



**CITY OF BUNKER HILL VILLAGE
PLANNING AND ZONING COMMISSION
Agenda Request**

Agenda Date: November 18, 2021

Agenda Item No: V

Subject/Proceeding: **CONSIDERATION AND POSSIBLE ACTION ON A WRITTEN RECOMMENDATION TO THE CITY COUNCIL ON A SPECIFIC USE PERMIT APPLICATION SUBMITTED BY THE MEMORIAL FOREST CLUB AT 12122 MEMORIAL DRIVE FOR OUTDOOR RECREATIONAL AND SUPPORTING AND INCIDENTAL USES**

Exhibits: Proposed Ordinance for the Specific Use Permit

Background Information:

Specific Use Permit Application and Site Plan

Comparison Table

Ordinance No. 49 including excerpts retyped

ZBOA Minutes with Variance Approval – 1998

Memorandum of Understanding - 2014

Clearance: Steve Smith, Director of Public Works/Building Official
Karen Glynn, City Administrator

Executive Summary

Memorial Forest Club, a non-profit club established in the 1950's at its current location of 12122 Memorial Drive has submitted an application for a Specific Use Permit. There is no Specific Use Permit for the site. The Club is considered a legal non-conforming use in the City of Bunker Hill Village. The desired Specific Use Permit would officially recognize the physical layout of the Club as indicated on the attached site plan, and the uses associated therewith.

This item was workshopped with the Planning and Zoning Commission in August 2021. A public hearing and further discussion was held on September 30, 2021.

Public comments from adjacent residents included noise concerns as a result of early morning activities for SBISD Students and Club rentals.

Following discussion with the Memorial Forest Club, the draft ordinance includes the following:

1. The Club confirmed that the normal morning hours of 7:00 a.m. will meet the needs including the use for SBISD Classes.

2. The City recommends that there be a 10:00 p.m. cut-off be included for amplified sound on weekends. Events/Meetings can continue/conclude until the 12:00 midnight normal hours as noted.

The purpose of this meeting is to provide the opportunity for further discussion with consideration and possible action on a recommendation to the City Council for approval of an Ordinance to establish a Specific Use Permit for the Memorial Forest Club.

From Previous Reports:

History

Ordinance No. 49 (attached) was approved and memorialized a Settlement Agreement between the City of Bunker Hill and the Club in 1958. The Settlement Agreement expired on its terms in June 2008 (50 years). As noted in the application, it is intended that the Special Use Permit will supercede Ordinance No. 49 and the Settlement Agreement in all respects. In addition, the City's Zoning Board of Adjustment approved a variance on April 23, 1998 to replace a 100-foot section of a six-foot fence behind the volleyball court with a fence nine feet high. A memorandum of understanding was also approved in May 2014 regarding landscaping, irrigation, and associated maintenance in the City right of way at Plantation and Memorial.

Review & Analysis

As noted in the 1958 agreement, the items outlined coincide with the items listed in the City's Zoning Ordinance which are intended to ensure compatibility of non-resident uses with adjacent properties by the Specific Use Permit Process, including but not limited to hours of operation, lighting, noise, and signage.

The purpose of the SUP Process is to look at individual sites on a case-by-case basis and determine if the proposal/existing use negatively impacts adjacent properties and the City as a whole.

As stated in the Code of Ordinances, before any specific use is permitted in the applicable zoning district, a report from the Planning and Zoning Commission must be directed to the City Council accompanied by the Commission's recommendation for approval or denial. The report shall include, but need not be limited to, the following:

- A. *Ingress and egress:* Ingress and egress to the property and proposed structures thereon, with particular reference to automobile and pedestrian safety and convenience, traffic flow and control, and access in the event of fire or other catastrophe.
- B. *Off-street parking:* Off-street parking and loading areas where required, with particular attention to the items set forth in subsection A of this section, and the economic, noise, glare, and other effects of the specific use on adjoining properties and other properties generally in the district and city.
- C. *Service area:* Refuse and service areas, with particular reference to the items set forth in subsections A and B of this section.
- D. *Utilities:* Utilities include water and wastewater with reference to location, availability, and compatibility.
- E. *Drainage:* Drainage plans proposed to meet requirements of the city's drainage ordinance and criteria manual.

- F. *Screening and buffering*: Screening and buffering, either or both, with reference to type, dimensions, and character.
- G. *Signs and lighting*: Sign location and size, proposed exterior lighting with reference to glare and traffic safety and compatibility and harmony with adjacent property and other properties generally in the district and city.
- H. *Trees, yards and open spaces*: Landscaping and required yards, open spaces, and building setback lines.
- I. *Compatibility*: General compatibility with adjacent properties and other properties in the district and city.
- J. *Conformity*: The conformity of the proposed use with the requirements and intent of this ordinance and the comprehensive plan of the city.

The SUP Process provides for conditions to be included to ensure specific concerns are addressed for the various factors.

A draft ordinance has been provided for review, comment and possible consideration by the Planning and Zoning Commission. The elements of the ordinance were discussed with the Memorial Villages Police Department as the Department assists the City with Code Enforcement after hours and on weekends.

Process

The Specific Use Permit (SUP) requires a recommendation by the Planning and Zoning Commission and approval by City Council.

The Planning and Zoning Commission held a workshop in August 2021. Property owners from an adjacent property attended the meeting and spoke with the Commission.

A Public Hearing and further discussion took place at the September 30, 2021 Meeting. Notifications to adjacent properties within 200 feet were provided. The notice of the public hearing was provided in the City's newspaper of record and on the City's website.