



CITY COUNCIL

AGENDA REQUEST

AGENDA OF:	04-20-10	AGENDA REQUEST NO:	V-A
INITIATED BY:	HAROLD ELLIS, PLANNER II <i>HE</i>	RESPONSIBLE DEPARTMENT:	PLANNING
PRESENTED BY:	HAROLD ELLIS, PLANNER II	DEPARTMENT HEAD:	SABINE SOMERS-KUENZEL AICP PLANNING DIRECTOR <i>AK</i>
		ADDITIONAL DEPARTMENT HEAD (S):	N/A

SUBJECT / PROCEEDING: **CONDITIONAL USE PERMIT (CUP) BY LOGOS PREPARATORY ACADEMY TO LOCATE WITHIN SUGAR CREEK BAPTIST CHURCH ALONG US-59 FRONTAGE, NEAR HWY 90A, IN THE GENERAL BUSINESS (B-2) DISTRICT PUBLIC HEARING, FIRST READING OF ORDINANCE NO. 1781**

EXHIBITS: **STAFF REPORT, VICINITY MAP, AERIAL IMAGE OF SITE, ORDINANCE NO. 1781 (INCLUDES SITE PLAN AND CIRCULATION PLAN AS EXHIBITS), APPLICATION, CORRESPONDENCE, HEARING NOTICE**

CLEARANCES	APPROVAL
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LEGAL:	AARON DOBBS, ASSISTANT CITY ATTORNEY <i>TAD</i>	EXECUTIVE DIRECTOR:	JIM CALLAWAY <i>Jim Callaway</i> COMMUNITY DEVELOPMENT
PURCHASING:	N/A	ASST. CITY MANAGER:	N/A
BUDGET:	N/A	CITY MANAGER:	ALLEN BOGARD <i>Allen Bogard</i>

BUDGET

EXPENDITURE REQUIRED: \$	N/A
AMOUNT BUDGETED/REALLOCATION: \$	N/A
ADDITIONAL APPROPRIATION: \$	N/A

RECOMMENDED ACTION

Hold Public Hearing, approve First Reading and pass to Second Reading of Ordinance 1781. The Planning and Zoning Commission recommended approval with conditions:

- All athletic activities be conducted indoors
- School enrollment maximum will be 1,075, with the following breakdown:

- West campus: 700 total, 350 per day
- CLC/Promised Land: 375 total, 200 per day
- Maximum of 550 students on campus with full expansion
- Compliance with the applicable circulation plan based on enrollment
- Station Monitor placement at drive #3 for morning and afternoon pick-up
- Student crossing between buildings on campus must be accompanied by Logos staff

EXECUTIVE SUMMARY

Logos Preparatory Academy has requested a Conditional Use Permit (CUP) to operate a private school within the Sugar Creek Baptist church campus near the southeast corner of US-59 and Hwy 90A, in the General Business (B-2) district. A CUP is required for schools (SIC 8211) in the B-2 district. Logos is currently operating within the Sugar Creek Campus (CLC and Promised Land buildings) under a CUP granted in 2009. If this CUP is approved it will be the third CUP for Logos at the Sugar Creek Campus, and summaries of each of those will be provided in this report. With the current CUP request, if approved, Logos will be relocating their operations to the West Campus Building on Sugar Creek's property (currently used by Fort Bend Baptist Academy) FBBA is leaving the site in 2010. With the new CUP, Logos is requesting a maximum of 1,075 total students enrolled, while continuing to operate in the same manner as with the previous CUPs. Additional information on the current CUP request will be provided in the Analysis section of this report. Revised traffic circulation plans and traffic impact analysis excerpts have been provided to the City and are included in this report.

A Public Hearing was held at the Planning and Zoning Commission on February 9, 2010, and no members of the public spoke. The Commission requested further information on the following items, each of which are addressed in the Analysis section of this report:

- Clarify traffic flow throughout campus and correct the Mother's Day Out traffic circulation error
- Look into the use of crossing guards versus off-duty police officers in the event of expansion back into CLC and Promised Lane Buildings
- Work with applicant on requiring staff presence while children move to different buildings on-campus
- Make available additional TIA information to the Commission

The Commission unanimously recommended approval with the conditions listed above on March 9, 2010.

File No. 12056

CC: Rick Goolsby, rickgoolsby@bfsflooring.com

EXHIBITS

DEVELOPMENT CODE PROVISIONS FOR CONDITIONAL USE PERMITS:

Sec. 2-22. Standard of Review

In reviewing the application, the Commission and Council will consider the impact the proposed use would have on surrounding premises and the community, including traffic, noise, and property values; any conditions or restrictions that could mitigate any adverse impact; and other matters that are relevant to a determination of whether the use would be a compatible and appropriate use of the premises.

