

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

Agenda Date: January 25, 2022

Agenda Item No: VII

Subject/Proceeding: CONSIDERATION AND POSSIBLE ACTION REGARDING A WRITTEN RECOMMENDATION TO THE CITY COUNCIL

CONCERNING A REQUEST FOR AN AMENDMENT TO THE SPECIFIC USE PERMIT FOR PARATUS MEMORIAL, A SCHOOL LOCATED AT 11750 MEMORIAL DRIVE (MEMORIAL DRIVE CHRISTIAN CHURCH) TO MODIFY THE PLAYGROUND AREA(S) AND ADD FENCING AND GATES TO SECURE THE PROPERTY

Exhibits: Proposed Ordinance
Specific Use Permit Application and Site Plans
Ordinance No. 20-528 Specific Use Permit for Paratus Memorial

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

Executive Summary

A Specific Use Permit for Paratus Memorial, a private school located at 11750 Memorial Drive, was approved by the City Council (as recommended by the Planning and Zoning Commission) on August 18, 2020. Paratus Memorial has submitted an application to amend the Specific Use Permit to modify the playground areas and to add fencing and gates to secure the property and improve the safety of their students. This request requires an amendment to the existing Specific Use Permit to update the site plan.

Analysis

The purpose of the SUP process and regulations is to allow the proper integration of uses which may be suitable only in specific locations within the City.

Future requests by applicants must meet the existing Specific Use Permit or an amendment is required.

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 impact of the amendment on items such as:

- *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.
- *Screening and buffering:* Screening and buffering, either or both, with reference to type, dimensions, and character.
- *Trees, yards and open spaces:* Landscaping and required yards, open spaces, and building setback lines.
- *Compatibility:* General compatibility with adjacent properties and other properties in the district and city.
- *Conformity:* The conformity of the proposed use with the requirements and intent of this ordinance and the comprehensive plan of the city.

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

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

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 On September 30, 2021 and a Public Hearing on November 18, 2021. There were 3 residents that reside on Providence Park, adjacent to the school, that spoke at the public hearing with concerns regarding the perimeter fence. City Staff has attempted to meet with the residents and the applicant since the November meeting to understand the concerns.

A meeting is set for Wednesday, January 26, 2022; however, the applicant has asked to continue the process with this Planning and Zoning Commission Meeting already set and the ability to continue the process to City Council in a timely manner (time for notices and a public hearing is needed for set City Council Meetings as well). The applicant is ready to get a decision on the possible amendment and allowable modifications to the site and determine next steps. Should this be approved, there is a lead time to get the fencing delivered so this could be done in the summer months, so the timeframe is getting critical.

Written comments were requested from the residents by the staff so these could be shared with the Commission. No comments were received.

Minor modifications for safety purposes were approved and constructed for the existing playground fencing as discussed with the Commission in November. In addition, the Fire Marshall has preformed a safety inspection and the site met all code requirements.

Conclusion

The purpose of this meeting is to proceed with consideration and possible action on a recommendation to the City Council to approve an Ordinance to Amend the Specific Use Permit for Paratus Memorial.

ORDINANCE NO. 22-XXX

AN ORDINANCE OF THE CITY OF BUNKER HILL VILLAGE, TEXAS, AMENDING APPENDIX “A” OF THE CODE OF ORDINANCES OF THE CITY, SAME BEING THE COMPREHENSIVE ZONING ORDINANCE OF SAID CITY, BY GRANTING AN AMENDMENT TO THE SPECIFIC USE PERMIT TO THE PARATUS MEMORIAL, 11750 MEMORIAL DRIVE FOR RELIGIOUS AND EDUCATIONAL PURPOSES TO MODIFY THE PLAYGROUND AREA(S) AND ADD FENCING AND GATES TO SECURE THE SITE; PROVIDING FOR REPEAL; PROVIDING A PENALTY OF AN AMOUNT NOT TO EXCEED \$2000 FOR EACH DAY OF VIOLATION OF ANY PROVISION HEREOF; AND PROVIDING FOR SEVERABILITY.

* * * * *

WHEREAS, Section 8.02 of Appendix “A: of the Code of Ordinances of the City of Bunker Hill Village, Texas, said Appendix “A” being the comprehensive zoning ordinance of said City, permits the use of educational and religious facilities only pursuant to a specific use permit granted in accordance with Article VIII of said Appendix “A”; and

WHEREAS, The Paratus Memorial was granted a specific use permit, by approval of the City Council as recommended by the Planning and Zoning Commission, to authorize the use of educational and religious facilities on the premises at 11750 Memorial Drive located within said City in August 2020; and

WHEREAS, The Paratus Memorial has applied for an amendment to the specific use permit to authorize the reconfiguration of playground areas in addition to the addition of perimeter fencing and gates for security needs, in accordance with the plan attached hereto as Exhibits “A1 – A4” and made a part hereof for all purposes; and

WHEREAS, the Planning & Zoning Commission of said City, after notice and hearings as required by law, has recommended that the City Council grant the specific use permit; and

WHEREAS, the City Council, following notice and hearing as required by law, concurs with the recommendation of the Planning & Zoning Commission that such specific use permit should be granted; now, therefore

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BUNKER HILL VILLAGE, TEXAS:

Section 1. An amendment to the specific use permit authorizing the reconfiguration of playground areas and the addition of perimeter fencing to compliment the use of an educational and religious facility, located on the premises of 11750 Memorial Drive, Bunker Hill Village, Texas, as shown on Exhibit “A1” Location Map, is hereby granted in accordance with the site plan attached hereto as Exhibits “A1 - A4” and in accordance with and subject to the special terms and conditions set forth in Section 2 of this Ordinance. Exhibits “A1 - A4” are made a part of this Ordinance for all purposes.

