Mayor's Musings

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A Matter of Due Process

The erroneously permitted parking lot at 4300 Bellaire Boulevard, in the CenterPoint utility easement by the railroad tracks, will soon be removed. The City Council, after public hearing and on the unanimous recommendation of the Planning and Zoning Commission, has itself unanimously rejected proposed zoning code amendments that would have retroactively allowed the parking lot to remain. It took several months to get to this point, but that's as it should be—the applicant, like any property owner, was legally entitled to due process, which included a stay of enforcement while its applications were pending.

It's also because of that same due process that I'm only now writing about the parking lot, as some of you have asked me. Until last night the matter had not yet come to City Council, much less been decided. Since mine is only one of seven votes, I'm careful to avoid blogging prematurely about a given issue before Council as a whole has deliberated and taken action.

It's no secret that a mistake was made. The permit violated the applicable zoning regulations and should not have been issued, as has been very publicly acknowledged and with repercussions for the staff member who made the error. I love a good conspiracy theory as much as the next guy, and there have been some interesting ones going around, but there's really nothing more to it; this was all just an unfortunate, but honest mistake.

In fairness, though (glass houses and all that), it was at least a somewhat understandable mistake considering the character of the property at issue. While it's zoned residential, it's obviously not developable as such and one can easily see how its zoning status could have been overlooked. Indeed, it seems likely the property was zoned residential in the first place simply for legislative convenience, lumped in with the adjacent R-5 district rather than requiring the creation of a new zoning district devoted to electric utility transmission lines, again because it's not otherwise developable anyway.

Furthermore, we've been talking—publicly—about a parking lot at that location for years now (so really, shame on all of us for having not recognized the zoning issue much sooner). Dating back to the very beginning of Evelyn's Park, from at least around 2013 or so, the need for additional off-site parking was well accepted. In fact, the residents on surrounding streets who demanded solutions for all the cars parked up and down their blocks, were expressly assured there were plans for the eventual development of this lot. It was discussed extensively back at that time, and the Evelyn's Park Conservancy Board kept us apprised of their efforts over the years, but not until the Southside Commons development recently came along was there anyone to provide funding for it.

That said, speaking for myself and I think I can safely say for most if not all of the Council members who have served during that time, what was actually built doesn't look anything like what we'd envisioned. We were expecting something much more visually pleasing—and complementary to Evelyn's Park—with rows of parking broken up by trees and other attractive landscaping. Quite like, incidentally, the parking lot in front of Southside Commons itself. And certainly with at least some setback from the neighboring residential properties along with a privacy fence or other suitable buffering. Of course, even with those features it still would not have complied with our zoning.

Once it showed up, taking many by surprise, residents made clear they don't want the thing. Even among those nearby who were promised the lot and whose interests it was intended to protect, not a single one came out in favor of it. That being the case, it was an easy call for P&Z and then Council to make, and we declined the invitation to retroactively reinstate the permit. But like any other applicant the Conservancy had every right to make the request, and was entitled to

One of my main goals as Mayor is to enhance our level of citizen and stakeholder engagement, and to introduce new methods of communicating with you on important issues. This "Mayor's Musings" blog is a part of that effort and is updated periodically with timely information. As always, I welcome and encourage your input. Thanks for reading!

Andrew

a fair hearing. The issue having now been finally decided, the parking lot will be gone, and hopefully we and the Conservancy can put it behind us and move on.

Posted by **City of Bellaire Texas** at **2:44 PM**

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