Sec. 2-23. Conditions

The Commission may recommend, and the Council may impose, reasonable conditions and restrictions in the granting of a permit to mitigate any adverse impacts of the proposed use. The conditions must be specified in the ordinance approving the permit.

GENERAL SITE INFORMATION AND ANALYSIS:

The following is a summary of general site information.

Adjacent Zoning	Site: General Business (B-2) North: General Business (B-2) South: Zero Lot Line Residential (R-1Z) East: Zero Lot Line Residential (R-1Z) West: Business Office (B-O)
Adjacent Land Use	Site: Church North: Commercial South: Residential East: Residential West: Commercial

ANALYSIS:

History and Proposed Operations:

Original Logos Sugar Creek CUP – Granted by City Council on August 19, 2008

- Utilized only two buildings on campus (northeast side), CLC, and Promised Land
- Conditions of approval:
 - (1) Any extracurricular athletic activity of the private school must be conducted inside a building on the property.
 - (2) The private school may not exceed an enrollment of 300 students.
 - (3) Vehicular traffic must comply with the circulation plan attached to CUP ordinance
 - (4) The parking lot designated for the private school must be completely constructed before the date of the first day of instruction for students. *(at that time, Sugar Creek was in the process of constructing a building addition not related to Logos, which included a parking lot needed for Logos circulation)*

Second Logos Sugar Creek CUP – Granted by City Council on February 3, 2009

- Utilized only two buildings on campus (northeast side), CLC, and Promised Land
- Conditions of approval:
 - (1) Any extracurricular athletic activity of the private school must be conducted inside a building on the property.
 - (2) The private school may not exceed an enrollment of 375 students.
 - (3) No more than 200 enrolled students may be on the premises per day.
 - (4) Vehicular traffic must comply with the circulation plan attached to CUP ordinance

Current Logos Sugar Creek CUP

- Proposes to initially use only one building on campus (southwest side), called West Campus (currently used by FBBA), for an enrollment of 700 students, and a maximum of 350 students per day
 - Requests ability to expand back into CLC and Promised Land buildings (where Logos is currently operating) when enrollment exceeds 700 students
 - Proposes an enrollment of 350, and a maximum of 200 students per day (numbers from currently approved CUP)
 - Logos would then be operating out of three buildings on Sugar Creek’s campus: West Campus, CLC, and Promised Land
- Total Logos enrollment of 1, 075 students and a maximum of 550 students per day for the entire Sugar Creek Campus

Land Use: From a zoning perspective the proposed use, a private school (preparatory academy) appears to be compatible with the area. With the existing church, and the residential neighborhood located behind the subject property, a school would not be out of character for the area. Additionally, at this time, there has not been any issue identified that would be detrimental or negatively impact the area as a result of the increase in the number of students.

Traffic Impact: A traffic impact analysis was submitted to the City’s Engineering department as part of the original CUP approved by City Council in August 2008 and as well as for the second CUP approved in February 2009. An additional addendum was submitted for the current CUP request, has been reviewed by the City’s Engineering Department and they have no objections as presented. Excerpts from the TIA addendum are provided below:

Table 2 presents a summary of the anticipated on-site storage requirements and the amount of on-site storage that can be provided based on the access and circulation plans developed for the site. The typical storage requirements are based on field observations of what occurs on a typical weekday at the existing campus. Although sufficient storage can be provided on-site, the use of staff to manually direct traffic will be required.

Table 2: On-site Storage Requirements

Scenario	Max No. Students on Campus	Storage Requirements (feet)		
		Typical	Anticipated Maximum	Provided
Enrollment of 700 Students (Addendum No. 002 / Current Request)	350	750	1,100	1,460
Ultimate Enrollment of 1075 Students (375 Current CUP + 700 Current Request)	550	1,150	1,700	2,340

Traffic Circulations plans:

Attachment A presents the recommended circulation plan for LPA occupying the SCBC West Campus building (maximum student enrollment of 700 with a max of 350 students on campus). **Attachment B** presents the recommended circulation plan for the proposed ultimate enrollment. Ultimate conditions include a maximum of 350 students at the SBC West Campus building and a maximum of 200 students at the Christian Life Center and Promised Land buildings. A staff member or off-duty police officer would need to be utilized in the area of Driveway 3 and the internal roadway to direct overflow traffic for both circulation plans. A detailed traffic control plan will need to be developed to implement the proposed circulation plans.

