

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 UPPER SCHOOL BUILDING AND LOWER SCHOOL/ADMINISTRATION BUILDING, RENOVATION OF CERTAIN EXISTING IMPROVEMENTS, AND INSTALLATION OF CERTAIN RELATED ACCESSORY STRUCTURES, AS WELL AS CERTAIN DRAINAGE IMPROVEMENTS, AND TREE REPLACEMENT AND PLANTING, ALL ON THE KINKAID SCHOOL 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 Kinkaid School 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 Upper School Building and Lower School/Administration Building, renovation of certain existing improvements, and installation of certain related accessory structures, as well as certain drainage improvements, and tree replacement and planting, all on the Kinkaid school tract (collectively called the "Improvements"). Such Improvements are further described under the Project (new Upper School Building and a new Lower School/Administration Building, 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:

In addition to the Improvements identified in the Detailed Scope of Work and Plans attached hereto as **Exhibit A**, the Project (new Upper School Building and a new Lower School/Administration Building, and other Improvements) shall include:

1. The demolition portion of the Project will include the removal of approximately _____ square feet of impervious site flatwork, trees, buildings and associated mechanical, electrical and plumbing work.
2. Construction of a new Upper School Building facility that will be a two-story, approximately 127,638 square foot building, and will be _____ feet in height. The first floor will be approximately _____ square feet and will consist of _____. The second floor will be approximately _____ square feet and will consist of _____. 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.
3. Construction of a new Lower School/Administration Building that will be a two-story, approximately 31,281 square foot building, and will be _____ feet in height. The first floor will be approximately _____ square feet and will consist of _____. The second floor will be approximately _____ square feet and will consist of _____. 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.
4. 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. _____ trees are scheduled to be removed and _____ qualified new trees will be planted on the property.
5. The following special permissions:
 - a. Reconfigured drive lanes and parking
 - b. Covered walkway
 - c. Colonnade
 - d. Fence
 - e. Play structure with canopy
 - f. Greenhouse
 - g. Outdoor Art Arbor
 - h. Outdoor Science Classroom
 - i. Athletic Field Social Stair

- j. Terrace over service fire lane
- k. Colonnade extension
- l. Fire truck turnaround
- m. Transformer yard
- n. Temporary buildings for temporary classrooms to be located on the Milby tract in areas designated on signed and sealed engineering drawings incorporated herein by reference.

Section 3. The following mitigation provisions are hereby incorporated by reference into the special use permit:

1. Kinkaid will pay any payment in lieu of real estate taxes payments not made by Kinkaid in recent prior years, which such payment shall be calculated based on the last year of payment by Kinkaid less any payments made by Kinkaid.
2. Kinkaid will reestablish a new payment in lieu of real estate tax payment at \$70,000 per year.
3. Kinkaid will construct and maintain the four medians along San Felipe Street consistent with the new design standard the City has established on other medians along San Felipe Street.

Section 4. 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 5. 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 6. 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