lot 4, Block 4 Park at Bellaire	Sajiah Chmaitelli	116 White Drive Bellaire, Texas 77401-4205
118 White Drive Lot 3, Block 4 Park at Bellaire	Ying Yu Wenyuan Ding	6895 Turtlewood Drive Houston, Texas 77072-2751
118 White Drive Lot 3, Block 4 Park at Bellaire	Current Resident	118 White Drive Bellaire, Texas 77401-4205
120 White Drive Lot 2, Block 4 Park at Bellaire	David C. Moses Yael M. Moses	3501 Old Post Drive Pikesville, Maryland 21208-3011

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City of Bellaire

**Property Owner List - Public Hearing on Amendment to
PD-22 - The Park at Bellaire
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129 White Drive**

Property Address	Property Owner	Mailing Address
120 White Drive Lot 2, Block 4 Park at Bellaire	Current Resident	120 White Drive Bellaire, Texas 77401-4205
122 White Drive Lot 1, Block 4 Park at Bellaire	Maneesh Mehra	122 White Drive Bellaire, Texas 77401-4205
124 White Drive Tracts 5 and 7A White	Nir Bublil Ning L. Sun	5646 Lymbar Drive Houston, Texas 77096-4904
124 White Drive Tracts 5 and 7A White	Current Resident	124 White Drive Bellaire, Texas 77401-4205
125 White Drive Lot 1, Block 1 Park at Bellaire	Nikolaos M. Zacharias Ioanna D. Atanassaki	125 White Drive Bellaire, Texas 77401-4204
128 White Drive Lot 4, Block 3 Park at Bellaire	Jianlan and Guanghui Lu	128 White Drive Bellaire, Texas 77401-4205
129 White Drive Tracts 10A and 12 White	Lee Hampton (Applicant)	3219 Vista Lake Drive Sugar Land, Texas 77478-4423
129 White Drive Tracts 10A and 12 White	Current Resident	129 White Drive Bellaire, Texas 77401-4204

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City of Bellaire

**Property Owner List - Public Hearing on Amendment to
PD-22 - The Park at Bellaire
Addition of Two Residential Lots
129 White Drive**

Property Address	Property Owner	Mailing Address
130 White Drive Lot 3, Block 3 Park at Bellaire	Robert McAllister, Jr.	130 White Drive Bellaire, Texas 77401-4205
131 White Drive Lot 14, Block 2 Park at Bellaire	Current Owner	131 White Drive Bellaire, Texas 77401-4204
132 White Drive Lot 2, Block 3 Park at Bellaire	Mark R. Mourey	132 White Drive Bellaire, Texas 77401-4205
133 White Drive Lot 13, Block 2 Park at Bellaire	Juan C. Barbosa	133 White Drive Bellaire, Texas 77401-4204
135 White Drive Lot 12, Block 2 Park at Bellaire	Hashim Khandwalla Zbin Khandwalla	135 White Drive Bellaire, Texas 77401-4204
137 White Drive Lot 11, Block 2 Park at Bellaire	Robert W. Kochman Jane I. Kochman	137 White Drive Bellaire, Texas 77401-4204
139 White Drive Lot 10, Block 2 Park at Bellaire	Charles T. Mann June A. Mann	4901 Tamarisk Street Bellaire, Texas 77401-2823
139 White Drive Lot 10, Block 2 Park at Bellaire	Current Resident	139 White Drive Bellaire, Texas 77401-4204

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City of Bellaire

**Property Owner List - Public Hearing on Amendment to
PD-22 - The Park at Bellaire
Addition of Two Residential Lots
129 White Drive**

Property Address	Property Owner	Mailing Address
141 White Drive Lot 9, Block 2 Park at Bellaire	Daniel Medina Denise Medina	141 White Drive Bellaire, Texas 77401-4204
143 White Drive Lot 8, Block 2 Park at Bellaire	Brian Lavorini	143 White Drive Bellaire, Texas 77401-4204
Applicant: 129 White Drive Tracts 10A and 12 White	Lee Hampton	3219 Vista Lake Drive Sugar Land, Texas 77478-4423

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