Section 2. The granting of the Amendment to the Specific Use Permit as set forth in Section 1 above is subject to the following additional terms and conditions:

- a. Modifications to the playground and outdoor space shall be in accordance with the site plan attached hereto as Exhibit “A-2.” Any additional playgrounds or play areas or any expansion of currently existing playgrounds or play areas will require an amendment to this Specific Use Permit.
- b. A perimeter fence and gate system to be installed shall be in accordance with the plan shown as Exhibit “A-3.” The design of the fence shall be as demonstrated on Exhibit “A-4.”
- c. The site shall be maintained in accordance with these additional exhibits.
- d. All operations not regulated herein shall comply with all City ordinances.

Section 3. Repeal. All ordinances or parts of ordinances inconsistent or in conflict herewith are, to the extent of such inconsistency or conflict, hereby repealed.

Section 4. Penalty. Any person who shall violate any provision of this Ordinance shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined in an amount not to exceed \$2000. Each day of violation shall constitute a separate offense.

Section 5. Severability. In the event any section, paragraph, subdivision, clause, phrase, provision, sentence, or part of this Ordinance or the application of the same to any person or circumstance shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Ordinance as a whole or any part or provision hereof other than the part declared to be invalid or unconstitutional; and the City Council of the City of Bunker Hill Village, Texas, declares that it would have passed each and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, or whether there be one or more parts.

PASSED, APPROVED, AND ORDAINED this xx day of xx, 2022

Robert P. Lord, Mayor

ATTEST:

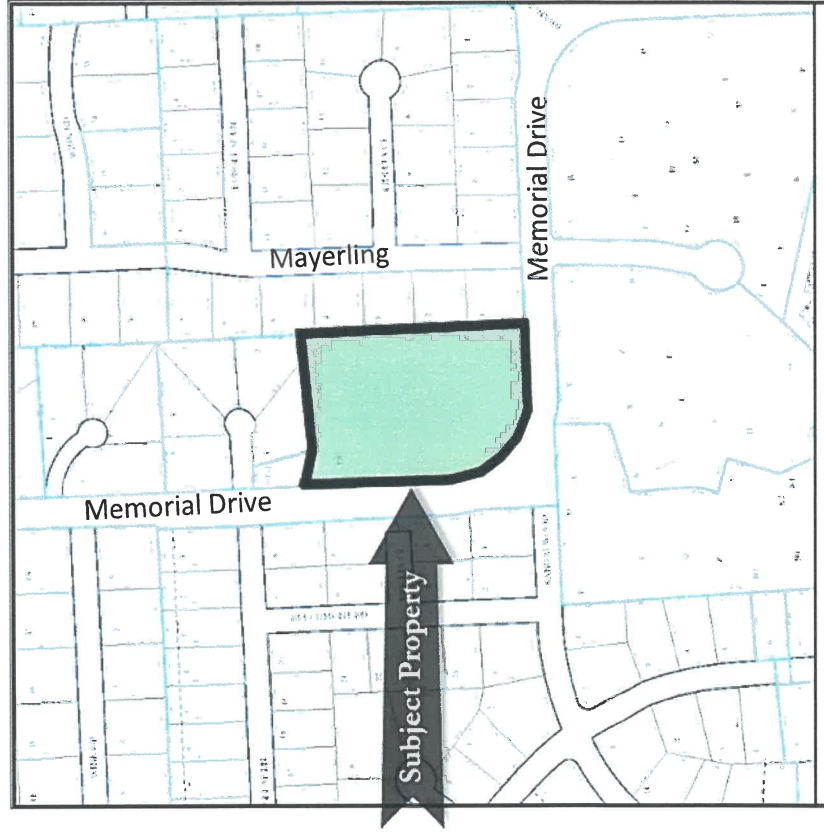
Karen H. Glynn, Acting City Secretary

Exhibits:

- A-1 Location Map
- A-2 Site Plan with Playground Areas
- A-3 Site Plan with Fencing Area
- A-4 Fence Detail

