

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF PINEY POINT VILLAGE, TEXAS, IN ACCORDANCE WITH DIVISION 4 OF ARTICLE II OF CHAPTER 74 OF THE CITY'S CODE OF ORDINANCES, ESTABLISHING AND APPROVING ISSUANCE OF A SPECIFIC USE PERMIT FOR THE DEMOLITION OF CERTAIN IMPROVEMENTS, CONSTRUCTION OF A NEW PARISH HALL FACILITY AND RELATED IMPROVEMENTS, AS WELL AS CERTAIN DRAINAGE IMPROVEMENTS, TREE REPLACEMENT AND PLANTING, FLATWORK, DRIVEWAY REPLACEMENT, PLAYGROUND EQUIPMENT RELOCATION, AND A NEW MONUMENT SIGN, ALL ON THE ST. FRANCIS EPISCOPAL CHURCH TRACT; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR A PENALTY OF AN AMOUNT NOT TO EXCEED \$2,000 FOR EACH DAY OF VIOLATION OF ANY PROVISION HEREOF; AND PROVIDING FOR SEVERABILITY.

* * * * *

WHEREAS, the City of Piney Point Village (the "City") finds it to be in the best interest of the health, safety, and welfare of its citizens to approve the following improvements on the St. Francis Episcopal Church Tract subject to certain conditions; now, therefore,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PINEY POINT VILLAGE, TEXAS:

Section 1. The facts and recitations set forth in the preamble of this Ordinance are hereby found to be true and correct and are hereby adopted.

Section 2. The City hereby establishes and approves issuance of a specific use permit, as outlined by the terms of this Ordinance, to permit the demolition of certain improvements, construction of a new Parish Hall facility and related improvements, as well as certain drainage improvements, tree replacement and planting, flatwork, driveway replacement, playground equipment relocation, and a new monument sign (collectively called the "Improvements") on the St. Francis Episcopal Church Tract ("Tract"). Such Improvements are further described under the Project (Parish Hall, Related Improvements, and other

Improvements) description below, as well as identified in the Detailed Scope of Work and Plans attached hereto as **Exhibit A** and made a part of this Ordinance hereof. City Council approval of the proposed Improvements provided for in this Ordinance is subject to adherence to the specifications provided for in this Ordinance, obtaining applicable building permits, and other conditions provided for below:

The Project (Parish Hall, Related Improvements and other Improvements)

1. Demolition of the Project will include the removal of approximately 33,000 square feet of impervious site flatwork, trees, buildings and associated mechanical, electrical and plumbing work. The demolition plan is attached as part of the Detailed Scope of Work and Plans under Exhibit A and incorporated as part of this Ordinance. Notice of all phases of the demolition will be provided to all property owners adjacent to the St. Francis Tract at least five (5) days prior to any demolition work proceeding on the Tract. St. Francis shall provide fencing around the demolition area to provide security, dust and debris remediation, and visual screening of such area. The demolition area must be sprinkled at all times to mitigate dust and debris from the demolition process. St. Francis shall clean up any dust, debris or other materials on any property, which was directly or indirectly caused by the demolition work.
2. Construction of a new Parish Hall facility will be a two-story, approximately 24,000 square foot building, and will be 34.5 feet in height. The first floor will be approximately 15,000 square feet and will consist of a Parish Hall, kitchen, nursery, Guild, vestibule, reception area, offices for the Rector and church staff, restrooms, one elevator, dedicated storage, electrical spaces, and a 600 square foot renovation of existing space where tying into the new construction. The second floor will be approximately 9,000 total square feet, consisting of meeting rooms, restrooms, and dedicated storage and electrical spaces. The new building will be ADA compliant, use the latest building codes, fire sprinkled, constructed with new Type II fire resistive materials, and be energy efficient for electrical, plumbing, air conditioning and heating. The distance between the new Parish Hall facility and South Cheska property lines will be 84.1 feet. In order to meet new security and safety requirements, the new Parish Hall will have defined separation between the school and church facilities, visitors to the church will not use the school entrances, and the new church meeting rooms in the Parish Hall will not be used by the school.
3. HVAC equipment for the new Parish Hall will include 4 HVAC Units and 1 Exhaust Fan Unit on the roof of said building that will all be screened with a 6-foot parapet wall. The noise level created by all HVAC equipment on the Tract, as measured from any point along the property

line, shall not to exceed 50 dba during daytime hours (7am – 9pm) and 44 dba during nighttime hours (9pm – 7am). If the City notifies St. Francis of persistent noise levels the City has reason to believe exceeds the foregoing standards, St. Francis agrees to take the following steps to come within the herein established noise level standards within a reasonable period of time, including but not limited to, taking acoustical measurements, installing additional sound barriers, and replacing older equipment with more sound efficient equipment. Acoustical measurements shall be taken at the property line and shall exclude ambient noise and all other base line noises created by things other than the HVAC equipment.

4. Lighting shall not be allowed on the second story of the new Parish Hall from 10pm-6am daily. All second story, north-facing windows of new Parish Hall will be improved with both window treatments and film. Window treatments (shades) shall cover the entire length of the window, shall prevent light from escaping beyond the windows when in use, and shall be programmed to automatically close from 8pm-7am daily. Window film shall be installed at least six feet in height from the bottom of the window, and have nontransparent properties that prevent people inside the building from seeing outside. All outdoor lighting on the Tract shall comply with Section 74-245(d), *Outdoor Lighting*, of the City's Code of Ordinances. All lighting associated with the outdoor gym, playground and other outdoor activity space must be equipped with an automatic timer to shut such lighting off no later than 9 pm daily.
5. Additional drainage calculations have been added for lots along South Cheska when creating the City-approved drainage plan for the Property. St. Francis will allow for the natural drainage of adjacent property into the drainage swale and/or allow for tie-in into the storm drain on the Tract. St. Francis will maintain on-site drainage to prevent blockage or backup from debris or other materials.
6. St. Francis shall comply with Chapter 66, *Vegetation*, of the City's Code of Ordinances. A tree disposition plan was submitted and approved by the City. The tree work on site will consist of tree preservation and the removal of trees. 31 trees are scheduled to be removed and 204 qualified new trees will be planted on the property. Trees must be planted in a manner to provide screening and prevent a direct line of sight from the adjacent property owners to the new Parish Hall and the playground equipment. The new trees will be watered by a drip irrigation system. St. Francis will warrant the health of all new trees for a one (1) year period from the date the last new tree is planted. If a tree that was intended to provide screening dies after the one-year warranty period, St. Francis will coordinate with the City's Urban Forester to ensure that proper screening remains between the adjacent property owners and the Parish Hall and playground equipment.

7. The addition of 25,941 square feet of impervious flatwork, including the construction of a new concrete parking and driveway at the north end of the campus (21,564 square feet) to replace the existing asphalt drive and new sidewalks (4,377 square feet) adjacent to the new Parish Hall addition.
8. The existing playground equipment will be relocated south to be outside of the 30-foot setback and greenbelt. The playground equipment will have bark mulch as its filler, which will sit directly on the ground. This material is considered impervious for purposes of lot coverage.
9. Overall lot coverage shall not exceed 50 percent of the total lot.
10. There will be a new St. Francis Episcopal monument sign to replace the existing wooden sign. The new sign will be 4 feet tall by 14 feet in width (56 square feet), and constructed with a masonry to match existing and cast stone.
11. The new Parish Hall construction has been scheduled to start after the end of the school year in May 2022. The traffic plan for when school is in session has been designed by the school with help from off duty traffic safety officers. As needed, Ecclesia Church will provide additional carpool queuing areas. Project deliveries will be scheduled not to interfere with school drop off and pick up schedules. Flaggers will be present during all deliveries.
12. If the City notifies St. Francis of any persistent traffic issues, St. Francis shall adjust its school traffic plan to alleviate traffic on Piney Point Road, including but not limited to modifying on-campus carpool lanes, adjusting school carpool hours and/or dropoff/pickup locations, adding additional traffic safety officers, and additional directives to school parents. St. Francis shall further ensure that it maintains adequate on-site parking and designated off-site parking for parishioners, employees, school parents, visitors, and contractors. Parking on any City street or right-of-way, or adjacent private street by any aforementioned persons, without the express consent of the City and affected property owners, will not be allowed.
13. St. Francis will coordinate with residents to construct and maintain a new eight (8) foot fence along the north property line of the Tract in accordance with the City-approved fence plan attached as part of the Detailed Scope of Work and Plans under Exhibit A and incorporated as part of this Ordinance. The new fence will not interfere with any drainage on the Tract, or otherwise impede the natural flow from adjacent property.
14. St. Francis will reestablish the 30-foot setback and greenbelt area, and shall maintain such greenbelt area and ensure that it is free of improvements, other than fencing, drainage, landscaping and irrigation, as permitted by this Ordinance. During the demolition and construction of

the new Parish Hall and other related improvements, no trailers or parking of vehicles will be allowed in the setback and greenbelt area. St. Francis will limit the amount of demolition and construction staging located in the setback and greenbelt area to such events that are unavoidable.

15. St. Francis Episcopal School (“SFES”) shall not exceed an enrollment of 900 students on its Piney Point campus. Additionally, SFES may request approval for additional students on a temporary basis due to events such as but not limited to hurricanes, tornadoes, floods, fires and construction at its other campus locations. The Mayor is authorized to permit these additional students for a period not to exceed seven days. Any extension of this seven-day period must be authorized by City Council.
16. City staff will conduct an annual inspection of the Tract to ensure compliance with this Ordinance. City staff will coordinate with St. Francis staff to schedule such annual inspection. The annual inspection shall include discussions with adjacent property owners to ensure compliance with this Ordinance.
17. St. Francis is not permitted to improve or use the Property for any other purpose than those authorized by this Ordinance or other prior authorization.

Section 3. Any person who intentionally, knowingly, recklessly, or with criminal negligence violates any provision of this Ordinance shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined in an amount not to exceed \$2,000.00 per offense. No penalty shall be greater or less than the penalty provided for the same or similar offense under the laws of the State of Texas. Each day of any violation shall constitute a separate offense.

Section 4. In the event any clause, phrase, provision, sentence, or part of this Ordinance or the application of the same to any person or circumstances 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 Piney Point 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, whether there be one or more parts.

Section 5. All ordinances or parts of ordinances inconsistent or in conflict herewith, are, to the extent of such inconsistency or conflict, hereby repealed.

PASSED, APPROVED, AND ADOPTED this ____ day of _____ 2022.

Mark Kobelan
Mayor

ATTEST:

Karen Farris
City Secretary

Exhibit A

Detailed Scope of Work and Plans