

CITY OF BELLAIRE TEXAS

PLANNING AND ZONING COMMISSION

NOVEMBER 9, 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**

- A. Planning and Zoning Commission - Regular Session - Oct 12, 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. CURRENT BUSINESS (ITEMS FOR DISCUSSION, CONSIDERATION, AND/OR POSSIBLE ACTION)

- A. Docket #Z-2017-03-Consideration of 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.
- B. Approval of the Commission's Report and Recommendation to City Council regarding the request to re-zone the properties at 5217 & 5221 Palmetto.

VI. COMMITTEE REPORTS**VII. 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.
- 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

IX. ADJOURNMENT



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

I. CALL TO ORDER AND ANNOUNCEMENT OF QUORUM

Chairman Stiggins called the meeting to order at 6:03 PM, and announced that a quorum was present consisting of the following members:

Attendee Name	Title	Status	Arrived
Jonathan Saikin	Commissioner	Present	
Mike Axelrad	Commissioner	Present	
Ross Gordon	Commissioner	Present	
Weldon Taylor	Commissioner	Present	
Marc Steinberg	Vice Chairman	Present	
Dirk Stiggins	Chairman	Present	
S. Lynne Skinner	Commissioner	Present	
ChaVonne Sampson	Development Services Manager	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 - Aug 10, 2017 6:00 PM

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

III. REMINDER TO CITIZENS DESIRING TO ADDRESS THE COMMISSION

Chairman Stiggins reminded anyone who wished to speak to fill out a sign in sheet. He mentioned that the public would have two opportunities for comments, one during the general public comment section of the agenda and another during the public hearing.

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.

There were no general public comments.

Minutes Acceptance: Minutes of Oct 12, 2017 6:00 PM (Approval of Minutes from Past Meetings)

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

Ms. Sampson introduced the public hearing process.

2. Presentation by the Applicant

John Parker, Executor of the Estate of Virginia Bohn, owner of 5217 Palmetto-

Mr. Parker explained that the properties at 5217 and 5221 Palmetto were left an "island" when the neighboring properties were allowed to be turned into a townhome development, and because of this, the request could not be considered "spot zoning." He added that everyone that he had spoken with regarding the properties at 5217 and 5221 thought that they were included in the re-zoning request for the townhome development adjacent to these properties. Mr. Parker stated the property has been marketed as a single-family property at lot value for the last several months and the only interest has been with "multi-family housing." He felt that the present zoning classification of single-family is creating an economic hardship for the estate. Mr. Parker mentioned that Bellaire is in need of alternative housing types for seniors and other individuals who would like to live in Bellaire, but want to down size. He pointed out that any future redevelopment would require the flood detention requirements that the townhomes adjacent to the properties and across the street do not have. He stated that he doesn't feel that this re-zoning would create a burden due to the fact that most of the surrounding properties are already zoned for townhouse development. Mr. Parker provided the Commission with a copy of the application information, as well as a map of the properties in question.

Mike Livingston-Mr. Livingston explained that he is the real estate agent that is representing the property at 5217 Palmetto. He informed the Commission that the surrounding townhomes were developed in the 70's, but that these two lots were left out. He clarified that the term "multi-family" housing, which was used by the property owner, is not correct. He explained that the term "multi-family" is used when dealing with apartment complexes and this would not be developed as apartments, but rather townhomes or "single-family attached." He then gave examples of the sizes of townhomes in the surrounding area, and how many units could be put on the two properties in question, based on their lot size. Mr. Livingston stated that the lots at 5217 and 5221 Palmetto are 75 feet by 135 feet, and 125 feet by 135 feet, respectively, which could easily accommodate two townhouses on each.

3. Staff Findings

Ms. Sampson informed the Commission that the applicant is requesting to amend the Official Zoning District map for the properties at 5217 and 5221 Palmetto from the current designation of R-4 Residential, to the R-5 Residential District. She stated that if this request is granted, it would allow for the development of townhomes through the planned development process, and would come before the Commission and City Council for approval. She stated that discussions on the size and number of townhomes would

take place at that time. Ms. Sampson mentioned that there is a minimum acreage that is required in order for a property to apply for a planned development, which these do not meet. However, the fact that the lots are surrounded by townhome developments causes them to be eligible.

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.**

Chairman Stiggins read a written comment into the record from a Mr. Steve Williams:

"Oppose re-zoning from R-4 to R-5. Created nice residential/opposes multi-family"

Lynn McBee-Ms. McBee stated that she remembers the creation of the townhome development adjacent to the properties in question, and that it was supposed to be "discreet" and specifically located. She added that the two properties are a total of 28,000 square feet, which could produce an about 5-6 townhome units. Ms. McBee felt that the fact that there are townhomes located across the street in the City of Houston is not a proper comparison due to the fact that the City of Houston has no zoning. She also mentioned that the lot coverage and various other standards would dramatically change, assuming approval of the request, which would increase the density on the two lots. She stated that for this reason she opposes the application. Ms. McBee informed the Commission that it is their job to evaluate the zoning and its underlying principles so that people who bought into properties are not surprised by sudden changes that they believe are inappropriate. She reiterated that the properties would still require a planned development to allow for townhomes, and felt that it was not appropriate for the Commission to consider this application without a specific project attached to it. She suggested that the Commission deny the request and require the applicant to come back in the future and re-apply.

5. Response of Applicant

Mr. Parker stated that the request at this point is simply to re-zone the two properties from one residential designation to another residential designation in order to allow for the redevelopment of the property. He stated that it is currently uninhabitable.

Mr. Livingston added that the property has been on the market for 13 months at fair market value, or \$54/square foot. He reiterated that the only interest is with townhome development, and agreed with Mr. Parker's comment that there are people looking for more ways to stay in Bellaire. Mr. Livingston pointed out that during the planned development process flood retention would be required.

6. Questions from the Commission

Commissioner Axelrad stated that it sounds a lot like "spot zoning" to him and suggested that the Commission might need to take a broader look at the whole area, maybe through a change in the Comprehensive Plan. He questioned why there were properties on either side that were left out of the townhome development, and stated that he feels as though this was not done by happenstance.

Ms. Sampson informed the Commission that staff has been doing some research to try and find the history on how the townhome development came to be and why only certain properties were included in the development. She added that so far nothing has been found to shed any light on the matter. Ms. Sampson assured the Commission that staff will continue to search and will hopefully have more information for them at their next meeting.

Commissioner Gordon asked for clarification on whether or not the property owner at 5221 Palmetto was in fact in favor of the application, and whether that individual was present.

The property owner of 5221 was in attendance and confirmed that he is in favor the re-zoning request.

Commissioner Gordon asked what criteria is looked at by the City or Commission when determining whether to approve or deny a planned development application.

Ms. Sampson stated that she would have that information for the Commission's next meeting.

Commissioner Taylor asked if the economic impact on the application a consideration for this Commission.

Attorney Petrov stated that the Commission can consider it, however, it may not be their guiding consideration.

Commissioner Taylor stated that he would also be interested in knowing the history of the properties.

7. Invitation for Written Comments, if applicable

Staff informed the public that written comments on the application will be accepted until Wednesday, November 1st.

8. Closure of the Public Hearing

Motion: a motion was made by Commissioner Skinner and seconded by Commissioner Axelrad to close the public hearing.

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

The public hearing closed at 6:37 PM.

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

There was no current business.

VII. COMMITTEE REPORTS

There were no committee reports.

VIII. CORRESPONDENCE

There was no 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

Ms. Sampson stated that staff is working on putting together a report on Terrain Studio's findings and once that is completed, the Commission can discuss the next steps.

b. Bellaire Boulevard Estate Overlay District

Ms. Sampson explained that staff is working on putting together an update on proposed changes to the Bellaire Boulevard Estate Overlay District and that it will be discussed at the Commission's training session on November 16th.

c. Commission Training

Ms. Sampson informed the Commission that staff is planning a training session for Planning and Zoning and the Board of Adjustment on Thursday, November 16th. She stated that an invitation will be sent out in the upcoming weeks, and urged all of the Commissioners to attend. Ms. Sampson added that during that time, there will be conversations about topics that have come up in recent months, such as the Bellaire Boulevard Estate Overlay District and the Beautification Master Plan, and staff will try to create a timeline of when these items will be considered by the Commission.

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 Axelrad mentioned the devastation caused by Harvey and previous storms and stated that his fear is that at some point FEMA is not going to allow certain residents to rebuild. He then asked if it would be possible for the Commission to get a map of the homes that have flooded in the three flood events. Commissioner Axelrad felt that the result could ultimately be empty lots throughout the City, and the Commission needs to get ahead of the game and start thinking on a broader basis regarding zoning.

Ms. Sampson stated that she would not be able to give out the addresses of the flooded homes due to the fact that it is confidential, but that a heat map could possibly be used to get that information. She added that she would work on putting something together for the Commission. Ms. Sampson mentioned that from what she can tell, based on the homes that have been deemed substantially damaged so far, no pockets are being created. the City Engineer is currently working on a map of the flooded areas of the City which she should be able to send out to the Commission once it is completed.

Vice Chairman Steinberg mentioned that a map of water height could be done by street. He then asked if the storm had impacted Bellaire High School's timeline for re-building.

Ms. Sampson stated that she will be meeting with HISD in the next two weeks, but at this point they are still looking to break ground at the end of this school year.

Commissioner Gordon stated that although it is unlikely that there will be large areas that are unable to be developed, certain areas of the City may have a higher elevation requirement.

Ms. Sampson informed the Commission that the City has formed a Floodplain Mitigation Task Force and a lot of this information will be discussed by those individuals. She added that she may bring reports of those meetings back to the Commission.

Commissioner Saikin asked when the Task Force will be meeting.

Ms. Sampson stated that the first meeting of the Task Force will be at the end of October, with the goal of March 2018 to take the plan to City Council.

Commissioner Saikin asked how often the group will be meeting, and if they are public meetings.

Ms. Sampson stated that they do not currently have a schedule of when those meetings will take place, but that they will be held in the CenterPoint room and will be open to the public.

Attorney Petrov asked who the members of the Task Force are.

Ms. Sampson explained that there are several members of staff, along with 8 Bellaire residents and stakeholders.

Commissioner Saikin asked for clarification on who the stakeholders would be.

Ms. Sampson stated that it could be individuals from a utility company, or any other entity that fits within FEMA's guidelines of who the Task Force should include.

Chairman Stiggins asked if all of the information was up on the City website.

Ms. Sampson explained that currently it is not on the City website, but information will be sent out prior to the meetings.

Vice Chairman Steinberg asked if there had been any updates on the Chevron property.

Ms. Sampson stated that there have been questions about the update that was done to the Comprehensive Plan, but no questions regarding specific projects.

Commissioner Gordon agreed that the Commission should be kept up to date on the Task Force as they proceed.

Chairman Stiggins mentioned the conversation that the Commission had at a previous meeting regarding parking garages located in commercial districts that abut residential zoning districts. He reminded staff that this item needs to be listed on the agenda in the future.

Commissioner Saikin mentioned the Beautification Master Plan and felt that the Commission and the City's main focus should be on the Floodplain Mitigation Plan. He added that topics like the parking garage and the Beautification Master Plan should be put to the side. He added that the City needs to be rebuilt and discussing beautification at a time like this makes no sense.

Chairman Stiggins mentioned that a lot of items coincide with City Council, and for that reason it may be hard for the Commission to put certain topics off.

Commissioner Saikin stated that he does not want to discuss beautification until the issue of flooding has been dealt with.

Commissioner Skinner asked Attorney Petrov how the Commission could send a message to City Council about focusing strictly on flooding.

Ms. Sampson suggested that there be a discussion during the training session regarding the topics that the Commission would like to temporarily remove from the list of business.

Vice Chairman Steinberg suggested that Commissioners attend the City Council meetings to voice concerns such as this.

Chairman Stiggins asked that staff give the Commission some ideas on how they can add value to Floodplain Mitigation Plan.

Ms. Sampson stated that she will need some time to figure out what the Commission's role could be.

Chairman Stiggins agreed with Vice Chairman Steinberg that speaking at a Council meeting would be a great way to get their opinions heard. He also suggested that maybe the Commission hold a workshop on the topic of flooding and add it to an agenda in the near future.

Commissioner Gordon mentioned that the members should also be thinking about the role of the Commission in this process and how the Commission can have an influence.

X. ADJOURNMENT

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

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

The meeting was adjourned at 6:57 PM.

Planning and Zoning Commission

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



Meeting: 11/09/17 06:00 PM
Department: Development Services
Category: Amendment
Department Head: ChaVonne Sampson
DOC ID: 2393

SCHEDULED ACTION ITEM (ID # 2393)

Item Title:

Docket #Z-2017-03-Consideration of 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:

On October 12, 2017, the Planning and Zoning Commission held a public hearing on a zoning application filed by John Parker, for the properties located at 5217 & 5221 Palmetto. The applicant requests an amendment to the City's Official Zoning District Map to re-zone the two properties from their current designation of R-4, Residential District, to R-5, Residential District. If approved, the re-zoning would allow an application for a residential planned development.

During the public hearing, two (2) public comments were received that spoke against the application citing concerns such as an increase in density/lot coverage and flooding in the area.

It is important to keep in mind that no project is currently being proposed, and that the request before the Commission is simply to re-zone the properties at 5217 & 5221 Palmetto from the R-4 Zoning District to the R-5 Zoning District. Based on the size of the lots in question, and prior to a planned development being approved by the Commission and City Council, this change in zoning would have no impact on the standard zoning regulations that the lots must follow. A comparison of zoning district regulations is attached.

History of Townhome Development

Trenton Place, the development to the north and east of to the two properties in question was created in the late 60's or early 70's, when a number of lots were subdivided to permit townhomes. However, the two properties on either end of Palmetto Street were not included in the development and kept their current designation, which at the time was R-3 Residential. These properties were 5201, 5203, 5217 and 5221 Palmetto. Attached for your review are the minutes from the public hearing and a Zoning District Map from 1975.

Recommendation

There is no language present within the Comprehensive Plan that either supports or opposes the proposed zoning amendment, as the properties in question are designated simply as "General Residential" on the Future Land Use Map.

Upon review of the application and based on the information provided, the Director of Development Services does not oppose the granting of this request.

ATTACHMENTS:

- 5217, 5221 Palmetto Application (PDF)
- History of Townhome Development (PDF)
- Zoning District Regulations (PDF)
- Proposed Zoning District Map-R4 to R5 (2) (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 Application (2393 : Consideration-5217 & 5221 Palmetto Re-zone)

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 Application (2393 : Consideration-5217 & 5221 Palmetto Re-zone)



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

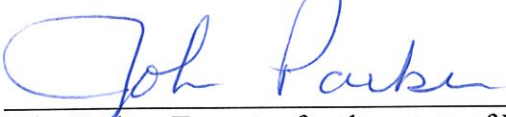
September 5, 2017

City of Bellaire
Planning and Zoning

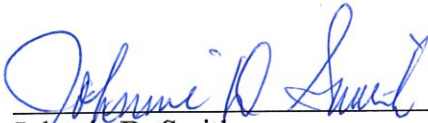
To Whom It May Concern:

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.

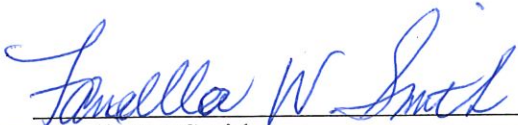
Thank you in advance for your consideration of this rezoning request.



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



Johnnie D. Smith
5221 Palmetto



Fanella W. Smith
5221 Palmetto

Attachment: 5217, 5221 Palmetto Application (2393 : Consideration-5217 & 5221 Palmetto Re-zone)

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

WAZA PALMETTO ST

59	60.5
5305 -0006	1
5303 -0001	-0001
5303 -0002	2
59	60.5

METTO 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	34	33	32	31	30
44-0044	-0042	-0041	-0040	-0039	-0038	-0037	-0036	-0035	-0034	-0033	-0032	-0031	
45-0045	100	100	100	100	100	100	100	100	100	100	100	100	
46-0046	32	22	22	22	22	22	22	22	22	22	22	22	
47-0047	100	100	100	100	100	100	100	100	100	100	100	100	
48-0048	22	22	22	22	22	22	22	22	22	22	22	22	
49-0049	100	100	100	100	100	100	100	100	100	100	100	100	
50-0050	22	22	22	22	22	22	22	22	22	22	22	22	
51-0051	100	100	100	100	100	100	100	100	100	100	100	100	
52-0052	22	22	22	22	22	22	22	22	22	22	22	22	
53-0053	100	100	100	100	100	100	100	100	100	100	100	100	
54-0054	32	22	22	22	22	22	22	22	22	22	22	22	

55-0055	56-0056	57-0057	58-0058	59-0059	60-0060	61-0061	62-0062	63-0063	64-0064	65-0065	66-0066	67-0067	68-0068	69-0069
100	100	100	100	100	100	100	100	100	100	100	100	100	100	100
28.6	28.6	28.6	28.6	28.6	28.6	28.6	28.6	28.6	28.6	28.6	28.6	28.6	28.6	28.6

PALMETTO SQUA

101-433

12	11	10	10A	9	L	K	J	I	H	G	F	E	D	C	B	A	3
50	50	25	25	50	23	18	18	18	23	35	18	20	18	18	18	23	50
5221 -0010	5217 -0009	5205 -0012	5205 -0011	5205 -0010	5205 -0009	5205 -0008	5205 -0007	5205 -0006	5205 -0005	5205 -0004	5205 -0003	5205 -0002	5205 -0001	5205 -0000	5205 -0000	5205 -0000	5205 -0000
135	135	135	135	135	135	135	135	135	135	135	135	135	135	135	135	135	135

5218 BEECH AMEND

007-055

13	14A-1	14A	16	17	18	19	20A
50	50	50	50	50	50	50	50
5222 -0013	5220 -0025	5218 -0015	5216 -0016	5214 -0017	5212 -0018	5210 -0019	5206 -0020
145	145	145	145	145	145	145	145

BELLAIRE AVE

007-055

12	11	10	9	8	7	6	5	4	3
50	50	50	50	50	50	50	50	50	50
5223 -0012	5221 -0011	5219 -0010	5217 -0009	5215 -0008	5213 -0007	5211 -0006	5209 -0005	5207 -0004	5205 -0003
135	135	135	135	135	135	135	135	135	135

16-0008

13	14	15	16	17	18	19	20	21	22
50	50	50	50	50	50	50	50	50	50
5222 -0013	5220 -0014	5218 -0015	5216 -0016	5214 -0017	5212 -0018	5210 -0019	5208 -0020	5206 -0021	5204 -0022
125	125	125	125	125	125	125	125	125	125

Attachment: 5217, 5221 Palmetto Application (2393 : Consideration-5217 & 5221 Palmetto Re-zone)

Council Minutes
November 1, 1967

The regular meeting of the Bellaire City Council was held in the Council Room of the City Hall, 308 South Rice Avenue, at 7:00 P.M. on November 1, 1967.

Present: Mayor Rouse, Councilmen Kelly, Geyer, Watts, Holmes, Carl and Webster, City Manager Summers, City Attorney Strong and City Clerk Gallagher.

The meeting was called to order by Mayor Rouse and a passage of scripture was read by Councilman Geyer. The minutes of the last regular meeting of October 16 were approved as submitted by a motion made by Councilman Kelly, seconded by Councilman Geyer and carried; all Councilmen voting favorable with the exception of Councilman Holmes, who had been absent from the October 16th meeting.

ZONING - TOWNHOUSES - BROUSSARD

A letter was read by Mayor Rouse from Mr. W. C. Broussard, asking for a joint hearing before the Planning and Zoning Commission and the City Council for the purpose of erecting townhouse units, both for sale and for rent on the following properties: The rental townhouse units at 5100 Linden and 5122-24 Linden. Those for sale on Lots 4 through 8, Block 41, which is on the south side of 4900 block of Palmetto.

City Attorney Strong stated that before a joint hearing could be held by these two bodies over this request for rezoning, there must be a preliminary hearing held before the Planning Commission and then a report must be given to the Council on their findings. He also stated that there was nothing in this communication which indicated or showed that Mr. Broussard was the owner of this property or that he had an option to buy the proposed land on which he wished to erect the townhouse units.

Mr. Broussard, being present, was asked why he had changed pieces of property from the ones discussed at a preliminary meeting with the Planning Commission. He stated that he had been unable to buy that land, but that he had put down earnest money and had an option on the land stated in his letter of request.

After further discussion, Councilman Carl made the motion, seconded by Councilman Geyer, that the matter be referred to the Planning Commission for their consideration and this motion carried unanimously.

CITY MANAGER'S EMPLOYMENT EXTENDED

Mr. Gary Summers, who has been the City Manager for the City of Bellaire for the last 14 years and upon November 5th would reach the age of 65, which would automatically, according to the pension plan for the city, call for his retirement, was asked to remain as City Manager. City Attorney Strong presented an ordinance calling for the continued employment of Mr. Summers as City Manager for the City of Bellaire. Councilman Watts made the motion, seconded by Councilman Carl, that Ordinance No. 1594 be adopted, consenting to the continued employment of Mr. Summers. This motion carried unanimously.

AN ORDINANCE CONSENTING TO THE CONTINUED EMPLOYMENT OF GARY O. SUMMERS AS CITY MANAGER OF THE CITY OF BELLAIRE, TEXAS.

EASEMENT CONVEYANCE - GRAND LAKE - BRANDSTETTER

The City Attorney presented a conveyance of easement and right-of-way for a part of Lot 56, Block 17, Westmoreland Farms Amended First Subdivision in the City of Bellaire, according to the map and plat recorded in Vol. 3, page 60 of Map Records of Harris County. This easement had previously been given by Mr. C. M. Sienkiewicz. This easement was returned to Mr. Jay M. Brandstetter, the new owner of the property in return for a 14 ft. easement across the back of his lot.

The necessity for this exchange of easements was brought about by the fact that Mr. Brandstetter had bought an extra 10 ft. on the back of his lot and wished the easement to be moved to the back line.

Councilman Watts made the motion, seconded by Councilman Carl, that the Mayor and City Clerk be authorized to execute this conveyance of easement and this motion carried unanimously.

Council Minutes
February 12, 1968

A public hearing was held in the Council Room of the City Hall, 308 South Rice Avenue at 7 P. M. on February 12, 1968 by the Bellaire City Council and the Planning and Zoning Commission.

Present: Mayor Rouse, Councilmen Holmes, Watts, Carl, Geyer, Kelly and Webster, City Manager Summers and City Clerk Gallagher. Planning Commission members present were: Broesche, Emmott, Lingo, McKinney and Randolph.

The meeting of the Council was called to order by Mayor Rouse and Chairman Broesche called the Planning Commission to order.

ZONING - TOWNHOUSES - BROUSSARD

Mayor Rouse opened the hearing by outlining the order of procedure on this hearing and read the following notice "Subdividing of Lots 11, 12, 13, 18, 19 & 20, Block 16 Westmoreland Farms Amended First Subdivision, to permit Townhouse units. The above is the block bounded by 5th, Palmetto, Ferris and Elm Streets.

Resubdivide Lots 4 through 8, Block 41, City of Bellaire, located south-side of 5200 block of Palmetto, to permit townhouses.

A letter of recommendation from the Planning Commission, written on Jan. 15, 1968, was read by Mayor Rouse, which advised that the Council grant use of the 25 ft. wide north-south alley between lots 6 and 7, Block 41, to be improved for right-of-way at the builder's expense. Also recommended a 4 hour fire rate separation on all units, whether for rent or sale, with option of two 4" masonry or one 8" masonry wall between townhouses. They further recommended that the application be granted with the above changes and a final hearing with the City Council be held at an early date."

Mayor Rouse then called for the one who was going to present the plans for this development and Mr. W. C. Broussard came forward, giving the Council some preliminary plans and sketches of the proposed townhouses.

Mr. Broussard stated he would first like to talk about the townhouses to be built on Lots 4-8 on the south side of Palmetto St. He would first like to build 5 townhouses on lots 7 and 8 and then 8 units on lots 4, 5 and 6. These townhouses would be set back 30 ft., being the same set back as the residences in this block.

Mr. Broussard then explained his plans for the townhouses that would be placed on the block bounded by Elm, Ferris, Palmetto and Fifth Streets. On this property he plans to put 128 units. He likewise will put 6 ft. of concrete paving in front of these townhouses facing Palmetto, making a total paved street width of 32 ft. The drainage of this property would be provided by storm sewers, leading into the Elm Street culvert.

