

CITY OF BELLAIRE TEXAS

PLANNING AND ZONING COMMISSION

OCTOBER 12, 2017

Council Chamber

Regular Session

6:00 PM

7008 S. RICE AVENUE
BELLAIRE, TX 77401



Chairman

Mr. Dirk Stiggins

Commissioner

Jonathan Saikin

Commissioner

Ross Gordon

Vice Chairman

Marc Steinberg

Commissioner

Mike Axelrad

Commissioner

Weldon Taylor

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 10, 2017 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

Docket # Z-2017-03-Public Hearing on an application filed by John Parker, executor of the estate of Virginia W. Bohn, owner of the property at 5217 Palmetto, for an amendment to the Official Zoning District Map to re-zone the properties at 5217 and 5221 Palmetto from their current designation of R-4, Residential District, to R-5, Residential District, pursuant to Chapter 24, Section 24-603, Application for Amendment to Written Text or Official Zoning District Map of the City of Bellaire, Texas.

1. Presentation of the Public Hearing Process**2. Presentation by the Applicant****3. Staff Findings****4. Public Comments**

- i. Persons at the meeting who have indicated their desire to address the Commission by submitting the form provided shall have three (3) minutes each to present comments concerning the Application. This time limit may be extended to five (5) minutes at the discretion of the Chair with the consent of the Commission.**

5. Response of Applicant**6. Questions from the Commission****7. Invitation for Written Comments, if applicable****8. Closure of the Public Hearing****VI. CURRENT BUSINESS (ITEMS FOR DISCUSSION, CONSIDERATION, AND/OR POSSIBLE ACTION)****VII. COMMITTEE REPORTS**

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

- 1. Staff liaison report on the status of projects previously addressed by the commission as well as projects for future meetings.**
 - a. Visioning Bellaire: Urban Design and Conceptual Master Plan**
 - b. Bellaire boulevard Estate Overlay District**
 - c. Commission Training**
- 2. 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 10, 2017

Council Chamber

Regular Session

6:00 PM

7008 S. RICE AVENUE
BELLAIRE, TX 77401

I. CALL TO ORDER AND ANNOUNCEMENT OF QUORUM

Chairman Stiggins called the meeting to order at 6:02 PM, and announced that a quorum of the following members were present:

Attendee Name	Title	Status	Arrived
Jonathan Saikin	Commissioner	Present	
Mike Axelrad	Commissioner	Present	
Ross Gordon	Commissioner	Present	
Weldon Taylor	Commissioner	Present	
Marc Steinberg	Commissioner	Present	
Dirk Stiggins	Vice Chair	Present	
S. Lynne Skinner	Commissioner	Present	
ChaVonne Sampson	Interim Director of Development Services	Present	
Zachary Petrov	Assistant City Attorney	Present	
Ashley Parcus	Secretary	Present	
Trisha S. Pollard	Council Member	Present	

II. APPROVAL OF MINUTES FROM PAST MEETINGS

1. Planning and Zoning Commission - Regular Session - Jul 13, 2017 6:00 PM

RESULT: APPROVED [UNANIMOUS]
MOVER: Marc Steinberg, Commissioner
SECONDER: Mike Axelrad, Commissioner
AYES: Saikin, Axelrad, Gordon, Taylor, Steinberg, Stiggins, Skinner

III. REMINDER TO CITIZENS DESIRING TO ADDRESS THE COMMISSION

Chairman Stiggins reminded the public to fill out a sign in sheet if they wished to address the Commission. He also informed the public that no comments regarding Bellaire High School would be allowed during the meeting, only general comments.

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.

Chairman Stiggins stated that the Commission had received numerous emails regarding the public hearing on Bellaire High School. He then summarized them to say that

Minutes Acceptance: Minutes of Aug 10, 2017 6:00 PM (Approval of Minutes from Past Meetings)

residents felt as though HISD's proposal still wasn't addressing all of their concerns. He added that there was concern that Maple Street is bearing the brunt of all of the morning school traffic and that emergency vehicles would be obstructed by traffic during the busy rush hours. Chairman Stiggins stated that many of the comments indicated that other streets should be sharing the burden with Maple. He then stated that one email mentioned the increased traffic that would be forced onto Holly Street, which would cause congestion and danger to pedestrians.

Chairman Stiggins then reminded everyone that no comments regarding HISD's application would be entertained, only comments of general interest.

Debbie Johnson-Ms. Johnson stated that she lives on Holly Street and that she is concerned about the safety of the residents and all of the people that walk along the esplanade. She added that with cars parked along that street there are a lot of problems with traffic getting through. She stated that the residents of that street have to be very cautious when backing out of their driveways so as not to hit joggers. Ms. Johnson added that she knows that she is not allowed to speak on the high school, but mentioned that there is already a significant traffic problem and that the Commission will be responsible if more traffic gets diverted there.

Rachel Crochet-Mrs. Crochet mentioned that she also lives on Holly Street. She stated that the City spent a significant amount of money on the esplanade and that if more traffic is going to be diverted to Holly then that money will just be thrown out the window. Ms. Crochet mentioned that Bellaire High School also uses Holly Street as their track for the athletic department. She stated that she is very concerned about the safety on Holly Street and that the burden of traffic should be held by all the streets surrounding the high school, not just one or two.

Dub Crochet-Mr. Crochet reiterated that a lot of money has been spent on the upkeep of Holly Street and agreed that all of the streets around the high school should be utilized.

Lynn McBee-Ms. McBee stated that there is a real problem regarding conflict of interest with the CMU District that re-zoned the downtown area. She added that for the first time ever, the City not only allows, but most likely promotes the use of private garages on private property. Ms. McBee mentioned that it is a way to remove parking on residential streets, but in some cases those garages are exiting onto residential streets. She stated that this is currently happening in multiple zoning districts, and is in conflict with the fact that the City is sworn to protect the impacts of uses on the residential districts. She felt that it is a flaw in the zoning code and needs to be discussed.

Mitchell Pilot-Mr. Pilot informed the Commission that he lives on the 5100 block of Linden Street. He stated that he wanted to second what Ms. McBee said regarding the City allowing a commercial development to route their traffic onto a residential street. He also felt that this allowance is not consistent with the zoning that the property is in. Mr. Pilot mentioned that the development going in next to his home was approved by-right, meaning that there was no public hearing regarding the project despite the fact that there will be a significant impact on traffic in a residentially zoned area. He stated that it is becoming a pattern that developments which are commercial in nature are negatively impacting the adjacent residential streets. Mr. Pilot pointed out that the Comprehensive Plan says that commercial developments are supposed to be cognizant of and mix well with the surrounding residential areas.

Laura Harkness-Ms. Harkness stated that she is a former student of Bellaire High School and has witnessed many safety concerns with the traffic. She added that the streets are

very narrow and she was almost involved in a fatal incident when she was walking back to school during lunch. Ms. Harkness mentioned that adding more cars onto Holly Street is only going to add to the already crazy traffic.

Catherine Harkness-Ms. Harkness stated that she agrees with and wants to reiterate what Ms. Johnson and Mr. and Mrs. Crochet said about the traffic concern on Holly Street. She added that Bellaire is the City of Homes and that everyone needs to remember that.

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

1. Docket #SU-2017-02-Consideration of an application filed by Steven Gee, Project Manager, Houston Independent School District, for a Specific Use Permit, as required by Chapter 24, Planning and Zoning, Section 24-531 C. (2) a), for the re-construction and operation of Bellaire High School, at 5100 Maple Street, within the R-1 Residential Zoning District; and for a second Specific Use Permit, as required by Section 24-532 B. (2) a), for the re-purposing of Gordon Elementary School/Mandarin Chinese Language Immersion Magnet School as Bellaire High School's baseball practice facility, at 6300 Avenue B, within the R-3 Residential Zoning District.

Steven Gee, Project Manager, HISD- Mr. Gee thanked the Commission and stated that Mr. Savage with PBK Architects would be giving the presentation.

Sam Savage, PBK Architects-Mr. Savage explained the changes that were made to the site plan since the public hearing had taken place. He stated that the original site plan had the parking garage traffic both entering and exiting on Maple Street, as well as the entering traffic for the bus drop off coming around the school, dropping students off on the west side of the building, and then exiting onto South Rice Avenue, across from Holly Street. Mr. Savage added that the original plan also had 160 surface parking spaces. He then showed a picture of the original Gordon site as well. He mentioned that the consensus from the public hearing was that there was overall concern regarding traffic and congestion on Maple Street, as well as the parking garage ingress and egress. Mr. Savage also stated that there were concerns with the eradication of the existing trees at the former Gordon site. He stated that since the public hearing, PBK has revised the site plans in an effort to address those concerns. Mr. Savage then showed the new site plan for the high school and explained that the parking garage will now exit onto South Rice Avenue, which led to a decrease in the amount of surface parking spaces from 160 to 41. He also stated that by reducing the number of surface parking, the parking garage had to be increased in size from 640 spaces to 760 spaces. Mr. Savage explained that in order to accommodate the revised exiting traffic flow, the parking garage was also rotated 90 degrees, which in turn creates more green space for the outdoor common area. He also showed a new site plan for the Gordon Elementary property, and explained that the batting cages and other site functions that were shown on the northeast corner of the property, near Avenue B, have been moved to the southwest corner of the property. He added that all of the trees in the triangular area near Avenue B and Bissonnet would remain. Mr. Savage explained that the girls' softball field is now also shown as sharing space with the baseball field, and that a 45 foot high sports fence is shown around the perimeter of the baseball and softball field, which is within the height restriction for this site.

Ms. Sampson informed the Commission that due to the fact that the only changes that were made to the site plans were directly related to the comments and concerns that were voiced at the public hearing; no additional public hearing was required.

She added that once the Commission votes on the application, an additional hearing will be held at the City Council level. Ms. Sampson then reviewed the standards set forth in Section 24-615 for a specific use permit to be granted, and stated that the application has met all of the necessary requirements. She added that she has been in contact with several other City departments, including police, fire, and public works, and that they have no concerns regarding the granting of the SUP. She mentioned that a lot of emphasis had been placed on whether or not an emergency vehicle would be able to respond to a property in the area of the school, and she explained that she was advised by emergency personnel that they use alternate routes during those high-traffic times, and were not concerned by changes in the traffic patterns. Ms. Sampson added that although the Board of Adjustment only granted a lot coverage of 67%, in lieu of the 80% requested, the school district has come forward to request an amendment to the code, which would consider artificial turf as a permeable surface, however, this should not impact any decisions made by the Commission. Ms. Sampson stated that the Development Services Department recommends approval of the applicant's request for two (2) specific use permits, with the following conditions:

1. The student enrollment shall not exceed 3,100 students, and the registrar's office should submit an enrollment certificate/affidavit at the beginning and end of each school year.
2. No field lights shall be installed at 6300 Avenue B without an amendment to the Specific Use Permit.

A motion was then made by Vice Chairman Steinberg and seconded by Commissioner Axelrad to approve the two specific use permits, with the conditions listed above.

Commissioner Taylor then questioned the enrollment cap of 3,100 students. He mentioned that the bond called out an enrollment of 2,800-3,100 and that he felt as though allowing for the maximum amount would lessen the City's control over growth of the school.

Commissioner Saikin stated that he would like to hear from the applicant how reducing the enrollment would impact the school.

Mike McDonough, Principal of Bellaire High School-Mr. McDonough stated that his concern with capping enrollment at 2,800 students is that some kids who are technically zoned for Bellaire High School would not be able to attend. He also mentioned that BHS is a magnet school and that they would have to do away with some of the programs that had been added in support of the 3,100 student population.

Mike Lunceford, HISD Board of Education, District V-Mr. Lunceford stated that demographics within the City of Bellaire are changing dramatically. He added that more and more kids are moving into the City and that they will need as much space as possible within the high school in order to accommodate the increasing numbers.

Vice Chairman Steinberg asked how many students could fit into the school building that is being proposed.

PBK and HISD agreed that the school is being built for 3,100 students.

Commissioner Skinner recognized that the egress of the parking garage was moved

to South Rice, but asked if the ingress could be relocated as well.

Mr. Savage and Dustin Qualls, the Principal of Traffic Engineers, Inc. agreed that in doing that you would be putting too much capacity onto South Rice Avenue.

Commissioner Skinner then asked if a dedicated turn lane could be installed onto Maple Street which would allow faculty and staff to enter the parking garage, while having less impact on through traffic. She also asked if the bus drop-off lane could be changed to exit onto Ferris Street, rather than circling around the school and exiting onto South Rice.

Mr. Qualls and Mr. Savage stated that they could take a look at that to see if it would be possible.

Commissioner Skinner also questioned whether the service yard could be relocated to the west side of the campus, next to the sports field.

Mr. Savage explained that the location of the service yard is in direct relation to the location of the kitchen and serving areas so that they are able to unload the deliveries in close proximity to where they will be used.

Vice Chairman Steinberg mentioned that the dedicated turn lane would have to be installed on HISD property, and questioned how that would impact the site's lot coverage requirements. He suggested installing pylons on the lanes leading into the parking garage, rather than the installation of an additional lane.

Mr. Savage stated that the current proposed site plan includes a lot coverage of 67%, which is what was granted by the Board. He added that depending on what happens with the amendment that has been requested to include artificial turf as a permeable surface, they may have some additional coverage to play with.

Commissioner Gordon mentioned the parking garage and lighting within the parking garage. He asked whether it would be a solid wall or if it would have openings that could create a nuisance to the surrounding residents.

Mr. Savage stated that although the parking garage will not be a solid wall, it will be adequately screened in order to prevent any nuisances.

Commissioner Gordon mentioned the service yard and asked if there were any plans to use noise walls or sound barriers of any kind. He also asked if a PA system would be installed at the proposed baseball field.

Mr. Savage stated that his firm is familiar with those types of products, and that he would see that it was looked into. He and Mr. McDonough also confirmed that no PA systems would be installed on either property.

Commissioner Gordon was concerned with the amount of time that it would take to exit the parking garage and whether that would deter people from parking there. He also mentioned Commissioner Skinner's suggestion and stated that installing two turn lanes on Maple, into the parking garage, might be more efficient than just one.

Mr. Savage explained that the specifics of the parking garage have not yet been established, but the current plan is to leave the barricade up in the mornings and in the afternoons so that students and faculty are able to get in and out as quickly as possible. He added that during off-times, entrance into the garage would require a

badge of some kind. He also mentioned that the addition of a second lane on Maple would impact the number of surface parking spaces that would be on site.

Mr. Qualls also mentioned that if the traffic signals proposed to be installed at South Rice and Holly and South Rice and Maple are timed right, that would assist in vacating the parking garage as fast as possible.

Commissioner Gordon asked whether enforcement of the traffic regulations would be carried out by Bellaire PD or HISD security personnel.

Ms. Sampson explained that while it would mainly be the responsibility of HISD security, the Bellaire Police Department is prepared to help enforce the regulations as well.

Commissioner Gordon asked about the type of fencing and other site buffers that would be present. He questioned whether there was a requirement that a certain caliber of tree must be installed.

Mr. Savage stated that at this point, the plan is to install a type of chain-link fencing. He also stated that trees and shrubbery will be installed around the perimeter of the whole site.

Ms. Sampson stated that 45 gallon trees are required to be installed on commercial properties.

Commissioner Gordon asked for confirmation that no lights or PA system would be installed at the baseball field. He also mentioned the conversation at the public hearing regarding the possibility of a joint use agreement between the City and the school district for the use of the baseball facility. Commissioner Gordon questioned whether this was going to be the case, and if so, how the public would gain access to the property.

The applicant confirmed that no lights or PA system would be installed on the property. They also stated that the joint use agreement has not yet been finalized, but that the desire is still there. Mr. Savage and Mr. Gee stated that the site would be fenced and appropriately protected, but would remain unlocked at certain times in order for the public to gain access.

Commissioner Saikin asked for details on the construction process.

Mr. Savage explained that the project will be completed in phases, which will allow the students to attend class as usual. As part of phase 1, the baseball field will be moved over to the former Gordon site. Part of the existing campus will then be demolished and construction of the central plant will begin. The central building will then be hooked into the existing utilities. He added that they have hired a great contractor and that good safety measures have been put into place.

Commissioner Saikin asked what the timeframe is for the beginning of construction to completion of the campus.

Mr. Savage and Mr. Gee informed the Commission that they would like to start the first phase in June of 2018 and plan to have the whole project completed in the fall of 2021.

Commissioner Axelrad asked if existing parking facilities will be used once parts of

the campus have been demolished.

Mr. Savage confirmed that the site will be able to house the parking and staging areas during construction.

Chairman Stiggins asked if a condition would need to be included regarding the installation of the traffic signals, signage, medians, etc. that were depicted on the site plan.

Attorney Petrov agreed that it would be appropriate to add that as a condition.

Amended Motion: Commissioner Weldon amended the motion to reduce the enrollment cap to 2,800 students. His motion died for lack of a 2nd.

Commissioner Skinner then asked the rest of the Commission to help her craft some language to amend the motion to include the installation of a dedicated lane from South Rice onto Maple, which would lead into the parking garage.

A discussion ensued on whether the Commission wanted to require the installation of 1 or 2 lanes on Maple, where the lanes would be installed, and whether the installation of a barrier on the lane would suffice rather than requiring an additional lane.

Members of the Commission came up with the following language:

Amended Motion: Houston Independent School District must install 2 lanes, on HISD property, from South Rice Avenue into the parking garage on Maple Street, to include a hard median between Bellaire High School and Maple Street.

The amended motion was made by Commissioner Skinner and was seconded by Commissioner Taylor.

Commissioner Saikin and Vice Chairman Steinberg felt that the Commission was getting "too far into the weeds" of the application and stated that they trust HISD to create a safe campus with an efficient traffic plan for their students and faculty. Vice Chairman Steinberg was also concerned that the installation of more lanes would complicate the pedestrian crossing at that location.

Vote on the amended motion: Passed 4-3, with Chairman Stiggins, Vice Chairman Steinberg, and Commissioner Saikin voting against the motion.

Amended Motion: Commissioner Gordon made a motion to modify the second condition to state that no field lights or PA system shall be installed on either property. Commissioners Axelrad and Taylor seconded the motion.

Vote on the amended motion: Passed 7-0.

Amended Motion: Chairman Stiggins made a motion to include an additional condition stating that HISD must install all medians, striping, traffic signals, and signage as depicted in the proposal, subject to approval by the City's Traffic Engineer. Commissioner Skinner seconded the motion.

Vote on the amended motion: Passed 7-0.

Amended Motion: Commissioner Gordon made a motion to include a condition

that HISD must install deterrent landscaping, or other physical barriers to make it non-conducive for pick-up/drop-off and/or loitering in areas not designated for such action. Commissioner Axelrad seconded the motion.

Vice Chairman Steinberg felt that the language was too vague. He questioned who would decide on the areas where deterrent landscaping would be required, and what type of landscaping would be required.

Vote on the amended motion: Failed 1-6, with Commissioner Gordon voting in favor.

Attorney Petrov explained that if all of the desired conditions have been added, the Commission will need to vote on the original motion to approve the SUP. He added that there should be two votes, one for Bellaire High School (5100 Maple St), and another for the former Gordon Elementary site (6300 Avenue B).

Vote on the original motion to approve the SUP for the re-construction and operation of Bellaire High School, located at 5100 Maple Street: Passed 7-0.

Vote on the original motion to approve the SUP for the re-purposing of Gordon Elementary School, located at 6300 Avenue B, as Bellaire High School's baseball practice facility: Passed 7-0.

The Specific Use Permits were unanimously passed, with the following conditions:

Bellaire High School (5100 Maple St):

- a. The student enrollment shall not exceed 3,100 students, and the registrar's office should submit an enrollment affidavit at the beginning and end of each school year.
- b. Houston Independent School District must install 2 lanes, on HISD property, from South Rice Avenue into the parking garage on Maple Street, to include a hard median between Bellaire High School and Maple Street.
- c. No field lights or PA system shall be installed on the property.
- d. Houston Independent School District must install all medians, striping, traffic signals, and signage as depicted in the proposal, subject to approval by the City's Traffic Engineer.

Former Gordon Elementary (6300 Avenue B):

- a. No field lights or PA system shall be installed on the property.

RESULT:	APPROVED WITH CONDITIONS [UNANIMOUS]
MOVER:	Marc Steinberg, Commissioner
SECONDER:	Mike Axelrad, Commissioner
AYES:	Saikin, Axelrad, Gordon, Taylor, Steinberg, Stiggins, Skinner

2. Approval of the Commission's Report and Recommendation to City Council regarding the request for Specific Use Permits at 5100 Maple Street and 6300 Avenue B.

Staff informed the Commission that a draft report had been included in the packet and assured them that it would be revised to include the conversation that took place during consideration of the item.

RESULT: **APPROVED [UNANIMOUS]**
MOVER: Jonathan Saikin, Commissioner
SECONDER: Marc Steinberg, Commissioner
AYES: Saikin, Axelrad, Gordon, Taylor, Steinberg, Stiggins, Skinner

3. Amendment to the Planning and Zoning Commission's 2017-2018 Rules of Procedure to reflect the temporary change in the Regular Meeting schedule.

Chairman Stiggins explained that due to the construction of the new City facilities, the Planning and Zoning Commission meetings have been moved to the second Thursday of each month. He added that the Rules of Procedure need to reflect that change.

RESULT: **ADOPTED [UNANIMOUS]**
MOVER: Mike Axelrad, Commissioner
SECONDER: Marc Steinberg, Commissioner
AYES: Saikin, Axelrad, Gordon, Taylor, Steinberg, Stiggins, Skinner

VI. COMMITTEE REPORTS

There were no committee reports.

VII. CORRESPONDENCE

There was no correspondence.

VIII. REQUESTS FOR NEW BUSINESS, ANNOUNCEMENTS AND COMMENTS

1. **Staff liaison report on the status of projects previously addressed by the commission as well as projects for future meetings.**

Ms. Sampson informed the Commission that an application had been submitted for a zoning map amendment at 5217 and 5221 Palmetto to re-zone those properties from R-4 to R-5. She added that there are future plans to develop the properties as townhomes, which would require a planned development.

Vice Chairman Steinberg stated that he has been assisting this applicant and would therefore need to recuse himself from any discussion and/or vote on the application.

a. Visioning Bellaire: Urban Design and Conceptual Master Plan

Ms. Sampson explained that she will be getting with the Parks Department to come up with a plan and timeline to begin incorporating the Beautification Master Plan into the Comprehensive Plan. She added that she would do her best to have something for the Commission in October.

b. Bellaire Boulevard Estate Overlay District

Ms. Sampson informed the Commission that she plans to have a draft for them at their November meeting. She added that she will keep the Commission updated on any changes to the schedule.

c. Newcastle/Bissonnet property

Staff informed the Commission that the Texas Supreme Court had ruled against Sandcastle Homes and that it was being sent back to trial court. They stated that it could be a while before a ruling is made.

d. Commission Training

Ms. Sampson explained that there would be Commission specific training provided by the City Attorney or Assistant City Attorney in the near future.

2. 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

Commissioner Saikin mentioned the public comment made regarding a commercial parking garage exiting on a residential street and felt that this allowance should be visited by the Commission.

Staff then explained that the development in question was done by-right, based off of the regulations that were adopted by the Commission for the Corridor Mixed-Use (CMU) Zoning District.

The Commission stated that they felt as though the regulations regarding parking structures within that zone should be re-visited.

Vice Chairman Steinberg asked that this item be workshopped in the near future, to include Gary Mitchell of Kendig Keast Collaborative.

IX. ADJOURNMENT

Motion: a motion was made by Commissioner Axelrad and seconded by Commissioner Skinner to adjourn the Regular Meeting.

Vote: the motion was passed with a unanimous vote of 7-0.

The meeting was adjourned at 9:09 PM.

**Planning and Zoning
Commission**

Council Chamber, First Floor of City
Hall
Bellaire, TX 77401-4411



Meeting: 10/12/17 06:00 PM
Department: Development Services
Category: Public Hearing
Department Head: ChaVonne
Sampson
DOC ID: 2376

**SCHEDULED
PUBLIC HEARING (ID #
2376)**

Item Title:

Docket # Z-2017-03-Public Hearing on an application filed by John Parker, executor of the estate of Virginia W. Bohn, owner of the property at 5217 Palmetto, for an amendment to the Official Zoning District Map to re-zone the properties at 5217 and 5221 Palmetto from their current designation of R-4, Residential District, to R-5, Residential District, pursuant to Chapter 24, Section 24-603, Application for Amendment to Written Text or Official Zoning District Map of the City of Bellaire, Texas.

Background/Summary:

This public hearing is a request to amend the Official Zoning District Map for the properties located at 5217 & 5221 Palmetto. The applicant seeks to re-zone the properties from their current designation of R-4, *Residential District*, to R-5, *Residential District*.

If the requested zoning change is granted, the R-5 Residential District would allow for the development of townhomes, with the requirement of full zoning procedures/review before both the Commission and City Council; however, no site plan or housing development project is currently under consideration or review.

Site Details

Property Owners: Estate of Virginia W. Bohn and Johnnie & Fanella Smith
Applicant: John Parker, Executor of the Estate of Virginia W. Bohn

Location: 5217 & 5221 Palmetto

Legal Description: Lot Nine (9) and east one-half (1/2) of Lot Ten (10), in Block Forty-One (41), of the Town of Bellaire, an Addition in Harris County, Texas, According to the map or plat thereof, recorded in Volume 3, Page 59, of the Map Records of Harris County, Texas, together with the adjoining alley along the south property lines to the middle point thereof.

Lots Eleven (11) and Twelve (12) and west one-half (1/2) of Lot Ten (10), in Block Forty-One (41), of the Town of Bellaire, an Addition in Harris County, Texas, According to the map or plat thereof, recorded in Volume 3, Page 59, of the Map Records of Harris County, Texas, together with the adjoining alley along the south property lines to the middle point thereof.

Current Zoning: R-4 Residential
Requested Zoning: R-5 Residential
Future Land Use Map: General Residential

Notice Information:

Owners & Tenants of property within 500 feet: 142 letters mailed

Notification letters mailed: September 28, 2017

Legal Notice Published: September 26, 2017

Notification Signs Posted: September 5, 2017

Adjacent Base Zoning & Land Uses:

Direction: North

Current Base Zoning: R-5 Residential

Current Land Use: Townhomes

Direction: East

Current Base Zoning: R-5 Residential

Current Land Use: Townhomes

Direction: South

Current Base Zoning: R-4 Residential

Current Land Use: Single-Family Residential

Direction: West

Current Base Zoning: City of Houston

Current Land Use: Condos/Townhomes

Future Land Use Map

The Future Land Use Map designates these properties as "General Residential," which "covers many of the core single-family residential neighborhoods with the City of Homes" but "allows for less openness and separation between homes than in the Suburban and Estate residential areas."

The applicant states that the "property owners' economic rights are diminished by being restricted to single-family dwellings while having townhomes adjacent to the east and across the street." They go on to state that, "this proposed change would bring the property into conformity with the surrounding area and should not negatively impact the Comprehensive Plan."

City of Bellaire Code of Ordinances, Chapter 24, *Planning and Zoning*, Sections 24-533, *R-4 Residential* and 24-534, *R-5 Residential* are attached for your reference.

Recommendation:

This item is tentatively scheduled for consideration at the Commission's November 9, 2017 Meeting.

ATTACHMENTS:

- 5217, 5221 Palmetto Re-zone Application (PDF)
- Sec. 24-533, 534-R-4, R-5 Residential Districts (PDF)

Application for Amendment to the City of Bellaire Official Zoning District Map:

(1) Applicant:

John Parker, executor of the estate of Virginia W. Bohn
5003 Tamarisk
Bellaire, TX 77401

CITY OF BELLAIRE
RECEIVED

JUN 22 2017

Property address:

5217 Palmetto
Bellaire, TX 77401

DEVELOPMENT SERVICES

- (2) This proposal is to amend the zoning for 5217 and 5221 Palmetto to R5.
- (3) Request revert zoning of these two properties to the original townhouse development to which they were originally platted. As presently zoned (now like properties on streets to the south) property owners' economic rights are diminished by being restricted to single family dwellings while having townhomes adjacent to the east and across the street. Reversion to the original zoning will re-establish economic value and bring it into conformity with the properties to the north and east. 5217 Palmetto has been publicly advertised for sale with the Houston Association of Realtors now for 285 days at a list price in keeping with other City of Bellaire single family lot value properties of similar square foot. The only serious interest thus far has come from potential buyers who would want to build homes with a common wall or patio-type homes.
- (4) This proposed change would bring the property into conformity with the surrounding area and should not negatively impact the comprehensive plan. As 5217 and 5221 Palmetto are at the west City limits then this rezoning cannot in any way impose inappropriate use on other Bellaire properties.
- (5) The street addresses of the proposed zoning changes are 5221 and 5217 Palmetto.

Applicant is the executor of the estate of Virginia W. Bohn, owner of 5217 Palmetto.

The property is currently zoned for single family homes.

5217 Palmetto is a $\pm 10,500$ sq. ft. lot and 5221 is a $\pm 17,500$ sq. ft. lot.

Legal description of land:

Lot Nine (9) and East one-half (1/2) of Lot Ten (10), in Block Forty-one (41), of THE TOWN OF BELLAIRE, an Addition in HARRIS County, Texas, according to the map or plat thereof, recorded in Volume 3, Page 59, of the Map Records of HARRIS County, Texas, together with the adjoining alley along the South property lines to the middle point thereof, as conveyed by the City of Bellaire by instruments filed under HARRIS County Clerk's File Nos. R309009 and S228250.

Attachment: 5217, 5221 Palmetto Re-zone Application (2376 : 5217 & 5221 Palmetto-Rezone)

Subject to any and all sanitary sewer, storm sewer and utility lines, which may lie within the boundaries of abandoned alleys, together all rights and interests of all utility companies incident thereto, together with the reservation by the City of Bellaire as contained in Quit Claim Deed dated February 6, 1995, filed for record under Clerk's File No. S228250 of the Real Property Records of HARRIS County, Texas.

Subject to the zoning ordinances now in force in the City of Bellaire, Texas

CITY OF BELLAIRE
RECEIVED
JUN 22 2017
DEVELOPMENT SERVICES

March 9, 2017

City of Bellaire
Planning and Zoning

CITY OF BELLAIRE
RECEIVED

JUN 22 2017

DEVELOPMENT SERVICES

To Whom It May Concern:

As executor of the estate of the property owner at 5217 Palmetto, I request an amendment to the current zoning for this property to match the majority of the block facing Palmetto as it is today. Our property under its current zoning is out of place with the properties to the east on the same block and across the street. There does not appear to be a demand for the property to be used as a single family house due to being almost surrounded by townhomes. Any and all parties showing any interest keep mentioning the need for zoning to allow townhomes or patio homes on smaller lots which are restricted by the present zoning. I have spoken with my neighbor at 5221 Palmetto and they do not object to the property being rezoned for townhomes.

Thank you in advance for your consideration of this rezoning request.



John Parker, Executor for the estate of Virginia W. Bohn
5217 Palmetto

Attachment: 5217, 5221 Palmetto Re-zone Application (2376 : 5217 & 5221 Palmetto-Rezone)



STAN STANART
COUNTY CLERK, HARRIS COUNTY, TEXAS
PROBATE COURTS DEPARTMENT

IN MATTERS OF PROBATE

PROBATE COURT NO. **Three (3)**

HARRIS COUNTY, TEXAS

{
{ DOCKET NO. **444905**
{
{ ESTATE OF: **FLORENCE VIRGINIA WALKER BOHN, DECEASED**
{

LETTERS TESTAMENTARY

Know all men by these presents that it is hereby certified:

1. On **JANUARY 20, 2016**, **JOHN T. PARKER** was duly appointed by order of said court as **INDEPENDENT EXECUTOR**, of the Last Will of **FLORENCE VIRGINIA WALKER BOHN, DECEASED**;
2. On **JANUARY 20, 2016**, said **INDEPENDENT EXECUTOR** qualified as the law requires;
3. Insofar as the records in my office show, said **INDEPENDENT EXECUTOR** is still acting in said capacity.

Witness my hand and seal of said court, at Houston, Texas, on January 20, 2016.

(SEAL)

STAN STANART, County Clerk
Probate Court No. Three (3)
201 Caroline, Room 800
Harris County, Texas

Angelina Castillo
Angelina Castillo
Deputy County Clerk

SS/ac

Attachment: 5217, 5221 Palmetto Re-zone Application (2376 : 5217 & 5221 Palmetto-Rezone)

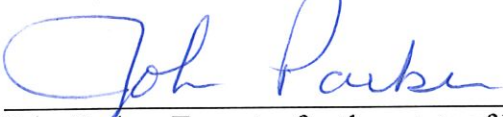
September 5, 2017

City of Bellaire
Planning and Zoning

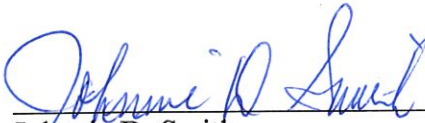
To Whom It May Concern:

We the property owners of 5217 and 5221 Palmetto request an amendment to the current zoning for these properties. Our properties are out of place with the properties to the east and across the street. The other properties in this neighborhood are townhouses and it is our belief that this rezoning will allow the properties to be more aligned with the zoning of the surrounding properties. The surrounding townhomes and proximity to the city line to the west will not impose inappropriate use on other Bellaire properties.

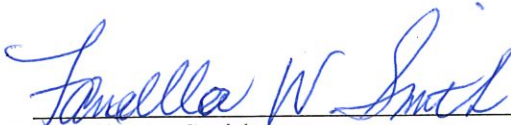
Thank you in advance for your consideration of this rezoning request.



John Parker, Executor for the estate of Virginia W. Bohn
5217 Palmetto



Johnnie D. Smith
5221 Palmetto



Fanella W. Smith
5221 Palmetto

475	59	59	60.5
11	10	9	
5304 -0011	5302 -0010	5300 -0009	
59	59	60.5	

WAZA PALMETTO ST

59	60.5
1	-0001
5303 -0001	60.5
2	-0002
5303 -0002	60.5
59	60.5

PALMETTO TOWNHOMES

002-0001 THRU 002-0012

RIS CONDO REGIME

117-486

003-0013 THRU 003-0018

004-0019 THRU 004-0024

COMMON AREA

6A

6426
-0006

16

6-0008

GULFTON AREA MMD

WOODLAWN DRIVE TRENTON PLACE

430043	42	41	40	39	38	37	36	35
44-0044	-0042	-0041	-0040	-0039	-0038	-0037	-0036	-0035
45-0045	100	100	100	100	100	100	100	100
46-0046	32	22	22	22	22	22	22	22
47-0047	100	100	100	100	100	100	100	100
48-0048	32	22	22	22	22	22	22	22
49-0049	100	100	100	100	100	100	100	100
50-0050	32	22	22	22	22	22	22	22
51-0051	100	100	100	100	100	100	100	100
52-0052	32	22	22	22	22	22	22	22
53-0053	100	100	100	100	100	100	100	100
54-0054	32	22	22	22	22	22	22	22

MEREDITH DRIVE

105-566

5.a

34	33	32	31	30
-0034	-0033	-0032	-0031	
22	22	22	22	22

55-0055	60-0060	65-0065
56-0056	61-0061	66-0066
57-0057	62-0062	67-0067
58-0058	63-0063	68-0068
59-0059	64-0064	69-0069

PALMETTO SQUARE

101-433

12	11	10	10A	9	L	K	J	I	H	G	F	E	D	C	B	A	3
5221	-0010	5217	-0009	5205	-0012	5205	-0011	5205	-0010	5205	-0009	5205	-0008	5205	-0007	5205	-0006
135	135	135	135	135	135	135	135	135	135	135	135	135	135	135	135	135	135
50	50	25	25	50	23	18	18	18	23	35	18	20	18	18	18	23	50

50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	
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5218 BEECH AMEND

007-055

BELLAIRE AVE

007-055

12	11	10	9	8	7	6	5	4	3
5223	5221	5219	5217	5215	5213	5211	5209	5207	5205
-0012	-0011	-0010	-0009	-0008	-0007	-0006	-0005	-0004	
135	135	135	135	135	135	135	135	135	
50	50	50	50	50	50	50	50	50	50

42
50

5205
5207
5209
5211
5213
5215
5217
5219
5221
5223

Attachment: 5

50	50	50	50	50	50	50	50	50	50
13	14	15	16	17	18	19	20	21	22
125	125	125	125	125	125	125	125	125	125
5222	5220	5218	5216	5214	5212	5210	5208	5206	5204
-0013	-0014	-0015	-0016	-0017	-0018	-0019	-0020	-0021	
125	125	125	125	125	125	125	125	125	125
50	50	50	50	50	50	50	50	50	50

Attachment: 5217, 5221 Palmetto Re-zone Application (2376 : 5217 & 5221 Palmetto-Rezone)

Sec. 24-533. - R-4 Residential District.

A. *Purpose.* The R-4 Residential District is a medium density residential area characterized by the zoning requirements set forth in this Section.

B. *Uses.*

(1) *Permitted uses:*

- a) Single-family dwellings;
- b) Public parks; and
- c) Utilities:
 - 1) Local utility distribution lines;
 - 2) Telephone lines and related cross connecting points;
 - 3) Accessory uses, subject to the requirements of Section 24-510;
- d) Home occupations, subject to the requirements of Section 24-517;
- e) Facilities owned and maintained by the City; and
- f) Deleted. (Ord. No. 89-009, § 1, 3-6-1989)

(2) *Specific uses:*

- a) Schools; and
- b) Churches. (Ord. No. 81-067, § 3, 1981)

C. *Standard regulations:*

(1) *Residential structures.*

a) *Size and area:*

- 1) *Minimum lot area:* 5,000 square feet;
- 2) *Maximum lot coverage:* For lots having an area equal to or less than seven thousand (7,000) square feet: Sixty (60) percent of lot area. Maximum lot coverage for lots having an area greater than seven thousand (7,000) square feet: the greater of four thousand two hundred (4,200) square feet or fifty-five (55) percent of lot area. (Ord. No. 89-009, § 1, 3-6-1989; Ord. No. 07-074, § 2(Exh. A), 12-3-2007)
- 3) *Minimum lot depth:* 100 feet;
- 4) *Maximum building height:* 2½ stories not to exceed twenty-five (25) feet to the top plate of the second story and thirty-five (35) feet six (6) inches at any ridge pole. Height measurements shall be from the top of the lowest level of the top of the foundation of the heated or air conditioned building enclosed within the outer walls of the structure. Cooling towers, chimneys, radio and television antennas, and vent stacks may extend to a height not to exceed forty (40) feet above the average level of the base of the foundation of the building. Radio communication antennas for non-commercial service may not exceed sixty (60) feet above the average level of the base of the foundation of the building. (Ord. No. 01-006, § 4(24-533C(1)(a)4), 1-15-2001; as amended by Ord. No. 04-034, § 2(24-533C(1)(a)4), 6-7-2004)
- 5) *Minimum floor area per dwelling unit:* 1,100 square feet;
- 6) *Minimum required yards:*
 - a. *Front yard:* Twenty-five (25) feet;

- b. *Side yard:* Eight (8) feet for lots having a width greater than ninety (90) feet and six (6) feet for lots having a width greater than seventy (70) feet and equal to or less than ninety (90) feet and five (5) feet for lots having a width less than seventy (70) feet, provided that on a corner lot, both street exposures shall be treated as front yards on all lots platted after the date of enactment of this chapter, except that where one street exposure is designated as a side yard by a building line shown on a plat approved by the Planning and Zoning Commission, containing a side yard of ten (10) feet or more, the building line provisions on the plat shall be observed. On lots which were official corner lots of record prior to the date of enactment of this chapter, the minimum side yard adjacent to the side street shall be ten (10) feet. For any accessory structure, there shall be a side yard of not less than three (3) feet from any interior side lot line which such accessory structure is located in the rear of the lot (which is to the rear of a line connecting the midpoints of the two opposite side lot lines). When any part of an accessory structure is located in front of the line connecting the two midpoints of the two opposite side lot lines, then the same side yard as specified for the main building is required; (Ord. No. 81-006, § 6, 2-23-1981; Ord. No. 89-009, § 1, 3-6-1989; Ord. No. 07-074, § 2(Exh. A), 12-3-2007)
 - c. *Architectural features:* the outermost point of architectural features (roof eaves, fireplaces and/or chimneys or bay windows, excluding fireplaces which are attached to the ground) projecting from the side building line shall be a minimum of three (3) feet from the side property line. No other projection from the side building line shall be permitted. (Ord. No. 91-012, § 19, 3-4-1991)
 - d. *Rear yard:*
 - 1. For the main residential structure, ten (10) feet from the rear property line;
 - 2. For any accessory structure, five (5) feet from the rear property line;
 - 3. In computing rear yard, all measurements shall be made from the rear property line as shown on the plat properly filed for record in the office of the County Clerk of Harris County, Texas. (Ord. No. 91-012, § 9, 3-4-1991)
- 7) *Maximum lot coverage:* 60 percent of lot area. (Ord. No. 89-009, § 1, 3-6-1989)
- b) *Parking.* Two (2) on-site spaces per dwelling unit, subject to the requirements of Section 24-514.
- (2) *Nonresidential structures.*
- a) *Reserved.*
 - b) *Reserved.*

(Ord. No. 82-020, § 19, 3-29-1982; Ord. No. 07-074, § 2(Exh. A), 12-3-2007; [Ord. No. 14-041, § 1, 8-18-2014](#))

Sec. 24-534. - R-5 Residential District.

- A. *Purpose.* The R-5 Residential District is a medium to upper medium density residential area characterized by the zoning requirements set forth in this Section.
- B. *Uses:*
- (1) *Permitted uses:*
 - a) Single-family dwellings;
 - b) Public parks;
 - c) Utilities:
 - 1) Local utility distribution lines;
 - 2) Telephone lines and related cross connecting points;
 - d) Accessory uses, subject to the requirements of Section 24-510;
 - e) Home occupations, subject to the requirements of Section 24-517;
 - f) Facilities owned and maintained by the City; and
 - g) Planned Development: Residential.
 - (2) *Specific uses:*
 - a) Schools; and
 - b) Churches. (Ord. No. 81-067, § 4, 1981)
- C. *Standard regulations:*
- (1) *Residential structures:*
 - a) *Size and area:*
 - 1) *Minimum lot area:* 5,000 square feet;
 - 2) *Minimum lot width:* 50 feet;
 - 3) *Minimum lot depth:* 100 feet;
 - 4) *Maximum building height:* 2½ stories not to exceed twenty-five (25) feet to the top plate of the second story and thirty-five (35) feet six (6) inches at any ridge pole. Height measurements shall be from the top of the lowest level of the top of the foundation of the heated or air conditioned building enclosed within the outer walls of the structure. Cooling towers, chimneys, radio and television antennas, and vent stacks may extend to a height not to exceed forty (40) feet above the average level of the base of the foundation of the building. Radio communication antennas for non-commercial service may not exceed sixty (60) feet above the average level of the base of the foundation of the building. (Ord. No. 01-006, § 5(24-534C(1)(a)4), 1-15-2001; as amended by Ord. No. 04-034, § 2(24-534C(1)(a)4), 6-7-2004)
 - 5) *Minimum floor area per dwelling unit:* 1,100 square feet;
 - 6) *Minimum required yards:*
 - a. *Front yard:* Twenty-five (25) feet;
 - b. *Side yard:* Eight (8) feet for lots having a width greater than ninety (90) feet and six (6) feet for lots having a width greater than seventy (70) feet and equal to or less than ninety (90) feet and five (5) feet for lots having a width of less than

seventy (70) feet, provided that on a corner lot, both street exposures shall be treated as front yards on all lots platted after the date of enactment of this chapter, except that where one street exposure is designated as a side yard by a building line shown on a plat approved by the Planning and Zoning Commission, containing a side yard of ten (10) feet or more, the building line provisions on the plat shall be observed. On lots which were official corner lots of record prior to the date of enactment of this chapter, the minimum side yard adjacent to the side street shall be ten (10) feet.

For any accessory structure, there shall be a side yard of not less than three (3) feet from any interior side lot line when such accessory structure is located in the rear of the lot (which is to the rear of a line connecting the midpoints of the two opposite side lot lines). When any part of an accessory structure is located in front of the line connecting the two midpoints of the two opposite side lot lines, then the same side yard as specified for the main building is required; (Ord. No. 81-006, § 6, 2-23-1981; Ord. No. 89-009, § 1, 3-6-1989; Ord. No. 07-074, § 2(Exh. A), 12-3-2007)

- c. *Architectural features:* the outermost point of architectural features (roof eaves, fireplaces and/or chimneys or bay windows, excluding fireplaces which are attached to the ground) projecting from the side building line shall be a minimum of three (3) feet from the side property line. No other projection from the side building line shall be permitted; (Ord. No. 91-012, § 20, 3-4-1991)
- d. *Rear yard:*
 - 1. For the main residential structure, ten (10) feet from the rear property line;
 - 2. For any accessory structure, five (5) feet from the rear property line; and
 - 3. In computing rear yard, all measurements shall be made from the rear property line as shown on the plat properly filed for record in the office of the County Clerk of Harris County, Texas. (Ord. No. 91-012, § 10, 3-4-1991)

7) *Maximum lot coverage:* 55 percent of lot area. (Ord. No. 89-009, § 1, 3-6-1989)

- b) *Parking.* Two (2) on-site spaces per dwelling unit, subject to the requirements of Section 24-514.

(2) *Nonresidential structures:*

- a) *Reserved.*
- b) *Reserved.*

D. *Planned Development: Residential.* Planned developments may be approved in this District under the amendatory procedures of this chapter, subject to the following restrictions and limitations.

(1) *Size and area:*

- a) *Project area:* A planned development in an R-5 Residential District shall have a minimum site of two (2) acres except in the event that a site of less than two (2) acres is bounded on two or more sides by town homes. In the latter instance the minimum size and area shall be that which is designated on the approved plat of the planned development. In either event the project area shall have a minimum average equivalent lot size of 5,000 square feet; (Ord. No. 82-020, § 20, 3-29-1982)
- b) *Maximum building height:* 2½ stories, except that cooling towers, roof gables, chimneys, radio and television antennas and vent stacks may extend for an additional height, the total not to exceed forty (40) feet above the average level of the base of the foundation of the building. Radio communications antennas for non-commercial service may not exceed sixty (60) feet above the average level of the base of the foundation of the building;

c) *Minimum floor area per dwelling unit:* 1,550 square feet;

d) *Building lines:*

- 1) The front building line shall be set back a minimum of ten (10) feet from any new street right-of-way dedicated as part of the planned development district, except that in no case shall required parking obstruct pedestrian flow on the required sidewalk;

The front building line facing an existing public street shall be set back from the public street right-of-way a minimum distance, which shall be determined by computing the average distance between the outermost surface of the existing main buildings on the two (2) abutting lots and the edge of the public street right-of-way.

In the event that the front building line faces a court, as that term is defined herein, there shall be a minimum separation between front building lines of forty (40) feet with at least ten (10) feet of yard space from the front of the building to the property line and twenty (20) feet for a public utility easement, for pedestrian access as well as utilities between the property lines;

- 2) No building line of any structure within the planned development district shall be located any closer than six (6) feet from the side lot line of any residential lot adjacent to the planned development district. In the event that any portion of the planned development site includes a corner lot, no such building line shall be located any closer than ten (10) feet to the right-of-way of the adjacent side street, designated as such on the approved plat of the planned development. Within the interior of the planned development district, zero lot lines are permitted for adjacent residential units; but in the event that the main residential units are separated, a minimum of eight (8) feet must be maintained between units;
- 3) No building line of any structure within the planned development district shall be located any closer than ten (10) feet to the rear lot line of any adjacent residential lot;
- 4) No contiguous building lines of structures having zero lot lines shall exceed two hundred (200) linear feet; and
- 5) In no case shall any building line of any structure within the planned development district be located nearer than ten (10) feet to the street right-of-way of Bellaire Boulevard.

f) *Maximum site coverage:* 60 percent of site area.

- (2) *Parking and driveways.* Each home within the planned development district shall have a two (2) car garage; driveways shall be of such design as to accommodate two (2) vehicles totally on site. Within the planned development district, two (2) garages of neighboring dwelling units may share a common wall on a common lot line so long as the required eight (8) foot minimum distance is maintained between separated main residential structures;
- (3) *Screening.* Screening shall be required between the planned development district and abutting property in commercial use, according to the specifications set forth in Section 24-513 of Division 1 of this Article;
- (4) *Landscaping.* In addition to that landscaping which may be an integral part of the screening herein required, landscaping shall also be required for the purpose of providing an acceptable transition between the planned development district and surrounding lower density residential development.

(Ord. No. 07-074, § 2(Exh. A), 12-3-2007; [Ord. No. 14-041, § 1, 8-18-2014](#))