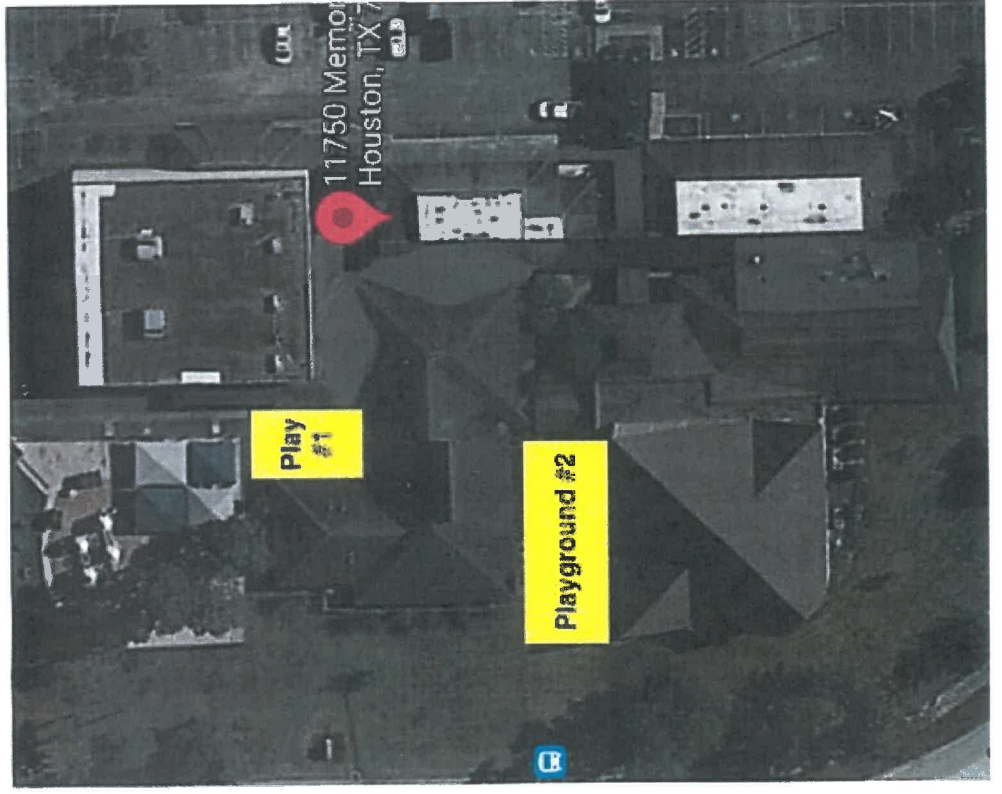
Specific Use Permit – Ordinance No. 21-xxxx
Paratus Memorial
11750 Memorial Drive
Amendment to SUP
January 2022

Exhibit A – 1
Location Map
11750 Memorial Drive



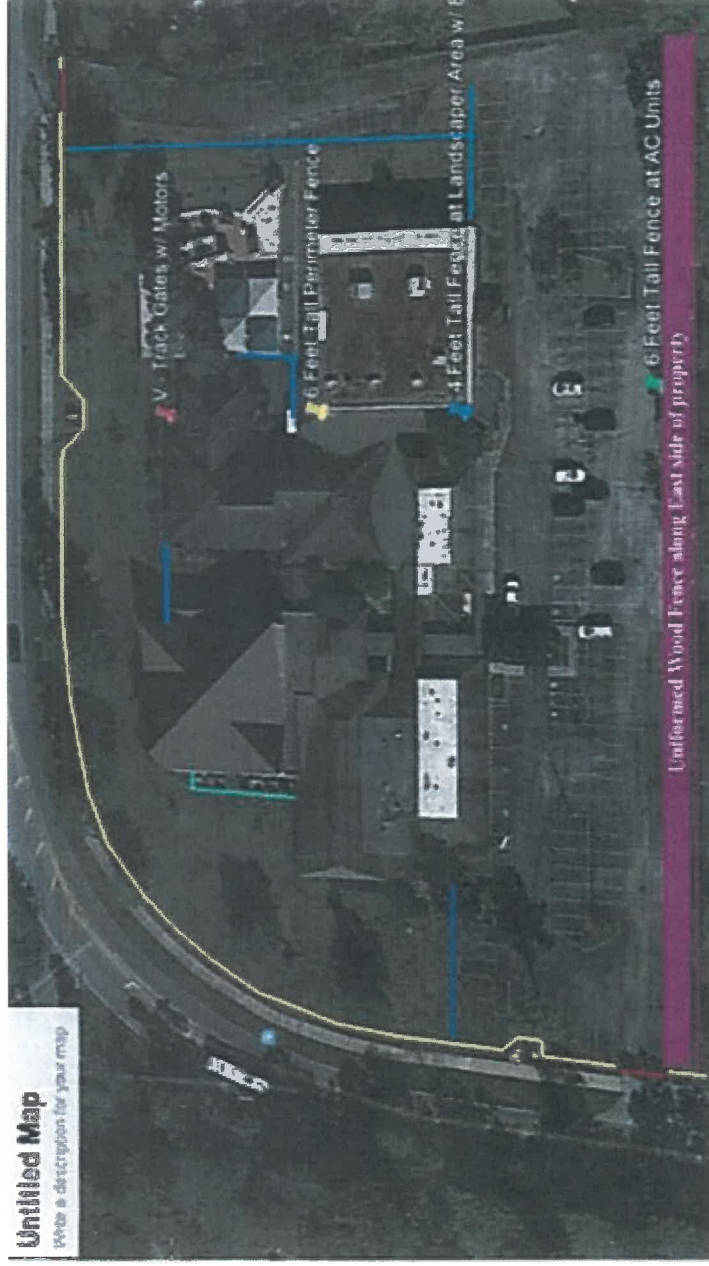
Specific Use Permit – Ordinance No. 21-xxxx
Paratus Memorial
11750 Memorial Drive
Amendment to SUP
January 2022

Exhibit A – 2
Playground Areas



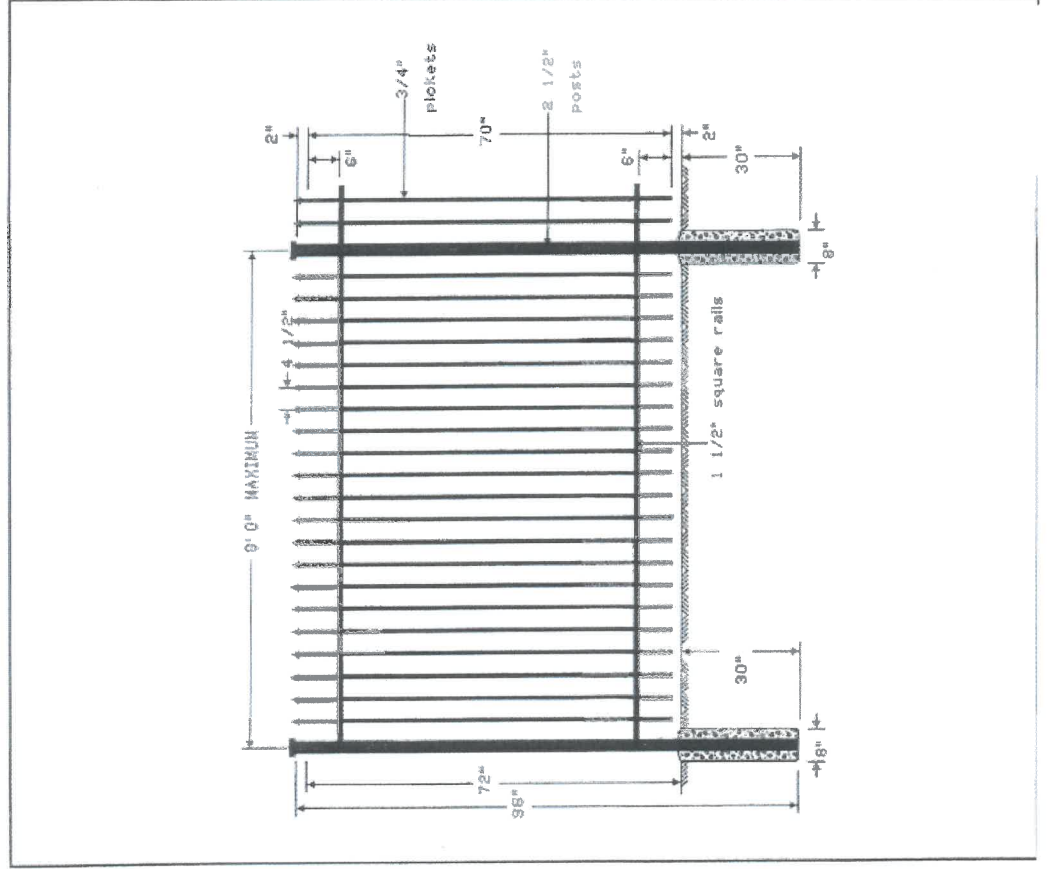
Specific Use Permit – Ordinance No. 21-xxxx
Paratus Memorial
11750 Memorial Drive
Amendment to SUP
January 2022

Exhibit A – 3
Perimeter Fence and Gate



Specific Use Permit – Ordinance No. 21-xxxx
Paratus Memorial
11750 Memorial Drive
Amendment to SUP
January 2022

Exhibit A - 4
Fence Design





City of
BUNKER HILL VILLAGE

**APPLICATION FOR
SPECIFIC USE PERMIT**

Entity Making Application: PARATUS MEMORIAL

Representative's Name: BEAU DOLLINS

Mailing Address: 11750 MEMORIAL DR **Zip:** 77024

Property Address (If Different): _____

Phone: 832-647-5698 **Email:** BEAU@PARATUSCLASSICALACADEMY.ORG

Category of Project (See 8.02 Below) A & E **Zoning District** A B

Description of Project: Modify the existing SUP to allow for the playground(s) to be moved further to south and west to the proposed locations on the proposed modified exhibits, utilizing westward facing portions of the property towards the City of Houston that will further contain the locations of the playground(s). Modify the existing SUP with the proposed fencing and gates in accordance with the descriptions and examples included with this application's exhibits to allow for the property to both be secured and allow for additional safety of children from vehicles and pedestrians on Memorial Drive.

(This description may be used for all meeting and public notices)

Comments for Consideration of the Application: Paratus Memorial would like to modify the existing SUP in order to provide for safer playground environment for children by both moving the playgrounds to more protected areas of the property and allow for fencing to ensure that a child could not easily access Memorial Drive. Currently, there is no cross fencing or barrier to restrict a child from reaching Memorial Dr, which could easily cause an unsafe and potentially deadly situation. Additionally, Paratus Memorial would like to include some interior cross-fencing and gates to further secure the property, including the ability to repair an

existing fence or have a uniformed fence along the eastside of the property for the protection and safety of children.


Signature of Applicant

Date 8/9/21

Attachments as applicable:

- Site Plan
- Any Additional Information

A fee of \$1,000.00 is required for processing

§ 8.01. - Purpose.

2015 SUP application.doc

The purpose of the regulations described in this article is to allow within the city the proper integration of uses which may be suitable only in specific locations within the city's two (2) zoning districts.

§ 8.02. - Uses requiring permits.

In addition to the certificate of zoning compliance called for in this ordinance, a specific use permit shall be required before any of the following specific uses will be permitted within either of the two (2) zoning districts of the city:

- A. *Churches.* Churches or other places of religious worship.
- B. *Subdivision or homeowner association recreation centers.* Subdivision or homeowners association swimming pools and recreation centers.
- C. *Utility regulator stations.* Gas, electric, or public utility regulator stations.
- D. *Telecommunications facilities.* Buildings, equipment, transmission/receiving towers, and other necessary ancillary structures of telecommunications providers. Provided, however, no specific use permit for a telecommunications facility shall be approved if:
 - 1. The proposed facility would adversely affect the residential integrity of adjacent or area neighborhoods;
 - 2. The proposed facility would create visual blight;
 - 3. The proposed facility would create noise or light pollution; or
 - 4. The proposed facility would create a nuisance to adjacent or area properties; and
 - 5. The applicant is unable to establish that it cannot provide service to the city from other available locations or existing facilities;
 - 6. The proposed facility would fail to utilize state of the art technology to achieve the above objectives; or
 - 7. The proposed facility would fail to comply with all safety standards promulgated by the Federal Communications Commission, or other agency having jurisdiction thereover.Provided further, each applicant for a specific use permit shall demonstrate that in designing the proposed telecommunications facility it has utilized state of the art technology to minimize adverse effects to the residential integrity of surrounding or area residential properties. In addition, each facility authorized hereby shall comply fully with all applicable safety standards established or hereafter promulgated by any state or federal law, or agency rule or regulation, applicable thereto.
- E. *Educational facilities.* Public or private, primary or secondary institutions of learning.

(*Ord. No 97-200, § 1, 8-19-97; Ord. No 11-404, § 2, 9-20-11*)

§ 8.03. - Procedure.

A specific use permit is an amendment to the district regulations of this ordinance and permits the permanent establishment of a specific use within a zoning district. The following conditions and procedures shall attend an application for a specific use permit:

- A. *Amendment required.* The director of public works shall not issue a certificate of zoning compliance for such specific uses as may be hereafter created, changed, converted, or enlarged, in whole or in part, until and unless a specific use permit has been obtained in accordance with the amendment procedures set forth in article XIII of this ordinance.
- B. *Application requirements.* Application for a specific use permit shall be made by the property owner or his or its certified agent or representative to the planning and zoning commission on forms prescribed for that purpose by the city council. Such application shall be accompanied by a plot plan as set forth in section 10.04 of this ordinance. Specific use permits, revocable, conditional, or valid for a term period, may be issued for any of the uses or purposes for which such permits are required or permitted by the terms hereof. Granting a specific use permit does not exempt the applicant from complying with the requirements of the building code and all other ordinances of the city.
- C. *Considerations.* In considering any application for a specific use permit, the planning and zoning commission shall give due regard to the nature and condition of all adjacent land, uses, and structures. Such commission may recommend disapproval of an application for a specific use permit or approval subject to such requirements and conditions with respect to

location, construction, maintenance, and operation, in addition to the regulations of the district in which the particular use is located, as it may deem necessary for the protection of adjacent properties and the public interest.

§ 8.04. - Planning and zoning commission report.

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 affects [effects] of the specific use on adjoining properties and other properties generally in the district and city.
- C. *Service areas.* Refuse and service areas, with particular reference to the items set forth in subsections A and B of this section.

- D. *Utilities.* Utilities with reference to location, availability, and compatibility.
- E. *Screening and buffering.* Screening and buffering, either or both, with reference to type, dimensions, and character.
- F. *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.
- G. *Yards and open spaces.* Landscaping and required yards, open spaces, and building setback lines.
- H. *Compatibility.* General compatibility with adjacent properties and other properties in the district and city.
- I. *Conformity.* The conformity of the proposed use with the requirements and intent of this ordinance and the comprehensive plan of the city.

§ 8.05. - City council action.

The city council may accept or reject the recommendation of the planning and zoning commission and in conjunction therewith may grant or deny the application for a specific use permit. Every specific use permit granted by the city council shall be considered an amendment to this ordinance, as applicable to such property. In granting such permit, the city council may impose conditions which must be complied with by the grantee thereof before a certificate of zoning compliance may be issued by the director of public works for the use of the buildings and structures on such property pursuant to said specific use permit. Such conditions shall not be construed as conditions precedent to the granting of the specific use permit, but shall be construed as conditions precedent to the granting of a certificate of zoning compliance. Following the passage of a specific use permit ordinance by the city council, the director of public works may issue a building permit for the pertinent property as provided in article X hereof, and shall insure that development of such property is undertaken and completed in accordance with such specific use and building permits.

Cross reference— City council, § 2-26 et seq.

ORDINANCE NO. 20-528

AN ORDINANCE OF THE CITY OF BUNKER HILL VILLAGE, TEXAS, AMENDING APPENDIX "A" OF THE CODE OF ORDINANCES OF THE CITY, SAME BEING THE COMPREHENSIVE ZONING ORDINANCE OF SAID CITY, BY GRANTING A SPECIFIC USE PERMIT TO THE PARATUS MEMORIAL, 11750 MEMORIAL DRIVE FOR RELIGIOUS AND EDUCATIONAL PURPOSES; PROVIDING FOR REPEAL; PROVIDING A PENALTY OF AN AMOUNT NOT TO EXCEED \$2000 FOR EACH DAY OF VIOLATION OF ANY PROVISION HEREOF; AND PROVIDING FOR SEVERABILITY.

WHEREAS, Section 8.02 of Appendix "A: of the Code of Ordinances of the City of Bunker Hill Village, Texas, said Appendix "A" being the comprehensive zoning ordinance of said City, permits the use of educational and religious facilities only pursuant to a specific use permit granted in accordance with Article VIII of said Appendix "A"; and

WHEREAS, The Memorial Drive Christian Church has been in use on the premises at 11750 Memorial Drive located within said City, since the City's incorporation in 1954; and

WHEREAS, The Paratus Memorial has applied for a specific use permit to authorize the use of educational and religious facilities on the premises at 11750 Memorial Drive located within said City, in accordance with the plan attached hereto as Exhibit "A" and made a part hereof; and

WHEREAS, the Planning & Zoning Commission of said City, after notice and hearings as required by law, has recommended that the City Council grant the specific use permit; and

WHEREAS, the City Council, following notice and hearing as required by law, concurs with the recommendation of the Planning & Zoning Commission that such specific use permit should be granted; now, therefore

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BUNKER HILL VILLAGE, TEXAS:

Section 1. A specific use permit authorizing the use of an educational and religious facility, to be located on the premises of 11750 Memorial Drive, Bunker Hill

Village, Texas, is hereby granted in accordance with the site plan attached hereto as Exhibit "A" and in accordance with and subject to the special terms and conditions set forth in Section 2 of this Ordinance. Said Exhibit "A" is made a part of this Ordinance for all purposes.

Section 2. The granting of the **Specific Use Permit** as set forth in Section 1 above is **subject to** the following additional terms and conditions:

- a. All areas of the building will be used for education and religious use and shall meet all requirements of the Fire Code as approved by the City and administered **by** the Village Fire Department Fire Marshall.
- b. The parking consists of **160 parking spaces**. Parking on or along Memorial Drive shall be prohibited and unlawful; there shall be no school zones installed; all stacking of vehicles shall be on the property, as proposed in the parking and traffic plan as shown in Exhibit C attached hereto; there shall be no negative impact to the traffic on Memorial Drive. Additional parking may be arranged offsite at other off-street parking facilities.
- c. The maximum number of students on site at **any given time** shall not exceed the capacity of the area as required by the **Fire Code** approved by the City and administered by the Village Fire Department Fire Marshall. The layout of the buildings are shown on **Exhibit B attached hereto**.
- d. All food services shall comply with the City and County's public health requirements.
- e. The **existing playground and outdoor space as shown in Exhibit A** is designated for play. Any additional playgrounds or play areas or any expansion of currently existing playgrounds or play areas will require an amendment to this Specific Use Permit.
- f. The **two existing signs** will be **permitted** on the site at the locations shown on Exhibit D.

- g. The existing lighting of the parking lot will continue as currently shown on Exhibit E and will continue in accordance with the current operations via a sensor device. Any future adjustments or modifications to the exterior lighting shall comply with the then current lighting standard or will require an amendment to the Specific Use Permit.
- h. Worship and religious services, community meetings, day care, preschool, educational, religious, and community related opportunities may continue in the facilities. All uses and events shall follow the regulations set forth in Section 10-74 of the City's Code of Ordinances.
- i. The site shall be maintained in accordance with the attached site plan (Exhibit A).
- j. All operations not regulated herein shall comply with all City ordinances.

Section 3. Repeal. All ordinances or parts of ordinances inconsistent or in conflict herewith are, to the extent of such inconsistency or conflict, hereby repealed.

Section 4. Penalty. Any person who shall violate any provision of this Ordinance shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined in an amount not to exceed \$2000. Each day of violation shall constitute a separate offense.

Section 5. Severability. In the event any section, paragraph, subdivision, clause, phrase, provision, sentence, or part of this Ordinance or the application of the same to any person or circumstance shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Ordinance as a whole or any part or provision hereof other than the part declared to be invalid or unconstitutional; and the City Council of the City of Bunker Hill Village, Texas, declares that it would have passed each and every part of the same

notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, or whether there be one or more parts.

PASSED, APPROVED, AND ORDAINED this 18th day of August, 2020



Robert P. Lord, Mayor

ATTEST:



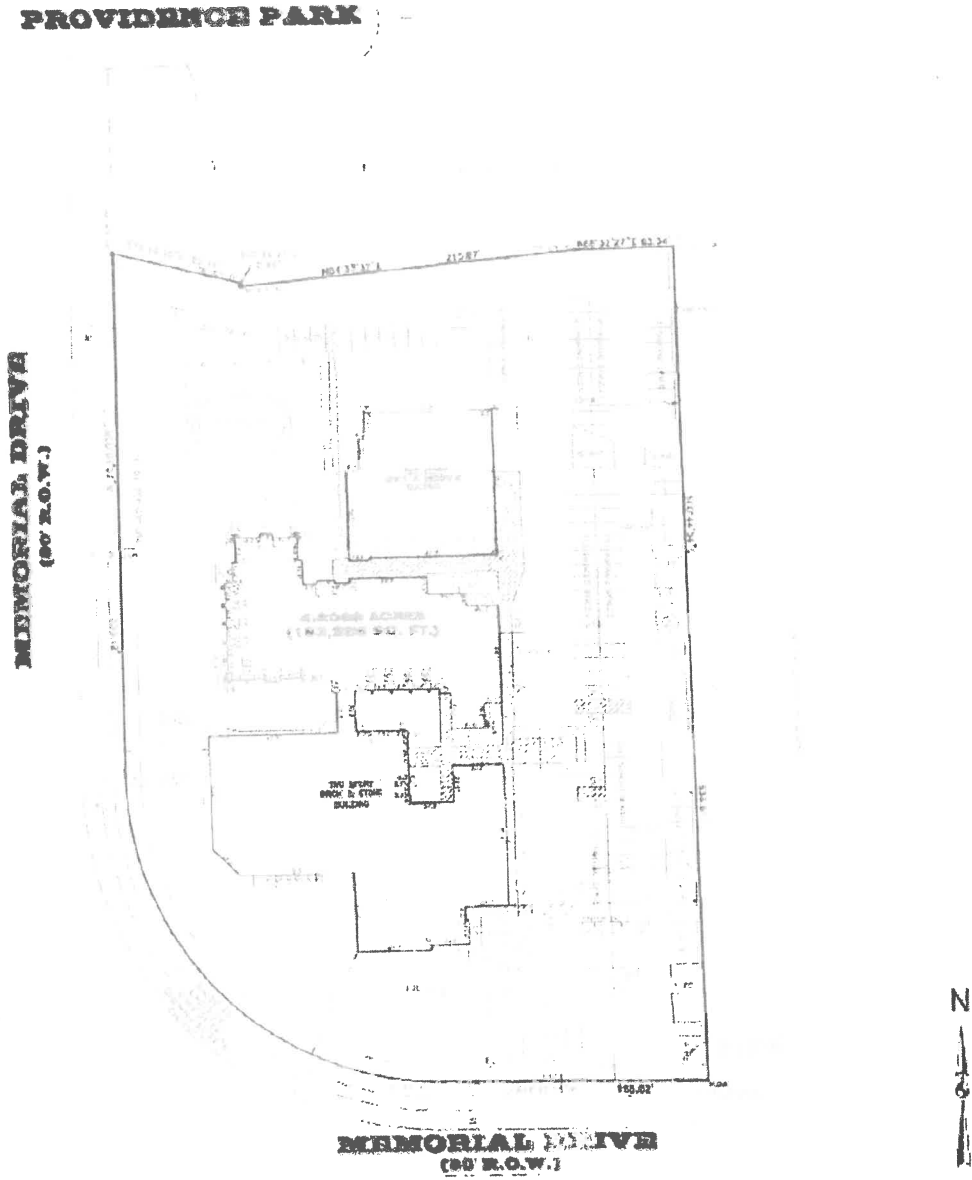
Karen H. Glynn, Acting City Secretary

Exhibits:

- A Site Plan
- B Floor Plan for Educational Purposes
- C Traffic Plan
- D Sign Renderings & Locations
- E Lighting Layout

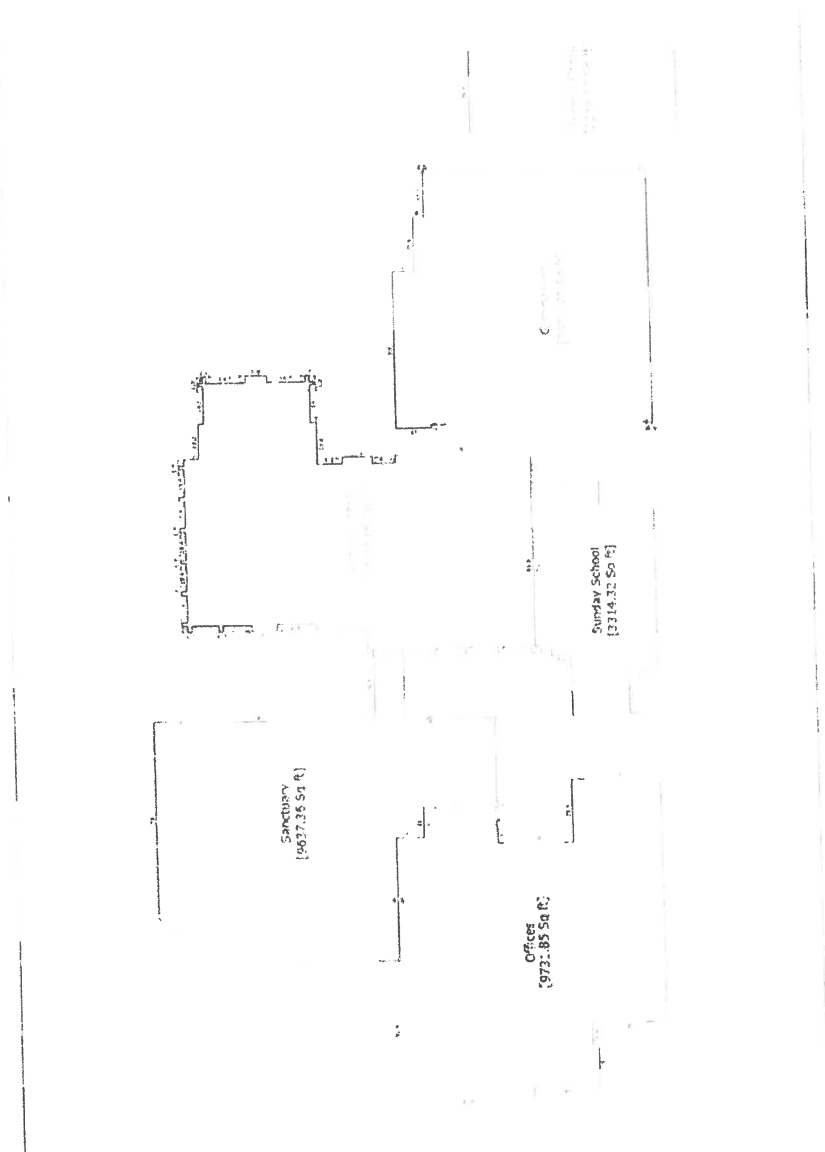
Specific Use Permit – Ordinance No. 20-528
Paratus Memorial
11750 Memorial Drive
For Religious and Educational Purposes
August 2020

Exhibit A – Site Plan



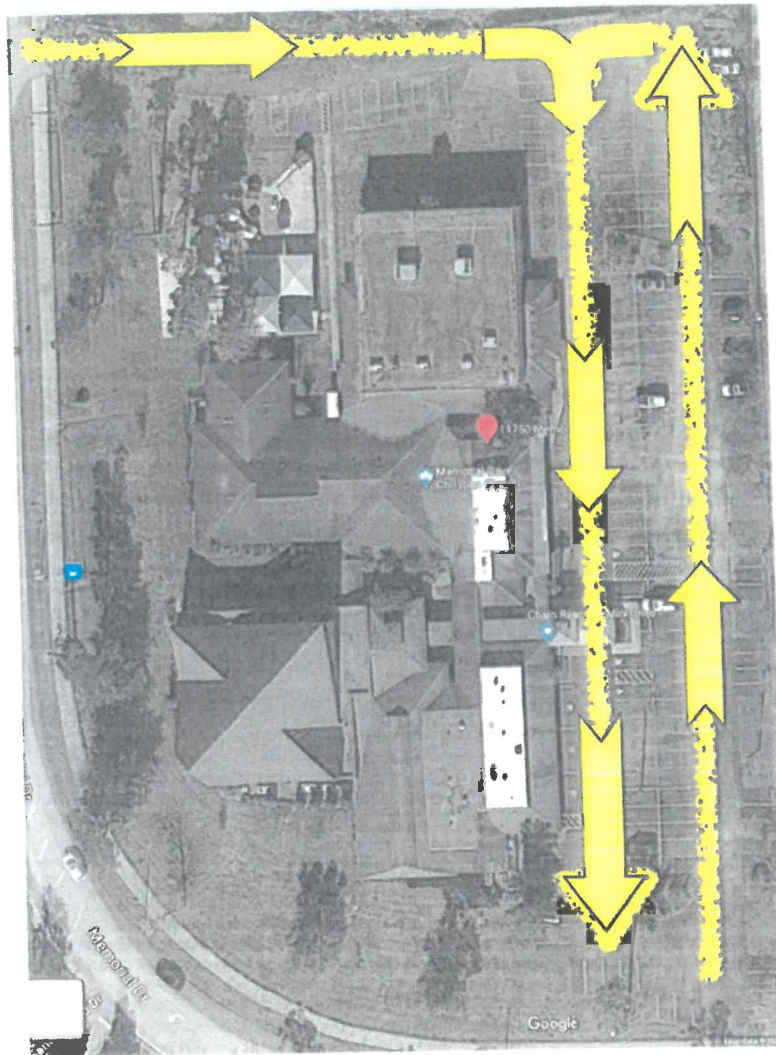
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Paratus Memorial
11750 Memorial Drive
For Religious and Educational Purposes
August 2020

Exhibit B – Floor Plan



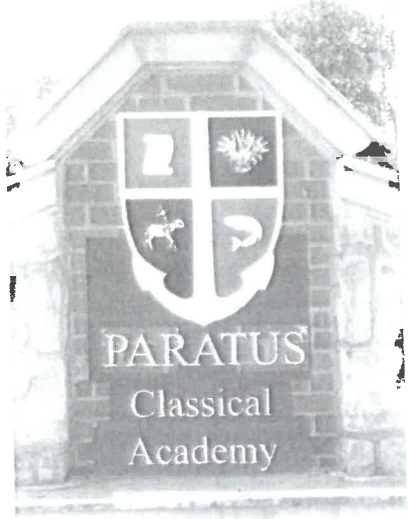
Specific Use Permit – Ordinance No. 20-528
Paratus Memorial
11750 Memorial Drive
For Religious and Educational Purposes
August 2020

Exhibit C – Traffic Plan

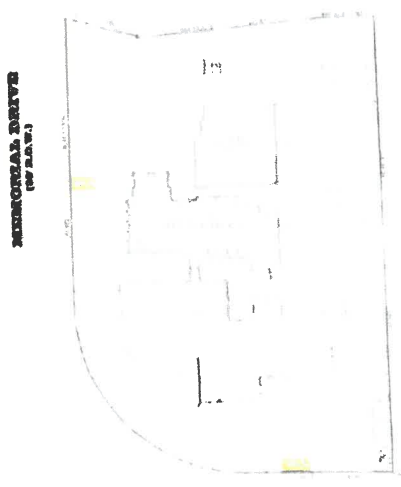


Specific Use Permit – Ordinance No. 20-528
Paratus Memorial
11750 Memorial Drive
For Religious and Educational Purposes
August 2020

Exhibit D – Proposed Signs & Location



PROVIDENCE PARK



Specific Use Permit – Ordinance No. 20-528
Paratus Memorial
11750 Memorial Drive
For Religious and Educational Purposes
August 2020

Exhibit E – Lighting Plan