The carport areas of these townhouses would be paved and on Ferris and Elm Sts. there would also be 6 feet of hot topping to match the paving that is there now, thus widening these streets and making for a little more parking room.

Councilman Webster inquired of Mr. Broussard as to the size of these lots on the south side of Palmetto. They are about 16 ft. wide and 135 ft. deep.

Councilman Watts asked what was the width of Palmetto Street in this block and Mr. Broussard said he was not sure but thought it was about 20 ft. wide, but with the paving of 6 ft. on both sides there would be a much wider street. Mr. Broussard did say at this time that he would only be paving that area in front of his townhouses on lots 4, 5, 6, 7, & 8, Block 41, with the 6 ft. strip and the other property owners would have to do their own extensions if they wanted them.

When Mr. Webster inquired about the sizes of these townhouses, Mr. Broussard said the smallest one would have 1200 sq. ft. of living area. Councilman Geyer inquired as to the cost of these townhouses and Mr. Broussard replied from

Council Minutes
February 12, 1968

\$22,000 to \$35,000, depending upon the size, which ranges from 1200 sq. ft. to 1750 sq. ft. This would not include the storage area, the carport area, nor the patio.

Councilman Watts questioned whether Mr. Broussard had allowed for adequate parking under the carport for two cars and Mr. Broussard said it was sufficient for two. He stated that an overhead door company had a 14 ft. door, which was for garages that held two cars. Mr. Watts said that this must be for straight in parking and he was wondering if there was adequate turn-in space.

Mr. Broussard said that the townhouses on the south side of Palmetto would be for sale but those on the north side would be for lease and they would have their own garbage pickup service and maintenance. This would be provided by a separate agreement, which the people would sign at the time they took the lease.

Councilman Webster inquired as to the amount of concrete used in the street paving and Mr. Broussard answered that 6" of concrete would be used, which he stated was according to Bellaire's specifications.

When Mr. Broussard was confronted with his plans for building sidewalks, he replied that there was not a sidewalk planned for the south side of Palmetto, but that there would be a sidewalk on three sides of the big block, which was bounded by Elm, Ferris and Palmetto. Fifth St. would have no sidewalk.

Mr. Broussard said that the Crons, who were the owners of this land, intended to keep their own home here and there would be a concrete street 40 ft. wide with sidewalks all along, which would surround the Cron property, making an access from Palmetto to the inside townhouses. Along here he would put curb and gutter and deed this street to the City.

The townhouses that would face Palmetto on the north side would be built on the property line and the sidewalks would be on city easement.

Along Fifth Street, Mr. Broussard would put in a storm sewer, which would be adjacent to his property and it would drain into a large storm sewer on Elm Street. He planned to put a hot topping 40 ft. wide on Fifth Street, which would provide side parking and better access to the townhouse units from this side.

Councilman Watts inquired of Mr. Broussard where he planned to put his visitor parking and Mr. Broussard replied that other than the 6 ft. extension of paving, he had provided for the parking of only 2 cars per unit. It was further figured out that since these townhouse lots were only 16 ft. long, there would only be an average parking for 2½ cars per unit.

Councilman Webster asked what type of construction was going to be used on these buildings and Mr. Broussard replied that they would have 8" steel studs with a 5/8" fire wall and this would be of soundproof material. One townhouse would be all brick and the next one would have brick half way up with wood the remainder and it would be this way the length of the project.

Councilman Geyer then inquired as to the kind of roof line and Mr. Broussard said there would be a common roof, with steel studs going up through it. He also said that the back of the apartments or townhouses would be the same as the front. He further stated that he would submit an engineer's plan for sewage and drainage should the Council grant him permission to build these units.

When it was inquired of Mr. Broussard again as to the sale of these townhouses, he replied that he would sell the ones on the south side of Palmetto but those that would be built on the Cron property would be for lease. Mr. Broussard said that he had tried to minimize the parking problems, he had provided for the area to be well lighted, there would be sidewalks and storm sewers, making for better drainage and he was trying to upgrade the property by building nice units here.

A discussion then followed about the size of lots and units, and it was again stated as before.

Council Minutes
February 12, 1968

Councilman Webster inquired as to what was the smallest unit on the south side of Palmetto, as far as land was concerned. Mr. Broussard said about 16 ft. in front and 135 ft. back. The ones planned for the large tract of land would be from 16 ft. to 20 ft. in width, depending upon the size needed and they would face on an open courtyard.

Councilman Watts asked if Mr. Broussard was not going with the concept of apartments rather than townhouses. He said he felt townhouses had a different kind of roof structure and that they were erected individually. When it was asked as to the kind of heating and air conditioning, Mr. Broussard said that each one would have his own individual unit.

Councilman Webster said he had figured that each unit had about 1400 sq. ft. of land and if the Council was comparing these townhouse requirements to the ones that we now have in our zoning law for apartments, then these units are in excess to those law requirements.

Mr. Broussard said he would be putting in two swimming pools, one of these being a wading pool. There would be a grassed recreation area, fenced off from the Cron property. Mr. Broussard further stated that Palmetto, Ferris and Elm Streets would be curbed and guttered but that Fifth Street would not be curbed. A large storm sewer would go down Fifth Street, leading into Elm St. culvert for drainage purposes and there would be another storm sewer through the center of the large block, which would drain the property and this too would go to the Elm Street box.

Councilman Kelly inquired the lease price of these townhouses and the reply was from \$200 to \$245 per month, with utilities paid.

Mayor Rouse then asked if there was anyone in the audience who had any questions to ask of Mr. Broussard.

Dr. Manuel Chavez of 5122 Evergreen asked how much would be charged for the townhouses, to which Mr. Broussard again replied \$200 to \$245 including utilities. The following questions and answers were given by these two men:

Question: How many people do you contemplate having in each unit?

Answer: The average is 3 persons per unit.

Question: Did you plan for adequate recreational area?

Answer: There will be two swimming pools, one a wading pool, and playground area.

Question: How much grass did you provide?

Answer: Along the South side of Palmetto the units would have a 30 ft. front yard, which would be grass and in the back there would be paved areas. Those units in the large block would not have a grassed area in front but they would have a 16 ft. wide courtyard, as well as a designated recreational area in the center.

Mr. Hal Mulcahy of 5119 Palmetto asked how wide he intended to blacktop Fifth Street between Palmetto and Elm and Mr. Broussard said 40 ft. When asked if there would be any kind of culvert or drainage on the east side of Fifth St. adjacent to his property, which would drain all this area into the Elm St. culvert. Mr. Mulcahy stated that there was a 20 ft. concrete street on Palmetto and asked if he understood him right that he would be adding 6 ft. to each side. Mr. Broussard said that was right, thus making the street in front of lots 4, 5, 6, 7 & 8 thirty two ft. wide.

Mr. Mulcahy then inquired whether Mr. Broussard intended to open all of the alleyway between Beech and Palmetto, to which Mr. Broussard explained that he would open only the alley off Palmetto back to the rear of the townhouses and he would concrete this alleyway, making it 25 ft. wide.

Councilman Webster pointed out how this would be completed from the plans he presented.

Mr. Jesse L. Williams of 5210 Palmetto asked if the Council would let Mr. Broussard use this alleyway to get access to the easement in the rear and was told this alley could be used. Mr. Williams also said that his house had over 2,000 sq. ft. in it and he felt that this was not a small house, as Mr. Broussard had thought were in this neighborhood.

Mr. L. H. Bohn of 5217 Palmetto asked if there had been left a set back

Council Minutes
February 12, 1968

between the townhouses and the adjoining property. Mr. Broussard's reply was that there was a 5 ft. set back on the east and west sides of the townhouses, as provided by the laws of Bellaire.

Mrs. Cheer Greer of 116 Mulberry Lane asked if the city was set up in our water and sewer departments to care for these additional residences. Councilman Watts stated that he did not know as far as the present lines were concerned but did know that we had sufficient capacity at the sewer plant to care for this extra population. Mr. Broesche, Chairman of the Planning Commission, stated he had inquired of Mr. Coffman, Building Inspector, and that we did have adequate water and sewer lines up there.

Mrs. K. R. Scanlan of 5108 Palmetto asked about the fences that would separate the recreational area from the Cron's property as to who would maintain them. Mr. Broussard said these fences would be of redwood and they would be maintained by the perpetual funds, just as the buildings would be kept in good repair, etc.

There being no more questions of fact to be answered by Mr. Broussard, Mayor Rouse called for anyone who wished to speak in favor of the project.

Mr. Lon H. Cron, the owner of the large block, stated he had owned this property and maintained it for over 30 years. He and Mrs. Cron had now reached the years where they were unable to keep it in good condition and even though they intended to keep their home and live here, they were anxious to be free of the responsibility of such a large upkeep.

Mr. J. B. Henry who lives at 5125 Elm said he would be more affected by this zoning than anyone else, since he lives so close, but he did want to go on record as being in favor of this zoning change.

Mayor Rouse asked if there was anyone who wished to speak against the project.

Mr. Virgil Hancock of 4901 Bellaire Boulevard stated that this might be a good place to have townhouses but he would suggest to the Council that they defer any change in zoning until the city could have a master plan made.

Mr. Hal Mulcahy of 5119 Palmetto said he thought this project should be turned down until a thorough check could be made of the water and sewer lines. He felt this would put a tremendous load on the sewer system. He stated that even now he does not have sufficient water supply and especially does he suffer from a lack of water pressure almost every summer. He also expressed displeasure with the width of the street and felt parking would be a problem.

Dr. Manuel Chavez stressed quite profusely the need for more recreational facilities and the need for a complete study of Bellaire's zoning laws, using the comparison of a sick patient to the city and the need for a specialist.

Mr. Lon H. Cron said he had built this home in 1936 and intended to continue living here, but that they had tried to get many things done with this property and had found no one who wanted to build a house on Elm St. There were too many commercial enterprises across the street in Houston.

Mr. Broussard stated in reply to the people who were opposing this development that he thought something constructive must be done with this property. No one would build a home on this corner, with Houston being directly across the street and Bellaire must make a start if they want to upgrade the city. He felt what he had to offer in building good townhouses, widening the streets, putting in drainage pipes, etc. would certainly upgrade this land.

Mr. H. J. Greer of 116 Mulberry Lane stated that Bellaire had need of some planning for the rezoning and especially for plans for vacant areas. He did not see, however, why we should crowd so many people into such a small area; was it not economically feasible to have a larger space.

Mr. DeWitt VanSiclen of 4909 Bellaire Boulevard stated that he agreed Bellaire was going downhill and unless we got something done it would probably continue to go down. But he was wondering whether or not this would be spot zoning and asked if this was the way to go about making the changes. An overall plan should be made first, he said.

Mr. A. S. Ginzburg of 4520 Oleander asked what happens to the value in the neighborhood when townhouses are built, to which Mr. Broussard replied, "They go up."

Mr. Mulcahy asked to be put on record as against this proposition, and said that he felt these townhouses would be all right maybe while new, but they do go down and thus devalue the surrounding property.

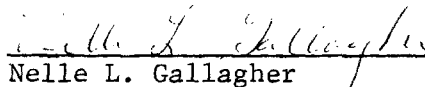
At this time Mr. Emmott made a motion, seconded by Mr. McKinney, that the hearing before the Planning Commission be closed.

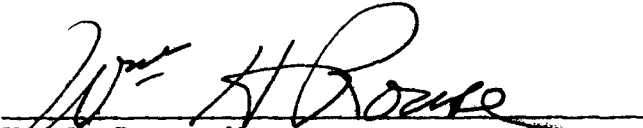
Before this was voted on, two persons asked to be heard, whose hands had been overlooked. Mrs. Scanlan said she thought this had been misrepresented by Mr. Broussard. At the first hearing, she said, it was said that all townhouses were to be constructed of brick, now only half of them would be all brick. She thought more play area was needed and stated she was concerned about all of Bellaire and thought this was the opening of rezoning in any area.

Dr. Chavez again wanted to stress that more playground area was needed.

Mayor Rouse then asked if there was anyone else who wished to speak concerning this project and there being none, the Planning Commission voted on their motion to close their hearing and it carried unanimously. Councilman Watts made a motion, seconded by Councilman Holmes, that the hearing be closed for the Council and this motion carried unanimously.

The meeting was adjourned.


Nelle L. Gallagher
City Clerk


Wm. H. Rouse, Mayor

Council Minutes
March 4, 1968

ZONING - BROUSSARD TOWNHOUSES

Mayor Rouse also read the letter from the Planning & Zoning Commission with their recommendation that the Council approve the construction of townhouses on lots 4-8, Block 41, with 4 hour fire rated masonry walls between each unit. They further recommended rejection of common wall rental townhouse units for lots 11, 12, 12, 18, 19 and 20, but would approve them provided they were governed by the aforementioned rules and regulations and further increase the width of the courts to 30 ft. and reduce the total number of units to 100.

ZONING - ZINDLER

When Mayor Rouse read the letter from the Planning & Zoning Commission recommending that the Zindler property be rezoned for a motel and office building, providing more car spaces are provided, Councilman Webster made a motion, seconded by Councilman Kelly, that the Council receive copies of the letters of recommendation from the Planning Board, so that they would have time to study these requests before taking any action. This motion carried unanimously.

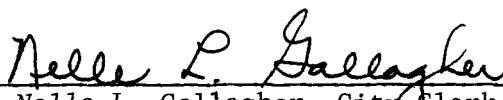
MASTER PLAN


At this time City Manager Summers stated that he had prepared a list of 75 different items of study that should be considered in this project of preparing a Master Plan for the City of Bellaire. He stated that maps were being prepared on water lines, sewer lines, traffic counts, recreational facilities, fire zones, fire routes, garbage routes, etc. He did say one interesting thing had been brought to his attention and that was the prediction that by 1975 there would be 140,000 cars a day pass the intersection of Interstate Highway 610 and Bellaire Boulevard and that 7,000 cars a day would leave the Freeway and come down the Bellaire Boulevard exit from the North. Mr. Summers stated that he had visited with a number of professional planners and had received many good ideas that he is carrying out.

INCINERATORS

Councilman Watts made a report on what he had done about the study for an incinerator. He stated that he had about 5 meetings with engineers and they were now looking over the contract that he hoped to be able to bring to the Council at a later date. Mr. Watts said he had learned several interesting things about the building of incinerators, one of which is dual furnaces, etc. but as soon as he could get a contract that he thought the Council might want to consider he would bring it to the Council table.

There being no further business the meeting was adjourned by a motion duly made, seconded and carried.


Nelle L. Gallagher, City Clerk


Wm. H. Rouse, Mayor

Attachment: History of Townhome Development (2393 : Consideration-5217 & 5221 Palmetto Re-zone)

Council Minutes
March 18, 1968

The regular meeting of the Bellaire City Council was held in the Council Room of the City Hall, 308 South Rice Avenue, at 7 P.M. on March 18, 1968.

Present: Mayor Rouse, Councilmen Geyer, Webster, Watts, Holmes, Carl and Kelly, City Manager Summers, City Attorney Strong and City Clerk Gallagher.

The meeting was called to order by Mayor Rouse and a passage of scripture was read by Councilman Watts. The minutes of the last regular meeting of March 4, 1968 were approved as submitted by a motion made by Councilman Kelly, seconded by Councilman Carl and carried 6-0, with Councilman Holmes abstaining from voting, since he had been absent from that meeting.

CIVIL EMERGENCY - RIOTS

The Council had previously studied an ordinance, which would give the Mayor the authority to proclaim a civil emergency in the interest of public safety and welfare and City Attorney Strong presented this ordinance for adoption. Councilman Watts made the motion, seconded by Councilman Holmes, that the civil emergency ordinance be adopted and this motion carried unanimously.

ORDINANCE NO. 1621

AN ORDINANCE DEFINING CIVIL EMERGENCY; CURFEW; PROVIDING FOR PROCLAMATION OF SUCH EMERGENCY; AUTHORIZING THE ISSUANCE OF ORDERS BY THE MAYOR, CLOSING ESTABLISHMENTS WHERE ALCOHOLIC BEVERAGES OR BEER ARE SOLD OR CONSUMED; DISCONTINUING THE SALE OR DISTRIBUTION OF FLAMMABLE LIQUIDS, FIREARMS AND AMMUNITION; PROVIDING FOR SEVERABILITY; AND PROVIDING A PENALTY BY FINE OF UP TO \$200.00 FOR VIOLATIONS OF SUCH ORDINANCE, OR OF ANY ORDER ISSUED PURSUANT THERETO.

ZONING - TOWNHOUSES - VANSICKLE

The Council again took under consideration the recommendation of the Zoning and Planning Commission for the rezoning of the property at Locust and Newcastle for the erection of townhouses by Mr. Vansickle. Mayor Rouse read the recommendation of the Commission, which asked the Council to approve the request for reduced alleyways, provided the other side of the lot have a 50 ft. right-of-way with a 35 ft. paved street in front and that the alleys be 27 ft. of concrete without curbs and gutters, but properly designed with catch basins and storm sewers. The Commission also recommended a four hour fire resistant masonry wall between each unit, to be placed on one lot or the other or on the property line.

It was brought out that Mr. Vansickle had made a second request and was now asking for only a 20 ft. paved alley. Councilman Carl said he would not be in favor of a 20 ft. alley but thought it should be at least 27 ft. as recommended by the Planning Commission.

After discussing the maintenance of the ground abutting the paved alleys, as well as the convenience for working on utility lines, and the problems that would arise by having them reduced in size, Mayor Rouse, asked for a show of hands of the Council for requiring the alleys to be 27 ft. wide and the entire Council wanted this restriction placed on the property.

The next issue that was discussed concerning the construction of these townhouses, was the four hour fire resistant masonry walls, which the Council unanimously agreed upon. Councilman Geyer made the motion, seconded by Councilman Kelly, that approval of the recommendation as submitted by the Planning and Zoning Commission for the amending of the townhouse ordinance, be adopted, which will require a 27 ft. paved alley without curbs and gutters but facing on a 50 R.O.W., which will have a 35 ft. paved street that has curbs and gutters. Adequate catch basins and storm sewers must be provided, as well as four hour fire resistant masonry walls. This motion carried unanimously.

ZONING - TOWNHOUSES - BROUSSARD

Mayor Rouse read again from the Planning Commission's recommendation concerning the five lots on the South side of the 5200 block of Palmetto, which approved the townhouse construction as submitted, provided they have a 4 hour fire rated masonry wall between each unit and have a minimum lot width of 18 ft.

Attachment: History of Townhome Development (2393 : Consideration-5217 & 5221 Palmetto Re-zone)

Council Minutes
March 18, 1968

After discussing the easements that had been provided, the width of the street paving, and the paving of the alley which would give access to the rear of the townhouses, Councilman Webster made a motion, seconded by Councilman Geyer, that the Council grant the request as submitted with the change that the additional paving on the south side of Palmetto be 8 ft. and include curbs, instead of 6 ft. and with the condition that the alleyway be 25 ft. paved with concrete. This motion carried unanimously.

Then Mayor Rouse read the Planning Commission's recommendation concerning the request for the use of lots 11, 12, 13, 18, 19 and 20, Block 16, Westmoreland Farms Amended First Subdivision, which is on the north side of Palmetto Street and bounded by Ferris, Elm and Fifth Streets. This recommendation rejected a common wall rental townhouse for the property but did approve of townhouses on these lots provided they be governed by the rules and regulation of the ones on the south side of Palmetto and that the courtyard be widened to 30 ft. and the total number of units be reduced to 100.

Councilman Watts stated that he thought the first thing that should be settled is in the defining of townhouses and that Mr. Broussard had only presented plans for apartments. He felt the Council's idea of townhouses was individually standing units and the plans that Mr. Broussard had presented did not show this to be the case. Mayor Rouse then asked that the Council express themselves for the permitting of apartments on this land and Councilman Carl made a motion, seconded by Councilman Geyer, that any application for apartments be rejected and this motion carried with Councilman Watts, Webster and Kelly voting against. Then the discussion arose as to whether the requirements as presented in Ordinance No. 1592, which was the original townhouse ordinance, could not apply to this property.

Councilman Watts made the motion, seconded by Councilman Holmes, that the application for townhouses be granted with the only exception to the original townhouse ordinance being that the lots be 18 ft. in width and there be a sidewalk around the perimeter of the property and that $\frac{1}{2}$ of Ferris, Elm and Fifth Street be paved by the owner with a minimum of 18 ft. and that there be 8 additional feet of paving on the north side of Palmetto. Councilman Holmes amended this motion, which was seconded by Councilman Webster that the parking spaces or garages have an external dimension of 18 x 20 ft.

This motion and amendment carried 6-1 with Councilman Geyer dissenting.

ZONING - ZINDLER - MOTEL & OFFICE BUILDING

Mayor Rouse opened the discussion of the Zindler rezoning by asking the Council to study carefully the parking ratio to be sure adequate parking is provided for this property. Councilman Holmes said he would not be in favor of placing it in Zone "O", the business district zone, which he said included everything, from hamburger stands, to filling stations.

A rather lengthy discussion followed about the parking problem, with it being brought out that the plans now show that there would be parking for 452 cars; one for each 300 ft. of rentable office space, one car per each motel room, 19 for the meeting room or restaurant and 8 spaces for cabs. Councilman Watts stressed that the Council should consider the dual parking spaces, or in other words, he felt that when the office building was occupied in the daytime, the motel would not be in need of so many parking spaces, and vice versa. After trying to decide the proper parking ratio, it was the consensus of opinion of the Council that if one space was provided for each motel room, plus 15% of motel only, that this would probably be adequate.

Councilman Carl made the motion that a special district be created for the property as described in the application for use as an office building, restaurant, and high rise motel or hotel; the office building not less than 6 floors and the motel or hotel contain not less than 150 rental units and further permission to build a restaurant and public meeting room or convention center to be built in conjunction with the office building and motel, requiring a masonry screening wall as set forth in the application with the requirement of one parking space for each 250 sq. ft. of net rental area in the office building. All structures to comply with the recommended No. 1 Fire Zone and the improvements to conform architecturally with the style and design as presented in the

Council Minutes
February 4, 1969

A Special Meeting of the Bellaire City Council was called by Mayor Rouse at 5:00 P.M. on Tuesday, February 4, 1969 at the Bellaire City Hall, 308 South Rice Avenue.

Present: Mayor Rouse, Councilmen Webster, McKinney, Gohlke, Milwee and Randolph, City Manager Summers and Acting City Clerk Heffington.

Absent: Councilman Kelly

The meeting was called to order by Mayor Rouse for the purpose of considering a proposal by Mr. W. C. Broussard for the laying of water lines and storm sewer drainage for lots A through L of Palmetto Square, a replat of and previously called Lots 4 through 8, Block 41, City of Bellaire, located on the southside of the 5200 block of Palmetto.

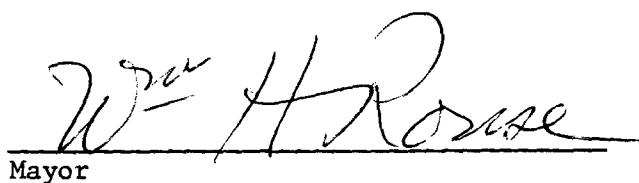
Councilman Webster made a motion that Tom Heffington be named Acting City Clerk in the absence of the Regular City Clerk. This motion was seconded by Councilman McKinney and passed unanimously.

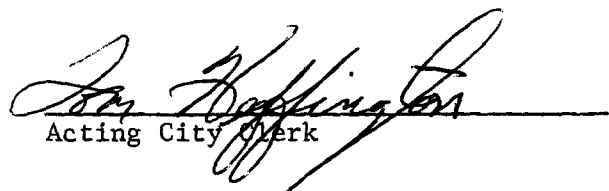
Mr. Summers presented a letter, which is attached hereto, from Mr. W.C. Broussard in which he proposed to pay \$675.00 to the City of Bellaire which was the full cost of laying a 6 inch water line 100 ft. to serve lots A through L of Palmetto Square, City of Bellaire Addition. He also proposed to pay for a 24 inch storm sewer to be constructed on the north side of Palmetto, the width of his lots to pick up the two storm sewer pipes which he had stubbed across Palmetto Street.

A discussion followed and after deep consideration Councilman Webster moved that the City of Bellaire would lay the water lines and the storm sewer lines requested for a total of \$1,500.00 for Mr. Broussard and that the City Manager be instructed to proceed with the project as soon as possible. This motion was seconded by Councilman Gohlke and approved unanimously.

Councilman McKinney said that in case that the water backed up on Palmetto and Ferris Streets, on the people's property, that Mr. Broussard should be required to keep it pumped out.

Councilman Randolph moved that the meeting be adjourned, this was seconded by Councilman Gohlke and passed unanimously.


Mayor


Acting City Clerk

February 4, 1969

Honorable Mayor and City Council
Bellaire City Hall
Bellaire, Texas

Gentlemen:

Attached hereto is my check for \$1500 to be applied to the following projects.

First, I would like to have the City of Bellaire extend a six inch (6") water line to serve my Lots, Nos. 7 & 8, Block 41, City of Bellaire Addition. \$675 of the above amount is to apply towards this project.

Secondly, I would like to have a twenty-four inch (24") storm sewer constructed on the North side of Palmetto Street to pick up the storm water from the two pipes which I have stubbed across Palmetto from in front of my property on the south side of the street.

I also understand that a pipe of suitable size will have to be extended East to Fifth Street and North on Fifth Street to Elm Street. All of this is to be done at city's expense and \$825 of the above amount is to be my proportionate share of this cost.

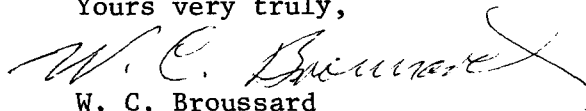
In view of the fact that I expect the city to do the construction at its earliest possible convenience, I request that a letter be issued to Brown & Root to proceed immediately with the extension of the paving along the property frontage on the South side of Palmetto.

I also understand that a hole will have to be made in the side of the west inlet in order to let the ditch, draining the property to the west of me, flow freely.

I took permits for four buildings on December 2, 1968 and I plan to take two more permits immediately and will begin construction on the six single family dwellings as soon as the paving is completed. Until that time I cannot very well have access to the property.

I sincerely trust that you will accept this proposal so that this work can get underway.

Yours very truly,

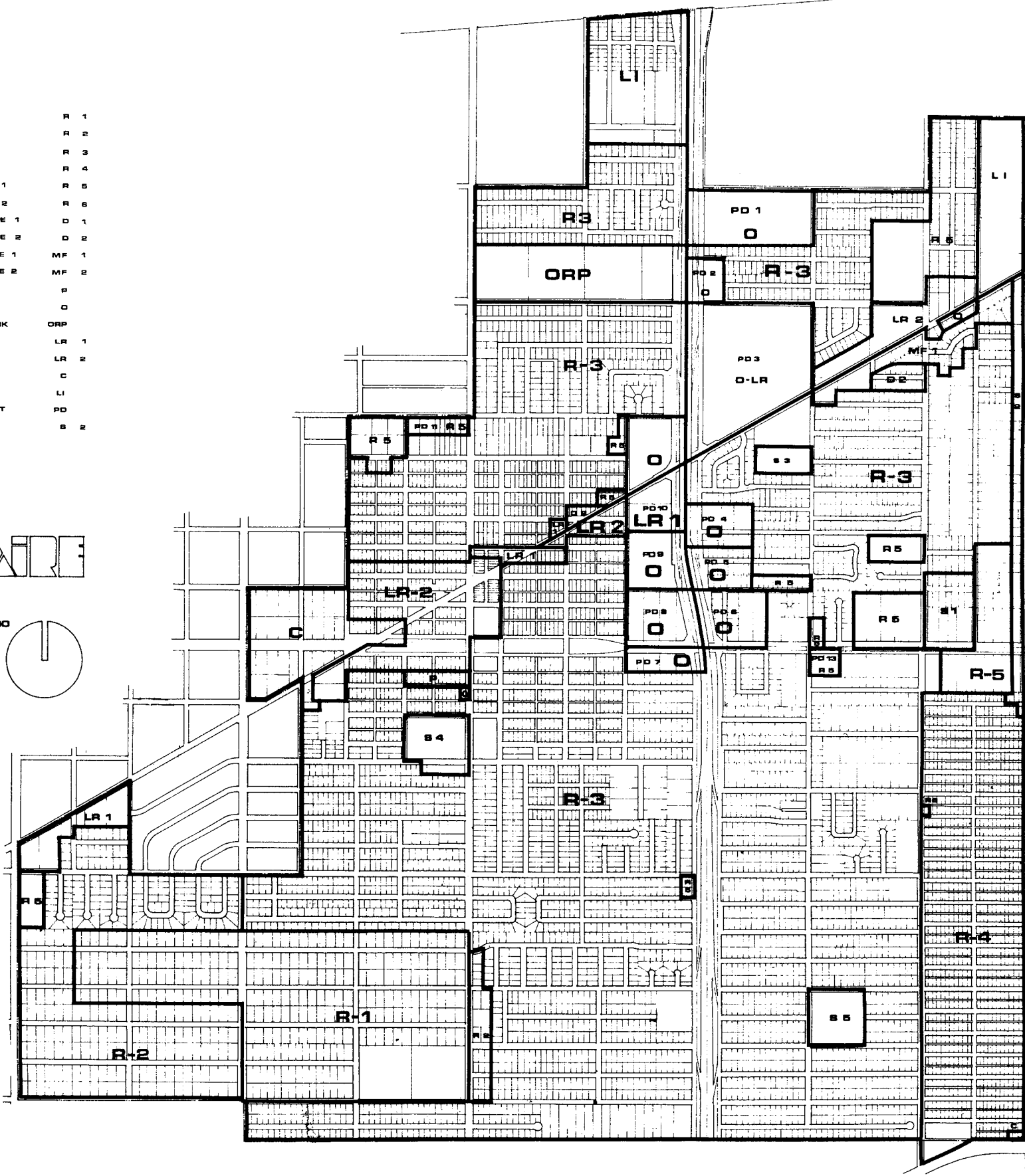
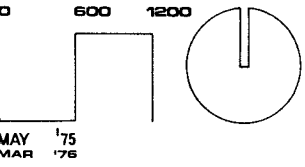

W. C. Broussard

Attachment: History of Townhome Development (2393 : Consideration-5217 & 5221 Palmetto Re-zone)

ZONING
DISTRICTS

RESIDENCE 1	R 1
RESIDENCE 2	R 2
RESIDENCE 3	R 3
RESIDENCE 4	R 4
ATTACHED DWELLING 1	R 5
ATTACHED DWELLING 2	R 6
TWO FAMILY RESIDENCE 1	D 1
TWO FAMILY RESIDENCE 2	D 2
MULTI FAMILY RESIDENCE 1	MF 1
MULTI FAMILY RESIDENCE 2	MF 2
PARKING	P
OFFICE	O
OFFICE & RESEACH PARK	ORP
LOCAL RETAIL 1	LR 1
LOCAL RETAIL 2	LR 2
COMMERIAL	C
LIGHT INDUSTRIAL	LI
PLANNED DEVELOPMENT	PD
SPECIFIC USE PERMIT	S 2

CITY
OF
BELLWIRE



CITY OF BELLAIRE
STANDARD ZONING REGULATIONS

NOTE: THE BUILDER IS RESPONSIBLE FOR CHECKING FOR DEED RESTRICTIONS

	R-1	R-3	R-4	R-5
MINIMUM LOT AREA	14,000 SQ. FT.	7,400 SQ. FT.	5,000 SQ. FT.	5,000 SQ. FT.
MINIMUM LOT WIDTH	80 FT.	60 FT.	50 FT.	50 FT.
MINIMUM LOT DEPTH	125 FT.	100 FT.	100 FT.	100 FT.
MAXIMUM BUILDING HEIGHT	2 ½ STORIES *****	2 ½ STORIES*****	2 ½ STORIES*****	2 ½ STORIES*****
MINIMUM FLOOR AREA	1,600 SQ. FT.	1,250 SQ. FT.	1,100 SQ. FT.	1,100 SQ. FT.
FRONT YARD SETBACK	50 FT.	30 FT.	25 FT.	25 FT.
SIDE YARD SETBACK Main Structure & Attached Accessory Structure	8 FT.	6 FT. (LOTS <= 90' WIDTH) 8 FT. (LOTS > 90' WIDTH)	5 FT. (LOTS < 70' WIDTH) 6 FT. (LOTS > 70' WIDTH & EQUAL TO OR < 90' WIDTH) 8 FT. (LOTS > 90' WIDTH)	5 FT. (LOTS < 70' WIDTH) 6 FT. (LOTS > 70' WIDTH) 8 FT. (LOTS > 90' WIDTH)
SIDE YARD SETBACK FOR:				
ARCHITECTURAL FEATURES (BAY WINDOW, ROOF EAVES)**	3 FT.	3 FT.	3 FT.	3 FT.
DETACHED ACCESSORY STRUCTURE***				
CORNER LOT	10' ON SIDE ST.	10' ON SIDE ST	10' ON SIDE ST.	10' ON SIDE ST.
INTERIOR LOT	3 FT.	3 FT.	3 FT.	3 FT.
DRIVEWAY	2 FT.	2 FT.	2 FT.	2 FT.
REAR YARD SETBACK HOUSE and ATTACHED ACCESSORY STRUCTURE***	10 FT.	10 FT.	10 FT.	10 FT.
DETACHED ACCESSORY STRUCTURE***	5 FT.	5 FT.	5 FT.	5 FT.
MAXIMUM LOT COVERAGE*****	55%	55%	LOTS < OR EQUAL TO 7000 SF : 60% LOTS > THAN 7000 SF: 4200 SF OR 55%	55% 60% on Planned Dev
ON-SITE PARKING PER DWELLING UNIT	2	2	2	2