Conclusions and Recommendations

Based on the capacity analysis conducted for the access drives and a review of the proposed internal access and circulation plan, we feel there will be no significant impacts to the area roadways in terms of traffic operations and that the access and circulation plan can accommodate the proposed enrollment scenarios.

As with the previous CUPs, due to the staggering of the classes, the amount of traffic generated by the proposed school will be fairly minimal. On any given school day, only approximately half enrolled students will be present on campus. Additionally, due to the large campus, there is ample room for onsite circulation.

Parking: At full enrollment, Logos would trigger a parking requirement of 113 spaces. This is based on Chapter 2, Article V of Sugar Land's Development code which requires 1 space per 20 students for elementary and middle school students and 1 space for every 4 high school students. The Sugar Creek Baptist Church campus currently has 760 parking spaces. Other than daily church activities, the only other full time operation for the site is Kids Day Out, a daycare operated out of the main Sugar Creek building.

Compatibility with area and Comprehensive Plan:

A school is allowed with a Conditional Use Permit in the General Business (B-2) district. The site proposed is adjacent to both commercial and residential properties and a school could be a compatible use for the area. A school at this site would also be compatible with the Comprehensive Plan and Land Use Plan.

Commission Concerns:

- *Clarify traffic flow throughout campus and correct the Mother's Day Out traffic circulation error*

A correction to the Mother's Day Out traffic circulation was made to both attachments A and B of the Site Circulation Plan preventing cross-traffic between rows of parking in the area where parents will be loading/unloading and walking thru the parking lot in the area indicated as MDO Parking #2.

- *Look into the use of crossing guards versus off-duty police officers in the event of expansion back into CLC and Promised Lane Buildings*

Logos has indicated that station monitors are responsible for on-site circulation. These monitors may consist of staff members or parent/guardian volunteers, who will be trained for this position during orientation. Station monitors are proposed for driveway number 3, during the morning and afternoon pick-up period. Traffic operations will be continuously monitored by Logos, and modifications will be made as needed.

- *Work with applicant on requiring staff presence while children move to different buildings on-campus*

Logos has indicated that students will need to travel between the West Campus building and the Children's buildings on the Sugar Creek Campus for Physical Education activities. There is a painted walkway between the two buildings as illustrated below. Additionally, Logos has confirmed that a staff member will be present while students are traveling from one building to another.

Looking towards West Campus building from the Children's building



Looking towards the Children's building from the West Campus building



Points of Consideration:

- No known problems with on-site circulation currently with 2 schools (Logos and FBBA) plus the Mother's Day Out program
- Total number of students on Sugar Creek campus will be reduced
- Circulation plans with staff monitors will help to insure smooth on-site circulation

Conclusions and recommended Conditions of Approval:

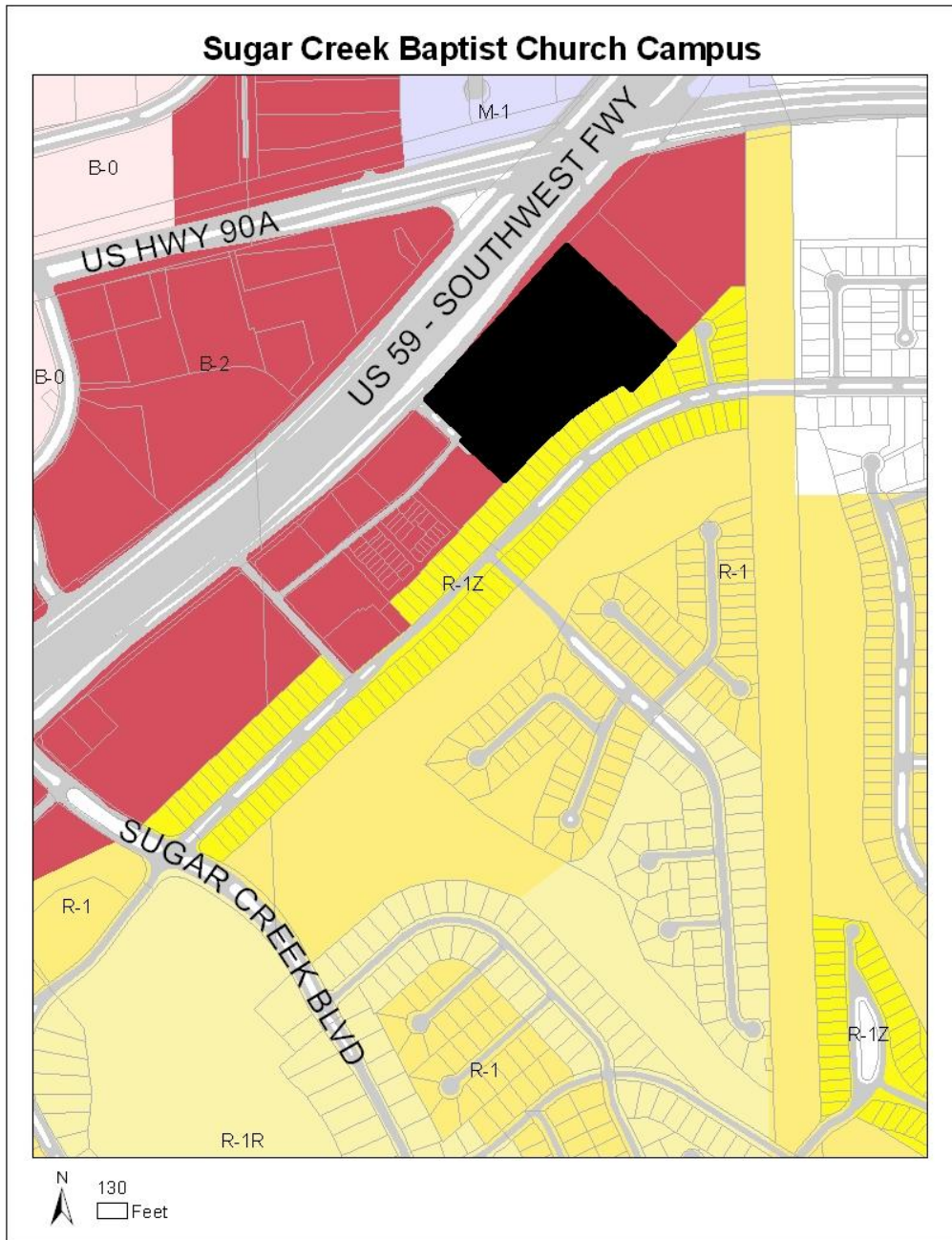
At this time, there has not been any issue identified that would be detrimental or negatively impact the area that cannot be mitigated by placing appropriate conditions of approval on the CUP. Such conditions are listed below, as points for consideration:

- All athletic activities be conducted indoors
- School enrollment maximum will be 1,075, with the following breakdown:
 - West campus: 700 total, 350 per day
 - CLC/Promised Land: 375 total, 200 per day
 - Maximum of 550 students on campus with full expansion
- Compliance with the applicable circulation plan based on enrollment
- Station Monitor placement at drive #3 for morning and afternoon pick-up
- Student crossing between buildings on campus must be accompanied by Logos staff

PUBLIC HEARING:

The Notice of Public Hearing was published in a newspaper of general circulation and on the City of Sugar Land internet home page. All property owners within 200' of the property were also notified. At the time of writing this report, we have received one inquiry on the CUP.

Vicinity Map:



Aerial Image of Site:

13213 Southwest Fwy



100
Feet



Ordinance No. 1781:

ORDINANCE NO. 1781

AN ORDINANCE OF THE CITY OF SUGAR LAND, TEXAS, GRANTING A CONDITIONAL USE PERMIT TO OPERATE A PRIVATE SCHOOL IN A B-2 (GENERAL BUSINESS) ZONING DISTRICT.

WHEREAS, Logos Preparatory Academy has applied for a conditional use permit to operate a private school in a B-2 (General Business) zoning district for the real property located at the Sugar Creek Baptist Church near the intersection of U.S.90A and U.S. Highway 59; and

WHEREAS, the Planning and Zoning Commission recommends the permit be approved; NOW, THEREFORE;

**BE IT ORDAINED BY THE CITY COUNCIL
OF THE CITY OF SUGAR LAND, TEXAS:**

Section 1. That a conditional use permit to operate a private school (SIC No. 8211; Private Schools) is granted for all of the property described in the final plat of the Sugar Creek Baptist Church recorded in the plat records of Fort Bend County in Slide No. 20060304.

Section 2. That the permit is subject to the following conditions:

(1) Any extracurricular athletic activity of the private school must be conducted inside a building on the premises.

(2) The private school may not exceed a total enrollment of 1,075 students, and a maximum of:

- (a) 700 students may be enrolled to attend classes and activities primarily in the West campus; and
- (b) 375 students may be enrolled to attend classes and activities primarily in the CLS/Promised Land buildings.

(3) The private school may not allow more than 550 enrolled students to be on the premises per day, and the amount of those students allowed on the premises per day may not exceed:

- (a) 350 students enrolled to attend classes and activities primarily in the West campus; and
- (b) 200 may be students enrolled to attend classes and activities in the CLS/Promised Land buildings.

(4) Vehicular traffic must comply with circulation plan A, attached to this Ordinance as Exhibit B, if the enrolled students attend classes and activities primarily in the West campus. Vehicular traffic must comply with circulation plan B, attached to this Ordinance as Exhibit B, if both the West campus and the CLS/Promised Land buildings are utilized for enrolled students to attend classes and activities primarily in those buildings.

(5) A station monitor must be in place at Drive #3, as indicated on Exhibit B, during the morning and afternoon student pick-up and drop-off times.

(6) At least one staff member of the private school must accompany the enrolled students when crossing between buildings on the premises if the students cross a driveway or parking lot on the premises to access the building.

Section 3. That the premises must be developed, operated, and maintained in accordance with the ordinances of the City of Sugar Land and in accordance with the site plan shown in Exhibit A, attached to and incorporated into this ordinance by reference. If there is a conflict between a provision of this ordinance and a provision of the Code of Ordinances or the Sugar Land Development Code, the more stringent provision controls.

Section 4. That any person found guilty of intentionally violating this ordinance will be fined not more than \$2,000 for each offense.

APPROVED on first consideration on _____, 2010.

ADOPTED upon second consideration on _____, 2010.

James A. Thompson, Mayor

ATTEST:

Glenda Gundermann, City Secretary

Reviewed for Legal Compliance:



Attachments: Exhibit A – Site Plan
Exhibit B – Traffic Circulation Plan

Exhibit A

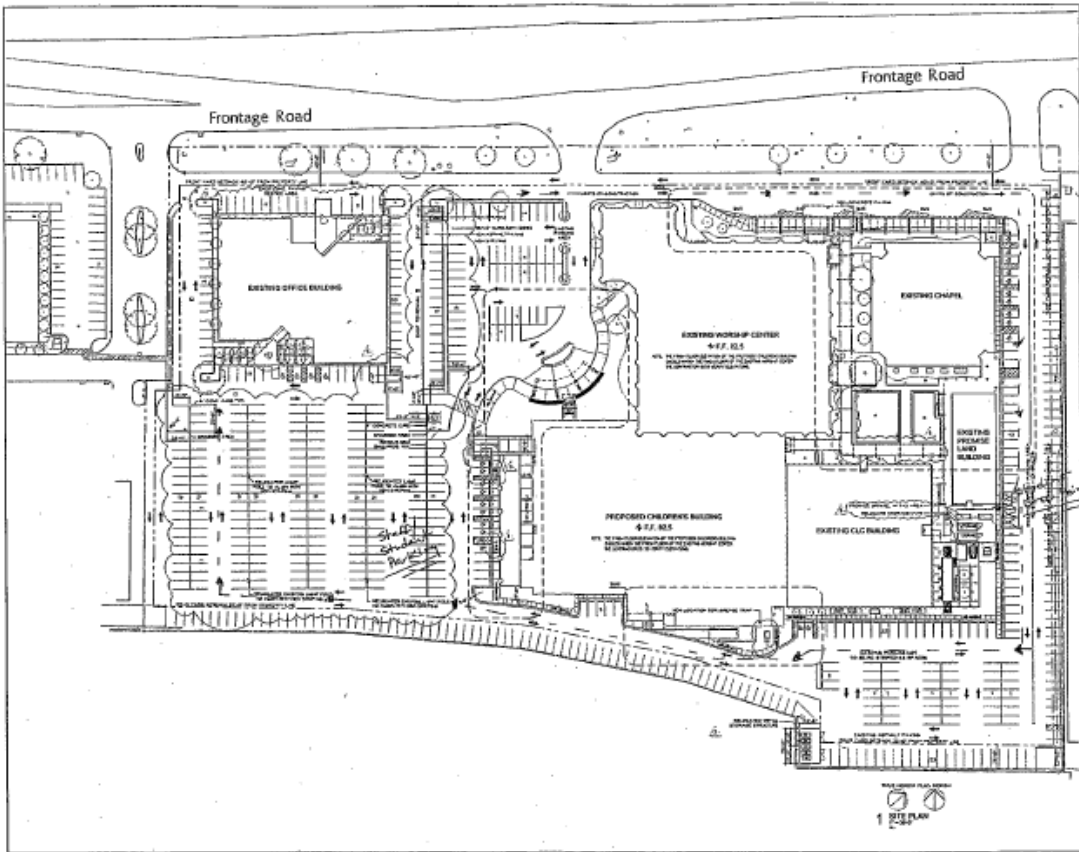
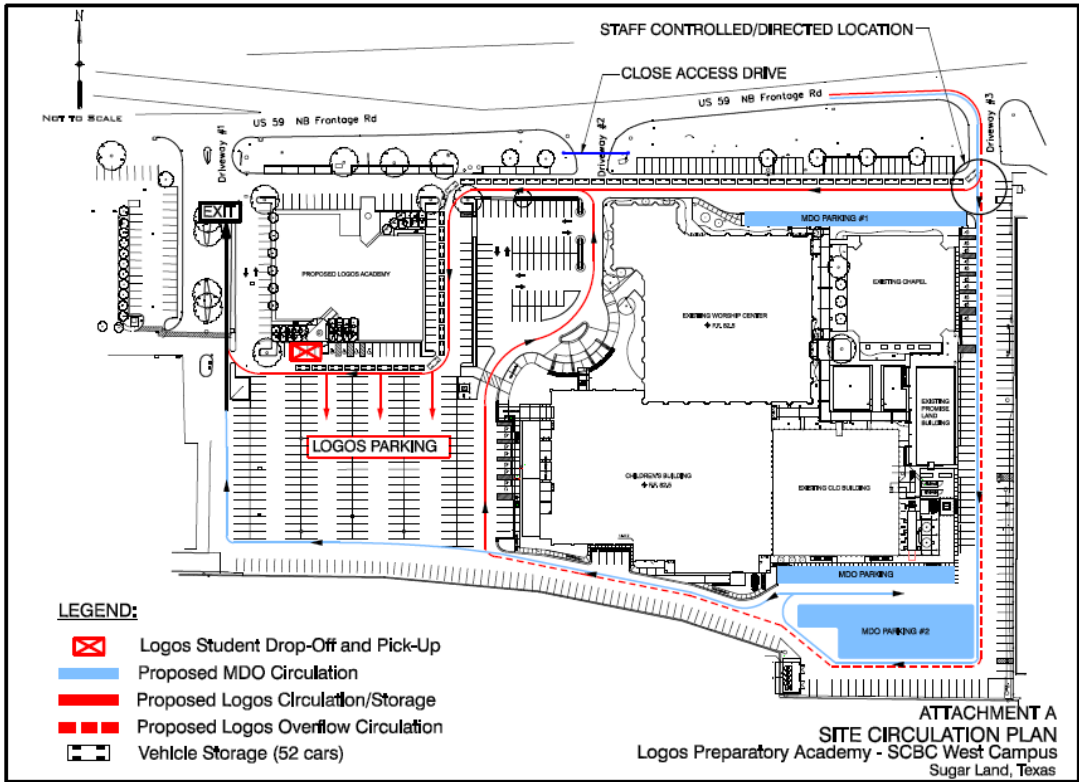
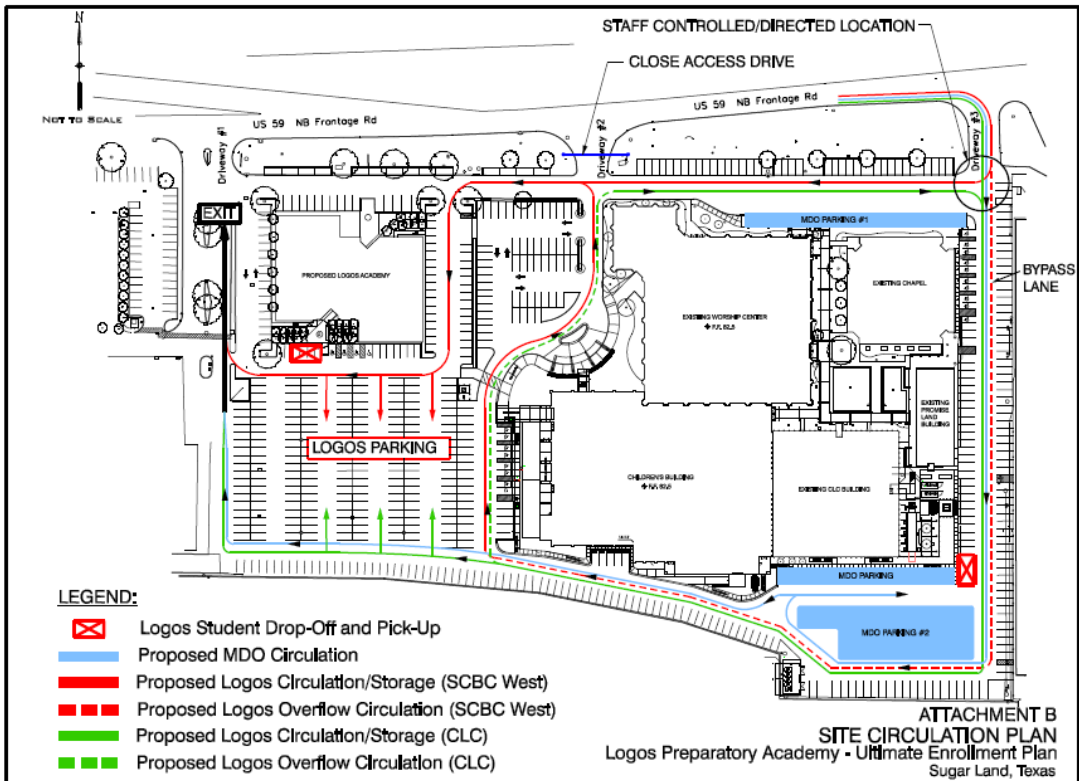


Exhibit B

Circulation Plan A:



Circulation Plan B:



Application:



RECEIVED

DEC -4 2009

FOR OFFICE USE
Accounting Code: ZC
\$1,113.25

**PLANNING DEPARTMENT
CONDITIONAL USE PERMIT (CUP) OR REZONING APPLICATION**

**DUE TO DETAILS REQUIRED FOR CUP APPLICATIONS, STAFF STRONGLY RECOMMENDS A PRE-DEVELOPMENT MEETING PRIOR TO SUBMITTAL*

Please type or print the following information & Return your submittal to the Planning Department, City Hall, 2700 Town Center Blvd. North, Sugar Land, TX 77479, Attention: Development Review Coordinator

Applicant

Contact Rick Goolsby, Logos Preparatory Academy
Address 1234 N. Post Oak Rd., Suite 190, Houston, TX 77055
Phone 713-934-9000 Fax 713-934-9004 Email rickgoolsby@bfsflooring.com

Owner (Note that owner must also sign form if different than applicant)

Contact Jay Reniker, Director of Facilities
Address 13213 Southwest Frwy, Sugar Land, TX 77478
Phone 281-274-7440 Fax 281-2420320 Email jreniker@sugarcreek.net

11.725 Acres out of Williams Stafford, 1-1/2 league
A-89 Fort Bend County, Texas

Property Legal Description See Attached

Lot Block Subdivision

Current Zoning District B-2 Proposed Zoning District, if rezoning app. N/A

If this is a CUP application: new building existing building

Proposed Use (CUP only) School

This is to certify that the information on this form is COMPLETE, TRUE, and CORRECT and undersigned is authorized to make this application. Application expires 6 months from the date stamped as received by the Planning Department if no action has been taken by the Planning and Zoning Commission on request.

X A Goolsby Jay Reniker December 4, 2009
Signature of Applicant (Requires property owners signature if different than owner) Date

Submittal Requirements (Submittal Deadline is Monday at 3:00 p.m.):

- Three (3) copies of the completed application
- Check for \$1,113.25 per Ord. 1701 (non-refundable)
- Metes and bounds legal description of the site or county slide number of plat, if recorded
- If CUP- Two (2) copies at least 11" x 17" in size of the CUP layout plan, including a vicinity map and north arrow on each copy (color drawings not required)
- If CUP- Two (2) copies of a letter stating the applicant's request and addressing issues relating to a CUP including plan of operation, traffic circulation, parking, and other pertinent information

**SEE SEPARATE PLANNED DEVELOPMENT (PD) DIST. APPLICATION FOR PD ZONING date: 12/04/09 Time: 10:44:42

Please note: A courtesy notification sign will be placed on the subject property during the public hearing process and will be removed when the case has been processed App. Revised Oct. 2008

Type: 00 Drawer: 1
Receipt no: 45228
\$1113.25
\$1113.25
\$1113.25
\$1113.25

Correspondence:



P.O. Box 16184, Sugar Land, TX 77496
www.LogosPrep.com

December 4, 2009

Development Review Coordinator
2700 Town Center Blvd., North
Sugar Land, Texas 77479

RECEIVED

DEC -4 2009

Re: Application for Conditional Use Permit

TIA PERMITS

To Whom It May Concern:

Sugar Creek Baptist Church (SCBC) currently has a Conditional Use Permit (CUP) enabling Logos Preparatory Academy (LPA) to hold classes in it's Christian Life Center (CLC) and Promised Land buildings.

Fort Bend Baptist Academy (FBBA) will be vacating the SCBC West Campus building that it's occupied for the last 15 years in the Spring of 2010, and SCBC has offered this classroom space to Logos Prep. The West Campus classroom building is an ideal location for Logos Prep, so we are seeking approval from the City to relocate our operations to this building, while maintaining possible future expansion back into the Christian Life and Promised Land buildings.

FBBA has had as many as 500 students, 5 days a week attending classes in the West Campus building. As a University Model School (UMS), Logos offers classes to 1st through 12th grade, with elementary grade students attending classes on campus Tuesdays and Thursdays, and secondary grade students attending classes on campus Mondays, Wednesdays, and Fridays. Students complete at-home work on the alternate days they're not in the classroom. Therefore, approximately 50% of the total students enrolled are on campus on any particular day of the week.

Pending review by our traffic consultant and city staff, Logos is requesting a Conditional Use Permit that would allow us a 700 student total enrollment with a maximum of 350 students per day at the West Campus building. In addition, should our enrollment reach these maximums, we ask that provision be made in the CUP to expand back into the CLC and Promised Land buildings pursuant to the stated maximums in the current CUP (375 max enrollment, 200 students per day).

A TIA was completed for this site last year in preparation of seeking the existing CUP. We've asked our traffic consultant to prepare a new traffic circulation plan and addenda related to this request, and will submit these items as soon as they're available.

Thank you for your consideration. We appreciate your help in walking us through this process.

Sincerely,

Rick Goolsby
Board of Directors, Vice Chairman

Cc. Jay Reniker, Director of Facilities, Sugar Creek Baptist Church

Correspondence:



P.O. Box 16104, Sugar Land, TX 77496
www.LogosPrep.com

Memorandum

Date: February 1, 2010
To: Harold Ellis, City of Sugar Land, Planning
From: Rick Goolsby, Logos Preparatory Academy
Subject: CUP Application, Clarification

Mr. Ellis:

In our December 4, 2009 CUP application cover-letter I stated that Logos is requesting a Conditional Use Permit that would allow us a 700 student total enrollment with a maximum of 350 students per day at the West Campus building at Sugar Creek Baptist Church. Should our enrollment reach these maximums, we asked that provision be made in the CUP to expand back into the CLC and Promised Land buildings we currently occupy in accordance with the stated maximums in the current CUP (375 max enrollment, 200 students per day) for this campus.

For clarification, we are ultimately requesting a maximum student enrollment of 1,075 students with no more than 550 on campus at any one time during the school day.

This request is consistent with the numbers used by our traffic consultant RS&H to prepare the revised January 19, 2010 TIA addendum.

Let me know if you have any questions or recommendations as we prepare for the February 9 P&Z hearing.

Public Hearing Notice:

NOTICE OF PUBLIC HEARING

**CONDITIONAL USE PERMIT
13213 SOUTHWEST FREEWAY**

REQUESTED CONDITIONAL USE PERMIT (CUP) FOR MODIFICATIONS FOR A PRIVATE SCHOOL LOCATED WITHIN SUGAR CREEK BAPTIST CHURCH CAMPUS AT 13213 SOUTHWEST FREEWAY AND NEAR THE SOUTHEAST CORNER OF U.S. 59 AND U.S. 90A IN THE GENERAL BUSINESS (B-2) DISTRICT

PURPOSE: ONE (1) PUBLIC HEARING SHALL BE HELD AT WHICH ALL PERSONS INTERESTED IN THE PROPOSED CONDITIONAL USE PERMIT (CUP) SHALL BE GIVEN AN OPPORTUNITY TO BE HEARD.

**WHERE: CITY OF SUGAR LAND CITY COUNCIL CHAMBER
2700 TOWN CENTER BOULEVARD NORTH**

**WHEN: CITY COUNCIL MEETING
6: 00 P.M., APRIL 20, 2010**

DETAILS OF THE PROPOSED CONDITIONAL USE PERMIT (CUP) MAY BE OBTAINED BY CONTACTING THE CITY OF SUGAR LAND PLANNING OFFICE AT (281) 275-2218 OR BY EMAIL AT PLANNING@SUGARLANDTX.GOV. THE PLANNING OFFICE IS OPEN MONDAY THROUGH FRIDAY FROM 8:00 O'CLOCK A.M. TO 5:00 O'CLOCK P.M., AND IS LOCATED IN CITY HALL, 2700 TOWN CENTER BOULEVARD NORTH, SUGAR LAND, TEXAS. PLEASE CONTACT US IF YOU WISH TO SET UP AN APPOINTMENT TO GO OVER ADDITIONAL DETAILS IN PERSON.