

City of Bellaire

PLANNING & ZONING COMMISSION

Thursday, October 8, 2020

Telephonic

Regular Session

6:00 PM

LOCAL DIAL-IN NUMBER:

346-248-7799

TOLL-FREE DIAL-IN NUMBER:

1-888-550-8563

Meeting ID:

837 7363 2907

Agenda

Chair

Ross Gordon

Vice Chair

Mike Axelrad

Commissioner

Mike Baker

Commissioner

John T. Klug

Commissioner

Marc Steinberg

Commissioner

Weldon Taylor

Commissioner

Pamela Nelson

REGULAR SESSION - 6:00 P.M.**NOTICE OF TELEPHONIC MEETING**

Pursuant to Section 418.016 of the Texas Government Code, on March 16, 2020, the Governor of the State of Texas granted the Office of the Attorney General's request for the temporary suspension of certain provisions of the Texas Open Meetings Act to allow for telephonic or videoconference meetings of governmental bodies that are accessible to the public in an effort to reduce in-person meetings that assemble large groups of people, as a precautionary measure to contain the spread of novel coronavirus COVID-19.

Accordingly, this Regular Session of the Planning and Zoning Commission of the City of Bellaire, Texas, will be conducted telephonically in furtherance of this important and necessary objective to protect the public health and welfare in our community.

Members of the public will be entitled to participate and address the Planning and Zoning Commission in the telephonic meeting, at the time for general comments and public hearing audience comments. Any person desiring to address the Commission must submit their request via e-mail to zoning@bellairetx.gov.

The request must be received prior to the start of the meeting and include the speaker's full name and the phone number from which they will be calling in to participate in the meeting. The request must also indicate whether the speaker wishes to participate during the general public comment period, the public hearing comment period, or both.

Members of the public may view a live broadcast of the meeting by visiting the City's website: <https://bellairetx.new.swagit.com/views/21>, U-Verse Channel 99, Comcast Channel 16, and the City's Facebook page at <https://www.facebook.com/bellairetx.gov>.

The toll-free dial-in number to participate remotely in the telephonic meeting is 1-888-550-8563, and the local line is 346-248-7799. The Meeting ID is 837 7363 2907. An electronic copy of the agenda packet for this Regular Session is posted online at <https://bellairetx.civicweb.net/Portal/MeetingInformation.aspx?type=26>.

A recording of the telephonic meeting will be made and will be posted online at <https://bellairetx.civicweb.net/Portal/MeetingInformation.aspx?type=26>.

I. Call to Order, Announcement of a Quorum, and Introduction to Meeting**II. Pledge to the Flag (US and Texas)****A. U.S. Pledge of Allegiance:**

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one Nation under God, indivisible, with liberty and justice for all.

B. Pledge to the Texas Flag:

Honor the Texas flag; I pledge allegiance to thee, Texas, one state under God, one and indivisible.

III. Approval of Minutes From Past Meeting(s)

- A. [Planning & Zoning Commission - Sep 10 2020 - Minutes - Pdf](#)

IV. City Council Liaison Report**V. Reminder to Persons Desiring to Address the Commission****VI. General Public Comments**

- A. 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 (3) three minutes each 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.

VII. Current Business (Items for Discussion, Consideration, and/or Possible Action)

- A. Discussion, consideration, and possible action on an application filed by Evelyn's Park Conservancy regarding 4300 Bellaire Blvd., Bellaire, TX 77401, located within the R-5 Residential District, on a request for text amendments as provided by the City of Bellaire Code of Ordinances, Chapter 24, Section 24-603, Application for Amendment to Written Text or Official Zoning District Map to include a definition for Accessory Parking under Sec. 24-202, Definitions; and to include Accessory Parking to specific uses allowed under Sec. 24-534 B. (2), Specific Uses.

[Agenda Statement Report - Pdf](#)

- B. Discussion, consideration, and possible action on an application filed by Evelyn's Park Conservancy, regarding 4300 Bellaire Blvd., Bellaire, TX 77401, located within the R-5 Residential District, on a request for a specific use permit, as provided by the City of Bellaire Code of Ordinances, Chapter 24, Planning and Zoning, Section 24-605, Application for Specific Use Permit, to allow for the construction and use of an accessory parking lot to be used as off-site parking, as provided for in Sec. 24-534 B. (2), if the aforementioned text amendments are approved.

[Agenda Statement Report - Pdf](#)

- C. Approval of the Planning and Zoning Commission's Report and Recommendation to City Council on the application filed by Evelyn's Park Conservancy, regarding 4300 Bellaire Blvd. on requests for text amendments to add a definition for Accessory Parking and add Accessory Parking as a specific use; and a request for a Specific Use Permit to allow for the construction and use of an accessory parking lot to be used as off-site parking.

[Recommendation to Council - 4300 Bellaire Blvd - Text Amendment and SUP](#)

VIII. Committee Reports

IX. Correspondence**X. 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.**
 - i. Request from the Board of Adjustment to review Section 24-537 C. (2) b) 4) of the City's Code of Ordinances regarding minimum building heights in the Urban Village Downtown District (UV-D).**
- B. The Chair 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 on a future agenda of the Commission or referral to Staff for investigation.**

XI. Adjournment

City of Bellaire

MINUTES

Planning & Zoning Commission - Sep 10 2020

Thursday, September 10, 2020 @ 6:00 PM

Telephonic

PRESENT: Weldon Taylor, Michael Axelrad, Michael Baker, John Klug, Marc Steinberg, and Ross Gordon;
also present: Ashley Parcus, Zachary Petrov, Marleny Campos, Nathan Wesely, and ChaVonne Sampson

ABSENT: Pam Nelson

REGULAR SESSION - 6:00 P.M.

I. Call to Order, Announcement of a Quorum, and Introduction to Meeting

Chair Gordon called the meeting to order at 6:03 p.m.

II. Pledge to the Flag (US and Texas)

Chair Gordon led the pledges to the US and Texas flags.

III. Approval of Minutes From Past Meeting(s)

A.

Planning & Zoning Commission - Aug 13 2020 - Minutes - Pdf

Motion:

To approve the minutes from August 13, 2020, as presented.

{Moved by Michael Baker, Commissioner, and seconded by Michael Axelrad, Vice Chair}

RESULT:	ADOPTED.
MOVER:	Michael Baker, Commissioner
SECONDER:	Michael Axelrad, Vice Chair
AYES:	Weldon Taylor, Commissioner, Michael Axelrad, Vice Chair, Michael Baker, Commissioner, John Klug, Commissioner, Marc Steinberg, Commissioner, and Ross Gordon, Chair
ABSENT:	Pam Nelson, Commissioner

IV. City Council Liaison Report

Council Member Wesely did not have anything to report. Chair Gordon requested an estimate of when interviews for new and returning Commission/Board Members. Council Member Wesely replied he did not have a schedule, but there is a push to move forward.

V. Reminder to Persons Desiring to Address the Commission

VI. General Public Comments

- A. **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 (3) three minutes each 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.**

Jesse Weaver: Mr. Weaver stated he is from Wulfe & Company. He spoke to the Commission about the future development at the corner of Fournace and 610 and potential uses for the entire tract. He requested the Commission to consider opening the future zoning district to allow for office, retail, hotel, and some type of residences. He provided his phone number and email for anyone to contact him.

VII. Current Business (Items for Discussion, Consideration, and/or Possible Action)

- A. **Discussion on possible changes to Chapter 24, Sec. 24-531 - R-1 Residential District, Sec. 24-532 - R-3 Residential District, Sec. 24-533 - R-4 Residential District, and Sec. 24-534 - R-5 Residential District of the City of Bellaire's Code of Ordinances regarding the maximum residential building height.**

Chair Gordon introduced the agenda item by stating the topic came from a workshop and asked staff for recommendations to address the overall building height profiles.

Director of Development Services, ChaVonne Sampson, thanked Chair Gordon for his help on the item. She shared information from the City Engineer, ARKK Engineering, and draft language from Chair Gordon. Ms. Sampson provided background information regarding the range of natural lot and elevations in Bellaire. She read the current regulations for maximum building height. The proposed language adds in limits to height measurements that allows elevation beyond a minimum standard while still preventing the uncharacteristically tall structures, and it references the 500-year base flood elevation plus 1 foot.

Chair Gordon stated they wanted to be careful with the language to make sure that it applies to every situation, and is consistent throughout the City's Code. Ms. Sampson added she's had conversation with the City Attorney about that, whether its a residential or mixed district.

Commissioner Baker questioned what would be the backup language in the event there was not a 500-year or 100-year zone number, and Chair Gordon replied the number would be determined on an elevation certificate, but in the event the number is below natural grade, there should be a clause to address it. Ms. Sampson suggested the clause could be to seek approval from the Planning and Zoning Commission or the Board of Adjustment. Chair Gordon responded he wanted to make it as easy as possible, and Ms. Sampson stated she would talk with the City Engineer to provide something that makes sense.

Commission Taylor mentioned the resident complaint of loss of privacy from the elevated home and wondered how the proposed regulation would have effected the home on Birch Street. Chair Gordon commented the language would help create more consistent sightlines but couldn't really regulate where windows would be placed. Ms. Sampson added the home would not have been built with an 8-foot crawlspace and would have an exhibit with dimensions for

the public hearing.

The Commission generally agreed they were moving in the right direction, and Chair Gordon requested a review of how the proposed language to ensure the change would be implemented in all appropriate places and the Codes remains consistent. Chair Gordon then asked about the timeline of the public hearing and if the Commission would want to have the public hearing and consideration at the same time. Ms. Sampson replied she would meet with Attorney Petrov to see when the public hearing would take place. There were no objections from the Commission to holding the public hearing and consideration at the same meeting.

Commissioner Steinberg asked if the Building & Standards Commission would be involved, and Chair Gordon replied they are aware and approve of their efforts. He suggested providing the Building & Standards Commission a copy of the redlines and ask for their feedback at the public hearing.

B. Update on the status of the Chair's proposed revisions to the working draft of the new North Bellaire Special Development District.

Chair Gordon asked if there is any estimate of when in-person meetings will resume, and Ms. Sampson answered no. As of now, telephonic meetings are planned for October. Chair Gordon then asked the Commission if they were opposed to holding this public hearing telephonically, and there were no objections.

Ms. Sampson stated this public hearing would have to take place at the November meeting because the deadline to post the legal notice would be the next Friday, and staff would need to meet with Kendig Keast Collaborative to review the proposed draft.

Chair Gordon stated he would finish the revisions and consult with Commissioners Klug and Axelrad for a November telephonic meeting.

VIII. Committee Reports

There were no committee reports.

IX. Correspondence

There was no correspondence.

X. 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.

Ms. Sampson updated the Commission regarding the 4300 Bellaire parking lot applications, informing the applicants asked for additional time to take into consideration the comments received from the public. The application may be brought back next month or November meeting.

Chair Gordon asked when would the deadline be to decide if the parking lot would need to be

removed if the application continues to be drawn out. Ms. Sampson replied she's not sure when the deadline is but would have those discussions with the City Attorney of when the City would need to move forward with some kind of action. The Commission expressed they would not want to sit on this issue for a long time.

Interim City Manager, Brant Gary, clarified the requested delay by Evelyn's Park came from the clear lack of public support and the City is not anticipating an alternate solution to leave the parking lot in place. They wanted extra time to process what heard and consider their options, which could result in them not continuing with the application. Chair Gordon requested the email from Evelyn's Park be sent to the Commission.

Chair Gordon mentioned there was a public hearing before the Board of Adjustment regarding PD9/10 that was previously before Planning and Zoning. Ms. Sampson informed the application was for a variance on lot coverage and for the lot coverage be calculated for 1.99 acre portion apart from entirety of the existing site.

- B. The Chair 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 on a future agenda of the Commission or referral to Staff for investigation.**

XI. Adjournment

Motion:

To adjourn the meeting.

{Moved by Michael Axelrad, Vice Chair, and seconded by Marc Steinberg, Commissioner}

RESULT:	ADOPTED.
MOVER:	Michael Axelrad, Vice Chair
SECONDER:	Marc Steinberg, Commissioner
AYES:	Weldon Taylor, Commissioner, Michael Axelrad, Vice Chair, Michael Baker, Commissioner, John Klug, Commissioner, Marc Steinberg, Commissioner, and Ross Gordon, Chair
ABSENT:	Pam Nelson, Commissioner

The meeting adjourned at 7:05 p.m.

AGENDA STATEMENT

City of Bellaire

MEETING: Planning & Zoning Commission - Oct 08 2020

PREPARED BY: ChaVonne Sampson

DEPARTMENT: Development Services

ITEM TITLE:

Discussion, consideration, and possible action on an application filed by Evelyn's Park Conservancy regarding 4300 Bellaire Blvd., Bellaire, TX 77401, located within the R-5 Residential District, on a request for text amendments as provided by the City of Bellaire Code of Ordinances, Chapter 24, Section 24-603, *Application for Amendment to Written Text or Official Zoning District Map* to include a definition for *Accessory Parking* under Sec. 24-202, *Definitions*; and to include *Accessory Parking* to specific uses allowed under Sec. 24-534 B. (2), *Specific Uses*;

RECOMMENDATION:

Finding that that application does not meet the standards set forth in Section 24-602 of the City of Bellaire's Code of Ordinances, the Director of Development Services recommends against the approval of this application.

BACKGROUND/SUMMARY:

This item is for the consideration of an application filed by Evelyn's Park Conservancy, on a request for two text amendments to the City's Code of Ordinances, to include:

1. A definition of *Accessory Parking* under Section 24-202, *Definitions*, as "Accessory Parking – A lot or parcel of land used as an area where cars or other vehicles may be left temporarily, which is incidental, subordinate to or supportive of the principal use of the parcel and its owner or occupant. Accessory Parking will only be permitted in an area that is undevelopable and in utility transmission area." *and*
2. To include *Accessory Parking* to specific uses allowed under Section 245-534 B. (2), *Specific Uses*

On August 13, 2020, the Planning and Zoning Commission held the public hearing on these requests, during which time 20 members of the public spoke against the application.

In the past, the Development Services Department has focused on several considerations in the analysis on whether or not an application should be considered for approval by the Planning and Zoning Commission. However, during the analysis of this application, the only focus was on Neighborhood Protection/Compatibility Provided Through Zoning.

While it is unclear why a property housing transmission lines was zoned R-5, as it is obvious that it could never be developed as medium density residential, there are already provisions in the district that allow for such a use without needing to amend the current zoning. If approved, this change

would have the potential to impact all of the properties located within the R-5 Zoning District. This was the driving factor in the analysis of this application, as the issue of compatibility cannot be based on this lot alone.

Although this item is for the consideration of only the text amendments, the applicant has also submitted a subsequent application for an SUP. If the request for the text amendments is approved, the applicant will additionally need approval of the SUP in order to construct and operate the parking lot at 4300 Bellaire. The request for the text amendments must be granted in order for the SUP to be considered.

Redlines of Section 24-202 and 24-534 are attached.

CITY ATTORNEY REVIEW:

Yes No



EVELYN'S PARK
Conservancy

4400 Bellaire Blvd. | Bellaire, TX 77401
WWW.EVELYNSPARK.ORG

a 501(c)3 non-profit organization

City of Bellaire Development Services
7008 South Rice Avenue
Bellaire, Texas 77401-4411
713.622.8222
Atten: Mark Taylor; ChaVonne Sampson

June 24, 2020

RE: Revised Letter Application

To Whom it may concern,

We are in receipt of the Letter from the City of Bellaire Development Services dated March 26, 2020 regarding that certain parking lot (the "Lot") located at 4300 Bellaire Blvd (HCAD Account #0370410000143) (the "Property") in which the City has determined that the Lot is noncompliant with the Planning and Zoning Ordinance and the Building Ordinance of the City of Bellaire (the "City"). This determination has been made by the City despite the history and facts surrounding the construction of the Lot and the City's direct involvement from its inception.

A brief history of our partnership with the City regarding the Lot follows, which began in 2013. During the creation of Evelyn's Park ("EP") and based on community input and studies on park anticipated usage, we recognized that there would be a shortage of onsite parking and we were looking for ways to help alleviate any concerns caused by overflow parking for homeowners along the adjacent streets. With this in mind, EP, with help from the former Mayor and the City Council who served in 2013, contracted with CenterPoint Energy to lease the land underneath the transmission towers at the Property for overflow parking on April 3, 2013. This was part of Evelyn's Park Masterplan that was presented to City Council and adopted into their Parks Masterplan in 2015.

After opening the park, we continued to plan for offsite parking especially given our plans for Phase 2. As such, the development of the CenterPoint Energy easement area as a parking lot continued to be a focus of our operations. On April 13, 2017 we renewed the lease with CenterPoint Energy with the ongoing intention of using the Property for overflow parking. This would provide our event and special event attendees overflow space, as well as vendor parking to allow the Park's lot to be available for regular patrons.

Creating parking elsewhere for EP patrons relieves the parking congestion on Camelia Street and Mulberry Street. In 2013, we committed to the community that EP would be a Good Neighbor and discussed the development of the Lot with them. Based upon our research and feedback from the community, we strongly believe that the use of the Property as a Lot represents a win-win for the City and its constituents.



Prior to commencement of construction of the Lot, local engineers prepared a plan for development of the site (the "Plans") with the most beneficial materials and presented the Plans to the City for review and approval. After submission and review of the Plans, the City issued a permit granting the right to improve the Property based upon the Plans. In reliance upon the City's issuance of the permit, Arch-con Construction, commenced and completed the work detailed in the Plans. To date, over \$400,000 has been spent to complete the construction of the Lot and there are other contingent liabilities that are also tied to the use of the parking Lot.

Notwithstanding, and in response to your letter, we have been in contact with the City development offices and have been given several options to move forward. We were advised by your office to submit this letter in an effort to resolve this matter. Reserving any and all rights we have, we hereby submit the following request:

Compliance with Planning and Zoning:

The Property is owned by a utility provider and falls within a utility corridor, which is a permitted use within R-5. The utility provider has agreed to and leased the Property to EP (with the assistance of City officials) since both parties recognized the need for a Lot in this area of the City, for overflow and to minimize impact on neighboring community streets.

The intended use of the Lot is for additional parking, under the limitations and conditions enumerated below. Because of its nature and existing location in a utility corridor, we believe that it is not appropriate for categorizing the Lot into specific zoning districts, notwithstanding, we believe the Lot should be allowed in R-5 district based upon the prior issued permit and alternatively by specific use under Sec. 24-503. – Specific Uses.

In order to accomplish this, we are requesting a text amendment to Sec 24-534. – R-5 Residential District from the City to allow the Property to be used as an Accessory Parking (to be defined). Specific Request are detailed below:

- 1) Text Amendment Request to Sec 24-534.–R-5 Residential District: We propose that city add "Accessory Parking" to specific uses allowed under section Sec 24-534. – R-5 Residential District B (2) (c)**
 - a. Special Conditions: We are in active dialogue with the neighbors in closest proximity to the Property and would like to reserve the right to add Special Conditions to the Text Amendment based on outcome of these conversations.**

- 2.) In conjunction with the application we are applying for a Special Use Permit. The application is attached.**



Furthermore, EP is willing to require users of this lot to have a permit to park in the lot and would not make the lot open to the general public. Since this technically differs from the City's definition of Commercial Parking, we would like to add a new defined term called "Accessory Parking" to Sec. 24-202.

1) Definition of Accessory Parking to be added as Sec. 24-202. (192) and defined as follows:

Accessory Parking – means a lot or parcel of land used as an area where cars or other vehicles may be left temporarily, which is incidental, subordinate to or supportive of the principal use of the parcel and its owner or occupant. Accessory Parking will only be permitted in an area that is undevelopable and in utility transmission area.

In the alternative, if a text amendment is not the appropriate method of remedying and resolving this matter to allow the use of the Property and Lot as constructed for commercial parking, then, we would like to reserve the right to apply for other variances to allow use of this Lot.

Statement of Conformity to the Comprehensive Plan in Section 24-104:

We believe that the proposed amendment is in harmony with the existing comprehensive plan and requires no deviation or changes to that plan. Specifically, the intended use the Property as a parking lot was identified under the Appendix called Park Master Plan, as highlighted below.



PARK ACQUISITION

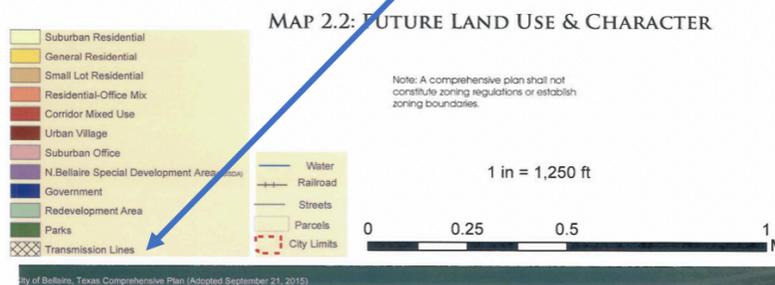
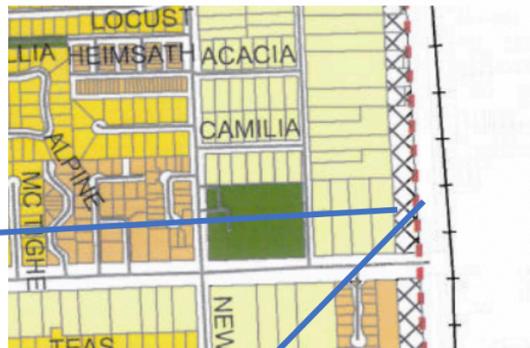
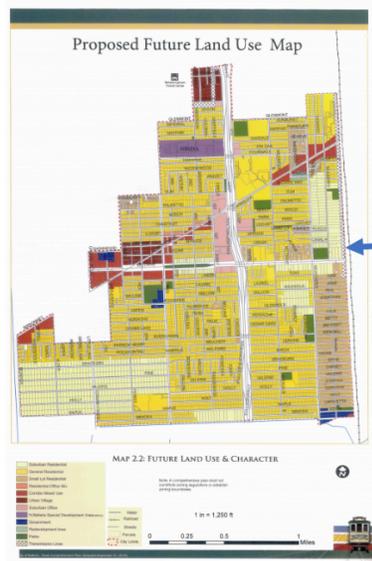
As the City of Bellaire continues to redevelop, the City should remain aware as to the future recreational needs of its citizens. While it is difficult to predict what the city's space requirements will be in ten years, as old houses and buildings are torn down for new development, acquisition opportunities may arise from time to time. Such acquisitions could include additional land and even structures of historic value which the Parks, Recreation and Facilities Department could convert to additional recreation and/or meeting space for the community. For this reason the Mayor, City Council, Parks and Recreation Advisory Board and the PATRONS for Bellaire Parks remain vigilant as to possible opportunities.

One of the goals concerning number of parks is to have a park within walking distance of every resident of Bellaire. The identified areas that lack parks are the Northwest and Southwest quadrants of the city. One way to meet that goal is to purchase property in those areas when they become available and then create mini or neighborhood parks depending on the size of the property. These parks serve people within a .25 - .50 mile radius.

Acquire additional green space and/or field space by pursuing cooperative arrangements with outside organizations. The City already has agreements with HISD schools for field use, CenterPoint Energy for Right of Way (ROW) use at Mulberry Park for the parking lot, future ROW use for Evelyn's Park by the railroad tracks by Bellaire Boulevard and United Methodist Church for Evelyn's Park overflow parking. Negotiations have begun with NRG for use of the ROW on the east side of town for a bike/pedestrian path to tie in with the proposed trail for the City of Houston.



Additionally, in accordance to the Proposed Future Land Use Map, the Property under the consideration is identified as Transmission Lines and not Suburban Residential underscoring the intent to use this land for uses other than Suburban Residential. This plan was developed and completed a five-year interim update process and unanimous adoption by City Council on September 21, 2015. The plan reinforces the fundamental importance of neighborhood integrity in the City of Homes, as well as the priority residents place on parks and recreation opportunities, safe streets, and preservation of a small-town atmosphere amid a vast metropolitan region. The five-year update process was completed through interaction with the Planning and Zoning Commission and City departments, followed by public hearings and consideration at the Commission and City Council levels. The entirety of the plan content continues to reflect more extensive community outreach efforts in support of the major plan update in 2008-09, which included informal listening sessions hosted in residents' homes, a City Hall forum, nine working sessions with a City-appointed Comprehensive Plan Advisory Committee, and multiple workshops and hearings prior to final adoption.





Building & Standards Exception:

Based upon research and studies of the Property we determined the best method and materials for construction of the Lot. Upon such evidence and as detailed in our Plans which were reviewed and approved by the City, the materials were used for construction of the Lot. It is our position that the materials are not only equivalent, but, better than what is prescribed for in Sec. 9-21 with regard to quality, strength, effectiveness, durability and safety. The Lot has been constructed using TRUEGRID and representatives of the manufacturer are available to present to City officials regarding this matter and have provided a list of advantages of this method in Exhibit "A" attached hereto and incorporated herein for all purposes. The specific Code language is as follows:

Sec. 9-21. - Construction requirements for private parking areas and driveways in all zoned districts...

(c) [Exceptions.] The building and standards commission of the city shall have the power and authority, upon application and hearing, to allow the use of materials other than those herein specified or other methods of construction not herein specifically provided, provided the building and standards commission shall find the following:

(1) That the proposed design is satisfactory and complies with the intent of this section; and

(2) That the material, method or work offered is, for the purposes intended, at least the equivalent of that prescribed in this section in quality, strength, effectiveness, durability and safety.

The building and standards commission shall require that sufficient evidence or proof be submitted to substantiate any claims that may be made regarding such use.

In sum, it has always been our goal to work in conjunction with the City as we developed EP so that it is a resource and benefit to the City and its constituents. We communicated with the City and the community about our development and all aspects of the construction of the Lot. The City approved and issued a permit for the construction of the Lot, and then just after finishing construction a notice was issued of determination that such Lot is "noncompliant". A significant amount of time and funds to the development of the Lot in reliance upon the actions of the City was invested. Further, based upon the above, the City will directly benefit from the following as a result of the Lot:



EVELYN'S PARK
Conservancy

4400 Bellaire Blvd. | Bellaire, TX 77401
WWW.EVELYNSPARK.ORG

a 501(c)3 non-profit organization

- 1) TRUEGRID Material will help mitigate flooding and make the land within communities more absorbent. TRUEGRID permeable pavement was used for the Lot and is 100% pervious and drains instantly at over 1000 inches per hour. There is no runoff when using TRUEGRID.
- 2) Helps remove parking off streets benefiting adjacent streets and limiting potential overflow impact.
- 3) Hours of operation: Could limit use of hours of lot to parallel EP hours.
- 4) Will provide stickers and placards to control parkers.
- 5) Will help push EP profitability by solving major parking problem and enhancing the EP events services
- 6) Provides permanent solution for a long term problem
- 7) Would coordinate with neighbors to minimize impact
- 8) Potentially a great opportunity for Bellaire police to park and patrol an entry point into City
- 9) Potential landing for the future Coastal Prairie Park that will lead to a hike and bike trail cited in the Visioning Bellaire – Urban design and Beautification Conceptual Master Plan Adopted December 2016

We will continue our efforts to find a resolution that meets the needs of our City and our community. Notwithstanding, we hereby reserve any and all rights we have in law and equity.

Sincerely,

Patricia King-Ritter
Park Director
Evelyn's Park Conservancy



Exhibit "A"

TRUEGRID Advantages:

Permeable pavers like those produced by TRUEGRID are a far superior alternative to a concrete or asphalt parking lot. The primary advantage that they hold over these two materials is that permeable pavers are 100% pervious.

This means they allow stormwater and other liquids to pass right through them and into the soil. Permeable parking lots like those built with gravel and permeable pavers, work as natural drainage systems. The entire lot acts as a French drain. Heavy rains can be absorbed instantly at over 1000 inches per hour. While they are permeable, TRUEGRID's pavers also function just as well, if not better than concrete and asphalt, as a parking lot material.

Auto spills filter directly through them removing pollutants naturally by infiltration into the soil and bioremediation. They do this while providing a durable and attractive parking lot.

Made from 100% recycled plastic, these eco-friendly pavers are incredibly durable and require almost no maintenance once they've been installed. The interlocking pavers grids are laid over a level bed of angular gravel, and more gravel is then filled and leveled with a heavy roller.

This creates a parking lot with no need for added drainage systems and one that can stand up far better to the everyday traffic that parking lots tend to see. TRUEGRID pavers are do not absorb heat like asphalt, and will not degrade or crack over time like concrete with little or no maintenance for up to 60 years.

They provide a place for people to park, but they also help add to the look of professionalism to a building and serve as a pathway for stormwater to runoff to somewhere safe like a sewer or detention pond.

SuperSpots snap right into place within the pavers and act as durable, highly-visible lot lines. The spots parking markers come in different colors and are a maintenance free way to stripe.

The superior sustainability, drainage, and durability combined with a lower cost and less maintenance needs make TRUEGRID permeable pavers the best option when it comes to building a commercial parking lot. They stand toe-to-toe with common commercial parking lot materials like concrete and asphalt when it comes to sheer performance.



Permeable pavers are not vulnerable to high heat and will not break down over time, unlike concrete and asphalt. They are lightweight despite being super strong, require no special tools or machinery and can be installed at over 1000 square feet per man-hour.

Manufactured via sustainable methods, these pavers are classified as low impact construction working with Mother Nature, unlike asphalt and concrete.

Permeable pavers like the ones produced by TRUEGRID are able to handle anything you throw at them, last longer than other more expensive materials, are more eco-friendly, and cost less in the short-term and long-term to install and maintain.

Downside of Asphalt and Concrete:

Asphalt parking lots are typically one color, black and do not age well. They are hot in the summer and often get torn up by trucks. Outside of different colored lot lines like white or yellow, stylistically your options are highly limited with asphalt.

Asphalt is harmful to the environment, uses toxic sealants and allows stormwater pollutants to flow directly into aquifer recharge. The production, transportation, installation, and maintenance of asphalt parking lots is not eco-friendly in any way.

Asphalt gets sticky in hot temperatures because of its color and chemical composition. It attracts heat and reflects none of the UV rays, resulting in a sticky, oily parking lot that can leave stains and become too hot. Hot sun during the long summer days will soften asphalt parking lot as well, making it harder to drive around in and slightly sticky to the touch.

Asphalt also has the added disadvantage of being relatively high-maintenance. Because of asphalt's inability to handle fluctuating temperatures or high levels of traffic for too long, it requires regular maintenance work which is an added expense. Being impervious, asphalt also requires some kind of drainage system for stormwater since it won't allow any liquid to pass through.



Concrete can easily crack, chip and develop ruts over time.

The production of concrete is also harmful to the environment as the equipment and chemicals needed to produce and install it are not considered eco-friendly.

Also, just like with asphalt, concrete is impervious. It doesn't allow water to pass through, so concrete parking lots need to have drainage systems installed just as asphalt ones do.

Concrete is in the same situation when it comes to long-term durability. Chipping, cracks, and faded lines are all in your near future, as well as the cost to fix them.

*Charter Title
Company*

Charter Title Company
1717 West Loop South, 12th Floor
Houston, TX 77027

ABSTRACTORS CERTIFICATE

GF#: 1060702000048

Through an effective date of:
August 13, 2020

Property

Address: 0 Bellaire
City/State/Zip Code: Bellaire, Texas 77401
Legal Description:
Metes and Bounds:

All that certain tract or parcel of land containing two hundred eighty-two thousandths (0.282) of one (1) acre in the James Blessing Survey out of Westmoreland Farms Amended first subdivision as per plat recorded in Vol. 3, pages 80, et seq., of the Map Records of Harris County, Texas, said 0.282 of one (1) acre being described by metes and bounds as follows:

Beginning at a point in the south line of Lot No. 37, of Block No. 1, of said Westmoreland Farms Amended first subdivision, said point being distant west with said south line extended a distance of eighty (80) feet from the center line of the most westerly main line track of the H. & T.C. Railroad;

Thence from the point of beginning north parallel with said H. & T.C. Railroad and eighty (80) feet distant westerly at a right angle from the center line of its most westerly main line track a distance of four hundred nine and four tenths (409.4) feet to a point in the north line of said Lot No. 37;

Thence east a distance of thirty (30) feet to a point in the west right-of-way line of said H. & T.O. Railroad;

Thence south with said west right-of-way line of said H. & T.C. Railroad a distance of four hundred nine and four tenths (409.4) feet to a point;

Thence west a distance of thirty (30) feet to the place of beginning.

Based on a search of the Public Records of the County Clerks of HARRIS County, Texas the last instrument purporting to convey title to the land described above was:

Houston Lighting & Power Co., by virtue of deed recorded under HARRIS County Clerks File No(s). Volume 772, Page 487 of the Deed Records of HARRIS County, Texas.

This report hereby reports that the instruments listed below have been filed of record in the office of the County Clerk of Harris County, Texas, and are affecting title to the property above described during the time frame as set out above:

ABSTRACTORS CERTIFICATE
TXFPESC_ABSTRACTORS CERTIFICATE doc (01-08)

ABSTRACTORS CERTIFICATE
(Continued)

Liens:

None of record.

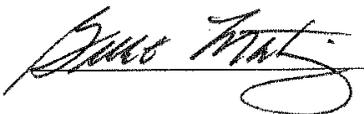
This report is issued for the use of and shall inure to the benefit of and is issued in consideration of **\$0.00** paid by the benefited party named above, and no others, and to whom said sum shall be returned as agreed liquidated damages in the event of any mistakes herein. By accepting this search, the benefited party agrees that the said sum and no more shall constitute the full measure for damages against the issuing company.

SPECIAL NOTE AND LIMITATION OF LIABILITY: This report is issued with the express understanding, evidenced by the acceptance of same, that this report does not undertake to give or express any opinion as to the validity of the title hereinabove described or the authority of those executing the above listed instruments, but is simply reporting herein and hereby as to the recitals of instruments listed. The Company assumes no liability greater than the consideration paid for this certificate by reason of issuance, delivery and/or use of same, nor for any error or omissions herein.

This report does NOT reflect title to any of the oil, gas and other mineral interests affecting subject property, nor any documents creating and/or affecting said estates, nor the validity of any rights, privileges and immunities relating thereto.