*Exception – TV antennas 40 ft. & radio communication antennas 60 ft. from top of natural grade

** Fireplaces and Balconies are not architectural features

***Accessory structures include storage buildings, garages, and swimming pools

****Anything placed on a lot: house/garage footprint, driveways, sidewalks, patios, paved decks, (50%wooden decks), storage buildings

*****Maximum ridge height 35'-6" from top of lowest air-conditioned floor – second story top plate maximum 25 ft.

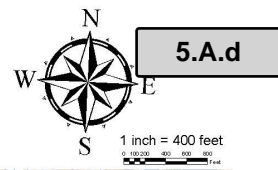
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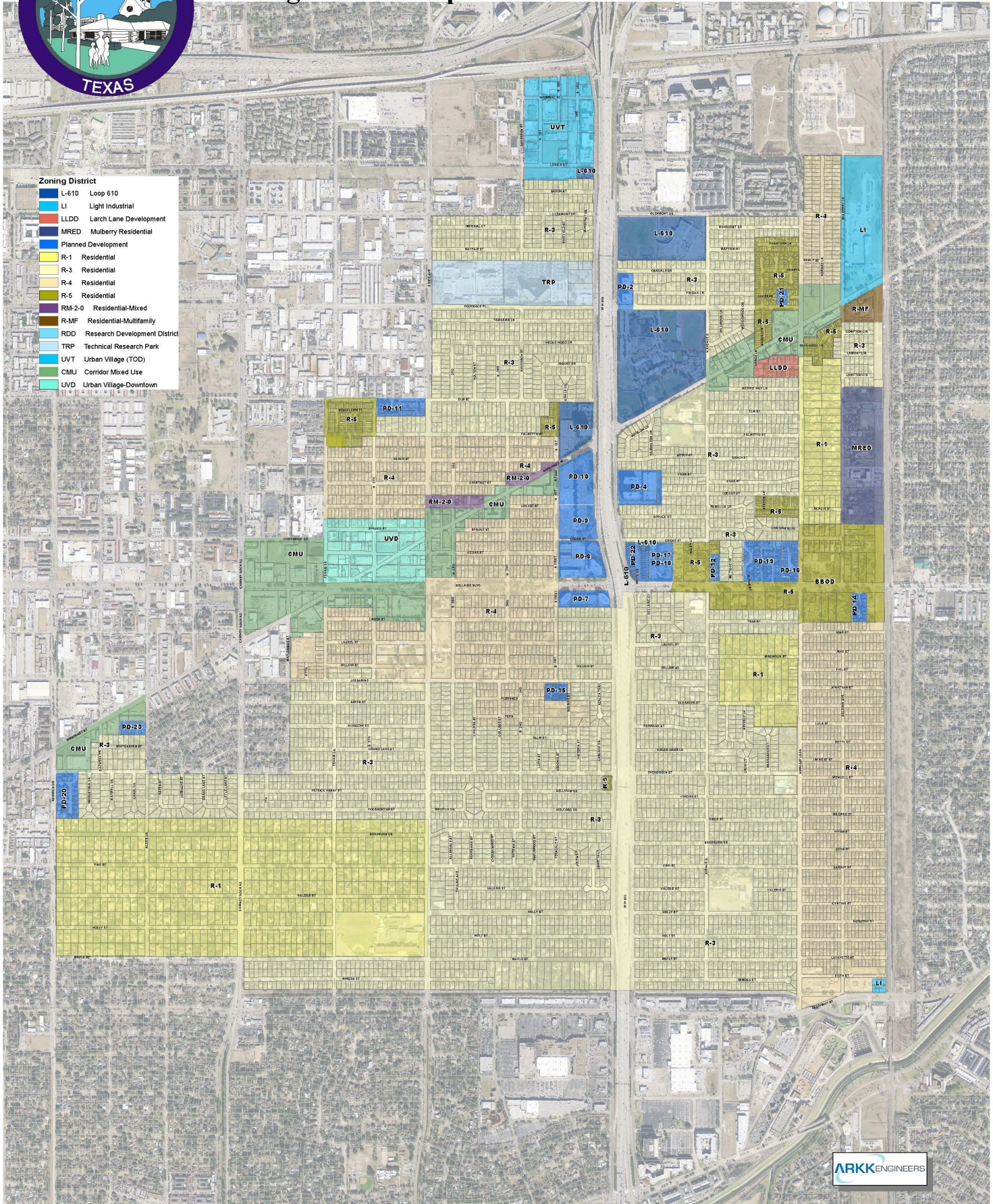
Proposed MAP CHANGE

City of Bellaire, Texas

Zoning District Map



- Zoning District**
- L-610 Loop 610
 - LI Light Industrial
 - LLDD Larch Lane Development
 - MRED Mulberry Residential
 - Planned Development
 - R-1 Residential
 - R-3 Residential
 - R-4 Residential
 - R-5 Residential
 - RM-2-0 Residential-Mixed
 - R-MF Residential-Multifamily
 - RDD Research Development District
 - TRP Technical Research Park
 - UVT Urban Village (TOD)
 - CMU Corridor Mixed Use
 - UVD Urban Village-Downtown



Attachment: Proposed Zoning District Map-R4 to R5 (2) (2393 : Consideration-5217 & 5221 Palmetto Re-zone)



**Planning and Zoning
Commission**

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



Meeting: 11/09/17 06:00 PM
Department: Development Services
Category: Report
Department Head: ChaVonne
Sampson
DOC ID: 2394

**SCHEDULED
ACTION ITEM (ID # 2394)**

Item Title:

Approval of the Commission's Report and Recommendation to City Council regarding the request to re-zone the properties at 5217 & 5221 Palmetto.

Background/Summary:

Attached is a draft report as a starting point for the Commission to finalize its recommendations to City Council.

ATTACHMENTS:

- 5217, 5221 Palmetto Re-zone (PDF)



CITY OF BELLAIRE

Planning and Zoning Commission

November 9, 2017

To: Mayor and City Council
 From: Dirk Stiggins Chairman, Planning & Zoning Commission
 CC: ChaVonne Sampson, Interim Director of Development Services
 Subject: Report and Recommendation on proposed zoning amendment at 5217 & 5221 Palmetto

On October 12, 2017, the Planning & Zoning Commission held a public hearing on a proposed amendment to the City's 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.

Notifications regarding the public hearing were mailed out to all addresses within 500 feet of the property. Any and all persons desiring to be heard in connection with the proposed code amendments were invited to speak before the Commission.

One (1) resident spoke during the public hearing, their concerns were:

- A higher density development and increase in lot coverage would add to the issue of flooding

One (1) written comment was submitted opposing the application, which stated the following:

- "Oppose re-zoning from R-4 to R-5. Created nice residential/opposes multi-family"

No additional comments were received after closure of the public hearing.

Concerns voiced by the Commissioners were as follows:

- Why were these properties not included in the townhome development that surrounds them on the north and east?

RECOMMENDATION

At the Commission's November 9, 2017 meeting, and after due consideration and discussion, the Commission felt that the re-zoning of 5217 and 5221 Palmetto was _____, and voted ____ to recommend _____ of the proposed amendment to the Official Zoning District Map to City Council.

VOTE OF THE COMMISSION

Members present and voting FOR this recommendation to City Council:

Members present and voting AGAINST this recommendation to City Council:

Members that recused themselves:

Members Absent: