

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 A SPECIFIC USE PERMIT TO THE MEMORIAL FOREST CLUB AT 12122 MEMORIAL DRIVE FOR OUTDOOR RECREATIONAL AND SUPPORTING AND INCIDENTAL USES; PROVIDING FOR A REPEALER; 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 property for a recreational center pursuant to a Specific Use Permit granted in accordance with Article VIII of said Appendix “A”; and

WHEREAS, The Memorial Forest Club has applied for a Specific Use Permit to continue the use of outdoor recreational facilities and other incidental and supporting purposes on its premises located within said City, in accordance with the plans and photos attached hereto as Exhibits “A-1”, “A-2”, “A-3”, “A-4” and “A-5”, and made a part hereof; and

WHEREAS, Reference is made to Ordinance No. 49 of the City of Bunker Hill, which 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. It is intended that the Special Use Permit will supersede Ordinance No. 49 and the Settlement Agreement in all respects; 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 (“SUP”) authorizing the continuance of the operations of the Memorial Forest Club, a non-profit membership club with outdoor recreational and other incidental and supporting uses including a clubhouse and summer snack bar, located at 12122 Memorial Drive, Bunker Hill Village, Texas, is hereby granted in accordance with the plans attached hereto as Exhibits “A-1” through “A-5” and in accordance with and subject to the special terms and conditions set forth in Section 2 of this Ordinance. Said Exhibits “A-1”, “A-2”, “A-3”, “A-4”, and “A-5” are 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. Location, Uses, and Existing Conditions/Site Plan

The Memorial Forest Club is located at 12122 Memorial Drive as shown on Exhibit A-1 (the “Club”). The site plan showing existing conditions is shown on Exhibit A-2.

The Memorial Forest Club is a non-profit club established in the 1950's at its current location of 12122 Memorial Drive. The Club offers outdoor recreation in the form of tennis courts, a volleyball and pickle ball court, a basketball mini-court, a clubhouse, three (3) pools, a summer snack bar and other incidental and supporting uses (the "Use").

B. Signage

The Club has an identification sign on Plantation Road as shown on Exhibit A-3. The Club can continue this signage and is responsible for the maintenance of the sign and associated landscaping. Any changes to the sign must be in accordance with the City’s Sign Ordinance(s) in place at the time. The Club may display signage related to Club events or membership drives on the back of the south-side fence of the tennis courts with the signs not

exceeding 600 square feet. Such signs may remain on display for no more than a combined 30 days each year.

C. *Parking and Traffic Plan*

The Club has **xxx** spaces on site as shown on the site plan. There shall be no street parking by Club members or guests on Memorial Drive, Rhett, Tara, Plantation (north and south), Stoney Creek or Warrenton.

The day-to-day parking needs of the Club members are met by the parking spaces provided on the Club property. The Club shall obtain the permission of Spring Branch Independent School District (“SBISD”) to provide for overflow parking at Frostwood Elementary School. Should overflow parking not be available, attendance shall be limited to available onsite parking.

D. *Hours of Operation*

The Club shall be permitted to operate from **7:00** a.m. until **10:00** p.m. Sunday through Thursday and **7:00** a.m. until midnight Friday and Saturday, subject to the provisions below.

The Club shall be permitted to operate a physical fitness program for middle school students from 7:00 a.m. until 8:00 a.m. on school days in conjunction with SBISD during the SBISD school year. Lighting of the necessary tennis courts during this time as necessary shall be permitted.

E. *Noise*

DJ’s and/or live bands shall be permitted at events; however, all music or sound amplification shall be stopped by **10:00 p.m.** Notice of each such event shall be hand-delivered to all neighbors directly adjacent to the Club a minimum of five (5) days prior to the event with a copy of the notice being provided to the Memorial Villages Police Department. Such notice shall provide a contact name and phone number of an individual who will be onsite at all times during the event should complaints arise. All events shall comply with the hours of operation contained herein, subject to the City’s noise regulations.

F. *Club House Rentals*

The Club shall be permitted to rent or license the Clubhouse, shown on the site plan attached hereto as Exhibit “A-2” to private groups. A rental agreement between the Club and the lessee shall be required that includes the name and phone number for a contact person that is required to be onsite at all times during the event and includes the hours of operation regarding noise concerns and amplified sound. A copy of such agreements shall be maintained onsite.

Clubhouse rentals shall be limited to the Clubhouse and the grass area adjacent to the Clubhouse on the east side. This includes the basketball court and volleyball/pickleball court, but does not include any tennis courts. In

addition, rental of the Clubhouse shall exclude the area on the west side of the Clubhouse (the pool area).

The pool area may be rented by members during swim season subject to the hours of operation stated herein.

The capacity of the Clubhouse for all events shall be determined by the Memorial Villages Fire Marshal. All adult parties with over 75 anticipated guests, shall require the hiring of an off-duty peace officer to provide security.

G. *Lighting*

The Club shall be permitted to operate lighting of its driveways, parking lot, buildings and pool areas as indicated on the attached site plan within the Clubs permitted hours of operation.

The tennis courts shall be permitted to be illuminated by a permanent lighting system from sunset until 10 p.m. The tennis court lights shall not be moved from their existing height and angle, and must maintain the shielding, cover, and hooding currently in place, as demonstrated on Exhibits "A-4" and "A-5". Furthermore, the entire north-side fence behind the tennis court must have a dark-colored tarp in place from top to bottom as shown on exhibit "A-4" and "A-5".

No modification of lighting shall be permitted without amendment of this SUP.

H. *Other Matters:*

The Club shall be permitted to operate a snack bar selling only commercially wrapped or sealed snacks and non-alcoholic beverages.

I. *Adjacent Wall, Landscaping and Associated Maintenance*

The Club shall maintain a wall on the south of the property facing Memorial Drive at a height of no less than five feet (5'). The Club shall be responsible for the maintenance and upkeep of the wall, as well as the signage currently in place at the Club entrance on Plantation Drive.

The Club shall maintain all landscaping on its property. The Club shall regularly trim tree branches that reach over the Club's property line, as well as the trees on the Club property.

Reference is made to the Memorandum of Understanding regarding trees and benches along Memorial Drive (Agreement of May 23, 2014), and is incorporated herein as Exhibit "B" and incorporated herein by this reference.

The Club shall comply with all building regulations and other ordinances of the City.

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 intentionally, knowingly, recklessly or with criminal negligence 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 ADOPTED this __ day of _____

Robert P. Lord, Mayor

ATTEST:

Karen H. Glynn, Acting City Secretary

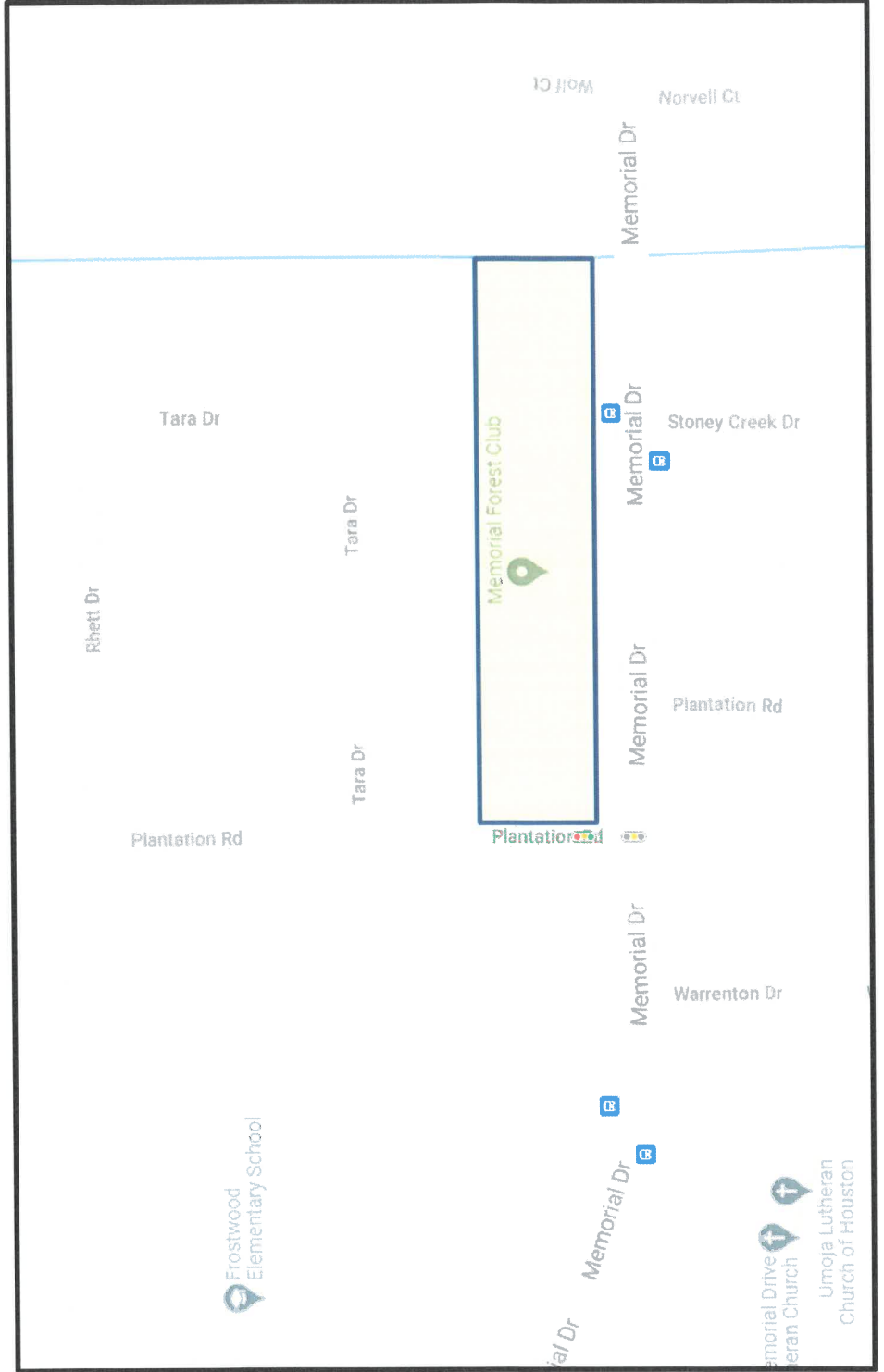
Exhibits:

- A-1 Location Map
- A-2 Existing Conditions - Site Plan
- A-3 Signage
- A-4 Screening
- A-5 Screening

Specific Use Permit – Ordinance No. 22-xxxx
Memorial Forest Club

12122 Memorial Drive
For Recreational and Other Incidental and Supporting Purposes
November 2021

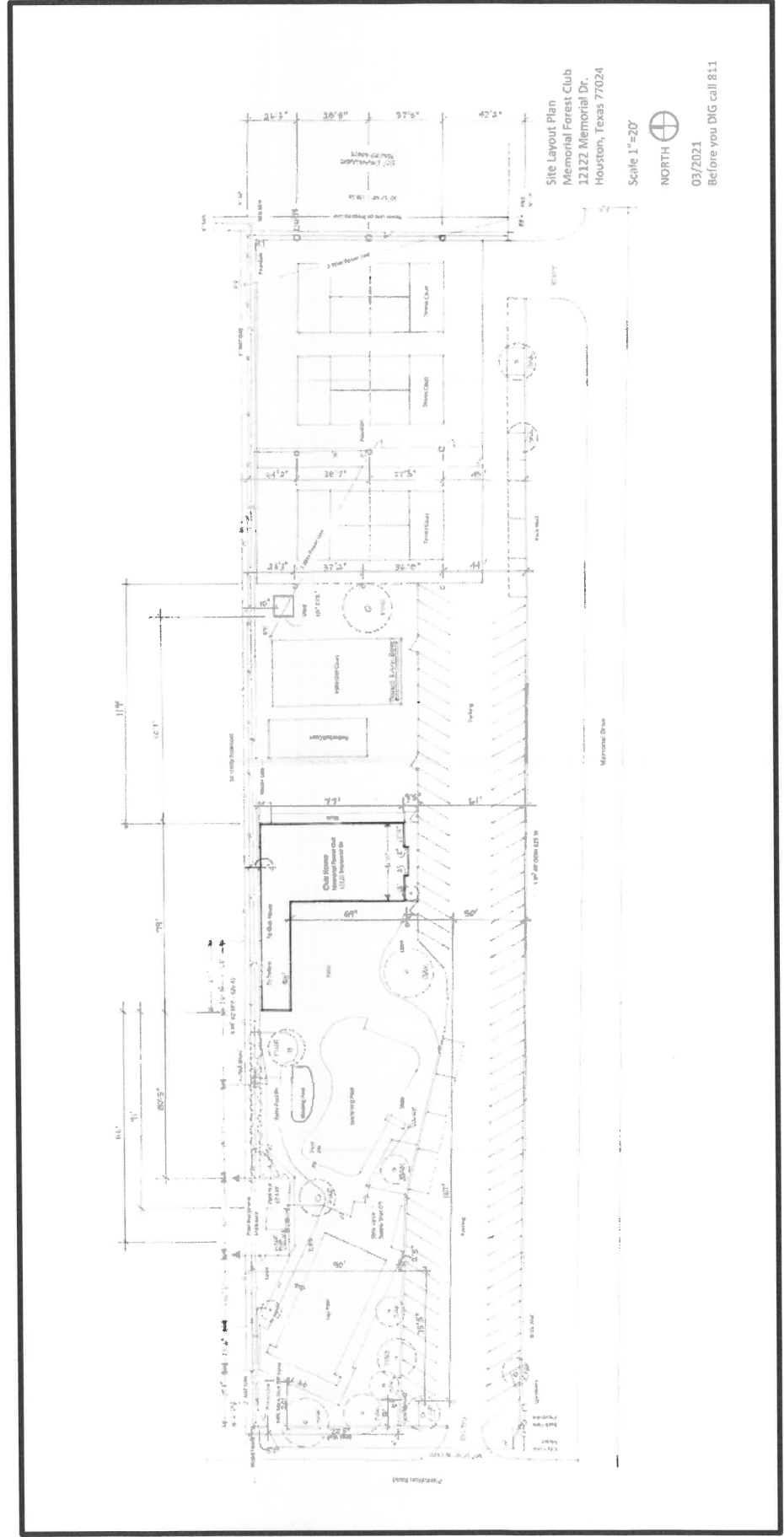
Exhibit A – 1
Location Map



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Memorial Forest Club

12122 Memorial Drive
For Recreational and Other Incidental and Supporting Purposes
November 2021

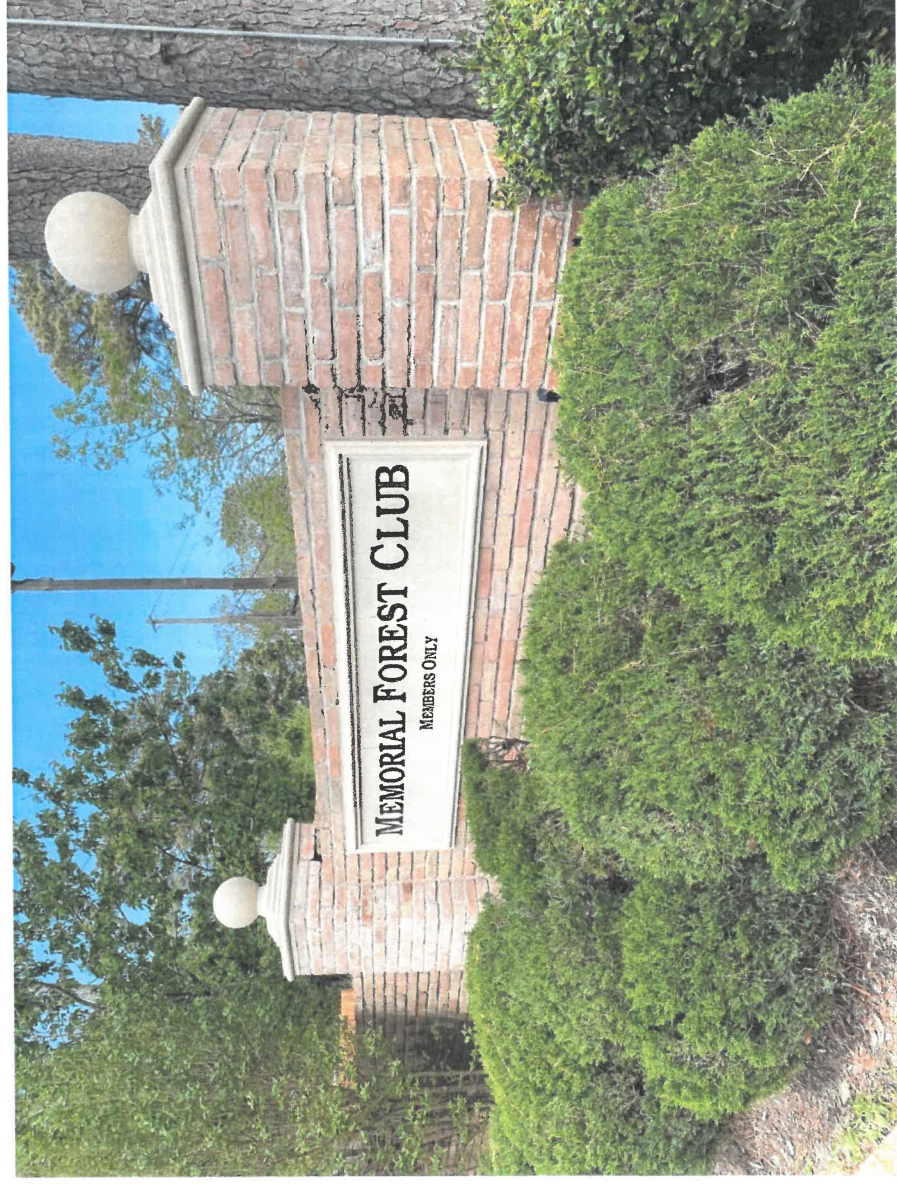
Exhibit A – 2
Existing Conditions – Site Plan



Specific Use Permit – Ordinance No. 22-xxxx
Memorial Forest Club

12122 Memorial Drive
For Recreational and Other Incidental and Supporting Purposes
November 2021

Exhibit A-3
Signage



Specific Use Permit – Ordinance No. 22-xxxx
Memorial Forest Club
12122 Memorial Drive
For Recreational and Other Incidental and Supporting Purposes
November 2021

Exhibit A-4



Specific Use Permit – Ordinance No. 22-xxxx
Memorial Forest Club
12122 Memorial Drive
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November 2021

Exhibit A-5