Further, this report does not address and no search has been performed regarding the following: claims and rights of parties in possession; discrepancies in area and boundaries; unpaid bills for labor or material in connection with repairs or new improvements; unpaid taxes; change in marital or corporate status of owner(s) since date of purchase; homestead rights or claims; easements and restrictions.

Charter Title Company

By: 

Sec. 24-202. - Definitions.

The following definitions shall apply in the interpretation and the enforcement of this chapter:

~~(1.4)~~ *Access*. Any point of ingress or egress between streets, driveways, sidewalks or any combination thereof.

~~(2)~~ *Accessory Parking*. a lot or parcel of land used as an area where cars or other vehicles may be left temporarily, which is incidental, subordinate to or supportive of the principal use of the parcel and its owner or occupant. Accessory Parking will only be permitted in an area that is undevelopable and in utility transmission area.

~~(2.5)~~ *Accessory use*. A structure or use which:

- a) Is subordinate and incidental to and serves a principal building or a principal use;
- b) Is subordinate in area, extent and purpose to the principal structure or principal use served;
- c) Contributes to the comfort, convenience or necessity of the occupants, business or industry in the principal structure or use;
- d) Is located on the same lot as the principal structure or its use; and
- e) Is detached from the principal structure.

EXCEPTION: An accessory use or structure may be attached to a main residential structure, provided it is attached only by means of another structure, such as a breezeway or a carport, which connecting structure is enclosed by walls on no more than two (2) sides. (Ord. No. 89-009, § 1, 3-6-1989)

(3) *Alley*. A public space or thoroughfare which affords only secondary means of access to property abutting thereon and not over 30 feet in right-of-way width.

(3.5) *Aluminum composite panel (ACP)*. A smooth material comprised of composite metal for external cladding of buildings on vertical, sloped or horizontal surfaces. ACPs may be applied over masonry, structural steel, stud backup, or within curtain wall designs. ACPs may be produced in numerous colors or in patterns that imitate other materials such as marble or wood. (Ord. No. 11-086, § 1(App. A), 12-12-2011)

(4) *Amusement, commercial indoors*. An amusement enterprise wholly enclosed in a building which is treated acoustically so that noise generated by the enterprise is not perceptible at the bounding property line and including, but not limited to, a bowling alley or billiard parlor.

(4.5) *Antenna*. Any exterior apparatus designed for wireless radio, television, microwave or telephonic communication through the sending and/or receiving of electromagnetic waves except direct satellite T.V., personal T.V., radio towers and antennas for non-commercial service or antennas located on independent support structures which are being used primarily for the transmission of electrical power by a public utility. (Ord. No. 98-016, 7-20-1998)

(4.75) *Antenna Support Structure*. The term antenna support structure includes any of the following:

- a) *Monopole Antenna Structure*. A self supporting pole type structure with no guy support, tapering from base to top and so designed to support fixtures which hold one or more antennas and related equipment.
- b) *Lattice Antenna Structure*. A steel lattice, self supporting structure with no guy wire support, so designed to support fixtures which hold one or more antennas and related equipment.
- c) *Guy Lattice Antenna Structure*. A steel lattice, guy wire supported structure, so designed to support fixtures which hold one or more antennas and related equipment.

- d) *Independent Support Structures.* Buildings, other than residences, or other structures such as water towers, church steeples or utility poles that can support fixtures for one or more antennas. (Ord. No. 98-016, 7-20-1998)
- (5) *Antique shop.* An establishment offering for sale within a building, articles such as glass, china, furniture or similar furnishings and decorations which have value and significance as a result of age, design and sentiment.
- (5.25) *Arcade.* An arched or covered passageway attached to a building facade. (Ord. No. 11-086, § 1(App. A), 12-12-2011)
- (5.5) *Architectural features in side yard.* Projections from a side residential building line that are either roof eaves, and/or chimneys and/or bay windows. No feature which touches or is in any way directly attached to the ground or foundation shall be considered an architectural feature. No other projection from a side residential building line shall be considered an architectural feature. (Ord. No. 91-012, § 16, 3-4-1991)
- (6) *Art gallery or museum.* An institution for the collection, display and distribution of objects of art or science and which is operated by a public or quasi-public agency and which facility is open to the general public.
- (6.25) *Articulation.* Architectural design method in which particular elements and parts of a building are made more distinct through variation in flat surfaces and straight lines (e.g., building facades, rooflines, etc.). (Ord. No. 11-086, § 1(App. A), 12-12-2011)
- (6.5) *Assisted living facility.* A multifamily, residential facility, the primary purpose of which is to provide long term housing, together with personal care (collectively, "assisted living services"), to persons who, because of their age or physical condition, desire or require such personal care. An assisted living facility shall also satisfy the requirements of the Texas Department of Health with respect to a Personal Care Home, Type A or B, as defined in the Texas Administrative Code under Title 25, Part 2, chapter 145, Subchapter L.
- An assisted living facility may also provide medical or nursing care services to its residents, in addition to personal care; provided that the primary purpose of the facility shall be to provide assisted living services. Such personal care and other services shall be administered by an employee, staff member, facility representative, or other responsible adult who is under the general supervision of a facility. An assisted living facility may be a part of hospital or nursing home, if such uses are otherwise permitted under this Code. Unless otherwise specifically approved by the City Council and Planning and Zoning Commission, an assisted living facility shall not be used for the primary purpose of housing or treating (a) persons addicted to or dependent on drugs or alcohol; (b) mentally retarded or emotionally disturbed individuals; or (c) persons with long-term, chronic or terminal illnesses, whether or not communicable. Notwithstanding the above, residents of the facility, from time to time may suffer from any one or more of such conditions and may receive treatment at such assisted living facility. (Ord. No. 89-022, § 2, 6-5-1989)
- (7) *Athletic facilities/clubs.* Commercial swimming, tennis, racquetball or other athletic facilities that are privately owned and operated as private clubs or that are open to the public.
- (8) *Auto or motorcycles sales.* A place wherein automobiles or motorcycles are on the premises within a building or within a screened storage area and are available for sale to the ultimate consumer.
- (9) *Auto parts sales.* A place wherein automobile parts, including but not limited to tires and/or mufflers, are on the premises within a building or within a screened storage area and are available for sale to the ultimate consumer.
- (9.5) *Auto sales and auto-related sales and services.* A place or places wherein new automobiles are on the premises within a building or within a paved holding area and are available for sale to the ultimate consumer. Said place or places may engage in used car sales, auto parts sales

and services to the extent that such sales and services are subordinate and incidental to the sale of new automobiles on the premises. (Ord. No. 88-008, § 1, 3-7-1988)

- (10) Reserved.
- (11) *Automobile service station.* Any building, structure or land used primarily for supplying automobile fuel and motor oil, at retail direct to the customer, including the supplying of accessories, replacement parts and services essential to the normal operation of automobiles, but not including body or fender work, painting or major motor repairs.
- (12) Reserved.
- (13) *Average equivalent lot size.* The number of square feet within a residential planned development district divided by the number of dwelling units within the district, excluding from the computation all public lands within the district that were in existence prior to the creation of the district.
- (14) *Bakery or confectionery shop (retail).* Any place used for the purpose of mixing, compounding and baking for retail sale, any bread, biscuit, pretzels, crackers, buns, rolls, macaroni, cake, pie or any other food products of which flour or meal is a principal ingredient.
- (15) *Bakery (wholesale).* Any place used for the purpose of mixing, compounding and baking for sale to a retailer or for sale to a restaurant, retail baker or hotel, any bread, biscuit, pretzels, crackers, buns, rolls, macaroni, cake, pie or any other food products of which flour or meal is a principal ingredient.
- (16) *Block.* An area enclosed by streets and occupied by or intended for buildings; or if said work is used as a term of measurement, it shall mean the distance along a side of a street between the nearest two (2) streets which intersect said street on said side.
- (17) *Board of Adjustment.* (Hereinafter referred to as Board.) A board having powers and duties as provided in other sections of this chapter, without limitation, to hear matters on appeal concerning interpretation of the provisions of this chapter, to grant variances and special exceptions. The Board of Adjustment may, in addition, require the discontinuance of nonconforming uses of lands or structures.
- (18) *Boat.* A vessel of any size designed to transport people or cargo across water.
- (19) *Bottling plant.* A place wherein beverages are bottled under pressure for sale at wholesale or retail.
- (20) *Buffer.* The area, space or physical means which is established to protect or insulate one land use or one building from another.
- (21) *Building.* A structure lawfully erected under the terms and provisions of the Code of Ordinances of the City of Bellaire, having a roof and designed or built for the support, enclosure, shelter or protection of persons, animals, chattels or property of any kind. Said building may have common party walls when erected in accordance with the Code of Ordinances of the City.
- (21.5) *Building integrated photovoltaics (BIPV).* Use of photovoltaic materials to replace conventional building materials in parts of a building envelope such as the facades, roof or skylights. Photovoltaic materials generate electrical power by converting solar radiation into direct current electricity. A BIPV system serves the dual function of building skin and power generator, and is often used to add architectural interest to a building. (Ord. No. 11-086, § 1(App. A), 12-12-2011)
- (22) *Building line.* A line usually parallel to the property line, which is the outermost line of permissible building construction.
- (23) *Building material storage and wholesaling.* A place in which building materials customarily used in the construction and/or remodeling of dwellings or commercial structures are stored and are sold to contractors, builders or other persons engaged in the construction and/or alteration of structures or improvements.

- (24) *Building Official*. A person duly appointed by the City Manager of the City of Bellaire, as provided in other sections of this chapter, without limitation, charged with the duty and obligation of issuing permits and certificates of occupancy and primarily charged with the responsibility of enforcing the provisions of this chapter.
- (25) *Building permit*. A permit issued by the Building Official under the terms and provisions of chapter 9 of this Code.
- (25.5) *Business and professional offices and services*. Places wherein commercial enterprises or professional fields of endeavor are conducted, such as but not limited to the following: real estate services, management services, veterinary services, physician and dental services, legal services, accounting, auditing and bookkeeping services, and education and scientific research services. (Ord. No. 88-008, § 1, 3-7-1988)
- (26) *Cabinet or upholstery shop*. A place wherein cabinetry is manufactured and/or fabricated or where fabrics are applied to furniture and are finished.
- (27) *Cafeteria*. A place where meals and drinks are served to the public generally or selected portions of the public, in a manner whereby such meals or drinks are served at a counter or in a line.
- (28) *Camping trailer*. A vehicular portable unit mounted on wheels and constructed with collapsible partial side walls which fold for towing by another vehicle and unfold at the campsite to provide temporary living quarters for recreational, camping or travel use.
- (29) *Certificate of Compliance*. A certificate issued by the signature of the Planning and Zoning Official certifying that a proposed development complies with the terms and provisions of this chapter and Code; such certification shall constitute a statement as to compliance of proposed buildings with this chapter and Code.
- (30) *Certificate of Occupancy*. A certificate issued by the Building Official which certifies that a structure has been erected in accordance with this Code and shall have as its effect permitting the occupancy of a building.
- (31) *Church*. A building or buildings where persons regularly assemble for organized religious worship, religious education and activities to promote fellowship among persons who are members or visitors of the organized religious body occupying the building or buildings.
- (32) *City Center*. An area of the city bounded by Chimney Rock Road (west), Bissonnet Street, Linden Street and Bellaire Boulevard (south), South Rice Avenue and Third Street (east), and Locust Street and the northern boundaries of lots facing Spruce Street (north). (Ord. No. 83-095, § 4, 12-5-1983; Ord. No. 83-095, § 18, 12-5-1983; as amended by Ord. No. 84-041, § 1, 5-24-1984; Ord. No. 85-010, § 2, 1-28-1985; Ord. No. 86-009, § 1, 2-3-1986; [Ord. No. 14-041, § 1, 8-18-2014](#).)
- (33) *City Council*. The body established under and by the authority of the Charter of the City of Bellaire as being the body ultimately responsible for the enactment of ordinances and enforcement thereof and having the ultimate authority for amendment or repeal of any provisions of this chapter. (See Articles I and II of the Charter of the City of Bellaire.)
- (34) *City Manager*. The chief administrative officer of the City of Bellaire.
- (35) *Cleaning and dyeing plant (commercial)*. A place wherein textile fabrics or other materials are dry cleaned, refurbished, washed or treated for cleaning, preservation and renewal and wherein such fabrics may, in addition, be dyed by the application of coloring or bleaching agents in order to change or alter their physical appearance or status.
- (36) *Cleaning or laundry (small shop or pick-up)*. A cleaning or laundry establishment where the work is performed other than on the premises.
- (37) *Clothing store*. A commercial establishment limited to the sale of clothing and clothing accessories to the ultimate consumer.

- (38) *Collector lane*. A driveway within a surface parking area designed to collect and distribute traffic between parking spaces and public streets.
- (39) *Collector street*. A roadway designed to provide direct access to residential, commercial, industrial and other activity areas with a primary function of collecting and distributing traffic between local access streets and the major thoroughfare system as follows: Glenmont Drive, Newcastle Drive, Evergreen Street, and Avenue B.
- (40) *College or university*. An academic institution of higher learning accredited or recognized by the State and offering a program or series of programs of academic study.
- (41) *Commencement of construction*. Any work on the project site pertaining to the work of the project itself that is in addition to the preliminary work of locating signs and temporary construction buildings and facilities on the site, and in addition to clearing and grading the site. (Ord. No. 83-095, § 5, 12-5-1983; Ord. No. 83-095, § 18, 12-5-1983; as amended by Ord. No. 84-041, § 1, 5-24-1984; Ord. No. 85-010, § 2, 1-28-1985; Ord. No. 86-009, § 1, 2-3-1986)
- (42) *Commercial parking lots (areas)*. An open paved area offering parking facilities for the general public for payment of a daily, weekly, monthly or hourly tariff.
- (42.5) *Commercial residential*. A building or development wherein all of the first floor building/floor area is devoted to commercial use and not more than fifty percent of the total building/floor area of all floors combined is devoted to residential use. (Ord. No. 01-037, § 2(24-202), 4-16-2001)
- (43) *Commercial type vehicle*. Any vehicle with self-motive power or designed to be drawn, three-quarter ton or more in size, or which is licensed by the State of Texas as a commercial vehicle or which is used to haul or carry passengers or cargo for financial gain or profit.
- (43.5) *Communication industry systems and operations*. Places wherein telephone, telegraph, radio broadcasting and transmitting, television broadcasting and transmitting, combined radio and television systems or other communication systems or operations are located. (Ord. No. 88-008, § 1, 3-7-1988)
- (43.75) *Communication Tower*. Any structure built on the ground that is designed and constructed primarily for the purpose of supporting one or more antennas, including self-supporting antennas, and related equipment except tower structures on real property owned, leased, held, used or dedicated for use by a public utility when such structures are used for rendering utility service, such as a structure being used primarily for the transmission of electrical power by a public utility. (Ord. No. 98-016)
- (44) *Community Center (public)*. A building and grounds owned by the City of Bellaire for the social, recreational, health or welfare of the community.
- (45) *Community shopping center*. A shopping area designed to serve a trade area of 40,000 to 150,000 people with a minimum site of ten (10) acres in area, where the lead tenant is a variety discount or junior department store. (Ord. No. 83-095, § 6, 12-5-1983; Ord. No. 83-095, § 18, 12-5-1983; as amended by Ord. No. 84-041, § 1, 5-24-1984; Ord. No. 85-010, § 2, 1-28-1985; Ord. No. 86-009, § 1, 2-3-1986)
- (45.5) *Conference center facility*. A facility that is devoted to hosting conventions and special events and providing meeting, exhibition and public assembly space, either as a stand-alone facility or attached to a hotel, office building or other complementary land use. (Ord. No. 11-086, § 1(App. A), 12-12-2011)
- (46) *Consumer*. A person or persons who are ultimate users or purchasers of goods or services.
- (47) *Contractor's shop or yard*. A place wherein work may be performed or equipment stored or used in conjunction with services rendered by a contractor in conjunction with agreements and undertakings by said contractor to perform services for third parties on a periodic by job basis.
- (48) *Contractual interest (person holding)*. An interest obtained by written agreement and held by any person, partnership or corporation in real property. Such interest must be capable of being

demonstrated and must appear on its face to be superior to all other interests of a similar nature. Such interest must, in addition, not be in conflict with that of the record title owner.

- (49) *Corner lot*. A lot adjoining the point of intersection of two (2) or more public streets and in which the interior angle of approximately 135 or less is formed by the extensions of the street lines in the directions which they take at their intersections with lot lines other than street lines.
- (49.5) *Cornice*. A horizontal molded projection that crowns or completes the top of a building or wall. (Ord. No. 11-086, § 1(App. A), 12-12-2011)
- (50) *Court*. An open, unoccupied space bounded on two (2) or more sides by exterior walls of a building or buildings. An inner court is a court entirely surrounded by the exterior walls of a building or buildings. An outer court is a court having at least one (1) side open to a street, alley, yard or other permanent space.
- (50.5) *Crime Prevention Through Environmental Design (CPTED)*. A multi-disciplinary approach to deterring criminal behavior through purposeful design of development sites, buildings, parking areas and public spaces to increase visibility and minimize potential hiding places. (Ord. No. 11-086, § 1(App. A), 12-12-2011)
- (51) *Cul-de-sac*. A dead-end street with a circular turn-around meeting minimum specifications of this Code for streets and turn-arounds.
- (52) *Custom personal service shop*. A commercial establishment such as barber, beauty, tailor, dressmaker, cabinet and upholstery shops, to provide such types of services to the ultimate consumer.
- (53) *Density, residential*. The number of dwelling units per gross area of land. (Ord. No. 82-010, § 11, 3-29-1982)
- (54) *Department store*. A commercial establishment housing general merchandise for sale to the ultimate consumer including, but not limited to, men's, women's and children's clothing, shoes, dry goods, furniture and household appliances.
- (55) *Development*. The carrying out of any building operation requiring permits under the terms and provisions of this Code or the making of any material change in the use or appearance of any structure or land requiring a permit or other authority under this Code.
- (56) *District*. See "Zoning district."
- (56.5) *Dormer*. An extension built out from a sloping roof to accommodate a vertical window. (Ord. No. 11-086, § 1(App. A), 12-12-2011)
- (57) *Drapery and/or carpet shop*. A commercial establishment wherein window hangings may be custom made on or off-premises for sale to the ultimate consumer or where carpeting is displayed and sold to the ultimate consumer or wherein both window hangings and carpeting are sold to the ultimate consumer.
- (58) *Drive-in banking facilities*. A place where a person or persons may conduct banking transactions from an automobile without the necessity of leaving such automobile.
- (59) *Dwelling, multi-family*. A residential structure on one (1) plot of land, containing separate living units for three (3) or more families, but which may have joint services or facilities.
- (60) *Dwelling, single-family*. A residential structure in which the members of a single family reside and no more than two (2) of the occupants thereof are unrelated.
- (61) *Dwelling unit*. A building or portion of a building which is arranged, occupied or intended to be occupied by a family as living quarters and includes facilities for food preparation and sleeping.
- (62) *Easement*. The lawful right one person or entity has to use the land of another for a specific or general purpose and for a definite or indefinite term.

- (63) *Electrical generating plant (private)*. A facility used for the generation of electric energy for transmission to ultimate consumers or additional transmission point.
- (64) *Engine or motor repair shop*. A place wherein engines and motors of every type are serviced and parts replaced for general use.
- (64.5) *Estate housing development*. Any housing permitted under the regulations provided in this chapter for the Mulberry Residential Estate District other than housing of a type existing at the time of adoption of this provision. (Ord. No. 83-076, § 1, 10-17-1983)
- (65) *Expansion of nonconforming use*. Enlargement by the addition of floor area, coverage or addition of land wherein there is located a use or structure which, although lawful at the time of its inception, is not prohibited under this chapter.
- (65.5) *Exterior Insulation and Finish System (EIFS)*. A method of building cladding that provides an insulating, protective and decorative finish system for exterior walls that can be installed on any type of construction, and in a variety of shapes, colors and textures to replicate other architectural styles or finish materials. (Ord. No. 11-086, § 1(App. A), 12-12-2011)
- (66) *Facilities owned and maintained by the City*. The buildings of municipal government and related service facilities such as, but not limited to, libraries or recreational centers or other department offices.
- (67) *Family*. Any number of individuals living together as a single housekeeping unit in which no more than two (2) individuals are unrelated by blood, marriage or adoption.
- (68) *Fence*. A structure used as a means of enclosure or screening primarily designed to keep people or animals in or out, or used as a visual barrier and constructed in accordance with the requirements of this Code.
- (69) *Field of vision*. The normal uninterrupted spectrum of sight enjoyed by a person while making visual observations without turning or eye movements of any kind.
- (70) *Financial institution*. A commercial establishment where matters concerning money, economic management and the application of money are conducted: a bank, savings and loan or insurance company.
- (71) *Floor area*. The sum of the gross horizontal surface areas of the several stories of the building measured from the exterior walls or from the center line of party walls, excluding parking structures or that portion of any structure devoted to parking. Stairwells, elevator shafts, atriums and other open areas shall only be included in the computation of floor area as to the actual floor space of such areas.
- (72) *Floor area ratio (FAR)*. The floor area of the building or buildings on a lot divided by the area of the lot.
- (73) *Florist or plant shop*. A commercial establishment where plants, flowers, greenery and other products of the art of horticulture are sold to the ultimate consumer.
- (74) *Front*. That part or side of a building or lot which has both the main point of ingress to and egress from the building or structure and abuts a street or a court. Where the main point of ingress or egress is not certain, then the front shall be deemed to be the side of a building which has assigned to it the street number address for that building.
- (75) *Front yard*. An open, unoccupied space on a lot facing a street, extending across the front of a lot between the side lot lines and from the outermost surface of the main building to the front lot line, with the minimum distance between the front lot line and the main building line as specified for the district in which the lot is located.
- (76) *Frontage*. The length of a building or lot which fronts and abuts a public parking area or a public street or area. The length of a common surface parking area abutting a public street or a public way.

- (77) *Furniture store*. A commercial establishment wherein home or office furnishings and related accessories are sold to the ultimate consumer.
- (77.5) *Gable*. A triangular area of an exterior wall under the inverted "v" formed at the end of a pitched roof. (Ord. No. 11-086, § 1(App. A), 12-12-2011)
- (78) *Garage, commercial*. A garage structure (building) offering parking facilities for the general public for payment of a daily, weekly, monthly or hourly tariff.
- (79) *Garage, residential (in Planned Developments)*. An attached or unattached structure being an enclosure designed to be used in the storage of at least two (2) standard size automobiles.
- (80) *Garden shop including greenhouses or nursery stock storage area*. A place wherein flowers, plants and other growing foliage, seeds, tools and implements are sold or kept for service or sale to ultimate consumers and individuals engaged in gardening and/or landscaping.
- (81) *Grade*. The line or elevation of the inclination from the horizontal.
- (81.5) *Green roof system*. The complete or partial covering of a building roof with vegetation and a growing medium, planted over a waterproofing membrane, which may also include additional layers such as a root barrier and drainage and irrigations systems. Such rooftop systems are typically used to absorb and/or retain rainwater, provide insulation, create urban habitat for wildlife, and help to lower urban air temperatures. (Ord. No. 11-086, § 1(App. A), 12-12-2011)
- (82) *Grocery store*. A commercial establishment wherein fresh produce, meats, staples and various and sundry perishable and non-perishable items related to the daily needs of a household are sold to the ultimate consumer.
- (83) *Hardware store*. A commercial establishment wherein supplies, tools and accessories for home and garden are sold to the ultimate consumer.
- (83.5) *Head shops*. Any retail establishment open to the public that presents, displays, or offers for sale, distribution, or delivery, smoking paraphernalia items of any kind. "Smoking paraphernalia" shall mean paraphernalia, devices, or instruments, including but not limited to pipes, bongs, and hookahs, that are designed or manufactured for the smoking, ingesting, inhaling, or otherwise introducing into the body "controlled substances" as defined by the Texas Controlled Substance Act, Health and Safety Code, Ch. 481, as may be amended. "Smoking paraphernalia" shall also mean and include, in the broadest application possible, kits that are used, intended to be used, or commonly known to be used for the ingestion, inhalation, preparation, or injection of illegal substances, and include any device or instrument which has been fabricated, constructed, altered, adjusted, or marked especially for use in the smoking or ingestion of marijuana, hashish, cocaine, methamphetamine, any other "controlled substance," "controlled substance analogue," "synthetic controlled substance," or other substance or chemical that mimics the effect of THC such as synthetic cannabinoids or other controlled substances, or any other substance that violates local, state, or federal law, and is adapted for the purpose of smoking or ingesting by virtue of a distinctive feature or combination of features associated with drug paraphernalia, notwithstanding that it might also be possible to use the smoking paraphernalia for some other purpose. "Smoking paraphernalia" shall also mean and include, in the broadest application possible, kits that are used, intended for use, or designed for use in planting, propagating, cultivating, growing or harvesting any species of plant which is a controlled substance, or from which a controlled substance can be derived from the manufacturing, compounding, converting, producing, processing or preparing of a controlled substance. "Smoking paraphernalia" does not include lighters, matches, cigarette holders, and devices used to store or preserve tobacco, tobacco cigarettes, cigarette papers or cigars, nor does it include e-cigarette, e-pipe and e-cigar devices or their respective components including but not limited to the atomizer unit, liquid nicotine reservoir or nicotine cartridge tank, and cartomizer.

([Ord. No. 17-028, § 1, 5-15-2017](#))

- (84) *Height*. The vertical distance of a building measured from the top of the lowest level of the top of the foundation of the building enclosed within the outer walls of the structure to the top of the highest point of the structure, excluding chimneys, cooling towers, elevator bulkheads, penthouses, tanks, water towers, radio towers and antenna onto metal cupolas, domes and spires and parapet walls not exceeding ten (10) feet in height. (Ord. No. 01-037, § 3(24-202), 4-16-2001)
- (84.5) *High-capacity power transmission lines*. Lines for the bulk transfer of electrical energy between generating power plants and substations at transmission-level voltage, which is distinct from the local wiring for final delivery of electric power to retail customers at distribution-level voltage. (Ord. No. 11-086, § 1(App. A), 12-12-2011)
- (85) *Home occupation*. A business, profession, or trade conducted within or from a residential building or accessory structure for gain or support by a resident of the dwelling, which is incidental and secondary to the residential use of the building and does not change the essential residential character of the use. Particular occupations permitted are listed in Section 24-517(d) and are subject to all applicable provisions of this chapter. (Ord. No. 81-006, § 1, 2-23-1981)
- (86) *Hospital*. An institution where sick or injured patients are given medical or surgical treatment intended to restore them to health and an active life.
- (87) *Hotel*. A building in which lodging is provided or offered to the public for compensation and in which ingress and egress to and from all rooms is made through an inside lobby.
- (88) *Household appliance sales and/or service*. The sale and service of refrigerators, washing machines, ranges or other electrical or gas equipment for use in the home.
- (89) *Reserved*. (Ord. No. 07-073, § 2(Exh. A), 12-3-2007)
- (90) *Reserved*. (Ord. No. 07-073, § 2(Exh. A), 12-3-2007)
- (91) *Kindergarten, nursery and/or day care center*. An establishment where ten (10) or more children are housed for care and pre-school activities, which meets licensing requirements as established by the State of Texas.
- (92) *Kitchen facilities*. A room or area principally designed for or containing appliances for the cold storage of foods or for the preparation of hot foods.
- (93) *Land*. The earth, water and air, above, below or on the surface, and including any improvements or structures customarily regarded as land.
- (94) *Land use intensity*. A term referring to the types and extent of uses, activities, coverage, building dimensions and open space existing upon a designated tract or parcel of land.
- (95) *Laundry and dry-cleaning plant*. A physical facility containing equipment and machinery designed to launder and/or dry-clean clothing, fabric or other textiles.
- (96) *Level of Service C*. A condition existing under various speed and volume conditions on a highway or street as defined in the Highway Capacity Manual, that has been determined to be generally acceptable to meet the needs of travelers to progress along streets and through intersections without undue delay. (Ord. No. 83-095, § 6, 12-5-1983; Ord. No. 83-095, § 18, 12-5-1983; as amended by Ord. No. 84-041, § 1, 5-24-1984; Ord. No. 85-010, § 2, 1-28-1985; Ord. No. 86-009, § 1, 2-3-1986)
- (97) *Light compounding or fabrication*. The manufacturing of any item not involving the generation of noise, odor, vibration, dust or hazard, including a scientific laboratory or dental laboratory.
- (98) *Light manufacturing*. Any place or plant wherein any product or thing, including food or beverage products, is manufactured or processed, wherein such operation conforms to the performance standards herein specified for noise, odorous matter, toxic and noxious matter, glare, smoke, particulate matter and other air contaminants, fire and explosive or hazardous matter, vibration and open storage. (Ord. No. 88-008, § 1, 3-7-1988)

- (99) *Local access street*. A residential or non-residential street designed to provide direct access to individual homes, shops, abutting land and similar traffic destinations, with no provision for through traffic (e.g. Little Lake Street, Spruce Street). (Ord. No. 83-095, § 7, 12-5-1983; Ord. No. 83-095, § 18, 12-5-1983; as amended by Ord. No. 84-041, § 1, 5-24-1984; Ord. No. 85-010, § 2, 1-28-1985; Ord. No. 86-009, § 1, 2-3-1986)
- (100) *Loop 610 Corridor*. The area of land paralleling Interstate Highway 610 that is generally recognized as affected by traffic on Interstate Highway 610.
- (101) *Lot*. A part of a properly platted and recorded subdivision which shall be readily identifiable upon a plat of such subdivision, which plat shall show the dimensions of its subdivision lots and dimensions of all streets, alleys, squares, parks or other portions of the same intended to be dedicated to public use or for the use of purchasers or owners of lots fronting thereon or adjacent thereto.
- (102) *Lot coverage (site coverage)*. The area of a particular lot or tract which is covered with buildings and other surfaces. (Ord. No. 07-073, § 2(Exh. A), 12-3-2007)
- (103) *Lot coverage ratio (LCR)*. The ratio of buildings and other surfaces to the lot area, including all parts of the lot covered with other surfaces of any kind. (Ord. No. 07-073, § 2(Exh. A), 12-3-2007)
- (104) *Lot depth*. The average distance between the front and rear property lines.
- (105) *Lot lines*. The lines bounding a lot.
- (106) *Lot width*. The average distance between the side property lines.
- (107) *Mayor*. The presiding officer of the City Council and chief elected officer of the City of Bellaire.
- (107.5) *Mini-storage business*. A commercial establishment which operates a facility that is subdivided into secure storage spaces that are rented to customers on a short-term or periodic basis (e.g., for storage of personal items, archive materials, vehicles and/or boats, etc.). (Ord. No. 11-086, § 1(App. A), 12-12-2011)
- (108) *Mixed-use development*. A combined land use project containing two or more component land uses. (Ord. No. 85-011, § 1, 1-28-1985)
- (109) *Mobile home*. A structure transportable in one (1) or more sections, which is built on a permanent chassis and designed to be used as a dwelling with or without permanent foundation when connected to the required utilities.
- (110) *Mortuary or funeral home*. An establishment where the dead are prepared for burial or cremation, where the body may be viewed and where funeral services are sometimes held.
- (111) *Motel*. A building in which lodging is provided or offered to the public for compensation, which is characterized by ingress to and egress from the rooms usually through an outside entrance, and which is of a design oriented to the short term occupancy needs of tourists traveling by automobile.
- (112) *Motor home*. A vehicular unit designed to provide temporary living quarters for recreational, camping or travel use, built on or permanently attached to a self-propelled motor vehicle chassis or on a chassis cab or van which is an integral part of the complete unit.
- (113) *Needlework, weaving or other arts and crafts*. An establishment wherein supplies and materials are sold or work actually performed in the art of needlework, weaving, painting or other handicrafts.
- (113.5) *Movie theater, indoor*. A commercial establishment which provides one or more auditorium spaces for the showing of movies for public entertainment upon customer purchase of a ticket, and which may also involve preparation and serving of food and beverages for consumption on the premises (also known as a "cinema"). (Ord. No. 11-086, § 1(App. A), 12-12-2011)

- (114) *Neighborhood*. A predominantly residential area distinguishable from surrounding areas by recognizable functional boundaries, such as major arterials or city limits.
- (115) *Neighborhood shopping center*. A shopping area designed to serve a trade area of 2,500 to 40,000 people and with a minimum site of three (3) acres in area where the lead tenant is a grocery or drug store. (Ord. No. 83-095, § 8, 12-5-1983; Ord. No. 83-095, § 18, 12-5-1983; as amended by Ord. No. 84-041, § 1, 5-24-1984; Ord. No. 85-010, § 2, 1-28-1985; Ord. No. 86-009, § 1, 2-3-1986)
- (116) *Newsstand*. An establishment wherein daily, weekly and monthly news publications from the local region and other regions are sold to the ultimate consumer.
- (117) *Nonconforming lot of record*. A lot being a part of a plat duly filed for record in the office of the County Clerk of Harris County, Texas, as provided for by law, which lot does not conform to the requirements of this chapter.
- (118) *Nonconforming use*. Any use lawfully being made of any land prior to the enactment of this chapter or any amendment hereto, which upon adoption of this chapter or any amendment, does not comply with all the regulations of this chapter or any amendment hereto, thus rendering such use nonconforming. A nonconforming use may relate to land, building, structure or any parts thereof.
- (118.5) *Office residential*. A building or development wherein all of the first floor building/floor area is devoted to office use and not more than fifty percent of the total building/floor area of all floors combined is devoted to residential use. (Ord. No. 01-037, § 2(24-202), 4-16-2001)
- (119) *Office supplies, stationery or letter shop*. An establishment that sells to the ultimate consumer supplies for use at home or office including, but not limited to, writing paper supplies and other items generally used in relation to the administration of business or social activities.
- (120) *Official Zoning District Map*. The map adopted as a part of this chapter having delineated thereon all the zoning districts and the boundaries thereof within the City of Bellaire.
- (121) *On-site parking, non-residential*. An area set aside for temporary parking (at no charge) of automobiles being used by persons shopping for goods or services or by persons there temporarily to conduct business on the premises.
- (122) *On-site parking, residential*. A paved area on a residential lot set aside for the parking of motor vehicles.
- (123) *Open space*. Any area of land or water set aside, open and unobstructed to the sky.
- (123.1) *Other surface*. As used in determining lot coverage and lot coverage ratio, any material applied to the surface of land, which does not permit the natural infiltration of water into the ground, including, but not limited to, air conditioning pads, asphalt, bath houses, concrete, decks, patios, porches, driveways, garbage pads, gazebos, parking areas, paving systems (whether permeable or not), sidewalks, swimming pools, spas, sports courts, except for the ground area of the buildings. The water surface area of a swimming pool or a spa, fifty (50) percent of an uncovered wood deck constructed over bare soil, loosely graveled walkways, and artificial turf, installed behind the front building line, constructed in a method approved by the city engineer and providing not less than 0.30 acre feet of detention per acre of artificial turf shall not be considered an other surface. (Ord. No. 07-073, § 2(Exh. A), 12-3-2007)
- (124) *Outermost surface*. That part of any building, excluding eaves and roof extensions that do not extend a distance greater than five (5) feet, which is closest to the street abutting the lot on which the building is located.
- (125) *Owner*. Any legal entity, person or otherwise who holds superior title to and can evidence superior title in real or personal property.
- (126) *Package liquor store*. A commercial establishment wherein alcoholic beverages (beer, wine and spirits) are sold to the ultimate consumer.

- (127) *Paint and/or wallpaper store.* A commercial establishment wherein paint products or other wall covering products are sold to the ultimate consumer.
- (128) *Parcel.* Any quantity of land capable of being described with such definiteness that its location and boundaries may be established.
- (129) *Parking space.* An enclosed or unenclosed all-weather surfaced area not on a public street or alley together with an all-weather surfaced driveway connecting parking space with a street or alley, permitting free ingress and egress without encroachment on the street or alley. Any parking adjacent to a public street wherein the maneuvering is done directly on the public street shall not be classified as off-street parking in computing the parking requirement for any use.
- (130) *Particulate matter.* Any material except uncombined water which exists in a finely divided form as a liquid or solid at standard conditions when released into the atmosphere.
- (131) *Passenger terminal, bus passenger station or heliport.* A place designated and used for embarkation onto and debarkation from a bus or other mode of mass transportation or to move passengers from one mode of transportation to another by debarkation and embarkation.
- (131.5) *Pawnshop.* A location at which or premises in which a pawnbroker regularly conducts business. A pawnbroker is a person engaged in the business of (a) lending money on the security of pledged goods deposited with or otherwise delivered into the possession of the pawnbroker, or (b) purchasing goods on condition that the goods may be redeemed or repurchased by the seller for a fixed price within a fixed period. (Texas Finance Code, Section 371.003.) (Ord. No. 11-086, § 1(App. A), 12-12-2011)
- (132) *Person.* Any natural person or entity created by law including, but not limited to, a corporation (profit or non-profit), partnership or association.
- (132.5) *Personal care.* The supervision of, or limited assistance with, routine living functions of a person who, because of his/her age or physical condition, desires or requires such personal care. The following are examples of personal care:
 - a) Assistance with medication regimen;
 - b) Assistance with hygiene;
 - c) Assistance with grooming, including assistance with dressing; and
 - d) Assistance with ambulation.

(Ord. No. 89-022, § 2, 6-5-1989)

- (133) *Pet shop and pet grooming.* A commercial establishment wherein household pets are sold, washed, groomed and kept within a building.
- (134) *Pharmacy.* A commercial establishment wherein substances used for medicinal purposes are sold to the ultimate consumer.
- (135) *Planned development district (Amendment).* A zoning district of the City of Bellaire approved in accordance with provisions of this chapter for amendments to the chapter and Official Zoning District Map, which has, as a part of the amendment, a site plan for development of the entire district.
- (136) *Planning and Zoning Commission.* The Planning and Zoning Commission of the City of Bellaire, Texas. (Ord. No. 81-013, 4-6-1981)
- (137) *Plat (subdivision plat), final.* A document including a graphic description of a tract of land by metes and bounds and giving the dimensions of all streets, alleys, squares, parks and other public areas, and giving the dimensions of all lots or tracts contained therein and which has been finally approved under the provisions of this Code or prior law.

- (138) *Plat (subdivision plat), preliminary.* A document including a graphic description of a tract of land by metes and bounds and giving the dimensions of all streets, alleys, sidewalks and other public places, which has been submitted for review and possible tentative approval, but has not been filed with the City for final approval nor for record with Harris County in accordance with V.T.C.A., Local Government Code ch. 212. (Ord. No. 89-009, § 1, 3-6-1989)
- (139) *Primary arterial.* A major thoroughfare with limited at-grade access, which expands and links to the expressway system and is designed primarily for movement of through traffic as follows: Chimney Rock Road, Bellaire Boulevard, Bissonnet Street, IH 610.
- (140) *Printing plants and shops.* Places wherein the printing of circulars, news or other written material is performed.
- (141) *Private club.* A place wherein members gather for friendship and recreation, which has such membership restricted to persons who are actually on the rolls of membership of such club or their guests.
- (142) *Property building line.* The line drawn on the subdivision plat indicating the front or outermost line or point where a building may be erected or the line established by reference to this Code as being the front or outermost line or point where a building may be erected. In case of conflict between the provisions of this Code and the designated property building line on the subdivision plat, the line designated providing the greatest setback distance shall control.
- (142.5) *Public service drive.* A dedicated public right-of-way to access homes within an estate housing development that meets the minimum standards for "alleys" serving townhomes as set forth in Section 23.5-21(b) of the Code of Ordinances of the City of Bellaire. (Ord. No. 83-076, § 1, 10-17-1983)
- (143) *Public utility plants and offices.* Plants used by utility franchisees of the City of Bellaire for the maintenance and continuation of service to the citizens of Bellaire and such offices as shall be necessary for the reasonable support of such function.
- (144) *Radio or television broadcasting stations, studios or offices.* A place wherein television and/or radio programs are originated and broadcasted, including the support facilities and offices necessary for such production and operation.
- (145) *Radio, television or microwave towers.* Structures supporting antennae for transmitting or receiving any portion of the radio spectrum, but excluding non-commercial antennae installations for home reception of radio or television.
- (146) *Rear yard.* An open, unoccupied space, except for accessory buildings as permitted, extending across the rear of a lot from one side lot line to the other side lot line and having a minimum depth between the end of the main building and the rear lot line as specified for the district in which the lot is located.
- (147) *Recreational vehicle.* A vehicular type unit primarily designed as temporary living quarters for recreational, camping or travel use, which either has its own motive power or is mounted on or drawn by another vehicle.
- (148) *Restaurant.* An eating establishment where food and drink are served to customers in a dining room or in a building or where food is prepared.
- (149) *Restaurant with drive-in service.* An eating establishment where food and drink are served to customers for consumption in motor vehicles parked on the premises or where facilities are provided which encourage the serving or consumption of food in motor vehicles.
- (149.5) *Retail Residential.* A building or development wherein all of the first floor building/floor area is devoted to retail use and not more than fifty percent of the total building/floor area for all floors combined is devoted to retail use. (Ord. No. 01-037, § 2(24-202), 4-16-2001)
- (150) *Retail sales and service establishments.* Establishments for the sale of consumer goods, commodities and services to ultimate consumers or users.

- (151) *Right-of-way*. A strip of land either dedicated or owned by the City or other public agency and used for the purpose of a public way or roadway. The area designated as a right-of-way shall not be included in computing the area or size of a lot or tract. (Ord. No. 83-095, § 9, 12-5-1983; Ord. No. 83-095, § 18, 12-5-1983; as amended by Ord. No. 84-041, § 1, 5-24-1984; Ord. No. 85-010, § 2, 1-28-1985; Ord. No. 86-009, § 1, 2-3-1986)
- (152) *School*. An institution, either public or private, organized and operated for the purposes of providing facilities for the education of children and/or adults based upon an organized curriculum or study plan, accredited by or application for accreditation pending before the appropriate state agency.
- (153) *School, business or trade*. A place of instruction or education wherein physical, mechanical or other skills that may be used in business or commerce are taught and which may be operated for profit.
- (153.5) *Score line*. A notch or incision on a building façade, often in a different color and/or texture, to add variety and visual interest to exterior walls. (Ord. No. 11-086, § 1(App. A), 12-12-2011)
- (154) *Screen, screening*. A wall or fence located in the front, rear or side yard in accordance with standards herein set forth and erected for the purpose of giving privacy and reducing noise impact.
- (155) *Secondary arterial*. A major thoroughfare with limited at-grade access, which supports the primary arterial system by providing essential system linkages to expressways, primary arterials and activity centers of medium intensity as follows: Fournace Place and South Rice Avenue.
- (156) *Service station*. See "Automobile service station."
- (157) *Setback*. The required distance between the outermost part of any building and the property line.
- (158) *Side Yard*. An open space on each side of a building and on the same lot with the building, situated between the building and side line of the lot and extending through from the front yard to the rear yard. Air conditioning units may occupy space in the side yard at the discretion of the Building Official, provided that such location does not create a violation of the City's fire code or any other code, ordinance, rule, or regulation of the City of Bellaire. Any lot line, not the rear line or a front line, shall be deemed to be a side line. (Ord. No. 81-006, § 2, 2-23-1981)
- (159) *Sign*. A structure or any part thereof which is used or intended to be used to attract attention to a subject matter for advertising purposes, and properly permitted under the provisions of this Code.
- (160) *Site*. A lot, tract or parcel of property, being described by lot and block number, metes and bounds and/or parts thereof, developed and/or intended to be developed by the erection of a building or buildings and which shall include front, rear and side yards where applicable.
- (161) *Site coverage (lot coverage)*. The area of a particular site or tract which is covered with buildings and impervious (impermeable) surfaces.
- (162) *Site plan or plans*. A one-dimensional graphic illustration setting forth minimum and maximum requirements for ingress to and egress from the property, public or private streets or drives, with adequate right-of-way, sidewalks, utilities, drainage, maximum lot coverage, yards and open spaces, screening walls or fences, landscaping and other development and protective requirements including maintenance considered necessary to create a reasonable transition to and protection of the adjacent property.
- (163) *Small household appliance sales and/or service*. The sale and service of irons, coffee pots, electric mixers, blenders and other small electrical equipment useful in the home.
- (164) *Special exception*. A type of relief granted by the Board of Adjustment pursuant to the terms and authorization contained in this chapter for particular and unique situations, which may include expansion of nonconforming uses.

- (165) *Specific use.* A use permitted by ordinance in a district where it is not necessarily incompatible but where it might cause harm if not watched. Exceptions are authorized under conditions which will insure their compatibility with surrounding uses.
- (166) *Specific use amendment.* An amendment authorizing a certain use which, because of its nature, is not subject to categorizing into specific zoning districts, subject to such conditions or limitations as the City Council shall provide.
- (167) *Speed copying service.* A place of business designed to provide duplication and/or photocopying of papers, documents or business records.
- (167.5) *Sports stadium or arena.* A facility that serves as a venue for the viewing of athletic competitions, concerts and other special events by providing a field or court area or stage which is either partly or completely surrounded by a structure with seating for spectators, usually in tiers. (Ord. No. 11-086, § 1(App. A), 12-12-2011)
- (167.75) *Standing seam metal.* A side-by-side formation of panels, typically made of steel, aluminum, copper or other architectural metal, in which the panels are joined together at the sides and secured in place by concealed fasteners, with the overlapping panel lock forming a seam as a connecting point between the panels. This enables the connected panels to be used for building and roofing applications. (Ord. No. 11-086, § 1(App. A), 12-12-2011)
- (168) *Statement of ownership.* A sworn statement by a person swearing to or affirming the legal or equitable ownership of real property.
- (169) *Storm drainage policy.* Regulations adopted and administered jointly by the Building Official and the Planning and Zoning Official, providing criteria for the development and improvement of land drainage and flood prevention. See also Chapter 9 of this Code, Article II-A.
- (170) *Story.* That part of a building between the surface of a floor (whether or not counted for purposes of computing floor area ratio) and the ceiling immediately above. A "working" story is for functional residential or nonresidential use, at least eight feet in height from the surface of the floor to the ceiling immediately above.
- EXCEPTION: Any subsurface space for parking, storage or permitted use that has a vertical distance when measured from the surface of a floor to the ceiling immediately above that is at least eighty percent below the surface of the grade that is the highest point of elevation of the street or streets abutting the site.
- EXCEPTION: Any space for one level of drive under parking that is at grade level or immediately above permitted subsurface parking. (Ord. No. 85-011, § 2, 1-28-1985; Ord. No. 11-086, § 1(App. A), 12-12-2011)
- (171) *Street.* Any thoroughfare, road, highway or public driveway other than an alley, and more than thirty (30) feet right-of-way in width, which has been dedicated or deeded to the public for public use expressly or by implication.
- (172) *Structure.* Anything constructed or erected with a fixed location on the ground or attached to something having a fixed location on the ground, excluding paved surface access ways and surface parking areas, approved surface water detention facilities and architectural/landscaping embellishment.
- (173) *Studio for photography, music, art or health.* A place where professionally trained persons provide certain services including instruction in photographic renditions of people or things, instruction in the use of musical instruments, instruction in artistic renditions including sculpture, painting and similar arts, and instruction or place for physical health and well-being.
- (174) *Subdivision.* A tract of land identifiable upon a plat duly approved and filed for record in the office of the County Clerk of Harris County, Texas, which shall clearly delineate the location and dimensions of all lots within such subdivision, streets, alleys, squares, parks or other portions intended for public use or for the use of purchasers or owners of lots fronting thereon or

adjacent thereto, and which shall be accurately described upon said plat by metes and bounds in order that the same might be located with respect to an original corner of the original survey of which it is a part.

- (174.25) *Tattoo shop*. A commercial use involving the creation of an indelible mark, figure, word or graphic illustration upon a human body by the insertion of pigment under the skin or by the production of scars or scarring. (Ord. No. 11-086, § 1(App. A), 12-12-2011)
- (174.5) *Technical research facilities*. A place or places wherein office uses, technical laboratories, computer centers, engineering operations, research and/or related light manufacturing uses are located. (Ord. No. 88-008, § 1, 3-7-1988)
- (174.55) *Theater, for live performances*. A facility which provides one or more auditorium spaces in which plays and other dramatic, musical or entertainment performances are provided to an audience, either as a commercial operation involving customer ticket purchases, or as a free (public or nonprofit) venue. The facility may also involve preparation and serving of food and beverages for consumption on the premises. (Ord. No. 11-086, § 1(App. A), 12-12-2011)
- (174.6) *Theatrical fly space*. The area in a theater above the stage into which scenery and other accessories are hoisted to an extent that the scenery and other accessories are not visible to the audience. (Ord. No. 08-059, § 1(App. A), 9-8-2008)
- (174.7) *Through lot*. Any lot that connects two (2) generally parallel streets and is adjacent to more than one (1) interior lot on the same side. (Ord. No. 07-074, § 2(Exh. A), 12-3-2007)
- (175) *Tire retreading or recapping*. A place wherein tires used on vehicles are repaired by the addition of new tread surface to such tires.
- (175.5) *Traffic impact analysis*. A specialized engineering study which quantitatively assesses the adequacy of the existing structure or future transportation infrastructure to accommodate additional trips generated by a proposed development, redevelopment, or land rezoning. This report should be signed and sealed by a licensed professional engineer and must be approved by the Planning and Zoning Official.
- (176) *Trailer rental or sales*. A place wherein trailers, regardless of class or size, are rented on a temporary basis or sold.
- (177) *Travel agency*. A place wherein persons provide services in planning travel, including the sale of tickets and passage on buses, ships and airplanes.
- (178) *Travel trailer*. A vehicular unit up to thirty-two (32) feet in length and eight (8) feet in width, mounted on wheels, designed to provide temporary living quarters for recreational, camping or travel use and of such size or weight as not to require special highway movement permits when drawn by a motorized vehicle.
- (178.5) *Trip generation report*. A report that includes the estimated maximum AM peak, PM peak, and total daily volume trip generation of the proposed facility, the planned circulation of inbound and outbound traffic during operation, and the estimated length of any queuing of cars, if applicable. The trip generation report shall also include a statement from the owner/operator that they agree to operate the facility in accordance with the approved circulation plan, which must be approved by the Planning and Zoning Official, and to install the necessary mitigation measures if traffic issues present themselves in the future.
- (179) *Truck and construction equipment sales and service*. A place wherein vehicles, including trucks of any size, are sold and serviced, including any type of equipment used in the construction industry.
- (180) *Truck camper*. A portable unit constructed to provide temporary living quarters for recreational, camping or travel use, consisting of a roof, floor and sides, designed to be loaded onto and unloaded from the bed of a pickup truck.
- (181) *Use*. The particular type of function or purpose to which land and/or structure is committed.

- (182) *Variance*. Relief granted by order of the Board of Adjustment, not contrary to the public interest, where owing to special conditions the literal enforcement of the regulations of this chapter will result in unnecessary hardship.
- (183) *Veterinary clinic (no outside pet facilities or runs)*. A place wherein animals are brought for the purposes of providing medical care and examination and for the purpose of providing treatment, diagnosis or other medical attention to sick, disabled or otherwise infirm animals.
- (184) *Wall*. The side of a room or building between the floor, foundation and the ceiling and roof, generally a structure of stone, brick or other material built to enclose, divide, support or protect, and constructed in accordance with the requirements of this Code.
- (185) *Warehouse/warehousing, wholesaling and distribution facilities*. A place or places wherein commodities are stored or maintained on an interim basis prior to manufacturing, assembling and/or distribution to other locations. No outside storage shall be classified as a warehouse, wholesaling or distribution facility. (Ord. No. 88-008, § 1, 3-7-1988)
- (186) *Welding or machine shop*. A place wherein metal apparatus are welded and/or where machinery exists to perform various functions necessary to repair or modify various apparatus.
- (187) *Yard*. An open space other than a court, on a lot or parcel of land on which a building is situated and which is unobstructed above the general ground level of the graded lot to the sky, except as provided for roof overhang and similar special architectural features and landscape features.
- (188) *Zero lot line*. The side lot line of a lot or tract without required minimum side yards, in order that the wall or structure may be erected on the side property line.
- (189) *Zoning district*. (Hereinafter referred to as District.) Any district delineated on the Official Zoning District Map under the terms and provisions of this chapter or which may hereinafter be created subsequent to the enactment of this chapter.
- (190) *Zoning district boundaries*. The boundaries of each zoning district as more fully described in Section 24-403(c) of this chapter.

(Ord. No. 82-020, § 11, 3-29-1982)

([Ord. No. 14-013, § 1, 3-3-2014](#) ; Ord. No. [19-059](#), § 1(App. A), 11-4-2019)

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; **and** (Ord. No. 81-067, § 4, 1981)
- c) Accessory Parking.

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](#).)

AGENDA STATEMENT

City of Bellaire

MEETING: Planning & Zoning Commission - Oct 08 2020

PREPARED BY: ChaVonne Sampson

DEPARTMENT: Development Services

ITEM TITLE:

Discussion, consideration, and possible action on an application filed by Evelyn's Park Conservancy, regarding 4300 Bellaire Blvd., Bellaire, TX 77401, located within the R-5 Residential District, on a request for a specific use permit, as provided by the City of Bellaire Code of Ordinances, Chapter 24, Planning and Zoning, Section 24-605, *Application for Specific Use Permit*, to allow for the construction and use of an accessory parking lot to be used as off-site parking, as provided for in Sec. 24-534 B. (2), if the aforementioned text amendments are approved.

RECOMMENDATION:

Based on the recommendation of denial of the text amendments to the R-5 Residential Zoning District, the Director of Development Services does not recommend approval of the request for a specific use permit to construct and operate a parking lot at the property located at 4300 Bellaire Boulevard.

BACKGROUND/SUMMARY:

This item is for the consideration of an application filed by Evelyn's Park Conservancy on a request for a specific use permit to allow for an *Accessory Parking* lot at the property located at 4300 Bellaire Blvd. The parking lot will be utilized as overflow parking for Evelyn's Park, as well as for employees of Southside Commons, a commercial shopping center, located in Southside Place.

A separate application was filed by The Conservancy to allow for two text amendments, to add *Accessory Parking* as a specific use allowed within the R-5 Zoning District, as well as to include a definition of the term *Accessory Parking* to Section 24-202 of the City's Code of Ordinances. This request for a specific use permit shall only be taken into consideration if the text amendments are approved.

On August 13, 2020, the Planning and Zoning Commission held a public hearing on the two applications, during which 20 members of the public spoke against the requests. During the public hearing, it was mentioned that a title report was not included for the property. Since that time, staff has received this document from the applicant, and it is included in the attached application.

The Development Services Staff is not recommending approval of the request for a specific use permit, based on the same evidence given in the analysis of the text amendment request. It is staff's position that the conditions in which a parking lot is allowed in the R-5 Zoning District are already addressed in the current code. If the Planning and Zoning Commission finds that this application meets the standards set forth in Section 24-615 for the approval of specific use permit, the

Development Services Department recommends the following condition be added to this request:

1. That the development meet all landscaping, screening, and buffering requirements as set forth in Section 24-513 of the City's Code of Ordinances.

CITY ATTORNEY REVIEW:

Yes **No**

Sec. 24-605. - Application for Specific Use Permit.

Any person desiring to petition for a specific use permit to this chapter shall be required to file an application in writing with the Planning and Zoning Official, accompanied by a nonrefundable application fee, in an amount established by the City Council or the City Manager, to defray the actual cost of processing the application. The application shall include the following information:

- (1) The name and address of the applicant; and in the event that the applicant is a partnership, the full name and address of the general partner, and a statement as to the state of the organization/formation, if applicable, and in the event that the applicant is a corporation, the full names and addresses of all officers, a statement as to the state of incorporation, the name and address of the registered agent and the address of the registered office of the corporation;
- (2) The Section or Sections of this chapter authorizing a specific use permit;
- (3) A legal description, street address, and zoning district of the property which is the subject of the application;
- (4) A statement of ownership accompanied by a certificate from a title insurance company certifying ownership;
- (5) A written description of the proposed specific use as provided for in this Code;
- (6) A survey of the property in question;
- (7) A scaled site plan of the property showing the general arrangement of the project, together with essential requirements, including, but not limited to, off-street parking; size, height, construction materials, and locations of the building and use to be permitted; location of proposed signage, means of ingress and egress to public streets; the type of visual screening that is being proposed, such as walls, plantings, and fences; and any foreseen negative impacts of the intended use to all existing properties and land uses in all directions to a minimum distance of two hundred (200) feet;
- (8) A landscape plan in accordance with Section 24-513 of the City's Code of Ordinances. This requirement may be waived by the Planning and Zoning Official, based on information provided in the application;
- (9) A Traffic Impact Analysis or Trip Generation Report. See *Table 24-605.A* to determine which is required. This requirement may be waived by the Planning and Zoning Official, based on the information provided in the application;
- (10) A written environmental assessment statement describing in general terms the impact of the development for which approval is sought and providing any specific information that the Planning and Zoning Official shall deem necessary;
- (11) The names and addresses of all owners of property required to be notified under this article;
and
- (12) Such other information or documentation as the Planning and Zoning Official, the Planning and Zoning Commission or the City Council may from time to time designate or which may be deemed necessary and appropriate to a full and proper consideration and disposition of the particular application.

(Ord. No. 10-057, § 1(App. A), 8-2-2010)

Table 24-605.A

Traffic Impact Analysis Trip Generation Report

All New Developments	X	
All developments proposing a new drive-through	X	
All re-developments adjacent to or within residential zoning districts R-1, R-3, R-4 & R-5	X	
All other developments		X

- 1) Evelyn's Park Conservancy - 4300 Bellaire Blvd, Bellaire, TX 77401
- 2) Proposed Addition of "Accessory Parking" Amendment to Sec 24-534 - R-5 B (2) (c)
- 3) TRS 27E & 37A BLK 1 WESTMORELAND FARMS - 4300 BELLAIRE BLVD BELLAIRE TX 77401 in R-5 District
- 4) Property is owned by CENTERPOINT ENERGY. Deed is attached.
- 5) In a previously submitted application, the applicant is requesting a text amendment to add "accessory parking" as an allowed SUP within the R-5 Zoning District. Should the text amendment be approved, this application is being submitted to request approval of the specific use permit itself, to have an accessory parking lot on the property located at 4300 Bellaire Boulevard.
- 6) As submitted in previously issued permit and attached.
- 7) As submitted in previously issued permit and updated per the attached Landscaping Plan. Ingress/egress to remain the same and no signage is anticipated.
- 8) The previously issued and approved permit application had no landscaping given that no structures, signage or new means of ingress egress were being constructed but upon further review and feedback of the community the applicant has hired TBG Partners to develop a plan that will a) Protect and improve the appearance and character of the community, including its developed and open space areas, in accordance with the Comprehensive Plan b) Increase the compatibility of adjacent land uses c) Mitigate the effects of noise, dust, debris, artificial light intrusions and other externalities created by the use of land, and the "heat island" effect of paved surfaces in urban settings; and d) Conserve water and promote the long-term viability of development landscaping by promoting the planting and maintenance of native and drought-resistant vegetation types. Attached is the new landscaping plan for review and discussion.
- 9) TIA or Trip Generation Report; however, it has not been determined whether this is necessary. Staff is checking with traffic engineer.
- 10) Environment Impact Statement and Soil Report from Environmental Consultant, Raba Kushner, is attached.
- 11) Attached
- 12) TBD

**WHITE MARY RUTH & JOSEPH F
4310 BELLAIRE BLVD
BELLAIRE TX 77401-4304**

**ANDERSON MARK & ASHLEY
4312 BELLAIRE BLVD
BELLAIRE TX 77401-4304**

**CURRENT OWNER
4314 BELLAIRE BLVD
BELLAIRE TX 77401-4304**

**MUSEMECHE MARK D
MUSEMECHE LAURA GRAHAM
4316 BELLAIRE BLVD
BELLAIRE TX 77401-4304**

**LAUSEN FREDERICK JR & PATRICIA
200 MULBERRY LN
BELLAIRE TX 77401-4308**

**CURRENT OWNER
304 MULBERRY LN
BELLAIRE TX 77401C/O 4534 PARK CT
BELLAIRE TX 77401-3714**

**BOOTS MARC
212 MULBERRY LN
BELLAIRE TX 77401-4308**

**CASAR GREGORIO & MONICA
220 MULBERRY LN
BELLAIRE TX 77401-4308**

**WILLIAMS BRUCE K & SARA
308 MULBERRY LN
BELLAIRE TX 77401-4310**

**AGRIS JACOB M & LAUREL A
400 MULBERRY LN & 0 MULBERRY LN
BELLAIRE TX 77401-4310
C/O PO BOX 6989
HOUSTON TX 77265-6989**

**GLICK WILLIAM H & RHONDA R
4401 CAMELLIA LN
BELLAIRE TX 77401-4318**

**PAPA-GEORGE SEVA
ANAIPAKOS IOANNIS
4404 CAMELLIA LN
BELLAIRE TX 77401-4300**

**BACA MARC
1 BOULEVARD GRN
BELLAIRE TX 77401
C/O 4408 VERONE ST
BELLAIRE TX 77401-5212**

**HALL CHARLES E & JOY J
2 BOULEVARD GRN
BELLAIRE TX 77401-4621**

**DORRIS WAYNE L
HECHT JACQUELINE T
3 BOULEVARD GRN
BELLAIRE TX 77401-4621**

**NOLA PROPERTIES LP
4 BOULEVARD GRN
BELLAIRE TX 77401
C/O 5111 BELLAIRE BLVD
BELLAIRE TX 77401-4419**

**DICKINSON JOEL S
5 BOULEVARD GRN
BELLAIRE TX 77401-4621**

**REDEL CAROL A
6 BOULEVARD GRN
BELLAIRE TX 77401-4621**

**SIGNH MANDEEP & PREETI
7 BOULEVARD GRN
BELLAIRE TX 77401-4621**

**GUEL RAMON
LEE KAMAN
8 BOULEVARD GN
BELLAIRE TX 77401**

**CURRENT OWNER
9 BOULEVARD GRN
BELLAIRE TX 77401
C/O 3410 WOODBROOK LN
SUGAR LAND TX 77478-4295**

**PUZON JOY A & PETER F
10 BOULEVARD GRN
BELLAIRE TX 77401-4621**

**HURWITZ RAYE CAROLE
11 BOULEVARD GRN
BELLAIRE TX 77401-4621**

**BRONK JULIANNA & LAWRENCE FERNANDO
12 BOULEVARD GN
BELLAIRE TX 77401**

**MCKENZIE ROBERT D
13 BOULEVARD GRN
BELLAIRE TX 77401-4621**

**PILAND PAGE & PAT
14 BOULEVARD GRN
BELLAIRE TX 77401-4621**

**GELSOMINO VICTOR V JR & KATHRYN E
15 BOULEVARD GRN
BELLAIRE TX 77401-4621**

**EISELE VOLKER K & UTE G
16 BOULEVARD GRN
BELLAIRE TX 77401
C/O 6510 SEWANEE AVE
HOUSTON TX 77005-3748**

**A BEAUTIFUL BELLAIRE LLC
4301 BELLAIRE BLVD
BELLAIRE TX 77401
C/O 6575 WEST LOOP SOUTH #425
BELLAIRE TX 77401-3524**

PROPOSED LEGEND

Legend table with symbols for manhole, inlets, elevations, lines, and materials.

EASEMENT NOTE

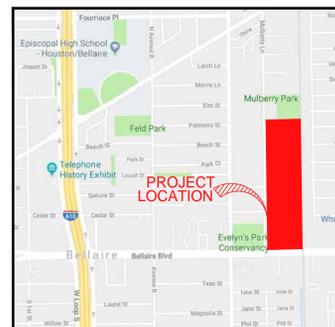
PROPOSED PARKING LOT TO BE LOCATED WITHIN 130 H&AP EASEMENT...

DETENTION NOTE

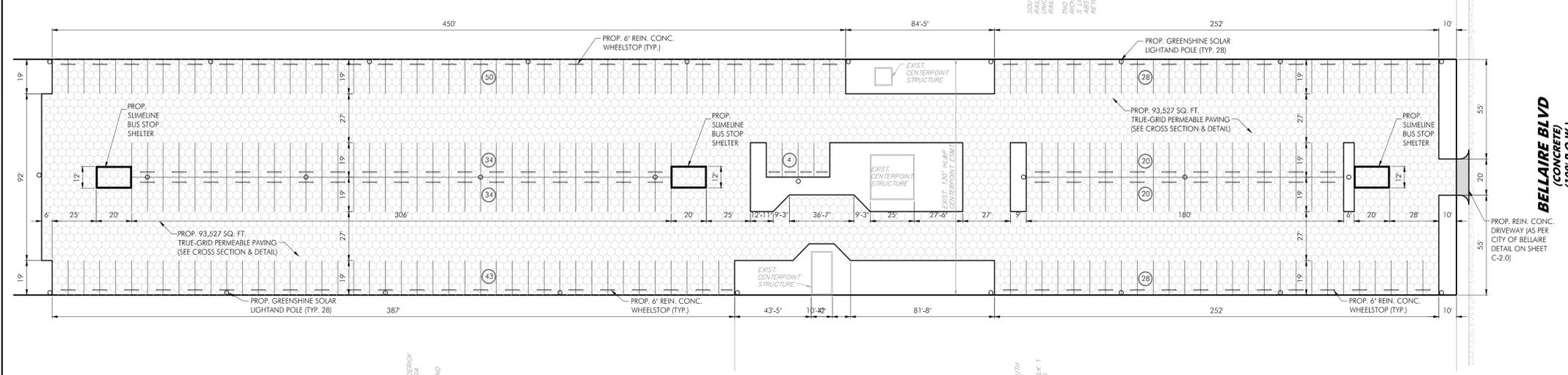
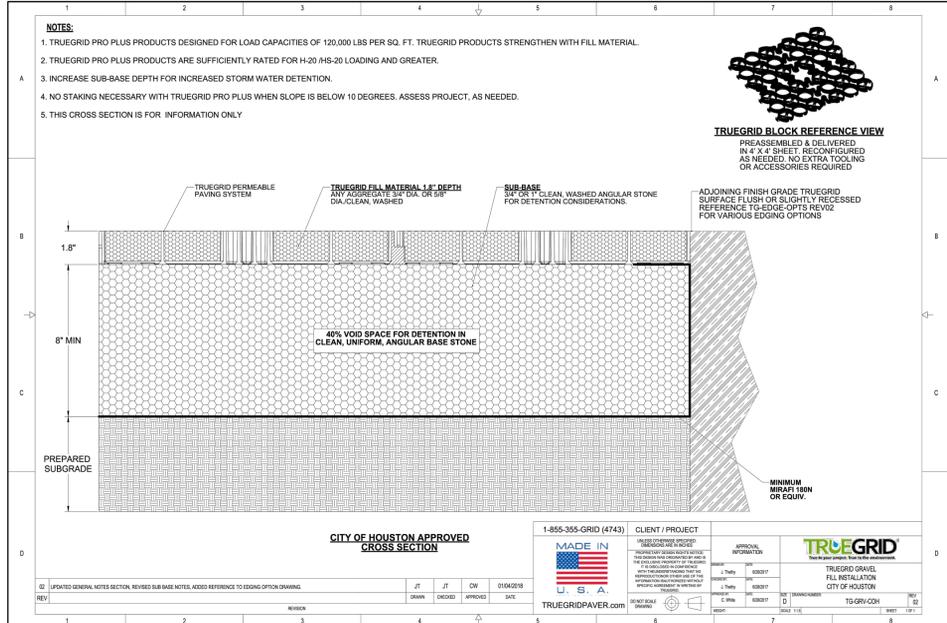
NO ADDITIONAL IMPERVIOUS COVER IS PROPOSED...

GENERAL NOTES

- 1. PRIOR TO THE WORK BEING PERFORMED, THE CONTRACTOR SHALL BE REQUIRED TO CONDUCT A WALKTHROUGH OF THE PROJECT WITH A REPRESENTATIVE FROM THE CITY OF BELLAIRE OR CITY ENGINEER.



VICINITY MAP



SITE PLAN SCALE: 1" = 30'-0"

BELLAIRE PARKING LOT BELLAIRE BLVD. BELLAIRE, TX 77401

Table with columns for DESCRIPTION, DATE, SCALE, PROJECT NO., SHEET TITLE, SHEET NO., and DATE.

Easmt

201250209 U389496

05/15/00 201250209 U389496
Entex: M099008582 \$255.00
ROW Job#99-1251
SM Job D100ET99-054

EASEMENT

532-30-1561

U389496

State of Texas §
County of Harris §

KNOW ALL PERSONS BY THESE PRESENTS:

THAT, **RELIANT ENERGY HL&P**, a division of Reliant Energy, Incorporated, herein called Grantor, for and in consideration of the sum of TEN DOLLARS (\$10.00) CASH and other valuable consideration paid to Grantor by **RELIANT ENERGY ENTEX**, a division of Reliant Energy Resources Corporation, a Delaware corporation, herein called Grantee, the receipt of all of which is hereby acknowledged, has **GRANTED** and does hereby **GRANT** unto Grantee, a 12.75-inch wide easement in the James Blessing Survey, Abstract 162 and the Mayberry B. Gray Survey, Abstract 284, in Harris County, Texas, for the installation, construction, maintenance, operation, replacement, protection, repair, and removal of a 12.75-inch natural gas pipeline, hereinafter referred to as Grantee's facilities, together with the rights of ingress and egress thereto.

see

159

The specific location of the centerline of said 12.75-inch wide easement herein granted is shown by a dot-dash symbol on **SKETCH NOS. P99-022, P99-022A THROUGH P99-022H, inclusive, P99-022J and P99-022K**, attached hereto and made parts hereof.

The following addresses should be used for notification purposes:

GRANTOR'S ADDRESS:
Reliant Energy HL&P
P. O. Box 1700
Houston, Texas 77251-1700
ATTN: Land & Right of Way

GRANTEE'S ADDRESS:
Reliant Energy Entex
1301 Travis, 7th Floor
Houston, Texas 77002

FILE FOR RECORD
8:00 AM
MAY 15 2000
County Clerk, Harris County, Texas

Grantee has, heretofore on October 20, 1999, executed and delivered to Grantor an **AGREEMENT LETTER** reciting therein certain terms and conditions with respect to the granting of the easement herein described and Grantee does hereby acknowledge its obligations thereunder and hereby agrees to abide by the same.

If Grantee, its successors or assigns, shall at any time fail or refuse to comply with or carry out any of the conditions herein contained or those conditions contained in said

532-30-1562

Entex: Mo9900866A
ROW Job#99-1251
SM Job D100ET99-054

AGREEMENT LETTER, and such failure or refusal shall continue for a period of thirty (30) days after written demand for such performance or compliance, Grantor, may, at its election, without notice forthwith revoke this easement and in any case of such election or upon any termination hereof, Grantee, its successors and assigns, shall upon request, forthwith cease using said Grantee's facilities, remove said Grantee's facilities, and restore said premises to the condition in which they were prior to the construction of said Grantee's facilities.

In case Grantee, its successors and assigns, shall fail to make such removal or restoration within thirty (30) days, Grantor may proceed with such work, and Grantee, its successors and assigns, shall promptly repay Grantor the cost thereof, within thirty (30) days after receipt of billing.

Grantee, its successors and assigns, agrees to install said Grantee's facilities within the easement herein granted. If, at a later date, any portion of said Grantee's facilities are found to be outside the easement, then Grantee will, at its own cost and expense, relocate said Grantee's facilities within the easement herein granted.

In the event that Grantee, its successors and assigns, shall abandon such right-of-way, this grant shall immediately terminate and all rights hereunder shall there-upon revert to Grantor, its successors and assigns, and Grantee shall further, at its own cost and expense, remove said Grantee's facilities from the premises of Grantor, restoring such premises as nearly as possible to its original condition.

This conveyance is expressly made subject to restrictions, covenants, conditions, limitations, easements and mineral reservations, if any, now in force and existing of record

532-30-1563

Entex: Mo9900866A
ROW Job#99-1251
SM Job D100ET99-054

in the office of the County Clerk of Harris County, Texas, to which reference is here made for all purposes, and to those easements which, though not of record, are evidenced on the ground.

EXECUTED this 4th day of May, 2000.

RELIANT ENERGY HL&P
a division of Reliant Energy, Incorporated

200

BY: *James C. Hoskins, II*
James C. Hoskins, II
Manager
Land & Right of Way

AGREED TO AND ACCEPTED this 2 day of May, 2000.

RELIANT ENERGY ENTEX
A division of Reliant Energy Resources
Corporation

BY: *Doyle W. McQuillon*
Doyle McQuillon
Vice President
Western Region

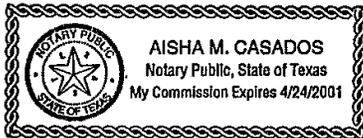
532-30-1564

Entex: Mo9900866A
ROW Job#99-1251
SM Job D100ET99-054

STATE OF TEXAS }

COUNTY OF HARRIS }

This instrument was acknowledged before me on May 4, 2000, by James C. Hoskins, II, Manager, Land & Right of Way of Reliant Energy HL&P, a division of Reliant Energy, Incorporated, on behalf of said corporation.

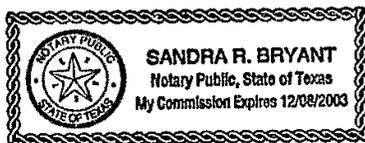


Aisha M. Casados
Notary's Signature

STATE OF TEXAS }

COUNTY OF HARRIS }

This instrument was acknowledged before me on May 2, 2000, by Doyle McQuillon, Vice President, Western Region, of Reliant Energy Entex, a corporation, on behalf of said corporation.



Sandra R. Bryant
Notary's Signature

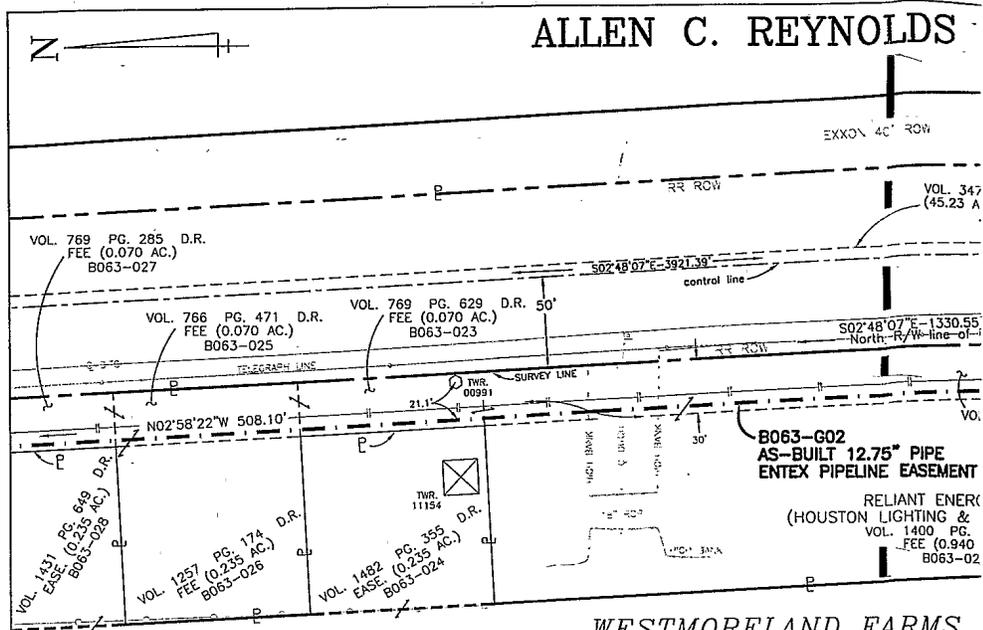
Commission Expires: 12/08/2003

AFTER RECORDING RETURN TO:

SURVEYING & MAPPING
RELIANT ENERGY HL&P
P.O. BOX 1700
HOUSTON, TX 77251-1700

532-30-1565

ALLEN C. REYNOLDS



WESTMORELAND FARMS
 AMENDED FIRST SUBDIVISION
 VOL. 3 PG. 60 M.R.

MATCH LINE SEE SK. NO. P99-022B

MATCH LINE

LEGEND

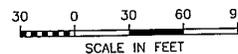
- = Set 3/4" I.R. w/plastic cap mkd. "Reliant Energy-HL&P"
- () = Call Information
- = Steel Pole
- └ = Guy
- ☒ = 4' x 4' Box Culvert Manhole/Inlet
- = 2' x 2' Drain Grate
- = Wood Poles
- RCP = Reinforced Corogated Pipe
- = Chain Link Fence
- - - - - = Wood Fence
- ||-||-|| = Fiber Optics Line
- ||-||-|| = Reliant Energy

Notes:
 Bearings are based on two (2) Reliant Energy (HLP) control points found in the centerline of railroad r/w. Pts. #C-1589-a and #C-1590-c are 3/4" Iron Rods that were set within the first half of the year in 1941. Using the said two (2) control points Pt. #C-1593-a was reestablished. See sketch #P99-022, P99-022D, and P99-022G for location of said control points.

As-built location of Entex 12.75" pipeline shown on sketches are accurate to (+) 1' foot of actual location. Location of 12.75" pipeline determined by field ties taken on Entex's pipeline markers and small flags.

ENTEX REFERENCE NUMBERS
 PROJECT ID NO.: #2992
 WORK ORDER NO.: #Mo990086
 ER #9056

REVISION:
 Mo990086A/as-built survey of 12.75" pipeline. 4-4-2000

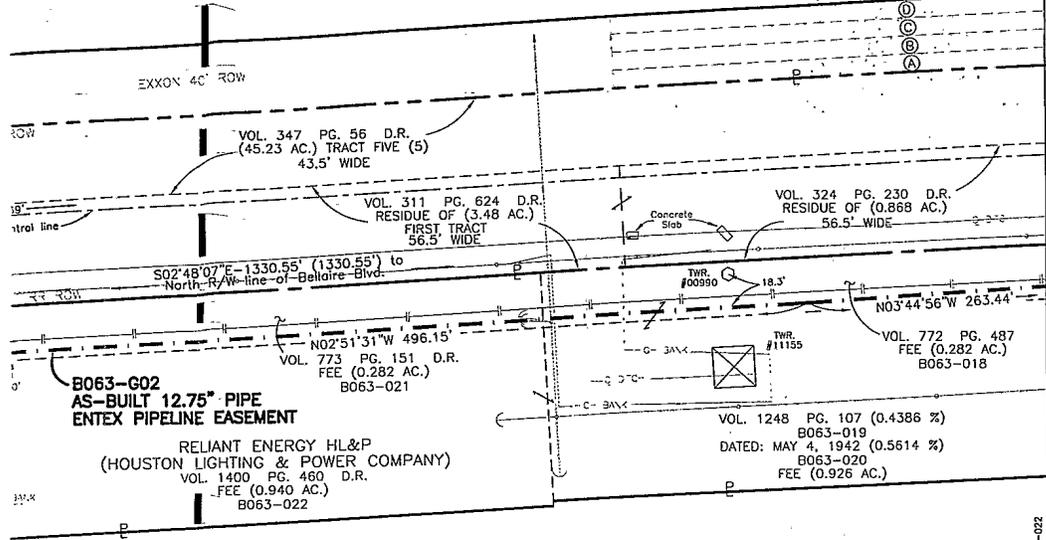


JAMES E

REV.1:JOB
 EASEMENT
 COUNTY: H
 DATE: 10-
 SCALE: 1"
 FILE NO. -

532-30-1566

J. REYNOLDS SURVEY A-61



**ORELAND FARMS
FIRST SUBDIVISION**
3 PG. 60 M.R.

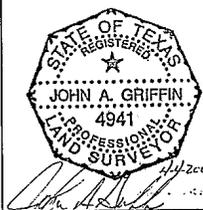
EXXON PIPELINE COMPANY PROPERTY

y (HLP)
oad r/w.
Iron Rods
r in 1941.
-1593-a
-022G for

MATCH LINE
MATCH LINE

- Ⓓ Volume 696 Page 638 D.R.
10' Wide Strip
- Ⓒ Volume 602 Page 290 D.R.
10' Wide Strip
- Ⓑ Volume 507 Page 22 D.R.
10' Wide Strip
- Ⓐ Volume 427 Page 167 D.R.
10' Wide Strip

SKETCH 2 OF 11



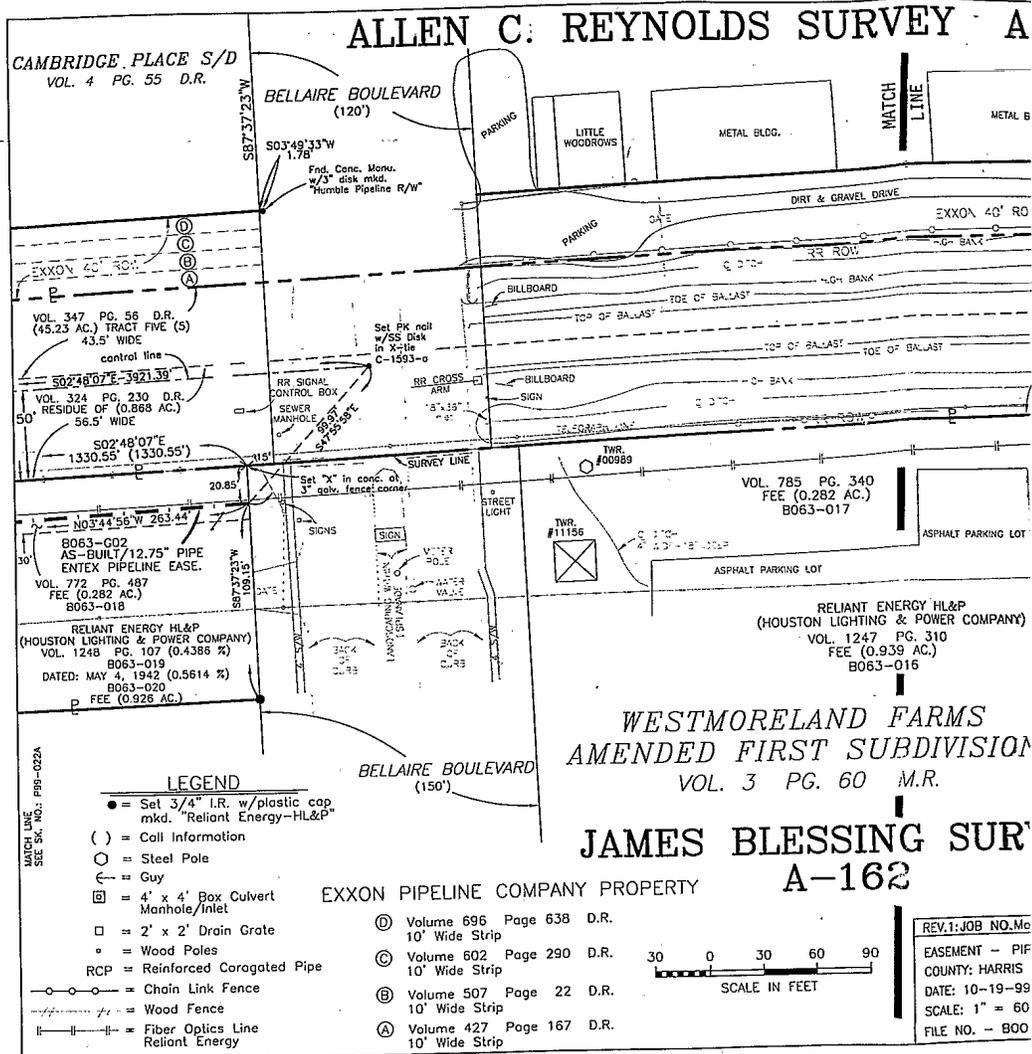
own on
of location.
std ties
flags.

JAMES BLESSING SURVEY A-162



REV.1: JOB NO. Mo9900866A	BY: J.A.G. DATE: 4-4-2000	REV.2: JOB NO.	BY: DATE:
EASEMENT - PIPELINE	LAST PLOT DATE: 04/04/2000	RELIANT ENERGY HL&P	
COUNTY: HARRIS	DRAWN BY: J.A. GRIFFIN	SURVEYING & MAPPING SECTION	
DATE: 10-19-99	MAP NO: B-063	P.O. Box 1700	
SCALE: 1" = 60'	JOB NO: D100ET99-054	Houston, TX 77251-1700	
FILE NO. - BOOK: 9 DISK: 527 CHECKED BY:		(713) 207-1111	
		SKETCH NO. P99-022A	

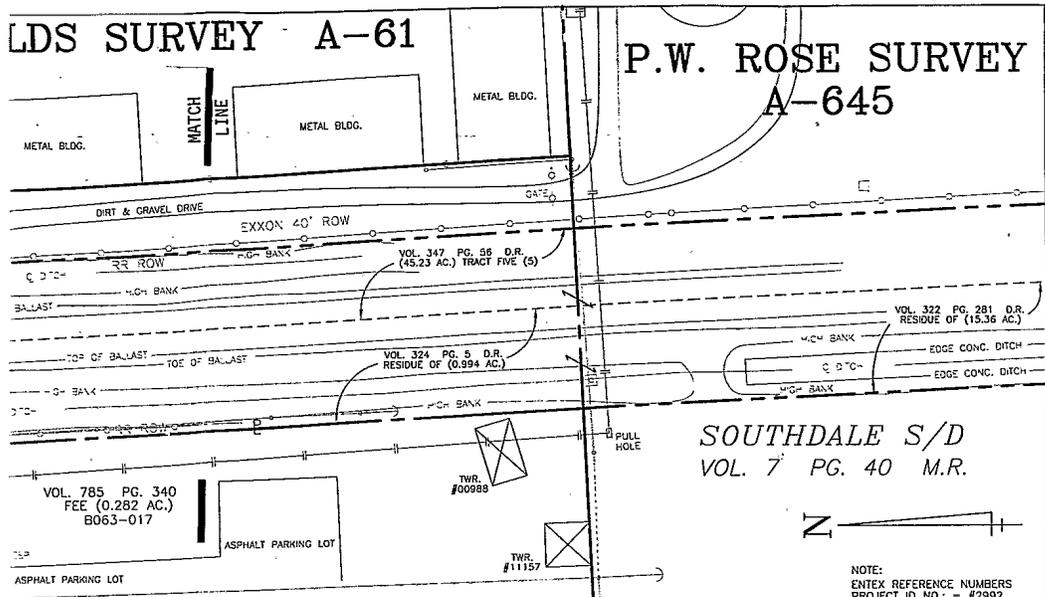
532-30-1567



532-30-1568

LDS SURVEY A-61

P.W. ROSE SURVEY A-645



RELIANT ENERGY HL&P
(HOUSTON LIGHTING & POWER COMPANY)
VOL. 1247 PG. 310
FEE (0.939 AC.)
B063-016

MORELAND FARMS
FIRST SUBDIVISION
L. 3 PG. 60 M.R.

BLESSING SURVEY
A-162

Notes:
Bearings are based on two (2) Reliant Energy (HLP) control points found in the centerline of railroad r/w. Pts. #C-1589-a and #C-1590-c are 3/4" iron rods that were set within the first half of the year in 1941. Using the said two (2) control points Pt. #C-1593-a was reestablished.
See sketch #P99-022, P99-022D, and P99-022G for location of said control points.

A centerline description was prepared for the portion of 12.75" pipeline within the Exxon (40) foot R/W and the (100) foot Railroad R/W.
H:\B9_D527\T99054\EASEMENT.DOC

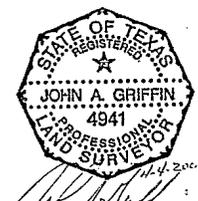
As-built location of Entex 12.75" pipeline shown on sketches are accurate to (±) 1' foot of actual location. Location of 12.75" pipeline determined by field ties taken on Entex's pipeline markers and small flags.

SOUTHDALE S/D
VOL. 7 PG. 40 M.R.

NOTE:
ENTEX REFERENCE NUMBERS
PROJECT ID NO.: = #2992
WORK ORDER NO.: = Mo990086
ER #9056

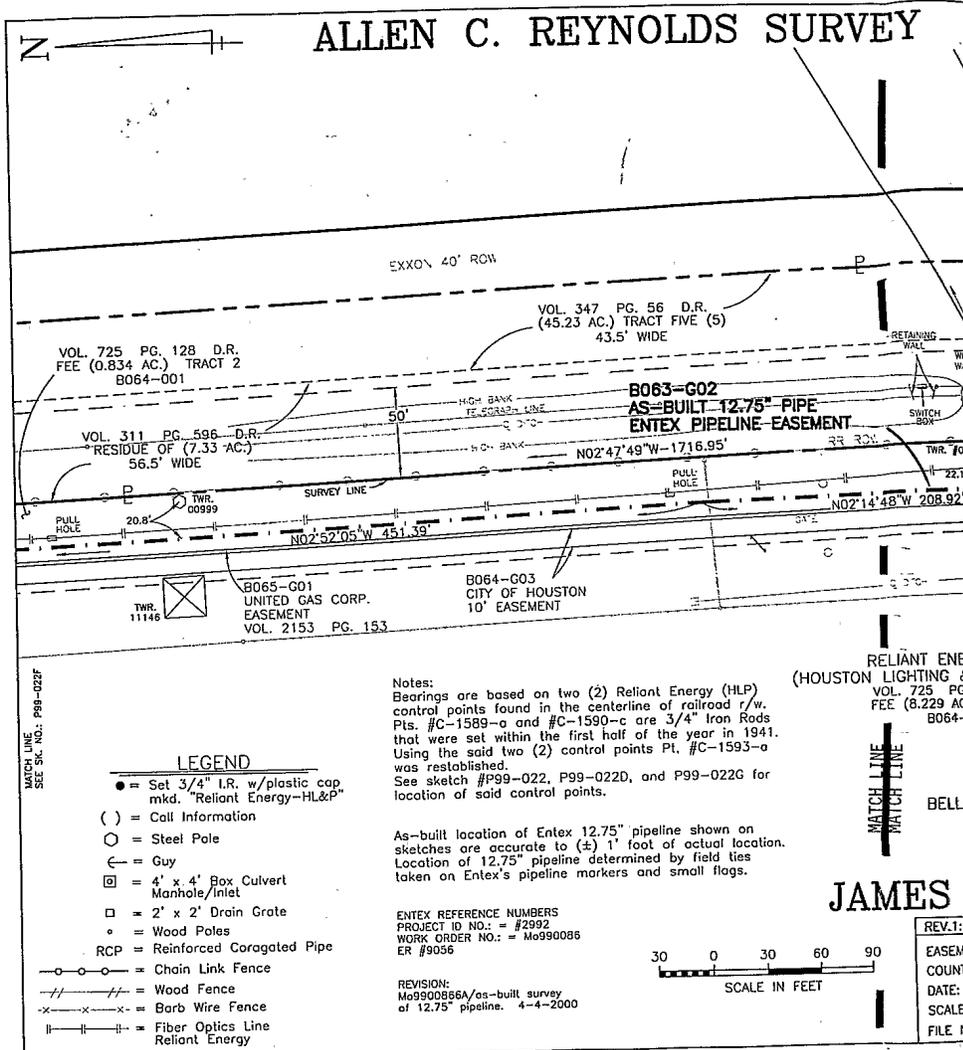
REVISION:
Mo9900866A/as-built survey
of 12.75" pipeline. 4-4-2000

SKETCH 1 OF 11



REV.1: JOB NO. Mo9900866A	BY: J.A.G. DATE: 4-4-2000	REV.2: JOB NO.	BY:	DATE:
EASEMENT - PIPELINE	LAST PLOT DATE: 04/04/2000	RELIANT ENERGY HL&P		
COUNTY: HARRIS	DRAWN BY: J.A. GRIFFIN	SURVEYING & MAPPING SECTION		
DATE: 10-19-99	MAP NO: B-063	P.O. Box 1700		
SCALE: 1" = 60'	JOB NO: D100ET99-054	Houston, TX 77251-1700		
FILE NO. - BOOK: 9 DISK: 527 CHECKED BY:		(713) 207-1111		
		SKETCH NO. P99-022		

532-30-1569



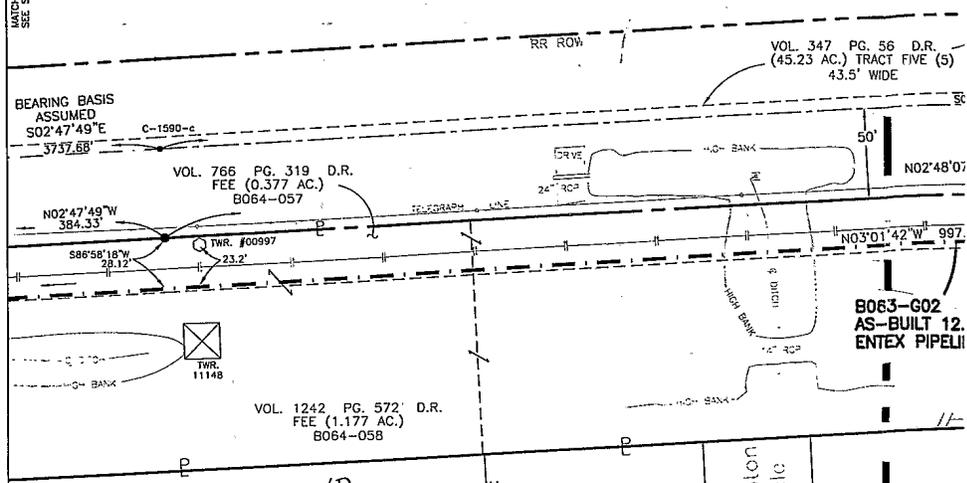
532-30-1571

ALLEN C. REYNOLDS SURVEY

MATCH LINE
SEE SK. NO. P99-022E



EXXON 40' R



OLENE TERRACE S/D
VOL. 57 PG. 15

LEGEND

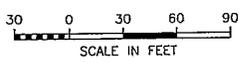
- = Set 3/4" I.R. w/plastic cap mkd. "Reliant Energy-HL&P"
- () = Call Information
- = Steel Pole
- ⊖ = Guy
- ⊠ = 4' x 4' Box Culvert Manhole/Inlet
- ⊞ = 2' x 2' Drain Grate
- = Wood Poles
- RCP = Reinforced Corogated Pipe
- = Chain Link Fence
- - - = Wood Fence
- ||-|| = Fiber Optics Line Reliant Energy

Notes:
Bearings are based on two (2) Reliant Energy (HLP) control points found in the centerline of railroad r/w. Pts. #C-1589-a and #C-1590-c are 3/4" Iron Rods that were set within the first half of the year in 1941. Using the said two (2) control points Pt. #C-1593-a was reestablished. See sketch #P99-022, P99-022D, and P99-022G for location of said control points.

As-built location of Entex 12.75" pipeline shown on sketches are accurate to (±) 1' foot of actual location. Location of 12.75" pipeline determined by field ties taken on Entex's pipeline markers and small flags.

ENTEX REFERENCE NUMBERS
PROJECT ID NO.: #2992
WORK ORDER NO.: Mo990086
ER #9056

REVISION:
Mo990086A/as-built survey of 12.75" pipeline. 4-4-2000



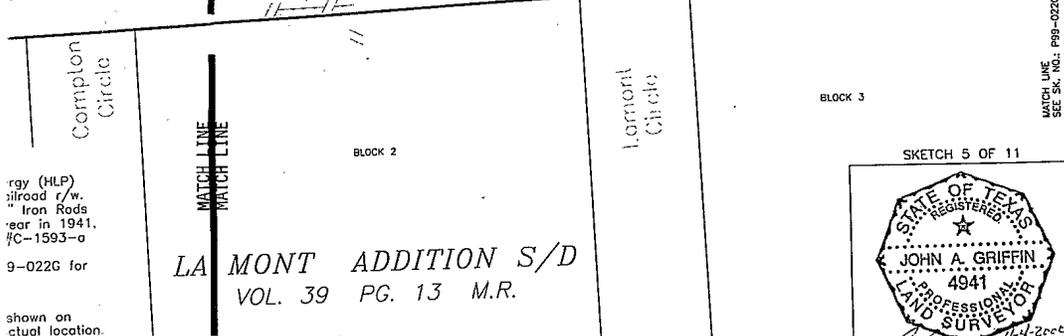
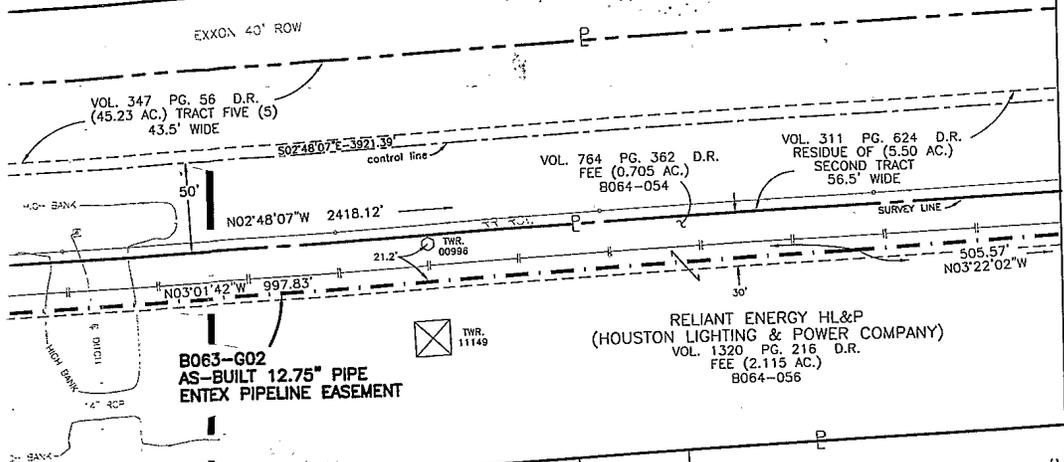
LA MON VOL.

JAMES

REV. 1: J
EASEME
COUNTY:
DATE: :
SCALE:
FILE NO:

532-30-1572

DS SURVEY A-61



JAMES BLESSING SURVEY A-162

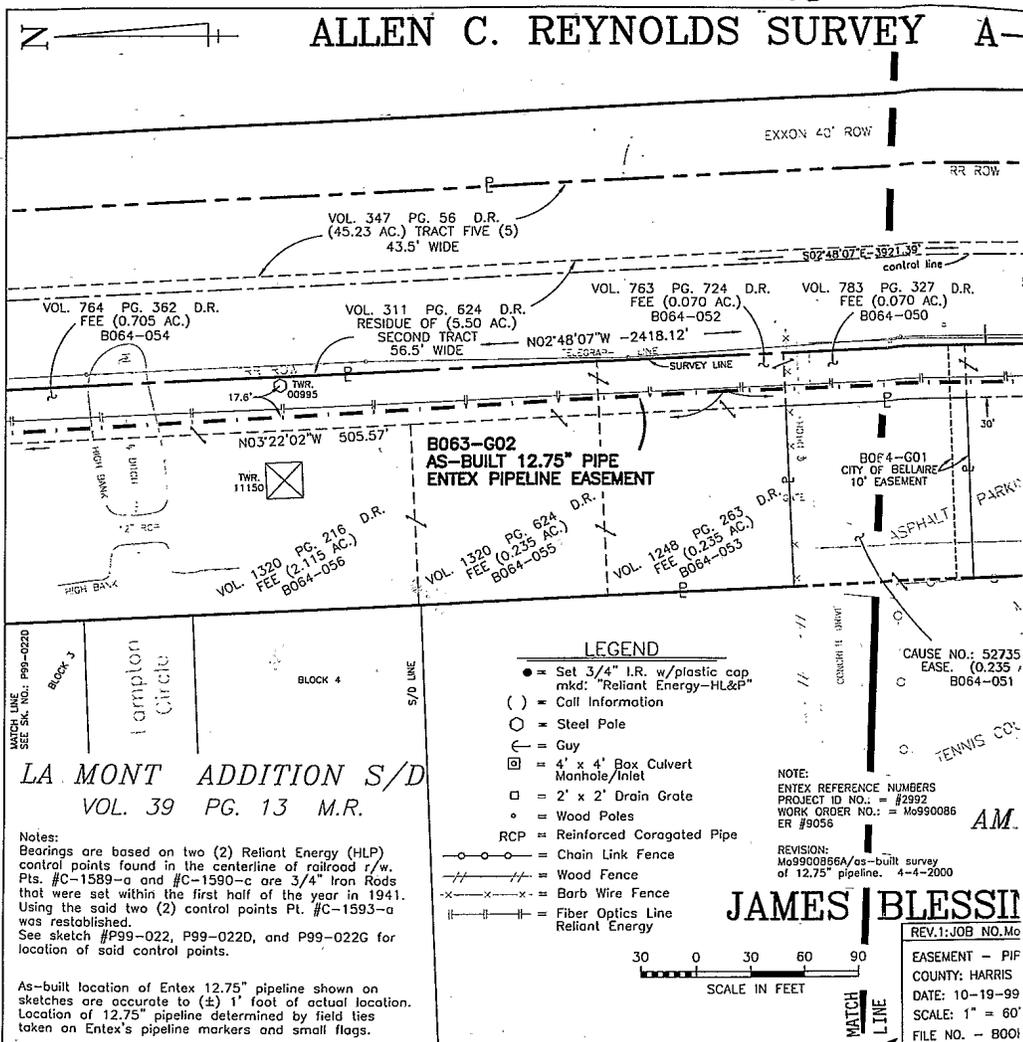
REV.1: JOB NO. M09900866A BY: J.A.G. DATE: 4-4-2000 REV.2: JOB NO. /BY: DATE:

EASEMENT - PIPELINE	LAST PLOT DATE: 04/04/2000	RELIANT ENERGY HL&P SURVEYING & MAPPING SECTION P.O. Box 1700 Houston, TX 77251-1700 (713) 207-1111 SKETCH NO. P99-022D
COUNTY: HARRIS	DRAWN BY: J.A. GRIFFIN	
DATE: 10-19-99	MAP NO: B-063	
SCALE: 1" = 60'	JOB NO: D100ET99-054	
FILE NO. - BOOK: 9 DISK: 527 CHECKED BY:		

0 30 60 90
SCALE IN FEET

532-30-1573

ALLEN C. REYNOLDS SURVEY A-



MATCH LINE SEE SK. NO. P99-022D

LA MONT ADDITION S/D
VOL. 39 PG. 13 M.R.

Notes:
Bearings are based on two (2) Reliant Energy (HLP) control points found in the centerline of railroad r/w. Pts. #C-1589-a and #C-1590-c are 3/4" Iron Rods that were set within the first half of the year in 1941. Using the said two (2) control points Pt. #C-1593-a was reestablished.
See sketch #P99-022, P99-022D, and P99-022G for location of said control points.

As-built location of Entex 12.75" pipeline shown on sketches are accurate to (±) 1' foot of actual location. Location of 12.75" pipeline determined by field ties taken on Entex's pipeline markers and small flags.

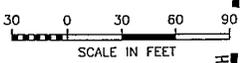
LEGEND

- = Set 3/4" I.R. w/plastic cap mkd: "Reliant Energy-HL&P"
- () = Call Information
- = Steel Pole
- ← = Guy
- ☐ = 4' x 4' Box Culvert Manhole/Inlet
- = 2' x 2' Drain Grate
- = Wood Poles
- RCP = Reinforced Coragated Pipe
- = Chain Link Fence
- //—//— = Wood Fence
- x—x—x— = Barb Wire Fence
- ||—||—||— = Fiber Optics Line Reliant Energy

NOTE:
ENTEX REFERENCE NUMBERS
PROJECT ID NO. = #2992
WORK ORDER NO. = Mo990086 ER #9055

REVISION:
Mo990086A/as-built survey of 12.75" pipeline. 4-4-2000

JAMES BLESSIE



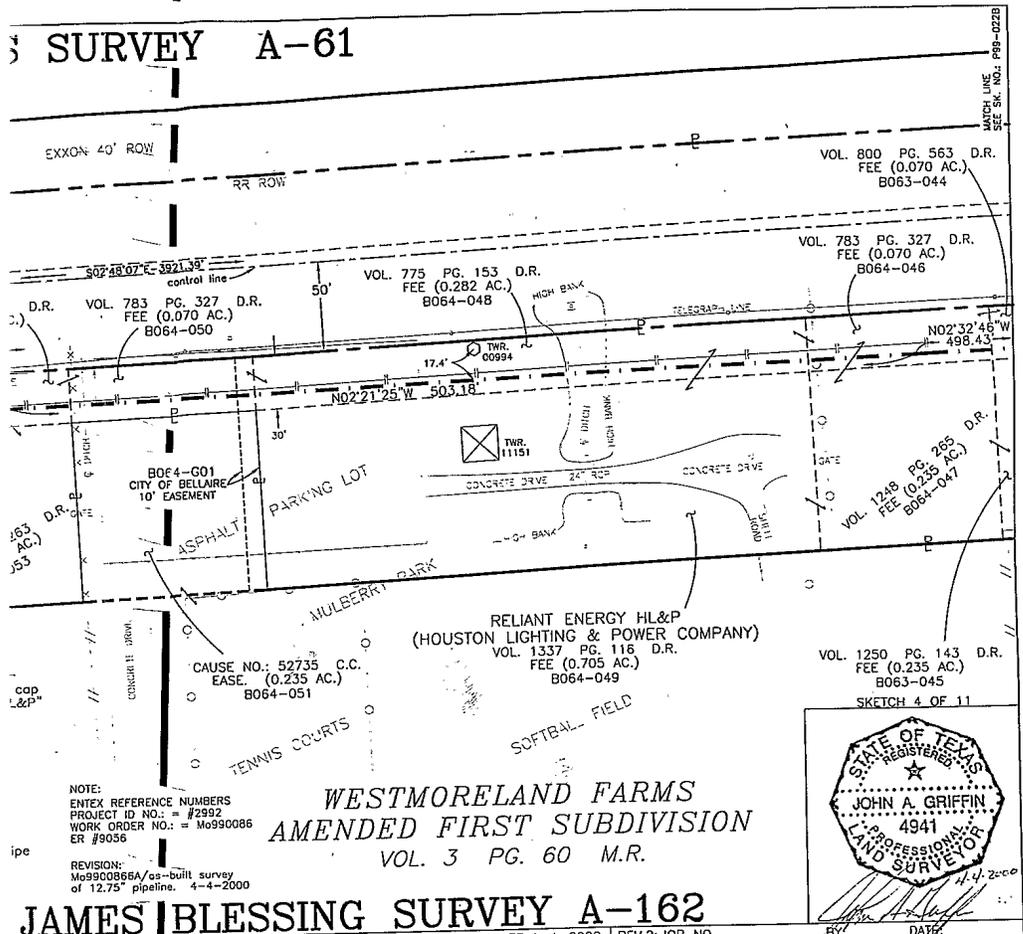
CAUSE NO.: 52735
EASE. (0.235 AC.)
B064-051

AM.

REV.1:JOB NO.Mo
EASEMENT - PIF
COUNTY: HARRIS
DATE: 10-19-99
SCALE: 1" = 60'
FILE NO. - B001

532-30-1574

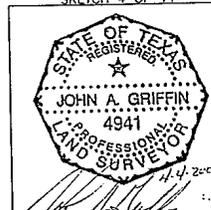
SURVEY A-61



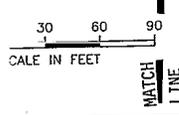
NOTE:
 ENTENX REFERENCE NUMBERS
 PROJECT ID NO.: #2992
 WORK ORDER NO.: #Mo990086
 ER #9056

REVISION:
 Mo9900866A/as-built survey
 of 12.75" pipeline. 4-4-2000

WESTMORELAND FARMS AMENDED FIRST SUBDIVISION VOL. 3 PG. 60 M.R.



JAMES BLESSING SURVEY A-162



REV.1: JOB NO. Mo9900866A BY: J.A.G. DATE: 4-4-2000 | REV.2: JOB NO. _____ BY: _____ DATE: _____

EASEMENT - PIPELINE
 COUNTY: HARRIS
 DATE: 10-19-99
 SCALE: 1" = 60'
 FILE NO. - BOOK: 9 DISK: 527 CHECKED BY: _____

LAST PLOT DATE: 04/04/2000
 DRAWN BY: J.A. GRIFFIN
 MAP NO: B-063
 JOB NO: D100ET99-054

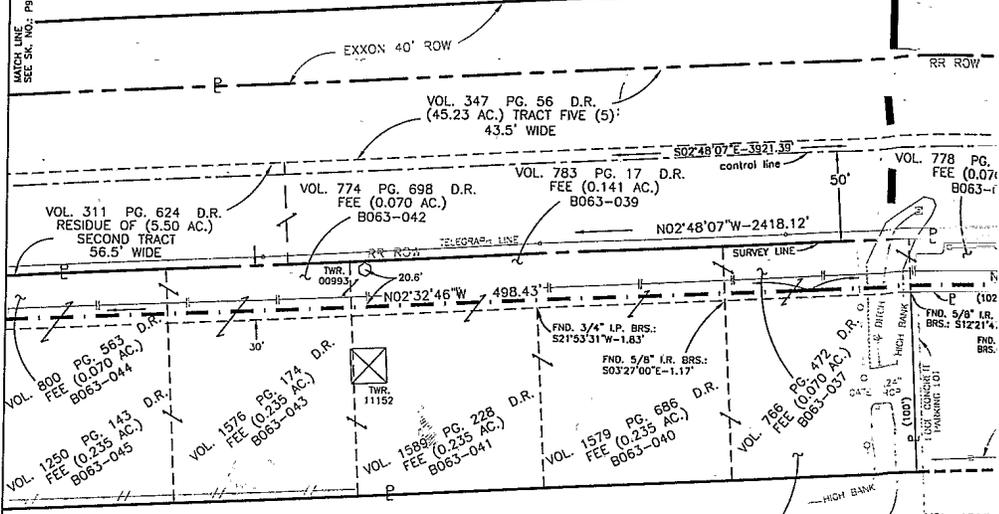
RELIANT ENERGY HL&P
 SURVEYING & MAPPING SECTION
 P.O. Box 1700
 Houston, TX 77251-1700
 (713) 207-1111

SKETCH NO. P99-022C

532-30-1575

ALLEN C. REYNOLDS SURVEY A

MATCH LINE SEE SK. NO. P99-022C



RELIANT ENERGY HL&P
(HOUSTON LIGHTING & POWER COMPANY)
VOL. 1593 PG. 385 D.R.
FEE (0.235 AC.)
B063-038

VOL. 1595
EASE.
B0

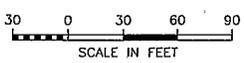
- LEGEND**
- = Set 3/4" I.R. w/plastic cap mkd. "Reliant Energy-HL&P"
 - () = Call Information
 - = Steel Pole
 - ← = Guy
 - ⊠ = 4' x 4' Box Culvert Manhole/Inlet
 - = 2' x 2' Drain Grate
 - = Wood Poles
 - RCP = Reinforced Coragated Pipe
 - = Chain Link Fence
 - //—//— = Wood Fence
 - ||—||— = Fiber Optics Line Reliant Energy

Notes:
Bearings are based on two (2) Reliant Energy (HLP) control points found in the centerline of railroad r/w. Pts. #C-1589-a and #C-1590-c are 3/4" Iron Rods that were set within the first half of the year in 1941. Using the said two (2) control points Pt. #C-1593-a was reestablished. See sketch #P99-022, P99-022D, and P99-022G for location of said control points.

As-built location of Entex 12.75" pipeline shown on sketches are accurate to (±) 1' foot of actual location. Location of 12.75" pipeline determined by field ties taken on Entex's pipeline markers and small flags.

ENTEX REFERENCE NUMBERS
PROJECT ID NO.: = #2992
WORK ORDER NO.: = Mo990086
ER #9056

REVISION:
Mo990086A/as-built survey
of 12.75" pipeline. 4-4-2000

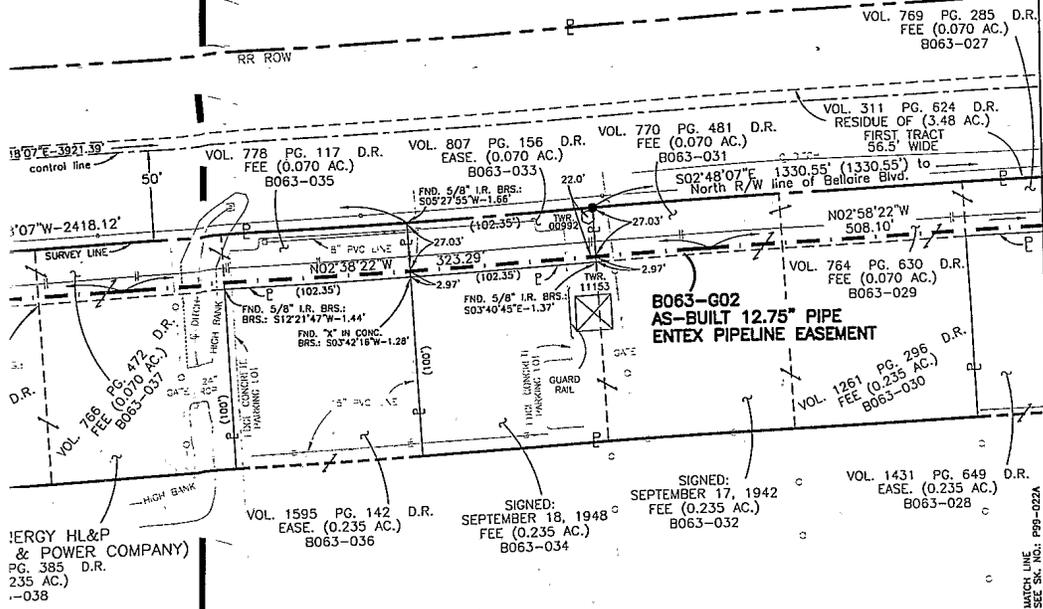


JAMES B.

REV. 1: JOB NO.
EASEMENT -
COUNTY: HARR
DATE: 10-19-
SCALE: 1" =
FILE NO. - B0

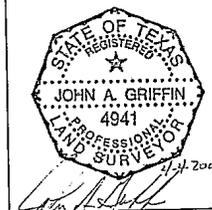
532-30-1576

S SURVEY A-61



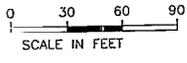
WESTMORELAND FARMS
 AMENDED FIRST SUBDIVISION
 VOL. 3 PG. 60 M.R.

JAMES BLESSING SURVEY A-162



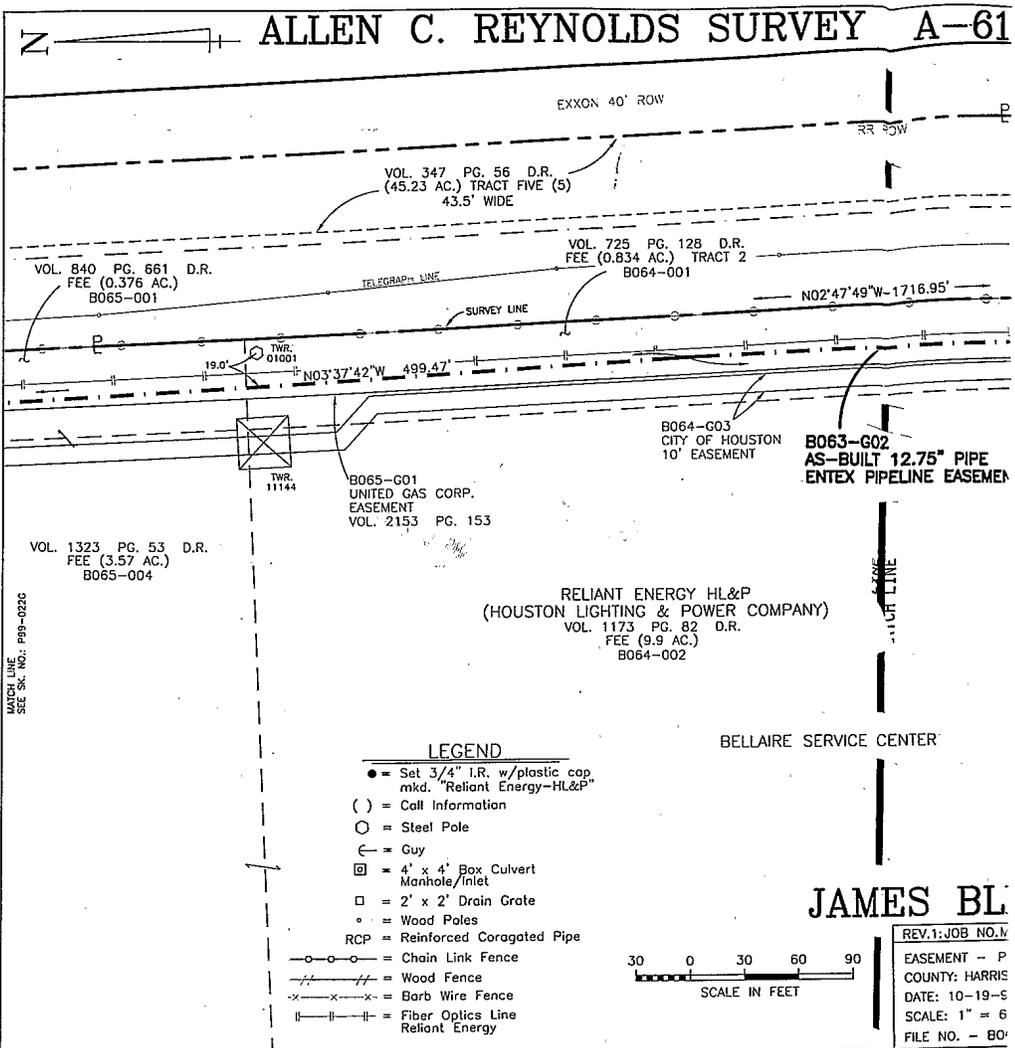
gry (HLP)
 odd r/w.
 Iron Rods
 ar in 1941.
 C-1593-a
 -0226 for

hown on
 lual location.
 field ties
 ll flags.



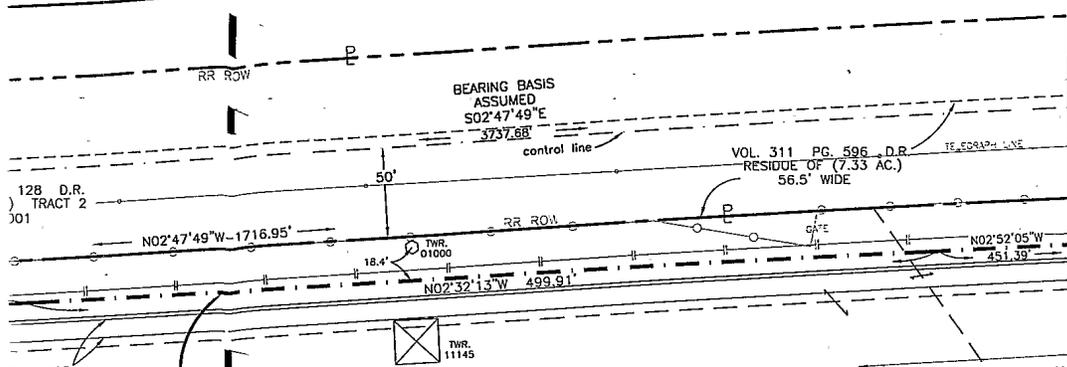
REV.1: JOB NO. Mo9900866A	BY: J.A.G. DATE: 4-4-2000	REV.2: JOB NO.	BY:	DATE:
EASEMENT - PIPELINE	LAST PLOT DATE: 04/04/2000	RELIANT ENERGY HL&P		
COUNTY: HARRIS	DRAWN BY: J.A. GRIFFIN	SURVEYING & MAPPING SECTION		
DATE: 10-19-99	MAP NO: B-063	P.O. Box 1700		
SCALE: 1" = 60'	JOB NO: D100ET99-054	Houston, TX 77251-1700		
FILE NO. - BOOK: 9 DISK: 527	CHECKED BY:	(713) 207-1111		
		SKETCH NO. P99-022B		

532-30-1577



532-30-1578

SURVEY A-61



128 D.R. TRACT 2
 064-G03 CITY OF HOUSTON EASEMENT

B063-G02 AS-BUILT 12.75\"/>

RGY HL&P POWER COMPANY) 82 D.R. (AC.) -32

BELLAIRE SERVICE CENTER

Notes:
 Bearings are based on two (2) Reliant Energy (HLP) control points found in the centerline of railroad r/w. Pts. #C-1589-a and #C-1590-c are 3/4\"/>

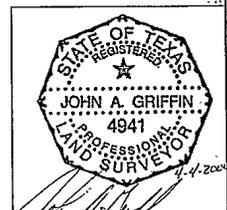
As-built location of Entex 12.75\"/>

ENTEX REFERENCE NUMBERS
 PROJECT ID NO.: #2992
 WORK ORDER NO.: #Mo990086
 ER #9056

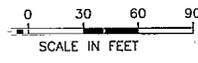
REVISION:
 Mo990086A/as-built survey of 12.75\"/>

VOL. 725 PG. 128 D.R. FEE (8.229 AC.) TRACT 1 B064-001

SKETCH 7 OF 11

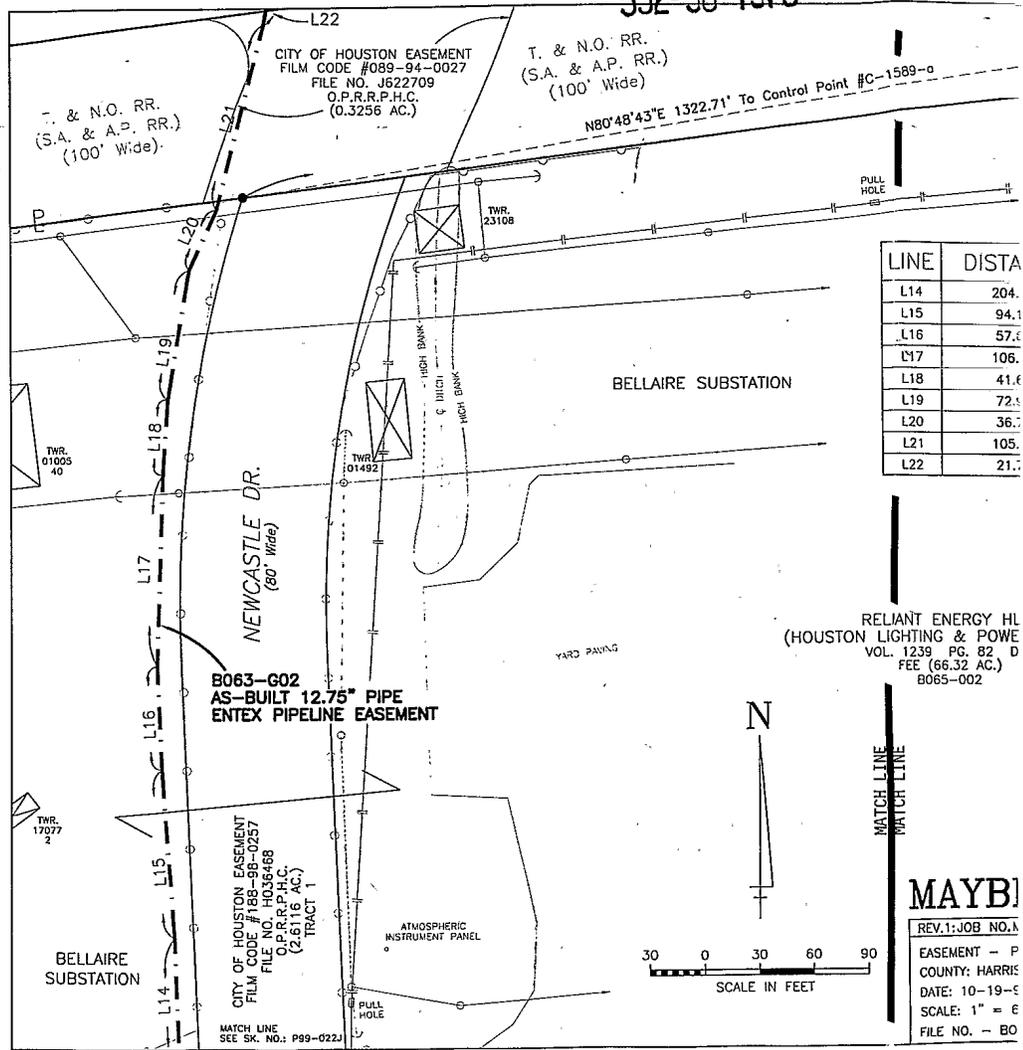


JAMES BLESSING SURVEY A-162



REV.1: JOB NO. Mo9900866A	BY: J.A.G. DATE: 4-4-2000	REV.2: JOB NO.	DATE:
EASEMENT - PIPELINE	LAST PLOT DATE: 04/04/2000	RELIANT ENERGY HL&P	
COUNTY: HARRIS	DRAWN BY: J.A. GRIFFIN	SURVEYING & MAPPING SECTION	
DATE: 10-19-99	MAP NO: B-063	P.O. Box 1700	
SCALE: 1" = 60'	JOB NO: D100ET99-054	Houston, TX 77251-1700	
FILE NO. - BOOK: 9 DISK: 527 CHECKED BY:		(713) 207-1111	
		SKETCH NO. P99-022F	

532-30-1579



LINE	DISTA
L14	204.
L15	94.1
L16	57.6
L17	106.
L18	41.6
L19	72.3
L20	36.7
L21	105.
L22	21.7

RELIANT ENERGY HL
(HOUSTON LIGHTING & POWE
VOL. 1239 PG. 82 D
FEE (66.32 AC.)
B065-002

MATCH LINE
MATCH LINE

MAYB
REV.1:JOB NO.
EASEMENT - P
COUNTY: HARRIS
DATE: 10-19-0
SCALE: 1" = 6
FILE NO. - BO

CITY OF HOUSTON EASEMENT
FILM CODE #089-94-0027
FILE NO. J622709
O.P.R.R.P.H.C.
(0.3256 AC.)

T. & N.O. RR.
(S.A. & A.P. RR.)
(100' Wide)

T. & N.O. RR.
(S.A. & A.P. RR.)
(100' Wide)

NEWCASTLE DR.
(60' Wide)

B063-G02
AS-BUILT 12.75" PIPE
ENTEX PIPELINE EASEMENT

CITY OF HOUSTON EASEMENT
FILM CODE #188-96-0237
FILE NO. H036468
O.P.R.R.P.H.C.
(2.41 AC.)
TRACT 1

BELLAIRE SUBSTATION

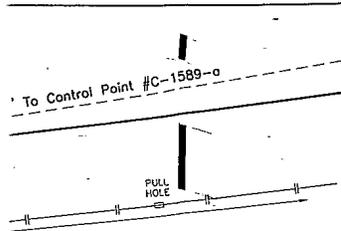
BELLAIRE SUBSTATION

ATMOSPHERIC INSTRUMENT PANEL

YARD PAVING

MATCH LINE
SEE SK. NO.: P99-022

532-30-1580



Notes:
 Bearings are based on two (2) Reliant Energy (HLP) control points found in the centerline of railroad r/w. Pts. #C-1589-a and #C-1590-c are 3/4" Iron Rods that were set within the first half of the year in 1941. Using the said two (2) control points Pt. #C-1593-a was reestablished.
 See sketch #P99-022, P99-022D, and P99-022G for location of said control points.

As-built location of Entex 12.75" pipeline shown on sketches are accurate to (±) 1' foot of actual location. Location of 12.75" pipeline determined by field ties taken on Entex's pipeline markers and small flags.

LINE	DISTANCE	BEARING
L14	204.20'	N 02°03'04" W
L15	94.13'	N 04°06'48" W
L16	57.68'	N 02°27'00" W
L17	106.76'	N 01°47'13" E
L18	41.60'	N 03°54'53" E
L19	72.93'	N 09°29'35" E
L20	36.79'	N 24°13'35" E
L21	105.05'	N 14°31'22" E
L22	21.70'	N 09°26'44" E

ENTEX REFERENCE NUMBERS
 PROJECT ID NO.: = #2992
 WORK ORDER NO.: = Mo9900866
 ER #9055

REVISIONS:
 Mo9900866/stake Newcastle R/W across 100' RR R/W
 Mo9900866A/as-built survey of 12.75" pipeline. 4-4-2000

STATION

LEGEND

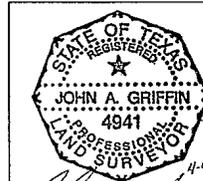
- = Set 3/4" I.R. w/plastic cap mkd. "Reliant Energy-HL&P"
- () = Call Information
- = Steel Pole
- ← = Guy
- ⊠ = 4' x 4' Box Culvert Manhole/inlet
- = 2' x 2' Drain Grate
- = Wood Poles
- RCP = Reinforced Corogated Pipe
- = Chain Link Fence
- — = Wood Fence
- |—|—| = Fiber Optics Line Reliant Energy

RELIAINT ENERGY HL&P
 (HOUSTON LIGHTING & POWER COMPANY)
 VOL. 1239 PG. 82 D.R.
 FEE (66.32 AC.)
 B065-002



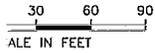
MATCH LINE
 MATCH LINE

SKETCH 11 OF 11

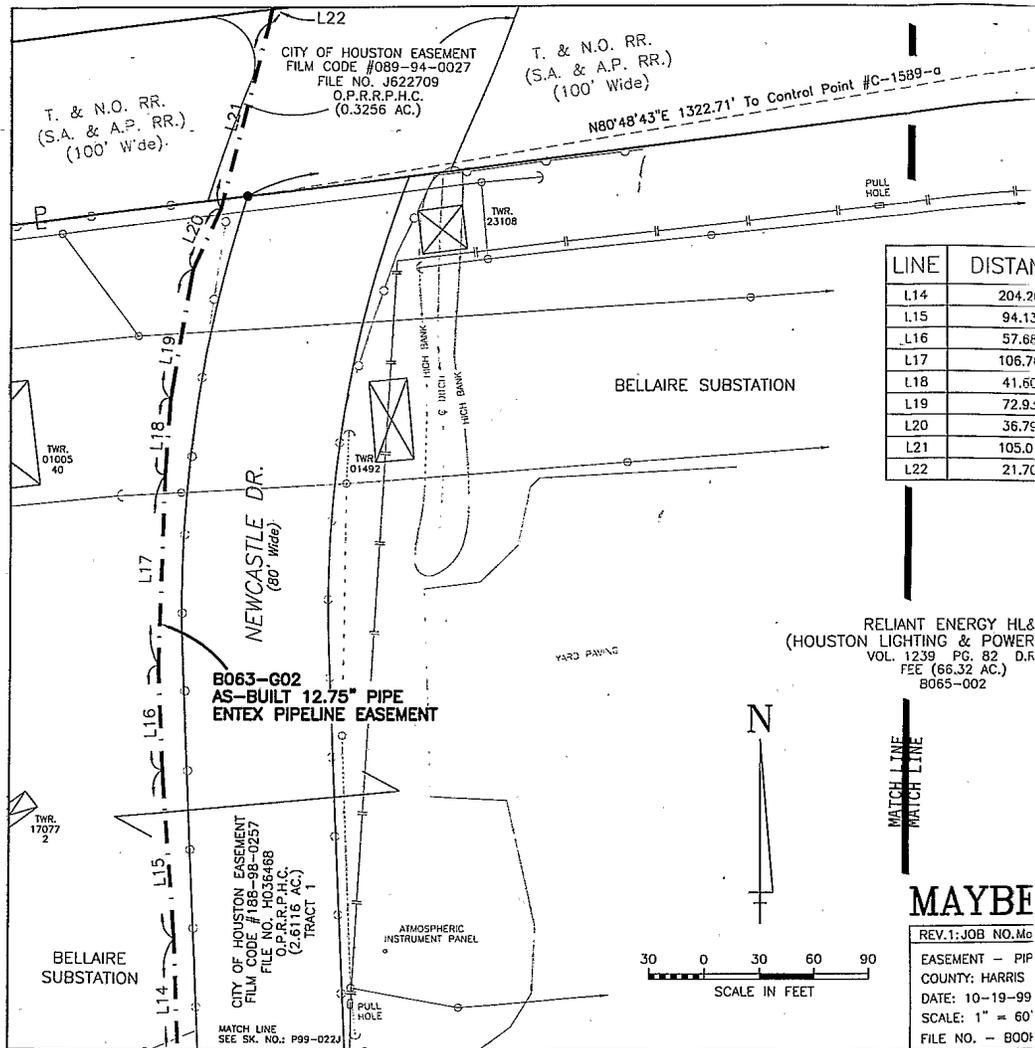


MAYBERRY B. GRAY A-284

REV.1: JOB NO. Mo9900866	BY: J.A.G. DATE: 1-20-2000	REV.2: JOB NO. Mo9900866A	BY: J.A.G. DATE: 4-4-2000
EASEMENT - PIPELINE	LAST PLOT DATE: 04/04/2000	RELIAINT ENERGY HL&P SURVEYING & MAPPING SECTION P.O. Box 1700 Houston, TX 77251-1700 (713) 207-1111	
COUNTY: HARRIS	DRAWN BY: J.A. GRIFFIN		
DATE: 10-19-99	MAP NO: B-063		
SCALE: 1" = 60'	JOB NO: D100ET99-054		
FILE NO. - BOOK: 9 DISK: 527	CHECKED BY:	SKETCH NO. P99-022K	



532-30-1581



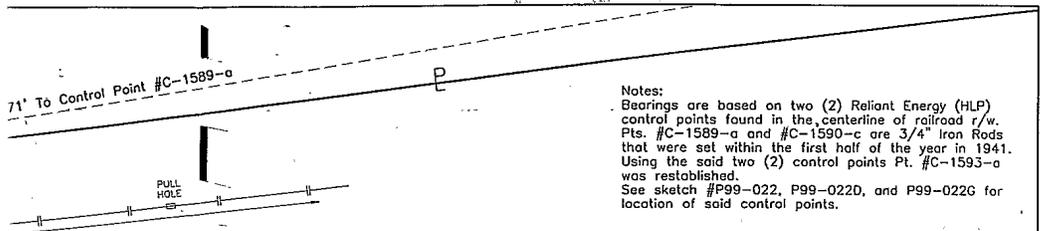
LINE	DISTAN
L14	204.2
L15	94.13
L16	57.68
L17	106.7
L18	41.60
L19	72.90
L20	36.75
L21	105.0
L22	21.70

RELIANT ENERGY HL&
(HOUSTON LIGHTING & POWER
VOL. 1239 PG. 82 D.R.
FEE (66.32 AC.)
B065-002

MATCH LINE
MATCH LINE

MAYBE
REV.1: JOB NO. Mo
EASEMENT - PIP
COUNTY: HARRIS
DATE: 10-19-99
SCALE: 1" = 60'
FILE NO. - B00F

532-30-1582



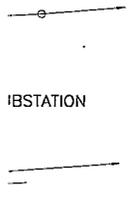
Notes:
 Bearings are based on two (2) Reliant Energy (HLP) control points found in the centerline of railroad r/w. Pts. #C-1589-a and #C-1590-c are 3/4" Iron Rods that were set within the first half of the year in 1941. Using the said two (2) control points Pt. #C-1593-a was reestablished.
 See sketch #P99-022, P99-022D, and P99-022G for location of said control points.

As-built location of Entex 12.75" pipeline shown on sketches are accurate to (±) 1' foot of actual location. Location of 12.75" pipeline determined by field ties taken on Entex's pipeline markers and small flags.

LINE	DISTANCE	BEARING
L14	204.20'	N 02°03'04" W
L15	94.13'	N 04°06'48" W
L16	57.68'	N 02°27'00" W
L17	106.76'	N 01°47'13" E
L18	41.60'	N 03°54'53" E
L19	72.93'	N 09°29'35" E
L20	36.79'	N 24°13'35" E
L21	105.05'	N 14°31'22" E
L22	21.70'	N 09°26'44" E

ENTEX REFERENCE NUMBERS
 PROJECT ID NO.: = #2992
 WORK ORDER NO.: = Mo990086
 ER #9056

REVISIONS:
 Mo9900866/stone Newcastle R/W
 across 100' RR R/W
 Mo9900866A/as-built survey
 of 12.75" pipeline. 4-4-2000



RELIANT ENERGY HL&P
 (HOUSTON LIGHTING & POWER COMPANY)
 VOL. 1239 PG. 82 D.R.
 FEE (66.32 AC.)
 B065-002

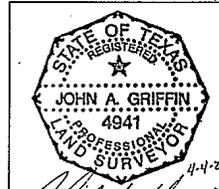


MATCH LINE

LEGEND

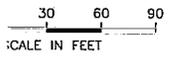
- = Set 3/4" I.R. w/plastic cap mkd. "Reliant Energy-HL&P"
- () = Call Information
- = Steel Pole
- ⊖ = Guy
- ⊠ = 4' x 4' Box Culvert Manhole/Inlet
- = 2' x 2' Drain Grate
- = Wood Poles
- RCP = Reinforced Corogated Pipe
- = Chain Link Fence
- //—//— = Wood Fence
- |—|—|— = Fiber Optics Line Reliant Energy

SKETCH 11 OF 11

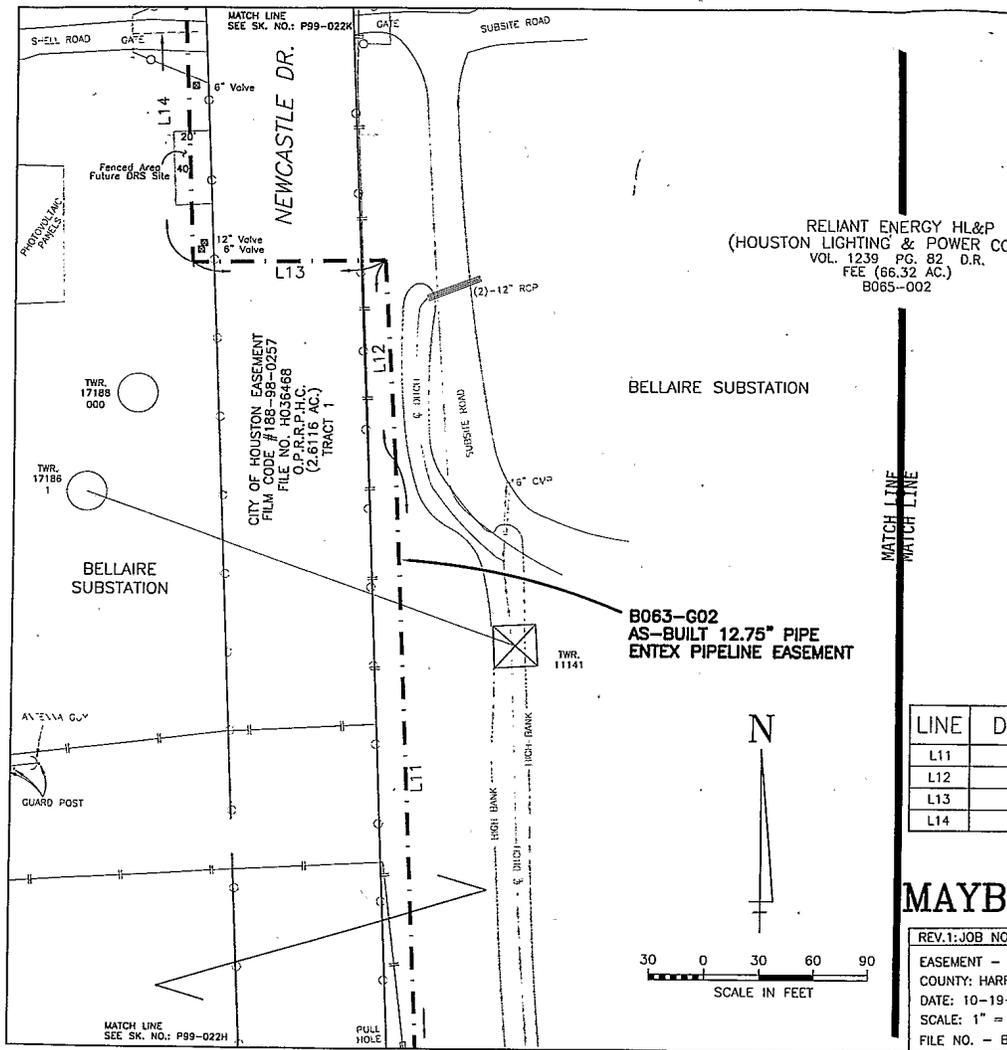


MAYBERRY B. GRAY A-284

REV.1: JOB NO. Mo9900866	BY: J.A.G. DATE: 1-20-2000	REV.2: JOB NO. Mo9900866A	BY: J.A.G. DATE: 4-4-2000
EASEMENT - PIPELINE	LAST PLOT DATE: 04/04/2000	RELIANT ENERGY HL&P	
COUNTY: HARRIS	DRAWN BY: J.A. GRIFFIN	SURVEYING & MAPPING SECTION	
DATE: 10-19-99	MAP NO: B-063	P.O. Box 1700	
SCALE: 1" = 60'	JOB NO: D100ET99-054	Houston, TX 77251-1700	
FILE NO. - BOOK: 9	DISK: 527	(713) 207-1111	
CHECKED BY:		SKETCH NO.	P99-022K



532-30-1583



RELIANT ENERGY HL&P
 (HOUSTON LIGHTING & POWER CO
 VOL. 1239 PG. 82 D.R.
 FEE (66.32 AC.)
 B065-002

CITY OF HOUSTON EASEMENT
 FILM CODE #189-SR-C0257
 FILE NO. HQ36468
 O.P.R.P.H.C.
 (2.6116 AC.)
 TRACT 1

MATCH LINE
 MATCH LINE

LINE	D
L11	
L12	
L13	
L14	

MAYB
 REV.1:JOB NO
 EASEMENT -
 COUNTY: HARR
 DATE: 10-19-
 SCALE: 1" =
 FILE NO. - B

532-30-1584

RELIANT ENERGY HL&P
 (HOUSTON LIGHTING & POWER COMPANY)
 VOL. 1239 PG. 82 D.R.
 FEE (66.32 AC.)
 B065-002

SUBSTATION

MATCH LINE

J2
 12.75" PIPE
 PIPELINE EASEMENT



LEGEND

- = Set 3/4" I.R. w/plastic cap mkd. "Reliant Energy-HL&P"
- () = Call Information
- = Steel Pole
- = Guy
- ⊠ = 4' x 4' Box Culvert Manhole/Inlet
- = 2' x 2' Drain Grate
- = Wood Poles
- RCP = Reinforced Coragated Pipe
- = Chain Link Fence
- //—//— = Wood Fence
- ||—||— = Fiber Optics Line Reliant Energy

Notes:
 Bearings are based on two (2) Reliant Energy (HLP) control points found in the centerline of railroad r/w. Pts. #C-1589-a and #C-1590-c are 3/4" Iron Rods that were set within the first half of the year in 1941. Using the said two (2) control points Pt. #C-1593-a was reestablished.
 See sketch #P99-022, P99-022D, and P99-022G for location of said control points.

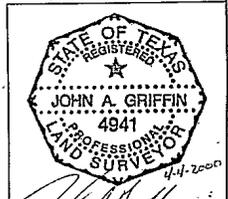
As-built location of Entex 12.75" pipeline shown on sketches are accurate to (±) 1' foot of actual location. Location of 12.75" pipeline determined by field ties taken on Entex's pipeline markers and small flags.

ENTEX REFERENCE NUMBERS
 PROJECT ID NO.: = #2392
 WORK ORDER NO.: = Mo990086
 ER #9056

REVISION:
 Mo9900866A/as-built survey of 12.75" pipeline. 4-4-2000

SKETCH 10 OF 11

LINE	DISTANCE	BEARING
L11	353.25'	N 02°30'53" W
L12	111.55'	N 03°21'18" W
L13	104.65'	S 89°11'39" W
L14	204.20'	N 02°03'04" W

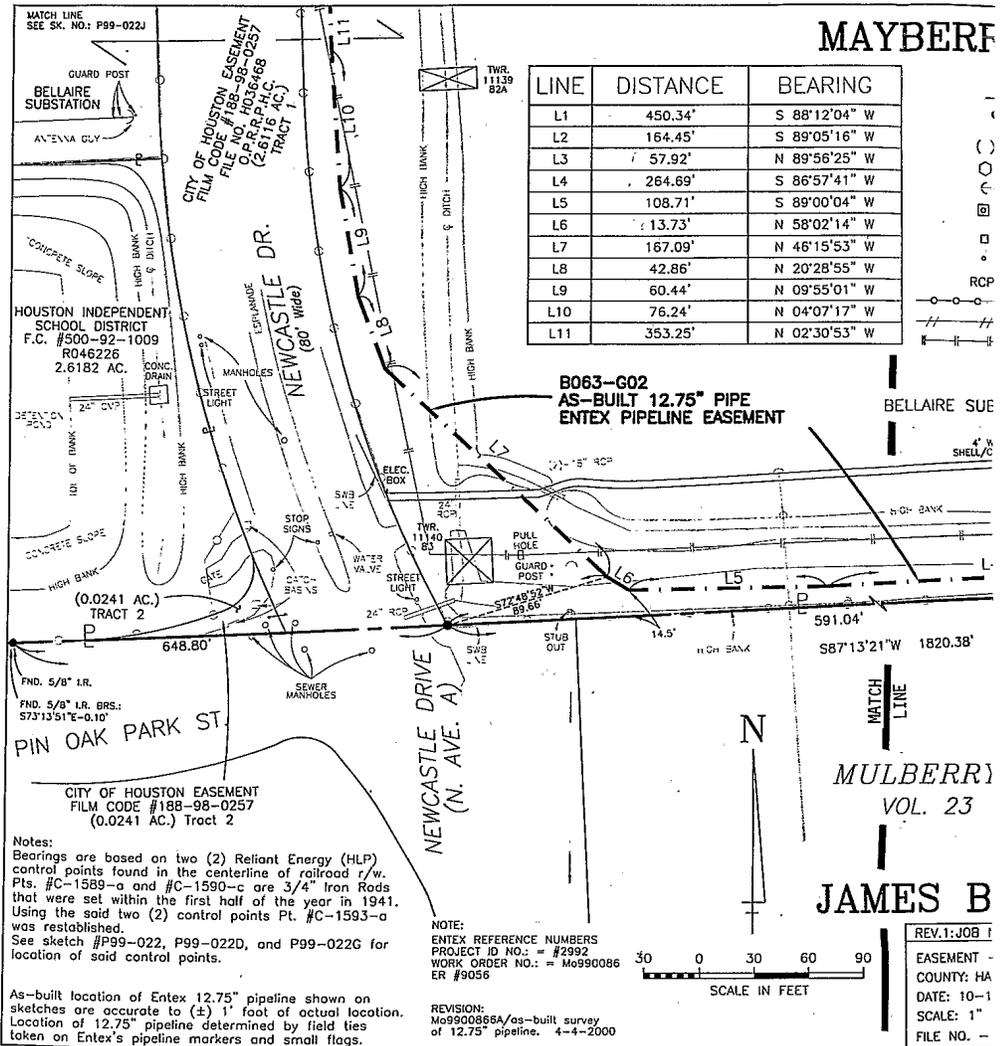


MAYBERRY B. GRAY A-284

REV.1: JOB NO. Mo9900866A	BY: J.A.G. DATE: 4-4-2000	REV.2: JOB NO.	BY: DATE:
EASEMENT - PIPELINE	LAST PLOT DATE: 04/04/2000	RELIANT ENERGY HL&P	
COUNTY: HARRIS	DRAWN BY: J.A. GRIFFIN	SURVEYING & MAPPING SECTION	
DATE: 10-19-99	MAP NO: B-063	P.O. Box 1700	
SCALE: 1" = 60'	JOB NO: D100ET99-054	Houston, TX 77251-1700	
FILE NO. - BOOK: 9 DISK: 527	CHECKED BY:	(713) 207-1111	
		SKETCH NO. P99-022J	

532-30-1585

MAYBERG



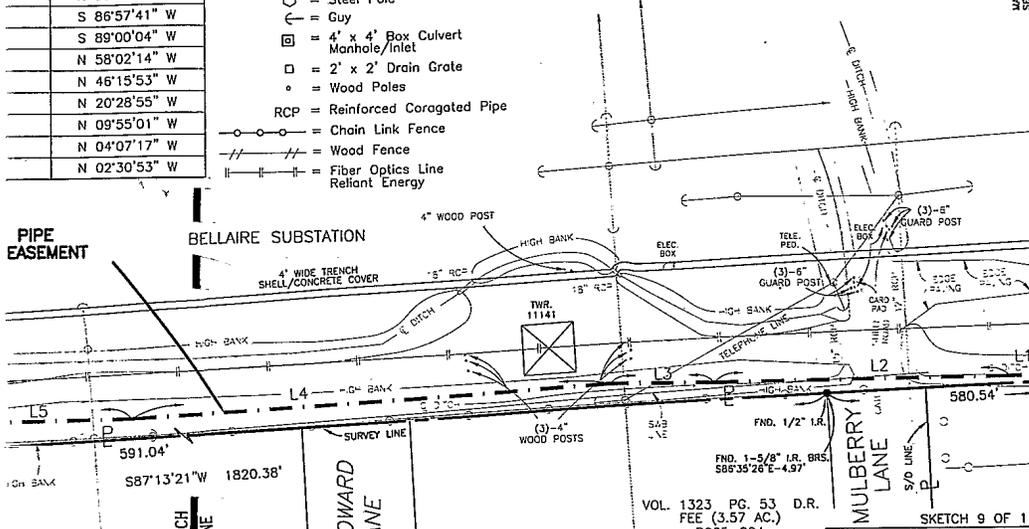
532-30-1586

MAYBERRY B. GRAY SURVEY A-284

BEARING
S 88°12'04" W
S 89°05'16" W
N 89°56'25" W
S 86°57'41" W
S 89°00'04" W
N 58°02'14" W
N 46°15'53" W
N 20°28'55" W
N 09°55'01" W
N 04°07'17" W
N 02°30'53" W

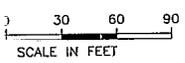
- LEGEND**
- = Set 3/4" I.R. w/plastic cap, mkd. "Reliant Energy-HL&P"
 - () = Call Information
 - = Steel Pole
 - ← = Guy
 - ⊠ = 4' x 4' Box Culvert Manhole/Inlet
 - = 2' x 2' Drain Grate
 - = Wood Poles
 - RCP = Reinforced Coragated Pipe
 - = Chain Link Fence
 - // // = Wood Fence
 - || || = Fiber Optics Line Reliant Energy

RELIANT ENERGY HL&P
(HOUSTON LIGHTING & POWER COMPANY)
VOL. 1239 PG. 82 D.R.
FEE (66.32 AC.)
B065-002



MULBERRY MANOR S/D
VOL. 23 PG. 64 M.R.

JAMES BLESSING SURVEY A-162



REV.1: JOB NO. Mo9900866A	BY: J.A.G. DATE: 4-4-2000	REV.2: JOB NO.	DATE:
EASEMENT - PIPELINE	LAST PLOT DATE: 04/04/2000	RELIANT ENERGY HL&P	
COUNTY: HARRIS	DRAWN BY: J.A. GRIFFIN	SURVEYING & MAPPING SECTION	
DATE: 10-19-99	MAP NO: B-063	P.O. Box 1700	
SCALE: 1" = 60'	JOB NO: D100ET99-054	Houston, TX 77251-1700	
FILE NO. - BOOK: 9 DISK: 527 CHECKED BY:		(713) 207-1111	
		SKETCH NO. P99-022H	

532-30-1587

MAYBERRY B. GRAY SURVEY A-284

REV. 1: JOB NO. M099C
EASEMENT - PIPELINE
COUNTY: HARRIS
DATE: 10-19-99
SCALE: 1"=60'
FILE NO. - BOOK: 9

RELIANT ENERGY HL&P
(HOUSTON LIGHTING & POWER COMPANY)
VOL. 1239 PG. 82 D.R.
FEE (66.32 AC.)
B065-002

B065-G01
UNITED GAS CORP.
EASEMENT
VOL. 2153 PG. 153

B064-G03
CITY OF HOUSTON
10' EASEMENT

BELLAIRE SUBSTATION

MATCH LINE
SEC. SK. NO.: P99-022H

4' WIDE TRENCH
SHELL/CONCRETE COVER

B063-G02
AS-BUILT 12.75" PIPE
ENTEX PIPELINE EASEMENT

S88°12'04"W
450.34'

S87°13'21"W
1820.38'

VOL. 1323 PG. 53 D.R.
FEE (3.57 AC.)
B065-004

BELLAIRE SERVICE CENTER

B063-G02
AS-BUILT 12.75" PIPE
ENTEX PIPELINE EASEMENT

JAMES BLESSING SURVEY A-162

MATCH LINE
SEC. SK. NO.: P99-022F

MARK ROW

SURVEY LINE
ND2 47 49 W-1496.63

PULL HOLE

MARK ROW

50'

BEARING BASIS ASSUMED
VOL. 311 PG. 596 D.R.
RESIDUE OF (7.33 AC.)
56.5' WIDE

ND2 47 49 W-1716.95

VOL. 840 PG. FEE (0.37)
B065-

VOL. 347 PG. 56 D.R.
(45.23 AC.) TRACT FIVE (5)
43.5' WIDE

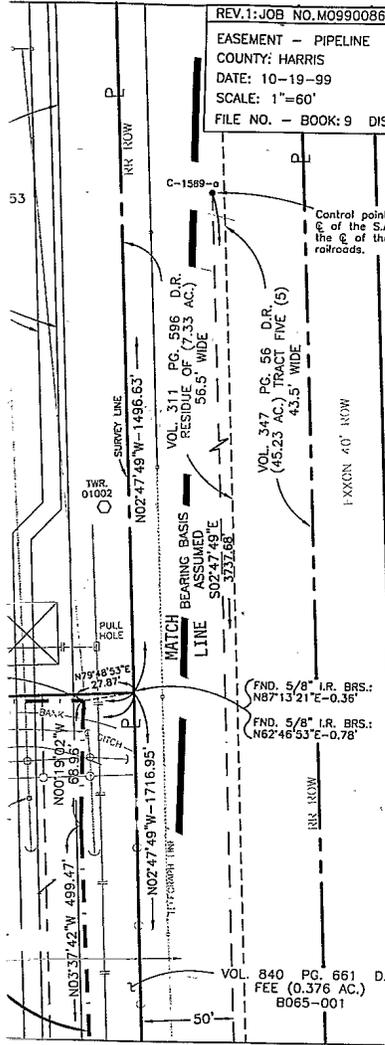
(FND. 5/8" LR
NB7 13 21 E-
FND. 5/8" LR
NB2 46 53 E-

Control
of
the
retrace

532-30-1588

REV.1: JOB NO. M09900866A BY: J.A.G. DATE: 4-4-2000 | REV.2: JOB NO. BY: DATE:
 EASEMENT - PIPELINE LAST PLOT DATE: 04/04/2000
 COUNTY: HARRIS DRAWN BY: J.A.GRIFFIN
 DATE: 10-19-99 MAP NO: B-063
 SCALE: 1"=60' JOB NO: D100ET99-054
 FILE NO. - BOOK: 9 DISK: 527 CHECKED BY: .
RELIANT-ENERGY-HLP
 SURVEYING & MAPPING SECTION
 P.O. Box 1700
 Houston, TX 77251-1700
 (713) 207-1111
 SKETCH NO. P99-022G

ALLEN C. REYNOLDS SURVEY
A-61



Control point C-1589-a was found in the center of the S.A. & A.P. (E-W) and the center of the new Union Pacific (N-S) railroads.

Notes:
 Bearings are based on two (2) Reliant Energy (HLP) control points found in the centerline of railroad r/w. Pts. #C-1589-a and #C-1590-c are 3/4" Iron Rods that were set within the first half of the year in 1941. Using the said two (2) control points Pt. #C-1593-a was reestablished. See sketch #P99-022, P99-022D, and P99-022G for location of said control points.

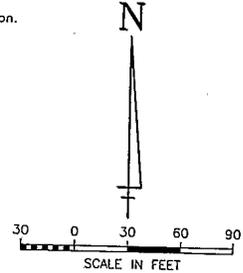
As-built location of Entex 12.75" pipeline shown on sketches are accurate to (±) 1' foot of actual location. Location of 12.75" pipeline determined by field ties taken an Entex's pipeline markers and small flags.

ENTEX REFERENCE NUMBERS
 PROJECT ID NO.: = #2992
 WORK ORDER NO.: = M09900866
 ER #9056

REVISION:
 M09900866A/as-built survey of 12.75" pipeline. 4-4-2000

RECORDER'S MEMORANDUM

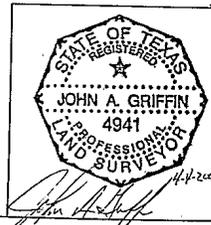
AT THE TIME OF RECORDATION THIS INSTRUMENT WAS FOUND TO BE INADEQUATE FOR THE BEST PHOTOGRAPHIC REPRODUCTION BECAUSE OF ILLEGIBILITY, CARBON OR PHOTO COPY, DISCOLORED PAPER, ETC.



LEGEND

- = Set 3/4" I.R. w/plastic cap mkd. "Reliant Energy-HL&P"
- () = Call Information
- = Steel Pole
- ⊖ = GUY
- = 4' x 4' Box Culvert Manhole/Inlet
- = 2' x 2' Drain Grate
- = Wood Poles
- RCP = Reinforced Coragated Pipe
- = Chain Link Fence
- // // = Wood Fence
- |—|— = Fiber Optics Line Reliant Energy

SKETCH 8 OF 11



532-30-1589

ANY PROVISION HEREIN WHICH RESTRICTS THE SALE, RENTAL, OR USE OF THE DESCRIBED REAL PROPERTY BECAUSE OF COLOR OR RACE IS VOID AND UNENFORCEABLE UNDER FEDERAL LAW
THE STATE OF TEXAS }
COUNTY OF HARRIS }

I hereby certify that this instrument was FILED in File Number Sequence on the date and at the time stamped hereon by me, and was duly RECORDED, in the Official Public Records of Real Property of Harris County, Texas on

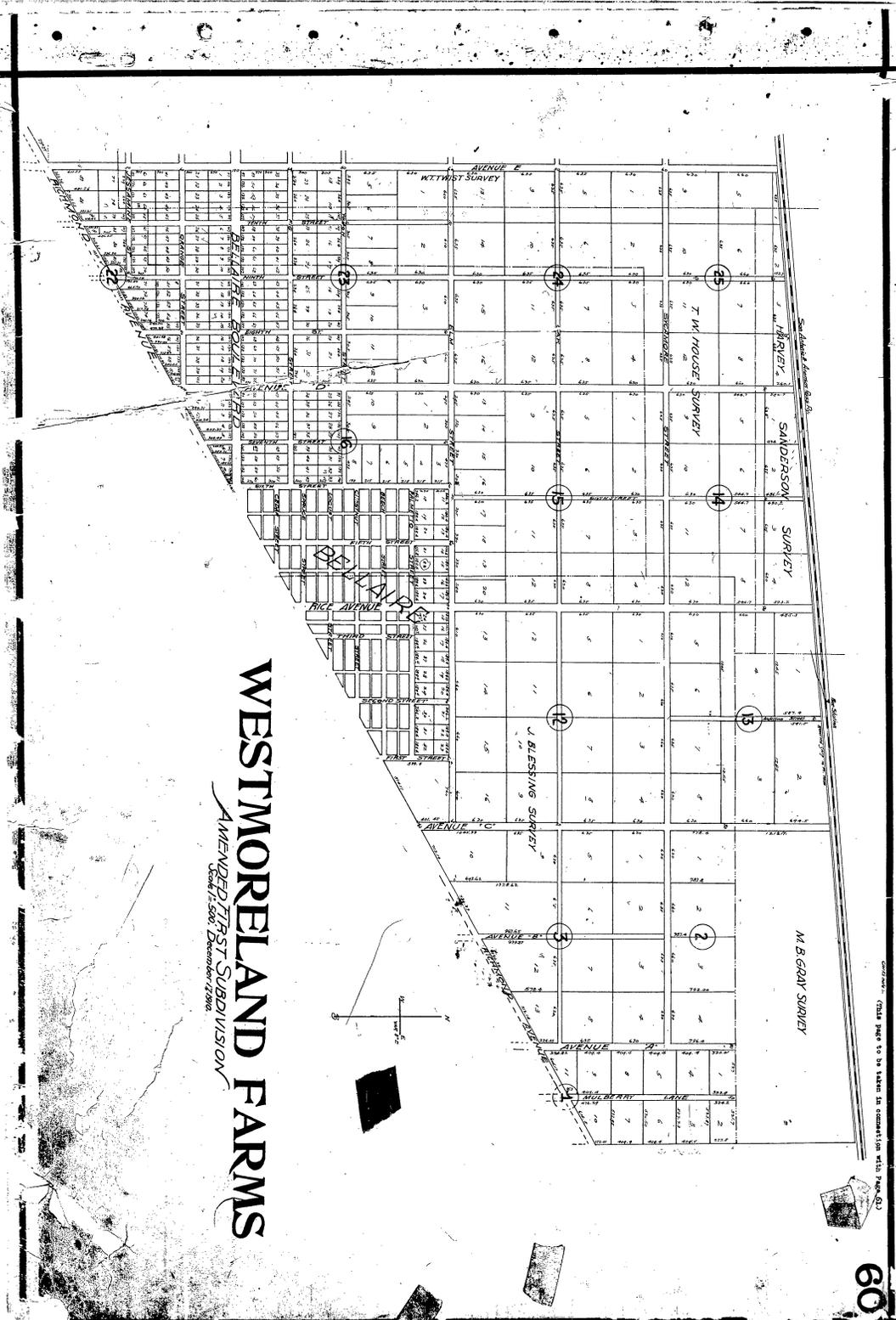
MAY 15 2000



George B. Stinson

COUNTY CLERK
HARRIS COUNTY TEXAS

532-30-1589



WESTMORELAND FARMS
 AMENDED TRUST SUBDIVISION
 Case #1530, December 12, 2006

Check page to be taken in connection with Page 63

60

1 against every person whomsoever lawfully claiming or to claim the same or any part thereof.
2 Executed this 28th day of March, A. D. 1942, T. W. Moore,

3 Sarah Ann Elizabeth Moore (Stamps cancelled \$0.55)

4 The State of Texas, County of Harris, Before me, the undersigned authority,
5 on this day personally appeared T. W. Moore, known to me to be the person whose name is
6 subscribed to the foregoing instrument, and acknowledged to me that he executed the same
7 for the purposes and consideration therein expressed. Given under my hand
8 and seal of office, this 28th day of March, A. D. 1942,

9 E. D. McCrory, Notary Public in and for Harris County, Texas. (Seal)

10 The State of Texas, County of Harris, Before me, the undersigned authority,
11 on this day personally appeared Sarah Ann Elizabeth Moore, wife of T. W. Moore, known to me
12 to be the person whose name is subscribed to the foregoing instrument, and having been by me
13 examined privily and apart from her husband, and having the same fully explained to her, she,
14 the said Sarah Ann Elizabeth Moore, acknowledged such instrument to be her act and deed and
15 declared that she had willingly signed the same for the purposes and consideration therein
16 expressed, and that she did not wish to retract it. Given under my hand and seal
17 of office, this 28th day of March, A. D. 1942,

18 E. D. McCrory, Notary Public in and for Harris County, Texas. (Seal)

19 Filed for record May 9, 1942, at 11:45 o'clock A. M. Recorded June 5, 1942, at 1:45 o'clock P. M.

20 *E. D. McCrory* Clerk County Court, Harris County, Texas, By *Richard Grayson* Deputy.

21 -----
22 No. 93832

23 W. W. Kirkpatrick et ux To Houston Lighting and Power Company
24 Deed

25 State of Texas, Harris County, Know all men by these presents:
26 That we, W. W. Kirkpatrick and Tressa M Kirkpatrick, residents of Houston, Texas, who, on the
27 30th day of October, 1934, were, who, at all times since said date have been, and who now are,
28 husband and wife, for and in consideration of the sum of ten dollars cash, and other good and
29 valuable considerations, to us this day paid and passing, by Houston Lighting and Power Company,
30 a corporation, the receipt and sufficiency of which consideration by us is hereby acknowledged,
31 have granted, bargained, sold and conveyed, and by these presents do grant, bargain, sell and
32 convey, unto the said Houston Lighting and Power Company, all our interest, the same being an
33 undivided forty three hundred eighty six-ten thousandths (4386-10000) interest, in and to all
34 those certain lands and premises, containing nine hundred twenty six-thousandths (926-1000) of
35 an acre, lying and being situated in the County of Harris and State of Texas, which are
36 specifically described by metes and bounds, as follows, to wit: Beginning
37 on the common south line of lot no. thirty seven (37), block no. one (1), Amended
38 first subdivision of Westmoreland Farms, according to plat thereof recorded in vol. 3; pages
39 60-61, record of maps and plats for Harris County, Texas, and the north line of Bellaire
40 Boulevard, as same is now established on the ground, at a point, eastwardly along the south
41 line of said lot no. 37, a distance of thirteen and seventy five-one hundredths (13.75) feet
42 from a stake, two inches square, placed by J. L. Moskowitz, civil engineer, as marking the
43 southwest corner of said lot no. 37, by his survey on the ground, on April 14th and 15th, 1942,
44 and evidenced by his plat of such survey, Thence, northwardly, through-
45 out parallel to, and thirteen and seventy five-one hundredths (13.75) feet distant eastwardly
46 at right angles from, the west line of said lot no. 37, as established by the abovementioned
47 survey, a distance of four hundred nine and four-tenths (409.4) feet to a point on the
48 north line of said lot no. 37, as established by said survey, said point being thirteen and

1 seventy five-one hundredths (13.75) feet distant eastwardly, along said north line of said lot
 2 no. 37, from a stake, two inches square, placed by said civil engineer, as marking the northwest
 3 corner of said lot no. 37,

4 Thence, eastwardly, along the north line of said
 5 lot no. 37, at ninety two and seventy five-one hundredths (92.75) feet a stake, two inches
 6 square, placed by said civil engineer as marking the northeast corner of said lot no. 37,
 7 according to the abovementioned recorded plat, and, continuing, in the same direction, in a
 8 straight line, an additional distance of four and twenty seven-one hundredths (4.27) feet (total
 9 length of said line 97.02 feet) to the west line of a tract of land conveyed by A. A. Buxton and
 10 Eva Buxton, husband and wife, to the grantee herein, by deed, dated October 18th, 1928, recorded
 11 in vol. 772, page 487, Record of Deeds for Harris County, Texas, Thence,

12 southwardly, along the west line of said tract of land conveyed by A. A. Buxton and wife to the
 13 grantee herein by the abovementioned deed a distance of four hundred nine and four-tenths (409.4)
 14 feet to the north line of Bellaire Boulevard, as same is now established on the ground,

15 Thence, westwardly, along the north line of Bellaire Boulevard, as same is now established on the
 16 ground, at seven and twenty five-one hundredths (7.25) feet an one inch iron pipe, marking the
 17 southeast corner of said lot no. 37, according to the abovementioned recorded plat, as ascertained
 18 by said civil engineer, and, continuing, in the same direction, along the common south line of
 19 said lot no. 37, and the north line of Bellaire Boulevard, an additional distance of ninety two
 20 and seventy five-one hundredths (92.75) feet (total length of said line one hundred feet) to the
 21 place of beginning, being a portion of the premises conveyed to the grantor herein, W. W. Kirk-
 22 patrick, by A. A. Buxton and Eva Buxton, husband and wife, by deed, dated October 30th, 1934,
 23 recorded in vol. 962, page 705, record of Deeds for Harris County, Texas, reference being here made
 24 to the above mentioned recorded plat, to said plat of survey by said J. L. Moskowitz, and to the
 25 original and record of both the abovementioned deeds, for all purposes. To

26 have and to hold all the abovedescribed premises herein conveyed, together with all and singular
 27 the rights, privileges and appurtenances thereto in anywise belonging, unto the said Houston
 28 Lighting and Power Company, its successors and assigns, forever. The grantee
 29 herein assumes and agrees to pay all taxes upon all the premises herein conveyed for the year
 30 1942.

31 And we do hereby bind ourselves, our heirs, executors and administra-
 32 tors, to warrant and forever defend, all and singular, all that portion of the above described
 33 premises which lie and are within the boundaries of said lot no. thirty seven (37), in block no.
 34 one (1), of said Amended First Subdivision of Westmoreland Farms, according to the hereinbefore
 35 mentioned recorded plat thereof, unto the said Houston Lighting and Power Company, its successors
 36 and assigns, against every person whomsoever lawfully claiming or to claim the same, or any part
 37 thereof; but, all the rest and remainder of the abovedescribed premises are by us hereby conveyed
 38 without warranty on any kind or character; and, provided, further, we hereby except from said
 39 warranty all taxes upon all the above described premises for the year 1942.

40 Witness our hands, at Houston, Texas, this 4th day of May, 1942,

41 W. W. Kirkpatrick, Tressa M. Kirkpatrick (Stamps cancelled \$1.10)

42 State of Texas, Harris County,

43 Before me, the undersigned authority, on this day
 44 personally appeared W. W. Kirkpatrick and Tressa M. Kirkpatrick, husband and wife, known to me
 45 to be the persons whose names are subscribed to the foregoing instrument of writing, and acknow-
 46 ledged to me that they executed the same for the purposes and consideration therein expressed.
 47 And the said Tressa M. Kirkpatrick, wife of the said W. W. Kirkpatrick, having been examined by
 48 me privily and apart from her said husband, and having said instrument fully explained to her by
 me, she, the said Tressa M. Kirkpatrick, wife of the said W. W. Kirkpatrick, acknowledged such
 instrument to be her act and deed, and she declared that she had willingly signed the same for
 the purposes and consideration therein expressed, and that she did not wish to retract it.

1 Given under my hand and seal of office, at Houston, Texas, this 4th day of May, 1942,

2 Philip Tharp, Notary Public in and for Harris County, Texas (Seal)

3 Filed for record May 9, 1942, at 11:45 o'clock A. M. Recorded June 5, 1942, at 2:15 o'clock P. M.

4 W.D. Miller Clerk County Court, Harris County, Texas, By Richard Crayson Deputy.

5 -----
6 No. 93833

7 Jennie Sullivan

8 To

Daisy Hicks

9 Deed

10 The State of Texas, County of Harris,

Know all men by these presents:

11 That I, Jennie Sullivan, a feme sole, of the County of Harris, State of Texas, for and in
12 consideration of the sum of one hundred and ten dollars (\$110.00) cash to me in hand paid by
13 Daisy Hicks, a widow, of Houston, Harris County, Texas, the receipt of which is hereby acknow-
14 ledged, have granted, sold and conveyed, and by these presents do grant, sell and convey unto
15 the said Daisy Hicks, the following described property, situated in Harris County, Texas, to
16 wit: Lot no. 18 in the Starkweather Addition to the City of Houston,

17 Harris County, Texas, according to map of said addition recorded in vol. 3, page 62, of the
18 map records of Harris County, Texas. To have and to hold the above des-
19 cribed property, together with all and singular the rights and appurtenances thereto in any-
20 wise belonging unto the said Daisy Hicks, her heirs and assigns forever. And I do hereby
21 bind myself, my heirs, executors and administrators to warrant and forever defend all and
22 singular said premises unto the said Daisy Hicks, her heirs and assigns, against every person
23 whomsoever lawfully claiming or to claim the same or any part thereof, by, through or under
24 me.

Taxes for the year 1942 are assumed by the purchaser.

25 Executed this the 9th day of April, 1942,

Jennie Sullivan.

26 The State of Texas, County of Harris,

Before me, the undersigned authority, on

27 this day personally appeared Jennie Sullivan, known to me to be the person whose name is
28 subscribed to the foregoing instrument, and acknowledged, to me, that she executed the same
29 for the purposes and consideration therein expressed. Given under my

30 hand and seal of office, this 9th day of April, A. D. 1942,

Bruce C. Pettitt, Notary Public, Harris County, Tex. (Seal)

31 Filed for record May 9, 1942, at 11:45 o'clock A. M. Recorded June 5, 1942, at 2:25 o'clock P. M.

32 W.D. Miller Clerk County Court, Harris County, Texas. By Richard Crayson Deputy.

33 -----
34 No. 93834

35 Calvin N. Blake et al

36 To

Howard F. Smith

37 Deed

38 The State of Texas, County of Harris,

Know all men by these presents:

39 That we, Calvin N. Blake, (sometimes known as Callie N. Blake) joined by his wife, Mrs.
40 Carrie Calder Blake, and Louise Blake, a feme sole, sister of the said Calvin N. Blake, all
41 of Harris County, Texas, who may be hereinafter called grantors, for and in consideration of
42 the sum of ten thousand (\$10,000.00) dollars paid and secured to be paid to us, as hereinafter
43 set out, by Howard F. Smith, of Harris County, Texas, who may hereinafter be called Grantee,
44 have granted, sold and conveyed, and by these presents do grant, sell and convey unto the said
45 Howard F. Smith, all of those certain lands and premises lying and being situated in the City
46 of Houston, upon the South Side of Buffalo Bayou, in Harris County, Texas, and more particularly
47 described as lot no. ten (10) and the adjoining north twelve and one-half feet of lot no. nine
48 (9) in block no. four hundred and sixty (460) in said City of Houston; said premises hereby
conveyed fronting approximately sixty two and one-half feet on Travis Street, and approximately

1 Notary Public in and for said State and County, on this day personally appeared Albert Perkins,
2 President of The Perkins Development Company, Inc., known to me to be the person whose name is
3 subscribed to the foregoing instrument and acknowledged to me that he executed the same for
4 the purposes and consideration therein stated and as the act and deed of said corporation.
5 Given under my hand and seal of office, this 27th day of April, A. D., 1942.

6 Isabel Bowen, Notary Public in and for Harris County, Texas. (Seal)

7 Filed for record May 11, 1942, at 9:00 O'clock A.M. Recorded June 5, 1942, at 5:00 O'clock P. M.

8 W.D. Miller Clerk County Court, Harris County, Texas. By J. J. [Signature] Deputy.
9

10 No. 93852

11 Andrew Bucsayni,

-To-

Houston Lighting and Power Company

12 Deed

13 State of Texas Harris County.

Know all men by these presents: That I,

14 Andrew Bucsayni, resident of Houston, Texas, who, on October 30th, 1934, was, and who at all
15 times since said date have been, and who now is, an unmarried man, for and in consideration
16 of the sum of Ten Dollars cash, and other good and valuable considerations, to me this day
17 paid and passing, by Houston Lighting and Power Company, a corporation, the receipt and
18 sufficiency of which consideration by me is hereby acknowledged, have granted, bargained,
19 sold and conveyed and by these presents do grant, bargain, sell and convey, unto the said
20 Houston Lighting and Power Company, all my interest, the same being an undivided fifty six
21 hundred fourteen-ten thousandths (5614-10000) interest, in and to all that certain tract
22 and parcel of land, containing nine hundred twenty six-thousandths (926-1000) of an acre,
23 lying and being situated in the County of Harris and State of Texas, which is specifically
24 described by metes and bounds, as follows, to-wit:

Beginning on

25 the common south line of Lot No. Thirty Seven (37), Block No. One (1), Amended First Sub-
26 division of Westmoreland Farms, according to plat thereof recorded in Vol. 3, pages 60-61,
27 record of Maps and Plats for Harris County, Texas, and the north line of Bellaire Boulevard,
28 as same is now established as the ground, at a point, eastwardly along the south line of said
29 Lot No. 37, a distance of thirteen and seventy five-one hundredths (13.75) feet from a stake,
30 two inches square, placed by J. L. Moskowitz, civil engineer, as marking the southwest corner
31 of said Lot No. 37, by his survey on the ground, on April 14th and 15th, 1942, and evidenced
32 by his plat of such survey, Thence, northwardly, throughout parallel to, and thirteen
33 and seventy five-one hundredths (13.75) feet distant eastwardly at right angles from, the west
34 line of said lot No. 37, as established by the above mentioned survey, a distance of four
35 hundred nine and four-tenths (409.4) feet to a point on the north line of said Lot No. 37,
36 as established by said survey, said point being thirteen and seventy five-one hundredths (13.75)
37 feet distant, eastwardly, along said north line of said Lot No. 37, from a stake, two inches
38 square placed by said civil engineer, as marking the northwest corner of said Lot No. 37.
39 Thence eastwardly, along the north line of said Lot No. 37, at ninety two and seventy five-one
40 hundredths (92.75) feet a stake, two inches square, placed by said civil engineer as marking
41 the northeast corner of said Lot No. 37, according to the above mentioned recorded plat, and
42 continuing, in the same direction, in a straight line, an additional distance of four and
43 twenty seven-one hundredths (4.27) feet, (total length of said line 97.02 feet) to the
44 west line of a tract of land conveyed by A. A. Buxton and Eva Buxton, husband and wife, to
45 the grantee herein, by deed, dated October 18th, 1928, recorded in Vol. 772, page 487, Record
46 of Deeds for Harris County, Texas, Thence Southwardly, along the west line of said tract
47 of land conveyed by A. A. Buxton and wife, to the grantee herein by the above mentioned deed,
48 a distance of four hundred nine and four-tenths (409.4) feet to the north line of Bellaire

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Boulevard, as same is now established on the ground, thence, westwardly, along the north line of Bellaire Boulevard, as same is now established on the ground, at seven and twenty five-one hundredths (7.25) feet an one inch iron pipe, marking the southeast corner of said Lot no. 37, according to the abovementioned recorded plat, as ascertained by said civil engineer and, continuing, in the same direction, along the common south line of said Lot No. 37, and the north line of Bellaire Boulevard, an additional distance of ninety two and seventy five-one hundredths (92.75) feet (total length of said line one hundred feet) to the place of Beginning, being a portion of the premises conveyed to me by A. A. Buxton and Eva Buxton, husband and wife, by deed dated October 30th 1934, recorded in Vol. 962, Page 706, Record of Deeds for Harris County, Texas, reference being here made to the above mentioned recorded plat, to said plat of survey by said J. L. Moskowitz, and to the original and record of both the abovementioned deeds, for all purposes.

To have and to hold all the abovescribed premises herein conveyed, together with all and singular the rights, privileges and appurtenances thereto in anywise belonging, unto the said Houston Lighting and Power Company, its successors and assigns, forever.

The grantee herein assumes and agrees to pay all taxes upon all the premises herein conveyed for the year 1942. And I do hereby bind myself, my heirs executors and administrators, to warrant and forever defend, all and singular, all that portion of the above described premises which lie and are within the boundaries of said Lot No Thirty Seven (37), in Block No. One (1) of said Amended First Subdivision of Westmorland Farms according to the hereinbefore mentioned recorded plat thereof, unto the said Houston Lighting and Power Company, its successors and assigns, against every person whomsoever lawfully claiming or to claim the same, or any part thereof; but, all the rest and remainder of the above described premises are by me hereby conveyed without warranty of any kind or character; and provided, further, I hereby except from said warranty all taxes upon all the above described premises for the year 1942.

Witness my hand at Houston, Texas, this 4th day of May, 1942.

Andrew Bucsayni (Stamps Cancelled \$1 10)

State of Texas: Harris County: Before me, the undersigned authority, on this day personally appeared Andrew Bucsayni, known to me to be the person whose name is subscribed to the foregoing instrument of writing, and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

Given under my hand and seal of office, at Houston, Texas, this 4th day of May, 1942.

Philip Tharp, Notary Public in and for Harris County, Texas (Seal)

Filed for Record May 11, 1942 at 9:00 o'clock A. M. Recorded June 5, 1942 at 6:30 o'clock P. M.

W.D. Miller Clerk County Court, Harris County, Texas By *Jacqueline Kullik* Deputy

No. 93853

San Jacinto National Bank of Houston To Houston Lighting & Power Co.
By Vice-President Deed

The State of Texas: County of Harris: Know all men by these presents:

That San Jacinto National Bank of Houston, Trustee, a corporation of Houston, Harris County, Texas for and in consideration of the sum of Ten (\$10.00) Dollars cash to it in hand paid and other considerations, the receipt of which is hereby acknowledged, have granted, sold and conveyed, and by these presents do grant, sell and convey unto the Houston Lighting & Power Company, a Texas Corporation domiciled in Houston, Harris County, Texas, all that certain tract or parcel of land containing nine hundred thirty-nine thousandths (0.939) of one acre in the James Blessing Survey, and being a part of Lot No. Forty-seven (47) in Block No. One (1) of Westmoreland Farms Amended First Subdivision in Harris County, Texas, as per map of said

1 such instrument to be her act and deed, and declared that she had willingly signed the same
 2 for the purposes and consideration therein expressed, and that she did not wish to retract it.
 3 Given under my hand and seal of office, this 20 day of October, A. D. 1928.

4 W. F. Wittman, Notary Public in and for Harris County, Texas. (Seal)

5 Filed for record Nov. 1, 1928 at 9.05 o'clock A.M. Recorded Nov. 2, 1928 at 2.30 o'clock P.M.

6 Albert D. Durrant Clerk County Court, Harris County, Texas. By L. Halverson Deputy

7 -----
 8 No. 372662

9 A. A. Buxton, et ux To Houston Lighting & Power Co.

10 General Warranty Deed

11 State of Texas, County of Harris. Know all men by these presents: That
 12 we, A. A. Buxton and wife, Eva Buxton, of Harris County, Texas, for and in consideration of
 13 Ten Dollars (\$10.00) and other good and valuable considerations to us in hand paid by Houston
 14 Lighting & Power Company, receipt of which is hereby acknowledged and confessed, have granted,
 15 sold and conveyed and by these presents do grant, sell and convey unto the said Houston
 16 Lighting & Power Company, a corporation organized under the laws of the State of Texas, with
 17 its principal office in Houston, Texas, all that certain tract or parcel of land containing
 18 two hundred eighty-two thousandths (0.282) of one (1) acre in the James Blessing Survey out
 19 of Westmoreland Farms Amended first subdivision as per plat recorded in Vol. 3, pages 60,
 20 et seq., of the Map Records of Harris County, Texas, said 0.282 of one (1) acre being described
 21 by metes and bounds as follows: Beginning at a point in the south line of Lot
 22 No. 37, of Block No. 1, of said Westmoreland Farms Amended first subdivision, said point being
 23 distant west with said south line extended a distance of eighty (80) feet from the center line
 24 of the most westerly main line track of the H. & T.C. Railroad; Thence from the
 25 point of beginning north parallel with said H. & T.C. Railroad and eighty (80) feet distant
 26 westerly at a right angle from the center line of its most westerly main line track a distance
 27 of four hundred nine and four tenths (409.4) feet to a point in the north line of said Lot
 28 No. 37; Thence east a distance of thirty (30) feet to a point in the west right-
 29 of-way line of said H. & T.C. Railroad; Thence south with said west right-of-way
 30 line of said H. & T.C. Railroad a distance of four hundred nine and four tenths (409.4) feet
 31 to a point; Thence west a distance of thirty (30) feet to the place of beginning.

32 To have and to hold the above described premises, together with all and singular the rights and
 33 appurtenances thereto in anywise belonging, unto the said Houston Lighting & Power Company,
 34 its successors or assigns, forever; and we do hereby bind ourselves, our heirs, executors and
 35 administrators to warrant and forever defend all and singular the said premises unto the said
 36 Houston Lighting & Power Company, its successors and assigns, against every person whomsoever
 37 lawfully claiming or to claim the same, or any part thereof. But there is

38 reserved to the grantors herein, their heirs or assigns, a right-of-way easement for one (1)
 39 spur railway track across the property herein conveyed, provided that said spur track shall
 40 not in any way interfere with the improvements of the grantee herein, or of its successors
 41 or assigns, which improvements may at any time hereafter be placed upon or over said property.

42 Witness our hands this the 18th day of October, A. D. 1928. A. A. Buxton Eva Buxton

43 State of Texas, County of Harris. Before me, Carl B. Ehman, a Notary

44 Public in and for Harris County, Texas, on this day personally appeared A. A. Buxton, known
 45 to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged
 46 to me that he executed the same for the purposes and consideration therein expressed.

47 Given under my hand and seal of office this 18th day of October, A. D. 1928.

48 Carl B. Ehman, Notary Public, Harris County, Texas. (Seal)

Page 48 of 74

1 State of Texas, County of Harris. Before me, Carl B. Ehman, a Notary Public,
 2 in and for Harris County, Texas, on this day personally appeared Eva Buxton, wife of A. A. Buxton,
 3 known to me to be the person whose name is subscribed to the foregoing instrument, and having
 4 been examined by me privately and apart from her husband, and having the same fully explained to
 5 her, she, the said Eva Buxton, acknowledged such instrument to be her act and deed, and
 6 declared that she had willingly signed the same for the purposes and consideration therein
 7 expressed and that she did not wish to retract it.

8 Given under my hand and seal of office, this 18th day of October, A. D. 1928.

9 Carl B. Ehman, Notary Public, Harris County, Texas. (Seal)

10 Filed for record Nov. 1, 1928 at 9.05 o'clock A.M. Recorded Nov. 2, 1928 at 3.00 o'clock P.M.

11 Alfred D. Brown Clerk County Court, Harris County, Texas. By E. A. Johnston Deputy

12 -----
 13 No. 372678

14 Spencer-Ingram Lumber Co., By To Houston Bldg. & Loan Ass'n.
 15 V-Pres., et al

Assignment of V/L & D/T

16 The State of Texas, County of Harris. Know all men by these presents:
 17 That I, T. E. Johnson and Spencer-Ingram Lumber Company, a corporation hereinafter called
 18 assignor, whether one or more, for and in consideration of the sum of Ten Dollars (\$10.00) and
 19 other valuable considerations this day in hand paid by Houston Building and Loan Association, the
 20 receipt and sufficiency of which are hereby acknowledged and confessed, have sold, assigned,
 21 transferred and delivered, and by these presents do sell, assign, transfer and deliver unto the
 22 said Houston Building and Loan Association, a corporation domiciled at 1107 Main Street, Houston,
 23 Harris County, Texas, the following note or notes, together with the vendor's lien and deed of
 24 trust lien securing the same, to-wit: One note in the sum of \$396.65 dated December

25 4, 1925, executed by S. H. Ewell and wife, Henrietta J. Ewell, payable to the order of T. E.
 26 Johnson one year after date, bearing interest from date at the rate of eight per cent per annum,
 27 interest payable semi-annually, containing the usual accelerating maturity and attorney's
 28 fees clauses, being secured by vendor's lien and deed of trust, and being more fully described in
 29 that deed dated December 4, 1925, from T. E. Johnson to S. H. Ewell and wife, which is of
 30 record in the Deed Records of Harris County, Texas, to which reference is here made for all
 31 purposes.

32 The property covered by the above-mentioned note or notes and lien or
 33 liens is described as follows: Lots Numbers Seven (7) and Eight (8) in Block Number
 34 Fifteen (15) of Chapman's Second Addition to the City of Houston, Harris County, Texas.
 35 Assignor hereby transfers to Houston Building and Loan Association all of assignor's rights in and
 36 to the said premises, and hereby subrogates Houston Building and Loan Association to all of
 37 assignor's rights under the said note or notes and lien or liens. Assignor covenants that there
 38 is unpaid on said note or notes, in principal and interest, the sum of \$_____, and that all just
 39 and lawful payments, credits and offsets have been indorsed thereon, but otherwise this
 40 assignment is made without recourse. Spencer Ingram Lumber Company joins herein

41 for the purpose of transferring rights in the above-described note acquired by it by indorsement
 42 and delivery to it of said note. Executed this 25th day of October, A. D. 1928.

43 Spencer-Ingram Lumber Company, By T. H. Spencer, Vice President.

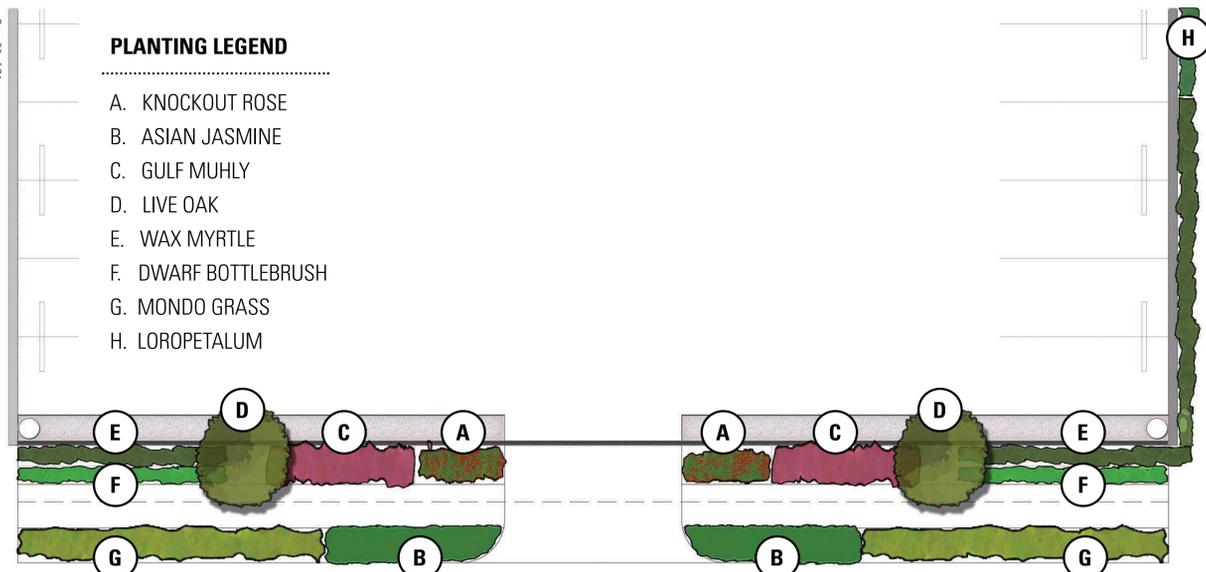
44 Attest: L. T. Cooper, Secretary. (Seal) T. E. Johnson

45 The State of Texas, County of Harris. Before me, the undersigned authority,
 46 on this day personally appeared T. H. Spencer, Vice President of Spencer-Ingram Lumber Company,
 47 a corporation, known to me to be the person whose name is subscribed to the foregoing instrument,
 48 and acknowledged to me that he executed the same for the purposes and consideration therein
 expressed, in the capacity therein stated, and as the act and deed of said corporation.

Page 49 of 74

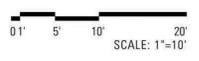
PLANTING LEGEND

- A. KNOCKOUT ROSE
- B. ASIAN JASMINE
- C. GULF MUHLY
- D. LIVE OAK
- E. WAX MYRTLE
- F. DWARF BOTTLEBRUSH
- G. MONDO GRASS
- H. LOROPETALUM



ENLARGEMENT PLAN

BELLAIRE BLVD



KNOCKOUT ROSE



ASIAN JASMINE



GULF MUHLY



LIVE OAK



WAX MYRTLE



DWARF BOTTLEBRUSH



DWARF MONDO



LOROPETALUM

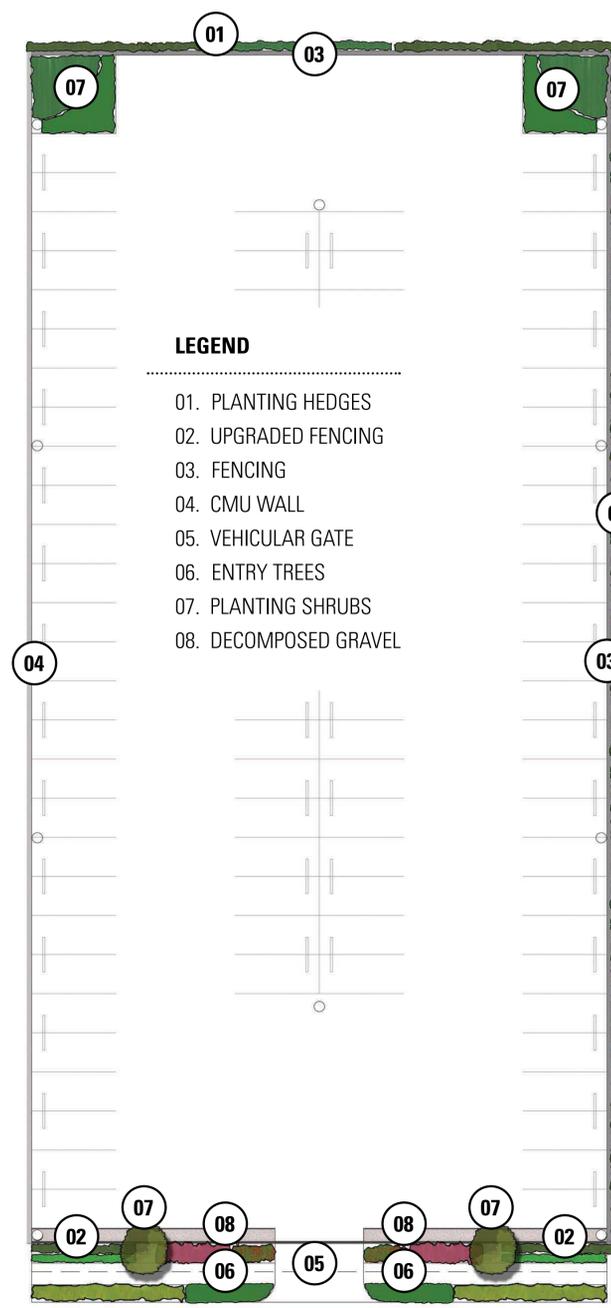


TBG

bellaire parking lot

conceptual landscape plan

Southside Place, Texas
07/10/2020



LEGEND

- 01. PLANTING HEDGES
- 02. UPGRADED FENCING
- 03. FENCING
- 04. CMU WALL
- 05. VEHICULAR GATE
- 06. ENTRY TREES
- 07. PLANTING SHRUBS
- 08. DECOMPOSED GRAVEL

FENCING OPTIONS:

AMERISTAR METAL FENCE



WOODEN FENCE



OMEGA ELITE FENCE



CHAIN LINK FENCE



CMU WALL OPTIONS:

TEXTURES



PATTERNS



VEHICULAR GATE OPTIONS:

AMERISTAR SLIDE GATE



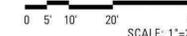
OMEGA SLIDE GATE



WOODEN SWING GATE



OVERALL SITE PLAN



TBG
1333 West Loop South
Suite 1450
Houston, Texas 77027
(713) 439 0027
tbgpartners.com

The information shown is based on the best information available and is subject to change without notice.





GEOTECHNICAL ENGINEERING STUDY

FOR

**NEW OVERFLOW PARKING LOT
HOUSTON, TEXAS**



Project No. AHA20-004-00
January 24, 2020

3602 Westchase
Houston, TX 77042

Mr. Paul E. Case | President
Project Solutions
12223 Cabo Blanco Court, Suite 100
Houston, TX 77041

P 713.996.8990
F 713.996.8993
TBPE Firm F-3257

WWW.RKCI.COM

**RE: Geotechnical Engineering Services
New Overflow Parking Lot
Bellaire Boulevard – Centerpoint Easement
Houston, Texas**

Dear Mr. Case:

Raba Kistner Consultants, Inc. (RKCI) is pleased to submit the report of our Geotechnical Engineering Study for the above-referenced project. This study was performed in accordance with RKCI Proposal No. PHA20-007-00, dated January 10, 2019. The purpose of this study was to explore subsurface conditions at the subject site and to provide design and construction recommendations for the proposed new overflow parking lot.

The following report contains our design recommendations and considerations based on our current understanding of the design tolerances. If any of these parameters change, there may be alternatives for value engineering of the permeable pavers, and RKCI recommends that a meeting be held with project solutions (CLIENT) and the design team to evaluate these alternatives.

We appreciate the opportunity to be of professional service to you on this project and look forward to receiving your comments. Should you have any questions about the information presented in this report, please call.

Very truly yours,
RABA KISTNER CONSULTANTS, INC.

John D. Brown, P.E.
Manager, Geotechnical Services



JDB/dar
Attachments
Copies Submitted: 1-24-2020
Above (1-Electronic)

GEOTECHNICAL ENGINEERING STUDY

For

**NEW OVERFLOW PARKING LOT
HOUSTON, TEXAS**

Prepared for

PROJECT SOLUTIONS
Houston, Texas

Prepared by

RABA KISTNER CONSULTANTS, INC.
Houston, Texas

PROJECT NO. AHA20-004-00

January 24, 2020

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ATTACHMENTS

- Boring Location Map
- Logs of Borings
- Key to Terms and Symbols
- Results of Soil Sample Analyses
- Important Information About Your Geotechnical Engineering Report

INTRODUCTION

Raba Kistner Consultants, Inc. (RKCI) has completed the authorized subsurface exploration and engineering analysis for the proposed new overflow parking lot situated within the Bellaire Boulevard Centerpoint Easement in Houston, Texas. This report briefly describes the procedures utilized during this study and presents our findings along with our recommendations for gravel-surfaced parking lot design and construction considerations.

PROJECT DESCRIPTION

We understand that the project consists of the design and construction of a new overflow parking lot located underneath the existing power lines on the north side of Bellaire Boulevard and on the west side of the dual railroad tracks in Houston, Texas. The rectangular-shaped parking lot has dimensions of approximately 110-ft by 787-ft based on the site plan provided by Client.

The new parking area will be gravel-surfaced with permeable TRUEGRID® pavers. TRUEGRID® pavers are high density polyethylene (HPDE) cylindrical cells that are approximately 1.8 in deep. These will be filled with clean angular crushed stone and supported on a gravel base.

LIMITATIONS

This engineering report has been prepared in accordance with accepted Geotechnical Engineering practices in the Houston area by Geotechnical firms conducting similar work under similar circumstances and is meant for the use of the CLIENT and its representatives for design purposes. This report may not contain sufficient information for purposes of other parties or other uses and is not intended for use in determining construction means and methods.

The recommendations submitted in this report are based on the data obtained from three borings drilled at the designated work sites and our understanding of the project information provided to us by the CLIENT. If the project information described in this report is incorrect, is altered, or if new information is available, we should be retained to review and modify our recommendations.

This report may not reflect the actual variations of the subsurface conditions across the site. The nature and extent of variations across the site may not become evident until construction commences. The construction process itself may also alter subsurface conditions. If variations appear evident at the time of construction, it may be necessary to reevaluate our recommendations after performing on-site observations and tests to establish the engineering impact of the variations.

The scope of our Geotechnical Engineering Study does not include an environmental assessment of the air, soil, rock, or water conditions either on or adjacent to the site. No environmental opinions are presented in this report. **RKCI's** scope of work does not include the investigation, detection, or design related to the prevention of any biological pollutants. The term "biological pollutants" includes, but is not limited to, mold, fungi, spores, bacteria, and viruses, and the byproduct of any such biological organisms.

BORING AND LABORATORY TESTS

Subsurface conditions at the site were evaluated by 3 borings (designated as B-1 through B-3) drilled at the locations shown on the Boring Location Map, Figure 1. The boring locations are approximate and were located in the field by an **RKCI** representative, based on site plans provided by the CLIENT, by using a measuring tape, pacing, and referencing to known landmarks. The GPS coordinates at the boring locations, as shown on the boring logs, are approximate and are referenced to Google Earth. The coordinates are shown on the boring logs.

The borings were drilled to a depth of 5-ft below the ground surface elevation existing at the time of our study using a hand auger. The borings were then backfilled with the auger cuttings generated during the drilling activities. During drilling operations, the following samples were collected:

Type of Sample	Number Collected
Grab Sample	9

Grab samples were obtained from the auger cuttings generated during the drilling activities. Representative portions of the samples were sealed in containers to reduce moisture loss, labeled, packaged, and transported to our laboratory for subsequent testing and classification.

In the laboratory, each sample was evaluated and visually classified by a member of our Geotechnical Engineering staff in general accordance with the Unified Soil Classification System (USCS). The geotechnical engineering properties of the strata were evaluated by the laboratory tests tabulated in the table on the following page:

Type of Test	Number Conducted
Natural Moisture Content	9
Atterberg Limits	3
Percent Passing a No. 200 Sieve	3

The laboratory tests are presented in graphical or numerical form on the boring logs illustrated on Figures 2 through 4. A key to the classification of terms and symbols used on the logs is presented on Figure 5. The results of the laboratory and field testing are also tabulated on Figure 6 for ease of reference.

Samples will be retained in our laboratory for 30 days after submittal of this report. Other arrangements may be provided at the request of the CLIENT.

GENERAL SITE CONDITIONS

SITE DESCRIPTION

The subject site is a grass-covered easement situated beneath an existing Centerpoint power line corridor. Three overhead electrical transmission lines traverse the approximately 110-ft by 787-ft project site.

GEOLOGY

The Bureau of Economic Geology, Geologic Atlas of Texas, Houston Sheet (Revised 1982) shows the subject site to be located on the Beaumont Formation. The Beaumont Formation is the youngest coast-parallel Pleistocene unit in the Texas Gulf Coast. Most of the Beaumont Formation was deposited as an overlapping group of fluvial or deltaic plains by ancestors of modern streams now draining into the Gulf of Mexico. The Beaumont formation is comprised of clay, silt, and sand; includes mainly stream channel, point-bar, natural levee, backswamp, and to a lesser extent coastal marsh and mud-flat deposits; concretions of calcium carbonate, iron oxide, and iron-manganese oxides in zone of weathering; surface almost featureless, characterized by relict river channels shown by meander patterns and pimple mounds on meanderbelt ridges, separated by areas of low, relatively smooth, featureless backswamp deposits without pimple mounds; formation thickness is +/- 100 ft.

The Beaumont Formation in the general area of the subject site is dominantly clay and mud of low permeability, high water-holding capacity, high compressibility, high to very high shrink-swell potential, poor drainage, level to depressed relief, low shear strength, and high plasticity; geologic units include interdistributary muds, abandoned channel-fill muds, and overbank fluvial muds.

STRATIGRAPHY

The subsurface conditions encountered at the boring locations are shown on the boring logs, Figures 2 through 5. The boring logs should be consulted for boring specific (detailed) stratigraphic information. These boring logs represent our interpretation of the subsurface conditions based on the field logs, visual examination of field samples by our personnel, and laboratory test results of selected field samples. Each stratum has been designated by grouping soils that possess similar physical and engineering characteristics. The lines designating the interfaces between strata on the boring logs represent approximate boundaries. Transitions between strata may be gradual.

The shallow upper 5-ft deep subgrade soils consist of cohesive, plastic to highly plastic, fat clay with sand (CH) and sandy lean clay (CL). Roots, sand seams, and ferrous and calcareous nodules were noted at varying depths within the stratum I soils. Measured moisture contents range from 17 to 23 percent. Measured plasticity indices (PI) range from 31 to 40 percent. Based on grain size analyses, the percentage of fines (percent passing a No. 200 sieve) within this stratum ranges from 63 to 82 percent.

GROUNDWATER

Groundwater was not observed in project borings B-1 through B-3, either during or immediately upon completion of the drilling operations. These borings remained dry during the field exploration phase.

It is possible for groundwater to exist beneath this site at shallow depths on a transient basis, particularly in interbedded sand seams following periods of precipitation. Fluctuations in groundwater levels are possible due to variations in rainfall and surface water run-off. The construction process itself may also cause variations in the groundwater levels.

Based on the findings in our borings and on our experience in this region, we believe that groundwater seepage encountered during site earthwork activities and foundation construction may be controlled using temporary earthen berm and conventional sump-and-pump dewatering methods.

SUBGRADE PREPARATION

SITE PREPARATION

The proposed playing field should be stripped to remove vegetation, topsoil, and other deleterious materials. After stripping and grubbing, the exposed subgrade should be thoroughly proofrolled in order to locate and densify any weak, compressible zones. A minimum of 5 passes of a fully-loaded dump truck or a similar heavily-loaded piece of construction equipment should be used for planning purposes. Proofrolling operations should be observed by the Geotechnical Engineer or his representative to document subgrade condition and preparation. Weak or soft areas identified during proofrolling should be removed and replaced with suitable, compacted on-site clays, free of organics, oversized materials, and degradable or deleterious materials.

SELECT FILL

Materials used as select fill for final site grading preferably should be crushed stone or gravel aggregate. We recommend that materials specified for use as select fill meet the 2014 TxDOT Standard Specifications for Construction and Maintenance of Highways, Streets and Bridges, Item 247, Flexible Base, Type A or D, Grade 1-2, and have a maximum plasticity index of 10.

Select fill should be placed in loose lifts not exceeding 8 in. in thickness. the fill should be compacted to at least 95 percent of maximum density as determined by ASTM D1557, "Standard Test Methods for Laboratory Compaction Characteristics of Soils Using Modified Compaction Effort". The moisture content of the fill should be maintained within the range of 2 percentage points below to 2 percentage points above the optimum moisture content until final compaction.

Soils classified as CH, MH, ML, SM, GM, OH, OL and Pt under the USCS are **not** considered suitable for use as select fill materials. The surficial soils observed in the project borings are **not** suitable for use as select fill materials.

Select fill should be placed in loose lifts not exceeding 8 in. in thickness and compacted to at least 95 percent of maximum density as determined by ASTM D 698. The moisture content of the fill should be maintained within the range of 2 percentage points below to 2 percentage points above the optimum moisture content until final compaction.

PERMEABLE PAVER RECOMMENDATIONS

Information provided by the CLIENT indicates the new parking lot will be constructed with permeable TRUEGRID® pavers. TRUEGRID® pavers are HDPE cylindrical cells that are approximately 1.8 inches deep. These will be filled with clean angular crushed stone and supported on a gravel base and subbase. Gravel subbase material should consist of a minimum of -inch thick clean, uniform angular base stone such as ASTM No. 2

stone, followed by 4-inch thick open-graded base such as ASTM No. 57 stone. Fill material for the TRUEGRID® pavers may consist of ¾-in. diameter or 5/8-in. diameter aggregate, clean and washed.

Prior to aggregate subbase and base placement, a Geotextile should be rolled over the subgrade to provide separation and prevent migration of fines into the aggregate layer. A nonwoven geotextile such as Mirafi 180N or equivalent would be applicable. Compact in 4" lifts with a heavy compactor to settle, level and lock in clean angular stone. Do a final heavy compaction and level with chalk line or laser leveler. A final plate compaction to subbase stone will provide an even surface for the TRUEGRID® Paver to be directly installed on.

CONSTRUCTION RELATED SERVICES

CONSTRUCTION MATERIALS TESTING AND OBSERVATION SERVICES

As presented in the attachment to this report, *Important Information About Your Geotechnical Engineering Report*, subsurface conditions can vary across a project site. The conditions described in this report are based on interpolations derived from a limited number of data points. Variations will be encountered during construction, and only the geotechnical design engineer will be able to determine if these conditions are different than those assumed for design.

Construction problems resulting from variations or anomalies in subsurface conditions are among the most prevalent on construction projects and often lead to delays, changes, cost overruns, and disputes. These variations and anomalies can best be addressed if the geotechnical engineer of record, **RKCI**, is retained to perform construction observation and testing services during the construction of the project. This is because:

- **RKCI** has an intimate understanding of the geotechnical engineering report's findings and recommendations. **RKCI** understands how the report should be interpreted and can provide such interpretations on site, on the CLIENT's behalf.
- **RKCI** knows what subsurface conditions are anticipated at the site.
- **RKCI** is familiar with the goals of the CLIENT and project design professionals, having worked with them in the development of the geotechnical work scope. This enables **RKCI** to suggest remedial measures (when needed) which help meet the CLIENT's and the design teams' requirements.
- **RKCI** has a vested interest in client satisfaction, and thus assigns qualified personnel whose principal concern is client satisfaction. This concern is exhibited by the manner in which contractors' work is tested, evaluated and reported, and in selection of alternative approaches when such may become necessary.
- **RKCI** cannot be held accountable for problems which result due to misinterpretation of our findings or recommendations when we are not on hand to provide the interpretation which is required.

BUDGETING FOR CONSTRUCTION TESTING

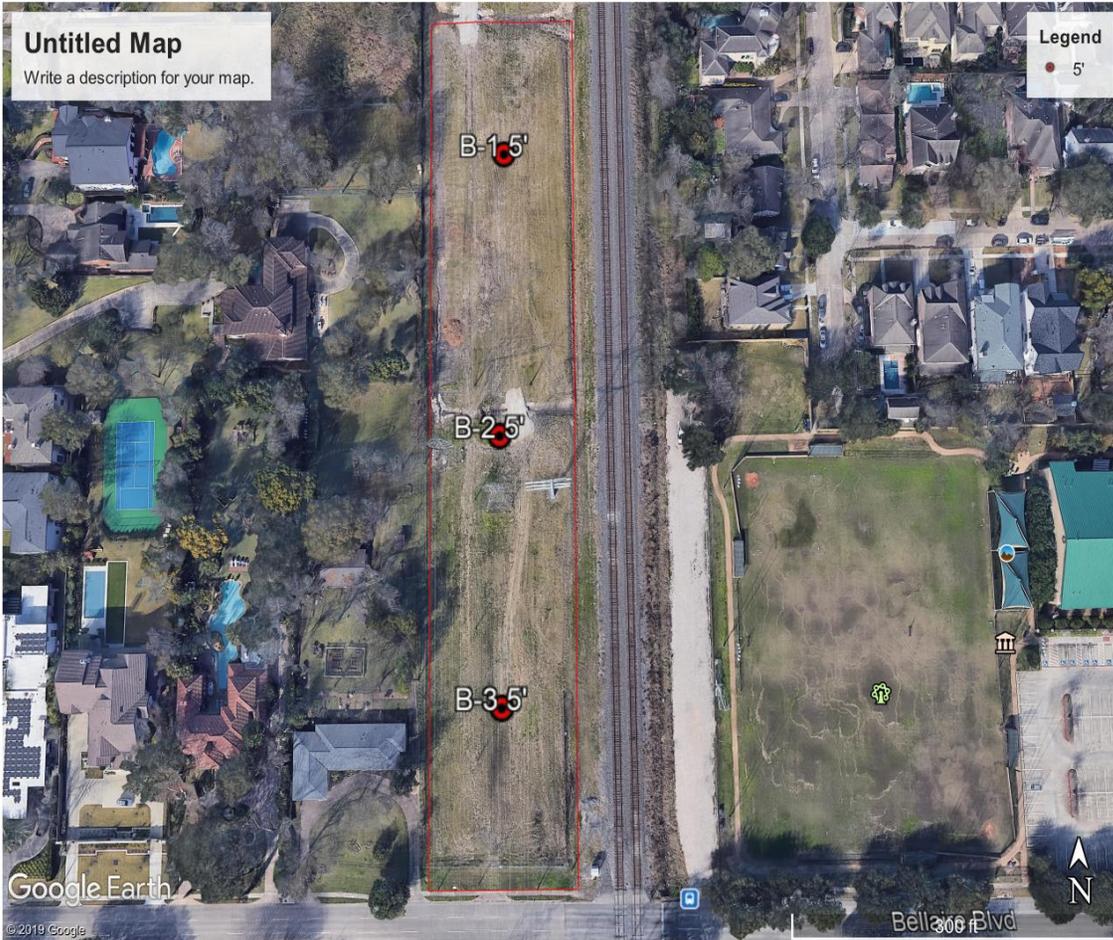
Appropriate budgets need to be developed for the required construction testing and observation activities. At the appropriate time before construction, we advise that **RKCI** and the project designers meet and jointly develop the testing budgets, as well as review the testing specifications as it pertains to this project. Once the construction testing budget and scope of work are finalized, we encourage a preconstruction meeting with the selected contractor to review the scope of work to make sure it is consistent with the construction means and methods proposed by the contractor. **RKCI** looks forward to the opportunity to provide continued support on this project, and would welcome the opportunity to meet with the Project Team to develop both a scope and budget for these services.

* * * * *

The following figures are attached and complete this report:

- | | |
|---------------------|---------------------------------|
| Figure 1 | Boring Location Map |
| Figures 2 through 5 | Logs of Borings |
| Figure 6 | Key to Terms and Symbols |
| Figure 7 | Results of Soil Sample Analyses |

ATTACHMENTS



Legend
●: Soil Boring

Project No. AHA20-004-00		Not to Scale
New Overflow Parking Lot Houston, TX	Boring Location Map	FIGURE 1

LOG OF BORING NO. B-1

Palace Lanes Overflow Lot
Bellaire
Houston, TX



DRILLING METHOD: Straight Flight Auger

LOCATION: N 29.70780; W 95.44777

DEPTH, FT	SYMBOL	SAMPLES	DESCRIPTION OF MATERIAL	BLOWS PER FT	UNIT DRY WEIGHT, pcf	SHEAR STRENGTH, TONS/FT ²			PLASTICITY INDEX	% -200
						0.5	1.0	1.5		
			SURFACE ELEVATION: Existing grade, ft							
			FAT CLAY w/ SAND (CH), dark gray -w/ roots to 4 ft							
			-reddish brown and gray, w/ calcareous nodules from 2 ft to 4 ft						40	82
			-w/ ferrous nodules from 4 ft to 5 ft							
5			Boring terminated at a depth of about 5 ft							

NOTE: THESE LOGS SHOULD NOT BE USED SEPARATELY FROM THE PROJECT REPORT

DEPTH DRILLED: 5.0 ft	DEPTH TO WATER: Dry	PROJ. No.: AHA20-004-00
DATE DRILLED: 1/7/2020	DATE MEASURED: 1/7/2020	FIGURE: 2

LOG OF BORING NO. B-2

Palace Lanes Overflow Lot
Bellaire
Houston, TX



DRILLING METHOD: Straight Flight Auger

LOCATION: N 29.70711; W 95.44778

DEPTH, FT	SYMBOL	SAMPLES	DESCRIPTION OF MATERIAL	BLOWS PER FT	UNIT DRY WEIGHT, pcf	SHEAR STRENGTH, TONS/FT ²			PLASTICITY INDEX	% -200
						0.5	1.0	1.5		
			SURFACE ELEVATION: Existing grade, ft							
			FAT CLAY w/ SAND (CH), dark gray -w/ roots to 4 ft							
			-w/ sand seams, calcareous nodules and ferrous stains from 2 ft to 5 ft							
			-yellowish brown and gray, w/ ferrous nodules from 4 ft to 5 ft						34	71
5			Boring terminated at a depth of about 5 ft							
DEPTH DRILLED: 5.0 ft			DEPTH TO WATER: Dry			PROJ. No.: AHA20-004-00				
DATE DRILLED: 1/7/2020			DATE MEASURED: 1/7/2020			FIGURE: 3				

NOTE: THESE LOGS SHOULD NOT BE USED SEPARATELY FROM THE PROJECT REPORT

LOG OF BORING NO. B-3

Palace Lanes Overflow Lot
Bellaire
Houston, TX



DRILLING METHOD: Straight Flight Auger

LOCATION: N 29.70647; W 95.44776

DEPTH, FT	SYMBOL	SAMPLES	DESCRIPTION OF MATERIAL	BLOWS PER FT	UNIT DRY WEIGHT, pcf	SHEAR STRENGTH, TONS/FT ²			PLASTICITY INDEX	% -200
						0.5	1.0	1.5		
			SURFACE ELEVATION: Existing grade, ft							
			SANDY LEAN CLAY (CL), brown and gray, w/ roots							
			-reddish brown and gray, w/ calcaroeous from 2 ft to 4 ft							
			-w/ ferrous nodules from 2 ft to 5 ft							
			-gray, w/ ferrous stains from 4 ft to 5 ft							
5			Boring terminated at a depth of about 5 ft							

DEPTH DRILLED: 5.0 ft

DATE DRILLED: 1/7/2020

DEPTH TO WATER: Dry

DATE MEASURED: 1/7/2020

PROJ. No.: AHA20-004-00

FIGURE: 4

NOTE: THESE LOGS SHOULD NOT BE USED SEPARATELY FROM THE PROJECT REPORT

KEY TO TERMS AND SYMBOLS

MATERIAL TYPES

SOIL TERMS	ROCK TERMS	OTHER
 CALCAREOUS	 PEAT	 CHALK
 LIMESTONE	 ASPHALT	
 CALICHE	 SAND	 CLAYSTONE
 MARL	 BASE	
 CLAY	 SANDY	 CONCRETE/CEMENT
 CLAYEY	 CLAY-SHALE	 BRICKS / PAVERS
 GRAVEL	 CONGLOMERATE	 WASTE
 GRAVELLY	 SANDSTONE	 NO INFORMATION
	 SILT	
	 SILTY	
	 FILL	
	 DOLOMITE	
	 IGNEOUS	
	 SHALE	
	 SILTSTONE	

WELL CONSTRUCTION AND PLUGGING MATERIALS

 BLANK PIPE	 BENTONITE	 BENTONITE & CUTTINGS	 CUTTINGS	 SAND
 SCREEN	 CEMENT GROUT	 CONCRETE/CEMENT	 GRAVEL	 VOLCLAY

SAMPLE TYPES

 AIR ROTARY	 MUD ROTARY	 SHELBY TUBE
 GRAB SAMPLE	 NO RECOVERY	 SPLIT BARREL
 CORE	 NX CORE	 SPLIT SPOON
 GEOPROBE SAMPLER	 PITCHER	 TEXAS CONE PENETROMETER
 ROTASONIC - DAMAGED	 ROTASONIC - INTACT	 DISTURBED

STRENGTH TEST TYPES

	POCKET PENETROMETER
	TORVANE
	UNCONFINED COMPRESSION
	TRIAxIAL COMPRESSION UNCONSOLIDATED-UNDRAINED
	TRIAxIAL COMPRESSION CONSOLIDATED-UNDRAINED

NOTE: VALUES SYMBOLIZED ON BORING LOGS REPRESENT SHEAR STRENGTHS UNLESS OTHERWISE NOTED

PROJECT NO. AHA20-004-00

KEY TO TERMS AND SYMBOLS (CONT'D)

TERMINOLOGY

Terms used in this report to describe soils with regard to their consistency or conditions are in general accordance with the discussion presented in Article 45 of SOILS MECHANICS IN ENGINEERING PRACTICE, Terzaghi and Peck, John Wiley & Sons, Inc., 1967, using the most reliable information available from the field and laboratory investigations. Terms used for describing soils according to their texture or grain size distribution are in accordance with the UNIFIED SOIL CLASSIFICATION SYSTEM, as described in American Society for Testing and Materials D2487-06 and D2488-00, Volume 04.08, Soil and Rock; Dimension Stone; Geosynthetics; 2005.

The depths shown on the boring logs are not exact, and have been estimated to the nearest half-foot. Depth measurements may be presented in a manner that implies greater precision in depth measurement, i.e. 6.71 meters. The reader should understand and interpret this information only within the stated half-foot tolerance on depth measurements.

RELATIVE DENSITY		COHESIVE STRENGTH			PLASTICITY	
Penetration Resistance Blows per ft	Relative Density	Resistance Blows per ft	Consistency	Cohesion TSF	Plasticity Index	Degree of Plasticity
0 - 4	Very Loose	0 - 2	Very Soft	0 - 0.125	0 - 5	None
4 - 10	Loose	2 - 4	Soft	0.125 - 0.25	5 - 10	Low
10 - 30	Medium Dense	4 - 8	Firm	0.25 - 0.5	10 - 20	Moderate
30 - 50	Dense	8 - 15	Stiff	0.5 - 1.0	20 - 40	Plastic
> 50	Very Dense	15 - 30	Very Stiff	1.0 - 2.0	> 40	Highly Plastic
		> 30	Hard	> 2.0		

ABBREVIATIONS

B = Benzene	Qam, Qas, Qal = Quaternary Alluvium	Kef = Eagle Ford Shale
T = Toluene	Qat = Low Terrace Deposits	Kbu = Buda Limestone
E = Ethylbenzene	Qbc = Beaumont Formation	Kdr = Del Rio Clay
X = Total Xylenes	Qt = Fluvial Terrace Deposits	Kft = Fort Terrett Member
BTEX = Total BTEX	Qao = Seymour Formation	Kgt = Georgetown Formation
TPH = Total Petroleum Hydrocarbons	Qle = Leona Formation	Kep = Person Formation
ND = Not Detected	Q-Tu = Uvalde Gravel	Kek = Kainer Formation
NA = Not Analyzed	Ewi = Wilcox Formation	Kes = Escondido Formation
NR = Not Recorded/No Recovery	Emi = Midway Group	Kew = Walnut Formation
OVA = Organic Vapor Analyzer	Mc = Catahoula Formation	Kgr = Glen Rose Formation
ppm = Parts Per Million	EI = Laredo Formation	Kgru = Upper Glen Rose Formation
	Kknm = Navarro Group and Marlbrook Marl	Kgrl = Lower Glen Rose Formation
	Kpg = Pecan Gap Chalk	Kh = Hensell Sand
	Kau = Austin Chalk	

PROJECT NO. AHA20-004-00

KEY TO TERMS AND SYMBOLS (CONT'D)

TERMINOLOGY

SOIL STRUCTURE

Slickensided	Having planes of weakness that appear slick and glossy.
Fissured	Containing shrinkage or relief cracks, often filled with fine sand or silt; usually more or less vertical.
Pocket	Inclusion of material of different texture that is smaller than the diameter of the sample.
Parting	Inclusion less than 1/8 inch thick extending through the sample.
Seam	Inclusion 1/8 inch to 3 inches thick extending through the sample.
Layer	Inclusion greater than 3 inches thick extending through the sample.
Laminated	Soil sample composed of alternating partings or seams of different soil type.
Interlayered	Soil sample composed of alternating layers of different soil type.
Intermixed	Soil sample composed of pockets of different soil type and layered or laminated structure is not evident.
Calcareous	Having appreciable quantities of carbonate.
Carbonate	Having more than 50% carbonate content.

SAMPLING METHODS

RELATIVELY UNDISTURBED SAMPLING

Cohesive soil samples are to be collected using three-inch thin-walled tubes in general accordance with the Standard Practice for Thin-Walled Tube Sampling of Soils (ASTM D1587) and granular soil samples are to be collected using two-inch split-barrel samplers in general accordance with the Standard Method for Penetration Test and Split-Barrel Sampling of Soils (ASTM D1586). Cohesive soil samples may be extruded on-site when appropriate handling and storage techniques maintain sample integrity and moisture content.

STANDARD PENETRATION TEST (SPT)

A 2-in.-OD, 1-3/8-in.-ID split spoon sampler is driven 1.5 ft into undisturbed soil with a 140-pound hammer free falling 30 in. After the sampler is seated 6 in. into undisturbed soil, the number of blows required to drive the sampler the last 12 in. is the Standard Penetration Resistance or "N" value, which is recorded as blows per foot as described below.

SPLIT-BARREL SAMPLER DRIVING RECORD

Blows Per Foot	Description
25	25 blows drove sampler 12 inches, after initial 6 inches of seating.
50/7"	50 blows drove sampler 7 inches, after initial 6 inches of seating.
Ref/3"	50 blows drove sampler 3 inches during initial 6-inch seating interval.

NOTE: To avoid damage to sampling tools, driving is limited to 50 blows during or after seating interval.

PROJECT NO. AHA20-004-00

RESULTS OF SOIL SAMPLE ANALYSES

PROJECT NAME: Palace Lanes Overflow Lot
 Bellaire
 Houston, TX

FILE NAME: AHA20-004-00.GPJ

1/24/2020

Boring No.	Sample Depth (ft)	Blows per ft	Water Content (%)	Liquid Limit	Plastic Limit	Plasticity Index	USCS	Dry Unit Weight (pcf)	% -200 Sieve	Shear Strength (tsf)	Strength Test	
B-1	0.0 to 2.0		23	62	22	40	CH		82			
	2.0 to 4.0		20									
	4.0 to 5.0		24									
B-2	0.0 to 2.0		19				CH		71			
	2.0 to 4.0		21	52	18	34						
	4.0 to 5.0		23									
B-3	0.0 to 2.0		19	48	17	31	CL		63			
	2.0 to 4.0		21									
	4.0 to 5.0		17									

PP = Pocket Penetrometer TV = Torvane UC = Unconfined Compression FV = Field Vane UU = Unconsolidated Undrained Triaxial

CU = Consolidated Undrained Triaxial

PROJECT NO. AHA20-004-00

R A B A K I S T N E R

Important Information about This

Geotechnical-Engineering Report

Subsurface problems are a principal cause of construction delays, cost overruns, claims, and disputes.

While you cannot eliminate all such risks, you can manage them. The following information is provided to help.

Geotechnical Services Are Performed for Specific Purposes, Persons, and Projects

Geotechnical engineers structure their services to meet the specific needs of their clients. A geotechnical-engineering study conducted for a civil engineer may not fulfill the needs of a constructor — a construction contractor — or even another civil engineer. Because each geotechnical-engineering study is unique, each geotechnical-engineering report is unique, prepared *solely* for the client. No one except you should rely on this geotechnical-engineering report without first conferring with the geotechnical engineer who prepared it. *And no one — not even you — should apply this report for any purpose or project except the one originally contemplated.*

Read the Full Report

Serious problems have occurred because those relying on a geotechnical-engineering report did not read it all. Do not rely on an executive summary. Do not read selected elements only.

Geotechnical Engineers Base Each Report on a Unique Set of Project-Specific Factors

Geotechnical engineers consider many unique, project-specific factors when establishing the scope of a study. Typical factors include: the client's goals, objectives, and risk-management preferences; the general nature of the structure involved, its size, and configuration; the location of the structure on the site; and other planned or existing site improvements, such as access roads, parking lots, and underground utilities. Unless the geotechnical engineer who conducted the study specifically indicates otherwise, do not rely on a geotechnical-engineering report that was:

- not prepared for you;
- not prepared for your project;
- not prepared for the specific site explored; or
- completed before important project changes were made.

Typical changes that can erode the reliability of an existing geotechnical-engineering report include those that affect:

- the function of the proposed structure, as when it's changed from a parking garage to an office building, or from a light-industrial plant to a refrigerated warehouse;
- the elevation, configuration, location, orientation, or weight of the proposed structure;
- the composition of the design team; or
- project ownership.

As a general rule, *always* inform your geotechnical engineer of project changes—even minor ones—and request an

assessment of their impact. *Geotechnical engineers cannot accept responsibility or liability for problems that occur because their reports do not consider developments of which they were not informed.*

Subsurface Conditions Can Change

A geotechnical-engineering report is based on conditions that existed at the time the geotechnical engineer performed the study. *Do not rely on a geotechnical-engineering report whose adequacy may have been affected by:* the passage of time; man-made events, such as construction on or adjacent to the site; or natural events, such as floods, droughts, earthquakes, or groundwater fluctuations. *Contact the geotechnical engineer before applying this report to determine if it is still reliable.* A minor amount of additional testing or analysis could prevent major problems.

Most Geotechnical Findings Are Professional Opinions

Site exploration identifies subsurface conditions only at those points where subsurface tests are conducted or samples are taken. Geotechnical engineers review field and laboratory data and then apply their professional judgment to render an opinion about subsurface conditions throughout the site. Actual subsurface conditions may differ — sometimes significantly — from those indicated in your report. Retaining the geotechnical engineer who developed your report to provide geotechnical-construction observation is the most effective method of managing the risks associated with unanticipated conditions.

A Report's Recommendations Are Not Final

Do not overrely on the confirmation-dependent recommendations included in your report. *Confirmation-dependent recommendations are not final*, because geotechnical engineers develop them principally from judgment and opinion. Geotechnical engineers can finalize their recommendations *only* by observing actual subsurface conditions revealed during construction. *The geotechnical engineer who developed your report cannot assume responsibility or liability for the report's confirmation-dependent recommendations if that engineer does not perform the geotechnical-construction observation required to confirm the recommendations' applicability.*

A Geotechnical-Engineering Report Is Subject to Misinterpretation

Other design-team members' misinterpretation of geotechnical-engineering reports has resulted in costly

problems. Confront that risk by having your geotechnical engineer confer with appropriate members of the design team after submitting the report. Also retain your geotechnical engineer to review pertinent elements of the design team's plans and specifications. Constructors can also misinterpret a geotechnical-engineering report. Confront that risk by having your geotechnical engineer participate in prebid and preconstruction conferences, and by providing geotechnical construction observation.

Do Not Redraw the Engineer's Logs

Geotechnical engineers prepare final boring and testing logs based upon their interpretation of field logs and laboratory data. To prevent errors or omissions, the logs included in a geotechnical-engineering report should *never* be redrawn for inclusion in architectural or other design drawings. Only photographic or electronic reproduction is acceptable, *but recognize that separating logs from the report can elevate risk.*

Give Constructors a Complete Report and Guidance

Some owners and design professionals mistakenly believe they can make constructors liable for unanticipated subsurface conditions by limiting what they provide for bid preparation. To help prevent costly problems, give constructors the complete geotechnical-engineering report, *but* preface it with a clearly written letter of transmittal. In that letter, advise constructors that the report was not prepared for purposes of bid development and that the report's accuracy is limited; encourage them to confer with the geotechnical engineer who prepared the report (a modest fee may be required) and/or to conduct additional study to obtain the specific types of information they need or prefer. A prebid conference can also be valuable. *Be sure constructors have sufficient time* to perform additional study. Only then might you be in a position to give constructors the best information available to you, while requiring them to at least share some of the financial responsibilities stemming from unanticipated conditions.

Read Responsibility Provisions Closely

Some clients, design professionals, and constructors fail to recognize that geotechnical engineering is far less exact than other engineering disciplines. This lack of understanding has created unrealistic expectations that have led to disappointments, claims, and disputes. To help reduce the risk of such outcomes, geotechnical engineers commonly include a variety of explanatory provisions in their reports. Sometimes labeled "limitations," many of these provisions indicate where geotechnical engineers' responsibilities begin and end, to help

others recognize their own responsibilities and risks. *Read these provisions closely.* Ask questions. Your geotechnical engineer should respond fully and frankly.

Environmental Concerns Are Not Covered

The equipment, techniques, and personnel used to perform an *environmental* study differ significantly from those used to perform a *geotechnical* study. For that reason, a geotechnical-engineering report does not usually relate any environmental findings, conclusions, or recommendations; e.g., about the likelihood of encountering underground storage tanks or regulated contaminants. *Unanticipated environmental problems have led to numerous project failures.* If you have not yet obtained your own environmental information, ask your geotechnical consultant for risk-management guidance. *Do not rely on an environmental report prepared for someone else.*

Obtain Professional Assistance To Deal with Mold

Diverse strategies can be applied during building design, construction, operation, and maintenance to prevent significant amounts of mold from growing on indoor surfaces. To be effective, all such strategies should be devised for the *express purpose* of mold prevention, integrated into a comprehensive plan, and executed with diligent oversight by a professional mold-prevention consultant. Because just a small amount of water or moisture can lead to the development of severe mold infestations, many mold- prevention strategies focus on keeping building surfaces dry. While groundwater, water infiltration, and similar issues may have been addressed as part of the geotechnical- engineering study whose findings are conveyed in this report, the geotechnical engineer in charge of this project is not a mold prevention consultant; *none of the services performed in connection with the geotechnical engineer's study were designed or conducted for the purpose of mold prevention. Proper implementation of the recommendations conveyed in this report will not of itself be sufficient to prevent mold from growing in or on the structure involved.*

Rely, on Your GBC-Member Geotechnical Engineer for Additional Assistance

Membership in the Geotechnical Business Council of the Geoprofessional Business Association exposes geotechnical engineers to a wide array of risk-confrontation techniques that can be of genuine benefit for everyone involved with a construction project. Confer with you GBC-Member geotechnical engineer for more information.



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ENGINEERING • ENVIRONMENTAL • INFRASTRUCTURE • PROJECT CONTROL

Austin, TX	▶ San Antonio, TX	Lake Worth, FL
Brownsville, TX	Houston, TX	Lincoln, NE
Dallas, TX	McAllen, TX	Salt Lake City, UT
Freeport, TX	New Braunfels, TX	Mexico

*Charter Title
Company*

Charter Title Company
1717 West Loop South, 12th Floor
Houston, TX 77027

ABSTRACTORS CERTIFICATE

GF#: 1060702000048

Through an effective date of:
August 13, 2020

Property

Address: 0 Bellaire
City/State/Zip Code: Bellaire, Texas 77401
Legal Description:
Metes and Bounds:

All that certain tract or parcel of land containing two hundred eighty-two thousandths (0.282) of one (1) acre in the James Blessing Survey out of Westmoreland Farms Amended first subdivision as per plat recorded in Vol. 3, pages 80, et seq., of the Map Records of Harris County, Texas, said 0.282 of one (1) acre being described by metes and bounds as follows:

Beginning at a point in the south line of Lot No. 37, of Block No. 1, of said Westmoreland Farms Amended first subdivision, said point being distant west with said south line extended a distance of eighty (80) feet from the center line of the most westerly main line track of the H. & T.C. Railroad;

Thence from the point of beginning north parallel with said H. & T.C. Railroad and eighty (80) feet distant westerly at a right angle from the center line of its most westerly main line track a distance of four hundred nine and four tenths (409.4) feet to a point in the north line of said Lot No. 37;

Thence east a distance of thirty (30) feet to a point in the west right-of-way line of said H. & T.O. Railroad;

Thence south with said west right-of-way line of said H. & T.C. Railroad a distance of four hundred nine and four tenths (409.4) feet to a point;

Thence west a distance of thirty (30) feet to the place of beginning.

Based on a search of the Public Records of the County Clerks of HARRIS County, Texas the last instrument purporting to convey title to the land described above was:

Houston Lighting & Power Co., by virtue of deed recorded under HARRIS County Clerks File No(s). Volume 772, Page 487 of the Deed Records of HARRIS County, Texas.

This report hereby reports that the instruments listed below have been filed of record in the office of the County Clerk of Harris County, Texas, and are affecting title to the property above described during the time frame as set out above:

ABSTRACTORS CERTIFICATE
TXFPESC_ABSTRACTORS CERTIFICATE doc (01-08)

ABSTRACTORS CERTIFICATE
(Continued)

Liens:

None of record.

This report is issued for the use of and shall inure to the benefit of and is issued in consideration of **\$0.00** paid by the benefited party named above, and no others, and to whom said sum shall be returned as agreed liquidated damages in the event of any mistakes herein. By accepting this search, the benefited party agrees that the said sum and no more shall constitute the full measure for damages against the issuing company.

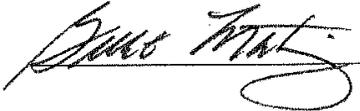
SPECIAL NOTE AND LIMITATION OF LIABILITY: This report is issued with the express understanding, evidenced by the acceptance of same, that this report does not undertake to give or express any opinion as to the validity of the title hereinabove described or the authority of those executing the above listed instruments, but is simply reporting herein and hereby as to the recitals of instruments listed. The Company assumes no liability greater than the consideration paid for this certificate by reason of issuance, delivery and/or use of same, nor for any error or omissions herein.

This report does NOT reflect title to any of the oil, gas and other mineral interests affecting subject property, nor any documents creating and/or affecting said estates, nor the validity of any rights, privileges and immunities relating thereto.

Further, this report does not address and no search has been performed regarding the following: claims and rights of parties in possession; discrepancies in area and boundaries; unpaid bills for labor or material in connection with repairs or new improvements; unpaid taxes; change in marital or corporate status of owner(s) since date of purchase; homestead rights or claims; easements and restrictions.

Charter Title Company

By:



City of Bellaire

Planning and Zoning Commission

To: Mayor and City Council
From: Ross Gordon, Chair, Planning & Zoning Commission
CC: ChaVonne Sampson, Director of Development Services
Subject: Report and Recommendation on an application for text amendments and a specific use permit at 4300 Bellaire Blvd.

On August 13, 2020, the Planning & Zoning Commission held a public hearing for the purpose of reviewing applications filed by Evelyn’s Park Conservancy regarding 4300 Bellaire Blvd. on requests for:

(1)Text amendments as provided by the City of Bellaire Code of Ordinances, Chapter 24, Section 24-603, *Application for Amendment to Written Text or Official Zoning District Map* to include a definition for *Accessory Parking* under Sec. 24-202, *Definitions*; and to include *Accessory Parking* to specific uses allowed within the R-5 Residential Zoning District under Sec. 24-534 B. (2), *Specific Uses*;

(2)A specific use permit as provided by the City of Bellaire Code of Ordinances, Chapter 24, Planning and Zoning, Section 24-605, *Application for Specific Use Permit*, to allow for the construction and use of an accessory parking lot to be used as off-site parking, as provided for in Sec. 24-534 B. (2), if the aforementioned text amendments are approved.

Notifications regarding the public hearing were mailed out to all addresses within five-hundred (500) feet of the property. Any and all persons desiring to be heard in connection with the applications were invited to speak before the Commission. Twenty (20) speakers spoke against the application stating that this was not the appropriate place for a commercial parking lot, as the property is located within the City’s R-5 Zoning District and is the first property that you see upon entering the City. Many were also concerned about the amount of loitering and additional crime that the parking lot could attract and the fact that it is located immediately adjacent to residential homes. A total of seventy-one (71) written comments were received and all were against the applications.

During the public hearing, the Commission discussed concerns over the sublease agreement between Evelyn’s Park and Southside Commons, lack of communication with the surrounding neighbors, who would be using the parking lot, alternative solutions to mitigate overflow parking, other possible properties the text amendments may change, the park’s future events, and an incomplete SUP application.

CONSIDERATION

RECOMMENDATION

On October 8, 2020, after due consideration and discussion, the Commission took the following actions:

Voted (_____) to (recommend or not recommend) approval on the text amendment requests to include a definition for *Accessory Parking* under Sec. 24-202; and to include *Accessory Parking* to specific uses allowed within the R-5 Residential Zoning District.

Voted (_____) to (recommend or not recommend) approval on the specific use permit request to allow for the construction and use of an accessory parking lot to be used as off-site parking.

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 absent: