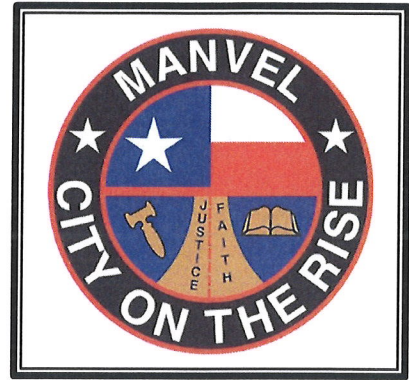


April 7, 2025 CITY COUNCIL MEETING AGENDA

THE STATE OF TEXAS §
COUNTY OF BRAZORIA §
CITY OF MANVEL §

KEITH BONNER, COUNCIL PLACE 1
DAVID LANDS, COUNCIL PLACE 2
HARRY OPLIGER, COUNCIL PLACE 3
ED PERRY, COUNCIL PLACE 4
CRYSTAL SARMIENTO, COUNCIL PLACE 5
JEROME HUDSON, COUNCIL PLACE 6



DAN DAVIS, MAYOR
DAN JOHNSON, CITY MANAGER
TAMMY BELL, CITY SECRETARY



NOTICE OF A CITY COUNCIL MEETING OF THE CITY OF MANVEL April 7, 2025

NOTICE IS HEREBY GIVEN 5:00 P.M. WORKSHOP – 6:00 P.M. REGULAR SESSION

Pursuant to Chapter 551, Title 5 of the Texas Government Code, the Texas Open Meetings Act, notice is hereby given that the Manvel City Council will convene a regular meeting at the Manvel City Hall, located at **20031 Hwy 6, Manvel Tx 77578** for the purpose of discussing and if appropriate, take action with respect to the following items:

NOTE: The City Council of the City of Manvel reserves the right to discuss any items in Closed Session whenever authorized under the Texas Open Meetings Act, Chapter 551, of the Texas Government Code. The City Council may discuss the items on this agenda in any order.

This facility is wheelchair accessible and accessible parking spaces are available. Requests for accommodations or interpreter services must be made 48 hours prior to this meeting. Please contact the City Secretary at 281-489-0630 x6 for further information.

CITY OF MANVEL MISSION STATEMENT

The City of Manvel is a safe and responsible community, embracing the values of our past, present, and future citizens.

Workshop Session

Executive Session

City Council will convene into Executive Session pursuant to Texas Government Code, Section 551.071: "Consultation with Attorney" to discuss the following:

- *Brazoria County MUD #61 Utility and Development Agreement*
- * Legal issues dealing with the contractor for the Manvel Public Works Facility*
- * Legal questions regarding SUP Ordinance 2025-O-07*

WORKSHOP SESSION

Discussion on any topic as listed on the current agenda.

Regular Session

Call To Order

Invocation

Inspirational Reading - Council Member Sarmiento

Pledge

Pledge of Allegiance and Texas Pledge: "Honor the Texas flag; I pledge allegiance to thee Texas, one state under God, one and indivisible.

Presentations

Proclamations

Public Safety Telecommunication Week - April 13-19, 2025

Fair Housing Month - April 2025

Military Appreciation Month - May 2025

Public Comments: "Comment Card" Required

o Members of the public with business before the board, NOT scheduled on the agenda as a public hearing (that have submitted a public comment card) may have three (3) minutes to address the board. o The board may not participate in any discussion and cannot vote on the subject you present unless it is listed on the agenda as an action item.

City Manager Update

Update on current events and city issues.

Staff Recognition

Development Update

Akery Lake Update

Eggstravaganza Update

Consent Agenda

1. Acceptance of the meeting minutes to date.
2. Approve second and final reading of Ordinance 2025-O-06;
AN ORDINANCE OF THE CITY OF MANVEL, TEXAS AMENDING THE ZONING ORDINANCE OF THE CITY, BY AMENDING THE ZONING CLASSIFICATION OF AN APPROXIMATE 1.954 ACRE TRACT OF LAND, CURRENTLY, DEVELOPED AS A RETAIL CENTER WITH ASSOCIATED PARKING, LOCATED AT 20703 HWY 6 MORRIS AVENUE/HIGHWAY 6 (PID: 224008) FROM LIGHT COMMERCIAL DISTRICT / STATE HIGHWAY 6 OVERLAY DISTRICT WITH SPECIFIC USE PERMIT (LC/SH6-SUP) FOR "RELIGIOUS ORGANIZATIONS" TO LIGHT COMMERCIAL DISTRICT/ STATE HIGHWAY 6 OVERLAY DISTRICT WITH SPECIFIC USE PERMIT (LC/SH6-SUP) FOR THE GRANTING OF A SPECIFIC USE PERMIT WITH CONDITIONS TO AUTHORIZE THE USE OF PROPERTY FOR NAICS USE 621310 "OFFICES OF CHIROPRACTORS" AND NAICS USE 621498 "PAIN THERAPY CENTERS AND CLINICS, OUTPATIENT"; PROVIDING FOR THE AMENDMENT OF THE CITY'S OFFICIAL ZONING MAP; PROVIDING FOR SEVERABILITY; AND PROVIDING A PENALTY IN AN AMOUNT NOT TO EXCEED \$2,000 FOR EACH DAY OF VIOLATION OF ANY PROVISION HEREOF. (Forwarded with favorable recommendation by PD&Z with a Vote 7-0).

3. Approve second and final reading of Ordinance 2025-O-10;
AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF MANVEL, TEXAS, BY AMENDING CHAPTER 59 *STREETS, SIDEWALKS AND OTHER PUBLIC PLACES*, ARTICLE IV “RESIDENTIAL PARKING,” BY ADOPTING A NEW SECTION 59-84 REGULATING THE PARKING OF TRAILERS AND BOATS ON RESIDENTIAL STREETS; RENUMBERING THE REMAINING SECTIONS OF ARTICLE IV; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT OR CONFLICT HERewith; PROVIDING A PENALTY OF AN AMOUNT OF NOT LESS THAN ONE DOLLAR (\$1) OR MORE THAN TWO HUNDRED DOLLARS (\$200) FOR VIOLATION OF ANY PROVISION HEREOF; AND PROVIDING FOR SEVERABILITY.
4. Approve second and final reading of Ordinance 2025-O-11;
AN ORDINANCE OF THE CITY OF MANVEL, TEXAS, FINDING AND DETERMINING THAT PUBLIC CONVENIENCE AND NECESSITY REQUIRE THE CLOSING OF A CITY RIGHT-OF-WAY CONSISTING OF THE PORTION OF BISSELL ROAD, RUNNING APPROXIMATELY 2,500 FEET FROM IOWA LANE EAST TO KIRCHNER ROAD, LOCATED WITHIN THE CITY OF MANVEL, BRAZORIA COUNTY, TEXAS; CLOSING SAID PUBLIC RIGHT- OF-WAY TO PUBLIC TRAVEL; PROVIDING AN EXCEPTION FOR PROPERTY OWNERS WHO OBTAIN A LICENSE FROM THE CITY FOR ACCESS; PROVIDING FOR SEVERABILITY; AND CONTAINING OTHER PROVISIONS RELATING TO THE SUBJECT.
5. Approve a License Agreement for Ingress and Egress between the City of Manvel and Noah D. Martini (Licensee) granting the right, privilege and license to use the ROW closed by Ordinance 2025-O-11 for ingress and egress to access Licensee's residence at 6202 Bissell Road, Manvel, TX 77578.
6. Approve Resolution 2025-R-06;
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MANVEL SUPPORTING THE APPLICATION BY 288 ASSOCIATES LP TO THE TEXAS DEPARTMENT OF TRANSPORTATION (TXDOT) FOR A PRIVATE COMMERCIAL DRIVEWAY TO ACCESS AND SERVE THE 30-ACRE COMMERCIAL DEVELOPMENT AT THE SOUTHEAST CORNER OF DEL BELLO BOULEVARD AND SH288, IN THE CITY OF MANVEL.
7. Approve Resolution 2025-R-07;
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MANVEL SUPPORTING THARALDSON INVESTMENTS' REQUEST FOR SUPPORT FOR THE TEXAS DEPARTMENT OF TRANSPORTATION (TXDOT) TO DESIGN AND CONSTRUCT A NEW NORTHBOUND SERVICE ROAD WITH MULTIPLE INGRESS/EGRESS POINTS TO THE PRESIDIO DEVELOPMENT LOCATED AT THE NORTHEAST CORNER OF SH 288 AND SH 6 IN THE CITY OF MANVEL.
8. Acceptance of a Water Line Easement from GC Manvel East LP for construction, reconstructing, altering, and maintaining underground water line facilities in under, over, along, upon, and across that certain 4.301 acre tract of land, more or less, said easement being more particularly described as a 20.00 foot x 29.00 foot easement along and perpendicular to Rogers Road within the City.

9. Acceptance of infrastructure improvements for Lift Station No. 3 to Serve Pomona for Brazoria County Municipal Utility District No. 40, Brazoria County, Texas to begin the Two-Year Maintenance Period.

Items Removed from Consent Agenda

Regular Agenda

1. Update by Waste Connections on the CPI Rate Adjustment (Authorized under the Franchise Agreement)
2. Consideration and possible action to approve the first of two readings of Ordinance 2025-O-07;
AN ORDINANCE OF THE CITY OF MANVEL, TEXAS AMENDING THE ZONING ORDINANCE OF THE CITY, BY AMENDING THE ZONING CLASSIFICATION OF 1.07 ACRES TRACT OF LAND GENERALLY LOCATED ALONG NORTH SIDE OF MORRIS AVENUE / HIGHWAY 6 (PID: 228682), WEST OF THE UNDER-CONSTRUCTION AUTOZONE AT 19201 MORRIS AVE, MANVEL, TX, FROM LIGHT COMMERCIAL DISTRICT / STATE HIGHWAY 6 OVERLAY DISTRICT (LC/SH6) TO LIGHT COMMERCIAL / STATE HIGHWAY 6 OVERLAY DISTRICT WITH SPECIFIC USE PERMIT (LC/SH6-SUP); PROVIDING FOR THE GRANTING OF A SPECIFIC USE PERMIT WITH CONDITIONS TO AUTHORIZE THE USE OF PROPERTY FOR NAICS USE 621493 "FREESTANDING AMBULATORY SURGICAL AND EMERGENCY CENTERS"; PROVIDING FOR THE AMENDMENT OF THE CITY'S OFFICIAL ZONING MAP; PROVIDING FOR SEVERABILITY; AND PROVIDING A PENALTY IN AN AMOUNT NOT TO EXCEED \$2,000 FOR EACH DAY OF VIOLATION OF ANY PROVISION HEREOF.
(Tabled by PD&Z on 3/10/2025). (Favorable recommendation by PD&Z FAILED on 3/24/25 with a 1-5 vote).
3. Consideration and possible action to approve the first of two readings of Ordinance 2025-O-12;
AN ORDINANCE AMENDING CHAPTER 17. "BUILDINGS AND BUILDING REGULATIONS" OF THE CODE OF ORDINANCES OF THE CITY OF MANVEL, TEXAS, BY AMENDING ARTICLE IX "IMPACT FEES," SECTION 17-412 TO ADD A NEW PROVISION REGARDING ADMINISTRATIVE ITEMS; PROVIDING AN INCENTIVE TO RESIDENTS WHO ARE ON A PRIVATE WELL AND/OR SEPTIC SYSTEM TO CONNECT TO CITY SERVICES WHEN THEY BECOME AVAILABLE; REPEALING PROVISIONS IN CONFLICT THEREWITH; PROVIDING A PENALTY IN AN AMOUNT NOT TO EXCEED \$2,000.00 PER DAY FOR EACH DAY OF VIOLATION OF ANY PROVISION HEREOF; AND PROVIDING FOR SEVERABILITY.
4. Consideration and possible action to approve Resolution No. 2025-R-08:
A RESOLUTION TO CALL A PUBLIC HEARING TO BE HELD JOINTLY WITH THE PLANNING, DEVELOPMENT, AND ZONING COMMISSION TO CONSIDER APPROVING THE SEVERAL REGULATORY CHANGES TO THE ZONING ORDINANCE ON MONDAY, APRIL 28, 2025 AT 6PM.

April 7, 2025 CITY COUNCIL MEETING AGENDA

5. Consideration and possible action to approve a subdivision variance request seeking to vary Chapter 62, Sections 62-111 *Additional Street Requirements* and 62-113 *Sidewalks*, for an approximate 1.03-acre tract of land located at 7398/7346 Taylor St, Manvel, Texas (southwest corner of Taylor St and Magnolia St intersection), tract of land generally bounded by Taylor St to the north, Magnolia St to the east, unimproved street rights-of-way (ROW) of Russell St to the west, and a vacant residential lot to the south, for a wedding venue and authorize the Mayor to execute the Development Agreement.
6. Consideration and possible action to approve the proposal from Freese and Nichols for the development of a Roadway Impact Fee Program, and authorize the City Manager to negotiate and execute the terms of the agreement.
7. Consideration and possible action to approve the proposal from Freese and Nichols for the Water and Wastewater Impact Fee Study Update, and authorize the City Manager to negotiate and execute the terms of the agreement.
8. Consideration and possible action to concur with the Mayor on an ad hoc selection committee for the naming of city facilities.
9. Consideration and possible action to direct staff on participation in the AISD AIMS Awards Sponsorship Packages.

Mayor and Council Comments

Update on current events and city issues.

Additionally, pursuant to Texas Government Code § 551.0415, City Council Members and city staff may make a report about items of community interest during a meeting of the governing body without having given notice of the report.

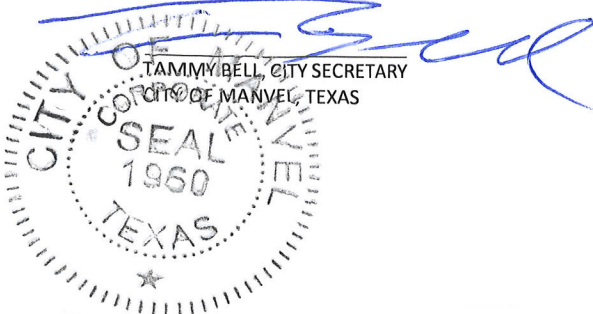
Items of community interest include:

- Expressions of thanks, congratulations, or condolence;
- Information regarding holiday schedules;
- An honorary or salutory recognition of a public official, public employee, or other citizen, except that a discussion regarding a change in the status of a person's public office or public employment is not an honorary or salutory recognition for purposes of this subdivision;
- A reminder about an upcoming event organized or sponsored by the governing body;
- Information regarding a social, ceremonial, or community event organized or sponsored by an entity other than the governing body that was attended or is scheduled to be attended by a member of the governing body or an official or employee of the municipality; and
- Announcements involving an imminent threat to the public health and safety of people in the municipality that has arisen after the posting of the agenda.

Adjourn

CERTIFICATION

I, Tammy Bell, City Secretary for the City of Manvel, do hereby certify that the foregoing Agenda of the Manvel City Council is true and correct and that I posted such notice on the bulletin board at the Manvel City Hall; a place convenient and readily accessible to the public on April 4, 2025, in accordance with the Texas Open Meetings Act (Tex. Gov't. Code §551.001 et.seq). Said notice remained posted for at least 72 hours preceding the scheduled time of the meeting.



Proclamation

OFFICE OF THE MAYOR CITY OF MANVEL

Whereas, emergency dispatchers and public safety telecommunicators serve as the vital link between the residents of Manvel and emergency services, ensuring rapid and effective response in times of crisis; and

Whereas, these dedicated professionals answer emergency calls, dispatch first responders, and provide lifesaving instructions, often under stressful and demanding conditions; and

Whereas, public safety telecommunicators exhibit compassion, professionalism, and dedication, playing a critical role in protecting the lives and property of our community members; and

Whereas, their service is essential to the effectiveness of our police, fire, and emergency medical services, acting as the unseen yet indispensable first responders in emergencies; and

Whereas, National Public Safety Telecommunicators Week is an opportunity to recognize and express our gratitude for the exceptional service, commitment, and sacrifices made by these professionals;

Now, Therefore, I, Dan Davis, by virtue of the authority vested in me as Mayor of the City of Manvel, Texas, do hereby proclaim April 13-19, 2025 as



“National Public Safety Telecommunicators Week”

in the City of Manvel, Texas, and encourage all residents to join in expressing appreciation for our public safety telecommunicators and the critical work they perform every day.

In witness thereof, I have hereunto set my hand and caused the seal of the City of Manvel to be affixed.

Dan Davis, Mayor
April 7, 2025

Proclamation

OFFICE OF THE MAYOR CITY OF MANVEL

Whereas, the City of Manvel acknowledges the bravery, sacrifice, and dedication of our military personnel, both past and present, who have selflessly dedicated themselves to the defense of our nation and the preservation of our freedom; and

Whereas, May is designated as Military Appreciation Month, and is a time to acknowledge the immense sacrifices and contributions of service members, veterans, and military families, who uphold the values of duty, honor, and country; and

Whereas, the citizens of Manvel express their deepest gratitude to all members of the military, including those actively serving, reservists, National Guard members, and veterans, for their unwavering commitment to protecting our freedoms and way of life; and

Whereas, we honor the memory of those who have made the ultimate sacrifice in defense of our nation, and recognize the courage and valor they have shown; and

Whereas, it is fitting that we come together as a community to recognize, support, and honor our military members and their families, acknowledging their service and sacrifice;

Now, Therefore, I, Dan Davis, by virtue of the authority vested in me as Mayor of the City of Manvel, Texas, do hereby proclaim May 2025 as



“Military Appreciation Month”

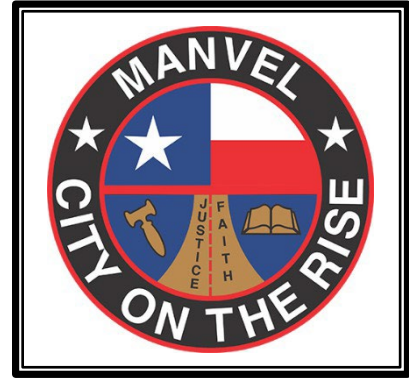
in the City of Manvel, Texas and encourage all citizens to join in recognizing and honoring our military heroes for their service to our country.

In witness thereof, I have hereunto set my hand and caused the seal of the City of Manvel to be affixed.

Dan Davis, Mayor
April 7, 2025

THE STATE OF TEXAS §
COUNTY OF BRAZORIA §
CITY OF MANVEL §

KEITH BONNER, COUNCIL PLACE 1
DAVID LANDS, COUNCIL PLACE 2
HARRY OPLIGER, COUNCIL PLACE 3
ED PERRY, COUNCIL PLACE 4
CRYSTAL SARMIENTO, COUNCIL PLACE 5
JEROME HUDSON, COUNCIL PLACE 6



DAN DAVIS, MAYOR
DAN JOHNSON, CITY MANAGER
TAMMY BELL, CITY SECRETARY

MISSION STATEMENT:

"The City of Manvel is a safe and responsible community, embracing the values of our past, present, and future citizens."

MINUTES 3/17/2025

Workshop Session

Mayor Davis called the workshop of the Manvel City Council to order at 5:00 p.m.

Those in attendance were:

Present: Mayor Dan Davis
City Councilmember Place 1 Keith Bonner
City Councilmember Place 2 David Lands
City Councilmember Place 3 Harry Opliger
City Councilmember Place 5 Crystal Sarmiento (Arrived late to workshop)

Absent: City Councilmember Place 4 Ed Perry
City Councilmember Place 6 Jerome Hudson

Also Present: Dan Johnson, City Manager
Robert Gervais, City Attorney
Keith Traylor, Chief of Police
Tammy Bell, City Secretary
Jose Abraham, Director of Development Services
Rosa Donaire, Director of Finance
Robbie Hall, Public Works Director
Matt De La Rosa, Assistant City Engineer

Presentation on Roadway Impact Fees.

Ashita Rahman with Freese and Nichols, provided the presentation.

Presentation on Del Bello Lakes - Next Phase.

Robert Santini with Shea Homes, provided the presentation.

March 17, 2025 MANVEL CITY COUNCIL MEETING MINUTES

Discussion on any topic as listed on the current agenda.

Mayor Davis adjourned the Workshop Session at 5:55 p.m.

Regular Session

Call To Order

Mayor Davis called the meeting of the Manvel City Council to order at 6:08 p.m.

Those in attendance were:

Present: Mayor Dan Davis
City Councilmember Place 1 Keith Bonner
City Councilmember Place 2 David Lands
City Councilmember Place 3 Harry Opliger
City Councilmember Place 5 Crystal Sarmiento

Absent: City Councilmember Place 4 Ed Perry
City Councilmember Place 6 Jerome Hudson

Also Present: Dan Johnson, City Manager
Robert Gervais, City Attorney
Keith Traylor, Chief of Police
Tammy Bell, City Secretary
Jose Abraham, Director of Development Services
Rosa Donaire, Director of Finance
Robbie Hall, Public Works Director
Matt De La Rosa, Assistant City Engineer

Invocation

Inspirational Reading - Councilmember Opliger

Pledge

Presentations

Employee Tenure Recognition
Bobby Gervais, City Attorney - 10 years

Northern Brazoria County Chamber of Commerce Leadership Academy Graduates Robbie Hall, Public Works Director
Rosie Donaire, Finance Director

Proclamations

National Public Safety Telecommunicators Week - April 13-19, 2025
Child Abuse Prevention Month - April 2025
National Donate Life Month - April 2025
Telecommunicators Week - delayed until the next Council meeting
Child Abuse Prevention Month - to be presented at Pinwheel ceremony on April 3rd at 3 p.m.
Donate Life Month - delayed until Briana Garcia, the requestor, can be present

Staff Presentation on Public Hearing Item(s)

Elaheh Roohbakhsh, Associate Planner, provided the presentation.

Public Hearing

TO HEAR INPUT FROM THE PUBLIC REGARDING AN ORDINANCE OF THE CITY OF MANVEL, TEXAS AMENDING THE ZONING ORDINANCE OF THE CITY, BY AMENDING THE ZONING CLASSIFICATION OF AN APPROXIMATE 1.954 ACRE TRACT OF LAND, CURRENTLY, DEVELOPED AS A RETAIL CENTER WITH ASSOCIATED PARKING, LOCATED AT 20703 HWY 6 MORRIS AVENUE/HIGHWAY 6 (PID: 224008) FROM LIGHT COMMERCIAL DISTRICT / STATE HIGHWAY 6 OVERLAY DISTRICT WITH SPECIFIC USE PERMIT (LC/SH6-SUP) FOR “RELIGIOUS ORGANIZATIONS” TO LIGHT COMMERCIAL DISTRICT/ STATE HIGHWAY 6 OVERLAY DISTRICT WITH SPECIFIC USE PERMIT (LC/SH6-SUP) FOR THE GRANTING OF A SPECIFIC USE PERMIT WITH CONDITIONS TO AUTHORIZE THE USE OF PROPERTY FOR NAICS USE 621310 “OFFICES OF CHIROPRACTORS” AND NAICS USE 621498 “PAIN THERAPY CENTERS AND CLINICS, OUTPATIENT”; PROVIDING FOR THE AMENDMENT OF THE CITY’S OFFICIAL ZONING MAP; PROVIDING FOR SEVERABILITY; AND PROVIDING A PENALTY IN AN AMOUNT NOT TO EXCEED \$2,000 FOR EACH DAY OF VIOLATION OF ANY PROVISION HEREOF.

Mayor Davis opened the public hearing at 6:22 p.m.

1st call for comments - None

2nd call for comments - None

3rd call for comments - None

Mayor Davis closed the public hearing at 6:24 p.m.

Staff Presentation on Public Hearing Item

Elaheh Roohbakhsh, Associate Planner, provided the presentation.

Public Hearing

TO HEAR INPUT FROM THE PUBLIC REGARDING AN ORDINANCE OF THE CITY OF MANVEL, TEXAS AMENDING THE ZONING ORDINANCE OF THE CITY, BY AMENDING THE ZONING CLASSIFICATION OF 1.07 ACRES TRACT OF LAND GENERALLY LOCATED ALONG NORTH SIDE OF MORRIS AVENUE / HIGHWAY 6 (PID: 228682), WEST OF THE UNDER-CONSTRUCTION AUTOZONE AT 19201 MORRIS AVE, MANVEL, TX, FROM LIGHT COMMERCIAL DISTRICT / STATE HIGHWAY 6 OVERLAY DISTRICT (LC/SH6) TO LIGHT COMMERCIAL / STATE HIGHWAY 6 OVERLAY DISTRICT WITH SPECIFIC USE PERMIT (LC/SH6-SUP); PROVIDING FOR THE GRANTING OF A SPECIFIC USE PERMIT WITH CONDITIONS TO AUTHORIZE THE USE OF PROPERTY FOR NAICS USE 621493 “FREESTANDING AMBULATORY SURGICAL AND EMERGENCY CENTERS”; PROVIDING FOR THE AMENDMENT OF THE CITY’S OFFICIAL ZONING MAP; PROVIDING FOR SEVERABILITY; AND PROVIDING A PENALTY IN AN AMOUNT NOT TO EXCEED \$2,000 FOR EACH DAY OF VIOLATION OF ANY PROVISION HEREOF.

Mayor Davis opened the public hearing at 6:27 p.m.

1st call for comments - None

2nd call for comments - None

3rd call for comments - Jason Suchecki, commercial broker for Thomas Developers, who is developing the ER. He shared that of the 10 homes behind the ER, he spoke with 6 and all six were positive. Conditions residents would like to see are no construction past 6 p.m. and no trash or dumpsters against the property. The majority said they would rather have an ER versus a retail development.

Mayor Davis closed the public hearing at 6:30 p.m.

Public Comments: "Comment Card" Required

Martina McNickles requests that the current MEDC board members be reappointed and supports Ty Watkins for PD&Z.

Donald Atkinson - requests current board members for MEDC be reappointed

Derek Hehn, Rodeo Palms HOA President - spoke on the trailer and boat ordinance agenda item and asked to consider adding RVs and box trucks.

David Minceberg - provided an update on the 30-acre development in front of the Del Bello Lakes subdivision

Jason Wells - spoke on the parking and trailer issues in Rodeo Palms

Ty Watkins - introduced himself as a candidate for both MEDC and PD&Z

City Manager Update

Lowes Update - Dirt is moving

Impact Fees - Staff is working on proposals

Akery Lake RFP was published yesterday in the paper.

Consent Agenda

1. Acceptance of the meeting minutes to date.
2. Acceptance of infrastructure improvements for Lake "G" to Serve Valencia for Brazoria County Municipal Utility District No. 83, Brazoria County, Texas to begin the Two-Year Maintenance Period.
3. Acceptance of infrastructure improvements for Pomona Lift Station No. 1 and Wastewater Treatment Plant Phase 4 (0.50 MGD) to Serve Brazoria County Municipal Utility District No. 39 & 40 for Brazoria County Municipal Utility District No. 40, Brazoria County, Texas to begin the Two-Year Maintenance Period.
4. Acceptance of infrastructure improvements for "Reinforced Concrete Paving & Site Earthwork to serve Foxtail Palms Section 1 within Brazoria County Municipal District No. 29 for Foxtail Sky, LLC, Brazoria County, Texas" to begin the Two-Year Maintenance Period.
5. Acceptance of infrastructure improvements for "Storm Sewer, Sanitary Sewer, and Water Lines" to serve Foxtail Palms Section 1 within Brazoria County Municipal District No. 29 for Foxtail Sky, LLC, Brazoria County, Texas" to begin the Two-Year Maintenance Period.
6. Approval for the Manvel Police Association to use the City Council Chambers to host an Election Candidates Forum.

Councilmember Bonner made the motion to approve the Consent Agenda. Councilmember Sarmiento seconded the motion.

The motion carried with a vote: 5/0

Yes: Mayor Dan Davis, City Councilmember Place 1 Keith Bonner, City Councilmember Place 2 David Lands, City Councilmember Place 3 Harry Opliger, City Councilmember Place 5 Crystal Sarmiento

No: None

Absent: City Councilmember Place 4 Ed Perry, City Councilmember Place 6 Jerome Hudson

Abstained: None

Items Removed from Consent Agenda

None

Regular Agenda

1. Consideration and possible action to approve the first of two readings of Ordinance 2025-O-06; AN ORDINANCE OF THE CITY OF MANVEL, TEXAS AMENDING THE ZONING ORDINANCE OF THE CITY, BY AMENDING THE ZONING CLASSIFICATION OF AN APPROXIMATE 1.954 ACRE TRACT OF LAND, CURRENTLY, DEVELOPED AS A RETAIL CENTER WITH ASSOCIATED PARKING, LOCATED AT 20703 HWY 6 MORRIS AVENUE/HIGHWAY 6 (PID: 224008) FROM LIGHT COMMERCIAL DISTRICT / STATE HIGHWAY 6 OVERLAY DISTRICT WITH SPECIFIC USE PERMIT (LC/SH6-SUP) FOR “RELIGIOUS ORGANIZATIONS” TO LIGHT COMMERCIAL DISTRICT/ STATE HIGHWAY 6 OVERLAY DISTRICT WITH SPECIFIC USE PERMIT (LC/SH6-SUP) FOR THE GRANTING OF A SPECIFIC USE PERMIT WITH CONDITIONS TO AUTHORIZE THE USE OF PROPERTY FOR NAICS USE 621310 “OFFICES OF CHIROPRACTORS” AND NAICS USE 621498 “PAIN THERAPY CENTERS AND CLINICS, OUTPATIENT”; PROVIDING FOR THE AMENDMENT OF THE CITY’S OFFICIAL ZONING MAP; PROVIDING FOR SEVERABILITY; AND PROVIDING A PENALTY IN AN AMOUNT NOT TO EXCEED \$2,000 FOR EACH DAY OF VIOLATION OF ANY PROVISION HEREOF. (Forwarded with favorable recommendation by PD&Z with a Vote 7-0).

Staff recommends approval of this SUP request for the subject site to allow NAICS use 621310 “Offices of Chiropractors” and NAICS use 621498 “Pain Therapy Centers and Clinics, Outpatient.” with the following conditions:

1. The facility is only permitted to operate during the hours of 8:00 a.m. to 10:00 p.m. each day;
2. All waiting and/or lobby areas shall maintain an unobstructed view from the outside; and
3. All doors shall remain unlocked and accessible during normal business hours.

Councilmember Opliger made the motion to approve with conditions. Councilmember Bonner seconded the motion.

The motion carried with a vote: 5/0

Yes: Mayor Dan Davis, City Councilmember Place 1 Keith Bonner, City Councilmember Place 2 David Lands, City Councilmember Place 3 Harry Opliger, City Councilmember Place 5 Crystal Sarmiento
No: None
Absent: City Councilmember Place 4 Ed Perry, City Councilmember Place 6 Jerome Hudson
Abstained: None

2. Consideration and possible action to approve a Design Criteria Modification request from the City of Manvel Design Criteria Manual, Section 5, Drainage, 1.04. G. 5.a. and b. and Section 5, Drainage, 2.02 F and G for 1.54 acres located on the south side of Highway 6, to the east of Sonic Drive-in at 17518 Highway 6, to allow for Pumped Detention. (Forwarded with favorable recommendation by PD&Z with a vote 4/3).

Matt De La Rosa, Assistant City Engineer, provided the overview.

While the Council understands staff’s general concerns about pump detention, they are in favor in this case due to the restrictions on the site and in the area where pump detention is the only option for a new business to be feasible.

Councilmember Sarmiento made the motion to approve. Councilmember Bonner seconded the motion.

The motion carried with a vote: 5/0

Yes: Mayor Dan Davis, City Councilmember Place 1 Keith Bonner, City Councilmember Place 2 David Lands, City Councilmember Place 3 Harry

March 17, 2025 MANVEL CITY COUNCIL MEETING MINUTES

Opliger, City Councilmember Place 5 Crystal Sarmiento
No: None
Absent: City Councilmember Place 4 Ed Perry, City Councilmember Place 6 Jerome Hudson
Abstained: None

3. Consideration and possible action to direct staff on the following:
Participation and/or contribution to Iowa Colony for the Annual Fourthfest Celebration

City Manager Dan Johnson shares that our in-kind contributions (staffing, etc.) equate to around \$20,000. City staff recommends continuing with staffing help over a monetary contribution. Council gives direction to continue with staffing help and to ask if we can be more recognized in their advertisements, given our help.

4. Consideration and possible action to approve the second and final reading of Ordinance 2025-O 08;
AN ORDINANCE OF THE CITY OF MANVEL, TEXAS, PROVIDING FOR THE DISANNEXATION OF PART OF WOLFE AIRPARK, ACCORDING TO THE PLAT RECORDED IN VOLUME 16, PAGE 153, PLAT RECORDS, BRAZORIA COUNTY, TEXAS, BEING A PART OF THE CERTAIN ANNEXATION , ORDINANCE NO. 73-1 AS RECORDED IN VOLUME 1279, PAGE 838, DEED RECORDS, BRAZORIA COUNTY, TEXAS; DISANNEXING AND DISCONTINUING SAID PROPERTY FROM THE CORPORATE BOUNDARIES OF THE CITY; CONTAINING CERTAIN FINDINGS; AND PROVIDING OTHER MATTERS RELATED TO THE SUBJECT.

Councilmember Bonner made the motion to approve. Mayor Davis seconded the motion.

The motion carried with a vote: 5/0

Yes: Mayor Dan Davis, City Councilmember Place 1 Keith Bonner, City Councilmember Place 2 David Lands, City Councilmember Place 3 Harry Opliger, City Councilmember Place 5 Crystal Sarmiento
No: None
Absent: City Councilmember Place 4 Ed Perry, City Councilmember Place 6 Jerome Hudson
Abstained: None

5. Consideration and possible action to approve payment for the following and authorize the City Manager to execute the agreement/estimate, as required by City of Manvel purchasing policy, Section B, Standard Purchasing Requirements/Procedures, subsection 6. Signature Authority of City Manager. Purchases requiring an expenditure exceeding \$50,000 must be presented to Council for approval;
1. Expenditure to Inframark Automation & Intelligence for SCADA Improvements to serve Manvel Town Center and Future Projects.
 2. Expenditure to Branch Construction Group for 24" Sanitary Sewer Improvements along Morris Avenue.

This will utilize ARPA funds.

Councilmember Bonner made the motion to approve. Councilmember Lands seconded the motion.

The motion carried with a vote: 5/0

Yes: Mayor Dan Davis, City Councilmember Place 1 Keith Bonner, City Councilmember Place 2 David Lands, City Councilmember Place 3 Harry Opliger, City Councilmember Place 5 Crystal Sarmiento
No: None

March 17, 2025 MANVEL CITY COUNCIL MEETING MINUTES

Absent: City Councilmember Place 4 Ed Perry, City Councilmember Place 6 Jerome Hudson

Abstained: None

6. Consideration and possible action to approve the first of two readings of Ordinance 2025-O-10; AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF MANVEL, TEXAS, BY AMENDING CHAPTER 59 *STREETS, SIDEWALKS AND OTHER PUBLIC PLACES*, ARTICLE IV “RESIDENTIAL PARKING,” BY ADOPTING A NEW SECTION 59-84 REGULATING THE PARKING OF TRAILERS AND BOATS ON RESIDENTIAL STREETS; RENUMBERING THE REMAINING SECTIONS OF ARTICLE IV; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT OR CONFLICT HERewith; PROVIDING A PENALTY OF AN AMOUNT OF NOT LESS THAN ONE DOLLAR (\$1) OR MORE THAN TWO HUNDRED DOLLARS (\$200) FOR VIOLATION OF ANY PROVISION HEREOF; AND PROVIDING FOR SEVERABILITY.

*This agenda item was moved to after Regular Agenda Item #1

Chief of Police Keith Traylor provided the overview.

Councilmember Lands made the motion to approve. Mayor Davis seconded the motion.

The motion carried with a vote: 5/0

Yes: Mayor Dan Davis, City Councilmember Place 1 Keith Bonner, City Councilmember Place 2 David Lands, City Councilmember Place 3 Harry Opliger, City Councilmember Place 5 Crystal Sarmiento

No: None

Absent: City Councilmember Place 4 Ed Perry, City Councilmember Place 6 Jerome Hudson

Abstained: None

7. Consideration and possible action to approve the first of two readings of Ordinance 2025-O-11; AN ORDINANCE OF THE CITY OF MANVEL, TEXAS, FINDING AND DETERMINING THAT PUBLIC CONVENIENCE AND NECESSITY REQUIRE THE CLOSING OF A CITY RIGHT-OF-WAY CONSISTING OF THE PORTION OF BISSELL ROAD, RUNNING APPROXIMATELY 2,500 FEET FROM IOWA LANE EAST TO KIRCHNER ROAD, LOCATED WITHIN THE CITY OF MANVEL, BRAZORIA COUNTY, TEXAS; CLOSING SAID PUBLIC RIGHT-OF-WAY TO PUBLIC TRAVEL; PROVIDING AN EXCEPTION FOR PROPERTY OWNERS WHO OBTAIN A LICENSE FROM THE CITY FOR ACCESS; PROVIDING FOR SEVERABILITY; AND CONTAINING OTHER PROVISIONS RELATING TO THE SUBJECT.

Councilmember Opliger made the motion to approve. Councilmember Sarmiento seconded the motion.

The motion carried with a vote: 5/0

Yes: Mayor Dan Davis, City Councilmember Place 1 Keith Bonner, City Councilmember Place 2 David Lands, City Councilmember Place 3 Harry Opliger, City Councilmember Place 5 Crystal Sarmiento

No: None

Absent: City Councilmember Place 4 Ed Perry, City Councilmember Place 6 Jerome Hudson

Abstained: None

8. Consideration and possible action to approve an Agreement between the Brazoria County Emergency Services District No. 3 and the City of Manvel, for fuel sharing during disasters.

March 17, 2025 MANVEL CITY COUNCIL MEETING MINUTES

Councilmember Bonner made the motion to approve. Councilmember Opliger seconded the motion.

The motion carried with a vote: 5/0

Yes: Mayor Dan Davis, City Councilmember Place 1 Keith Bonner, City Councilmember Place 2 David Lands, City Councilmember Place 3 Harry Opliger, City Councilmember Place 5 Crystal Sarmiento

No: None

Absent: City Councilmember Place 4 Ed Perry, City Councilmember Place 6 Jerome Hudson

Abstained: None

9. Update on Brazoria County Day.

Executive Session

City Council will convene into Executive Session pursuant to Texas Government Code, Section 551.074; “Personnel Matters - to deliberate the appointment, employment, evaluation, and duties of a public officer or employee”.

- o *Discussion on applicants for the appointment of Planning Development and Zoning Commission Board Members*
- o *Discussion on applicants for the appointment of Manvel Economic Development Corporation Board Members*

Mayor Davis convened the meeting into Executive Session at 7:37 p.m.

Mayor Davis reconvened the meeting out of Executive Session at 9:09 p.m.

There was no action taken during Executive Session.

Regular Agenda

10. Consideration and possible action on the appointments of the Manvel Planning Development and Zoning Commission Positions #1, #2, #3 and #4 with a 2-year term to expire March 2027.

Mayor Davis made the motion to reappoint Ryan Miller to Position 1, Kyle Marasckin to Position 2, Mary Ann Atkinson to Position 3, and Kenneth Haynes to Position 4. Councilmember Bonner seconded the motion.

The motion carried with a vote: 5/0

Yes: Mayor Dan Davis, City Councilmember Place 1 Keith Bonner, City Councilmember Place 2 David Lands, City Councilmember Place 3 Harry Opliger, City Councilmember Place 5 Crystal Sarmiento

No: None

Absent: City Councilmember Place 4 Ed Perry, City Councilmember Place 6 Jerome Hudson

Abstained: None

11. Consideration and possible action on the appointments of the Manvel Economic Development Corporation Board Positions #4, #5, #6 and #7 with a 2-year term to expire March 2027.

Mayor Davis made the motion to Appoint Carolynn Waites to Position 4, Reappoint Jason Black to Position 5, Reappoint Derek Dalmolin to Position 6, and Appoint Ty Watkins to Position 7. Councilmember Lands seconded the motion.

The motion carried with a vote: 5/0

Yes: Mayor Dan Davis, City Councilmember Place 1 Keith Bonner, City Councilmember Place 2 David Lands, City Councilmember Place 3 Harry Opliger, City Councilmember Place 5 Crystal Sarmiento

March 17, 2025 MANVEL CITY COUNCIL MEETING MINUTES

No: None
Absent: City Councilmember Place 4 Ed Perry, City Councilmember Place 6 Jerome Hudson
Abstained: None

Executive Session

City Council will convene into Executive Session pursuant to Texas Government Code, Sec. 551.074. "Personnel Matters - to deliberate the appointment, employment, evaluation, and duties of a public officer or employee".

- *Mid-Year Update on the Progress of 2025 City Manager Goals*
- *Mid-Year Update on the Progress of 2025 City Attorney Goals*

City Council will convene into Executive Session pursuant to Texas Government Code, Section 551.071: "Consultation with Attorney" to discuss the following:

Brazoria County MUD #61 Utility and Development Agreement

Mayor Davis convened the meeting into Executive Session at 9:11 p.m.

Mayor Davis reconvened the meeting out of Executive Session at 11:10 p.m.

There was no action taken during Executive Session.

Mayor and Council Comments

Adjourn

Councilmember Bonner made the motion to adjourn the meeting at 11:15 p.m. Mayor Davis seconded the motion.

The motion carried with a vote: 5/0

Yes: Mayor Dan Davis, City Councilmember Place 1 Keith Bonner, City Councilmember Place 2 David Lands, City Councilmember Place 3 Harry Opliger, City Councilmember Place 5 Crystal Sarmiento

No: None

Absent: City Councilmember Place 4 Ed Perry, City Councilmember Place 6 Jerome Hudson

Abstained: None

CERTIFICATION

TAMMY BELL, CITY SECRETARY
CITY OF MANVEL, TEXAS

DAN DAVIS, MAYOR
CITY OF MANVEL, TEXAS



MANVEL CITY COUNCIL DATA SHEET

MEETING DATE: March 17, 2025

TOPIC: Public hearing followed by consideration of a request to change the zoning classification of an approximate 1.954-acre tract located at 20703 Morris Avenue, from Light Commercial District / State Highway 6 Overlay District with a Specific Use Permit (LC/SH6-SUP) for "Religious Organizations" to Light Commercial District / State Highway 6 Overlay District with a Specific Use Permit (LC/SH6-SUP); providing for the granting of a Specific Use Permit with conditions to authorize the use of an existing lease space for NAICS use 621310 "Offices of Chiropractors" and NAICS use 621498 "Pain Therapy Centers and Clinics, Outpatient."

BACKGROUND:

- The proposed SUP is considered for a lease space within an existing retail center located on an approximate 1.954-acre tract at 20703 Morris Avenue.
- The proposed use is a new chiropractic center offering chiropractic services and interventional pain management, managed by Dr. Vincent Jeter, DC, who has operated a clinic in Alvin since 1998. Samarth Med-Surge Consultancy Services has provided clinic management services since 2017, and Dr. Omar D. Vidal, MD PLLC, an interventional pain specialist, has been practicing since 1999. According to the applicant, the proposed clinic is not a medication management clinic but aims to provide comprehensive pain therapy for Manvel residents.
- The subject site was previously occupied by the House of Refuge Apostolic Church. To accommodate the new medical use, interior modifications are proposed to create designated treatment and diagnostic spaces. The provided plan shows an X-ray room, a procedure room, three (3) examination rooms, a rehabilitation room, a staff break room, two (2) restrooms, and a reception and waiting area.
- The Notice of Public Hearing was published in the newspaper of general circulation and all property owners within 200 feet of the property were notified. At the time of writing this report, no information inquiries have been received, and staff is not aware of any opposition.
- Additional details and staff analysis are included in the attached staff report.

STAFF RECOMMENDATION: City staff recommends approval of the requested SUP with the conditions listed in the Staff Report.

PD&Z RECOMMENDATION: The PD&Z Commission recommended approval of Ordinance No. 2025-O-06 with a vote of seven (7) "Yeas" to zero (0) "Nays" at their March 10, 2025, meeting.

ATTACHMENTS: Staff Report and Ordinance No. 2025-O-06

FUNDING ISSUES

- ☒ Not applicable
☐ Not budgeted
☐ Full amount already budgeted
☐ Funds to be transferred from Acct.#

SUBMITTING STAFF MEMBER

Ellie Roohbakhsh,
Assistant Planner

FINANCE DIRECTOR APPROVAL _____

CITY MANAGER APPROVAL _____





STAFF REPORT TO CITY COUNCIL

Specific Use Permit

Agenda of:	March 17, 2025	Initiated By:	Jose Abraham Director, Development Services
Subject:	Rezoning, LC/SH6-SUP (Church) to LC/SH6-SUP (Clinic)	Presented By:	Ellie Roohbakhsh, Assistant Planner
Recommended Action:	A Public Hearing followed by consideration and action to provide a recommendation to City Council.		

SUMMARY

The applicant, Devesh Kothare with Samarth Med-Surge Consultancy Services, representing the property owner Manvel Development CO, is requesting a zoning classification change for an approximate 1.954-acre located at 20703 Morris Avenue, Manvel, Texas 77578. The current zoning is Light Commercial District / State Highway 6 Overlay District with a Specific Use Permit (LC/SH6-SUP) for "Religious Organizations." The request is to modify the zoning to Light Commercial District / State Highway 6 Overlay District with a Specific Use Permit LC/SH6-SUP to allow NAICS use 621310 "Offices of Chiropractors" and NAICS use 621498 "Pain Therapy Centers and Clinics, Outpatient" within an existing commercial lease space. The applicant is proposing a new Chiropractic Center offering chiropractic services and interventional pain management. The applicant has emphasized that the proposed clinic will not be a medication management clinic.

EXHIBITS

Aerial Vicinity Map, Zoning Vicinity Map, Major Thoroughfare Plan Map, Proposed Floor Plan, Application, Letter of Authorization, Letter of Request, Recorded Plat, Public Hearing Notice, and Site Pictures.

Recommended Action

A Public Hearing followed by consideration and action from the City Council to approve Ordinance No. 2025-O-06.

GENERAL SITE INFORMATION

The following is a summary of general site information.

Surrounding Property Zoning	North: Light Commercial District / State Highway 6 Overlay District with Specific Use Permit (LC/SH6-SUP) South: Heavy Commercial District (HC)/State Highway 6 Overlay District (LC/SH6) East: Light Commercial District / State Highway 6 Overlay District with Specific Use Permit (LC/SH6-SUP) West: Light Commercial District / State Highway 6 Overlay District (LC/SH6)
Surrounding Land Use	North: Mini warehouses and self-storage units South: Undeveloped land/ Dollar General East: Biker Church West: Undeveloped land



AERIAL VICINITY MAP



20703 Morris Ave (PID:224008)



This map is made available for reference purposes only and should not be substituted for a survey product. The City of Manvel will not accept liability or any other in conjunction with its use.

 PID224008

 Parcels

 City of Manvel ETJ

 City of Manvel City Limits

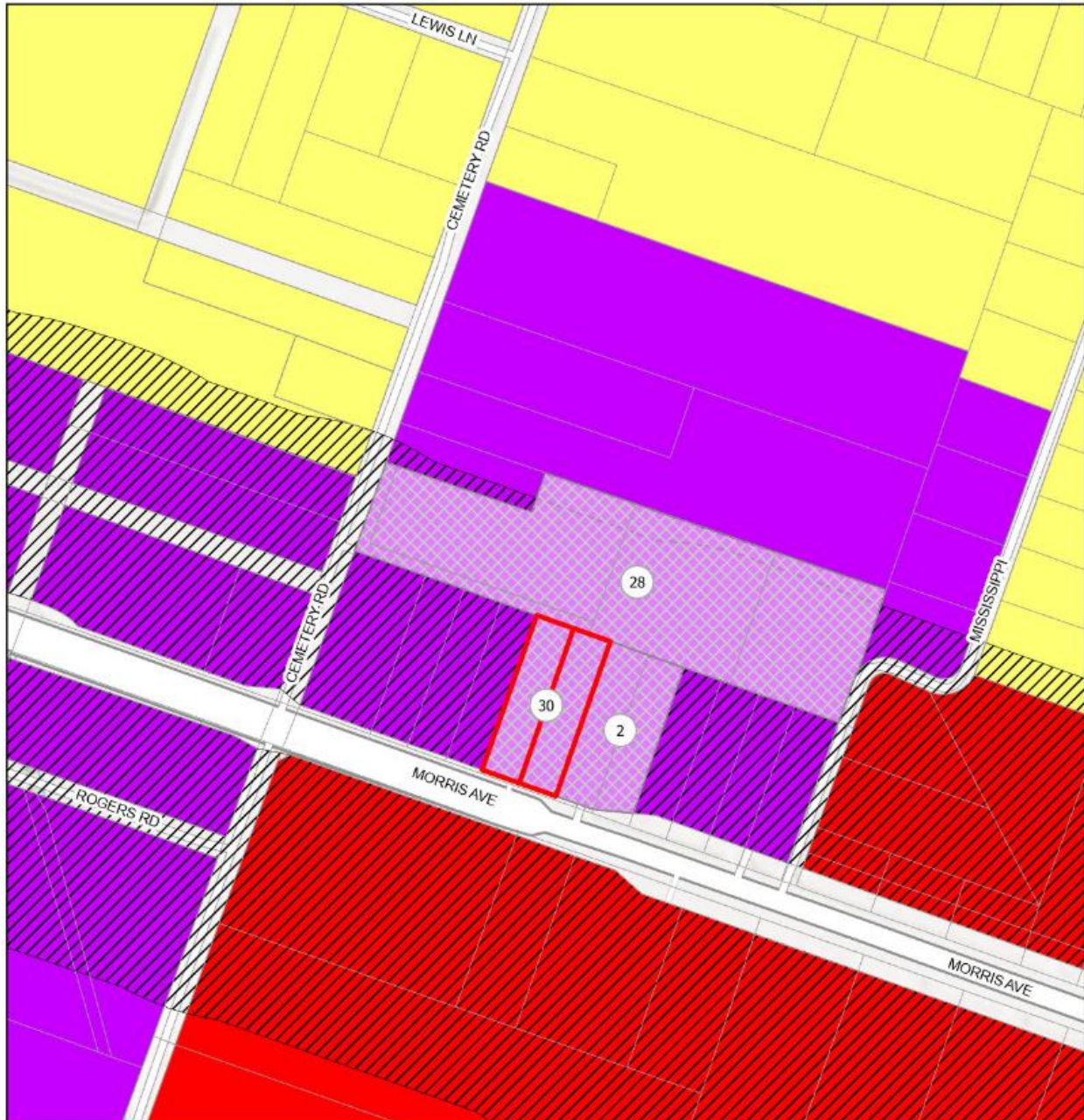


Date: February 2025
Drawing: 2025000
Data Source: City of Manvel,
Brazoria County Open Data

0 167.5 375 750 1,125 1,500 US Feet



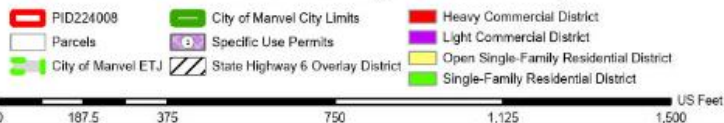
ZONING VICINITY MAP



20703 Morris Ave (PID:224008)



This map is made available for reference purposes only and should not be substituted for a survey product. The City of Manvel will not accept liability of any kind in connection with the use.



Date: February 2025
Reference: 2020055
Data Source: City of Manvel,
Brazoria County Open Data

SPECIFIC USE PERMITS LEGEND

Label No	Address	Specific Use Description	Ordinance No	Effective Date	Zoning Classification
2	20711 HWY 6	RELIGIOUS ORGANIZATIONS	2012-O-22	9/11/2012	LC
28	7227 CEMETERY RD	NAICS USE 531130 LESSORS OF MINI	2019-O-22	6/17/2019	LC/SH6
30	20703 MORRIS AVE	NAICS USE 813110 RELIGIOUS ORGANIZATIONS	2019-O-26	9/3/2019	LC/SH6



ZONING ORDINANCE PROVISIONS FOR SPECIFIC USE PERMITS

In Section 77-50 (a) *Uses Requiring Specific Use Permit*, of the Zoning Ordinance it states “*certain uses of land, buildings or structures may not be appropriate under all circumstances in any given zoning district but may be appropriate where adequate precautions can be taken to assure compatibility with surrounding uses, public need, and the orderly development of the city as a whole. This section provides City Council and Planning, Development, and Zoning the opportunity to deny or to conditionally approve those uses for which specific use permits are required. These uses generally have unusual characteristics or are of a public or semipublic character often essential or desirable for the general convenience and welfare of the community. However, because of the nature of use, the importance of the use’s relationship to the comprehensive plan, or possible adverse impact on neighboring properties of the use, review, evaluation, and exercise of planning judgement relative to the location and site plan of the proposed use are required.*”

In Section 77-50 (b) of the Zoning Ordinance it further states, “*the City Council, after receiving the recommendation of the planning, development and zoning commission, may by ordinance, grant a specific use permit for the permitted uses, as herein qualified by the permitted use table, in locations and zoning districts to permit a use where they are not otherwise permitted by this article, and may impose any appropriate conditions and safeguards to protect property and property values, and in the interest of health, safety or welfare.*”

PROJECT DETAILS

The proposed project involves the conversion of an existing retail lease space located at 20703 Morris Avenue/Highway 6 (PID: 224008) into a chiropractic and pain therapy center. The retail center at the subject site includes parking and the lease space in question was previously occupied by the House of Refuge Apostolic Church. To accommodate the new medical use, interior modifications will be required to create designated spaces for treatment and diagnostics.

The proposed floor layout shows an X-ray room, a procedure room, three (3) examination rooms, a rehabilitation room, a staff break room, two (2) restrooms, and a reception and waiting area. According to the applicant these modifications are intended to enhance the functionality of the space while ensuring a well-equipped, patient-centered environment for high-quality healthcare services. The interior build out of the lease space must meet all adopted code requirements and shall be reviewed and permitted separately.

PREDETERMINED CONDITIONS FOR THE PROPOSED USE (Section 77-50. (g)).

Section 77-50(g) of the Zoning Ordinance provides the following predetermined conditions that apply to the proposed use:

- a. The facility is only permitted to operate during the hours of 8:00 a.m. to 10:00 p.m. each day, unless authorized by an approved SUP;
- b. All waiting and/or lobby areas shall maintain an unobstructed view from the outside;
- c. All doors shall remain unlocked and accessible during normal business hours.

Please note that the proposed use meets the predetermined condition for Ambulatory health care services use.



SUP CRITERIA FOR APPROVAL AND STAFF ANALYSIS

Section 77-50(e) of the Zoning Ordinance provides the following approval criteria for SUP requests. These criteria help in determining whether the proposed use is in harmony with existing surrounding uses and zoning districts.

1. Conformance to Comprehensive Plan: The vision statement in the 2015 Comprehensive Plan seeks to maintain its rural character and small-town values while managing its growth by: "Benefiting from our strategic location by encouraging well planned quality retail, commercial and residential development that reflects and enhances our small-town quality of life". The subject site, being located along a major thoroughfare, makes it an appropriate location for the proposed use and hence aligns with the Comprehensive plan goals.
2. Compatibility with the character of the neighborhood: The proposed clinic will occupy an existing retail lease space and will not result in any new development. Also, the proposed use is compatible with the general area considering Highway 6 being a commercial corridor.
3. The suitability of the property for the uses permitted by right: The property is currently zoned LC/SH6-SUP for "Religious Organizations" and abuts LC/SH6-zoned properties on two sides. The existing strip shopping center currently includes three suites and is appropriate for retail uses permitted by right as well as the proposed chiropractic center.
4. Detrimental impact on nearby property: The proposed use will not have detrimental impact on nearby properties considering the commercial nature of Highway 6 corridor.
5. Traffic and Parking issues: The proposed use will be located within an existing shell space in a shopping center with sufficient parking. No significant changes in traffic patterns are anticipated.
6. Harm to the value of nearby properties: The surrounding properties are zoned LC and HC or consist of vacant land. Given this context, the proposed use is not expected to have a negative impact on nearby property values. Additionally, the presence of LC and HC zoning in the area supports the appropriateness of the use.
7. Impedance to orderly development surrounding vacant property: Surrounding properties are zoned LC and HC, indicating that the proposed use will not impede the orderly development of nearby vacant land.
8. Utility Provisions: The proposed use will not have any additional impact on utility services.
9. Safe site development and layout: The proposed clinic will not include any exterior site improvements, and the existing improvement offers a safe site layout.
10. Lighting: No changes to existing lighting are proposed.
11. Landscaping and screening: No changes to existing landscaping and screening are proposed.
12. Other appropriate conditions and safeguards in the interest of health, safety or welfare: The proposed use will comply with all applicable building and safety codes, ensuring that it does not pose risks to public health, safety, or welfare.



STAFF RECOMMENDATION

Based on the above discussion, staff recommends approval of this SUP request for the subject site to allow NAICS use 621310 "Offices of Chiropractors" and NAICS use 621498 "Pain Therapy Centers and Clinics, Outpatient." with the following conditions:

1. The facility is only permitted to operate during the hours of 8:00 a.m. to 10:00 p.m. each day;
2. All waiting and/or lobby areas shall maintain an unobstructed view from the outside; and
3. All doors shall remain unlocked and accessible during normal business hours.

PLANNING, DEVELOPMENT AND ZONING COMMISSION DISCUSSION AND RECOMMENDATION

At the March 10, 2025, Planning, Development, and Zoning (PD&Z) Commission meeting, there was a general discussion regarding parking requirements for the proposed use. Staff confirmed that the existing parking spaces meet the minimum requirements. The PD&Z Commission recommended approval of Ordinance No. 2025-O-06 with a vote of seven (7) "Yeas" to zero (0) "Nays" at their March 10, 2025, meeting.

PUBLIC HEARING

The Notice of Public Hearing was published in the newspaper of general circulation. All property owners within 200 feet of the property were notified. At the time of writing this report, no information inquiries have been received, and staff is not aware of opposition.

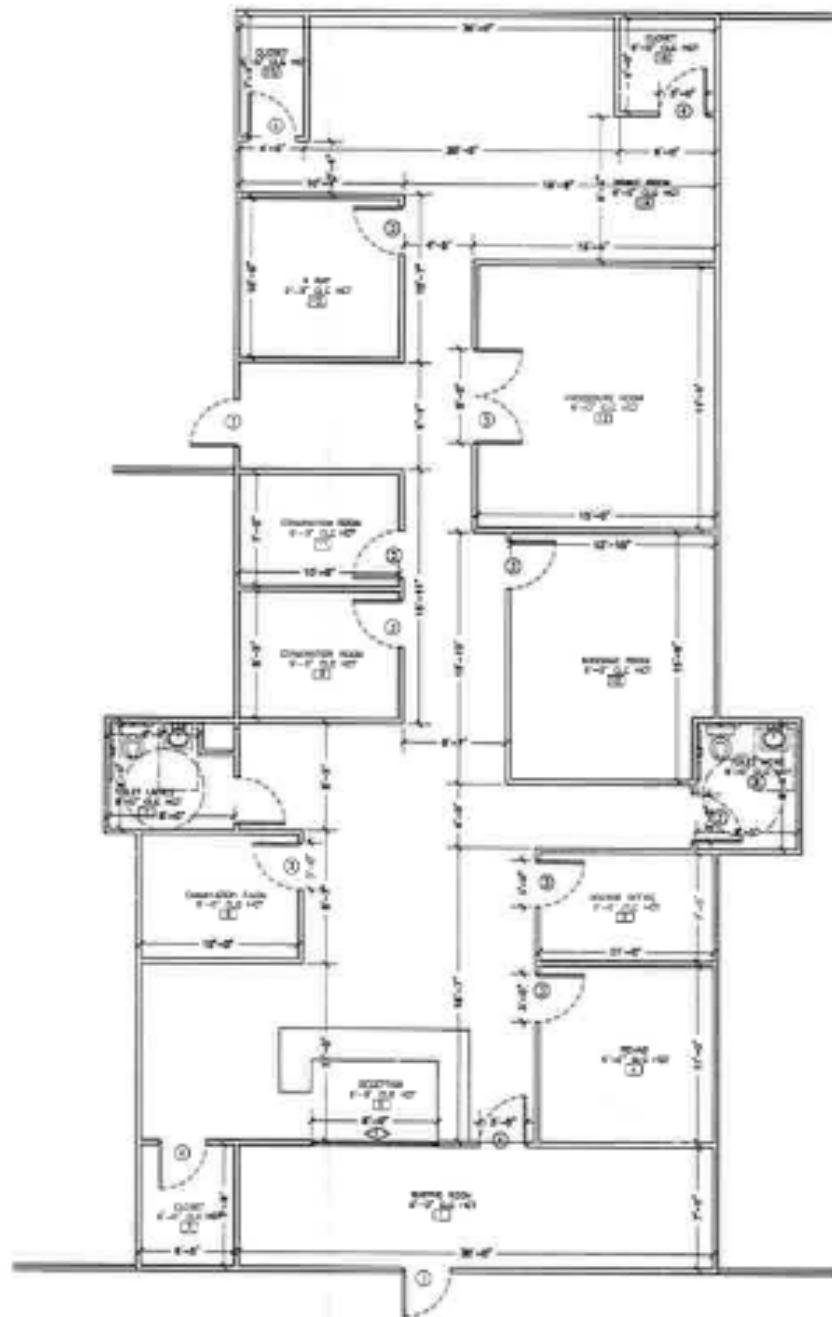


MAJOR THOROUGHFARE PLAN MAP





Proposed Floor Plan



1 PROPOSED FLOOR PLAN

04/17/20



APPLICATION



DEVELOPMENT SERVICES
20025 HIGHWAY 6
MANVEL, TX 77578
P: 281-489-0630
F: 281-489-0634

SPECIFIC USE PERMIT APPLICATION

PROJECT INFORMATION Manvel Chiropractic Center and Interventional Pain Mgt.

Project Name: _____
Project Location/Address: 20703 Hwy 6 (Morris Ave)
Legal Description: Lots 7 & 8 of Landmark Park, 1.954 acres, Town of Manvel
Current Zoning: _____ Proposed Land Use: _____ NAICS No.: 621310
Parcel/Tax ID# (s): 224008 Total Acreage: 1.954 621498

APPLICANT INFORMATION

Applicant Name: Devesh Kothare
Company Name: Samarth Med-Surg Consultancy Services
Address: 4545 Bissonnet St #112 City: Bellaire State: TX Zip: 77401
Phone #: 281-239-4559 Email: samarthmscs@gmail.com

This is to certify that the information on this form is COMPLETE, TRUE, and CORRECT, and I, the undersigned, am authorized to make this application on behalf of the owner(s). I understand that this application will expire one year from the date submitted.

[Signature] 1/20/25
Applicant Signature (REQUIRED) Date

PROPERTY OWNER INFORMATION

Owner(s) Name: Manvel Development Co
Address: Po Box 155 City: Manvel State: TX Zip: 77578
Phone #: 281-489-9444 Email: ManvelDevty1@GMAIL.com

PROPERTY OWNER'S AUTHORIZATION (Required - If owner is also the applicant, must sign as both):

I am the owner of the property for which this application is being made. I authorize the above person (Applicant) to submit this application and to correspond with the City of Manvel regarding this application on my behalf.

[Signature] 1-22-25
Owner's Signature (REQUIRED) Date



Staff Report to Planning, Development, and Zoning Commission
Specific Use Permit



DEVELOPMENT SERVICES

20025 HIGHWAY 6

MANVEL, TX 77578

P: 281-489-0630

F: 281-489-0634

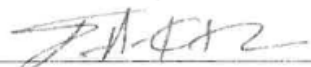
SUBMITTAL CHECKLIST

So that we may efficiently review your project in a timely manner, it is important that all required documents and fees listed on the "Submittal Checklist" below are submitted with your application. One or more of the required documents may be waived due to the nature of the development; however, it is incumbent upon the applicant to inquire about these exceptions for your project **before** submitting an application. Answers to specific use permit applications can be obtained by attending a pre-development meeting with our Development Review Committee (DRC) prior to submitting a formal application. Please call the phone number on the application to schedule an appointment. Submit application and accompanying documents to the Permits and Inspections at the address above Monday through Thursday between the hours of 7:30 a.m. and 5:30 p.m. and Friday between the hours of 7:30 a.m. and 11:30 a.m.

SPECIFIC USE PERMIT SUBMITTAL CHECKLIST ITEMS	REQUIRED (PLEASE CHECK)
Completed Specific Use Permit Application (with all signatures)	✓
Two (2) Copies of a Conceptual Plan (building, parking, landscaping, etc. locations)	✓
Two (2) Legal Descriptions of Property (metes & bounds description if not platted)	✓
Two (2) Copies of Recorded Plat (if platted)	✓
Two (2) Applicant Letters of Request	✓
Traffic Impact Analysis, (if applicable)	
Paid Application Fee	

APPLICANT CERTIFICATION

By signing below, I acknowledge that I have reviewed the Submittal Checklist and have included the required submittal items and reviewed them for completeness and accuracy. I also acknowledge that my application will be rejected if it is deemed incomplete.

 1/20/25
Applicant Signature Date



LETTER OF AUTHORIZATION



DEVELOPMENT SERVICES

20025 HIGHWAY 6
MANVEL, TX 77578
P: 281-489-0630
F: 281-489-0634

LETTER OF AUTHORIZATION

Have property owner complete and sign, if applicant differs from property owner.

Manvel Development Co., Inc.

Owner Name

20351 Hwy. 6--P.O. Box 155

Owner Address Manvel, Tx 77578

Manvel, Tx 77578

Owner City, State Zip

Jan. 22, 2025

Date

Building and Inspections

20025 Highway 6

Manvel, TX 77578

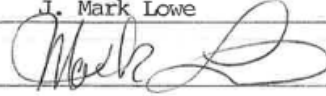
Dear City of Manvel Permits and Inspections,

I, J. Mark Lowe, President, certify that I am the owner of the project property located at 20703 Hwy. 6--Morris Ave. and that the forgoing statements and answers made and all data, information, and evidence herewith submitted are in all respects to the best of my knowledge and belief, true, and correct. I appoint _____ with the company _____ (if applicable) to act as my representative for this project. I agree to be responsible for payment of bills due to the City of Manvel related to this application. Furthermore, I understand that any material misrepresentation of this application, failure to comply with ordinances, and /or failure to remit payment for services can lead to delays in this project – up to and including rejecting the project and forfeiting any fees paid.

Please contact me directly at 281-489-9444 if you have any questions.

Sincerely,

Owner Name J. Mark Lowe

Owner Signature 



REQUEST LETTER

SAMARTH MED-SURG CONSULTANCY SERVICES

4545 BISSONNET ST #112
BELLAIRE, TEXAS • 77401
TEL#281-239-4559
FAX#346-571-3747

01/27/2025

To
Manvel Development Services
20025 HWY 6
Manvel, TX 77578

Re: Application for a buildout for a clinic space in a pre-existing shell space located at 20703 20704 Morris Ave (HWY6) Manvel TX 77578

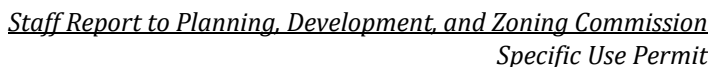
Respected Sir,
Samarth Med-Surg Consultancy Services provides management services to clinics, Ambulatory surgery centers and Hospitals since 2017. Omar D Vidal, MD PLLC is interventional pain practice of Dr Omar Vidal, MD who has been seeing patients since 1999 in and around Houston, TX. (This is not a med a management clinic) Manvel Chiropractic which is one of the branches of Alvin Chiropractic is managed by Dr Vincent Jeter, DC since 1998. Manvel clinic is envisioned to provide quality care for Manvel residents that encompasses chiropractic and interventional pain management.

We look forward to serving the community.

With regards

Devesh Kothare
Practice Manager

"Always pray to have eyes that see the best in people, a heart that forgives the worst, mind that forgets the bad, and a soul that never loses faith in god"

[illegible]

BEING A SUBDIVISION OF 23.66 ACRES
OF LAND, BEING PART OF OUTLOTS 118
AND 119 OF THE DR. A. A. LUTHER SUB-
DIVISION OF THE TOWN OF MANVEL,
BRAZORIA COUNTY, TEXAS. PLAT REC. VOL. 1, PG. 71 & 72, RR.

James Del Bello CITY COUNCIL



Public Hearing Notice to run on Sunday 02/23/2025

A PUBLIC HEARING WILL BE HELD AT MANVEL CITY HALL, 20031 HWY 6, MANVEL, TX, 77578 AT 6:00 P.M. ON MONDAY, MARCH 10, 2025, BEFORE THE MANVEL PLANNING, DEVELOPMENT, AND ZONING COMMISSION AND AT 6:00 P.M. ON MONDAY, MARCH 17, 2025, BEFORE THE MANVEL CITY COUNCIL TO HEAR INPUT FROM THE PUBLIC REGARDING AN ORDINANCE OF THE CITY OF MANVEL, TEXAS AMENDING THE ZONING CLASSIFICATION OF AN APPROXIMATE 1.954 ACRE TRACT OF LAND, CURRENTLY, DEVELOPED AS A RETAIL CENTER WITH ASSOCIATED PARKING, LOCATED AT 20703 HWY 6 MORRIS AVENUE/HIGHWAY 6 (PID: 224008) (PREVIOUSLY DESIGNATED AS HOUSE OF REFUGE APOSTOLIC CHURCH) FROM LIGHT COMMERCIAL DISTRICT / STATE HIGHWAY 6 OVERLAY DISTRICT WITH SPECIFIC USE PERMIT (LC/SH6-SUP) FOR “RELIGIOUS ORGANIZATIONS” TO LIGHT COMMERCIAL DISTRICT/ STATE HIGHWAY 6 OVERLAY DISTRICT WITH SPECIFIC USE PERMIT (LC/SH6-SUP) FOR THE GRANTING OF A SPECIFIC USE PERMIT WITH CONDITIONS TO AUTHORIZE THE USE OF PROPERTY FOR NAICS USE 621310 “OFFICES OF CHIROPRACTORS” AND NAICS USE 621498 “PAIN THERAPY CENTERS AND CLINICS, OUTPATIENT” PROVIDING FOR THE AMENDMENT OF THE CITY’S OFFICIAL ZONING MAP; PROVIDING FOR SEVERABILITY; AND PROVIDING A PENALTY IN AN AMOUNT NOT TO EXCEED \$2,000 FOR EACH DAY OF VIOLATION OF ANY PROVISION HEREOF. /S/ TAMMY BELL, CITY SECRETARY.



SITE PICTURES



The proposed Offices of Chiropractors and Pain Therapy Centers and Clinics, Outpatient use space located in the commercial building.



Luxury Palapas business located in the same commercial building.



Staff Report to Planning, Development, and Zoning Commission
Specific Use Permit



The Biker Church abuts to the east.



Looking south across SH6 from the site at vacant/undeveloped property.

ORDINANCE NO. 2025-O-06

AN ORDINANCE OF THE CITY OF MANVEL, TEXAS AMENDING THE ZONING ORDINANCE OF THE CITY, BY AMENDING THE ZONING CLASSIFICATION OF AN APPROXIMATE 1.954 ACRE TRACT OF LAND, CURRENTLY, DEVELOPED AS A RETAIL CENTER WITH ASSOCIATED PARKING, LOCATED AT 20703 HWY 6 MORRIS AVENUE/HIGHWAY 6 (PID: 224008) FROM LIGHT COMMERCIAL DISTRICT / STATE HIGHWAY 6 OVERLAY DISTRICT WITH SPECIFIC USE PERMIT (LC/SH6-SUP) FOR “RELIGIOUS ORGANIZATIONS” TO LIGHT COMMERCIAL DISTRICT/ STATE HIGHWAY 6 OVERLAY DISTRICT WITH SPECIFIC USE PERMIT (LC/SH6-SUP) FOR THE GRANTING OF A SPECIFIC USE PERMIT WITH CONDITIONS TO AUTHORIZE THE USE OF PROPERTY FOR NAICS USE 621310 “OFFICES OF CHIROPRACTORS” AND NAICS USE 621498 “PAIN THERAPY CENTERS AND CLINICS, OUTPATIENT”; PROVIDING FOR THE AMENDMENT OF THE CITY’S OFFICIAL ZONING MAP; PROVIDING FOR SEVERABILITY; AND PROVIDING A PENALTY IN AN AMOUNT NOT TO EXCEED \$2,000 FOR EACH DAY OF VIOLATION OF ANY PROVISION HEREOF.

* * * * *

WHEREAS, Applicant Devesh Kothare with Samarth Med-Surge Consultancy Services, representing the owner (the “Owner”) of a certain 1.954-acre tract of land generally located at 20703 Morris Avenue, Manvel, Texas, being a subdivision of 23.66 Acres of land, being part of outlots 118 and 119 of the Dr. A.A Luther Subdivision of the town of Manvel, Brazoria County, Texas. Plat Rec Vol. 1, Pg 71&72 P.R., and being the same land described in a map and description of which is attached hereto as Exhibit “A”; and

WHEREAS, the 1.954-acre tract is currently zoned Light Commercial District and Highway 6 Overlay District (LC-SH6) with SUP for “Religious Organizations”; and

WHEREAS, the “Religious Organizations” use has been discontinued for more than six (6) months; and

WHEREAS, the applicant, Samarth Med-Surge Consultancy Services, has

filed an application to change the zoning classification of the 1.954-acre tract to Light Commercial District and Highway 6 Overlay District with a Specific Use Permit (LC-SH6-SUP) allowing the proposed use of the property for NAICS use 621310 “Offices of Chiropractors” and NAICS use 621498 “Pain Therapy Centers and Clinics, Outpatient,” specifically within the lease space with floor plan depicted on Exhibit “B”; and

WHEREAS, the Planning, Development, and Zoning Commission and the City Council have conducted, in the time and manner required by law and the Zoning Ordinance of the City, a public hearing on such request; and

WHEREAS, the Planning, Development, and Zoning Commission has recommended in its report the approval of such request, and the City Council deems it appropriate to approve said amendment to the zoning and specific use permit; now, therefore,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MANVEL, TEXAS:

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

Section 2. The zoning classification of a certain 1.954-acre tract of land located generally located at 20703 Morris Avenue, Manvel, Texas, being a subdivision of 23.66 Acres of land, being part of outlots 118 and 119 of the Dr. A.A Luther Subdivision of the town of Manvel, Brazoria County, Texas. Plat Rec Vol. 1, Pg 71&72 P.R., and being the same land described in a map and description of which is attached hereto as Exhibit “A” attached hereto, shall be changed from Light Commercial and State Highway 6 Overlay District (LC-SH6) with a Specific Use Permit for “Religious Organizations” to Light Commercial and State Highway 6 Overlay District with a Specific Use Permit (LC-

SH6-SUP)), for uses as permitted within such zone classification, subject to the regulations, regulations, and conditions hereinafter set forth:

1. Offices of Chiropractors – (NAICS 621310)
2. Pain Therapy Centers and Clinics, Outpatient – (NAICS 621498)

Section 3. The request meets the criteria set forth in Section 77-50 of the City of Manvel Zoning Ordinance for a Specific Use Permit. The City of Manvel Zoning Ordinance is hereby further amended by granting a Specific Use Permit authorizing use of the Property for the NAICS use listed in Section 2, above.

Section 4. The City Council hereby finds it appropriate to impose the conditions to the granting of the Specific Use Permit as shown in Exhibit “C”, attached hereto and incorporated herein as if set out in full. This proposed uses of an “Offices of Chiropractors” and “Pain Therapy Centers and Clinics, Outpatient” and site may not be changed or expanded except by amendment of this Specific Use Permit.

Section 5. The Specific Use Permit issued under this ordinance, or a specific use listed herein, shall expire one year after its date of issuance if construction or if the listed use authorized hereunder is not substantially under way or in use prior to the expiration of said one year period. If, prior to the expiration of such one-year period, the owner of the property to which the Specific Use Permit applies in writing, for an extension, the City Council may, after recommendation from the Planning, Development, and Zoning Commission, grant such extension for one additional year. If the Specific Use Permit expires, the underlying zoning [Light Commercial and State Highway 6 Overlay District (LC-SH6)] shall apply.

Section 6. The Zoning District Map of the City of Manvel shall be revised and amended to show the designation of said tract, as described and as provided in Section

2, above, with the appropriate reference thereon to the number and effective date of this Ordinance and a brief description of the nature of the change.

Section 7. The City Council hereby finds and determines that said rezoning comports to the City's Comprehensive Land Use Plan. This Ordinance shall in no manner amend, change, supplement, or revise any provision of any ordinance of the City of Manvel, save and except the change in zoning classification of said tract(s) as described above.

Section 8. 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 any part or provision hereof other than the part declared to be invalid or unconstitutional; and the City Council of the City of Manvel, Texas, declares that it would have passed each and every part of the same notwithstanding the omission of any 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.

Section 9. 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 \$2,000.00. Each day of violation shall constitute a separate offense.

Section 10. Revocation. This Specific Use Permit may be revoked or modified by the City Council, in whole or in part, after notice and hearing, for either of the following reasons:

(1) The Specific Use Permit was obtained or extended by misrepresentation,
fraud or deception: or

(2) That one or more of the conditions imposed by the permit has not been
met or has been violated.

PASSED AND APPROVED on first reading this _____ day of
_____, 2025.

PASSED, APPROVED, AND ADOPTED on second and final reading this
_____ day of _____, 2025.

Dan Davis, Mayor

ATTEST:

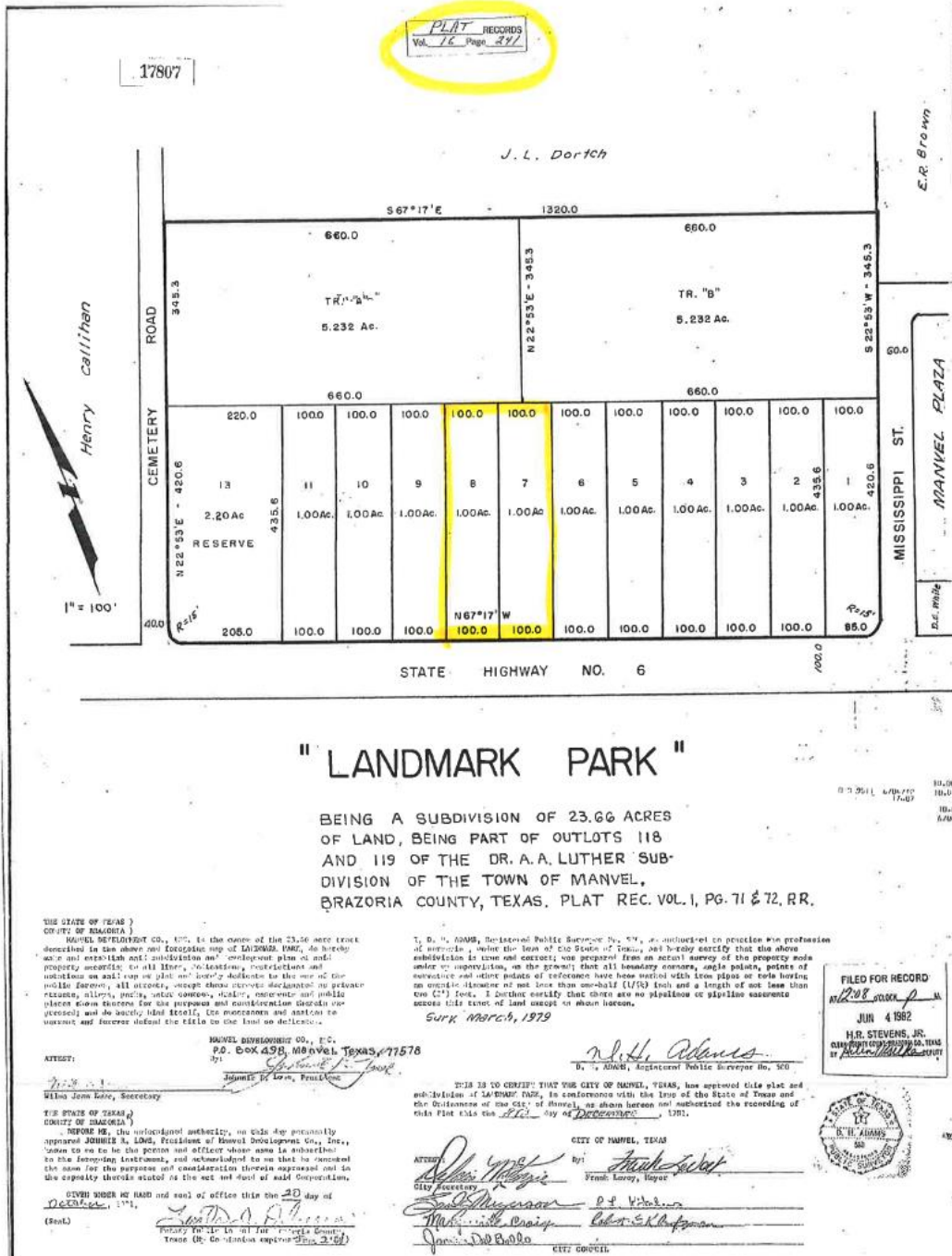
Tammy Bell, City Secretary

APPROVED AS TO FORM:

Robert Gervais, City Attorney

Exhibit A

Certain 1.954-acre tract of land generally located at 20703 Morris Avenue, Manvel, Texas, being a subdivision of 23.66 Acres of land, being part of Outlots 118 and 119 of the Dr. A.A Luther Subdivision of the town of Manvel, Brazoria County, Texas. Plat Rec Vol. 1, Pg 71&72 P.R.



0.7470



1

Exhibit C

Conditions of Approval:

1. The facility is only permitted to operate during the hours of 8:00 a.m. to 10:00 p.m. each day.
2. All waiting and/or lobby areas shall maintain an unobstructed view from the outside.
3. All doors shall remain unlocked and accessible during normal business hours.

ORDINANCE NO. 2025-O-10

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF MANVEL, TEXAS, BY AMENDING CHAPTER 59 *STREETS, SIDEWALKS AND OTHER PUBLIC PLACES*, ARTICLE IV “RESIDENTIAL PARKING,” BY ADOPTING A NEW SECTION 59-84 REGULATING THE PARKING OF TRAILERS AND BOATS ON RESIDENTIAL STREETS; RENUMBERING THE REMAINING SECTIONS OF ARTICLE IV; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT OR CONFLICT HERewith; PROVIDING A PENALTY OF AN AMOUNT OF NOT LESS THAN ONE DOLLAR (\$1) OR MORE THAN TWO HUNDRED DOLLARS (\$200) FOR VIOLATION OF ANY PROVISION HEREOF; AND PROVIDING FOR SEVERABILITY.

* * * * *

WHEREAS, the **Texas Transportation Code** § 311.001, provides that a municipality has exclusive control over and under the public highways, streets, alleys, sidewalks, and public ways within the city limits; and

WHEREAS, section 2.07 of **The City Charter** provides that the city may regulate and control the use of the streets and other public places in the city; and

WHEREAS, the City Council hereby determines that the regulation herein of parking on city streets is declared to be reasonable and limited to the amount of regulation necessary to preserve and protect the public health and safety;

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MANVEL, TEXAS:

Section 1. The facts and matters contained in the preamble of this Ordinance are hereby found to be true and correct.

Section 2. The Code of Ordinances of the City of Manvel, Chapter 59. “Streets, Sidewalks and Other Public Places,” is hereby amended by adding a new

SECTION 59-84, to read and provide as follows (and renumbering the sections that follow):

“Chapter 59 - STREETS, SIDEWALKS AND OTHER PUBLIC PLACES

...

ARTICLE IV.- RESIDENTIAL PARKING

...

Sec. 59-84. – Boats and Trailers

(a) No boat or trailer may be parked on a residential street for a period longer than is necessary for the expeditious loading or unloading of passengers, equipment, or materials. In no case shall the boat or trailer be parked on the residential street unattended for more than four (4) hours.

(b) Boats and trailers may not be parked in a manner that causes any part of the boat or trailer to extend over a sidewalk. On a residential lot with no sidewalk, no vehicles shall be parked within a five-foot setback from the curb edge (that edge of the curb closest to the house).

(c) To the extent of conflict of any other parking ordinances in the city code, this section is intended to prevail.

Sec. 59-85 [~~84~~]. - Commercial vehicles.

(a) Commercial vehicles not owned, leased, or driven by the resident, shall not be parked or left standing except for the purpose of making a delivery, providing a service, or in connection with a house renovation or repair project and then only during the time of the delivery, service, or during actual hours of renovation work.

(b) In any event, unless during actual hours of delivery, service or renovation work, the following commercial vehicles shall not be parked on a residential street in a residential subdivision:

- (1) Truck-tractors;
- (2) Trailers designed to be drawn by truck-tractors;
- (3) Public or private buses, including school, church, greyhound, coach or tour buses;
- (4) Converted buses;
- (5) Heavy construction equipment, to include but not be limited to: graders, dozers, rollers, cement mixers, backhoes, dump trucks, and the like;
- (6) Any commercial vehicle exceeding thirty-five (35) feet in length.

Sec. 59-~~86~~ [85]. – Violation.

(a) It shall be a violation whenever a vehicle is found parked or stopped in violation of this ordinance or state law.

(b) Whenever any motor vehicle, with or without driver, is found parked or stopped in violation of any of the restrictions imposed by this ordinance or by state law, the officer finding such vehicle shall take note of its registration number and may take any other information displayed on the vehicle which may identify its user, and shall conspicuously affix to such vehicle a traffic citation, on a form provided by the city, for the driver to answer to the charge during the hours and at a place specified in the citation.

(c) In any prosecution charging a violation of any law or regulation governing the standing or parking of a vehicle, proof that the particular vehicle described in the complaint was parked in violation of any such law or regulation, together with proof that the defendant named in the complaint was, at the time of such parking, the registered owner of such vehicle shall constitute in evidence a prima facie presumption that the registered owner of such vehicle was the person who parked or placed such vehicle at the point where, and for the time during which, such violation occurred.”

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

Section 4. Any person who shall intentionally, knowingly, recklessly, or with criminal negligence violate any of the provisions of this Ordinance shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be fined in an amount of not less than one dollar (\$1) or more than Two Hundred Dollars (\$200). In any prosecution hereunder governing the standing or parking of a vehicle, proof that the particular vehicle described in the complaint was parked in violation of any such law or regulation, together with proof that the defendant named in the complaint was, at the time of such parking, the registered owner of such vehicle shall constitute in evidence a prima facie presumption that the registered owner of such vehicle was the person who parked or placed such vehicle at the point where, and for the time during which, such violation occurred.

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 Manvel, 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.

PASSED AND APPROVED on first reading this _____ day of _____, 2025.

PASSED, APPROVED, AND ADOPTED on second and final reading this
_____ day of _____, 2025.

Dan Davis, Mayor

Attest:

Tammy Bell, City Secretary

APPROVED AS TO FORM:

Robert Gervais, City Attorney



CITY COUNCIL DATA SHEET

MEETING DATE: March 17, 2025

Agenda: Regular ☒
Consent ☐

TOPIC:

Amending ordinance Chapter 59 - Streets, Sidewalks and other Public Places; Article IV - Residential Parking, adding new section 59-84 - Boats and Trailers

BACKGROUND:

This amendment focuses on regulating the abandonment, parking, and storage of boats and trailers on residential streets. Currently, the City of Manvel's ordinances do not address this issue. However, with the increasing density of residential developments, parking or storing boats and trailers on residential streets has become a traffic concern. While existing ordinances cover motor vehicles, commercial vehicles, and recreational vehicles, this amendment will empower Manvel Police Officers to enforce regulations and address this traffic hazard.

RECOMMENDATION:

Staff recommends approval.

ATTACHMENTS:

FUNDING ISSUES

- ☒ Not applicable
☐ Not budgeted
☐ Full amount already budgeted
☐ Funds to be transferred from Acct.#

SUBMITTING STAFF MEMBER

Keith Traylor

FINANCE DIRECTOR APPROVAL ☐

CITY MANAGER APPROVAL: ☐

ORDINANCE NO. 2025-O-11

AN ORDINANCE OF THE CITY OF MANVEL, TEXAS, FINDING AND DETERMINING THAT PUBLIC CONVENIENCE AND NECESSITY REQUIRE THE CLOSING OF A CITY RIGHT-OF-WAY CONSISTING OF THE PORTION OF BISSELL ROAD, RUNNING APPROXIMATELY 2,500 FEET FROM IOWA LANE EAST TO KIRCHNER ROAD, LOCATED WITHIN THE CITY OF MANVEL, BRAZORIA COUNTY, TEXAS; CLOSING SAID PUBLIC RIGHT-OF-WAY TO PUBLIC TRAVEL; PROVIDING AN EXCEPTION FOR PROPERTY OWNERS WHO OBTAIN A LICENSE FROM THE CITY FOR ACCESS; PROVIDING FOR SEVERABILITY; AND CONTAINING OTHER PROVISIONS RELATING TO THE SUBJECT.

* * * * *

WHEREAS, the City Council has determined that it is in the best interest of the City of Manvel to close this portion of Bissell Road to public travel; and

WHEREAS, the City Council wishes to close said right-of-way but to provide that the property owners who need to access their property over said closed right-of-way may be granted a license for such access, where accompanied by the execution of a license agreement; now, therefore;

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MANVEL, STATE OF TEXAS:

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

Section 2. The City Council of the City of Manvel, Texas, hereby finds and determines that public convenience and necessity require the closing of certain city right-of-way being the portion of Bissell Road running 2,500 feet from Iowa Lane east to Kirchner Road, Manvel, Texas, and described and depicted in Exhibit A, attached hereto and incorporated herein.

Section 3. The right-of-way depicted in Exhibit “A” attached hereto and made a part hereof for all purposes, located within the City of Manvel, Brazoria County, Texas, is hereby closed. Said area is not abandoned but is closed as a public way, except for those granted a license to use the right-of-way by the city council for access.

Section 4. **Exception.** Property owners who need access to their property over said closed right-of-way shall be permitted to use the closed right of way pursuant to a license granted by the city council and execution of an accompanying license agreement satisfactory to the city. The city manager is authorized to execute said license agreements, upon approval as to form by the city attorney.

Section 5. **Repealer.** All ordinances or parts of ordinances, or resolutions, official or unofficial policies, or practices inconsistent or in conflict herewith, are, to the extent of such inconsistency or conflict, hereby repealed.

Section 6. **Severability.** In the event any 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 Manvel, 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.

PASSED AND APPROVED on first reading this _____ day of _____, 2025.

PASSED, APPROVED, AND ADOPTED on second and final reading this _____ day of _____, 2025.

Dan Davis, Mayor

ATTEST:

Tammy Bell, City Secretary

APPROVED AS TO FORM:

Robert Gervais, City Attorney



Bissell Road



This map is made available for reference purposes only and should not be substituted for a survey product. The City of Manvel will not accept liability of any kind in conjunction with its use.



Bissell Road License Agreement



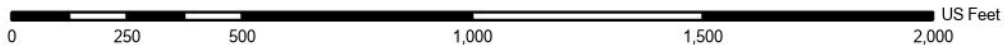
Parcels



City of Manvel City Limits



City of Manvel ETJ



Date: March 2025
Reference: 2025015
Data Source: City of Manvel,
Brazoria County Open Data

STATE OF TEXAS §

§

BRAZORIA COUNTY §

LICENSE AGREEMENT

FOR INGRESS AND EGRESS

THIS LICENSE AGREEMENT (“**Agreement**”) is made effective as of the date of the latter signature hereof (the “**Execution Date**”) and is by and between the City of Manvel (“CITY”) and Noah D. Martini (“LICENSEE”).

R E C I T A L S

WHEREAS, CITY has certain right-of-way known as Bissell Road, running approximately 2,500 feet from Iowa Lane east to Kirchner Road, said right-of-way more particularly described on Exhibit A (the “**Property**”); and

WHEREAS, in Ordinance No. 2025-O-11 the City Council determined that it is in the best interest of the City of Manvel to close this portion of Bissell Road to public travel; and

WHEREAS, the City Council wishes to close said right-of-way but to provide that the property owners who need to access their property over said closed right-of-way may be granted a license for such access, where accompanied by the execution of a license agreement; and

WHEREAS, City desires to grant to LICENSEE the right, privilege and license to use the Property for ingress and egress to access LICENSEE’s residence, located at 6202 BISSELL RD MANVEL, TX 77578; and

NOW, THEREFORE, in consideration of the mutual covenants and agreements herein contained, and other good and valuable consideration, the receipt, adequacy and sufficiency of all of which are hereby acknowledged, the parties hereto hereby agree as follows:

1. License.

1.01 LICENSEE is hereby granted the non-exclusive right, privilege and LICENSE to use the Property for ingress and egress to access LICENSEE’s residence, located at 6202 BISSELL RD MANVEL, TX 77578.

1.02 Licensee. This license shall be granted to:

Noah D. Martini and his family, guests, and invitees.

1.03 Commencement Date: The Execution Date of this agreement.

1.04 License Fee: \$1.00 and the obligations as contained in the conditions in section 3.

1.05 Term. The license shall begin on date of full execution of this agreement by both parties and shall continue until the earlier of the following occurs:

- a. Opening of the right-of-way by the City to full public use
- b. Licensee obtains access to Licensee's residence from another city right-of-way;
- c. Termination by City for Cause, as stated herein.
- d. Termination by either party for convenience by giving the other party six months prior written notice.

2. Use.

2.01 The License shall be used for ingress and egress to access LICENSEE's residence, located at 6202 BISSELL RD MANVEL, TX 77578.

2.02 Gate. LICENSEE may construct a gate across the Property to prevent unauthorized ingress and egress.

2.03 Non-exclusive. The license shall be non-exclusive and the CITY may grant other similarly situated property owners a similar license to ingress and egress.

2.04 Governmental access. LICENSEE also acknowledges that others with right of access, such as employees of the CITY and other governmental entities, as well as franchise holders (e.g Centerpoint, AT&T, waste haulers), and other adjacent property owners (railroad representatives, GCWA personnel, etc), shall still be permitted access over said Property.

3. Conditions

3.01 The CITY and LICENSEE agree that the License is granted subject to the following conditions, terms and reservations:

- a) The LICENSEE must keep the roadway maintained in the same or better condition that exists on the effective date of this Agreement.
- b) The LICENSEE must upkeep and maintain the gate.
- c) The LICENSEE must provide a Knoxbox and install the Click2Enter electronic access system (Required by the Design Criteria Manual) for access by authorized government personnel.
- d) LICENSEE shall provide a visible phone number for other users with a right of ingress and egress to call and obtain access.
- e) The LICENSEE must not create or allow any nuisances on the Property.
- f) At such time as this License is expired, terminated or canceled, for any reason whatsoever, LICENSEE shall promptly remove the gate and any and all encroachments

and nuisances on the Property, if any, and LICENSEE shall restore the premises, in accordance with the requirements of the city manager.

- g) If LICENSEE fails to remove all encroachments and nuisances then the CITY shall have the right to do all work necessary or cause such encroachments and nuisances to be removed and assess the costs against LICENSEE, and the CITY shall in no case be liable to LICENSEE.

4. Indemnity

4.01 **Insurance.** LICENSEE shall obtain and keep in place a general liability insurance policy of not less than \$500,000 in coverage, **and shall name the City of Manvel as an additional insured.** LICENSEE shall provide, or cause to be provided, in advance, notice to the CITY of ANY termination or change in coverage.

4.02 **Indemnity.** To the fullest extent permitted by law, the LICENSEE, and each person, firm, corporation, association, or entity of any kind (hereinafter "person") using said Property at the request of or with the permission of LICENSEE, shall indemnify, defend, and hold the CITY harmless from any claim or liability associated with the activity permitted by this License.

4.03 The LICENSEE shall promptly defend, indemnify, and hold CITY harmless from and against all damages, costs, losses, or expenses:

(1) For the repair, replacement, or restoration of CITY's property, equipment, materials, structures, and facilities which are damaged or destroyed as a result of the user's acts or omissions; and

(2) From and against any and all claims, demands, suits, causes of action, and judgments for:

a. Damage to or loss of the property of any person (including, but not limited to, the user, its agents, officers, employees, and subcontractors, and the CITY, its agents, officers, and employees, and third parties); and/or

b. Death, bodily injury, illness, disease, loss of services, or loss of income or wages to any person (including, but not limited to, the officers, agents, and employees of the user, the user's contractors, and the CITY's officers, agents, and employees, and third parties), arising out of, incident to, concerning, or resulting from, the negligent or willful acts or omissions of the user, its officers, agents, employees, and/or subcontractors, in the performance of activities pursuant to the LICENSEE use of CITY's property, or by persons with LICENSEE's permission. This indemnity provision is intended to include liability arising from CITY's alleged negligence, but only to the extent such liability arises out of a claim or claims that the CITY was negligent in authorizing the LICENSEE to use or occupy the public property or in failing to prevent the LICENSEE from acting in a negligent or wrongful manner.

c. For purposes of this indemnification provision, acts or omissions of the officer, agents, employees and contractors of the LICENSEE shall be considered the acts

and omissions of the LICENSEE. The indemnity provision set forth above is solely for the benefit of CITY and is not intended to create or grant any rights, contractual or otherwise, to any other person.

4.02 LICENSEE shall never make any claim of any kind or character against the CITY for damages that it may suffer by reason of the installation, construction, reconstruction, operation, and/or maintenance of any public improvement or utility, whether presently in place or which may in the future be constructed or installed, including but not limited to, any water or sanitary sewer mains, or storm sewer facilities, and whether such damage is due to flooding, infiltration, natural causes or from any other cause of whatsoever kind or nature.

4.04 It is LICENSEE's intention, and a condition of this license, that this provision shall constitute a full and total indemnity against any kind or character or claim whatsoever that may be asserted against the CITY by reason of, or a consequence of having granted permission to LICENSEE to use and maintain the property. LICENSEE agrees to defend any and all suits, claims, or cause of action brought against the CITY on account of same, and discharge any judgment or judgments that may be rendered against the CITY in connection herewith. Such indemnity shall apply on a proportional basis, where the claims, losses, damages, causes of action, suits or liability arise in part from the negligence of the CITY and in part from the act or omission of any representative, or employee of LICENSEE.

5. General Provisions

5.01 This Agreement constitutes the entire agreement between the CITY and LICENSEE. No agreements, modifications, implied or otherwise, shall be binding on any of the parties unless set forth in writing and signed by both parties.

5.02 The phrases, clauses, sentences, paragraphs or sections of this license to use agreement are severable and, if any phrase, clause, sentence paragraph, or section of this license to use agreement should be declared invalid by the final decree or judgment of any court of competent jurisdiction, such invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Agreement.

5.03 Any notice required to be given pursuant to the terms and provisions of this Agreement shall be in writing and shall be mailed by certified or registered mail, addressed as set forth below, or at such other address as may be specified by written notice:

CITY OF MANVEL:

20031 Highway 6
Manvel, TX 77578
(832) 336-4064

LICENSEE:

Noah Martini
6202 BISSELL RD

MANVEL, TX 77578

5.04 The CITY and LICENSEE agree that this Agreement shall be construed in accordance with the laws of the State of Texas. Venue for any dispute arising out of this License Agreement shall lie in a court of competent jurisdiction in Brazoria County, Texas.

5.05 Termination for cause. This Agreement may be terminated , without any penalty or further liability upon written notice as follows:

(a) By either party upon a default of any covenant or term hereof by the other party which default is not cured within 60 days of receipt of written notice of default (without, however, limiting any other rights available to the parties in law or equity); provided, that if the defaulting party commences efforts to cure the default within such period and diligently pursues such cure, the non-defaulting party shall no longer be entitled to declare a default;

(b) Upon 30 days' written notice from CITY to LICENSEE if the Site is or becomes necessary, in CITY's sole, but reasonable judgment, for use for governmental purposes by CITY. Termination for said reason shall not be cause for any condemnation or inverse condemnation damages or claims.

5.06 Hazardous Substances. LICENSEE agrees that it will not use, generate, store or dispose of any Hazardous Material on, under, about, or within the Property in violation of any law or regulation.

6. Assignment.

6.01 The License granted by this Agreement may be assigned by LICENSEE to a purchaser of successor in interest of the LICENSEE's residence.

6.02 Assignment shall be first approved by the city manager, which approval shall not be unreasonably withheld provided any ASSIGNEE agrees in writing to all terms and conditions of this Agreement, including all obligations of LICENSEE.

6.03 CITY may require the Property to be brought up to proper condition as a condition of approval of assignment.

7. Miscellaneous.

(a) The substantially prevailing party in any litigation arising hereunder is entitled to its reasonable attorney's fees and court costs, including appeals, if any.

(b) If any term of the Agreement is found to be void or invalid, such invalidity shall not affect the remaining terms of the Agreement, which shall continue in full force and effect.

(c) Either LICENSOR or LICENSEE may file this LICENSEE or a Memorandum of License in the property records of Brazoria County. If the information included in the Memorandum of License should change or if it becomes clear that such information is incorrect or incomplete or if the License is amended, CITY agrees to execute and return to LICENSEE a recordable Amended Memorandum of License in form supplied by LICENSEE, which corrects or completes such Memorandum.

(d) This Agreement may be executed in two or more counterparts, all of which are considered one and the same agreement and become effective when one or more counterparts have been signed by each of the parties, it being understood that all parties need not sign the same counterpart.

(e) Failure or delay on the part of either party to exercise any right, power or privilege hereunder shall not operate as a waiver thereof and waiver of breach of any provision hereof under any circumstances shall not constitute a waiver of any subsequent breach. The Agreement shall not be construed against the party drafting same.

(f) The parties agree that irreparable damage would occur if any of the provisions of this Agreement were not performed in accordance with their specified terms or were otherwise breached. Therefore, the parties agree the parties shall be entitled to seek injunctive relief to prevent breaches of the provisions of this Agreement and to enforce specifically the terms and provisions of the Agreement, this being in addition to any other remedy to which the parties are entitled at law or in equity.

(g) Each party executing this Agreement acknowledges that it has full power and authority to do so and that the person executing on its behalf has the authority to bind the party.

(h) This Agreement is valid and binding only upon CITY and LICENSEE's execution by their duly authorized representatives.

(i) The parties agree that a scanned or electronically reproduced copy or image of this Agreement shall be deemed an original and may be introduced or submitted in any action or proceeding as competent evidence of the execution, terms and existence hereof notwithstanding the failure or inability to produce or tender an original, executed counterpart of this Agreement and without the requirement that the unavailability of such original, executed counterpart of this Agreement first be proven.

[SIGNATURES APPEAR ON NEXT PAGE]

IN WITNESS WHEREOF, CITY and LICENSEE have each executed this License as of the respective dates written below.

CITY:

CITY OF MANVEL, TEXAS,

By: _____
Dan Davis, Mayor

Date: _____

ATTEST:

Tammy Bell, City Secretary

STATE OF TEXAS

COUNTY OF BRAZORIA

Before me, _____ the undersigned, a Notary Public for the State, personally appeared Dan Davis, Mayor of the City of Manvel, Texas, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his/her authorized capacity, and that by his/her signature on the instrument, the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official stamp or seal, this _____ day of _____, 2025.

Notary Public

My commission expires: _____

LICENSEE:

NOAH MARTINI

By: _____
Noah Martini

Date: _____

STATE OF TEXAS

COUNTY OF BRAZORIA

Before me, _____ the undersigned, a Notary Public for the State, personally appeared Noah Martini, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his/her authorized capacity, and that by his/her signature on the instrument, the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official stamp or seal, this _____ day of _____, 2025.

Notary Public

My commission expires: _____

EXHIBIT A

DESCRIPTION OR DEPICTION OF PROPERTY

RESOLUTION NO. 2025-R-06

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MANVEL SUPPORTING THE APPLICATION BY 288 ASSOCIATES LP TO THE TEXAS DEPARTMENT OF TRANSPORTATION (TXDOT) FOR A PRIVATE COMMERCIAL DRIVEWAY TO ACCESS AND SERVE THE 30-ACRE COMMERCIAL DEVELOPMENT AT THE SOUTHEAST CORNER OF DEL BELLO BOULEVARD AND SH288, IN THE CITY OF MANVEL.

WHEREAS, 288 Associates LP has submitted an application to Texas Department of Transportation (TxDOT) to construct a private commercial driveway on SH288 to serve a proposed 30-acre commercial development at the southeast corner of Del Bello Blvd. and SH 288; and

WHEREAS, this proposed 30-acre development will provide significant economic benefits to the region, including the creation of jobs, increased tax revenues, and enhanced commercial activity; and

WHEREAS, the private driveway is critical for ensuring safe and efficient access to the development, particularly given its proximity to SH 288, a major regional thoroughfare; and

WHEREAS, this driveway will contribute to the overall traffic flow by allowing direct access without causing disruptions to surrounding roadways; and

WHEREAS, the City of Manvel is committed to supporting the growth of the local economy and enhancing the overall quality of life for our residents; and

WHEREAS, city staff has reviewed the site plan and confirms that the proposed driveway would be in alignment with both the City's and TxDOT's long-term planning objectives in the area; and

WHEREAS, the City Council of the City of Manvel wishes to indicate support of the driveway application for this private commercial driveway on SH288, and to authorize the Mayor to send a letter of support to TXDOT;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MANVEL, TEXAS:

SECTION 1: The facts and matters set forth in the preamble of this Resolution are hereby found to be true and correct.

SECTION 2: The City Council of the City of Manvel hereby supports the application by 288 Associates LP to TXDOT for Private Commercial Driveway Access on SH 288 for 30-Acre Commercial Development (Tracking No.: TR25020037), to construct a private commercial driveway at the southeast corner of Del Bello Blvd and SH 288.

SECTION 3: That the City Council hereby authorizes the Mayor to execute, on behalf of the City Council, a letter of support for this application.

SECTION 4: That it is hereby officially found and determined that the meeting at which this Resolution is passed is open to the public as required by law and the public notice of the time, place, and purpose of said meeting was given as required.

PASSED AND APPROVED this _____th day of _____, 2025.

Dan Davis, Mayor

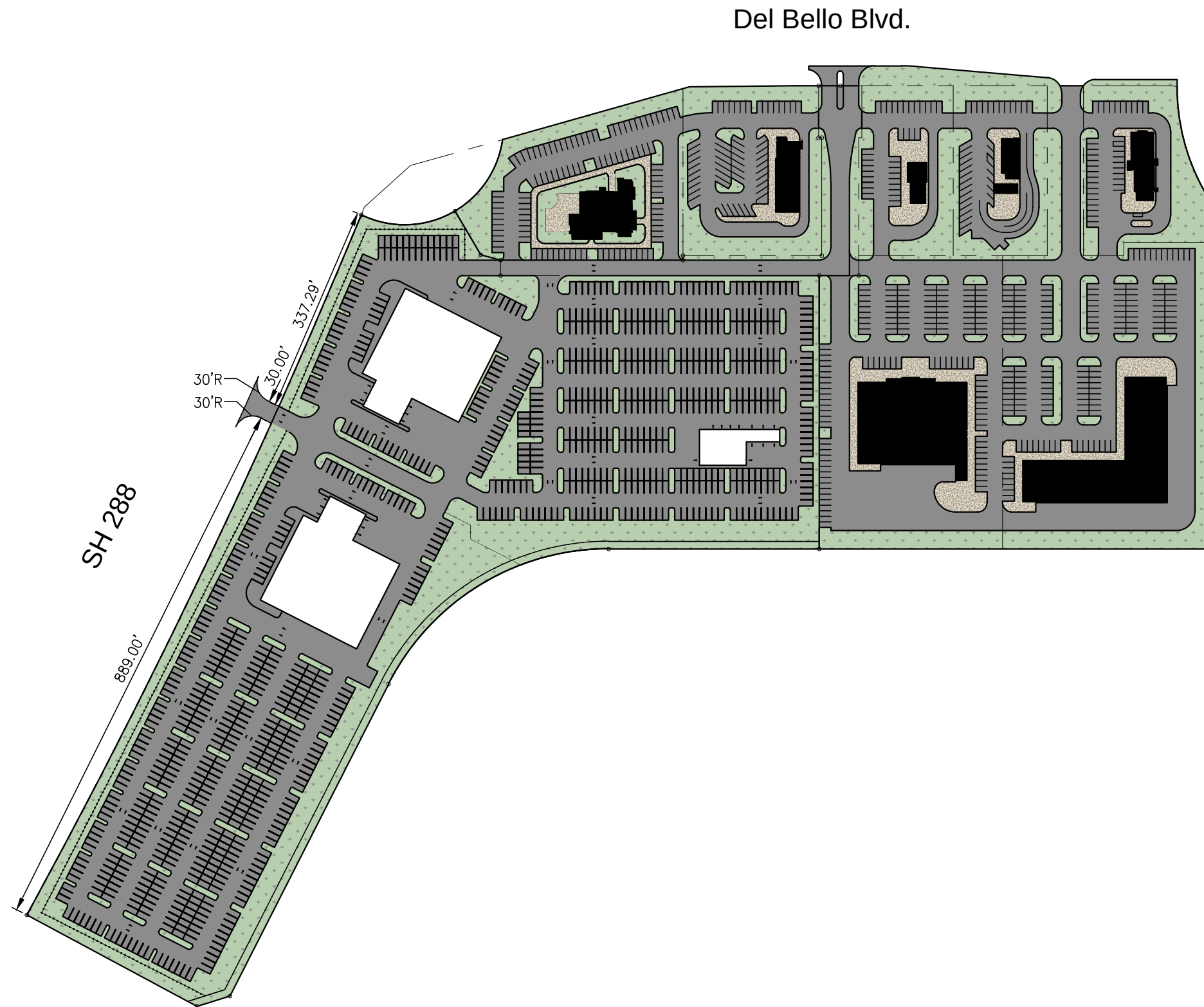
ATTEST:

Tammy Bell, City Secretary

APPROVED AS TO FORM:

Bobby Gervais, City Attorney

Date\Time : Fri, 14 Mar 2025 - 9:12am User Name : jgamez
Path\Name : I:\Proj\jds\6232\0001\1 Engineering\Reports\TxDOT\PRELIMINARY DRIVEWAY EXHIBIT.dwg



LJA Engineering Inc.

1904 W. Grand Pkwy N.
Suite 100
Katy, Texas 77449

Phone 713.953.5200
Fax 713.953.5026
FRN - F-1386



CITY OF MANVEL
BRAZORIA COUNTY, TEXAS

DEL BELLO LAKES

PRELIMINARY DRIVEWAY
EXHIBIT

LJA PROJECT NO. 6232-0001

SCALE: 1"=200'

DATE: 3/14/25

SHEET: 1 OF 1



March 31, 2025

Mayor Dan Davis and City Council Members
City of Manvel
20031 Highway 6
Manvel, TX 77578

Re: *The Presidio at Manvel located at the NEC of SH 288 and SH 6, Manvel, Texas*

Dear Honorable Mayor and City Council Members:

Tharaldson Investments has owned the above-referenced property since 2006 and Transwestern has marketed this 330+ acre property since Tharaldson's initial purchase. I am happy to report that the long awaited commercial and residential development on this property is now eminent. Transwestern currently has written offers from:

- Multiple big box retailers who will build a total of 425,000+ square feet on approximately 50 acres of the commercial-zoned land;
- MD Anderson who will build a major medical facility in phases on 50 acres of land with an estimate 2,000 high-paying jobs at full build-out;
- Numerous smaller retail, restaurant, hotel and medical users who need 1-10 acres for their businesses; and
- Multiple major homebuilders interested in purchasing 70 acres of residential-zoned land.

Major retailers now want to locate at the Presidio because industry data indicates HEB's annual sales revenues are topping over \$100 million. Based on "average" sales for these new retailers, \$400+ million in total taxable sales revenue is achievable just at The Presidio, and this does not include the additional property tax revenue to Brazoria County and to the City of Manvel.

With thousands of additional car trips being generated to The Presidio by this new development, it is critical that TXDOT design and construct a new northbound service road with multiple ingress/egress points to The Presidio. **Tharaldson Investments would greatly appreciate Brazoria County's and the City of Manvel's support and assistance in this endeavor.**
Thank you!

TRANSWESTERN

Steve Williamson, CCIM
Senior Vice President, Retail Services

Enclosures

RESOLUTION NO. 2025-R-07

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MANVEL
SUPPORTING THARALDSON INVESTMENTS' REQUEST FOR SUPPORT
FOR THE TEXAS DEPARTMENT OF TRANSPORTATION (TXDOT) TO
DESIGN AND CONSTRUCT A NEW NORTHBOUND SERVICE ROAD
WITH MULTIPLE INGRESS/EGRESS POINTS TO THE PRESIDIO
DEVELOPMENT LOCATED AT THE NORTHEAST CORNER OF SH 288
AND SH 6 IN THE CITY OF MANVEL.**

WHEREAS, Tharaldson Investments is seeking the City of Manvel's support for TXDOT to design and construct a new northbound service road with multiple ingress/egress points to The Presidio Development in the City of Manvel; and

WHEREAS, Tharaldson Investments has owned the above-referenced property since 2006 and Transwestern has marketed this 330+ acre property since Tharaldson's initial purchase, and the long awaited commercial and residential development on this property is now eminent; and

WHEREAS, major retailers now want to locate at The Presidio because industry data indicates HEB's annual sales revenues are topping over \$100 million; and

WHEREAS, based on "average" sales for these new retailers, \$400+ million in total taxable sales revenue is achievable just at The Presidio, and this does not include the additional property tax revenue to Brazoria County and to the City of Manvel; and

WHEREAS, with thousands of additional car trips being generated to The Presidio by this new development, it is critical that TXDOT design and construct a new northbound service road with multiple ingress/egress points to The Presidio; and

WHEREAS, city staff have reviewed the site plan and confirm that the proposed service road would be in alignment with both the City's and TXDOT's long-term planning objectives in the area; and

WHEREAS, the City Council of the City of Manvel wishes to indicate support for TXDOT to design and construct a new northbound service road with multiple ingress/egress points to The Presidio, and to authorize the Mayor to send a letter of support to TXDOT.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MANVEL, TEXAS:

SECTION 1: The facts and matters set forth in the preamble of this Resolution are hereby found to be true and correct.

SECTION 2: The City Council of the City of Manvel hereby supports Tharaldson Investment's request that TXDOT's design and construct a new northbound service road with

multiple ingress/egress points to The Presidio Development in the City of Manvel, located at the northeast corner of SH 288 and SH 6.

SECTION 3: That the City Council hereby authorizes the Mayor to execute, on behalf of the City Council, a letter of support for this service road.

SECTION 4: That it is hereby officially found and determined that the meeting at which this Resolution is passed is open to the public as required by law and the public notice of the time, place, and purpose of said meeting was given as required.

PASSED AND APPROVED this _____th day of _____, 2025.

Dan Davis, Mayor

ATTEST:

Tammy Bell, City Secretary

APPROVED AS TO FORM:

Bobby Gervais, City Attorney

WATER LINE EASEMENT

THE STATE OF TEXAS

COUNTY OF BRAZORIA

KNOW ALL MEN BY THESE PRESENTS

That GC Manvel East LP (“Grantor”), for and in consideration of the sum of ten dollars (\$10.00) and other good and valuable consideration paid to Grantor by the City of Manvel, Texas, a home-rule municipal corporation of the State of Texas (hereinafter called “Grantee”), the receipt and sufficiency of which are hereby acknowledged and confessed, has **GRANTED, SOLD, and CONVEYED**, and by these presents does hereby **GRANT, SELL, and CONVEY** unto the said Grantee, its successors, assigns, and legal representatives, a perpetual easement for the purpose of construction, reconstructing, altering, and maintaining underground water line facilities in under, over, along, upon, and across that certain 4.301 acre tract of land, more or less, said easement being more particularly described as a 20.00 foot x 29.00 foot easement along and perpendicular to Rogers Road within the City, as shown by metes and bounds description (or plat thereof) attached hereto as Exhibit “A” and for all things made a part hereof.

Grantee may do and perform all acts necessary to construct, reconstruct, repair, relocate, or maintain underground water line facilities within said easement and to operate thereon all necessary machinery and equipment to efficiently prosecute the work. Grantor retains, reserves, and shall continue to enjoy the use of the surface of the easement area for any and all purposes that do not interfere with or prevent the use by Grantee of the easement, rights, and privileges granted herein.

The conveyance is expressly made subject to any and all restrictions, mineral and/or royalty reservations, covenants, and easements appearing of record relative to the Property but only to the extent that the same are still in force and effect and enforceable against the Property. The easement, along with all rights and privileges shall terminate when the easement, as described above, is abandoned upon adoption of an Ordinance abandoning or vacating such by Grantee.

TO HAVE AND TO HOLD the above described easement, together with all and singular the rights and appurtenances thereto in any wise belonging unto the said Grantee, its successors, and assigns forever, and Grantor binds himself, his heirs, executors, administrators, and assigns, to warrant and forever defend all and singular the said easement unto Grantee and Grantee’s successors and assigns against every person whomsoever lawfully claiming or to claim the same of any part thereof, existent as to the reservations from and exceptions to conveyance and warranty, when the claim is by, through, or under Grantor, but not otherwise.

IN WITNESS WHEREOF, this instrument is executed this ____ day of _____, 2025.

GRANTOR:

AFTER RECORDING, PLEASE RETURN TO:

City of Manvel, Texas

P.O. Box 187

Manvel, Texas 77578

ACKNOWLEDGMENT

STATE OF TEXAS

BRAZORIA COUNTY

Before me, the undersigned Notary Public, on this day personally a _____, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledge to me that he/she executed the same for the purposes and consideration therein expressed.

GIVEN under my hand and seal of office, this ____ day of _____, 2025.

METES AND BOUNDS DESCRIPTION
WATER LINE EASEMENT No. 2
BEING 580 SQUARE FEET (0.0133 ACRES) OF LAND SITUATED IN THE
THE J.M. O'DONNELL SURVEY, ABSTRACT 470,
BRAZORIA COUNTY, TEXAS

DESCRIPTION OF A 580 SQUARE FOOT (0.0133 ACRE) TRACT OF LAND SITUATED IN THE J.M. O'DONNELL SURVEY, ABSTRACT 470, BRAZORIA COUNTY, TEXAS, BEING OUT OF RESERVE "A" OF MERIDIANA HIGHWAY 6 COMMERCIAL RESERVE No. 2 AMENDING PLAT No. 1 AS PER PLAT RECORDED UNDER BRAZORIA COUNTY PLAT RECORD NUMBER (B.C.P.R. No.) 2024019517; SAID 580 SQUARE FOOT (0.0133 ACRE) TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS (BEARINGS BASED ON TEXAS STATE PLANE COORDINATE SYSTEM OF 1983, SOUTH CENTRAL ZONE 4204, AS DETERMINED BY GPS MEASUREMENTS):

COMMENCING at a 5/8-inch capped iron rod stamped "E.H.R.A. 713-784-4500" called for and found at the southeast end of a 25-foot radius return in the easterly right-of-way line of Meridiana Parkway (a variable width right-of-way based on the plat of Meridiana Parkway Phase 7 Replat B.C.P.R. NO. 2021007273) with the northerly right-of-way line of Rogers Road (a 60-foot right-of-way based on said plat of Meridiana Parkway Phase 7 Replat) marking a southwesterly corner of said Reserve "A";

THENCE, North 89°57'07" East, along said northerly right-of-way line of Rogers Road common the southerly line of said Reserve "A" for a distance of 149.96 feet to a 5/8-inch capped iron rod stamped "E.H.R.A. 713-784-4500" set marking the southwest corner and **POINT OF BEGINNING** of herein described tract;

- 1) **THENCE**, North 00°02'53" West, for a distance of 29.00 feet to a 5/8-inch capped iron rod stamped "E.H.R.A. 713-784-4500" set marking the northwest corner of herein described tract;
- 2) **THENCE**, North 89°57'07" East, for a distance of 20.00 feet to a 5/8-inch capped iron rod stamped "E.H.R.A. 713-784-4500" set marking the northeast corner of herein described tract;
- 3) **THENCE**, South 00°02'53" East, for a distance of 29.07 feet to a 5/8-inch capped iron rod stamped "E.H.R.A. 713-784-4500" set in the arc of a curve in the northerly right-of-way line of Rogers Road marking the southeast corner of herein described tract;
- 4) **THENCE**, along the said northerly right-of-way line of Rogers Road in a westerly direction along the arc of said curve to the left having a radius of 1,230.00 feet, an arc length of 12.80 feet, an angle of 00°35'46", and a chord bearing North 89°45'00" West, for a distance of 12.80 feet to a 5/8-inch capped iron rod stamped "E.H.R.A. 713-784-4500" called for and found marking a point of tangency in the said northerly right-of-way line of Rogers Road;
- 5) **THENCE**, South 89°57'07" West, continuing along the said northerly right-of-way line of Rogers Road for a distance of 7.20 feet to the **POINT OF BEGINNING** and containing 580 square feet (0.0133 acres) of land. This description accompanies an exhibit map (23108300V-EHWL04.dwg) prepared by EHRA, Inc. January 29, 2025.

EDMINSTER, HINSHAW, RUSS AND ASSOCIATES, INC. dba EHRA, Inc. TBPELS No. 10092300



Robert L. Boelsche, R.P.L.S.
Texas Registration No. 4446
10011 Meadowglen Ln.
Houston, Texas 77042
713-784-4500

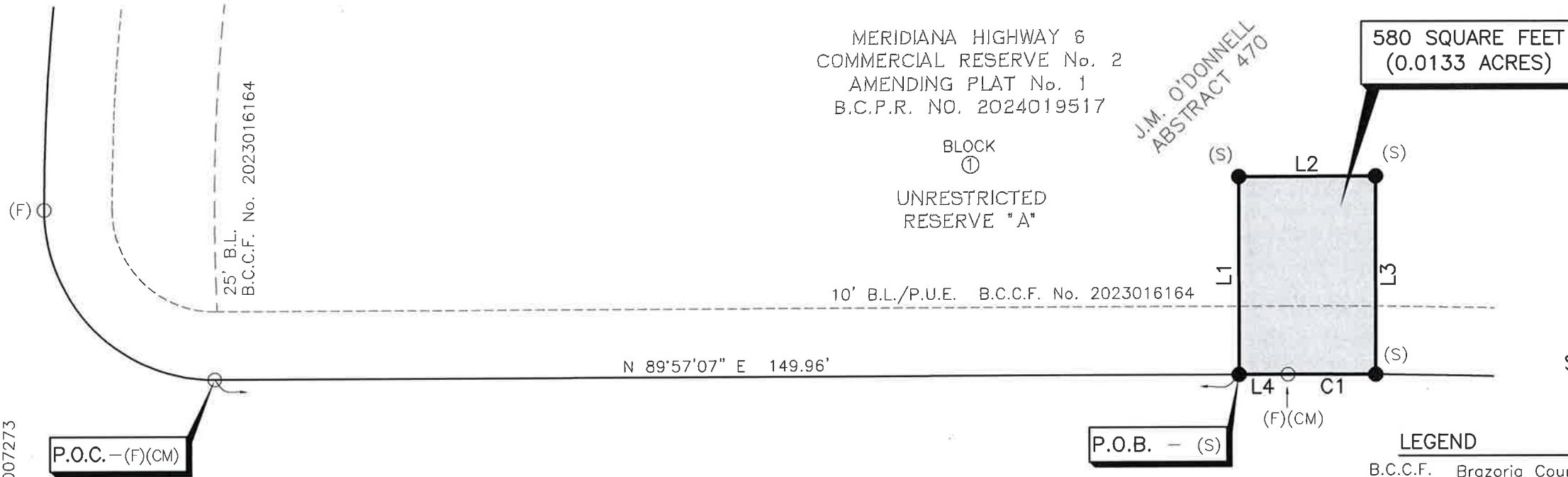
Date: January 29, 2025

Job No: 231-083-00

File No: R:\2023\231-083-00\Docs\Description\Boundary\23108300V-EHWL04-MB.doc



MERIDIANA PARKWAY PHASE 7 REPLAT
(R.O.W. VARIES)
B.C.P.R. NO. 2021007273



LINE TABLE		
LINE	BEARING	DISTANCE
L1	N 00°02'53" W	29.00'
L2	N 89°57'07" E	20.00'
L3	S 00°02'53" E	29.07'
L4	S 89°57'07" W	7.20'

CURVE TABLE					
CURVE	RADIUS	ARC LENGTH	DELTA ANGLE	CHORD BEARING	CHORD LENGTH
C1	1,230.00'	12.80'	0°35'46"	N 89°45'00" W	12.80'

ROGERS ROAD
(60' R.O.W.)
B.C.P.R. NO. 2021007273

LEGEND

- B.C.C.F. Brazoria County Clerk's File
B.C.P.R. Brazoria County Plat Records
(CM) Control Monument
NO. Number
P.O.B. Point of Beginning
P.O.C. Point of Commencing
R.O.W. Right-of-way
(S) Set 5/8" Iron rod with cap
stamped "E.H.R.A. 713.784.4500"
(F) Found 5/8" Iron rod with cap
stamped "E.H.R.A. 713.784.4500"

NOTES:

- Bearings shown hereon refer to the Texas State Plane Coordinate System of 1983, South Central Zone, as determined by GPS measurements.
- This exhibit was prepared without the benefit of a current title report, therefore, all easements or other matters of record might not be shown hereon.
- For additional information about the subject tract, see the metes and bounds description prepared separately.



Robert L. Boelsche
Robert L. Boelsche
Registered Professional Land Surveyor
Texas Registration No. 4446



10011 MEADOWGLEN LN
HOUSTON, TEXAS 77042
713-784-4500
EHRA.TEAM
TBPE No. F-726
TBPELS No. 10092300

EXHIBIT MAP OF WATER LINE EASEMENT No. 2
580 SQUARE FEET (0.0133 ACRES)
OUT OF RESERVE "A" OF MERIDIANA HIGHWAY 6
COMMERCIAL RESERVE No. 2 AMENDING PLAT No. 1
B.C.P.R. No. 2024019517
BRAZORIA COUNTY, TEXAS

DATE: Jan. 29, 2025 SCALE: 1" = 20' JOB NO.: 23108300
DWG. NAME: 23108300V-EHWL04.dwg DRAWING NO.: NONE



MANVEL CITY COUNCIL DATA SHEET

MEETING DATE:

TOPIC: Acceptance of infrastructure improvements for Lift Station No. 3 to Serve Pomona for Brazoria County Municipal Utility District No. 40, Brazoria County, Texas. to begin the Two-Year Maintenance Period.

BACKGROUND: City Staff has approved the final walk through on this project for the civil site work. The applicant has submitted the Two-Year Maintenance Bond with the City Secretary's Office and the As-Built Construction Plans have been submitted to Development Services Department.

STAFF RECOMMENDATION: Staff recommends City Council accept the infrastructure improvements for this project to begin the Two-Year Maintenance Period.

ATTACHMENTS: N/A

FUNDING ISSUES

- ☒ Not applicable
☐ Not budgeted
☐ Full amount already budgeted
☐ Funds to be transferred from Acct.#

SUBMITTING STAFF MEMBER
Robbie Hall

FINANCE DIRECTOR APPROVAL Yes

CITY MANAGER APPROVAL Yes



WASTE CONNECTIONS INC.
Connect with the Future®

March 12, 2025
City of Manvel
Attn: City Manager
20031 Morris Ave,
Manvel, TX 77578

RE: Annual Rate Adjustment

Dear City Manager

Waste Connections would like to sincerely thank you for the great opportunity we have had to serve the citizens and community of Manvel. We thoroughly enjoy and appreciate the relationship between Waste Connections and the City of Manvel.

Each year we evaluate the CPI-U and disposal costs per our contract with the city. This year the CPI-U and disposal adjustment is 5.30%. I have enclosed further details of these adjustments with this letter.

We would like to adjust these rates on the June billing cycle.

Should you have any questions or concerns regarding this adjustment or anything else, please feel free to contact me at the office at 281-331-0810.

Best Regards,

Matt Lowe
District Manager
Waste Connections of TX
Matt.Lowe@wasteconnections.com

EXHIBIT "A"
CITY OF MANVEL
SOLID WASTE SCHEDULE
EFFECTIVE 2025-06

Tax & Franchise Fees not included in rates.

5.30%

Total Residential Cart/Recycle Cart	\$	25.66	per month
Total Per additional trash Cart	\$	16.56	per month
Total Per additional Recycle Cart	\$	16.56	per month
To cancel Recycle & add trash cart	\$	-	per month
Total Commercial Cart/Recycle Cart	\$	42.67	per month
2 x Week trash & 1 x Week Recycle	\$	-	
Total Per additional CO trash Cart- 2xWk	\$	29.81	per month
Total Per additional CO Recycle Cart- 1xWk	\$	29.81	per month

Tax and franchise fees are not included in rates.

Franchise Fee is not charged tax. Take base rate x's by 15% franchise fee, then take base rate and x's by 8.25% tax. Last add these totals together for all in price.

Tax Code: Manvel Franchise = Tax & Franchise fees charged

CONTAINER SIZE	Lifts Per Week						
	1	2	3	4	5	6	Extra-Lifts
2 Cubic Yd	\$ 84.06	\$ 145.20	\$ 211.43	\$ 272.56	\$ 355.36	\$ 454.70	\$ 50.94
3 Cubic Yd	\$ 94.25	\$ 161.75	\$ 233.08	\$ 289.13	\$ 377.00	\$ 476.36	\$ 56.04
4 Cubic Yd	\$ 105.72	\$ 171.94	\$ 244.55	\$ 310.77	\$ 399.94	\$ 520.93	\$ 67.51
6 Cubic Yd	\$ 150.30	\$ 244.55	\$ 327.34	\$ 399.94	\$ 576.98	\$ 731.09	\$ 100.62
8 Cubic Yd	\$ 183.41	\$ 305.68	\$ 405.03	\$ 509.47	\$ 709.43	\$ 936.15	\$ 133.73
Lock Charge	10.97	Per Month					



MANVEL CITY COUNCIL DATA SHEET

MEETING DATE: April 7, 2025

TOPIC: Public Hearing followed by consideration of a request to change the zoning classification of an approximate 1.07 acre tract of land, generally located along north side of Morris Avenue / Highway 6 (PID: 228682), west of the under-construction AutoZone at 19201 Morris Ave, Manvel, Tx, from light Commercial District / State Highway 6 Overlay District (LC/SH6) to Light Commercial / State Highway 6 Overlay District With Specific Use Permit (LC/SH6-SUP); providing for the granting of a Specific Use Permit with conditions to authorize the use of the subject site for NAICS use 621493 "Freestanding Ambulatory Surgical And Emergency Centers".

BACKGROUND:

- The subject site is a 1.07-acre vacant tract located along the northern side of State Highway 6 (SH6), abutting Bluewater Lakes subdivision to the north and AutoZone (19201 Morris Avenue/SH6) to the east. The site is currently undeveloped and zoned Light Commercial District/State Highway 6 Overlay District (LC/SH6).
- Applicant Chuck Webb with Heitkamp Swift Architects, representing property owner Dr. Ziad Haidar, is requesting SUP to allow for the construction of a free-standing emergency department (FSED) on the subject site. The proposed facility is intended to provide emergency medical services, including trauma care, cardiac event response, respiratory distress treatment, advanced imaging, laboratory testing, and patient stabilization. The applicant has indicated that the FSED will operate as an independent facility offering services similar to a hospital.
- The subject site currently does not have direct driveway access from Highway 6 but the applicant has received a preliminary approval for a new driveway location from TxDOT. Per the agreement regarding reciprocal access easements, the subject site and all current and future occupants will be able to access the property from Bluewater Street through existing Parallel Public Access Easements (PAEs) established on the adjoining properties (Starbucks and AutoZone) to the east. The subject site is required to be platted and to provide continuity to the PAE on the west side as development progresses.
- The applicant has provided documentation indicating that, similar to the adjoining developments (Starbucks and AutoZone) to the east, the subject site will drain into a storm conveyance pipe that flows to the eastern detention pond of the Bluewater Lakes Development. Additionally, the proposed development is required to extend the existing sidewalk along SH6 required by Section 62-113. Sidewalks of the Subdivision Ordinance.
- The Notice of Public Hearing was published in the newspaper of general circulation and all property owners within 200 feet of the property were notified. At the time of writing this report, no information inquiries have been received, and staff is not aware of opposition.
- Additional details and staff analysis are included in the attached staff report.

STAFF RECOMMENDATION: City staff recommends approval of the requested SUP with the conditions listed in the Staff Report.

March 10, 2025, PD&Z PUBLIC HEARING: There were no public comments made on the proposed project. The agenda item was postponed so that staff could review and provide clarification on the predetermined condition related to operational hours. Additional details in the Staff Report.

March 17, 2025, CITY COUNCIL PUBLIC HEARING: At the March 17, 2025, City Council public hearing, no opposition was expressed. The applicant indicated that they had spoken to several neighbors from Blue Water Lakes who expressed support for the project. Following the City Council meeting, staff received ten (10) letters expressing opposition to the requested SUP due to concerns related to noise, traffic, light pollution, and it being a 24-hour operation. No Action was taken.

March 24, 2025, PD&Z MEETING: During the public comments, four (4) members of the public spoke in opposition to the requested SUP, citing concerns about noise, traffic, and the facility's 24-hour operation. The PD&Z chair also read out the public comments sent via email. A motion to recommend approval of Ordinance No. 2025-O-07 to the City Council failed with a vote of one (1) "Yea" to five (5) "Nays."  Therefore, the Planning, Development, and Zoning Commission is not recommending approval of Ordinance No. 2025-O-07 that pertains to the requested SUP. Additional details in the Staff Report.

ATTACHMENTS: Staff Report and Ordinance No. 2025-O-07

FUNDING ISSUES

- ☒ Not applicable
☐ Not budgeted
☐ Full amount already budgeted
☐ Funds to be transferred from Acct.#

SUBMITTING STAFF MEMBER Ellie Roohbakhsh, Assistant Planner	FINANCE DIRECTOR APPROVAL _____ CITY MANAGER APPROVAL _____
--	--



STAFF REPORT TO CITY COUNCIL

Specific Use Permit

Agenda of:	April 7, 2025	Initiated By:	Jose Abraham Director, Development Services
Subject:	Rezoning, LC-HWY6 to LC-HW6-SUP	Presented By:	Ellie Roohbakhsh, Assistant Planner
Recommended Action:	Consideration And Possible Action to Approve Ordinance No. 2025-0-07		

SUMMARY

The applicant, Chuck Webb with Heitkamp Swift Architects, representing the property owner Dr. Ziad Haidar, is requesting a zoning classification change for an approximate 1.07-acre tract of land located along the north side of Morris Avenue/Highway 6 (PID: 228682), west of the under-construction AutoZone at 19201 Morris Ave, Manvel, TX. The applicant intends to develop the subject site into an emergency facility. The current zone is Light Commercial District/State Highway 6 Overlay District (LC/SH6). The proposed emergency facility is classified as NAICS use 621493, "Freestanding Ambulatory Surgical and Emergency Centers," which is allowed within the LC District upon approval of a Specific Use Permit (SUP). The applicant met with staff for a pre-development meeting in January 2025, to discuss the proposed project.

EXHIBITS

Aerial Vicinity Map, Zoning Vicinity Map, Major Thoroughfare Plan Map, Application, Letter of Authorization, Letter of Request, Survey, Proposed Site Plan (Conceptual Plan), Proposed Elevations, Proposed Landscaping Plan, Proposed Floor Plan, Reciprocal Easement Agreement, Public Hearing Notice, and Site Photos.

GENERAL SITE INFORMATION

The following is a summary of general site information.

Surrounding Property Zoning	North: Single-Family Residential District (SFR) South: Light Commercial District / State Highway 6 Overlay District / Specific Use Permit (LC/SH6/SUP) – (Carwash) East: Light Commercial District / State Highway 6 Overlay District / Specific Use Permit (LC/SH6/SUP) – (Automotive Parts and Accessories Stores) West: Light Commercial District / State Highway 6 Overlay District (LC/SH6)
Surrounding Land Use	North: Residential (Bluewater Lakes) South: Vacant (Proposed Carwash) East: AutoZone (Under Construction) West: Vacant/Undeveloped



AERIAL VICINITY MAP



Morris Ave (PID 228682) Emergency Department



This map is made available for reference purposes only and should not be substituted for a survey product. The City of Manvel will not accept liability of any kind in conjunction with its use.

-  Emergency Department
-  Parcels

-  City of Manvel ETJ
-  City of Manvel City Limits

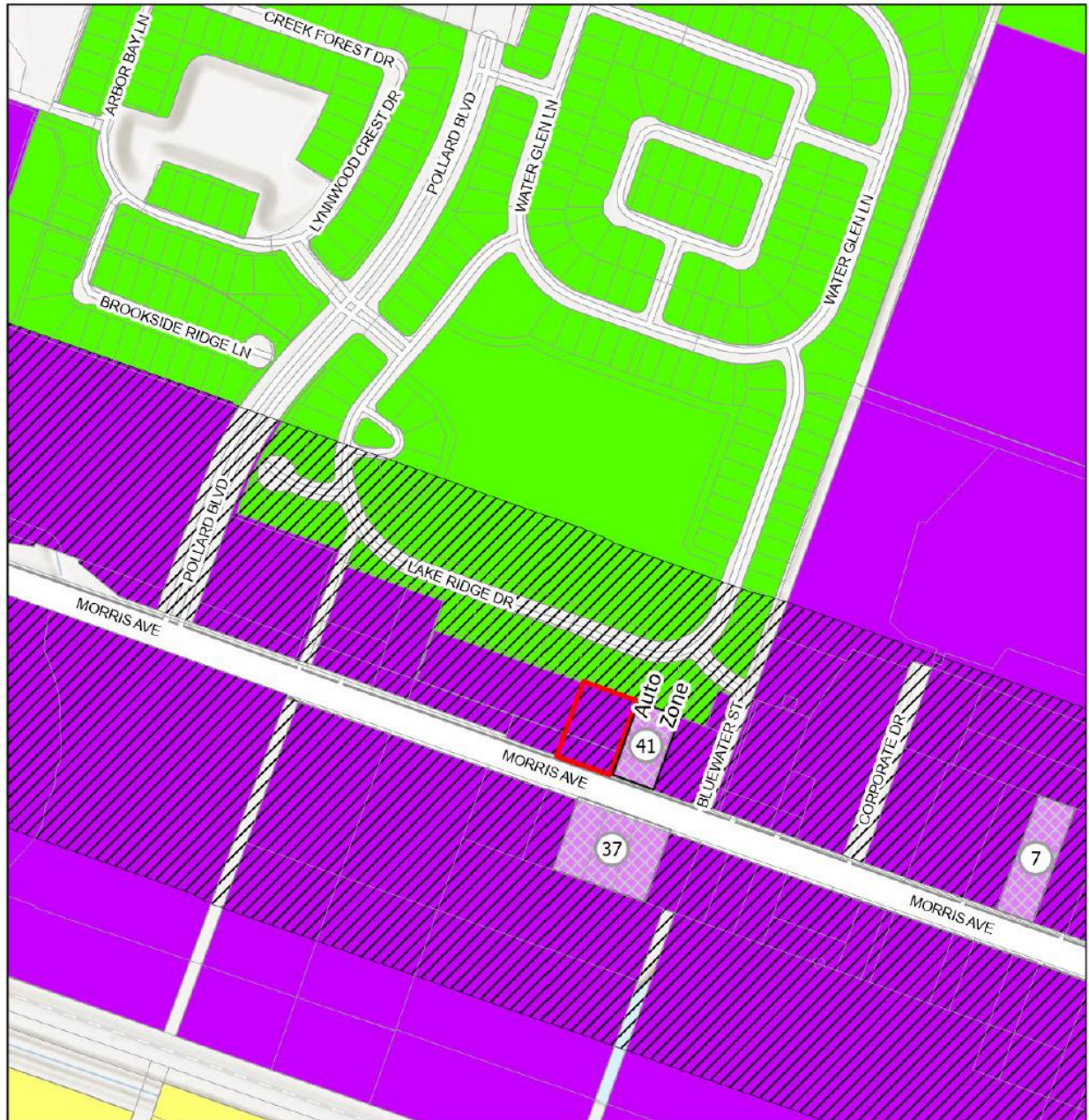
0 212.5 425 850 1,275 1,700 US Feet



Date: January 2025
Reference: 2023004
Data Source: City of Manvel
Brazoria County Open Data



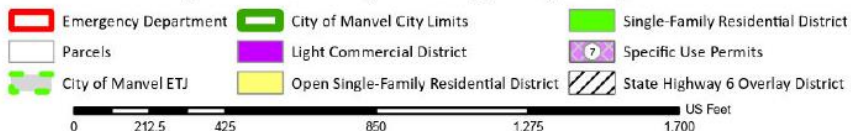
ZONING VICINITY MAP



Morris Ave (PID 228682) Emergency Department



This map is made available for reference purposes only and should not be substituted for a survey product. The City of Manvel will not accept liability of any kind in conjunction with its use.



Date: January 2025
Reference: 2025004
Data Source: City of Manvel
Brazoria County Open Data

SPECIFIC USE PERMITS LEGEND

Label No	Address	Specific Use Description	Ordinance No	Effective Date	Zoning Classification
7	19333 HWY 6	AUTOMOTIVE OIL CHANGE AND LUBRICATION	2013-O-24	9/23/2013	LC
37	State Highway 6/	NAICS USE 811192 "CAR WASHES"	2023-O-09	2/21/2023	LC/SH6-SUP
41	19201 Morris Ave	NAICS USE 441310 "Automotive Parts and Accessories Stores"	2024-O-01	2/5/2024	LC/SH6-SUP



ZONING ORDINANCE PROVISIONS FOR SPECIFIC USE PERMITS

In Section 77-50 (a) *Uses Requiring Specific Use Permit*, of the Zoning Ordinance it states “*certain uses of land, buildings or structures may not be appropriate under all circumstances in any given zoning district but may be appropriate where adequate precautions can be taken to assure compatibility with surrounding uses, public need, and the orderly development of the city as a whole. This section provides City Council and Planning, Development, and Zoning the opportunity to deny or to conditionally approve those uses for which specific use permits are required. These uses generally have unusual characteristics or are of a public or semipublic character often essential or desirable for the general convenience and welfare of the community. However, because of the nature of use, the importance of the use’s relationship to the comprehensive plan, or possible adverse impact on neighboring properties of the use, review, evaluation, and exercise of planning judgement relative to the location and site plan of the proposed use are required.*”

In Section 77-50 (b) of the Zoning Ordinance it further states, “*the City Council, after receiving the recommendation of the planning, development and zoning commission, may by ordinance, grant a specific use permit for the permitted uses, as herein qualified by the permitted use table, in locations and zoning districts to permit a use where they are not otherwise permitted by this article, and may impose any appropriate conditions and safeguards to protect property and property values, and in the interest of health, safety or welfare.*”

PROJECT DETAILS

The subject site is a 1.07-acre vacant tract located along the northern side of State Highway 6 (SH6), abutting the Bluewater Lakes subdivision to the north and AutoZone (19201 Morris Avenue/SH6) to the east. The site is currently undeveloped and zoned Light Commercial District/State Highway 6 Overlay District (LC/SH6). The applicant intends to develop the subject site into an emergency room. The current zoning is LC/SH6 and the proposed emergency room use is classified as NAICS use 621493, “Freestanding Ambulatory Surgical and Emergency Centers,” which is allowed within the LC District upon approval of a Specific Use Permit (SUP). The applicant met with staff for a pre-development meeting in January 2025 to discuss the proposed project. The proposed emergency room will provide emergency medical services, including trauma care, cardiac and respiratory treatment, advanced imaging, lab testing, and patient stabilization. It will operate independently of a hospital with board-certified emergency physicians. The development will include trauma rooms, diagnostic suites, lab spaces, and administrative areas. As part of the SUP application, the applicant has provided concept plans for the proposed development. The submitted plans (*attached as exhibits*) demonstrate general conformance to City of Manvel’s site development standards. Please note that a detailed review of site and building construction plans shall take place as part of the platting and permitting process.

The subject site currently does not have direct driveway access from Morris Avenue/Highway 6. The applicant has contacted TxDOT and submitted a Preliminary Driveway Review for the proposed project. However, as per the agreement regarding reciprocal easements, the subject site and all current and future occupants will access the property from Bluewater Street through existing Parallel Public Access Easements (PAEs) established on the adjoining properties (Starbucks and AutoZone) to the east. The subject site is required to be platted and to provide continuity to the PAE on the west side as development progresses. The applicant has provided documentation indicating that, similar to the adjoining developments (Starbucks and AutoZone) to the east, the subject site will drain into a storm conveyance pipe that flows to the eastern detention pond of the Bluewater Lakes



Development. Additionally, the proposed development is required to extend the existing sidewalk along Morris Avenue/Highway 6 required by Section 62-113. *Sidewalks* of the Subdivision Ordinance.

PREDETERMINED CONDITIONS FOR THE PROPOSED USE (Section 77-50. (g)).

Section 77-50(g) of the Zoning Ordinance provides the following predetermined conditions that apply to the proposed use:

- a. The facility is only permitted to operate during the hours of 8:00 a.m. to 10:00 p.m. each day, unless authorized by an approved SUP.
- b. All waiting and/or lobby areas shall maintain an unobstructed view from the outside.
- c. All doors shall remain unlocked and accessible during normal business hours.

At the March 10, 2025 Planning, Development, and Zoning Commission meeting, the applicant brought to attention that State legislature requires Free Standing Emergency Room's to be a 24 hour operation. The City Attorney noted that allowing a 24 hour operation could be in violation of the Texas Occupations Code, that requires that massage establishments and medical uses must be treated similarly with respect to zoning requirements and development standards. To address this concern, staff will propose a zoning ordinance amendment to update the hours of operation related SUP requirement for medical and personal care uses at a future meeting.

SUP CRITERIA FOR APPROVAL AND STAFF ANALYSIS

Section 77-50(e) of the Zoning Ordinance provides the following approval criteria for SUP requests. These criteria help in determining whether the proposed use is in harmony with existing surrounding uses and zoning districts.

1. Conformance to Comprehensive Plan: The vision statement in the 2015 Comprehensive Plan seeks to maintain its rural character and small-town values while managing its growth by: "Benefiting from our strategic location by encouraging well planned quality retail, commercial and residential development that reflects and enhances our small-town quality of life". The subject site, being located along a major thoroughfare, makes it an appropriate location for the proposed use and suggests general alignment with the Comprehensive plan goals.
2. Compatibility with the character of the neighborhood: The site is within a Light Commercial District / State Highway 6 Overlay District (LC/SH6), making it well-suited for medical and commercial uses. The FSED is compatible with nearby retail and service-oriented businesses, including AutoZone, and aligns with existing commercial corridor. However, significant buffering and screening will be required to mitigate potential impacts on adjacent residential areas, particularly Bluewater Lakes subdivision to the north.
3. The suitability of the property for the uses permitted by right: The site's LC zoning permits various commercial uses such as offices, retail, and restaurants. The Highway 6 corridor is most suitable for various retail services including restaurants. The 1.07-acre vacant tract is appropriately sized and positioned for a FSED as well, benefiting from high visibility and accessibility along a major roadway.
4. Detrimental impact on nearby property: The FSED is not anticipated to have a detrimental impact on nearby properties. The site is adjacent to existing commercial uses, including AutoZone and Starbucks. The rear of the proposed development includes the dumpster area



and the extension of the existing Parallel PAE that buffers it from the Bluewater Lakes subdivision. Additionally, the facility will operate within the LC/SH6 zoning, which is intended for commercial development. Potential impacts, such as traffic and noise, will be mitigated through controlled site access via the Parallel PAE and compliance with TxDOT driveway regulations. The development will also adhere to lighting, screening, and landscaping requirements to minimize any visual or operational disturbances to nearby residential areas.

5. *Traffic and Parking issues:* The proposed FSED is expected to generate moderate traffic, primarily from emergency vehicles, staff, and patients. Given its location along Morris Avenue/Highway 6, a Major Thoroughfare, the development must ensure safe and efficient ingress and egress. Access will be provided via an existing Parallel PAE connecting to Bluewater Street and shared with AutoZone and Starbucks, minimizing direct access onto Morris Avenue/Highway 6. A secondary access point from Morris Avenue/Highway 6 is planned, pending TxDOT approval. Parking will be provided in accordance with zoning regulations, ensuring adequate spaces for patients, staff, and emergency vehicles. Given the site's proximity to existing commercial developments, no significant traffic congestion or parking deficiencies are anticipated.
6. *Harm to the value of nearby properties:* The proposed FSED is compatible with surrounding commercial uses and is not expected to negatively impact nearby property values. Proper buffering and design mitigations, including limiting light overspill onto residential lots, will address concerns from nearby homeowners in Bluewater Lakes. The rear development layout should minimize disturbances from dumpsters and service areas.
7. *Impedance to orderly development of surrounding vacant property:* A large portion of the surrounding property is owned by the same property owner. Impedance to orderly development of surrounding vacant properties is not anticipated.
8. *Utility Provisions:* The proposed use is not anticipated to have any further impact on utility provisions. Drainage will be directed to the Bluewater Lakes eastern detention pond, similar to AutoZone and Starbucks. A detailed review of site and building construction plans is ongoing and shall continue as part of the platting and permitting process.
9. *Safe site development and layout:* The proposed development is required to comply with safety regulations and best practices to ensure a secure and functional site layout. The FSED is required to be designed to provide clear and efficient access for emergency vehicles, patients, and staff while minimizing conflicts with general traffic. Site circulation will incorporate designated entry and exit points, including rear cross-access through Starbucks and AutoZone, which must be maintained to avoid conflicts with adjacent businesses, and a frontage connection from Morris Avenue/SH6, subject to TxDOT approval. The facility will comply with fire lane requirements, ensuring adequate emergency response access. Pedestrian safety will be enhanced through the extension of the sidewalk along Morris Avenue/Highway 6, in accordance with Section 62-113 of the Subdivision Ordinance. The site will also include adequate lighting, drainage, and ADA-compliant pathways to promote a safe and accessible environment for all users.
10. *Lighting:* Site lighting is required to be designed to enhance safety while minimizing disturbance to adjacent properties. All exterior lighting must comply with city regulations, utilizing shielded and directional fixtures to prevent light pollution affecting nearby homes.



11. Landscaping and screening: The proposed development is required to comply with Section 77-44 – Trees, Landscaping, Fencing, and Screening of the City of Manvel Code of Ordinances. The only screening available between the subject site and abutting residential subdivision is the existing privacy fence because of the access easement at the rear property line. Street frontage landscaping along Morris Avenue/Highway 6 will include trees and shrubs per Overlay District requirements. Perimeter landscaping will screen parking areas, and the existing wooden fence separates the site from residential properties. All landscaping will meet tree planting, screening, and irrigation standards to enhance site aesthetics and compliance.
12. Other appropriate conditions and safeguards in the interest of health, safety or welfare: The proposed FSED is required to comply with all applicable local, state, and federal health and safety regulations to ensure the well-being of patients, staff, and the surrounding community. The facility will be designed to meet life safety codes, including provisions for emergency vehicle access, fire suppression systems, and proper ventilation. Adequate parking and lighting will be provided to enhance safety for visitors and employees. Noise mitigation measures will be implemented to minimize potential disturbances to nearby residential areas. Additionally, the development will include landscaping and buffering along the northern boundary to provide a visual and noise barrier between the facility and adjacent single-family residences. The site layout will prioritize efficient traffic circulation, ensuring clear emergency access routes while maintaining connectivity with existing access easements. Any additional conditions required by TxDOT, emergency services, or city ordinances must be incorporated to enhance public safety and operational efficiency.

STAFF RECOMMENDATION

Based on the above discussion, staff recommends approval of this SUP request for the subject site to allow NAICS Use No. 621493: " Freestanding Ambulatory Surgical and Emergency Centers " with the following conditions:

1. A plat shall be prepared and approved in conformance with Chapter 62 – *Subdivisions*, prior to developing the subject site for the proposed Free Standing Emergency Department.
2. The site development shall follow the attached site plan. However, changes necessary to conform to any adopted City of Manvel codes and ordinances shall be made as part of the construction plan and building permit review process;
3. Outdoor lighting shall be shielded and shall conform with the Illuminating Engineering Society of North America ("IES") criteria for full cut-off fixtures, which is 100 percent of light output below 90 degrees, and 90 percent of light output below 80 degrees from a vertical line through the fixture;
4. Outdoor lighting shall be deflected, shaded, and focused away from abutting properties and shall not be a nuisance to abutting properties, and shall be designed so that any overspill of lighting onto abutting properties shall not exceed three-tenths foot-candles, measured vertically and horizontally;
5. Buildings shall be designed in conformance with all adopted technical codes, including Building and Fire Codes.



6. The facility is permitted to operate twenty-four (24) hours a day, if the current zoning ordinance is amended by City Council to allow state requirements to dictate hours of operation for medical and personal care uses.
7. All waiting and/or lobby areas shall maintain an unobstructed view from the outside; and
8. All doors shall remain unlocked and accessible during normal business hours.

NOTE: Staff will propose a zoning ordinance amendment to update the hours of operation related SUP requirement for medical and personal care uses at a future meeting. Staff is in the process of scheduling a joint meeting with Planning, Development, and Zoning Commission to satisfy the Public hearing requirement.

PLANNING, DEVELOPMENT AND ZONING COMMISSION DISCUSSION AND RECOMMENDATION

On March 10, 2025, the Planning and Zoning Commission (PD&Z) held a public hearing to receive public input. There were no public comments made on the proposed project. Staff and the applicant provide clarifications to commission's drainage and access related questions. The Commission had questions regarding the predetermined condition related to operating hours since Emergency Rooms are required to be open 24/7. The agenda item was postponed so that staff could review and provide clarification on the predetermined condition related to operational hours.

On March 17, 2025, City Council held a public hearing to receive public comment but no action was taken.

An action item for the requested SUP was included on the March 24, 2025, PD&Z meeting agenda. During the public comments, four (4) members of the public spoke in opposition to the requested SUP, citing concerns about noise, traffic, and the facility's 24-hour operation. The PD&Z chair also read out the public comments sent via email. Staff explained that the predetermined condition regarding operating hours in the current zoning ordinance and noted the possibility of a future amendment by the City Council to align with state requirements for medical and personal care uses, as Emergency Rooms are mandated to operate 24/7. Staff and the applicant provided additional clarification to the commission's drainage and access-related questions. The applicant also presented the project and responded to some of the concerns raised by neighbors and the Commission. A motion to recommend approval of Ordinance No. 2025-O-07 to the City Council failed with a vote of one (1) "Yea" to five (5) "Nays." Therefore, the Planning, Development, and Zoning Commission is not recommending approval of Ordinance No. 2025-O-07 that pertains to the requested SUP.

CITY COUNCIL HELD PUBLIC HEARING

At the March 17, 2025, City Council public hearing, no opposition was expressed regarding the subject SUP request. At the public hearing, the applicant indicated that they had spoken to several neighbors adjacent to the subject site who have generally indicated approval for the project. Following the City Council meeting, staff received ten emails opposing the requested SUP due to concerns about noise and traffic and its being a 24-hour operation.



PUBLIC HEARING NOTICE

The Notice of Public Hearing was published in the newspaper of general circulation. All property owners within 200 feet of the property were notified. Following the City Council meeting, staff received ten (10) emails expressing opposition to the requested SUP due to concerns about noise and traffic. Additionally, there were concerns regarding the proposed modification of operating hours from 8:00 AM – 10:00 PM to 24/7.



MAJOR THOROUGHFARE PLAN MAP





APPLICATION

Docusign Envelope ID: B01BDA4D-9004-47FF-9B5D-E1826D6FF05E



DEVELOPMENT SERVICES

20025 HIGHWAY 6
MANVEL, TX 77578
P: 281-489-0630
F: 281-489-0634

SPECIFIC USE PERMIT APPLICATION

PROJECT INFORMATION

Project Name: Emergency Department
Project Location/Address: Morris Ave. Manvel TX. 77578
Legal Description: Manvel Lot OL 183F-184 Acres-4.223
Current Zoning: (LC) Hwy 6 overlay Proposed Land Use: Specific Use (S) NAICS No.: 621493
Parcel/Tax ID# (s): 228682 Total Acreage: 1.07

APPLICANT INFORMATION

Applicant Name: Chuck Webb
Company Name: Heitkamp Swift Architects
Address: 1165 Brittmoore Rd. City: Houston State: Tx Zip: 77043
Phone #: (713) 626-4300 Email: chuck.webb@heitkampswift.com

This is to certify that the information on this form is COMPLETE, TRUE, and CORRECT, and I, the undersigned, am authorized to make this application on behalf of the owner(s). I understand that this application will expire one year from the date submitted.

Chuck Webb 1/23/2025
Applicant Signature (REQUIRED) Date

PROPERTY OWNER INFORMATION

Owner(s) Name: Dr. Ziad Haidar
Address: 5118 grove Terrace Ct City: Manvel State: TX Zip: 77578
Phone #: (310) 667-2667 Email: ziad.haidar1@gmail.com

PROPERTY OWNER'S AUTHORIZATION (Required – If owner is also the applicant, must sign as both):

I am the owner of the property for which this application is being made. I authorize the above person (Applicant) to submit this application and to correspond with the City of Manvel regarding this application on my behalf.

DocuSigned by: 1/23/2025
78B4EEC0F5440
Owner's Signature (REQUIRED) Date



Docusign Envelope ID: B01BDA4D-9004-47FF-9B5D-E1826D6FF05E



DEVELOPMENT SERVICES

20025 HIGHWAY 6
MANVEL, TX 77578
P: 281-489-0630
F: 281-489-0634

SUBMITTAL CHECKLIST

So that we may efficiently review your project in a timely manner, it is important that all required documents and fees listed on the "Submittal Checklist" below are submitted with your application. One or more of the required documents may be waived due to the nature of the development; however, it is incumbent upon the applicant to inquire about these exceptions for your project **before** submitting an application. Answers to specific use permit applications can be obtained by attending a pre-development meeting with our Development Review Committee (DRC) prior to submitting a formal application. Please call the phone number on the application to schedule an appointment. Submit application and accompanying documents to the Permits and Inspections at the address above Monday through Thursday between the hours of 7:30 a.m. and 5:30 p.m. and Friday between the hours of 7:30 a.m. and 11:30 a.m.

SPECIFIC USE PERMIT SUBMITTAL CHECKLIST ITEMS	REQUIRED (PLEASE CHECK)
Completed Specific Use Permit Application (with all signatures)	X
Two (2) Copies of a Conceptual Plan (building, parking, landscaping, etc. locations)	X
Two (2) Legal Descriptions of Property (metes & bounds description if not platted)	X
Two (2) Copies of Recorded Plat (if platted)	N/A
Two (2) Applicant Letters of Request	X
Traffic Impact Analysis, (if applicable)	N/A
Paid Application Fee	

APPLICANT CERTIFICATION

By signing below, I acknowledge that I have reviewed the Submittal Checklist and have included the required submittal items and reviewed them for completeness and accuracy. I also acknowledge that my application will be rejected if it is deemed incomplete.

Chuck Webb

Applicant Signature

1/23/2025

Date



LETTER OF AUTHORIZATION

Docusign Envelope ID: B01BDA4D-9004-47FF-9B5D-E1826D6FF05E



DEVELOPMENT SERVICES

20025 HIGHWAY 6
MANVEL, TX 77578
P: 281-489-0630
F: 281-489-0634

LETTER OF AUTHORIZATION

Have property owner complete and sign, if applicant differs from property owner.

Dr. Ziad Haidar

Owner Name

5118 Grove Terrace Ct

Owner Address

Manvel TX 77578

Owner City, State Zip

1/23/2025

Date

Building and Inspections
20025 Highway 6
Manvel, TX 77578

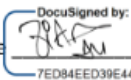
Dear City of Manvel Permits and Inspections,

I, Dr. Ziad Haidar, certify that I am the owner of the project property located at Morris Ave. and that the forgoing statements and answers made and all data, information, and evidence herewith submitted are in all respects to the best of my knowledge and belief, true, and correct. I appoint Chuck Webb with the company Heitkamp Swift Architects (if applicable) to act as my representative for this project. I agree to be responsible for payment of bills due to the City of Manvel related to this application. Furthermore, I understand that any material misrepresentation of this application, failure to comply with ordinances, and /or failure to remit payment for services can lead to delays in this project – up to and including rejecting the project and forfeiting any fees paid.

Please contact me directly at (310) 667-2667 if you have any questions.

Sincerely,

Owner Name Dr. Ziad Haidar

Owner Signature 

DocuSigned by:

7ED84EED39E4432...



REQUEST LETTER



Letter of Request

Attention: Development Services
20025 Hwy 6
Manvel Tx. 77578

Dear To Whom It May Concern,

I am writing to formally request approval for the construction of a stand-alone emergency department (ED) to be located at Morris Avenue, Manvel, Texas, 77578. The proposed facility will consist of the construction of both the shell and the interior build-out of a fully functional free-standing emergency department, designed to provide critical and urgent care to the surrounding community.

A free-standing emergency department (FSED) operates as an independent facility that offers many of the same services as a traditional hospital-based emergency room. These facilities are staffed with board-certified emergency physicians, nurses, and medical professionals equipped to handle a wide range of medical emergencies, including trauma, cardiac events, respiratory distress, and other acute conditions. FSEDs provide advanced imaging services, laboratory testing, and stabilization capabilities, ensuring patients receive immediate, high-quality care without the extended wait times often associated with larger hospital systems.

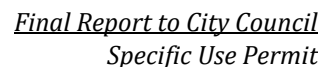
The establishment of this free-standing emergency department in Manvel will play a pivotal role in addressing the healthcare needs of the growing population in the area. By offering accessible and efficient emergency care, the facility will contribute to improving health outcomes and reducing the burden on nearby hospitals. Additionally, the proposed location on Morris Avenue will provide a convenient and strategic site to serve the community effectively.

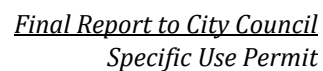
The scope of work for this project includes the complete construction of the building's exterior shell and the detailed interior build-out to meet all healthcare standards and regulatory requirements for emergency medical facilities. This includes specialized areas such as trauma rooms, diagnostic imaging suites, laboratory spaces, and patient examination rooms, as well as administrative offices and waiting areas.

We believe this project will not only enhance local healthcare services but also bring economic benefits to the community through job creation and infrastructure development.

Thank you for considering this request. We look forward to the opportunity to contribute positively to the Manvel community's healthcare landscape. Please feel free to contact me if you require any additional information or documentation.

Sincerely,
Chuck Webb, AIA
Heitkamp Swift Architects
1165 Brittmoore Rd
Houston, Tx. 77043
(713) 626-4300



HEITKAMP SWIFT
ARCHITECTS

Garza + McLain
ATTORNEYS AT LAW

{b} bennett
design
group

EMERGENCY
DEPARTMENT

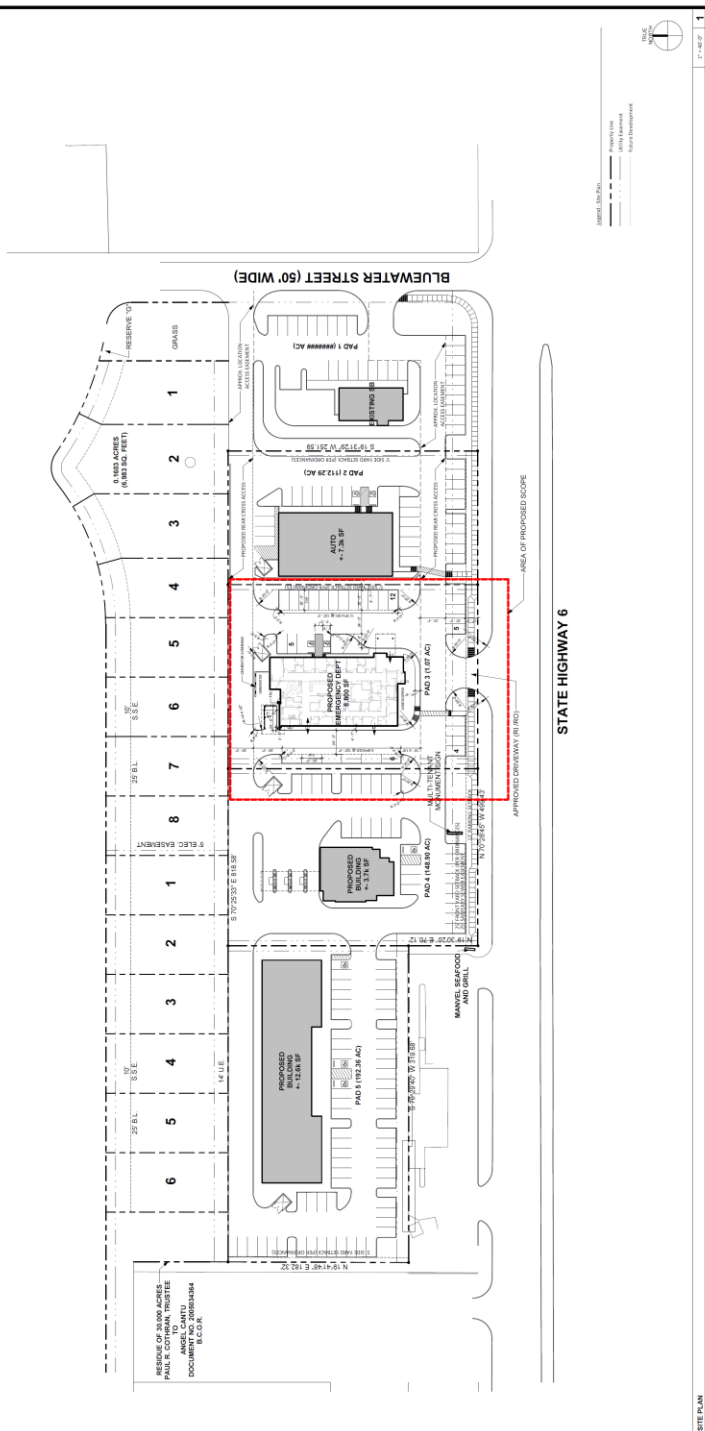


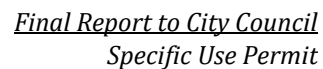
SITE PLAN

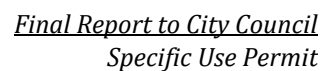
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GENERAL NOTES

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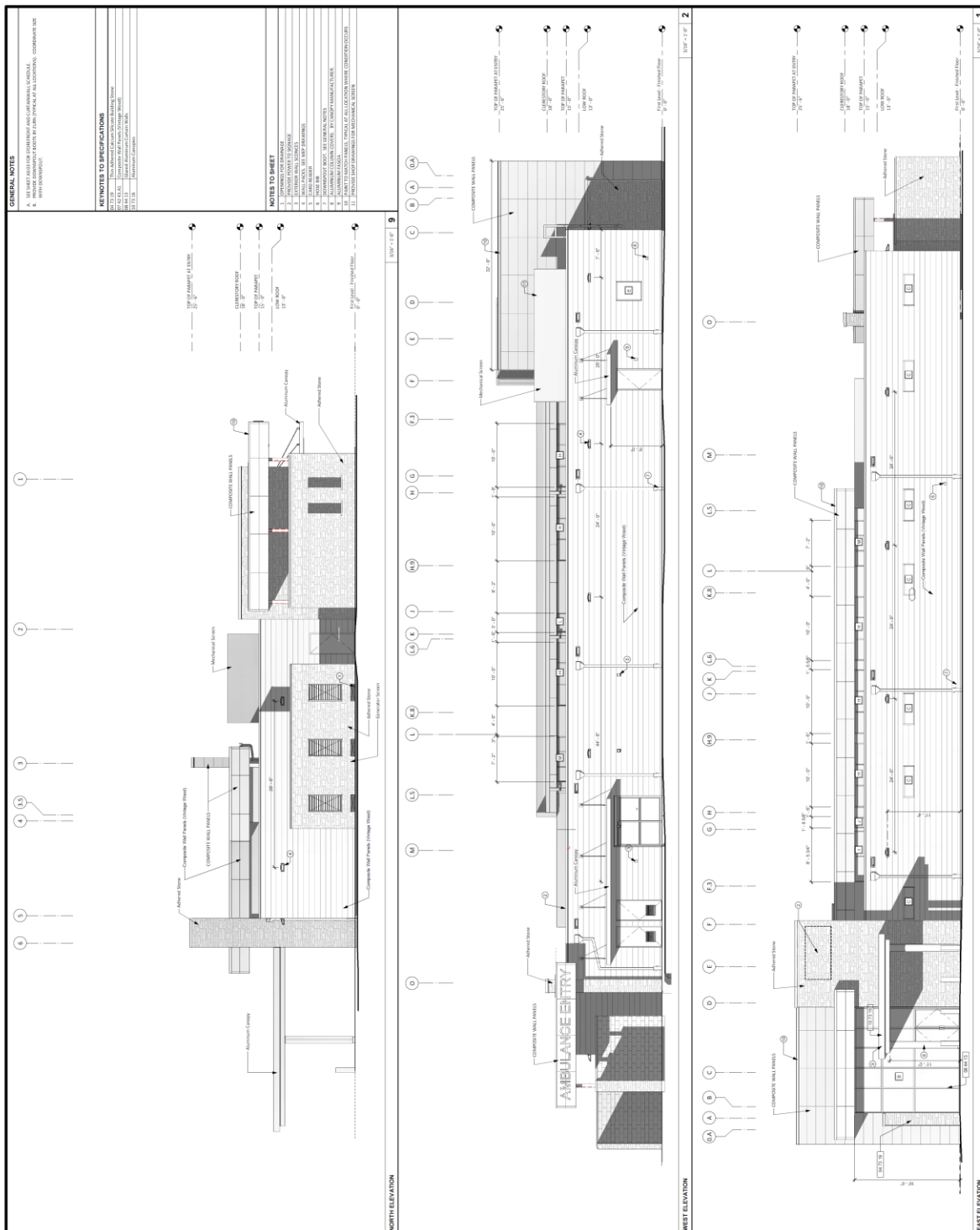
HEITKAMP SWIFT
ARCHITECTS

EMERGENCY
DEPARTMENT

Manvel Tx.

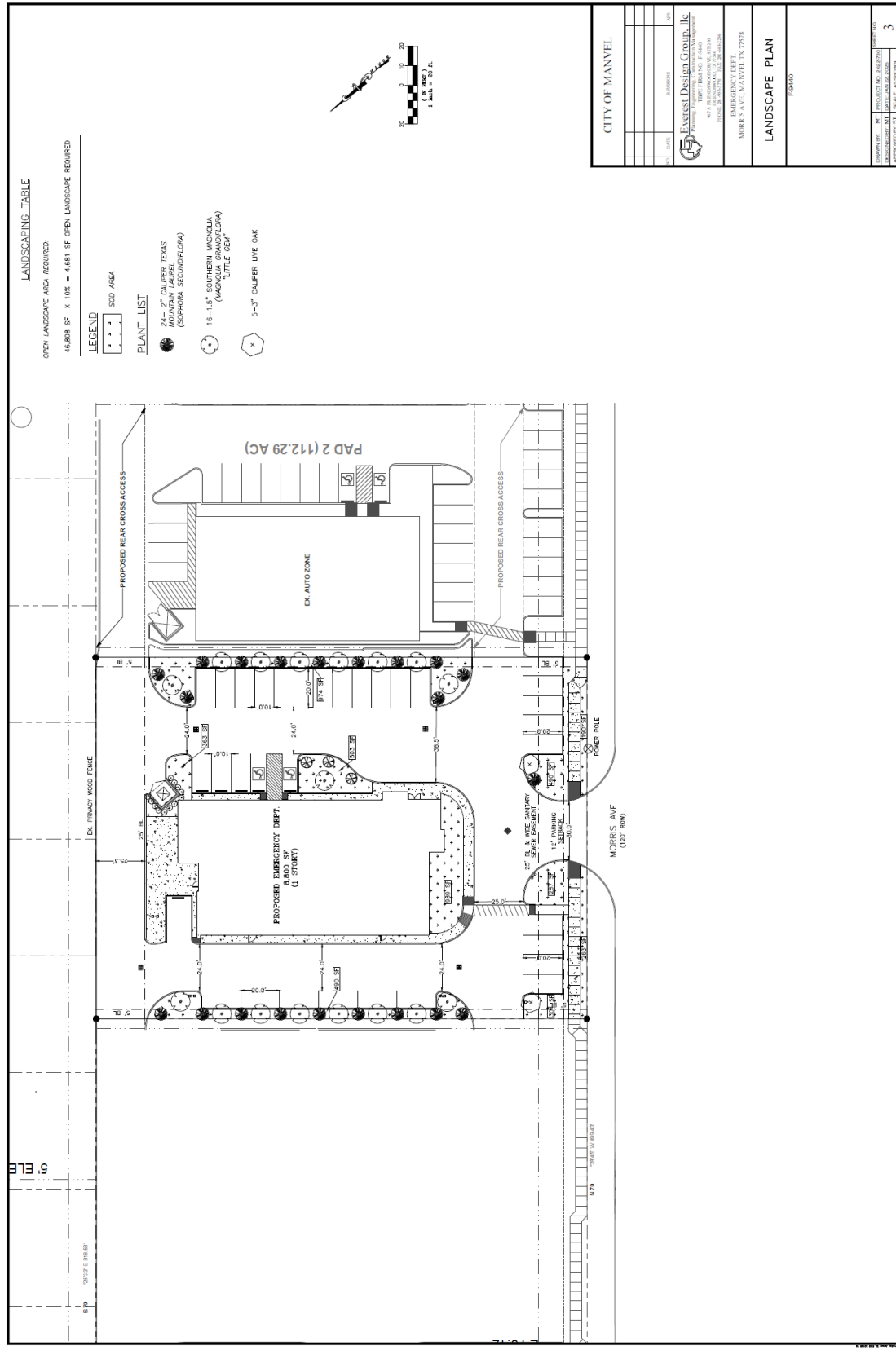
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A5.01





PROPOSED LANDSCAPE PLAN





PROPOSED FLOOR PLAN



EMERGENCY DEPARTMENT
8,847 sf



Public Hearing Notice to run on Sunday 02/23/2025

A PUBLIC HEARING WILL BE HELD AT MANVEL CITY HALL, 20031 HWY 6, MANVEL, TX, 77578 AT 6:00 P.M. ON MONDAY, MARCH 10, 2025, BEFORE THE MANVEL PLANNING, DEVELOPMENT, AND ZONING COMMISSION AND AT 6:00 P.M. ON MONDAY, MARCH 17, 2025, BEFORE THE MANVEL CITY COUNCIL TO HEAR INPUT FROM THE PUBLIC REGARDING AN ORDINANCE OF THE CITY OF MANVEL, TEXAS AMENDING THE ZONING CLASSIFICATION OF AN APPROXIMATE 1.07 ACRES TRACT OF LAND GENERALLY LOCATED ALONG NORTH SIDE OF MORRIS AVENUE / HIGHWAY 6 (PID: 228682), WEST OF THE UNDER-CONSTRUCTION AUTOZONE AT 19201 MORRIS AVE, MANVEL, TX, FROM LIGHT COMMERCIAL DISTRICT / STATE HIGHWAY 6 OVERLAY DISTRICT (LC/SH6) TO LIGHT COMMERCIAL / STATE HIGHWAY 6 OVERLAY DISTRICT WITH SPECIFIC USE PERMIT (LC/SH6-SUP); PROVIDING FOR THE GRANTING OF A SPECIFIC USE PERMIT WITH CONDITIONS TO AUTHORIZE THE USE OF PROPERTY FOR NAICS USE 621493 "FREESTANDING AMBULATORY SURGICAL AND EMERGENCY CENTERS"; PROVIDING FOR THE AMENDMENT OF THE CITY'S OFFICIAL ZONING MAP; PROVIDING FOR SEVERABILITY; AND PROVIDING A PENALTY IN AN AMOUNT NOT TO EXCEED \$2,000 FOR EACH DAY OF VIOLATION OF ANY PROVISION HEREOF. /S/TAMMY BELL, CITY SECRETARY.



SITE PHOTOS



View of adjacent properties (Starbucks and AutoZone) looking northwest from Morris Avenue/SH6



View of the subject site from Morris Avenue/SH6, looking north



View of adjacent property to the south from Morris Avenue/SH6 (Carwash)



View of adjacent property to the west from Morris Avenue/SH6



View of adjacent property to the east, AutoZone currently under construction.



View of the subject property and adjacent property to the west and east from Morris Avenue/SH6,
with AutoZone currently under construction.

ORDINANCE NO. 2025-O-07

AN ORDINANCE OF THE CITY OF MANVEL, TEXAS AMENDING THE ZONING ORDINANCE OF THE CITY, BY AMENDING THE ZONING CLASSIFICATION OF 1.07 ACRES TRACT OF LAND GENERALLY LOCATED ALONG NORTH SIDE OF MORRIS AVENUE / HIGHWAY 6 (PID: 228682), WEST OF THE UNDER-CONSTRUCTION AUTOZONE AT 19201 MORRIS AVE, MANVEL, TX, FROM LIGHT COMMERCIAL DISTRICT / STATE HIGHWAY 6 OVERLAY DISTRICT (LC/SH6) TO LIGHT COMMERCIAL / STATE HIGHWAY 6 OVERLAY DISTRICT WITH SPECIFIC USE PERMIT (LC/SH6-SUP); PROVIDING FOR THE GRANTING OF A SPECIFIC USE PERMIT WITH CONDITIONS TO AUTHORIZE THE USE OF PROPERTY FOR NAICS USE 621493 “FREESTANDING AMBULATORY SURGICAL AND EMERGENCY CENTERS”; PROVIDING FOR THE AMENDMENT OF THE CITY’S OFFICIAL ZONING MAP; PROVIDING FOR SEVERABILITY; AND PROVIDING A PENALTY IN AN AMOUNT NOT TO EXCEED \$2,000 FOR EACH DAY OF VIOLATION OF ANY PROVISION HEREOF. /S/TAMMY BELL, CITY SECRETARY.

* * * * *

WHEREAS, Ziad Haidar, Haazelt Holdings, LLC., is the owner (the “Owner”) of a certain 1.07-acre tract of land generally located along north side of Morris Avenue / Highway 6 (PID: 228682), such tract situated in the H.T. & B.R.R. CO. Survey, Abstract 483, Brazoria County, Texas, being out of and a part of that certain called 4.223 acre tract conveyed to Haazelt Holdings, LLC., by deed recorded under Brazoria County Clerk’s file No. 2022069817 of the deed records of Brazoria County, Texas, a map and description of which is attached hereto as Exhibit “A”; and

WHEREAS, the 1.07-acre tract is currently zoned Light Commercial District /State Highway 6 Overlay District (LC/SH6); and

WHEREAS, the owner has filed an application to change the zoning classification of the 1.07-acre tract to Light Commercial District/State Highway 6

Overlay District, with a Specific Use Permit (LC/SH6/SUP) allowing the existing use of the property for NAICS use 621493 “Freestanding Ambulatory Surgical and Emergency Centers”; and

WHEREAS, the Planning, Development, and Zoning Commission and the City Council have conducted, in the time and manner required by law and the Zoning Ordinance of the City, a public hearing on such request; and

WHEREAS, the Planning, Development, and Zoning Commission has recommended in its report the approval of such request, and the City Council deems it appropriate to approve said amendment to the zoning and specific use permit; now, therefore,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MANVEL, TEXAS:

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

Section 2. The zoning classification of a certain 1.075-acre (46,835 Square foot) tract of land generally located along north side of Morris Avenue / Highway 6 (PID: 228682), such tract situated in the H.T. & B.R.R. CO. Survey, Abstract 483, Brazoria County, Texas, being out of and a part of that certain called 4.223 acre tract conveyed to Haazelt Holdings, LLC., by deed recorded under Brazoria County Clerk’s file No. 2022069817 of the deed records of Brazoria County, Texas, as more particularly described in Exhibit “A” attached hereto, shall be changed from Light Commercial District /State Highway 6 Overlay District (LC/SH6) to Light Commercial District/State Highway 6 Overlay District, with a Specific Use Permit (LC/SH6-SUP), for uses as

permitted within such zone classification, subject to the regulations, and conditions hereinafter set forth:

1. Freestanding Ambulatory Surgical and Emergency Centers– (NAICS 621493)

Section 3. The request meets the criteria set forth in Section 77-50 of the City of Manvel Zoning Ordinance for a Specific Use Permit. The City of Manvel Zoning Ordinance is hereby further amended by granting a Specific Use Permit authorizing use of the Property for the additional NAICS use listed in Section 2, above.

Section 4. The City Council hereby finds it appropriate to impose the conditions to the granting of the Specific Use Permit as shown in Exhibit “B”, attached hereto and incorporated herein as if set out in full. Use and Development of the Property shall comply with the conditions and with the site plan as shown in Exhibit “C”, attached hereto. The uses and site may not be changed or expanded except by amendment of this Specific Use Permit.

Section 5. The Specific Use Permit issued under this ordinance, or a specific use listed herein, shall expire one year after its date of issuance if construction or if the listed use authorized hereunder is not substantially under way or in use prior to the expiration of said one year period. If, prior to the expiration of such one-year period, the owner of the property to which the Specific Use Permit applies in writing, for an extension, the City Council may, after recommendation from the Planning, Development, and Zoning Commission, grant such extension for one additional year.

Section 6. The Zoning District Map of the City of Manvel shall be revised and amended to show the designation of said tract, as described and as provided in

Section 2, above, with the appropriate reference thereon to the number and effective date of this Ordinance and a brief description of the nature of the change.

Section 7. The City Council hereby finds and determines that said rezoning comports to the City's Comprehensive Land Use Plan. This Ordinance shall in no manner amend, change, supplement, or revise any provision of any ordinance of the City of Manvel, save and except the change in zoning classification of said tract(s) as described above.

Section 8. 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 any part or provision hereof other than the part declared to be invalid or unconstitutional; and the City Council of the City of Manvel, Texas, declares that it would have passed each and every part of the same notwithstanding the omission of any 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.

Section 9. 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 \$2,000.00. Each day of violation shall constitute a separate offense.

Section 10. Revocation. This Specific Use Permit may be revoked or modified by the City Council, in whole or in part, after notice and hearing, for either of the following reasons:

(1) The Specific Use Permit was obtained or extended by misrepresentation, fraud or deception: or

(2) That one of more of the conditions imposed by the permit has not been met or has been violated.

PASSED AND APPROVED on first reading this _____ day of _____, 2025.

PASSED, APPROVED, AND ADOPTED on second and final reading this _____ day of _____, 2025.

Dan Davis, Mayor

ATTEST:

Tammy Bell, City Secretary

APPROVED AS TO FORM:

Robert Gervais, City Attorney

Certain 1.07-acre tract of land generally located in the H.T. & B.R.R. CO. Survey, Abstract 483, Brazoria County, Texas, being out of and a part of that certain called 4.223 acre tract conveyed to Haazelt Holdings, LLC., by deed recorded under Brazoria County Clerk's file No. 2022069817 of the deed records of Brazoria County, Texas.



Exhibit B

CONDITIONS FOR MORRIS AVENUE / HIGHWAY 6 (PID: 228682)
(FREESTANDING AMBULATORY SURGICAL AND EMERGENCY CENTERS)

1. A plat shall be prepared and approved in conformance with Chapter 62 – *Subdivisions*, prior to developing the subject site for the proposed Medical Department;
2. The site development shall follow the attached site plan. However, changes necessary to conform to any adopted City of Manvel codes and ordinances shall be made as part of the construction plan and building permit review process;
3. Outdoor lighting shall be shielded and shall conform with the Illuminating Engineering Society of North America ("IES") criteria for full cut-off fixtures, which is 100 percent of light output below 90 degrees, and 90 percent of light output below 80 degrees from a vertical line through the fixture;
4. Outdoor lighting shall be deflected, shaded, and focused away from abutting properties and shall not be a nuisance to abutting properties, and shall be designed so that any overspill of lighting onto abutting properties shall not exceed three-tenths foot-candles, measured vertically and horizontally;
5. Buildings shall be designed in conformance with all adopted technical codes, including Building and Fire Codes.
6. The facility is permitted to operate twenty-four (24) hours a day, if the current zoning ordinance is amended by City Council to allow state requirements to dictate hours of operation for medical and personal care uses.
7. All waiting and/or lobby areas shall maintain an unobstructed view from the outside.
8. All doors shall remain unlocked and accessible during normal business hours.

MORRIS AVENUE / HIGHWAY 6 (PID: 228682) SITE PLAN



ORDINANCE NO. 2025-O-12

AN ORDINANCE AMENDING CHAPTER 17. “BUILDINGS AND BUILDING REGULATIONS” OF THE CODE OF ORDINANCES OF THE CITY OF MANVEL, TEXAS, BY AMENDING ARTICLE IX “IMPACT FEES,” SECTION 17-412 TO ADD A NEW PROVISION REGARDING ADMINISTRATIVE ITEMS; PROVIDING AN INCENTIVE TO RESIDENTS WHO ARE ON A PRIVATE WELL AND/OR SEPTIC SYSTEM TO CONNECT TO CITY SERVICES WHEN THEY BECOME AVAILABLE; REPEALING PROVISIONS IN CONFLICT THEREWITH; PROVIDING A PENALTY IN AN AMOUNT NOT TO EXCEED \$2,000.00 PER DAY FOR EACH DAY OF VIOLATION OF ANY PROVISION HEREOF; AND PROVIDING FOR SEVERABILITY.

* * * * *

WHEREAS, Texas Local Government Code § 395.001 et seq., authorizes cities to enact or impose impact fees (capital recovery fees) on land within their corporate boundaries or extraterritorial jurisdictions, as charges or assessments imposed against new development in order to generate revenue for funding or recouping the costs of capital improvements or facility expansions necessitated by and attributable to such new development; and

WHEREAS, the City adopted Article IX of Chapter 17 of The City Code to provide for the assessment and collection of impact fees in the city limits; and

WHEREAS, in 2013, consistent with input from the Capital Improvements Advisory Committee, the citizens, and the City Council, by ordinance, approved the City’s Land Use Assumptions and Capital Improvements Plan and set the resulting impact fee; and

WHEREAS, the impact fees were amended by ordinance in 2016, and again in 2019; and

WHEREAS, in 2021, the City Council again amended the impact fees by approving the 2021 Update Study of Land Use Assumptions, Capital Improvement Plan & Impact Fees; and

WHEREAS, prior to 2021 Land Use Assumptions, Capital Improvement Plan & Impact Fees contained a provision providing for administrative items, including incentives to residents on well and septic systems to tie on to city services, once available; and

WHEREAS, the City has determined it is in the best interest of the general public to permanently adopt these administrative items and the incentives to homeowners who are on a private well and/or septic system to connect to city services when they become available; and

WHEREAS, the City has determined that it is in the best interest of the general public to amend and update The City Code to permanently adopt these administrative items; and

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MANVEL:

Section 1. That the facts and recitations set forth in the preamble of this Ordinance are hereby declared true and correct.

Section 2. The Code of Ordinances of the City of Manvel, Texas, Chapter 17. *Buildings and Building Regulations*, Article IX. “Impact Fees” is hereby amended by adopting a new section 17-412 “Administrative items” to read and provide as follows:

“Chapter 17 - BUILDINGS AND BUILDING REGULATIONS”

....

Sec. 17-412 – Administrative Items

1. The impact fee will be assessed (subject to future updates) at the time that a plat is filed (where applicable), and collected during the building permit process, as identified in the impact fee legislation.
2. Parks and temporary construction trailers will not be assessed any impact fees.
3. Houses and businesses obtaining additional meter(s) for fire line or lawn irrigation purposes only will not pay the impact fee associated with water or wastewater.
4. The Architect or Engineer for the Owner will size the water meter for the development based on industry standards.
5. Governmental buildings and churches will not pay the water and sewer impact fees based on the proposed assessment method. Schools are exempt from payment of impact fees unless the board of trustees consents to a specific agreement in accordance with Chapter 395, Local Government Code.

6. When an existing water meter is changed out, additional impact fees will only be assessed if the meter size is increased. The fee will be based on the incremental increase in the Service units.
7. When meters are changed out for the same size meter or a smaller meter, no Impact Fee will be assessed.
8. If an existing home is currently on a private well and/or septic system, and public water or sewer become available:
 - a. If the homeowner connects within 1 year of the installation of the City services, they will not have to pay impact fees.
 - b. If the homeowner has not connected to City services within that first year, they can connect within the second year and pay ½ of the impact fee.
 - c. If the homeowner has not connected to City services within the first two years, they will pay the full impact fee at the time of their connection.
9. Impact fees do not include tap or meter fees; these regulations do not waive any tap or meter fees. ”

Section 3. 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 \$2,000. Each day of violation shall constitute a separate offense.

Section 4. Repealer. All ordinances or parts of ordinances inconsistent or in conflict herewith, are, to the extent of such inconsistency or conflict, hereby repealed.

Section 5. Severability. In the event any 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 Manvel, 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.

PASSED AND APPROVED on the first reading this _____ day of _____, 2025.

PASSED, APPROVED, AND ADOPTED on second and final reading this _____ day of _____, 2025.

ATTEST:

APPROVED:

Tammy Bell, City Secretary

Dan Davis, Mayor

APPROVED AS TO FORM:

Robert Gervais, City Attorney



MANVEL CITY COUNCIL DATA SHEET

MEETING DATE: April 07, 2025

TOPIC: Resolution to hold a public hearing jointly by the City Council and the Planning, Development, Zoning Commission. This is regarding amending several provisions and regulations of the zoning ordinance.

BACKGROUND:

- Section 211.007(c) of the Texas Local Government Code requires written notice of the public hearing before the Zoning Commission to each property owner within 200 feet of an area of a proposed zoning change.
- Due to the City of Austin v Acuna case, the noticing requirement would apply to the entire City.
- Section 211.007(d), however, allows for a joint public hearing by the Planning, Development, and Zoning Commission (PD&Z) and City Council may hold a joint public hearing, and the City Council may prescribe the type of notice to be given of the time and place of the hearing, instead of sending notice to each property owner within 200 feet as required by 211.007(c).

STAFF RECOMMENDATION: City staff recommends adopting Resolution No. 2025-R-08 to hold a joint public hearing with PD&Z on April 28, 2025.

ATTACHMENTS: Resolution No. 2025-R-08

FUNDING ISSUES

- ☒ Not applicable
☐ Not budgeted
☐ Full amount already budgeted
☐ Funds to be transferred from Acct.#

SUBMITTING STAFF MEMBER
Jose Abraham,
Director of Development Services

FINANCE DIRECTOR APPROVAL _____

CITY MANAGER APPROVAL _____

RESOLUTION NO. 2025-R-08

A RESOLUTION OF THE CITY OF MANVEL, TEXAS, CALLING A PUBLIC HEARING TO BE HELD JOINTLY BY THE CITY COUNCIL AND THE PLANNING, DEVELOPMENT AND ZONING COMMISSION IN REGARD TO SEVERAL REGULATORY CHANGES TO THE ZONING ORDINANCE; PRESCRIBING THE TYPE OF NOTICE TO BE GIVEN OF THE TIME AND PLACE OF THE JOINT PUBLIC HEARING; AND PROVIDING THAT THIS RESOLUTION SHALL BECOME EFFECTIVE FROM AND AFTER ITS PASSAGE AND ADOPTION.

WHEREAS, the City Council of the City of Manvel intends to conduct a public hearing to be held jointly with the Planning, Development, and Zoning Commission to consider approving several regulatory changes to the Zoning Ordinance; and

WHEREAS, section 211.007(c) of the **Texas Local Government Code** requires written notice of the public hearing before the Zoning Commission to each property owner within 200 feet of an area of a proposed zoning change; and

WHEREAS, the City of Austin v Acuna case applies the notice requirement of § 211.007(c) of the **Texas Local Government Code** to each property owner within 200 feet of an area subject to a global regulatory change to a city's zoning ordinance; and

WHEREAS, section 211.007(d) provides, however, that the Planning, Development, and Zoning Commission and City Council may hold a joint public hearing, and the City Council may prescribe the type of notice to be given of the time and place of the hearing, instead of sending notice to each property owner within 200 feet as required by 211.007(c); and

WHEREAS, to promote efficiency and to save time, the City Council deems it in the best interest of the City of Manvel to hold a joint public hearing with the Planning, Development, and Zoning Commission, and to prescribe the type of notice to be given of the time and place of the hearing, consistent with section 211.007(d);

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MANVEL, TEXAS:

SECTION 1: That the City Council of the City of Manvel hereby calls a public hearing to be held jointly with the Planning, Development, and Zoning Commission to consider approving the several regulatory changes to the Zoning Ordinance.

SECTION 2: In accordance with section 211.007(d) of the **Texas Local Government Code**, the City Council, by two-thirds vote, prescribes that notice of the joint public hearing shall be by publication in a newspaper of general circulation in the City of Manvel at least 10 calendar days in advance of the public hearing. The city secretary is directed to publish notice according to this resolution.

SECTION 3: The Public Hearing shall be conducted on the 28th of April, 2025 at 6:00 p.m. at City Hall, 20031 Morris Ave (Hwy 6), Manvel, Texas.

SECTION 4: That this Resolution shall be in full force and effect from and after its passage and adoption.

PASSED AND ADOPTED this _____th day of _____, 2025.

Dan Davis, Mayor
City of Manvel, Texas

ATTEST:

Tammy Bell, City Secretary



MANVEL CITY COUNCIL

DATA SHEET

MEETING DATE: April 7, 2025

TOPIC: Subdivision variance request for an approximate 1.03-acre tract of land located at 7398/7346 Taylor St, Manvel, Texas (southwest corner of Taylor St and Magnolia St intersection), seeking to vary the requirements of Chapter 62, Section 111, *Additional Street Requirements* and Section 62-113, *Sidewalks*.

BACKGROUND: The subject site, approximately 1.03 acres, was rezoned from Open-Single Family Residential District (O-SFR) to Light Commercial District (LC) in 2021 (Ordinance No. 2021-O-23) to allow the use of an existing structure as a wedding venue, 2 Hearts Chapel. According to the property owner, Nancy Bolduc of the Bolduc Family Living Trust, the existing structure is one of the oldest buildings in Manvel. The subject site is bordered by Taylor St to the north, Magnolia St to the east, unimproved street rights-of-way (ROW) of Russell St to the west, and a vacant residential lot to the south.

The owner met with City staff in October 2024 to discuss development standards and requirements to establish the proposed wedding venue use. Since the property consists of multiple tracts, platting is required prior to issuance of construction permits. As part of the plat review process, staff provided the street construction requirements of the subdivision ordinance to the applicant. In combination, *Sections 62-111* and *62-113* of the subdivision ordinance require construction of one-half of all perimeter (abutting) roads as concrete, curb, and gutter with sidewalks in accordance with the City's Design Criteria Manual and Major Thoroughfare Plan. To seek relief from this requirement, Amity Jeffers, on behalf of the property owner, has submitted this Subdivision Variance request.

STAFF FINDINGS: Under Section 62-5, Variance, staff reviewed the request and found the following:

- **Special Circumstances:** The subject site occupies half of an entire block from the original Manvel Town Map. It is surrounded by Taylor and Magnolia Streets, which are asphalt surface roads with open ditches and no sidewalks, and Russell Street, which is an unimproved ROW. Additionally, the subject site, all abutting streets, and unimproved ROW are located within the floodplain. Taylor St transitions to gravel road to the east and Magnolia St ROW is unimproved to the north of the subject site/ respective street intersection. (Vicinity Map attached).
- **Strict Enforcement:** While strict enforcement would not deprive the applicant of property rights, it would significantly increase project costs due to the required ROW improvements.
- **Impact on Public Welfare:** Granting variance will not be materially detrimental to public welfare or injurious to other property or property rights in the vicinity. All perimeter streets/ rights-of-way are local streets with 60-foot width and not designated as a major thoroughfare. All properties in the vicinity have access from existing hard surface (asphalt) roads. The current asphalt road adequately provides access, and granting variance would not introduce unsafe conditions. With increased traffic flow, the existing asphalt roads may deteriorate over time and result in a need for maintenance. However, based on the intensity and scale of the proposed use, significant change to traffic flow is not anticipated.

RECOMMENDATION: Staff recommends approval of the variance request to *Chapter 62, Sections 62-111 and 62-113* with the following conditions as specified in the development agreement:

1. The subdivision variance will expire upon a change of use from a rented reception/wedding venue, which is classified as NAICS code 531120 "*Lessors of Nonresidential Buildings (except Mini warehouses)*"; or
2. The subdivision variance will expire upon further subdivision or replatting of the property into multiple lots/ reserves.

ATTACHMENTS: Application Form, Proposed Plat, Vicinity Aerial Map, Vicinity Zoning Map, Major Thoroughfare Plan Map, Proposed Site Plan, and Development Agreement.

FUNDING ISSUES

- ☒ **Not applicable**
☐ **Not budgeted**
☐ **Full amount already budgeted**
☐ **Funds to be transferred from Acct.#**

SUBMITTING STAFF MEMBER
Ellie Roohbakhsh, Assistant Planner

FINANCE DIRECTOR APPROVAL _____

CITY MANAGER APPROVAL _____



CITY OF MANVEL

<http://www.cityofmanvel.com>

PO Box 187
Manvel, Texas 77578

Phone: (281) 489-0630
Fax: (281) 489-0634

Subdivision Variance Application

Applicant Information

Applicant (if not owner): Amity Jeffers, FMS Surveying Inc.

Phone: 281-519-8530 e-mail: amity@fmssurveying.com

Owner: Nancy Bolduc

Owner Address: 8203 Magnolia City Manvel State TX Zip 77578

Phone: 281-468-3627 e-mail: njb4019@comcast.net

Property Information

Site Address: 7398 Taylor, Manvel, Texas

Legal description (from deed): Lot's 1-6, Block 61, Town of Manvel Subdivision

(Property must be legally subdivided or be lot of record)

Brazoria County Identification Number: 228135 and 228140

Description of Subdivision Variance Request

To not improve the perimeter road.

To not provide sidewalks along Magnolia and Russell Streets. Additionally, the proposed sidewalk on Taylor Street shown on the provided site plan will not extend from property line to property line.

Detailed Explanation of Subdivision Variance Request

Please answer, on a separate sheet of paper if necessary, the following questions:

o What are the special circumstances or conditions affecting the land involved such that the strict application of the provisions of the subdivision code would require a variance to the city's subdivision ordinance?

Taylor Street and Magnolia Street are existing asphalt roads that are consistent

with the existing area. Russell Street is an existing unopened road ROW

which we believe will never be used.

- o How is the variance necessary for the preservation and enjoyment of a substantial property right of the applicant?

Taylor Street and Magnolia Street are existing roads, while Russell Street is an existing unopened road. The cost associated with these three road improvements would not be conducive to the development of this site.

- o Describe how the granting of the variance will not be detrimental to the public health, safety or welfare, or injurious to other property in the area.

This existing road already services the surrounding area safely.

- o Describe how the granting of the variance will not have the effect of preventing the orderly subdivision of other land in the area in accordance with the provisions of the subdivision ordinance.

This existing road services the existing area well and leaving it as is will not impact the orderly subdivision of other land in the area.

Applicant Authorization

I authorize the City of Manvel to conduct any site visits necessary to evaluate this subdivision variance application.

I hereby state that I have prepared this application and that, to the best of my knowledge, the information contained herein is complete, accurate, and a true representation of the subdivision variance request. I further attest that I have the authority to submit this application and agree to comply with any and all conditions of subdivision variance approval. I agree to provide any additional information requested by the City of Manvel as they deem necessary for the processing of this application.


Applicant Signature

2-10-25
Date

Submit variance request material to the Permit Department, City of Manvel, 20025 Highway 6 Manvel, Texas 77578 with the plat application. Failure to pay the required application fees or provide the information, drawings, or attachments in the form as requested by the City shall automatically mark the application as 'incomplete' and such application shall not be placed on the agenda for consideration until all information, fees, drawings, or attachments are deemed to be complete and in proper form by city staff.

**DEVELOPMENT SERVICES DEPARTMENT**

20025 HIGHWAY 6

MANVEL, TX 77578

PHONE: 281-489-0630

FAX: 281-489-0634

SUBMITTAL CHECKLIST

So that we may efficiently review your request in a timely manner, it is important that all required documents and fees listed on the "Submittal Checklist" below are submitted with your application. One or more of the required documents may be waived due to the nature of the request; however, it is incumbent upon the applicant to inquire about these exceptions **before** submitting an application. Answers to subdivision variance applications can be obtained by attending a pre-development meeting with our Development Review Committee (DRC) prior to submitting a complete application. Please call the phone number on the application to schedule an appointment. Submit the application and accompanying documents to the Permits Department at the address above Monday through Thursday between the hours of 7:30 a.m. and 5:30 p.m. and Friday between the hours of 7:30 a.m. and 11:30 a.m.

ZONING VARIANCE APPLICATION SUBMITTAL CHECKLIST ITEMS	REQUIRED (PLEASE CHECK)
Completed Subdivision Variance Application (with all signatures)	✓
One (1) paper copy of site/plot plan and/or site plan (including vicinity map), measuring 8 ½" x 11", 11" x 17" or 24" x 36" (scaled/dimensioned drawing showing location of proposed structures)	✓
Two (2) Copies of Recorded Plat (if platted)	✓
Two (2) Copies of Legal Description (metes & bounds if not platted)	✓
Two (2) Copies of Proposed Plat	✓
Letter of Authorization (if applicable)	✓
PDF format on disc containing all application documents rotated and formatted	✓
Paid Application Fee of \$500.00 (non-refundable)	✓

APPLICANT CERTIFICATION

By signing below, I acknowledge that I have reviewed the Submittal Checklist and have included the required submittal items and reviewed them for completeness and accuracy. I also acknowledge that my application will be rejected if it is deemed incomplete.

Applicant Signature

2-10-25

Date



DEVELOPMENT SERVICES DEPARTMENT

20025 HIGHWAY 6
MANVEL, TX 77578
PHONE: 281-489-0630
FAX: 281-489-0634

LETTER OF AUTHORIZATION

Have property owner complete and sign, if applicant differs from property owner.

Nancy Bolduc
Owner Name

8203 Magnolia
Owner Address

Manvel, Texas 77578
Owner City, State Zip

02/10/2025
Date

Development Services Department
20025 Highway 6
Manvel, TX 77578

Dear City of Manvel Development Services,

I, Nancy Bolduc, certify that I am the owner of the project property located at 7398 Taylor and that the forgoing statements and answers made and all data, information, and evidence herewith submitted are in all respects to the best of my knowledge and belief, true, and correct. I appoint Amity Jeffers with the company FMS Surveying, Inc. (if applicable) to act as my representative for this application. I agree to be responsible for payment of bills due to the City of Manvel related to this application. Furthermore, I understand that any material misrepresentation of this application, failure to comply with ordinances, and /or failure to remit payment for services can lead to delays in this variance request – up to and including rejecting the application and forfeiting any fees paid. Please contact me directly at 281-468-3627 if you have any questions.

Sincerely,

Owner Name Nancy Bolduc

Owner Signature Nancy J Bolduc

NOTES:

1. ALL BEARINGS ARE LAMBERT GRID BEARINGS AND ALL COORDINATES REFER TO THE TEXAS STATE PLANE COORDINATE SYSTEM, SOUTH CENTRAL ZONE, AS DEFINED BY ARTICLE 21.071 OF THE NATURAL RESOURCES CODE OF THE STATE OF TEXAS, 1983 DATUM (2011 ADJUSTMENT) EPOCH 2010.00. ALL DISTANCES ARE GROUND DISTANCES. SCALE FACTOR = 0.999965613.

2. THE SURVEYOR HAS NOT PERFORMED AN ABSTRACT OF TITLE. THERE MAY BE OTHER MATTERS WHICH APPLY NOT REFLECTED UPON THIS SURVEY.

3. THE SURVEYOR HAS NOT ABSTRACTED THIS PROPERTY. THIS PLAT WAS PREPARED ALONG WITH A CITY PLANNING LETTER PREPARED BY TEXAS AMERICAN TITLE COMPANY WITH A GP NUMBER OF 2791024-08618, DATED JANUARY 09, 2025.

4. THE SUBJECT PROPERTY LIES WITHIN ZONE 'AO' (DEPTH 2), AS SCALED ON FIRM No. 48039CO130K, MAP DATED DECEMBER 30, 2020. THIS INFORMATION IS FOR FLOOD INSURANCE PURPOSES ONLY AND WILL NOT IDENTIFY ANY SPECIFIC POSSIBLE FLOODING HAZARDS.

5. THE NORTH LINE OF THE SUBJECT TRACT WAS HELD FOR HORIZONTAL DIRECTIONAL CONTROL.

6. FUTURE DEVELOPMENT OF THIS TRACT IS SUBJECT TO THE DEVELOPMENTAL REQUIREMENTS OF THE CITY OF MANVEL, TEXAS.

7. SURFACE OF SUBSURFACE FAULTING HAZARDOUS WASTE, WETLAND DESIGNATIONS OR OTHER ENVIRONMENTAL ISSUES HAVE NOT BEEN ADDRESSED WITHIN THE SCOPE OF THIS PLAT.

8. ALL SIDEWALKS SHALL BE CONSTRUCTED AS PART OF THE ISSUANCE OF A BUILDING PERMIT FOR EACH TRACT.

9. BUILDING PERMITS SHALL NOT BE ISSUED UNTIL ALL STORM DRAINAGE IMPROVEMENTS, WHICH MAY INCLUDE DETENTION PONDS, HAVE BEEN CONSTRUCTED.

10. THERE ARE NO VISIBLE, APPARENT SIGNS OF PIPELINES WITHIN THE AREA BEING PLATTED.

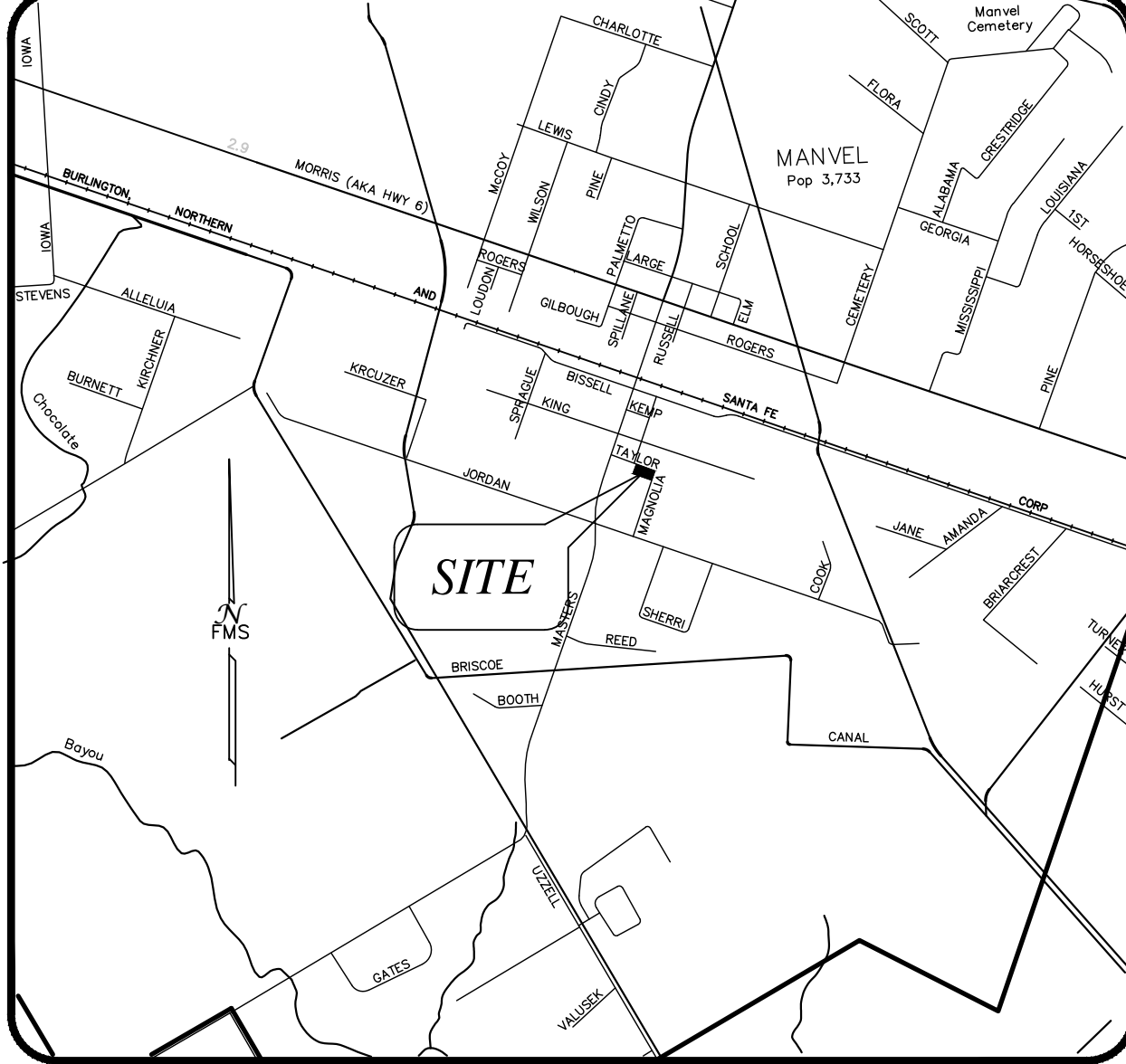
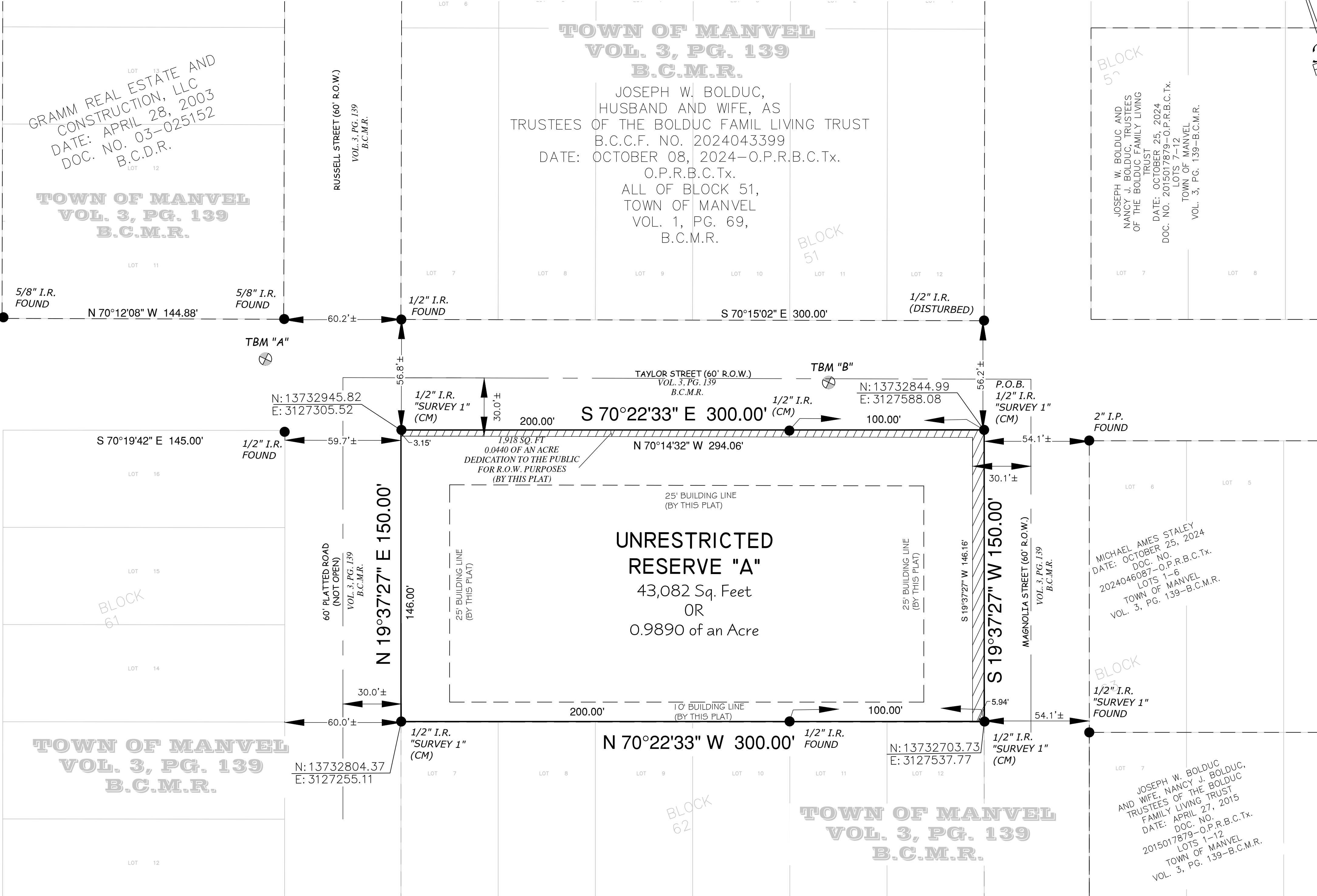
11. THIS PROPERTY BEING PLATTED LIES WITHIN THE CITY OF MANVEL, ALVIN INDEPENDENT SCHOOL DISTRICT, BCK3, AND BRAZORIA COUNTY.

12. THE BOUNDARY ERROR OF CLOSURE IS LESS THAN 1:15,000.

13. THE MINOR PLAT WILL EXPIRE IN TWO (2) YEARS AFTER FINAL APPROVAL. IF CONSTRUCTION OF THE IMPROVEMENTS HAS NOT COMMENCED WITHIN THE TWO-YEAR INITIAL PERIOD OR THE ONE-YEAR EXTENSION PERIOD GRANTED BY PLANNING DEVELOPMENT AND ZONING COMMISSION.

14. ALL LANDSCAPING AND STRUCTURES, INCLUDING FENCES AT INTERSECTIONS, SHALL CONFORM TO THE CITY OF MANVEL AND AASHTO SITE DISTANCE REQUIREMENTS FOR MOTORIST.

15. DEVELOPMENT REGULATIONS AND CITY PERMITS ARE REQUIRED ON ALL PROPERTIES.



VICINITY MAP
SCALE: 1"=2640'

METES AND BOUNDS DESCRIPTION
OF

A 1.033 acre (45,000 square feet) tract of land out of and being Lots 1 through 6, in Block 62, of the Town of Manvel, a subdivision in Brazoria County, Texas, according to the map or plat thereof recorded in Volume 3 (Vol.), Page 139 (Pg.) of the Map Records of Brazoria County, Texas, with said 45,000 square foot tract of land being more particularly described by metes and bounds as follows, (all bearings referenced hereon are based on the Texas State Plane Coordinate System. South Central Zone No. 4204, NAD 83);

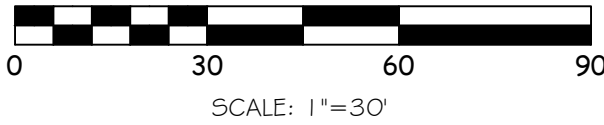
BEGINNING: at a 1/2-inch iron rod with cap stamped "Survey 1" found at the Northwest intersection of Taylor Street (called 60.00 feet in width), as shown on said Town of Manvel map and Magnolia Street (called 60.00 feet in width), as shown on said Town of Manvel tract, at the Northeast corner of this tract;

THENCE: S 19°37'27" W, departing from the South right-of-way line of said Taylor Street, along and with the West right-of-way line of said Magnolia Street and East line of this tract, a distance of 150.00 feet to a 1/2-inch iron rod with cap stamped "Survey 1" found, same being the Northeast corner of Lot 12 of said Town of Manvel tract and Southeast corner of this tract;

THENCE: N 70°22'33" W, departing from the West line of said Magnolia Street, along and with the North line of Lots 12, 11, 10, 9, 8, and 7 and South line of this tract, and to the East line of a 60.00 foot platted road as shown of said Town of Manvel map, a distance of 100.00 feet passing a 1/2-inch iron rod found, continuing for a total distance of 300.00 feet to a 1/2-inch iron rod with cap stamped "Survey 1" found;

THENCE: N 19°37'27" E, along and with the East line of said 60.00 foot platted road and West line of this tract, and to the South line of said Taylor Street, a distance of 150.00 feet to a 1/2-inch stamped "Survey 1" found, same being the Northwest corner of this tract;

THENCE: S 70°22'33" E, along and with the South line of said Taylor Street and North line of this tract, a distance of 200.00 feet passing a 1/2-inch iron rod found, for a total distance of 300.00 feet to the **POINT OF BEGINNING** and containing 1.033 acres of land.



MINOR PLAT
OF
2 HEARTS CHAPEL

BEING A REPLAT OF LOTS 1-6, IN BLOCK 61, OF TOWN OF MANVEL, A SUBDIVISION IN BRAZORIA COUNTY, TEXAS, ABSTRACT 479, A. B. & M., ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN VOLUME 3, PAGE 139 OF THE MAP RECORDS OF BRAZORIA COUNTY, TEXAS.

1 BLOCK, 0 LOT, 1 RESERVE
45,000 SQ. FT
1.033 ACRES

JANUARY 15, 2025

REASON FOR REPLAT: CREATING 1 LOT OUT OF 6.

PRELIMINARY. THIS DOCUMENT SHALL NOT BE RECORDED FOR ANY PURPOSE AND SHALL NOT BE USED OR VIEWED OR RELIED UPON AS A FINAL SURVEY DOCUMENT.

PROJECT BENCHMARK:
AW5683

PROJECT BENCHMARK IS DESCRIBED AS BEING PUNCH MARK IN THE TOP OF A STAINLESS STEEL ROD. FROM STATE HIGHWAY 6 AND FM 1128 IN MANVEL, GO EAST-SOUTHEAST ON STATE HIGHWAY 6 FOR 4.2 KM (2.6 MI) TO COUNTY ROAD 99 ON THE RIGHT. TURN RIGHT AND GO SOUTHERLY FOR 0.4 KM (0.25 MI) TO A T-ROAD (JUST AFTER CROSSING TRACKS), TURN LEFT AND GO EASTERLY FOR 0.2 KM (0.15 MI) TO A DRIVEWAY.

PUBLISHED ELEV: 48.10, NAVD 88

TBM "A"

TEMPORARY BENCHMARK "A" IS A NAIL FOUND, AS SHOWN ON THE SURVEY MAP.

ELEV: 49.59, NAVD 88

TBM "B"

TEMPORARY BENCHMARK "B" IS A MAG NAIL FOUND, AS SHOWN ON THE SURVEY MAP.

ELEV: 51.40, NAVD 88

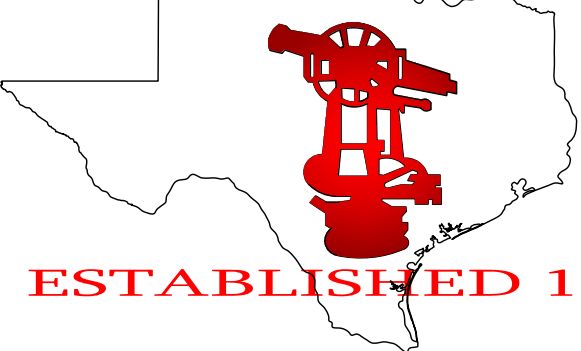
ABBREVIATIONS

B.C.C.F.	BRAZORIA COUNTY CLERK'S FILE.
B.C.D.R.	BRAZORIA COUNTY DEED RECORDS.
B.C.M.R.	BRAZORIA COUNTY MAP RECORDS.
CM.	CONTROL MONUMENT.
C.U.E.	CITY UTILITY EASEMENT.
I.P.	IRON PIPE.
IR.	IRON ROD.
No.	NUMBER.
O.P.R.B.C.Tx.	OFFICIAL PUBLIC RECORDS BRAZORIA COUNTY TEXAS.
PG.	PAGE.
R.O.W.	RIGHT OF WAY.
TBM.	TEMPORARY BENCHMARK.
VOL.	VOLUME.
.....	CENTERLINE.
.....	SUBJECT BOUNDARY.
●	MONUMENT.

SURVEYOR:

F.M.S. SURVEYING
7523 RUSSELL STREET,
MANVEL, TEXAS 77578
PHONE: (281) 519-8530
EMAIL: rchase@fmsurveying.com
TPELS FIRM # 10040400
FMS JOB No. 70591
DRAFTING: REC
www.fmsurveying.com

FMS
SURVEYING, INC



OWNER:

JOSEPH W. BOLDUC AND NANCY J. BOLDUC,
TRUSTEES OF THE BOLDUC
FAMILY LIVING TRUST
DATE: APRIL 27, 2015
DOC. NO. 2015017879-O.P.R.B.C.Tx.
LOTS 1-12
TOWN OF MANVEL
VOL. 3, PG. 139-B.C.M.R.

THE STATE OF TEXAS
COUNTY OF BRAZORIA

KNOW ALL MEN BY THESE PRESENTS

I, JOSEPH W. BOLDUC, Co-Trustee of the Bolduc Family Living Trust, owner of the property being subdivided, in this plat of MINOR PLAT OF 2 HEARTS CHAPEL, do hereby make subdivision of said property for and on behalf of said MINOR PLAT OF 2 HEARTS CHAPEL, according to the lines, lots, building lines, streets, alleys, parks and easements as shown hereon and dedicate for public use, the streets, alleys, parks and easements shown hereon forever, and do hereby waive all claims for damages occasioned by the establishment of grades as approved for the streets and drainage easements dedicated, or occasioned by the alteration of the surface, or any portion of the streets or drainage easements to conform to such grades, and do hereby bind ourselves, our heirs, successors and assigned to warrant and defend the title to the land so dedicated.

Further, Owner has dedicated and by these presents do dedicate to the use of the public for utility purposes forever unobstructed aeral easements. The aeral easements shall extend horizontally an additional eleven feet, six inches (11' 6") for ten foot (10' 0") perimeter ground easements or five feet, six inches (5' 6") for sixteen foot (16' 0") ground easements from a plane sixteen feet (16' 0") above ground level upward, located adjacent to and adjoining said public utility easements that are designated with aeral easements (U.E. and A.E.) as indicated and depicted hereon, whereby the aeral easements total twenty one feet, six inches (21' 6")."

Further, Owner has dedicated and by these presents do dedicate to the use of the public for public utility purposes forever unobstructed aeral easements. The aeral easements shall extend horizontally an additional ten feet (10' 0") for ten foot (10' 0") back-to-back ground easements or seven feet (7' 0") for sixteen foot (16' 0") back-to-back ground easements, from a plane sixteen feet (16' 0") above ground level upward, located adjacent to both sides adjoining said public utility easements that are designated with aeral easements (U.E. and A.E.) as indicated and depicted hereon, whereby the aeral easement total thirty feet (30' 0") in width.

In Testimony, hereto, City of Manvel, has caused these presents to be signed by JOSEPH W. BOLDUC, Owner of The Minor Plat of 2 Hearts Chapel, thereunto authorized, and its common seal hereunto affixed, this _____ day of _____, 2025.

Joseph W., Bolduc, Owner

THE STATE OF TEXAS
COUNTY OF BRAZORIA

Before me, the undersigned authority, on this day personally appeared _____, known to me to be the person whose name is subscribed to the above and foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed and in the capacity therein and herein set forth.

WITNESS MY HAND AND SEAL OF OFFICE this ____ day of _____, 2025.

Notary Public for the
State of Texas
My Commission Expires: ____

THE STATE OF TEXAS
COUNTY OF BRAZORIA

KNOW ALL MEN BY THESE PRESENTS

I, NANCY J. BOLDUC, Co-Trustee of the Bolduc Family Living Trust, owner of the property being subdivided, in this plat of MINOR PLAT OF 2 HEARTS CHAPEL, do hereby make subdivision of said property for and on behalf of said MINOR PLAT OF 2 HEARTS CHAPEL, according to the lines, lots, building lines, streets, alleys, parks and easements as shown hereon and dedicate for public use, the streets, alleys, parks and easements shown hereon forever, and do hereby waive all claims for damages occasioned by the establishment of grades as approved for the streets and drainage easements dedicated, or occasioned by the alteration of the surface, or any portion of the streets or drainage easements to conform to such grades, and do hereby bind ourselves, our heirs, successors and assigned to warrant and defend the title to the land so dedicated.

Further, Owner has dedicated and by these presents do dedicate to the use of the public for utility purposes forever unobstructed aeral easements. The aeral easements shall extend horizontally an additional eleven feet, six inches (11' 6") for ten foot (10' 0") perimeter ground easements or five feet, six inches (5' 6") for sixteen foot (16' 0") ground easements from a plane sixteen feet (16' 0") above ground level upward, located adjacent to and adjoining said public utility easements that are designated with aeral easements (U.E. and A.E.) as indicated and depicted hereon, whereby the aeral easements total twenty one feet, six inches (21' 6")."

Further, Owner has dedicated and by these presents do dedicate to the use of the public for public utility purposes forever unobstructed aeral easements. The aeral easements shall extend horizontally an additional ten feet (10' 0") for ten foot (10' 0") back-to-back ground easements or seven feet (7' 0") for sixteen foot (16' 0") back-to-back ground easements, from a plane sixteen feet (16' 0") above ground level upward, located adjacent to both sides adjoining said public utility easements that are designated with aeral easements (U.E. and A.E.) as indicated and depicted hereon, whereby the aeral easement total thirty feet (30' 0") in width.

In Testimony, hereto, City of Manvel, has caused these presents to be signed by NANCY J. BOLDUC, Owner of The Minor Plat of 2 Hearts Chapel, thereunto authorized, and its common seal hereunto affixed, this _____ day of _____, 2025.

Nancy J. Bolduc, Owner

THE STATE OF TEXAS
COUNTY OF BRAZORIA

Before me, the undersigned authority, on this day personally appeared _____, known to me to be the person whose name is subscribed to the above and foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed and in the capacity therein and herein set forth.

WITNESS MY HAND AND SEAL OF OFFICE this ____ day of _____, 2025.

Notary Public for the
State of Texas
My Commission Expires: ____

This is to certify that this is a minor plat under previsions of the Texas Local Government Code Section 212.0065 and meets all requirements of the subdivision ordinances of the City of Manvel. The City of Manvel has approved this plat of the Minor Plat of 2 HEARTS CHAPEL as shown hereon and authorizes the recording of this plat this _____ day of _____, 2025.

Daniel S. Johnson, City Manager

BRAZORIA COUNTY CONSERVATION AND RECLAMATION DISTRICT No. 3 NOTES:

1.DRAINAGE EASEMENTS MAY BE USED BY ANY GOVERNMENT BODY FOR THE PURPOSES OF DRAINAGE WORK, PROVIDED BRAZORIA COUNTY CONSERVATION AND RECLAMATION DISTRICT No. 3 (B.C.C.R.D. #3) IS PROPERLY NOTIFIED.

2.ALL DRAINAGE EASEMENTS SHOWN HEREON SHALL BE KEPT CLEAR OF FENCES. BUILDINGS, FOUNDATIONS, PLANTINGS AND OTHER OBSTRUCTIONS TO THE OPERATION AND MAINTENANCE OF DRAINAGE FACILITIES. LANDSCAPING SHALL BE PERMITTED WITHIN THE DETENTION PONDS LOCATED WITHIN THIS SUBDIVISION.

3.MAINTENANCE OF DETENTION FACILITIES SHALL BE THE SOLE RESPONSIBILITY OF THE OWNER OF THE PROPERTY. B.C.C.R.D. #3 SHALL PROVIDE MAINTENANCE OF REGIONAL FACILITIES OWNED AND CONSTRUCTED BY B.C.C.R.D. 3 OR SUB-REGIONAL FACILITIES CONSTRUCTED BY DEVELOPER(S) FOR WHICH OWNERSHIP HAS BEEN TRANSFERRED TO B.C.C.R.D. #3 WITH THEIR APPROVAL. B.C.C.R.D. #3 SHALL BE RESPONSIBLE ONLY FOR THE MAINTENANCE OF FACILITIES OWNED BY THEM, UNLESS B.C.C.R.D.#3 SPECIFICALLY CONTACTS OR AGREES TO MAINTAIN OTHER FACILITIES.

4.THE SIDES OF DRAINAGE CHANNELS AND DETENTION FACILITIES SHALL BE HYDROMULCH SEEDED.

5.OUTFALL STRUCTURES AND CULVERTS SHALL COMPLY WITH SECTION LLL S, 2 OF THE BRAZORIA COUNTY CONSERVATION AND RECLAMATION DISTRICT No. 3 REGULATIONS. BRAZORIA COUNTY CONSERVATION AND RECLAMATION DISTRICT No. 3 HAS ADOPTED THE BRAZORIA COUNTY DRAINAGE DISTRICT CRITERIA MANUAL AS ITS GUIDE. EROSION PROTECTION FOR OUTFALL STRUCTURES MUST BE REINFORCED CONCRETE. CONCRETE RUBBLE IS NOT ALLOWED.

6.B.C.C.R.D. #3 APPROVAL OF THE FINAL DRAINAGE PLANS AND FINAL PLAT (IF REQUIRED) DOES NOT AFFECT THE PROPERTY RIGHTS OF THIRD PARTIES. THE DEVELOPER SHALL BE RESPONSIBLE FOR OBTAINING AND MAINTAINING ANY AND ALL EASEMENTS. FEE STRIPS AND/OR ANY OTHER RIGHT-OF-WAY ACROSS THIRD PARTY DRAINAGE FACILITIES AS CONTEMPLATED BY THE FINAL DRAINAGE PLANS AND THE FINAL PLAT.

7.B.C.C.R.D. §3 PERSONNEL SHALL HAVE THE RIGHT TO ENTER UPON THE PROPERTY FOR INSPECTION AT ANY TIME DURING CONSTRUCTION OR AS MAY BE WARRANTED TO ENSURE THE DETENTION FACILITIES ARE OPERATING PROPERLY.

8.DETENTION IS REQUIRED BY B.C.C.R.D. #3 IN ORDER TO OFFSET ADDITIONAL STORM RUNOFF DUE TO THE INCREASED IMPERVIOUS COVER FROM THE DEVELOPMENT.

THIS IS TO CERTIFY THAT BRAZORIA COUNTY CONSERVATION AND RECLAMATION DISTRICT No. 3 HAS APPROVED THE MINOR PLAT OF BC MANVEL TOWER AND SERVICE CENTER 2 SHOWN HEREON ON THE _____ DAY OF _____, 2025.

RICKY KUBECZKA, SECRETARY
COMMISSIONER

JODY SCHIBI, CHAIRMAN
COMMISSIONER

ALFRED FROBERG, JR., TREASURER
COMMISSIONER

DONG NGUYEN, P.E., C.F.M.
DISTRICT ENGINEER

This is to certify that I, Scott R. Sheridan, a Registered Professional Land Surveyor for the State of Texas. Registration #6171, have plated the above and foregoing subdivision from an actual survey made on the ground and under my direction; that this plat accurately represents the facts as found by that survey made by me, and; that permanent control points will be set at the time of plat recordation, that the boundary error of closure is less than 1:15,000 and that this plat correctly represents that survey made by me.

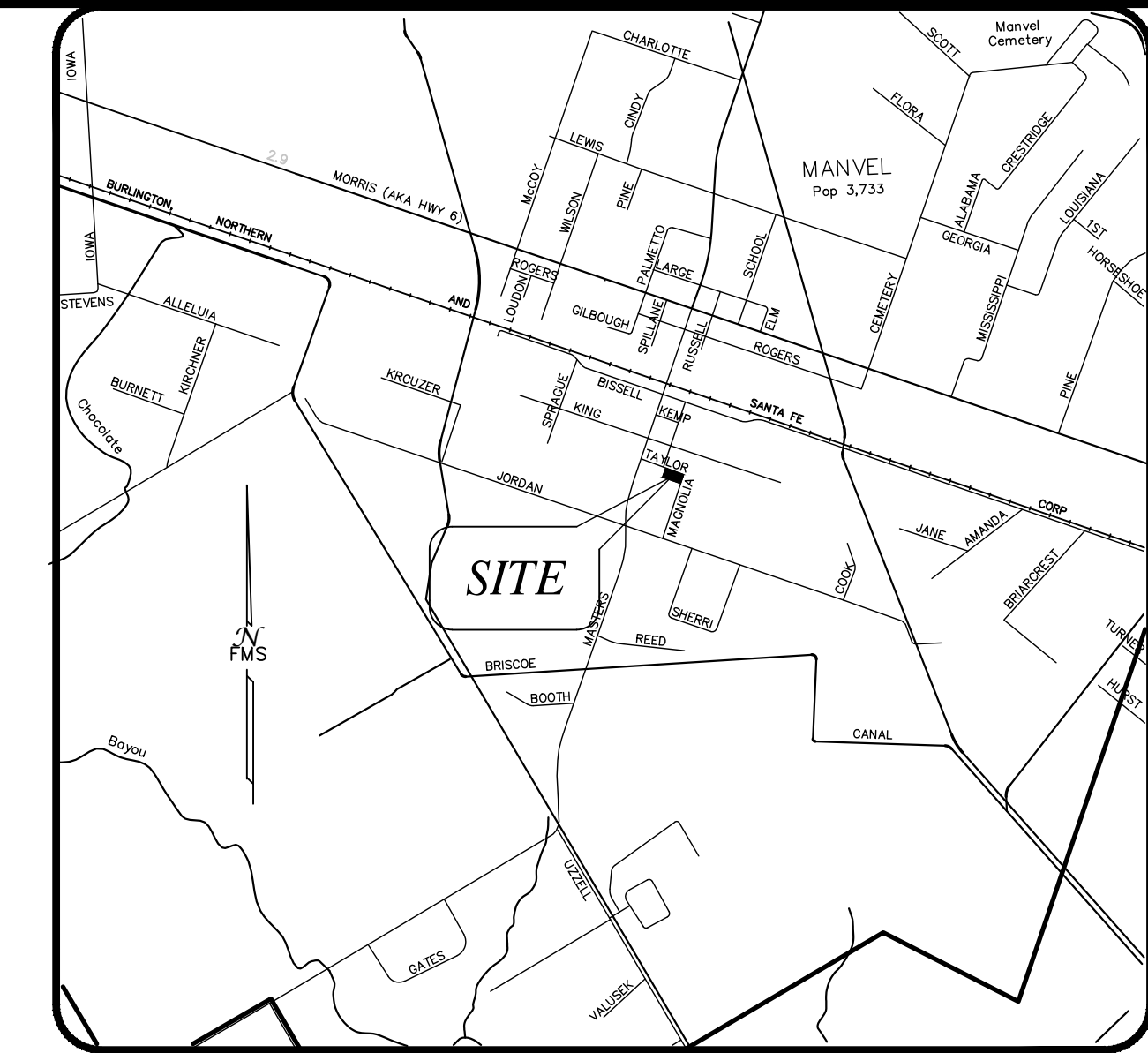
PRELIMINARY. THIS DOCUMENT SHALL NOT
BE RECORDED FOR ANY PURPOSE AND
SHALL NOT BE USED OR VIEWED OR RELIED
UPON AS A FINAL SURVEY DOCUMENT.

Scott R. Sheridan
Registered Professional
Land Surveyor No. 6171

SURVEYOR:
F.M.S. SURVEYING
7523 RUSSELL STREET,
MANVEL, TEXAS 77578
PHONE: (281) 519-8530
EMAIL: rchase@fmssurveying.com
TBPELS FIRM # 1 0040400
FMS JOB No. 70591
DRAFTING: REC
www.fmssurveying.com



OWNER:
JOSEPH W. BOLDUC AND NANCY
J. BOLDUC,
8203 MAGNOLIA STREET,
MANVEL, TEXAS 77578
CONTACT: NANCY BOLDUC
PHONE: (281) 468-3627
EMAIL: njb4019@comcast.net



VICINITY MAP
SCALE: 1"=2640'

MINOR PLAT
OF
2 HEARTS CHAPEL

BEING A REPLAT OF LOTS 1-6, IN BLOCK 61, OF TOWN OF
MANVEL, A SUBDIVISION IN BRAZORIA COUNTY, TEXAS,
ABSTRACT 479, A. B. & M., ACCORDING TO THE MAP OR PLAT
THEREOF RECORDED IN VOLUME 3, PAGE 139 OF THE MAP
RECORDS OF BRAZORIA COUNTY, TEXAS.

1 BLOCK, 1 LOTS, 0 RESERVE
45,000 SQ. FT
1.033 ACRES

JANUARY 13, 2024
REASON FOR REPLAT: CREATING 1 LOT OUT OF 6.



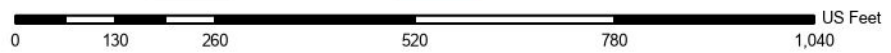
7398 Taylor St.



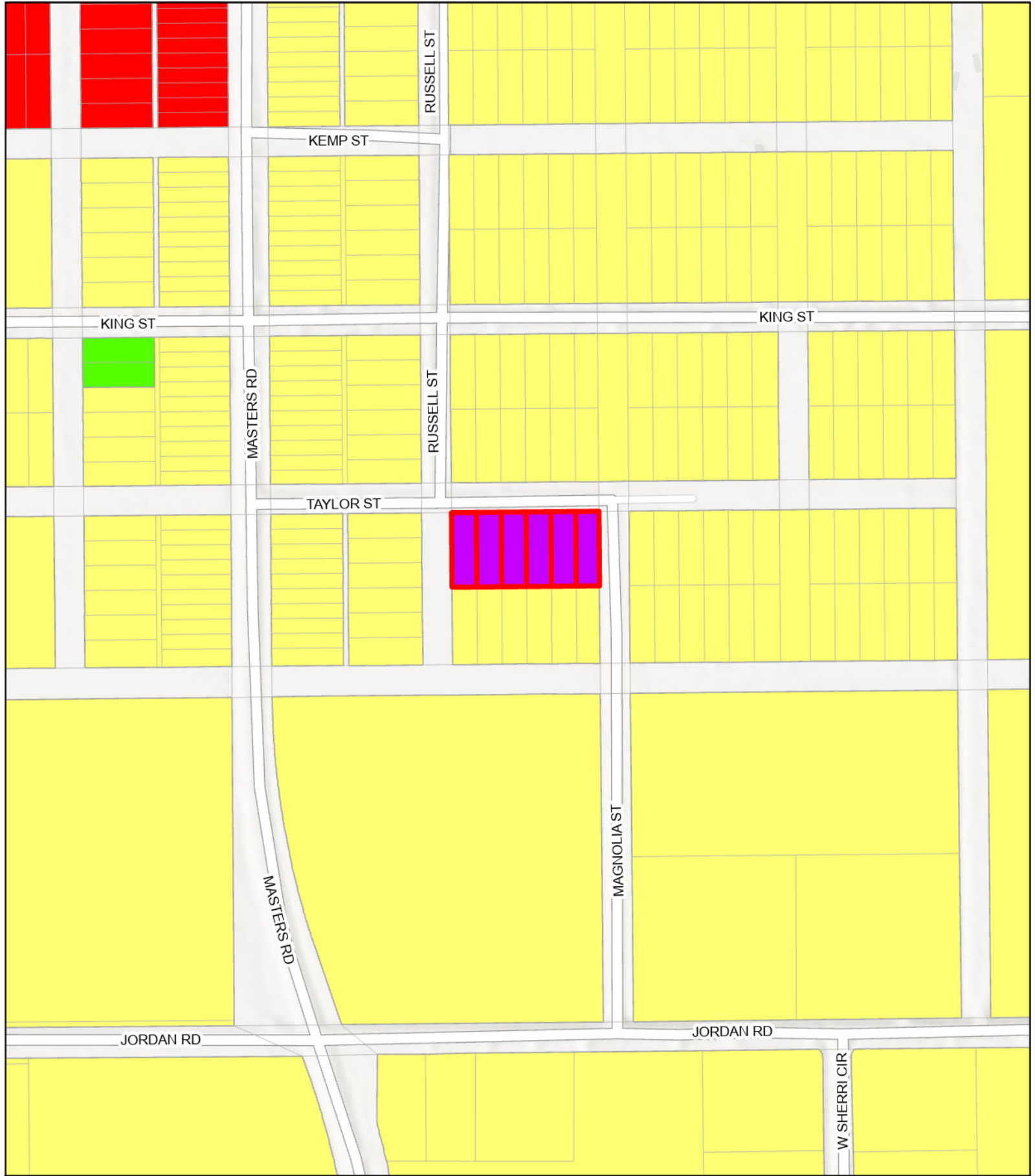
-  7398 Taylor
-  City of Manvel ETJ
-  Parcels
-  City of Manvel City Limits



This map is made available for reference purposes only and should not be substituted for a survey product. The City of Manvel will not accept liability of any kind in conjunction with its use.



Date: March 2025
Reference: 2025012
Data Source: City of Manvel,
Brazoria County Open Data

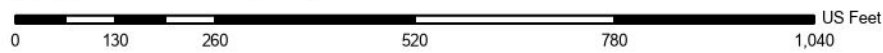


7398 Taylor St.

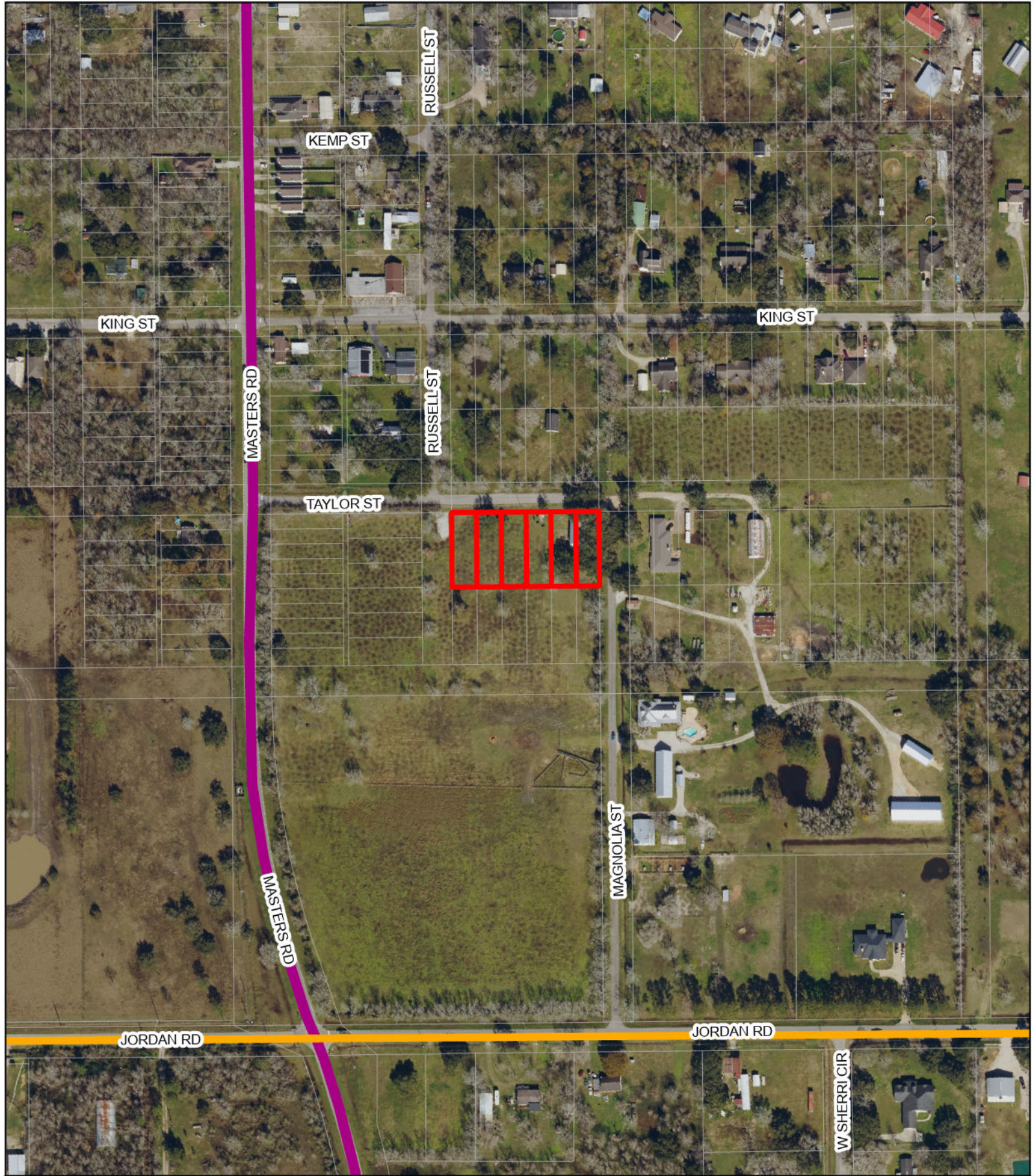


This map is made available for reference purposes only and should not be substituted for a survey product. The City of Manvel will not accept liability of any kind in conjunction with its use.

- | | | |
|--------------------|----------------------------|---|
| 7398 Taylor | City of Manvel City Limits | Open Single-Family Residential District |
| Parcels | Heavy Commercial District | Single-Family Residential District |
| City of Manvel ETJ | Light Commercial District | |



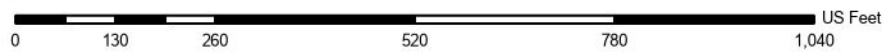
Date: March 2025
Reference: 2025012
Data Source: City of Manvel,
Brazoria County Open Data



7398 Taylor St.



- | | | |
|--------------------|------------------------------|-----------------------------|
| 7398 Taylor | City of Manvel City Limits | Parkway (120' ROW) |
| Parcels | Collector (80' ROW) | Proposed Parkway (120' ROW) |
| City of Manvel ETJ | Proposed Collector (80' ROW) | |



This map is made available for reference purposes only and should not be substituted for a survey product. The City of Manvel will not accept liability of any kind in conjunction with its use.

Date: March 2025
Reference: 2025012
Data Source: City of Manvel,
Brazoria County Open Data

y:\Projects\2024\DSE24-070 2 Hearts Chapel Marvel\Master\DSE24-070 Master.dwg March 10, 2025 12:47:55 PM Willie Alfaro

6 OF 22 | DSE24070-15C

DEVELOPMENT AGREEMENT (FOR VARIANCE)

STATE OF TEXAS §
 §
COUNTY OF BRAZORIA §

This Development Agreement executed as of the ____ day of _____, 2025, is by and between the City of Manvel, Texas, (“City”) and Nancy Bolduc of Bolduc Family Living Trust, property owner of certain hereinafter described property located within the City, (together known as “Developer”), all collectively referred to as the “Parties.” This Agreement is in regard to the improvement/platting of an approximate 1.03-acre tract of land located at 7398/7346 Taylor St, (southwest corner of Taylor St and Magnolia St intersection), Lots 1 – 6, in Block 61, of Town of Manvel, a subdivision in Brazoria County, Texas, according to the map or plat thereof recorded in Volume 3, Page 139 of the map records of Brazoria County, Texas, for the purpose of using an existing structure as a wedding venue.

WHEREAS, Developer wishes to use an existing structure as a wedding venue, upon construction of required site improvements, on the approximately 1.03-acre tract of land located within the City limits of the City of Manvel, more fully described and depicted on Exhibit “A”, attached hereto; and,

WHEREAS, the improvement of land and the use of an existing structure as a wedding venue will require approval of a plat and compliance with the City’s subdivision ordinance; and

WHEREAS, Section 62-111 of the city code requires construction of all streets in accordance with the city’s design criteria; construction of all roadways within the development in accordance with the city’s minor street standards; and construction of perimeter streets in conjunction with plat approval; and

WHEREAS, Section 62-113 of the city code requires construction of sidewalks in accordance with the city’s Design Criteria Manual and Major Thoroughfare Plan; and

WHEREAS, pursuant to Section 62-5 of The City Code, the Developer has applied for a variance to this perimeter road and sidewalk construction requirement, said application is attached as Exhibit “B”;

NOW THEREFORE, for and in consideration of the premises and mutual obligations, covenants, and benefits hereinafter set forth, said variance is granted by the City Council, if the Parties agree to the conditions, as follows:

1. PROJECT

1.01 Location. The property that is the subject of this agreement is all the property legally described as: being a subdivision of 1.03 acres of land located at 7398 Taylor Street, Lots 1 – 6, in Block 61, of Town of Manvel, a subdivision in Brazoria County, Texas, according to the map or plat thereof recorded in Volume 3, Page 139 of the map records of Brazoria County, Texas, said 1.03 acre being more particularly described and depicted in the survey attached as Exhibit “A”, attached hereto,

1.02 Project Description. This Agreement is in regard to the improvement of land for the use of an existing structure as a wedding venue on the Property, owned by Developer.

1.03 The Property has never been platted. Improving land for the use of an existing structure as a wedding venue on the Property will require approval of a plat and compliance with the City's subdivision ordinance. Section 62-111 of the city's subdivision requires construction of all streets in accordance with the city's design criteria; construction of all roadways within the development in accordance with the city's minor street standards; and construction of perimeter streets in conjunction with plat approval. Section 62-113 of the city code requires construction of sidewalks in accordance with the City's Design Criteria Manual and Major Thoroughfare Plan. The Developer has applied to vary these requirements for his/her property.

2. CITY APPROVAL

2.01 Approval of variance. Pursuant to its authority under Section 62-5 of The City Code, the City agrees to allow the Developer to vary the requirements of 62-111 and Section 62-113 of the City's subdivision ordinance, with conditions.

2.02 Conditions. The required conditions are as follows:

- (i) The subdivision variance will expire upon a change of use from a rented reception/wedding venue which is classified as NAICS code 531120 "Lessors of Nonresidential Buildings"; or
- (ii) The subdivision variance will expire upon further subdivision or replatting the property into multiple lots/ reserves.

2.03 City shall record this agreement with the Brazoria County Clerk and evidence the agreement on a "plat note" on the plat of said Property. Developer shall be responsible for the cost of recordation.

3. DEVELOPER COVENANTS

3.01 The Developer agrees to following:

(i) Other than permits for improvement of land, use of an existing structure as a wedding venue, and construction or improve related accessory buildings, Developer agrees that the City shall not issue any other construction permit or approve any further plat/re-plat of the Property;

(ii) Developer agrees to being improvement of land and use an existing structure as a wedding venue, and diligently pursue to completion, within two-years of City Council approval; and

(iii) Developer agrees to pay the cost of recordation of this Agreement within thirty (30) days of invoice by the City.

3.02 Developer acknowledges that the City's covenants are contingent upon the Developer improving the land to use an existing structure as a wedding venue. Failure of the Developer to begin to improve the land and use an existing structure as a wedding venue, and diligently pursue completion, within two-years of City Council approval shall constitute failure of this condition and the agreement shall automatically be null and void.

4. MISCELLANEOUS

- 4.01 Assignment. This Agreement evidencing said variance, with conditions, shall run with the land and shall bind and benefit the respective Parties and their legal successors in interest.
- 4.02 Amendment or Modification. Except as otherwise provided in this Agreement, this Agreement shall be subject to change, amendment, or modification only in writing, and by the signatures and mutual consent of the Parties.
- 4.03. Parties in Interest. This Agreement shall be for the sole and exclusive benefit of the Parties hereto and shall not be construed to confer any rights upon any third party. Developer shall not be a third-party beneficiary to any contract the City has with any other party for the engineering, design, or construction of said improvements.
- 4.04. Remedies Not Exclusive. The rights and remedies contained in this Agreement shall not be exclusive but shall be cumulative of all rights and remedies now or hereinafter existing, by law or in equity.
- 4.05. Waiver. The failure of any party to insist in any one or more instances on the performance of any of the terms, covenants, or conditions of this Agreement, or to exercise any of its rights, shall not be construed as a waiver or relinquishment of such term, covenant, or condition, or right with respect to further performance.
- 4.06. Entire Agreement. This Agreement constitutes the entire agreement between the Parties related to the subject matter of this Agreement and supersedes any and all prior agreements, whether oral or written, dealing with the subject matter of this Agreement.
- 4.07. Venue. This Agreement shall be performable and enforceable in Brazoria County, Texas, and shall be construed in accordance with the laws of the State of Texas.
- 4.08. Severability. If any term or provision of this Agreement is held to be invalid, void, or unenforceable by a court of competent jurisdiction, the remainder of the terms and provisions of this Agreement shall remain in full force and effect and shall not in any way be invalidated, impaired, or affected.
- 4.09. Notices. Any notice provided or permitted to be given under this Agreement must be in writing and may be served by (i) depositing the same in the United States mail, addressed to the party to be notified, postage prepaid, registered or certified mail, return receipt requested; or (ii) by delivering the same in person to such party; or (iii) by overnight or messenger delivery service that retains regular records of delivery and receipt; or (iv) by

CITY OF MANVEL:

Dan Davis, Mayor

ATTEST:

Tammy Bell, City Secretary

THE STATE OF TEXAS §

COUNTY OF BRAZORIA §

 This instrument was acknowledged before me on the ____ day of _____,
20__, by DAN DAVIS, as Mayor of the City of Manvel, Texas, on behalf of said City of
Manvel.

Notary, State of Texas

Bolduc Family Living Trust:

By: _____

Name: Nancy Bolduc

THE STATE OF TEXAS §

COUNTY OF BRAZORIA §

 This instrument was acknowledged before me on the ____ day of _____,
20__, by _____, as property owner.

Notary, State of Texas

(NOTARY SEAL)

Exhibit A

A 1.03 tract of land, Lots 1 – 6, in Block 61, of Town of Manvel, a subdivision in Brazoria County, Texas, according to the map or plat thereof recorded in Volume 3, Page 139 of the map records of Brazoria County, Texas.

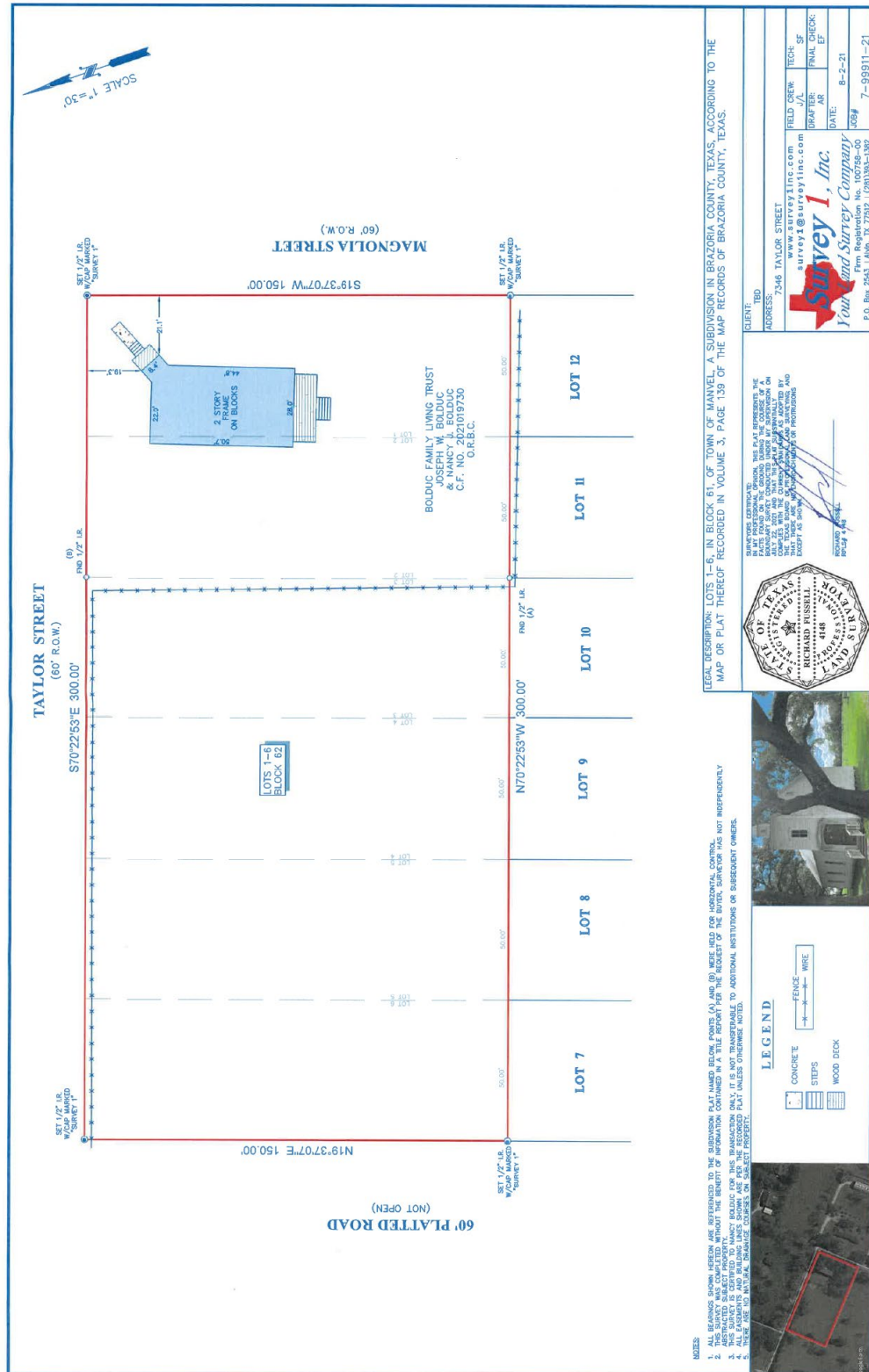


Exhibit B

CITY OF MANVEL

<http://www.cityofmanvel.com>

PO Box 187
Manvel, Texas 77578

Phone: (281) 489-0630
Fax: (281) 489-0634

Subdivision Variance Application

Applicant Information

Applicant (if not owner): Amity Jeffers, FMS Surveying Inc.

Phone: 281-519-8530 e-mail: amity@fmssurveying.com

Owner: Nancy Bolduc

Owner Address: 8203 Magnolia City Manvel State TX Zip 77578

Phone: 281-468-3627 e-mail: njb4019@comcast.net

Property Information

Site Address: 7398 Taylor, Manvel, Texas

Legal description (from deed): Lot's 1-6, Block 61, Town of Manvel Subdivision

(Property must be legally subdivided or be lot of record)

Brazoria County Identification Number: 228135 and 228140

Description of Subdivision Variance Request

To not improve the perimeter road.

Detailed Explanation of Subdivision Variance Request

Please answer, on a separate sheet of paper if necessary, the following questions:

- o What are the special circumstances or conditions affecting the land involved such that the strict application of the provisions of the subdivision code would require a variance to the city's subdivision ordinance?

Taylor Street and Magnolia Street are existing asphalt roads that are consistent
with the existing area. Russell Street is an existing unopened road ROW
which we believe will never be used.

Exhibit B

o How is the variance necessary for the preservation and enjoyment of a substantial property right of the applicant?

Taylor Street and Magnolia Street are existing roads, while Russell Street is an existing unopened road. The cost associated with these three road improvements would not be conducive to the development of this site.

o Describe how the granting of the variance will not be detrimental to the public health, safety or welfare, or injurious to other property in the area.

This existing road already services the surrounding area safely.

o Describe how the granting of the variance will not have the effect of preventing the orderly subdivision of other land in the area in accordance with the provisions of the subdivision ordinance.

This existing road services the existing area well and leaving it as is will not impact the orderly subdivision of other land in the area.

Applicant Authorization

I authorize the City of Manvel to conduct any site visits necessary to evaluate this subdivision variance application.

I hereby state that I have prepared this application and that, to the best of my knowledge, the information contained herein is complete, accurate, and a true representation of the subdivision variance request. I further attest that I have the authority to submit this application and agree to comply with any and all conditions of subdivision variance approval. I agree to provide any additional information requested by the City of Manvel as they deem necessary for the processing of this application.


Applicant Signature

2-10-25
Date

Submit variance request material to the Permit Department, City of Manvel, 20025 Highway 6 Manvel, Texas 77578 with the plat application. Failure to pay the required application fees or provide the information, drawings, or attachments in the form as requested by the City shall automatically mark the application as 'incomplete' and such application shall not be placed on the agenda for consideration until all information, fees, drawings, or attachments are deemed to be complete and in proper form by city staff.

Exhibit B



DEVELOPMENT SERVICES DEPARTMENT

20025 HIGHWAY 6
MANVEL, TX 77578
PHONE: 281-489-0630
FAX: 281-489-0634

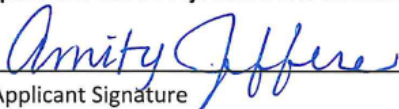
SUBMITTAL CHECKLIST

So that we may efficiently review your request in a timely manner, it is important that all required documents and fees listed on the "Submittal Checklist" below are submitted with your application. One or more of the required documents may be waived due to the nature of the request; however, it is incumbent upon the applicant to inquire about these exceptions **before** submitting an application. Answers to subdivision variance applications can be obtained by attending a pre-development meeting with our Development Review Committee (DRC) prior to submitting a complete application. Please call the phone number on the application to schedule an appointment. Submit the application and accompanying documents to the Permits Department at the address above Monday through Thursday between the hours of 7:30 a.m. and 5:30 p.m. and Friday between the hours of 7:30 a.m. and 11:30 a.m.

ZONING VARIANCE APPLICATION SUBMITTAL CHECKLIST ITEMS	REQUIRED (PLEASE CHECK)
Completed Subdivision Variance Application (with all signatures)	✓
One (1) paper copy of site/plot plan and/or site plan (including vicinity map), measuring 8 ½" x 11", 11" x 17" or 24" x 36" (scaled/dimensioned drawing showing location of proposed structures)	✓
Two (2) Copies of Recorded Plat (if platted)	✓
Two (2) Copies of Legal Description (metes & bounds if not platted)	✓
Two (2) Copies of Proposed Plat	✓
Letter of Authorization (if applicable)	✓
PDF format on disc containing all application documents rotated and formatted	✓
Paid Application Fee of \$500.00 (non-refundable)	✓

APPLICANT CERTIFICATION

By signing below, I acknowledge that I have reviewed the Submittal Checklist and have included the required submittal items and reviewed them for completeness and accuracy. I also acknowledge that my application will be rejected if it is deemed incomplete.


Applicant Signature

2-10-25
Date

Exhibit B



DEVELOPMENT SERVICES DEPARTMENT

20025 HIGHWAY 6
MANVEL, TX 77578
PHONE: 281-489-0630
FAX: 281-489-0634

LETTER OF AUTHORIZATION

Have property owner complete and sign, if applicant differs from property owner.

Nancy Bolduc

Owner Name

8203 Magnolia

Owner Address

Manvel, Texas 77578

Owner City, State Zip

02/10/2025

Date

Development Services Department
20025 Highway 6
Manvel, TX 77578

Dear City of Manvel Development Services,

I, Nancy Bolduc, certify that I am the owner of the project property located at 7398 Taylor and that the forgoing statements and answers made and all data, information, and evidence herewith submitted are in all respects to the best of my knowledge and belief, true, and correct. I appoint Amity Jeffers with the company FMS Surveying, Inc. (if applicable) to act as my representative for this application. I agree to be responsible for payment of bills due to the City of Manvel related to this application. Furthermore, I understand that any material misrepresentation of this application, failure to comply with ordinances, and /or failure to remit payment for services can lead to delays in this variance request – up to and including rejecting the application and forfeiting any fees paid.

Please contact me directly at 281-468-3627 if you have any questions.

Sincerely,

Owner Name Nancy Bolduc

Owner Signature Nancy J. Bolduc



CITY COUNCIL DATA SHEET

MEETING DATE: April 7, 2025

Agenda: Regular ☒
Consent ☐

TOPIC:

Develop a roadway impact fee program, consistent with the requirements of Chapter 395 of the Texas Local Government Code.

BACKGROUND:

During the Workshop on March 17, 2025, City Council discussed the merits and benefits of implementing Roadway Impact Fees. Roadway Impact Fees would be a one-time charge assessed to new development for a portion of costs related to specific capital improvements.

RECOMMENDATION:

Authorize the City Manager to execute a contract with Freese and Nichols, Inc. to develop a Roadway Impact Fee Program for the City of Manvel.

ATTACHMENTS:

Freese and Nichols Roadway Impact Fee proposal.

FUNDING ISSUES

Capital Outlays: 50-91-7559
\$75,000.00

- ☐ Not applicable
☐ Not budgeted
☒ Full amount already budgeted
☐ Funds to be transferred from Acct.#

SUBMITTING STAFF MEMBER

Lisette Rubio

FINANCE DIRECTOR APPROVAL ☒

CITY MANAGER APPROVAL: ☒

April 7, 2025

Dan Johnson, PE, CFM
City Manager
City of Manvel
20025 Highway 6
Manvel, TX 77578



RE: PROPOSAL FOR DEVELOPMENT OF ROADWAY IMPACT FEE PROGRAM; CITY OF MANVEL

Dear Mr. Johnson:

Freese and Nichols is pleased to submit the attached scope and fee proposal (Attachment 'SC' dated April 7, 2025) for a Development of Roadway Impact Fee Program for the City of Manvel.

We are ready to initiate work upon execution of a contract. If you have any questions, please do not hesitate to contact us. We appreciate this opportunity and are looking forward to working with you on this project.

Sincerely,

Edmund Haas, AICP
Principal / Vice President
Freese and Nichols, Inc.
Email: eh@freese.com
Phone: (214) 217-2321

**Development of Roadway Impact Fee Program
Scope of Work
City of Manvel, Texas**

Project Understanding and Work Plan

The purpose of this study is to develop a roadway impact fee program, consistent with the requirements of Chapter 395 of the Texas Local Government Code, for consideration by the City of Manvel through prescribed noticing and public hearing processes. Key to the development of the program is Land Use Assumptions, roadway impact fee Capital Improvement Plan (CIP), and supporting cost per service unit calculations. Technical elements to be prepared include development of a roadway service area structure, existing system utilization, determination of projected demands for a 10-year planning period, preparation of CIP costing, calculation of the maximum cost per service-unit, development of a service unit (land-use) equivalency table, and study documentation. A public process will be facilitated through a Capital Improvements Advisory Committee and a two-step Public Hearing with the City Council. This study and public hearing process is expected to take up to 12-months to complete. Specific work efforts are detailed below.

TASK 1.0: PROJECT INITIATION/ORIENTATION

Freese and Nichols (FNI) will meet virtually with the City for an initial project kick-off to discuss the study methodology and approach, coordination between the consultant team and city staff, and project schedule. This meeting will also serve to facilitate the transfer of all pertinent data for the conduct of the study.

- 1.1 Hold project initiation meeting to discuss methodology and approach, coordination between the consultant team and schedule.
- 1.2 Request relevant data and traffic count data.
- 1.3 Obtain any pertinent travel forecast data for the area.
- 1.4 Reduce data into impact fee database format.

Task Products:

1. Project Kick-off meeting.
2. Collection of relevant data.

TASK 2.0: DATA COLLECTION

Freese and Nichols will assemble available roadway inventory, construction cost data and traffic count data available from the City. This data will be reviewed and a list of additional data needs that are relevant to the study will be prepared and submitted to the City. For purposes of our fee estimate, we have assumed that Freese and Nichols will provide for the collection of PM peak hour traffic count data for up to Twenty-five (25) locations. If there is the need for additional traffic count data, the city will be notified, and a written request for such need will be made. Following completion of the data collection effort, data will be compiled into a project database for use in subsequent analysis.

- 2.1 Collect available data for the existing roadway system (i.e., geometries and traffic count data).
- 2.2 Obtain historic unit cost information from the City for construction and right-of-way acquisition of various roadway facilities by facility type within the city.
- 2.3 Conduct PM peak hour traffic volume counts for selected roadways within the City. For estimate purposes, up to twenty-five (25) PM peak hour directional counts will be performed for this study effort.

Task Products:

1. Traffic volume count data and list of potential additional data needs.
2. Existing Conditions database for subsequent analysis.

TASK 3.0: DEVELOPMENT OF SERVICE AREA STRUCTURE

FNI will develop a service area structure for the impact fee system. The service area boundaries will be developed based on the review of the following information:

- Existing traffic survey zones (TSZ from the travel demand model).
- Projected growth patterns.
- Potential roadway projects.
- Existing geographic features.
- Existing thoroughfare system.
- Conformance with legislative requirements.

Following the completion of this task, City Staff will review and approve the service area structure prior to commencement of supplemental tasks. It is anticipated that the development of one service area structure will be prepared for this task.

Task Products:

1. Service Area Structure and Boundary Map.

TASK 4: PREPARATION OF LAND USE ASSUMPTIONS

An Impact Fee Capital Improvement Plan (CIP) is required to be based upon a set of adopted land use assumptions which includes a “description of the service area(s) and projections of changes in land use, densities, intensities, and population in the service area over at least a ten-year period.” Although no specific format is specified in State statute, there are four basic requirements or components of the land use assumptions:

- Description and analysis of existing conditions (base data)
- Determination of service area(s) for roadway facilities
- Ten-year growth projections within the city limits

As basic land use assumptions data will have been prepared as part of the Water and Wastewater impact fee update (residential and non-residential acreages), the FNI Roadway Team will compile data of population and employment by defined roadway service area (Task 2). The land use assumptions report will contain the above items.

4.1 – Prepare Ten-Year Growth Assumptions

The purpose of ten-year projections is to serve as a basis for unit cost calculations that will be used for roadway impact fees. The rate of growth of a community is typically based upon a synthesis of historic growth rates, current building permits, consideration of approved developments and area development activity. For budget purposes as well as to expedite the planning process, it is assumed that a growth rate will be received and commented on by the Capital Improvements Advisory Committee as part of Task 1.

1. FNI will prepare the ten-year growth projections by service area(s). The growth projections will be coordinated with the City’s Water and Wastewater Impact Fee Program data.
2. The projections will be presented as part of a Land Use Assumptions Report that will be used as part of the public hearing process.

4.2 – Land Use Assumption Report

After the City has reviewed the preliminary recommendations, a report suitable for public hearing according to the requirements of Chapter 395 will be prepared. The document will include:

- Service zone map(s)
- Documentation of methodology for base year population and employment estimates, and ten-year projections
- Net growth over the ten-year planning period by defined roadway service areas.

Task Products:

1. Electronic copy of initial draft document for City review.
2. Documentation elements for final report.

TASK 5.0: PREPARATION OF INVENTORY OF EXISTING ROADWAYS

Based on the data assembled and collected in Task 2.0, and the service area boundaries developed in Task 3.0, FNI will prepare an inventory of existing roadways for each of the analysis areas. The existing inventory will contain the following information of collector and arterial status roadways by service area:

- Roadway segment name
- Roadway segment limits
- Length (in miles)
- Number of lanes
- Type (divided, undivided, minor arterial, major arterial, etc.)
- Existing traffic volume (by direction during the peak hour)
- Capacity supplied
- Existing deficiencies (in any)

Task Products:

1. Inventory of existing roadway system by service area.

TASK 6.0: DETERMINATION OF PROJECTED ROADWAY DEMAND

The service unit equivalency table developed in Task 10.0 supplemented with data from the land use assumptions report will serve as the basis for determination of the number of new trips that will be generated within each service area over the ten-year (2025-2035) planning period. FNI will prepare forecasts of demands using trip rate data from the 11th Edition, Trip Generation by the Institute of Traffic Engineers by major land use type and trip length data from the National Household Survey for specific land uses to develop vehicle-miles of demand (growth) over the 10-year window. Other data to be identified includes determination of appropriate trip lengths for specific land uses and the percentage of state and local vehicle-miles of travel within the city. It is assumed that one (1) growth scenario will be utilized for this impact fee study effort.

Task Products:

1. Projected roadway demand generated by new development over the 10-year planning period by service area.

TASK 7.0: PREPARATION OF ROADWAY CAPITAL IMPROVEMENTS PROGRAM

FNI will work closely with City Staff to prepare a Capital Improvements Program. This process will be rooted in the recently adopted Thoroughfare Plan and include the identification of specific roadway projects (and proposed project limits), cost estimates, and design characteristics. Planning level cost estimates to be developed include construction, engineering, right-of-way, and debt service. Unit cost data by roadway functional class/facility type will be developed and confirmed by City Staff at the outset of CIP preparation process and serve as a basis for the development of CIP project costs. The following information will be developed:

- Roadway segment name
- Proposed project limits
- Number of lanes
- Length
- Project cost

To meet project budget constraints, the road impact fee CIP shall consist only of new capacity or capacity enhancement projects. No project recoupments will be considered as part of the initial program. One (1) CIP scenario will be prepared as part of this task. Additional CIP scenarios include the identification of alternative projects, preparation of project cost estimates, and inclusion into the CIP database for analysis.

Task Products:

1. Proposed roadway capital improvements program.

TASK 8.0: PREPARATION OF ROADWAY PROJECTS DATABASE

FNI will utilize the information contained in the Capital Improvement Program to develop a roadway projects database for the impact fee and proportionality systems. This database will include for each service area the following information:

- Roadway segment name and limits
- Number of lanes
- Length
- Type
- Cost
- Number of vehicle miles of capacity supplied

Task Products:

1. **Proposed** roadway projects by service area.

TASK 9.0: MAXIMUM COST PER SERVICE UNIT CALCULATION

Based on the information developed in previous tasks, FNI will calculate the maximum cost per service unit necessitated by growth over the 10-year planning period for each roadway service area. A credit analysis will be performed to determine the maximum cost per service unit defined by state law.

Task Products:

1. Maximum credited cost per service unit by road service area.

TASK 10.0: DEVELOPMENT OF LAND USE EQUIVALENCY TABLE

FNI will prepare a listing of specific land use types (based on ITE land use categories) and develop a recommended service unit generation rate for each land use. The service unit generation rate will be based on the number of primary trips generated by the land use during the peak hour, and the average trip length of each trip. Trip generation data will be based on published statistics contained in the ITE Trip Generation Manual, 11th Edition. Trip length data from the National Household Travel Survey (NHTS), H-GAC workplace survey, and H-GAC's travel demand model will be used to serve as a basis for derived lengths for individual land uses.

A draft listing of land uses will be provided at the outset of study for City Staff review and comment of land uses for inclusion into final documentation. Land use equivalencies will be based solely upon available published data from the ITE Trip Generation Manual, 11th Edition.

Task Products:

1. Land use Equivalency Table.

TASK 11.0: DOCUMENTATION

FNI will prepare a draft report that documents the methodology, findings, and recommendations of the study. We will submit an electronic copy (PDF format) of the report to City Staff for review. Based on comments received within two weeks, a final report and one (1) electronically reproducible document will be prepared and submitted to the City. We will also electronically transmit all final report and database materials to the City.

11.1 Develop LUA/CIP Report: FNI will prepare and provide one (1) electronic PDF copy of the draft Impact Fee Land Use Assumptions (LUA) and Capital Improvements Plan (CIP) Report discussing methodology and analysis. The report will include mapping showing growth projections and proposed system improvements required to meet projected 10-year growth for the water, wastewater, and roadway service areas. This report will support the initial Public Hearing.

11.2 Develop Impact Fee Report: FNI will prepare and provide one (1) electronic PDF copy of the draft Water, Wastewater, and Roadway Impact Fee Report discussing methodology and impact fee calculations. The report will include a summary of growth projections, proposed system improvements, and maximum allowable cost per service unit calculations for water, wastewater, and roadway impact fees. Based on comments by City Staff, FNI will finalize and provide one (1) electronic PDF copy and one (1) hard copy of the final Water, Wastewater, and Roadway Impact Fee Study to the City.

Task Products:

1. Electronic submittal of draft LUA/CIP document for City review.
2. Final report of LUA/CIP for Public Hearing.
3. Electronic reproducible LUA/CIP Report.
4. Electronic submittal of draft Impact Fee Report for City review.
5. Final Impact Fee Report for Public Hearing.
6. Electronic reproducible Impact Fee Report.
7. Electronic files containing final report and impact fee database.

SUMMARY OF MEETINGS

Meetings with city staff, advisory committee and other interested parties will be held at critical project

milestones to present data and obtain project feedback. Attendance at meetings during the public hearing process will also be provided to support methodologies, findings, and recommendations for the system update. To keep costs to a minimum, it is estimated that six (6) meetings will be held throughout the study process and include the following:

- 2 - Virtual Study Team Meetings (Initial kick-off and two Study Team meetings)
- 2 - Advisory Committee Meetings (Draft LUA & CIP, and Final CIP & Cost per Service Unit)
 - CIAC #1: Presentation of Draft LUA and CIP. **CIAC Comment needed prior to Public Hearing #1 on the LUA/CIP.**
 - CIAC #2: Presentation of resultant cost per service unit, benchmarking of impact fee of One Single-Family Residential Dwelling Unit with comparison of up to six peer cities with impact fee programs. **CIAC Comment needed for development of final recommendation to the City Council.**
- 2 – City Council Public Hearings and Adoption Meetings
 - Public Hearing #1: Land Use Assumptions and IFCIP
 - Public Hearing #2: Imposition of the Impact Fee

Task Products:

1. Preparation of meeting materials at critical milestones during study update.
2. Meetings with city staff, advisory committee, and other interested parties.
3. Attendance at meetings during the public hearing process.

To help cut costs, we have assumed that any meetings with city staff would be held on the same date as with the Advisory Committee/City Council meetings. Alternatively, virtual staff meetings will be held. Beyond those meetings identified above, additional meetings would be beyond the scope of this agreement and considered additional services. We are certainly available to attend any additional meetings deemed necessary; however, additional meetings that are not part of this scope will be billed separately, based on time and expenses incurred.

PROJECT FEE: The project fee is hourly not to exceed for a total of Seventy-Five Thousand Dollars (\$75,000).

TIME OF COMPLETION: Based upon our experience with similar (new) programs, this study will take up to twelve (12) months to complete. FNI is authorized to commence work on the Project upon execution of this Agreement and agrees to complete the services as follows:

- Receipt of data request items: 15 days from NTP
- Draft Land Use Assumptions and Road Capital Improvements Plan Report (after receiving City Comments for Public Hearing #1): 210 days from receipt of NTP
- Final Road Impact Fee Report (after receiving City Comments for Public Hearing #2): 360 days from receipt of NTP.

If FNI's services are delayed through no fault of FNI, FNI shall be entitled to adjust contract schedule consistent with the number of days of delay. These delays may include but are not limited to delays in City or regulatory reviews, delays in the flow of information to be provided to FNI, governmental approvals, etc. These delays may result in an adjustment to compensation as outlined on the face of this Agreement and in the attached **Attachment CO**.

ADDITIONAL SERVICES: *Any services performed by FNI that are not included in the Basic Services described above are Additional Services. Fees for performing these services are not included in the Basic Services fee shown above.* Additional Services may include:

- Additional traffic count data collection
- Changes to impact fee capital improvements plan and resultant changes to maximum service unit cost calculations
- Attendance of additional meetings outside of the project scope
 - Additional Presentation(s) to CIAC
 - Additional Presentation(s) or Workshops to the City Council
 - Meetings with Stakeholders

CLIENT FURNISHED INFORMATION AND RESPONSIBILITIES

As the City of Manvel will serve as a conduit for information, the City shall provide information pertaining to applicable ordinances, studies, available data, or development plans. If data is required from other public agencies or applicants for development, the City will assist in making requests for such data. When possible, electronic information should be obtained for purposes of overlaying such data with other information in geographic information systems (GIS).

CITY RESPONSIBILITIES

The City shall support the performance of the following tasks:

- A. Coordinate meeting times and places, including notifying Staff and CIAC members.
- B. Review and comment on study recommendations.
- C. Publish all public hearing notices, including all notices required in the newspaper.
- D. Prepare associated resolutions, ordinances, and meeting agendas. FNI will assist with the provision of sample data.
- E. Provide to FNI all existing population, employment, base maps, and other data which may be relevant to the impact fee program.
- E. Make all requests to other public agencies such as the COG or MPO (if necessary) for data and/or assistance, as may be appropriate and relevant to the impact fee program.
- F. Provide an existing land use inventory (in acres) and population and employment data.
- G. Base Map of City - Base map should be in electronic GIS format, current, to scale and in reproducible format. CADD format files would be acceptable for import to GIS.
- H. City Thoroughfare Plan - Current Thoroughfare Plan map to scale (electronic if possible) and associated roadway cross-sections and supporting city engineering design standards.
- I. Future traffic volume forecasts - Any available long-range travel forecasts to assist in the preparation of the Capital Improvements Program.
- J. Roadway Cost Information - Any unit cost and/or projected total roadway costs for proposed impact fee projects. Project costs should be broken into construction, engineering, right-of-way, and debt service. Any previous collections by the City should also be submitted. Engineering unit cost information should resemble facility types depicted on the City Thoroughfare Plan. Historic costs should be provided for the development of unit cost data for cost estimates and/or those projects intended for recoupment.

COMPENSATION

ATTACHMENT CO

Compensation to FNI for Basic Services in Attachment SC shall be computed on the basis of the following Schedule of Charges, but shall not exceed Seventy Five Thousand Dollars (\$75,000).

If FNI sees the Scope of Services changing so that Additional Services are needed, including but not limited to those services described as Additional Services in Attachment SC, FNI will notify OWNER for OWNER's approval before proceeding. Additional Services shall be computed based on the following Schedule of Charges.

<u>Position</u>	<u>Hourly Rate</u>	
	<u>Min</u>	<u>Max</u>
Professional 1	101	194
Professional 2	118	201
Professional 3	145	308
Professional 4	159	370
Professional 5	211	383
Professional 6	239	449
Construction Manager 1	111	170
Construction Manager 2	125	204
Construction Manager 3	163	211
Construction Manager 4	173	263
Construction Manager 5	211	321
Construction Manager 6	283	383
Construction Representative 1	90	111
Construction Representative 2	101	128
Construction Representative 3	107	194
Construction Representative 4	138	204
CAD Technician/Designer 1	73	132
CAD Technician/Designer 2	104	207
CAD Technician/Designer 3	138	245
Corporate Project Support 1	76	170
Corporate Project Support 2	83	249
Corporate Project Support 3	104	359
Intern / Coop	56	101

Rates for In-House Services and Equipment

<u>Mileage</u>	<u>Bulk Printing and Reproduction</u>		<u>Equipment</u>	
Standard IRS Rates		<u>B&W</u>	<u>Color</u>	Valve Crew Vehicle (hour) \$75
	Small Format (per copy)	\$0.10	\$0.25	Pressure Data Logger (each) \$500
	Large Format (per sq. ft.)			Water Quality Meter (per day) \$100
<u>Technology Charge</u>	Bond	\$0.25	\$0.75	Microscope (each) \$150
\$8.50 per hour	Glossy / Mylar	\$0.75	\$1.25	Ultrasonic Thickness Guage (per day) \$275
	Vinyl / Adhesive	\$1.50	\$2.00	Coating Inspection Kit (per day) \$275
				Flushing / Cfactor (each) \$500
	Mounting (per sq. ft.)	\$2.00		Backpack Electrofisher (each) \$1,000
	Binding (per binding)	\$0.25		
				<u>Survey Grade</u> <u>Standard</u>
				Drone (per day) \$200 \$100
				GPS (per day) \$150 \$50

OTHER DIRECT EXPENSES:

Other direct expenses are reimbursed at actual cost times a multiplier of 1.10. They include outside printing and reproduction expense, communication expense, travel, transportation and subsistence away from the FNI office. For other miscellaneous expenses directly related to the work, including costs of laboratory analysis, test, and other work required to be done by independent persons other than staff members, these services will be billed at a cost times a multiplier of 1.10. For Resident Representative services performed by non-FNI employees and CAD services performed In-house by non-FNI employees where FNI provides workspace and equipment to perform such services, these services will be billed at cost times a multiplier of 2.0. This markup approximates the cost to FNI if an FNI employee was performing the same or similar services.

These ranges and/or rates will be adjusted annually in February. Last updated 2025.

April 7, 2025

Dan Johnson, PE, CFM
City Manager
City of Manvel
20025 Highway 6
Manvel, TX 77578



RE: PROPOSAL FOR DEVELOPMENT OF ROADWAY IMPACT FEE PROGRAM; CITY OF MANVEL

Dear Mr. Johnson:

Freese and Nichols is pleased to submit the attached scope and fee proposal (Attachment 'SC' dated April 7, 2025) for a Development of Roadway Impact Fee Program for the City of Manvel.

We are ready to initiate work upon execution of a contract. If you have any questions, please do not hesitate to contact us. We appreciate this opportunity and are looking forward to working with you on this project.

Sincerely,

A handwritten signature in blue ink, appearing to read "Edmund Haas".

Edmund Haas, AICP
Principal / Vice President
Freese and Nichols, Inc.
Email: eh@freese.com
Phone: (214) 217-2321

**Development of Roadway Impact Fee Program
Scope of Work
City of Manvel, Texas**

Project Understanding and Work Plan

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Task Products:

1. Project Kick-off meeting.
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Task Products:

1. Traffic volume count data and list of potential additional data needs.
2. Existing Conditions database for subsequent analysis.

TASK 3.0: DEVELOPMENT OF SERVICE AREA STRUCTURE

FNI will develop a service area structure for the impact fee system. The service area boundaries will be developed based on the review of the following information:

- Existing traffic survey zones (TSZ from the travel demand model).
- Projected growth patterns.
- Potential roadway projects.
- Existing geographic features.
- Existing thoroughfare system.
- Conformance with legislative requirements.

Following the completion of this task, City Staff will review and approve the service area structure prior to commencement of supplemental tasks. It is anticipated that the development of one service area structure will be prepared for this task.

Task Products:

1. Service Area Structure and Boundary Map.

TASK 4: PREPARATION OF LAND USE ASSUMPTIONS

An Impact Fee Capital Improvement Plan (CIP) is required to be based upon a set of adopted land use assumptions which includes a “description of the service area(s) and projections of changes in land use, densities, intensities, and population in the service area over at least a ten-year period.” Although no specific format is specified in State statute, there are four basic requirements or components of the land use assumptions:

- Description and analysis of existing conditions (base data)
- Determination of service area(s) for roadway facilities
- Ten-year growth projections within the city limits

As basic land use assumptions data will have been prepared as part of the Water and Wastewater impact fee update (residential and non-residential acreages), the FNI Roadway Team will compile data of population and employment by defined roadway service area (Task 2). The land use assumptions report will contain the above items.

4.1 – Prepare Ten-Year Growth Assumptions

The purpose of ten-year projections is to serve as a basis for unit cost calculations that will be used for roadway impact fees. The rate of growth of a community is typically based upon a synthesis of historic growth rates, current building permits, consideration of approved developments and area development activity. For budget purposes as well as to expedite the planning process, it is assumed that a growth rate will be received and commented on by the Capital Improvements Advisory Committee as part of Task 1.

1. FNI will prepare the ten-year growth projections by service area(s). The growth projections will be coordinated with the City’s Water and Wastewater Impact Fee Program data.
2. The projections will be presented as part of a Land Use Assumptions Report that will be used as part of the public hearing process.

4.2 – Land Use Assumption Report

After the City has reviewed the preliminary recommendations, a report suitable for public hearing according to the requirements of Chapter 395 will be prepared. The document will include:

- Service zone map(s)
- Documentation of methodology for base year population and employment estimates, and ten-year projections
- Net growth over the ten-year planning period by defined roadway service areas.

Task Products:

1. Electronic copy of initial draft document for City review.
2. Documentation elements for final report.

TASK 5.0: PREPARATION OF INVENTORY OF EXISTING ROADWAYS

Based on the data assembled and collected in Task 2.0, and the service area boundaries developed in Task 3.0, FNI will prepare an inventory of existing roadways for each of the analysis areas. The existing inventory will contain the following information of collector and arterial status roadways by service area:

- Roadway segment name
- Roadway segment limits
- Length (in miles)
- Number of lanes
- Type (divided, undivided, minor arterial, major arterial, etc.)
- Existing traffic volume (by direction during the peak hour)
- Capacity supplied
- Existing deficiencies (in any)

Task Products:

1. Inventory of existing roadway system by service area.

TASK 6.0: DETERMINATION OF PROJECTED ROADWAY DEMAND

The service unit equivalency table developed in Task 10.0 supplemented with data from the land use assumptions report will serve as the basis for determination of the number of new trips that will be generated within each service area over the ten-year (2025-2035) planning period. FNI will prepare forecasts of demands using trip rate data from the 11th Edition, Trip Generation by the Institute of Traffic Engineers by major land use type and trip length data from the National Household Survey for specific land uses to develop vehicle-miles of demand (growth) over the 10-year window. Other data to be identified includes determination of appropriate trip lengths for specific land uses and the percentage of state and local vehicle-miles of travel within the city. It is assumed that one (1) growth scenario will be utilized for this impact fee study effort.

Task Products:

1. Projected roadway demand generated by new development over the 10-year planning period by service area.

TASK 7.0: PREPARATION OF ROADWAY CAPITAL IMPROVEMENTS PROGRAM

FNI will work closely with City Staff to prepare a Capital Improvements Program. This process will be rooted in the recently adopted Thoroughfare Plan and include the identification of specific roadway projects (and proposed project limits), cost estimates, and design characteristics. Planning level cost estimates to be developed include construction, engineering, right-of-way, and debt service. Unit cost data by roadway functional class/facility type will be developed and confirmed by City Staff at the outset of CIP preparation process and serve as a basis for the development of CIP project costs. The following information will be developed:

- Roadway segment name
- Proposed project limits
- Number of lanes
- Length
- Project cost

To meet project budget constraints, the road impact fee CIP shall consist only of new capacity or capacity enhancement projects. No project recoupments will be considered as part of the initial program. One (1) CIP scenario will be prepared as part of this task. Additional CIP scenarios include the identification of alternative projects, preparation of project cost estimates, and inclusion into the CIP database for analysis.

Task Products:

1. Proposed roadway capital improvements program.

TASK 8.0: PREPARATION OF ROADWAY PROJECTS DATABASE

FNI will utilize the information contained in the Capital Improvement Program to develop a roadway projects database for the impact fee and proportionality systems. This database will include for each service area the following information:

- Roadway segment name and limits
- Number of lanes
- Length
- Type
- Cost
- Number of vehicle miles of capacity supplied

Task Products:

1. **Proposed** roadway projects by service area.

TASK 9.0: MAXIMUM COST PER SERVICE UNIT CALCULATION

Based on the information developed in previous tasks, FNI will calculate the maximum cost per service unit necessitated by growth over the 10-year planning period for each roadway service area. A credit analysis will be performed to determine the maximum cost per service unit defined by state law.

Task Products:

1. Maximum credited cost per service unit by road service area.

TASK 10.0: DEVELOPMENT OF LAND USE EQUIVALENCY TABLE

FNI will prepare a listing of specific land use types (based on ITE land use categories) and develop a recommended service unit generation rate for each land use. The service unit generation rate will be based on the number of primary trips generated by the land use during the peak hour, and the average trip length of each trip. Trip generation data will be based on published statistics contained in the ITE Trip Generation Manual, 11th Edition. Trip length data from the National Household Travel Survey (NHTS), H-GAC workplace survey, and H-GAC's travel demand model will be used to serve as a basis for derived lengths for individual land uses.

A draft listing of land uses will be provided at the outset of study for City Staff review and comment of land uses for inclusion into final documentation. Land use equivalencies will be based solely upon available published data from the ITE Trip Generation Manual, 11th Edition.

Task Products:

1. Land use Equivalency Table.

TASK 11.0: DOCUMENTATION

FNI will prepare a draft report that documents the methodology, findings, and recommendations of the study. We will submit an electronic copy (PDF format) of the report to City Staff for review. Based on comments received within two weeks, a final report and one (1) electronically reproducible document will be prepared and submitted to the City. We will also electronically transmit all final report and database materials to the City.

11.1 Develop LUA/CIP Report: FNI will prepare and provide one (1) electronic PDF copy of the draft Impact Fee Land Use Assumptions (LUA) and Capital Improvements Plan (CIP) Report discussing methodology and analysis. The report will include mapping showing growth projections and proposed system improvements required to meet projected 10-year growth for the water, wastewater, and roadway service areas. This report will support the initial Public Hearing.

11.2 Develop Impact Fee Report: FNI will prepare and provide one (1) electronic PDF copy of the draft Water, Wastewater, and Roadway Impact Fee Report discussing methodology and impact fee calculations. The report will include a summary of growth projections, proposed system improvements, and maximum allowable cost per service unit calculations for water, wastewater, and roadway impact fees. Based on comments by City Staff, FNI will finalize and provide one (1) electronic PDF copy and one (1) hard copy of the final Water, Wastewater, and Roadway Impact Fee Study to the City.

Task Products:

1. Electronic submittal of draft LUA/CIP document for City review.
2. Final report of LUA/CIP for Public Hearing.
3. Electronic reproducible LUA/CIP Report.
4. Electronic submittal of draft Impact Fee Report for City review.
5. Final Impact Fee Report for Public Hearing.
6. Electronic reproducible Impact Fee Report.
7. Electronic files containing final report and impact fee database.

SUMMARY OF MEETINGS

Meetings with city staff, advisory committee and other interested parties will be held at critical project

milestones to present data and obtain project feedback. Attendance at meetings during the public hearing process will also be provided to support methodologies, findings, and recommendations for the system update. To keep costs to a minimum, it is estimated that six (6) meetings will be held throughout the study process and include the following:

- 2 - Virtual Study Team Meetings (Initial kick-off and two Study Team meetings)
- 2 - Advisory Committee Meetings (Draft LUA & CIP, and Final CIP & Cost per Service Unit)
 - CIAC #1: Presentation of Draft LUA and CIP. **CIAC Comment needed prior to Public Hearing #1 on the LUA/CIP.**
 - CIAC #2: Presentation of resultant cost per service unit, benchmarking of impact fee of One Single-Family Residential Dwelling Unit with comparison of up to six peer cities with impact fee programs. **CIAC Comment needed for development of final recommendation to the City Council.**
- 2 – City Council Public Hearings and Adoption Meetings
 - Public Hearing #1: Land Use Assumptions and IFCIP
 - Public Hearing #2: Imposition of the Impact Fee

Task Products:

1. Preparation of meeting materials at critical milestones during study update.
2. Meetings with city staff, advisory committee, and other interested parties.
3. Attendance at meetings during the public hearing process.

To help cut costs, we have assumed that any meetings with city staff would be held on the same date as with the Advisory Committee/City Council meetings. Alternatively, virtual staff meetings will be held. Beyond those meetings identified above, additional meetings would be beyond the scope of this agreement and considered additional services. We are certainly available to attend any additional meetings deemed necessary; however, additional meetings that are not part of this scope will be billed separately, based on time and expenses incurred.

PROJECT FEE: The project fee is hourly not to exceed for a total of Seventy-Five Thousand Dollars (\$75,000).

TIME OF COMPLETION: Based upon our experience with similar (new) programs, this study will take up to twelve (12) months to complete. FNI is authorized to commence work on the Project upon execution of this Agreement and agrees to complete the services as follows:

- Receipt of data request items: 15 days from NTP
- Draft Land Use Assumptions and Road Capital Improvements Plan Report (after receiving City Comments for Public Hearing #1): 210 days from receipt of NTP
- Final Road Impact Fee Report (after receiving City Comments for Public Hearing #2): 360 days from receipt of NTP.

If FNI's services are delayed through no fault of FNI, FNI shall be entitled to adjust contract schedule consistent with the number of days of delay. These delays may include but are not limited to delays in City or regulatory reviews, delays in the flow of information to be provided to FNI, governmental approvals, etc. These delays may result in an adjustment to compensation as outlined on the face of this Agreement and in the attached **Attachment CO**.

ADDITIONAL SERVICES: *Any services performed by FNI that are not included in the Basic Services described above are Additional Services. Fees for performing these services are not included in the Basic Services fee shown above.* Additional Services may include:

- Additional traffic count data collection
- Changes to impact fee capital improvements plan and resultant changes to maximum service unit cost calculations
- Attendance of additional meetings outside of the project scope
 - Additional Presentation(s) to CIAC
 - Additional Presentation(s) or Workshops to the City Council
 - Meetings with Stakeholders

CLIENT FURNISHED INFORMATION AND RESPONSIBILITIES

As the City of Manvel will serve as a conduit for information, the City shall provide information pertaining to applicable ordinances, studies, available data, or development plans. If data is required from other public agencies or applicants for development, the City will assist in making requests for such data. When possible, electronic information should be obtained for purposes of overlaying such data with other information in geographic information systems (GIS).

CITY RESPONSIBILITIES

The City shall support the performance of the following tasks:

- A. Coordinate meeting times and places, including notifying Staff and CIAC members.
- B. Review and comment on study recommendations.
- C. Publish all public hearing notices, including all notices required in the newspaper.
- D. Prepare associated resolutions, ordinances, and meeting agendas. FNI will assist with the provision of sample data.
- E. Provide to FNI all existing population, employment, base maps, and other data which may be relevant to the impact fee program.
- E. Make all requests to other public agencies such as the COG or MPO (if necessary) for data and/or assistance, as may be appropriate and relevant to the impact fee program.
- F. Provide an existing land use inventory (in acres) and population and employment data.
- G. Base Map of City - Base map should be in electronic GIS format, current, to scale and in reproducible format. CADD format files would be acceptable for import to GIS.
- H. City Thoroughfare Plan - Current Thoroughfare Plan map to scale (electronic if possible) and associated roadway cross-sections and supporting city engineering design standards.
- I. Future traffic volume forecasts - Any available long-range travel forecasts to assist in the preparation of the Capital Improvements Program.
- J. Roadway Cost Information - Any unit cost and/or projected total roadway costs for proposed impact fee projects. Project costs should be broken into construction, engineering, right-of-way, and debt service. Any previous collections by the City should also be submitted. Engineering unit cost information should resemble facility types depicted on the City Thoroughfare Plan. Historic costs should be provided for the development of unit cost data for cost estimates and/or those projects intended for recoupment.

COMPENSATION

ATTACHMENT CO

Compensation to FNI for Basic Services in Attachment SC shall be computed on the basis of the following Schedule of Charges, but shall not exceed Seventy Five Thousand Dollars (\$75,000).

If FNI sees the Scope of Services changing so that Additional Services are needed, including but not limited to those services described as Additional Services in Attachment SC, FNI will notify OWNER for OWNER's approval before proceeding. Additional Services shall be computed based on the following Schedule of Charges.

<u>Position</u>	<u>Hourly Rate</u>	
	<u>Min</u>	<u>Max</u>
Professional 1	101	194
Professional 2	118	201
Professional 3	145	308
Professional 4	159	370
Professional 5	211	383
Professional 6	239	449
Construction Manager 1	111	170
Construction Manager 2	125	204
Construction Manager 3	163	211
Construction Manager 4	173	263
Construction Manager 5	211	321
Construction Manager 6	283	383
Construction Representative 1	90	111
Construction Representative 2	101	128
Construction Representative 3	107	194
Construction Representative 4	138	204
CAD Technician/Designer 1	73	132
CAD Technician/Designer 2	104	207
CAD Technician/Designer 3	138	245
Corporate Project Support 1	76	170
Corporate Project Support 2	83	249
Corporate Project Support 3	104	359
Intern / Coop	56	101

Rates for In-House Services and Equipment

<u>Mileage</u>	<u>Bulk Printing and Reproduction</u>		<u>Equipment</u>	
Standard IRS Rates		<u>B&W</u>	<u>Color</u>	Valve Crew Vehicle (hour) \$75
	Small Format (per copy)	\$0.10	\$0.25	Pressure Data Logger (each) \$500
	Large Format (per sq. ft.)			Water Quality Meter (per day) \$100
<u>Technology Charge</u>	Bond	\$0.25	\$0.75	Microscope (each) \$150
\$8.50 per hour	Glossy / Mylar	\$0.75	\$1.25	Ultrasonic Thickness Gauge (per day) \$275
	Vinyl / Adhesive	\$1.50	\$2.00	Coating Inspection Kit (per day) \$275
				Flushing / Cfactor (each) \$500
	Mounting (per sq. ft.)	\$2.00		Backpack Electrofisher (each) \$1,000
	Binding (per binding)	\$0.25		
				<u>Survey Grade</u> <u>Standard</u>
				Drone (per day) \$200 \$100
				GPS (per day) \$150 \$50

OTHER DIRECT EXPENSES:

Other direct expenses are reimbursed at actual cost times a multiplier of 1.10. They include outside printing and reproduction expense, communication expense, travel, transportation and subsistence away from the FNI office. For other miscellaneous expenses directly related to the work, including costs of laboratory analysis, test, and other work required to be done by independent persons other than staff members, these services will be billed at a cost times a multiplier of 1.10. For Resident Representative services performed by non-FNI employees and CAD services performed In-house by non-FNI employees where FNI provides workspace and equipment to perform such services, these services will be billed at cost times a multiplier of 2.0. This markup approximates the cost to FNI if an FNI employee was performing the same or similar services.

These ranges and/or rates will be adjusted annually in February. Last updated 2025.

April 7, 2025

Dan Johnson, PE, CFM
City Manager
City of Manvel
20025 Highway 6
Manvel, TX 77578



RE: PROPOSAL FOR WATER AND WASTEWATER IMPACT FEE STUDY UPDATE; CITY OF MANVEL

Dear Mr. Johnson:

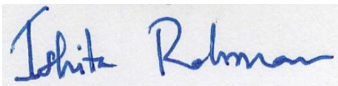
Freese and Nichols is pleased to submit the attached scope and fee proposal (Attachment 'A' dated April 7, 2025) for a Water and Wastewater Impact Fee Study Update for the City of Manvel.

We are ready to initiate work upon execution of a contract. If you have any questions, please do not hesitate to contact us. We appreciate this opportunity and are looking forward to working with you on this project.

Sincerely,



Richard Weatherly, PE
Principal / Vice President
Freese and Nichols, Inc.
Email: Richard.Weatherly@freese.com
Phone: (713)600-6824



Ishita Rahman, PE
Associate / Group Manager
Freese and Nichols, Inc.
Email: Ishita.Rahman@freese.com
Phone: (832)456-4747



Attachment A

City of Manvel

Water and Wastewater Impact Fee Study Update

Engineering Scope of Services

PROJECT UNDERSTANDING:

Freese and Nichols, Inc. (FNI) will update the Water and Wastewater Impact Fee Study for the City of Manvel (City).

The City currently assesses water and wastewater impact fees and conducted the latest update in 2021. This scope of work will address the requirements, as per Chapter 395 of the Texas Local Government Code, for the update of water and wastewater impact fees in Manvel.

Key impact fee study elements include the calculation of the maximum allowable impact fee per service unit and the update/development of the service unit equivalency table. A public process facilitated through a Capital Improvements Advisory Committee (CIAC) will guide the preparation of the land use assumptions, capital improvement plans as well as provide recommendations to the City Council for impact fee collection rates. A public hearing process will conclude the study and update of impact fees in Manvel. The project tasks are broken down in the following **Table 1**:

Basic Services	
Task	Task Description
A	Project Management and Data Collection
B	Update Impact Fee Land Use Assumptions
C	Update Water Demand and Wastewater Flow Projections
D	Update Impact Fee Capital Improvements Plan
E	Conduct Water and Wastewater Impact Fee Analysis and Public Hearing

BASIC SERVICES: Freese and Nichols, Inc. (FNI) shall render the following professional services to the City of Manvel (City) in connection with the development of the Project, described as: **Water and Wastewater Impact Fee Study Update** (Project).

TASK A: Project Management and Data Collection

A1. Project Kickoff Meeting

FNI will conduct an initial project kick-off meeting with the City to review proposed scope of services, approach, goals and deliverables of the study. FNI will introduce project staff and provide a data request identifying data needs. The meeting will include discussion of the following:

- Methodology and approach
- Schedule and project communication
- Information and data needs from the City

A2. Project Management and Communication

Throughout the project, monthly status reports will be submitted that summarize the progress and document upcoming tasks. The monthly status updates will outline any upcoming key decisions which require input from discussion with the City staff.

A3. Data Collection and Review

FNI will coordinate with City staff on obtaining data required for the water and wastewater impact fee update, including information on water and wastewater projects currently under design and construction, existing and future land use, population and development information, water and wastewater facility information and operational data, historical water production and wastewater effluent data, information on water meters and billing, cost data for recently constructed projects, etc.

A4. Additional Stakeholder Coordination Meetings

FNI will prepare for and attend stakeholder coordination meetings to discuss future development plans, water demand and wastewater flow projections and infrastructure needs.

- Up to two (2) coordination meetings with Developers
- Up to two (2) coordination meetings with other City consultants/public agencies

TASK B: Update Impact Fee Land Use Assumptions

B1. Define Water and Wastewater Impact Fee Service Area

FNI will update the current water and wastewater impact fee service area, as appropriate, that conform with requirements set forth in Chapter 395, Texas Local Government Code. Service area amendments will consider changes in City limits since the last programmatic update.

B2. Update Land Use Assumptions

FNI will update the population and non-residential growth projections from the 2021 Water and Wastewater Impact Fee Update for existing, 10-year, and 20-year planning periods. Input from the development community will be incorporated, along with the latest information from City staff on ongoing and future developments. Land use assumptions will be developed using service unit equivalents (SUEs) for both existing and 10-year growth conditions.

B3. Progress Meeting – Review Impact Fee Land Use Assumptions Update

FNI will meet with the City to discuss the land use assumptions update. FNI will address comments from City staff and make revisions as necessary.

TASK C: Update Water Demand and Wastewater Flow Projections

C1. Update Water Demand and Wastewater Flow Projections

FNI will develop updated 10-year and 20-year water demand and wastewater flow projections utilizing updated population and non-residential growth projections. FNI will review the City's historical water consumption, water production and wastewater treatment plant effluent data and review the planning criteria from the prior master plans. FNI will coordinate with the City to select the planning criteria for this update and utilize the selected criteria and calculated ESFCs to develop water demand and wastewater flow projections. Projected water demands and wastewater flows will be developed for the existing, 10-year, and 20-year planning periods.

- Water demand projections will include average day, maximum day, and peak hour demands
- Wastewater flow projections will include annual average day and peak wet weather flows

C2. Progress Meeting – Review Water Demand and Wastewater Flow Projections

FNI will meet with the City to discuss water demand and wastewater flow projections. FNI will address comments from City staff and make revisions as necessary.

TASK D: Update Impact Fee Capital Improvements Plan

D1. Identify Existing Water and Wastewater Improvements Eligible for Impact Fees

FNI will review recently completed (over the last 5 years) water and wastewater improvements and determine which projects are eligible for future cost recovery from growth. Impact fee eligible projects are projects that will serve the projected 10-year growth. Maps will be prepared showing the existing water and wastewater capital improvements plan projects to be included in the impact fee calculation.

D2. Develop Draft Impact Fee Water and Wastewater Capital Improvements Plan (CIP)

FNI will identify the 10-year impact fee eligible water and wastewater capital improvement plan projects from the 2022 Master Wastewater Plan and 2022 Master Water Plan. The impact fee eligible projects will be identified based on the updated growth projections developed as part of **Tasks B and C**. The project costs will be escalated to 2025 dollars utilizing an inflation factor. No updates to project sizing, prioritization, or routing will be made. Large scale citywide maps will be produced showing proposed impact fee eligible project locations.

D3. Progress Meeting – Review Draft Water and Wastewater Impact Fee CIP

FNI will meet with the City to discuss the draft 10-year impact fee eligible water and wastewater CIP. FNI will solicit comments from the City.

TASK E: Conduct Water and Wastewater Impact Fee Analysis and Public Hearing

E1. Conduct Impact Fee Capacity Analysis for Eligible Projects for 10-year Projected Growth

FNI will analyze existing recently completed and proposed future projects for remaining capacity for impact fee cost recovery based on the 10-year projected growth. No updates to the hydraulic models will be made as part of this study.

E2. Calculate Maximum Allowable Impact Fees

FNI will calculate maximum water and wastewater impact fees based on the existing and proposed capital improvement costs to support 10-year growth conditions. FNI will perform an analysis to determine the credit based on utility service revenue that should be included in the calculation to determine the maximum allowable water and wastewater impact fee.

E3. Conduct Survey of Benchmark Cities to Obtain Latest Water and Wastewater Impact Fees

FNI will conduct a survey of benchmark cities and obtain the latest water and wastewater impact fees and prepare graphics showing comparisons with proposed Manvel Impact Fee recommendations.

E4. Progress Meeting – Review Impact Fee Analysis Results

FNI will meet with the City to review the results of the water and wastewater impact fee analysis. FNI will solicit comments.

E5. Develop Draft Water and Wastewater Impact Fee Report

FNI will prepare a Draft Water and Wastewater Impact Fee Report showing land use assumptions, water and wastewater impact fee eligible capital improvement costs, and maximum allowable water and wastewater impact fees. One (1) electronic PDF copy will be delivered to the City for review.

E6. Present Impact Fee Analysis Results to Capital Improvements Advisory Committee

Following review of the draft report by City Staff, FNI will conduct one (1) presentation on the water and wastewater impact fee analysis results to the Capital Improvements Advisory Committee (CIAC).

E7. Finalize Water and Wastewater Impact Fee Report

FNI will prepare a final Water and Wastewater Impact Fee Report addressing City's comments and deliver one (1) electronic PDF copy to the City.

E8. Assist City with Preparation of Presentation for and Attend Public Hearing on Land Use Assumptions, CIPs, and Impact Fee Calculations

FNI will assist the City in preparing the presentation material for the public hearing. FNI will attend the required Public Hearing on Impact Fees and be available to answer questions at the public hearing.

Summary of Meetings

- Project Kickoff Meeting
- Up to 4 Stakeholder Coordination Meetings
- Progress Meeting – Review Land Use Assumptions Update
- Progress Meeting – Review Water Demand and Wastewater Flow Projections
- Progress Meeting – Review Draft Water and Wastewater CIP
- Progress Meeting – Review Impact Fee Analysis Results

Summary of Presentations

- One (1) Water and Wastewater Impact Fee Update Presentation to Capital Improvements Advisory Committee
- One (1) Water and Wastewater Impact Fee Public Hearing on Updated Land Use Assumptions, CIP, and Impact Fees

Summary of Deliverables

- Draft Water and Wastewater Impact Fee Update Report
- Final Water and Wastewater Impact Fee Update Report

Summary of Fee for Engineering Services

Our fee for completing the basic services as outlined in the scope above will be a Not-to-Exceed fee of **One Hundred Nine Thousand Four Hundred Twenty-Three Dollars (\$109,423)**. The fee breakdown is shown in the following **Table 2**.

Table 2: Fee for Water and Wastewater Impact Fee Study Update

Task	Task Description	Not to Exceed Fee
A	Project Management and Data Collection	\$14,117
B	Update Impact Fee Land Use Assumptions	\$12,817
C	Update Water Demand and Wastewater Flow Projections	\$5,513
D	Update Impact Fee Capital Improvements Plan	\$22,708
E	Conduct Water and Wastewater Impact Fee Analysis and Public Hearing	\$54,268
Total Not to Exceed Fee		\$109,423

TIME OF COMPLETION: FNI is authorized to commence work on the Project upon execution of this Agreement and agrees to complete the services as follows:

- Receipt of data request items: 15 days from NTP
- Draft Water and Wastewater Impact Fee Report: 210 days from receipt of data request items
- Final Water and Wastewater Impact Fee Report: 15 days after receiving City Comments

If FNI's services are delayed through no fault of FNI, FNI shall be entitled to adjust contract schedule consistent with the number of days of delay. These delays may include but are not limited to delays in City or regulatory reviews, delays on the flow of information to be provided to FNI, governmental approvals, etc. These delays may result in an adjustment to compensation as outlined on the face of this Agreement and in the attached **Attachment CO**.

ADDITIONAL SERVICES: Any services performed by FNI that are not included in the Basic Services described above are Additional Services. Fees to perform these services are not included in the Basic Services fee shown above. Additional Services may include:

- Additional Presentation(s) to CIAC
- Additional Presentation(s) to Council
- Additional Coordination with Stakeholders
- Wastewater Collection System Flow Monitoring
- Water System Pressure Testing
- Water and Wastewater Model Updates and Calibration
- Water and Wastewater System Analysis
- Water and Wastewater Capital Improvement Plan Updates

COMPENSATION

ATTACHMENT CO

Compensation to FNI for Basic Services in Attachment A shall be computed on the basis of the following Schedule of Charges, but shall not exceed One Hundred Nine Thousand Four Hundred Twenty Three Dollars (\$109,423).

If FNI sees the Scope of Services changing so that Additional Services are needed, including but not limited to those services described as Additional Services in Attachment A, FNI will notify OWNER for OWNER's approval before proceeding. Additional Services shall be computed based on the following Schedule of Charges.

<u>Position</u>	<u>Hourly Rate</u>	
	<u>Min</u>	<u>Max</u>
Professional 1	101	194
Professional 2	118	201
Professional 3	145	308
Professional 4	159	370
Professional 5	211	383
Professional 6	239	449
Construction Manager 1	111	170
Construction Manager 2	125	204
Construction Manager 3	163	211
Construction Manager 4	173	263
Construction Manager 5	211	321
Construction Manager 6	283	383
Construction Representative 1	90	111
Construction Representative 2	101	128
Construction Representative 3	107	194
Construction Representative 4	138	204
CAD Technician/Designer 1	73	132
CAD Technician/Designer 2	104	207
CAD Technician/Designer 3	138	245
Corporate Project Support 1	76	170
Corporate Project Support 2	83	249
Corporate Project Support 3	104	359
Intern / Coop	56	101

Rates for In-House Services and Equipment

<u>Mileage</u>	<u>Bulk Printing and Reproduction</u>		<u>Equipment</u>	
Standard IRS Rates		<u>B&W</u>	<u>Color</u>	
	Small Format (per copy)	\$0.10	\$0.25	Valve Crew Vehicle (hour) \$75
	Large Format (per sq. ft.)			Pressure Data Logger (each) \$500
<u>Technology Charge</u>	Bond	\$0.25	\$0.75	Water Quality Meter (per day) \$100
\$8.50 per hour	Glossy / Mylar	\$0.75	\$1.25	Microscope (each) \$150
	Vinyl / Adhesive	\$1.50	\$2.00	Ultrasonic Thickness Gauge (per day) \$275
				Coating Inspection Kit (per day) \$275
	Mounting (per sq. ft.)	\$2.00		Flushing / Cfactor (each) \$500
	Binding (per binding)	\$0.25		Backpack Electrofisher (each) \$1,000
				<u>Survey Grade</u> <u>Standard</u>
				Drone (per day) \$200 \$100
				GPS (per day) \$150 \$50

OTHER DIRECT EXPENSES:

Other direct expenses are reimbursed at actual cost times a multiplier of 1.10. They include outside printing and reproduction expense, communication expense, travel, transportation and subsistence away from the FNI office. For other miscellaneous expenses directly related to the work, including costs of laboratory analysis, test, and other work required to be done by independent persons other than staff members, these services will be billed at a cost times a multiplier of 1.10. For Resident Representative services performed by non-FNI employees and CAD services performed In-house by non-FNI employees where FNI provides workspace and equipment to perform such services, these services will be billed at cost times a multiplier of 2.0. This markup approximates the cost to FNI if an FNI employee was performing the same or similar services.

These ranges and/or rates will be adjusted annually in February. Last updated 2025.

A.I.S.D. Athletics

AIMS AWARDS SPONSORSHIP PACKAGES



All American - \$20,000

- Logo/branding on a banner at eight (8) selected sporting events
- 30-second ad (provided by Corporate Sponsor) to be played on all home broadcasts and the video scoreboard for all Alvin ISD home games
- Listing of your organization logo (464x464) on the Alvin ISD Athletic Web page
- Information table at selected events (optional)
- Logo or name listed on promo items giveaways for Alvin ISD sporting events
- Name mentioned in newsletters about your organization's support
- Name listed in prominent locations as a sponsor at Alvin ISD Athletic facilities of your choice
- Presenter at AIM award programs for your selected sport of interest
- Two (2) season tickets for sport of sponsor's choice (home games only)

Most Valuable - \$15,000

- Logo/branding on a banner at six (6) selected sporting events

- 30-second ad (provided by Corporate Sponsor) to be played on all home broadcasts and the video scoreboard for two Alvin ISD schools home games
- Listing of your organization logo (464x232) on the Alvin ISD Athletics Web page
- Name mentioned in social media posting as a sponsor for Alvin ISD Athletics
- Information table at selected events (optional)
- Logo or name listed on promo items giveaways for Alvin ISD Athletics sporting event
- Name mentioned in newsletters about your organization's support
- Name listed in prominent locations as a sponsor at Alvin ISD Athletics facilities of your choice
- Two (2) season tickets for sport of sponsor's choice (home game only)
- Presenter at AIM award programs for your selected sport of interest

Sportsmanship - \$10,000

- Logo/branding on a banner at five (5) selected sporting events
- 30-second ad (provided by Corporate Sponsor) to be played on all home broadcasts and the video scoreboard for one Alvin ISD school home games
- Listing of your organization logo (464x232) on the Alvin ISD Athletics Web page
- Name mentioned in social media posting as a sponsor for Alvin ISD Athletics
- Information table at selected events (optional)
- Logo or name listed on promo items giveaways for Alvin ISD Athletics sporting events
- Name listed in prominent locations as a sponsor at Alvin ISD Athletics facilities of your choice
- Two (2) season tickets for sport of sponsor's choice (home game only)

Champion - \$7,500

- Name included on a banner at four (4) selected sporting events

- Listing of your organization logo (464x232) on the Alvin ISD Athletics Web page
- Information table at selected events (optional)
- Logo or name listed on promo items giveaways for Alvin ISD Athletics sporting events
- Name listed in prominent locations as a sponsor at Alvin ISD Athletics facilities of your choice
- Two (2) season tickets for sport of sponsor's choice (home game only)

Pro - \$5,000

- Name included on a banner at four (4) selected sporting events
- Listing of your organization logo (464x232) on the Alvin ISD Athletics Web page
- Information table at selected events (optional)
- Logo or name listed on promo items giveaways for Alvin ISD Athletics sporting events
- Name listed in prominent locations as a sponsor at Alvin ISD Athletics facilities of your choice
- Two (2) season tickets for sport of sponsor's choice (home game only)

Competitor - \$2,500

- Name included on a banner at two (2) selected sporting events
- Listing of your organization logo (232x232) on the Alvin ISD Athletics Web page
- Information table at selected events (optional)
- Two (2) season tickets for sport of sponsor's choice (home game only)

Fanatic - \$1,000

- Two (2) season tickets for sport of sponsor's choice (home game only)
- Listing of your organization logo (232x232) on the Alvin ISD Athletics Web page

Supporter - \$500

- Name of your company on the Alvin ISD Athletics Web page
- 4 tickets to one Alvin ISD sporting event (sponsor choice)

. Spectator - \$250

- Name of your company on the Alvin ISD Athletics Web page