

CITY OF BELLAIRE TEXAS

PLANNING AND ZONING COMMISSION

OCTOBER 14, 2014

Council Chamber

Regular Session

6:00 PM

7008 S. RICE AVENUE
BELLAIRE, TX 77401



Chairman

Mr. Winfred Frazier

Commissioner

Christopher Butler

Commissioner

Paul Simmons

Commissioner

Dirk Stiggins

Vice Chairman

Bill Thorogood

Commissioner

Marc Steinberg

Commissioner

S. Lynne Skinner

Mission Statement:

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

I. CALL TO ORDER AND ANNOUNCEMENT OF QUORUM**II. APPROVAL OF MINUTES FROM PAST MEETINGS**

1. Planning and Zoning Commission - Regular Session - Aug 12, 2014 6:00 PM

III. REMINDER TO CITIZENS DESIRING TO ADDRESS THE COMMISSION**IV. GENERAL PUBLIC COMMENTS**

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

V. PUBLIC HEARINGS

1. Docket # PD-2014-03-Request to construct a Residential Planned Development on a .95 acre site, consisting of 12 single-family residences, to be located north of Bissonnet, between Howard and Newcastle, in the CMU Zoning District.

(Requested by John McDonald, Community Development)

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

1. **Presentation and discussion with Gary Mitchell of Kendig Keast Collaborative on the current status of the 2009 Comprehensive Plan and the process to update it.**
2. Notification requirements for public hearings as set forth in the Code of Ordinances, Chapter 24, Planning and Zoning, Article VI, Amendatory Procedure, Sec. 24-610 Publication., generally, with specific reference to the notification zone in reference to proposed new Bellaire High School.

(Requested by John McDonald, Community Development)

3. Chapter 24, Planning & Zoning, Article V, Zoning Regulations, Division 1, Zoning Districts and Regulations of General Applicability, Section 24-515, Special Off-Street Parking Regulations, of the City of Bellaire Code of Ordinances, with respect to boats or trailers, etc. Being Parked In the rear of residential properties.

(Requested by John McDonald, Community Development)

VII. COMMITTEE REPORTS**VIII. CORRESPONDENCE****IX. REQUESTS FOR NEW BUSINESS, ANNOUNCEMENTS AND COMMENTS**

- A. Staff liaison report on the status of projects previously addressed by the commission as well as projects for future meetings.**
- B. The Chairman shall recognize any Commissioner who wishes to bring New Business to the attention of the Commission. Consideration of New Business shall be for the limited purpose of determining whether the matter is appropriate for inclusion of a future Agenda of the Commission or for the referral to staff for investigation.**

X. ADJOURNMENT



CITY OF BELLAIRE TEXAS

PLANNING AND ZONING COMMISSION

AUGUST 12, 2014

Council Chamber

Regular Session

6:00 PM

7008 S. RICE AVENUE
BELLAIRE, TX 77401

I. CALL TO ORDER AND ANNOUNCEMENT OF QUORUM

Chairman Frazier called the meeting to order at 6:04 PM, and announced that a quorum was present consisting of the following members:

Member	Title	Status	Approval
Butler	Commissioner	Present	
Frazier	Chairman	Present	
Thorogood	Vice Chairman	Present	
Steinberg	Commissioner	Absent	
Stiggins	Commissioner	Present	
Skinner	Commissioner	Present	
Simmons	Commissioner	Present	
Director	Director	Present	
City Attorney	City Attorney	Present	
Secretary	Secretary	Present	

II. APPROVAL OF MINUTES FROM PAST MEETINGS

1. Planning and Zoning Commission - Regular Session - Jul 8, 2014 6:00 PM

RESULT: APPROVED [5 TO 0]
MOVER: Dirk Stiggins, Commissioner
SECONDER: Marc Steinberg, Commissioner
AYES: Butler, Frazier, Thorogood, Steinberg, Stiggins
ABSTAIN: Skinner
ABSENT: Simmons

III. REMINDER TO CITIZENS DESIRING TO ADDRESS THE COMMISSION

Chairman Frazier reminded any citizen who wished to speak to fill out a sign in sheet.

IV. GENERAL PUBLIC COMMENTS

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

Molly McGee-Ms. McGee spoke in favor of the city changing the notification distance for public hearings. She asked that the Commission consider requesting that it be extended to 750-800 feet instead of the 200 foot requirement that is currently in place. Ms. McGee

added that in doing that the city will avoid what happened with Condit Elementary and will see a huge difference in neighborhood participation.

Lynn McBee-Ms. McBee mentioned that a more extensive survey needs to be conducted of nearby cities' policies on public hearing notification. She stated that everyone just assumes that 200 feet is the default, but that it is appropriate for the Commission to consider directing staff to extend the distance for certain applications. Ms. McBee also informed the Commission that Condit Elementary would be going before the Board of Adjustment on August 21st to ask for an additional reduction in parking as well as two lot coverage variances, and mentioned that she had been told that these hearings may or may not be necessary pending Council's decision on August 18th.

Joy Hall-Ms. Hall thanked the Commission for taking the residents' feelings into consideration, and stated that she does have sympathy for the Commission and the decisions that they must make. She added that the citizens' dreams are protected by zoning and was grateful that it continues to be upheld.

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

1. Docket #Z-2014-01-Request for an amendment to the official zoning map to re-zone 4301 Bellaire Boulevard from R-5, Residential District to CMU, Corridor Mixed-Use District, and to remove the property from the Bellaire Boulevard Estate Overlay District, pursuant to Chapter 24, Section 24-603, Application for Amendment to the Written Text or Official Zoning District Map of the City of Bellaire, Texas.

Mr. McDonald explained that the Commission held a public hearing on this item at their July meeting, and since that time this property has gone before the Board of Adjustment to ask for a variance to allow a 120 feet width in lieu of 150 feet width required for a planned development. He informed the Commission that this variance was denied and therefore staff is recommending denial of the request to re-zone the property into the Corridor Mixed-Use District (CMU).

Motion: a motion was made by Commissioner Steinberg and seconded by Commissioner Skinner to deny the re-zoning of 4301 Bellaire Boulevard.

Vice Chairman Thorogood then read aloud a letter detailing his reasoning for voting against the application. He mentioned that Bellaire is primarily a residential community, and that commercial businesses should be kept in the areas that are designated for them.

Commissioner Butler mentioned that this application exposed something within the Comprehensive Plan that the Commission needs to take a look at.

Chairman Frazier agreed that there are 3 areas of Bellaire where commercial development is allowed, and stated that for that reason he was not in support of this application.

Vote: The motion carried on a unanimous vote of 6-0.
(Requested by John McDonald, Community Development)

RESULT:	FAILED [UNANIMOUS]
MOVER:	Marc Steinberg, Commissioner
SECONDER:	S. Lynne Skinner, Commissioner
AYES:	Butler, Frazier, Thorogood, Steinberg, Stiggins, Skinner
ABSENT:	Simmons

2. Docket #PD-2014-02-Request for an amendment the City of Bellaire Code of Ordinances, Chapter 24, Planning & Zoning, Article VI, Amendatory Procedure, to construct a mixed-use commercial planned development consisting of a two story commercial building, to be located at 4301 Bellaire Boulevard, currently in the R-5 Zoning District.

Mr. McDonald reiterated that a planned development is not available for this property due to the denial of the variance by the Board of Adjustment.

Motion: a motion was made by Commissioner Steinberg and seconded by Vice Chairman Thorogood to deny the request for a Planned Development.

Vote: The motion carried on a unanimous vote of 6-0.
(Requested by John McDonald, Community Development)

RESULT:	FAILED [UNANIMOUS]
MOVER:	Marc Steinberg, Commissioner
SECONDER:	Bill Thorogood, Vice Chairman
AYES:	Butler, Frazier, Thorogood, Steinberg, Stiggins, Skinner
ABSENT:	Simmons

3. Discussion on the notification requirements for public hearings as set forth in the Code of Ordinances, Chapter 24, Planning and Zoning, Article VI, Amendatory Procedure, Sec. 24-610 Publication.

Mr. McDonald explained that this item was added to the agenda at the request of Commissioner Skinner.

Commissioner Skinner mentioned that she is concerned that the city is not adequately noticing properties about public hearings and asked what the Commission's options are to alleviate this problem.

Mr. McDonald pointed out that the Commission can either take it as a case by case basis, or they can vote to amend the code.

Chairman Frazier mentioned that this isn't the first time that this has come up and asked what other cities in the area are doing.

Mr. McDonald stated that he conducted a survey of multiple cities and included his findings in the staff report. He pointed out that the only cities that go beyond the 200 foot requirement are Austin, which is 500 feet, and the Grand Prairie/Keller area, which notifies 300 feet.

Chairman Frazier added that it would be very difficult to do this on a case by case basis.

Commissioner Butler agreed that he would not be comfortable implementing it case by case, and suggested coming up with a number of feet based on the number of blocks that the Commission wishes to be notified.

Commissioner Skinner's concern with blocks is that some lot sizes are so big that two hundred feet may not catch an appropriate number of residences.

Vice Chairman Thorogood suggested calculating the blocks/numbers based on each zoning district, as each district has distinct lot sizes associated with it.

Mr. McDonald pointed out that with greater distance requirements comes the potential to miss properties, opening the city up to more liability.

Commissioner Stiggins asked if any studies had been done to determine the most effective way to notice the public, and mentioned that a change in the distance requirement may or may not bring forward more public involvement.

Commissioner Steinberg mentioned Bellaire High School's upcoming rebuild and pointed out that although he will be greatly impacted by this project he is not even within 1,000 feet from the school's property.

Commissioner Skinner mentioned that West University puts signs up around the city informing the residents of public hearings that are taking place, and asked if that is something that Bellaire could do.

Mr. McDonald stated that there are numerous actions taken by the city to inform the residents of public hearings. One of them is the requirement of 4 X 8 signs for applications regarding specific use permits, planned development amendments, or amendments to the zoning map, detailing the request and when the hearing is taking place. He added that the city cannot personally inform everyone about each public hearing that is to be held.

Commissioner Skinner reiterated that this issue cannot be unique to the City of Bellaire.

Chairman Frazier pointed out that no matter what the distance is there will always be residents who claim that they were not notified.

Vice Chairman Thorogood mentioned that the purpose of the notification process is to get community involvement, but also to ensure governmental transparency.

Mr. McDonald added that there is also the issue of property rights.

It was decided that the Commission, as well as the city was going to do a little more research on this item and that it would be put on the September agenda. The Commission asked Mr. McDonald to include the notification for Bellaire High School on the next agenda as well.

(Requested by John McDonald, Community Development)

4. Discussion regarding Chapter 24, Planning & Zoning, Article V, Zoning Regulations, Division 1, Zoning Districts and Regulations of General Applicability, Section 24-515, Special Off-Street Parking Regulations, of the City of Bellaire Code of Ordinances, with respect to boats or trailers, etc. being parked In the rear of residential properties.

Mr. McDonald explained that "through lots" within the city allow for the parking of trailers, boats, etc. at the rear of the property, and that a resident emailed the city to voice her concern on how this ordinance was written. She is asking that an amendment to the code be considered to greater limit the ability to park these types of vehicles within a residential setting.

Commissioner Stiggins asked for clarification on the code language.

Mr. McDonald explained that the code allows for these types of vehicles to be parked in front of homes as long as they are behind the building line.

Commissioner Stiggins asked how this would apply to a corner lot.

Mr. McDonald stated that residents with corner lots would be allowed to park a boat/trailer, etc. on their property if the driveway is deep enough that the vehicle can be parked behind the building line.

Vice Chairman Thorogood pointed out that there is an example of that on Newcastle, close to Beechnut. He stated that a camper/trailer has been parked in the same spot for a couple years and it is evident that it is not being used.

Chairman Frazier mentioned that other cities require that all vehicles parked on the property be operable and tagged. He then asked if it was fair to restrict parking of these types of vehicles in the front of a property but allow residents to park them in the back of the lot, facing someone else's street. Chairman Frazier added that many citizens are currently doing this, and may have bought/built their homes with the understanding that it was legal in their situation. He did feel that the code needs to be tightened up.

Commissioner Steinberg asked that Mr. McDonald speak with Attorney Petrov about this issue and have an update for the Commission at the September meeting.

Mr. McDonald agreed that he would do that, and mentioned that this gets into the issue of non-conforming rights. He explained that normally there is a 6 month window in dealing with non-conforming uses, meaning that as long as a use is not discontinued for more than 6 months the use is allowed to continue. Mr. McDonald added that even if the Commission changes the ordinance, any resident that currently participates in this will continue to maintain the right to do so unless the boat, trailer, etc is removed from the property for 6 months or more. He pointed out that a change in the code would not address the current uses, but would stop it from spreading to more properties.

Commissioner Butler pointed out that the city's current RV code states that the vehicle must be "highway ready," and suggested adding that to the language regarding special off-street parking.

Mr. McDonald mentioned that the city also has a junked vehicle ordinance, but does refer to a "self-propelled vehicle," which would not include trailers. He stated that he does feel that the code can be tightened up a bit and told the Commission that staff would add this item to the next agenda.

(Requested by John McDonald, Community Development)

VI. COMMITTEE REPORTS

There were no committee reports.

VII. CORRESPONDENCE

There was no correspondence.

VIII. REQUESTS FOR NEW BUSINESS, ANNOUNCEMENTS AND COMMENTS**A. Staff liaison report on the status of projects previously addressed by the commission as well as projects for future meetings.**

Mr. McDonald reminded the Commission about the upcoming parliamentary procedure training session and urged all members to attend. He also informed the Commission that Council recently held public hearing regarding the proposed changes to chapter 24 that the Commission worked on during the Spring. Mr. McDonald stated that Council is looking into a relief valve for parking, schools specifically, that would allow them some leeway without having to apply for a variance. He added that the item is up for consideration on Monday, August 18th. Lastly, he mentioned that the city has received plans for the construction of a medical center and pharmacy at Newcastle and Bissonnet, which would be the first project under the CMU zoning.

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

There was no new business brought to the Commission.

IX. ADJOURNMENT

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

Vote: the motion was carried on a unanimous vote of 6-0.

The meeting was adjourned at 7:20 PM.

Planning and Zoning Commission

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



Meeting: 10/14/14 06:00 PM
Department: Community
Development
Category: Public Hearing
Department Head: John McDonald
DOC ID: 1379

SCHEDULED ACTION ITEM (ID # 1379)

Item Title:

Docket # PD-2014-03-Request to construct a Residential Planned Development on a .95 acre site, consisting of 12 single-family residences, to be located north of Bissonnet, between Howard and Newcastle, in the CMU Zoning District.

Background/Summary:

Address: 0 Newcastle Street (Lots 102, 103, and 104)
0 Howard Lane (Lots 105, 106, and 107)

Applicant: Sandcastle Homes
Zoning: CMU
Proposed Use: Planned Development-Residential
Comprehensive Plan: Proposed use is consistent with the Comprehensive Plan Future Land Use map

Application Date: August 27, 2014
Legal Notice published: September 30, 2014
Notification letters mailed: October 1, 2014
(33 properties within 200 feet, plus 6 tenants/non-property owners)

Request:

The applicant requests approval of an application for the creation of a new residential planned development, "Bellaire Gardens," to consist of twelve lots, with six lots facing Newcastle Street and six lots on Howard Lane. The existing lots will be subdivided and replatted with the proposed development serving as a transition from the lower density single-family housing just to the north of the proposed development and the commercial property on Bissonnet.

Adjacent Land Use/Zoning

	Existing Land Use	Existing Zoning
North	Residential	R-4
South	Commercial proposed	CMU
East	Commercial proposed	CMU
West	Residential	R-5

Staff Review:

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

General Requirements:

Sec. 24-536B(1)e) *Planned Development* details the inclusion of PD's as an allowable use within the CMU district. Sec. 24-536C(2)e) sets forth the minimum requirements for PD's. All requirements are addressed within the applicant's submittal or were provided for under

the original application. As the northern edge of this development abuts residential property zoned R-4, the height-setback plane comes into play. The proposed location of the homes on the northern lots will meet this criterion.

Traffic:

A traffic impact analysis was not submitted with the application. Due to the small size of the proposed development and its reliance on existing streets, a TIA was not requested.

Drainage:

Drainage requirements specific to future residential construction will be reviewed at the building permitting stage. Each house will address drainage individually through the building permitting process.

Utilities:

Water and wastewater service will be provided by the City of Bellaire. No additional lines will be needed to service this development.

No public comment has been submitted to date.

Recommendation:

Public Hearing: No action necessary

ATTACHMENTS:

- Bellaire Gardens PD Application Letter (PDF)
- Commitment for Title Insurance (PDF)
- Bellaire Gardens - Site Plan (PDF)
- Bellaire Gardens HCAD Map (PDF)
- Bellaire Gardens Topo (PDF)
- Bellaire Gardens Buffer Zone Plan (PDF)
- Bellaire Gardens Tree Survey (PDF)
- Bellaire Gardens House Elevations (PDF)



August 25, 2014

City of Bellaire
Planning Commission
7008 S. Rice Avenue
Bellaire, TX 77401

Re: Application for Planned Development
Lots 102-107, Mulberry Manor

CITY OF BELLAIRE
RECEIVED

AUG 27 2014

COMMUNITY DEVELOPMENT

Dear Members of the Planning Commission,

In accordance with Section 24-604 of the Code of Ordinances, we are submitting herewith our application for a Planned Development on the above referenced property.

1) The name and address of the applicant

Sandcastle Homes, Inc.
1405 Durham Dr.
Houston, TX 77007

2) A legal description and street address of the property which is the subject of the application

Legal Description: Lots 102-107, Mulberry Manor, Recorded in Volume 23, Page 64, Harris County Map Records

Street Address: 0 Newcastle and 0 Howard, per HCAD

3) A statement of ownership accompanied by a certificate from a title insurance company certifying ownership

See attached Exhibit A

4) A written description of the proposed development and associated land use(s), including specific description of any applicable parameter(s) in the City's development regulations from which the applicant proposes variation;

The proposed development consists of twelve (12) single family residences, ranging in size from approximately 2400 to 2600 square feet. All homes will be freestanding, two-story homes, with individual, private driveways and small to medium sized yards. Most of the homes will be built on a zero-lot line. The project is located on approximately 41,580 square foot tract which was recently re-zoned from RM-1 to CMU-1. The property will buffer the existing single family residences on the north from the proposed commercial development on the south. The proposed development will also offer housing options in a size and price point traditionally under-represented within the City of Bellaire and consistent with the City's desire to encourage development of "life-cycle housing". No variances are being requested.

- 5) A site plan in accordance with Section 24-524

See attached Exhibit B

We thank you in advance for your consideration. Should you have any questions, please feel free to contact me by email at mrsalomon@sbcglobal.net or by phone at (713) 298-9489.

Sincerely,



Mike Salomon, President

CITY OF BELLAIRE
RECEIVED

AUG 27 2014

COMMUNITY DEVELOPMENT



TITLE RESOURCES

COMMITMENT FOR TITLE INSURANCE

Issued by

Texas American Title Company

File Number 7120-14-1190

We, Title Resources Guaranty Company, will issue our title insurance policy or policies (the Policy) to You (the proposed insured) upon payment of the premium and other charges due, and compliance with the requirements in Schedule C. Our Policy will be in the form approved by the Texas Department of Insurance at the date of issuance, and will insure your interest in the land described in Schedule A. The estimated premium for our Policy and applicable endorsements is shown on Schedule D. There may be additional charges such as recording fees, and expedited delivery expenses.

This Commitment ends ninety (90) days from the effective date, unless the Policy is issued sooner, or failure to issue the Policy is our fault. Our liability and obligations to you are under the express terms of this Commitment and end when this Commitment expires.

THE FOLLOWING COMMITMENT FOR TITLE INSURANCE IS NOT VALID UNLESS YOUR NAME AND THE POLICY AMOUNT ARE SHOWN IN SCHEDULE A, AND OUR AUTHORIZED REPRESENTATIVE HAS COUNTERSIGNED BELOW.

Texas American Title Company

An Authorized Signature



Title Resources Guaranty Company

By:
Vice President/Asst. Secretary

Secretary

SCHEDULE AGF No. **7120-14-1190**

Address (for reference only): Newcastle St. & Howard Lane

Effective Date: October 1, 2014, 8:00 a.m.

Issue Date: October 10, 2014

1. The policy or policies to be issued are:

(a) OWNER'S POLICY OF TITLE INSURANCE (Form T-1)

Policy Amount: \$

PROPOSED INSURED:

(b) TEXAS RESIDENTIAL OWNER'S POLICY OF TITLE INSURANCE

– ONE-TO-FOUR FAMILY RESIDENCES (Form T-1R)

Policy Amount: \$

PROPOSED INSURED:

(c) LOAN POLICY OF TITLE INSURANCE (Form T-2)

Policy Amount: \$

PROPOSED INSURED:

Proposed Borrower:

(d) TEXAS SHORT FORM RESIDENTIAL LOAN POLICY OF TITLE INSURANCE (Form T-2R)

Policy Amount: \$

PROPOSED INSURED:

Proposed Borrower:

(e) LOAN TITLE POLICY BINDER ON INTERIM CONSTRUCTION LOAN (Form T-13)

Binder Amount: \$

PROPOSED INSURED:

Proposed Borrower:

(f) OTHER

Policy Amount: \$

PROPOSED INSURED:

2. The interest in the land covered by this Commitment is:

Fee Simple

3. Record title to the land on the Effective Date appears to be vested in:

Sandcastle Homes, Inc., a Texas corporation

4. Legal description of land:

Lots One Hundred Two (102), One Hundred Three (103), One Hundred Four (104), One Hundred Five (105), One Hundred Six (106) and One Hundred Seven (107), of Mulberry Manor, an addition in the City of Bellaire, Harris County, Texas, according to the map or plat thereof recorded in Volume 23, Page 64 of the Map Records of Harris County, Texas.

SCHEDULE B**EXCEPTIONS FROM COVERAGE**

In addition to the Exclusions and Conditions and Stipulations, your Policy will not cover loss, costs, attorney's fees, and expenses resulting from:

1. The following restrictive covenants of record itemized below (We must either insert specific recording data or delete this exception):

Volume 23, Page 64 of the Map Records of Harris County, Texas and Volume 1591, Page 585 of the Deed Records of Harris County, Texas.

But deleting any covenant, condition or restriction indicating a preference, limitation or discrimination based on race, color, religion, sex, handicap, familial status or national origin unless and only to the extent that said covenant (a) is exempt under chapter 42, section 3607 of the United States code or (b) Relates to handicap but does not discriminate against handicapped persons.

2. Any discrepancies, conflicts, or shortages in area or boundary lines, or any encroachments or protrusions, or any overlapping of improvements.
3. Homestead or community property or survivorship rights, if any of any spouse of any insured. (Applies to the Owner's Policy only.)
4. Any titles or rights asserted by anyone, including, but not limited to, persons, the public, corporations, governments or other entities,
 - a) to tidelands, or lands comprising the shores or beds of navigable or perennial rivers and streams, lakes, bays, gulfs or oceans, or
 - b) to lands beyond the line of the harbor or bulkhead lines as established or changed by any government, or
 - c) to filled-in lands, or artificial islands, or
 - d) to statutory water rights, including riparian rights, or
 - e) to the area extending from the line of mean low tide to the line of vegetation, or the rights of access to that area or easement along and across that area.

(Applies to the Owner's Policy only.)

5. Standby fees, taxes and assessments by any taxing authority for the year 2014 and subsequent years and subsequent taxes and assessments by any taxing authority for prior years due to change in land usage or ownership, but not those taxes or assessments for prior years because of an exemption granted to a previous owner of the property under Section 11.13, Texas Tax Code, or because of improvements not assessed for a previous tax year. (If Texas Short Form Residential Loan Policy of Title Insurance (T-2R) is issued, that policy will substitute "which become due and payable subsequent to Date of Policy" in lieu of "for the year 2014 and subsequent years.")
6. The terms and conditions of the documents creating your interest in the land.
7. Materials furnished or labor performed in connection with planned construction before signing and delivering the lien document described in Schedule A, if the land is part of the homestead of the owner. (Applies to the Loan Title Policy Binder on Interim Construction Loan only, and may be deleted if satisfactory evidence is furnished to us before a binder is issued.)
8. Liens and leases that affect the title to the land, but that are subordinate to the lien of the insured mortgage. (Applies to Loan Policy (T-2) only.)
9. The Exceptions from Coverage and Express Insurance in Schedule B of the Texas Short Form

Residential Loan Policy of Title Insurance (T-2R). (Applies to Texas Short Form Residential Loan Policy of Title Insurance (T-2R) only. Separate exceptions 1 through 8 of this Schedule B do not apply to the Texas Short Form Residential Loan Policy of Title Insurance (T-2R).

10. The following matters and all terms of the documents creating or offering evidence of the matters (We must insert matters or delete this exception.):

- A. Rights of parties in possession. (Owner policy only)
- B. Subject to any and all visible and or apparent easements over, under or across subject property, which a survey or physical inspection may disclose.
- C. Any encroachment, encumbrance, violation, variation, or adverse circumstance affecting the title that would be disclosed by an accurate and complete land survey of the land.
- D. All leases, grants, exceptions or reservations of coal, lignite, oil, gas and other minerals, together with all rights, privileges, and immunities relating thereto, appearing in the Public Records whether listed in Schedule B or not. There may be leases, grants, exceptions or reservations of mineral interest that are not listed.
- E. Utility easement 5 feet in width along the rear property lines of Lots 102 through 107 and an unobstructed aerial easement, adjoining thereto 5 feet wide from a plane 20 feet above the ground upward, as set forth by instrument recorded in Volume 1514, Page 32 and Volume 1591, Page 585 of the Deed Records of Harris County, Texas.

Release of Easement by CenterPoint Energy Houston Electric, LLC filed for record under Harris County Clerk's File No. 20070683931.

- F. Utility easement 10 feet in width, as shown by the recorded plat of said subdivision in Volume 23, Page 64 of the Map Records of Harris County, Texas.

Release of Easement by CenterPoint Energy Houston Electric, LLC and CenterPoint Energy Resources Corporation d/b/a CenterPoint Energy Texas Gas Operations filed for record under Harris County Clerk's File No. 20070683929.

- G. An aerial easement granted to Houston, Lighting & Power Company, as set forth and defined by instrument recorded in Volume 1514, Page 32 of the Deed Records of Harris County, Texas.
- H. Building set-back line along the front property lines of Lots 102 through 107, as set forth by instrument recorded in Volume 1591, Page 585 of the Deed Records of Harris County, Texas.
- I. Subject to the Zoning Ordinances now in force in the City of Bellaire, Texas. (Owner policy only)
- J. Any and all unrecorded leases and/or rental agreements, with rights of tenants in possession.

SCHEDULE C

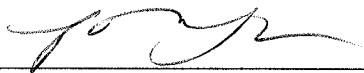
Your Policy will not cover loss, costs, attorneys fees, and expenses resulting from the following requirements that will appear as Exceptions in Schedule B of the Policy, unless you dispose of these matters to our satisfaction, before the date the Policy is issued:

1. Documents creating your title or interest must be approved by us and must be signed, notarized and filed for record.
2. Satisfactory evidence must be provided that:
 - no person occupying the land claims any interest in that land against the persons named in paragraph 3 of Schedule A,
 - all standby fees, taxes, assessments and charges against the property have been paid,
 - all improvements or repairs to the property are completed and accepted by the owner, and that all contractors, sub-contractors, laborers and suppliers have been fully paid, and that no mechanic's, laborer's or materialmen's liens have attached to the property,
 - there is legal right of access to and from the land,
 - (on a Loan Policy only) restrictions have not been and will not be violated that affect the validity and priority of the insured mortgage.
3. You must pay the seller or borrower the agreed amount for your property or interest.
4. Any defect, lien or other matter that may affect title to the land or interest insured, that arises or is filed after the effective date of this Commitment.
5. NOTE: Procedural Rule P-27 as provided for in Article 9.39A of the Texas Insurance Code requires that "Good Funds" be received and deposited before a Title Agent may disburse from its Trust Fund Account.
6. Note: We find no outstanding mortgage liens of record affecting the subject property. An inquiry should be made concerning the existence of any unrecorded lien or other indebtedness, which could give rise to any security interest in the subject property.
7. We must be furnished with a properly executed Corporate Resolution in recordable form to support the proposed transaction.
8. We must be furnished with satisfactory proof from the Secretary of the State of Texas that Sandcastle Homes, Inc. a Texas corporation is a corporation in good standing and is authorized to do business in the State of Texas.
9. If this is a residential property, upon lender's request and payment of the \$15.00 premium, company will issue a Texas Residential Limited Coverage Chain of Title Policy (T-53) covering a period of 24 months, showing the following documents filed of record: None

NOTE TO CLOSER: Title is vested as shown above by Warranty Deed dated October 8, 2010 filed for record October 12, 2010 under Harris County Clerk's File No. 20100439004 from West New Castle, Ltd., a Texas limited partnership to Sandcastle Homes, Inc., a Texas corporation.

Note to Closer: This examination includes the following; that the Underwriter guidelines have been checked to allow a T-19 Endorsement to be issued, subject to the payment of assessments having been paid, the release of right of first refusal, if required above. However subject to Underwriter approval of encroachments or violation of restrictions if any shown on survey.

Texas American Title Company



Authorized Officer or Agent

This Commitment is invalid unless the insuring provisions and Schedules A, B, and C are attached.

(Prior GF#7495-14-1014-AG)

DC

SCHEDULE D

You are entitled to receive advance disclosure of settlement charges in connection with the proposed transaction to which this Commitment relates. Upon your request, such disclosure will be made to you. Additionally, the name of any person, firm, or corporation receiving a portion of the premium from the settlement of this transaction will be disclosed on the closing or settlement statement.

You are further advised that the estimated title premium* is:

Owner's Policy	\$0
Loan Policy	\$0
Endorsement Charges	\$0
Other	\$0.00
Total	\$0

Of this amount: \$< -> (or 15%) will be paid to the policy issuing Title Insurance Company; \$< -> (or < -> %) will be retained by the Title Insurance Agent; and the remainder of the estimated premium will be paid to other parties as follows:

AMOUNT	TO WHOM	FOR SERVICES
0	< -Enter fee atty/OOC name>	< -enter service>
0	< -Enter fee atty/OOC name>	< -enter service>

*The estimated premium is based upon information furnished us as the date of this Commitment for Title Insurance. Final determination of the amount of the premium will be made at closing in accordance with the Rules and Regulations adopted by the Commissioner of Insurance.

The following disclosures are made by the Title Insurance Agent issuing this commitment. The name of the insurance agent issuing this commitment is Texas American Title Company. The shareholder owning one percent or more of Texas American Title Company is Title Resource Group, LLC. The shareholder owning ten percent or more of Title Resource Group, LLC is Realogy Services Group, LLC. The following individuals are directors and/or officers, as indicated, of Texas American Title Company:

DIRECTORS

Donald J Casey, Robert Way, Thomas N. Rispoli, Marilyn J. Wasser, David J. Weaving;

OFFICERS

Robert Way, President, Brian Ahlquist, Assistant Secretary, Donald J. Casey, Executive Vice President and Assistant Secretary; Anthony E. Hull, Executive Vice President and Treasurer; Marilyn J. Wasser, Executive Vice President and Assistant Secretary; Dea Benson, Senior Vice President; Lynette J. Gladdis, Senior Vice President and Assistant Secretary; Michael P. Gozdan, Senior Vice President, General Counsel and Secretary, Deborah Higgins, Senior Vice President, Human Resources; Thomas N. Rispoli, Senior Vice President and Chief Financial Officer; Seth I. Truwit, Senior Vice President and Assistant Secretary; Jonathan M. Silver, Vice President and Assistant Secretary; Patrick A. Treacy, Vice President, Tax, Timothy B Gustavson, Vice President, Hilry S. Stroup, Assistant Secretary.

The issuing Title Insurance Company, Title Resources Guaranty Company, is a corporation whose shareholders owning or controlling, directly or indirectly, 10% of said corporation, directors and officers are listed below:

Shareholders: Title Resources Incorporated which is owned 100% by TAW Holding, Inc.

Directors: Donald J. Casey; Michael P. Gozdan; Anthony E. Hull; J. Scott McCall; Thomas N. Rispoli; Hilry S. Stroup; Marilyn J. Wasser

Officers: Michael P. Gozdan-Sr. VP/General Counsel/Secretary, E. Paul McNutt, Jr-EVP/Asst. Secretary, Paul Myers-VP, Anthony E. Hull-EVP/Treasurer, Thomas N. Rispoli-SVP, Wade Thunhorst- VP, Marilyn J. Wasser-EVP/Asst. Secretary, Jason Bragg-SVP, John T. Updegraff, Jr.-VP, J. Scott McCall-President/CEO, Clayton E. Greenberg-VP

Title Resources Guaranty Company

DELETION OF ARBITRATION PROVISION (Not applicable to the Texas Residential Owner Policy)

Arbitration is a common form of alternative dispute resolution. It can be a quicker and cheaper means to settle a dispute with your Title Insurance Company. However, if you agree to arbitrate, you give up your right to take the Title Company to court and your rights to discovery of evidence may be limited in the arbitration process. In addition, you cannot usually appeal an arbitrator's award.

Your policy contains an arbitration provision (shown below). It allows you or the Company to require arbitration if the amount of insurance is \$2,000,000 or less. If you want to retain your right to sue the Company in case of a dispute over a claim, you must request deletion of the arbitration provision before the policy is issued. You can do this by signing this form and returning it to the Company at or before the closing of your real estate transaction or by writing to the Company.

The arbitration provision in the Policy is as follows:

"Either the Company or the Insured may demand that the claim or controversy shall be submitted to arbitration pursuant to the Title Insurance Arbitration Rules of the American Land Title Association ("Rules"). Except as provided in the Rules, there shall be no joinder or consolidation with claims or controversies of other persons. Arbitrable matters may include, but are not limited to, any controversy or claim between the Company and the Insured arising out of or relating to this policy, any service in connection with its issuance or the breach of a policy provision, or to any other controversy or claim arising out of the transaction giving rise to this policy. All arbitrable matters when the Amount of Insurance is \$2,000,000 or less shall be arbitrated at the option of either the Company or the Insured, unless the Insured is an individual person (as distinguished from an Entity). All arbitrable matters when the Amount of Insurance is in excess of \$2,000,000 shall be arbitrated only when agreed to by both the Company and the Insured. Arbitration pursuant to this policy and under the Rules shall be binding upon the parties. Judgment upon the award rendered by the Arbitrator(s) may be entered in any court of competent jurisdiction."

SIGNATURE

DATE

SIGNATURE

DATE

NAME OF TITLE AGENT

GF NUMBER OR FILE NUMBER

Privacy Policy Notice

PURPOSE OF THIS NOTICE

Title V of the Gramm-Leach-Bliley Act (GLBA) generally prohibits any financial institution, directly or through its affiliates, from sharing nonpublic personal information about you with a nonaffiliated third party unless the institution provides you with a notice of its privacy policies and practices, such as the type of information that it collects about you and the categories of persons or entities to whom it may be disclosed. In compliance with the GLBA, we are providing you with this document, which notifies you of the privacy policies and practices of Title Resources Guaranty Company and Texas American Title Company.

We may collect nonpublic personal information about you from the following sources:

- Information we receive from you such as on applications or other forms.
- Information about your transactions we secure from our files, or from our affiliates or others.
- Information we receive from a consumer reporting agency.
- Information that we receive from others involved in your transaction, such as the real estate agent or lender.

Unless it is specifically stated otherwise in an amended Privacy Policy Notice, no additional nonpublic personal information will be collected about you.

We may disclose any of the above information that we collect about our customers or former customers to our affiliates or to nonaffiliated third parties as permitted by law.

We also may disclose this information about our customers or former customers to the following types of nonaffiliated companies that perform marketing services on our behalf or with whom we have joint marketing agreements:

- Financial service providers such as companies engaged in banking, consumer finance, securities and insurance.
- Non-financial companies such as envelope stuffers and other fulfillment service providers.

WE DO NOT DISCLOSE ANY NONPUBLIC PERSONAL INFORMATION ABOUT YOU WITH ANYONE FOR ANY PURPOSE THAT IS NOT SPECIFICALLY PERMITTED BY LAW.

We restrict access to nonpublic personal information about you to those employees who need to know that information in order to provide products or services to you. We maintain physical, electronic, and procedural safeguards that comply with federal regulations to guard your nonpublic personal information.

AFFILIATED BUSINESS ARRANGEMENT DISCLOSURE STATEMENT

To: Consumer
 From: Texas American Title Company
 GF Number: 7120-14-1190

Property: Newcastle St. & Howard Lane

Lots One Hundred Two (102), One Hundred Three (103), One Hundred Four (104), One Hundred Five (105), One Hundred Six (106) and One Hundred Seven (107), of Mulberry Manor, an addition in the City of Bellaire, Harris County, Texas, according to the map or plat thereof recorded in Volume 23, Page 64 of the Map Records of Harris County, Texas.

Date: _____

Thank you for contacting Texas American Title Company (hereinafter "Agent"). This is to give you notice that Agent has a business relationship with Title Resources Guaranty Company, which is a title insurance underwriting company, True Line Technologies LLC, which is a land survey coordination company and Processing Solutions LLC which is a tax certificate provider. The owner of Agent is also the owner of both Title Resources Guaranty Company and Processing Solutions LLC and is the fifty-one percent owner of True Line Technologies LLC. Because of this relationship, this referral of business to the companies below may provide Agent a financial or other benefit.

Set forth below is the estimated charge or range of charges for the services listed. You are NOT required to use the companies below in connection with the provision of services. THERE ARE FREQUENTLY OTHER COMPANIES AVAILABLE WITH SIMILAR SERVICES. YOU ARE FREE TO SHOP AROUND TO DETERMINE THAT YOU ARE RECEIVING THE BEST SERVICES AND THE BEST RATE FOR THESE SERVICES.

COMPANIES	DESCRIPTION OF CHARGES	ESTIMATE OF RANGE OF CHARGES GENERALLY MADE BY PROVIDER
Title Resources Guaranty Company ("TRGC")	Title insurance premium	Title Insurance premium between \$8.75 and \$6.34 per thousand dollars of policy coverage* *This range of charges covers, as an example, policies from \$100,000 to \$400,000, however the cost to you will differ depending on the policy amount.
Processing Solutions, Inc	Provision of Tax certificate	\$65-\$100 per certificate
True Line Technologies, LLC	Placement of order, obtain and deliver survey	The cost of a survey can vary widely according to the usage of the property, property type and location. As an example, a basic residential property starts at approximately \$375.00 and increases with complexity. In order to obtain an estimate for your specific property, please contact True Line Technologies, LLC directly at 866-772-8813.

ACKNOWLEDGEMENT OF RECEIPT OF DISCLOSURE

I/we have read this disclosure form and understand that Agent is referring me/us to use the above-described companies and may receive a financial or other benefit as the result of this referral.

_____ Name	_____ Date	_____ Name	_____ Date
---------------	---------------	---------------	---------------

_____ Name	_____ Date	_____ Name	_____ Date
---------------	---------------	---------------	---------------

Title insurance insures you against loss resulting from certain risks to your title.

The commitment for Title Insurance is the title insurance company's promise to issue the title insurance policy. The commitment is a legal document. You should review it carefully to completely understand it before your closing date.

El seguro de título le asegura en relación a pérdidas resultantes de ciertos riesgos que pueden afectar el título de su propiedad.

El Compromiso para Seguro de Título es la promesa de la compañía aseguradora de títulos de emitir la póliza de seguro de título. El Compromiso es un documento legal. Usted debe leerlo cuidadosamente y entenderlo completamente antes de la fecha para finalizar su transacción.

Your Commitment for Title Insurance is a legal contract between you and us. The Commitment is not an opinion or report of your title. It is a contract to issue you a policy subject to the Commitment's terms and requirements.

Before issuing a Commitment for Title Insurance (the Commitment) or a Title Insurance Policy (the Policy), the Title Insurance Company (the Company) determines whether the title is insurable. This determination has already been made. Part of that determination involves the Company's decision to insure the title except for certain risks that will not be covered by the Policy. Some of these risks are listed in Schedule B of the attached Commitment as Exceptions. Other risks are stated in the Policy as Exclusions. These risks will not be covered by the Policy. The Policy is not an abstract of title nor does a Company have an obligation to determine the ownership of any mineral interest.

Minerals and Mineral Rights may not be covered by the Policy. The Company may be unwilling to insure title unless there is an exclusion or an exception as to Minerals and Mineral Rights in the Policy. Optional endorsements insuring certain risks involving minerals, and the use of improvements (excluding lawns, shrubbery and trees) and permanent buildings may be available for purchase. If the title insurer issues the title policy with an exclusion or exception to the minerals and mineral rights, neither this Policy, nor the optional endorsements, ensure that the purchaser has title to the mineral rights related to the surface estate.

Another part of the determination involves whether the promise to insure is conditioned upon certain requirements being met. Schedule C of the Commitment lists these requirements that must be satisfied or the Company will refuse to cover them. You may want to discuss any matters shown in Schedules B and C of the Commitment with an attorney. These matters will affect your title and your use of the land.

When your Policy is issued, the coverage will be limited by the Policy's Exceptions, Exclusions and Conditions, defined below.

- **EXCEPTIONS** are title risks that a Policy generally covers but does not cover in a particular instance. Exceptions are shown on Schedule B or discussed in Schedule C of the Commitment. They can also be added if you do not comply with the Conditions section of the Commitment. When the Policy is issued, all Exceptions will be on Schedule B of the Policy.
- **EXCLUSIONS** are title risks that a Policy generally does not cover. Exclusions are contained in the Policy but not shown or discussed in the Commitment.
- **CONDITIONS** are additional provisions that qualify or limit your coverage. Conditions include your responsibilities and those of the Company. They are contained in the Policy but not shown or discussed in the Commitment. The Policy Conditions are not the same as the Commitment Conditions.

You can get a copy of the policy form approved by the Texas Department of Insurance by calling the Title Insurance Company at 1-800-526-8018 or by calling the title insurance agent that issued the Commitment. The Texas Department of Insurance may revise the policy form from time to time.

You can also get a brochure that explains the policy from the Texas Department of Insurance by calling 1-800-252-3439.

Before the Policy is issued, you may request changes in the policy. Some of the changes to consider are:

- Request amendment of the "area and boundary" exception (Schedule B, paragraph 2). To get this amendment, you must furnish a survey and comply with other requirements of the Company. On the Owner's Policy, you must pay an additional premium for the amendment. If the survey is acceptable to the Company and if the Company's other requirements are met, your Policy will insure you against loss because of discrepancies or conflicts in boundary lines, encroachments or protrusions, or overlapping of improvements. The Company may then decide not to insure against specific boundary or survey problems by making special exceptions in the Policy. Whether or not you request amendment of the "area and boundary" exception, you should determine whether you want to purchase and review a survey if a survey is not being provided to you.
- Allow the Company to add an exception to "rights of parties in possession." If you refuse this exception, the Company or the title insurance agent may inspect the property. The Company may except to and not insure you against the rights of specific persons, such as renters, adverse owners or easement holders who occupy the land. The Company may charge you for the inspection. If you want to make your own inspection, you must sign a Waiver of Inspection form and allow the Company to add this exception to your Policy.

you want to increase your coverage at a later date and the Company agrees to add an Increased Value Endorsement.

CONDITIONS AND STIPULATIONS

1. If you have actual knowledge of any matter which may affect the title or mortgage covered by this Commitment, that is not shown in Schedule B, you must notify us in writing. If you do not notify us in writing, our liability to you is ended or reduced to the extent that your failure to notify us affects our liability. If you do notify us, or we learn of such matter, we may amend Schedule B, but we will not be relieved of liability already incurred.

2. Our liability is only to you, and others who are included in the definition of Insured in the Policy to be issued. Our liability is only for actual loss incurred in your reliance on this Commitment to comply with its requirements, or to acquire the interest in the land. Our liability is limited to the amount shown in Schedule A of this Commitment and will be subject to the following terms of the Policy: Insuring Provisions, Conditions and Stipulations, and Exclusions.

IMPORTANT NOTICE

FOR INFORMATION,
OR TO MAKE A COMPLAINT
CALL OUR TOLL-FREE NUMBER

1-800-526-8018

ALSO YOU MAY CONTACT
THE TEXAS DEPARTMENT OF
INSURANCE AT

1-800-252-3439

To obtain information on:

1. filing a complaint against an insurance company or agent
2. whether an insurance company or agent is licensed,
3. complaints received against an insurance company or agent,
4. policyholder rights, and
5. a list of consumer publications and services available through the department

YOU MAY ALSO WRITE TO
THE TEXAS DEPARTMENT OF
INSURANCE
P.O. BOX 149104
AUSTIN, TEXAS 78714-9104
FAX NO. 512-475-1771

AVISO IMPORTANTE

PARA INFORMACION, O PARA
SOMETER UNA QUEJA LLAME AL
NUMERO GRATIS

1-800-526-8018

TAMBIEN PUEDE COMUNICARSE CON
EL DEPARTAMENTO DE SEGUROS
DE TEXAS AL

1-800-252-3439

para obtener información sobre:

1. como someter una queja en contra de una compañía de seguros o agente de seguros,
2. si una compañía de seguros o agente de seguros tiene licencia,
3. quejas recibidas en contra de una compañía de seguros o agente de seguros,
4. los derechos del asegurado, y
5. una lista de publicaciones y servicios para consumidores disponibles a través del departamento.

TAMBIEN PUEDE ESCRIBIR A
DEPARTAMENTO DE SEGUROS
DE TEXAS
P.O. BOX 149104
AUSTIN, TEXAS 78714-9104
FAX NO. 512-475-1771

Important Notice

The attached title insurance commitment contains information which has been obtained or derived from records and information owned by Title Data, Inc. or one of its subsidiaries (collectively "Title Data"). Title Data owns and maintains land title plants for Harris, Brazoria, Chambers, Fort Bend, Galveston, Jefferson, Liberty, Montgomery and Waller counties, Texas. Title Data created its title plants through the investment of extensive time, labor, skill and money. **The information contained in the title plants is protected by Federal copyright law and Texas common law on trade secrets and contract.**

Title Data has granted our company a license to use one or more of its title plants. Our company's right to access and use Title Data's title plants is governed by our contract with Title Data. Our contract with Title Data restricts who can receive and/or use a title insurance commitment which is based, in whole or in part, upon Title Data's records and information.

Under the terms of our contract with Title Data, we are permitted to provide you with the attached title insurance commitment **for limited use and distribution only**. Specifically, you are sublicensed to deliver, exhibit, or furnish the attached title insurance commitment (or any copies thereof) **ONLY** to your bona fide employees and a third party who is playing a bona fide role in this proposed real estate transaction, including a lawyer, a lender, a surveyor, a real estate broker or agent, and the parties to this proposed transaction.

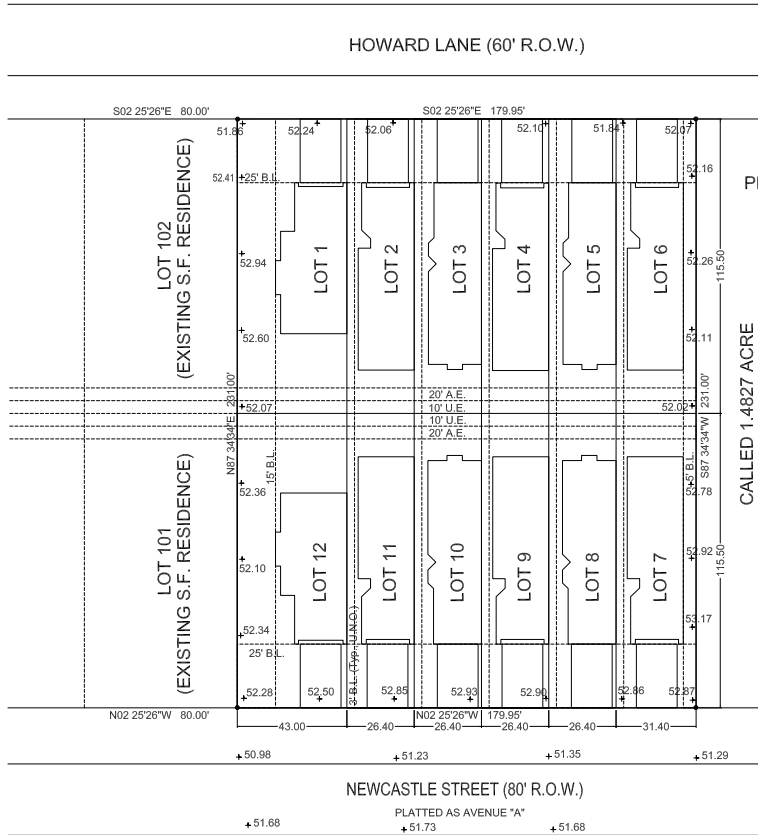
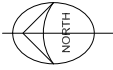
For purposes of our agreement with Title Data, "deliver, exhibit, or furnish" includes, without limitation, copying this title insurance commitment (whether such copying be by means of a photocopier, facsimile machine, another electronic scanning device, or any other method of reproduction) and providing such copy to any third party.

Your furnishing of the attached title insurance commitment to anyone not specifically enumerated above is not permitted by our contract with Title Data and constitutes a breach of our sublicense to you. Your furnishing of the attached title insurance commitment to anyone not specifically enumerated above is also a violation of federal copyright law and Texas common law.

Therefore, as an express condition of us providing you with the attached title insurance commitment, you specifically agree to limit its uses to those set forth herein, and to provide a copy of this letter to any party to whom you deliver, exhibit, or furnish the attached title insurance commitment (or any copies thereof).

In the event you are unable or unwilling to comply with these conditions, immediately return the attached title insurance commitment to our company, without reviewing, copying, or otherwise utilizing in any way the information contained therein.

A COPY OF THIS LETTER MUST ACCOMPANY THE ATTACHED TITLE INSURANCE COMMITMENT AT ALL TIMES. ALL DOWNSTREAM RECIPIENTS MUST PROVIDE A COPY OF THIS LETTER TO ANY OTHER AUTHORIZED USERS OF THE ATTACHED TITLE INSURANCE COMMITMENT.



**PROPOSED MEDICAL BUILDING
(BY OTHERS)**

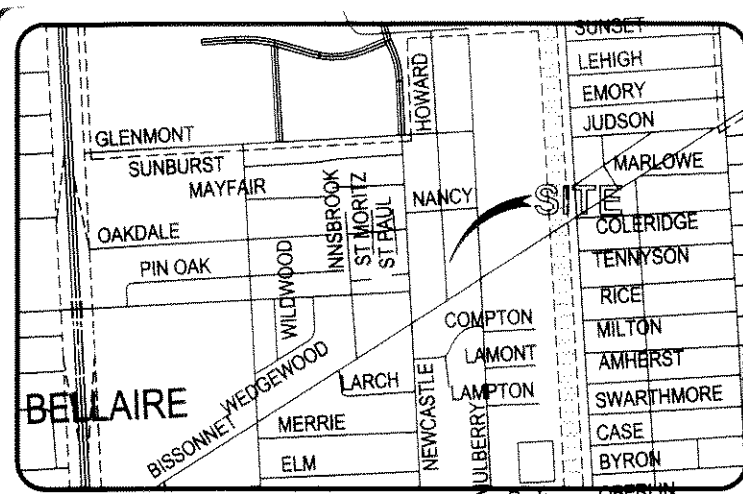
GENERAL NOTES

1. All structures shown are proposed. Property is vacant land.
2. Grades shown are existing grades. Final grades will be incorporated into the building plans for individual homes, to be submitted for permitting. Final grades shall generally correlate with existing grades and drainage shall be designed to divert runoff into City storm drainage system an avoid runoff on to neighboring properties.
3. Proposed development does not require removal of any trees . A tree survey and formal disposition plan is being submitted separately.
4. Property and its immediate surroundings lie in Zone "X" of the Flood Insurance Rate Map, Community 480289, Panel No. 48201C-0855 L which bears an effective date of June 18, 2007. Zone "X" unshaded denotes areas outside the 500-year floodplain.
5. No known environmental hazards are present.
6. All homes to tie directly into existing water and wastewater infrastructure .
7. Sidewalks shall be constructed in accordance with City of Bellaire requirements. Sidewalks to be detailed on construction plans for individual homes.

	Site Area	Floor Area	Foundation	Driveways	Sidewalks	Patio	Impervious Cover			
							Total Impervious Cover	% Impervious Cover	Total Landscaped Surface	% Landscaped surface
Lot 1	4,967	2,540	1,521	400	25	100	2,046	41.2%	2,921	58.8%
Lot 2	3,049	2,550	1,444	400	72	100	2,016	66.1%	1,033	33.9%
Lot 3	3,049	2,505	1,443	400	95	100	2,038	66.8%	1,011	33.2%
Lot 4	3,049	2,550	1,444	400	72	100	2,016	66.1%	1,033	33.9%
Lot 5	3,049	2,505	1,443	400	95	100	2,038	66.8%	1,011	33.2%
Lot 6	3,627	2,550	1,444	400	72	100	2,016	55.6%	1,611	44.4%
Lot 7	3,627	2,550	1,444	400	72	100	2,016	55.6%	1,611	44.4%
Lot 8	3,049	2,505	1,443	400	95	100	2,038	66.8%	1,011	33.2%
Lot 9	3,049	2,550	1,444	400	72	100	2,016	66.1%	1,033	33.9%
Lot 10	3,049	2,505	1,443	400	95	100	2,038	66.8%	1,011	33.2%
Lot 11	3,049	2,550	1,444	400	72	100	2,016	66.1%	1,033	33.9%
Lot 12	4,967	2,540	1,521	400	25	100	2,046	41.2%	2,921	58.8%
TOTAL	41,580	30,400	17,478	4,800	862	1,200	24,340	58.5%	17,240	41.5%

Plan	Max. Height
Lisbon	31'
Geneva	31'
Barcelona	27'

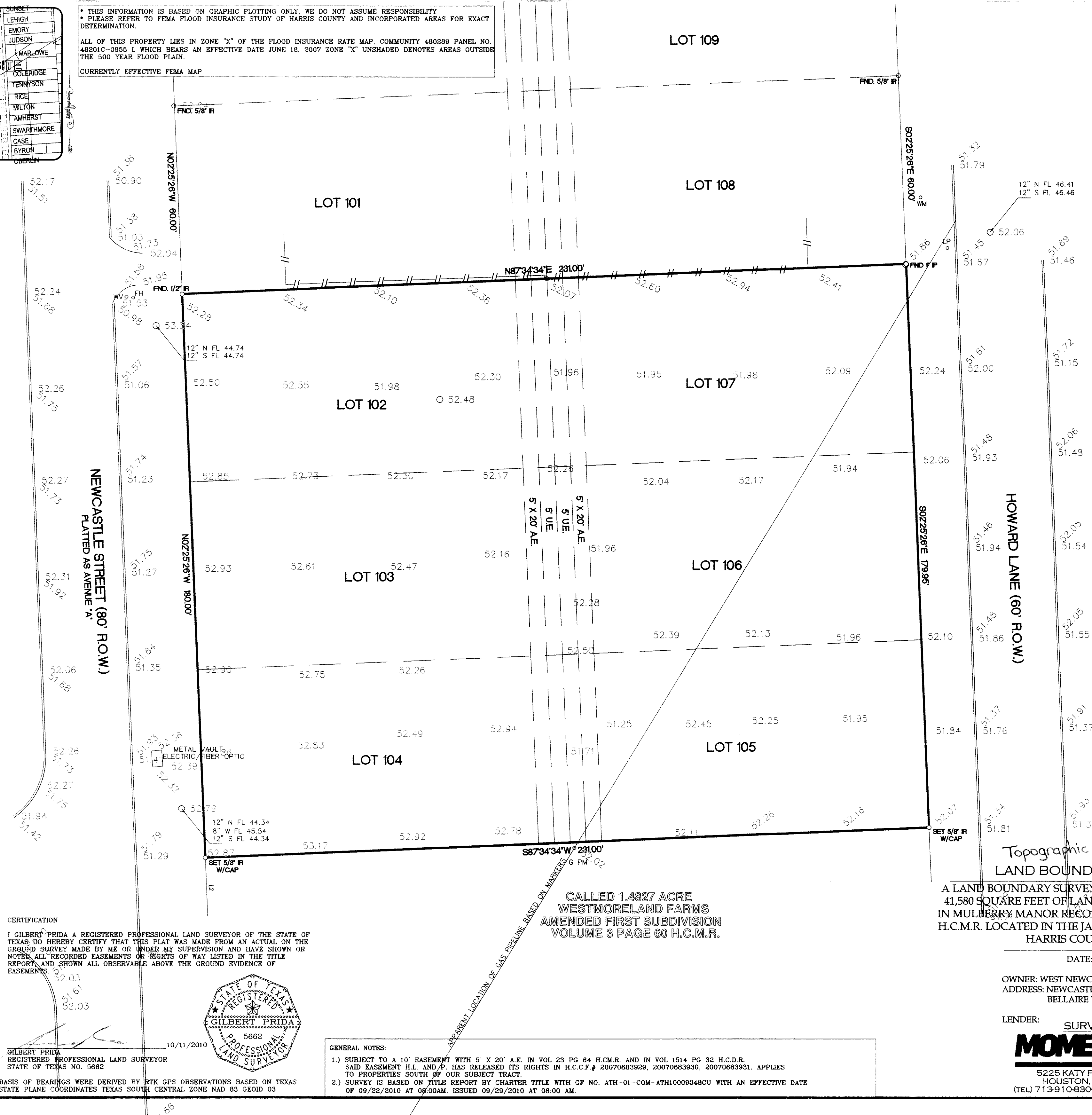
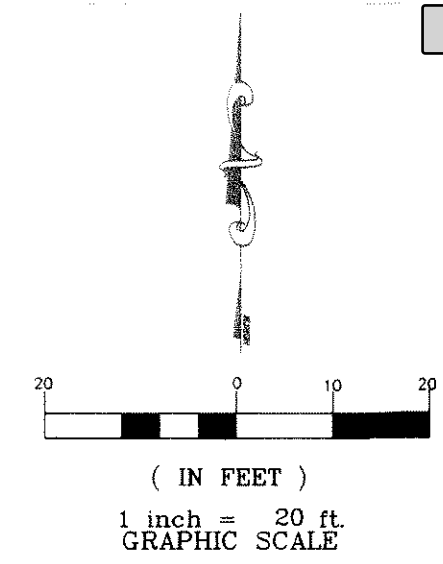
BELLAIRE GARDENS A PLANNED UNIT DEVELOPMENT BEING A REPLAT OF LOTS 102-107 MULBERRY MANOR RECORDED IN VOL. 23, PAGE 64, H.C.M.R. CONSISTING OF 0.9545 ACRES OF 41,580 SF
Owner/Developer: Sandcastle Homes, Inc. 1405 Durham Dr., Houston, TX 77007
Civil Engineer/ Land Planner: Miguel R. Salomon, P.E. 1405 Durham Dr., Houston, TX 77007
Surveyor: Momentum Engineering and Surveying 12651 Briar Forest Dr., Suite 350, Houston, TX 77077
Date: August 22, 2014 (Rev.1: 10/2/14)
Scale: 1" = 50'



• THIS INFORMATION IS BASED ON GRAPHIC PLOTTING ONLY. WE DO NOT ASSUME RESPONSIBILITY
• PLEASE REFER TO FEMA FLOOD INSURANCE STUDY OF HARRIS COUNTY AND INCORPORATED AREAS FOR EXACT DETERMINATION.

ALL OF THIS PROPERTY LIES IN ZONE "X" OF THE FLOOD INSURANCE RATE MAP, COMMUNITY 480289 PANEL NO. 48201C-0855 L WHICH BEARS AN EFFECTIVE DATE JUNE 18, 2007 ZONE "X" UNSHADED DENOTES AREAS OUTSIDE THE 500 YEAR FLOOD PLAIN.

CURRENTLY EFFECTIVE FEMA MAP



LEGEND	
N	NORTH
S	SOUTH
E	EAST
W	WEST
BO	BOLLARD
ICV	IRRIGATION CONTROL VALVE
WM	WATER METER
WV	WATER VALVE
FH	FIRE HYDRANT
WRV	WATER RELEASE VALVE
GV	GAS VALVE
GM	GAS METER
GI	GRATE INLET
MI	MANHOLE
CTM	GREASE TRAP MANHOLE
CO	CLEAN OUT
MW	MONITORING WELL
TP	TELEPHONE PEDESTAL
FO	FIBER OPTIC SIGN
SBC	SOUTHWESTERN BELL SIGN
TJB	TRAFFIC JUNCTION BOX
EB	ELECTRIC BOX
LP	LIGHT POLE
PP	POWER POLE
MP	METER POLE
SP	SERVICE POLE
TLP	TRAFFIC LIGHT POLE
A/C	AIR CONDITIONING UNIT
GW	GUY WIRE ANCHOR
U	OVERHEAD UTILITY LINE
POB	HIGH BANK
FND 5/8 IR	POINT OF BEGINNING
ESMT	FOUND 5/8 INCH IRON ROD
H.C.C.F.#	EASEMENT
H.C.D.R.	HARRIS COUNTY CLERK'S FILE NO.
H.C.M.R.	HARRIS COUNTY DEED RECORDS
—	HARRIS COUNTY MAP RECORDS
—	CHAIN LINK FENCE
—	WOOD FENCE
—	BARBED WIRE FENCE
—	ROUGH IRON FENCE

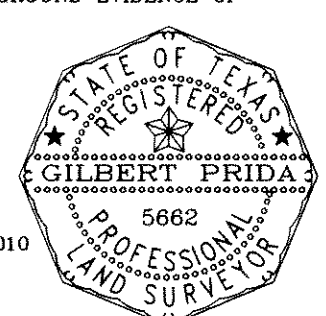
CERTIFICATION

I, GILBERT PRIDA, A REGISTERED PROFESSIONAL LAND SURVEYOR OF THE STATE OF TEXAS, DO HEREBY CERTIFY THAT THIS PLAT WAS MADE FROM AN ACTUAL ON THE GROUND SURVEY MADE BY ME OR UNDER MY SUPERVISION AND HAVE SHOWN OR NOTED ALL RECORDED EASEMENTS OR RIGHTS OF WAY LISTED IN THE TITLE REPORT, AND SHOWN ALL OBSERVABLE ABOVE THE GROUND EVIDENCE OF EASEMENTS.

10/11/2010

GILBERT PRIDA
REGISTERED PROFESSIONAL LAND SURVEYOR
STATE OF TEXAS NO. 5662

BASIS OF BEARINGS WERE DERIVED BY RTK GPS OBSERVATIONS BASED ON TEXAS STATE PLANE COORDINATES TEXAS SOUTH CENTRAL ZONE NAD 83 GROUND 03



GENERAL NOTES:

1.) SUBJECT TO A 10' EASEMENT WITH 5' X 20' A.E. IN VOL 23 PG 64 H.C.M.R. AND IN VOL 1514 PG 32 H.C.D.R. SAID EASEMENT H.L. AND P. HAS RELEASED ITS RIGHTS IN H.C.C.F.# 20070683929, 20070683930, 20070683931. APPLIES TO PROPERTIES SOUTH OF OUR SUBJECT TRACT.

2.) SURVEY IS BASED ON TITLE REPORT BY CHARTER TITLE WITH GF NO. ATH-01-COM-ATH10009348CU WITH AN EFFECTIVE DATE OF 09/22/2010 AT 09:00AM. ISSUED 09/29/2010 AT 08:00 AM.

Topographic Survey &
LAND BOUNDARY SURVEY

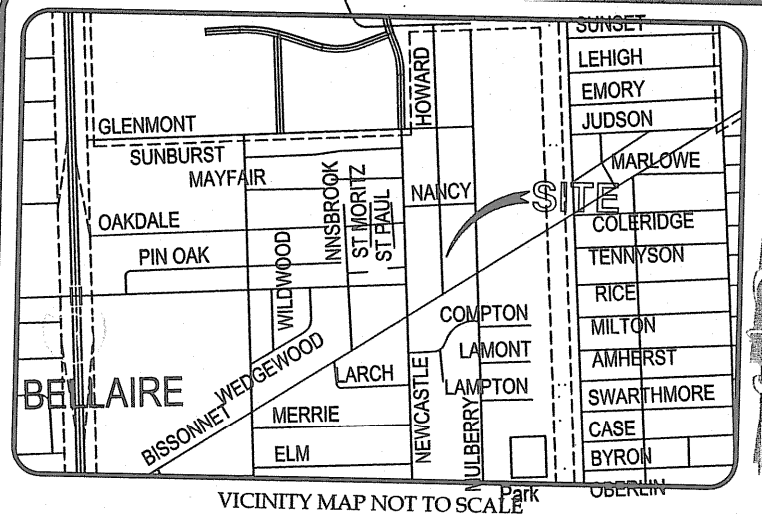
A LAND BOUNDARY SURVEY CONTAINING 0.9545 ACRES
41,580 SQUARE FEET OF LAND BEING LOTS 102 THRU 107
IN MULBERRY MANOR RECORDED IN VOLUME 23 PAGE 64
H.C.M.R. LOCATED IN THE JAMES BLESSING SURVEY A-162
HARRIS COUNTY, TEXAS.

DATE: 10/01/2010

OWNER: WEST NEWCASTLE LTD
ADDRESS: NEWCASTLE STREET AND HOWARD LANE
BELLAIRE TX 77401

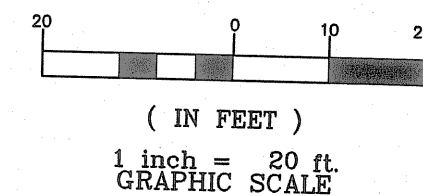
LENDER: SURVEYOR

MOMENTUM
ENGINEERING + SURVEYING
5225 KATY FWY, SUITE 605
HOUSTON, TEXAS 77007
(TEL) 713-910-8300



* THIS INFORMATION IS BASED ON GRAPHIC PLOTTING ONLY. WE DO NOT ASSUME RESPONSIBILITY
 * PLEASE REFER TO FEMA FLOOD INSURANCE STUDY OF HARRIS COUNTY AND INCORPORATED AREAS FOR EXACT DETERMINATION.
 ALL OF THIS PROPERTY LIES IN ZONE "X" OF THE FLOOD INSURANCE RATE MAP, COMMUNITY 480289 PANEL NO. 48201C-0855 L WHICH BEARS AN EFFECTIVE DATE JUNE 18, 2007 ZONE "X" UNSHADED DENOTES AREAS OUTSIDE THE 500 YEAR FLOOD PLAIN.
 CURRENTLY EFFECTIVE FEMA MAP

BELLAIRE GARDENS BUFFER ZONE PLAN



NEWCASTLE STREET (80' R.O.W.)
PLATTED AS AVENUE "A"

12" N FL 46.41
12" S FL 46.46

Key

Proposed tree/tall shrub

HOWARD LANE (60' R.O.W.)

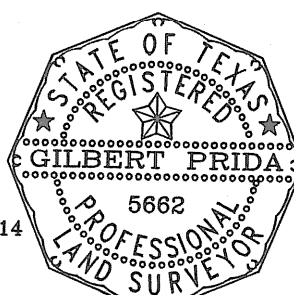
LEGEND	
N	NORTH
S	SOUTH
E	EAST
W	WEST
BO	BOLLARD
ICV	IRRIGATION CONTROL VALVE
WM	WATER METER
TV	WATER VALVE
FH	FIRE HYDRANT
WRV	WATER RELEASE VALVE
GV	GAS VALVE
GM	GAS METER
GI	GRATE INLET
MI	MANHOLE
CT	GREASE TRAP MANHOLE
CO	CLEAN OUT
MT	MONITORING WELL
TP	TELEPHONE PEDESTAL
FO	FIBER OPTIC SIGN
SBC	SOUTHWESTERN BELL SIGN
TJB	TRAFFIC JUNCTION BOX
EB	ELECTRIC BOX
LP	LIGHT POLE
PP	POWER POLE
MP	METER POLE
SP	SERVICE POLE
TLP	TRAFFIC LIGHT POLE
A/C	AIR CONDITIONING UNIT
GW	GUY WIRE ANCHOR
U	OVERHEAD UTILITY LINE
HB	HIGH BANK
FB	FOUND 5/8 INCH IRON ROD
ESMT	EASEMENT
H.C.C.F.#	HARRIS COUNTY CLERK'S FILE NO.
H.C.D.R.	HARRIS COUNTY DEED RECORDS
H.C.M.R.	HARRIS COUNTY MAP RECORDS
CL	CHAIN LINK FENCE
WF	WOOD FENCE
WF	BARBED WIRE FENCE
WF	WROUGHT IRON FENCE

CERTIFICATION

I GILBERT PRIDA A REGISTERED PROFESSIONAL LAND SURVEYOR OF THE STATE OF TEXAS DO HEREBY CERTIFY THAT THIS PLAT WAS MADE FROM AN ACTUAL ON THE GROUND SURVEY MADE BY ME OR UNDER MY SUPERVISION AND HAVE SHOWN OR NOTED ALL RECORDED EASEMENTS OR RIGHTS OF WAY LISTED IN THE TITLE REPORT AND SHOWN ALL OBSERVABLE ABOVE THE GROUND EVIDENCE OF EASEMENTS.

GILBERT PRIDA
REGISTERED PROFESSIONAL LAND SURVEYOR
STATE OF TEXAS NO. 5662

08/25/2014



BASIS OF BEARINGS WERE DERIVED BY RTK GPS OBSERVATIONS BASED ON TEXAS STATE PLANE COORDINATES TEXAS SOUTH CENTRAL ZONE NAD 83 GEOID 03

General Notes

1. Provide 6' cedar fence with 2x12 treated rot board fence between existing residential and proposed PD. Fence to conform to requirements of 24-513.
2. Existing trees to remain
3. Additional trees or tall shrubbery to be installed, as shown.

GENERAL NOTES:

1. SUBJECT TO A 10' EASEMENT WITH 5' X 20' A.E. IN VOL 23 PG 64 H.C.M.R. AND IN VOL 1514 PG 32 H.C.D.R. SAID EASEMENT H.L. AND P. HAS RELEASED ITS RIGHTS IN H.C.C.F.# 20070683929, 20070683930, 20070683931. APPLIES TO PROPERTIES SOUTH OF OUR SUBJECT TRACT.
2. SURVEY IS BASED ON TITLE REPORT BY CHARTER TITLE WITH GF NO. ATH-01-COM-ATH10009348CU WITH AN EFFECTIVE DATE OF 09/22/2010 AT 08:00AM. ISSUED 09/29/2010 A 08:00 AM.

TREE SURVEY
 A LAND BOUNDARY SURVEY CONTAINING 0.9545 ACRES
 41,580 SQUARE FEET OF LAND BEING LOTS 102 THRU 107
 IN MULBERRY MANOR RECORDED IN VOLUME 23 PAGE 64
 H.C.M.R. LOCATED IN THE JAMES BLESSING SURVEY A-162
 HARRIS COUNTY, TEXAS.

DATE: 10/01/2010

OWNER: SAND CASTLE HOMES
 ADDRESS: NEWCASTLE STREET AND HOWARD LANE
 BELLAIRE TX 77401

LENDER:

SURVEYOR
MOMENTUM
 ENGINEERING & SURVEYING
 12651 BRIAR FOREST, SUITE 350
 HOUSTON, TEXAS 77077
 (TEL) 281-741-1998 (FAX) 281-741-2068



LISBON – ELEVATION “A”



LISBON – ELEVATION “B”



GENEVA – ELEVATION “A”



GENEVA – ELEVATION “A”



BARCELONA – ELEVATION “A”



BARCELONA – ELEVATION “A”

Planning and Zoning Commission

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



Meeting: 10/14/14 06:00 PM

Department: Community
Development

Category: Discussion

Department Head: John McDonald
DOC ID: 1381

SCHEDULED ACTION ITEM (ID # 1381)

Item Title:

Notification requirements for public hearings as set forth in the Code of Ordinances, Chapter 24, Planning and Zoning, Article VI, Amendatory Procedure, Sec. 24-610 Publication., generally, with specific reference to the notification zone in reference to proposed new Bellaire High School.

Background/Summary:

Chapter 24, Planning and Zoning, Article VI, Amendatory Procedure, Sec. 24-610, Publication, A. of the City of Bellaire Code of Ordinances requires that:

Written notice of public hearings before the Commission on the proposed amendment or change shall be sent to all owners of real property lying within two hundred (200) feet of the property upon which the change is requested...

This requirement is based on the notification requirement set forth by the State of Texas in the Local Government Code §211.007(c) which sets the 200 feet distance measurement.

At the August meeting, the Commission discussed amending the code to require a greater distance of notification for public hearings.

Prior to the August meeting a study was conducted to determine how other municipalities satisfy notification requirements.

As a comparison, the following cities address notification as follows:

- The Commission and Council "shall comply with state law."
 - West University
 - San Antonio
- 200 feet
 - Alamo Heights
 - College Station
 - Euless
 - Friendswood
 - Kyle
 - Missouri City
 - Richmond
 - San Marcos
 - Sugarland
 - Tomball
 - Universal City
 - University Park
- Greater than 200 feet
 - Austin (500 feet)

- Grand Prairie and Keller (300 feet)

The current code does, however, allow for the Commission to designate additional properties that they feel should be notified of a public hearing. During the last meeting it was decided that notification for Bellaire High School would go above and beyond the current 200 foot requirement, but no definitive distance was determined.

Recommendation:

When considering the totality of the notification efforts of the City, which include:

1. Legal notice in the Southwest News;
2. Publication on the City's website;
3. Posting on the City's bulletin board at City Hall;
4. Greater sign requirements (larger signs, posted on all neighboring streets);
5. NotifyMe system that allows any citizens to sign up to information on specific issues; and
6. Written notice to all property owners within 200 feet of the subject area, and to all houses that may be renter occupied,

the Director recommends against any changes to the requirements of Sec. 24-610.

**Planning and Zoning
Commission**

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



Meeting: 10/14/14 06:00 PM
Department: Community
Development
Category: Discussion
Department Head: John McDonald
DOC ID: 1382

**SCHEDULED
ACTION ITEM (ID # 1382)**

Item Title:

Chapter 24, Planning & Zoning, Article V, Zoning Regulations, Division 1, Zoning Districts and Regulations of General Applicability, Section 24-515, Special Off-Street Parking Regulations, of the City of Bellaire Code of Ordinances, with respect to boats or trailers, etc. Being Parked In the rear of residential properties.

Background/Summary:

At the August meeting staff presented the Commission with an email from a resident voicing her concern about the ability of a property owner to park their boat in the rear of their property when such property has access to a rear street (through lots).

During this meeting the Commission discussed their options for tightening up the code, as well as the addition of requirements that the vehicle must be tagged and operable. Questions regarding property owners nonconforming rights were also brought up. The City Attorney will be present to advise on this issue.